

Upholding Fundamental Principles and Breaking New Ground in Building China's Independent Human Rights Knowledge System

— *A Theoretical Review of and Outlook for Human Rights
Research in 2024*

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Abstract: *In 2024, China's human rights research has assumed a distinct "autonomy-oriented shift," with scholars beginning to refine and construct uniquely Chinese and locally identifiable human rights concepts, categories, and discourses. Building an independent human rights knowledge system has become a core academic focus in China's human rights research field. Upholding fundamental principles and breaking new ground are the key methodological principles for the process. China's human rights research should be rooted in the "cultural lineage" by preserving the essence of fine traditional Chinese culture, guided by the "moral lineage" by adhering to the Marxist view on human rights, and anchored in the "Four-sphere Confidence" by upholding a distinct human rights development path, so as to define the historical coordinates and value stance of China's independent human rights knowledge system. Meanwhile, it should maintain a high degree of openness in knowledge, theory, and methodology to address emerging rights demands and contribute to building a new global human rights governance order, so as to underscore the mission of China's independent human rights knowledge system in the contemporary era and China's responsibility as a major global actor. China's human rights research should uphold the dialectical unity between the fundamental principles and innovations, and advance the systemic and theoretical interpretation of its independent human rights knowledge.*

Keywords: China's independent human rights knowledge system

• fundamental principles and innovations • China's human rights research • China's human rights development path • identifiable human rights concepts in China

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The *Resolution* of the third plenary session of the 20th Central Committee of the Communist Party of China (CPC) proposed that “We will... promote innovation in philosophy and social sciences with a view to building a Chinese intellectual system in this field.”¹ Guided by this methodological principle, building China’s independent human rights knowledge system has become the core academic proposition in China’s human rights research, marking a significant historical opportunity for contemporary human rights scholarship in China. Whether in theoretical innovations concerning China’s human rights disciplinary system, academic framework, and discourse system, or in practical strategies addressing “China’s questions, the world’s questions, the people’s questions, and the questions of the times” concerning human rights, China’s human rights research in 2024 assumed a distinct “autonomy-oriented shift.” Its core methodological approach can be summarized as twofold: upholding fundamental principles and breaking new ground. As emphasized in the Report to the 20th National Congress of the Communist Party of China, “Only by upholding fundamental principles can we avoid losing our bearings or making catastrophic mistakes. Only by breaking new ground can we meet the call of the day and shape the trends of our times.”² Herein lies the crux: what fundamental principles must we steadfastly maintain, and what kind of innovation should we pioneer? China’s human rights research embodies a dialectical unity of “change and continuity” in its dual commitment to upholding fundamental principles and breaking new ground, collectively advancing both the theoretical construction and discourse interpretation of China’s independent human rights knowledge system. Against this backdrop, this paper takes the building of China’s independent human rights knowledge system as its starting point and uses the methodology of “upholding fundamental principles and breaking new ground” as its analytical thread to provide a critical review of 2024’s landmark achievements in China’s human rights research. Through this examination, the author seeks to chart the course for pioneering new chapters in China’s independent human rights knowledge system.

I. The Autonomy-oriented Shift in China’s Human Rights Research

Xi Jinping, general secretary of the CPC Central Committee, has articulated that “The presence of Chinese characteristics in our philosophy and social sciences hinges on their autonomy and originality.”³ It is undeniable that traditional human rights research in China has predominantly concentrated on the introduction and critique of Western human rights concepts and international human rights standards. This approach has resulted in a lack of clear awareness regarding Chinese human rights questions and has failed to fully harness local human rights resources. As General Secretary Xi Jinping emphasized during the 37th group study session of the Political

1. *Resolution of CPC Central Committee on Further Deepening Reform Comprehensively to Advance Chinese Modernization* (Beijing: People’s Publishing House, 2024), 32.

2. Xi Jinping, *Hold High the Great Banner of Socialism with Chinese Characteristics and Strive in Unity to Build a Modern Socialist Country in All Respects — Report to the 20th National Congress of the Communist Party of China* (October 16, 2022) (Beijing: People’s Publishing House, 2022), 20.

3. Xi Jinping, *Speech at the Symposium on Philosophy and Social Sciences Work* (May 17, 2016) (Beijing: People’s Publishing House, 2016), 19.

Bureau of the CPC Central Committee, “Drawing on China’s rich experience of advancing human rights, we should formulate new concepts and develop systems of academic discipline, research and discourse.”⁴ Guided by General Secretary Xi Jinping’s significant insights on respecting and protecting human rights, awareness of problems and knowledge construction in human rights research within China have begun to emerge consciously, making it an opportune moment to build an independent human rights knowledge system in China. On the one hand, scholars have started to intentionally propose and employ the term “China’s independent human rights knowledge system” and related concepts that emphasize subjectivity, thereby advancing the building of China’s “three major systems” of human rights. On the other hand, scholars have gradually endeavored to refine and elaborate human rights concepts, categories, and discourses that possess Chinese originality and local identification characteristics, thereby laying a solid theoretical foundation for the advancement of human rights theory and the progression of the human rights system in China.

A. Subject consciousness: building China’s independent human rights knowledge system

The prerequisite and core objective for building China’s independent human rights knowledge system both lie in “autonomy.” First, the prerequisite for building China’s independent human rights knowledge system is to establish the subject consciousness of academic research, pondering the key questions of “for whom are the questions on China’s human rights research posed” and “who answers them.” Second, the building of China’s independent human rights knowledge system aims at the autonomy of human rights theory and practice, thus requiring in-depth analysis of the constituent elements of the existing Chinese human rights knowledge system, such as its connotation, characteristics and values, and demonstrating “how China’s human rights achieve autonomy.”

1. The presuppositions of subjectivity in China’s human rights research

Establishing the subjectivity of academic research first requires answering the question: For whom are the questions posed? The proposition and construction of “China’s independent human rights knowledge system” seeks to liberate China’s human rights research from its long-standing dependence on and transplantation of Western human rights theories, directing it instead toward raising “China’s questions, the world’s questions, the people’s questions, and the questions of the times.” Chang Jian approaches this from the perspective of Chinese modernization, arguing that Chinese modernization takes the promotion of all-round and free development for all as its value standard, while human rights take the advancement of all-round and free human development as their ultimate value goal.⁵ Lu Guangjin, from the standpoint of a “human rights civilization,” emphasizes that constructing China’s independent human rights knowledge system holds significant practical meaning — incorporating the

4. Xi Jinping, “Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights,” *Qiushi* 12 (2022): 9.

5. Chang Jian, “Viewing Chinese Modernization and Its Requirements for Human Rights Protection from the Perspective of Human Development,” *Human Rights* 1 (2024): 35.

achievements of human rights civilization from Chinese civilization into the scope of global human rights civilization, thereby enriching the diversity of human rights civilization worldwide.⁶ Chen Youwu and Li Buyun point out that China's human rights knowledge system possesses a distinct problem consciousness: "The accelerated evolution of profound changes unseen in a century and the progress of China's human rights development together form the realistic foundation for the formation of China's human rights knowledge system, while the severe challenges faced by global human rights governance constitute its external environment."⁷ Liu Ming further summarizes the endogenous logic of China's human rights path as "one core and two sources" — where "the fundamental tenets of Marxism" occupy the "core" position in the endogenous logic of China's human rights path, reflecting to some extent a recognition of the inherent laws of human rights itself, while "China's specific realities" and "fine traditional Chinese culture" serve as the "living water sources" for the continuous advancement of China's human rights cause.⁸ Although different scholars provide varying answers regarding the specific sources of questions for China's independent human rights knowledge system, their approaches to inquiry unanimously point to a subjective consciousness — posing China's own human rights questions.

On the premise of establishing China's own consciousness of human rights questions, the building of China's independent human rights knowledge system must further address the question of "who answers these questions." The 2024 research outputs on human rights have systematically synthesized the representative viewpoints of three pioneering scholars in China's human rights academia. Chen Youwu expounded on Li Buyun's contributions to contemporary human rights knowledge systems and disciplines, noting that Li engaged in fundamental theoretical research on human rights from the standpoint of historical materialism and dialectical materialism. Li achieved remarkable accomplishments in studying the basic categorical systems of human rights concepts, historical development, essential attributes, and realization mechanisms, thereby fully manifesting the core connotations of contemporary Chinese perspective on human rights.⁹ Zhang Wanhong systematically examined Li Long's pioneering developmentalism conception of human rights, pointing out that Li grounded his philosophical framework for addressing the relationship between development and human rights in Marx's exposition of "all-round human development." This developmentalism approach to human rights not only responds to concerns raised by liberal conceptions of human rights but also provides theoretical resources

6. Lu Guangjin, "The Historical Position and Value Dimensions of Human Rights Civilization," *Human Rights* 1 (2024): 11.

7. Chen Youwu and Li Buyun, "Outline of China's Human Rights Knowledge System," *Macau Law Review* 2 (2024): 8.

8. Liu Ming, "'One Core, Two Sources': The Endogenous Logic of China's Path to Develop Human Rights from the Perspective of 'Two Integrations'," *Human Rights* 5 (2024): 21-36.

9. Chen Youwu, "Theoretical Exploration and Practical Pursuit of the Human Rights Knowledge System with Chinese Characteristics: On Li Buyun's Thoughts on Human Rights Discipline Construction," *Huxiang Law Review* 3 (2024): 73-98.

for advancing collective human rights.¹⁰ Jiang Haisong and Yang Shiqi have summarized the core propositions of Guo Daohui's human rights theory: that the zeitgeist of law manifests in human rights, with freedom constituting its core, while recognizing that freedom cannot transcend the democratic, egalitarian, and just values inherent in social systems; and that human rights require not only legislative recognition but also comprehensive institutional safeguards.¹¹ In essence, the maturation of theory and discipline often manifests through the emergence of "indigenous intellectual history" — the formation of locally grounded academic schools, disciplinary consensus, and scholarly lineages. In this sense, 2024 may be regarded as a new departure point for the "intellectual history of Chinese human rights scholarship," marking the self-affirmation of Chinese human rights researchers' academic subjectivity.

2. The autonomous objective of China's human rights knowledge system

Building upon the awakening of subject consciousness, the ultimate goal of China's independent human rights knowledge system is to provide autonomous answers to China's human rights questions. This process requires the full mobilization of achievements from China's human rights disciplinary system, academic framework, and discourse system, along with in-depth analysis of the connotations, characteristics, and values of China's human rights knowledge system. For instance, Chen Youwu and Li Buyun define China's human rights knowledge system as "an important component of China's independent knowledge system, which prominently demonstrates the fundamental stance, viewpoints, and methods of contemporary China on human rights questions."¹² Lu Guangjin has pointed out that, in terms of intellectual origins, China's independent human rights knowledge system is grounded in the Marxist view on human rights as its theoretical foundation, draws on China's excellent traditional culture as its intellectual heritage, incorporates outstanding achievements of global human rights civilization as reference, and centers on contemporary Chinese perspective on human rights as its conceptual core.¹³ Wang Xigen and Zhang Qianqian have revealed the fundamental connotations of the contemporary Chinese perspective on human rights through ontological, elemental, categorical, operational, and practical dimensions: a four-in-one conception of human rights encompassing the CPC, government, society, and people; a substantive conception of human rights; the centrality of the rights to subsistence and development; a "development-based approach to human rights"; and a positive legalism conception of human rights.¹⁴ Based on a systematic review of existing research, Zhang Xinping and Zhou Yichen have suggested that future studies on China's independent human rights knowledge system should "empha-

10. Zhang Wanhong, "The Foundation and Inheritance of Developmentalism Conception of Human Rights: In Memory of Professor Li Long," *Law Review* 3 (2024): 25-36.

11. Jiang Haisong and Yang Shiqi, "Professor Guo Daohui as a 'Legal Thinker': His Jurisprudential Exploration," *Huxiang Law Review* 1 (2024): 81-100.

12. Chen Youwu and Li Buyun, "Outline of China's Human Rights Knowledge System," *Macau Law Review* 2 (2024): 3.

13. Lu Guangjin, "The Three-Dimensional Implications of China's Independent Human Rights Knowledge System," *Chinese Journal of Human Rights* 3 (2024): 1-19.

14. Wang Xigen and Zhang Qianqian, "On the Theoretical System Development of Contemporary Chinese Outlook on Human Rights," *Human Rights* 5 (2024): 1-20.

size constructing a human rights discourse system from the dimensions of discourse power, discourse clusters, and discourse fields, while skillfully drawing wisdom for theoretical innovations from China's dynamic human rights practices and the broad masses of the people."¹⁵

In addition to academic works directly addressing China's independent human rights knowledge system, its construction is embedded within the broader process of developing China's independent legal knowledge system, engaging in dialogue with theoretical law, departmental law, and domain law to generate further theoretical advancements. Huang Wenyi observes that "Xi Jinping Thought on the Rule of Law, building upon the synthesis of domestic and international human rights protection experiences, proposes an elevated standard of human rights conception centered on the principle that 'Living a happy life is the primary human right' This ensures the people's enjoyment of comprehensive, substantive, and effective human rights protections under the law."¹⁶ He Zhipeng, while discussing China's independent international law knowledge system, has emphasized that "continuously enhancing and perfecting theoretical approaches to international law requires the construction of international law knowledge through critical reflection," particularly through critical international law studies from developing countries perspectives. In the field of international human rights law, this stance manifests through attention to third-generation human rights and advocacy for the rights to subsistence and development as primary human rights.¹⁷ Xie Jinjie, in explicating the "proposition of Chinese modernization in criminal procedure," notes that this modernization must "center on the state's respect for and protection of human rights, focus on both crime control and power restraint as fundamental principles, and take due process as its guiding thread." This increasingly demonstrates the *Criminal Procedure Law of the People's Republic of China's* essential characteristics as procedural law, human rights law, and power-restraining law.¹⁸

In summary, with the subject consciousness of China's human rights research as its premise, the construction of China's human rights disciplinary system, academic framework, and discourse system as its main threads, and the study of China's independent legal knowledge system as its reference, the proposition and development of China's independent human rights knowledge system have now matured under contemporary conditions. As Zhao Shukun and Zhu Li have aptly observed, over the past decade, China's human rights research and disciplinary system construction have demonstrated several notable characteristics: increased academic attention and growth in specialized journals, expanded focal points in human rights studies, and particularly prominent critical and constructive research approaches. These developments indicate

15. Zhang Xinping and Zhou Yichen, "Systematic and Theoretical Unfolding of Research on Xi Jinping's Discourses on Respecting and Protecting Human Rights," *Human Rights* 2 (2024): 24.

