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Human Rights Law Foundation

Falun Dafa Information Center
News and Analysis on Falun Gong and the Human Rights Crisis in China

The Human Rights Law Foundation (HRLF) is a not-for-profit 501(c) organization established to deter human rights abuses, develop human rights legal standards, and educate the public on the cultural forms and institutions that undergird the practice of persecutory campaigns. To this end, HRLF, its US- and China-trained lawyers, as well as its China-research division, collect evidence of persecutory acts perpetrated against dissident groups in China including Falun Gong, file landmark cases around the world against officials who perpetrated and companies who facilitated the persecution, and collaborates with Chinese reformers to foster a culture of and conversation on human rights within China. HRLF's website is: www.hrlf.net.

The Falun Dafa Information Center (FDI), established in 2000, is a non-profit organization dedicated to documenting human rights abuses suffered by practitioners of the Falun Gong spiritual practice in China and engaging in public education to raise international awareness about Falun Gong. FDI documents abuses through interviews with refugees who escaped from China, communications with victims' family members, reports on official Chinese websites, and aggregation of first-hand information conveyed from correspondents in China via the Minghui website. FDI's website is www.faluninfo.net.

Joint Submission by

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Executive Summary

This submission addresses the following areas under section C of the Universal Periodic Review guidelines:

- Freedom of Religion and Belief
- Torture and Cruel, Inhuman, and Degrading Treatment
- Extrajudicial Executions

- Arbitrary Detention and Imprisonment
- Freedom of Speech, Assembly, and Association
- Freedom from Discrimination, the Right to Work, the Right to Education

1. Historical Background

1.1 Falun Gong (FLG) is a Chinese exercise and spiritual discipline emerging from Buddhist and Daoist traditions. The practice is widely recognized as nonviolent. Its moral teachings centered on the tenets of truth, compassion, and tolerance carry benefits to adherents and their communities. By the late 1990s, FLG was estimated to have tens of millions of adherents in China.

1.2 In July 1999, fearing the spread of an independent spiritual group, Chinese Communist Party (CCP) leaders launched a systematic campaign to wipe out this religious minority. The persecution that followed has been characterized by severe human rights violations. Evidence collected within China suggests that millions persist in practicing FLG despite over a decade of suppression. Reflecting a continued commitment to wipe out the practice, the CCP launches regular, nationwide efforts to eradicate FLG through propaganda, imprisonment, torture, and forced conversion.

2. Legal framework

2.1 The CCP's persecutory campaign against FLG consistently contravenes China's commitments under international law, as well as the country's own legal framework. Article 18 of the Universal Declaration of Human Rights (UDHR), protects "freedom of thought, conscience, and religion."[1] Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed but not ratified, contains similar protections. Article 36 of the Chinese Constitution guarantees Chinese citizens "freedom of religious belief." However, this freedom is limited to activities that officials deem "normal," a designation that has been determined arbitrarily by the CCP to exclude FLG. A close examination by HRLF of the provisions and directives commonly cited as the legal basis for the persecution has revealed that they the ban on FLG was not launched in accordance with Chinese law. Judges' application of Article 300 of China's Criminal Law to sentence FLG practitioners to prison similarly lacks a legal basis.[2] Chinese lawyers have repeatedly raised such challenges to the legality of the campaign, but their appeals have been ignored. The campaign has been coordinated by an extrajudicial CCP-led security force known as the "610 Office" that cooperates closely with the Political and Legal Affairs Committee (PLAC).

2.2. CCP actions against FLG also contravene articles of the UDHR relating to the right to life (Article 3), the prohibition against torture (Article 5), freedom from discrimination (Article 7), and freedoms of expression, assembly, and association (Articles 19 and 20). Measures taken have also violated China's commitments under the Convention against Torture (CAT, ratified in 1988), the Convention on the Rights of the Child (ratified in 1992), and the International Covenant on Economic, Social, and Cultural Rights (ratified in 2001), particularly the right to work (Article 6) and the right to education (Article 13).

3. Freedom of Religion and Belief

3.1 Overview of violations from January 2009 to February 2013

[1] Universal Declaration of Human Rights, 1948 http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/88/IMG/NR004388.pdf?OpenElement

[2] Yiyang Xia, "The illegality of China's FLG crackdown—and today's rule of law repercussions," Written Statement for European Parliament Hearing on China, in particular the situation of Human Rights Defenders, July 11, 2011 http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/506_yiyangxia_/506_yiyangxia_en.pdf

The period since January 2009 has been characterized by continued, severe violations of the human rights of FLG adherents, including forced conversions, arbitrary detention, torture, extrajudicial killings, restrictions on freedom of expression and association, and officially sanctioned discrimination. These abuses have occurred in the context of targeted crackdowns initiated by central authorities, including a three-year campaign to intensify forced conversion efforts. FLG practitioners have also been a primary target of restrictions imposed surrounding important international events or politically sensitive anniversaries. Such events have included the Beijing Olympics in 2008, the 10th anniversary of the launch of the anti-FLG campaign in 2009, the World Expo in Shanghai in 2010, two collegiate sporting events in Harbin in 2009[3] and Shenzhen in 2011,[4] the 18th Communist Party Congress, and a 2012 visit to Hebei by a U.S. Governor. In most cases, instructions to security forces to "strike hard" against FLG have appeared on Chinese official websites. Local residents who practice FLG have subsequently been subjected to intensified surveillance and arbitrary detention.

