Human Rights in China: The Chinese Perspective

Speakers:
Prof Yunhu Dong and Prof Hainan Liu
China Society for Human Rights Studies

Date:
20 February 2008, 6.30pm – 8.30pm

Venue:
New Theatre, London School of Economics

Organised By:
LSE SU Amnesty International
Embassy of the People’s Republic of China

Chair:
Dr Fang-Long Shih
Asia Research Centre, LSE

This is a summary, it is not a transcript

Introduction by Chair, Dr Fang-Long Shih

I would like to say thank you to the LSE Student Union Amnesty International and in particular to Kevin Ong, and secondly to the Embassy of the People’s Republic of China, in particular to Hong Tao, at the Press Office, for their hard work in making tonight’s event possible.

We are gathered this evening to discuss an issue of vital importance: ‘human rights’. Can such rights be universal? Are they culturally or historically limited? On what should such rights be founded?

It is my honour to introduce to you today’s speakers, Prof Yunhu Dong, who is Vice-President and Secretary General of the China Society for Human Rights Studies, and Prof Hainian Liu, who is Advisor of the China Society for Human Rights Studies, and Professor and Senior Researcher of the Institute of Law of the Chinese Academy of the Social Sciences. We also welcome their interpreter Mr Yin Zhao.

Speech by Yunhu Dong

It is the 60th anniversary of the UN Declaration of Human Rights and the 30th anniversary of the opening of China. Modernization began in Britain, and so I
I am honoured to be at LSE. Tonight will be special for me. The UK was important for both my and Liu’s research.

Before studying human rights, I studied Western philosophy, and I was first inspired by John Locke’s words on human rights. The first book I translated was by young British scholars writing on contemporary Chinese philosophy, and one article looked at socialism and freedom. This was in 1986, and at that time “human rights” was seen as a capitalist slogan of which one should be critical. However, that book provided me with Marx’s words on human rights and showed me that socialism should uphold them. I studied Marx in detail, and this prompted me to write my first book, which was published in October 1990. It contained 200,000 Chinese characters, and with the assistance of my wife it included the first ever overview of international human rights documents. The book found resistance, but I was fortunately able to publish.

I believe the book was significant, because it gave the leaders a perspective on human rights, including international documents. Also, in 1994 a UK diplomat spoke to me and told me that the Chinese leadership had hidden human rights from the Chinese people. He was surprised by my book, and said that such a book would be hard to find in the UK. I got involved with the first White Paper on human rights in November 1991. This was a major breakthrough – the first time in Chinese history that human rights was declared to be a long-term human good and to be glorious. Since then, we have worked to establish the China Society for Human Rights, the first of its kind. This was the first society to study human rights in China, and is now listed as a UN NGO “Educational and Training Organisation”.

Since 1993 we have been doing a lot of work. We have spread knowledge of human rights, undertaken international exchanges, and extended human rights in China. Human rights is an important result of progress and human history. It is a shared pursuit of all countries, and a common responsibility. We believe that revolution and reform have always been to advance human rights in China. Now the world is talking about the miracle of China’s growth over the past 30 years, but people ignore that an important part of that story is progress in human rights. Only 17 years ago, the Chinese word “human rights” was considered capitalist, but 17 years on there have been dramatic changes: respect for and protection of human rights is in the Chinese constitution, and it is also in the Party Charter of the CCP.

This change of thought is neglected. In the past, 30 years ago, we didn’t talk about human rights, but now we have thought about changing the system as regards legislation and enforcement. This is a change of mentality, and there are now 620,000 self-governing councils in Chinese villages. Also, this progress was reflected in the 17th National Congress of the Communist Party of China last year. A report notes the expansion of democracy, both as regards information and participation, and social justice, as regards education, housing, medical care, and pensions. Some called the report a “Declaration of Human Rights.”
*Newsweek* noted that China has achieved in 20–30 years what took the west hundreds of years. This is a compliment. I believe there are many problems with human rights in China, but we don’t think the Chinese people or the government are satisfied with the status quo. The imbalance is caused by the lack of development, which is the biggest problem. This lack of development can be seen in poverty, lack of education, and occasional miscarriages of justice. There are also conflicts over priorities for the cities and the countryside. We should follow the right path, and I believe our direction is the right one.

**Speech by Hainan Liu**

I have the honour to speak to you, thank you Dr Shih, I also extend my gratitude to the LSE. You have trained a huge number of talented people, thank you for your contribution to the world. I am very proud to tell you that my nephew and the son of one of my friends now have important positions in investment banks after time spent here.

As Dr Shih introduced, I’m from the Chinese Academy of Social Sciences. An important mission for my human rights centre is to improve the system and to facilitate exchanges, which we have done since 1991. We need to inherit Chinese culture, but also learn from other cultures.