16. Huang Wenyi, "On Xi Jinping Thought on Rule of Law and the Construction of Independent Legal Knowledge System," *Oriental Law* 4 (2024): 32.

17. He Zhipeng, "The Practical Logic of China's Independent Knowledge System of International Law," *Contemporary Law Review* 5 (2024): 31; He Zhipeng, "The Dimension of International Law in the Construction of China's Independent Knowledge System," *Tribune of Political Science and Law* 3 (2024): 30-31.

18. Xie Jinjie, "Chinese Modernization of Criminal Procedure: Path and Prospect," *Law and Social Development* 5 (2024): 65.

that “China has taken solid steps in building human rights knowledge systems, disciplinary systems, and discourse systems with distinctive Chinese characteristics.”¹⁹

B. Theoretical refinement: elucidating original and identifiable human rights concepts in China

For any knowledge system with autonomy, original conceptual frameworks and identifiable conceptual markers constitute indispensable foundations. In May 2016, during the Symposium on Philosophy and Social Sciences, General Secretary Xi Jinping emphasized that “we must be adept at refining identifiable conceptual markers, creating new concepts, categories, and expressions that can be readily understood and accepted by the international community, thereby guiding international academia to engage in research and discussion.”²⁰ The significance of “original conceptual frameworks” lies in their capacity to “realize a ‘terminological revolution’—that is, to endow concepts with new intellectual substance.” “Identifiable conceptual markers” not only possess originality but also concisely, precisely, and vividly “identify” the “subjectivity” and “autonomy” of particular ideological systems, theoretical frameworks, or academic paradigms.²¹ In 2024, Chinese scholars collectively proposed and elucidated a series of original and identifiable human rights concepts, representing significant achievements in constructing China’s independent human rights knowledge system.

1. Proposition and development of “a cluster of original human rights concepts”

In 2024, Chinese scholars, building upon the dynamic practices of China’s human rights development, proposed a series of original concepts that collectively form “a cluster of original human rights concepts.” Since the 18th CPC National Congress, the Party has placed high importance on the construction of democratic politics, articulating the seminal concept of “whole-process people’s democracy.” Many scholars have subsequently developed original theoretical frameworks concerning democratic rights from this concept. Hu Yuhong has observed that “whole-process people’s democracy, as the quintessential expression of Chinese democracy, encompasses the continuous democratic rights enjoyed by the people in electoral, consultative, decision-making, administrative, and oversight processes, concretely embodying the people’s position as masters of the country.”²² Yuan Xin has further elucidated that whole-process people’s democracy “takes ‘the people’ as its value subject, ‘democracy’ as its fundamental content, and ‘whole-process’ as its distinctive characteristic, inherently incorporating the people-centered human rights philosophy, representing an exploration deeply

19. Zhao Shukun and Zhu Li, “New Progress in China’s Human Rights Research and Discipline System Construction,” in *Annual Report on China’s Human Rights 2024* (Beijing: Social Sciences Academic Press, 2024), 368.

20. Xi Jinping, *Speech at the Symposium on Philosophy and Social Sciences Work* (May 17, 2016) (Beijing: People’s Publishing House, 2016), 24.

21. Sun Zhengyu, “Original Concepts and Identifiable Concepts: The Conceptual Foundation for Constructing China’s Independent Knowledge System,” *Social Sciences in China* 7 (2024): 40 and 45.

22. Hu Yuhong, “On Democratic Rights Embodied in Whole-Process People’s Democracy,” *Studies in Law and Business* 2 (2024): 3.

integrated with human rights practices, discourse, and conceptual frameworks.”²³

Common prosperity constitutes an essential requirement of socialism with Chinese characteristics, and Chinese modernization is fundamentally about achieving common prosperity for all. Many scholars have developed original human rights concepts and propositions centered on this theme. Du Jianming has observed that the pursuit of “common prosperity” consistently adopts a human rights strategy prioritizing socioeconomic rights development. This approach seeks to ultimately realize coordinated progress between common prosperity in the new era and human rights advancement, fully leveraging the governance efficacy of state activism and demonstrating the superiority of the socialist system with Chinese characteristics.²⁴ Liu Zhiqiang and Yang Yunhua have examined the intrinsic connection between human rights governance and rural revitalization: “On the one hand, viewing human rights governance as an integrated framework, rural revitalization serves as a crucial method of national human rights governance that actively promotes human rights protection and realization. On the other hand, as an important manifestation of the state’s evolving human rights philosophy and methods, rural revitalization represents a practical exemplar of China’s human rights governance system.”²⁵ Kuang Hong has analyzed the significance of the third distribution in achieving common prosperity from a human rights perspective: guided by the protection of rights to subsistence and development, implemented through equal participation and sharing, and ultimately aimed at realizing people’s happiness, the third distribution exemplifies the contemporary Chinese perspective on human rights.²⁶

Through interdisciplinary dialogues with department law and domain-specific law, these original human rights concepts have “branched out and flourished,” evolving into “a cluster of original human rights concepts.” Mo Jihong, integrating Xi Jinping Thought on Culture, has proposed an institutional framework for cultural rights: guided by the “seven focal points” of Xi Jinping Thought on Culture, the juridical logic of cultural rights can be strengthened and their conceptual richness enhanced, from which may be developed eight collective cultural rights and ten individual cultural rights in the human rights sense.²⁷ He Haibo has advanced the category of “administrative rights” to denote the rights of citizens, legal persons, and other organizations under administrative law, recommending that future general administrative codes dedicate a specific chapter to enumerate fundamental administrative rights.²⁸

23. Yuan Xin, “Practice, Discourse, and Concept: A Three-Dimensional Examination of the Human Rights Implications of Whole-Process People’s Democracy,” *The Journal of Yunnan Provincial Committee School of CPC* 5 (2024): 117.

24. Du Jianming, “On the Human Rights Expression of the Important Discourses of Xi Jinping About Common Prosperity,” *Inner Mongolia Social Sciences* 1 (2024): 9-16.

25. Liu Zhiqiang and Yang Yunhua, “On Human Rights Governance in Rural Revitalization,” *Journal of Political Science and Law* 1 (2024): 15.

26. Kuang Hong, “The Human Rights Dimension of the Third Distribution,” *Journal of Human Rights Law* 3 (2024): 75-92.

27. Mo Jihong, “On the Institutional Construction of Cultural Rights System from the Perspective of Xi Jinping Thought on Culture,” *Law Science* 8 (2024): 3-18.

28. He Haibo, “On Administrative Rights,” *China Legal Science* 3 (2024): 224-244.

He Zhipeng, building upon General Secretary Xi Jinping's series of expositions on the Holistic Approach to National Security, has elucidated the theoretical significance of constructing "the right to security": integrating security into human rights discourse avoids adversarial conceptualizations between human rights and security, instead establishing security's proper place and meaning within human rights frameworks. This approach effectively resolves potential conflicts between security rights and other human rights through theoretical constructs addressing rights conflicts, rights hierarchy, and rights system ordering.²⁹

2. Theoretical elucidation of "identifiable human rights concepts"

Within China's independent human rights knowledge system, the rights to subsistence and development, and the people's happy life hold paramount historical significance and theoretical value, serving as identifiable markers that embody the innovative worth and independent character of China's human rights knowledge system. In 2024, numerous scholars conducted theoretical analyses centered on these three "identifiable human rights concepts," yielding substantial academic achievements.

Some scholars have engaged in discussion surrounding the right to subsistence as this "primary and fundamental human right" — an identifiable conceptual proposition. Hu Yuhong has demonstrated the threefold proposition of the right to subsistence: from the perspective of the human rights framework, it constitutes the most fundamental right; when examining its inherent characteristics, it emerges as the most comprehensive right; and in terms of individuals' claims upon the state, it represents the most practical right.³⁰ Li Jiang maintains that "the prevailing understanding and research regarding the primary status of the right to subsistence exhibit three defining features: dominance of political-legal approaches, instrumentalist logic, and hierarchical limitations within the rights system." This primacy reflects the right to subsistence's hierarchical value within either the fundamental human rights framework or the broader rights system, which can be elucidated through approaches grounded in common morality, the rights system, and social functionality. Furthermore, its implementation can be achieved through constitutional norms and legal institutions characterized by phased progression, origin tracing, goal orientation, and enforceability.³¹

A number of scholars have conducted in-depth analyses of the right to development as an identifiable conceptual marker. Wang Xigen and Zhang Ying have examined the relationship between Chinese modernization and the right to development: Chinese modernization demonstrates substantial value congruence with the right to development, thereby validating its normative superiority. Through reinforcing value subjects, optimizing value objectives, renewing value objects, greening value connotations, and expanding value domains, Chinese modernization continuously

29. He Zhipeng, "Theoretical Logic of the Right to Security," *Human Rights* 4 (2024): 1-26.

30. Hu Yuhong, "On the Right to Subsistence as the Primary Fundamental Human Right," *Seeker* 6 (2024): 24.

31. Li Jiang, "On the Jurisprudential Interpretation of the Primacy of the Right to Subsistence," in *Journal of Human Rights*, vol. 28, edited by Zheng Zhihang (Beijing: Commercial Press, 2024), 3-33.

enhances the quality and vitality of the right to development.³² Wu Wenyang has articulated China's advocacy of a "larger concept of human rights" regarding the human rights-development nexus: human rights and development can mutually reinforce rather than oppose each other, with inclusive sustainable development playing a crucial role in advancing and protecting human rights.³³ Hu Yuhong, from the perspective of livelihood issues in the new era, has analyzed three normative dimensions of an individual's right to development: foundational rights focus on cultivating and shaping fundamental conditions for human development, exemplified by the rights to education and health; supportive rights provide elevated platforms and stronger underpinnings for human development, typically represented by cultural rights and participation rights; safeguarding rights, centered on social security rights, ensure safe social environments for people's subsistence, living, and livelihoods.³⁴

Other scholars have demonstrated why "living a happy life" can be regarded as "the primary human right." Hu Yuhong argues for the necessity and legitimacy of the right to pursue happiness as a fundamental human right from two dimensions: "happiness as the purpose of life" and "livelihood as the foundation of human rights." He states that "Regarding living a happy life as the primary human right reflects the lofty value pursuit and mission commitment of the CPC and the Chinese government to prioritize the people's happy life, embodying the highest moral responsibility of a socialist country toward its people."³⁵ Liu Weiyong emphasizes the importance of reviving the concept of livelihood rights: livelihood rights manifest in four externalized forms — "self-preservation," "livelihood seeking," "access to support," and "request for assistance"; as livelihood rights involve relatively broad subjects and contents, it is necessary to construct a multidimensional approach combining "empowerment," "administration," "remedy," and "collaboration."³⁶

Through the refinement and elaboration of these original and identifiable human rights concepts, macro-level categories such as "China's independent human rights knowledge system" and "China's human rights path" have gradually acquired the potential to become identifiable conceptual frameworks in Chinese philosophy and social sciences. Qi Yanping summarizes the "Chinese characteristics" in contemporary China's human rights institutional approach as "livelihood - civil rights oriented human rights," an institutional pathway that takes socialist equal freedom as its principle, prioritizes livelihood rights, and is grounded in people's democracy.³⁷ Jing Tiankui

32. Wang Xigen and Zhang Ying, "The Value Function of Chinese Modernization in Promoting the Right to Development," *Jiangnan Tribune* 8 (2024): 115-119.

33. Wu Wenyang, "Human Rights and Development: China's Contributions Based on a Larger Concept of Human Rights," *Human Rights* 4 (2024): 27-48.

34. Hu Yuhong, "Research on the Right to Individual Development from the Perspective of People's Livelihood in the New Era," *Journal of Human Rights Law* 5 (2024): 1-24.

35. Hu Yuhong, "On the Proposition that 'People's Happiness is the Ultimate Human Right'," *Human Rights* 6 (2024): 1.

36. Liu Weiyong, "The Logical System, Normative Structure and Realization Path of the Right to Livelihood," *Law Science* 12 (2024).

37. Qi Yanping, "The Institutional Approach to Contemporary Chinese Human Rights," *Law Review* 4 (2024): 16-26.

and Diao Pengfei elucidate the characteristics of China's human rights path from the perspective of livelihood security: China's concept of livelihood has enriched the connotation of human rights; China's livelihood security system has achieved unity between comprehensive rights and primary rights, individual rights and collective rights, universal rights and special rights, ideal rights and practical rights; and China's practice in livelihood construction has pioneered new paradigms in human rights theory.³⁸ Yu Xiqiao and Guo Dong summarize this Chinese approach to human rights development as a "pragmatic conception of human rights": emphasizing the socioeconomic and cultural foundations for rights realization to promote human rights; focusing on improving the level of rights realization rather than the distribution of rights under fixed constraints; and advocating cooperation rather than confrontation in rights realization.³⁹ Zhang Yi summarizes the historic achievements of the CPC in respecting and protecting human rights in the new era as: under the guidance of "two integrations" and "persisting in following China's own path," the Party has developed new theories for respecting and protecting human rights in the new era, answering questions about for whom and for what purpose human rights protection work in the new era is conducted, and has blazed a new path of human rights development distinct from Western models.⁴⁰

In summary, in 2024, China's human rights research has not only witnessed the awakening of its subjective consciousness but also extracted and elucidated numerous original and identifiable Chinese human rights concepts and categories with autonomous characteristics from these subject-oriented Chinese human rights questions, creating significant epochal opportunities for constructing China's independent human rights knowledge system. This distinct academic trend, oriented toward subjectivity and originality, represents both an adherence to the fundamental principles of Marxism, fine traditional Chinese culture, and the socialist system with Chinese characteristics, as well as a driving force for adapting Marxism to the Chinese context and the needs of the times, and for the creative transformation and innovative development of fine traditional Chinese culture, reflecting the dialectical unity of upholding fundamental principles and breaking new ground. As Sang Jianquan points out, the human rights narrative of "the common values of humanity" advocated by China "follows the dialectical logic of realistic development, upholds a scientific narrative method that unites seeking common ground while reserving differences and combines upholding fundamental principles with breaking new ground, constantly transcending the narrow and rigid Western human rights theories."⁴¹ In fact, upholding fundamental principles and breaking new ground serves not only as a worldview for engaging in philosophy and social science research but also as a methodology for constructing China's inde-

38. Jing Tiankui and Diao Pengfei, "The Chinese Path of Human Rights from the Perspective of Livelihood Security: Concept, Institution and Paradigm," *Sociological Studies* 3 (2024): 1-22.

