

The Falun Gong Human Rights Working Group



Shadow Report
on the Observance of the Convention against Torture
and Other Cruel, Inhuman or Degrading Treatment or
Punishment
by the People's Republic of China
for the period from 2000 to 2008

Submitted To The
UNITED NATIONS
COMMITTEE AGAINST TORTURE

October 2008



Executive Summary

1. The People's Republic of China's (PRC) combined 4th/5th state reports to the Committee Against Torture (the Committee) detailed numerous "effective legislative, administrative and judicial measures" (the PRC state report, para. 5) to prohibit and fight torture, listed some sets of statistics to show the results of those measures, and expressed a cooperative attitude toward considering further changes to meet international standards. The progress on paper, however, is contrary to the stark reality of deterioration revealed by many reports from United Nations (UN) Special Rapporteurs on human rights and from numerous NGOs. This "progress on paper and deterioration in reality" is not unique to the PRC's state reports to the Committee, but a familiar pattern seen in all PRC's answers to international human rights inquiries. The PRC government's deceptive tactic of paper progress, repeatedly used over a long period of time, should no longer be met with any encouraging comment but thoroughly exposed and criticized, for it unequivocally shows that the PRC government knows what international human rights standards are, how to answer questions on human rights correctly, how to establish the legal framework to protect human rights, and how to punish criminals who committed human rights violations, yet the PRC chooses to continue to violate human rights.
2. PRC's paper progress is also very selective. In key and tangible areas, such as making the declaration under articles 21 and 22 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (the Convention), withdrawing reservations to article 20 and 30 of the Convention, abolishing the Re-education through Labour (RTL) system and all forms of administrative detention, despite repeated recommendations from the Committee, progress is never made. This shows that the PRC government knows precisely what is important to protect human rights, how to escape international monitoring, and that no "technical issues" exist in learning international practices.
3. Instead of educating law enforcement that torture is wrong and how to prohibit it, as required by the Convention, the Chinese authorities have instructed the police to use torture to annihilate non-conforming groups and individuals, including Falun Gong, Tibetans, family church Christians, Uighurs, dissidents, human rights defenders, and human rights lawyers; they have also organized activities for the police to exchange torture methods. In the case of the persecution of Falun Gong, the purpose of torture goes beyond anything secular; the goal



is to force a victim to make a choice between his physical life and his spiritual being. Over 3,000 Falun Gong practitioner's deaths from torture have been confirmed.

4. The PRC government's promotion of torture to annihilate non-conforming groups and its grant of impunity to police officers who use torture have two deleterious social consequences. The first consequence is the spread of a culture of violence in society. Various levels of Chinese authorities have used police and hired thugs to silence petitioners, victims of forcible relocation, earthquake victims, and victims of bad governance in general. Likewise, businesses, people with connections to government, and local overlords have learned to bribe the police or hire thugs to silence the disadvantaged and abused. Methods that have been used against non-conforming groups are now copied and used against other victims. For example, "interception" was widely used against Falun Gong practitioners. "Black jails" and "law education classes" are copycats of "brainwashing classes" against Falun Gong practitioners. The second consequence is that the most vulnerable to this culture of violence are those with smallest voice – children. The main casualties of the Sichuan earthquake in May 2008 were school children; the main victims of melamine-doped milk in China are pre-school children; and child labor and child sexual exploitation is on the rise in China. However, the voices for these victims are being suppressed.
5. The very obstacle and difficulty for the PRC to implement the Convention is the PRC government that relies on torture for the purpose of intimidating people into a silence.

I. Introduction

Many who have concerns over human rights conditions in the PRC have struggled with a bewildering question: Is the PRC making progress in protecting human rights?

It is hard to think of another country that posts such a question.

This is because no other government is as shrewd as the PRC government in putting up a façade of human rights improvement: passing amendments to its constitution to protect human rights, passing legislation to prevent human rights violations, engaging in human rights dialogs, making promises on human rights improvement, participating in technical collaboration on human rights



learning and training, and appearing to consider recommendations on how to protect human rights.

Judging by these, and assuming that laws will be followed and promises honored, one can only conclude that PRC is making impressive progress on the rule of law and the protection of human rights. Indeed, changes in the PRC's legislation have been repeatedly met with positive comments from the international society. It is also understandable that our human nature would prefer wishful subscription to positive changes over confrontation against a powerful regime.

