

# On the Absorption and Transformation of International Human Rights Treaties in the Legislation of China

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**Abstract:** *The 20<sup>th</sup> National Congress of the Communist Party of China called for the coordinated advancement of domestic and foreign-related rule of law, using sound legislation to promote development and ensure good governance. The legislation of China, grounded in the national conditions, involves absorption and transformation of ratified international human rights treaties as well as drawing reference from those not yet ratified, and constitutes a significant practice in foreign-related rule of law. This concerns not only the earnest fulfillment of obligations under international treaties but also the organic integration of international human rights standards with domestic law under the guidance of China's contemporary outlook on human rights. During the process, China upholds the leadership of the Communist Party of China, emphasizes the people-centered approach, adheres to its actual conditions, maintains the initiative and puts things into its own use, advances its path of democracy and rule of law with Chinese characteristics, so as to realize the creative transformation, and meanwhile, with a global vision, China promotes international cooperation, expands foreign aid, actively participates in global human rights governance. This is a progressive and dynamic process. The legal system of China on human rights protection has been fundamentally established and will continue to be improved, with significant progress in the absorption and transformation of international human rights treaties. It will become more detailed and systematic as well as more creative and internationally influential.*

**Keywords:** international human rights treaties ♦ foreign-related rule of law ♦ domestic legislation ♦ relationship between domestic law and international law ♦ domestic implementation of treaty

International human rights treaties are a typical source of international law, with clearly defined content and well-established legal force. Treaties must be

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observed in good faith. However, what impact do international human rights treaties that a State has not ratified have on its domestic legislation? With respect to international human rights treaties, in what ways do States Parties implement them domestically? How should domestic legislation treat international human rights treaties that the State has already ratified? These questions concern the relationship between domestic law and international law, as well as the general issue of the domestic implementation of treaties. Because international human rights treaties possess distinctive characteristics — most notably a people-centered orientation and value commitments emphasizing freedom and human dignity — these issues also involve a State's moral responsibility and international image. At the same time, because treaties are often abstract and principled in nature, States Parties retain considerable discretion and latitude in their interpretation and implementation.

The author examines the influence of international human rights treaties ratified by China on Chinese legislation.<sup>1</sup> Legislation constitutes the foundation of the rule of law. It not only reflects the level of social development and consolidates experience in social governance, but also provides guarantees for long-term social stability and guidance for new directions of social development, as well as for emerging social cultures and behavioral patterns. A country's own realities, history, and traditions are important resources for legislation. International human rights treaties ratified by the State, as well as the international standards publicly recognized and committed to by the State within the international community, will also exert a direct influence on domestic legislation. Correspondingly, domestic legislation will also produce international effects.

Adhering to the coordinated advancement of domestic rule of law and rule of law in foreign-related matters constitutes a core element of Xi Jinping Thought on the Rule of Law. Its content includes the coordination of domestic rule of law and international rule of law.<sup>2</sup> In the new historical context, the relationship between domestic law and international law has become increasingly close. By examining the influence of human rights conventions on China's legislation and analyzing how Chinese legislation absorbs and transforms international human rights treaties, one can observe the importance China attaches to fulfilling its obligations under international human rights law, and can also summarize the characteristics and patterns of China's protection of human rights through the rule of law.

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<sup>1</sup> This refers here to the narrow or typical category of United Nations human rights treaties, commonly known as the UN core human rights treaties.

<sup>2</sup> Liu Huawen, "On the International Law Dimensions of Xi Jinping's Thought on the Rule of Law," *Journal of Comparative Law* 6 (2020).

## **I. Strengthening the Human Rights Legal System and Emphasizing Obligations Under International Human Rights Treaties**

### **A. New tasks and new requirements for China's human rights development and legislation**

The report to the 20<sup>th</sup> National Congress of the Communist Party of China (CPC) proposed: “We will follow a Chinese path of human rights development, actively participate in global human rights governance, and promote all-around advancement of human rights.”<sup>3</sup> This represents a new task for the development of the human rights cause proposed in the context of China's historic resolution of the problem of absolute poverty and the completion of a moderately prosperous society, as well as the entry of the great cause of building a strong country and achieving national rejuvenation into a new stage. Unlike previous formulations, this expression adds the word “all-around.” It encompasses comprehensiveness in the content and standards of human rights, including both civil and political rights and economic, social, and cultural rights. It also encompasses comprehensiveness in the methods and approaches of advancement, including both policy-based and legal approaches. The new trends and objectives in the development of China's human rights cause place higher demands on the human rights legal system, particularly on legislative work related to the respect for and protection of human rights.

Beginning in April 2009, China successively promulgated and implemented four National Human Rights Action Plans. These specialized governmental work plans focusing on human rights represent a hallmark of the mainstreaming of human rights in China — that is, the work of all government departments is not only objectively related to human rights but also subjectively incorporates a human rights perspective and considers the promotion of the human rights cause. These plans attach great importance to the rule-of-law protection of human rights, including legislative protection. The *National Human Rights Action Plan of China (2021-2025)* states in its introduction that the primary principle for formulating and implementing the Action Plan is about “incorporating the development of human rights into the legal framework.”<sup>4</sup> This demonstrates the critical importance of legislation. The introduction also lists among its principles “integrating the general principles of human rights with the real conditions in China.”<sup>5</sup> The universal

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<sup>3</sup> Xi Jinping, “Hold High the Great Banner of Socialism with Chinese Characteristics and Strive in Unity to Build a Modern Socialist Country in All Respects (2022-10-16),” *People's Daily*, October 26, 2022, 1.

<sup>4</sup> State Council Information Office of the People's Republic of China, *National Human Rights Action Plan of China (2021-2025)* (Beijing: People's Publishing House, 2021), 2-3.

<sup>5</sup> *Ibid.*, 3.

principles of human rights are typically reflected in the core human rights treaties of the United Nations.

The 20<sup>th</sup> National Congress of the CPC attached great importance to the role of legislation in improving the socialist legal system with Chinese characteristics and put forward specific requirements for legislative work: “We will step up legislation in key, emerging, and foreign-related fields and advance the rule of law in domestic and foreign-related affairs in a coordinated manner, so that good laws are made to promote development and ensure good governance. We will make further headway in making laws in a well-conceived and democratic way and in accordance with the law; we will take coordinated steps to enact, revise, abolish, interpret, and codify laws; and we will see that legislative work is more systematic, holistic, coordinated, and responsive.”<sup>6</sup> Human society’s pursuit of good laws has a long history. In ancient Greece, Aristotle proposed that the rule of law should contain two meanings: the laws that have been established should receive universal obedience, and the laws to which people submit should themselves be good laws.<sup>7</sup> Xi Jinping, general secretary of the CPC Central Committee has stated: “Human rights are a symbol of human civilization progress.”<sup>8</sup> In contemporary China, the integration of good laws and sound governance has become closer, with greater emphasis placed on human dignity and rights.

The legislative work emphasized in the report to the 20<sup>th</sup> National Congress of the CPC simultaneously involves both domestic law and international law and closely connects them with good laws and sound governance. This is fully consistent with the characteristics emphasized in China’s human rights development — namely, advancing human rights in accordance with the law, strengthening the rule-of-law protection of human rights, and combining universal human rights principles with national realities. The transition from the ancient concept of “legislating to govern the people” to the contemporary concept of “legislating for the people” represents a transformation of great historical significance. Clarifying the concept of safeguarding and fully realizing human rights as a guiding principle of Chinese legislation is an achievement of legislative development since the 1990s.<sup>9</sup> In particular, since the 18<sup>th</sup> National Congress of the CPC, the objective of

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<sup>6</sup> Xi Jinping, “Hold High the Great Banner of Socialism with Chinese Characteristics and Strive in Unity to Build a Modern Socialist Country in All Respects (2022-10-16),” *People’s Daily*, October 26, 2022, 1.

<sup>7</sup> Aristotle, *Politics*, trans. Wu Shoupeng (Beijing: The Commercial Press, 1965), 199.

<sup>8</sup> “Xi Jinping Sends a Congratulatory Letter to the South-South Human Rights Forum 2021,” *People’s Daily*, December 9, 2021, 1.

<sup>9</sup> Li Lin, *Legislative Theory and Institutions* (Beijing: China Legal Publishing House, 2005), 418.

protecting human rights in legislation has received increasing attention and emphasis.<sup>10</sup>

### **B. The concept, distinctive value, and influence of international human rights treaties**

The system of human rights treaties under the framework of the United Nations is a collection of human rights treaties formed over the 80 years since the establishment of the organization to concretely implement the *Charter of the United Nations* (1945) and the *Universal Declaration of Human Rights* (1948). It includes nine core human rights treaties: the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *International Convention on the Elimination of All Forms of Racial Discrimination*, the *Convention on the Elimination of All Forms of Discrimination against Women*, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, the *Convention on the Rights of the Child*, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, the *Convention on the Rights of Persons with Disabilities*, and the *International Convention for the Protection of All Persons from Enforced Disappearance*. As intersections among various fields of international law have become increasingly evident, fields that were once relatively self-contained — such as international labour law, international criminal law, and international refugee law — have also increasingly emphasized the protection of human rights. Human rights-related treaties in these fields exhibit similar or analogous characteristics and patterns in their absorption and transformation within domestic legislation. For this reason, the present article focuses on the core human rights treaties of the United Nations for purposes of analysis.