3.2 Forced Religious Conversion

3.2.1 The forced religious conversion (or "transformation") of FLG practitioners is central to the CCP's efforts to eradicate the group.[5] In labor camps and detention facilities, authorities are told to use "any means necessary" to force FLG adherents to renounce their beliefs in order to meet transformation quotas. A successful transformation is achieved when the practitioner signs the "three guarantees", asserting remorse for practicing FLG, promising to give up FLG, and committing to never again associate with other FLG adherents. The *Washington Post* reported in August 2001 that to meet transformation targets, authorities had "sanctioned the systematic use of violence against Falun Gong," including regular beatings and shocks with electric truncheons.[6] More recent reports from China indicate these methods continue to be used.

3.2.2 In 2010, the central 610 Office launched a three-year campaign to intensify the transformation of FLG adherents nationwide; official documents referring to the campaign were found on government and party websites in nearly every provincial jurisdiction. Modes of surveillance and detainee abuse were highly standardized in the concerted effort to fully transform recalcitrant practitioners. The level of abuse directed at such detainees intensified as officials sought to meet the campaign's transformation targets.[7] PLAC documents and those of the associated "Anti-Cult Associations" outline several strategies and methods to be used in the campaign. For instance, these documents call on CCP security forces to make home visits to released "transformed" practitioners and to coerce employers, family members and neighbors to participate in transformation efforts.[8]

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[3] Nangang Info Net, "Comrade Ding Jian's Speech at the First Leadership Team Meeting of Serving 'Winter Universiade' in the Whole District," December 4, 2008; http://www.hrbng.gov.cn/public/AA/index.jsp?TemplateNameN=AA&TemplateXMLName=1&CNumberN=12722&ArticleTitleN=1320 http://www.faluninfo.net/article/1019/Escalated-Persecution-During-10th-Anniversary-Year/

[4] "Provincial Department of Education Large Sporting Event Public Security Work Measures," May 31, 2011, http://media.faluninfo.net/media/photo/2011/08/GuangdongScreenshot.png

[5] The Congressional-Executive Commission on China in its 2008 Annual Report describes "transformation through reeducation" as "a process of ideological reprogramming whereby practitioners are subjected to various methods of physical and psychological coercion until they recant their belief in FLG."

[6] John Pomfret and Philip P. Pan, "Torture is Breaking FLG," *Washington Post*, (5 August 2001).

[7] Congressional-Executive Commission on China, "Communist Party Calls for Increased Efforts To 'Transform' FLG Practitioners as Part of Three-Year Campaign," 22 March 2011. http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=154369

[8] Chen Yongguang Dai Xiaoli, "51st Excerpt of Work Experience Sharing Conference on Strengthening and Consolidating Education and Transformation by Anti Cult Associations Nationwide," Sept 7 2011.

3.2.3 The **Laodian township** CCP Committee aimed to transform 75 percent of FLG practitioners in the region. A 2010 document stipulated that all known practitioners would be taken into transformation or reeducation centers, or otherwise "conquered" within their own homes by CCP organizations.[9] In Wuxi city, Jiangsu province, the 610 Office reported that it had deployed everyone in its organization to implement the "collective battle strategy" against FLG, and that all "key personnel" in the city had signed responsibility agreements pledging to assist in the transformation campaign. In certain districts, four staff members were assigned to "transform" a single FLG practitioner.[10]

4. Torture and Cruel, Inhuman, and Degrading Treatment (CIDT)

The use of torture against FLG practitioners in China remains widespread and systematic. Reports of abuse, including photographs and first-hand accounts, continue to be received from contacts in China on a daily basis. Torture is used primarily for the purpose of forced religious conversion, as well as to extract information on the whereabouts and activities of other individuals.

4.1 Legal framework

The widespread use of torture against FLG practitioners is a direct violation of numerous articles of Chinese and international law. These include Articles 43 of the PRC Criminal Procedural Law, which prohibits collecting evidence or extorting a confession through torture or threat, enticement or deceit; and Article 247 of the Criminal Law, and the Convention Against Torture, ratified by the PRC in 1988.[11] Although the use of torture against FLG practitioners is a violation of Chinese law, it is consistent with CCP security forces' manner of handling of groups deemed as the Party's ideological enemies. This status is indicated via Party propaganda calling for the "extermination" of FLG from Chinese society, and the use of various forms of ideological justification and approving rhetoric to tacitly or explicitly encourage the use of torture against FLG adherents. All levels of the CCP hierarchy, including the Politburo Standing Committee, have engaged in such calls to torture. As the CCP is above all legal restraint in China, anti-torture provisions do not effectively constrain its security forces' treatment of FLG.

4.2. Conditions on the ground

4.2.1 Since 1999, over 70,000 individual reports of torture and abuse in custody of FLG adherents have been relayed from sources within China. Since 2009, HRLF has surveyed hundreds of formerly detained FLG practitioners. Virtually all respondents reported being tortured in detention. These findings are consistent with accounts of Chinese lawyers working with HRLF, who report that of the dozens of FLG cases they have handled, all of their clients were subjected to torture. Direct reporting from sources in China to the Minghui website has named 1,680 FLG adherents tortured during 2010, suggesting that a minimum of 7,000 to 8,000 FLG practitioners were tortured between 2009 and 2013. Given the difficulty of reporting such incidents in China's censorship environment, the actual numbers are undoubtedly higher. The above findings are

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[9] "Laodian Township 2010-2012 work plan to educate, transform, and conquer key targets to solidify the overall battle," Laodian Communist Party Committee, Document No. 20, 15 May 2010.

