

# Better Telling China's Human Rights Stories and Clarifying the Logic of Human Rights in China

— *A Theoretical Review and Prospect of China's Human Rights Research in 2025*

WANG Liwan\* & DI Lei\*\*

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**Abstract:** *Better telling China's human rights stories and clarifying the logic of human rights in China are important tasks to build discourse power and influence in the human rights field commensurate with China's comprehensive national strength and international status. In 2025, China's human rights research transformed the practical achievements of "handling China's affairs well" into the discourse power and communication effects of "better tell China's stories" by clarifying the narrative stance of China's human rights stories, exploring materials for China's human rights stories, and analyzing the mainstream agendas and core interests of the audiences of China's human rights stories. It integrated the logic of human rights in China into vivid and specific human rights stories in China by distinguishing the philosophical foundation and cutting-edge progress of the Chinese outlook on human rights, extracting the deep mutually constitutive relationship between China's path of human rights development and Chinese path to modernization, and explaining the sectoral and field-based legal pathways for the legal protection of human rights in China. Looking ahead, China's human rights research should continue to uphold fundamental principles and break new ground, so that profound and warm human rights stories in China and the logic of human rights in China featuring Chinese wisdom and values can jointly serve the goal of building an independent knowledge system of human rights in China.*

**Keywords:** China's human rights stories ♦ contemporary Chinese outlook on human rights ♦ China's path of human rights development ♦ independent knowledge system of human rights in China

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The year 2025 represents a pivotal juncture in the course of human rights development in China, serving as a bridge between past achievements and future advancement. As the concluding year of the *National Human Rights Action Plan of China (2021-2025)*, as well as the 80<sup>th</sup> anniversary of the victory in the World Anti-Fascist War and the founding of the United Nations, China has attained historic accomplishments in both domestic human rights development and global human rights governance. Anchored in a new stage of development, the Fourth Plenary Session of the 20<sup>th</sup> Central Committee of the Communist Party of China (CPC) set forth the principal objectives for economic and social development during the 15<sup>th</sup> Five-Year Plan period, explicitly emphasizing the need to "promote the all-around development of the human rights cause."<sup>1</sup> This provides a scientifically grounded program of action for advancing China's human rights endeavors in the next phase. Drawing upon the historical stage of development of China's human rights cause and the rich practices that have emerged therefrom, human rights research in China in 2025 takes as its central objective the construction of an independent knowledge system of human rights with Chinese characteristics,

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\* WANG Liwan (王理万), Professor at the Institute for Human Rights Studies (Institute for Contemporary Rule of Law Studies), China University of Political Science and Law.

\*\* DI Lei (狄磊), Doctoral Candidate at the Law School, University of Chinese Academy of Social Sciences, Visiting Scholar at Max Planck Institute for Comparative Public Law and International Law, Germany. This paper is a phased achievement funded by the Fundamental Research Funds for the Central Universities (24CXTD01).

<sup>1</sup> "Recommendations of the Central Committee of the Communist Party of China for Formulating the 15<sup>th</sup> Five-Year Plan for National Economic and Social Development," *People's Daily*, October 29, 2025, 3.

and continues to make sustained efforts in two directions: “better telling China’s human rights stories” and “clarifying the logic of human rights in China.”

## **I. Human Rights Stories and Logic “With China as the Subject”**

Xi Jinping, general secretary of the Communist Party of China (CPC) Central Committee pointed out at the Party’s Symposium on News Reporting and Public Opinion that, to a large extent, China’s image in the world is still “constructed by others” rather than “self-constructed.” At times, we find ourselves in a position where we have a just case but cannot articulate it well, and even when we do, our message fails to spread effectively. There exists a “deficit” in the inflow and outflow of information, a “disparity” between China’s true image and the subjective Western perception, and a “gap” between its soft power and hard power.<sup>2</sup> To ensure that China’s discourse power and influence in the field of human rights are commensurate with its overall national strength and international status, Chinese human rights scholars have not only excavated “human rights stories” embedded in traditional Chinese culture and political practice and distilled them into theoretically grounded and systematized the “logic of human rights,” but have also endeavored to transcend the human rights agenda and positions preset by Western academia, thereby endowing these narratives and logic with a distinctively Chinese subjectivity.

### **A. The ontology of China’s human rights stories and logic**

Ontology is the study of “being and its essence.” In Chinese human rights research in 2025, scholarship on the ontology of human rights in China reveals the “existence and essence” of China’s human rights stories and logic. Lu Guangjin traces the historical origins of human rights within Chinese civilization and argues that as early as the Axial Age (around 500 BCE in world history), “Chinese civilization had already creatively constructed an autonomous system of human rights knowledge, marking a significant awakening of human rights consciousness with far-reaching influence on later generations.” This awakening, grounded in humanism, people-oriented thought, and naturalism, is characterized by endogeneity, autonomy, and originality.<sup>3</sup> In modern China, when Chinese and Western civilizations began to engage in deep contact, collision, and integration, the evolving Chinese outlook on human rights likewise exhibited an autonomous stance rooted in traditional Chinese civilization. Taking the human rights view of Kang Youwei as the object of study, Luan Zhaoxing points out that “compared with Western conceptions of human rights and the rights discourse introduced by Liang Qichao, Kang Youwei’s view of human rights, grounded in Confucian universalism, possesses a distinctive autonomy,” thereby demonstrating the dimension of autonomy embedded in the formation of modern Chinese outlook on human rights.<sup>4</sup> With the deepening advancement of Chinese modernization, Mao Junxiang and Yin Chen further argue that China’s path of human rights development has achieved a “modern transformation” in terms of concepts, institutions, and practices. It has not only transcended its own traditional paradigms in its people-centered orientation, but has also distilled the common values of humanity and the vision of a community with a shared future for mankind, thereby realizing a paradigmatic transcendence of “universal values” and theories of civilizational conflict.<sup>5</sup>

From the perspective of the scope of conceptual reference, both China’s human rights stories and the logic of human rights in China are deeply embedded in the process of

<sup>2</sup> “Xi Jinping Stresses Adhering to Correct Orientation, Innovating Methods and Means to Boost the Communication and Guidance Capacity of News and Public Opinion at the Party’s Symposium on News Reporting and Public Opinion,” *People’s Daily*, February 20, 2016, 1.

<sup>3</sup> Lu Guangjin, “The Human Rights Awareness of Chinese Civilization in the ‘Axial Age’,” *The Journal of Human Rights* 4 (2025): 31.

<sup>4</sup> Luan Zhaoxing, “Autonomy in the Formation of Chinese View of Human Rights in Modern China — Taking Kang Youwei’s View of Human Rights as the Object,” *Journal of Soochow University (Law Edition)* 1 (2025): 109.

<sup>5</sup> Mao Junxiang and Yin Chen, “The Modern Transformation and Paradigmatic Transcendence of China’s Path of Human Rights Development,” *Journal of Beijing Administration Institute* 6 (2025): 41-42.

constructing an independent knowledge system of human rights in China. In his specialized study on this subject, Liu Zhiqiang points out that, in order to overcome the predicament of discursive marginalization — “having valid arguments but being unable to articulate them, or being unheard even when articulated” — and to achieve the goal of telling China's stories through “Chinese discourse,” it is necessary to produce landmark human rights concepts with global influence. These include: establishing an autonomous conceptual system of human rights centered on the value of “cooperation,” constructing such a system on the foundations of the rights to subsistence and development, and expanding the human rights conceptual framework through the practice of “modernization.”<sup>6</sup> If the scope of inquiry is extended to the construction of independent knowledge systems in other fields of law and even across disciplines, China's human rights stories and the logic of human rights in China likewise constitute important components. Zhou Guangquan advocates building theories of crime, punishment, and specific offenses from an “objectivist standpoint,” thereby establishing the autonomy of Chinese criminal law. The rationale lies in the fact that this standpoint “aligns with the modern criminal justice concepts of minimizing errors in the application of criminal law to the greatest extent and contributes to realizing the human rights protection function of criminal law.”<sup>7</sup> Meanwhile, Ren Hongsheng, in discussing an independent knowledge system of global governance in China, argues that human rights constitute the international ethical foundation of global justice. Their interaction and contestation with sovereignty form the basis of “legitimacy” as a key conceptual tool within the knowledge system of global governance, thereby generating “research topics and agendas characterized by the unique interplay and mutual constraints between international relations and international law.”<sup>8</sup>

In terms of conceptual essence and value orientation, both China's human rights stories and the logic of human rights in China are consistently underpinned by a distinct “people-centeredness.” Lu Guangjin argues that “a conception of human rights defines, at the level of value cognition, the essence and orientation of human rights, addressing the fundamental questions of for whom human rights exist, on whom they rely, and whom they serve in development.” In contrast to various theories such as the Natural Law Theory, the Theory of Inherent Human Rights, the Legal Positivist Theory of Human Rights, the Liberal Theory of Human Rights, and the Social Endowment Theory of Human Rights, the essence of the contemporary Chinese outlook on human rights is “people's human rights.”<sup>9</sup> Gao Changjian further contends that this characteristic of “people-centeredness” can be distilled within the academic discourse system of human rights into a “substantive” outlook on human rights in contemporary China: “‘Substantiveness’ signifies ‘people-centeredness.’ It emphasizes the balance between the means and ends of human rights protection, as well as the unity of the subjective and objective dimensions of human rights. In particular, it highlights the comprehensiveness of human rights development goals — namely, the unity between the people's subjective perceptions and objective standards in the evaluation of human rights.”<sup>10</sup>

### **B. The epistemology of China's human rights stories and logic of human rights**

Epistemology concerns “knowledge and the laws governing its development.” At the level of human rights theory, this issue primarily involves the dialectical relationship between the universality and particularity of human rights. Addressing the “universality of human rights” —

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<sup>6</sup> Liu Zhiqiang, “On the Construction of China's Independent Knowledge System of Human Rights,” *Science of Law (Journal of Northwest University of Political Science and Law)* 5 (2025): 68-70.

<sup>7</sup> Zhou Guangquan, “The Autonomy of Criminal Law in China: Basic Orientation and Development Prospects,” *Journal of Sichuan University (Philosophy and Social Science Edition)* 2 (2025): 184.

<sup>8</sup> Ren Hongsheng, *International Relations and International Law Studies: History, Theory and Agenda — On Constructing China's Autonomous Knowledge System of Global Governance*, *Frontiers* 1 (2025): 15.

<sup>9</sup> Lu Guangjin, “The Human Rights of the People: The Core Essence of the Contemporary Chinese Outlook on Human Rights,” *Jilin University Journal of Humanities and Social Sciences* 2 (2025): 83-84.

