

The Human Rights Implications and Realization Mechanism of Whole-Process People's Democracy

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Abstract: *Whole-process people's democracy embodies profound human rights implications. As a new theoretical paradigm of socialist democracy with Chinese characteristics, it adheres to the value concept of respecting and protecting human rights, which has been consistently upheld by the Communist Party of China (CPC) and the Chinese government. Whole-process people's democracy follows the rights discourse of "the people always being present," ensuring the realization of democracy in its broadest, most genuine, and most effective form. As a scientifically sound and effective new institutional form of socialist democracy, whole-process people's democracy centers on ensuring that the people are the masters of the country, constructs a comprehensive, extensive, and coordinated national and social governance system, and better safeguards the people's rights through broad democratic consultations. As a new practical model of socialist democracy in concrete reality, it highlights the people's principal position in all aspects and stages of national political and social life from the dimensions of ontology, epistemology, and methodology, thereby promoting the people-centered contemporary Chinese outlook on human rights. The realization of its human rights implications hinges on effective legal guarantees. Strengthening the rule of law is key to fully realizing its human rights implications and advancing the comprehensive development of human rights.*

Keywords: whole-process people's democracy ♦ people-centered outlook on human rights ♦ legal guarantees ♦ realization mechanism

Since the 18th National Congress of the Communist Party of China (CPC), the CPC Central Committee, with Comrade Xi Jinping at its core, has introduced the major concept of whole-process people's democracy in leading the Chinese people in continuously improving the practice of people's democracy and deepening the understanding of the laws governing the development of

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democratic politics. The *Resolution of the Central Committee of the Communist Party of China on Further Deepening Reform Comprehensively to Advance Chinese Modernization*, adopted at the third plenary session of the 20th CPC Central Committee, emphasized “advancing the institutional system of whole-process people’s democracy,” “adhering to the correct outlook on human rights and strengthening human rights protection through law enforcement and administration of justice,” and called for “ensuring that the gains of modernization benefit all our people fairly.”¹ As a new achievement, innovation, and development of Marxist democratic theory and practice, whole-process people’s democracy adheres to a people-centered approach, upholds the constitutional principle of “the state shall respect and protect human rights,” and consistently prioritizes the fundamental interests of all people. It uses people’s satisfaction, sense of gain, happiness, and security, as well as the state’s respect and effective protection of human rights, as the benchmarks for assessing the construction and implementation of democratic politics in a socialist country with Chinese characteristics. Whole-process people’s democracy represents a new theoretical paradigm, institutional form, and practical model for comprehensively advancing China’s human rights cause in the new era.

I. Whole-process People’s Democracy as a New Theoretical Paradigm: Upholding the Value of Respecting and Protecting Human Rights

The term “democracy” has many meanings. As some philosophers have noted, it is an “essentially contested concept,” and is a term for which no universal agreement can be reached on a single definition because the definition itself carries different social, moral, and political connotations.² Despite the long history, broad implications, and ongoing debates of this term, the key phrases “rule by the people” and “power of the people” have consistently been central to defining its essence. It is undeniable that democracy is an exceedingly complex issue, and deepening and expanding democracy remain critical goals of modern state governance. “Democracy itself is a good because, because to some extent, it gives the people under a given regime collective power to determine their own destiny. In summary, it spares ordinary people from the tyranny and social chaos that prevail in most regimes. Moreover, in most cases, it leads to better living conditions, at least when it comes to access to education, healthcare, and legal protection.”³ Therefore, any democratic theory is inherently closely tied to the

¹ The “Resolution of the Central Committee of the Communist Party of China on Further Deepening Reform Comprehensively to Advance Chinese Modernization,” *People’s Daily*, July 22, 2024, 1.

² Bernard Crick, *Democracy*, Shi Xianzhi trans. (Nanjing: Yilin Press, 2018), 1.

³ Charles Tilly, *Democracy*, Wei Hongzhong trans. (Shanghai: Shanghai People’s Publishing House, 2009),

people, and every democratic theory must first clearly define and explicitly explain the concept of “the people.”

A. “The people always being present”: the principal position of the people is the essence and core of Chinese-style democracy

In today's pluralistic, complex, and divisive society, it is obviously difficult to reach a consensus on the theory of democracy. Western scholars once lamented that “revelations have thrown democratic theory into chaos... The mainstream of democratic theory no longer exists.”⁴ The practice of Western democracy also shows that “the people” have been relegated to the far end of state governance, and the true democratic ideal is increasingly eroded. “Our democratic rights now are almost completely suffocated by the authoritarian policies of the government. The right to form trade unions and organize strikes is being buried by the rhetoric of the courts and legislatures; Federal security agencies and local police stations have cracked down on Communist Party activists and trade union leaders in various localities, and have forcibly disbanded trade unions in many areas; Our leaders have signed many trade agreements abroad, but these agreements threaten the economic rights of our citizens at home — large corporations have relied on unelected trade committees for economic and trade decisions, rather than listening to their employees, as they have done in the past.”⁵ The so-called democratic system is becoming synonymous with serving the minority at the expense of the majority, the role of the people in the governance of the country is insignificant, and society is increasingly fragmented. “Today, most scholars believe that ‘popular sovereignty’ can only be expressed in a handful of moments, and that ‘the people’ are either absent or merely an abstraction.”⁶ Different from the democracy described by Western scholars as “the absence of the people,” “an empty concept,” “an abstract existence” and “a literal democracy,” the whole-process people's democracy proposed by the CPC is an important theoretical achievement and institutional innovation. the CPC has been uniting and leading the people to struggle, pursue, develop and realize democracy for a long time. Whole-process people's democracy upholds the values of respecting and protecting human rights that the CPC and the Chinese government have always upheld. Based on a multi-dimensional and all-round interpretation of the meaning of “the people,” it ensures the realization of the people's democratic rights through the efficient, standardized and orderly operation of the socialist

⁴ Giovanni Sartori, *The Theory of Democracy Revisited*, Feng Keli and Yan Kewen trans. (Shanghai: Shanghai People's Publishing House, 2015), 13.

⁵ Michael Parenti, *Democracy for the Few*, Zhang Meng trans. (Beijing: Peking University Press, 2009), 336-337.

⁶ L. D. Kramer, *The People Themselves: Popular Constitutionalism and Judicial Review* (London: Oxford University Press, 2004), 8.

democratic system featuring “the people always being present,” and has constructed a new theoretical paradigm, a new institutional form and a new practical model of Chinese-style democracy in the new era with human rights as the value pursuit.

