China: Situation of Falun Gong practitioners and treatment by state authorities (2001 - 2005) Research Directorate, Immigration and Refugee Board, Ottawa

This Extended Response provides information on the situation of Falun Gong practitioners and treatment by state authorities in China for the period between January 2001 and June 2005. It describes measures taken by the Chinese government in response to the practice of Falun Gong, including the range of penalties imposed on practitioners, and the scope of different treatment of practitioners among provinces, with a particular focus on the northeast of China and on the southern provinces of Guangdong and Fujian.

The principal sources of information used in this Response are the Chinese state media and Falun Gong itself. Wherever possible, independent observers have been consulted.

Human Rights Watch (HRW) commented in a 2002 report that almost all of the information on the treatment of Falun Gong practitioners in China comes either from Falun Gong or from the Chinese government (Jan. 2002, 53). Independent verification of competing claims, particularly of those about conditions in custody and the number of practitioners detained, cannot be carried out with any certainty (HRW Jan. 2002, 53). According to a report in *The New York Times*, "[i]t is impossible to prove or disprove all of [the] allegations" put forth by Falun Gong (9 May 2005). Thus, as HRW noted, while certain limited conclusions can be drawn based on the data available, caution must be applied (Jan. 2002, 53).

Background

Falun Gong, which means "Law Wheel Cultivation" but is also commonly known as Falun Dafa or "Great Law of the Wheel" (Chang 2004, 1; see also FDI 22 Apr. 2005), is a practice introduced by Li Hongzhi that blends a traditional Chinese deep-breathing exercise known as *qigong* with Buddhist and Taoist elements (Chang 2004, 1, 3, 4; HRW Jan. 2002, 8).

Falun Gong first attracted international attention in April 1999, when around 10,000 practitioners gathered near the Chinese Communist Party compound (*Zhongnanhai*) in Beijing to protest the detention of 50 practitioners (AFP 25 Apr. 1999; see also BBC 25 Apr. 1999). In July 1999, thousands of practitioners in various Chinese cities reportedly demonstrated against the detention of Falun Gong leaders (AFP 21 July 1999; *Financial Times* 22 July 1999; HRW Jan. 2002, 19). According to the Information Center for Human Rights and Democracy (ICHRD), a Hong Kong-based organization that gathers information on human rights in China (ICHRD n.d.), by 21 July 1999, at least 30,000 Falun Gong practitioners had been detained across the country (AFP 21 July 1999).

On 22 July 1999, the Ministry of Civil Affairs made an official announcement banning Falun Gong in mainland China (BBC 22 July 1999a), although the practice remained legal in Hong Kong (BBC 22 July 1999b). In October 1999, Falun Gong was declared a "cult" by state media (AFP 28 Oct. 1999; BBC 28 Oct. 1999), and a resolution banning cults was passed by the Standing Committee of the National People's Congress (BBC 30 Oct. 1999). In addition, between 1999 and 2001, the government introduced a number of regulations and directives to criminalize various activities associated with Falun Gong (Chang 2004, 12, 15-21; HRW Jan. 2002, 26-27). Since 1999, Falun Gong practitioners have claimed detention and abuses at the hands of Chinese authorities (Chang 2004, 25-28; HRW Jan. 2002, 53-63).

Sources cite various figures for the total number of Falun Gong practitioners in China. The Chinese government estimated that prior to the official ban on Falun Gong, there were 2.1 million practitioners in China (*International Religious Freedom Report 2004* 15 Sept. 2004, Sec.1). This figure was reportedly downgraded from an original Chinese government estimate of 70 million to 100 million practitioners in 1998 (Rachlin 23 June 2005). Falun Gong spokespersons tend to place the number of practitioners before the ban at 70 million (BBC 22 July 1999b; HRW Jan. 2002, 12; see also AFP 21 July 1999b). HRW reported in January 2002 that the Chinese authorities appeared to have succeeded in reducing the number of Falun Gong practitioners on the mainland, and that those who remained had "gone underground" (HRW Jan. 2002, 5; see also *International Religious Freedom Report 2004* 15 Sept. 2004, Sec. 1). In 2004, there remained "hundreds of

thousands" of practitioners in China, according to the *International Religious Freedom Report 2004* (15 Sept. 2004, Sec. 1). However, Gail Rachlin, a spokesperson for the New York-based group of Falun Gong practitioners known as the Falun Dafa Information Center (FDI), stated that although it was difficult to give an exact figure for current practitioners, the Center estimated that it would be about the same as it had been before the 1999 ban on the practice, or 70 million (23 June 2005).

While Gail Rachlin acknowledged that since 2003 many practitioners have given up the practice "for fear of persecution from the Government," she stated that many have subsequently resumed their involvement in Falun Gong and many others have newly joined the practice (Rachlin 23 June 2005). According to a 2004 report on Falun Gong by *The Australian* newspaper *The Age*, "[i]t is not too hard to find practitioners" who have been released from years of detention and who continue to adhere to the practice (16 Oct. 2004).

A January 2002 Human Rights Watch report observed that Falun Gong practitioners had originated from both rural and urban parts of China, and included professionals and students as well as workers and lower-level government officials over *The Age* of fifty (HRW Jan. 2002, 13; see also Chang 2004, 5). Maria Hsia Chang, a political scientist at the University of Nevada in Reno, explained in her book, *Falun Gong: The End of Days*, that family members of top government officials had also joined Falun Gong prior to 1999 (2004, 5). Moreover, according to Falun Gong, many practitioners in China have also belonged to the Chinese Communist Party (CNN 24 July 2002).

