

"Intolerance and Discrimination based on Religion or Belief and the achievement of Sustainable Development Goal 16 (SDG 16) [promote peace and end violence]."

Submission on Falun Gong in China

I. Discrimination in Law and Practice

A. Laws and Policies restricting the right to manifest freedom of religion or belief of minority religious communities

The persecution of Falun Gong is the antireligious campaign initiated in 1999 by the Chinese Communist Party (CCP) to eliminate the spiritual practice of Falun Gong in China. Falun Gong is an ancient spiritual practice based on the teaching of "Truthfulness, Compassion and Tolerance" and help holistic improvement for people from all walks of lives. In order to establish a mechanism to crackdown Falun Gong belief and followers, the "610 Office" was established on June 10, 1999 under the direct order of the former Chinese Communist Party (CCP) leader Jiang Zemin, who bypassed procedures defined by the Chinese Constitution and laws. The mission of the "610 Office" is to crack down on Falun Gong specifically. Besides its central office in Beijing, the "610 Office" has branch offices in cities, counties, villages, governmental agencies, institutions and schools all over China. From its establishment, structure, reporting hierarchy, to its operational and funding mechanism, the "610 Office" is positioned outside the regime's Party and governmental framework. Therefore, it supersedes the Constitution and has no budgetary constraints. In nature, the persecution of Falun Gong has been illegal and against Chinese constitution from the very beginning and has last for twenty-one years now.

Lacking legal basis, the nature of the "610 Office" is similar to that of Nazi's Gestapo and the "Leadership Group of the Cultural Revolution of Chinese Communist Party (CCP) Central Committee" during the 10-year Culture Revolution in the 1960s-70s. Because of its special status and function, the "610 Office" should be held responsible for the kidnapping, unlawful detention, monetary fines, killing, beating and torture of Falun Gong practitioners. The severity of the issue is not about flaws in the legal system and it goes way deeper than the topic of "discrimination in law and practice".

B. Access to Justice and Effective Remedies

Because the existence of the persecution apparatus like "610 Offices" at every level of CCP government, Falun Gong practitioners in China did not have access to justice. The CCP Ministry of Justice required that lawyers seek permission before taking on Falun Gong cases, and called on them to "interpret the law in such a way as to conform to the spirit of the government's decrees." Additionally, on 5 November 1999 the Supreme People's Court issued a notice to all lower courts stating that it was their "political duty" to "resolutely impose severe punishment" against groups considered heretical, especially Falun Gong. It also required the courts at all levels to handle Falun Gong cases by following the direction of the Communist Party committees, thereby ensuring that Falun Gong cases would be judged based on political considerations, rather than evidence. Therefore, in the past twenty-one years, numerous Falun Gong practitioners were incarcerated and tortured in labor camps, detention centers, prisons, or so-called "Transformation Centers" or "Education Centers", without legal procedures or under sham trials. And many courageous lawyers (like Gao Zhisheng, Wang Quanzhang, Jiang Tianyong, etc.) who dared to defend Falun Gong practitioners in courts got their lawyer licenses revoked by the authorities, and they were often harassed, beaten, tortured and jailed.

The CCP's crackdown against Falun Gong was not merely a "backward step" in the development of rule of law. It showcased that the legal system under CCP was clearly just a political tool for the tyranny of this evil empire and conveniently used by CCP for its persecution for religious groups. Any so-called "progress in the rule of law" in China was cosmetic in nature and brought false hope for people.

C. Rights to Adequate Food and Housing

CCP's former leader Jiang Zemin once instructed Luo Gan, the former leader of CCP's Political Judicial Committee, to handle Falun Gong with three fundamental approaches: "Destroy their reputations, cut them off financially, and eradicate them physically." Therefore, under these ruthless policies, Falun Gong practitioners and their families suffered tremendously and their basic living conditions were jeopardized, as long as they did not renounce their belief in Falun Gong.

