

Historical Review and Future Prospect of the Communist Party of China's Protection of the Right to Education

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Abstract: *Respecting and protecting human rights is a firm will and persistent pursuit of the Communist Party of China (CPC) and the Chinese government. The right to education is one of the fundamental human rights, and also the cornerstone of national development and social progress. Against the new backdrop where the globalization of higher education is deeply intertwined with the national strategic layout of the “Double First-Class Initiative,” safeguarding people’s right to education and constructing an education governance system with Chinese characteristics have become important tasks of the new era. By sorting out the evolutionary trajectory of safeguarding the right to education since the founding of the CPC more than a century ago, and systematically examining the innovation of policy concepts and institutional reforms in different historical stages, this paper conducts an in-depth systematic study focusing on the historical evolution of policies for safeguarding the right to education, institutional construction, innovative practices, and their driving role in the modernization process. Centering on the protection of the right to education in the process of advancing the modernization of national governance, and expounding the realization path of transforming institutional strengths into education governance efficacy, this study can provide historical experience and insights for constructing a legal system of education in the new era.*

Keywords: The Communist Party of China (CPC) ♦ the right to education ♦ education modernization

Education constitutes a fundamental cornerstone of national development and Party governance. As Xi Jinping, general secretary of the Communist Party of China (CPC) Central Committee noted: “When education in a country thrives, the country will thrive, and strong education makes a strong nation.” Its advancement is inseparable from state support. The right to education is a basic social right of citizens, rooted in the fundamental freedoms of the person and serving as a foundation for essential civic and political rights. It is protected by a legal framework with the constitution as its paramount authority

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and the education law as its central pillar. Beyond its nature as an inviolable and untrammelled freedom right, it also embodies social rights that impose positive obligations on the state and society to protect, respect, and fulfill it.¹ Far from being a mere conceptual or formalistic right, it encompasses the right to compulsory education, equal access to education, lifelong learning, and access to appropriate education. As a key area of inquiry in constitutional law, international law, and human rights law, it is recognized as a fundamental human right and a core component of second-generation human rights.² Institutional safeguards for citizens' right to education serve as a critical yardstick for evaluating the modernization of national governance systems, and their effectiveness directly reflects the level of social equity and justice. As a core value in advancing national governance modernization, safeguarding this right fulfills dual objectives: protecting human rights and optimizing educational governance frameworks. It is therefore pivotal to people's well-being and national prosperity.

The progress made in protecting the right to education mirrors the advancement of China's human rights cause. Since its founding in 1921, the CPC has consistently prioritized education as a national imperative, steadily improving educational infrastructure and expanding access for all. Over the past century, the CPC has achieved remarkable strides in broadening coverage, deepening implementation, and strengthening enforcement of this right. Since the 18th National Congress of the CPC, the Party Central Committee with Comrade Xi Jinping at its core has elevated education to a strategic priority in national development, making decisive commitments to accelerate educational modernization and build a leading country in education. This strategic vision reflects a profound grasp of educational principles and demonstrates the political acumen needed to develop a modern educational powerhouse, laying down fundamental guidelines and actionable pathways for educational reform in the new era. The Report to the 20th National Congress of the CPC clearly states: "We will continue to give high priority to the development of education, build China's self-reliance and strength in science and technology, and rely on talent to pioneer and to propel development."³ Today, safeguarding citizens' right to education demands both value reconstruction and institutional adaptation. There is an urgent need to conduct an in-depth analysis of the century-long evolution of the CPC's efforts to protect this right in China.

¹ Wen Hui, *The Constitutional Enshrinement of the Right to Education* (Beijing: Peking University Press, 2003), 103.

² The emergence of second-generation human rights is marked by the *Universal Declaration of Human Rights*, adopted by the UN General Assembly on December 10, 1948. The *International Covenant on Economic, Social and Cultural Rights*, adopted on December 16, 1966, further elaborated on these rights, including economic, social, and cultural rights, with the right to education explicitly enshrined therein.

³ 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," *People's Daily*, October 26, 2022, Front Page.

Through systematic review and critical reflection, we can explore strategies to enhance its realization. This requires redefining safeguard mechanisms through the lens of modernizing national governance capacity and transforming institutional strengths into effective governance outcomes. By doing so, we can provide theoretically sound, China-specific support for implementing the strategy of building a leading country in education and devise holistic approaches to protect the right to education amid the modernization of educational governance.

I. The Arduous Exploration of Protecting the Right to Education During the New Democratic Revolution Period

The CPC's approach to safeguarding the right to education traces its origins to Marxist educational thought. Marx and Engels regarded this right as a key objective of the proletarian revolution, stating in *The Communist Manifesto* that "Free education for all children in public schools... will be pretty generally applicable."⁴ Building on this foundation through creative adaptation and development, the CPC prioritized securing access to education from its very inception.

A. An overview of protecting the right to education during the new democratic revolution period

1. Emergence of compulsory education and constitutional enshrinement of the right to education

Education has always been central to the Party's mission and national development. From its earliest days, the CPC articulated a vision for compulsory education.⁵ In May 1922, the First National Congress of the Chinese Socialist Youth League adopted the "Resolution on Educational Movements", calling for universal access to basic scientific education for underprivileged youth, the promotion of universal compulsory education, student participation in school governance, and campaigns for free schooling.⁶ That July, the Second National Congress of the CPC further emphasized the goal of "reforming the education system and universalizing education" in its *Manifesto*. Following the establishment of Soviet power, policies were adopted to advance universal compulsory and vocational education.⁷ Large-scale literacy campaigns were launched, and local congresses of workers', peasants',

⁴ Central Compilation and Translation Bureau, *Collected Works of Marx and Engels*, vol. 4 (Beijing: People's Publishing House, 1958), 490.

⁵ Compulsory education originated in Germany; the religious leader Martin Luther was the first to propose the concept. After the Reformation succeeded, Luther promoted the enactment of a compulsory-education law so that everyone would be able to read the Bible. In 1619 the Duchy of Weimar issued a school ordinance requiring parents to send their six- to 12-year-old children to school — the earliest instance of compulsory education. Capitalist countries such as Britain, France, and the United States mostly introduced compulsory education after the 1870s.

⁶ "Resolution on Educational Movements," *Herald*, no. 8, 1922.

⁷ Article 20 of the *Provisional Platform of the Jiangxi Soviet Government*, 1927.

and soldiers' deputies enacted free education provisions, such as mandating free schooling for children aged 6 and above⁸ and prohibiting parents from preventing children aged 6 to 14 from attending school.⁹ In October 1933, the All-Soviet Congress on Cultural Development adopted the *Resolution on Soviet School Construction*, introducing free and compulsory education for all children aged 7 to 13.¹⁰ Parents who refused to enroll their eligible children were subject to persuasion and, if uncooperative, mandatory enforcement by local authorities.¹¹ The compulsory nature of basic education during adolescence was fully highlighted.

The Outline of the *Constitution of the Chinese Soviet Republic*, enacted in 1931, enshrined the right to education as a constitutional right.¹² The Central Soviet Area vigorously expanded various forms of school education and achieved remarkable progress. At that time, the protection of the right to education in the Central Soviet Area primarily covered three areas: compulsory education, worker-peasant education, and cadre education. In 1934, the work report delivered to the Second All-China Soviet Congress clearly defined the central tasks of education in the Soviet areas: "to enforce universal compulsory education in full, promote extensive social education, strive to eliminate illiteracy, and cultivate a large number of senior cadres to lead the struggle." The overarching guiding principles for education were "to educate the broad toiling masses in the spirit of communism; to make culture and education serve the revolutionary war and class struggle; to integrate education with labor; and to enable the broad Chinese masses to enjoy a civilized and prosperous life."¹³

Due to the shortage of funds during the war, the Soviet government mobilized the masses to develop education and implemented the policy of "people-run education with government support."¹⁴ The government provided

⁸ "Resolution of the Second Congress of Workers, Peasants and Soldiers of Yongding County" (1930), in Central Archives and Fujian Provincial Archives, *Compilation of Historical Documents of the Fujian Revolution*, (1985), 26.

⁹ "Resolution of the First Congress of Workers, Peasants and Soldiers of Western Fujian" (1930), in Central Archives and Fujian Provincial Archives, *Compilation of Historical Documents of the Fujian Revolution* (1985), 47.

¹⁰ "Resolution on the Construction of Soviet Schools," adopted on October 20, 1933, at the All-Soviet Congress of Culture and Education.

¹¹ "Interim Regulations on Universal Education," in *A Comprehensive History of Education in the People's Republic of China*, Fang Xiaodong et al. (Haikou: Hainan Publishing House, 2002).

¹² Article 12 of the *Outline Constitution of the Chinese Soviet Republic* (November 7, 1931) stipulates: "The Soviet Government in China shall guarantee to all workers, peasants and the toiling masses the right to education. The Soviet Government will, as far as possible, begin at once to introduce free universal education. The Soviet Government defends the interests of youth and gives youth every opportunity of participating in the political and cultural life of the country with a view to developing new social forces."

¹³ "Report of the Central Executive Committee and People's Committee of the Chinese Soviet Republic to the Second All-China Soviet Congress," in *On Educational Work by Comrade Mao Zedong* (Beijing: People's Education Press, 1958), 15.

¹⁴ "Interim Regulations on Educational Expenses of Counties in the Shaanxi-Gansu-Ningxia Border Region," in *Records of Shaanxi Province* compiled by Shaanxi Local Compilation Committee (Xi'an:

guidance and certain material subsidies to ensure that more people could access education. For example, it “launched donation drives (collecting vegetables, oil, grain, money, etc.) and encouraged teachers to provide their own meals.” “It is imperative to coordinate the political mobilization of public resources with government decrees. The core lies in motivating the people to educate themselves, while the government offers appropriate guidance, coordination and possible material assistance. Relying solely on a handful of schools and newspapers established by the government with its limited financial resources is far from sufficient to accomplish the great mission of enhancing national culture and consciousness.”¹⁵

2. More educational opportunities for workers, peasants and other groups and the protection of educational equality

Given that the general educational level of workers and peasants was quite low at that time, “the majority of young workers were reduced to a state of ignorance and became nothing more than mere labor machines. The less educated the workers were, the easier it was for capitalists to exploit and oppress them.” For this reason, the CPC recognized at an early stage that “it is imperative to awaken young workers to fight for their right to education against such a dire state of affairs, and to strive to promote literacy education and educational movements centered on class struggle.”¹⁶ In 1925, the CPC convened the Second National Labor Congress, which put forward that “the ultimate goal of worker education is to enhance the class consciousness of the working class,” and proposed diverse educational formats such as “supplementary schools, schools for workers’ children, and workers’ reading rooms and newsstands.”¹⁷ Under the leadership of Peng Pai, a CPC member, the Haifeng County General Peasants’ Association was founded in January 1923. The association established a Department of Education and set up peasant schools to teach peasants how to read and count.¹⁸ During this period, CPC members founded a large number of peasant supplementary schools in Hunan and compiled textbooks tailored specifically to the needs of peasants. By 1926, the number of peasant schools established across Hunan had exceeded 7,700.¹⁹

Young people formed the main force and reserve of the revolution; accordingly, during wartime, adult education took precedence over children’s

Sanqin Press, 2009), 1034.

¹⁵ Mao Zedong, “On the New Stage” (1938), in *Comrade Mao Zedong on Education* (Beijing: People’s Education Press, 1958), 33.

¹⁶ “Resolution on the Educational Movement,” in *Herald*, May 15, 1922.

¹⁷ “Resolution on Worker Education (1925),” in *Encyclopedia of Education*, Gu Mingyuan ed. (Shanghai: Shanghai Education Press, 1991), 407.

¹⁸ Wang Jianying, *Biographical Dictionary of the Red Army* (Beijing: PLA Press, 1988), 381.