<sup>10</sup> Gao Changjian, “Substantive Nature of Contemporary Chinese Perspective on Human Rights and Its Theoretical Development,” *The Journal of Human Rights* 3 (2025): 7.

one of the most contested discourses and narratives in the international human rights field — Mao Junxiang advances the theoretical proposition that “the universality of human rights is relative.” While the value of human rights is universal, and although human rights concepts, subjects, systems, standards, institutions, and models all embody such values, they nonetheless exhibit relativity. This relativity is itself universal, manifesting as the diversity of human rights across regions, countries, and societies.<sup>11</sup> From the dimensions of concept, idea, and law, Liu Han examines the “relative universality of human rights.” He argues that human rights concepts display relativity across temporal and spatial dimensions; human rights views possess the characteristics of local knowledge; and the high level of abstraction of human rights norms leads to pluralistic interpretations of rules as well as diverse national mechanisms of implementation. Therefore, “the true universality of human rights lies not in the uniformity of specific forms of rights, but in the shared recognition of certain fundamental values, alongside respect for the diversity of humanity.”<sup>12</sup>

A clear understanding of the self likewise depends on a precise delineation of the “other.” At the theoretical level, positioning China’s human rights stories and the logic of human rights in China requires clarifying the historical trajectory and developmental trends of Western human rights theory, thereby revealing its inherent limitations.<sup>13</sup> Bo Zhenfeng traces the intellectual genealogy of natural law, natural rights, and human rights, pointing out that the modern Western shift “from a teleological conception of nature to a mechanistic one” led to the fragmentation of classical natural law — which had integrated physical and juridical dimensions — into natural laws reflecting natural order and natural law governing human society. When the metaphysical or theological elements embedded in the natural rights derived from the latter were stripped away, the concept of human rights emerged.<sup>14</sup> At the practical level, exploring the “Chineseness” of China’s human rights stories and the logic of human rights in China likewise necessitates comparison with the human rights systems and policies of other regions and countries. Zhao Jianzhou, taking the human rights policies of Jimmy Carter and Ronald Reagan as examples, analyzes the deeply rooted “double standards” in U.S. human rights diplomacy — namely, “the evaluation, judgment, and enforcement of legal standards and norms based on subjective or even politicized positions.” The core mechanisms underlying this practice include the power to define “human” versus “non-human,” the authority to “recognize” the subject status of states, and the capacity to “coerce” those who do not comply.<sup>15</sup> Xie Nannan and Yu Yang review the historical trajectory of the European Union’s human rights diplomacy, arguing that it has evolved from “pursuing practical interests in human rights diplomacy under the framework of the *Treaty of Lisbon*” to “flexible and targeted sanctions under a global human rights sanctions regime, alongside coordination among major powers.” As a result, human rights have assumed an increasingly prominent role in the EU’s external strategy and have gradually become instruments in political contestation.<sup>16</sup> Drawing on policy documents such as the *Bangkok Declaration*, the *ASEAN Charter*, and the *ASEAN Human Rights Declaration*, He Hanxu analyzes ASEAN’s human rights stance. He argues that ASEAN has established a human rights discourse centered on principles such as “respecting universality while emphasizing particularity,” “sovereignty taking precedence over human rights,” “depoliticization,” “the unity of rights and obligations,” and “the prioritization of the rights to

<sup>11</sup> Mao Junxiang, “The Relativity of the Human Rights Universality,” *Social Sciences in China* 1 (2025): 126 and 146.

<sup>12</sup> Liu Han, “On the Relative Universality of Human Rights,” *The Journal of Human Rights* 5 (2025): 105.

<sup>13</sup> Chen Cen, “The Origins of Modern Western Concepts of Rights: A Collective System of Ideas,” *Journal of Human Rights Law* 2 (2025): 40-55.

<sup>14</sup> Bo Zhenfeng, “Natural Law, Natural Rights, and Human Rights: The Theoretical Turn of Natural Law and the Formation of the Concept of Human Rights,” *The Journal of Human Rights* 5 (2025): 106-128.

<sup>15</sup> Zhao Jianzhou, “‘Double Standards’ in U.S. Human Rights Diplomacy: An Examination of Human Rights Policies under the Carter and Reagan Administrations,” *Journal of Human Rights Law* 1 (2025): 45-63.

<sup>16</sup> Xie Nannan and Yu Yang, “EU Human Rights Diplomacy: Historical Overview, Existing Mechanisms and Realization Paths,” *Chinese Journal of Human Rights* 1 (2025): 120-140.

subsistence and development.” This has fostered an autonomous regional identity narrative in Southeast Asia and articulated an outlook on human rights distinct from the so-called universalist approach of Western countries.<sup>17</sup>

### C. The methodology of China's human rights stories and logic of human rights

Methodology refers to the theory of fundamental approaches to understanding and transforming the world. A survey of China's human rights research in 2025 reveals an increasingly diversified application of research methods and a growing level of methodological self-awareness. Within the current methodological spectrum of human rights research in China, legal scholarship continues to occupy a central position, and doctrinal analysis of human rights norms remains the mainstream approach for articulating China's human rights stories and logic of human rights. For instance, Feng Anbo provides a doctrinal interpretation of the right of criminal defendants to defense as a fundamental right, offering a comprehensive analysis of its constitutional basis, scope of protection, legal effect, and other normative issues.<sup>18</sup> Similarly, Ma Deyi and Wang Zhiheng, drawing on the interpretative rules of the *Vienna Convention on the Law of Treaties*, argue for the necessity and feasibility of incorporating human rights considerations into the interpretation of terms such as “distress” and “place of safety” in relation to obligations of maritime search and rescue.<sup>19</sup>

Beyond legal methodologies, the activation of interdisciplinary approaches and the incorporation of knowledge from literature, history, philosophy, sociology, and other fields have provided new materials and narrative perspectives for China's human rights stories and logic of human rights. Among these, the intersection between literature and human rights is particularly noteworthy. Sui Xiaodi analyzes the Brexit-era novel *Spring* by Ali Smith. In this literary work, storytelling functions as a means of resisting exclusionary nationalist political narratives; storytellers — both artists as constructors of human rights and executors of political power — thus contribute to the articulation of a political vision for a post-national community grounded in human rights beyond nations and nationalities.<sup>20</sup> In another example, Guo Jiabin employs the concept of “poetic justice” to capture the human rights implications of the humanistic spirit embodied in Tang poetry. He argues that Tang poetry, through three pathways — “relational values,” “emotional-ethical mechanisms,” and “collective memory expression” — transcends the individualistic paradigm and rationalist mode characteristic of Western human rights discourse. In doing so, it infuses global human rights narratives with poetic wisdom and a vision of cultural diversity, constituting an important complement to and challenge against modern systems of value expression from the perspective of Eastern humanistic thought.<sup>21</sup>

Beyond the humanities, the knowledge and methods of the social sciences likewise provide important perspectives and analytical tools for China's human rights research. Wang Dongna observes that the operational mechanism of indicator-based evaluation systems in global human rights governance lies in imposing reputational rewards and penalties on states, thereby influencing their governance behavior. She cautions against the risk that, under the interaction between the “binary classification of rights attributes” and the “knowledge-power” nexus, such systems may drift from their original purpose of “rights protection” toward “power manipulation.” She accordingly proposes the adoption of more inclusive and explanatory

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<sup>17</sup> He Hanxu, “The Evolution and Characteristics of ASEAN's Human Rights Stance and Discourse,” *Journal of Human Rights Law* 1 (2025): 75-77.

<sup>18</sup> Feng Anbo, “The Doctrinal Interpretation of the Defendant's Right to Defense as a Fundamental Right,” *ECUPL Journal* 5 (2025): 94-110.

<sup>19</sup> Ma Deyi and Wang Zhiheng, “Towards a Rights-based Interpretation of the Duty to Render Assistance at Sea under International Law,” *Journal of Nanjing Normal University (Social Science Edition)* 3 (2025): 118-128.

<sup>20</sup> Sui Xiaodi, “Constructing Human Rights and Postnational Community in the Brexit novel *Spring*,” *Shandong Foreign Language Teaching* 1 (2025): 100-108.

<sup>21</sup> Guo Jiabin, “Poetic Justice: The Human Rights Implications of the Humanistic Spirit in Tang Poetry,” *Chinese Journal of Human Rights* 4 (2025): 75.

composite indices in global human rights governance.<sup>22</sup> Based on fieldwork in Yuntai Village, a Hakka lineage-based community in South China, Wu Jifeng verifies and further develops the theory of “ancestrally endowed human rights.” With the advancement of marketization, urbanization, and state-building, the natural rights enjoyed by members of kinship communities by virtue of their ancestry have gradually diminished. Nevertheless, their historical continuity continues to shape contemporary grassroots governance, becoming an issue that must be addressed in the modernization and innovation of governance systems and capacities at the local level.<sup>23</sup>

However, when viewed in light of the goal of effectively telling China’s human rights stories and clarifying the logic of human rights, existing methodologies in human rights research — particularly those concerning human rights discourse — still exhibit certain limitations. As Meng Qingtao points out, the necessity of methodological reflection on human rights discourse lies in the fact that “methodology” implicitly contains answers to the “substantive” questions of such discourse. Regrettably, most studies in China treat human rights discourse merely as an object of research rather than employing discourse theory as an analytical tool.<sup>24</sup> Chang Jian further notes that “imprecise expression in human rights discourse” may lead to methodological confusion and misuse in research, resulting in a range of negative effects, including “overreach effects, chilling effects, crowding-out effects, the ‘repaying kindness with resentment’ effect, and distortion effects.”<sup>25</sup> While such critiques of the methodology of China’s human rights research may appear somewhat stringent, they nonetheless effectively highlight the shortcomings in discursive expression within existing studies and provide a valuable methodological foundation for advancing China’s human rights stories and clarifying the logic of human rights.

In sum, how to substantiate, comprehend, and articulate the “Chineseness” embedded in China’s human rights stories and logic of human rights constitutes a central thread running through China’s human rights research in 2025. As Liu Zhiqiang and He Chen observe, the contemporary Chinese outlook on human rights “is an open and evolving theoretical system — a worldview of human rights characterized by Chinese characteristics, Chinese style, and Chinese ethos.” It can be further differentiated, from a spatiotemporal perspective, into four dimensions: the world, history, practice, and theory. Among these, the composite narrative dimension of “history-practice-theory,” grounded in “taking China as method,” collectively injects a distinctly Chinese methodological perspective into world-level human rights concepts such as the common values of humanity and the vision of a community with a shared future for mankind.<sup>26</sup> The above studies on the ontology, epistemology, and methodology of human rights in China, grounded in a position of Chinese subjectivity, fully demonstrate the growing academic sense of mission among Chinese human rights scholars — from spontaneous awareness to conscious and purposeful engagement — and provide a solid theoretical foundation for better telling China’s human rights stories and clarifying the logic of human rights in China.

## **II. Better Telling China’s Human Rights Stories: Narrators, Narrative Texts, and Audiences**

<sup>22</sup> Wang Dongna, “Human Rights Indices in Global Human Rights Governance: Functional Logic and Methodological Reflections,” *Journal of Human Rights Law* 6 (2025): 134-151.

<sup>23</sup> Wu Jifeng, “The Traditional Foundations and Modern Value of the Concept of ‘Ancestral Endowment of Human Rights’: An Empirical Study Based on Lineage Society in South China,” in *China Rural Studies* 3 (2024), Chen Junya ed. (Beijing: China Social Sciences Press, 2025), 12-24.

<sup>24</sup> Meng Qingtao, On the Methodology of Human Rights Discourse Research, in *Chinese Journal of Human Rights*, vol. 30, Zheng Zhihang ed. (Beijing: The Commercial Press, 2025), 3-37.

<sup>25</sup> Chang Jian, “The Precise Expression of Human Rights Discourse and Its Normative Path,” *Chinese Journal of Human Rights* 2 (2025): 62-77.

<sup>26</sup> Liu Zhiqiang and He Chen, “On the Four Dimensions of Contemporary Chinese Perspective on Human Rights from a Spatiotemporal Viewpoint,” *The Journal of Human Rights* 3 (2025): 17-42.

On the basis of the significant achievements made in China's human rights development, how to further transform the practical accomplishments of "handling China's affairs well" into the discursive power and communicative impact of "better telling China's stories" has become a key issue in China's human rights scholarship. As scholars have pointed out, the major strategy of better telling China's stories should be structured around three core elements: the "narrator" (who tells the story), the "text" (what story is told), and the "audience" (who listens to the story), thereby constructing three categories of narratives — traditional, modern, and global.<sup>27</sup> Human rights research in China in 2025 effectively interweaves these three threads — narrators, narrative materials, and audiences — thus providing important theoretical guidance for better telling China's human rights stories.

### **A. Narrators and narrative positions of China's human rights stories**

As narrators of China's human rights stories, Chinese human rights researchers must first address the fundamental question of "who we are," and clarify their narrative stance through a clear understanding of the self. Evolving from spontaneous expression to conscious reflection, the distinct narrative stance of China's human rights stories is manifested not only in the scholarly works of contemporary narrators, but is also deeply embedded in the academic writings and social practices of each concrete and vivid human rights thinker and practitioner throughout modern Chinese history.