[10] "2010 Year End Report on 610 Office," Wuxi City government website, December 3, 2010, 9http://zfxn.wuxi.gov.cn/web101/zfxj/816620.shtml. For additional analysis, see Zhui Cha Guo Ji, "Investigation Report on Chinese Communist Regime's "2010-2012 Campaign of Transformation through Education and a Collective Battle to Strengthen the Result," Sept 10 2012. http://www.zhuichaguoji.org/en/sites/zhuichaguoji.org.en/files/record/2012/09/230-8.6_three_year_transformation_report.pdf

[11] For more information, see Amicus Brief for the Cases of Jiang Zemin and Bo Xilai, Spain, April 10, 2008, available at www.hrlf.net.

consistent with reports by other human rights observers and the U.N. Special Rapporteur for Torture, who in 2005 reported that 66 percent of the torture complaints submitted to his mandate involved FLG victims.[12]

4.2.2 Common torture methods include beatings, shocking with electric batons, suspension in stress positions, violent force-feedings, prolonged sleep deprivation, injections with psychotropic drugs, and sexual assault and humiliation. Former detainees in labor camps who are not FLG practitioners have confirmed that FLG adherents in the camps are singled out for torture and abuse.[13]

4.2.3 **Zhou Xiangyang** was sentenced to nine years in prison for his belief in FLG. He was reportedly brutally tortured, locked in solitary confinement for four months, and force-fed five times per day. When his family visited in 2009, he was too weak and thin to walk by himself. Prison authorities reportedly said that he had to renounce his belief before being released for medical treatment.[14]

4.2.4 In June 2010, 25-year-old kindergarten teacher **Hu Miaomiao** was severely sexually abused in a "Reeducation-through-labor" (RTL) Camp in Shijiazhuang, Hebei province. At the instigation of camp authorities, three criminal inmates beat and tortured Hu, repeatedly stabbing broom handles into her genitals. Her family detailed the above abuse to a lawyer who sought unsuccessfully to represent her.[15]

4.3 Impunity and prospects for reform

4.3.1 Legal reform efforts have failed to address the use of torture against FLG practitioners, while extralegal directives from the CCP have instead implicitly encouraged its continued use. In 2012, the National People's Congress approved an amendment to the Criminal Procedure Law, which purports to strictly forbid torture and incorporates the goal of "protecting human rights." However, the new amendment does not specify mechanisms of supervision or enforcement of discipline for violations of its provisions. Rather, it may obfuscate the ongoing widespread use of torture, which has continued unabated in FLG cases reported since the amendment's implementation date of January 1, 2013.

4.3.2 Impunity is routine for acts of torture against FLG practitioners. Instead, reaching the CCP's "transformation quota" is a criterion for promotions and bonuses for prison and labor camp guards, creating an incentive to torture FLG detainees. In addition to torturing practitioners themselves, guards coerce prisoners with promised sentence reductions to assist in the torture.

5. Extrajudicial Executions

5.1 Conditions on the ground

5.1.1 Reports continue to be received of FLG practitioners dying in custody or shortly after release from prisons, RTL camps, detention centers, and forced conversion facilities. Since 2009, 352 cases of deaths as a result of torture or other forms of abuse have been recorded, including 71 from 2012 (additional reports continue to emerge). Family members often report bruised and bloodied corpses, indicating abuse in custody.

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[12] Manfred Nowak, "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mission to China," March 10, 2006, E/CN.4/2006/6/Add.6, pgs 12-14

[13] Human Rights Watch, "We Could Disappear at Any Time: Retaliation and Abuses Against Chinese Petitioners," Dec 7 2005 ; Chinese Human Rights Defenders, "Re-education Through Labor Abuses Continue Unabated," Feb 4 2009.

[14] Asma Jahangir, "Report of the Special Rapporteur on freedom of religion or belief: Summary of cases transmitted to Governments and replies received," Feburary 16, 2010, A/HRC/13/40/Add.1, p.16

[15] Interview with human rights lawyer who wished to remain anonymous, September 2012

Since 1999, the deaths of 3,649 FLG practitioners as a result of persecution have been recorded. Given the CCP's efforts to obstruct the investigation of FLG practitioners' untimely deaths, the actual death tolls are likely significantly higher.

5.1.2 Recent victims come from all age groups, strata of society, and geographical regions. The majority died due to physical and psychiatric torture or by being denied their right to health while in custody. Some adherents were released into their family's custody on the verge of death, only to pass away shortly thereafter. Sixteen cases of FLG deaths were cited by the United Nations Special Rapporteur on Extrajudicial Executions in his annual report published in May 2009.[16]

5.1.3 On May 16, 2012, police abducted **Xu Chensheng**, 47, off the street in Chenzhou, Hunan province, after discoverng she practiced FLG. They took her to Renmin West Street Police Station where she was interrogated. She was then taken to Chenzhou City No. 1 People's Hospital, where she was pronounced dead at 11:45pm the same day. Her family hired a lawyer and independent medical examiner but requests for autopsy were denied.