However, if one hears the outcries from victims of the PRC government's severe and extensive human rights abuses, reads human rights NGO reports, or even glances at news reports about China's human rights conditions from news media that have already exercised much constraint, one has to wonder whether this claimed progress is just cosmetic and the reality is far different.

The situation of torture in China is no exception to the generic pattern. Anyone who has read the Committee's previous three reports on the PRC, in 1993, 1996, and 2000, and the Committee's extensive list of questions to the PRC government for its 4th and 5th state reports ought to be cognizant of the intellectual and conscience challenges that the Committee members must grapple with: to subscribe to progress reported by the PRC government, or to listen to the outcries of victims of the PRC government's violations? One ought also to recognize the weight of the challenge, for it is not a contest of two equals, as there is a vast difference between the oppressors and the victims.

In this report we show with the information directly from China from a large number of torture victims that the PRC government not only has not honored its commitment to the Convention, but has actively promoted the use of torture, first against non-conforming groups, and then against the general public. With the PRC government's active promotion of the use of torture and violence, the legislation and promises on human rights are never genuine but only an armor of lies to deflect and deceive international scrutiny. We alert the Committee that, due to the PRC government's promotion of torture and bad example of blatant disrespect of laws and international commitments, a dangerous culture of violence is pervading not just the police forces but also the society. We further alert the Committee that the PRC government as a whole is increasingly resorting to torture and violence to rule the country, with the purpose of silencing public objections to its policies or questions to its governance.



II. The PRC government's institutionalized torture of Falun Gong practitioners

1. Establishing the credibility of information.

Torture is widespread in the PRC, as Mr. Manfred Nowak, the UN Special Rapporteur on the Question of Torture, concluded after his country visit to the PRC in the year 2005. Victims of torture in the PRC include people from all walks of life and include very diverse groups. Falun Gong practitioners provide a majority of the information we quote in this report, but we also include information from other groups.

Since the year 2000, we have been collecting, translating, and submitting cases of the PRC's violations of Falun Gong practitioners to the UN Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment, on extrajudicial, summary or arbitrary executions, on arbitrary detention, on enforced or involuntary disappearances, on the independence of judges and lawyers, on violence against women, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, on freedom of religion or belief, on the promotion and protection of the right to freedom of opinion and expression, on the right to education, and on the situation of human rights defenders. Based on our information, the UN Special Rapporteurs have sent thousands of interventions to the PRC government. While the PRC government consistently denied acts of violation, it nonetheless acknowledged that these victims have always been found in police custody. This proves the accuracy of our information.

One particular category of cases is the death of Falun Gong practitioners in police custody due to heinous torture and/or denial medical treatment. Several UN Special Rapporteurs have sent PRC government interventions on more than one thousand such cases. The PRC government consistently claimed that these victims died of natural causes, but nonetheless admitted that they died in custody. This also proves the accuracy of our information.

Since the PRC government began its violent persecution of Falun Gong in 1999, close to a thousand Falun Gong practitioners who have suffered police torture have escaped China. In addition, there are thousand of oversea Chinese whose family members have suffered torture due to the PRC government's persecution of Falun Gong. We have, over the years, traveled with many of them to Geneva or New York to meet the UN Special Rapporteurs, and to the



capitols of several countries to meet with officials of those governments. Many of these survivors of PRC police torture have marks on their bodies to testify to their sufferance, and many of them have submitted written testimonies to us. Considering that only a very small percentage of Falun Gong practitioners have managed to escape China or have overseas connections, these victims not only are direct witnesses of the PRC government's torture of Falun Gong practitioners, but their number also reflects the scale of the persecution.

2. The PRC government's institutionalization of the persecution of Falun Gong

- a. On July 20, 1999, the PRC government banned Falun Gong, a spiritual practice, and launched a barbaric persecution against 100 million Falun Gong practitioners. The ban is unconstitutional, as freedom of belief and of religion is expressly guaranteed by the PRC's constitution. The ban did not even have a procedural basis; only in October 1999, after the ban was in effect for 3 months, did the Chinese national legislature pass a "law" to legitimize the persecution. The *Washington Post* noted in an article on November 2, 1999, that "When [China's Communist leaders] found themselves without the laws they needed to vigorously persecute a peaceful meditation society, the Party simply ordered up some new laws. Now these will be applied - retroactively, of course... By these standards, Stalin was a scrupulous observer of civil rights."