We have published over 100 research reports and books, and hundreds of articles on human rights and the legal system in China. We have also published tens of books on human rights classics from other countries. We have engaged in education in human rights for government officials, based on human rights declarations. We have also had more than thirty exchanges with the EU.

We try to make suggestions for human rights in China, and many of our ideas have been adopted. This work got me elected to be an advisor to The China Society for Human Rights Studies. Enormous progress has been made in the last thirty years, and this is reflected by the China constitution and the principle of human rights in the state constitution. We have also made progress in litigation law, allowing citizens to charge officials. According to such laws, the rule of law is built into the Chinese government. There are also advances in civil law, and we have made important laws in contract law, and in intellectual and property rights. These laws protect the lawful property rights of the Chinese people.

We have also made progress in criminal law: every sentence must be given in accordance with the law, and with presumption of innocence. State compensation law is used when the state infringes on citizens.

There have been more than twenty UN human rights resolutions adopted by China, and it has signed a covenant that is changing domestic laws. In every country, though, there is a gap between law and practice. Therefore the leaders of China have stated that the law and the constitution are the most important, and that every citizen must abide by the law.
We have also set up principles to better enforce our laws: for example, the “scientific outlook on development” discussed at the last CCP Congress. This seeks to put people first and balance sustainable development in China. We must develop comprehensively in culture, education, and politics, and retain a balance. Only this can protect the rights of the Chinese people, in line with the International Bill on human rights.

Therefore, students at LSE must study hard and return to China to improve the constitution. Such a spirit can also be applied to other students of this school.

I’m not saying that China is perfect, we have a lot of problems we must face and do what we can to tackle. For example, the national leaders have noted there are too many death sentences. The use of torture is forbidden by domestic and international law. We are now improving the judicial system so that justice can work better, but I won’t elaborate, as I have used up my time.

Questions and Answers

**Question One:** Prof Dong has said in the past that there is a Chinese sense and interpretation of human rights which is different from a Western sense. According to you: “The West stressed personal and individual rights; we stress the need for harmony between the individual and the collective”. However, most of the time the two are not in conflict. Why should the individual not be stressed? According to Marx, the free development of each person is the condition for the free development of the collective.

**Dong:** Personally I believe individual rights are important, but human rights should be interpreted differently on different occasions. Differences of opinion between China and the west are due to different histories. In the west, the enemy was feudal tyranny; but in China there were two enemies: Imperial rule and feudal tyranny. Thus we have to pursue national liberation as well as individual rights, but national liberation must come first. If the nest falls, there is no unbroken egg. We must give priority to the former rather than the latter. Victims of the colonial powers have stressed collective human rights at the UN.

After the founding of the PRC, we had to improve living standards. We will be humiliated if we are weak – we must be strong, and so the collective is stressed. As China grows, individual rights will become more important. Marx’s development of each will only be reached when communism is realised.

**Question Two:** How do you view the total abolition of the death penalty? Will it become law in China?

**Liu:** Ten years ago we made suggestions as when the death penalty should be given, using 10,000 Chinese characters and giving examples from 2,000 years of Chinese history as evidence for why we should reduce it. This report
was used as a recommendation for the penal code. It was not published, but has been now by two publishing houses in China. That report won the support of the international community and part of the government, but it faced resistance from Parliament and ordinary Chinese citizens. Such resistance came from the tradition of China and the hatred of criminals. 2,000 years ago, when a king came to power, he ordered that those who kill must be killed, and that those who steal must be punished. “An eye for an eye” is rooted in Chinese mentality. My personal wish is that such a process should be as short as possible. People hate criminals, and corrupt officials, as they take money that would take ten years to earn. They want to see them executed. Another example is that if a killer is not executed, the relatives of the victim do it themselves. The death penalty is needed to prevent social instability, but having said that, total abolition should be our target, taken step by step. I hope we can take bigger steps.

**Question Three:** You suggested the human rights problem is an economic problem. But is it more of a civil society problem, especially as regards freedom of speech?

**Liu:** We believe no right can be separated from other rights. That’s why the development of human rights may have different priorities in different countries. For example, if people don’t have enough food, how can we talk of other rights? President Roosevelt once commented on this very issue. Of course, we give equal attention to the economic and political rights of the Chinese people, that’s in our Progress for Growth. We seek to promote social rights, so it is not fair to say that we have paid attention only to economic and not other areas of rights.

**Dong:** Actually, the “development” to which I referred includes political and social and cultural development. All those rights enjoy the same importance in China. “Harmony” in Chinese is made from two characters: “her”, with a mouth in the character, means “People need something to eat”, and “xie”, with “speech” in the character, means “Everyone has the right to speak”. The right to subsistence and the right to speak are two wheels; we need them to run together at the same speed.