5.2.4 **Yu Xuezhong**, 53, was abducted from the home of another FLG practitioner in Jilin City on May 29, 2012. Yu was taken to Gaoxin Police Station where he was beaten. The following day, he was pronounced dead. Local police reportedly tried to pressure his employer to say Yu was suffering from mental problems in order to deflect blame, but the manager refused.

5.3 Impunity

5.3.1 Authorities rarely investigate FLG deaths in custody and perpetrators enjoy impunity. Instead, authorities often attempt to thwart investigations into the cause of death and punish requests for legal redress. Family members and lawyers who have pressed for investigations have suffered retribution, including detentions, beatings, and imprisonment.

5.3.2 In the two-week span between February 26 and March 8, 2011, three men—**Qin Yueming, Yu Yungang, and Liu Chungjiang**[17]—held at Jiamusi prison in Heilongjiang for practicing FLG, died in custody after being subjected to an intensified "transformation" program. Accounts by family members and photographic evidence indicated the men were tortured shortly before their deaths; Chinese authorities claimed they died due to illness. After filing an appeal seeking compensation for Qin Yueming's death, his wife Wang Xiuqing and daughter Qin Hailong were themselves detained and sentenced to 18 months in an RTL camp. The women were subsequently tortured, including via shocks with electric batons that left visible scabs. Relatives of the other two victims were also harassed as authorities pressured them to approve cremation without further investigation.[18]

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[16] Philip Alston, "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions," May 29, 2009, A/HRC/11/2/Add.1, p.67http://faluninfo.net/article/970/?cid=6

[17] See also "Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, Addendum," February 29, 2012, A/HRC/19/61/Add.4, p19; Caylan Ford, "Falun Gong in China: Review and Update," testimony to U.S. Congressional-Executive Commission on China, December 18, 2012. http://www.cecc.gov/pages/roundtables/general/roundtable2/CECC%20Hearing%20-%20Falun%20Gong%20in%20China%20-%20Caylan%20Ford%20Written%20Statement.pdf ;

[18] See also Amnesty International, "Further information: Falun Gong Practitioners Tortured," August 22, 2012, http://www.amnesty.org/en/library/asset/ASA17/031/2012/en/2285dd48-ab20-404e-b706-5f97afa09cc8/asa170312012en.html

5.3.3 **Jiang Xiqing** was detained on May 14, 2008 and sentenced to the Xishanping RTL camp in Chongqing. On January 28, 2009, Jiang's family was told he had died in custody. Labor camp officials claimed he had died of a heart attack, but an initial forensic examination indicated he had three broken ribs, hemorrhaging and bruising around his chest, pointing to torture; his body was cremated without the family's consent. On May 13, 2009, attorneys Zhang Kai and Li Chunfu were visiting Jiang's family to discuss legal redress for his death. Security agents soon arrived. They beat the lawyers and several of Jiang's relatives, then took them to a local police station where they were subjected to additional beatings and detention in an iron cage.[19] Over the following months, local authorities harassed and briefly detained Jiang's children, while pressuring their employers to dismiss them.

5.4 Organ harvesting

5.4.1 Since 2006, there have been persistent reports of FLG prisoners of conscience being killed to supply China's organ transplant industry. Following its review of China's compliance with the CAT in 2008, the UN Committee against Torture expressed concern over "information received that FLG practitioners have been extensively subjected to torture and ill-treatment in prisons and that some of them have been used for organ transplants."[20] It recommended an immediate, independent investigation into the claims and appropriate measures to ensure the prosecution of those responsible.

5.4.2 Chinese authorities have failed to provide information adequately addressing these concerns, such as a transparent accounting of the source of organs. This may be due to high-level involvement in these abuses. In a series of phone calls with investigators based in the United States, several high-level CCP officials indirectly acknowledged being aware that FLG prisoners have been used as a source for organ transplant operations. The recordings were dated from 2008 to 2012.[21] In March 2012, the Vice Minister of Health announced plans to phase out the use of executed prisoners as a source of organs in three to five years. It remains unclear whether this includes FLG practitioners as they are killed extrajudicially rather than formally executed.

6. Arbitrary Detention and Imprisonment

6.1 Legal framework

Article 9 of the ICCPR provides that "No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."[22]

6.2. Overview of conditions on the ground

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[19] See also Human Rights in China, "Beijing Lawyers Beaten for Representing Falun Gong Case," May 13, 2009, http://www.hrichina.org/content/296 http://www.faluninfo.net/article/954/Mr-Jiang-Xiqing-66-Chongqing/?cid=165

[20] UN Committee Against Torture, "Concluding Observations: China," November 21, 2008, CAT/C/CHN/CO/4

[21] World Organization to Investigate the Persecution of FLG, "Phone records regarding involvement of Zhou Yongkang and key Chinese Communist Party Officials in organ harvesting," May 1, 2012, http://www.zhuichaguoji.org/en/node/216

[22] The Human Rights Committee has stated that Article 9 is applicable to all deprivations of liberty. Human Rights Committee, General Comment No. 8 (1982). Several other U.N. organizations have also affirmed the prohibition against arbitrary detention. For more information, see Amicus Brief for the Cases of Jiang Zemin and Bo Xilai, Spain, April 10, 2008, available at www.hrlf.net.