Practitioners could become involved in the practice at a number of different levels, from exercising in public or at home to recruiting new followers and publicizing the practice (HRW Jan. 2002, 13-14). According to HRW,

[a] practitioner's choice of activities likely reflected what it was about Falungong that was most meaningful to him or her, the exercise, the meditation and spirituality, or the communal aspects (ibid., 14).

In a June 2004 report entitled *China: Profile of Asylum Claims and Country Conditions*, the United States (US) Department of State noted that, "[t]o the best knowledge of US officials in China, Falun Gong does not issue membership documents to adherents in China" (June 2004, 13). Accordingly, membership documents held by alleged Falun Gong practitioners appeared to have been issued outside of China (US June 2004, 13).

Situation of Falun Gong Practitioners and Government Response since 2000

A government campaign against Falun Gong practitioners (Chang 2004, 18; International Religious Freedom Report 2001 26 Oct. 2001, Sec. 2), purportedly with the aim of sending all remaining adherents into custody and forcing them to renounce the movement, unfolded in the aftermath of 23 January 2001 (ibid.). On that day, a group of alleged Falun Gong practitioners set themselves on fire in Tiananmen Square (AFP 31 Jan. 2001; Asia Times Online 10 Apr. 2002; Chang 2004, 16). However, Falun Gong spokespersons denied that the people involved in the immolations were practitioners (ibid; AFP 31 Jan. 2001; Chang 2004, 18; CNN 24 Jan. 2001), and argued instead that the government had staged the incident (AFP 11 July 2002; NTD TV 2001).

In February 2001, following a high-level meeting of the Communist Party Central Committee, then-President Jiang Zemin reportedly instructed local and provincial authorities to "strengthen local control over Falungong practitioners" (HRW Jan. 2002, 35). Practitioners who actively engaged in Falun Gong were ordered detained, and all sectors of society were to play their part in ensuring that Falun Gong practitioners recanted their beliefs (ibid., 36; see also Chang 2004, 18-19; *International Religious Freedom Report 2001* 26 Oct. 2001, Sec. 2).

Two subsequent self-immolations were reported (Chang 2004, 17, 21). Maria Hsia Chang wrote in *The End of Days* that one self-immolation occurred on 16 February 2001 in a residential neighbourhood of Beijing (Chang 2004, 17). Another self-immolation was reported on 1 July 2001 by Xinhua News Agency, which maintained that a 19 year-old adherent of Falun Gong had set himself on fire in an attempt to rid himself of evil and reach a "higher level" of the practice (ibid., 21).

While practitioners reportedly held frequent demonstrations in Hong Kong, where Falun Gong remained legal (AP 21 Jan. 2004), in Beijing, daily, "small-scale" protests by practitioners, which had been taking place since the 1999 ban, came to an end following the January 2001 selfimmolations incident (AFP 11 July 2002; HRW Jan. 2002, 36). By December 2001, HRW reported, the Chinese government had "completely shut down public practice and demonstrations" by practitioners (Jan. 2002, 43). Indeed, as a result of the risks for those involved, public demonstrations have become rare (Mosher 22 June 2005; Rachlin 23 June 2005). As an alternative strategy, in 2001 Falun Gong practitioners began to use mass mailings and pamphlets to counter the official government position on the practice and to "spread the truth" (ibid., 37; Chang 2004, 21). The Falun Gong movement also began interrupting state television programming to air videos that claimed the government had fabricated the immolations and that Falun Gong was essentially "good" (AFP 11 July 2002; CNN 24 July 2002). AFP reported in an 11 July 2002 article that, in addition, Falun Gong was using telephones, faxes and the Internet within China to spread its message about the "persecution" of its followers. Practitioners, for example, resorted to making automated telephone calls to random city residents, denouncing the government (Chang 2004, 21). Furthermore, in what Human Rights Watch has called an "extraordinarily skillful advocacy campaign" (Jan. 2002, 4), Falun Gong practitioners came to rely increasingly on the Internet and on organized press conferences and rallies abroad to publicize the situation of practitioners in China (AP 21 Jan. 2004; HRW Jan. 2002, 37; The New York Times 9 May 2005).

For its part, in 2001 the Chinese government widened the legal parameters for crimes associated with the practice (Chang 2004, 15, 16). For instance, in June 2001, the Supreme People's Court issued a legal directive to allow prosecution under Criminal Law Number 111 of those charged with "spying or stealing state secrets," to deal with Falun Gong adherents who disseminated information about the treatment of fellow practitioners to those outside the country (ibid., 20). A directive was also introduced to punish under subversion laws those who distributed Falun Gong materials (ibid., 20). Using the Internet for the purposes of communicating or organizing with cult members was also deemed to be a criminal offence (ibid., 16; HRW n.d.). In early 2001, the state news agency Xinhua explained in a lengthy article that the official ban on Falun Gong was based on the rule of law and that "crackdowns" were being carried out to ensure social stability and the well-being of all Chinese citizens (15 Jan. 2001). In 2002, in response to interruptions in television programming for the airing of Falun Gong material, the Chinese government branded Falun Gong a "semi-terrorist sect" for violating international telecommunications regulations and "challeng[ing] modern civilization" (CNN 10 July 2002).