**Question Four:** Please elaborate on China’s role in Africa, and its influence on human rights there.

**Question Five:** Should China pressure Sudan on Darfur, and use its position at the UN to push for the arrest of two Sudanese? Also, what is your opinion of the ICC?

**Dong:** It’s a heated topic nowadays. I believe this is a problem faced by all countries, due to globalisation. I believe it can contribute to the improvement of human rights. As I understand it, the question was about political responsibilities that arise from this. My personal opinion is that China should show international responsibility. As was noted at the last CCP Congress, “We China must together with other countries face difficulties, challenges, and develop together”.

5
But China is not Sudan, the UN, or the OAU, or the USA (which sees itself as a global policeman). Darfur is an internal affair, and it is unfair to blame China for a disaster in another country. But China should use its influence, and after speaking to foreign ministry officials, I am satisfied that China has done what it can. It is too much to do more, I have documents here. The humanitarian disaster in Sudan was started by rebel groups in the 1970s supported by the CIA. British companies also took oil from there. Some people are trying to attack China, it is unfair. I support a positive role of the Chinese government, but I’m opposed to some governments putting the blame on China.

**Question Six**: Why can’t migrant workers move between cities? It’s ridiculous. Also, while rights are copied and pasted from the west, there is no enforcement. While it is common for there to be a gap between law and enforcement, there should be a baseline to this gap. How about workers who cannot get basic protection or get paid.

**Liu**: This is a question of law and order, and of contacting people when they are in the cities. We cannot protect them if we don’t know where they are. It is not discrimination. So it’s not a problem. The large part of the population is in the countryside, and we are still developing, which is why there are different systems for the city and the countryside. This inequality has been discussed by intellectuals, but change must occur step by step. The children of migrant workers no longer have to pay for education; it was not right to charge a fee in the past. There are also amendments to labour law, and migrant workers are protected. There has now been fierce debate on this issue, and there is a difference of opinion between employees and workers. Both have their representatives in the academic community. Now workers enjoy better conditions and payment, and so businessmen from Hong Kong are contracting out to Vietnam and other countries. In reality, the treatment of workers is far from what the law says it should be. I’m supportive of the labour law.

**Question Seven**: Human rights have developed since capitalisation. In the 1950s, China was like North Korea. Is human rights compatible with a planned economy? Would human rights have developed if China had not opened?

**Dong**: If we hadn’t participated in globalisation, we wouldn’t have developed as we have now, but we cannot deny the role of the planned economy at the start of the PRC. It ensured rights to subsistence. The development of a market economy has some negative results: the rich get richer, and the poor get poorer, as Marx noted. Every freedom comes with a price; with the planned economy, government provided jobs, but there was no choice. There was security, but no freedom. Now graduates have to find a job, and one million are unemployed.

**Question Eight**: Are human rights advanced or restricted by China voting against Kosovan independence, alongside Spain and Russia?
**Dong:** Kosovo is not simply a human rights issue, it's an issue concerning nations. I believe relations between ethnicities in Former Yugoslavia are complicated, and if not handled properly, can cause a lot of problems. We must be very cautious. This relates to personal and collective freedom, as I just talked about. It has always been an issue in the UN when ethnic groups declare independence, but these principles apply to those who were colonised. It is difficult to give a personal judgment on that issue.

**Liu:** Kosovo raises a complicated problem for the UN and the international community. In 1966 two conventions had provisions on self-determination of nations. But how should we exercise these rights? It has been done by referendums of all the people in a country. In Kosovo, one ethnic group declares independence unilaterally. However, what are the consequences for other countries for what the Albanians have done? Does every ethnic group have the right? We will see many countries break up. But I don’t have a personal mature opinion about what we should do in this case. Quebec had a national referendum, and the UN mandate in Kosovo included a resolution not to split the country. What about that resolution? So far as I know, in 1993, in Vienna, Native American groups from the USA expressed a wish for independence. What is the US view of that? I sympathise with the Kosovans who have been oppressed, but also with the Serbians in Kosovo. So actually, I’m not making a conclusion, but posing a question: can the international community prevent such problems?

**Question Nine:** What about more advanced rights such as for lesbians and gays, and for late abortion and so on? Should they be based on Chinese culture, and if so, who decides on Chinese cultural values?

**Dong:** All countries share more or less the same ideals, but differ on the details. In the west, gay rights and abortion have been thoroughly discussed, while this has only started in China. So personally, I believe that China will learn from other countries how to handle such issues maturely with consideration to the situation in China.

*Summary by the Taiwan Culture Research Programme*