6.2.1 FLG practitioners continue to be systematically subjected to arbitrary detention and imprisonment without due process. Since 2009, HRLF has reviewed several hundred judicial documents from over a dozen Chinese provinces and administrative regions, alongside other evidence related to the sentencing of FLG practitioners. This research has revealed clear patterns of widespread violations of FLG practitioners' basic rights, including: being sentenced for peaceful speech and religious activities, the use of vague legal provisions that render legal defense ineffective, having a few personal religious texts be the pretext for a long prison sentence, being denied access to legal representation, and not having family notified of the trial process.

6.2.2 Since 1999, the Chinese-language Minghui website has recorded 86,033 instances of FLG adherents being arrested or detained without legal process, and 38,640 cases of practitioners being "summoned, tried and judged" without due legal process. The actual number of imprisoned FLG adherents is believed to be much higher.

6.3 Reeducation-Through-Labor Facilities

6.3.1 Since 1999, hundreds of thousands—and possibly millions—of practitioners have been arbitrarily detained in the RTL system, typically for one to three years at a time. Former camp detainees consistently report that FLG adherents comprise a significant proportion, if not the majority, of those in the camps. A 2009 study by Chinese Human Rights Defenders observed that multiple interviewees "said FLG practitioners make up one of the largest groups of detainees in the camp."[23] A January 2011 article in Deutsche-Presse Agenteur quoted a petitioner recently released from Beijing Women's Labor Camp stating that about two-thirds of the 400 women held in her section were FLG practitioners.[24] FLG practitioners held in the camps report working long hours in unsafe and unsanitary conditions, while facing psychological and physical torture. Given the wide discretion available to CCP security forces and RTL camp authorities in determining sentence lengths, some FLG practitioners have been consecutively detained in RTL facilities. In 2010, UN Special Rapporteur on Torture Manfred Nowak described the RTL system itself and the standard treatment of detainees therein as constituting a form of "inhuman and degrading treatment or punishment, if not mental torture."[25]

6.4 Prisons

6.4.1 Although the majority of detained FLG adherents are held in RTL camps, since 2008, greater numbers have been sentenced to prisons, frequently for over ten years. In 2009, FDI published a list of nearly 1,400 FLG practitioners sentenced in late 2008 and in 2009 to prisons for up to 18 years. The FLG website Minghui documented over 550 practitioners who were sent to prisons in 2010. In mid-2012, seven FLG practitioners in Harbin, Heilongjiang Province were given prison sentences of 10 to 14 years for visiting the widow of a practitioner killed in custody. Human rights lawyer Jiang Tianyong confirmed the sentences shortly afterward.

6.4.2 Authorities' increased reliance on prisons may reflect a desire to more harshly punish FLG practitioners who resumed their practice after release from detention, to lend an appearance of legal legitimacy to the

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[23] Chinese Human Rights Defenders, "Re-education through Labor Abuses Continue Unabated: Overhaul Long Overdue (Excerpts), February 15, 2009, http://www.faluninfo.net/article/941/

[24] Bill Smith, "Activists suffer as China holds onto labor camps," Deutsche-Presse Agenteur, January 13, 2011, http://news.monstersandcritics.com/asiapacific/features/article_1611423.php/Activists-suffer-as-China-holds-on-to-labour-camps-Feature

[25] Manfred Nowak, "Study on the phenomena of torture, cruel, inhuman or degrading treatment or punishment in the world, including an assessment of conditions of detention," February 5, 2010, A/HRC/13/39/Add.5; http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A.HRC.13.39.Add.5_en.pdf

persecution, or to assuage international criticism over the use of the RTL system. However, prison facilities offer no additional rights protections for FLG when compared with other forms of detention. The formalities required, such as trial and official sentencing, do not protect against arbitrary detention or preclude the widespread torture of FLG adherents who enter the prison system.

6.4.3 FLG practitioners sentenced to prisons are systematically denied free and fair trials. The CCP's Political and Legislative Affairs Committee (PLAC), closely aligned with the 610 Office, exercises direct influence over the outcome of trials involving FLG practitioners. Judges are not permitted to independently adjudicate. Adherents are routinely denied the right to choose, meet with, or obtain adequate representation by counsel. A typical case is that of **Xiang Huaixiang**, a 62-year-old retired bank employee who was sentenced in 2011 to seven years in prison for reading FLG literature at a friend's home. Her court-appointed lawyer entered a guilty plea against her will.

6.5 Psychiatric facilities

6.5.1 Since 1999, FLG practitioners have been detained extralegally in psychiatric hospitals run by China's Ministry of Public Security, which are called "ankang" facilities, as documented by a range of well-established sources.[26] In addition to physical violence and interrogations, adherents held in these facilities are subjected to forced injection or ingestion of psychotropic medications and other pharmaceuticals. Former detainees have also reported the administration of psychotropic drugs to FLG practitioners held at RTL camps and transformation centers.