On the one hand, “the people” constitute both the operational subject of whole-process people’s democracy and the endogenous force driving the steady advancement of Chinese-style democracy. Whole-process people’s democracy is people-centered and upholds the principal position of the people, requiring that people’s rights be fully exercised and realized throughout all operational stages of the democratic system. This represents both the essential requirement and distinctive feature of Chinese-style democracy, as well as the value consensus that “all power in the People’s Republic of China belongs to the people.” Chinese-style democracy not only aligns with China’s actual conditions and reflects the laws of socialist democracy development, but also embodies the general principles of democratic societal development. It is a democracy closely connected to people’s lives and aimed at achieving their happiness, with its core characteristic being the people as masters of the country. In democratic practice, realizing the people’s principal position necessarily requires respecting and protecting their rights, and ensuring every individual can participate in the democratic process as an independent and autonomous subject. This guarantees that national and social governance remains a dynamic process open to discussion, negotiation and sustainable development, enabling democracy to endure as an open, self-adjusting political system. The realization process of everyone’s fundamental human rights essentially constitutes the process of maintaining democratic governance and promoting its continuous development. In this sense, the effective operation of whole-process people’s democracy and the realization of the people’s principal position are inseparable from the fulfillment of their rights. In other words, the core value of Chinese-style democracy consists in safeguarding everyone’s fundamental human rights, especially by “preventing unjust treatment of the ‘minority’ in majority decision-making due to inability to directly participate in public policymaking.”⁷

On the other hand, “whole-process” is a key feature of whole-process people’s democracy. The institutional design and practical operation of whole-process people’s democracy achieve a high degree of integration of process democracy and outcome democracy, procedural democracy and substantive democracy, direct democracy and indirect democracy, as well as people’s democracy and state will. Through voluntary and collective cooperation, the people achieve participation in the “whole process,” enabling their power to

⁷ Mo Jihong, *Whole-process People’s Democracy and Chinese Modernization* (Beijing: People’s Publishing House, 2023), 14.

extend beyond merely deciding who addresses issues to actually determining how issues are resolved. This realizes the ideal of democratic self-governance, where people personally participate and solve problems themselves. “Voluntary cooperation can create value that individuals alone cannot achieve, no matter how wealthy or capable they may be. In a civic community, organizations thrive, and people participate in various social activities across all areas of community life.”⁸ This effectively addresses the challenge in Western democratic practice of “how to ensure the people are always present,” ensuring the realization of the principal position of the people. As one of the essential requirements of Chinese modernization, whole-process people's democracy epitomizes the value concept of respecting and protecting human rights, as consistently upheld by the CPC and the Chinese government. It is a fundamental feature that differentiates socialist democracy with Chinese characteristics from Western democracy, showcasing the political character and sense of responsibility of the CPC in the new era as it grasps historical laws and leads the trends of the times.

B. The broadest, most genuine, and most effective democracy: the Chinese solution of “the people always being present”

“Living a happy life is the primary human right.”⁹ This is both the value orientation and the ultimate goal of whole-process people's democracy. As a new development of Marxist democratic theory in the new era, whole-process people's democracy consistently places the people's interests in the highest position, takes the people's aspirations for a better life as its goal, and fully integrates all independent, autonomous, and concrete individuals into the practical operation of the socialist democratic system. It ensures the full realization of people's fundamental rights and represents the broadest, most genuine, and most effective form of democracy.

First, whole-process people's democracy is the “broadest” form of democracy, requiring the state to actively fulfill its constitutional obligations to respect and protect human rights, and to equally safeguard the fundamental human rights enjoyed by every individual. This is a basic requirement of the principle of universality of human rights. Human rights are inherent rights derived from human nature and dignity, and their subjects — the holders and exercisers of human rights — include both individual living natural persons and collectives of people. Every individual enjoying fundamental human rights means that human rights are universally applicable and naturally enjoyed by all individuals. The universality of human rights derives from human dignity and

⁸ Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy*, Wang Lie and Lai Hairong trans. (Beijing: China Renmin University Press, 2015), 214.

⁹ Institute of Party History and Literature of the CPC Central Committee, *Xi Jinping on Respecting and Protecting Human Rights* (Beijing: Central Party Literature Press, 2021), 7.

intrinsic value; humans do not exist for the state or society, but rather the state and society exist for humans. Therefore, all state power belongs to the people, originates from the people, serves the people, and should be supervised by the people. Since state power belongs to the people, the people can exercise the authority to enact constitutions and organize governments. Additionally, the subjects of human rights include certain social groups such as women, children, persons with disabilities, ethnic minorities, and the unemployed. This is an inherent requirement of the principle of universality of human rights. For instance, in addressing ethnic issues, the Party has consistently upheld the principle of “we must uphold the equality of all ethnic groups, and see to it that they are the masters of the country and participate in the management of state affairs, and that their legitimate rights and interests are protected.”¹⁰ This is a vivid reflection of the high-quality development of ethnic work in the new era, guided by the concept of whole-process people’s democracy. As the normative expression of the essential attributes of socialist democratic politics, whole-process people’s democracy enables all people to broadly and universally participate in the discussion of public affairs. It is based on the recognition and inclusion of the cultural diversity of multiple subjects. “Since other issues related to social justice must be discussed by citizens, and the final consensus and agreements must also be reached by citizens, the first step in constructing a constitutional community within a country is to establish a constitutionally just discussion procedure that ensures every speaker receives the rights he or she is entitled to.”¹¹ Through whole-process participation in consultation and deliberation, the people achieve self-governance within a democratic community, forming rational consensus as the outcome of democratic consultation. This provides a collaborative setting based on mutual benefit for modernizing national governance, where everyone’s rights are equally respected and treated, fully embodying the universality of human rights.

Second, whole-process people’s democracy is the “most genuine” form of democracy, requiring the state to establish a comprehensive and systematic framework for safeguarding human rights through the rule of law. This is a necessary requirement of the principle of feasibility of human rights. The feasibility of human rights implies that they can be realized and protected; only when human rights are achieved and safeguarded does the existence of the state have meaning and value. It is generally believed that the ultimate purpose of a modern state is to ensure the survival and development of its people and to guarantee that they can lead happy lives. “The purpose of the state is undoubtedly a good life or spiritual perfection... The purpose of the state is the

¹⁰ Xi Jinping, *The Governance of China (IV)* (Beijing: Foreign Languages Press, 2022), 244.

¹¹ James Tully, *Strange Multiplicity: Constitutionalism in an Age of Diversity* (Cambridge: Cambridge University Press, 1995), 6.

purpose of society and the individual — the best life determined by the fundamental logic of will.”¹² Therefore, the people must enjoy the right to participate in politics, directly exercise state power, and supervise the government's lawful operation, to ensure that state power serves the people. In this process, the state combines the people's responsibility, reflection, and rationality through democratic systems to ensure the legitimacy of public power. Realizing the feasibility of human rights also requires the state to create a comprehensive system for safeguarding human rights through the rule of law, promoting the realization of economic, social, and cultural rights, and preventing human rights from becoming an empty concept. Essentially, democratic politics is a form of “politics with the people present.” The state should actively establish and improve various systems for safeguarding human rights, to ensure that the people “are always present” in the legislative, administrative, and judicial processes, guarantee the respect for and protection of people's rights and enable the full realization of individual value in democratic political practice. Whole-process people's democracy achieves this by constructing a comprehensive, extensive, and organically connected democratic system which ensures that the core principle of equality for all citizens is fully implemented in practice. The people have both robust democratic systems and democratic participatory practices to exercise and realize their rights. Democracy, as operationalized within the framework of whole-process people's democracy, is endowed with new contemporary significance, becoming an important theoretical paradigm for every individual to enjoy and realize their civil rights. When each independent and autonomous individual participates in national and social governance through the system of people as masters of the country, the concept of “the people” transforms from an abstract term into a vivid practice. “The people” are no longer merely represented by a few elites but become the foundation of democratic institutional arrangements that ensure broad rights and freedoms for the people and enable extensive participation in public affairs discussions. In this sense, whole-process people's democracy is essentially a concrete realization mechanism of human rights, where the people's role as masters of the country is “specifically and realistically reflected in the realization and development of their own interests.”¹³

Third, whole-process people's democracy is the “most effective” form of democracy, requiring the state to provide timely and effective remedies when people's rights are violated, to ensure that human rights are not deprived or infringed upon. “The people have the last say in whether their lives are good or

¹² Bernard Bosanquet, *The Philosophical Theory of the State*, Wang Shujun trans. (Beijing: The Commercial Press, 1995), 22.