39. Yu Xiqiao and Guo Dong, "Pragmatist View of Human Rights: Theoretical Explanations of China's Human Rights Practice," *Human Rights* 3 (2024): 104-123.

40. Zhang Yi, "The Historic Achievements of the Communist Party of China in Respecting and Protecting Human Rights in the New Era," *Human Rights* 2 (2024): 28-43.

41. Sang Jianquan, "The Narrative Prospect, Theoretical Transcendence and Contemporary Significance of the Human Rights Implications of the Common Values of Humanity," *Studies on Marxism* 7 (2024): 110.

pendent knowledge system, thoroughly integrated into the academic research of 2024 that addresses “China’s questions, the world’s questions, the people’s questions, and the questions of the times” regarding human rights.

II. Upholding Fundamental Principles: The Historical Coordinates and Value Stance of China’s Human Rights Research

Amidst the accelerating evolution of profound transformations unseen in a century, and against the backdrop of intricate domestic and international environments where diverse ideologies and competing interests intersect and collide, China’s philosophy and social sciences research must maintain sufficient strategic resolve to “strengthen foundations and consolidate fundamentals through upholding fundamental principles, ensuring unwavering direction and path.”⁴² In summarizing China’s experience in human rights development, General Secretary Xi Jinping emphasizes that “We have combined the Marxist outlook on human rights with China’s specific realities and the best of traditional Chinese culture, reviewed our Party’s successful experience of leading the people in respecting and protecting human rights, and learned from the outstanding achievements of other civilizations. This has allowed us to forge a path that is in keeping with the times and the conditions of China.”⁴³ In China’s human rights research, “upholding fundamental principles” manifests as adherence to three dimensions: upholding the essence of fine traditional Chinese culture, upholding the essence of the Marxist view on human rights, and upholding the essence of China’s human rights development path. These three aspects are closely interconnected yet distinct in emphasis, collectively anchoring the historical coordinates of China’s independent human rights knowledge system and shaping its value stance.

A. Upholding the essence of fine traditional Chinese culture

fine traditional Chinese culture constitutes a distinctive and profound spiritual hallmark of the Chinese nation. Within this, China’s fine traditional legal culture forms an important component of its fine traditional culture. The essence of China’s fine traditional legal culture has been concisely summarized by General Secretary Xi Jinping as follows: “the governance strategy of enforcing public discipline through the application of both morality and law, the people-centered concept that the people are the foundation of a state and only when the foundation is solid will the state be stable, the wish for social harmony without lawsuits, the idea of prudence that prioritizes moral enlightenment over legal punishment, the concept of equality that advocates passing judgment in accordance with the law and ensures that the punishment fits the crime, and the principle of leniency towards widowers, widows, orphans, childless couples, the elderly, children, women, and people with disabilities.”⁴⁴ The human rights ideas and concepts embedded in fine traditional Chinese culture can provide both rich the-

42. Xu Xianchun, “Always Adhere to the Major Principle of Upholding Fundamental Principles and Breaking New Ground,” *People’s Daily*, November 21, 2024, 9.

43. Xi Jinping, “Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights,” *Qiushi* 12 (2022): 6.

44. Xi Jinping, “Resolutely Follow the Path of Socialist Rule of Law with Chinese Characteristics to Provide Sound Legal Guarantees for Socialist Modernization,” *Qiushi* 5 (2021): 8.

oretical resources for China's human rights research and practical guidance for the healthy development of contemporary China's human rights endeavors.

1. Theoretical exploration of human rights values in fine traditional Chinese culture

General Secretary Xi Jinping has emphasized that we must “thoroughly excavate the philosophical ideas, humanistic spirit, values, and ethical norms contained in ancient Chinese texts to promote the creative transformation and innovative development of fine traditional Chinese culture.”⁴⁵ From November 18 to 20, 2024, the International Conference on Ideas of Human Rights in the Ancient Chinese Classics was held in Changsha, capital of Hunan Province, China. This constituted a seminal academic event in China's human rights studies, where scholars from across the globe gathered at Yuelu Academy of Hunan University to explore and elucidate the human rights connotation embedded in China's ancient classical texts, collectively advancing cross-cultural dialogue and mutual learning on human rights civilization. In his opening remarks at the conference, Jiang Jianguo noted that China, “as a country and nation with a million years of human history, over ten thousand years of cultural history, and more than five thousand years of continuous civilization, possesses incomparably profound humanistic foundations within which human rights civilization naturally resides.”⁴⁶ This demonstrates that fine traditional Chinese culture had already developed “relatively profound recognition and reflection on the value of being human and the meaning of human existence, establishing a distinctive logical system of human rights thinking.”⁴⁷

Many scholars have analyzed the inherent compatibility between fine traditional Chinese culture and human rights concepts. Qiao Qingju points out that although the term “human rights” did not exist in traditional Chinese culture, there was indeed conscious awareness and active protection of certain rights that belong to the category of human rights in Chinese history. However, traditional Chinese culture did not summarize these consciousness and activities under or attribute them to the concept of “human rights.”⁴⁸ Yang Guorong argues that rights consciousness, which focuses solely on individual rights and interests, often leads to differences and even divisions, potentially resulting in various oppositions. Traditional Chinese philosophy, in contrast, proposes the concept of “the way of benevolence” (*ren dao*), which centers on the intrinsic value of all individuals.⁴⁹ Chang Jian and Gao Jiexin have not only elucidated the intellectual resources within fine traditional Chinese culture that could nurture and develop modern Chinese human rights concepts, but also suggest that during the process of

45. “Adhere to Party Leadership, Inherit the Red Gene, Take Root in China and Forge a New Path to Build World-class Universities with Chinese Characteristics,” *People's Daily*, April 26, 2022, 1.

46. Jiang Jianguo, “Opening Speech at the International Conference on Ideas of Human Rights in the Ancient Chinese Classics,” WeChat Official Account “Ren Zhi Yan,” November 20, 2024.

47. “International Conference on Ideas of Human Rights in the Ancient Chinese Classics Held in Changsha,” *People's Daily*, November 21, 2024, 6.

48. Qiao Qingju, “Human Rights Discourse in China's Fine Traditional Culture,” *Social Sciences in China*, November 11, 2024, 4.

49. Yang Guorong, “The Issue of Rights in Traditional Chinese Thought,” *Exploration and Free Views* 11 (2024): 71-77.

“Eastern learning spreading to the West” (*dong xue xijian*), fine traditional Chinese culture played a certain enlightening role in the formation of European human rights thought.⁵⁰

Numerous scholars have further explored the significance and pathways for achieving the creative transformation and innovative development of human rights concepts and philosophies within fine traditional Chinese culture. He Qinhua and Liu Yiyuan note that “the legal-cultural essence of the Chinese legal tradition, embodied in Confucian, Legalism, Daoist, and Buddhist schools’ concepts such as ‘harmony between heaven and humanity’ (*tian ren heyi*), ‘the people as the foundation of the state’ (*min wei bang ben*), ‘prioritizing moral enlightenment over legal punishment’ (*de zhu xingfu*), ‘governance according to law’ (*yuanfa er zhi*), ‘equality before punishment’ (*xing wu dengji*), ‘enforcing public discipline through the application of both morality and law’ (*chu li ru xing*), ‘enlightened virtue and prudent penalties’ (*ming de shenfa*), ‘harmony as most precious’ (*yi he wei gui*), and ‘laws evolving with the times’ (*fa yin shi er bian*), constitute the optimal indigenous resource for contemporary jurisprudence to address various societal challenges and problems and achieve further innovative development.”⁵¹ Shi Weidong has advanced the grand proposition of “the great rejuvenation of the Chinese legal tradition in the new era,” proposing that “realizing this rejuvenation must adhere to three fundamental principles: maintaining cultural confidence, upholding openness and inclusiveness, and persisting in upholding fundamental principles and breaking new ground.”⁵² Liu Zuoxiang has observed that “legal culture” and “rule-of-law culture” exhibit distinct differences, as “rule-of-law culture” require that laws reflect and embody “excellent human values such as democracy, human rights, freedom, fairness, and justice.” Therefore, “what we should inherit is China’s ‘fine’ traditional legal culture that encompasses both the Chinese legal tradition and ancient Chinese legal thought.”⁵³

2. Practical guidance of fine traditional Chinese culture for contemporary human rights endeavors

Legislation serves as a crucial pathway for achieving the creative transformation and innovative development of fine traditional Chinese culture. Yao Jianlong, taking the traditional Chinese concept of “regulating families and governing the state” (*qijia zhi guo*) as his analytical framework, has examined the legalization process of family education: “Currently, child-centered family education legislation fully demonstrates both families’ and the state’s profound emphasis on children, highlighting child-oriented legislative philosophy and value stance. This represents the logical outcome of the state positioning children as key elements in regulating families and governing

50. Chang Jian and Gao Jiexin, “Mutual Learning Between Chinese and European Human Rights Thoughts in the Process of Modernization,” *Chinese Journal of Human Rights* 1 (2024): 1-28.

51. He Qinhua and Liu Yiyuan, “On the Inheritance of the Chinese Legal Tradition and the Construction of China’s Independent Legal Knowledge System,” *China Law Review* 1 (2024): 20.

52. Shi Weidong, “The Great Revival of the Chinese Legal Tradition in the New Era: History, Reality and Future,” *Law Science Magazine* 1 (2024): 19.

53. Liu Zuoxiang, “Jurisprudential Interpretation of Inheriting China’s Fine Traditional Legal Culture,” *Social Sciences International* 5 (2024): 66-81.

the state.” He further points out that in the new era and on the new journey, family education legislation should expand from a child-centered approach to comprehensive family support, thereby advancing the legalization of family-state governance.⁵⁴ Wang Shuaiyi has analyzed the “reserved space” (*liu bai*) phenomenon in private law within the Chinese legal tradition: “During eras when punishment-centered legal concepts dominated, the reserved space approach allowed free expression of rights and fully respected the autonomy of right-bearing subjects, though it also exhibited deficiencies in rights protection.”⁵⁵

On the foundation of scientific legislation, fine traditional Chinese culture and its human rights philosophy can equally provide guidance for impartial justice. Xie Jing has analyzed multiple pathways for integrating traditional culture into judicial practice, noting that the reason fine traditional Chinese culture can be incorporated into judiciary lies in its correspondence with the concept of “humanity culture” (*ren wen hua*), encompassing the three fundamental notions of truth, goodness, and beauty.⁵⁶ Following this line of reasoning, Yang Ling and Wang Xinyi have examined the human rights contributions of Shen Jiaben’s thoughts on juvenile criminal justice: establishing age of criminal responsibility for minors, advocating prudent punishment with emphasis on human rights, reforming the juvenile justice system, and focusing on education and rehabilitation of young offenders.⁵⁷ Through investigating *The Case of A’yun in the Song Dynasty* and *The Case of An Chongxu in the Song Dynasty*, Zhang Jiaying concludes that Shen Jiaben’s case evaluations implicitly contained a dual legal assessment standard derived from ritual-law traditions that varied according to gender factors, suggesting that although China’s modern legal reformers demonstrated certain progressive characteristics, they inevitably remained influenced by traditional ritual-law concepts.⁵⁸

As Zhang Jinfan has observed, “Within China’s 5,000-year continuous civilization exists a substantial body of traditional legal culture that transcends temporal and spatial boundaries, fully comparable with the world’s finest legal traditions. Rooted in the cultural soil of the Chinese nation and cultivated by ancient sages’ wisdom, its timeless values can interface with contemporary socialist legal culture, creating mutual reinforcement and jointly developing a new era of Chinese legal culture.”⁵⁹ Nevertheless, it must be acknowledged that certain elements of traditional Chinese culture

54. Yao Jianlong, “The Shaping of Rule of Law in Family Management and State Governance: Research Mainly Based on Family Education Legislation,” *Tribune of Political Science and Law* 2 (2024): 98-108.

55. Wang Shuaiyi, “Gains and Losses of ‘Reserved Space’: Reflections on the Private Law Characteristics of the Chinese Legal Tradition,” *Journal of Zhejiang University (Humanities and Social Sciences)* 12 (2024): 81.

56. Xie Jing, “New Bottle, Old Wine: The Value and Path of Integrating Traditional Culture into Judicial Practice,” *Journal of Zhejiang University (Humanities and Social Sciences)* 1 (2024): 138-155.

57. Yang Ling and Wang Xinyi, “Research on Shen Jiaben’s Thoughts on Juvenile Criminal Justice,” *Crime and Rehabilitation Research* 11 (2024): 73-80.

58. Zhang Jiaying, “The Gender Orientation of Human Rights Construction in China’s Legal Modernization: Starting from Shen Jiaben’s Different Judgments on Similar Cases,” in *Chinese Journal of Human Rights*, vol. 28, edited by Zheng Zhihang (Beijing: Commercial Press, 2024), 37-57.

59. Zhang Jinfan, “The Excellent Legal Culture Reflected in Ancient Chinese Legislation,” *Democracy and Legal System* 30 (2024): 27.

may conflict with modern human rights concepts and prove incompatible with core socialist values. As emphasized by General Secretary Xi Jinping, “We must conduct scientific analysis of traditional culture — inheriting and promoting beneficial and valuable elements while resisting and overcoming negative aspects, discarding the dross and selecting the essential, rather than adopting absolutist approaches of either wholesale acceptance or complete rejection.”⁶⁰ In constructing China’s independent human rights knowledge system, the systematic organization, inheritance, and development of human rights concepts from traditional culture maintain an integral relationship with the critique, sublation, and transformation of those traditional elements that contradict modern human rights principles, which consist two sides of the same coin.