The PRC government's stated objective of the persecution is to "completely eradicate Falun Gong." In this all-out assault, the PRC government has used all means to force Falun Gong practitioners to choose between their belief and their employment, education, retirement pensions, property, families, and even their family members' employment, education, or pensions. Those who refuse to give in to the pressure are sent to "brainwashing centers," detention centers, RTLs, drug rehabilitation centers, mental hospitals and jails, where they are subjected to unrelenting torture.

- b. To deflect international criticism, the Chinese government has claimed that its policy towards "the vast majority of Falun Gong practitioners...has been one of unity, education and assistance," and that an "extremely small number of Falun Gong diehards" has been punished "not because they practice Falun Gong, but because they engage in illegal criminal acts." Since 1999, millions of Falun Gong practitioners have been incarcerated, and all have been offered a simple way to get released: just renounce Falun Gong and you are free to go. Can people who have engaged in "illegal criminal acts" be released just by



renouncing their “illegal criminal acts?” Numerous newspaper pieces by the PRC government’s own propaganda machine claimed that through its “education” over 98% of Falun Gong practitioners have been “transformed and come back to the people’s side.” The validity of the claimed percentage aside, it shows the primary object of the PRC government’s campaign is not the “illegal criminal acts” but the “transformation”—coercing Falun Gong practitioners to renounce their belief.

- c. We have submitted many cases of detention of Falun Gong practitioners to the UN Working Group on Arbitrary Detention. Without an exception, all of several dozen cases that the Working Group has ruled on are of arbitrary detention.
- d. On October 15, 2004, seven UN Special Rapporteurs sent a joint letter to the PRC government, expressing their concern over the PRC government’s deliberate and institutionalized policy against Falun Gong and reports of violence. In its replies on December 31, 2004, the PRC government acknowledged its ban of Falun Gong, but did not address many of the specific questions raised by the Special Rapporteurs, including the torture and death of Falun Gong in RTL.

3. The PRC government’s promotion of torture in its persecution of Falun Gong and deliberate violation of the Convention

- a. Article 2
 - i. Instructions on the use of torture

Numerous Falun Gong practitioners have testified that, as a way of intimidation, the police all over China claim that “the above” has instructed that “No measure is too excessive against Falun Gong,” that “Killing Falun Gong has no consequence,” and that “Beaten to death is counted as suicide.” In his April 20, 2000, report of torture and death of Ms. Zixiu Chen, a Falun Gong practitioner, Mr. Ian Johnson of the *Wall Street Journal* wrote, “ Weifang officials told Ms. Chen that they had been told by the central government that ‘no measures are too excessive’ to wipe out Falun Gong.”



The order to persecute Falun Gong came from the highest level of the PRC government. On April 25, 1999, Jiang Zemin, then the PRC's president and General Secretary of the Chinese Communist Party (CCP), sent a memo to the Party, accusing Falun Gong of being connected to foreign and western forces, thus laying the grounds for the persecution. On June 7, 1999, Jiang, in a speech to the whole assembly of the Political Bureau of the Central Committee of the CCP, announced that the central leadership is to "form a leadership group to specifically handle the Falun Gong problem," "to quickly form an attack strategy," and "to resolutely punish Falun Gong's main plotters and organizers, offer [them] no mercy and soft-hand."

The "leadership group" is the "610 Office" system. It has absolute power over the Party and government, the power to link the promotion of officials to their participation in and support of the persecution, the authority to directly issue orders to the military, security forces, police, the judiciary, and the propaganda ministry, and the power to command all government resources and systems. The "610 Office" system has "610 Offices" at all levels of the government, from federal to municipal, with corresponding power to direct the resources and systems at every level.

Jiang himself directly issued some of the most unequivocal instructions of torture and killing of Falun Gong practitioners through the "610 Office" system, such as "No measure is too excessive against Falun Gong," and "destroy their reputations, bankrupt them financially, and exterminate them physically." The "610 Office" systems directly execute the arrest, brainwashing, and torture of Falun Gong practitioners, rewarding police for "transforming" Falun Gong practitioners, and providing impunity to torturers.