¹³ Xi Jinping, *Selected Readings from the Works of Xi Jinping (I)* (Beijing: People's Publishing House, 2023), 269.

not.”¹⁴ Similarly, the people have the most say in whether human rights are fully realized and effectively protected. Human rights, as inalienable and permanent rights, inherently reflect the value of human subjectivity. It is widely recognized that human rights are rights derived from the essential attributes of being human, inherent to every individual, and must not be infringed upon or deprived by any person or institution. They are also free from interference and coercion by any individual or institution. “The state has an obligation to ensure that citizens are not subjected to questionable violations by others.”¹⁵ This “inviolability” means protection from both the coercion and infringement by other individuals and the unlawful exercise of state or societal power. Article 8 of the *Universal Declaration of Human Rights* states: “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.” Article 9 further stipulates: “No one shall be subjected to arbitrary arrest, detention or exile.” The principle of the inalienability of human rights signifies that human rights are not merely abstract declarations or ideas but rather a concrete and effective system for safeguarding individual rights. The state’s effective protection of the fundamental rights of all people is the ultimate value of fulfilling constitutional obligations and ensuring the proper functioning of state institutions in a modern nation. As an institutional form and governance mechanism aimed at safeguarding and realizing human rights, whole-process people’s democracy expands citizens’ orderly political participation across all levels and fields, effectively addressing the most pressing, direct, and practical concerns of the people. It ensures that all citizens in a socialist state can equally enjoy social resources, stay free from infringement by any person or institution, and lead dignified and decent lives. Thus, whole-process people’s democracy, as the “most effective” form of democracy, embodies the inherent inalienability of human rights and profoundly reflects the core value of the constitutional principle that “the state shall respect and protect human rights.”

II. Whole-process People’s Democracy as a New Institutional Form: Better Safeguarding People’s Rights Through Democratic Consultation

As the broadest, most genuine, and most effective form of democracy, whole-process people’s democracy in China is supported by a scientific, effective, and comprehensive institutional system, along with diverse, flexible,

¹⁴ Xi Jinping, *Selected Readings from the Works of Xi Jinping (II)* (Beijing: People’s Publishing House, 2023), 139.

¹⁵ Wilhelm von Humboldt, *The Limits of State Action*, Lin Rongyuan et al. trans. (Beijing: China Social Sciences Press, 1998), 146.

and standardized operational procedures. The People's Congress system serves as a key institutional vehicle for its realization, while the system of multi-party cooperation and political consultation under the leadership of the CPC, the system of regional ethnic autonomy, and the system of self-governance at the primary level of society constitute the fundamental political system for practicing it. This scientific, effective, and comprehensive institutional system is people-centered, aiming to better safeguard people's rights. It provides a solid institutional foundation for ensuring that the people enjoy broad and substantive rights and freedoms, serves as an important vehicle for protecting the fundamental interests of the people, promotes the comprehensive and free development of individuals, and enhances public welfare and the well-being of the people. "The principle upheld by democratic governance is that consultation applies to all matters."¹⁶ As a new institutional form of democracy in the new era for realizing and safeguarding the people's role as masters of the country, the essence of whole-process people's democracy consists in embedding extensive and multi-layered institutionalized consultation throughout the operational practice of the people's principal position. "Under China's socialist system, deliberations help when a problem crops up, and matters involving many people are discussed by all those involved; to reach consensus on the wishes and needs of the whole of society is the essence of people's democracy."¹⁷ Thorough discussion and broad consultation mean that the vast majority of the people, through consultation mechanisms within the democratic system, such as the People's Congress system, the system of multi-party cooperation and political consultation under the leadership of the CPC, the system of regional ethnic autonomy, and the system of self-governance at the primary level of society, engage in open, inclusive, universal, and diverse forms and methods of consultation. These mechanisms facilitate collective action goals, promoting democracy, pooling wisdom, building consensus, and fostering mutual cooperation. Thus, democratic consultation reflects the distinctive advantages of the whole-process people's democracy system and serves as a foundational component for safeguarding people's rights through this institutional framework.

A. Democratic consultation reflects the distinctive advantages of the whole-process people's democracy system

According to the *Opinions on Strengthening the Construction of Socialist Consultative Democracy* issued by the CPC Central Committee, consultative democracy is a unique form and distinctive advantage of socialist democratic politics. It is an important embodiment of the Party's mass line in the political

¹⁶ John Dunn, *Democracy: A History*, Lin Meng et al. trans. (Changchun: Jilin People's Publishing House, 1999), 65.

¹⁷ Institute of Party History and Literature of the CPC Central Committee, *Xi Jinping on Respecting and Protecting Human Rights*, 17.

sphere and a key aspect of deepening political system reform. Whether in the operation of the People's Congress system, which serves as China's fundamental political system, or in the operation of basic political systems such as the system of multi-party cooperation and political consultation under the leadership of the CPC, the system of regional ethnic autonomy, and the system of self-governance at the primary level of society, or in the operation of important political systems such as the electoral system, the special administrative region system, the legislative system, and the organizational system of state institutions, democratic consultation has been deeply embedded in all aspects through standardized consultative procedures and mechanisms. This vividly demonstrates the broadness and genuineness of socialist democracy. Practice has shown that extensive, diverse, and multi-layered democratic consultation among various groups within the people on issues of national and social governance helps overcome the inherent flaws of Western voting-based democracy and eliminate the institutional constraints of "the people not being present." It fosters a dynamic view of democracy capable of resolving moral disagreements and improving moral standards. This not only enhances the legitimacy and justification of national legislative and decision-making processes but also better realizes and safeguards people's rights. This is precisely the unique value of democratic consultation as the core procedural mechanism of consultative democracy, and it can effectively ensure that national political life is both vibrant and stable.

It is widely recognized that Western democracy has long been plagued by party manipulation of elections and political power struggles, which render election outcomes products of money, power, and vested interests. This has led to social unrest, national division, political opacity, and abuse of power, which clearly deviate from the ideals of genuine democracy. "Although Western-style democracy also claims to uphold 'popular sovereignty,' in practice, its fundamental operational logic revolves around the competition among different interest groups. As a result, the political and social rights of disadvantaged and marginalized groups are rarely protected. Not only do those groups face barriers to participation, but the proposals representing their interests can hardly enter the policy agenda, let alone become actual policies. Even if they do become policies, effective implementation is often lacking."¹⁸ In fact, Western electoral democracy has long been criticized in academia: "While electoral systems can ensure that all potential matters of common and recognized interest are heard and prevent errors of omission, they often fail to prevent errors of commission. Since elections are inherently majoritarian, the issues selected may only address the interests of the majority. Furthermore, elections allow only loose control over

¹⁸ Tan Huosheng, "The Profound Connotation of 'Whole-process People's Democracy'," *CPPCC Daily*, September 29, 2021, 8.

policies that eventually receive government support, failing to prevent elected officials from exercising power in ways that either cultivate policies or pursue policies that do not serve the public interest. A democracy based on elections may devolve into electoral autocracy, becoming either a tyranny of the majority or, in practice, a tyranny of an elite group or small faction.”¹⁹ Despite efforts by Western academia to prescribe various “solutions”²⁰ for the “new variants of old democratic problems,” they have had a hard time trying to resolve the issue of “the people not being always present.” “The root of the problem consists in the fact that the system is no longer governed by voters but by a small group of individuals wielding immense wealth.”²¹