B. Upholding the essence of Marxist view on human rights

General Secretary Xi Jinping has emphasized that “We must never abandon Marxism as our theoretical soul, nor discard fine traditional Chinese culture as our foundational root. Maintaining these spiritual and cultural foundations constitutes the basis and prerequisite for theoretical innovation.”⁶¹ This further requires us to uphold Marxism as our “theoretical soul” while remaining grounded in fine traditional Chinese culture as our “foundational root.” In the field of human rights research, we must comprehensively clarify the theoretical attributes and intellectual lineage of Marxist view on human rights. Building upon this foundation, we should develop the truthful content and combative character inherent in the Marxist view on human rights, thereby highlighting the value stance of China’s independent human rights knowledge system.

1. Theoretical attributes and intellectual lineage of the Marxist view on human rights

The Marxist view on human rights is an integral component of Marxist theory. Upholding the essence of the Marxist view on human rights first requires clarifying its theoretical attributes. Zhang Hengshan and Li Yani have pointed out that the Marxist legal view on rights, guided by historical materialism, maintains that “the establishment of obligations and rights within social production relations precedes and determines their stipulation in legal rules,” thereby revealing how bourgeois rights systems embody profound injustice by failing to adapt to or reflect actual modes of social production.⁶² Wu Rong and He Yunfeng, building upon Marx’s labor theory, have demonstrated the fundamental flaws in capitalist “human rights” discourse: Its reliance on rational-metaphysical analysis proves inadequate for addressing the essence of human rights, while the inherent antagonism between capital and wage labor creates irreconcilable contradictions within its human rights rhetoric. Realizing genuine “human

60. “Bear in Mind Historical Experience, Lessons and Warnings to Provide Useful Reference for Modernizing National Governance Capabilities,” *People’s Daily*, October 14, 2014, 1.

61. Xi Jinping, “Breaking New Ground in Adapting Marxism to the Chinese Context and the Needs of the Times,” *Qiushi* 20 (2023): 5.

62. Zhang Hengshan and Li Yani, “The Marxist Jurisprudential View of Rights,” *Journal of Beijing Administrative College* 1 (2024): 1-9.

rights” necessarily requires transcending capitalist alienated labor in practice, achieving free labor that ultimately confirms humanity’s free and conscious nature.⁶³

The Marxist view on human rights was established through critically inheriting bourgeois theories of human rights and utopian socialist human rights thought, while being continuously interpreted and expanded by subsequent theorists in keeping with the times. Therefore, studying the Marxist view on human rights equally requires clarifying its theoretical lineage. Zhang Hengshan’s monograph *On Rights* systematically examines the formation and evolution of the concept of rights, analyzes the successes and failures of major Western legal schools and their representative thinkers’ theories of rights, and rejects the ideological constraints imposed by Western conceptions of rights on China’s legal academia, thereby highlighting the truthful value of Marxist human rights theory.⁶⁴ Zhang Hengshan and Feng Yang have analyzed the works of 19th-century utopian socialist thinkers represented by Thomas Paine, Robert Owen, and Pierre-Joseph Proudhon, summarizing their paradigms of rights theory as “focusing on critiquing and reforming real social inequalities, targeting private land ownership as the primary object of criticism, pursuing equality in economic and social spheres as the fundamental value, aiming to achieve the basic interests of the working class and lower strata, centering on labor rights as the core content, and defining the concept of rights primarily through the ‘ought/oughtness’ of benefit acquisition.”⁶⁵ The Marxist thought of early Chinese Communist Party leaders similarly demands attention. Sun Kang argues that Qu Qiubai, while condemning how extraterritoriality harmed civil rights and exposing the Kuomintang and human rights factions’ distortions of civil rights, reconstructed the rich connotation of proletarian civil rights. Qu’s groundbreaking contributions include four aspects: unequivocally affirming the important status of civil rights; reconstructing civil rights from a concrete rights perspective that focused on tangible civil rights practices while combining social and national orientations; identifying from a progressive viewpoint the contradictions between technological development and civil rights advancement; and advocating socialist revolution to replace civil rights revolution for achieving qualitative leaps.⁶⁶

2. The combative character and critical value of the Marxist view on human rights

The combative character constitutes a distinctive theoretical quality of Marxism, and the Marxist view on human rights serves precisely as a crucial ideological instrument for China to counter the discourse trap of “universal human rights.” Hong Lewei has pointed out that the crux of “universal human rights” lies in its deliberate conflation with the *Universal Declaration of Human Rights* and the principle of hu-

63. Wu Rong and He Yunfeng, “The Fundamental Defects of Capitalist ‘Human Rights’ Discourse from the Perspective of Marx’s Labor Theory: On the Essential Connection Between ‘Labor’ and ‘Human Rights,’” *Ningxia Social Sciences* 1 (2024): 38-47.

64. Zhang Hengshan, *On Rights* (Beijing: Commercial Press, 2024), 1-4.

65. Zhang Hengshan and Feng Yang, “Utopian Socialism’s Juristic Concept of Rights in the 19th Century,” *Human Rights* 6 (2024): 140.

66. Sun Kang, “Qu Qiubai’s Pioneering Contribution to the Marxist Jurisprudence’ Application in the Chinese Context,” *Southeast Academic Research* 5 (2024): 209-222.

man rights universality — much like Friedrich Engels' observation that “the bourgeoisie, during revolutions, habitually flaunts a false universality as representatives of all suffering humanity.” Therefore, China should actively contend for representation and discourse power regarding the principle of human rights universality, constructing its own “universalist” stance within the human rights discourse.⁶⁷ Huang Jinrong maintains that human rights universality can only be established upon voluntary strong consensus among different societies rather than external imposition. Consequently, he has emphasized demonstrating the subjectivity and initiative of rights-bearers in human rights construction and realization through advancing theories of human rights subjectivity, thereby preventing and rectifying risks of human rights alienation.⁶⁸ Shi Jianan has examined how Europe incorporated its localized narrative of death penalty abolition into the universal human rights discourse. Through this case, he reveals that Euro-American debates about capital punishment retention/abolition essentially represent struggles over human rights discourse power, conflicts between universalism and localism, and contentions between liberalism and conservatism.⁶⁹

The Marxist view on human rights serves not only as an ideological instrument for critiquing the discourse of “universal human rights,” but also as a theoretical tool for examining the universal validity of contemporary international law. In this regard, breakthroughs were achieved in international law research during 2024. Chen Yifeng has elaborated on the significant value of narrative studies in international law: narratives constitute crucial practices of power in international law, and the essence of international narrative struggles — including those over international human rights discourse — lies in power struggles. To enhance China's discourse power in international law, strengthening the construction of China's international law narrative system is imperative.⁷⁰ Han Chi, citing numerous conflicts during the drafting processes of international human rights conventions, has pointed out that the purported universality of modern international law itself is a discourse construct by scholars of international law and international relations, representing narratives centered on Eurocentrism and colonial imperialism.⁷¹ Han Yichou, analyzing the selective application of international human rights law by the United States, United Kingdom, Australia and Japan as examples, examined the issue of double standards in international law implementation: “Although the universal application of international law is widely recognized, certain Western countries focus on their own interests in international affairs, imposing their standards and will on other nations while adopting lenient policies for themselves and

67. Hong Lewei, “The Theoretical Implications and Discourse Strategies of International Human Rights Struggles: Deconstruction Based on Western ‘Universal Human Rights,’” *Journal of Jishou University (Social Sciences)* 2 (2024): 130-139.

68. Huang Jinrong, “From the Subjectivity of Human Rights to the Universality of Human Rights — A Preliminary Interpretation of the Theory on the Subjectivity of Human Rights,” *Human Rights* 3 (2024): 187-209.

69. Shi Jianan, “‘Universal’ or ‘Exceptional’: Deconstructing the Discourse of the Europe-America Death Penalty Debate and Its Implications,” *Journal of South China University of Technology (Social Science Edition)* 6 (2024): 122-134.

70. Chen Yifeng, “Narrative, Narration and Discourse Power: A Narratological Study of International Law,” *Social Sciences in Yunnan* 3 (2024): 40-49.

71. Han Chi, “The Construction and Deconstruction of the Universality of International Law,” *Chinese Review of International Law* 4 (2024): 70-87.

allies but stringent standards for others.”⁷²

In summary, confronted with globally diverse and contentious human rights ideologies, China’s human rights research shoulders the mission to accelerate the construction of discourse and narrative systems that effectively communicate China’s human rights story, thereby developing international human rights discourse power commensurate with China’s comprehensive national strength and international standing. As Zhang Wenxian has articulated, “A correct perspective on human rights must first be a scientific one — accurately reflecting the essence of human rights, the laws governing their development, and their inherent attributes, thereby embodying truthful understanding of human rights. In this sense, a correct perspective on human rights equates to a truthful perspective on human rights.”⁷³ To this end, China’s human rights research must maintain theoretical steadfastness, uphold confidence in human rights, and adhere to the “correct perspective on human rights” grounded in the Marxist view on human rights.

C. Upholding the essence of China’s human rights development path

General Secretary Xi Jinping has emphasized that “For a long time, China has adhered to integrating the principle of human rights universality with its national realities, continuously advancing economic and social development, improving people’s welfare, promoting social fairness and justice, strengthening the rule of law in human rights protection, and striving for the comprehensive and coordinated development of economic, social, and cultural rights alongside civil and political rights. This has significantly enhanced the safeguarding of the people’s rights to subsistence and development, forging a human rights development path suited to China’s national conditions.”⁷⁴ This path represents the summary of experience of China’s long-term efforts to advance the cause of human rights. It also serves as the fundamental guideline for continuing to promote China’s human rights endeavors and constructing China’s independent human rights knowledge system. In 2024, China’s human rights research has produced rich research results around the historical formation and objectives of China’s human rights development path, systematically addressing the questions of “where this path originates from and where it is headed.”

1. The historical formation of China’s human rights development path

Respecting and protecting human rights has been a banner consistently upheld by the CPC since its founding. Tracing through the Party’s century-long endeavors, China’s human rights development path can be further rooted in the New Democratic Revolution period (1921-1949) and the Socialist Revolution and Construction period (1949-1976). Zhou Bangyan and Liu Bensen have examined the *Human Rights Protection Regulations* enacted on November 11, 1940 in the Shandong Anti-Japanese

72. Han Yichou, “Research on Double Standards in the Application of International Law,” *SJTU Law Review* 6 (2024): 51.

73. Zhang Wenxian, “Adhere to the Correct View of Human Rights, and Strengthen Judicial Safeguards for Human Rights Law Enforcement,” *Human Rights* 6 (2024): 28.

74. “Congratulatory Letter of Xi Jinping to the ‘2015 Beijing Forum on Human Rights,’” *People’s Daily*, September 17, 2015, 1.

Base Area — the first specialized human rights protection statute in China's history, whose characteristics included: the subjects entitled to human rights were broadly defined; it emphasized public officials' obligation to protect people's freedoms and rights; it clearly delineated judicial powers and responsibilities; the power of legal interpretation was vested in the Provisional Council; and it established supporting institutional mechanisms.⁷⁵ Qiu Keyi and Cai Fei have pointed out that as a Party newspaper, *Chongqing Daily* profoundly discussed issues concerning the New Democratic marriage system and women's rights protection through publicizing exemplary cases, strengthening reader-editor interactions, and diversifying reporting formats, which created favorable public opinion for the dissemination and implementation of the *Marriage Law of the People's Republic of China* and fostered the awakening of women's subjective consciousness.⁷⁶

The year 2024 marks the 70th anniversary of the promulgation of the *Constitution of the People's Republic of China (1954)*. As the first socialist-type constitution of New China, this *Constitution* is regarded as the fundamental law of the state and the overarching charter for national governance.⁷⁷ Its model of stipulating citizens' fundamental rights and obligations in independent sections has been continued in the current *Constitution* of China, holding milestone significance in the history of human rights protection in China. Liu Guixin has observed the historical evolution of the perspectives on fundamental rights: the provisions on fundamental rights in the *Constitution (1954)* represented the state's formal value commitment to the people, while those in the *Constitution (1982)* began to assume normative functions, creating space for doctrinal operations in fundamental rights review.⁷⁸ Jiang Bingxi has explored the tension within the *Constitution (1954)* between socialist principled provisions centered on common prosperity and the people's democratic legal system grounded in individual freedom, subsequently interpreting the construction of a socialist society as a fundamental national policy that "endows socialism with normativity while preserving the liberal tradition of the rule of law, providing historical reference for the current legal safeguards for common prosperity in China."⁷⁹

The year 2024 also marks the 20th anniversary of the inclusion of the provision "the state shall respect and protect human rights" in China's current *Constitution*, which has established a solid constitutional foundation for the path of human rights development in China. Han Dayuan and Xiao Junfeng argue that, based on the constitutional amendment process, interpreting the "human rights clause" primarily as a principle for strengthening the protection of fundamental rights better aligns with the original

75. Zhou Bangyan and Liu Bensen, "Human Rights Work in Shandong Anti-Japanese Base Areas: A Study Centered on the *Human Rights Protection Regulations*," *Chinese Journal of Human Rights* 2 (2024): 109-124.

76. Qiu Keyi and Cai Fei, "Media Discourse on Women's Human Rights Protection in Early PRC: A Case Study of *Chongqing Daily*'s 1950 *Marriage Law* Campaign," *Journal of Human Rights Law* 4 (2024): 128.

77. Han Dayuan, "On the *Constitution of 1954* as the General Charter for National Governance," *Law and Social Development* 5 (2024): 22.

78. Liu Guixin, "The Constitutional Philosophy of the *Constitution of 1954* and Its Development," *Law and Modernization* 3 (2024): 88-104.