Forum 18, an independent Oslo-based organization that promotes freedom of thought and religion (Forum 18 n.d.), reported in a 29 September 2004 article that "public security agents throughout China maintain active surveillance over Falun Gong practitioners, [which is] punctuated by periodic crackdowns." The article further stated that public security authorities have "extraordinarily detailed information about their objects of interest [including] data on the size of each 'cultic' group and membership, the extent of its geographical influence and its foreign connections" (Forum 18 29 Sept. 2004). No information corroborating this report could be found among the sources consulted by the Research Directorate. However, according to Maria Hsia Chang, although government efforts at disbanding the key organizational elements of Falun Gong have succeeded, Falun Gong has nevertheless adapted to developments in China, relying on the Internet and on an "elusive but effective organization" to resist government attempts to control it (Chang 2004, 30).

Practising Falun Gong in the privacy of one's home may be possible but, according to HRW, it could become "dangerous" if officials or the police became aware of it (HRW Jan. 2002, 43). Chang states in *The End of Days* that "[m]any followers still risk arrest and beatings to perform the exercises, but they do them in their homes instead of public parks" (2004, 29). Gail Rachlin noted that, while it is possible to practise in private, concealing one's beliefs and daily practice from relatives or neighbours is difficult (23 June 2005). Zhang Kunlun, a Falun Gong practitioner who was described by fellow practitioners as "well known and respected in the province" of Shandong at the time of his detention in 2000, told HRW that private practice of Falun Gong and even minimal distribution of Falun Gong-related material could lead to some form of punishment, particularly if the person was prominent or influential in his or her community (HRW Jan. 2002, 45, 52). Stacy Mosher, the communications director at Human Rights in China (HRIC), an independent human rights group based in New York, indicated that discreet passing of leaflets continues in China (22 June 2005), while FDI's Gail Rachlin commented that "grassroots efforts to obtain, copy and distribute materials, including papers [and] leaflets ... is extremely widespread in China" (23 June 2005).

According to Falun Gong spokespersons, there have been "scattered reports" about officials in certain unspecified areas who have learned about Falun Gong or sympathized with practitioners and allowed them to maintain the practice "undisturbed" (Rachlin 23 June 2005; Wollensak 29 June 2005a).

In early 2004, Li Hongzhi, the founder of Falun Gong, who lives in the United States, gave a rare public interview when he appeared on a New Tang Dynasty Television station program (AP 21 Jan. 2004). In the interview, Li claimed that the Chinese government, in its "oppression" of practitioners, was motivated by "jealousy" over the large number of people who practised Falun Gong (ibid.). The Chinese Foreign Ministry responded to the television appearance by reiterating that Falun Gong is a cult that is legally banned in order "to protect the basic human rights and freedom of the Chinese system and to uphold its constitution and laws" (ibid.). The Chinese government has also described the New Tang Dynasty Television Station as a "propaganda" tool of Falun Gong (*The Toronto Star* 15 Jan. 2005), an accusation which spokespersons for the station have denied, even though Falun Gong practitioners have been linked to it (ibid; AP 21 Jan. 2004).

Maria Hsia Chang argues that the Chinese government is particularly concerned about the presence of Falun Gong practitioners among its armed forces, and about its similarities to historical religious movements that have inspired mass uprisings and, in some cases, the toppling of dynasties in China (ibid., 30-31; HRW Jan. 2002, 2-3; see also The Australian 9 June 2005). The arrest, detention and imprisonment of Falun Gong practitioners continued to occur in 2004, according to the International Religious Freedom Report 2004 (15 Sept. 2004, Sec. 1). Reportedly, the Chinese premier's Government Work Report presented at the National People's Congress (NPC) session in March 2004 stated that the government would "expand and deepen its battle against cults'" (International Religious Freedom Report 2004 15 Sept. 2004, Sec. 1). According to Chang. "It lhe Chinese government has vowed it will 'fight the war to the end' against Falun Gong" (2004, 29). However, Alan Stone, a professor of law and psychiatry at Harvard University, who was part of a task force appointed by the World Psychiatric Association to investigate "allegations of systematic political misuse of psychiatry in China," noted in an article on the situation of Falun Gong practitioners that, according to a spokesperson for the movement, the government under the leadership of President Hu Jintao does not see Falun Gong as a political threat or as part of the pro-democracy movement in China (Stone Nov. 2004). Stone concluded that trends would seem to indicate an "easing" in the "repression" of practitioners in China, pointing to statistics compiled by Falun Gong practitioners, which reportedly showed a decline in the number of new allegations of punishments and psychiatric incarcerations (ibid.). Statistics compiled by Falun Dafa Clearwisdom, a Website maintained by Falun Gong practitioners to report on Falun Gong-related news worldwide (Falun Dafa Clearwisdom n.d.), show a peak in the number of custody-related deaths of practitioners at 338 in the year 2001, and a drop in incidence thereafter, with 301 reported cases in 2002 and 278 in 2003 (ibid. 13 Mar. 2005).