In China, the broad, multi-layered, and flexible mechanisms and procedures of consultation in whole-process people's democracy effectively address the issue of “empty promises” often seen in Western democracy, where grand pledges are made during elections but ignored afterward. It prevents the phenomenon of people having formal rights but lacking actual power, creating a cooperative model of national governance based on joint contribution, governance, and shared benefits by all Chinese people and fostering effective dialogue and constructive consultation between state power agencies and the people. More important, the whole-process people's democracy system not only ensures that the people fully exercise their democratic rights but also significantly enhances the legitimacy and justification of legislation and public decision-making. For instance, during the drafting of the *Civil Code of the People's Republic of China*, extensive opinions were solicited from various sectors, allowing all citizens to participate and fully express their views. Specific provisions, such as those concerning injuries caused by falling objects, property services, and privacy protection, fully reflect public opinion.²² Thus, consultative deliberation is not only a distinctive feature of Chinese-style democracy, which adheres to the general development laws of democratic politics and represents the CPC's exploration of a prudent, rational, yet vibrant form of democracy, but also an essential method for cultivating a democratic community with a spirit of mutual cooperation. “To become effective and proactive citizens, one needs more than willpower and skills; one must understand institutions; what one needs is not abstract or academic knowledge, but practical awareness of which levers of power correspond to specific

¹⁹ Ying Qi and Liu Xunlian (eds.), *Civic Republicanism* (Beijing: Oriental Publishing House, 2006), 129.

²⁰ Joshua Cohen, *On Democracy: Toward a Transformation of American Society*, Nie Chongxin and Zhu Xiuxian trans. (Beijing: The Commercial Press, 2004), 2.

²¹ Philip Kotler, *Democracy in Decline: Rebuilding Its Future*, Xia Lu and Gao Lei trans. (Beijing: China Renmin University Press, 2023), 11.

²² Jia Yu, “The Civil Code Marks a New Height in Institutional Civilization,” *People's Daily*, May 26, 2020, 9.

intentions.”²³ Whole-process people’s democracy has a comprehensive system and practical process, integrating democratic elections, democratic consultation, democratic decision-making, democratic management, and democratic oversight. It encompasses all aspects of national economy, politics, culture, society, and ecological civilization, addressing major national issues, challenging social governance matters, and everyday concerns of the people. It achieves widespread and sustained participation by the broadest population, vividly demonstrating the breadth and depth of Chinese-style democracy. The breadth of democracy is determined by the proportion of societal participation — whole-process people’s democracy is the most genuine form of democracy in which all Chinese people can participate. The depth of democracy is determined by the extent and nature of participation — whole-process people’s democracy enables comprehensive, concrete, and practical involvement in all fields and aspects of national and social governance through extensive democratic consultation, ultimately aiming to better safeguard people’s rights, in line with the value goal of the democratic system’s operation in a socialist state. Therefore, establishing and improving the system of socialist consultative democracy and forming complete institutional procedures and participatory practices, not only ensures the people’s right to broad, sustained, and in-depth participation in daily life but also helps reflect public opinion, gather collective wisdom, and build consensus to create a powerful synergy for governance and promote social harmony and stability. In this sense, democratic consultation has significant value for human rights protection, and demonstrates the distinctive features and notable advantages of the whole-process people’s democracy system.

B. Democratic consultation is the basic link for whole-process people’s democracy to protect people’s rights institutionally

It is widely recognized that democracy begins with the full expression of the people’s will and is realized through the effective implementation of that will. For the people’s will to be fully expressed, it is first necessary to ensure that the people can lawfully achieve broad participation through standardized and efficient procedural mechanisms. “The distinctive characteristics of whole-process people’s democracy inevitably ensure the people’s broad participation rights.”²⁴ “Everything for the people” — to realize the fundamental interests of the broadest population and better safeguard people’s rights — is both the starting point and ultimate goal of developing whole-process people’s democracy. Democratic consultation is an important form of practicing whole-process people’s democracy. The process of extensive consultation among the

²³ Bernard Crick, *Democracy*, 107.

²⁴ Zhou Youyong, “Institutional Advantages and Rule of Law Safeguards of Whole-process People’s Democracy,” *Study Times*, November 29, 2021, 1.

people prior to major decision-making is the process through which the value concept of “respecting and protecting human rights,” which is inherent in whole-process people’s democracy, is fully realized. It is also the process through which the people’s role as masters of the country is effectively safeguarded. As a unique, distinctive, and exceptional form of socialist democracy, democratic consultation requires that matters concerning the interests of all ethnic groups nationwide be widely discussed among all people and society as a whole; matters concerning the interests of the people in a specific region be widely discussed among the people of that region; matters concerning the interests of certain groups or specific communities be widely discussed within those groups; and matters concerning grassroots interests be widely discussed among grassroots communities. Thus, in the practical operation of whole-process people’s democracy, it is essential to implement the Party’s mass line and rely on the collective participation, democratic consultation, and joint cooperation of all people to effectively ensure the alignment of the Party’s proposals, the state will, and the people’s aspirations. In doing so, whole-process people’s democracy achieves new democratic development by continuously advancing the comprehensive development of individuals and the common prosperity of all people.

It is well known that in the discourse systems of contemporary democratic nations, there exist a variety of legitimate languages, all of which share a common normative element: democratic consultation among equal subjects. “The primary advantage of the concept of consultation is closely related to the idea of binding collective decisions. By emphasizing the importance of shared reasoning, the perspective of consultation provides a particularly compelling description of the possible relationships among individuals within a democratic order. Moreover, it outlines an effective ideal model for describing the political legitimacy of democratic systems.”²⁵ As a new institutional form of democratic governance in socialist states in the new era, whole-process people’s democracy, through democratic “thorough discussion and broad consultation,” helps to gather public wisdom and fully reflect the people’s demands in all aspects and stages of national political and social life. It also facilitates the timely resolution of issues that the people demand to be addressed, thereby upholding social fairness and justice. “In general and traditional terms, consultation is a reasoning process in which participants carefully consider various information and arguments, seek independent decisions, and persuade one another to form sound public policies. Thus, consultation involves a series of activities referred to as ‘problem-solving’ or ‘analysis’: investigating and verifying various social, economic, and governmental issues; evaluating current policies and programs;

²⁵ Jon Elster, *Deliberative Democracy*, Zhou Yanhui trans. (Beijing: Central Compilation & Translation Press, 2009), 226.

weighing competing proposals; forming legislative plans; and correcting government decisions... The primary goal of the consultation process is to create the public good, or public interest.”²⁶ Meanwhile, through the whole-process democratic consultation, we can effectively enhance the legitimacy of legislation and public decision-making, ensuring better implementation of laws and public policies. “The public is willing to accept public decisions that run counter to their own desires and demands, but only under one condition — that their arguments and reasons have been fairly heard and seriously considered by others. If there is insufficient space for discussion and listening, people will question the legitimacy of these decisions. This is especially important for marginalized minority groups, who already know that they have little chance of winning a majority vote... Therefore, greater consultation must be made a key priority for modern democratic states.”²⁷ In this sense, democratic consultation is both a foundational component of whole-process people’s democracy for safeguarding people’s rights through institutional systems and a fundamental requirement for practicing whole-process people’s democracy.