¹⁹ Yu Yongde, *Anthology of Chinese Education Research* (Hefei: Anhui Normal University Press, 2018), 280.

education as a more pressing priority. “The Chinese Soviet regime aims to guarantee the right to education for the working peasantry and toiling masses. To the extent feasible amid the ongoing revolutionary civil war, it shall launch fully tuition-free universal education — starting first with young working people, safeguarding all their rights, actively encouraging their participation in political and cultural revolutionary activities, and fostering a new social force.”²⁰ It further stipulated that “the working peasantry and toiling masses, regardless of gender, shall enjoy equal rights and bear equal obligations in socioeconomic, political, and educational spheres.”²¹ In 1933, the *Instruction issued by the People's Commissariat of Education of the Provisional Central Government of the Chinese Soviet Republic* criticized the tendency in some localities to prioritize children's and school education while neglecting young people and adults — the mainstay of the revolutionary war. It explicitly repudiated the erstwhile error of focusing exclusively on primary schools to the detriment of social education and education for adults and youth.²² Under Party leadership, numerous literacy classes were established in revolutionary base areas to vigorously advance campaigns to eliminate illiteracy.²³ To accommodate the farming and production schedules of young workers and peasants, flexible modes of schooling were adopted, including half-day schools and weekend schools. Government agencies and factories also organized literacy programs. In August 1933, the People's Commissariat of Education of the Central Soviet Area promulgated the *Guidelines for Evening Schools*, requiring the working peasantry to “generally be able to deliver reports and read various documents; at a minimum, they must be able to read slogans and travel permits.”²⁴ In January 1934, Mao Zedong emphasized the imperative of cultural and educational reform at the Second All-China Congress of Workers', Peasants', and Soldiers' Soviet Deputies, calling for “removing the ideological shackles imposed by the reactionary ruling class on the working peasantry and forging a new Soviet culture of the working class and peasantry.”²⁵

During the War of Resistance against Japanese Aggression, to “enhance the people's national culture and consciousness” and “establish various supplementary schools, literacy campaigns, drama movements, singing campaigns, sports activities, and launch local popular newspapers both behind

²⁰ Article 12 of the *Outline of the Constitution of the Chinese Soviet Republic*, 1931.

²¹ “Manifesto of the First All-China Congress of Workers', Peasants', and Soldiers' Deputies of the Chinese Soviet Republic,” in *From New Democratic Education to Socialist Education (1921-2012)*, Gu Mingyuan and Liu Fuxing eds. (Beijing: Educational Science Press, 2015), 65.

²² *Instruction No.1 Issued by the People's Commissariat of Education of the Provisional Central Government of the Chinese Soviet Republic*, April 15, 1933.

²³ Gu Mingyuan, *Encyclopedia of Education* (Shanghai: Shanghai Education Press, 1991), 354.

²⁴ *Ibid.*, 434.

²⁵ Liu Songbin, *History of Cultural Construction by the Communist Party of China*, vol. 1 (Harbin: Heilongjiang People's Publishing House, 2019), 250.

enemy lines and in frontline areas,”²⁶ Winter School Campaign Committees were set up in all anti-Japanese base areas to organize winter school campaigns during the peasants’ slack winter season. Those proficient in writing or primary school teachers were invited to teach, with classes offered in the morning, afternoon, and evening for voluntary participation by the masses.²⁷ The teaching content catered to the masses’ production and living needs, and the organizational forms were flexible and diverse, including comprehensive community primary schools covering all-day classes for children, afternoon schools for women, and evening schools for men; rotating classes held at regular intervals; half-year schools conducting teaching only in spring and autumn; vocational schools integrating textile mills with education; and part-work and part-study primary schools for women.²⁸ Efforts were made to avoid disrupting production and conflicting with farming seasons. During the Liberation War, winter schools remained an important form of education for workers and peasants. In 1946, the Northeast Liberated Area issued the *Directive on Reforming School Education and Promoting the Winter School Campaign*, stating: “After the autumn harvest, in areas where the masses have been mobilized and the situation is favorable, winter schools can be co-founded with local work teams in conjunction with mass movements. Activists from peasant-worker associations and self-defense corps should be enrolled for winter training, focusing on current affairs and policy education. Topics such as land reform, armed self-defense, government reform, and organized production development should be addressed to enhance their political awareness, while literacy education should be conducted incidentally to improve their cultural level.”²⁹

3. Emphasis on the training of revolutionary cadres and education serving the wartime needs of the Party and the state

Cadre education constituted one of the crucial dimensions through which the CPC safeguarded the right to education. To cultivate core forces for revolutionary struggles, the CPC established a number of cadre schools shortly after its founding. For instance, the Hunan Self-Study University was founded in Changsha in August 1921; the Shanghai Public School for Women, dedicated to training women cadres, was established in October of the same year; and the Peasant Movement Training Institute was set up in Guangdong in 1924 to nurture cadres who would lead the peasant movement. To improve the

²⁶ Mao Zedong, “On the New Stage” (1938), in *Comrade Mao Zedong on Education* (Beijing: People’s Education Press, 1992), 48.

²⁷ Wang Linghao, *An Outline of the History of Chinese Education* (Beijing: People’s Education Press, 2005), 393.

²⁸ Li Guilin, *Reference Materials for Teaching the History of Modern Chinese Education* (Beijing: People’s Education Press, 1987), 167-168.

²⁹ *Directive on Reforming School Education and Promoting the Winter School Campaign*, September 24, 1946.

cultural literacy of government functionaries, the Central People's Committee issued Decree No. 6: *Government Functionaries Must Intensify Their Studies* in March 1932. This decree mandated that literacy classes be established in all provinces, counties and districts, requiring all government employees to participate in compulsory literacy programs. Those with a relatively higher level of education were organized into reading groups.³⁰ In 1933, the *Resolution of the Central Conference on Cultural and Educational Construction* pointed out: "A vital task at present is to systematically train workers' and peasants' cadres. Drawing on activist workers and peasants as well as cadres with a higher cultural level, we must prepare a large number of professionals proficient in educational work."³¹ During this period, "institutions such as the Chinese Workers' and Peasants' Red Army University, the Soviet University, the Marxism-Leninism Communist University, and numerous schools for training educational cadres under the auspices of the Ministry of Education were established."³² These initiatives fully guaranteed the right to education of revolutionary cadres.

During the War of Resistance against Japanese Aggression, cadre training and cultural-educational development in anti-Japanese base areas were vigorously promoted. A number of cadre schools and specialized institutions were successively founded, such as the Chinese People's Anti-Japanese Military and Political University, the North Shaanxi Public School, the Lu Xun Academy of Arts, the Marxism-Leninism Institute, and health schools,³³ which supplied a large number of qualified cadres to the frontlines of the War of Resistance. When inscribing a message for the North Shaanxi Public School, Mao Zedong wrote: "We must cultivate a large number of people who form the vanguard of the revolution"; "These people are neither conceited extremists nor publicity seekers, but down-to-earth individuals with a strong practical spirit. If China has a vast contingent of such vanguard fighters, the tasks of the Chinese revolution will be successfully accomplished."³⁴ Courses in cadre education were tailored to wartime needs, focusing on ideological education and tactical guidance. For example, the curriculum of the Lu Xun Normal School in the Shaanxi-Gansu-Ningxia Border Region in 1937 included Chinese, arithmetic, Chinese history, Chinese geography, social sciences, politics, mass movements,

³⁰ "Government Functionaries Must Intensify Their Studies," Decree No. 6 of the People's Committee, 1932.

³¹ "Resolution of the Central Conference on Cultural and Educational Construction," October 20, 1933, in *Red China*, November 20, 1933.

³² Compilation Committee of Modern Chinese History Materials, *Soviet China*, reprinted by the Compilation Committee of Modern Chinese History Materials, 1957.

³³ Museum of the Communist Party of China.

³⁴ Compilation Committee of Cultural and Historical Materials, Yan'an Municipal Committee of the Chinese People's Political Consultative Conference, *Cultural and Historical Materials of Yan'an*, vol. 6, 1992.

guerrilla warfare, general science, and pedagogy.³⁵ Intellectuals who graduated from cadre schools served as the leading force of the revolution, leading workers and peasants across the country in the struggle against imperialist oppression. “The Communist Party must be good at winning intellectuals, for only in this way will it be able to organize great strength for the War of Resistance, organize the millions of peasants, develop the revolutionary cultural movement and expand the revolutionary united front. Without the participation of the intellectuals victory in the revolution is impossible.”³⁶

In the education system of this period, the right to education of revolutionary cadres occupied a paramount position. The *Decision on the Education of In-service Cadres* (1942) stipulated that “under current conditions, cadre education should take precedence over all other educational work.”³⁷ “This is not only because cadres are the vanguard of the masses and thus require greater training and improvement — with the ultimate goal of serving the masses — but also because the scope of mass education in rural settings remains inherently limited.” Therefore, “all education beyond general primary education falls under the category of cadre education.”³⁸ The curriculum of cadre education featured distinct characteristics, focusing primarily on the acquisition of “knowledge directly applicable to guiding warfare and production.” An editorial in *Jiefang Daily* pointed out that “education in the base areas is for the people, and for the people’s war and production. Therefore, knowledge and skills directly required for war and production should be prioritized not only in political courses and political schools, but also in cultural courses and cultural schools.” It further emphasized that “so-called cultural education that is completely irrelevant or has little bearing on the people’s needs for war and production is not what we advocate; past practice has already proven such education ineffective and unpopular. It is certainly desirable for the people and their cadres to acquire more knowledge in fields such as acoustics, optics, chemistry, and electricity. However, under current circumstances, it is imperative to define a more essential scope for such learning.”³⁹

B. Basic characteristics of protecting the right to education in this period

1. The right to education was class-based, with workers and peasants serving as its primary subjects

³⁵ Gu Mingyuan, *Encyclopedia of Education*, 78.

³⁶ Mao Zedong, “Recruit Large Numbers of Intellectuals” (1939), in *Selected Works of Mao Tse-tung*, vol. 2 (Beijing: People’s Publishing House, 1991), 618.

³⁷ *Decision of the Central Committee of the Communist Party of China on the Education of In-service Cadres* (1942).

³⁸ “On School Systems and Curricula in General Education,” *Jiefang Daily*, May 27, 1944.

³⁹ Li Guilin, *Reference Materials for Teaching the History of Modern Chinese Education* (Beijing: People’s Education Press, 1987), 84.

Since the CPC relied on the worker-peasant class as the mass base for launching the Land Revolution and various construction undertakings, “all power of the Soviet state belongs to workers, peasants, Red Army soldiers and all toiling masses.”⁴⁰ At that time, the cultural level of workers and peasants was generally low, and they still lacked the capabilities and qualities necessary to achieve victory in the revolutionary war. Therefore, during the New Democratic Revolution, the CPC prioritized the right to education of workers and peasants. In the revolutionary base areas, Mao Zedong pointed out that all cultural and educational institutions here are in the hands of the working and peasant masses; workers, peasants and their children have priority in accessing education;⁴¹ all working and peasant masses and their children have the right to receive free education from the state.⁴² The improvement of the political consciousness and cultural quality of workers and peasants laid a solid foundation for the Communist Party to lead the masses to achieve revolutionary victory.

2. Safeguarding the right to education of vulnerable groups such as women and children and emphasizing educational equality

The CPC attached great importance to women's emancipation and the women's movement. In the *Manifesto of the Second National Congress of the Communist Party of China* (1922), it proposed “abolishing all laws that restrict women and ensuring that women enjoy equal rights in politics, economy, society and education.”⁴³ It launched the “Campaign for Equal Education for Men and Women,”⁴⁴ and regarded organizing, uniting, and educating women workers as an important task of the Party.⁴⁵ In the early days of its founding, the Party established the Common People's Women's School, which nurtured many renowned women talents such as Ding Ling, Qian Xijun, Wang Yizhi, Wang Jianhong and Qin Dejun.⁴⁶ During the War of Resistance against Japanese Aggression, the China Women's University was founded, supplying a large number of women cadres for the revolution. In the Soviet areas, nurseries were set up to emancipate women, educate and protect children. In 1938, the National General Council for the Care of Children in Wartime China was established. By the first anniversary of the founding of the nursery of the

⁴⁰ *Outline of the Constitution of the Chinese Soviet Republic*, November 1931.