The 610 Office

Falun Gong sources state that under the orders of then President Jiang Zemin, the Chinese Communist Party Central Committee established the 610 Office on 10 June 1999 "with the sole mission of cracking down on Falun Gong" (FDI n.d.a). The 610 Office has its headquarters in Beijing and branch offices in every province, town and county in China (ibid.; Epoch Times 13 June 2005) as well as in every university, government body and state-owned enterprise (ibid.; FDI n.d.a). *The Epoch Times* reports that 610 offices "have authority over the Chinese public security organizations, judicial system, and the media" (13 June 2005). According to one source, the branch office in Heilongjiang Province goes by the name 615 Office and in Huangshi City, Hubei Province, it is called "The Office of the Leadership Team on the Issue of Dealing with Falun Gong and Other Qigong Organizations that are Harmful to Society" (WOIPFG n.d.). The FDI, which operates a Website and produces print publications on Falun Gong (FDI n.d.), argues that the 610 Office is largely responsible for the "ill treatment" of Falun Gong practitioners in China (FDI n.d.a).

Penalties

Stacy Mosher at HRIC notes that while there may be a measure of "dramatization" and "exaggeration" by Falun Gong about the situation of practitioners in China, practitioners have been targeted for various types of punishments (28 Mar. 2005). The United States (US) Department of State noted that since January 2002, "the mere belief in Falun Gong, even without any public

manifestation of its tenets, ha[s] been sufficient grounds for practitioners to receive punishment ranging from loss of employment to imprisonment" (US June 2004, 12). However, according to other sources, punishment would appear to depend on the types of activity being engaged in by the Falun Gong practitioner in question (Chang 29 Mar. 2005; Mosher 28 Mar. 2005; HRW Jan. 2002, 14).

In its 2002 examination of the situation of Falun Gong practitioners, HRW stated that there were three categories into which the Chinese authorities placed practitioners: "ordinary practitioners, so-called leading members, and 'backbone elements'" (Jan. 2002, 50). The criteria for determining who belonged to which category appeared arbitrary (HRW Jan. 2002, 50), but "leaders" have been particularly targeted for punishment (Chang 29 Mar. 2005). As HRW noted, authorities "implicitly recognized the differences by meting out different punishments for different forms of commitment" to Falun Gong (Jan. 2002, 14). The practitioners who have been jailed following a judicial process have tended to be "core leaders" and major publishers or distributors of Falun Gong material, according to HRW (Jan. 2002, 53).

Activities such as disseminating information about the treatment of practitioners would seem to entail "more severe" punishment, according to Stacy Mosher at HRIC (28 Mar, 2005). HRW reported in an undated backgrounder on China that in January 2001, it became a capital crime to distribute "secret" or "reactionary" materials via the Internet (n.d., 1). A month prior to that, in December 2000, the National People's Congress Standing Committee released a set of "Decisions" outlining a number of Internet-related acts deemed "criminal" (HRW n.d., 5). These included "[o]rganizing evil cults and contacting cult members through the Internet to damage the implementation of state law and administrative laws and regulations'" as well as "'[f]abricating rumors or slander, or publishing or disseminating other harmful information through the Internet to instigate subversion of state power" (HRW n.d., 5). Reporters Without Borders (Reporters sans frontières, RSF) reported that 11 practitioners were arrested in December 2004 for allegedly posting photographs on the Internet that purportedly showed evidence of the "torture" some of them claimed to have experienced in prison (29 Dec. 2004). According to the same December 2004 report, over 20 other Falun Gong practitioners had been sentenced on similar charges (RSF 29 Dec. 2004). For instance, in February 2004, five Falun Gong practitioners in Chongqing were sentenced to between five and fourteen years' imprisonment for disseminating via the Internet information on the treatment of practitioners (RSF 20 Feb. 2004; Xinhua 19 Feb. 2004). In its ruling, the court found that the practitioners had "fabricated" news and in so doing, had "tarnished the image of the government" (ibid.).

During the Severe Acute Respiratory Syndrome (SARS) crisis of 2003, the government accused Falun Gong of attempting to recruit new followers by claiming that those who joined the practice would not contract the illness (BBC 5 June 2003; US June 2004, 12; see also *International Religious Freedom Report 2004* 15 Sept. 2004, Sec. 2). By June 2003, 180 Falun Gong practitioners in Hebei Province in the north had been arrested on related charges (BBC 5 June 2003; Xinhua 6 June 2003). Authorities in that province warned that Falun Gong would be closely watched and that any activities associated with the movement would be stopped (ibid.). According to human rights groups, the Chinese government was taking advantage of the international community's preoccupation with the SARS outbreak to crack down on "dissidents" (BBC 5 June 2003).

Gail Rachlin, the FDI spokesperson, in 2 December 2003 correspondence to the Research Directorate, maintained that the 610 offices had carried out the confiscation of Falun Gong books and other material while government authorities, businesses, schools and neighbourhood committees could, in cooperation with the police, also confiscate material. According to both Stacy Mosher of HRIC and Gail Rachlin of FDI, the confiscations have continued to take place in 2005 (Mosher 22 June 2005; Rachlin 23 June 2005). A circular released by the Ministry of Public Security on 22 July 1999 prohibited any publication or distribution of Falun Gong material (Xinhua 15 Jan. 2001).