Specifically, achieving broad democratic consultation within the institutional framework of whole-process people’s democracy requires, on the one hand, that the people fully enjoy and exercise their rights to sustained and in-depth participation in national and social governance in their daily lives; on the other hand, it necessitates that the state should establish a comprehensive legal system for human rights protection, ensuring the full safeguarding of people’s right and freedom to participate in consultation. That serves as the basis and prerequisite for the effective operation of the whole-process people’s democracy system. “The people must have the space to make decisions and the room to make mistakes... The people themselves should participate in government — although the degree of their participation may vary.”²⁸ Through extensive, multi-level, and all-encompassing democratic consultation, the people directly participate in national legislation and public decision-making. This is not only a process of realizing the people’s democratic rights but also one of mutual learning, mutual understanding, and self-correction among the populace, as well as a vital source of strength for modernizing national governance. “Sometimes consultation fosters processes of synergy and learning, sparking creativity and producing results far superior to merely aggregating existing

²⁶ Joseph M. Bessette, *The Mild Voice of Reason: Deliberative Democracy and American National Government* (Chicago: University of Chicago Press, 1994), 46.

²⁷ Will Kymlicka, *Contemporary Political Philosophy: An Introduction (2nd edition)* (Oxford: Oxford University Press, 2002), 291.

²⁸ Stephen Breyer, *Active Liberty: Interpreting Our Democratic Constitution*, Tian Lei trans. (Beijing: China University of Political Science and Law Press, 2011), 10.

knowledge.”²⁹ Thus, democratic consultation becomes a foundational component in the operation of whole-process people's democracy, continuously transforming the people's will into rational decisions. It also promotes reciprocal cooperation among diverse and equal subjects, helping each member of the democratic community understand their civic identity and responsibilities in the contemporary era. To fully advance whole-process people's democracy, it is essential to uphold the people-centered value of respecting and protecting human rights, adhere to the people's principal position, and effectively listen to the people's voices and actively respond to their demands in legislation and public decision-making. This ensures that the people's rights to information, participation, expression, and supervision are fully realized and effectively safeguarded, thus guaranteeing equal participation and equal development for all.

III. Whole-process People's Democracy as a New Practical Model: The Realization of a People-Centered Outlook on Human Rights

“‘Human rights’ are not only a ‘great term’ but also a shared value of humanity.”³⁰ Under the leadership of the CPC, the people have adhered to the principle of combining the universality of human rights with China's specific realities. In the development of whole-process people's democracy, the value concept of respecting and protecting human rights has been comprehensively implemented. From the dimensions of ontology, epistemology, and methodology, significant contributions have been made to realizing and safeguarding the human rights of all people, fully realizing the people-centered outlook on human rights through democratic practices involving the participation of all people in national and social governance.

A. Ontological dimension: upholding the unification of collective and individual human rights

Democracy itself is an important component of human rights, and the development of human rights is inseparable from democratic practice. “Democracy is an important human right, often referred to as ‘democratic rights.’”³¹ From the ontological perspective, the greatest contribution of whole-process people's democracy to China's human rights philosophy consists in expanding the scope of human rights subjects, upholding the unification of

²⁹ Cass R. Sunstein, *Infotopia: How Many Minds Produce Knowledge*, Bi Jingyue trans. (Beijing: Law Press • China, 2008), 57.

³⁰ Han Dayuan, “Twenty Years of the Implementation of the Human Rights Clause: Achievements, Implications, and Research Topics,” *Human Rights* 3 (2024): 14.

³¹ Zhang Wenxian, “Whole-process People's Democracy and China's Human Rights Civilization,” *Democracy and Legal System (Weekly)* 14 (2022): 16.

collective and individual human rights, and solidifying the value foundation of the people-centered Chinese approach to human rights. Modern society inherently exhibits diverse characteristics that are mutually incompatible yet rational. Therefore, developing a cooperative democratic governance model oriented toward enhancing public interest and achieving the human rights ideal of universal freedom and rights has become a shared value and pursuit of humanity. “Democracy means that every individual among the people, as a full partner, engages in self-governance within the collective political enterprise. Thus, a majority decision is democratic only if certain further conditions are met — namely, protecting the status and interests of every citizen as a full partner in this enterprise.”³² Whole-process people’s democracy has sprung from keen perception of the complex and divided realities of contemporary society. Through an open, inclusive, and flexible system of consultative democracy, it incorporates diverse subjects equally into the scope of human rights protection, achieving the unity of collective and individual human rights. Compared to Western democracy, it places greater emphasis on the intrinsic coherence between individual and collective rights. In its practical operation, it creates diversified pathways, expands varied channels, and provides multi-faceted platforms for diverse subjects to participate in national and social governance. In democratic decision-making, democratic management, or democratic oversight, individuals, collectives, the state, and society can achieve mutual understanding, respect, and cooperative reciprocity through the consultative core of whole-process people’s democracy. For example, the grassroots legislative contact stations in Shanghai, established as part of the initiative of whole-process people’s democracy, have formed a people-centered democratic structure that integrates diverse subjects. This system creates a composite framework for multiple stakeholders and reflects a unique democratic governance model with Chinese characteristics, vividly demonstrating how individual and collective rights are organically unified in the practice of whole-process people’s democracy.³³

The vibrant practice of whole-process people’s democracy demonstrates that, under the guidance of a sustainable development-oriented concept of socialist democratic politics characterized by full-chain, all-dimensional, and full-coverage, a cooperative governance framework that organically unifies and harmoniously promotes individual and collective rights through broad consultative pathways helps ensure that every participant in whole-process people’s democracy is equally respected and treated fairly. Through

³² Ronald Dworkin, *Is Democracy Possible Here?: Principles for a New Political Debate*, Lu Nan and Wang Qi trans. (Beijing: Peking University Press, 2012), 118.

³³ Tong Dezhi and Lin Jintao, “Analysis of the Whole-process People’s Democracy in the Local Legislative Outreach Offices — Take Shanghai as an Example,” *Jianghuai Tribune* 2 (2023): 22.

participation in democratic discussions, the persuasive power of legitimate reasoning not only helps individuals correct their preferences and refine their personalities to better serve the public interest goals of national and social governance but also enables them, grounded in the strength of optimal arguments, to exercise prudent reasoning, rational judgment, and free choice in public decision-making. This process clarifies their contemporary mission and civic responsibility as members of the democratic community. “A rule-of-law political state must rely on its social members — citizens — that possess sufficient political competence, which should include the ability to participate in politics and realize democracy.”³⁴ By engaging in the practice of whole-process people's democracy, individuals as participants, practitioners, and builders are encouraged to consciously embrace the principle of unifying collective and individual human rights. This is not only a necessary requirement for enhancing their political competence and democratic capabilities as members of the democratic community but also the cognitive foundation for building socialist democratic politics and advancing the comprehensive development of China's human rights endeavors. On this basis, the people-centered contemporary Chinese outlook on human rights is deepened and expanded through the practice of whole-process people's democracy, with the concepts and principles of human rights protection fully integrated into all aspects of its implementation.