Background information of how the PRC government launched the persecution of Falun Gong can be found at:

<http://www.falunhr.org/newsletter/TheLastStand.pdf>, and at:

<http://www.falunhr.org/reports/2005/intro.pdf>

ii. Encouraging and rewarding torture



Numerous Falun Gong practitioners have testified that, in addition to issuing instructions on the use of torture, the PRC government also uses money and promotion to encourage torture. Police and hired thugs are awarded 5,000 yuan (Chinese currency) or more for each Falun Gong practitioners they have “transformed.” Government officials or police who actively participate in the persecution of Falun Gong are promoted. Officials or police who are passive in carrying out the persecution are demoted. Some officials who are sympathetic to Falun Gong practitioners have been arrested. Inmates who help the police to torture Falun Gong practitioners are rewarded with a reduction of their jail terms.

Instigated by government instruction, emboldened by the total impunity, and driven by financial rewards, the torturers only care about how to inflict the maximum amount of pain to force Falun Gong practitioners to renounce their belief. The torture methods used are only limited by their imagination, and the amount pain inflicted is limited only by victims’ death. Our website (www.falunhr.org) has listed some of the torture methods. The UN Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions had this to say about the torture of Falun Gong practitioners, “The cruelty and brutality of these alleged acts of torture defy description.” (E/CN.4/2004/7, para. 37)

iii. Facilitating the exchange of torture methods

Since “no measure is too excessive against Falun Gong” and there is much to gain from carrying out torture, torturers have come up with some of the cruelest torture methods and devices, with terrifying names such as “hell trap,” “death board,” and “corpse stretch.” To spread these methods, the authorities have organized exchange programs for torturers from different RTLs and detention centers to share these torture techniques. Some of the most notorious torture camps such Masanjia RTL (in Shenyang city), Longshan RTL (in Shenyang city), Wanjia RTL (in Harbin city), Heizuizi RTL (in Changchun city), Yaojia Detention Center (in Dalian city), Shandong Women RTL (in Jinan city), and Beijing Shuanghe RTL (in Beijing) have sent torture squads to other RTLs and detention centers in order to swap information.

iv. Funding RTLs, “brainwashing centers,” and “law education schools”



Heavy criticism inside China and from overseas, particularly since 1989, resulted in a significant reduction of RTL operations in China prior to 1999. However, the persecution of Falun Gong led to a dramatic expansion of RTLs. Falun Gong practitioners all over China reported new RTLs being constructed and old RTLs expanded to incarcerate Falun Gong practitioners. In addition, thousands of “brainwashing centers” and “law education schools” have been formed over all China with the sole purpose of “transforming” Falun Gong practitioners. These illegal jails are usually formed by renting empty buildings and hiring thugs as torturers. They are funded by the “610 Office” system, but also with profits made from ransacking homes and collecting ransom money from the families of Falun Gong practitioners. Similar to the police, those who run these centers are also awarded 5,000 yuan or more for each Falun Gong practitioner they “transform.”

RTLs, “brainwashing centers,” “law education schools,” and similar extra-judicial jails are by far the main locations used for torture of Falun Gong practitioners. The vast majority of torture deaths of Falun Gong practitioners happen in such places.

In helping the visit of UN Special Rapporteur on Torture to China, we provided his team a long list of such brainwashing centers and locations in China. Our collaborative website www.fawanghuihui.org has an extensive list of such torture places.

v. Hiring thugs to intercept, detain, and beat Falun Gong practitioners

The authorities hire the thugs who carry out much of the torture of Falun Gong practitioners that happens in public places. Millions upon millions of Falun Gong practitioners have travelled to Beijing to petition to the government and address their grievances. The PRC government has instructed its subsidiaries all over China to intercept Falun Gong practitioners and prevent them from travelling to Beijing. Local authorities then hire thugs to track down, detain, and beat Falun Gong practitioners whom they suspect may travel to Beijing. Many Falun Gong practitioners have been tortured to death by hired thugs or local officials. The death of Ms. Zixiu Chen, mentioned above, is one such case that attracted international attention.



vi. Use of mental hospitals, psychiatric institutions and drug rehabilitation centers for psychiatric torture

Thousands of Falun Gong practitioners have been sent to mental hospitals, psychiatric institutions and drug rehabilitation centers where they have been injected with nerved-damaging chemicals. Many Falun Gong practitioners have died from such psychiatric torture. We have submitted many such cases to the UN Special Rapporteur on the question of torture, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on violence against women, its causes and consequences. We have also submitted a report of the PRC government's psychiatric abuse of Falun Gong practitioners to the World Psychiatric Association. Several psychiatric doctors have published analyses and commentaries on the report (e.g. <http://www.jaapl.org/cgi/reprint/30/1/126.pdf>, <http://www.jaapl.org/cgi/reprint/30/2/266.pdf>)