Human rights research in China in 2025 has produced a series of studies on outstanding narrators of China's human rights stories, continuing the scholarly lineage of a "history of figures in Chinese human rights." Among them, several leaders of the Communist Party of China, as key disseminators of the Marxist outlook on human rights in China, have themselves become integral to the compelling narrative of China's human rights development since modern times. For example, Xu Aiguo regards Li Dazhao's struggle for legal rights as part of the global human rights movement following World War I. He argues that Li Dazhao's human rights theory and practice encompassed defending political rights and freedoms through constitutional means, opposing oppression and advocating equality, supporting labor movements and women's rights, promoting national equality, and calling for and participating in the abolition of extraterritoriality and unequal treaties.<sup>28</sup> Similarly, Fang Xu and Zhao Yinjie analyze the thought of Mao Zedong on women's liberation. They argue that, based on a profound reflection on the living conditions of women in old China, the Sinicization of Marxist theories on women, and careful consideration of the practical needs of China's revolution and construction, Mao Zedong's conception of women evolved from viewing them as "victims of feudal ethics" to recognizing them as "participants in social revolution," "bearers of social rights," and "builders of socialism."<sup>29</sup>

Since the founding of the People's Republic of China, especially following the restoration and development of modern higher education after the reform and opening-up, a number of Marxist jurists have clarified the intrinsic compatibility between human rights thought and China's contemporary political system. In doing so, they have transformed the long-standing situation in which China "engaged in human rights practice" without articulating China's human rights stories. On the occasion of the centenary of Professor Sun Guohua, Feng Yujun and Pei Honghui examine his academic life and argue that the work *Human Rights: A Measure Toward Freedom*, edited by Sun Guohua, systematically expounded the socialist outlook on human rights and refuted the erroneous view that socialism does not engage with human rights. It played an important role in advancing human rights toward the core domain of legal values.<sup>30</sup>

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<sup>27</sup> Chen Xianhong and Song Fazhi, "Tell China's Story to the World: Position, Discourse and Communication," *Modern Communication (Journal of Communication University of China)* 1 (2020): 42.

<sup>28</sup> Xu Aiguo, "On Li Dazhao's Human Rights Theory and Practice," *The Journal of Human Rights* 2 (2025): 102-122.

<sup>29</sup> Fang Xu and Zhao Yinjie, "A Reinterpretation of Mao Zedong's Thought on Women's Liberation and Its Contemporary Value," *Journal of Human Rights Law* 5 (2025): 1.

<sup>30</sup> Feng Yujun and Pei Honghui, "Who Paved the Way for the Rule of Law: In Memory of Marxist Jurist Professor Sun Guohua,"

Liu Xuanlong analyzes the outstanding contributions of Professor Li Long to the study of the history of Chinese jurisprudence. He notes that Li Long authored an accessible *History of the Development of Chinese Jurisprudence* in a narrative, “storytelling” style, in which the account of the development of human rights theory and practice in China represents a “great leap” in the Sinicization of Marxist jurisprudence. Moreover, his discussion of classical Marxist propositions — such as the “unity of rights and obligations” — enriches the connotation of the “axioms of law.”<sup>31</sup>

The fundamental reason why contemporary Chinese philosophy and social sciences differ from other traditions lies in the guiding role of Marxism. In 2025, Chinese human rights research continues to engage deeply with the original texts of Karl Marx and Friedrich Engels, striving to restore the original intent and full scope of the Marxist outlook on human rights, thereby shaping the narrative stance of China’s human rights stories. Wei Guanming, drawing on the developmental trajectory of human rights thought in the classical works of Marx and Engels, divides the evolution of Marx’s human rights thought into four stages: the embryonic stage (rational liberalism), the developmental stage (critique of the philosophy of law), the mature stage (historical materialism), and the deepening stage (political economy). He further points out that Marx’s human rights thought is characterized by its people-centeredness, historicity, practicality, and revolutionary nature, with the ultimate aim of achieving human emancipation.<sup>32</sup> Li Ruiqi summarizes the conception of rights in Marx and Engels as a “historical materialist view of rights,” arguing that it is grounded in a critique of capitalist doctrines such as “idealism of rights,” “formal equality of rights,” and “the eternity of rights.” It maintains that rights are the rights of real and concrete individuals; that rights belong to the superstructure and are determined by the economic base; and that rights embody the “general interests” of all members of the community.<sup>33</sup> Guided by the transhistorical regularities and truths embodied in the Marxist outlook on human rights, the narrative stance of China’s human rights stories demonstrates a distinct class orientation and a firm people-centered position.

## **B. Narrative materials and textual processing of China’s human rights stories**

Narrative materials determine what stories narrators are able to tell. China’s human rights stories draw upon the remarkable achievements of China’s human rights development. Through the selection and textual processing of materials by narrators, these stories have formed a “pluralistic narrative configuration” that spans “from macro to meso and micro levels, from government to organizations and individuals, and from elites to grassroots,”<sup>34</sup> thereby presenting to the world a comprehensive, multidimensional, and authentic account of China’s human rights development.

### **1. The diachronic dimension of narrative materials**

The long-standing and profound traditional Chinese culture provides enduring and ever-renewing narrative resources for contemporary China’s human rights stories. Taking the successful convening of the international academic symposium on “Human Rights Concepts in Chinese Classics” as an important opportunity, ancient Chinese classical texts have increasingly become a fertile source for human rights research in China. Ding Jin analyzes the human rights implications of the “Six Policies of Caring for the People” (*baoxi liuzheng*) — “care for the young, support for the elderly, relief for the poor, assistance to the impoverished,

*Democracy and Legal System* 9 (2025): 35-39.

<sup>31</sup> Liu Xuanlong, “On the Confidence in Jurisprudence: A Discussion Across Ancient and Modern Times, and Mr. Li Long’s Outstanding Contributions to the Study of the History of Chinese Jurisprudence,” *Huxiang Law Review* 4 (2025): 65-83.

<sup>32</sup> Wei Guanming, “The Emergence and Evolution of Marx’s Human Rights Thought — Based on Textual Interpretation of Classic Works of Marx and Engels,” in *Chinese Journal of Human Rights*, vol. 30, Zheng Zhihang ed. (Beijing: The Commercial Press, 2025), 63-88.

<sup>33</sup> Li Ruiqi, “Marx and Engels’ View of Rights and Its Cultivation,” in *Chinese Journal of Human Rights*, vol. 29, Zheng Zhihang ed. (Beijing: The Commercial Press, 2025), 3-23.

<sup>34</sup> Chen Xianhong and Song Fazhi, “Tell China’s Story to the World: Position, Discourse and Communication,” *Modern Communication (Journal of Communication University of China)* 1 (2020): 42.

leniency toward the infirm, and stability for the wealthy” — in the *Rites of Zhou*. He argues that the human rights thought embodied in this text is characterized by its people-oriented nature, pragmatism, systematic structure, and economic foundation, exerting a profound influence on Chinese society from the Han Dynasty onward.<sup>35</sup> Dai Jitao examines the core concept of “ren” (benevolence) in the *Analects of Confucius*, suggesting that it contains a moral ideal in which “everyone can cultivate themselves into a person of benevolence and contribute to the transformation of the world through the promotion of the Dao.” This ideal highlights the universal value of being human and provides a moral foundation for the principle of the universality of human rights.<sup>36</sup> Xie Pengcheng, while acknowledging the historical limitations of the human rights ideas in the *Mencius* — including insufficient emphasis on equality of subjects, a weak democratic foundation, and the absence of rule-of-law guarantees — nonetheless affirms its progressive significance as a valuable intellectual resource across time and space. On this basis, he proposes a framework for understanding its human rights thought consisting of a “value foundation-basic principles-practical pathways” paradigm.<sup>37</sup> Wang Xigen and Zhang Qianqian focus on the thought of Mozi, particularly the concept of “universal love” (*jian ai*), arguing that it embodies a rich and profound human rights philosophy. Its jurisprudential essence, values, principles, foundations, and practices together reflect a model of human rights development grounded in “love” and “equality.”<sup>38</sup> Yu Zhong further facilitates a dialogue between China's human rights stories and global human rights narratives. He contends that the human rights structure implicit in the *Analects of Confucius* provides an answer to the relationship between the right to personal development and the right to social security as affirmed in the *Universal Declaration of Human Rights*: the right to personal development plays a leading, driving, and determinative role with respect to the right to social security, while the latter, in turn, exhibits a degree of dependence on the former.<sup>39</sup>

Building upon the micro-level narrative materials found in the aforementioned classical texts, many scholars further abstract from them the macro-level characteristics of human rights in China. Chang Jian and Tang Yingxia argue that doctrines concerning human dignity in Chinese culture have a long and storied history. As early as the pre-Qin period, the proposition that “human beings are of paramount importance” constituted one of the most representative expressions of human dignity. This doctrine is characterized by an “ethical orientation”: by affirming that individuals possess moral freedom in the spiritual sense, it simultaneously requires them to undertake moral obligations toward others and society.<sup>40</sup> Zhao Jianwen, through a comparative analysis of Chinese and Western human rights thought, identifies three foundational human rights concepts embedded in classical Chinese texts: first, the concept of order and freedom shaped by the worldview of the unity of heaven and humanity; second, the concept of human subjectivity and the origin of human rights under the influence of people-oriented or benevolence-centered values; and third, the concept of the relationship between human rights and state power guided by the ideal of “great harmony under heaven.”<sup>41</sup>

The history of the Communist Party of China is itself a history of striving for human rights

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<sup>35</sup> Ding Jin, “Research on the Thoughts of Human Rights Protection in the ‘Six Policies of Caring for the People’ in The Rites of Zhou,” *Journal of Human University (Social Sciences)* 4 (2025): 17-25.

<sup>36</sup> Dai Jitao, “The Human Rights Implications and Creative Transformation of ‘Rendao’ in The Analects of Confucius,” *Journal of Zhejiang Gongshang University* 2 (2025): 35.

<sup>37</sup> Xie Pengcheng, “On the Concept of Human Rights in ‘Mencius’,” *Law Science* 5 (2025): 20-36.

<sup>38</sup> Wang Xigen and Zhang Qianqian, “On the Human Rights Concepts of Mozi in China's Excellent Traditional Human Rights Culture,” *Journal of Nanjing Normal University (Social Science Edition)* 1 (2025): 100-109.

<sup>39</sup> Yu Zhong, “Between the right to personality development and the right to social security: The human rights structure in the Analects,” *Dongyue Tribune* 10 (2025): 100.

<sup>40</sup> Chang Jian, Tang Yingxia, “The Inheritance and Innovation of the View of Human Dignity in Chinese Culture,” *The Journal of Human Rights* 4 (2025): 1-27.

<sup>41</sup> Zhao Jianwen, “The Basic Human Rights Concepts in Chinese Classics and Their Differences from the West,” *The Journal of Human Rights* 1 (2025): 6-27.

in China. Many scholars have drawn upon the Party's century-long efforts in uniting and leading the people to pursue, explore, and develop human rights, thereby extracting and refining narrative materials for modern China's human rights stories. For example, Li Yifei characterizes the human rights protection system in the Shaanxi-Gansu-Ningxia Border Region from 1937 to 1945 as a threefold paradigm of rights' "confirmation-exercise-remedy." Through the effective integration of constitutional documents and specific laws, a broad and robust framework for human rights protection was established within the Anti-Japanese National United Front; through mechanisms combining internal constraints with external supervision, power was ensured to operate in an orderly manner within the rule of law; and through a judicial system unifying procedural accessibility and substantive justice, effective remedies were provided for infringements of rights.<sup>42</sup> Similarly, Xu Xiang and Tang Jialan trace the history of empowering women through sports since the founding of the People's Republic of China under the leadership of the Communist Party of China. They argue that such empowerment has both internal and external effects: internally, it helps overcome women's cognitive constraints regarding their rights and enhances their spiritual strength through participation in sports; externally, it extends women's sports from competitive athletics to mass fitness, promotes the realization of women's sports rights through policies and regulations, and positions sports as a platform and medium for demonstrating and reinforcing women's rights.<sup>43</sup>

## 2. The horizontal scope of narrative materials for China's human rights stories

People-centeredness is the most salient feature of China's path of human rights development, marking both the fundamental starting point and ultimate objective of China's human rights stories in the new era. In this context, "the people" refers not only to an abstract collective, but also to individuals and groups endowed with subjectivity, agency, and creativity. Accordingly, China's human rights stories must broaden their horizontal scope of narrative materials by drawing upon legal and policy practices aimed at protecting specific groups, including women, children, the elderly, and persons with disabilities.