⁴¹ Jiangxi Provincial Institute of Education, *Selected Materials on Education in the Soviet Areas* (Nanchang: Jiangxi People's Publishing House, 1981), 44.

⁴² *The Manifesto of the First National Congress of Workers', Peasants' and Soldiers' Deputies of the Chinese Soviet Republic* (1931).

⁴³ *The Manifesto of the Second National Congress of the Communist Party of China* (1922).

⁴⁴ “Resolution on the Educational Movement,” *Herald*, no. 8 (1922).

⁴⁵ Research Office on the History of the Women's Movement, All-China Women's Federation, *Historical Materials on the History of the Chinese Women's Movement* (Beijing: China Women's Publishing House, 1991).

⁴⁶ the Museum of the Communist Party of China.

Shaanxi-Gansu-Ningxia Border Region Branch, more than 300 children from Northeast China, North China, Central China and South China had been admitted.⁴⁷

3. Educational goals were tailored to meet wartime needs, with educational content and organizational forms bearing distinct wartime characteristics

In 1933, the *Instruction issued by the People's Commissariat of Education of the Provisional Central Government of the Chinese Soviet Republic* pointed out that “the current task of cultural and educational work in the Soviet areas is to inspire the class consciousness of the masses through education and learning, raise their cultural and political standards, so that they can be more effectively mobilized to join the war, deepen class struggles and participate in various aspects of Soviet construction.”⁴⁸ During the War of Resistance against Japanese Aggression, cultural and educational policies centered on serving the war effort, advocating for “revising the school system, abolishing unnecessary and non-urgent courses” and “teaching courses essential for the war.”⁴⁹

II. The Period of Socialist Revolution and Construction: Continuous Improvement of Protecting the Right to Education

In 1948, the United Nations General Assembly adopted the *Universal Declaration of Human Rights (UDHR)*, which explicitly stipulates that “everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.” Since then, the right to education has come to be recognized as a basic human right. During this period, most Western countries gradually established the right to education and enshrined it as a constitutional right. After the founding of the People's Republic of China, restoring and developing the national economy and carrying out socialist transformation were the prominent tasks at that time. Education constituted an important aspect of socialist transformation. During this period, large-scale literacy campaigns were vigorously launched nationwide, various types of education at all levels developed rapidly, and the enrollment rates of secondary and higher education rose remarkably. For the first time, citizens' right to education was established in the form of a national constitution. The subject of the right to education was expanded, the subject of responsibility attracted greater attention, and the material foundation for this right was further guaranteed.

A. An overview of protecting the right to education during the period of socialist revolution and construction

⁴⁷ Qi Li, *Records of the Shaanxi-Gansu-Ningxia Border Region* (Yan'an: Yan'an Jiefang Press, 1939), 29.

⁴⁸ *Instruction No. 1 of the People's Commissariat of Education of the Provisional Central Government of the Chinese Soviet Republic*, April 15, 1933.

⁴⁹ Mao Zedong, “On the New Stage” (October 1938), *Liberation*, no. 57, November 25, 1938.

1. Educational policies in the early years of the People's Republic of China

When the People's Republic of China was founded in 1949, the country was in a state of ruins and needed to rebuild everything from scratch. What kind of education to develop and how to enable more people to receive education became pressing challenges at that time. In 1949, the "Common Program of the Chinese People's Political Consultative Conference" stipulated that "The culture and education of the People's Republic of China shall be New Democratic — national, scientific and popular. The main tasks of the People's Government in cultural and educational work shall be the raising of the cultural level of the people, the training of personnel for national construction work, the eradicating of feudal, comprador and fascist ideology and the developing of the ideology of service to the people." It also defined the future development direction of education: "In order to meet the extensive requirements of revolutionary and national construction work, universal education shall be carried out, secondary and higher education shall be strengthened, technical education shall be stressed, the education of workers during their spare time and that of cadres at their posts shall be strengthened, and revolutionary political education shall be accorded to both young and old-type intellectuals. All this is to be done in a planned and systematic manner."⁵⁰

From the perspective of the historical characteristics of the national governance system, the structural disparities in educational attainment among the worker-peasant groups — the majority of the population — manifested as prominent features in the early stage of socialist construction, given their generally low literacy levels. For this reason, Qian Junrui, the then Minister of Education, pointed out that "we must first devote our major efforts to providing education for workers and peasants."⁵¹ The CPC elevated the right to education of workers and peasants to a strategic height, regarding it as "an essential prerequisite for consolidating and developing the people's democratic dictatorship and building a strong national defense force and robust economic strength"; "Without the popularization and improvement of cultural education for workers and peasants, there can be no upsurge in cultural development." It also made specific provisions on the target groups of education: "We must first focus on educating worker-peasant cadres and activists, and then extend such education conditionally to organized young men and women as well as worker-peasant masses eager to learn."⁵² The educational objectives for workers and peasants centered on literacy acquisition, combined with ideological and

⁵⁰ "Common Program of the Chinese People's Political Consultative Conference," *People's Daily*, September 30, 1949.

⁵¹ Qian Junrui, "On the Guidelines for Current Educational Development," *People's Education* 1 (1950).

⁵² Ma Xulun, "Report on the First National Conference on Worker-Peasant Education," *People's Education* 1 (1951): 12.

political education and vocational skills training. In November 1950, Ma Xulun stated in his “Report on the First National Conference on Worker-Peasant Education”: “Over the past year, education for the worker-peasant masses and worker-peasant cadres has achieved remarkable development and progress. Last winter, more than 12 million peasants participated in winter schools, and 3 million of them continued their studies year-round in converted civilian schools this year. Across the country, over 700,000 workers engaged in part-time learning. Eighteen accelerated middle schools for workers and peasants were established, with a total enrollment of 2,520 students.”⁵³ Under the leadership of the Party, worker-peasant education was carried out vigorously across the country, and the masses displayed immense enthusiasm for learning. This campaign cultivated a large number of knowledgeable and skilled talents, laying a solid foundation for the realization of socialist industrialization.

In 1954, the right to education was enshrined in the *Constitution of the People’s Republic of China*. Article 94 stipulated: “Citizens of the People’s Republic of China have the right to education. The state shall establish and gradually expand various types of schools and other cultural and educational institutions to ensure citizens’ enjoyment of this right.”⁵⁴ This marked the first time since the founding of the People’s Republic of China that citizens’ right to education was protected by the country’s fundamental law. In 1956, the Supreme State Conference and the 8th National Congress of the CPC emphasized the protection of children’s right to education, set the goal of popularizing universal primary compulsory education within 12 years, and stipulated that primary schooling should last for 5 years. More children thus gained access to primary education: the primary school enrollment rate was less than 20% in 1949, rose to 49% in 1952, and reached 61.7% in 1957.⁵⁵ With the advocacy and support of the CPC, education at all levels and of all types developed rapidly, and the people’s right to education was more fully guaranteed. Take Hebei Province as an example: in 1965, there were 522 kindergartens with a total enrollment of 29.2 thousand children; 48,954 primary schools with 6.8783 million students; 897 secondary schools, including 682 junior high schools and 215 senior high schools, with a combined enrollment of 0.4223 million students; and 26 regular institutions of higher education with 34.4 thousand enrolled students.⁵⁶ The steady growth in student numbers indicated that educational needs were being better addressed.

2. Launching a national campaign to eliminate illiteracy

⁵³ Ibid., 13.

⁵⁴ Article 94 of the *Constitution of the People’s Republic of China* (1954).

⁵⁵ “Resolution on the Construction of Soviet Schools,” adopted on October 20, 1933, at the All-Soviet Congress of Culture and Education.

⁵⁶ Lu Cheng et al., *Hebei History Reader* (Shijiazhuang: Hebei People’s Publishing House, 2009), 181.

That 80% of the population was illiterate posed a major obstacle to building socialism in the newly founded People's Republic of China. To improve the cultural quality of the whole nation and better engage in socialist industrialization, it was imperative to launch a large-scale campaign to eliminate illiteracy nationwide. Mao Zedong pointed out in his report "*On Coalition Government*": "The elimination of illiteracy among 80% of the population is a vital task for the new China."⁵⁷ The campaign was mainly carried out in the form of winter schools. The "*Instructions on Winter School Work*" in 1949 stated that "the rural winter school movement is one of the powerful weapons for uniting and educating the broad masses of peasants," and "such an educational model that meets the needs of the broad masses and is closely integrated with practical work should be generally promoted in rural areas across the country in the future." Due to the shortage of full-time teachers, rural winter schools mainly adopted the principle of "people teaching people and those who are capable serving as teachers." Teachers were recruited from the masses, and students focused on learning characters and acquiring basic literacy, supplemented by education on current affairs, policies, production, and health.⁵⁸

Responding to the call of the Ministry of Education, local governments formulated requirements and assessment standards for the winter school movement in light of local conditions. For example, the Lüda Administrative Office issued instructions on the winter school movement: "To consolidate and develop the achievements of the literacy campaign, after the conclusion of winter schools, all cities and counties shall conduct a test for students who have reached the literacy requirements of 1,000 and 1,200 characters. Those who pass the test shall be uniformly issued graduation certificates from literacy schools by the Education Department of the Administrative Office."⁵⁹ In 1953, the Central Committee for Eliminating Illiteracy issued the "*Circular on Interim Measures Concerning Illiteracy Elimination Standards and Graduation Examinations for Illiteracy Elimination*." It stipulated that cadres and workers should recognize 2,000 commonly used Chinese characters, be able to read popular books and newspapers, and write practical essays of 200-300 characters. Peasants should recognize 1,000 commonly used Chinese characters, be able to read the most popular books and newspapers, and write commonly used notes and receipts in rural areas.⁶⁰

⁵⁷ Mao Zedong, "On Coalition Government" (1945), in *Selected Works of Mao Tse-tung*, vol. 3 (Beijing: People's Publishing House, 1953), 1083.

⁵⁸ Instructions of the Ministry of Education of the Central People's Government on Winter School Work for this Year (1949).

⁵⁹ CPC Lüda Regional Party Committee and Lüda Administrative Office, "Instructions on the Winter Literacy Campaign (Winter School Movement) in 1949," November 29, 1949.

⁶⁰ "Circular on Interim Measures Concerning Illiteracy Elimination Standards and Graduation Examinations for Illiteracy Elimination" (1953).

In 1956, the CPC Central Committee further emphasized the importance and arduousness of the literacy campaign: “Vigorously, systematically and step by step eliminating illiteracy nationwide, enabling the broad working people to shake off illiteracy and acquire modern culture, is a great cultural revolution in our country and an extremely important political task in the course of national socialist construction”; “Eliminating illiteracy is a large-scale mass education movement. Relevant departments such as publicity, education and culture at all levels should conduct extensive advocacy and mobilization, pooling forces from all sectors to strive for the achievement of the literacy elimination goal.” The state set the target of “basically eliminating illiteracy across the country within five or seven years.” The literacy campaign was aligned with socialist industrialization and agricultural collectivization, advocating “year-round learning: in addition to focusing on winter study, learning should be persisted in during the other three seasons.” Study schedules were flexibly adjusted according to agricultural and production activities, with the principle of “learning more when work is slack, less when work is moderately busy, and suspending study when work is at its peak.”⁶¹ Responding to the call of the CPC Central Committee and with the enthusiastic participation of the masses, the literacy drive achieved remarkable results within just a decade. In 1949, there were approximately 165 million illiterate young and middle-aged people in rural areas nationwide; by 1959, this number had dropped to 86 million, and the illiteracy rate decreased from over 80% in the early days of the People’s Republic to around 43%.⁶² Workers, peasants, women and children who had no access to education in the past were all given the opportunity to learn to read and write. Under the Party’s literacy-oriented cultural policy, the right to education was fundamentally guaranteed.