vii. Denial of a fair trial and legal representation

Every detention of Falun Gong practitioners, in detention centers, RTLs, "brainwashing centers," and "law education centers" is done without legal procedures. The brainwashing centers and law education centers are illegal jails and do not officially exist. The detention of Falun Gong in such places is simply kidnapping. RTLs are administrative detention facilities, and "sentencing" to RTLs is done by police, by Party bosses of work units, or even by "residential committees." Even sentencing Falun Gong practitioners to formal jails is without real and fair trials. As mentioned above, the UN Working Group on Arbitrary Detention has ruled on several dozen cases of detention of Falun Gong practitioners, and found all of them to be arbitrary and without reasonable cause. Numerous family members of Falun Gong practitioners have sought legal help when their dear ones were incarcerated or died in custody. The authorities invariably intimidated them to stop such efforts. We have submitted many such cases to the attention of UN Special Rapporteurs on the independence of judges and



lawyers, and have arranged for a number of victims to meet with and give testimony to the Special Rapporteurs.

viii. Intimidation, incarceration and torture of lawyers representing Falun Gong

To ensure that Falun Gong practitioners receive no legal help, the PRC government has issued instructions to lawyers and law firms not to accept cases from Falun Gong practitioners. A few courageous lawyers who have refused to follow the PRC government's orders have been intimidated, detained, and tortured and the government has shut down their law firms. For example, lawyer Guo Guoting, who represented Falun Gong practitioners, had been repeatedly intimidated, and eventually had to escape China to remain in exile in Canada. Lawyer Gao Zhisheng, who insisted on defending Falun Gong practitioners, has been detained since 2006 and has suffered torture.

b. Article 3

The PRC government has pressured other governments to deny Falun Gong practitioners' asylum applications, and to deport Falun Gong practitioners who have already obtained international refugee status back to China.

In August 2002, Phnom Penh police arrested Ms. Zhang Xinyi and her husband Mr. Li Guojun, who have UN refugee status, and sent them back to China. The police admitted that the Chinese Embassy in Cambodia had imposed the arrest. In Russia, several UN refugees have also been forcibly sent back to China. In Thailand, dozens of UN refugees have been incarcerated for months, and are in imminent danger of being sent back to China.

In February 2007, 14-year-old Zhao Youran came to New York with a delegation to participate in a winter camp. When Chinese agents found out that Ms. Zhao practiced Falun Gong and had been in contact with her uncle in New York, who also practices Falun Gong, the head of the delegation kidnapped her and forcibly took her to a flight back to China, so as to prevent her from a possible asylum application. US customs agents rescued Ms. Zhao.

c. Article 4, 11, 12, 13, 14



Since the PRC government instructs and actively promotes use of torture against Falun Gong practitioners, not only does it protect torturers with complete impunity, but also punishes victims who dare to expose or complain about torture acts or who dare to demand compensation.

As mentioned above, millions of Falun Gong practitioners have tried to petition the PRC government to stop the violent persecution of Falun Gong and to complain about the torture that they have suffered. A very large number of these people have been detained and tortured.

To expose the PRC government's persecution and torture of Falun Gong practitioners, Falun Gong practitioners have publicly distributed materials documenting government brutality. A very large number of them have been detained and tortured, some tortured to death. We have submitted thousands of such cases to the UN Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression, and many of these cases can be found in the Special Rapporteurs annual reports.

On very rare occasions, when the PRC government received great international pressure and had to punish torturers, it still retaliated against victims who exposed the torture or the people who helped the victims to expose the torture. On November 24, 2005, the police raped two female Falun Gong practitioners in their custody, with another policeman watching. At that time, the UN Special Rapporteur on the question of torture was conducting his visit to China. This case caused much international attention, and the UN Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences, sent a joint invention to the PRC government. The PRC government admitted the rape case to the Special Rapporteurs and sentenced the rapist policeman to 8-years in jail, but retaliated against the victims and their helpers. In particular, Mr. Ren Baokun, who helped one of the victims to file a complaint, was detained on October 12, 2007. On October 31, 2007, she was sent to the Baoding RTL for one and a half years.