B. Epistemological dimension: people's satisfaction is an important standard for human rights assessment

From the epistemological dimension, whole-process people's democracy consistently adheres to a people-centered value stance and adopts the people's satisfaction as the benchmark for evaluating the effectiveness of democratic system implementation and the pursuit of social fairness and justice, highlighting the spiritual strength and practical character of the contemporary Chinese outlook on human rights centered on the people. The people-centered contemporary Chinese outlook on human rights emphasizes reflecting the people's will, safeguarding their rights, and inspiring their creativity throughout the development of socialist democratic politics. It consistently regards the people's satisfaction as a crucial standard for determining whether their rights have been fully realized. Based on this, it has shaped the fundamental principles, operational models, and practical pathways of the system of people as masters of the country, ensuring that state power always remains in the hands of the people. As a new theoretical paradigm, a new institutional form, and a new practical model of socialist democracy with Chinese characteristics that realizes “the people always being present,” whole-process people's democracy views the realization of democratic ideals as a process in which free and equal people

³⁴ Zhuo Zeyuan, *On the Rule of Law State (4th edition)* (Beijing: Law Press • China, 2018), 129.

engage in rational consultation, thorough discussion, and reciprocal cooperation. This process ensures that the people's will is reflected, their wisdom is gathered, their voices are heard, and their demands are met in all fields, stages, and aspects of national political and social life, continuously fulfilling their aspirations for a better life. Electoral democracy and consultative democracy are the two fundamental systems of whole-process people's democracy, while democratic elections, democratic consultation, democratic decision-making, democratic management, and democratic oversight constitute its five basic operational stages. The people's sense of gain, happiness, and security serves as an important standard for evaluating the effectiveness of these systems and is also a key metric for assessing the development of China's human rights endeavors. In the practice of whole-process people's democracy, the connotation of the rights exercised by the Chinese people is continuously enriched, its scope expanded, its forms diversified, and its types multiplied. The people's understanding of fairness and justice, their comprehension of the essence of democracy, and their perception of the human rights path are continually deepened. Consequently, the goal of cultivating citizens is fully realized in the process.

In the practice of Western democracy, "although universal suffrage presumes the possibility for citizens to independently choose representatives and successfully run for public office, the financial constraints make it impossible for ordinary citizens to afford the enormous costs required for prolonged election campaigns. Participating in democratic elections demands the raising of substantial funds, which has created hidden barriers for ordinary citizens."³⁵ Therefore, the flaws of Western democracy are evident, and addressing the challenges of its weakening and dysfunction has garnered significant attention. A country's commitment to valuing, developing, and improving democracy is reflected in its adherence to the value concept of human rights protection, as well as its continuous efforts to refine mechanisms and procedures for public participation in the operation of state power and the management of public affairs. These efforts create new avenues and channels for broader and deeper participation by the people. "Benefiting the people must be regarded as the most important political merit."³⁶ Whole-process people's democracy consistently upholds the principle of putting the people first, placing their fundamental interests at the forefront of all work. The essence of whole-process people's democracy consists in its people-centered nature. Through open, sustained, and rational participation in the practice of national and social governance, the people can have their rights fully realized in broad and multi-layered

³⁵ China Society for Human Rights Studies, "The Limitations and Flaws of American-style Democracy," *People's Daily*, December 24, 2021, 17.

³⁶ Xi Jinping, *On Upholding the People's Role as Masters of the Country* (Beijing: Central Party Literature Press, 2021), 307.

institutionalized consultations. This effectively overcomes the barriers imposed by Western democracy on ordinary citizens, ensuring that the people can genuinely and comprehensively understand and accept public decisions that may impact their rights and future development. In the process of participation, the people also undergo transformation and correction, which enable them to exercise reasonable self-discipline while achieving full self-expression. In particular, considering the remarkable achievements in developing whole-process people's democracy, "comprehensive public participation ensures the people's comprehensive democratic rights... Complete institutional procedures and participatory practices transform whole-process people's democracy from a value concept into a tangible and accessible democratic practice. The people's principal position is concretely and realistically reflected in all aspects and fields of public power operation, as well as in the daily lives, making whole-process people's democracy 'broad, full, genuine, specific, and effectively functional' democracy."³⁷ In this process, the people's rights are fully realized, and the standards for evaluating democratic systems align with those for assessing the development of human rights. People's satisfaction becomes the common standard for evaluating the effectiveness of whole-process people's democracy and determining whether the human rights cause is progressing in a healthy manner.

C. Methodological dimension: development as the key concept for understanding the contemporary Chinese outlook on human rights

"Development remains the master key to solving all problems faced by China."³⁸ From the methodological perspective, whole-process people's democracy makes a significant contribution to the development of China's human rights cause by advancing Marxist materialist dialectics. It adheres to the principle that the path of human rights development must be grounded in national conditions and tailored to the country's realities, coordinating and enhancing the rights of all people while achieving and safeguarding social fairness and justice. According to the Marxist materialist dialectical principle on the unity of the universality and particularity of contradictions, the development of human rights worldwide follows universal laws. However, it is equally important to address the specific issues of human rights development within each country. Based on the current state of China's human rights practice, recognizing development as the key concept for understanding contemporary Chinese outlook on human rights and as the solution to China's human rights challenges is a profound insight gained from the practice of whole-process people's

³⁷ Han Dayuan, "Whole-process People's Democracy in China Is an All-dimensional, Full-coverage Democracy with a Complete Set of Institutions," *Democracy and Legal System (Weekly)* 14 (2022): 71-72.

³⁸ Institute of Party History and Literature of the CPC Central Committee, *Xi Jinping on Respecting and Protecting Human Rights*, 47.

democracy. Development is not only a foundational and fundamental task within the practice of whole-process people's democracy, but also the key to ensuring that people fully enjoy their rights and achieve a happy life.

On the one hand, the people-centered contemporary Chinese outlook on human rights implies that democratic institutional practice must consistently respect the principal position of the people and adhere to the people-centered development philosophy to address the human rights challenges in the new era. "Human rights" are an evolving concept, with differences inevitably existing among past, present, and future understandings of human rights. This dynamic nature reflects the historical progression of human rights and underscores an important aspect to consider in advancing the comprehensive development of human rights. In the face of the global challenge of the right to development, whole-process people's democracy establishes the institutional procedures for broad consultation, systematically articulating the necessary principles and structural elements of practical rationality required for advancing human rights. It enables all people to share a rational concept of political justice, thereby encouraging the state to actively fulfill its obligations for human rights protection. Through open and inclusive institutional pathways for public discussion on legislative decision-making, individuals with moral character and subjective capability are transformed into citizens with rational competence and a sense of political justice during the consultation process. This process converts the abstract concept of "the people" into actual rights subjects, allowing individuals to realize their self-value and personal development through rational discussion. On the other hand, the people-centered contemporary Chinese outlook on human rights implies that the state, in fulfilling its human rights protection obligations, must adopt a systematic approach to human rights development. It must recognize the right to survival and development as the primary human right and prioritize safeguarding people's survival and development by constructing and improving a legal system for protecting civil rights. Ensuring and maintaining the people's status as rights subjects should be the state's foremost task. In fact, when people lawfully exercise their rights, participate in democratic practice, and freely express their opinions, they undoubtedly improve and optimize the democratic system. As practitioners of the human rights system, the people have the most say and the deepest understanding of the potential flaws and shortcomings in institutional operations. At the same time, they are often the direct bearers of institutional risks. Therefore, as the subject obligated to protect human rights, the state must pay particular attention to the people's genuine experiences and feedback during their participation in democratic operations and promptly refine and improve human rights protection systems to realize the people's rights and enhance their well-being. Hence, in designing the top-level framework for human rights protection, the state should adopt appropriate

methodologies in view of national conditions and realities to foster a harmonious relationship between human rights protection and the rule of law and prevent power from overriding rights. In practice, China's whole-process people's democracy is rooted in the new development stage, guided by new development concepts, and structured within the new development framework, providing numerous examples for advancing human rights comprehensively. Various forms of grassroots democratic practices, such as village (community) deliberation councils, village (community) forums, democratic consultation meetings, and democratic hearings, serve as vivid demonstrations of safeguarding and improving people's livelihoods in economic, social, and cultural development, showcasing the practice of promoting human rights through development.