As an important branch of international law, international human rights law shares certain commonalities with other areas of international law: it generates binding international legal obligations for States and clearly identifies States as the primary subjects of these obligations. Katarina Tomasevski, former Special Rapporteur on the right to education of the United Nations Commission on Human Rights, once noted that if there are no corresponding governmental obligations, no right can exist.<sup>11</sup> However, international human rights law differs significantly from other areas of international law. Generally speaking, the obligations assumed by subjects of international law correspond to the rights they enjoy. In human rights treaties, however, States Parties undertake obligations to respect and protect human rights without directly enjoying corresponding rights. At the same time, human

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<sup>10</sup> Chang Jian et al., *Research on Human Rights Theory Based on Chinese Practice: From the Perspective of Human Development* (Beijing: China Social Sciences Press, 2023), 326.

<sup>11</sup> Katarina Tomasevski, *Education Denied: Costs and Remedies*, Zed Books, 2003, p. 51.

rights treaties possess distinctive cultural connotations and characteristics of moral responsibility. First, human rights treaties establish human rights standards and advocate the realization of purposes and principles related to human rights. They reflect both humanitarian concern and a high level of moral commitment, while also demonstrating the guiding force of universal values. Second, human rights treaties possess value as a form of legal culture. Their people-centered culture of rights emphasizes the foundations and origins of human rights and places importance on promoting the realization of human rights by raising social awareness and transforming social customs, thereby advocating new social cultures and environments. In this way, human rights treaties constitute not merely a collection of normative rules but also an embodiment of cultural spirit and of the demands and trends of social transformation.

Accordingly, once international human rights treaties are ratified, their implementation domestically through legislation is of great significance. Such implementation not only fulfills obligations arising from international treaties but also embodies the mainstream value of respecting and protecting human rights. It plays an important role in enhancing the legitimacy and rationality of social governance and in elevating the standards and level of good laws and sound governance.

## **II. Legal Basis for the Domestic Application of International Human Rights Treaties and Their Incorporation into Domestic Legislation**

### **A. The domestic application of international human rights treaties**

In September 2019, the State Council Information Office of the People's Republic of China issued the white paper *Seeking Happiness for People: 70 Years of Progress on Human Rights in China*, which specifically noted "fulfilling obligations in the international instruments on human rights." It emphasized that "China abides by the provisions of these international conventions, fulfills all the obligations they prescribe, ensures that its policy formulation, legislation, and any amendments are consistent with these conventions."<sup>12</sup>

International human rights law influences domestic legislation through the model governing the relationship between domestic law and international law. In international legal theory, two principal approaches have emerged regarding whether domestic law and international law belong to a single system: Monism in international law and dualism in international law. The former maintains that

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<sup>12</sup> State Council Information Office of the People's Republic of China, *Seeking Happiness for People: 70 Years of Progress on Human Rights in China* (Beijing: People's Publishing House, 2019), 49.

both domestic law and international law are forms of law and belong to the same legal system. The latter contends that domestic law and international law possess distinct legal characteristics and operate within different social environments and conditions. Although both have the characteristics of legal norms, their fundamental concepts, operational principles, and modes of operation are not identical. While the two systems may complement and learn from one another and maintain a certain degree of interdependence, they are in fact two separate, independent, and parallel legal systems. The dualist perspective more closely reflects the practice of most States, including China.

Within the framework of dualism in international law, international law cannot directly become law applicable to domestic subjects in the same manner as domestic law. For international law to operate within the domestic sphere, a technical process of transformation is required. A State may, through a declaration issued by its legislative authority, provide that an international treaty may be directly applied domestically, thereby granting it a status comparable to that of domestic law. Alternatively, the legislature may enact domestic legislation that absorbs and transforms the relevant provisions of an international treaty, thereby implementing the treaty through the application of domestic law. In practice, the latter approach is more common, because the legal concepts, methods, and specific provisions of domestic law may differ from those of international treaties. Direct application of international treaties may lead to conceptual overlap, confusion, or conflicts between rules. From a political perspective, treaties concluded through international negotiations by diplomatic representatives have not undergone the domestic legislative process and therefore lack a domestic political basis of legitimacy. Incorporation and transformation through domestic legislation can coordinate conceptual differences, clarify the relationship between domestic law and international law, and incorporate treaty provisions into the national legal system through the legislative process.

The domestic application of international human rights treaties includes various forms, such as legislative application, administrative application, and judicial application. In recent years, Chinese scholars have conducted useful discussions on the judicial application of human rights treaties.<sup>13</sup> Some scholars have pointed out that the establishment of domestic mechanisms and the modes of judicial application are two key issues concerning the domestic application of human rights treaties.<sup>14</sup> It should be made clear that directly interpreting and

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<sup>13</sup> Song Jianing and Zhang Rong, "A New Path for the Domestic Judicial Application of International Human Rights Conventions — From the Perspective of the Theory of Interpretive Application," *Journal of Soochow University (Law Edition)* 4 (2019).

<sup>14</sup> Gong Renren, "China and Human Rights Treaties from a Comparative Perspective," in *Chinese Yearbook of International Law* (2014), published by the Chinese Society of International Law (Beijing: Law Press • China, 2015), 248.

applying international human rights treaties through administrative or judicial channels lacks a legal basis in China<sup>15</sup> and is also risky.

For treaties that are highly operational in nature and involve administrative or technical matters — such as those relating to intellectual property, maritime commerce, and civil and commercial affairs — they may be directly applied domestically in accordance with law. For example, Article 268 of the *Maritime Code of the People's Republic of China* provides that where an international treaty concluded or acceded to by China contains provisions differing from those of this law, the provisions of the international treaty shall apply, except for provisions for which China has declared reservations. On December 5, 2023, the Supreme People's Court of the People's Republic of China adopted the *Interpretation on Several Issues Concerning the Application of International Treaties and International Practices in the Trial of Foreign-Related Civil and Commercial Cases*. Its scope of application is limited to the adjudication of foreign-related civil and commercial cases and concerns international treaties in the civil and commercial field. It should be noted that international human rights treaties do not fall within the category of treaties referred to in this judicial interpretation, and the interpretation should not be expanded in a way that would allow international human rights treaties to be directly cited and applied by courts in their judgments.

Human rights treaties are highly principled and political in nature, and therefore should be indirectly applied domestically through legislative absorption and transformation. Only after their provisions have been absorbed and transformed into domestic law should courts apply them indirectly through the application of domestic law.<sup>16</sup> There have been a few isolated instances in which domestic courts have cited human rights treaties in their judgments.<sup>17</sup> However, deciding cases solely on the basis of provisions of human rights treaties lacks any basis in existing law. Even if citing treaties as auxiliary reasoning is considered acceptable, the relationship between such treaties and domestic law should at least be clearly specified so as to avoid misunderstandings or confusion. For instance, the *Criminal Law of the People's Republic of China* (hereinafter the *Criminal Law*) contains only the offense of “trafficking in women and children.” According to the 1991

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<sup>15</sup> Chen Lihu and Huang Jianqiu, “International Human Rights Conventions and the Protection of Human Rights — An Analysis of Domestic Judicial Implementation,” *Contemporary International Relations* 3 (2003).

<sup>16</sup> Li Haopai, *Introduction to the Law of Treaties* (Beijing: Law Press • China, 1987), 380.

<sup>17</sup> For example, in 2013, during the adjudication of a divorce dispute, the Shanghai No. 2 Intermediate People's Court directly applied relevant provisions of the Convention on the Rights of the Child and used them as the basis for its decision. See Civil Judgment No. 1661, Final Civil Division I (Civil), Shanghai No. 2 Intermediate People's Court (2013).

*Decision on Severely Punishing Criminals Who Abduct and Traffic in or Kidnap Women and Children* adopted by the Standing Committee of the National People's Congress, the trafficking of males over the age of fourteen cannot be included within this offense. However, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime*, which China has ratified, employs the concept of "trafficking in persons," the scope and connotation of which extend far beyond those of Chinese legislation. China has not yet completed the corresponding transformation into domestic law.<sup>18</sup> Under such circumstances, if individual courts were to apply this Protocol (or the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, which China has also ratified), it would effectively circumvent the domestic criminal law and lead to discrepancies in judicial standards and outcomes.

On May 24, 2024, the Council of the European Union approved the *Corporate Sustainability Due Diligence Directive*, which requires companies to ensure that their entire supply chains comply with environmental and human rights standards. This measure directly affects the operations of Chinese enterprises in Europe and their dealings with European companies. The implications are twofold. On the one hand, strengthening the absorption and transformation of human rights treaties into domestic legislation will help Chinese enterprises maintain compliant operations as they "go global." On the other hand, China may draw on this legislative approach of the European Union to advance legislation in foreign-related fields.

### **B. Legal basis for incorporating international human rights treaties into domestic legislation**

Ratifying a treaty is an important step in a State's practice of international human rights law and carries symbolic significance, whereas the implementation of treaties has greater practical importance. Some foreign scholars have pointed out that the view that ratification (of human rights treaties) is in itself praiseworthy is erroneous and exacerbates the situation of non-compliance with international law; for a considerable number of States, ratifying human rights treaties has become a convenient means of gaining praise through empty gestures.<sup>19</sup> Chinese scholars have similarly observed that "there remains a considerable distance between the ratification of human rights conventions and the realization of human rights."<sup>20</sup> These observations all

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<sup>18</sup> Liu Huawen, "On the Foundations for the Prohibition of Trafficking in Persons," *Jianghai Academic Journal* 2 (2016).