The 22 July 1999 circular also prohibited activities that would "disturb ... social order or oppose ... government" (Xinhua 15 Jan. 2001). In accordance with the People's Police Law, the police can break up public gatherings of Falun Gong practitioners and detain those who refuse to disperse (ibid.). Article 300 of the Criminal Law Code of China also contains provisions for laying charges against those who use sects and heretical organizations as a means to "disrupt the implementation of state laws and administrative rules and regulations" (Forum 18 28 Apr. 2004).

According to one report, Falun Gong practitioners were banned from travelling to Beijing in the lead-up to the opening of the National People's Congress and the Chinese People's Political Consultative Conference in March 2003 (*Beijing Review* 27 Feb. 2003).

According to Forum 18, Article 124 of China's Criminal Law Code stipulates that those who "sabotage" television or radio broadcasting facilities are subject to imprisonment (Forum 18 28 Apr. 2004). In one case in Changchun, Jilin Province, a Falun Gong practitioner was given a 19-year prison sentence for his role in unlawfully broadcasting a program on Falun Gong on a cable television station (BBC 30 Dec. 2003).

According to the Committee to Protect Journalists (CPJ), Guo Guoting, a defence attorney for a number of detained journalists, dissidents and Falun Gong practitioners, had his law license suspended for a year for allegedly posting articles online that were critical of the Communist Party (CPJ 1 Mar. 2005). However, Guo stated that he was being punished for taking on cases involving freedom of expression and religion (ibid.). Just a week before his license was suspended, Guo was prevented by authorities from visiting the jailed writer, Zhang Lin, who had been imprisoned for posting articles about Falun Gong on the Internet (ibid.). Following the official banning of Falun Gong in July 1999, the Chinese Supreme Court reportedly issued a directive instructing lower courts and lawyers to refuse to deal with cases brought forward by Falun Gong practitioners who alleged mistreatment by authorities (*The Age* 16 Oct. 2004).

"Transformation" Centres

In January 2001, following the self-immolations, the 610 Office issued a country-wide order to neighbourhood committees, government institutions and companies to send Falun Gong practitioners to intensive study sessions in order to induce them to renounce their beliefs (China Rights Forum Fall 2001; US June 2004, 11). So-called "transformation" centres, which fall outside the reach of the judiciary, were set up at the provincial level to compel practitioners to abandon Falun Gong (HRW Jan. 2002, 58). The International Religious Freedom Report 2001 claimed that authorities made local officials, family members and employers responsible for preventing known practitioners from engaging in Falun Gong-related activities (26 Oct. 2001, Sec. 2); schools and employers were required to monitor Falun Gong practitioners and have them sign a statement of renouncement (Rachlin 2 Dec. 2003). If the practitioners refused, they were to be turned in to the local police (ibid.). Grace Wollensak, a representative of the Falun Dafa Association of Canada (FDAC), commented that because employers were not allowed to have Falun Gong practitioners among their workforce, many were compelled to fire practitioners or send them to "transformation" centres (29 June 2005a). According to the representatives of both HRIC and FDI, by 2005 these policies had not changed (Mosher 22 June 2005; Rachlin 23 June 2005), though their implementation had become "more secretive" (ibid.). Wollensak commented that "there are many cases [of] practitioners [having] lost their jobs" but she did not provide any examples (29 June 2005a). The US Department of State reported in June 2004 that "[t]housands of individuals may still be undergoing criminal, administrative, and extra-judicial punishment for engaging in Falun Gong practices, admitting adherence to it, or simply refusing to condemn it" (US June 2004, 12).

According to *Dajiyuan*, the Chinese-language version of *The Epoch Times*, in late 2003, the vice-president of Chongqing University admitted at a meeting of university presidents in Philadelphia that known Falun Gong practitioners within the student body could be suspended for their beliefs (5 Dec. 2003). Subsequently, the vice-president retracted his statements (*Dajiyuan* 5 Dec. 2003). Falun Gong sources claim that, beginning in 1999, students and instructors in certain universities who continued to practise Falun Gong have been forced to leave their place of study or work (Australian Falun Dafa Information Centre 2 Aug. 2004; Falun Dafa Clearwisdom Mar. 2000), and could return only if they signed a statement renouncing Falun Gong (ibid.).

Grace Wollensak noted in 2003 that employers might be required to pay a "re-education tuition" fee to send practitioners, who themselves were unable to pay, to re-education classes (4 Apr. 2003). Wollensak pointed to the case of Zhang Kunlun, a prominent researcher and sculptor from Shandong Art University, whose employer allegedly paid his "re-education tuition" (4 Apr. 2003).

"Re-education through Labour" Camps

"Re-education through labour" (RTL) camps are a form of administrative detention dealt out to those who have been found to have committed minor offences but who are not considered criminals (HRW Jan. 2002, 53, 98). RTL camps are often referred to as "reform through labour" camps (The Age 16 Oct. 2004; The New York Times 9 May 2005) but HRW notes that this is inaccurate, as "reform through labour" (laogai) refers to a system of prisons, labour camps and labour farms for those who are sentenced through a judicial process (Jan. 2002, 98). Sources state that usually authorities can send people to RTL camps for up to four years without providing them a trial or legal representation (The Age 16 Oct. 2004; The Economist 21 Dec. 2002, 52; Forum 18 28 Apr. 2004; HRW Jan. 2002, 99; The New York Times 9 May 2005). A 2002 Chinese book of guidelines on handling RTL cases concluded that the RTL camp sentencing procedure does not meet the requirements outlined in the International Covenant on Civil and Political Rights, which China signed in 1998 but has not ratified, nor is it in accordance with the country's judicial system (The Economist 21 Dec. 2002, 52). However, according to the head of the Masanjia RTL camp in Liaoning Province, "strict legal procedures" had to be followed when authorities were deciding whether to detain someone at the camp (Xinhua 23 May 2001). These included seeking the approval of a regulatory committee made up of representatives from the police, the judiciary, the labour department, the women's federations and the youth leagues before someone is sent to an RTL camp (ibid.). However, according to The Economist, the process was "open to abuse" (21 Dec. 2002).

