



THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

CHINA
PROGRAMME



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THE DANISH INSTITUTE FOR HUMAN RIGHTS – A BRIEF INTRODUCTION

The Danish Institute for Human Rights (DIHR) is Denmark's National Human Rights Institution, established by the Danish parliament in accordance with the UN Paris Principles. DIHR is an independent public institution, first established in 1987, with a broad mandate to promote human rights in Denmark and abroad as defined in the above-mentioned law. DIHR serves as a centre for research, information, education, and documentation on human rights in a Danish, a European, as well as an international context. The Institute maintains an interdisciplinary approach to human rights and thus employs staff with varied backgrounds such as law, anthropology, economics, humanities, journalism, pedagogy, political science, and sociology. In Denmark, we advise the government, parliament, ministries and public authorities, produce analyses and conduct research, and engage in projects on human rights nationally. Internationally, we work with state institutions, national human rights institutions, independent organisations and the corporate sector enabling them to strengthen human rights. We assist in building well-functioning human rights systems, engage in human rights development and promote human rights capacity through education.



THE DANISH INSTITUTE FOR HUMAN RIGHTS IN CHINA – AN OVERVIEW OF DIHR'S ACTIVITIES IN CHINA

Since 1999, DIHR has been extensively engaged in activities relating to the promotion and protection of human rights in China, including:

- Participation in multilateral projects and networks with Chinese and Asian partners
- Bilateral partnership programmes with Chinese partners on specific topics funded by the Danish Ministry of Foreign Affairs, the European Union (EU), and others
- Research activities by individual scholars funded from different sources
- Organisation of public events and meetings in Denmark on issues relating to human rights and China

The aim of the partnership programmes is to promote respect for and observance of civil and social rights in the Chinese society. DIHR is especially concerned with the promotion of the notion of fair trial and the awareness of international human rights standards between both law enforcement personnel, academia, the judiciary and the public in general.

Our work is based on the view that effective and lasting changes must come from the Chinese society's own resources. This means that DIHR works in areas where there are already national initiatives to draw on and

where legislation could be adjusted, existing institutions capacitated or new institutions created.

The projects in China are conducted through partnerships with Chinese institutions and organisations, where partnership activities comprise joint research, provision of input to legal reform, and training of professional groups and educators. The Chinese partners comprise universities and research institutions, and professional organisations.

In addition, DIHR participates in international and bilateral activities where human rights in China are on the agenda.

For a more detailed description of the projects in China, see the following pages.



HUMAN RIGHTS IN CHINA – A DIHR HUMAN RIGHTS PARTNERSHIP PROGRAMME (2014-2016)

The programme will contribute to the overall objective of increased realisation of civil and social rights in China. This will, in part, be achieved through the three component objectives of the programme:

1. Increased access to criminal justice and compliance with fair trial guarantees
2. Enhanced public participation in the areas of migrant workers' rights
3. Environmental protection and strengthened human rights education for schoolchildren, university students and civil servants.

FUNDING

The Danish Ministry of Foreign Affairs

RULE OF LAW

Background

The Chinese criminal justice system has been transformed over the past few decades. The ongoing reform process might usefully include enhanced independence of the judiciary and the status of lawyers. Furthermore, the administrative detention systems need to be reformed. In January 2013, a major revision of the Criminal Procedure Law (CPL) entered into force, as did an extensive corpus of implementing regulations developed by criminal justice sector agencies and other public authorities. These regulations incorporate, for the first time in Chinese law, most of the fair trial guarantees contained in Article 14 of the International Covenant on Civil and Political

Rights and provide better protection for criminal suspects and detainees and a much improved framework for defence lawyers to carry out their work.

Strengthening fair trial and research on administrative detention

Our two principal strands are, first, to contribute to the effective implementation of provisions in the revised CPL that strengthens fair trial guarantees and, second, to work on a small number of strategic issues linked to China's new legal and justice sector reform agenda. This includes empirical studies at local level people's procuratorates on the challenges with implementing the amended CPL and assessing the utility and application of the prosecutorial guidelines. The findings will form a basis for a textbook and a series of training seminars for prosecutors. Our project also includes a series of training seminars on the revised CPL for defence lawyers to strengthen and secure the implementation process. This includes monitoring, reviewing and developing recommendations for addressing the problems that arise in the implementation of the law or laws that replace it. This also includes research on other forms of administrative detention regimes for prostitutes, drug addicts and juveniles and transparency in court proceedings, including aspects of gender equality in the judicial system and the role of the defence counsel.

Dissemination and capacity building

Our project activities also include development, publication and dissemination of research on the administrative detention systems; research on fair trial and judicial independence; and development of a textbook for prosecutors. This will be achieved through desk research, field studies, national seminars, round table discussions with legislators, an international study trip for researchers and legislators, field training and data collection seminars. Furthermore, the activities also include capacity building of prosecutors and defence lawyers in implementing the revised CPL including

organising of training seminars for prosecutors and monthly online trainings, workshops and seminars and the publication of a new edition of a practical manual on criminal defence techniques.

PUBLIC PARTICIPATION

Background

The Chinese leadership recognised the relevance of public participation in addressing key problem areas, such as environmental protection and non-discrimination of migrant workers but such participation is still limited. The system for registration of Civil Society Organisations (CSOs) is undergoing significant change, and guidance and sufficient access to information are crucial for environmental organisations to ensure a platform to carry out advocacy. The need for basic social services, community representation and mediation has widened the space for migrant workers' organisations to represent migrants at community level on a range of issues, thereby expanding the space for public participations of migrants.