Gender equality is a basic state policy in China, and the protection of women's rights and interests constitutes an important source of narrative material in China's human rights research. In 2025, such research continues the established tradition of focusing on women's rights. Edited by Zhang Yonghe, the book *Stories of Chinese Women in the New Era* takes women's human rights as its central narrative framework. Through a plain and realistic narrative style, it portrays the lives of 30 ordinary yet vivid women, recounting their journeys of making independent life choices and realizing self-worth, thereby demonstrating the achievements in the protection of women's rights and interests in China.<sup>44</sup> Drawing on the strategic objectives set forth in the *Beijing Platform for Action* adopted at the Fourth World Conference on Women in 1995, Liu Xiaonan outlines the significant progress and achievements made in China over the past five years in advancing women's human rights. These include ratifying and ensuring the implementation of international conventions; formulating national action plans and comprehensive human rights education programs; establishing mechanisms for gender equality assessment in laws and policies; enacting and implementing gender equality legislation and policies; and incorporating women's human rights into public legal education initiatives.<sup>45</sup> Based on these practices, Li Wen and Zhang Yongying summarize, at a macro level, China's approach to safeguarding women's rights within its governance framework. This approach is

<sup>42</sup> Li Yifei, "The Three-Dimensional Practical Paradigm of Human Rights Protection in the Shanxi-Gansu-Ningxia Border Region under the Perspective of 'Two Adaptations' (1937-1945)," *Journal of China Executive Leadership Academy Yan'an* 3 (2025): 25.

<sup>43</sup> Xu Xiang and Tang Jialan, "The History and Effectiveness of Women's Empowerment through Sports in New China," *Journal of Human Rights Law* 5 (2025): 132.

<sup>44</sup> Zhang Yonghe, *Stories of Chinese Women in the New Era* (Beijing: Central Compilation and Translation Press, 2025), 376-379.

<sup>45</sup> Liu Xiaonan, "The Status of Women's Human Rights in China: A Review Based on the Strategic Objectives of the Platform for Action over the Past Five Years," *Journal of Shandong Women's University* 2 (2025): 116.

characterized by a people-centered value orientation in governance ideals, the coordination and co-governance of multiple actors, and a multidimensional institutional support system encompassing macro-level top-level design, meso-level legal and policy guarantees alongside social and cultural environment building, and micro-level governance mechanisms and means.<sup>46</sup>

Children represent the future of the nation. In China's child rights research in 2025, scholars have taken recent legislative developments in the protection of children's rights as core narrative materials, employing a "rule-of-law narrative" to highlight the progress and achievements in this field. Liu Huawen and Zhang Hao examine the institutional design of the *Law on Family Education Promotion of the People's Republic of China* (enacted in 2021) from the perspective of children's rights. They argue that the law is "child-centered and oriented toward the realization of children's rights, taking the promotion and support of family education as its starting point, while maintaining necessary regulatory force in cases of family education failure and deficiencies in support systems." This reflects the child-centered approach advocated by the *Convention on the Rights of the Child*, particularly its Article 5.<sup>47</sup> From a similar perspective, Wang Xiaoyu and Li Hongbo analyze the *Preschool Education Law of the People's Republic of China* (promulgated in 2024). They contend that the law's establishment of a "public welfare and inclusive" nature of preschool education responds to the requirement of children's right to equality; that respecting the dignity of preschool children and creating space for free expression promotes the exercise of children's right to participation; that integrating care and education facilitates the realization of children's right to development; and that the coordinated efforts of multiple actors — parents, institutions, and government — provide external guarantees for the enjoyment of children's rights.<sup>48</sup>

Compared with previous years, research in 2025 on the rights of specific groups has devoted increased attention to persons with disabilities and the elderly, with scholars seeking to derive original and representative Chinese paradigms from China's practical experience in safeguarding their rights. Li Lujun argues that China's model of disability protection has undergone a historical transformation: "from single-form relief to comprehensive protection, from passive 'giving fish' to active 'teaching how to fish,' from poverty alleviation to empowerment, and from welfare-based relief to rights-based protection."<sup>49</sup> Liu Yuan reflects on the theoretical inertia of defining "the elderly" solely by age thresholds and advocates for a holistic concept of age that encompasses duration, sequence, and dynamism. Under this framework, the elderly are understood as individuals pursuing lifelong development within a dynamic life course of "continuous aging," and the rights of the elderly are conceptualized as a form of human rights realized under the constraints of aging as a subject condition.<sup>50</sup> Against the backdrop of the intersecting trends of aging among persons with disabilities and increasing disability among the elderly population, Zhu Hui and Wang Shuyan employ the concept of "integration of elderly and disability care" to characterize the institutional gradualism of China's long-term care policy system. This system incorporates both disabled elderly persons and persons with disabilities with care needs into the institutional building framework of long-term care, addressing multi-level and differentiated needs such as disability prevention and care services, and constructing an integrated social security system for populations with

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<sup>46</sup> Li Wen and Zhang Yongying, "Chinese Approach to Building Governance Framework for Safeguarding Women's Rights and Interests: Philosophy, Actors, and Systems," *Journal of Chinese Women's Studies* 6 (2025): 1-7.

<sup>47</sup> Liu Huawen and Zhang Hao, "Rule Construction and Implementation of the Family Education Promotion Law from the Perspective of the Rights of the Child," *Local Legislation Journal* 2 (2025): 108-126.

<sup>48</sup> Wang Xiaoyu and Li Hongbo, "Safeguarding Child Rights in the 'Preschool Education Law': A Comparative Compliance Assessment with International Instruments," *Children's Study* 4 (2025): 39-47.

<sup>49</sup> Li Lujun, "On the Chinese Model for the Protection of the Rights of Persons with Disabilities," *The Journal of Human Rights* 3 (2025): 151.

<sup>50</sup> Liu Yuan, "A Multidimensional Reinterpretation of the Concept of the Rights of the Elderly: A Jurisprudential Reflection on the Definition of Age Division," *The Journal of Human Rights* 4 (2025): 73-96.

functional impairments.<sup>51</sup>

### C. The audience and communication strategies of China's human rights stories

The narration of China's human rights stories is not a one-way transmission of information. To acquire discursive power and influence and to generate effective international communication, it is also necessary to address the question of "to whom the stories are told." In China's human rights research in 2025, many scholars seek to break down the barriers between narrators and audiences by analyzing the dominant agendas and core concerns of the audiences of China's human rights stories, and by actively responding to the international community's attention to human rights in China.

#### 1. The audience scope of China's human rights stories

The year 2025 marks both the 80<sup>th</sup> anniversary of the victory in the Chinese People's War of Resistance Against Japanese Aggression and the World Anti-Fascist War, as well as the 80<sup>th</sup> anniversary of the founding of the United Nations. As one of the core principles established by the *Charter of the United Nations* in the postwar order, and as one of the three main pillars of the contemporary United Nations system, human rights occupy a central position within the UN framework. Consequently, the United Nations has long served as a key audience for China's human rights stories. Ma Xinmin systematically reviews the foundational contribution of the *Charter of the United Nations* to the postwar international order, arguing that it not only established the legal basis for global human rights governance, but also affirmed a pluralistic set of shared values within the international community. These include sovereignty, peace, inclusiveness, cooperation, harmony, justice, the rule of law, and human rights — values that transcend ideological differences and variations in social systems, thereby breaking away from a Western-centric value framework.<sup>52</sup> Lu Guangjin analyzes the mutually constitutive relationship between the United Nations and global human rights civilization. On the one hand, the establishment of the United Nations after World War II was the direct result of an unprecedented collective awakening of human rights consciousness in human history; on the other hand, the UN's most significant contribution to the progress of human civilization lies in the field of human rights. It has become a leader, organizer, and promoter of global human rights development, constructing an international system of human rights civilization encompassing values, legal norms, conceptual frameworks, institutional mechanisms, and practical actions.<sup>53</sup> By reviewing and analyzing the human rights norms and values historically shaped by the United Nations, Chinese scholars are, in effect, addressing questions regarding what kind of human rights narratives the UN adopts in the current international order and which of China's human rights stories are most relevant to its agenda.

In 2025, research on United Nations human rights mechanisms has made notable progress, particularly in the areas of human rights mainstreaming and universalization. Luo Yanhua systematically elaborates on the relationship between the process of human rights mainstreaming and the United Nations, arguing that the *Charter of the United Nations* serves as both the foundation and starting point of this process. Human rights mainstreaming has become a guiding principle and direction of UN reform, with the organization promoting it through institutional restructuring and the development of human rights mechanisms. Different UN departments and agencies, she notes, have gradually formed a synergistic force in advancing this process.<sup>54</sup> Mao Junxiang further categorizes the process of human rights universalization

<sup>51</sup> Zhu Hui and Wang Shuyan, "Integration of Elderly Persons and Persons with Disabilities as Care Recipients: Institutional Incrementalism in Chinese-style Long-term Care," *Disability Research* 1 (2025): 50-60.

<sup>52</sup> Ma Xinmin, "The Charter of the United Nations and the Post-war International Order: Historical Contributions, Development and Transformation," *Journal of International Law* 5 (2025): 1-39.

<sup>53</sup> Lu Guangjin, "The United Nations at 80 and the Advancement of the Global Human Rights Civilization," *Journal of International Law* 6 (2025): 16-34.

<sup>54</sup> Luo Yanhua, "The United Nations and the Mainstreaming of Human Rights," *The Journal of Human Rights* 3 (2025): 105-126.

into three dimensions: the universalization of human rights standards, the universalization of human rights mechanisms, and the mainstreaming of human rights agendas. He argues that this process ultimately drives transformations in traditional theories of human rights systems, subjects, functions, and obligations, thereby fostering the rapid development of human rights jurisprudence.<sup>55</sup> Precisely because human rights mainstreaming entails the internalization and institutionalization of human rights values within the policies and programs of major international organizations, and human rights universalization signifies broad global recognition and compliance, the articulation of China's human rights stories must pay close attention to the United Nations as the core of the international human rights system, closely follow its human rights agenda, and strengthen dialogue and interaction with its multilateral human rights mechanisms.

Among the many issues of global governance, climate change is widely regarded as the most severe and urgent threat to human rights in the twenty-first century. How China can promote global human rights cooperation and realize climate justice in the context of climate change has become a topic of widespread concern for countries around the world. Zhu Mingzhe and Wang Lingyu observe that, as a key claim in climate change litigation, “intergenerational equity” represents a conceptual breakthrough beyond the limitations of anthropocentrism and individualism by incorporating future generations and ecological interests into the scope of protection. Temporally, it shifts from a retrospective to a prospective model of responsibility; spatially, it transcends national boundaries, requiring states and corporations to assume extraterritorial human rights obligations.<sup>56</sup> Tang Yingxia and Gao Ming propose the introduction of a “human rights-based approach” into climate change adaptation policies. Such an approach would promote climate empowerment by enhancing public awareness of climate adaptation; procedurally, it would facilitate meaningful participation by stakeholders; substantively, it would focus on climate-vulnerable groups and advance climate justice; and in terms of implementation, it would strengthen policy coherence while establishing monitoring and accountability mechanisms.<sup>57</sup> In response to growing international calls for strengthening corporate human rights due diligence in the context of climate change, Li Zhuolun concludes that China has preliminarily established a “climate due diligence” system consistent with the expectations of United Nations norms. However, it remains necessary to further refine and strengthen the implementation of existing rules in order to advance the legalization, standardization, and systematization of corporate climate responsibility in China. At the same time, it is important to articulate China's human rights stories in a manner that is accessible and acceptable to the international community — particularly in relation to addressing the global climate crisis, enhancing human rights protection, and strengthening corporate climate accountability.<sup>58</sup>

## **2. Communication strategies for China's human rights stories**

Compared with previous years, when studies tended to focus directly on the “international communication of China's human rights stories” through a conventional framework of “status review-cause analysis-policy recommendations,” research in 2025 has moved beyond this approach. By introducing paradigms from communication studies and quantitative methods from the social sciences, scholars have conducted more in-depth analyses of the mechanisms underlying the dissemination of China's human rights stories. Yao Lu and Liang Tian'ai point

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<sup>55</sup> Mao Junxiang, “The United Nations over 80 Years and the Universalization of Human Rights,” *Science of Law (Journal of Northwest University of Political Science and Law)* 6 (2025): 29-39.

<sup>56</sup> Zhu Mingzhe and Wang Lingyu, “How Intergenerational Equity Reshapes Human Rights in Climate Change Litigation,” *Chinese Journal of Human Rights* 3 (2025): 79-96.