IV. Strengthening Legal Safeguards for Human Rights in the Development of Whole-process People's Democracy

As the fundamental governance strategy of modern states, the rule of law is an essential safeguard for realizing whole-process people's democracy. Strengthening legal safeguards for whole-process people's democracy is not only an objective requirement for ensuring that the people fully exercise their rights as masters of the country in accordance with the law and implementing democratic elections, democratic consultation, democratic decision-making, democratic management, and democratic oversight within the framework of the rule of law, but also a key element in advancing the comprehensive development of human rights. Therefore, to comprehensively advance China's human rights cause, "it is necessary to continuously innovate in and deepen the practice of law-based state governance, better leveraging rule of law in solidifying foundations, stabilizing expectations, and benefiting long-term development, and better developing whole-process people's democracy within the framework of the rule of law to ensure the people's role as masters of the country."³⁹

A. The governance value of democracy, rule of law, and human rights

"In modern state and social governance, democracy, rule of law, and human rights are complementary values and means, all aimed at addressing the relationship between governing and being governed, with the ultimate goal of establishing a harmonious and orderly governance system."⁴⁰ Strengthening the rule of law to safeguard democracy and realize human rights has always been a fundamental strategy in China's governance, while solidifying the rule of law

³⁹ Wang Chen, "Developing Whole-process People's Democracy and Advancing the Construction of Rule of Law in China," *Democracy and Legal System (Weekly)* 14 (2022): 10.

⁴⁰ Mo Jihong, "On the Governance with the Trinity of Democracy, Rule of Law and Human Rights," *China Law Review* 5 (2022): 10.

foundation for democratic governance and human rights protection has consistently been an important pathway to maintaining social justice and stability. From a theoretical perspective, democracy, rule of law, and human rights represent the theoretical paradigms, value consensus, and essential components for modern states pursuing governance modernization. These three elements are interdependent, inseparable, and mutually reinforcing in the process of national governance. Democracy, as an essential goal of modern state governance and the institutional form of “rule by the people,” addresses the issue of the ownership of state power. The rule of law, as a governance strategy, aims to regulate the exercise and effective operation of state power, to maintain governance order and safeguard the people’s rights as masters of the country. Human rights are a universal aspiration and shared pursuit of humanity; the realization of civil rights, the preservation of human dignity, and the fulfillment of basic human rights are the objectives of the human rights cause and the value orientation of a nation’s democratic and legal operations. Democracy, rule of law, and human rights play crucial roles in modern state governance. For state actions, they serve as key benchmarks for evaluating whether the exercise of public power aligns with fairness, justice, and national development goals. For individual citizens, they represent a rational and enlightened way of life. Under the state’s rule of law order, citizens participate in public affairs through democratic consultation, with democratic systems ensuring equal protection of their rights to political participation and enjoyment of basic rights. The public rationality formed by citizens through thoughtful deliberation and weighing of various interests constitutes the essential conditions for reciprocity and cooperative spirit in contemporary state governance. In this process, citizens’ rights are effectively safeguarded by the state’s rule of law, and citizens gradually grow into responsible democratic participants. Public decisions made through citizens’ consultation and discussion gain greater legitimacy, embody a stronger sense of public welfare, better foster mutual respect and reciprocal cooperation, and are more likely to be implemented in practice. Thus, fully realizing the governance value of democracy, rule of law, and human rights is of great significance for achieving Chinese modernization and advancing the comprehensive development of China’s human rights cause.

Based on a profound understanding of the essence of human rights, China’s whole-process people’s democracy consistently regards the full protection of the people’s constitutional and legal democratic rights as the logical starting point and prerequisite for its development. It ensures that the people can lawfully exercise their rights while participating in the practice of whole-process people’s democracy. Through extensive consultation and rational discussion, it enhances the legitimacy of national legislation and public decision-making, fostering a concept of good life that sustains the rule of law order. “Advancing whole-

process people's democracy within the framework of the rule of law requires closely integrating democracy, rule of law, and human rights values to ensure their joint role in democratic governance practices."⁴¹ First, the realization of the people's principal position within whole-process people's democracy must rely on the rule of law. Upholding the people's principal position is a fundamental distinction between socialist democracy and rule of law as compared to capitalist democracy and rule of law. The socialist rule of law system ensures the people's principal position in advancing comprehensive law-based governance through a complete legal norms system, an efficient rule of law implementation system, a rigorous rule of law oversight system, a robust rule of law guarantee system, and a well-developed system of intra-Party regulations. Thus, the realization of the people's principal position within the operational framework of whole-process people's democracy is also the realization of their principal position in advancing comprehensive law-based governance. Moreover, the process by which the people exercise their rights in the operation of whole-process people's democracy is the process of realizing human rights protection under the rule of law. Second, the standardized operation of the "whole-process" democratic system within whole-process people's democracy must rely on the rule of law. "The inherent logical characteristics of the 'whole process' within whole-process people's democracy hinge on the confirmation and guarantee of the rule of law."⁴² The rule of law is the fundamental pathway and critical method for ensuring the legalization, institutionalization, and proceduralization of whole-process people's democracy. Therefore, integrating socialist rule of law principles into all fields, processes, and aspects of whole-process people's democracy, incorporating its specific tasks into the rule of law framework, and ensuring adherence to laws, strict enforcement, and accountability for violations are essential. All legislative, enforcement, judicial, and compliance activities should be conducted in accordance with the Constitution and laws, to ensure equal participation and development rights for the people, respect and protect human rights, and guarantee that all aspects of whole-process people's democracy operate within the framework of the rule of law. Third, the people's participation in the practice of whole-process people's democracy and exercise of their constitutionally and legally granted democratic rights must rely on the rule of law. "The people's rights must be protected by law, and the authority of the law must be upheld by the people."⁴³ In other words, the realization of the people's role as masters of the country, safeguarded by whole-process people's democracy, is essentially the full realization of their rights in political, economic,

⁴¹ Zhou Youyong, "Institutional Advantage and Constitutional Guarantee of Chinese Democracy under Momentous Changes," *China Legal Science* 1 (2023): 63.

⁴² Mo Jihong, "Comprehensive Rule of Law Safeguards for Whole-process People's Democracy," *Democracy and Legal System (Weekly)* 21 (2022): 15.

⁴³ Xi Jinping, *The Governance of China (II)* (Beijing: Foreign Languages Press, 2017), 115.

cultural, and social domains within the framework of the rule of law. In fulfilling its obligations to respect and protect human rights, the state must specifically highlight expansion of orderly public participation, fully consider diverse opinions and suggestions, promptly resolve social conflicts and disputes, and strive to ensure that the people experience fairness and justice in every judicial case. This is not only an essential requirement for comprehensively enhancing the rule of law in human rights protection, but also a necessary step for further improving the institutionalization, standardization, and proceduralization of whole-process people's democracy, for ensuring that the people enjoy more comprehensive rights and freedoms.