Environmental advocacy and empowerment of migrant workers

We focus on environmental advocacy and empowerment of migrant workers at community level. The environmental element is supporting the strengthening of the Environmental Advocacy Network. The Network will engage with authorities and the general public on environmental protection issues. It will further closely monitor the development and implementation of the new CSO registration systems and provide guidance to network members accordingly. The work on migrant worker's rights will directly engage with migrants affected by poverty through education to become community workers using already established training courses with the inclusion of social enterprise management, in order to establish social enterprises to function as community centres for legal aid, mediation and cultural activities.

Education and outreach

The main activities are two-fold. The first includes education in civil and labour rights, social work and establishment and management of social enterprises. The second includes the maintaining and increase in outreach of the Environmental Advocacy Network, through network committee meetings, workshops and network conferences. This component further includes capacity building of environmental CSOs in law-based approaches to environmental advocacy, through a network study tour in China, establishment of mentor-mentee relationships between organisations, and development and publication of an environmental advocacy casebook.

HUMAN RIGHTS EDUCATION

Background

Literature suggests that Human Rights Education (HRE) in China primarily addresses law students and law enforcement personnel, like prosecutors, judges and police officers, whereas civil servants and primary and secondary school children have little or no exposure to HRE. While schoolteachers generally have little knowledge, legal scholars are generally very knowledgeable on human rights as a legal topic. However, both of these groups have limited knowledge and experience for applying HRE methodologies systematically, which inhibit an empowering and transformative learning approach in line with UN standards and human rights principles. On the one hand, this means that children, and their parents, are not aware of their rights. On the other, public school teachers have limited knowledge about their human rights obligations and need capacity building to be able to meet these obligations. The same capacity challenge applies to civil servants, who also would benefit from the human rights knowledge to meet their obligations in accordance with human rights standards and principles.

Strengthening civil servants and human rights education in schools and universities

We are aiming at strengthening the practice and knowledge of HRE in China, through a three-pronged strategy of HRE in primary and secondary schools, human rights training of civil servants and HRE awareness of human rights teachers in university. The first step is to explore, develop and implement effective methods to introduce HRE in primary and secondary schools. The strategy will include the development of human rights textbooks and teaching guides to be introduced first as extracurricular reading material for 'ideology and ethics class' at primary and secondary school level in Tianjin and then eventually become part of the official curriculum. The third step is to strengthen HRE awareness and knowledge of human rights teachers from universities all over China through an annual national network seminar for tertiary level human rights educators. The network seminar gives the participants the opportunity to discuss a variety of topics relevant to HRE, such as curriculum development, teaching methodology, recent developments, as well as status, content and structure of human rights courses.

Component Output and Activities

The main activities in this component include, first, the development and dissemination of HRE material for primary and secondary school children and civil servants, including textbooks, teachers' guide for primary and secondary school, a human rights reader for civil servants and a teaching manual for human rights instructors. Second, the capacity building of schoolteachers in HRE and the capacity building of human rights research centre instructors in HRE for civil servants. This includes teacher trainings, national pedagogy seminar for teachers and training seminars for human rights instructors. Thirdly, the planning and organising of a national human rights educator seminar, including capacity building of tertiary level human rights educators.



PREVIOUS DIHR PROGRAMMES

To provide an overview of the experience DIHR has gained in our work with the promotion of human rights in China, we include a list of the programmes implemented by DIHR in China during the past decade.



2011-2013: PROMOTING THE PROTECTION OF HUMAN RIGHTS IN CHINA – A DIHR HUMAN RIGHTS PARTNERSHIP PROGRAMME

Funding

The Danish Ministry of Foreign Affairs

Programme Objectives

The overall objective of this programme was the increased realisation of civil and social rights in China through the three chosen entry points of Rule of Law, Public Participation and Access to Justice. These objectives were achieved through legislative proposals advancing the protection of the rights of suspects and detainees, empowerment of migrant workers to claim their rights, and capacity building of environmental CSOs. The basic strategy of the first component was to develop research-based recommendations for legal reform through empirical research, field and pilot studies and national research seminars. These were published, disseminated and shared with legislators and other key decision-makers, amongst other through roundtable

meetings, with the purpose of providing realistic and viable options for reform. The strategy adopted to achieve the objective of the second component was, through interviews and action research, to document the living and working conditions of migrant workers and their families, especially with regard to their lack of access to basic social services. On this basis, the public was targeted in order to create awareness of the particular life situation of migrant workers and their families, and strategic advocacy were conducted to influence decision-makers. In parallel, a number of migrant workers were educated to become community workers with the purpose of empowering migrant workers in their communities. The strategy of the third component entailed the establishment of a network for environmental CSOs. The network established a platform for exchange and cooperation as well as strengthened the capacity of network members to apply techniques of rights-based approaches to environmental advocacy through training, exchange of information and best practices, through discussion on prioritisation of issues, annual meetings and dialogue with key stakeholders including responsible authorities.



2009-2011: PROTECTION OF ENVIRONMENTAL RIGHTS IN CHINA – A DIHR HUMAN RIGHTS PROJECT

Funding

The Danish Ministry of Foreign Affairs

Programme Objectives

The immediate objective of this project was to develop and disseminate a generic model for rights-based environmental advocacy in China. To further this end, a baseline study assessing the protection of the right to a safe and healthy environment in China was compiled, which fed directly into the development of a manual and complementing interactive web-based guide for rights-based environmental advocacy. The manual and web-based guide was made accessible to environmental NGOs and key stakeholders through dissemination activities, such as a workshop, a stakeholder seminar, a press conference upon publication and launch of the manual, and public awareness raising in national and local media. Furthermore, Chinese environmental NGOs' awareness of and capacities to effectively apply a rights-based approach was increased and strengthened through workshops, seminars, and study trips to Copenhagen during COP15.