79. Jiang Bingxi, "The Internal Tension and Coherence of the 'Socialist Society Clause' in the *Constitution of 1954*," *Journal of CUPL* 6 (2024): 151-164.

intent of its drafters; simultaneously, the “human rights clause” has introduced universal human rights concepts, providing a normative interface for the incorporation of international human rights standards into China’s legal system.⁸⁰ Han Dayuan has further analyzed the achievements and significance of the two-decade implementation of the “human rights clause”: human rights have transformed from a political concept into a constitutional one with clear normative significance, and through this clause, human rights values have continuously radiated into the system of fundamental rights, progressively shaping and developing it.⁸¹ Fan Jinxue has examined the institutional, historical, and practical logic of China’s human rights development path by taking the constitutional inclusion of the “human rights clause” as a starting point: this clause has rationalized the relationship between state power and citizens’ rights, serving as both a record and reflection of the CPC’s century-long commitment to respecting and protecting human rights as an enduring pursuit, as well as a new starting point for the Party and the state to comprehensively implement human rights norms and advance the cause of human rights in China.⁸² Wang Jianxue and Gao Qiang have focused on investigating the intellectual origins and normative implications of “the state protects human rights”: the term “protection” can encompass the objective value order function of all types of rights, and the normative interpretation of the state’s human rights obligations should center on “protection,” emphasizing the negative benefit function of judicial protection for liberty rights while adopting a restrained stance toward the positive benefit function of social rights.⁸³

2. The objectives of China’s human rights development path

The people-centered nature constitutes the most distinctive character of socialism with Chinese characteristics. The elaboration of the “people-centered” human rights concept in China’s human rights research has comprehensively addressed the objectives of China’s human rights development path — namely, the question of “where China’s human rights development path is headed.” In the 2024 research achievements concerning the protection of women’s, children’s, and disabled persons’ rights, Chinese human rights studies have demonstrated strong value-oriented care and practice-based character.

Regarding women’s rights, Li Yong has analyzed the significant institutional innovation in the newly revised *Law of the People’s Republic of China on the Protection of Rights and Interests of Women* — public interest litigation for safeguarding women’s rights: this system “helps bridge the tension between state law and customary law, breaks the gender interest relationship framework established by public-private

80. Han Dayuan and Xiao Junfeng, “The Normative Effect of the ‘Human Rights Clause’ in China’s Constitution,” *Northern Legal Science* 3 (2024): 6-24.

81. Han Dayuan, “Twenty Years of the Implementation of the Human Rights Clause: Achievements, Implications, and Research Topics,” *Human Rights* 3 (2024): 14-23.

82. Fan Jinxue, “Research on the Constitutional, Historical and Practical Logic of the Chinese Path of Human Rights Development — From the Perspective of the Inclusion of Human Rights Clause in the Constitution,” *Human Rights* 3 (2024): 24-46.

83. Wang Jianxue and Gao Qiang, “State Protection of Human Rights: Intellectual Origins and Normative Re-statement,” *Northern Legal Science* 3 (2024): 38-53.

dualism, and guides the creation of a new gender cultural atmosphere.”⁸⁴ Ren Dapeng has observed that context-specific legislation protecting rural women's property rights mainly focuses on the distribution rights of compensation benefit, while protection of participation rights remains relatively weak. A comprehensive protection system for rural women's property rights as members of collective economic organization should be constructed through four dimensions: legislation, law enforcement, compliance, and rights defense.⁸⁵ Wang Ye has found that middle-aged and elderly rural women face severe relative poverty and rights protection challenges while bearing heavy caregiving responsibilities, exhibiting an “intersectional disadvantage” effect. Consequently, it is recommended that “while recognizing the value of caregiving work, the distribution mechanism of caregiving labor should be optimized through various means to protect the legitimate rights and interests of caregivers.”⁸⁶ Song Ze and Wang Liwan, by examining the original intent of constitutional drafting, have pointed out that the term “mothers” in Article 49(1) of China's *Constitution* refers to a legal status contingent upon “marriage and family,” making it difficult for unmarried mothers to invoke constitutional protections for mothers. However, their rights and interests could still be accommodated within the constitutional framework through interpretive approaches such as establishing and improving positive state obligations for social security systems and applying human rights protection clauses.⁸⁷

In the realm of children's rights, He Ting and Wang Lida have pointed out that it is necessary to update the conceptual framework of China's juvenile delinquency penalty system by establishing special rules to broaden pathways for non-criminalization, promoting sentencing leniency through consideration of offender characteristics, introducing special penalty types and enforcement methods to enhance preventive and educational functions of punishment, and constructing a multi-tiered rights restoration system to ensure juvenile offenders' rehabilitation and development.⁸⁸ Deng Li emphasizes that the principle of the best interests of minors serves as a fundamental guiding principle permeating China's juvenile legal system, with dual dimensions of inheriting domestic rule-of-law practices and implementing international convention obligations. She argues for the necessity to deepen this characteristically Chinese expression into characteristically Chinese practice through “clarifying rights-based orientations, standardizing rights determinations, individualizing case assessments,

84. Li Yong, “Normative Analysis and Improvement Approaches of Public Interest Litigation System for Protecting Women's Rights,” *Journal of CUPL* 2 (2024): 251.

85. Ren Dapeng, “Legislative Protection of Rural Women's Property Rights as Collective Economic Organization Members: From the Perspective of Textual Interpretation of Relevant Legislation,” *Journal of Chinese Women's Studies* 5 (2024): 99-108.

86. Wang Ye, “Care Labor and Rights Dilemma of Rural Middle-aged and Elderly Women,” *Law Review* 2 (2024): 53.

87. Song Ze and Wang Liwan, “A Constitutional Examination of Unmarried Mothers' Rights Protection: Concurrent Discussion on Interpretation Approaches of Mother Protection Clause in China's Constitution,” *Chinese Review of International Law* 3 (2024): 53-77.

88. He Ting and Wang Lida, “Conceptual Updating and Improvement Path for China's Criminal Norms of Juvenile Delinquency,” *Human Rights* 3 (2024): 86-103.

and coordinating protection mechanisms.”⁸⁹ Zhang Aitong observes that parental divorce partially deconstructs children’s natural family guardianship model, noting that “when handling divorce cases involving children, courts should not only fully affirm the overarching guiding status of the best interests principle at the value level, but also continuously improve judicial adjudication rules concerning matters such as determining primary custody arrangements, child support payments, and visitation rights at the practical level.”⁹⁰

In the domain of disability rights, Ding Peng’s monograph *Research on the Access to Judicial Justice for Persons with Disabilities: A New Theory of Human Capabilities in Practicing Human Rights* innovatively employs political philosophy, ethics, and legal sociology methodologies to analyze the unique challenges persons with disabilities face in obtaining equal judicial protection. The work constructs a groundbreaking “capability approach + substantive equality dimension” framework for realizing judicial justice for persons with disabilities.⁹¹ Zhang Wanhong and Zhao Jinxi have highlighted the intersectional vulnerabilities of women with disabilities and elderly women: the gender-blindness prevalent in spatial design restricts women’s rights to access and utilize spaces, creating structural oppression that perpetuates gender inequalities. Their research advocates integrating gender perspectives into barrier-free environment construction to rectify such spatial injustices.⁹² Building on spatial justice theory, Li Haotian has demonstrated that the full realization of sports participation rights for persons with disabilities fundamentally depends on ensuring accessibility in sports spaces. His work proposes institutional innovations across three critical dimensions: the construction of barrier-free sports facilities, information accessibility, and social support services.⁹³

In summary, China’s human rights development path represents a significant achievement of combining the Marxist view on human rights with China’s specific realities and fine traditional culture. The construction of China’s independent human rights knowledge system relies on heightened awareness of the historical coordinates and contemporary positioning of China’s human rights development path, thereby further clarifying the distinctive value stance of China’s human rights endeavors. As Li Zhongxia’s research on China’s fundamental rights functional system demonstrated: “China’s study of fundamental rights must be grounded in our constitutional tradition, uphold the concept of social orientation, and reshape the social-order-shaping function of fundamental rights against the backdrop of social transformation. The realization of this function does not come at the expense of individual freedom and interests, but

89. Deng Li, “The Practical Basis and Institutional Rationality of the Principle of the Best Interests of the Child,” *Political Science and Law* 6 (2024): 15-36.

90. Zhang Aitong, “Implementation Levels and Rule Improvement of Best Interests of Minors in Divorce Litigation,” *Global Law Review* 3 (2024): 128.

91. Ding Peng, *Research on the Access to Judicial Justice for Persons with Disabilities: A New Theory of Human Capabilities in Practicing Human Rights* (Beijing: Social Sciences Academic Press, 2024).

92. Zhang Wanhong and Zhao Jinxi, “Advancement Towards Spatial Justice: The Barrier-Free Environment Construction from a Gender Perspective,” *Human Rights* 2 (2024): 44-61.

93. Li Haotian, “Protection of Sports Participation Rights for Persons with Disabilities from a Barrier-Free Perspective: Based on Spatial Justice Theory,” *Disability Research* 2 (2024): 64-73.

rather achieves the integration of individual freedom guarantees with overall social order — that is, realizing the balance between ‘collective and individual’ (*qunji*) that the Chinese people have persistently pursued since modern times.”⁹⁴ Only by maintaining the autonomy of China’s human rights development path while embracing outstanding achievements of human rights civilization from global societies with an inclusive attitude, can we ultimately strengthen confidence in China’s human rights path, theory, system, and culture.

III. Breaking New Ground: The Contemporary Mission and Global Responsibility of China’s Human Rights Research

Chinese civilization has always embraced reform and innovation. The progressive spirit of “upholding fundamental principles without clinging to outdated ways, and honoring tradition without restoring antiquity” serves as an inexhaustible driving force for the creative transformation and innovative development of fine traditional Chinese culture. As General Secretary Xi Jinping has emphasized, “We must develop new ideas, new discourses, new mechanisms, and new forms. Under the guidance of Marxism, we must adeptly integrate the past with the present, draw on successful foreign experiences, make informed choices through dialectical reasoning, and develop the new from the old, therefore achieving a seamless fusion of traditional and contemporary cultures.”⁹⁵ Against the backdrop of accelerating evolution and deepening interaction between the “two overarching situations” (domestic and international), new issues and challenges emerging in the field of human rights — both for China and the world — urgently demand theoretical innovation from China’s human rights research to provide meaningful responses.

A. Addressing new demands: theoretical refinement of emerging rights claims

The technological advancements driven by the wave of digitalization have given rise to a series of emerging demands for rights protection, placing China’s human rights research at a critical juncture for theoretical advancement. Digital technology has produced both positive and negative impacts on human rights protection: on the positive side, it has expanded the possibilities and viable avenues for safeguarding human rights, thereby achieving a degree of digital empowerment; on the negative side, it has also introduced various issues and challenges for the protection of human rights. The risks associated with information leakage and algorithmic misuse are on the rise, while the costs of cyber violence and censorship are diminishing. Furthermore, the digital divide and the uneven distribution of digital resources are becoming more pronounced, alongside a host of challenges posed by artificial intelligence that are emerging with intensity. These concerns have led China’s human rights research in 2024 to prioritize cutting-edge issues in digital human rights, resulting in a wealth of significant findings.

94. Li Zhongxia, “Constructing a Social-oriented Functional System of Fundamental Rights in China,” *China Legal Science* 5 (2024): 226.

95. Xi Jinping, *Speech at the Meeting on Cultural Inheritance and Development* (June 2, 2023) (Beijing: People’s Publishing House, 2023), 11.

1. Debates and deconstruction of “digital human rights”

In 2024, the debate over whether “digital human rights” constitute a fourth generation of human rights continued, yielding cutting-edge theoretical insights. Yang Lihua and Ma Ning argue for the legitimacy and rationality of digital human rights as an independent fourth-generation right by analyzing the evolution of human digital attributes, rights forms, obligation systems, and power structures in the digital age: “The theory of generational human rights, as a discourse paradigm, fundamentally reveals shifts in the focus of human rights protection amid societal change. When the power that human rights oppose evolve, the generational framework of human rights must also update.”⁹⁶ Lu Pingxin has countered this view, asserting that the generational thinking stems from the theoretical misguidance of the “three generations of human rights” framework. He contended that this framework disrupts the systemic nature of human rights and denies their inherent adaptability. The holistic structure of human rights — comprising civil liberties, political rights, and social rights — possesses inherent potential to address industrial-era challenges and protect vulnerable groups, and its core principles remain valid in the digital age without requiring generational iteration.⁹⁷ Gong Xianghe has specifically responded to Liu Zhiqiang’s “over-generalization critique” of digital human rights, clarifying that the rights-bearing subjects of digital human rights are exclusively natural persons. He emphasized that the digitized manifestations of traditional rights neither depart from the essence of human rights nor negate their foundation in the social nature of human. Thus, digital human rights should be recognized as “an emerging category of human rights that inherits and develops past frameworks,” and prematurely dismissing their status as fourth-generation rights is unwarranted.⁹⁸ Liu Zhiqiang further articulated his critique in a subsequent rejoinder. He asserts that the theory of “digital human rights” experiences three forms of alienation: the first form of alienation is reflected in the “digital attributes” that distort human nature into a “digital human nature”; the second form of alienation is evident in the construction of the “digital form” of human rights at both moral and legal levels, effectively substituting empirical constructs (what is) for normative reasoning (what ought to be); and the third form of alienation is manifested in the misuse of “digital rights” through the “unenumerated rights,” which conflates traditional human rights and civil rights into so-called “new” human rights, thereby generalizing the subjects of human rights obligations.⁹⁹

The debate on “digital human rights” can be approached not only from the perspective of macro-level rights theory but also through breakthroughs in rights-bearing subjects. How to effectively identify and protect “digitally disadvantaged groups”

96. Yang Lihua and Ma Ning, “The Justification and Realization Path of Digital Human Rights,” *Journal of Northwest University for Nationalities (Philosophy and Social Sciences)* 6 (2024): 132.

97. Lu Pingxin, “The Debate on ‘Digital Human Rights’ in the Digital Age,” *Journal of Shaanxi Normal University (Philosophy and Social Sciences Edition)* 1 (2024): 148-160.

98. Gong Xianghe, “A Triple Negation of the ‘Generalization Theory’ of Digital Human Rights: Responses to Challenges from Professor Liu Zhiqiang and Others,” *Tribune of Political Science and Law* 3 (2024): 77-88.