3. Expansion of the scale of full-time secondary education

During the period of socialist revolution and construction, secondary education also achieved rapid development, with the scale of school-running and the enrollment rate rising year by year. Taking Shaanxi Province and Qinghai Province as examples, from 1949 to 1966, the number of junior high schools in Shaanxi Province increased from 84 to 586, and the number of students surged from 32,406 to 341,047; the number of senior high schools grew from 43 to 179, with student enrollment jumping from 7,034 to 46,020.⁶³ In Qinghai Province, the promotion rate of primary school graduates climbed

⁶¹ “Decision of the Central Committee of the Communist Party of China and the State Council of the People’s Republic of China on Eliminating Illiteracy” (March 29, 1956), in Department of Worker-Peasant Education of the Ministry of Education, *Compilation of Documents on Worker-Peasant Education* (1979), 74.

⁶² *Yearbook of Chinese Education (1949-1981)* (Beijing: Encyclopedia of China Publishing House, 1984), 596.

⁶³ Shaanxi Provincial Local Compilation Committee, *Records of Shaanxi Province* (Xi’an: Sanqin Press, 2009), 1671.

from 50% in 1949 to 106.7% in 1965; the promotion rate of junior high school graduates rose from 20.7% to 93.7%; the average number of secondary school students per 10,000 population increased from 5 in 1949 to 52 in 1965, nearly a tenfold growth.⁶⁴ A growing number of people were able to pursue further studies after completing primary compulsory education, and their right to receive secondary education was better guaranteed. For cadres with relatively low educational levels, it was also required that they “gradually raise their academic level to be equivalent to that of graduates from upper primary schools and even junior high schools.”⁶⁵

During this period, the goal of guaranteeing the right to education extended beyond acquiring production skills to the all-round cultivation of moral, intellectual, and physical education. Mao Zedong noted in this article “*On the Correct Handling of Contradictions Among the People*”: “Our educational policy must enable everyone who receives an education to develop morally, intellectually and physically and become a worker with both socialist consciousness and culture.”⁶⁶ He also further said that children need physical development in childhood, and this development must be sound; they also need to cultivate communist sentiments, style, and a collective-heroic spirit — this was the moral education of our era. These two aspects were inseparably linked with intellectual education; both were connected with engaging in labor, so the principle of combining education with labor was unalterable. The aim was all-round development: to give students a relatively complete and broad body of knowledge, to foster a sound physique, and to develop communist morality.⁶⁷

To cultivate talents for socialist construction and ensure that students received more comprehensive education, the curriculum structure of full-time junior high schools became increasingly refined and comprehensive, including Chinese, Mathematics, Foreign Languages, Politics, History, Geography, Biology, Physics, Chemistry, Physical Education, Music, Fine Arts, and Labor Studies. Senior high schools introduced elective courses, with the regulation that “on the premise of ensuring the mastery of compulsory courses, optional courses such as agricultural science and technology, engineering drawing, and selected historical documents may be offered as appropriate according to the school’s faculty and equipment conditions. Senior three students could choose one or two electives based on their aspirations and interests.”⁶⁸ Designed to

⁶⁴ Qinghai Provincial Bureau of Statistics, *Qinghai Social and Economic Statistical Yearbook*, 1988, 431.

⁶⁵ *Directive of the Central Committee of the Communist Party of China on Strengthening Cadre Cultural Education* (1953).

⁶⁶ Mao Zedong, “On the Correct Handling of Contradictions Among the People,” February 27, 1957, in *Comrade Mao Zedong on Education* (Beijing: People’s Education Press, 1958), 44.

⁶⁷ Mao Zedong, “The Principle of Combining Education with Labor Is Unalterable” (1958), in *Collected Works of Mao Zedong*, vol. 7, compiled by the Party Literature Research Office of the CPC Central Committee (Beijing: People’s Education Press, 1999), 389-399.

⁶⁸ *Interim Work Regulations for Full-time Secondary Schools* (1963).

foster students' interests and protect their right to education, these electives had no examinations. The ultimate goal was to cultivate socialist builders and successors who "possess the spirit of patriotism and internationalism, communist moral character, uphold the leadership of the CPC and socialism, and are willing to serve the cause of socialism and the people."

B. Basic characteristics of protecting the right to education in this period

The right to education was established as a constitutional right, and the scope of its subjects was further expanded. The promulgation of the *Constitution of the People's Republic of China* in 1954 marked the first time that the citizens' right to education was protected at the constitutional level in China. Both underprivileged workers and peasants, and landlords and rich peasants were entitled to receive education, and more attention was paid to the right to education of special groups. In 1952, a specialized department — the Division for the Education of the Blind and Deaf-Mute — was established to comprehensively monitor the education of persons with disabilities in a coordinated manner, dedicated to safeguarding their right to education. In addition, the CPC attached great importance to the right to education of ethnic minorities and adhered to the principle of equality in education among all ethnic groups. The First National Conference on Ethnic Minority Education pointed out that "education for ethnic minorities must adopt ethnic forms and take into account ethnic characteristics."⁶⁹ In 1951, a special item — "subsidies for ethnic minority education" — was included in the fiscal budget to provide operational funding for nationalities colleges across the country, as well as financial support for schools admitting ethnic minority students and living allowances for such students.⁷⁰

By this point, the constitutional status of Chinese citizens' right to education had been basically established. In accordance with the basic analytical paradigm of modern constitutional theory on fundamental rights, the institutional practice of protecting the right to education in China demonstrated a distinct feature of active state advocacy, reflecting the governance advantages of right protection under the socialist legal system. Analyzed through the lens of French scholar Karel Vasak's "three generations of human rights" theory, the right to education falls into the category of second-generation human rights.⁷¹ Second-generation human rights are primarily social rights that require the state to actively fulfill positive obligations. The substantive protection of

⁶⁹ Teng Xing and Wang Jun, *Ethnic Minorities and Educational Theories, Policies and Practices in 20th-Century China* (Beijing: Ethnic Publishing House, 2002), 268.

⁷⁰ Fiscal and Financial Department of Culture and Education Administration, *Selected Materials on Financial Systems of Culture, Education and Administration (1949-1985)* (Beijing: China Financial and Economic Publishing House, 1990), 270.

⁷¹ Harro von Senger, "From the Limited to the Universal Concept of Human Rights: Two Periods of Human Rights," in *New Trends in Comparative Law — Proceedings of International Law Conference*, Shen Zongling and Wang Chenguang eds. (Beijing: Peking University Press, 1993), 134-135.

the right to education not only requires state governance entities to assume constitutional obligations and provide systematic institutional support, but also demands the transformation of governance effectiveness through a rule-of-law approach. Within the framework of socialism with Chinese characteristics, the CPC has developed an institutional guarantee mechanism with Chinese characteristics by continuously promoting the iterative optimization of legislative systems, which embodies the practical requirements of advancing the modernization of national governance for the protection of the right to education and highlights the institutional advantages of safeguarding the right to education under the socialist legal system.

Investment was increased to strengthen the material foundation for protecting the right to education, with greater emphasis on the subjects of this right. Education received high priority from the CPC Central Committee, and the government increased financial support for this sector. Starting from 1952, private schools were taken over by the state, with their operating funds allocated uniformly by the central authority. In the process of socialist ownership transformation, the principle adopted was “first taking over schools facing financial difficulties, followed by those still able to sustain their operations.”⁷² In 1953, the joint education budget issued by the Ministry of Higher Education, the Ministry of Education, and the Ministry of Finance covered 13 expenditure items spanning all levels and types of education, namely: operating expenses for preschool education, primary education, secondary education, secondary vocational education, secondary normal education, higher education, higher normal education, funding for studying abroad and student exchange programs, spare-time education for workers and peasants, subsidies for ethnic minority education, special education expenses, subsidies for private schools, and other educational operating expenses.⁷³ The state's financial expenditure on education surged from 1.103 billion yuan in 1952 to 5.966 billion yuan in 1977, representing a more than fivefold increase. As a share of the total national fiscal expenditure, education spending showed an upward trend, rising from 6.27% in 1952 to 9.20% in 1957. Moreover, the growth rate of educational funds outpaced that of overall fiscal expenditure in most years.⁷⁴ This substantial increase in educational funding laid a more solid material foundation for safeguarding citizens' right to education.

⁷² *Directive of the Ministry of Education of the Central People's Government on Taking Over Private Secondary and Primary Schools* (1952).

⁷³ “Joint Circular of the Ministry of Higher Education, the Ministry of Education, and the Ministry of Finance on the 1953 Budget for ‘Educational Expenditure’,” in *Selected Materials on the Financial System of Culture, Education, and Administration (1949-1985)*, Department of Culture, Education, and Administrative Finance of the Ministry of Finance ed. (Beijing: China Financial & Economic Publishing House, 1990), 268-271.

⁷⁴ *China Finance Yearbook 2000* (Beijing: China Finance Magazine Press, 2000), 412-414.

III. The New Era of Reform and Opening-Up and Socialist Modernization: Comprehensive Protection and Equitable Development of the Right to Education

In 1978, China launched the policy of reform and opening-up. At that time, the country was striving to rebuild everything from the ground up and faced an acute shortage of talented personnel. Cultivating more talents and nurturing them was imperative for China. To meet the needs of economic development, the cause of education entered a phase of vigorous growth. The Party and the state also became increasingly aware of education's fundamental role in social development. During this period, popularizing compulsory education, safeguarding the educational opportunities of rural and impoverished students, and ensuring women's equal right to education became particularly pressing tasks.

A. An overview of protecting the right to education in this period

1. Universalizing compulsory education and safeguarding the right to education for all stakeholders

Article 46 of the newly revised *Constitution of the People's Republic of China*, adopted at the Fifth Session of the Fifth National People's Congress in December 1982, stipulates that "Citizens of the People's Republic of China shall have the right and the obligation to receive education." Article 19 of the *Constitution* states that "The state shall run schools of all types, provide universal compulsory primary education ..." This marked the first time since the founding of the People's Republic of China that the popularization of compulsory education had been explicitly stipulated in the fundamental law of the country. In May 1985, the "Decision of the Central Committee of the Communist Party of China on the Reform of the Educational Structure" pointed out that "compulsory education refers to a national education that school-age children and adolescents must receive in accordance with the law, and which must be guaranteed by the State, society and families," and proposed to "implement nine-year compulsory education in a step-by-step manner." This was the first time that the implementation of nine-year compulsory education was put forward in a central document. Driven by this, the Standing Committee of the National People's Congress reviewed and adopted the *Compulsory Education Law of the People's Republic of China* in 1986, which stipulated in Article 4 that "All school-age children and adolescents of the nationality of the People's Republic of China shall, in accordance with law, enjoy the equal right, and fulfil the obligation, to receive compulsory education, regardless of sex, ethnic status or race, family financial conditions, religious belief, etc." Key milestones in the process of educational rule of law in China are reflected in the standardized construction of the compulsory education system. A landmark legislative breakthrough in the

reform of the educational governance system in 2006 was the comprehensive revision of the *Compulsory Education Law* by the Standing Committee of the National People's Congress. This revision not only represented a comprehensive optimization of the regulatory framework, but also marked a shift in the concept of educational governance from an administration-oriented model to a rights-based one. The new law shifted the institutional focus from meeting the needs of administrative management to the substantive protection of citizens' right to education, thereby establishing an institutional guarantee mechanism with the force of constitutional implementation. For example, Article 1 of the new law stipulates that "This Law is enacted in accordance with the *Constitution* and the *Education Law*, for the purpose of ensuring the right of school-age children and adolescents to compulsory education, guaranteeing provision of compulsory education and improving the qualities of the entire nation." The new law also clearly states that the State shall fully incorporate compulsory education into the scope of financial security. By implementing the policy of free compulsory education, promoting the balanced allocation of educational resources, and improving the mechanisms for mandatory constraints and accountability, the institutional foundation for safeguarding citizens' right to education, a fundamental human right, has been consolidated. By the end of 2010, the population coverage rate of nine-year compulsory education in China had reached 100%.