<sup>57</sup> Tang Yingxia and Gao Ming, “Challenges and Transformation of Climate Change Adaptation Policies from a Human Rights Law Perspective,” *Chinese Journal of Human Rights* 3 (2025): 97-113.

<sup>58</sup> Li Zhuolun, “China's Practice in Regulating Corporate Human Rights Due Diligence from the Perspective of Climate Change,” *The Journal of Human Rights* 5 (2025): 55.

out that the current international communication of China's human rights discourse is largely "sender-oriented," neglecting the adjustment of strategies based on audience feedback. This has, to some extent, resulted in characteristics such as strong practical engagement but weak discourse construction, limited theoretical development, and insufficient recognition. They therefore propose introducing an "effect-oriented" communication mechanism, which directly addresses the diverse backgrounds of audiences and the resulting plurality of interpretations of China's human rights discourse. Such a mechanism would dynamically assess communication outcomes based on audience feedback and adjust strategies accordingly across different contexts.<sup>59</sup> Based on quantitative analysis of the level of recognition of contemporary Chinese human rights discourse, Zhong Houtao proposes a strategy of "leading external shaping through self-shaping." On the one hand, this entails optimizing agenda-setting and refining the logic of discourse generation through flexible narratives and soft modes of communication; on the other hand, it requires expanding points of convergence and shared interests with other countries and regions, thereby enhancing the international supply of human rights discourse.<sup>60</sup>

In the process of international communication, language — as the medium of interaction — serves as the core carrier of China's human rights stories. Sun Shiyan notes that some international treaties currently have multiple Chinese versions, with issues such as delays or inconsistencies in establishing authoritative Chinese texts and expressions that are obscure or difficult to understand. Misunderstandings and improper handling of treaty texts — especially Chinese versions — also persist in academic circles. Accordingly, it is necessary, at the level of international law, to affirm that all equally authentic treaty texts possess equal legal validity, and that Chinese versions should not be regarded merely as translations of other texts, particularly English ones. China should assume responsibility for the Chinese versions of treaties, placing greater emphasis on their drafting, application, and use in treaty practice, international legal work, and foreign-related legal affairs.<sup>61</sup> While attention to external linguistic communication is essential, internal language construction is equally important. Zhang Hengshan observes that, in current legislative practice in China, there are instances of imprecise or inappropriate language in the expression of rights. He argues that provisions on rights in legislation must not only conform to the fundamental objective of fairness and justice, but also achieve precision in wording, clarity in meaning, and definiteness in behavioral guidance. This requires legislators to adopt linguistic paradigms in which rights are clearly anchored in specific actions, avoiding formulations that treat abstract interests, material objects, or vague values as the carriers of rights.<sup>62</sup>

### **III. Clarifying the Logic of Human Rights in China: Philosophical Foundations, Political Rationales, and Legal Principles**

Narratives serve as an important vehicle for conveying underlying principles. Ultimately, better telling China's human rights stories is aimed at communicating the logic of human rights embedded within them, achieving a unity between emotional resonance and rational persuasion. This requires Chinese human rights scholars to integrate profound theoretical insights into vivid and concrete narratives, "guiding audiences toward understanding the 'Way' through engaging storytelling, and enabling them to comprehend it through patient and persuasive explanation, thereby more fully and distinctly demonstrating the intellectual and spiritual strength

<sup>59</sup> Yao Lu and Liang Tian'ai, "An 'Effect-Oriented' Mechanism for the International Dissemination of China's Human Rights Discourse," *The Journal of Human Rights* 1 (2025): 137-158.

<sup>60</sup> Zhong Houtao, "Self-Shaping to Lead Other-Shaping: On the International Communication of Contemporary China's Human Rights Discourse," *Chinese Journal of Human Rights* 1 (2025): 54-75.

<sup>61</sup> Sun Shiyan, "Authentic Chinese Texts of International Treaties: Identification and Legal Significance," *Peking University Law Journal* 6 (2025): 1658-1676.

<sup>62</sup> Zhang Hengshan, "Research on the Linguistic Paradigms of Rights Provisions in Legislation," *Administrative Law Review* 2 (2025): 80-100.

underlying China's stories."<sup>63</sup> Specifically, human rights research in China in 2025 elucidates the logic of human rights across three dimensions — philosophical, political, and legal — thereby explaining why the human rights outlook guided by Karl Marx “works,” why the path of human rights development under the leadership of the Communist Party of China “is effective,” and why the institutional practices of rule-of-law human rights protection in China “are sound.”

### **A. Analyzing the philosophical foundations of human rights in China**

The philosophical foundations of human rights concern fundamental issues such as the essence, basis, and legitimacy of human rights, ultimately shaping institutional choices and pathways for their realization. By probing the moral foundations of human rights theory and tracing its cutting-edge developments, Chinese scholars address the questions of where China's human rights originate and where they are heading, thereby revealing the truth value of a human rights outlook guided by Marxism.

#### **1. Revisiting the moral foundations and value orientation of human rights theory**

Whether human rights possess or require a moral foundation constitutes a “meta-proposition” of human rights theory, and responses to this question fundamentally shape the specific pathways through which conceptions of human rights are constructed. Focusing on this foundational issue, China's human rights research in 2025 has made notable progress in the study of “human dignity.” Zhang Zhucheng explicitly argues that “human dignity plays a foundational role in the concept of human rights,” and further analyzes its connotation and function within this foundational proposition. He contends that “human dignity should be understood as a reason for action grounded in the valuing of human nature.” In non-interpersonal contexts, dignity imposes standards of conduct and virtues upon the individual actor; in interpersonal contexts, it entails the recognition of individuals as moral agents possessing the standing to make legitimate claims.<sup>64</sup> By contrast, Lei Lei offers a critical reassessment of the textbook proposition that “human dignity is the foundation of human rights.” Rather than treating dignity as the sole foundation, he advocates a pluralistic account in which dignity constitutes one among multiple foundations of human rights. In this view, dignity is defined as a normative capacity and status encompassing a set of human rights: it does not serve as the historical or validity foundation of human rights, nor necessarily as their substantive foundation, but may function as an interpretive foundation.<sup>65</sup> Chen Xuhui further reflects on prevailing approaches to theorizing human dignity, arguing that such approaches may weaken the objectivity of dignity and unduly expand its conceptual scope. He proposes an alternative “bottom-up” approach grounded in a theory of social status, according to which dignity should be understood as the most basic form of equal social standing that must not be subject to humiliation or degradation.<sup>66</sup>

In addition to metaphysical inquiries into whether human rights possess a foundation, some scholars adopt a more practical perspective by examining “primary basic rights” within the Chinese outlook on human rights, thereby revealing its value orientation. Departing from earlier affirmative analyses of the content and value of the right to subsistence, Wei Xiaoxu approaches the issue dialectically by addressing the “ambiguity” of the right to subsistence. He argues that such ambiguity has a certain degree of rationality: as the right to subsistence remains in a stage of discourse-driven theoretical construction, a degree of conceptual indeterminacy is inevitable and reflects the nature of discourse itself. Rather than negating the right on this basis, a certain level of technical and strategic ambiguity may, in fact, be

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<sup>63</sup> Chen Li, “To Tell China's Stories Well in the New Era: Properly Coordinating and Handling the Eight Major Relationships,” *CPPCC News*, June 30, 2025, 3.

<sup>64</sup> Zhang Zhucheng, “On Human Dignity as the Foundation of Human Rights,” *Nanjing University Law Journal* 4 (2025): 85-103.

<sup>65</sup> Lei Lei, “Can Dignity Constitute the Basis of Human Rights?” *Chinese Journal of Human Rights* 1 (2025): 13-29.

<sup>66</sup> Chen Xuhui, “On Human Dignity as Social Status: A Bottom-Up Approach,” *The Journal of Human Rights* 1 (2025): 57-80.

constructive.<sup>67</sup> On the basis of adequately securing the right to subsistence, Hu Yuhong introduces the concept of “livelihood rights” to describe the rights associated with maintaining and managing one’s life course in everyday existence. He argues that livelihood depends on human survival, which in turn presupposes the right to life; thus, livelihood rights possess a legitimate foundation as human rights. Moreover, the universality, breadth, immediacy, and vulnerability of livelihood needs require that such rights be institutionalized and protected in the form of positive rights.<sup>68</sup> However, Zhang Han cautions against reducing livelihood protection to a simple matter of rights. In terms of discourse, it extends beyond the traditional scope of economic, social, and cultural rights; in terms of implementation, it is more often policy-driven rather than reliant on legal remedies; and in its normative essence, it should first be understood as a form of prior individual obligation. Accordingly, theoretical constructions of livelihood protection should move beyond broad rights-based discourse and develop into a system of social justice standards with Chinese characteristics, to be interpreted, implemented, and supervised as state objectives enshrined in the *Constitution*.<sup>69</sup>

The proposition that “the greatest human right of all is the right to a happy life” constitutes an original thesis within the Chinese human rights discourse and reflects a higher-order value pursuit embedded in China’s outlook on human rights. Liang Tian’ai and Yao Lu analyze the theoretical foundations of the “right to a happy life for the people,” arguing that Karl Marx’s conception of people’s well-being emphasizes the dialectical unity between material and spiritual happiness, the positive-sum interaction between individual and others’ happiness, and the harmonious coexistence between individual and collective well-being. As a result, the right to a happy life for the people points, in its structural dimension, to an open system of responsibility composed of the state, non-state actors, and natural persons. It thereby possesses the practical capacity to integrate and transcend other human rights values and to bridge value divergences among different rights-bearing subjects.<sup>70</sup> From the ideal blueprint envisioned by Marxism, the ultimate goal of respecting and protecting human rights lies in realizing the “free and all-around development of the human being.” Liu Zhiqiang and He Chen further derive from this proposition a threefold jurisprudential structure of human rights, spanning morality, normativity, and factual realization. At the moral level, “human survival” serves as the precondition for the development of the “real person”; at the normative level, “human happiness” focuses on the institutional and legal guarantees necessary for achieving free and all-around human development; and at the factual level, “human flourishing” corresponds to the stage of realizing such development in practice.<sup>71</sup>

## 2. Tracing the frontier developments of human rights theory in the digital age

The iterative advancement of digital technologies is profoundly and continuously reshaping the structure of human society and the landscape of rights. Correspondingly, Chinese academia has advanced the concept of “digital human rights” and engaged in multiple rounds of theoretical debate around it. In 2025, China’s human rights research continues to track the frontier developments of human rights theory in the digital era, significantly expanding the intellectual boundaries of China’s human rights theory and enriching the logic of human rights.

Many scholars have proposed new approaches to justifying digital human rights. Gong Xianghe argues, from the perspectives of moral legitimacy and systemic coherence within the

<sup>67</sup> Wei Xiaoxu, “The Ambiguity Dilemma of the Right to Subsistence and its Theoretical Relief,” *Contemporary Law Review* 5 (2025): 159.

<sup>68</sup> Hu Yuhong, “What Makes the Need for ‘Livelihood’ a ‘Right’?” *Science of Law (Journal of Northwest University of Political Science and Law)* 2 (2025): 3-17.

<sup>69</sup> Zhang Han, “Analysis of the Discourse of Rights of People’s Livelihood Guarantee and Its Transcendence,” *Law Science* 2 (2025): 17-35.

<sup>70</sup> Liang Tian’ai and Yao Lu, “The Theoretical Origins and Practical Mechanisms of the People’s Right to a Happy Life,” *Journal of Human Rights Law* 3 (2025): 13-33.