<sup>19</sup> Anne F. Bayefsky, "Making the Human Rights Treaties Work," in *Human Rights: An Agenda Next Century*, L. Henkin and J. L. Hargrove eds. The American Society of International Law, 1994, p.263.

<sup>20</sup> Dai Ruijun, "Ratifying Human Rights Conventions Cannot Be Equated with Effectively Protecting Human Rights — Illustrated by the Application of an International Human Rights Convention by U.S.

demonstrate the importance of treaty implementation. Institutions such as the Office of the United Nations High Commissioner for Human Rights frequently publish reference books and materials intended to guide national legislatures in incorporating and transforming international human rights treaties and strengthening legislative measures for their implementation.<sup>21</sup>

International human rights law is often relatively abstract and generally requires concrete absorption and transformation through domestic legislation. Accordingly, most States tend to adopt the position of dualism in international law. Taking the United Kingdom as an example, the *European Convention on Human Rights* was only applied in British courts after the enactment of the comprehensive domestic legislation known as the *Human Rights Act 1998*. In Germany, international treaties are regarded as “ordinary federal legislation” and must be approved through parliamentary legislation in order to produce legal effect domestically. The underlying reason is that international human rights law and domestic law in various countries originate from different legislative mechanisms, and the differences between them are objectively present.

In the first half of the 1990s, China’s external statements on related matters were not always precise. For example, when speaking on the issue of torture before the United Nations General Assembly’s Third Committee (Social, Humanitarian and Cultural Committee), a Chinese representative stated that under China’s legal system, once an international treaty has been ratified or acceded to by the Chinese government and has entered into force for China, the Chinese government assumes the corresponding obligations and does not need to enact separate domestic legislation for transformation. In other words, the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* has already entered into force directly in China, and acts of torture as defined in the Convention are strictly prohibited under Chinese law.<sup>22</sup> This statement had attracted considerable attention from

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Courts,” *Legal Science* 2 (2009).

<sup>21</sup> For example, Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation, accessed July 19, 2025, <https://www.ohchr.org/sites/default/files/documents/publications/20240506-ohchr-ert-protecting-minority-rights-zh.pdf>.

<sup>22</sup> Qian Wenrong, “Chinese Law Strictly Prohibits Torture,” *People’s Daily*, November 16, 1991, 6. Related statements, see also *Core Document Forming Part of the Reports of States Parties: China*, <https://documents.un.org/doc/undoc/gen/g01/426/56/pdf/g0142656.pdf>, 2025; *Summary Record of the 1164<sup>th</sup> Meeting: China*, accessed July 19, 2025, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSR.1164](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSR.1164); and Ban Wenzhan, “The Status and Role of International Human Rights Law in the Development of China’s Human Rights Legal System,” *Tribune of Political Science and Law* 3 (2005).

scholars.<sup>23</sup> However, it must be emphasized that the relevant statements were ambiguous, lacked a basis in domestic law, were not confirmed in subsequent practice, and do not represent China's formal position regarding the domestic application of human rights treaties.

The *Constitution of the People's Republic of China* (hereinafter the "Constitution") and the *Legislation Law of the People's Republic of China* (hereinafter the "Legislation Law") do not contain explicit provisions regarding how international human rights treaties should be applied domestically. In practice, however, international treaties involving significant rights and obligations are transformed into domestic law through the legislative procedures of the National People's Congress and its Standing Committee. The transformation of international treaties into domestic law may take two forms: passive transformation, where domestic law is already consistent with the content of the human rights treaty, and active transformation, where differences between the two are addressed through the enactment of new legislation or through amendments and improvements to existing laws. The latter approach is more common.<sup>24</sup>

The revised *Legislation Law* in 2023 explicitly added "respecting and protecting human rights" in Article 6(1) as one of the guiding principles for all legislative activities of central and local state organs. This reflects the efforts of the Party and the state in the new era to strengthen the rule-of-law protection of human rights and also helps promote the absorption and transformation of international human rights treaties into domestic legislation.

Another recent legislative development is the enactment of the *Law on Foreign Relations of the People's Republic of China* (hereinafter the *Law on Foreign Relations*) in 2023, which specifically provides for the domestic application of international treaties. This represents legislative progress and also demonstrates to the international community China's position and attitude of attaching importance to its treaty obligations. Article 30(1) of the law provides that "the State concludes or accedes to treaties and agreements in accordance with the *Constitution* and other laws and fulfills in good faith obligations stipulated in such treaties and agreements." Article 30(2) further requires that "treaties and agreements that the State concludes or accedes to shall not contravene the *Constitution*." Article 31 additionally provides that

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<sup>23</sup> Zhu Xiaoqing, "The Enforcement Mechanism of the International Covenant on Civil and Political Rights," *Chinese Journal of Law* 2 (2000); Zhao Jianwen, "Status of International Treaties in Chinese Legal System," *Chinese Journal of Law* 6 (2010).

<sup>24</sup> Morten Kjaerum, "Implementation of International Human Rights Standards in Danish Law," in *Human Rights and the Judiciary: Proceedings of the China-Denmark Academic Seminar on Human Rights Protection in the Judiciary*, Liu Hainian, Li Lin, and Morten Kjaerum eds. (Beijing: China Legal Publishing House, 1999), 74; Zhang Xiaoling, "On the Implementation of International Human Rights Law in China's Legal System," *Journal of the Party School of the Central Committee of the C.P.C. (Chinese Academy of Governance)* 2 (2009).

“the State takes due measures to implement and apply treaties and agreements to which it is a Party,” while also requiring that “the implementation and application of treaties and agreements shall not undermine the sovereignty of the State, national security and public interests.” The “due measures” referred to here naturally include the method of legislative absorption and transformation, which is also the current practical approach adopted by China in dealing with international human rights treaties.

### **C. The relationship between unratified international human rights treaties and Chinese legislation**

China approaches the ratification of human rights treaties with a serious and prudent attitude. After the completion of the first national human rights action plan, the evaluation report on the plan noted that “China is undertaking a series of legislative and judicial reforms and has already completed revisions to laws such as the *Lawyers Law of the People’s Republic of China* and the *State Compensation Law of the People’s Republic of China*, thereby creating conditions for the early ratification of the *International Covenant on Civil and Political Rights*.”<sup>25</sup>

States enjoy full sovereignty with respect to the ratification of treaties. For example, the United States is still not a party to the *International Covenant on Economic, Social and Cultural Rights*. This reflects an important reality: major powers or States with significant international influence often adopt a relatively cautious approach toward treaty ratification. In general, States do not object to the purposes, principles, or even most of the substantive provisions of human rights treaties. Nevertheless, they may still refrain from ratification, more likely due to considerations related to international compliance mechanisms — that is, whether they are willing to accept supervision and influence from such mechanisms after becoming States Parties.

However, the fact that a particular international treaty has not yet been ratified does not in any way prevent a State from referring to the international standards reflected in that treaty when enacting domestic legislation. China treats treaty ratification with great seriousness. On the one hand, it does not hastily ratify treaties before the necessary conditions are mature. On the other hand, prior to ratification, efforts are made as far as possible to ensure that domestic legal institutions, judicial mechanisms, and legal standards remain consistent with the relevant treaties. At the same time, even where a treaty has not been ratified, its standards may still be consulted and referenced in relevant legislative processes.

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<sup>25</sup> State Council Information Office of the People’s Republic of China, *Assessment Report on the National Human Rights Action Plan (2009-2010)* (Beijing: People’s Publishing House, 2011), 55.

### **III. Methods and Characteristics of China's Absorption and Transformation of International Human Rights Treaties in Legislation**

At present, China has established a relatively comprehensive legal framework for the protection of human rights. In December 2018, the State Council Information Office of the People's Republic of China issued the white paper *Progress in Human Rights over the 40 Years of Reform and Opening Up in China*, which noted: "China has gradually established a socialist legal framework with Chinese characteristics. In this framework, the *Constitution* is at the core, and laws related to the *Constitution*, the civil law, the commercial law, and other legal departments are the main body, covering laws, administrative regulations, and local laws and regulations at multiple levels. The laws and regulations covering all levels of human rights protection are relatively complete."<sup>26</sup> International treaties, as the result of governmental negotiations, possess characteristics of certainty, integration, and consensus, and thus serve as important references in comparative legal research and institutional design. Consequently, regardless of whether China is a State Party, the human rights treaties of the United Nations receive significant attention during the process of domestic legislation. In the author's view, China's legislative absorption and transformation of international human rights treaties exhibit several methods and characteristics, as discussed below.

#### **A. Upholding the leadership of the Communist Party of China**

Legislative work constitutes an important component of the work of the rule of law. Upholding the leadership of the CPC is not only an essential requirement of the socialist rule-of-law system with Chinese characteristics, but also the fundamental guarantee for ensuring that the national legal system corresponds to national conditions, promotes the protection and development of human rights, and ultimately realizes good laws and sound governance. As the leading core of the cause of socialism with Chinese characteristics, the leadership position of the CPC is explicitly stipulated in the preamble and Article 1 of the *Constitution*. "The CPC has integrated law-based governance with human rights protection, promoting both throughout the whole process of socialist rule of law. In advancing law-based governance, sound legislation has created a legal system to protect human rights, strict law enforcement has fostered a good law-based environment for human rights protection, and judicial justice has provided an effective channel for judicial remedy in the field of human rights."<sup>27</sup> Since the 18<sup>th</sup> National Congress of the CPC, the

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<sup>26</sup> State Council Information Office of the People's Republic of China, *Progress in Human Rights over the 40 Years of Reform and Opening Up in China* (Beijing: People's Publishing House, 2018), 41.