2. Striving to protect the right to education of rural and impoverished students

The Party and the government have taken a host of measures to safeguard the right to education of children in rural and impoverished areas. In the late 1980s, approximately one million children in China still dropped out of school annually due to family poverty. While promoting the universalization of nine-year compulsory education, Project Hope — an initiative aimed at changing the fate of school dropouts — was launched nationwide. Its mission was to build Hope Primary Schools, subsidize out-of-school children in impoverished areas to return to campus, and improve rural school-running conditions. In 1989, led by the All-China Women's Federation, the China Children and Teenagers' Fund launched the Spring Bud Project, which focuses on educational equity for girls in poverty-stricken regions. It breaks down the dual barriers of gender and poverty through systematic educational assistance. Both Project Hope and the Spring Bud Project raise funds by soliciting donations from all sectors of society, fully reflecting the efforts made by all social circles to protect the right to education of children in impoverished areas. By the end of 2021, Project Hope had cumulatively received donations of 19.42 billion yuan nationwide,

subsidized 6.626 million students from economically disadvantaged families, and constructed 20,878 Hope Primary Schools.⁷⁵

On October 12, 1992, the 14th National Congress of the CPC put forward the goal to basically eliminate illiteracy among young and middle-aged adults and basically popularize nine-year compulsory education by the end of the 20th century.⁷⁶ It promoted the strategic goal of the “Two Basics” to be incorporated into the Party’s programmatic documents and elevated it to the will of the state law. In 2001, when China announced to the world that it had basically achieved the “Two Basics” goals, it also faced an unsatisfactory reality: the goals were only accomplished in 85% of the country’s populated areas as planned, while the remaining 15% of the areas that failed to meet the standards were mostly located in old revolutionary base areas, ethnic minority areas, remote border areas, and poverty-stricken areas (the “old, ethnic, remote, and poor” areas).⁷⁷ On September 19, 2003, then-Premier Wen Jiabao, at the National Rural Education Work Conference, solemnly recounted three disturbing incidents he had witnessed during his rural inspections: students attending classes in shabby cave dwellings at a primary school in the Lüliang Mountain area; a blind rural woman in Jingyuan, Gansu, weeping and pleading for her child to be allowed to go to school; and children studying in the only surviving school in Foping County, Shaanxi, after floods in the Qinling Mountains.⁷⁸ The *Decision of the State Council on Further Strengthening Rural Education Work* issued at this conference introduced the policy of “waiving two fees and providing one subsidy” for rural students, which exempted them from tuition and miscellaneous fees, provided free textbooks, and subsidized the living expenses of boarding students, greatly reducing the financial burden of attending school for students in poor rural areas. Targeting the western regions characterized by a wide scope and deep degree of poverty, in February 2004, the Ministry of Education and other relevant departments issued the *National Plan for the “Two Basics” Campaign in the Western Regions (2004-2007)*, aiming to address the issues of low indicators in the western regions, such as the enrollment rate of school-age children in primary schools, the five-year retention rate in primary schools, and the promotion rate of primary school graduates. After 2004, with the implementation of policies including the Central and Western Rural Junior High School Campus Renovation Project and the “Two Basics” Campaign Plan, the construction of township boarding

⁷⁵ “Youth of China in the New Era,”

<https://news.cctv.com/2022/04/21/ARTIq8N8q94KoyMPk3yMRwUk 220421.shtml>.

⁷⁶ “Jiang Zemin’s Report to the 14th National Congress of the Communist Party of China,”

http://www.scoprs.gov.cn/zlzx/ddh/ddh17_3963/ddh170/201811/t20181121_329091.html.

⁷⁷ Zhang Yijin, “‘Two Basics’ Shine over China, a Monument Standing for Ages,” *China Education Daily*, November 13, 2012.

⁷⁸ Zhai Bo, Liu Huarong, Li Yaoming and Zhang Ying, “A Miracle in the History of Global Education,” *China Education Daily*, September 9, 2012.

schools reached a peak, providing an effective solution to safeguard the right to education of left-behind children in rural areas. In July 2010, the *Outline of China's National Plan for Medium and Long-term Education Reform and Development (2010-2020)* proposed accelerating the construction of rural boarding schools and prioritizing the accommodation needs of left-behind children. In 2011, China fully achieved the universalization of nine-year compulsory education and basically eliminated illiteracy among young and middle-aged adults.

In addition, the right to education was recognized as not only a fundamental right for rural students to achieve self-improvement and self-development, but also one of the major measures to prevent the risk of returning to poverty.⁷⁹ Compulsory education policies have significantly enhanced the intergenerational mobility of education among rural families,⁸⁰ with a more pronounced effect on improving such mobility for females, those from western regions, and families with low educational attainment. These policies have also increased the accumulation of human capital among rural children in the dimensions of individual education and health.⁸¹

3. Safeguarding women's equal right to education

Women are a vital force driving economic and social development, and safeguarding women's equal right to education is a statutory duty of the state. A number of laws in China stipulate women's right to education. For example, the *Law of the People's Republic of China on the Protection of Rights and Interests of Women* (1992) sets out provisions on women's cultural and educational rights: "The state shall guarantee that women enjoy equal rights with men with respect to culture and education" (Article 14). At the welcoming ceremony of the Fourth World Conference on Women in 1995, Comrade Jiang Zemin clearly stated that gender equality shall be regarded as a basic state policy for China's social development. The *Law of the People's Republic of China on the Protection of Rights and Interests of Women* was revised in 2005, with Article 15 stipulating: "The state shall guarantee that women enjoy equal rights with men with respect to culture and education." Article 4 of the *Compulsory Education Law of the People's Republic of China* (2006) provides: "All school-age children and adolescents of the nationality of the People's Republic of China shall, in accordance with law, enjoy the equal right, and fulfil the obligation, to receive compulsory education, regardless of sex, ethnic

⁷⁹ Li Tao and Hu Dong, "On the Path of Protecting Rural Students' Right to Education under the Background of Rural Revitalization," *Journal of Daqing Normal University* 2 (2023): 74-83.

⁸⁰ Peng Jun and Zhao Xiliang, "Free Compulsory Education Policy and Equality of Educational Opportunity in Rural China: An Empirical Analysis from the Perspective of Intergenerational Mobility of Education," *China Rural Survey* 2 (2022): 144-164.

⁸¹ Jia Jing and Ke Rui, "Free Compulsory Education Policy and Rural Human Capital Accumulation — An Empirical Analysis Based on CFPS," *Education & Economy* 1 (2020): 19-30.

status or race, family financial conditions, religious belief, etc.” All these legal provisions emphasize that women have equal opportunities to enjoy the right to education as men.⁸²

Against the backdrop of the government’s commitment and legislative confirmation of gender equality, women’s right to education has been respected. In terms of statistics, in 1990, the number of female students at school stood at 78.81 million, including nearly 0.7 million in institutions of higher education, 21.56 million in secondary schools, and 56.56 million in primary schools, accounting for 33.7%, 42.2%, and 46.2% of the total number of students at school respectively.⁸³ By 2012, the proportions of female students in postgraduate education, general undergraduate and junior college education, secondary education, and primary education had reached 48.98%, 51.35%, 47.39%, and 46.37% respectively.⁸⁴ Overall, these proportions were close to those of male students and had all increased compared with 1990.

B. Basic characteristics of protecting the right to education in this period

1. The rule-of-law guarantee for the right to education has been gradually improved to safeguard the equality of the right to education for all subjects.

China has successively enacted laws including the *Compulsory Education Law* (1986), the *Education Law* (1995), and the *Higher Education Law* (1998), which provide a legal basis for Chinese citizens to enjoy the right to education. These laws not only laid down legal requirements for all subjects to receive education, but also recognized the realistic disparities in the protection of the right to education arising from differences in identity, social class, economic status and other backgrounds. They emphasize the protection of the right to education of vulnerable groups such as women, people in impoverished areas, and ethnic minorities, and underscore the equality of the right to education. Article 5 of the *Compulsory Education Law* (1986) stipulates that all children who have reached the age of six shall enroll in school and receive compulsory education for the prescribed duration, regardless of sex, ethnicity, or race. Article 9 of the *Education Law* promulgated in 1995 states: “Citizens of the People’s Republic of China shall have the right and duty to be educated. Citizens shall enjoy equal opportunity of education regardless of their nationality, race, gender, occupation, property or religious belief etc.” Articles 36 to 39 of the same law set out provisions on the right to education of learners including women, children and adolescents from economically disadvantaged families, persons with disabilities, and minors who have committed illegal or

⁸² Sun Chunlei, “The Legislative History of Chinese Women’s Right to Education after the Hundred Days’ Reform (1898-2019),” *Legality Vision* 14 (2020).

⁸³ State Council Information Office of the People’s Republic of China, *The Human Rights Situation in China (Nov 1991)*, http://www.gov.cn/zhengce/2005-05/24/content_2615732.html.

⁸⁴ Compiled based on data from the Ministry of Education. Source, http://www.moe.gov.cn/jyb_sjzl/moe_560/s7567/201309/t20130904_156890.html.

criminal acts. Article 9 of the *Higher Education Law* adopted in 1998 stipulates that "Citizens shall, in accordance with law, enjoy the right to receive higher education." It establishes citizens' right to vocational and higher education through legal empowerment, and sets forth requirements such as assisting ethnic minority students and economically disadvantaged students to receive higher education, and prohibiting the rejection of qualified students with disabilities on the grounds of their disability. Article 29 of the *Non-state Education Promotion Law* adopted in 2002 stipulates that private schools, as well as their teachers and students, shall have the same legal status as those of public schools. Article 33 of the law specifies the obligation of private schools to safeguard the legitimate rights and interests of learners. In 2004, China incorporated "the State respects and safeguards human rights" into Paragraph 3 of Article 33 of the *Constitution*, laying a more solid constitutional foundation for the protection of fundamental rights including the right to education.

2. China emphasizes the role of funding in safeguarding the right to education and fully implements the funding guarantee for the right to education

The *Compulsory Education Law* of 1986 only stipulated in Article 10 that the state shall exempt students receiving compulsory education from tuition fees, failing to realize free education in the true sense. The *Rules for the Implementation of the Compulsory Education Law*, adopted in 1992, explicitly stated in Article 17 that schools implementing compulsory education may collect miscellaneous fees. Consequently, the phenomena of "piggybacking charges" and arbitrary fee collection in the name of "miscellaneous fees" were widespread. The *Compulsory Education Law* of 2006 clearly specified in Article 2 that compulsory education shall be implemented without charging tuition fees or miscellaneous fees, so as to realize truly free compulsory education. At the same time, it stipulated that the state shall establish a funding guarantee mechanism for compulsory education to ensure the implementation of the compulsory education system, and devoted nine articles in Chapter VI to the arrangement of the "funding guarantee" issue.

In impoverished areas, it is essential to strive to improve the quality of rural education, enhance the attractiveness of schools, and balance educational resources, all of which require the investment and guarantee of educational funds. In the governance of education in impoverished areas, China has constructed a multi-level education guarantee system through institutional investment and structural reform. The National Compulsory Education Project in Impoverished Areas, implemented from 1995 to 2000, directed an investment of over 20 billion yuan to focus on improving the basic education facilities in 592 poverty-stricken counties. The Rural Boarding School Construction Project, launched in 2004, allocated a special fund of 10 billion yuan from the central finance within four years to help the western regions

build new, expand or renovate a number of boarding schools mainly consisting of rural junior high schools. At the resource allocation level, the scope of free textbook subsidies has been further expanded to cover an additional 30 million people. From 2003 to 2007, 11.1 billion yuan was invested to promote the Modern Distance Education Project for Rural Primary and Secondary Schools, achieving full coverage of rural distance education resources nationwide and enabling the sharing of high-quality educational resources. In December 2005, the *Notice of the State Council on Deepening the Reform of Mechanism of Safeguarding the Funds for Rural Compulsory Education* proposed that tuition and miscellaneous fees for students receiving compulsory education in rural areas shall be fully exempted; free textbooks shall be provided to students from poor families and living allowances shall be subsidized for boarding students,⁸⁵ and stipulated that the funds for exempting tuition and miscellaneous fees shall be shared by the central and local governments in a certain proportion.