2009-2010: PLATFORM FOR HUMAN RIGHTS – HUMAN RIGHTS IN CHINESE CRIMINAL PROCEDURE LAW AND PRACTICE

Funding

The Danish Ministry of Foreign Affairs

Programme objectives

The project was a two-year continuation of the earlier DIHR programme 'Platform for Human Rights', and had the immediate objective of developing and submitting recommendations, consistent with international human rights standards, for revision of selected sections of the Chinese CPL; and to carry out activities promoting and supporting their effective implementation by key actors in practice. To further this end, a platform was established to ensure fruitful cooperation among partners; an empirical and legal analysis was conducted and compiled in a baseline study ensuring a solid legal base for drafting legislative recommendations. The recommendations for the revision of the CPL were submitted to lawmakers for consideration in a process of strategic advocacy. Finally, the platform partners and other criminal justice professional increased their capacity to understand, advocate for, and apply human rights guarantees in the criminal justice process through dialogue, information sharing and training sessions.



2007-2010: RIGHTS OF MIGRANT WORKERS IN CHINA

Funding

The Danish Ministry of Foreign Affairs

Programme Objectives

The overall aim of this project was to achieve an increased protection of migrant workers both formally and in practice. In particular, the focus was on enabling the partners to improve relevant labour laws affecting the situation of migrant workers as well as on contributing to a practical improvement of their conditions including an improved access to dispute resolution mechanisms, as well as improvement at their work places. To further this end, consolidated recommendations to enforce and revise relevant labour laws effecting the situation of migrant workers were formulated on the basis of field analysis and specific legal aid cases and submitted to The National People's Congress (NPC). Furthermore, strategic advocacy activities were conducted to provide law and policy makers and key professional stakeholder groups with an increased awareness of the necessity of adopting, changing and enforcing the relevant labour laws. The standard of and access to legal aid and other dispute resolution mechanisms for migrant workers were strengthened through training of legal aid lawyers, labour dispute mediators, arbitrators and judges, and strengthening of legal aid work stations just as migrant workers gained an increased awareness of their rights and possibilities to get legal aid through trainings and distribution of handbooks. Finally, the mutual understanding of the rights of migrant workers and the protection of these rights in a company context, and communication between management and workers were enhanced through training and capacity building within the framework of human rights and business.



2001-2010: HUMAN RIGHTS EDUCATION NETWORK

Funding

The Danish Ministry of Foreign Affairs and various other donors

Project Objectives

The immediate objective of the project was to strengthen education in human rights at Chinese law schools, to equip teachers with the skills and expertise needed to open courses on the subject, and to encourage and strengthen networking between different Chinese law schools in the field of human rights education and research. These objectives were pursued through the establishment of a human rights education network to exchange information and experiences and coordinate activities, and through holding an annual meeting for approximately 50 human rights teachers under the framework of the human rights education network. Rather than providing formal training, the meeting focused on horizontal knowledge exchange, networking and the dissemination of the latest human rights trends. The meeting served as a forum in which the universities offering human rights courses could exchange experiences and brainstorm on new plans and activities regarding human rights law teaching and education through the teachers representing them at the seminar.




2007-2009: INTERDISCIPLINARY HUMAN RIGHTS COURSE IN NORTHEAST CHINA

Funding

The Royal Netherlands Embassy in Beijing

Programme Objectives

The overall aim of the project was to strengthen the academic resource base in terms of human rights in Jilin Province by ensuring that committed students could specialise their professional level of knowledge in human rights through a specific academic programme within this area. The immediate objective of the program was to strengthen teaching and studying human rights in Jilin by establishing an optional interdisciplinary course in human rights for a selected group of students at Jilin and North East Normal University. To further this end, the project focused on planning, implementing, and successfully completing an interdisciplinary human rights research course of four semesters, where the first three semesters consisted of teaching and the fourth and last of an internship and the final thesis.



2006-2008: PLATFORM FOR HUMAN RIGHTS – REVISION OF THE CHINESE CRIMINAL PROCEDURE LAW AND THE PROTECTION OF HUMAN RIGHTS IN CHINA

Funding

The Danish Ministry of Foreign Affairs

Programme Objectives

The immediate objective of the project was an increased level of codification and implementation of human rights standards in the criminal procedure in China, through supporting a platform of different key actors and the strengthening of their cooperation in relation to provision of consolidated input to a revision and implementation of the CPL. In order to achieve this goal, a platform for cooperation between partners was established to effectively facilitate the submission of consolidated recommendations for legislative reform. Empirical research and fieldwork was conducted and compiled in a baseline study, which served as the basis of the legislative recommendations. The awareness of human rights in criminal procedure law and the necessity of changing the CPL among law and policy makers and key professional stakeholder groups was achieved in a process of strategic advocacy. Selected institutions and professional stakeholder groups increased their capacity in relation to human rights and criminal procedure through educational and training activities. Finally we revised internal regulations and implemented them among key justice actors, of which the experience served as input to the revision of the CPL.



2004-2005: THE DIHR HUMAN RIGHTS PROGRAMME IN CHINA

Funding

The Danish Ministry of Foreign Affairs

Programme objectives

The aim of the programme was to provide qualified inputs to decision-makers and concerned authorities to improve laws and practices securing the rights of the individual to due process and fair trial in the process of criminal and social justice. The areas identified were the rights of suspects and detained persons to a number of fair trial guarantees in both the pre-trial and trial stages; the options available to people in claiming justice primarily in the pre-trial stage; and the right to life in relation to the use of death penalty in China, including the right to personal security and dignity and to freedom from gender discrimination, particularly in relation to victims of domestic violence.