<sup>27</sup> State Council Information Office of the People's Republic of China, *The Communist Party of China and Human Rights Protection — A 100-Year Quest* (Beijing: People's Publishing House, 2021), 37.

Party Central Committee with General Secretary Xi Jinping at its core has advanced the strategy of “comprehensively governing the country according to law,” emphasizing that legislation should be “people-centered.” This provides the value foundation for the absorption of international human rights treaties. At the same time, the Party’s organizational system ensures coordination and efficiency throughout the legislative process.

### **B. Reflecting the distinctly people-centered character of the contemporary Chinese outlook on human rights**

In China’s legislative work — particularly in the process of absorbing and transforming international human rights treaties — the principle of being “people-centered” is fully reflected. When incorporating international human rights treaties, China pays close attention to aligning them with the country’s stage of economic and social development and with the most pressing needs of the people, giving priority to legislation closely related to people’s livelihoods. For example, after ratifying the *Convention on the Elimination of All Forms of Discrimination against Women*, China amended the *Law of the People’s Republic of China on the Protection of Women’s Rights and Interests* (hereinafter the *Women’s Rights and Interests Protection Law*). The amendments strengthened legislation addressing specific issues such as rural women’s land rights and gender discrimination in the workplace, thereby promoting the practical implementation of the Convention’s principles. After ratifying the *Convention on the Rights of Persons with Disabilities*, China revised and improved the *Law of the People’s Republic of China on the Protection of Persons with Disabilities* (hereinafter the *Law on the Protection of Persons with Disabilities*), focusing on establishing a social security and service system for persons with disabilities that covers both urban and rural areas, enabling about 85 million persons with disabilities to participate in social life on an equal basis.

The people-centered approach is also reflected in democratic participation and public consultation in the legislative process. When drafting and revising laws related to human rights, China broadly solicits opinions from various sectors of society to ensure that legislation reflects the genuine will of the people. For instance, during the drafting of the *Anti-Domestic Violence Law of the People’s Republic of China* (hereinafter the *Anti-Domestic Violence Law*), the Standing Committee of the National People’s Congress collected public comments, organized expert consultations, and conducted grassroots research. Suggestions from women’s organizations, legal scholars, social workers, and ordinary citizens were incorporated, enabling the law to align with international human rights standards while also reflecting the characteristics of Chinese social and family culture.

A people-centered orientation is further reflected in the evaluation of legislative implementation and in dynamic adjustments to the law. For example, in fulfilling obligations under the *Convention on the Elimination of All Forms of Discrimination against Women* and the *Convention on the Rights of the Child*, China has established specialized statistical indicators for the development of women's and children's causes and regularly publishes statistical data. This facilitates accurate evaluation of the effectiveness of legal implementation, promotes the timely and effective implementation of laws and policies, and supports the prompt revision and improvement of relevant legislation.<sup>28</sup> Another example is that the national legislative authority has conducted a post-legislative evaluation specifically concerning the *Law on the Protection of Persons with Disabilities*. Using a combination of qualitative and quantitative methods, the evaluation assessed the main provisions and implementation of the law, proposed recommendations for strengthening the protection of the rights and interests of persons with disabilities, and publicly released the evaluation report.<sup>29</sup>

### **C. Proceeding from national conditions and making use of international norms in China's own way**

Independence and self-reliance, together with the principle of seeking truth from facts, constitute important experiences underlying the success of China's reform, opening-up, and modernization. In the process of absorbing and transforming international human rights treaties into domestic legislation, China has consistently adhered to the principle of proceeding from its own realities, taking its own conditions as the primary reference, and making use of international norms in ways suited to its needs. This approach reflects both a positive attitude toward the international human rights cause and the political wisdom of independent development.

In the field of human rights, some countries apply double standards and frequently criticize or interfere in the affairs of other States, in effect instrumentalizing and weaponizing human rights. China firmly opposes interference in internal affairs under the pretext of human rights and does not yield to external pressure. When discussing the comprehensive advancement of the rule of law, General Secretary Xi Jinping stated that "the decision to lay out plans for comprehensively advancing the rule of law (at this plenary session) reflects the CPC's will to enhance its capacity for national governance. This is

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<sup>28</sup> Zhang Han, "The Role of Gender-Disaggregated Statistical Systems in Promoting Gender Equality," in *Annual Report on China's Human Rights (2024)*, Jiang Jianguo ed. (Beijing: Social Sciences Academic Press, 2024), 186-199.

<sup>29</sup> *Report of the Internal and Judicial Affairs Committee of the National People's Congress on the Post-Legislative Evaluation of the Law of the People's Republic of China on the Protection of Persons with Disabilities*, Gazette of the Standing Committee of the National People's Congress of the People's Republic of China, No. 5, 2012.

not something that we have been pressured into doing.”<sup>30</sup> When participating in the international human rights system, China has consistently maintained a clear sense of national identity and development priorities. It neither blindly copies Western models of human rights nor mechanically applies international human rights standards. Instead, through creative legal transformation mechanisms, China incorporates international human rights norms into the socialist rule-of-law system with Chinese characteristics in a timely and appropriate manner.

For treaty provisions that do not fully conform to national conditions — particularly those that differ from constitutional or legal arrangements and their modes of implementation — States may enter reservations, which is a right of sovereign States. Appropriate reservations provide clarity regarding the domestic implementation of treaties after ratification. When China ratified the *International Covenant on Economic, Social and Cultural Rights*, it issued an interpretative statement of a reservation-like nature, declaring that the Chinese government would implement Article 8(1)(a) of the Covenant in accordance with the relevant provisions of the *Constitution of the People’s Republic of China*, the *Trade Union Law of the People’s Republic of China*, and the *Labor Law of the People’s Republic of China*.<sup>31</sup>

China has pursued timely legislation while also adopting a gradual and evolving approach to enriching legislative content and building a human rights protection legal system with Chinese characteristics. Legislative bodies conduct comprehensive assessments of national conditions and stages of development and give priority to rights closely related to the vital interests of the people and capable of effective implementation. For instance, in implementing the *Convention on the Rights of Persons with Disabilities*, China did not simply replicate the Western model of “deinstitutionalization.” Instead, in light of the development level of its social security system, it has gradually established and improved a protection mechanism combining universal and targeted measures (“inclusive + preferential”).

Building a disciplinary system, academic system, and discourse system with Chinese characteristics, Chinese style, and Chinese ethos is an important objective in the development of philosophy and social sciences with Chinese characteristics. There exists an organic relationship between the contemporary

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<sup>30</sup> Institute of Party History and Literature of the Central Committee of the Communist Party of China, *Excerpts from Xi Jinping’s Discussions on Comprehensively Advancing the Rule of Law* (Beijing: Central Party Literature Press, 2015), 26-27.

<sup>31</sup> Li Peng, *Legislation and Supervision: Li Peng’s Diary of the National People’s Congress (vol. 2)* (Beijing: Xinhua Publishing House and China Democracy and Legal System Publishing House, 2006), 685-687.

Chinese outlook on human rights and its practice, on the one hand, and the ratification and implementation of human rights treaties, on the other. Mutual learning and integration between Chinese and foreign human rights discourses constitute one pathway toward the development of an open and autonomous knowledge system. The human rights treaty system of the United Nations can provide concepts, rules, and legislative techniques for the development of the contemporary Chinese outlook on human rights. The Dutch scholar Tom Zwart has observed that China is often viewed by Western commentators as an opponent of the international human rights regime because it openly expresses views on human rights that differ from those of the West. He argues that China's outlook on human rights can find support within the international human rights system and can readily position itself within the framework of the modern international human rights regime.<sup>32</sup> China does not need to overturn the existing rules and discourse system of international human rights law under the framework of the United Nations. Rather, while adhering to its own path of development, it should creatively participate in the formulation and application of these norms, engage in global human rights governance within the UN framework, and play a constructive role.

#### **D. Upholding democracy and the rule of law with Chinese characteristics: creative absorption and transformation of international human rights standards**

In absorbing and transforming human rights treaties into domestic legislation, China has consistently upheld socialist democracy and the rule of law with Chinese characteristics. Through legislative procedures that embody the whole-process people's democracy, international human rights standards have been creatively transformed and innovatively developed within the domestic legal system. Taking the domestic implementation of the *Convention on the Rights of Persons with Disabilities* as an example, China has not only incorporated the Convention's requirements into domestic law through amendments to the *Law on the Protection of Persons with Disabilities*, but has also adopted various democratic legislative practices in the process of legislation and legal revision, including legislative hearings, expert consultations, and public comment procedures. These mechanisms enable organizations representing persons with disabilities, grassroots communities, and professional institutions to participate fully in the legislative process. Such a model of democratic legislation ensures that the implementation of international human rights standards in China both conforms to the requirements of the rule of law and fully reflects the will of the people.

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<sup>32</sup> Tom Zwart, "Contesting through Compliance: How China can Gain More Support for its Human Rights Positions," Qu Xiangfei trans., *Chinese Review of International Law* 1 (2017).