IV. Since Socialism with Chinese Characteristics Entered a New Era: Connotation Expansion and High-Quality Development of the Right to Education

Traditionally, the right to education was mainly oriented toward school education with compulsory education as the focus. Its connotation centered on access to educational opportunities, and its protection emphasized equality of educational opportunities.⁸⁶ Against the backdrop of the new era, driven by the dual factors of China's total economic output ranking second in the world and fiscal expenditure on education accounting for over 4% of GDP for 10 consecutive years, the contradictions in educational development have undergone structural evolution. This is mainly reflected in the fact that the supply of high-quality educational resources lags behind the people's three-dimensional demands for educational equity, freedom and quality. The connotation of the right to education has shifted from "having access to education" to "receiving quality education," and citizens' demands for the right to education have moved from "equality of opportunity" to "educational equity." Therefore, in the course of practice, the continuous improvement of policy documents and legal provisions has endowed the confirmation and protection of citizens' right to education with new missions and responsibilities.

A. An overview of protecting the right to education in this period

1. Emphasizing the protection of the right to education for children with special needs

⁸⁵ State Council, "Notice of the State Council on Deepening the Reform of Mechanism of Safeguarding the Funds for Rural Compulsory Education," https://www.gov.cn/zhengce/content/2008-03/28/content_5545.htm.

⁸⁶ Shen Suping, "Develop High Quality Education System and Better Safeguard Citizens' Right to Education," *China Higher Education Research* 4 (2021): 4-8.

Special education mainly refers to the education provided for children and adolescents with visual, hearing, speech, physical, intellectual, mental, multiple disabilities, and other special needs. The first special education class was established in February 1979, when Shanghai took the lead in setting up a special class for children with intellectual disabilities at the Second School for the Deaf-Mutes (now Changning District Special Education School of Shanghai).⁸⁷ In 1986, China's first *Compulsory Education Law* was promulgated, and its Article 9 stipulated that local people's governments at all levels shall establish special education schools (classes) for blind, deaf-mute, and mentally retarded children and adolescents. Since then, the number of special education schools and classes has gradually increased. Since the 18th National Congress of the CPC, the Party and the state have attached particular importance to safeguarding the right to education of children with special needs. By 2016, the enrollment rate of compulsory education for three categories of children with disabilities (visual, hearing, and intellectual disabilities) had exceeded 90% nationwide.⁸⁸ The forms of special education mainly include special education schools, special education classes attached to other schools, learning in regular classes in ordinary schools, and home-based instruction. In 2017, the concept of inclusive education was incorporated into the *Regulations on the Education of Individuals with Disabilities* for the first time, aiming to help children with special needs study in ordinary schools, and to assist them in better integrating into the mainstream society and promoting their social development through learning and social interaction in a natural environment. The number of students with disabilities studying in ordinary schools increased from 0.191 million in 2013 to 0.332 million in 2018, a growth of 73.8%.⁸⁹

The *Plan for the Promotion of Special Education (2014-2016)*, issued by the Ministry of Education and other ministries in 2014, stated that we must comprehensively advance inclusive education to ensure that every child with a disability receives appropriate education. This plan expanded educational opportunities for persons with disabilities and improved the level of universal access and educational quality. However, it failed to address a series of problems: the still relatively low level of universal access to compulsory education for children and adolescents with disabilities in rural areas of central and western China, especially in remote and impoverished regions; the overall

⁸⁷ Yang Xijie, "Do We Need to Develop Special Education Classes? — On the Significance of Establishing Special Education Classes in Regular Schools During Compulsory Education," *Chinese Journal of Special Education* 1 (2022): 10-14.

⁸⁸ Li Junru, *Annual Report on China's Human Rights* (Beijing: Social Sciences Academic Press, 2018), 290.

⁸⁹ State Council Information Office, *Equality, Participation and Sharing: 70 Years of Protecting the Rights and Interests of Persons with Disabilities in the PRC*, http://www.xinhuanet.com/politics/2019-07/25/c_1124797030.htm.

lag in the development of special education at the non-compulsory education stage; the inadequacy of the guarantee mechanism for special education conditions; and the shortage of teachers, their low remuneration, and the need to improve their professional competence. Therefore, in 2017, seven departments including the Ministry of Education issued the *Second Phase Plan for the Promotion of Special Education (2017-2020)*, aiming to consolidate the achievements of the first phase and further improve the educational level of persons with disabilities. The revised *Regulations on Education for Individuals with Disabilities*, promulgated in January 2017, stipulate in Article 2: “The State guarantees the right of individuals with disabilities to equally receive education and prohibits any discrimination in education on the ground of disability. Education for individuals with disabilities shall be provided in accordance with the educational policies of the State with the aim to help them achieve all-round development while taking into consideration their physical and psychological characteristics and needs, and creating opportunities for their equal participation in social life.” It also implemented the “zero rejection” policy for admission to various types of schools at all stages including preschool education, compulsory education, and vocational education, effectively safeguarding the right to enrollment of persons with disabilities who meet the conditions specified by laws and regulations. The *14th Five-Year Plan for the Development and Promotion of Special Education* issued in 2021 stated that we must effectively safeguard the right of children and adolescents with disabilities to equal access to education, practice education for all without discrimination, promote their sharing of development achievements, and ensure that every child and adolescent with a disability has the opportunity to achieve a fulfilling life. Under the regulation of laws and policy documents, the educational level of persons with disabilities in China has steadily improved, and the number of special education schools, student enrollments, current students, and full-time teachers has been continuously increasing. In 2012, there were 1,853 special education schools nationwide, with over 66,000 new enrollments, 379,000 current students, and 44,000 full-time teachers.⁹⁰ By 2021, there were 2,288 special education schools nationwide, enrolling over 149,100 new students and hosting a total of 919,800 enrolled students⁹¹, with a cohort of over 69,400 full-time special education teachers.⁹² In 2021, China achieved the goal of 12-year free education spanning primary to senior high school for

⁹⁰ MOE, “2012 Statistical Communique on National Education Development,” http://www.moe.gov.cn/jyb_sjzl/s5990/201111/t20111114_126550.html.

⁹¹ Full-time special education teachers refer to those undertaking special education teaching in special education schools and special education classes attached to other schools. They do not include full-time teachers teaching in regular education classes attached to special education schools.

⁹² MOE, “2021 Statistical Communique on National Education Development,” http://www.moe.gov.cn/jyb_sjzl/sjzl_fztjgb/202209/t20220914_660850.html.

students with disabilities from economically disadvantaged families.⁹³ In 2024, Article 28 of the *Preschool Education Law of the People's Republic of China* stipulates: "... promote inclusive education, and propel special education schools and qualified child welfare institutions and disabled children rehabilitation institutions to establish preschool departments or affiliated kindergartens." It further clarifies that public-benefit kindergartens shall admit children with disabilities who are able to adapt to kindergarten life, and provide them with necessary assistance and conveniences.

2. Vigorously developing vocational education and protecting citizens' right to equal access to vocational education

To safeguard citizens' right to receive vocational education, the Party and the state have committed themselves to endowing vocational education with equal legal status and improving its educational quality. Article 20 of the *Education Law (2021 Revision)* stipulates: "The State applies a system of vocational education and a system of continuing education. The people's governments at all levels, relevant administrative departments, industry associations, enterprises, and public institutions shall take measures to develop and guarantee that citizens receive education in vocational schools or different forms of vocational training." On April 20th, 2022, the 34th meeting of the Standing Committee of the 13th National People's Congress adopted the revised *Vocational Education Law of the People's Republic of China*. This marked the first comprehensive overhaul of the law since its promulgation and implementation in 1996. For the first time in the form of law, the new statute explicitly defines that "vocational education is a type of education equally important to general education." Through top-level design initiatives such as promoting the integration of general and vocational education, it has truly realized the transformation of vocational education from a "hierarchical educational track" to a "distinct educational type."⁹⁴ This legislative move has safeguarded vocational education students' right to equal access to education in two key aspects. First, as a "distinct educational type," vocational education allows learners with diverse characteristics to freely choose to pursue vocational education based on their own practical conditions, interests and hobbies, as well as differences in multiple intelligences compared with others, so as to meet the needs of personal development. The right to equal access to education does not mean receiving identical education, but rather the freedom to choose different types of education. The legal protection of the right to equal

⁹³ State Council Information Office, "Moderate Prosperity in All Respects: Another Milestone Achieved in China's Human Rights (2021-8)," in Xinhua.net, https://www.gov.cn/zhengce/2021-08/12/content_5630894.htm.

⁹⁴ Zhang Gailun, "First Comprehensive Overhaul of Vocational Education Law Realizes the Transformation of Vocational Education from 'Hierarchy' to 'Type'," *Science and Technology Daily*, May 5, 2022.

access to vocational education caters to the needs of learners with diverse characteristics to select an educational type suited to their own traits. Second, it provides legal safeguards for enhancing the identity recognition and social recognition of vocational education students, striving to change the inferior social status associated with vocational school students and ensuring that they enjoy the right to education free from discrimination and prejudice.

Since the 18th National Congress of the CPC, the CPC Central Committee and the State Council have launched a series of major initiatives for the reform and development of vocational education. The protection of the right to vocational education has focused on such aspects as the adjustment of educational structure, the development of undergraduate-level education, the protection of the rights and interests of special groups, and the improvement of quality and enhancement of excellence. The *Decision of the State Council on Accelerating the Development of Modern Vocational Education* issued in 2014 proposed that the enrollment scales of secondary vocational schools and regular senior high schools should be kept roughly equivalent in general; the scale of higher vocational education should account for more than half of that of higher education; and the overall educational structure should be made more rational, so as to meet the public's demand for receiving higher-level vocational education. In January 2019, the *National Implementation Plan for Vocational Education Reform* proposed launching pilot programs for undergraduate-level vocational education. In January 2021, the *Measures for the Administration of Specialty Setting of Undergraduate Vocational Education (for Trial Implementation)* stipulated that we shall promote the vertical integration and organic connection of secondary vocational education, junior college-level vocational education and undergraduate-level vocational education, as well as the integration of general and vocational education, thus establishing pathways for students to pursue higher-level vocational education. By 2022, 32 undergraduate-level vocational colleges nationwide had filed and set up 608 four-year specialty programs.⁹⁵ Great importance has been attached to the vital role of vocational education in the development of special groups such as farmers and persons with disabilities, so as to safeguard their right to receive vocational education. Due to differences in learning ability, physical fitness and other aspects between special groups and the general population, vocational education has become an effective way for them to improve their technical skills. In November 2015, General Secretary Xi Jinping pointed out in his speech at the Central Conference on Poverty Alleviation and Development that if a child from an impoverished family can receive

⁹⁵ Xinhua News Agency, "Graduation of the First Batch of Undergraduates: An Insight into Undergraduate-level Vocational Education," https://www.gov.cn/xinwen/2022-06/24/content_5697434.htm.

vocational education, master a specialized skill and secure employment, there will be hope for the whole family to shake off poverty. In January 2019, the *National Implementation Plan for Vocational Education Reform* stated: "Serve the rural revitalization strategy and cultivate practical rural talents dominated by new-type professional farmers for the vast rural areas. Give play to the role of secondary vocational schools, and help some students with learning difficulties complete compulsory education in vocational schools in accordance with regulations and receive part of vocational skills training." It gave full play to the role of vocational education in helping farmers shake off poverty, provided new learning opportunities for students with academic difficulties, and safeguarded their right to learning opportunities. The *Action Plan for Improving the Quality and Excellence of Vocational Education (2020-2023)* issued in 2020 proposed measures such as improving the vocational education examination and enrollment system, implementing actions to enhance vocational education governance capacity, and carrying out the tough action of reforming vocational education in the "three educations" (namely, vocational education, higher education, and continuing education), so as to effectively guarantee the quality of vocational education. The *Opinions on Promoting the High-quality Development of Modern Vocational Education* released in 2021 put forward consolidating the positioning of vocational education as a distinct type of education, advancing the vertical integration of vocational education at different levels, and promoting the horizontal integration of different types of education. In 2022, the *Opinions on Deepening the Reform of Modern Vocational Education System Construction*, jointly issued by the Ministry of Education and four other departments, systematically identified five major strategic pillars, and designated the following as key tasks: enhancing the core school-running capacity of vocational schools, strengthening the construction of the "double-qualified" faculty team, building open regional practice centers for industry-education integration, expanding channels for students' growth and development, and innovating international exchange and cooperation mechanisms. Under the legal guarantee of its equal status and the strong support of policy documents for its development, the quality of talent cultivation in China's vocational education has been steadily improved; the types and levels of vocational education schools have become more diverse; and the professional competence of teachers has been enhanced.