2001-2003: DCHR¹ HUMAN RIGHTS CO-OPERATION PROGRAMME IN CHINA

Funding

The Danish Ministry of Foreign Affairs

Programme Objectives

The objectives of this programme were to promote research on capital punishment and compliance with international human rights standards; to promote higher awareness among law enforcement personnel on the rights of suspects and detainees; to strengthen the capacity of Women's Federations in Guangxi and Hunan to safeguard women's rights; to promote Open-University teaching in human rights; and to heighten the quality and quantity of teaching and research in human rights at academic institutions.

¹ The DIHR was originally established as the Danish Centre for Human Rights (DCHR) in 1987, but changed the name to the Danish Institute for Human Rights (DIHR) in 2012.



1999-2001: CAPACITY BUILDING IN RELATION TO THE PROTECTION OF THE RIGHTS OF SUSPECTS AND DETAINEES IN CHINA

Funding

The Danish Ministry of Foreign Affairs

Programme Objectives

The programme was a two-year pilot programme with the immediate objective of improving the human rights protection of people in custody. To further this end, the following three components were integrated into the activities:

1. An investigation of the reasons for the occurrence of torture and ill-treatment of persons in custody of the Chinese state
2. Strengthening of the knowledge of human rights standards and relevant Chinese legislation among the law enforcement personnel, in particular the police force in selected districts
3. Preparations for the establishment of legal aid facilities, as well as looking into the possibilities of establishing a human rights centre at a university

DIHR AND DIHR SUPPORTED PUBLICATIONS ON CHINA

DIHR Publications on China

'Taking Human Rights to China: An Assessment of the EU's Approach' in the China Quarterly, by Hatla Thelle and Katrin Kinzelbach, 2011.

'From Nothing to Something: Development of a Legal Aid System in China' by Hatla Thelle, in Making Law Work – Chinese Laws in Context, edited by Mattias Burell and Marina Svensson, 2011.

'The Balance Beam – Ten Stories about China and Human Rights' (in Danish), edited by Gert Holmgaard Nielsen and Hatla Thelle, 2010.

'Legal Aid. International Experiences and Promising Practices For Legal Aid Providers', edited by Hatla Thelle and Paul Dalton, 2010.

'Kina i Verden' (China in the World), special issue of Den Ny Verden (The New World), edited by Erik Beukel and Hatla Thelle, 2008.

'Better to Rely on Ourselves – Changing Social Rights in Urban China since 1979', Hatla Thelle, 2004.

'How to Eradicate Torture – a Sino-Danish Joint Research on The Prevention of Torture', edited by Bi Xiaoqing, Morten Kjærum, Hatla Thelle and Xia Yong, 2003.

'Human Rights and Administration of Justice – Collected Papers from the Chinese-Danish Symposium of Human Rights in Judicial Work', edited by Liu Hainian, Li Lin and Morten Kjærum, 1999.

'Political Development and Human Rights in China – Report from Five Seminars at the Danish Centre for Human Rights', edited by Hatla Thelle, 1998.

Partners' publications supported by DIHR

'Xingshi bianhu caozuo zhiyin' (Operations on Criminal Defence Practice)
Editor-in-Chief Men Jinling. Law Press, China. May 2015

'Laojiao zhidu de qianshi jinsheng yu houxu gaige' (The History of Re-education Through Labour System and the Further Reforms of Similar Systems).

Edited by Chen Zexian. June 2014.

'Sixing gaige de duozhong shijiao yu juti lvjing' (The Perspective and Approaches to the Reform of Death Penalty).

Edited by Chen Zexian. June 2014.

'Jiancha jiguan shishi xin xingshi susongfa wenti yanjiu' (Research on Procuratorial Implementation of the New Criminal Procedure Law).

Edited by Deng Siqing. Beijing: Zhongguo Jiancha Chubanshe/China Prosecutors' Publishing House. August 2013.

'Zhongguo Huanjing Baohu – Changdao Zhinan' (Manual for Law-based Environmental Advocacy in China).

By Ma Tianlan. Xiamen: Intellectual Property Publishing House. 2011.

'Xingshi Susongfa Xiugai jianyigao yu Lunzheng – Yi Bei zhikongren de Quanli Wei Hexin' (Discussion and Recommendations for Reform of the Criminal Procedure Law – With Rights of Suspects as the Core). Edited by Chen Zexian and Xiong Qiuhong. Beijing: Zhongguo Shehui Kexue Chubanshe (China Social Sciences Publishing House), 2011.

'Qiangzhi cuoshi lifa wanshan yanjiu' (A Complete Study on Compulsory Measures)

Edited by Zhang Zhihui. Beijing: Zhongguo jiancha chubanshe/China Prosecutors' Publishing House, 2010.

'Xingshi bianhu shiwu caozuo zhinan - shang quan xing bian jingyan yu fengxian tishi' (Instructions on Criminal Defense Practice)

By Men Jinling (Chief Editor). Zhongguo falü chubanshe/China Law Press, 2010.

'Jingji, shehui he wenhua quanli guoji gongyue ruogan wenti yanjiu' (Research On Some Problems Related to the International Convention on Economic, Social and Cultural Rights).

Edited by Yang Songcai, Gong Xianghe, Chen Youwu, Hatla Thelle and others, chief editor Li Buyun. Changsha: Hunan Renmin Chubanshe, 2009.