In terms of rule-of-law guarantees, China has established a comprehensive and systematic human rights legal framework, providing institutional support for the domestic implementation of international human rights treaties. For instance, in implementing the *Convention on the Rights of the Child*, China established the fundamental principles of child protection through the *Law on the Protection of Minors of the People's Republic of China* (hereinafter the *Law on the Protection of Minors*). The law provides updated and comprehensive provisions covering family protection, school protection, social protection, online protection, governmental protection, and judicial protection, with particular emphasis on the role of the family in light of China's national conditions. Complementary legislation — such as the *Anti-Domestic Violence Law* and the *Compulsory Education Law of the People's Republic of China* (hereinafter the *Compulsory Education Law*) — further reinforces these protections. At the same time, provinces and municipalities have adopted local implementing regulations through local legislation, forming a multi-level legal protection system characterized by clear hierarchy and coordination. This systematic legislative model not only ensures the effective implementation of international treaties but also demonstrates the strengths of the socialist rule-of-law system with Chinese characteristics.

In May 2020, the *Civil Code of the People's Republic of China* (hereinafter the *Civil Code*) was promulgated, marking a milestone in the history of Chinese legislation. General Secretary Xi Jinping noted that the *Civil Code* is a fundamental law that consolidates foundations, stabilizes expectations, and provides long-term benefits, and that it is of great significance for adhering to the people-centered development philosophy, safeguarding the rights and interests of the people in accordance with the law, advancing the development of China's human rights cause, and promoting the modernization of the national governance system and governance capacity.<sup>33</sup> Not all civil rights constitute human rights; however, the protection of civil rights is closely related to the protection of human rights. The *Civil Code* serves as a declaration of civil rights, establishing the basic framework and system for the protection of civil rights and strongly promoting the development of human rights in China. In particular, the separate compilation of personality rights and tort liability not only represents a major systematic innovation but also reflects equal protection for a wide range of rights, including life and health, well-being in daily life, and human dignity.<sup>34</sup> With

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<sup>33</sup> Xi Jinping, *On Upholding the Comprehensive Rule of Law* (Beijing: Central Party Literature Press, 2020), 278-279.

<sup>34</sup> Wang Liming and Zhu Hu, "On the Relationship between the Protection of Basic Civil Rights and the Safeguard for Human Rights," *Journal of Renmin University of China* 5 (2022).

respect to the protection of vulnerable groups, the *Civil Code* strengthens the guardianship system for minors and establishes rules addressing sexual harassment, thereby enhancing the social regulatory functions of legislation. These developments reflect the localized transformation of international human rights standards embodied in instruments such as the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Rights of the Child*, and the *Convention on the Elimination of All Forms of Discrimination against Women*.

Through institutionalized, professionalized, and systematic legislative approaches, legislation in China has effectively translated the principle of “human rights incorporated into law” into reality, enabling democracy and the rule of law to play an increasingly fundamental role in the protection of human rights.

#### **E. Upholding a global vision: promoting international cooperation and providing assistance to developing countries**

Human rights treaties not only emphasize that States Parties must implement treaty obligations within their own territories but also attach particular importance to international cooperation. For example, Article 2(1) of the *International Covenant on Economic, Social and Cultural Rights* provides that “each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.” The contemporary Chinese outlook on human rights, which emphasizes a people-centered approach, is also reflected in China’s constructive contributions to the well-being of people around the world. General Secretary Xi Jinping has stated: “We will uphold the principle of peace, development, cooperation and mutual benefit, stay firm in pursuing peaceful development, resolutely follow a mutually beneficial strategy of opening up, and continue to promote friendship and cooperation with other countries. We will fulfill our international responsibilities and obligations, and continue to work with the peoples of all other countries to advance the lofty cause of peace and development of mankind.”<sup>35</sup>

China actively participates in global human rights governance and takes the lead in practicing the vision of building a community with a shared future for mankind. China has become a major provider of foreign assistance. While codifying the objectives, principles, and basic positions guiding China’s foreign relations — including the promotion of the healthy development of the international human rights cause, the *Law on Foreign Relations* also contains

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<sup>35</sup> Xi Jinping, *The Governance of China (Volume I)* (Beijing: Foreign Languages Press, 2018), 57.

specific provisions on foreign assistance. Article 27 provides that “the People’s Republic of China provides foreign aid in the form of economic, technical, material, human resources, management, and other assistance to boost economic development and social advances of other developing countries, build up their capacity for sustainable development, and promote international development cooperation.” It further provides that “the People’s Republic of China carries out international humanitarian cooperation and assistance, strengthens international cooperation on disaster prevention, mitigation and relief and helps recipient countries respond to humanitarian emergencies. In providing foreign aid, the People’s Republic of China respects the sovereignty of recipient countries and does not interfere in their internal affairs or attach any political conditions to its aid.”

On August 31, 2021, the China International Development Cooperation Agency, together with the Ministry of Foreign Affairs of the People’s Republic of China and the Ministry of Commerce of the People’s Republic of China, jointly issued the departmental regulation “Measures for the Administration of Foreign Aid.” This regulation clarifies the functional role of the International Development Cooperation Agency in the management of foreign assistance and seeks to establish a unified, efficient, and coordinated system for the administration of foreign aid. At present, specialized legislation on foreign assistance has also been placed on the legislative agenda and has attracted scholarly attention.<sup>36</sup>

In conclusion, China emphasizes the rule-of-law protection of human rights and highlights the central role of legislation in this regard. The successful experiences of Chinese legislation in absorbing and transforming international human rights treaties include: upholding the leadership of the CPC; reflecting a distinctive people-centered orientation; proceeding from national conditions while making use of international norms in ways suited to China’s needs; safeguarding human rights through democracy and the rule of law with Chinese characteristics; and maintaining a global outlook by coordinating domestic rule of law with foreign-related rule of law, actively engaging in international cooperation and foreign assistance, and contributing to global human rights governance.

#### **IV. Achievements and Prospects of China’s Legislative Absorption and Transformation of International Human Rights Treaties**

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<sup>36</sup> Cao Junjin, “A Study on Foreign Aid Clause in the Law on Foreign Relations,” *Wuhan University International Law Review* 6 (2024).

### **A. Achievements of China's legislative absorption and transformation of international human rights treaties**

“From a historical perspective, the development of human rights legislation since the reform and opening up has gradually deepened from the expression of positions, to institutional construction, and then to practical development.”<sup>37</sup> This process has unfolded alongside the enrichment and improvement of the human rights treaty system of the United Nations. As China has ratified an increasing number of human rights treaties, domestic legislation has achieved growing success in absorbing and transforming the standards embodied in these treaties. Louise Arbour, former United Nations High Commissioner for Human Rights, once observed that China has made tremendous progress in its determination to adopt international standards as a foundation for building its human rights framework.<sup>38</sup>

First, domestic legislation conscientiously absorbs and transforms international human rights treaties and actively promotes the fulfillment of treaty obligations.

China attaches great importance to the observance and implementation of human rights treaties. On October 29, 2006, during the group deliberations of the 24<sup>th</sup> Session of the Standing Committee of the Tenth National People's Congress on the draft amendments to the *Law on the Protection of Minors*, the “principle of the best interests of the child” was discussed. During the deliberations, Shen Chunyao, a member of the Standing Committee, noted that “in the protection, promotion, and development of the rights of children and minors, the important principles of international human rights conventions should be reflected as fully and comprehensively as possible.”<sup>39</sup> International legal instruments such as the *Convention on the Rights of the Child* served as important references in determining both the necessity and the guiding approach for the revision of the law.<sup>40</sup> One of the initial purposes of the 2008 revision of the *Law on the Protection of Persons with Disabilities* was likewise “to achieve effective alignment with the *Convention on the Rights of Persons with Disabilities*.”<sup>41</sup>

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<sup>37</sup> Luo Haocai, *Talking About the Rule of Law and Human Rights* (Beijing: China Intercontinental Press, 2015), 153.

<sup>38</sup> You Xueyun and Wang Yanbing, “An Interview with the United Nations High Commissioner for Human Rights,” *The Journal of Human Rights* 1 (2006).

<sup>39</sup> Liu Huawen, *Children's Rights and Legal Protection* (Shanghai: Shanghai People's Publishing House, 2009), 17.

<sup>40</sup> Zhu Mingshan, “Explanation of the Draft Amendment to the Law on the Protection of Minors of the People's Republic of China,” in *Interpretation of the Law on the Protection of Minors of the People's Republic of China*, Xin Chunying ed. (Beijing: Law Press • China, 2007), 330.

<sup>41</sup> Shen Zhifei, *Interpretation of the Law on the Protection of Persons with Disabilities of the People's Republic of China* (Beijing: China Democracy and Legal System Publishing House, 2008), 243-244.

The Chinese government regularly submits the State reports to the treaty bodies of the United Nations and participates in the corresponding review processes. In these reports, the government specifically introduces how domestic legislation has absorbed and transformed the provisions of international human rights treaties. At the same time, China attaches importance to the comments and recommendations issued by treaty bodies. After ratifying the *Convention on the Rights of Persons with Disabilities*, China has submitted two State reports to the Committee on the Rights of Persons with Disabilities. In August 2022, a Chinese government delegation appeared before the Committee to undergo a review regarding the implementation of the Convention. In its Concluding Observations, the Committee recommended that China incorporate the provision of reasonable accommodation for persons with disabilities into law and policy.<sup>42</sup> Although such observations are not legally binding under international law, they have become an important reference for China's recent legislative efforts. On June 28, 2023, the Standing Committee of the Fourteenth National People's Congress adopted the *Law on Building a Barrier-Free Living Environment of the People's Republic of China*, which plays an important role in safeguarding the rights and interests of persons with disabilities, older persons, and other groups, as well as in promoting social inclusion and the comprehensive development of individuals.