B. Strengthening legal safeguards for whole-process people's democracy: the key to advancing human rights

"Democracy and rule of law are closely interconnected; the essence of modern political civilization consists in the seamless integration of democracy and rule of law. On the new journey, we must advance the legalization and institutionalization of whole-process people's democracy, deepen comprehensive law-based governance, and use the rule of law to guide and safeguard whole-process people's democracy."⁴⁴ Looking back at the history of political civilization, it becomes clear that the development of democracy and rule of law across nations is closely tied to the procedural realization of human rights protection. Practice has shown that the effective operation of democratic systems and the full realization of people's rights both depend on the safeguards provided by the rule of law. The shared governance experience and collective action structures of humanity are built on the deep integration of democracy and rule of law, as well as the full realization of human rights protection under the rule of law. The choice of a nation's democratic path is a collective action by its people. To prevent the tyranny of the majority, the rule of law must constrain the irrationality of the majority through a standardized system. Moreover, the rule of law in democratic countries must ensure that all citizens can freely participate in national and social governance, fully enjoy political freedoms, exercise freedom of speech, and openly, rationally, and inclusively discuss public issues. On this basis, a systematic, efficient, and coordinated legal framework can be established to ensure that the people can seek fair conditions for social cooperation for themselves, with the rule of law providing regulation, guidance, and protection.

In China, the path of socialist people's democracy with Chinese characteristics under the leadership of the CPC, the path of socialist rule of law, and the human rights development path suited to China's national conditions all

⁴⁴ Jin Hao and Liu Huadong, "Composing a Grand Chapter of Whole-process People's Democracy," *Guangming Daily*, October 19, 2022, 5.

share the core principle of people orientation. They uphold the people's role as masters of the country, consistently prioritize their interests, and take their aspiration for a better life as their unwavering goal. Therefore, strengthening the legal safeguards for whole-process people's democracy inherently requires strengthening the legal safeguards for human rights. Based on the practical characteristics of developing whole-process people's democracy in China, further enhancing its legal safeguards, promoting the institutionalization, standardization, and proceduralization of whole-process people's democracy, and strengthening human rights protection under the rule of law are essential. Most importantly, we should strengthen the constitutional safeguards for whole-process people's democracy.

On the one hand, the Constitution serves as the fundamental basis for all national institutions, laws, and regulations. It is the primary form of legalizing democratic facts and a legal instrument for safeguarding citizens' rights. "From the day it was born, the Constitution has been regarded as a document striving to achieve a delicate balance between two aspects: first the governmental powers needed to achieve the grand goals of civil society, and second, individual freedoms."⁴⁵ For citizens, according to the principle of popular sovereignty, if the government acts outside the Constitution and the law, citizens have the right to hold the government accountable for overstepping its authority, thereby realizing and protecting their own rights. In this sense, the Constitution serves as a bridge and link for collective cooperation and action among a nation's people. Furthermore, "democracy itself is a system of governance by the people that requires confirmation and protection through laws, especially the Constitution."⁴⁶ In China, the Constitution ensures the realization of the people's principal position by affirming democratic facts and establishing various democratic systems. The people not only exercise state power through the democratic systems and procedures confirmed by the Constitution but also manage the state and society through other forms of democracy. Their principal position as masters of the country is fully reflected in the whole-process people's democracy system and the process of advancing comprehensive law-based governance.

Specifically, China's Constitution establishes the People's Congress system as the fundamental political system of the state and consequently an essential institutional vehicle for realizing whole-process people's democracy. It affirms the system of multi-party cooperation and political consultation under the leadership of the CPC as a basic political system and a key form of whole-

⁴⁵ Laurence H. Tribe and Michael C. Dorf, *On Reading the Constitution*, Chen Linlin and Chu Zhiyong trans. (Shanghai: Shanghai SDX Joint Publishing Company, 2007), 9.

⁴⁶ Hu Yuhong, "On the Legal Guarantee of the Institutionalization of the Whole-process People's Democracy," *Journal of Peking University (Philosophy and Social Sciences)* 6 (2022): 18.

process people's democracy. The Constitution also establishes the people's role as subjects of whole-process people's democracy by stipulating that the people, in accordance with the law, manage state affairs, economic and cultural undertakings, and social affairs through various means and forms, enabling broad participation in national and social governance. Furthermore, it specifies the extensive fundamental rights enjoyed by citizens, providing a clear legal basis for citizens to exercise their rights in the practice of whole-process people's democracy.

On the other hand, to fully leverage the Constitution's role in realizing whole-process people's democracy and strengthening human rights protection under the rule of law, the Constitution must be comprehensively implemented. China's Constitution fully embodies the collective will of the people, effectively safeguards democratic rights, and effectively protects the fundamental interests of the people. As the nation's supreme law and fundamental law, it is crucial for advancing human rights protection under the rule of law. The effective implementation of the Constitution is vital for enhancing the institutionalization, standardization, and proceduralization of whole-process people's democracy and for promoting the comprehensive development of China's human rights cause. Most importantly, "a scientific, effective, and systematically complete framework of institutions and regulations must ensure the implementation of the Constitution."⁴⁷ Therefore, it is necessary to promptly improve the institutional framework that guarantees the comprehensive implementation of the Constitution, particularly by refining the constitutional review system, which serves as the core mechanism for constitutional implementation. This is of profound significance for safeguarding citizens' rights to information, expression, participation, and oversight. Indeed, a scientifically complete and effectively functioning constitutional review system is the key to fully realizing the human rights protection value of whole-process people's democracy and advancing the comprehensive development of human rights.

Conclusion

Whole-process people's democracy, as a major innovative achievement of Marxist democratic theory developed by the CPC through long-term democratic practice, embodies profound human rights concepts, values, and goals. It is both an essential requirement and a critical component of advancing Chinese modernization. Its theoretical essence, institutional design, and practical operation fully reflect the people's comprehensive participation in the governance of the state and society through its operational principles and

⁴⁷ Xi Jinping, "Writing a New Chapter in China's Constitutional Practice in the New Era — Commemorating the 40th Anniversary of the Promulgation and Implementation of the Current Constitution," *People's Daily*, December 20, 2022, 1.

institutional mechanisms as the fundamental subjects of socialist democratic politics. By adhering to the value concept of “the people always being present,” whole-process people’s democracy fully highlights the people’s principal position in its practice, serving as a vivid realization of the people-centered contemporary Chinese outlook on human rights. This clearly demonstrates that whole-process people’s democracy has become a new theoretical paradigm, institutional form, and practical model for realizing the fundamental interests of the broadest population, ensuring the people’s role as masters of the country, and effectively safeguarding human rights. Under the framework of comprehensive law-based governance, strengthening the institutionalization, standardization, and proceduralization of whole-process people’s democracy ensures that its operational mechanisms function steadily within the rule of law, allowing every independent and autonomous individual to participate in national and social governance according to their own will. This not only enables citizens to fully exercise their democratic rights through the practice of whole-process people’s democracy but also fosters public rationality through consultative participation, creating unity and efficiency in public decision-making and collective action. Therefore, strengthening legal safeguards for whole-process people’s democracy is not only a necessary requirement for fully ensuring the people’s role as masters of the country, improving livelihoods, and enhancing the people’s well-being, but also essential for ensuring the broad, substantive, genuine, and effective realization of basic human rights. It upholds social fairness and justice, promotes the comprehensive development of individuals, and advances the flourishing development of China’s human rights cause.

(Translated by *QIAN Chuijun*)