6.5.2 In February 2012, the Falun Gong Human Rights Working Group published a report documenting 1,989 cases of FLG practitioners subjected to psychiatric abuse, and the involvement of over 150 hospitals in such violations. Detainees were sent to the facilities without trial or effective due process.[27] Since 2009, a Beijing lawyer and FLG practitioner was twice sent by police to psychiatric facilities against his will and without any legal process. In April 2011, he was abducted off the street in Beijing and taken to a detention center, then to a psychiatric facility. He was beaten and restrained to a bed, then injected with psychotropic drugs while being interrogated. During his roughly ten-day stay, he was kept drugged and force-fed through his nose. Upon release, he suffered severe memory loss and retained physical signs of abuse.[28]

6.6 Transformation centers

FLG practitioners are also subjected to arbitrary detention in forced conversion centers (a.k.a. "legal education centers," or "transformation through reeducation centers") run extralegally by the 610 Office.[29] Such centers came into existence in 2000, but have increased in number since 2010. Over the past two years, FDI has obtained testimonies and photographs of centers established in temples, summer resorts, and other civilian facilities, such as universities. Practitioners are typically taken to the centers for several weeks, where they are subjected to ideological reprogramming aimed at forcing them to renounce their faith. Those who do not renounce are often sent to RTL camps. Similarly, individuals who do not renounce FLG in the RTL system

[26] Robin Munro, " Judicial psychiatry in China and its political abuses," Columbia Journal of Asian Law 14,: 1–128, Spring 2000.
[27] Falun Gong Human Rights Working Group, "Cases of Hospitals and Hospital Personnel using Psychiatric Torture to Persecute FLG Practitioners in China, 1999 to 2010," February 2012, http://www.falunhr.org/reports/PDFs/MentalHospitalReport-FalunHRNOV30-2011.pdf
[28] Interview with Beijing lawyer who wished to remain anonymous, October 2012
[29] In September 2011, Human Rights in China's Biweekly Journal published a detailed article on these facilities. An English translation is available here: http://www.faluninfo.net/article/1204/ and the original in Chinese here: http://biweekly.hrichina.org/article/1203.

are frequently sent to transformation centers upon release, perpetuating a cycle of extrajudicial detention. The use of torture is widespread and several FLG deaths in custody occurred at such centers. For example, **Wang Mingrong**, 53, died on September 7, 2011 at Xinjin Transformation Center in Chengdu, Sichuan.

7. Human Rights Defenders

7.1 Conditions on the ground

7.1.1 Lawyers advocating on behalf of FLG practitioners via legal representation or other means have faced reprisals. Dozens of lawyers have been disbarred or denied renewal of legal licenses after defending FLG practitioners; others report being detained, harassed, beaten or severely tortured. At least two lawyers have been sentenced to prison for taking on FLG-related cases. Attempts by the lawyers to challenge violations of their rights have met with additional punishment.

7.1.2 In 2010, **Tang Jitian, Li Heping,** and other lawyers met and discussed calling an end to abuses against FLG practitioners. Shortly thereafter, both had their law licenses permanently revoked. In early 2011, Tang and Li were among the targets of a large-scale crackdown on legal professionals and other civil rights activists. Security forces abducted Tang on February 16, 2011. He emerged from detention 21 days later suffering from tuberculosis contracted in detention and was placed under house arrest.

7.1.3 **Wang Yonghang** of Dalian, Liaoning remains imprisoned for representing FLG practitioners and entering "not guilty" pleas on their behalf. In 2009, Wang was abducted from his home. At a local detention center, he was severely beaten, causing bone fractures in his leg. On February 4, 2010, Wang was sentenced to seven years in prison following an unfair trial. He was taken to Shenyang No. 1 Prison, where he has reportedly suffered severe physical abuse, leaving him in critical condition as of May 2012.

7.1.4 **Zhu Yubiao**, from Guangdong was sentenced in July 2011 to two years in prison after unfair proceedings and CCP pressure on the presiding judge. Zhu was punished for his legal work and possession of FLG-related materials in his home. After his sentence ended on August 17, 2012, he was immediately transferred to the Guangdong Legal Education Center, a forced conversion facility where a FLG practitioner reportedly died from abuse in May 2012. As of December 2012, Zhu was reportedly in critical condition after being violently force-fed for going on hunger strike to protest his extralegal detention.

8. Freedom of expression, association, and assembly

8.1 Conditions on the ground

8.1.1 The freedom of expression of FLG practitioners and their supporters is severely curtailed. Content related to FLG remains among the most censored on the Chinese internet.[30] FLG adherents have no voice in state-run media, and sympathetic coverage of the issue is nonexistent. Individuals who transmit evidence of human rights abuses to contacts outside China are detained and imprisoned. Given the inability of Chinese media to report truthfully about FLG, adherents produce homemade underground leaflets and DVDs with information on the practice, rights abuses, and the broader history of CCP rule.