One particular egregious case of retaliation is the case of Ms. Gao Rongrong. On May 7, 2004, in Longshan RTL, two policemen used three electric batons to shock Ms. Gao's face for seven hours, charring her face. When the picture of Ms. Gao's burnt face was exposed on the overseas Internet, the head of the "610 Office" ordered that Ms. Gao be



kept in custody even if she died. On October 5, 2004, with the help of other Falun Gong practitioners, Ms. Gao escaped from police detention. Instead of investigating the torture, the authorities issued a warrant for Ms. Gao. On March 6, 2005, the authorities captured Ms. Gao and detained her in Masanjia RTL. On June 10, she was tortured to death. It is important to note that on August 30, 2004, the UN Special Rapporteur on the question of torture had sent an urgent appeal to the PRC government concerning Ms. Gao. Currently, several Falun Gong practitioners who helped Ms. Gao to escape, including Ms. Dong Jingya and Mr. Yan Hongwei, are still in police custody.

d. Article 10

As mentioned above, instead of promoting education about the prohibition against torture, the PRC government actively promotes the use of torture, and even facilitates law enforcement personnel to exchange torture techniques.

e. Article 16

With the PRC government's instruction of "no measure is too excessive against Falun Gong," torturers have used all imaginable methods of cruel, inhuman or degrading treatment to break the will of Falun Gong practitioners so as to force them to renounce their belief. It is not possible to list all these methods. Only a small sample is given below.

One common inhuman treatment is the deprivation of a basic physiological need. Falun Gong practitioners in detention are allowed to release themselves once in the morning and once in the evening, no more than 5 minutes each time. The 5 minutes in the morning are combined with time to brush their teeth and wash their face. As a result, the detainees have to minimize their intake of water, and constipation is very common. The detainees are not allowed to take a bath for several months in a row, and not allowed to change clothes. Women Falun Gong practitioners are not allowed to use sanitary napkins during their period. It is a common punishment to strip women naked and leave them in the open for hours or days.

Falun Gong practitioners are not allowed to have a conversation with each other or to have eye contact with each other. They are forced to stare only at the ground.



Another degrading treatment is during meal service. Falun Gong practitioners are forced to kneel down, holding a bowl over the head, and yell out loudly to the prison guard, “Criminal so-and-so begs the guard for food.”

Sexual assault and insults are rampant. Male and female Falun Gong practitioners have been raped and gang-raped in custody. There have been reports of forcing male Falun Gong practitioners to watch female Falun Gong practitioners being gang-raped, and only when the male practitioners renounced their belief will the gang rape stop. Torturers often inflict pain on private body parts.

The ultimate cruel punishment is the harvesting of vital organs of Falun Gong practitioners. The UN Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the question of torture sent a joint intervention on this issue to the PRC government on August 11, 2006, and followed up with a second joint intervention on January 25, 2007, holding the PRC government to fully explain the allegation of taking vital organs from Falun Gong practitioners and the source of organs for the sudden increase in organ transplants that has been going on in China since the year 2000.

4. Section summary

As the only group that the PRC government has publicly announced a policy to completely eradicate, Falun Gong practitioners are particularly targeted with the harshest measures. All imaginable coercive methods have been used against Falun Gong practitioners: they have been deprived of jobs; their properties have been appropriated; elders have had their pensions suspended; they have been forced to divorce; their children have been expelled from school; they have been arbitrarily detained; they have been abducted in broad daylight; they have been electric shocked, burned, drowned, buried in snow, hung and lynched, bitten by dogs and snakes, and force-fed feces and urine; female Falun Gong practitioners have been stripped naked, gang raped, and had blunt objects inserted into them; pregnant Falun Gong practitioners have had forced abortions; they have been killed by beatings, burning, freezing, drowning, electric shocks, starvation, hanging, poison, being pushed off of tall buildings, and other heinous methods; over 3,000 Falun Gong practitioners have been confirmed to have died from torture; large numbers of Falun Gong practitioners have been murdered by the extraction of their vital organs. With the PRC government’s block of information and its



instruction of “no measure is too excessive against Falun Gong,” the scope and severity of the atrocities are difficult to fathom.

That such institutionalized violation can happen while the PRC government passed on March 14, 2004, an amendment to the Constitution of PRC which stipulates that “the state respects and protects human rights” says only one thing: the PRC government respects no laws and can create any law it wants. By the same reasoning, the PRC government respects no international laws and standards and can write up any report it needs in order to deceive international scrutiny.

While Falun Gong is the only group that the PRC government has an institutionalized policy to eradicate, other non-conforming groups, such as Tibetans, family church Christians, Uighurs, and dissidents, have suffered similar torture and violence. This is reflected in many shadow reports by various NGOs to the Committee.