3. Protection of the right to higher education

China's gross enrollment rate in higher education rose from 30% in 2012 to 57.8% in 2021, an increase of 27.8 percentage points.⁹⁶ The scope of the right to higher education has gone through three stages: a special privilege

⁹⁶ "China Builds the World's Largest Higher Education System with a Total Enrollment of 44.3 Million," *China Education Daily*, May 18, 2022, Front Page.

reserved for a small number of people in the initial development phase, a right accessible to some members of the public who meet certain criteria during the massification phase, and a universal right available to everyone in the popularization phase. In the early days of development, since higher education was only an option for a minority, the right to higher education was rarely considered as part of the overall right to education. Nowadays, however, every citizen has the opportunity to receive higher education, and the state is obligated to provide diverse forms of higher education to meet the individualized needs of citizens.⁹⁷ The popularization of higher education is not only the outcome of safeguarding more people's access to higher education and their enjoyment of the right to higher education, but also a crucial factor driving the further protection of this right. The Party and the state have made extensive efforts and taken numerous measures to safeguard the right to higher education, which bears on the destiny of countless students. In addition to the right to learning opportunities, the protection of the right to learning identity has also been incorporated into China's legal system. In response to the frequent occurrence of disputes over the right to education in recent years involving the usurpation of others' identities to gain admission to universities — such as the Qi Yuling case and the Luo Caixia case—the *Criminal Law Amendment (XI)* has addressed the act of identity theft for university admission, stipulating that whoever usurps or fraudulently uses another person's identity to take over that person's eligibility for admission to higher education, eligibility for civil service recruitment, or employment placement benefits shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance, and will also be fined. This has thus elevated the right to education to the status of a legal interest protected by criminal law, further strengthening the protection of the right to education as an aspect of personal interests.⁹⁸

B. Basic characteristics of protecting the right to education in this period

1. The connotation and substantive rights of the right to education have been further expanded and enriched

Over the past four decades of reform and opening-up, China has enacted a series of educational legislation, which not only stipulate citizens' universal right to education, but also successively confirms their specific rights in compulsory education, vocational education, higher education, and private education. The connotation of the right to education has been continuously enriched alongside economic and social development. For instance, the

⁹⁷ Chen Bateer, "From Privilege to Right: The Evolution of the Right to Education in the Development of Higher Education," *Chongqing Higher Education Research* 5 (2022).

⁹⁸ Gao Lihong, "The Evolution of Chinese Education Legislation in the Past 100 Years — The Dual Variation of Educational Sovereignty and the Right to Education as the Main Line," *New Liberal Arts Education Research* 1 (2022).

emergence and implementation of appeals and policies such as “sharing high-quality educational resources” and “equitable education with guaranteed quality” reflect citizens’ growing demand for high-quality education on the basis of basic access to schooling. The Party and the country, while ensuring equality in educational starting points, have also committed themselves to safeguarding equity in the process and outcomes of education. Initiatives such as the integration of urban-rural educational resources, teacher professionalization, and the development of digital resources have addressed citizens’ educational needs for “receiving a good education.” Incorporating quality into the scope of the right to education has become the substantive core of its protection, embodying the people-centered development philosophy.

The value orientation of the CPC’s policies for safeguarding the right to education has undergone a century-long evolution, realizing a leap from “equality first” to “balancing equality with quality.” This process is profoundly reflected in the transformation of the legal right structure of the right to education. Based on the strategic goal of “developing more equitable and higher-quality education” proposed in *China’s Education Modernization 2035*, the connotation of the right to education has broken through the traditional scope of equality of opportunity and extended toward the dimensions of quality and justice. In essence, this constitutes an institutional innovation in educational rule of law in response to the evolution of the principal social contradictions, marking that citizens’ right to education in China has entered a new stage of “connotation-driven development” with quality as its core pursuit.

2. Diversified education has become an important approach to safeguarding citizens’ right to education

In terms of educational types, vocational education meets the need for developing applied technical skills, special education caters to the demands of children with special needs, and international education provides opportunities for the international development of children. In terms of educational forms, school education offers essential venues and faculty support for learners, and online education satisfies the public’s demand for accessing education anytime and anywhere. These realities fully demonstrate the inclusiveness and openness of China’s education system. Since the 18th National Congress of the CPC, the coexistence and sound development of diverse types of education have created possibilities for every child to choose education tailored to their own needs.

The construction of a diversified education system has been transformed into a mandatory obligation of national education governance through the legislative expression in Article 11 of the *Education Law*, which stipulates that “The state shall fit in with the needs of the development of socialist market economy and the social progress, accelerate educational reform, promote the coordinated development of all kinds of education at all levels.” This has formed a supply-side reform paradigm for education covering the entire life

cycle and all population groups, enabling the deep evolution of educational equity from “opportunity provision” to “quality adaptation,” and thus constructing a blueprint for the modernization of education governance with Chinese characteristics.

V. Historical Experience and Future Prospects of the CPC in Protecting the Right to Education

Throughout its century-long journey, China has been characterized by a large population base, and its population has also undergone a developmental shift from rapid growth to slower expansion. Nevertheless, safeguarding the people’s right to education has always been a key agenda for the CPC in leading the people of all ethnic groups across the country to achieve victory in the New Democratic Revolution, complete basic socialist construction, implement the policy of reform and opening-up, advance socialist modernization, and promote the development of socialism with Chinese characteristics in the new era. Remarkable achievements have been made in the protection of human rights by taking the safeguarding of the right to education as a pivotal starting point. Since the implementation of the reform and opening-up policy, the development of the legal system for education in China commenced with the promulgation of the *Academic Degrees Regulations* in 1980. After more than four decades of continuous improvement and development, notable progress has been achieved in constructing the safeguard mechanism for educational rights. At present, a multi-dimensional legal normative system has been formed, with the *Education Law* as the fundamental law and covering all levels of education. The comprehensive popularization of nine-year compulsory education has become an important milestone in the development of China’s education sector. Therefore, summarizing and generalizing the historical experience accumulated by the CPC in the century-long struggle to safeguard the right to education will fully empower the new development of China’s cause of human rights protection.

A. Historical experience of the CPC from a century of progress in protecting the right to education

1. Upholding the Party’s leadership and taking the political nature and independence of education as the source of strength

The century-long experience of the CPC in its endeavors demonstrates that the fundamental reason why the Chinese people and the Chinese nation have achieved the great accomplishments of today lies in the strong leadership of the CPC.⁹⁹ Looking back on the century-long progress in safeguarding the right to education, the ultimate cause of the remarkable achievements made in

⁹⁹ Xinhua News Agency, “Resolution of the Central Committee of the Communist Party of China on the Major Achievements and Historical Experience of the Party over the Past Century,” https://www.gov.cn/zhengce/2021-11/16/content_5651269.htm.

protecting the Chinese people's right to education is that the Party's leadership has been implemented in all fields, aspects and links of the education sector. The CPC has always prioritized the political nature of education. The protection of the right to education is inextricably linked to the development of the Party and the country's undertakings. From prioritizing the provision of educational opportunities for workers and peasants and incorporating the training of revolutionary cadres as an important part of education during the New Democratic Revolution period, to nurturing talents for socialist industrialization after the founding of the People's Republic of China, and up to emphasizing the significance of vocational education in the new era, the connotation of the people's right to education has been continuously enriched in line with the evolving development needs of the Party and the country. Moreover, political awareness has been integrated throughout the whole process via current affairs education, providing robust political safeguards for the right to education. The CPC has always regarded the independence of education as a vital driving force, ensuring that the protection of the right to education is compatible with China's national conditions and integrated with China's practical realities, thus forming a development course and a protection system for the right to education with Chinese characteristics. During the revolutionary years, based on the basic national condition of China being an agricultural country, specialized textbooks were compiled for the peasantry, and workers and peasants were organized to attend winter schools in their spare time from farming. After the founding of the People's Republic of China, professional and technical education were provided to workers and peasants during their leisure time from socialist production, creating possibilities for improving the cultural literacy of the broad masses through tailored educational content and forms. By fully aligning with the practical needs of national and social development, an independent education system spanning primary, secondary and higher education has been established, realizing the independent construction of China's education system in terms of educational levels and institutional frameworks.

2. Upholding the fundamental task of fostering virtue through education and pursuing the public nature and comprehensive nature of education as an unremitting goal

Fostering virtue through education is the fundamental task of education. Throughout the century-long endeavor to safeguard the people's right to education, the CPC has consistently integrated the imparting of cultural knowledge with ideological and moral education, ensuring that every individual can realize their personal value through education, thereby better adapting to the needs of social production and national governance. The protection of the right to education embodies the CPC's pursuit of the public nature of education. As a basic public service, education features the core

attributes of non-rivalry and non-excludability. From the implementation of “free compulsory education” after the establishment of the Soviet regime in the 1930s, to the vigorous “literacy campaign” following the founding of the People’s Republic of China; from the extensive popularization of compulsory education and the protection of the right to education for underdeveloped regions and vulnerable groups, to the complete exemption of tuition and miscellaneous fees for students receiving compulsory education in rural areas — the public nature of education has been fully demonstrated through the CPC’s practice in protecting the right to education. The issue of “access to education” has never been a private matter for individual families, but a public undertaking that bears on the overall interests of the Party and the state. Guided by this value, by 2021, China’s gross enrollment rate in preschool education reached 88.1%, the retention rate of nine-year compulsory education hit 95.4%, the gross enrollment rate in senior secondary education stood at 91.4%, and the gross enrollment rate in higher education reached 57.8%.¹⁰⁰ China has thus become one of the countries with the highest level of education in the world. The CPC’s century-long struggle to safeguard the right to education is also a history of the comprehensive enrichment of the connotation of education in China. The concept of the right to education has evolved from basic literacy for workers and peasants in its initial stage, to the integration of foundational academic knowledge, vocational skills, and ideological and political literacy, and further to the emphasis on the all-round development of morality, intelligence, physical fitness, aesthetic appreciation, and labor skills. The right to education has not only expanded from a class-based right to a fundamental right of all citizens, but also continued to advance the all-round development of human beings. It has fostered the coordinated development of education at all levels and continuously endowed the right to education with new connotations for the times.