[30] David Bamman, Brendan O'Connor, and Noah A. Smith, "Censorship and deletion practices in Chinese social media," *First Monday,* March 2012
http://firstmonday.org/htbin/cgiwrap/bin/ojs/index.php/fm/article/view/3943/3169

8.1.2 Large numbers of FLG practitioners have been detained and imprisoned after security forces entered their homes without a warrant and discovered such FLG-related literature. Police have also detained practitioners distributing information to passersby or simply speaking in public about the suppression, with many then sent to RTL and prison camps, and some killed in custody. Police detained **Yang Guiquan** on June 20, 2009, while he was talking to people in a shopping mall in Liaoning about the persecution. Only 16 days later, he was declared dead upon arrival at the Fuxin City Mining Corporation General Hospital. According to sources inside China who viewed his body, Yang's back and head showed bruises, while signs of beatings and electric baton shocks were visible on his legs.[31]

8.1.3 Chinese authorities at times offer monetary rewards to citizens who report to the police a FLG practitioner disseminating information about the practice. In 2009, the U.S. Congressional-Executive Commission on China cited a government circular in Anhui province's Bengbu City that credited "an informant's call for facilitating the capture of a 50-year-old disabled FLG practitioner named **Yu Xiaoping**, who was distributing leaflets."[32] In early 2012, the 610 Office launched a comprehensive campaign to confiscate FLG literature, as evident from CCP websites in nearly every province.[33] A March 2012 circular in Jiaonan, Shandong offered 5,000-10,000 yuan for assistance in locating underground printing sites.[34]

8.1.4 Individuals who circulate petitions or otherwise seek redress for an imprisoned or killed FLG practitioner increasingly face reprisals. In October 2011, Li Shanshan from Tangshan in Hebei was sent to an RTL camp for two years after campaigning for the release from prison of her husband, a FLG practitioner. Li had posted an open letter online about the persecution she and her husband had suffered. It was circulated offline and inspired over 2,000 villagers to sign a petition calling for her husband's release.[35]

8.1.5 FLG practitioners who peacefully assemble in public—such as for a meditation session or to express solidarity with adherents facing trial—risk arrest and imprisonment.[36] Security forces also periodically conduct raids on private homes where FLG practitioners are gathering; participants are often then sent to prisons, RTL camps and forced conversion centers. In September 2012, plainclothes police raided two homes in Jiamusi in Heilongjiang, detaining 15 FLG practitioners. The following month, seven of them were sent to RTL camps.[37]

9. Right to Privacy

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[31] See also Congressional-Executive Commission on China, "Annual Report 2009," http://www.cecc.gov/pages/annualRpt/annualRpt09/CECCannRpt2009.pdf

[32] Ibid.

[33] See, for example:, Wangu Town Communist Party Office, . "Wangu Town to carry out special operations work focused on cleaning up and collecting 'Falun Gong' reactionary propaganda,", 13 February 13, 2012; Jinan Municipal People's Government,. "Notice to be on guard against and attack 'Falun Gong' reactionary propaganda activities," February 2012.

[34] Jiaonan municipal CCP office, "Open letter concerning the clean-up and investigation of FLG reactionary propaganda materials," March 27, 2012

[35] See also Amnesty International, "Further Information: Falun Gong Woman Risks Extended Term in RTL," December 13, 2012; http://www.amnesty.org/en/library/asset/ASA17/056/2012/en/c5dd1446-d805-49a2-90f6-cf4ceac690aa/asa170562012en.html

[36] For example, see the case of Sun Lijian and Feng Juan. http://www.faluninfo.net/article/1139/Falun-Gong-News-Bulletin-June-10-2011/#6

[37] See also Amnesty International, "China: Further Information: Women at Risk of Torture for Beliefs," December 4, 2012, http://www.amnesty.org/en/library/asset/ASA17/054/2012/en/f4cc8402-ce6d-4656-a359-f1129d461cfb/asa170542012en.html

FLG practitioners throughout China continue to be subjected to systematic surveillance of their movements, arbitrary searches of their homes, and monitoring of private communications. Local 610 Offices routinely order 24-hour surveillance of practitioners' homes, maintain databases of FLG practitioners, and make harassing visits to practitioners recently released from custody. In Xiamen, an organization affiliated with the 610 Office admitted to constantly monitoring FLG adherents "when they visit relatives, while waiting to catch a plane, in their living quarters."[38] Information obtained from surveillance is used to detaining and imprison practitioners found to possess FLG-related documents, even those solely for private religious practice. As lead counsel on an Internet Surveillance case, HRLF has collected evidence documenting the widespread nature of these practices.

10. Discrimination and violations of social and economic rights

10.1 Right to Work

10.2.1 Since 1999, FLG practitioners and their family members have faced discrimination at work, denial of pensions, pay reductions, or dismissal based on their spiritual beliefs. Workplaces nationwide convene mandatory anti-FLG "study sessions" to increase employees' enthusiasm for "struggling" against the practice.[39] Large state-run enterprises are enlisted to send their FLG employees to reeducation programs. In many locales, CCP authorities coerce businesses to sign "responsibility agreements" committing to participate in the campaign against FLG.[40]

10.2.2 FLG adherents confront overt discrimination in many workplaces and professions. Chinese civil servants and CCP members are prohibited from practicing FLG. Hanban, the organization that runs hundreds of Confucius Institutes at university campuses worldwide, states on its website that teachers must have "no record of participation in FLG."[41] At Zhejiang Sci-Tech University, human resources guidelines stipulate that, in the spirit of "open and impartial" hiring practices, prospective employees must provide proof from security agents or 610 offices attesting that they "did not participate in FLG."[42] Party authorities mandate local businesses to establish "transformation-through-reeducation assault work" groups and develop plans to "transform" all their FLG employees.[43]

10.2 Hate incitement

CCP authorities continue to stigmatize and incite hate against FLG. In 2012, aggressive campaigns were launched in nearly every Chinese province. 610 officers and neighborhood party committee members went door-to-door collecting "family commitment cards"—guarantees not to support FLG—and distributing

[38] Chen Yongguang Dai Xiaoli,"51st Excerpt of Work Experience Sharing Conference on Strengthening and Consolidating Education and Transformation by Anti Cult Associations Nationwide," Sept 7 2011.