99. Liu Zhiqiang, “On the Triple Alienation of ‘Digital Human Rights’: A Response to Professor Gong Xianghe’s ‘Triple Negation’,” *Tribune of Political Science and Law* 6 (2024): 15-25.

in the digital age has become a significant theoretical focus in China's human rights research in 2024. Yang Junpeng, drawing on Amartya Sen and Martha Nussbaum's capability approach, has characterized the features of the digitally disadvantaged as a "compound state of weakened digital rights and digital incapacity," pointing out that they face multiple challenges: the weakening of rights due to the encroachment of technological power, insufficient intrinsic capabilities resulting from individual differences, and fragile combined capabilities caused by inadequate environmental and institutional support from states and governments.¹⁰⁰ Zhu Jun has further developed the rights-based argument within capability theory: the concept of capability in social justice theory answers the question of "what a person can do and can become," and the resulting capability theory, by integrating the strengths of deontological and consequentialist theories, can strengthen the justificatory resources for rights.¹⁰¹ Chen Jianping and Liu Haolong argue that the current "enumerative + catch-all" approach to defining the rights of digitally disadvantaged groups is unreasonable, and advocate instead conceptualizing these rights as a system encompassing both legal rights and value frameworks.¹⁰²

The debate surrounding the generational evolution of human rights has led many scholars to further analyze the underlying principles of digital human rights or engage in their deconstruction, serving as a theoretical innovation entry point for China's independent human rights knowledge system. Wu Dezhi has pointed out that digital technology has not fundamentally altered the basic structure and operational logic of industrial society, as digital society remains functionally differentiated, with the essential function of digital human rights being to maintain functional differentiation among various social systems.¹⁰³ Weng Zhuangzhuang introduces Niklas Luhmann's systems theory to substantiate the constitutional foundation of digital human rights, defining them constitutionally as the right of persons as "personhood entities" not to be excluded from digital communication participation.¹⁰⁴ Liu Zhiqiang and Li Yuekai have challenged the legitimacy of "digital human rights,"¹⁰⁵ arguing that "digital humanity" does not represent essential human nature, and advocating for "digital human rights" would lead to an ethical crisis characterized by "subject virtualization, form mutation, and obligation expansion." They further contend that the discourse expression of "digital human rights" suffers from logical, theoretical, and knowledge production inconsistencies, lacking coherence, confidence, and autonomy.¹⁰⁵ Addressing the current

100. Yang Junpeng, "On the Protection of the Digitally Disadvantaged from the Perspective of the Capabilities Approach," *Human Rights* 6 (2024): 111-137.

101. Zhu Jun, "The Justification of the Capability Theory of Rights and Its Reinforcement," *Journal of Human Rights Law* 2 (2024): 44-58.

102. Chen Jianping and Liu Haolong, "The Dual Dimensions of Digitally Disadvantaged Groups' Rights and Conceptual Reinterpretation," *Journal of Human Rights Law* 5 (2024): 25-41.

103. Wu Dezhi, "Rethinking Digital Human Rights: From the Perspective of Functional Differentiation," *The Jurist* 2 (2024): 158-172.

104. Weng Zhuangzhuang, "Digital Human Rights from the Perspective of System Theory — Concept Definition, Social Function, and Constitutional Basis," *Human Rights* 4 (2024): 69-95.

105. Liu Zhiqiang and Li Yuekai, "Deconstructing and Questioning 'Digital Human Rights': A Re-examination," *Journal of Beijing University of Aeronautics and Astronautics (Social Sciences Edition)* 1 (2024): 72-81.

conceptual ambiguity and discourse fragmentation of “digital human rights,” Meng Qingtao and Yan Naixin propose that rather than treating “digital human rights” as a conceptual category, integrating them into a discourse power for human rights in the digital domain may prove more feasible and advantageous.¹⁰⁶

2. Interpretation and protection of emerging rights

Regardless of whether emerging human rights concepts like “digital human rights” constitute a new generational evolution of rights or possess theoretical legitimacy, rationality, and necessity, the emerging rights issues triggered by technological development still require responses from China’s human rights research. Centering on rights risks and protection demands in the digital age, Chinese scholars have formulated a series of emerging rights concepts. Tang Xiaoying proposes the “right to disconnect” for workers in the digital era — the right of workers to refrain from work-related activities via digital technologies outside normal working hours without suffering adverse consequences.¹⁰⁷ Li Yuhu has explored emerging consumer rights in the era of digital economy: “The traditional concept of consumers can be expanded to digital consumers, incorporating rights closely tied to the digital economy and consumption, such as the right to information, the right to data, the right to review, and the right to erasure.”¹⁰⁸

Building upon the conceptualization of emerging rights, numerous scholars have proposed novel interpretative approaches for their legal protection. Song Baozhen advocates safeguarding the rights and interests of “digitally disadvantaged groups” through the social rights framework within the fundamental rights system, conceptualizing these interests as the “right to digitalized living,” thereby constructing a corresponding spectrum of obligations for multiple actors including the state, internet enterprises, and major platforms. However, a comprehensive legal analytical framework does not equate to effective legal remedies. The state’s obligations to protect the rights of “digitally disadvantaged groups” must directly address the “non-justiciability” challenge of citizens’ social rights. This can be approached through two avenues: expanding the scope of administrative litigation and implementing public interest litigation to provide legal remedies when state obligations remain unfulfilled.¹⁰⁹ Jiang Guohua and Gu Hongsong have categorized the digital divide into three levels — access divide, usage divide, and outcome divide — thereby classifying digitally disadvantaged groups into absolute and relative categories. The rights deprivation experienced by digitally disadvantaged groups can consequently be addressed through legal protec-

106. Meng Qingtao and Yan Naixin, “A Structural Integration Framework for ‘Digital Human Rights,’” *Journal of Beijing University of Aeronautics and Astronautics (Social Sciences Edition)* 1 (2024): 82-91.

107. Tang Xiaoying, “Justification and Realization of Workers’ Right to Disconnect in the Digital Era,” *Journal of Henan University of Economics and Law* 2 (2024): 60-70.

108. Li Yuhu, “Emerging Rights of Consumers in the Digital Economy Era,” *Local Legislation Studies* 2 (2024): 91.

109. Song Baozhen, “Protection of Digitally Disadvantaged Groups’ Rights from the Perspective of Social Rights,” *Law Science* 1 (2024): 20-34; Song Baozhen, “On ‘Digital Living Rights’ and Their Obligation Spectrum,” *Science of Law (Journal of Northwest University of Political Science and Law)* 4 (2024): 52-67; Song Baozhen, “On State Obligations for Protecting Digitally Disadvantaged Groups’ Rights,” *Journal of Soochow University (Philosophy & Social Science Edition)* 3 (2024): 112-124.

tions for digital access rights, digital development rights, digital equality rights, and digital freedom rights, ultimately achieving digital justice.¹¹⁰

On the basis of conceptual analysis and theoretical interpretation, many scholars have proposed innovative practical governance strategies to address emerging risks related to digital rights. Li Dan has pointed out that digital space, digital attributes, and digital interests not only constitute the realistic foundation of digital rights but also embody their contemporary demands; however, deficiencies of institutions or mechanisms have led to systemic “loss” of digital rights. To address this, it is necessary to strengthen the legal recognition of digital rights, promote their public safeguards, improve judicial remedies for digital rights, and enhance balanced protection of digital rights.¹¹¹ Song Fan and Gong Xianghe have observed the phenomenon of “emphasizing private law while neglecting public law” in data rights protection, and propose a three-tiered progressive structure of state obligations: preventing state violations of data rights, eliminating third-party infringements of data rights, and providing state-delivered remedies for the realization of data rights.¹¹² Liu Yuan, drawing on Sandra Fredman’s substantive equality framework, has analyzed the “digital divide” affecting the elderly and proposed specific measures for protecting elderly rights in the digital era: “eliminating direct human rights threats including age discrimination through strengthened digital legislation, promoting digital inclusion for the elderly through collaborative pluralism and fair-responsibility social cooperation mechanisms, and ultimately achieving long-term governance of an ‘aging + digital’ society through intergenerational cooperation based on equal participation.”¹¹³

In summary, addressing the emerging rights demands of the digital era, China’s human rights research has developed core legal propositions with distinct problem awareness. Ma Changshan and Li Dan consequently propose the “Chinese strategy” for digital human rights protection practice: “Within the strategic frameworks of ‘Digital China’ and ‘Rule of Law China,’ China has conducted extensive exploratory practices in the field of digital human rights, forming human-oriented protection philosophy, systematic protection strategies, platform-based protection mechanisms, technology-driven protection networks, and scenario-specific protection pathways.”¹¹⁴ These research efforts and their dialectical processes have not only broken new ground by innovating upon conventional rights concepts and legal norms, but have also introduced original human rights concepts, interpretive approaches, and safeguarding strategies with genuine theoretical novelty.

110. Jiang Guohua and Gu Hongsong, “Governance of Rights Deprivation Among Digitally Disadvantaged Groups,” *Study and Practice* 11 (2024): 25-33.

111. Li Dan, “The Foundation of Digital Rights Generation and Their Legal Protection,” *Seeking Truth* 2 (2024): 124-137.

112. Song Fan and Gong Xianghe, “State Obligations for Data Rights Protection and Their Implementation,” *Study and Practice* 1 (2024): 24-32.

113. Liu Yuan, “Protection of Elderly Rights in the Digital Age: From Sandra Fredman’s Substantive Equality Perspective,” *Journal of Guizhou University (Social Sciences Edition)* 1 (2024): 42.

114. Ma Changshan and Li Dan, “‘Chinese Strategies’ for Digital Human Rights Protection,” *Legal Forum* 5 (2024): 77.

B. Addressing changed situations: China's approach to global human rights governance

The current global human rights governance “deficit” has become increasingly pronounced, with certain countries adopting a unilateralist stance of “applying international human rights law selectively — embracing it when convenient and discarding it when not.” The politicization, instrumentalization, and weaponization of international human rights mechanisms have grown particularly conspicuous, severely undermining the international order based on international law. At this critical juncture, China's human rights research must urgently address the questions of “what is happening to our world and how should we respond,” thereby contributing Chinese solutions to steer the international human rights cause toward a more equitable and rational direction.

1. Development trends in international human rights standards

The fourth plenary session of the 18th CPC Central Committee first emphasized the importance of strengthening foreign-related legal work and pointed out the need to build a contingent of foreign-related legal professionals “well-versed in international legal rules.”¹¹⁵ In the field of international human rights law, this requires researchers to accurately understand the specific content and evolving trends of international human rights standards. Dai Ruijun has analyzed the international standards on the “prohibition of gender discrimination”: “gender” refers not only to biological sex but also to socially and culturally constructed stereotypical perceptions of male and female roles; and “discrimination” encompasses not only direct and indirect discrimination but also systemic, structural, and intersectional discrimination.¹¹⁶ Sun Shiyan and Jiang Juzheng have examined the international legal rules and practices regulating hate speech: hate speech constitutes any form of expression, writing, or behavioral communication that attacks or uses derogatory or discriminatory language against individuals or groups based on their identity, and the application of hate speech regulation rules by universal and regional human rights bodies, as well as international criminal justice institutions, focuses on balancing the protection of freedom of expression with the regulation of hate speech.¹¹⁷

Beyond the universal human rights standards at the United Nations level, Chinese scholars have also conducted research on regional and country-specific human rights standards. Liu Meixiang and Hou Huiru analyze the constitutive criteria of “police indirect entrapment” under the *European Convention on Human Rights*: prior direct entrapment violates the requirement of “necessary passivity,” subsequent indirect entrapment satisfies the test of “reasonable foreseeability,” and police entrapment

115. *Resolution of the CPC Central Committee on Several Major Issues Concerning Comprehensively Advancing the Rule of Law* (Beijing: People's Publishing House, 2014), 33.

116. Dai Ruijun, “The Interpretation and Development of ‘Prohibition of Gender Discrimination’ by UN Human Rights Treaty Bodies,” in *Anti-discrimination Law Review*, vol. 11, edited by Liu Xiaonan and Wang Liwan (Beijing: Social Sciences Academic Press, 2024), 89-109.

117. Sun Shiyan and Jiang Juzheng, “International Legal Rules and Practices on Regulating Hate Speech,” *Chinese Journal of Human Rights* 2 (2024): 1-26.

plays a “decisive role” in the secondary defendant’s criminal conduct.¹¹⁸ Yang Chao has examined the normative implications of Article 3 of the *European Convention on Human Rights* prohibiting torture from the perspective of diplomatic assurances in extradition cases: if the person subject to extradition faces a potential risk of capital punishment in the requesting state, or may be sentenced to life imprisonment without parole or commutation, or would endure excessively harsh detention conditions constituting ill-treatment, such circumstances would violate Article 3. This research not only introduces and critiques overseas human rights standards, but also provides theoretical support for China’s extradition cooperation with European countries and its international efforts to pursue fugitives and recover illicit assets.¹¹⁹ Li Zhuolun has observed that Australia has made anti-discrimination and anti-modern slavery its core priorities, establishing disclosure requirements as central obligations to promote corporate human rights accountability, while creating a multi-tiered victim remedy system comprising national judicial redress mechanisms, national non-judicial complaint mechanisms, and non-governmental grievance mechanisms.¹²⁰

International human rights law is regarded as a distinct and independent branch of international law. However, with the evolution of the international landscape and the development of contemporary international law, the interaction between international human rights law and other branches of international law has begun to attract scholarly attention. Xie Haixia has examined the influence of international human rights law on consular law: “As consular notification clauses have been incorporated into core human rights treaties, the interaction between the self-contained systems of diplomatic-consular law and human rights law has driven the improvement of consular notification rules, while consular access has simultaneously undergone ‘human rights-based transformation.’”¹²¹ Sun Meng and Jing Chao have analyzed the structural impact of international human rights law on extradition systems: “It has not only strengthened the respect for and protection of human rights under traditional extradition principles such as the principle of specialty, dual criminality, and *ne bis in idem*, but has also directly generated new extradition principles oriented toward safeguarding the human rights of extraditees — the principle of non-discrimination and the principle of non-extradition in cases involving torture.”¹²² Jing Ming and Gao Lei have examined a fundamental human rights principle in international criminal law — the principle of legality — advocating for the adoption of a “strict” interpretation of this principle in

118. Liu Meixiang and Hou Huiru, “Analysis of Standards and Effects of Police Indirect Entrapment from the Perspective of the European Court of Human Rights — Taking ‘Akabay and Others v. Germany’ as an Example,” *Human Rights* 1 (2024): 172-196.