Through the absorption and transformation of international human rights treaties that China has ratified, as well as through reference to and learning from treaties that China has not yet formally ratified, domestic law has increasingly aligned or coordinated with international human rights treaties in terms of legal classifications, legal concepts, legal principles, and specific rules. This development fully reflects China's position and practice of performing its international human rights treaty obligations in good faith and of valuing the reference function of international law. At the same time, the observations and recommendations issued by treaty bodies must be evaluated in a concrete and objective manner. At times, due to geopolitical factors, cultural bias, informational asymmetry, or cognitive limitations, Concluding Observations may contain inaccuracies that do not fully correspond with facts or legal reasoning. Research fellow Huang Jinrong has examined the review conducted by the Committee on Economic, Social and Cultural Rights in February 2023 concerning China's report on the implementation of the Covenant, identifying instances in both the review process and the Concluding Observations that were partial, biased, or inconsistent with facts and legal principles. His analysis

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<sup>42</sup> "Concluding Observations on the Combined Second and Third Periodic Reports of China," accessed July 19, 2025, <https://docs.un.org/zh/CRPD/C/CHN/CO/2-3>.

is both persuasive and instructive.<sup>43</sup> While treaty bodies of the United Nations are generally enthusiastic in recommending that States Parties incorporate the provisions of relevant human rights treaties into domestic legislation and policy-making, such recommendations cannot simply be adopted wholesale; rather, States Parties must conduct their own analysis and make independent judgments.

Second, domestic legislation gradually realizes the absorption and transformation of international human rights treaties, enhancing the convergence between domestic law and international standards in spiritual ideals and institutional arrangements.

The absorption and transformation of international human rights treaties during the legislative process reflect the organic combination of universal principles and national conditions. At present, Chinese domestic legislation has achieved a high degree of consistency with international human rights treaties in many respects. For example, the definition of minors in the *Law on the Protection of Minors* is consistent with the definition of children in the *Convention on the Rights of the Child*. Legal principles such as gender equality and the best interests of the child are not only core elements and key concepts of international human rights treaties but also fundamental themes and key concepts of major Chinese laws, including the *Civil Code*, the *Law on the Protection of Women's Rights and Interests*, and the *Law on the Protection of Minors*. This alignment is not merely the result of a simple comparison or technical coordination of legal rules; rather, it reflects the integration and expression of people-centered human rights culture, values, and approaches to rights protection. Although China is not yet a State Party to the *International Covenant on Civil and Political Rights*, several principles embodied in Chinese criminal legislation — such as the principle of legality in criminal law, the principle of proportionality between crime and punishment, and the privilege against self-incrimination in criminal procedure — demonstrate a growing convergence with the standards reflected in that Covenant. These developments also illustrate the continuing advancement of a modern form of judicial civilization.<sup>44</sup>

It should be noted that the legalization and realization of international human rights standards are neither instantaneous nor permanent achievements. Rather, they require a gradual process of localization. In other words, the absorption and transformation of legal concepts, principles, and rules contained in international human rights treaties cannot be accomplished simply through

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<sup>43</sup> Huang Jinrong, "A Misjudgment of the Human Rights Treaty Body: A Comment on the Consideration of ESCR Committee on the Third Report of China on the Implementation of ICESCR," *Chinese Journal of Human Rights* 1 (2024).

<sup>44</sup> Chen Guangzhong, *Studies on the Ratification and Implementation of the International Covenant on Civil and Political Rights* (Beijing: China Legal Publishing House, 2002), 291-298 and 345-349.

direct transplantation or mechanical copying into domestic law. Instead, such norms must be evaluated and designed in light of national conditions. In implementing the international standards embodied in treaties, State Parties typically retain a considerable margin of interpretation and institutional adjustment.

A representative example is the definition of “persons with disabilities.” The Preamble to the *Convention on the Rights of Persons with Disabilities* states that “disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.” Accordingly, the concept of disability is neither fixed nor capable of achieving a completely uniform definition worldwide. It involves both subjective and objective elements and represents a dynamic and evolving notion that emphasizes the interaction between individuals and the people and environments around them. A person with a physical or mental impairment who faces certain functional limitations may nevertheless achieve independent living with the assistance of technological aids or social support and live in the same way as others. In such circumstances, where the limitation does not affect the realization of that person’s life value or the expression of his or her abilities, neither the individual nor society may necessarily regard the person as “disabled.” This illustrates that the concept of “persons with disabilities” involves not only objective physiological or psychological conditions but also the individual’s subjective perception of their own status, the attitude of social acceptance, and the level of social inclusiveness.<sup>45</sup> Given differences in national conditions, as well as variations in welfare policies and levels of social support, the definition of disability may also be influenced by factors such as resource constraints. Article 1(3) of the *Law on the Protection of Persons with Disabilities* explicitly provides that the standards for disability shall be prescribed by the State Council. This legislative arrangement allows ample flexibility for the dynamic adjustment of the legal definition of disability in China and provides a basis for the continuous improvement and evolution of the legal system concerning persons with disabilities.

A similar situation can be observed in the determination of “child” as a rights-bearing subject. Article 1 of the *Convention on the Rights of the Child* provides that “a child means every human being below the age of eighteen

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<sup>45</sup> Valentina Della Fina, Rachele Cera, and Giuseppe Palmisano, *The United Nations Convention on the Rights of Persons with Disabilities: A Commentary*, Qu Xiangfei, Zhang Guijun, and Liu Wenjuan trans. (Beijing: Social Sciences Academic Press, 2025), 102-104.

years unless under the law applicable to the child, majority is attained earlier.” In China, most laws adopt 18 as the statutory age threshold for minors, such as the *Law on the Protection of Minors* and the *Civil Code*. However, in certain fields China makes flexible adjustments according to practical needs. For example, the *Criminal Law* establishes three special age thresholds for criminal responsibility: sixteen, 14, and 12 years old.<sup>46</sup> Thus, although the concept of “child” as a rights-bearing subject has a unified formulation in international treaties, certain particular situations may arise in domestic legislation.

Third, the process and outcomes of absorbing and transforming international human rights treaties reflect the distinctive features and creativity of Chinese legislation.

China’s legislative process fully reflects the whole-process people’s democracy. It not only gives full play to the advantages of the system of the National People’s Congress and the role of deputies in expressing public opinion and pooling collective wisdom, but also pays attention to directly hearing the voices of the relevant rights holders and responding to the growing enthusiasm and participation of the public in legislation in the information age. Accordingly, legislation is not limited to the final statutory text adopted by the legislative body; it also encompasses the broad social participation and public deliberation that occur during the drafting process. This process serves as a valuable mechanism for raising awareness, building consensus, and gathering collective insight. It not only enhances the visibility of legislation and the level of public support but also lays a solid social foundation for the accuracy of legislation and for the effective implementation of laws once enacted. By April 2021, the national legislature had publicly solicited opinions from society on 230 draft laws. During the period in which the draft of the *Civil Code* was open for public comment, 425,762 individuals submitted a total of 1,021,834 comments.<sup>47</sup>

In recent years, an important new trend and innovation in Chinese legislation has been the emphasis on the guiding role of law, reflected in the emergence of a “promotion law” legislative model. Such legislation not only systematically summarizes practical experience but also adopts a goal-oriented approach to facilitate social transformation and development. The obligations of States Parties under international human rights treaties include both obligations of result and obligations of conduct, and they also emphasize the promotion of a social culture that respects and protects human rights. In a similar manner, China’s promotion-oriented legislation reflects past experience

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<sup>46</sup> For related debates and discussions, see Yao Jianlong, “Criminal Punishment Instead of Education: Review and Reflection on the Legislation of Lowering the Age of Criminal Responsibility,” *Peking University Law Journal* 5 (2023).

<sup>47</sup> State Council Information Office of the People’s Republic of China, *The Communist Party of China and Human Rights Protection — A 100-Year Quest* (Beijing: People’s Publishing House, 2021), 32.

along with current and future development objectives. It captures the realities of social culture while also advocating the socialist core values and fostering new forms of social culture in specific fields. Two typical examples are the *Law of the People's Republic of China on the Promotion of Rural Revitalization* adopted by the Standing Committee of the National People's Congress on April 29, 2021, and the *Law of the People's Republic of China on Family Education Promotion* adopted on October 23, 2021. Some scholars have observed that such "promotion laws" provide institutional guarantees for advancing a particular public undertaking or for fostering the formation of a specific social order.<sup>48</sup> Some laws, although not explicitly containing the word "promotion" in their titles, would not appear out of place if the term were included. The *Law on Foreign Relations* is one such example. It could also be described as a "Foreign Relations Promotion Law," as it serves as a foundational and guiding piece of legislation that systematically provides for the comprehensive advancement of major-country diplomacy with Chinese characteristics. Article 22 of the law specifically articulates the contemporary Chinese outlook on human rights: "The People's Republic of China respects and protects human rights; it is committed to the principle of universality of human rights and its observance in light of the realities of countries. The People's Republic of China promotes comprehensive and coordinated development of all human rights, carries out international exchanges and cooperation in the field of human rights on the basis of equality and mutual respect, and works for the sound development of the global cause of human rights." This provision represents not only a statement of position in legal form but also a legal guide for the development of China's human rights cause and its practical implementation.