According to those detained, conditions and treatment inside the camps vary (*The New York Times* 9 May 2005). While all inmates are expected to do some manual labour or factory work, some have reported "mild" treatment and others harsher conditions (ibid.). There are an estimated 300 RTL camps in China (ibid.).

The majority of Falun Gong practitioners apprehended by authorities have been sent to RTL camps (HRW Jan. 2002, 53, 98). According to Xinhua, "those who have disturbed social order, refused to break their ties with the cult, or committed minor cult-related crimes will be sent to labour camps for transformation" (15 Jan. 2001). In 2002, Falun Gong practitioners in the RTL camps made up roughly 28 per cent of the camp population nationwide (The Economist 21 Dec. 2002) and tended to be the "most active" adherents (China Rights Forum Fall 2001; US June 2004, 11; see also HRW Jan. 2002, 58), or those who had refused to recant their beliefs at "transformation" sessions (International Religious Freedom Report 2001 26 Oct. 2001, Sec. 2). Foreign journalists who visited the Masanjia RTL camp in Liaoning province in 2001 were told that no detainee had been brought to the camp merely for being an adherent of Falun Gong (Xinhua 23 May 2001). One detainee who was interviewed told journalists she had been brought to the camp for distributing Falun Gong pamphlets (ibid.). The Falun Gong claimed in June 2005 that more than 100,000 practitioners had been sent to labour camps since the official ban on Falun Gong took effect in July 1999 (Falun Dafa Clearwisdom 13 June 2005). However, HRW cautioned that "Falungong's own list of those administratively sentenced is dependent on leaked information, and is often missing crucial data, such as dates of detention, length of terms, and home towns, making corroboration difficult" (Jan. 2002, 58).

One former university lecturer who had been fired for adhering to Falun Gong and later arrested for continuing to hand out Falun Gong pamphlets reportedly died in August 2004 while incarcerated in an RTL camp (*The Age* 16 Oct. 2004). Suicides have also been reported in labour camps. For instance, in 2001, the Hong Kong-based Information Center for Human Rights and Democracy (ICHRD) said that 10 of 16 Falun Gong practitioners who had attempted a mass suicide in an RTL camp in Harbin had died (Chang 2004, 28). However, the government reported only three deaths in the incident (ibid.).

Psychiatric Institutions

Besides being interned in RTL camps, Falun Gong practitioners have also reportedly been incarcerated in psychiatric institutions, although the criteria for this type of detention are unclear (HRW Jan. 2002, 62). Alan Stone, the Harvard University professor who was part of a task force investigating allegations of misuse of psychiatry in China, reported no uniform government policy in his analysis of hundreds of accounts of psychiatric incarceration of Falun Gong practitioners (Stone Nov. 2004). In his judgment, the psychiatric facilities were being used by provincial authorities as "one disposition for stubborn Falun Gong practitioners" (ibid.). Many appeared to have been sent to psychiatric hospitals from labour camps, not at the initiation of psychiatrists, but by local authorities, including security officials (ibid.). There were other accounts of roundups of

practitioners, some from protests, and others as they attempted to make their way to Beijing to protest (ibid.). Some practitioners had been brought to psychiatric facilities by family members (ibid.).

HRW commented in its 2002 report that based on information available about practitioners held in psychiatric institutions, "more than 75 percent of those whose sex is listed are women, a profile which fits with reports that the majority of resolute protestors [are] women" (Jan. 2002, 63). Falun Gong alleges that thousands of practitioners have been confined to psychiatric hospitals since the official ban on the practice in 1999 (Falun Dafa Clearwisdom 13 June 2005). However, Stone reported that "hundreds" of practitioners had been sent to psychiatric hospitals and that there was a decline in the number of reports of psychiatric incarcerations of Falun Gong practitioners in 2004, compared with previous years (Stone Nov. 2004).

Mass Arrests

The FDI claimed in a 22 April 2005 article that Chinese Communist Party authorities had recently unleashed the "largest" campaign of mass arrests of practitioners since the July 1999 ban. According to the FDI, the arrests were in response to a series of essays published by The Epoch Times in November 2004, entitled "Nine Commentaries on the Chinese Communist Party" ("Nine Commentaries"), that are highly critical of the party (22 Apr. 2005; The Epoch Times 31 May 2005). According to the FDI, the "Nine Commentaries" prompted the Chinese authorities in March 2005 to issue internal documents instructing police to raid the homes of Falun Gong practitioners and arrest anyone affiliated with the practice (FDI 22 Apr. 2005). Stacy Mosher stated that Human Rights in China had not received any information about mass arrests resulting from the publication of these essays (Mosher 22 June 2005), and no information corroborating the FDI's claim could be found among sources consulted by the Research Directorate. The Epoch Times and Falun Gong allege that the "Nine Commentaries" has also prompted over a million members of the Chinese Communist Party (CCP) to withdraw from the party (Epoch Times 31 May 2005; FDI 22 Apr. 2005). The Epoch Times, which began publication as a Chinese-language newspaper, Dajiyuan, in New York in 2000 (Epoch Times n.d.), is circulated in eight languages in thirty countries (Boston Globe 31 May 2005). While the paper denies any official connection with Falun Gong, links have been made between The Epoch Times and Falun Gong practitioners (ibid.; see also The Standard 12 May 2005). The US-based Committee to Protect Journalists reported that several Chinese writers who have contributed stories to The Epoch Times were recently imprisoned in China (Boston Globe 31 May 2005).