[39] For example, see Xinjiang Land and Resource Bureau, "Land bureau employees recognize the nature of the 'FLG' evil religion and promptly destroyed disc," 16 November 2011. http://www.btgt.gov.cn/sonweb/web_324/article.asp?id=21458.

[40]Congressional-Executive Commission on China, "Communist Party Calls for Increased Efforts to 'Transform' Falun Gong Practitioners as Part of Three-Year Campaign," March 22 2011. http://www.cecc.gov/pages/virtualAcad/index.phpd?showsingle=154369&PHPSESSID=7f46f964fe6fd4a77df024703f93ad7f

[41] Hanban, "Volunteer Overseas Volunteer Chinese Teacher Program: Basic qualifications of a volunteer." http://www.webcitation.org/60iIfNxqh

[42] Zhejiang Sci-Tech University, "Instructions intended for personnel-related material submissions," May 28 2012. http://rsc.zstu.edu.cn/Art/Art_44/Art_44_289.aspx

[43] Congressional-Executive Commission, Annual Report 2011.

misinformation and propaganda against the group.[44] CCP municipal offices from geographically disparate regions encouraged cadres to create a climate in which FLG practitioners are "like rats running across the street that everyone shouts out to smash; don't leave them any space."[45] Official documents consistently describe FLG as "evil," a "cult," "reactionary," "anti-China," and "anti-humanity," and encourage people to "struggle" against and eradicate the practice.[46] A Hunan provincial government website published in July 2012 proclaims that as people understand the "reactionary nature" of FLG, "it is increasingly spurned, becoming like a stray dog or rat crossing the street."[47]

11. Conclusions and Recommendations

11.1 The CCP divisions most directly involved in human rights abuses against FLG adherents have been the propaganda and security committees, specifically the PLAC. Following the CCP's 18th Congress, the PLAC leadership was downgraded from the Politburo Standing Committee to the Politburo. In addition, authorities have announced plans to phase out the RTL system where hundreds of thousands of FLG practitioners are detained. Other legal reforms have also been tentatively proposed.

11.2 However, it is unlikely that proposed reforms will result in improved treatment of FLG practitioners. The persecution against FLG has, since its inception, been a political campaign operating outside the legal system. No reform plan announced or publically contemplated by Party officials has made any mention of redressing FLG or ending the extreme human rights violations suffered by China's most at-risk detainee population. Rather, CCP documents continue to articulate their goal of eradicating FLG through extrajudicial imprisonment, propaganda, censorship, officially sanctioned discrimination, and coercive religious conversion. Reforms that fail to directly confront the treatment of FLG practitioners will not meaningfully improve China's human rights situation or protect other groups from similar treatment in the future.

11.3 Recommendations

- The CCP must immediately end its campaign pursuing the eradication of the FLG spiritual faith.
- Chinese authorities must respect freedom of expression and allow free circulation of information concerning FLG and practitioners' mistreatment.
- Chinese security agencies must cease imprisoning, detaining, and sentencing FLG adherents for the peaceful exercise of their rights to free expression, conscience, and association. All FLG adherents currently imprisoned for exercising these rights must be released.
- The CCP must immediately end its efforts to promote hatred against FLG adherents, and must stop sanctioning discrimination against FLG in the workplace and the education system.
- A transparent national investigation should be conducted into the ankang, transformation centers, labor camps, prisons and other facilities where FLG adherents are held without due process. Information on the names, locations, and detainee populations should be made available to domestic and international monitors. FLG adherents in this system must be accounted for, and the

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[44] Hutian township, Hunan Province Communist Party Committee, Document No. 20 (2012). http://www.xxht.gov.cn/zhengwugk/detail.php?tid=1208

[45] Laiyang City, "City management unit strengthens measures to clean up of FLG propaganda materials and enact punishments," 5 March 2012. http://www.laiyang.gov.cn/a/zixunzhongxin/chengjian/20120305/6553.html.

[46] Chengguang district government information, "2012 Yanbei street comprehensive management plan," April 18 2012. http://www.lzcgq.gov.cn/yb/xxgk/art/2012/6/4/art_697_14283.html

[47] Hunan Province Anti-Cult Association, "FLG's deceptive lies," July 31 2012. http://www.fxj.hunan.gov.cn/Article/llyd/201207/17536.html

names of those who have died in custody revealed. In the latter case, families must be notified of the circumstances of their relative's death.

- Lawyers must not be disbarred or denial legal licenses for representing FLG practitioners. Those who have been disbarred or themselves imprisoned must be freed and reinstated.
- Reforms must be undertaken to ensure judicial oversight of Chinese security forces, freedom from interference by CCP officials in judicial decision-making, and fair and effective legal representation for all persons tried in Chinese courts.

The violations committed against FLG have occurred on a scale that makes comprehensive accounting a significant challenge. Justice and accountability can take many forms, but require at minimum a good faith investigation into the abuses committed and into the individuals most responsible. International participation, in particular oversight by U.N. observers and Chinese and international civil society representatives, is fundamental to the legitimacy of such a process.