'Qiangzhi cuoshi lifa wanshan' (Improving legislation on compulsory measures).

Edited by Zhang Zhihui, Xie Pengcheng and Deng Siqing.

Beijing: Zhongguo jiancha chubanshe/China Prosecutors' Publishing House, 2009.

'Women dou shi xiaoshuren' (We are all minorities).

By He Hairan.

Jinan: Shandong Renmin Chubanshe, 2009.

'Xingshi susongfa zai xiugai' (New revision of the Criminal Procedure Law)

Edited by Yang Songcai and Xiao Shijie.

Beijing: Zhongguo jiancha chubanshe/China Prosecutors' Publishing House, 2009.

'Xingshi susongfa xiugai jianyigao yu lunzheng – yi bei zhikongren de quanli wei hexin.' (Discussion and recommendations for reform of the Criminal Procedure Law – with rights of suspects as the core)

Edited by Chen Zexian and Xiong Qihong

Beijing: Zhongguo Shehui Kexue Chubanshe/China Social Sciences Publishing House, 2009.

'Zanhuan qisu zhidu yanjiu' (Research on the system of deferred prosecution)

Edited by Sun Li

Beijing: Zhongguo jiancha chubanshe/China Prosecutors' Publishing House, 2009.

'Shei dong le tamen de quanli? Zhongguo nongmingong quanyi baohu yanjiu baogao' (Who push their rights? Research report on protection of the rights of migrant workers in China).

Edited by Tong Lihua

Beijing: Falv chubanshe/Law Press, new edition 2008.

'Nongmingong pufa shouce' (Handbook for migrant workers)

Beijing: Beijing shi nongmingong falv yuanzhu gongzuozhan 2008.

'Nahan. Zhongguo nvxing fan jiating baoli baogao' (Cry out. Report on the fight against domestic violence in China).

By Chen Min

Beijing: Renmin Chunbanshe 2007.

'A Critical review of Urban Community Development and Civil Society Organizations in China.'

By Zhou Shaoqing

Research Partnerships 4/2006.

'Jiancha shiwuzhong susong canyuren hefa quanyi baozhang yanjiu'
(Research on the Protection of the Legitimate Rights and Interests of
Litigation Participants in the Procuratorial Practice).

Ed. By Hou Xiaoyan, Tan Miao, Xumei, chief editor Sun Li
Beijing: Zhongguo jiancha chubanshe, 2006.

'Xingshi sifa gongzheng yu renquan baozhang' (Criminal justice and human
rights protection).

Ed. by Huang Li and Yang Songcai, chief editor Li Buyun.
Changsha: Hunan renmin chubanshe 2006.

'In the Sense of Sight for Protection of Human Rights: Developing Justice in
the Rules of the Chinese Criminal Law.'

By Xie Wangyuan.

Danmai xingfa dian yu Danmai xingshi zhixingfa (Danish criminal law and
criminal procedure law) p. 277-343.

Beijing: Beijing daxue chubanshe 2005.

'Sixing – zhongwai guanzhu de jiaodian' (Death Penalty. The Global Focus).

Edited by Chen Zexian.

Beijing: Zhongguo renmin gongan daxue chubanshe 2005.

'Sixing zhengdang chengxu zhi shentao' (Probing into due process of death
penalty).

Edited by Zhao Bingzhi and Qiu Xinglong

Beijing: Zhongguo renmin gongan daxue chubanshe 2004.

'The Supervision System of the Police Investigation – the outside perspective
to the police misconducts of investigation in China.'

By Dan Wei.

Research Partnership Programme 2003 (internet version), DIHR

'Freedom of Expression on the Internet in China'

By Wang Sixin.

Research Partnership Programme 2003 DIHR

'Jingcha zhifa yu renquan baohu' (law enforcement by the police and protection of human rights).

Ed. By Li Buyun, 2003.

'Comparative Research on Juvenile Justice.'

By Wen Xiaojie.

Research Partnership Programme 4/2002 DIHR

'Protection of Human Rights of Critics, Complainants, Petitioners and Prohibition of Torture in China'

By Qu Xuewu.

Research Partnership programme 2002 DIHR

'Chinese Women's Rights to Equal Employment during the Reform Era'

By Chen Min.

Research Partnership Programme 2/2002 DIHR

'Fan Kuxing – an End to Torture in Modern China'

By Chen Yunsheng

Beijing: Shehui kexue wenxian chubanshe, 2000 (internet version in English)

CONTACTS

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丹麦人权研究所—简介

丹麦人权研究所(The Danish Institute for Human Rights, DIHR)是丹麦议会根据联合国《巴黎原则》，通过《丹麦人权研究所—丹麦国家人权机构法案》(The Danish Institute for Human Rights - Denmark's National Human Rights Institution Act) (第L 154号) 成立的国家人权机构(National Human Rights Institution)。丹麦人权研究所是独立的公共机构，成立于1987年。根据上述法案，其职责宽泛，旨在促进丹麦和国外的人权。丹麦人权研究所是丹麦、欧洲乃至国际的人权研究、信息、教育和文件中心。研究所始终以跨学科方法研究人权，因此员工均具有不同背景，如法律、人类学、经济学、人文、新闻、教育、政治学以及社会学。在丹麦，我们为政府、议会、部委和公共机关提供建议，开展分析和研究，并从事国家人权项目。在国际上，我们与不同国家机构、国家人权机构、独立组织和企业界合作，使他们能够加强人权保障。我们协助建立良好运行的人权制度，参与人权发展，并通过教育促进人权方面的能力。