<sup>71</sup> Liu Zhiqiang and He Chen, “On the Human Rights Jurisprudence of ‘Free and Well-rounded Development of People,’” *Journal of Human Rights Law* 1 (2025): 1-23.

human rights framework, that digital human rights constitute an emerging category of human rights. On the one hand, their human foundation derives from the “digital attributes” of human beings, reflected in both living spaces and modes of production and daily life; on the other hand, as a new type of human rights, digital human rights can be integrated into the existing human rights system and should essentially be understood as a domain-specific category of rights. Nevertheless, he remains cautious about classifying digital human rights as a “fourth generation” of human rights.<sup>72</sup> Similarly, Zhou Weidong, focusing on the paradigm crisis of traditional generational human rights theory, advocates reconstructing the system of digital human rights through a “domain-based human rights” paradigm oriented toward technological risk governance. In this view, domain-based human rights, as a risk-oriented human rights approach, emerge in response to specific risk problems of rights infringement within particular domains. Substantively, they emphasize strengthening relational connections between individuals and society, highlighting the protection of relational rights; in terms of protection mechanisms, they call for a shift from fragmented safeguards within departmental laws to integrated protection under domain-specific legal frameworks.<sup>73</sup>

Taking digital human rights as a theoretical starting point, Chinese scholars have further proposed a series of original and representative new rights, forming a “conceptual cluster” of digital human rights. Wang Xigen and Duan Yun introduce the concept of the “right to digital development,” defining it as a purposive right arising from the integration of digital technology and development rights. Centered on equality of development opportunities in the digital context, it aims to realize the free and comprehensive development of all humanity, particularly individuals and groups disadvantaged in the digital sphere.<sup>74</sup> In light of the inadequacy of existing rights — such as personality rights, portrait rights, and personal information rights — to effectively protect digital representations of individuals, Xu Wei proposes the concept of “digital image rights.” He argues that digital humans should be regarded as new objects of personality rights, with real persons as the rights holders. The content of such rights would include the rights to create, use, commercially exploit, explain, correct, terminate, and delete digital images.<sup>75</sup> Furthermore, Zhao Zhonghua observes that the deep integration of artificial intelligence and neurotechnology has made it possible to decode the human brain. On this basis, he proposes the concept of “neurorights” in the intelligent era, defining them as a new category of rights aimed at safeguarding the dignity of the human brain and ensuring that neurotechnologies develop without infringing upon human rights. These rights encompass cognitive liberty, mental privacy, mental integrity, and psychological continuity.<sup>76</sup>

Amid the surge of enthusiasm surrounding digital human rights, some scholars have maintained a sharply critical stance. Liu Zhiqiang has, for the fourth consecutive year, advanced a critical perspective on digital human rights. In response to Gong Xianghe's argument that digital human rights constitute a new category of rights, Liu articulates a threefold critique. First, the “digital attributes” of human beings are merely digital projections of social relations, thereby conflating means with ends. Second, the generational classification and domain-based reconstruction of “digital human rights” reveal structural contradictions. Third, the effectiveness of the proposed tripartite system of human rights obligations within the framework of digital human rights encounters practical difficulties. Taken together, these

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<sup>72</sup> Gong Xianghe, “The Human Foundation, Systematic Positioning and Obligation Guarantee of Digital Human Rights,” in *Digital Jurisprudence Review*, vol. 50, Ma Changshan ed. (Beijing: The Commercial Press, 2025), 3-21.

<sup>73</sup> Zhou Weidong, “From Intergenerational Human Rights to Domain-Specific Human Rights: The Evolution of the Human Rights Paradigm in the Digital Age,” *Journal of Renmin University of China* 6 (2025): 100-113.

<sup>74</sup> Wang Xigen and Duan Yun, “The Right to Digital Development,” in *Studies on the Right to Development* 1 (2025), Wang Xigen ed. (Beijing: Social Sciences Academic Press, 2025), 1.

<sup>75</sup> Xu Wei, “On the Right to the Digital Image,” *Research on Rule of Law* 4 (2025): 31-45.

<sup>76</sup> Zhao Zhonghua, “Predicaments and Resolutions for Neurorights in the Age of Intelligence,” *Medicine & Philosophy* 12 (2025): 1-5.

critiques point to an underlying logic in which the instrumental rationality of technology suppresses human subjectivity and dissolves the value of human rights within digital systems. In a further contribution, Liu employs the Hegelian dialectical framework of “thesis-antithesis-synthesis” to deconstruct the jurisprudential foundations of digital human rights. He argues that the concept should undergo theoretical transcendence, evolving into a synthetic proposition — namely, the “digital transformation” of the concept of human rights.<sup>77</sup> Similarly, Gong Zhiwang advocates replacing the notion of “digital human rights” with that of the “digitalization of human rights.” On the one hand, the digitalization of human existence has not generated a “digital subject” independent of the physical individual; rather, “digital identity” is merely an identifier through which individuals express themselves via digital media and does not possess independent subjectivity. On the other hand, the concept of the “digitalization of human rights” can respond to emerging demands for digital rights while reducing the theoretical costs of justifying new categories of rights, thereby facilitating a balance between technological innovation and human rights values.<sup>78</sup>

## **B. Distilling the political rationales of human rights in China**

The path of human rights development in China has been validated through the century-long practice of the Communist Party of China in leading the people to respect and protect human rights. It represents a correct path that conforms to historical trends and aligns with China’s national conditions. To understand the distinctive achievements of this path and the profound logic of human rights it embodies, it is essential to situate it within its political context and to recognize the Party’s central leadership role in shaping China’s human rights development.

### **1. The fundamental guiding ideology of China’s path of human rights development**

Since the 18th National Congress of the Communist Party of China, General Secretary Xi Jinping has, on the basis of the Party’s more than one hundred years of quest and over seventy years of practice since the founding of the People’s Republic of China, delivered a series of important statements on respecting and protecting human rights. These statements not only constitute a theoretical summary of China’s human rights development path, but also serve as a guiding framework for the continued advancement of China’s human rights cause in the new era. Many scholars have examined these important statements from multiple perspectives. Liu Rongjun argues that they originate from China’s great practice of respecting and protecting human rights, develop innovatively from the Marxist view of the people, are rooted in the best of traditional Chinese culture, and draw lessons both from modern Chinese social conditions and from the perceived deficiencies and distortions in Western/American human rights governance. As such, they rest on profound theoretical foundations and practical justifications, offering guidance for global human rights governance and the future development of human rights.<sup>79</sup> Mao Junxiang and Hou Rouqian emphasize that the political dimension of any human rights outlook concerns its political traditions and foundations, as well as the leadership forces, developmental pathways, and visions through which it is implemented. Accordingly, the political dimension is key to understanding the above-mentioned important statements.<sup>80</sup> In addition, Mao Junxiang and Yin Chen highlight that these statements are grounded in a profound critique of the Western-centrism embedded in prevailing human rights concepts and

<sup>77</sup> Liu Zhiqiang, “Theoretical Paradoxes of ‘Digital Human Rights’ and Their Critique — Taking Gong Xianghe’s Views as the Starting Point,” in *Digital Jurisprudence Review*, vol. 5, Ma Changshan ed. (Beijing: The Commercial Press, 2025), 22-39; Liu Zhiqiang: “On the Re-deconstruction of the Jurisprudence of ‘Digital Human Rights,’” *Modern Law Science* 3 (2025): 179-193.

<sup>78</sup> Gong Zhiwang, “Digitalization of Human Rights — A Theoretical Reflection on the Concept of Digital Human Rights,” in *Chinese Journal of Human Rights*, vol. 30, Zheng Zhihang ed. (Beijing: The Commercial Press, 2025), 237-261.

<sup>79</sup> Liu Rongjun, “The Forming Origins, Practical Approach and Inspiration for Global Human Rights Governance of Xi Jinping’s Important Statements on Respecting and Protecting Human Rights,” *SJTU Law Review* 2 (2025): 24-36.

<sup>80</sup> Mao Junxiang and Hou Rouqian, “The Political Dimension of Xi Jinping’s Important Statements on Respecting and Safeguarding Human Rights,” *Journal of Human Rights Law* 2 (2025): 1-19.

models, a rational reflection on the historical trajectory of human rights protection in China from the modern period and earlier, and a scientific summation of the Party's century-long achievements in respecting and safeguarding human rights. As such, they constitute an innovative theory of human rights for the new era, rooted in historical materialism and reflecting a deep understanding of both the global history of human rights protection and China's own developmental trajectory in this field.<sup>81</sup>

Beyond directly deriving the political rationales of human rights from these statements, many scholars have also explored the human rights implications embedded in Xi Jinping Thought on the Rule of Law and in General Secretary Xi Jinping's important statements on the protection of women's rights. Zhang Wenxian observes that a notable strength of Xi Jinping Thought on the Rule of Law lies in its ability to synthesize practical experiences, concepts, viewpoints, and discourse into coherent legal principles. Within this framework, the "Marxist outlook on human rights" and the "contemporary Chinese outlook on human rights" emerge as original and representative concepts imbued with both contemporary significance and jurisprudential depth.<sup>82</sup> Jiang Wenzhi and Liu Yanhong further argue that Xi Jinping Thought on the Rule of Law embodies a people-centered philosophy of prudence in the use of criminal punishment. It advocates safeguarding human rights by restraining the exercise of state punitive power, making the interests of the people the decisive factor in determining whether and how punishment should be applied.<sup>83</sup> Focusing on the human rights dimension of criminal procedure within this framework, Bu Yangyang notes that the principles of due process and judicial protection of human rights, the normative balance between private rights remedies and constraints on public power, and the coordinated yet mutually constraining allocation of powers among supervisory, investigative, prosecutorial, adjudicative, and enforcement bodies all reflect the fundamental people-centered orientation and sound outlook on human rights.<sup>84</sup> Finally, Wang Liwan highlights that General Secretary Xi Jinping's important statements on the protection of women's rights encompass key dimensions such as political participation, personal and personality rights, cultural and educational rights, labor and property rights, and marriage and family rights. By systematically incorporating the protection of women's rights into laws and regulations, elevating it to the level of state will, and internalizing it as a social norm, these statements represent an organic integration of the Marxist view of women, the Party's revolutionary and governance experience in advancing women's rights and interests, and excellent traditional Chinese culture — forming an ideological framework and practical guide characterized by contemporaneity, originality, and systematic coherence.<sup>85</sup>

## **2. The inter-constitutive relationship between Chinese modernization and China's path of human rights development**

General Secretary Xi Jinping has emphasized that "Chinese modernization is people-centered"<sup>86</sup> and that "the ultimate goal of modernization is people's free and well-rounded development."<sup>87</sup> From this perspective, respecting and protecting human rights is

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<sup>81</sup> Mao Junxiang and Yin Chen, "The Historical Logic of General Secretary Xi Jinping's Important Statements on Respecting and Protecting Human Rights," *Chinese Journal of Human Rights* 4 (2025): 43-61.

<sup>82</sup> Zhang Wenxian, "The Innovative Development of Xi Jinping Thought on the Rule of Law over the Past Five Years," *Science of Law (Journal of Northwest University of Political Science and Law)* 5 (2025): 16 and 18.

<sup>83</sup> Jiang Wenzhi and Liu Yanhong, "Xi Jinping Thought on the Rule of Law: The Concept of Prudential Punishment and Its Human Rights Protection Function," *Chinese Journal of Human Rights* 4 (2025): 1-21.

<sup>84</sup> Bu Yangyang, "The Human Rights Perspective in Criminal Procedure in Xi Jinping Thought on the Rule of Law," *Chinese Journal of Human Rights* 4 (2025): 41.

<sup>85</sup> Wang Liwan, "Academic Interpretation of Xi Jinping's Important Discourses on the Protection of Women's Rights and Interests," *The Journal of Human Rights* 6 (2025): 32-55.

<sup>86</sup> Xi Jinping, "Galvanizing Our Peoples into a Strong Force for the Cause of China-U.S. Friendship: Speech by H.E. Xi Jinping, President of the People's Republic of China, at Welcome Dinner by Friendly Organizations in the United States (San Francisco, November 15, 2023)," (Beijing: People's Publishing House, 2023), 11.

<sup>87</sup> Xi Jinping, "Join Hands on the Path Towards Modernization: Keynote Address by H.E. Xi Jinping, General Secretary of the Central Committee of the Communist Party of China and President of the People's Republic of China, at the CPC in Dialogue

both a central mission of Chinese modernization and an essential means of achieving it. The two are thus deeply inter-constitutive. To uncover the profound political rationales embedded in China's path of human rights development, it is therefore necessary to situate it within the fundamental political context of Chinese modernization.