Finally, while absorbing and transforming international human rights treaties, Chinese legislation is providing increasingly inspiring experiences and constructive contributions to their development and practice.

As a populous country with a long-standing civilizational tradition, an increasingly mature institutional system, and steadily growing economic strength, China's human rights practice is vivid and concrete, and its achievements in human rights development have attracted worldwide attention. China's human rights cause has entered a stage of high-quality development characterized by steady progress that is both rapid and well-planned. China is also becoming an increasingly important contributor to the formulation of international rules and a source of institutional experience. In areas such as

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<sup>48</sup> Yang Dongxia, "The Jurisprudential Significance of the Rural Revitalization Promotion Law," *China State Farm* 9 (2021).

institutional design, the balancing of rights, and the gradual realization of rights, Chinese legislation has developed distinctive pathways that offer practical models and theoretical inspiration for the formation, interpretation, and implementation of international human rights treaties.

Traditional Chinese culture places strong emphasis on education and attaches particular importance to family relationships and kinship ties. This cultural background has played an important role in facilitating China's absorption and transformation of Article 5 of the *Convention on the Rights of the Child* concerning children's upbringing and guidance. The *Law on Family Education Promotion*, for the first time through national legislation, explicitly expands the scope of family education from a purely private domain into the public sphere. The law comprehensively provides how government and society should value, guide, promote, and support families in fulfilling their positive roles in family education so as to foster the healthy physical and psychological development of minors. This represents a creative integration of excellent traditional Chinese culture with contemporary human rights civilization and offers useful Chinese experience for the realization of educational provisions under the *Convention on the Rights of the Child*.<sup>49</sup>

China also actively participates in shaping international rules. Mr. Ma Xinmin — former Director-General of the Department of Treaty and Law of the Ministry of Foreign Affairs of the People's Republic of China and a member of the International Law Commission of the United Nations — has proposed the concept of “treaty shaping,” which calls for strengthened participation throughout the entire process of treaty formulation, interpretation, and application so as to better integrate China's ideas and interests into treaty rules.<sup>50</sup> In 1996, the Standing Committee of the National People's Congress adopted the *Law of the People's Republic of China on the Protection of the Rights and Interests of the Elderly* for the first time. The law provides that “this Law is enacted in accordance with the Constitution to protect the lawful rights and interests of the elderly, develop the undertakings related to the elderly and promote the Chinese people's virtues of respecting and providing for the elderly.” Provisions concerning elderly care models, the emphasis on family-based care, and the importance attached to maintaining and supporting family relationships all reflect distinct Chinese characteristics. In December 2010, the establishment of the Open-ended Working Group on Ageing of the United Nations General Assembly marked the inclusion of the drafting of a potential convention on the protection of the rights of older persons on the UN agenda.

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<sup>49</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).

<sup>50</sup> Ma Xinmin, “China's Treaty Legal System and Practice,” accessed June 21, 2025, [http://www.npc.gov.cn/npc/c2/c30834/202505/t20250527\\_445516.html](http://www.npc.gov.cn/npc/c2/c30834/202505/t20250527_445516.html).

At the first working session of the group in April 2011, the Chinese delegation proposed that ageing issues should be viewed from a developmental perspective; that economic and social development constitutes a necessary precondition for improving the well-being of older persons and protecting their rights; and that States should adopt a comprehensive and balanced approach to the rights of older persons — taking into account both individual and collective rights and paying attention not only to civil and political rights but also to economic, social, and cultural rights.<sup>51</sup> These views expressed China's positive and pragmatic position on the possible development of a convention on the rights of older persons, and they are consistent with China's domestic legislation on the protection of the rights and interests of the elderly.

It can thus be seen that China's legal system for the protection of human rights does not simply accept international standards wholesale. At the same time, it remains open and capable of providing experience, insights, and contributions to the formulation and implementation of international human rights standards.

### **B. Prospects for the absorption and transformation of international human rights treaties in Chinese legislation**

With the continuous development and refinement of international human rights law — represented in particular by the United Nations human rights treaty system — the absorption and transformation of international human rights treaties in the legislative process will further improve the completeness of China's legislative system, enhance its capacity to integrate Chinese and foreign legal norms, and promote advancements in both legislative techniques and substantive content. As General Secretary Xi Jinping has observed, “We understand that human rights protection is an ongoing cause, and we are always striving to do better.”<sup>52</sup> This statement aptly reflects the boundless nature of the pursuit of human rights. During the 37<sup>th</sup> group study session of the Political Bureau of the 19<sup>th</sup> CPC Central Committee, General Secretary Xi Jinping emphasized the need to “strengthen protection for human rights.” He pointed out, “At present, there are still many shortcomings in our legal system with respect to protecting human rights. 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

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<sup>51</sup> Zhang Dan, “Statement by Zhang Dan, Head of the Chinese Delegation, at the First Meeting of the Working Group on Ageing of the United Nations General Assembly,” accessed July 19, 2025, [https://un.china-mission.gov.cn/eng/chinaandun/socialhr/aging\\_disabilities/201104/t20110419\\_8418194.htm](https://un.china-mission.gov.cn/eng/chinaandun/socialhr/aging_disabilities/201104/t20110419_8418194.htm).

<sup>52</sup> Institute of Party History and Literature of the Central Committee of the Communist Party of China, *Xi Jinping on Respecting and Protecting Human Rights* (Beijing: Central Party Literature Press, 2021), 3.

dimension of human rights protection, including legislation, judicature, enforcement and observance of the law, so that the people can see that justice is served in every law, every law enforcement action, and every judicial case.”<sup>53</sup>

International law and domestic law do not belong to the same legal system. For any country, the realization of human rights is primarily a domestic matter that depends largely on domestic efforts. For domestic legislation, the absorption and transformation of international law serve mainly as supplementary legislative resources rather than substitutes for national decision-making. The national legislature itself remains the principal actor responsible for decision-making and top-level institutional design, possessing a decisive degree of legislative autonomy. On this basis, the author suggests that four major trends are likely to characterize the future absorption and transformation of international human rights treaties in Chinese legislation.

### **1. The absorption and transformation of international human rights treaties in human rights legislation will become more systematic**

The internationalization of law is a global trend. It generally refers to the process by which a country, while maintaining its distinctive national character, spirit, and legal traditions, harmonizes its legal system with widely accepted international norms and in some cases even achieves convergence with them.<sup>54</sup> Strengthening the absorption and transformation of international human rights treaties in domestic legislation is therefore significant for enhancing the rule of law in foreign-related affairs and advancing the internationalization of law. At the same time, China’s human rights legal system with Chinese characteristics also aims to achieve a higher degree of systematic development, and international human rights treaties can contribute meaningfully to this objective.

International human rights law itself also faces the issue of coherence and integrity. The pursuit of such integrity has existed from the outset. When the United Nations was established, Article 55 of the *UN Charter* required Member States to respect and promote human rights. At that time, it was envisioned that a comprehensive international human rights treaty would immediately be drafted to implement the Charter’s provisions. When it became clear that consensus on such a treaty would be difficult to achieve in the short term, the United Nations General Assembly instead adopted the *Universal Declaration of Human Rights* on December 10, 1948. Although not legally binding, the Declaration ensured that the banner of human rights could be raised while simultaneously proclaiming a comprehensive and integrated set of human rights standards to the world. This was a prudent and forward-looking

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<sup>53</sup> Xi Jinping, “Steadfastly Following the Chinese Path to Promote Further Progress in Human Rights,” *Qiushi Journal* 12 (2022).

<sup>54</sup> Chen Lihu, “A Brief Discussion on the Internationalization of Law,” *Law Science* 1 (1997).

approach that enabled the international protection of human rights to begin along a multilateral path while establishing its overall direction and objectives. After 18 years of negotiation, the United Nations adopted in 1966 the two legally binding “International Covenants on Human Rights” — the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights*. Over subsequent decades, the number of core human rights treaties has continued to increase and their substantive scope has expanded. Among the most recent human rights treaties are the *Convention on the Rights of Persons with Disabilities* and the *International Convention for the Protection of All Persons from Enforced Disappearance*, both adopted in 2006. In 1993, the greatest contribution of the World Conference on Human Rights was the adoption of the *Vienna Declaration and Programme of Action*, which advanced the important principle that all human rights form an integrated whole and emphasized that all human rights are universal, indivisible, interdependent, and interrelated.

Holism and systematization are not only characteristics but also methodological approaches. Consequently, when a country seeks to absorb and transform international human rights treaties, it should pay attention not only to treaties that it has already ratified but also to those it has not yet ratified. It may also draw upon and learn from certain regional human rights standards developed outside the United Nations system, such as those adopted by the Council of Europe, the Organization of American States, and the African Union.

For the rule-of-law protection of human rights — particularly the improvement of legislation — both domestic law and international law share common aspirations. The absorption and transformation of international human rights treaties therefore constitute an important method and constructive pathway for promoting the all-around development of human rights and for strengthening the systematic and comprehensive nature of human rights legislation.

## **2. The absorption and transformation of international human rights treaties in human rights legislation will become further refined**

Chinese modernization places higher demands on the continuous improvement of the modern governance system and governance capacity. This requires more advanced concepts and more scientifically designed norms and safeguards in every stage of the rule of law, including legislation, law enforcement, adjudication, and law observance.