Since the persecution started in July 1999, civil servants and CCP members have been forbidden from practicing Falun Gong. Workplaces and schools were forced to participate in the CCP's campaign against Falun Gong by pressuring recalcitrant Falun Gong believers to renounce their beliefs, sending them to special "reeducation classes" to be "transformed". Failure to do so has results in lost wages, pensions, expulsion, or termination from jobs. They often lost jobs and were forced to leave home and became homeless in order to avoid being kidnapped by the police. Many cities have policies of not leasing housing properties to Falun Gong practitioners.

D. Circumstances in which religious communities are prevented from administering their own affairs without State interference.

Under the crackdown policies, Falun Gong practitioners in China cannot freely assemble to practice Falun Gong exercises and conduct group meditation exercises. Children of Falun Gong practitioners were often also incarcerated in the prisons together with their parents, if their parents did not "transform" in the persecution. And if not incarcerated, children had to be raised by other relatives, some became homeless.

Meanwhile, the education opportunities for Falun Gong practitioners' children were also jeopardized. Under CCP political orders, all post-secondary institutions across the country (from colleges, universities to law schools, from STEM to fine arts programs) require students to prove that they have adopted the "correct attitude" on Falun Gong as a condition of admission. The same is true in employment, with job postings frequently specifying that prospective candidates must have no record of participation in Falun Gong. In some cases, even changing one's address requires proving the correct political attitude toward Falun Gong.

In addition, employers and school principals immediately came under pressure if one of their workers or students publicly petitioned the government to end the persecution. Falun Gong adherents were frequently fired and students were expelled for their belief. Meanwhile, workplaces and schools were forced to implement Cultural Revolution-style study sessions. These included public denunciations of Falun Gong based on People's Daily editorials and other Party materials, which delineated the "correct view" Chinese people should have about Falun Gong. Elementary school students are forced to line up and sign huge banners attacking Falun Gong and "superstition" more broadly while swearing allegiance to the progressive nature of Marxism and science.

II. Effects of Discrimination

A. *State-sponsored persecution and crimes against humanity*

Since 1999, under the direction of the former CCP top leader Jiang Zemin, the Political and Legal Affairs Commission and the “610 system” has been controlling the state apparatuses, including the Party, the government, the military, the armed police, and the justice and health systems, having been carrying out a nationwide genocidal massacre of Falun Gong practitioners in an organized manner. This is a state crime of genocide and a crime against humanity. And one particular crime that has brought huge international concerns is the forced organ harvesting of Falun Gong practitioners.

For more than 10 years, the World Organization to Investigate the Persecution of Falun Gong (WOIPFG) has conducted series of investigations on this organ harvesting crime and has issued many in-depth reports. (Website: <http://www.upholdjustice.org/>) WOIPFG’s report in 2020 made several conclusions including:

1. Live organ harvesting targeting Falun Gong practitioners is a systematic crime committed by the Chinese Communist regime.
2. The main source for the live organ donor bank in China was suspected to be the several million Falun Gong practitioners.
3. After 1999, China’s organ transplant industry grew explosively. A large amount of evidence proves the existence of an enormous living organ donor pool in China. Sharp increases of “rushed organ transplants” were documented in two time-periods in the past twenty years.
4. The CCP’s live harvesting of Falun Gong practitioners’ organs has not stopped, the figures have climbed instead.

In addition, the China Tribunal, an international, independent peoples tribunal, was established to determine what international law crimes, if any, have been committed by state or state-approved bodies, organizations or individuals in China that may have engaged in forced organ harvesting of prisoners of conscience. The Tribunal is chaired by Sir Geoffrey Nice QC, who worked at the International Criminal Tribunal for the Former Yugoslavia – the ICTY – and led the prosecution of Slobodan Milosevic. Joining Sir Geoffrey are six panel members with backgrounds in international law, human rights, transplant medicine, international relations, Chinese history and business. Over a course of 12 months the China Tribunal have conducted robust analysis of all available evidence. And then on June 17, 2019, the China Tribunal reached its final judgement, which stated that:

“The Tribunal’s members are certain – unanimously, and sure beyond reasonable doubt – that in China forced organ harvesting from prisoners of conscience has been practiced for a substantial period of time involving a very substantial number of victims.....The Tribunal has considered evidence, in its many forms, and dealt with individual issues according to the evidence relating to each issue and nothing else and thereby reached a series of conclusions that are free of any influence caused by the PRC’s reputation or other potential causes of prejudice. These were as follows;

- That there were extraordinarily short waiting times (promised by PRC doctors and hospitals) for organs to be available for transplantation;
- That there was torture of Falun Gong and Uyghurs;
- That there was accumulated numerical evidence (excluding spurious PRC data) which indicated:

- the number of transplant operations performed, and
- the impossibility of there being anything like sufficient ‘eligible donors’ under the recently formed PRC voluntary donor scheme for that number of transplant operations;
- That there was a massive infrastructure development of facilities and medical personnel for organ transplant operations, often started before any voluntary donor system was even planned;- That there was direct and indirect evidence of forced organ harvesting.
- These individual conclusions, when combined, led to the unavoidable final conclusion that;

Forced organ harvesting has been committed for years throughout China on a significant scale and that Falun Gong practitioners have been one – and probably the main – source of organ supply. The concerted persecution and medical testing of the Uyghurs is more recent and it may be that evidence of forced organ harvesting of this group may emerge in due course. The Tribunal has had no evidence that the significant infrastructure associated with China’s transplantation industry has been dismantled and absent a satisfactory explanation as to the source of readily available organs concludes that forced organ harvesting continues till today.” (<https://chinatribunal.com/final-judgment/>)

B. CCP’s Cover-up of Forced Organ Harvesting on Prisoners of Conscience

Since the first report of forced organ harvesting in 2006, The CCP has used different excuses to cover up this crime. Prior to 2015, CCP claimed that it only used organs from executed prisoners. After 2015, CCP claimed that it established nation-wide donation system and used only organs from voluntary donation. But these are different hoaxes used during different time periods to cover-up the ongoing killing and organ harvesting for prisoners of conscience, especially on Falun Gong practitioners. China Tribunal has submitted their judgement to U.N. in 2019, but UNHRC or other UN bodies have not taken any actions in response to the judgement.

Meanwhile, it is worthwhile to point out that CCP has utilized the World Health Organization system to facilitate its cover up of this crime. For example, WHO, The Transplant Society and the Pontifical Academy of Science cohosted the Summit Against Organ Trafficking, and China’s Dr. Huang Jiefu was invited as a keynote speaker to present “China’s model” on organ transplantation practice. Then, at the 70th World Health Assembly (WHA) on May 2017, China representatives proposed WHO to establish a specific task force on organ transplantation. Then on March 2018, driven by the Chinese government, WHO Task Force on Donation & Transplantation of Human Organs and Tissues was formally established. Drs. Huang Jiefu and Wang Haibo, also serve in this WHO Task force, while they themselves were engaged in the organ harvesting system in China.

(https://www.theepochtimes.com/the-pr-man-for-chinas-organ-transplantation-is-not-believable_2132717.html)

Then, after the China Tribunal has made the final judgement, on December 2019, Dr. Francis Delmonico, Chairman of the WHO Task Force on Donation & Transplantation of Human Organs and Tissues, claimed that “China’s organ transplant reform has achieved remarkable results in a short period of time, and China’s experience can serve as a model for the entire Asian region and the world... The biggest feature of the Chinese experience in organ transplantation is the strong support from the Chinese government, which is an example that many countries should follow.”

(<https://www.globaltimes.cn/content/1172580.shtml>)

The UN General Assembly and the Special Rapporteur on Freedom of Religion or Belief need to take actions to counter the CCP's crime of forced organ harvesting of prisoners of conscience. The WHO Task Force on Donation & Transplantation of Human Organs and Tissues should immediately revoke the member status for the two Chinese doctors Dr. Huang Jiefu and Dr. Wang Haibo. WHO and UN system should also launch internal investigations on WHO officers and advisors who facilitated or engaged with CCP cover-up of this heinous crime.

Submitted by

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