3. Upholding the principle of consolidating foundations and strengthening basics, and taking the ontology and diversity of education as the engine for development

The practical experience of the CPC in safeguarding the right to education has shown that advancing education in a major country with a huge population and disparate regional development levels, must begin by consolidating basic education and mastering fundamental knowledge. On the basis of guaranteeing the basic right to education, individual differences and traits should be respected, and new educational content and methods should be constantly explored to meet diverse and multi-level educational needs. Respecting the ontology of education constitutes the fundamental driving force for the CPC to

¹⁰⁰ “2021 National Statistical Communique on the Development of Education,” in *Chinese Geological Education* 3 (2022): 109-112.

safeguard the right to education. By adopting patient, meticulous and iterative educational methods for children and providing humanistic care for basic education, the CPC has optimized the effectiveness of youth education. This has enabled a leap forward in basic education: from promoting primary education and developing secondary education in the early days of the People's Republic of China, to achieving full coverage of compulsory education after the launch of reform and opening-up. Nevertheless, basic education alone cannot meet the needs of human capital accumulation. Therefore, the protection of the right to education needs to take into account other aspects beyond basic education, and diversity has become the key to supporting the high-quality development of education. As early as the period of socialist revolution and construction, interest-oriented elective courses had already been introduced in senior high school education. In the new era, where the overall development of basic education has become relatively mature, ensuring that more people have access to higher education has become the direction for improving and developing the right to education. In the practice of consolidating the ontology of education and exploring educational diversity, China's education sector has made remarkable progress, with its international influence growing steadily. A number of universities have achieved outstanding performance in global higher education rankings. Meanwhile, China's global competitiveness in STEM (Science, Technology, Engineering and Mathematics) education has become increasingly prominent, and a growing number of Chinese students have attained excellent results in related fields. All these fully demonstrate that in the process of safeguarding the right to education, China has embarked on a new stage guided by quality-driven development and connotation-oriented progress, through consolidating foundations and encouraging diverse innovations.

4. Upholding the establishment of rules and institutions, and taking the standardization and equity of education as a fundamental project

Education itself embodies a contradictory unity: the right to education is a fundamental right of citizens, while receiving education is an obligation that citizens must fulfill. The proper exercise of rights must be guaranteed by mandatory laws and binding rules, and legal systems are simultaneously required to ensure the proper performance of obligations. The CPC has always attached great importance to the significance of legal system construction for the protection of the right to education. During the revolutionary period, the Soviet regime incorporated the right to education into the constitutional outline, which was a milestone in the CPC's educational legislative practice. After the founding of the People's Republic of China, citizens' right to education was enshrined in the Constitution as a fundamental right enjoyed by every citizen, fundamentally safeguarding the legal status of the protection of the right to education. Since the launch of reform and opening-up, special legislation has

been enacted for compulsory education, providing legal protection for the right of school-age children to receive education. The protection of the right to education, in the form of national legislation, has enhanced the standardization of the educational process, and has been further optimized with the refinement and deepening of legal systems. After clarifying the important status of the right to education, the CPC has made tremendous efforts to truly ensure that citizens exercise this right in an equitable manner. It has promoted urban-rural equity, gender equity, equity between general and special education, and equity between the rich and the poor in the right to education by means of institutional norms. The CPC has striven to narrow the gaps among different groups in education at all levels and of all types, thereby providing more possibilities for the intergenerational mobility of families from vulnerable groups.

B. Future prospects

As a strategic project for the great rejuvenation of the Chinese nation, the construction of a powerful education nation presents new connotations of the era against the historical backdrop of the new development stage. According to the strategic plan *China's Education Modernization 2035*, building a world-class education modernization system with Chinese characteristics has become the core development goal, guided by the values of “fostering virtue through education, promoting all-round development, ensuring education for all, advocating lifelong learning, and implementing targeted education.” Against this backdrop, the optimization and upgrading of the protection mechanism for citizens’ right to education urgently requires the three-dimensional coordination of theoretical paradigm innovation, institutional supply optimization and practical model reconstruction, so as to deeply integrate into the strategic framework of education modernization and establish a new paradigm of modern education governance with Chinese characteristics.

As a fundamental right stipulated in the current Constitution, the right to education possesses the dual attributes of a “subjective right” and an “objective right.” In the context of “objective right,” the implied objective value order means that “the right to education is not only a personal right, but also a ‘value order’ established by the Constitution.” This order constitutes the principle for legislative bodies to construct various national systems, and also serves as the supreme guiding principle for administrative and judicial organs in enforcing and interpreting laws.¹⁰¹ The realization mechanism of the constitutional objective legal order function must be based on the principle of a rule-of-law state to build a systematic protection mechanism, which specifically includes the establishment of an institutional support framework, the planning of organized implementation paths, the improvement of procedural regulatory

¹⁰¹ Zhang Xiang, *Normative Construction of Fundamental Rights (Revised Edition)* (Beijing: Law Press • China, 2017), 226.

frameworks, and the substantive fulfillment of the state's positive obligations. An examination of China's practice in protecting the right to education shows that although a protection system for the right to education has been formed through the construction of basic education systems, optimization of organizational systems, improvement of procedural mechanisms and guarantee of resource supply, it can still be further improved in the following aspects.

1. Providing adequate institutional safeguards for the exercise of the right to education through legislation

Although remarkable progress has been made in China's legislation on protecting the right to education through the formulation and revision of educational legal norms by legislative organs and authorized legislative bodies, institutional obstacles still persist in the process of achieving substantive equality of the right to education. The current educational legal system is confronted with structural contradictions that urgently call for systematic improvement. In terms of normative coverage, educational legislation remains incomplete in such areas as educational investment, lifelong education, and social education. This has resulted in partial regulatory gaps in key domains including the mechanism for safeguarding educational funds, the adult continuing education system, and school-running by social forces, leaving some administrative departments struggling with insufficient normative basis in practices such as optimizing the allocation of educational resources and curbing structural waste in education. In terms of legal effect hierarchy, a basic gradient of legal norms has been established, yet local regulations within the current educational legal system occupy a relatively low legal hierarchy, making it difficult to form rigid constraints. This directly affects the degree of attention paid by local governments and the effectiveness of institutional implementation. In terms of legislative techniques, the naming system of educational regulations is rather disordered, which not only leads to unclear legal cognition but also results in blurred boundaries of normative effect, objectively undermining the unity and predictability of the rule of law in education.

Institutional safeguards constitute the core of the right protection mechanism. Taking citizens' right to education as an example, the school education system provides a statutory carrier for the realization of this right by systematically constructing the normative framework for education and teaching, standards for resource allocation, and operation and management mechanisms. Without such institutional safeguards, citizens' right to education would lose the necessary carriers for realization and conditional support.

Based on the above, educational legislation needs to improve the basic institutional system centered on the school education system, establish a dynamic adjustment mechanism for educational resources, a monitoring system for educational equity, and channels for right relief, and strengthen the

supporting safeguards for institutional implementation. By building a hierarchical and well-connected legal system, we can realize the effective transformation of citizens' right to education from a statutory right to a practical right.

2. Taking educational informatization as the primary carrier for protecting citizens' right to education

As the core driving force behind social digital transformation, information technology plays a strategic supporting role in the process of education modernization. Its in-depth integration with the education system has fostered a two-way empowerment mechanism: on the one hand, technological innovation continuously reconstructs the educational ecology, driving the education system to break through temporal and spatial boundaries and evolve toward openness and intelligence; on the other hand, the demand for education modernization reversely drives innovation in technology application, forming a digital technology development path with distinct educational characteristics. At the macro-institutional level, information technology promotes structural reform of the education system, facilitating the construction of a flexible school system and the development of a collaborative governance model involving multiple stakeholders. At the meso-mechanism level, big data platforms in education enable scientific decision-making, while intelligent technologies improve the quality monitoring system, thereby forming a new operational framework for educational institutions. At the micro-practice level, technologies such as virtual reality and artificial intelligence transcend the boundaries of traditional classrooms, building personalized learning support systems and creating a new paradigm of education that integrates online and offline learning.

As a strategic carrier for protecting the right to education in the digital era, educational informatization has emerged as a key issue in global education governance. Countries such as the United States, the United Kingdom, and Japan have implemented national digital education strategies (e.g., the U.S. NETP 2024), achieving the phased leap from infrastructure and resource supply to smart governance and ecological reconstruction, which has verified the practical logic of "technology-empowered rights." Against the backdrop of the new era, educational informatization serves as an important vehicle for protecting and realizing citizens' right to equitable education. On the one hand, educational informatization breaks through spatial constraints and addresses the imbalance in the allocation of educational resources. Through 5G networks, cloud platforms, and virtual reality technologies, students in remote areas can participate in real-time courses offered by prestigious schools and access high-quality educational resources via smart terminals, transforming the distribution of educational opportunities from "geographically dependent" to "digitally accessible." On the other hand, artificial intelligence and big data technologies

drive the transformation of educational resource supply methods. In contrast to the traditional and overwhelming “one-size-fits-all” approach to education, information systems can customize multilingual courseware and accessible interactive interfaces to meet the specific needs of groups such as ethnic minorities with distinct language backgrounds and persons with disabilities, upgrading educational services from “standardized supply” to “differentiated adaptation.” Educational informatization is not merely an upgrade of technical tools, but a reconstruction of the mechanism for achieving education equity, establishing a new system for protecting the right to education from a digital perspective.

3. Giving priority to addressing the issue of equal right to education against the backdrop of urban-rural and regional disparities

Tackling the problem of urban-rural and regional equity in education is a strategic choice for realizing social justice, safeguarding the right to education and promoting sustainable development. Although the principle of equality enshrined in Article 33 of the current *Constitution* and the provisions on equal access to education stipulated in Article 9 of the *Education Law* necessarily cover the dimensions of urban-rural and regional equality through the extended interpretation of normative validity, the institutional operation still faces dual structural contradictions. First, the urban-rural dual system and unbalanced regional development constitute material and fundamental obstacles to educational equity. Second, there exist systematic biases in the mechanism for allocating educational resources and the talent selection system. Policy implementation still falls into the practical predicament of “prioritizing procedural justice over substantive equity.” The gaps in the protection of this right are concentrated in two institutional cruxes. First, the allocation of educational resources remains imbalanced, with the overall educational expenditure in urban areas being much higher than that in rural areas. Second, institutional barriers still exist in the channel for academic advancement. The admission rates of key universities in Beijing, Tianjin and Shanghai are far higher than those in central and western provinces and cities. Furthermore, the “differentiated scaled scoring mechanism” in the college entrance examination bonus policy has further exacerbated the impairment of rights, and there are discrepancies in preferential bonus policies across different regions. This differentiated design of the empowerment mechanism essentially constitutes a cumulative effect of regional right impairment. In addition, the outflow of talents caused by the rural population's migration through education channels has further undermined the material foundation for protecting the right to education due to the “Matthew effect” in the allocation of educational resources.

Conclusion

The Report to the 20th National Congress of the CPC points out that it is imperative to comprehensively advance the great rejuvenation of the Chinese nation through a Chinese path to modernization. Chinese modernization embodies multiple connotations: it is the modernization of a huge population, and it is the modernization of material and cultural-ethical advancement. Ultimately, however, its goal is to meet the people's ever-growing needs for a better life. The right to education has emerged as a top priority in the CPC's endeavors to respect and protect human rights, and this is rooted in two critical facts. First, education itself constitutes the most fundamental means to explore and develop the social attributes of human beings. Second, access to education is an essential prerequisite for individuals to fulfill their natural attribute of "securing a foothold in life" in modern society. The protection of the right to education can facilitate the unity of human beings' social and natural attributes. Moreover, a well-adapted, stable and orderly protection system for the right to education will contribute to the long-term prosperity and stability of an era, a country and a civilization. Therefore, to address the two interrelated epochal tasks — i.e., accommodating the development of a vast population and constantly enriching the people's intellectual and cultural life — we must take the protection of the population's right to education as a crucial bridge. It is necessary to ensure that the protection of the right to education is based on sound institutions, solid foundations and proper justifications. This will in turn facilitate coordinated regional development and intergenerational population development, thereby satisfying every individual's need for all-round development, enhancing the vitality of spatial and social mobility of population and resources, continuously consolidating the CPC's governing foundation, and realizing the country's long-term stability and peace.

(Translated by *LI Donglin*)