119. Yang Chao, “Interpretation of Article 3 of the *European Convention on Human Rights*: From the Perspective of Diplomatic Assurances,” *Journal of International Law* 2 (2024): 86-105.

120. Li Zhuolun, “Examination, Reflection, and Enlightenment from Australia’s Business and Human Rights Practice,” *Chinese Journal of Human Rights* 3 (2024): 78-106.

121. Xie Haixia, “Consular Notification Practice from the Perspective of International Human Rights Protection,” *Human Rights* 5 (2024): 178.

122. Sun Meng and Jing Chao, “The Influence of International Human Rights Law on Extradition Principles,” *Journal of Human Rights Law* 1 (2024): 44.

international criminal law.¹²³ Li Xiang has investigated the relationship between international human rights law and international humanitarian law regarding restrictions on attacking child soldiers: existing rules of international humanitarian law implicitly permit child combatants to be treated as lawful military targets like adult combatants, imposing no restrictions on the use of lethal force against them, which creates tension with international human rights law. The study argues for limiting lethal force against child soldiers, prioritizing capture or non-lethal methods when specific circumstances indicate that lethal force would be manifestly unnecessary.¹²⁴

2. China's independent approach to global human rights governance

Since China's formal ratification of the *Forced Labour Convention*, 1930 (No. 29) and the *Abolition of Forced Labour Convention*, 1957 (No. 105) on April 20, 2022, international regulations on forced labor have become a focal point in China's human rights research. Wei Xiaoxu highlights that forced labor substantially overlaps with slavery and human trafficking at both conceptual and normative levels, posing risks of politicization for foreign interference and defamation. In the future, international rules on forced labor should center on combating exploitation while innovating to deepen human rights protections.¹²⁵ Xu Zhenyi has observed that due to ineffective enforcement by international organizations, developed countries have shifted to unilateral and regional approaches for regulating forced labor. However, this governance approach leads to ambiguous interpretations of international norms and politicized application of regulatory measures.¹²⁶ Sun Guoping and Gong Xinran argue that the U.S. weaponizes trade laws incorporating forced labor standards to advance its national interests and hegemonic dominance. They propose that China should strengthen its foreign-related legal framework; proactively negotiate labor clauses in trade agreements; and advocate for mutually acceptable labor standards to avoid passivity in labor disputes.¹²⁷

Among the legal sources regulating forced labor, in addition to multilateral international human rights treaties and international labor conventions, bilateral or regional trade agreements, investment treaties, and even domestic laws of various countries are equally indispensable. Chinese scholars have begun focusing on the potential risks posed by labor standards and supply chain due diligence provisions within these instruments to both the global human rights governance system and China's national interests. Ban Xiaohui, through the EU-Korea labor dispute case, has pointed out that the EU intends to strengthen the enforcement of relevant clauses, which may expose China to dispute risks due to labor provisions should the *EU-China Comprehensive*

123. Jing Ming and Gao Lei, "The Evolution of 'Flexibility': The Value Demonstration of the Principle of Legality in Protecting Human Rights in International Criminal Law," *Huxiang Law Review* 2 (2024): 129-141.

124. Li Xiang, "Restrictions on the Use of Lethal Force Against Child Soldiers Under International Humanitarian Law and Human Rights Law," *Chinese Journal of Human Rights* 2 (2024): 66-91.

125. Wei Xiaoxu, "The International Legal Standard on Forced Labor," *Chinese Journal of Human Rights*, vol. 28, edited by Zheng Zhihang (Beijing: Commercial Press, 2024), 58-85.

126. Xu Zhenyi, "The Evolutionary Path of International Regulation on Forced Labor and China's Response," *Journal of China University of Labor Relations* 4 (2024): 86-98.

127. Sun Guoping and Gong Xinran, "Forced Labor Standards in U.S. Trade Legislation," *Chinese Review of International Law* 1 (2024): 79-98.

Agreement on Investment enter into force.¹²⁸ Liang Yong has observed that the misuse or abuse of labor issues may lead to excessive constraints on host countries' regulatory authority, prompting multinational corporations to adopt practices of "over-compliance"; China should strive to propose appropriate labor clauses in investment treaty negotiations to ensure these treaties remain on the right track and better safeguard China's interests as both an investment host country and home country.¹²⁹ Wang Huiru has analyzed the boundaries of supply chain human rights due diligence: "Legislative practices in the field of human rights due diligence demonstrate a trend of transitioning from voluntary soft law to mandatory hard law, and expanding from corporate self-compliance to whole-supply-chain due diligence." Supply chain human rights due diligence should be applied contextually based on the varying degrees of connection between companies and adverse human rights impacts in their supply chains, and China should be particularly vigilant against the "chilling effect" of mandatory supply chain human rights due diligence legislation.¹³⁰

The year 2024 marked the 10th anniversary of negotiations on the legal instrument concerning "multinational corporations and human rights questions." Focusing on human rights challenges in business activities and China's response strategies, China's human rights academia has continued advancing related research. Liu Zhiqiang and Huang Yuhao argue that the "three pillars" of business and human rights exhibit a mutually constitutive relationship: "The state serves as the primary and core duty-bearer, with corporate human rights responsibilities necessarily implemented indirectly through the state; for violations, co-governance between the state and enterprises should determine their respective liabilities and obligations to achieve remedy. Conversely, prevention and remediation as objectives must compel corporations to shoulder human rights responsibilities."¹³¹ Tang Yingxia and Gao Ming have found that the human rights policies of the world's top 100 digital economy companies predominantly address future human rights risks of products, emphasizing protections and relevant restrictions concerning privacy rights and freedom of expression, yet suffer from issues such as "lack of conflict resolution rules for human rights standards and ambiguity in scope of application."¹³² Wang Huaiyong and Zhu Feng contend that "corporate-centered" theories of environmental responsibility fail to provide sufficient internal and external motivation for corporate compliance, while the business and human rights perspective offers a complementary understanding and stronger theoretical-practical foundation for demanding and encouraging corporate environmental

128. Ban Xiaohui, "Risks and Countermeasures of Soft Labor Clauses in the *EU-China Comprehensive Agreement on Investment*: Perspectives from the EU-Korea FTA Dispute Case," *International Business Research* 2 (2024): 100-110.

129. Liang Yong, "Labor Provisions in International Investment Treaties Under the Influence of Supply Chain Due Diligence: International Practices and China's Countermeasures," *Contemporary Law Review* 2 (2024): 136-149.

130. Wang Huiru, "Comparative Analysis and Legal Reflection on the Boundaries of Human Rights Due Diligence in the Supply Chain," *Human Rights* 2 (2024): 124-147.

131. Liu Zhiqiang and Huang Yuhao, "On the Mutual Construction of Human Rights Obligations and Responsibility Systems for Business Enterprises," *Chinese Journal of Human Rights* 4 (2024): 17.

132. Tang Yingxia and Gao Ming, "An Empirical Study on Digital Enterprises' Human Rights Policies from the Business and Human Rights Perspective," *Chinese Journal of Human Rights* 2 (2024): 27-45.

accountability.¹³³

In the field of business and human rights, the enforcement of legal liabilities and the construction of remedy mechanisms have been central concerns in successive international rule negotiations, making them crucial areas for breakthrough for theoretical innovation within China's independent human rights knowledge system. Wang Xiaotong argues that home-state litigation embodies dual attributes of transnational law and social law, and can be categorized into two types based on multinational corporations' civil liabilities: parent company liability and supply chain core company liability.¹³⁴ Liu Xinchao contends that compared to the jurisdictional and legal application hurdles inherent in home-state litigation, the international investment arbitration mechanism's focus on corporate accountability helps mitigate the current imbalance where host states' regulatory sovereignty is constrained by asymmetric investment protection regimes, thereby potentially reducing corporate abuses at their source.¹³⁵ Zhang Wanhong and Ren Wenyou have highlighted the theoretical value and application potential of the "multi-stakeholder" model in business and human rights governance, proposing that China could endorse the "multi-stakeholder" approach in domestic legislation while internationally advocating for a state-sovereignty-supported version of this model.¹³⁶

In addition to contributing Chinese solutions to the negotiation and interpretation of substantive rules, China also needs to promote global human rights governance at the level of international human rights mechanisms. Huang Jinrong has paid attention to the review of China's third compliance report by the Committee on Economic, Social and Cultural Rights, and points out that its concluding observations significantly added new issues of concern. Its accusations against the Belt and Road Initiative and issues related to Xinjiang and Xizang were contrary to the facts, which was a gaffe and inappropriate move.¹³⁷ Di Lei has reflected on the reasons why countries are reluctant to accept the international justiciability of economic, social and cultural rights, and believes that the Committee on Economic, Social and Cultural Rights should fully activate the value of the admissibility standards in screening individuals and providing procedural safeguards on procedural issues, and further clarify the connotation of the "reasonableness standard" on substantive issues to reduce interference with the free judgment of States parties.¹³⁸

133. Wang Huaiyong and Zhu Feng, "Research on Incentive Mechanisms for Corporate Environmental Responsibility Under the Business and Human Rights Framework," *Journal of Human Rights Law* 5 (2024): 62-83.

134. Wang Xiaotong, "Judicial Remedies for Business and Human Rights: Foreign Practices and China's Response," *Journal of Henan University of Economics and Law* 2 (2024): 144-155.

135. Liu Xinchao, "Judicial Remedy Dilemmas for Multinational Corporate Violations: The Comparative Advantages of Investment Arbitration as a Supplementary Mechanism," *International Law Review of Wuhan University* 2 (2024): 118-137.

136. Zhang Wanhong and Ren Wenyou, "On 'Multi-Stakeholder' in the Business and Human Rights Context," *Nankai Journal (Philosophy, Literature and Social Science Edition)* 2 (2024): 89-105.

137. Huang Jinrong, "An Act of Misconduct and Impropriety by a Human Rights Treaty Body: Commentary on CESCR's Review of China's Third Periodic Report," *Chinese Journal of Human Rights* 1 (2024): 63-91.

138. Di Lei, "The Justiciability of Economic, Social and Cultural Rights in International Law: Balancing International Supervision and National Sovereignty," *Human Rights* 6 (2024): 181-206.

The aforementioned research demonstrates that China's international human rights law studies have evolved from mere information introduction to knowledge production with distinct, autonomous problem awareness of China itself, aiming to contribute Chinese solutions to global human rights governance. Hao Yaming and Yang Wenshuai have insightfully observed that global human rights governance encompasses three essential dimensions: moral appeal, political ideals, and legal norms.¹³⁹ China should, while achieving mastery in international human rights standards and foreign human rights rules, steadfastly uphold the vision of a community with a shared future for humankind and adhere to the common values of humanity, thereby guiding global human rights governance toward a more just, reasonable, inclusive and mutually beneficial world order.

C. Employing new methodologies: innovations in China's human rights research approaches

"A craftsman must first sharpen his tools to do his work well." Scientific and systematic research methodologies serve as crucial indicators of a discipline's maturation. Explorations into research methods for China's human rights studies constitute a pivotal step in both the development of human rights as an academic discipline and the construction of an independent human rights knowledge system. Compared to previous years, 2024 saw relatively few Chinese human rights research outputs that directly addressed methodological issues. Instead, the conscious application of human rights research methods has become naturally integrated into studies of many specific issues.

1. The tension between prudence and openness in human rights justification

In the current academic climate characterized by the vigorous emergence of emerging rights and the ever-expanding catalog of human rights, a "sober reflection" on the justification methods for emerging rights is particularly valuable. Chen Xialu's argument against recognizing mental privacy as an emerging right holds significant theoretical merit. In response to claims such as "neuro-rights are the foremost human rights in the metaverse,"¹⁴⁰ she employs a framework for identifying emerging rights based on substantive legitimacy, feasibility of bearing rights, and coherence within the legal system. She contends that introducing a new right to mental privacy would not only reinforce a mind-body dualism in privacy protection, imposing unreasonable constraints on traditional privacy rights, but also fail to restore individuals' autonomy and control over their personal information in cases involving the decoding of unconscious brain data.¹⁴¹ Han Lilin and Yang Xitong's justification of the right to environmental health follows an analytical framework comprising the reasonableness of being protected, coherence within the legal system, and feasibility of realization: "The justification of the right to environmental health as an emerging right is not merely a

139. Hao Yaming and Yang Wenshuai, "An Essential Examination of the Community with a Shared Future for Mankind Leading Global Human Rights Governance," *Academics* 2 (2024): 94.

140. Yang Xueke, "The Primary Human Right in the Metaverse: Neuro-rights," in *Digital Law Review*, vol. 3, edited by Ma Changshan (Beijing: Commercial Press, 2024), 75.

141. Chen Luxia, "Can Mental Privacy Become an Emerging Right?" *Global Law Review* 5 (2024): 89-104.

matter of conceptual identification or theoretical deduction, but rather a complex endeavor aimed at identifying and realizing the value of the subject and societal goals, while promoting the construction of legal institutions and policy considerations.”¹⁴²

The justification of emerging rights should be approached with caution, yet the application of human rights methodologies can adopt a more open stance. In line with the trend of “human rights going mainstream,” human rights values and issues increasingly intersect with other major social themes, and human rights themselves have become a methodological tool for justifying other legal questions. For instance, Sun Shiyan and Zhang Guijun have elucidated the legal nature and safeguarding pathways of access to financial services from a human rights perspective, thereby arguing that the conditions for financial services to promote human rights require states to recognize, respect, protect, and fulfill individuals’ needs for financial access, while ensuring the availability, accessibility, acceptability, and adaptability of essential financial services.¹⁴³ Man Hongjie has analyzed the governance of big data in healthcare from the perspective of the right to health: “The application of health and medical big data can advance the realization of the right to health by enhancing health decision-making capabilities, achieving fair and rational allocation of health resources, improving health service standards, and expanding public participation in health matters. However, it may also negatively impact the realization of the right to health through issues such as privacy breaches, violations of non-discrimination and equal protection principles, excessive commercialization, and concerns regarding the distribution of benefits.”¹⁴⁴ Zhang Xu has employed a “human rights-based approach” to analyze biodiversity governance, noting that “strengthening international cooperation, urging states to fulfill their human rights obligations, compelling corporations to conduct human rights due diligence, and promoting broad societal participation — these multifaceted governance strategies collectively constitute the foundational paradigm of human rights-based biodiversity governance.”¹⁴⁵

2. Comparative analysis of human rights normative research and interdisciplinary research

“The rule of law is the most effective safeguard for human rights.” Within the methodological spectrum of human rights research in China, legal studies still occupy a prominent position, and doctrinal legal analysis of human rights norms remains the dominant paradigm. Jiang Qiuwei has categorized 574 judicial cases in which Chinese courts applied human rights principles into three types: value-declaratory, discourse-rhetorical, and direct justificatory. The People’s Courts, when applying human rights principles, adhere to the wording of legal documents and emphasize the

142. Han Lilin and Yang Xitong, “Justification of the Right to Environmental Health as Legal Rights,” *Journal of Henan University of Economics and Law* 4 (2024): 54.