On the one hand, Chinese modernization provides the political context and institutional guarantees for the sound and comprehensive development of China's human rights cause. Hu Yuhong argues that a "correct outlook on human rights," composed of four key elements — recognizing human rights as a common value of humanity, adhering to a human rights development path with Chinese characteristics, strengthening human rights protection with a focus on improving people's actual living conditions, and expanding the scope and depth of human rights through the whole-process people's democracy — serves as both the conceptual foundation for robustly advancing human rights and the guiding principle for shaping the development path.<sup>88</sup> Yao Li further notes that, under the modernization imperative of "upholding a correct outlook on human rights and strengthening law enforcement and judicial protection of human rights," the modernization of human rights protection within China's criminal justice system has become an integral component of both criminal procedure modernization and rule-of-law modernization in the new era. This process has given rise to a distinctly localized practical logic for the modernization of human rights protection in criminal justice, characterized by: leadership by the Communist Party of China to guide coordinated governance; criminal policy to set developmental direction; legislative reform to construct concrete institutional frameworks; and value balancing to ensure functional effectiveness.<sup>89</sup>

On the other hand, human rights are inherent to Chinese modernization itself. Chinese modernization is necessarily a path of development that respects and protects human rights, while the full enjoyment and exercise of human rights by all individuals ensures the steady and sustainable advancement of modernization. The requirements of Chinese modernization in terms of democracy and development further highlight its intrinsic connection with human rights protection. Dai Jitao argues that the whole-process people's democracy constitutes both an essential requirement and a key component of advancing Chinese modernization. In particular, the profound human rights ideals, values, and goals embedded within this form of democracy make it a new paradigm of democratic theory, institutional form, and practical model for realizing the fundamental interests of the people, ensuring that the people are masters of the country, and effectively safeguarding human rights.<sup>90</sup> In advancing Chinese modernization, the development of "new quality productive forces" has been identified as a major task for promoting high-quality development. Huang Aijiao further elucidates the role of human rights protection in this process. He argues that the development of new quality productive forces should adhere to the principle that "the greatest human right of all is the right to a happy life," innovate mechanisms for human rights protection, and strengthen the protection of vulnerable groups in a targeted manner. This approach enables the coordinated advancement of new quality productive force development and human rights protection: on the one hand, robust human rights protection provides an inexhaustible source of momentum for the development of new quality productive forces; on the other hand, human rights themselves achieve higher-quality and higher-level protection in the course of such development.<sup>91</sup>

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with World Political Parties High-level Meeting," (Beijing: People's Publishing House, 2023), 2.

<sup>88</sup> Hu Yuhong, "Theoretical Guidance on Promoting the Correct Outlook on Human Rights," *Political Science and Law* 12 (2025): 2-17.

<sup>89</sup> Yao Li, "Research on Human Rights Protection in Criminal Justice in the Process of Chinese Path to Modernization," *The Jurist* 2 (2025): 1.

<sup>90</sup> Dai Jitao, "The Human Rights Implications and Realization Mechanism of Whole-Process People's Democracy," *The Journal of Human Rights* 2 (2025): 20.

<sup>91</sup> Huang Aijiao, "On the Protection of Human Rights in the Development of New Quality Productive Forces," *Journal of Human Rights Law* 3 (2025): 12.

### C. Explicating the legal principles of human rights in China

The rule of law constitutes the fundamental mode of governance and the most effective guarantee of human rights. General Secretary Xi Jinping has emphasized that “we will strengthen legal protection for human rights and further the reform of related legal institutions; we will provide legal guarantees that cover the whole process, every link and every dimension of human rights protection, including legislation, judicature, enforcement and observance of the law.”<sup>92</sup> Against the backdrop of comprehensively advancing law-based governance, Chinese scholars have drawn upon the vivid practice of human rights protection under the rule of law in China to provide in-depth interpretations of the legal principles of human rights.

#### 1. Distilling a constitutional theory of respecting and protecting human rights

In contrast to the “negative and night-watchman state” model of fundamental rights in Western constitutional theory, Qi Yanping characterizes the fundamental rights of China’s “positive and mission-oriented” *Constitution* as embodying a “developmentalist paradigm.” This paradigm is shaped by a logic of proactive state governance and the integrated construction of political, economic, and social systems. Its structural conception lies in the balanced coexistence and parallel development of individual legal interests and public legal interests under conditions of dynamic tension. Its primary function is realized through the integrated coordination of a “value system” and “technical methods,” the mutual embedding of “positive obligations” and “negative defenses,” and the reciprocal promotion of “state-building” and “rights development.”<sup>93</sup> Guided by these overarching value principles, many scholars have conducted research on specific rights, thereby expanding the knowledge system of the “substantive theory of fundamental rights” in Chinese constitutional law. By examining the historical transformation of women’s status as constitutional subjects in China, the structural expansion of the system of women’s rights, and the evolving focus of state protection of such rights, Ren Xirong argues that the establishment of women’s constitutional subject status in China represents “a Chinese paradigm of the accelerated evolution of modern rule-of-law civilization.” On this basis, she notes that China has formed a legal normative system for the protection of women’s rights “with the Constitution as its foundation and the *Law of the People’s Republic of China on the Protection of Women’s Rights and Interests* as its core, supplemented by more than one hundred laws and regulations.”<sup>94</sup> Wang Weiyu contends that construing family rights as a fundamental right is “not only necessary to prevent public power from infringing upon family autonomy, but also conducive to constructing a radiating objective value order that meets the developmental requirements of international human rights protection.” In this regard, Article 38 of the current Chinese *Constitution*, which protects human dignity, serves as the starting point and value foundation for the establishment of family rights; Article 48, which enshrines gender equality, constitutes a fundamental principle that must be followed; and Article 49 endows family rights with normative content, including constitutional protection of family members, freedom of marriage, and norms governing familial relationships such as parental care and filial piety.<sup>95</sup>

Building upon many classical propositions in constitutional hermeneutics, Chinese scholars have advanced localized interpretive approaches on the basis of a full consideration of the normative structure and practical needs of China’s *Constitution*. Li Haiping and Xing Tao argue that the constitutional incorporation of the human rights clause has driven innovation in the hermeneutics of fundamental rights in China: “The inclusion of the human rights clause in

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<sup>92</sup> Xi Jinping, “Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights,” *Qiushi Journal* 12 (2022): 8.

<sup>93</sup> Qi Yanping, “The Developmentalist Model of Constitutional Fundamental Rights,” *Science of Law (Journal of Northwest University of Political Science and Law)* 3 (2025): 3-17.

<sup>94</sup> Ren Xirong, “The Constitutional Construction of Women’s Rights in China,” *Social Sciences in China* 11 (2025): 108-125.

<sup>95</sup> Wang Weiyu, “Why Are Family Rights Considered Fundamental Rights in the Chinese Constitution?” *Chinese Journal of Human Rights* 2 (2025): 42-61.

the *Constitution* has expanded the subject of fundamental rights from citizens to natural persons; narrowed the obligors from all entities to state public power and social public power; clarified the dual nature of fundamental rights as rights to be respected and rights to be guaranteed; and shaped the dual obligations of the state — namely, the duty to respect and the duty to protect — while maintaining a limited openness in the scope of fundamental rights.”<sup>96</sup> In contrast to the mainstream view that regards Article 51 of the *Constitution* as a general limitation clause on fundamental rights, Zhang Xiaoshan conceptualizes this provision as defining the “limits” of fundamental rights: “Article 51 of the *Constitution* does not authorize the legislature to restrict fundamental rights; rather, it emphasizes that citizens shall not abuse their fundamental rights. It implies that fundamental rights possess inherent boundaries, and that exercising such rights beyond these boundaries may result in their forfeiture.”<sup>97</sup>

As the saying goes, “law alone cannot ensure its own implementation”; for human rights as abstract concepts to become human rights in actual enjoyment, it is necessary to establish a sound system for constitutional implementation and supervision. Among these, the filing and review mechanism (recording and review system), as an original and distinctly Chinese institution of constitutional implementation, has played an important role in safeguarding human rights. Qin Wenfeng observes that, in cases involving the filing and review of fundamental rights, the reasoning and argumentation of review bodies exhibit a certain degree of subjectivity and arbitrariness, which may constrain the realization of the human rights protection function. It is therefore necessary to construct an “argumentation model for the filing and review of fundamental rights oriented toward human rights protection,” centered on the value-transmission function of fundamental rights, the rule-supplying function of fundamental rights, and the methodological function of fundamental rights.<sup>98</sup> Wang Kai analyzes the review approach to social rights within the filing and review mechanism: “Given that the scope of protection of social rights is formed through legislation, constitutional review should distinguish between the legislatively defined scope of protection and legislative interventions into that scope.” The former requires differentiating between the core and the periphery of the protection scope, while the latter follows a tiered analytical framework that examines whether legislative measures constitute an interference with social rights and whether such interference satisfies both formal and substantive requirements of legitimacy.<sup>99</sup>

## **2. Improving the paths of departmental law and sector-specific law for the protection of human rights under the rule of law**

Criminal justice constitutes an important instrument of social governance. How to properly coordinate the tension between the dual objectives of punishing crime and safeguarding human rights has long been a classic issue in the study of criminal law and criminal procedure law. At the level of substantive law, Wang Ke observes that, in the context of a risk society, criminal law has exhibited a tendency toward functional expansion, which exerts an impact on the superior legal status of human rights law at both the legislative and judicial levels. He proposes introducing proportionality review from human rights law and constraining the expansion of criminal law: “As an important measure for balancing human rights, the principle of proportionality — regardless of how conceptions of criminal law may evolve — can realize human rights values, confine the expansion of criminal law accompanying social change within the bounds of human rights law, and safeguard the superior

<sup>96</sup> Li Haiping and Xing Tao, “The Incorporation of Human Rights Clauses into the Constitution and the Innovation of Basic Rights Hermeneutics,” *The Journal of Human Rights* 3 (2025): 149.

<sup>97</sup> Zhang Xiaoshan, “Restrictions or Limits? — A Further Study on the Interpretation of Article 51 of the Constitution,” *The Journal of Human Rights* 6 (2026): 162.

<sup>98</sup> Qin Wenfeng, “A Study on the Argumentation and Reasoning in Recording and Review Cases: Taking Fundamental Rights Cases as an Example,” *The Journal of Human Rights* 5 (2025): 148.

<sup>99</sup> Wang Kai, “An Analysis Approach to Constitutional Social Rights Protection: Centered on Recording and Review Cases,” *Tsinghua Law Journal* 3 (2025): 137-154.

legal status of human rights law.”<sup>100</sup> At the level of procedural law, taking the Fourth Amendment to the *Criminal Procedure Law* as a focal point, many scholars have advanced theoretical perspectives and reform proposals for improving the protection of human rights under the rule of law in criminal proceedings. Chen Weidong argues that the current system of compulsory measures in criminal procedure still bears a strong imprint of power dominance. Problems persist, including the unclear distinction between summons by force and ordinary summons, the restricted application of bail pending trial, the distortion of residential surveillance, the hollowing out of detention conditions, and imbalances in the arrest system. The revision of the *Criminal Procedure Law* should therefore aim to transform the system of compulsory measures from a “power-oriented” model to a “rights-oriented” one, guided overall by the principle of proportionality, and establish multidimensional safeguards such as tiered control, hearing-based review, and rights remedies.<sup>101</sup> Chen Ruihua points out that “the level of protection afforded to the rights of criminal defendants represents the degree of scientific development and democratization of the criminal procedure system.” It is therefore necessary to strengthen the procedural subject status of defendants, ensuring that they become active participants capable of advancing proceedings and influencing outcomes; to improve the institutional structure for safeguarding defendants’ rights, thereby providing guarantees for the effective exercise of both substantive and procedural rights; and to refine the mechanisms for rights remedies by establishing a reasonable, effective, and timely framework encompassing both ex post relief and process-oriented relief.<sup>102</sup>

In the field of labor law, relevant research has taken “decent work” and “fulfilling work” as points of departure, aiming to enhance the dignity of workers. Against the backdrop of demographic changes and adjustments in fertility policy, Xie Zengyi highlights the significance of the “principle of work-life balance” in promoting employment — especially ensuring women’s employment and gender equality, meeting family caregiving needs, and protecting workers’ rights. He argues that this principle should be formally established in Chinese labor law, and that a comprehensive institutional framework for work-life balance should be constructed through measures such as improving maternity and caregiving leave systems, introducing a right for workers to request flexible working arrangements, and recognizing a “right to disconnect.”<sup>103</sup> From a feminist perspective, Lu Haina examines the issue of care work in international human rights law. She argues that the international standards on the right to work most closely related to care work exhibit a significant gender blind spot. This stems from the profound influence of Western liberal philosophical traditions on international human rights law, which primarily reflect male life experiences and a public/private dichotomy. It is therefore necessary to explicitly incorporate care work into the conceptual framework of the right to work, so as to respond to the lived experiences and needs of women — particularly those in developing countries and marginalized groups.<sup>104</sup>

Guided by the “Healthy China” strategy as a policy orientation and taking the codification of a Health Law Code as a historic opportunity, research on China’s health law has become increasingly mature. Xie Zhiyong argues that, in light of the need to safeguard citizens’ right to life and health, advance the modernization of health governance, and enhance China’s voice in global health governance, the codification of health law is an inevitable choice. Such

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<sup>100</sup> Wang Ke, “Boundary of Human Rights Law Regarding the Functional Expansion of Criminal Law,” *Law Science* 2 (2025): 63.