丹麦人权研究所—在中国的活动概况

自1999年起，丹麦人权研究所在中国广泛开展促进和保障人权的活动，包括：

- 与中国和亚洲合作伙伴参与多边合作项目和网络
- 与中国伙伴就丹麦外交部、欧盟和其他各方资助的具体问题开展双边合作项目
- 不同机构资助的单个学者开展的研究活动
- 在丹麦组织关于人权和中国问题的公开活动和会议

合作项目旨在促进中国对公民与社会权利的尊重和遵行。丹麦人权研究所尤其关注向执法人员、学术界、司法界和普通公众推广公正审判的概念和国际人权标准的意识。

我们工作的出发点是：长期有效的变化必须来自中国社会的自身资源，即解决方法应适应社会结构和现有政治体系。这意味着丹麦人权研究所涉足的领域已有国家计划可利用，并且有可能调整立法，赋予现有机构权力，或创建新机构。

通过与中方机构和组织合作，在中国的项目得以开展，其内容包括共同研究、为法律改革提供意见以及培训专业人士和教育者。中方合作伙伴包括大学、研究机构以及专业组织。

此外，丹麦人权研究所还参与了涉及中国人权的国际和双边活动。

关于中国项目更为详细的介绍请参见后页。



中国人权—丹麦人权研究所人权合作项目（2014-2016）

项目的总目标是帮助中国更好地实现公民和社会权利，通过三个分目标分别实现：减少刑事司法障碍并保障公正审判；提高公众在农民工权利和环境保护领域的参与度；加强对中小學生、大學生以及公務員的人權教育。

出資：丹麥外交部

分項目1：法治

背景

在过去的几十年里，中国的刑事司法制度发生了巨大变化，但是因缺乏司法独立和律师地位偏低而引起的问题仍然存在。此外，行政羁押制度需要改革。2013年1月修订后的《刑事诉讼法》，以及刑事司法机关和其他公共部门制定的大量实施细则开始施行。这些规定纳入了《公民权利和政治权利国际公约》第14条大部分关于保障公正审判的内容，为犯罪嫌疑人和被羁押人员提供更好的保护，并为辩护律师开展工作提供更为合理的框架，这在中国法律中尚属首次。

项目概述

该分项目的策略包含两条主线：第一，促进新刑法中加强公正审判保障的规定得到有效执行；第二，研究少量与中国新的法律和司法改革议题相关的战略问题。这包括针对执行新刑事诉讼法所面临的挑战，在基层人民检察院开展实证研究，评估《刑事诉讼规则》的使用和适用。研究结果将作为检察官教科书和系列培训研讨会的基础。策略还包括针对辩护律师开展的新刑法系列培训，以加强和保障执行程序。其中囊括了监测、审查和拟定相关建议，以解决在执行刑法或其替代法律过程中出现的问题；研究针对卖淫人

员、吸毒人员和未成年人的其他形式行政羁押制度和庭审程序的透明，包括司法系统中的性别平等和辩护律师的角色等问题。

项目产出和活动

项目的主要活动内容是开展、出版并宣传行政羁押制度的研究，公正审判和司法独立的研究，以及编写检察官使用的教科书。采用的方式包括案头调研，实地考察，全国性研讨会，与立法工作者的圆桌讨论，研究人员和立法工作者国际学习考察以及实地培训和数据收集研讨会。此外，该项目活动还涉及检察官和辩护律师执行新刑法的能力建设，如组织检察官培训、每月在线培训、研讨会和出版新版刑事辩护技巧实务手册。

分项目2：公众参与

背景

中国的领导层已经意识到公众参与对解决关键问题的重要性，如环境保护和不歧视农民工等问题，但是这类参与仍然十分有限。民间社会组织(CSO)登记制度正在发生重大改变，指导和充分获取信息对保障环境组织发起倡议至关重要。对基本社会服务、社区代表及调解的需求，扩大了农民工组织在社区层面的一系列问题上代表农民工的空间，从而扩大了农民工参与的范围。

项目概述

当前项目将关注环境倡议和在社区层面增强农民工权能。环境方面的重心是加强环境保护倡导行动网络(Environmental Advocacy Network)。该网络让政府和公众可以就环境保护问题进行沟通，更密切地监督新民间社会组织登记制度的发展和执行，并为网络成员提供相应的指导。农民工权利方面，直接与贫困农民工接触，通过现有的培训课程使之成为社区工作人员，课程包括社会企业管理。这一工作旨在建立社会企业，使之成为法律援助、调解和文化活动的社区中心。

项目产出和活动

该项目的主要活动分为两部分。第一部分包括公民和劳动权利、社会工作、建立和管理社会企业的培训。第二部分包括通过网络专家小组会议、研讨会以及网络成员大会，保持并扩大环境保护倡导行动网络的覆盖范围。项目还

包括通过组织学习考察，增强环境民间社会组织依法开展环境倡导的能力，在各组织间建立导师学员关系，编写并出版环境倡导案例。

分项目3：人权教育

背景

文献显示中国的人权教育主要针对法律专业学生和执法人员，如检察官、法官和警察，而公务员和中小学生对人权教育接触很少或者几乎没有。中小学教师往往对人权教育知之甚少，而法律学者则了如指掌。但是在系统性地运用人权教育方法上，这两类人群的能力有限，这就妨碍采用符合联合国标准和人权原则的增强权能和转化性学习方法。一方面，这意味着儿童及其父母没有意识到他们的权利。另一方面，公立学校教师对其人权义务认识有限，需要能力建设来更好地履行这些义务。公务员面临同样的能力挑战，他们也将受益于人权知识，从而根据人权标准和原则履行其义务。