Falun Gong claims that statistics it has compiled indicate that since July 1999, six thousand practitioners have been "illegally" sentenced to imprisonment (Falun Dafa Clearwisdom 13 June 2005). Furthermore, Falun Gong practitioners maintain that more than 2,529 adherents have been "tortured to death in over 30 provinces, autonomous regions and municipalities" across China (ibid.). However, such allegations of torture and death have been "impossible to prove or disprove" (*The New York Times* 9 May 2005; see also HRW Jan. 2002, 5). For its part, the Chinese government has denied responsibility for deaths of those held in police custody, claiming instead that Falun Gong practitioners have died of natural causes, or by committing suicide (Chang 2004, 25) or as a result of hunger strikes (HRW Jan. 2002, 59). Gao Zhisheng, a Beijing lawyer who advocates changes to China's legal system, told *The New York Times* that practitioners were still being imprisoned in 2005 (9 May 2005).

Variance in Treatment among Provinces

Based on information provided by Falun Gong, the treatment of practitioners varies by region, with the northeastern provinces characterized by treatment of a "particular harshness" (Mosher 30 Mar. 2005; ibid. 28 Mar. 2005). Falun Gong alleges that the greatest number of deaths resulting from the government crackdown on the practice have occurred in the northeastern provinces of Heilongjiang, Jilin and Liaoning while Guangdong and Fujian in the southeast have experienced significantly fewer deaths (Falun Dafa Clearwisdom 13 Mar. 2005). However, HRW reported in January 2002 that efforts at controlling Falun Gong had been most extensive in the central eastern province of Shandong (63). In March 2005, Falun Gong reported 129 deaths in custody in Shandong since July 1999 (Falun Dafa Clearwisdom 13 Mar. 2005).

Stacy Mosher at HRIC stated that thepattern of variance province to province in the treatment of Falun Gong practitioners is consistent with the variance in the treatment of political dissidents and Christians, among others (22 June 2005). Maria Hsia Chang stated that when the ban on Falun Gong was implemented in July 1999, local and provincial authorities were given "carte blanche" by the central government to carry out its directives against Falun Gong practitioners (29 Mar. 2005). The discretion exercised by local and provincial officials resulted in varying treatment at the provincial level (Chang 29 Mar. 2005). Likewise, Stacy Mosher noted, local officials may choose tactics they consider to be the most "effective" or "suitable" in handling Falun Gong practitioners (22 June 2005). In 2002, Human Rights Watch argued that the case of Zhang Kunlun, a Falun Gong practitioner from Shandong who was detained and released several times between June 2000 and January 2001, showed that local authorities had to continually respond to changes in instructions from the central government in Beijing and that sentencing practices had been arbitrary (Jan. 2002, 50).

Treatment of Practitioners in Guangdong and Fujian

Stacy Mosher at HRIC, in response to a question about variance in treatment of practitioners among provinces, commented that "[s]outhern provinces such as Guangdong and Fujian have always been much more relaxed [than the northeast] in every respect" (22 June 2005). However, Falun Gong reported in 2001 that the Guangdong provincial government had sent "thousands of armed policemen" to the capital, Guangzhou, and other areas of the province to "round up and arrest Falun Dafa practitioners" (Falun Dafa Clearwisdom 28 June 2001). According to a 5 June 2002 report by Clear Harmony, a Website run by a group of Falun Gong practitioners in Europe (Clear Harmony n.d.), security departments in all work units in Guangdong Province were offered 3,000 RMB ([CAN \$556.50 on 5 June 2002] Bank of Canada 17 Oct. 2005) for "each Falun Gong practitioner brought in."

Falun Gong alleged in 2001 that the "Drug Abstinence House of Baiyun District" in Guangzhou was built to "transform" practitioners (Falun Dafa Clearwisdom 23 Mar. 2001). Those who refused to write the "Three Statements" (the Break Statement, the Repentance Statement and the Guarantee Statement) repudiating Falun Gong were told they would be detained at the Drug Abstinence House until they either repented their beliefs or were sent to RTL camps (ibid.).

Among other detention centres in Baiyun District, the Baiyun Mental Rehabilitation Centre was reportedly "established as a charitable organization under the supervision of Guangzhou City" but used to detain Falun Gong practitioners (Falun Dafa Clearwisdom 3 May 2002). Falun Gong alleged that Falun Gong detainees were subjected to beatings by "drug addicts" who were also detained there (ibid.).

Falun Dafa Clearwisdom claimed in March 2005 that 37 Falun Gong practitioners had died as a result of the "persecution" in Guangdong between July 1999 and March 2005 (13 Mar. 2005).