143. Sun Shiyan and Zhang Guijun, “Access to Financial Services — An Analysis from the Human Rights Perspective” *Human Rights* 1 (2024): 145-171.

144. Man Hongjie, “The Right to Health Dimension of Health Big Data Governance,” *Seeking Truth* 2 (2024): 103.

145. Zhang Xu, “Human Rights-based Approach to Biodiversity Governance,” *Journal of Human Rights Law* 5 (2024): 103.

priority of human rights principles in key rights.¹⁴⁶ Gao Yifei has further delineated the conditions for applying digital human rights principles into a three-stage process: defining the digital domain, determining the context for applying the principles, and justifying why human rights principles should take precedence. He has concretized these principles into the right to data autonomy, the principle of algorithmic fairness, and the platform preference principle.¹⁴⁷ In judicial adjudication, interpreting laws in accordance with the *Constitution* serves as an essential institutional pathway for implementing the *Constitution* and safeguarding the fundamental rights enshrined therein. Dong Jian argues that “the *Constitution*, as a framework order, does not require interpreters to choose, among multiple constitutionally permissible interpretations, the one that most closely aligns with the *Constitution*.” Instead, interpreters should apply the proportionality principle to assess whether various legal interpretations concerning fundamental rights conform to the *Constitution*.¹⁴⁸ Liu Yi'ai and Lin Laifan have critically examined two prevailing constitutional interpretation doctrines — “interpretation in conformity with the *Constitution*” and “interpretation based on the *Constitution*” — and pointed out that the *Constitution*, unlike ordinary laws, does not directly regulate individual conduct or adjudicate rights and obligations. Rather, it primarily regulates actions indirectly through the review of normative documents.¹⁴⁹

On the foundation of normative research, the activation and deliberate application of interdisciplinary knowledge and cross-disciplinary methodologies have endowed China's independent human rights knowledge system with new perspectives. Liu Shunfeng has analyzed the concept of “rights” through the paradigm of legal anthropology, noting that Chinese legal anthropology research strives to distinguish between “customary rights” and “statutory rights,” clarify the new connotations of “rights” in legal ethnography, and provide an in-depth description of “rights” that align with Chinese theory and experience from historical, process, and cultural perspectives.¹⁵⁰ Hong Lewei has explored, from a communication studies perspective, how human rights discourse acquires “persuasiveness” and how the Chinese human rights discourse constructs its own “persuasiveness”: “In the continuously confrontational and contentious international human rights discourse arena, ‘persuasion’ refers to the feedback of gaining audience acceptance and recognition, and it also signifies achieving a minimal standard of ‘irrefutability’ in the context of irrational disagreements.”¹⁵¹

The maturity and conscious application of the human rights research methodology system largely depends on the full activation of the materials of China's hu-

146. Jiang Qiuwei, “Judicial Application of Human Rights Principles: Based on Published Court Decisions,” *Journal of Human Rights Law* 5 (2024): 134-146.

147. Gao Yifei, “The Judicial Application Logic of Digital Human Rights Principles,” *China Legal Science* 3 (2024): 83-102.

148. Dong Jian, “Principles, Standards, and Applicability of Constitutional Interpretation of Basic Rights,” *Human Rights* 5 (2024): 56.

149. Liu Yi'ai and Lin Laifan, “Reflecting on the Concept of ‘Constitution-based Interpretation’,” *Journal of Soochow University (Law Edition)* 4 (2024): 14-26.

150. Liu Shunfeng, “The Concept of ‘Rights’ in Chinese Legal Anthropology,” *Law Science* 8 (2024): 31-43.

151. Hong Lewei, “Preliminary Study on the ‘Persuasiveness’ Elements of Human Rights Discourse,” *Chinese Journal of Human Rights* 1 (2024): 92-109.

man rights practice. As an important constitutional implementation mechanism with Chinese characteristics, the rights-protection function of the record-and-review system has garnered widespread academic attention, serving as a vital source where practical experience nourishes theoretical development. For instance, Wang Liwan points out that the record-and-review system “helps to promptly and effectively transform the interests demands of the people into rights claims by establishing a comprehensive, multi-level, and three-dimensional mechanism for interest articulation, responsive feedback, and impartial adjudication.”¹⁵² Fu Zitang and Yin Mingyu have noted that, on the one hand, human rights protection acts as a “dynamic pump” for the record-and-review system to self-adjust and self-renew in response to the demands of the times; on the other hand, “the record-and-review system is an important institutional design for further implementing the constitutional provisions on human rights and an indispensable component in the development of human rights.”¹⁵³ Zheng Lei and Zhang Juntong have revealed the methodological logic of the record-and-review system: first exhausting legal issues through constitutionality-related review, then invoking explicit constitutional bases in sequence through constitutional review.¹⁵⁴ Following this approach, many scholars have begun to explore the “academic goldmine” within the practice of record-and-review. Wang Kai and Wang Yanbo have analyzed the concept of “citizens’ fundamental rights and interests” first proposed in the record-and-review conclusion on “compulsory paternity testing” and its protection pathways.¹⁵⁵ Du Wuqing, starting from the record-and-review report on the “lifetime occupational ban in special industries case,” has examined the constitutional boundaries of local regulations imposing occupational restrictions in special industries.¹⁵⁶

3. The two-way interaction of human rights research in foreign-related rule of law

Confronted with an exceptionally complex international environment and the arduous tasks of domestic reform, development, and the maintaining of stability, academia has come to recognize the need to address human rights protection in both domestic and international contexts from a “coordinated advancement” perspective.¹⁵⁷ Grounded in the two-way interaction between international law and domestic law,

152. Wang Liwan, “The National Governance Function of Record-and-Review System,” *Chinese Journal of Law* 3 (2024): 3.

153. Fu Zitang and Yin Mingyu, “On the Human Rights Protection Function of China’s Record-and-Review System,” *Chinese Journal of Human Rights* 4 (2024): 15.

154. Zheng Lei and Zhang Juntong, “Using ‘Constitutionality and Constitution-Relatedness’ as Methodology: Analyzing the Methodological Logic from the Review Opinion of ‘Collective Punishment Provisions Case,’” *Journal of Human Rights Law* 3 (2024): 38-56.

155. Wang Kai and Wang Yanbo, “Conceptual Justification of Citizens’ Fundamental Rights and Interests: Centered on the Record-and-Review Case of ‘Compulsory Paternity Testing,’” *Journal of Human Rights Law* 3 (2024): 21-37.

156. Du Wuqing, “On the Constitutional Boundaries of Special Industry Occupational Restrictions in Local Regulations: Centered on the ‘Lifetime Ban in Special Industries Case,’” *Chinese Journal of Human Rights* 2 (2024): 92-108.

157. Jiang Jianguo and Chang Jian, “Comprehensive Development of China’s Human Rights Cause Under the Coordination of Two Overall Situations,” in *Annual Report on China’s Human Rights (2024)* (Beijing: Social Sciences Academic Press, 2024), 1.

China's human rights research has invigorated the knowledge systems and research paradigms concerning foreign-related human rights rule of law.

On the one hand, human rights research needs to focus on how domestic law adopts, implements and applies international human rights law. Hu Pingren and Chen Si have explained the reasons why sovereign states accept international human rights standards: "The transformation of modern government's philosophy and the enhancement of citizens' rights consciousness constitute the internal motivations for sovereign states to accept international human rights standards," while "the inducement of political power, the drive of economic interests and the promotion of state socialization constitute the external incentives for sovereign states to accept international human rights standards."¹⁵⁸ Zhai Han argues that international legal rules need to be transformed into domestic law through constitutional provisions and human rights clauses in constitutions, and the domestic legal order aligns with the international legal order by means of the constitution and constitutional human rights provisions. Therefore, human rights clauses in constitutions "do not necessarily lead to the superiority of international law over a country's constitutional order, but rather connect international law with domestic law through the constitutional order."¹⁵⁹

On the other hand, human rights research must also examine how a nation's human rights norms and practices exert extraterritorial influence. Yu Liang has explored the extraterritorial applicability of fundamental rights provisions in China's *Constitution*: the traditional conception of state obligations bounded by territorial limits has become inadequate in the current era and inconsistent with international legal practice. Grounded in the *Constitution*'s preamble, China's ratified human rights treaties, and its stance on international relations, fundamental rights provisions in China's *Constitution* possess extraterritorial effect. "Individuals outside national territory may, under certain conditions, claim fundamental rights from the state, and correspondingly, the state bears the obligation to respect and protect these rights outside its borders."¹⁶⁰ Yan Xiaoxiao identifies potential risks in EU diplomacy toward China: human rights diplomacy has become the EU's primary means of engaging with its "systemic rival," with human rights questions being politicized and ideologized. Currently, the EU links human rights questions with specialized domains such as trade and technology, reinforcing its self-positioning as a human rights promoter while introducing greater uncertainty into future China-EU relations.¹⁶¹

In summary, human rights constitute an exceptionally inclusive concept that serves simultaneously as the subject matter itself, the analytical perspective for examining this issue, and the methodological approach for problem-solving. Centering

158. Hu Pingren and Chen Si, "Analysis of Reasons Why Sovereign States Accept International Human Rights Standards," *Public Governance Research* 1 (2024): 83.

159. Zhai Han, "The Connotations of the Constitutional Clause on Human Rights Protection from the Perspective of Foreign-related Rule of Law," *Human Rights* 3 (2024): 47.

160. Yu Liang, "On the Extraterritorial Effect and Boundaries of Constitutional Fundamental Rights Clauses," *International Law Review of Wuhan University* 1 (2024): 38.

161. Yan Xiaoxiao, "The Historical Evolution of EU's Human Rights Diplomacy Toward China and China-EU Relations," *International Forum* 3 (2024): 79-98.

on human rights methodologies, perspectives, question consciousness, and practical case materials, China's independent human rights knowledge system has preliminarily established a relatively stable research paradigm, thereby providing a scientific methodological foundation for innovation in human rights theory and knowledge.

IV. Conclusion: A New Chapter in China's Independent Human Rights Knowledge System

In 2024, China's human rights academia has firmly established the subjectivity of human rights research, holistically addressed both domestic and international situations, and produced a series of original and identifiable theoretical achievements with profound academic commitment and nuanced scholarly insight. These research outcomes embody a dialectical unity of upholding fundamental principles and breaking new ground in methodology: "Only by upholding fundamental principles can innovation maintain its correct trajectory, and only through continuous innovation can fundamental principles be better preserved."¹⁶² Confronting a "battle of human rights discourse without visible smoke," China's human rights research has demonstrated remarkable strategic composure, adhering to correct historical, theoretical, and political perspectives. It has fully activated the theoretical resources and practical materials from fine traditional Chinese culture, Marxist theory, and the socialist path with Chinese characteristics, thereby establishing the historical coordinates and value stance of China's independent human rights knowledge system. In response to contemporary human rights challenges in an era of globalization and digitalization, China's human rights research maintains a high degree of openness in the areas of knowledge, theory, and methodology, addresses emerging rights claims, and promotes the construction of a new global human rights governance order — manifesting both the contemporary mission and the strong commitment as a major country through China's independent human rights knowledge system.

Practice knows no bounds, nor does theoretical innovation. Looking ahead, the construction of China's independent human rights knowledge system will remain the core mission of China's human rights research, with the dual principles of upholding fundamental principles and breaking new ground continuing guiding its development — ensuring the perpetuation of China's cultural heritage and the deepening of its academic foundations. It must be acknowledged, however, that human rights research in 2024 still reflected certain long-standing shortcomings of China's research in this regard. For instance, legal research paradigms and methodologies continue dominating the field, resulting in a relative lack of interdisciplinary validation and a somewhat insular legal academic framework. Some scholars have pointed out that these limitations in human rights legal studies are gradually extending into the practice of human rights legal education.¹⁶³ On this new journey of the new era, China's human rights research

162. "Upholding Fundamental Principles and Breaking New Ground: A Major Principle That Must Be Firmly Grasped and Always Adhered to — On Studying and Implementing the Important Speech of General Secretary Xi Jinping at the Opening Ceremony of the Symposium for Leading Cadres at the Provincial and Ministerial Levels," *People's Daily*, October 31, 2024, 1.

163. Ha Guanqun, Chen Zhengtao, and Li Shaoxuan, "Conceptual Updates and Path Optimization of Human Rights Law Education," *Journal of Human Rights Law* 5 (2024): 124.

should embrace an inclusive and open-minded approach, steadfastly adhering to the principle of upholding fundamental principles and breaking new ground. Efforts must focus on advancing the systematic and doctrinal interpretation of China's independent human rights knowledge. This entails firmly establishing a methodological framework that integrates the Marxist view on human rights with China's specific realities and its fine traditional culture. By breaking new ground in classical human rights studies, regional and country-specific human rights research, foreign-related human rights rule of law, the rights-safeguarding function of the record-and-review system, the relationship between the holistic approach to national security and human rights protection, and the interplay between fostering a strong sense of Chinese national community and human rights guarantees, among other emerging disciplines, issues and fields, China will compose a new chapter in its independent human rights knowledge system.

(Translated by *CHEN Feng*)