International human rights law itself remains in a dynamic process of development. Although it cannot match domestic law in terms of comprehensiveness and operational detail, it nevertheless seeks to maintain a

balance between universality and increasing specificity. Problems such as fragmentation, gaps, and deficiencies within international law are expected to be addressed gradually through further development. At the level of international rule-making, the range of rights holders continues to expand — from the abstract concept of the human person to more specifically defined vulnerable groups, including women, children, persons with disabilities, minorities, indigenous peoples, and older persons, and even to groups such as homosexual individuals and other sexual minorities. At the same time, specialized legal norms addressing particular social phenomena and conduct have emerged, such as prohibitions of torture, human trafficking, and corruption. While adhering to the legislative wisdom that “less is more” in international law — meaning that the more flexible and less rigid treaty provisions are, the more States are likely to ratify them and the more feasible it becomes to establish and operate corresponding international mechanisms<sup>55</sup> — the standards of international human rights law have also shown a growing tendency toward greater specificity in their concepts, ideals, and concrete rules.

In the future, the absorption and transformation of international human rights treaties in human rights legislation will gradually move beyond the borrowing of general purposes and basic principles toward closer alignment and integration at the level of specific rules and institutional arrangements. Domestic legislative texts are increasing in number, statutory provisions are becoming more numerous, and the overall length and detail of legislation are expanding. Legal norms are also becoming increasingly refined, thereby creating opportunities and space for the absorption and transformation of international standards. Meanwhile, the growing number of international human rights treaties, the expansion of their subject areas, and the extension of their regulatory reach exhibit similar trends, providing a broader supply of international rules that can support and inform domestic legislation.

### **3. The absorption and transformation of international human rights treaties in human rights legislation will become more foreign-related**

With the deepening of reform and the continued expansion of opening up, the process of Chinese modernization will inevitably bring about newer and higher-level forms of interaction and engagement between China and the world. Coordinating domestic rule of law with foreign-related rule of law has become an important feature and emerging trend in the development of the rule of law in China.

The protection of overseas interests in accordance with law requires domestic law to “go global,” making it necessary for domestic legislation to

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<sup>55</sup> Jorge E. Vinuales, “The Paris Agreement on Climate Change: Less is More,” 59 *German Yearbook of International Law* 11 (2016): 43-45.

regulate certain conduct occurring outside the national territory.<sup>56</sup> In this context, increasing attention has been given to the extraterritorial application of domestic human rights legislation and human rights treaties.<sup>57</sup> Traditionally, States Parties implement human rights treaties only within their jurisdiction. However, when public authorities of a State — such as its armed forces — conduct activities abroad, or when enterprises from a State carry out economic operations overseas, a range of issues relating to human rights, environmental protection, and other matters may arise. Within the scope of a State’s control or influence, questions may emerge regarding the extraterritorial application of relevant legal rules. Because States implement human rights treaties through domestic law, any extraterritorial application of treaty obligations must necessarily rely on the corresponding arrangements established within domestic legal systems.

In recent years, China’s counter-sanctions legislation has become a key focus of foreign-related legislative development and carries important implications for the protection of human rights. In addition to national legislation, progress has also been made at the local legislative level. For example, the Resolution of the Standing Committee of the People’s Congress of the Xinjiang Uygur Autonomous Region on Resolutely Opposing the U.S. Series of Xinjiang-Related Sanctions Laws to Support the Development of Sanctioned Enterprises and Related Industries was adopted on August 23, 2024, at the 13<sup>th</sup> meeting of the Standing Committee of the Fourteenth Xinjiang Uyghur Autonomous Region People’s Congress. The resolution refutes allegations of forced labor in China’s Xinjiang region and seeks to safeguard the rights and interests of local enterprises and citizens.

#### **4. The absorption and transformation of international human rights treaties in human rights legislation will become more innovative**

As the world’s second-largest economy, China has not slowed its pace of deepening reform and expanding opening up; rather, this process is accelerating. Chinese modernization represents a vivid practice of integrating the rule of law, development, and the protection of human rights. This dynamic integration serves as a source of vitality, potential, and creativity for China.

International law does not emerge in a vacuum; rather, it is shaped and developed through the practice of States. International law is not only a system of rules but is also accompanied by an institutionalized framework of international organizations that support its operation. In the legislative

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<sup>56</sup> Chen Liang, “The System of Extraterritorial Application of Laws: The Logic of Generation and Implementation,” *China Law Review* 2 (2024).

<sup>57</sup> Yu Liang, “The Extraterritorial Effect of Fundamental Rights and Its Boundary,” *Wuhan University International Law Review* 1 (2024).

transformation and implementation of international human rights law, States differ in their levels of discursive power and influence. China's position and influence within international organizations have been steadily increasing. International treaties themselves are the outcome of States' participation in their formulation. The advancement of a country's level of rule of law is reflected not only in the development of its domestic legal system but also in the extent and effectiveness of its participation in international lawmaking and implementation. If China is to remain at the forefront globally in areas such as the whole-process people's democracy, economic development, social progress, and advancement in education, science, culture, and public health, it must continue to absorb and learn from advanced experiences and beneficial practices from different countries and civilizations within its domestic legislative process. At the same time, it should play a constructive role in international lawmaking and in the implementation of international law.

The relationship between domestic legislation and international lawmaking is not a one-way process; rather, the two can form an interactive mechanism. Domestic legislation may in turn influence international legislation and its practice, providing experience, examples, and contributions to the improvement, development, and enrichment of the global human rights legal system. For this reason, it is necessary to further strengthen legislative guarantees for human rights and, in the process, to develop and communicate a discourse on human rights with Chinese characteristics. Such efforts can contribute to the creation of public goods and institutional achievements with global influence that embody Chinese wisdom, Chinese approaches, and Chinese contributions.

For example, following the enactment and implementation of the *Law on Building a Barrier-Free Living Environment* in 2023, China actively advocated for accessibility development within the international community and received broad support. On October 10, 2024, during the 57<sup>th</sup> session of the United Nations Human Rights Council, a resolution titled "Promoting Accessibility for the Full Enjoyment of All Human Rights by All," submitted by China on behalf of thirty countries, was adopted by consensus.<sup>58</sup> This marked the first time the United Nations adopted a resolution dedicated to this topic, representing a significant innovation in the field.

## **V. Conclusion**

General Secretary Xi Jinping has pointed out that "The Chinese socialist state system and legal system are sound systems with marked advantages. They are rooted in our deep historical and cultural traditions accumulated over more than 5,000 years of Chinese civilization, while also drawing upon the

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<sup>58</sup> "Promoting Accessibility for the Full Enjoyment of All Human Rights by All," accessed July 19, 2025, <https://docs.un.org/zh/A/HRC/RES/57/16>.

institutional achievements of all humanity, and have been tested through long-term practice.”<sup>59</sup> China, together with other countries, actively participates in the formulation of international human rights treaties while earnestly addressing the ratification and implementation of such treaties and recognizing their important significance for China’s legislative development and the advancement of the rule of law. International human rights law constitutes a distinctive branch of international law. Represented by the core human rights treaties of the United Nations, it possesses several important characteristics: the creation of legal obligations, the embodiment of moral responsibility, and the provision of valuable legal-cultural resources. The implementation of these treaties relies primarily on the domestic efforts of States Parties, particularly the safeguards provided by domestic rule-of-law systems. Chinese domestic legislation attaches great importance to foreign-related factors. In the context of the growing trend toward the mainstreaming of human rights, and in accordance with the National Human Rights Action Plans of China, China actively incorporates human rights perspectives into legislative processes and carefully considers the coordination between domestic law and international human rights treaties. The absorption and transformation of international human rights treaties in legislation have thus become an important component of China’s legislative activities and rule-of-law development.

Under the leadership of the CPC, the absorption and transformation of international human rights treaties in legislative work consistently adhere to the people-centered approach and the fundamental principle of proceeding from China’s national conditions while maintaining China’s initiative and ensuring that international norms serve domestic needs. This process gives full play to the advantages of socialist democracy and the rule of law, enabling creative approaches to the absorption and transformation of international human rights treaties. On the basis of the *Law on Foreign Relations*, China promotes the contemporary Chinese outlook on human rights, engages in comprehensive foreign exchanges, and attaches importance to foreign assistance for developing countries as well as international dialogue and cooperation in the field of human rights, thereby contributing to global human rights governance and the building of a community with a shared future for mankind. China’s legislative absorption and transformation of international human rights treaties is not a completed task but an ongoing process. It is carried out at appropriate times and through appropriate methods in accordance with China’s national conditions and stage of development. It does not involve mechanical copying,

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<sup>59</sup> Xi Jinping, *On Upholding the Comprehensive Rule of Law* (Beijing: Central Party Literature Press, 2020), 263-264.

simple transplantation, or wholesale adoption of external models, and it firmly opposes attempts by certain countries to exert undue pressure under the pretext of human rights.

China attaches great importance to strengthening its disciplinary system, academic system, and discourse system in the field of human rights. In practice, building on the achievements already attained, China will continue to strengthen confidence in its path, theory, system, and culture. The organic linkage and constructive interaction between Chinese legislation and international human rights treaties have promoted the domestic implementation of such treaties and contributed to the improvement and development of China's legal system for the protection of human rights. This interaction will become increasingly refined and systematic and, through its creative practices and achievements, will provide experience and support for both national and international human rights legislation.

(Translated by *LI Donglin*)