Scant information on the situation of Falun Gong practitioners specifically in Fujian Province could be found among the sources consulted by the Research Directorate. According to Falun Dafa Clearwisdom, nine practitioners had been reported killed in the province as a result of the crackdown between July 1999 and March 2005 (13 Mar. 2005).

Treatment of Practitioners in the Northeast

The spokesperson at the Falun Dafa Information Center points out that Falun Gong as a practice first emerged in the northeast, where it rapidly gained in popularity (Rachlin 23 June 2005; HRW Jan. 2002, 59). According to Gail Rachlin, "[t]his fact is not lost on China's top leaders and so they, it would be safe to assume, concentrate persecutory efforts more in the northeast region" (Rachlin 23 June 2005).

Asia Times Online reported in a 10 April 2002 article that the northeast region of China - called the rustbelt due to the decline of its once thriving heavy industry - was "a breeding ground for Falungong practitioners" because of its slow economy. The north has been particularly prone to violent labour agitation, and *Asia Times Online* claimed that in such an environment, government action against Falun Gong practitioners risked turning adherents into "militant[s]" (10 Apr. 2002).

According to *China Daily*, Heilongjiang, Jilin and Liaoning began suffering from a sluggish economy in the 1990s as market reforms were implemented throughout the country (13 Oct. 2003). Stacy Mosher, the communications director at HRIC, noted that "it's possible that the economic problems of the Northeast create a climate of general unrest that local officials seek to suppress by oppressive tactics on all fronts" (22 June 2005).

The Dalian City 621 Center in Liaoning Province, described by Falun Dafa Clearwisdom as a "forced-transformation Center," was reportedly founded in 1999 for the purpose of "suppress[ing] Falun Gong even before the large scale arrest[s] on July 20th, 1999" (Falun Dafa Clearwisdom 17 Dec. 2000). Falun Dafa Clearwisdom alleged that the 621 Center was located in the backyard of an RTL camp in the city and that it housed detained practitioners who were released upon writing a "guarantee letter" promising to abandon the movement (17 Dec. 2000). Those who refused to write the letter were sent to the adjacent RTL camp (Falun Dafa Clearwisdom 17 Dec. 2000).

Falun Dafa Clearwisdom alleged in 2001 that approximately 5,000 Falun Gong practitioners were being held in various detention centres and mental hospitals throughout Liaoning Province (30 Nov. 2001). The same Website reported that, from July 1999 to 13 March 2005, 190 practitioners had died in police custody in Heilongjiang, 170 in Jilin and 187 in Liaoning (Falun Dafa Clearwisdom 13 Mar. 2005).

Treatment of Practitioners Following Detention

According to one news source, detained practitioners are usually not released until they have agreed to renounce their belief in Falun Gong (*Atlanta Journal-Constitution* 14 Jan. 2004). However, *The Australian* newspaper *The Age* reported that a former Falun Gong detainee who was purportedly sent to a Guangdong labour camp and then to a psychiatric facility in Guangzhou was released without having signed a letter of renunciation after she carried out a hunger strike that reportedly "brought her close to death" (16 Oct. 2004).

Both Gail Rachlin at FDI and Grace Wollensak with the FDAC claimed that, usually, local authorities will monitor former Falun Gong detainees (Rachlin 23 June 2005; Wollensak 4 Apr. 2003). Furthermore, some former detainees have been pressured into helping authorities "'convert'" known Falun Gong practitioners in their area (Rachlin 23 June 2005). The communications director of HRIC indicated that those former detainees who show an inclination for "causing further trouble" are particularly targeted for monitoring (Mosher 22 June 2005). According to Rachlin, monitoring is "especially strict" for former detainees whom authorities suspect of holding information they may wish to send overseas or post on the Internet (Rachlin 23 June 2005). The practitioner profiled in *The Age*, who had refused to sign renunciation letters and had held a hunger strike, reported that, upon her release, she was "under constant watch" of the local 610 Office in Maoming, Guangdong (16 Oct. 2004). The extent of monitoring of former detainees also varies according to region and the number of released practitioners in a particular locale (Mosher 22 June 2005; Wollensak 29 June 2005a). According to Grace Wollensak, depending on the region, some former detainees are required to report to police on a daily or monthly basis (4 Apr. 2003).

Wollensak also maintained that practitioners released from re-education may face difficulties obtaining a work promotion due to the perception that they are troublemakers (4 Apr. 2003).

Both Gail Rachlin and Stacy Mosher stated that their respective organizations were aware of some former Falun Gong detainees who have been able to leave the country (Mosher 30 Mar. 2005; Rachlin 23 June 2005). In particular, it is possible for those with family members overseas to leave China on family reunification grounds (Mosher 30 Mar. 2005), or else through connections or "contacts with officials who are sympathetic" (Rachlin 23 June 2005). In contrast, the former detainee from Guangzhou profiled in *The Age* claimed to have been told by police that she would be unable to obtain a passport to leave China (16 Oct. 2004). According to *Country Reports 2002*, some Falun Gong practitioners allegedly had difficulty obtaining passports that year (31 Mar. 2003, Sec. 2). Grace Wollensak stated that there was a high likelihood that practitioners who had undergone re-education would face difficulties in obtaining passports, as well as securing state housing or pensions (4 Apr. 2003).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection.

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