项目概述

该项目旨在增强中国人权教育的知识和实践，采用中小学校人权教育，公务员人权培训和大学教师人权教育意识三管齐下的策略。第一步，探索、发展并实施有效的方法，将人权教育引入中小学校。策略将包括编写人权教科书和教学指南，首先作为思想品德课的课外阅读材料引入天津市中小学校，然后最终纳入正式课程。第三步是召开年度全国高校人权教育者研讨会，加强全国各高校人权教师的人权教育意识和知识。该研讨会为参与人提供机会讨论关于人权教育的各种话题，例如课程开发、教学方法、近期动态、以及人权课程的地位、内容和结构。

项目产出和活动

该项目的主要活动包括，第一，为中小学生和公务员开发和发放人权教育材料，如教科书、中小学校教师指南、公务员人权读本和人权讲师教学手册。第二，中小学教师在人权教育方面的能力建设，以及人权研究中心讲师在公务员人权教育方面的能力建设。其中包括教师培训、针对教师的全国教学研讨会和人权讲师培训研讨会。第三，规划、组织全国人权教育者研讨会，其中涵盖高校人权教育者能力建设。

丹麦人权研究所以往项目

为了展示丹麦人权研究所在推动中国人权方面积累的经验，我们列举出过去10年中丹麦人权研究所在中国开展的项目。

2011-2013：推动中国人权保护—丹麦人权研究所人权合作项目

出资：丹麦外交部

项目目标

项目总目标是更好地实现中国的公民和社会权利，选取了三个切入点，即法治、公众参与以及诉诸法律的机会。通过加强嫌疑人和被羁押人员权利保护的立法建议，增强农民工主张权利的能力，以及环境民间社会组织的能力建设，使上述目标得以实现。第一个分项目的基本策略是，通过实证研究、实地和试点考察以及国家级研讨会，提出建立在研究基础上的法律改革建议。这些建议得到出版和宣传，并通过圆桌会议与立法工作者和其他重要决策者共享，旨在为改革提供实际可行的选择。第二个分项目采用的策略是，通过访谈和行动研究纪录农民工及其家人的生活、工作状况，特别是他们无法获得基本社会服务的事实。在此基础上，有针对性地让公众意识到农民工及其家人的特定生活状况，开展战略性倡导以影响决策者。同时，让一些农民工接受教育并成为社区工作者，从而增强农民工在其居住社区的权能。第三个分项目的策略是为民间环境组织搭建网络。网络形成了交流与合作的平台，同时通过培训，交换信息和最佳实践，讨论问题的轻重缓急，年度会议，以及与重要的利益攸关方，包括负责当局进行对话，增强了网络成员以权利为基础发起环境倡导的能力。

2009-2011：保护中国环境权利—丹麦人权研究所人权项目

出资：丹麦外交部

项目目标

项目的即期目标是在中国开发、传播以权利为基础的环境倡导通用模式。为此，开展了基线研究，用以评估保障该权利对中国安全健康环境的作用，并直接纳入手册的编写，支持以权利为基础的环境倡导交互式网络指导。通过讲习班、利益攸关方研讨会、手册出版发行的新闻发布会、国家及地方媒体提高公众意识等宣传活动，环境非政府组织和重要利益攸关方得以获取手册和网络指导。此外，通过讲习班、研讨会以及在《联合国气候变化框架公约》第十五次缔约方会议（COP15）期间前往哥本哈根学习考察，中国的环境非政府组织以权利为基础开展倡导的意识和能力得到了提高和加强。

2009-2010：人权平台—中国刑事诉讼法与实践中的的人权

出资：丹麦外交部

项目目标

该项目是丹麦人权研究所此前“人权平台”项目的两年期延续，旨在为中国刑事诉讼法选定部分的修改，起草并提交符合国际人权标准的建议；开展活动以促进和支持主要参与方在实践中有效执行。为实现这一目标，建立平台以确保伙伴间富有成效的合作；开展实证和法律分析，并写入基线研究，为起草立法建议提供坚实的法律基础。在战略倡导过程中，刑事诉讼法的修改建议提交给立法工作人员参考。最终，通过对话、信息共享和培训课程，提高了平台合作伙伴和其他刑事司法专业人员在刑事司法过程中，理解、倡导和适用人权保障的能力。

2007-2010：中国农民工的权利

出资：丹麦外交部

项目目标

项目总目标是提高对农民工的形式与实质保障，尤其注重合作伙伴，使其有能力改进影响农民工状况的相关劳动法，并且帮助他们改进现状，包括更好地诉诸纠纷解决机制和改善工作场所。为了实现这一目标，在实地分析和具体法律援助案例的基础上，拟定有关修改、执行涉及农民工现状的劳动法联合建议，并提交给全国人民代表大会。此外，开展战略倡导活动，让法律和政策制定者以及主要专业利益攸关方能够更好地意识到有必要通过、修改和执行相关劳动法。培训法律援助律师、劳动争议调解员、仲裁员和法官，以及加强法律援助工作站，提高了农民工法律援助和其他纠纷解决机制的标准与获得。同时通过培训和分发手册，让农民工更好地意识到获得法律援助的权利和可能性。最后，通过人权和商业框架内的培训和能力建设，让企业更好地认识农民工权利及其保障，加强管理层与员工之间的交流。

2001-2010：人权教育网络

出资：丹麦外交部和其他各捐助方

项目目标

项目的即期目标是加强中国法学院的人权教育，让教师具备开设人权课程的技能与专业知识，鼓励并加强中国不同法学院之间人权教育和研究领域的网络联系。实现上述目标主要通过建立人权教育网络来交流信息和经验，组织活动，以及为近50位人权教育网络框架下的人权教师举办年度会议。不同于正式培训，会议注重知识的平行交流，建立联系以及宣传最新的人权趋势。会议如同一场论坛，开设人权课程的大学代表教师可以交流经验，并为人权法教学和教育方面的新计划和活动集思广益。

