

**HUMAN RIGHTS IN CHINA:
A SOCIAL PRACTICE IN THE SHADOWS OF AUTHORITARIANISM**

by Eva Pils*
(Cambridge: Polity Press, 2017), 228 pp.
ISBN: 978-1-5095-0069-7

Lin Zhang**

1. Introduction

It appears that Western academia consistently draws attention to China's human rights questions. The book titled *HUMAN RIGHTS IN CHINA: A SOCIAL PRACTICE IN THE SHADOWS OF AUTHORITARIANISM*, authored by Eva Pils, an eminent human rights lawyer, purports to assess "human rights in China as a set of social practices."¹ This book is written based on two criteria: (1) Whether the Communist Party of China and the Chinese government (hereinafter Party-State) have systematically and substantially lifted the level of protection of human rights in China?; and (2) If so, whether there is still room for further improvement of human rights in China?

To answer the first question, it is necessary to provide thorough evidence that systematically assesses human rights development in China through the past seventy years. For the second question, individual cases concerning weak protection of certain human rights in China should be sufficient. Unfortunately, the author of the book tries to have selectively utilized those case studies which fit a negative response to the second question thereby invalidating the first. This has rendered to the author's entire analysis porous, unconvincing, and biased. The mismatch between its academic aim and principal analytical method threading

* Reader in Transnational Law at The Dickson Poon School of Law at King's College London.

** Assistant Professor at Korea University School of Law. LL.B./LL.M.(Shandong Univ. of Sci & Tech), Ph.D. (Hong Kong). He may be contacted at: linzhang@korea.ac.kr

through the sections of the book make the above synthesis clear. Due to the limited space, however, the reviewer will highlight only the rights to education and environment of the book to demonstrate the mismatch from the legal perspective.

2. The Right to Education

The book refers to some cases of suicide committed by ‘left-behind’ rural children in China, as an indication that children such as these suffer heavy psychological burdens partially due to poor education.² Furthermore, the author proceeds to attempt to prove that their right to education is neither emphasized, nor reinforced by the Party-State.³

In practice, however, the Party-State highly respects and makes great efforts to enhance the right to education for rural children whose parents are migrant workers in cities. From 2012 to 2015, the Party-State used RMB 34.6 billion in its efforts to make sure that children of migrant workers may receive free and equal compulsory education in publicly-funded schools in cities where their parents work.⁴ The Party-State also assigned RMB 102 billion to improve the quality of education in rural and remote areas.⁵ In September 2016, the State Council Information Office of China issued the “National Human Rights Action Plan (2016-2020),” which highlighted the sustainable improvements to the quality of education received by migrant or rural children.⁶ In the same year, the State Council enacted another regulation to further enhance the education equality between urban and rural areas.⁷

3. The Right to Environment

In the section on the right to environment, the book adopts the same approach as it did in its analysis of the right to education by making references to ‘cancer villages.’⁸ It attempts to show that the right to environment of a significant portion of Chinese farmers is violated by industrial pollution and is not fully protected by the Party-State.⁹

It is openly admitted by the Party-State that China as a nation is confronted with the serious pollution problem in its industrialization process just as the Western world did a century ago.¹⁰ In order to fulfill its responsibility of protecting

the environment and the rights of the people therefrom, the Party-State assigned RMB 17.2 billion to cope with heavy metal pollution from 2010 to 2015.¹¹ Further, in 2015, the State Council issued the “Prevention of Water Pollution Action Plan” and the “Prevention of Atmosphere Pollution Action Plan” to specify a series of stringent and effective measures to address the pollution problem.¹² Apart from these, the aforementioned “National Human Rights Action Plan (2016-2020)” remarkably stresses the environmental right of Chinese citizens, as well.¹³ For example, the Environmental Protection Law, Water Pollution Prevention Law, and Atmosphere Pollution Prevention Law have been amended by the Chinese legislature to reinforce their efficacy in recent years.¹⁴ In addition, the draft of the Soil Pollution Prevention Law is also under deliberation by the Chinese legislature.¹⁵

4. Conclusion

Through the “National Human Rights Action Plan (2016-2020),” the Party-State clearly manifests that it is committed to sustainably develop and improve human rights in China.¹⁶ Regrettably, this commitment is distorted and presented as the deterioration of human rights protections in China by the book. Scientific research should be extremely positive and objective. It should not be deliberately converted to a political game with tremendous bias. We must always bear in mind that the value of science is embedded in convincing evidence rather than ingrained prejudice.

REFERENCES

1. EVA PILS, HUMAN RIGHTS IN CHINA: A SOCIAL PRACTICE IN THE SHADOWS OF AUTHORITARIANISM 145 (2017).
2. *Id.* at 111.
3. *Id.*
4. The State Council Information Office of China, Evaluation Report on the Implementation of the National Human Rights Action Plan (2012-2015) [国家人权行动计划(2012-2015年) 实施评估报告(全文)], available at http://www.humanrights.cn/html/2016/3_0614/18292.html (last visited on Aug. 4, 2018).
5. *Id.*

6. The State Council Information Office of China, National Human Rights Action Plan (2016-2020) [国家人权行动计划(2016-2020年)], available at http://www.humanrights.cn/html/2016/3_0929/22451.html (last visited on Aug. 4, 2018).
7. The State Council of China, Some Decisions about Promoting the Equality of the Compulsory Education between Urban and Rural Areas in Counties [国务院关于统筹推进县域内城乡义务教育一体化改革发展的若干意见], available at http://www.gov.cn/zhengce/content/2016-07/11/content_5090298.htm (last visited on Aug. 4, 2018).
8. *Supra* note 1, at 115.
9. *Id.*
10. See Minister Jining Chen Answered Questions on China's Environmental Protection from Journalists after the Fourth Session of the Twelfth NPC, XINHUANET, Mar. 11, 2016, available at <http://www.xinhuanet.com/politics/2016lh/zhibo/20160311b/index.htm> (last visited on Aug. 4, 2018).
11. *Supra* note 4.
12. *Id.*
13. *Supra* note 6.
14. *Supra* note 4.
15. *Id.*
16. *Supra* note 6.