III. The PRC government’s promotion of torture and violence to the general public

While the PRC government’s promotion of the use of torture may have been originally aimed at non-conforming groups, a governing system and its law enforcement body that has been conditioned to use and rewarded for the use of torture and violence will not know how to stop. Society and the general public are the ultimate victim.

It is now increasingly apparent that methods that were originally employed against non-conforming groups are now used on individuals who do not belong to any particular group. Petitioners, for example, have existed in China throughout its history and particularly since the end of Cultural Revolution, when the State Council Bureau of Petition was established. Petitioners come to Beijing for various reasons and belong to no particular group. In the last couple of years, however, the interception of petitioners has rapidly become an established government operation. It is almost exactly copied from the interception of Falun Gong practitioners: the hiring of thugs, the detention in “law education centers,” the intimidation and beating, and the order to local authorities to prevent petitioners from going to Beijing.

Various levels of government have learned to use police force to suppress different opinions or deal with social conflicts, and businesses have learned to buy police or hire thug to take



care disputes. Forced demolition and relocation, for example, is becoming increasingly violent, bloody and, sometimes, deadly.

Illegal detention facilities, such as “black jails,” “law education centers” are founded for the convenient use of the authorities, and are on the rise.

Taking a page from prohibiting lawyers from representing Falun Gong practitioners, the PRC government warns lawyers to not take cases from petitioners, from people who have lost their homes to forced demolition, from people who lost their jobs, from earthquake victims, and from victims of melamine-laden milk. More and more lawyers are being detained and beaten for taking up human rights violation cases.

The increasing use violence and torture is an extreme form of social inequality between the have's and have not's. Officials that have power can order police to their ends, and the riches that have money can hire thugs to do their jobs. The have not's, on the other hand, are jailed for seeking justice and increasingly abused.

IV. An ominous culture of violence

The PRC government's promotion of torture has led to the ominous spread of a culture of violence. On the one hand, law enforcement is becoming increasingly brutal. On the other hand, the recognition of the PRC's hypocritical claim of rule of law has made the public trust the system less and less. Violence and revenge are rapidly increasing in China.

The “Yang Jia case” that is being prosecuted now in China may be a watershed event. Mr. Yang Jia, age 28, is a Beijing citizen. In October 2007, he went to Shanghai on a vacation. He rented a bicycle for his sightseeing. However, the police intercepted him as they suspected him of stealing the bicycle. The police did their routine beating of Mr. Yang during the interrogation. Since Mr. Yang did rent the bicycle, the police released him shortly thereafter. A medical checkup revealed that Mr. Yang's private parts had been injured and he could no longer have children. On July 1, 2008, after repeated attempts to receive compensation failed, he resorted to violence and killed six policemen.



It is not the intention of this report to analyze the case, but to bring the potential social impact of the outcome to the Committee, for there is a lot of support for Mr. Yang among the general public.

Another ominous development is that children may be the most vulnerable to this culture of violence. This is so not only because they are the quickest to learn, including learning the use of violence, but also because they have the smallest voice and are more dependent on the system for their protection. Both trends are apparent in the PRC. Violence in schools is increasingly alarmingly. Even young girls learn to punish their classmates by subjecting them to rape. At the same time, the main casualties of the Sichuan earthquake in May 2008 were school children, the main victims of melamine-laced milk in the PRC are pre-school children, and child labor and child sexual exploitation is on the rise in PRC. However, voices for these victims are being suppressed, mainly through police intimidation and violence.

V. The PRC government's deliberate violation of the Convention as the obstacle to implement the Convention

In conclusion, the PRC government's deliberate violation of the Convention and attempt to blindfold the Committee with representations of "progress" in "effective legislative, and administrative and judicial measures" is the biggest obstacle to the implementation of the Convention in the PRC. It is clear that the PRC knows exactly what should be done to satisfy the Committee's review and has tried to do so on paper. However, in practice, the PRC government does what the Convention explicitly prohibits. It continues to stall and in many ways prevent the Committee from monitoring the implementation of the Convention by refusing to make the declaration under articles 21 and 22 of the Convention and refusing to withdraw reservations to article 20 and 30 of the Convention.

Recommendation

We have only one recommendation to the Committee: to report the severe and deliberate violations of the Convention by the PRC government to the United Nations Human Rights Council (UNHRC) and to suggest to the UNHRC that it suspend the PRC's right to membership in the UNHRC.