<sup>101</sup> Chen Weidong, “From Power Dominance to Right Standard: the Improvement of the Criminal Coercive Measures System,” *Study & Exploration* 9 (2025): 50-63.

<sup>102</sup> Chen Ruihua, “Fundamental Issues in Protecting the Rights of Criminal Defendants,” *Tsinghua Law Journal* 2 (2025): 41-58.

<sup>103</sup> Xie Zengyi, “Establishing the Principle and Constructing the Rules of Work-life Balance in the Context of Labor Law,” *Chinese Journal of Law* 4 (2025): 38-57.

<sup>104</sup> Lu Haina, “On Caring Labor from the Perspective of Women’s Right to Work,” *Law Science* 5 (2025): 164-178.

codification should be grounded in the protection of the right to life and health, and should focus on addressing prominent problems in the health sector, including legislative fragmentation, low hierarchical status, overreliance on policy documents, and the prevalence of inconsistencies, conflicts, and gaps, thereby providing normative guidance for the development of the Healthy China initiative.<sup>105</sup> Wu Yiwen provides a comprehensive analysis of the normative connotations of the right to health and its protection under the rule of law. By examining three fundamental conceptual pairs — “rights and commodities,” “state and market,” and “global and local” — she traces the historical evolution of the right to health. In the Chinese context, she conceptualizes it as a “composite right integrating public and private dimensions, as well as negative and positive attributes.” She further proposes that “putting people’s health at the center” should serve as the fundamental value orientation, with health justice and health promotion as specific value principles, and that the legal protection of the right to health should be advanced through a dual-track approach that integrates the construction of a normative system with the coordination of implementation mechanisms.<sup>106</sup>

### **3. Expanding the foreign-related legal perspective on the protection of human rights under the rule of law**

Coordinating the advancement of domestic rule of law and foreign-related rule of law is not only an integral component of comprehensively promoting law-based governance, but also an inevitable requirement for China to respond to global risks and challenges and to safeguard national sovereignty, security, and development interests. By analyzing frontier developments in traditional issues — such as the temporal and spatial scope of state human rights obligations and the relationship between international law and domestic law — scholars have revealed multiple pathways linking foreign-related rule of law with human rights protection. Yu Liang examines the expanding trends of state obligations under international human rights law from the dimensions of “space” and “time.” Extraterritorial human rights obligations require states to respect and protect human rights when conducting overseas activities or to prevent the extraterritorial impacts of domestic actions; the notion of the human rights of future generations, in turn, requires states to take into account the interests and claims of future persons when acting, so as to guard against collectively irrational decisions in the present.<sup>107</sup> Liu Huawen analyzes the significance, from the perspective of foreign-related rule of law, of China’s absorption and transformation of international human rights treaties through legislation. Given the principled and political nature of human rights treaties, the appropriate approach is to incorporate and transform them into domestic law, followed by their indirect application by courts. This approach not only reflects the conscientious fulfillment of obligations under the law of treaties, but also promotes the organic integration of domestic law with international human rights standards under the guidance of the contemporary Chinese outlook on human rights.<sup>108</sup>

In recent years, cases adjudicated by the International Court of Justice have become increasingly intertwined with human rights issues. The foreign-related rule of law perspective not only focuses on the Court’s reasoning processes but also emphasizes evaluating their legality and rationality in light of China’s consistent positions. Zhu Lijiang notes that the advisory opinion issued by the International Court of Justice in the case concerning the Occupied Palestinian Territory confirmed the applicability of the *International Convention on the Elimination of All Forms of Racial Discrimination* to occupied territories, established the

<sup>105</sup> Xie Zhiyong, “Research on the Codification of the Health Law,” *China Legal Science* 5 (2025): 42-61.

<sup>106</sup> Wu Yiwen, “The Normative Connotation and Legal Protection of the Right to Health,” *Social Sciences in China* 11 (2025): 88-107.

<sup>107</sup> Yu Liang, “Impact of Spatial-Temporal Evolution of Human Rights Obligations of the State,” *Law Science* 1 (2025): 36-54.

<sup>108</sup> Liu Huawen, “On the Absorption and Transformation of International Human Rights Treaties in the Legislation of China,” *Political Science and Law* 10 (2025): 2-17.

prohibition of discrimination as a norm of customary international law, and clarified the content and status of the right to self-determination.<sup>109</sup> In the Court's recent docket, the number of "public interest litigation" cases involving the protection of common interests of humanity, such as human rights and the environment, has continued to increase. Zhou Jie argues that, although such litigation before the International Court of Justice possesses moral legitimacy and practical necessity, it also carries potential risks of politicization and abuse, and its effectiveness remains significantly constrained by the traditional structure of international judicial institutions. Accordingly, China should, in principle, adopt a supportive stance toward this mechanism while, based on a "functionalist" approach, strictly delimiting its admissible scope.<sup>110</sup> From the perspective of the legitimacy of standing claims by non-directly injured states based on obligations *erga omnes*, He Zhipeng and Zhou Meng point out that "at the present stage, the International Court of Justice urgently needs to clarify the relationship between the objective of protecting the public interest and the recognition of the applicant state's standing. The Court's current method of identifying common interests is overly broad, and some non-directly injured states lack a sufficient connection to the subject matter of the dispute."<sup>111</sup>

As bodies responsible for supervising states parties' compliance with international human rights obligations, the recent trend toward the expansion of powers of human rights treaty bodies has attracted considerable scholarly attention. Liu Huawen and Zhang Hao, taking the Committee Against Torture as a case study, analyze its expansionary tendencies in the application of interim procedures and its interaction with non-governmental organizations. On the one hand, they argue that the "root cause" of the Committee's use of interim measures lies in the inherent tension between its limited mandate to supervise states parties' compliance and its broader human rights vision of preventing torture. On the other hand, "the excessive reliance on information and opinions provided by non-governmental organizations has transformed the treaty supervision structure into a tripartite interactive mechanism among states parties, the Committee, and non-governmental organizations, thereby increasing the adversarial nature of the supervisory process."<sup>112</sup> In practice, the influence of human rights treaty bodies has extended beyond the confines of international human rights law narrowly conceived. Liang Zhuo observes that the International Court of Justice has increasingly referred to and relied upon the views of human rights treaty bodies in its adjudication of cases. He suggests that China should adopt a more cautious and differentiated approach toward such views — recognizing their authoritative value while avoiding the potential negative effects of opinions that lack sufficient persuasive force.<sup>113</sup> In this regard, Jiang Juzheng offers a normative perspective for prudently addressing the expansion of treaty bodies' powers, grounded in an analysis of whether and how their treaty interpretations possess binding force under the *Vienna Convention on the Law of Treaties*. As he notes, "normativity bears directly on the credibility of interpretation": where treaty bodies fail to adhere to established rules of interpretation, they risk blurring the boundary between interpreting treaties and creating new norms. Conversely, clearer articulation of interpretive rules and bases would enhance the likelihood that states

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<sup>109</sup> Zhu Lijiang, "A Study of ICJ's 2024 Advisory Opinion on Occupied Palestinian Territory," *Chinese Review of International Law* 2 (2025): 76-92.

<sup>110</sup> Zhou Jie, "The Normative Evolution of the International Court of Justice's Acceptance of 'Public Interest Litigation' and China's Position," *Law Review* 5 (2025): 142-156.

<sup>111</sup> He Zhipeng and Zhou Meng, "The Right of Standing Based on Obligations *Erga Omnes* (Partes) in *Actio Popularis* before the International Court of Justice: Interpretation, Controversies and Reflections," *SJTU Law Review* 4 (2025): 95.

<sup>112</sup> Liu Huawen and Zhang Hao, "Application of Interim Measures in the United Nations Committee against Torture," *Social Sciences International* 2 (2025): 192; Liu Huawen and Zhang Hao, "Assessment and Reflection on NGO Participation in the United Nations Committee against Torture," *Journal of Xiamen University (Arts & Social Sciences)* 3 (2025): 156.

<sup>113</sup> Liang Zhuo, "How the International Court of Justice Engages with Human Rights Treaty Body Opinions," *Journal of Human Rights Law* 2 (2025): 95-118.

parties accept and comply with such interpretations.<sup>114</sup>

#### IV. Conclusion

As General Secretary Xi Jinping stated at the National Conference on Party School Work, if one falls behind, one will be beaten; if one is poor, one will go hungry; if one loses the ability to speak, one will be criticized. Figuratively speaking, for a long time our Party has led the people in striving to resolve these three major problems—being beaten, going hungry, and being criticized. After generations of unremitting efforts, the first two problems have basically been solved, but the problem of being criticized has not yet been fundamentally resolved.<sup>115</sup> This observation remains applicable in the field of human rights research. As China has achieved remarkable accomplishments in both domestic human rights development and participation in global human rights governance, the international community’s understanding of China’s human rights endeavors has deepened and broadened. Nevertheless, it must be acknowledged that China’s soft power in the field of human rights has yet to match its overall national strength and the achievements it has attained in human rights. In response, Chinese human rights scholarship in 2025 has sought to integrate three dimensions — the narrators, narrative materials, and audiences of human rights stories — so as to connect narrative stance, textual construction, and dissemination strategies. Through these narratives, scholars extract the philosophical, political, and legal principles of human rights in China, transforming the practical achievements of “handling China’s own affairs well” into discursive strength and communicative impact in “better telling China’s human rights stories” and “clarifying the logic of human rights in China.” As Baima Chilin has emphasized, the construction of an independent Chinese knowledge system of human rights requires sustained efforts in “theoretical elaboration, academic expression, and systematic construction.” Theoretical elaboration entails avoiding merely “labeling-oriented research”; academic expression requires guarding against “propagandistic research”; and systematic construction calls for abandoning “fragmented research.”<sup>116</sup> Admittedly, certain limitations remain in the extraction and interpretation of some Chinese human rights narratives, including imprecise terminology and methodological deficiencies or eclecticism. Research on the underlying logic of human rights in China also faces challenges such as a limited range of argumentative perspectives, insufficient depth of reasoning, inadequate engagement with cutting-edge international scholarship, and an insufficiently close integration with China’s practical realities. Looking ahead, human rights research in China should take the construction of an independent knowledge system of human rights as its central objective, continue to uphold both fundamental principles and innovation, and focus on cultivating a high-level cohort of experts who are “theoretically grounded, academically accomplished, familiar with international rules, and capable of articulating China’s human rights stories.” In doing so, it should strive to present narratives of China’s human rights that are both intellectually rigorous and humanly resonant, and to distill the logic of human rights that embody Chinese wisdom and values.

(Translated by *LI Donglin*)

<sup>114</sup> Jiang Juzheng, “Normative Study on the Interpretation of Treaties by Human Rights Treaty Bodies: The Example of the Human Rights Committee’s Interpretations,” *Chinese Review of International Law* 3 (2025): 38-53.

<sup>115</sup> Xi Jinping, “Speech at the National Conference on Party School Work (2015-12-11),” (Beijing: People’s Publishing House, 2016), 20.

<sup>116</sup> Baima Chilin, “Enhance Human Rights Studies and Construct China’s Autonomous Knowledge System of Human Rights,” *The Journal of Human Rights* 1 (2025): 1-5.