Human Rights in China in 2007

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2007 was the tenth year the Chinese government used the rule of law as a basis for governance and the fourth year since the line “the State respects and preserves human rights” was added to the Chinese Constitution. In 2007, human rights and rule of law played a significant role in connecting the past and the future. This article reviews those topics that had a profound influence on the development of rule of law and the preservation of human rights in China.

I. Rule of Law and Human Rights

The report to the 17th Party Congress states:

The development of human rights in China progressed as a socialist law system with Chinese characteristics was implemented. The rule of law was established as a fundamental principle in the reform of the government administration system and the judicial system. We must respect and safeguard human rights, ensuring equal rights for all members of society in accordance with the law. More importance must therefore be attached to social development to improve the people's livelihoods, expand public services, improve social management, and promote social equity and justice. All people should enjoy the rights to education, employment, medical care, and housing.

This statement reflects the wish of the Chinese government to build a harmonious society. It not only summarizes what has already been done, but also outlines what will be done in the future.

Paying attention to living standards and rule of law were two highlights of China’s social development in 2007. Professor Fu Zitang, vice-president of Southwest University of Political Science and Law, pointed out, “China must use the improvement of living standards as

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1 The report to the 15th National People’s Congress in 1997 outlines the scientific meaning, significance, and strategic position of governing the country by rule of law.
the basis to drive forward rule of law in the 21st century.” This proposal contrasted with the old convention of constructing rule of law for the purpose of creating a democracy. It was more practical and adhered to local Chinese conditions.\(^2\)

II. *The Property Law*

The Property Law was implemented on October 1, 2007. The law underwent 13 years of preparation and deliberation before being promulgated, a record in Chinese legislative history. The Property Law elicited widespread social concern as early as when the first draft was submitted for deliberation. Wang Jiafu, honorary chairman of the Civil Law Institute of the Chinese Law Society, stated: “Real human rights guarantee an individual’s fundamental survival and development. The Property Law is a fundamental basis for establishing a legalized national economy. Without this law, China’s national economy and its people’s livelihoods would not prosper.”\(^3\)

As early as March 2004, the Constitution was amended to include a line to protect private property. However, in August 2005, Professor Gong Xiantian from Peking University condemned the Property Law for violating the Constitution, saying the draft did not mention public property and instead lauded private property as sacred and inviolable. His protest got no response from the central authorities, so Professor Gong published his complaint on the Internet, garnering more support for his claim. However, we believe Professor Gong’s claims are inaccurate. The Property Law supports the Chinese construction of a socialist state, as well as equal protection of state, collective, and private property.\(^4\) It is truly innovative legislation.

When the Property Law was implemented, judicial protection of property swung into action. The People’s Court of Furong District, Changsha oversaw one case in which a landlord sued his tenant; the People’s Court of Zhongqu District, Jining held a hearing on home

\(^2\) Quoted from Professor Fu Zitang’s speech at a seminar in celebration of the 10th anniversary of rule of law in China on July 14, 2007.