2007-2009：中国东北地区跨学科人权课程

出资：荷兰驻北京大使馆

项目目标

项目的总目标是通过具体学术项目，确保参与人权事业的学生专注于该领域的专业知识水平，从而加强吉林省人权领域的学术资源库。项目的即期目标是为吉林和东北师范大学选定的部分学生，开设人权方面的跨学科选修课程，加强吉林省的人权教学与学习。为此，项目重在设计、开展并成功完成四个学期的人权跨学科研究课程，前三个学期由授课组成，第四个即最后一学期主要为实习和毕业论文。

2006-2008：人权平台—中国刑事诉讼法修改和人权保护

出资：丹麦外交部

项目目标

项目旨在提高中国刑事诉讼程序中的人权标准和执行水平，通过支持不同参与方的平台和加强他们之间的合作，为刑事诉讼法的修改和执行提供联合建议。为实现这一目标，成立了伙伴间的合作平台，以有效促进立法改革联合建议的提交。开展实证研究和实地考察，并编写基线研究作为立法建议的基础。通过战略倡导，让法律和政策制定者以及专业利益攸关方，意识到刑诉法中的人权问题和修改刑诉法的必要性。通过教育和培训活动，让选定的机构和专业利益攸关方在人权和刑事诉讼方面的能力得到增强。最后在主要司法机关的内部规定得到修改并执行，其经验也成为了刑诉法修改的参考。

2004-2005：丹麦人权研究所在中国的人权项目

出资：丹麦外交部

项目目标

项目旨在为决策者和相关机构提供合理意见，以完善法律和实践，保障个人在刑事司法和实现社会公正的过程中享有正当程序和公正审判的权利。选定的领域包括嫌疑人和被羁押人员在审前和审判阶段享有公正审判保障的权利；让民众在审前阶段享有主张公正待遇的选择；以及在中国与适用死刑相关的生命权、人身安全权、人格尊严权、免受性别歧视，尤其是家庭暴力中的受害者。

2001-2003：丹麦人权中心¹在中国的人权合作项目

出资：丹麦外交部

项目目标

项目旨在推动关于死刑的研究和对国际人权标准的遵守；提高执法人员对嫌疑人和被羁押人员权利的意识；增强广西和湖南妇女联合会保障妇女权力的能力；推动开放大学的人权教学；以及提高学术机构关于人权教学和研究的质量和数量。

1 丹麦人研究所于1987年成立时名称为丹麦人权中心 (Danish Centre for Human Rights, DCHR)，于2012年更名为丹麦人权研究所。

1999-2001：中国嫌疑人和被羁押人员权利保障能力建设

出资：丹麦外交部

项目目标

本项目是为期两年的试点项目，即期目标是加强对被羁押人员的人权保障。为此，活动包括以下三部分：调查中国境内被羁押人员遭受酷刑和虐待的原因；加强执法人员人权标准和相关法律的知识，尤其是选定区域的公安人员；为设立法律援助机构做准备，以及研究在大学设立人权中心的可能性。

丹麦人权研究与其支持的中国方面出版物

丹麦人权研究所关于中国的出版物

“将人权引入中国：欧盟方法评估”载于《中国季刊》Hatla Thelle, Katrin Kinzelbach, 2011年

“从无到有：中国法律援助制度的发展”-- Hatla Thelle

载于《法律的运行—中国法律及其背景》，Mattias Burell, Marina Svensson主编，2011年

《平衡木—关于中国和人权的十大事实》(丹麦语)

Gert Holmgaard Nielsen, Hatla Thelle主编 2010年

《法律援助—写给法律援助提供者的国际经验和实践》Hatla Thelle, Paul Dalton主编，2010年

“世界上的中国”，载于《新世界》特刊，Erik Beukel, Hatla Thelle主编，2008年

《只能靠自己—1979年以来中国城市社会权利的变化》，Hatla Thelle著，2004年

《如何根除酷刑—中国与丹麦酷刑问题合作研究》

毕小春、Morten Kjærum、Hatla Thelle、夏勇编，2003年

《人权与司法：中国—丹麦司法中的人权保障学术研讨会文集》

主编 刘海年、李林、Morten Kjærum, 1999年

《中国政治发展与人权—丹麦人权中心五次研讨会的报告》，Hatla Thelle主编，1998年

丹麦人权研究所支持的合作伙伴出版物

《刑事辩护操作指引》 主编 门金玲，法律出版社，中国，2015年5月

《劳教制度的前世今生与后续改革》 主编 陈泽宪，中国社会科学出版社，2014年6月

《死刑改革的多重视角与具体路径》 主编 陈泽宪，中国社会科学出版社，2014年6月

《检察机关实施新刑事诉讼法问题研究》 主编 邓思清，中国检察出版社，2013年8月

《中国环境保护倡导指南》 主编 马天南，知识产权出版社，2011年

《刑事诉讼法修改建议稿与论证—以被指控人的权利保护为核心》
主编 陈泽宪 熊秋红，中国社会科学出版社，2011年

《强制措施立法完善研究》 主编 张智辉，中国检察出版社出版，2010年

《刑事辩护实务操作指南—尚权刑辩经验与风险提示》 门金玲主编，中国法律出版社，2010年

《经济、社会和文化权利国际公约若干问题研究》 总主编 李步云
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