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China's Crackdown on Falun Gong

by Erin Chlopak*

What is Falun Gong?

Falun Gong, also known as Falun Dafa, is an ancient Chinese meditation practice, or *gigong*, which seeks to nurture the mind and body through the mixture of Buddhist beliefs, slow movements, and martial-art-type exercises, while emphasizing the fundamental principles of "truth, benevolence, and forbearance." Literally, "Falun Gong" means "Cultivation of the Wheel of Law," while "Falun Dafa" translates to "Great Wheel of Buddha's Law."

Falun Gong was introduced in China in 1992 by Li Hongzhi, one of many *gigong* masters who sought to gain followers by promoting his own variety of *gigong*. Li's quick success resulted in Falun Gong's transformation into an international phenomenon, attracting millions of people in over forty countries. Such widespread popularity has generated concern within the Chinese government. Fearing the potential influence such a popular movement could have within China, the Chinese government has characterized Falun Gong as an evil cult and has carried out an extensive campaign to eliminate the group's presence from Chinese society.

The Chinese Campaign against Falun Gong

The first major conflict between the Chinese government and Falun Gong occurred on April 25, 1999, when over 10,000 Falun Gong followers orchestrated a peaceful demonstration surrounding Zhongnanhai, the Chinese leadership compound in Beijing. The protest was carried out in response to reports of violence by Chinese officials against Falun Gong practitioners, and as an objection to the government's proscription of Falun Gong publications. The demonstration was nonviolent; the *New York Times* reported that protestors remained "motionless, calm and seated on the sidewalk." The Chinese government was nonetheless concerned with the magnitude of the apparently benign demonstration. Some have compared it to the 1989 student-led protests in Tiananmen Square. Nevertheless, the resolution to this initial confrontation was diplomatic: several Falun Gong followers discussed their grievances with government officials at the scene, and the protesters retreated in peace.

Perhaps fearing the potential strength of the group, by late July 1999 the Chinese government responded with a massive crackdown on Falun Gong. The Chinese government currently utilizes legal institutions to carry out the crackdown. Specifically, China's Ministry of Civil Affairs and Public Security censors Falun Gong activities; the National People's Congress has established crimes and penalties for the continued practice and advocacy of Falun Gong; and the Supreme People's Court prosecutes and punishes Falun Gong practitioners. Additionally, the official Chinese media facilitates the government's propaganda campaign against Falun Gong by characterizing Falun Gong as a "dangerous 'evil sect'."

The State Council's Censorship of Falun Gong

In April 1999 the State Council Ministries of Civil Affairs and Public Security officially banned the practice and promotion of Falun Gong. The ban was carried out through the confiscation and public destruction of millions of Falun Gong books, tapes, and other materials, and by blocking access to all Internet websites related to Falun Gong. The ban also prohibited assembly of Falun Gong practitioners. The censorship efforts extended beyond the territorial limits of China: two government-funded Chinese academic institutions hacked into Canadian Internet service providers that hosted Falun Gong websites.

Detention, Prosecution, and Reeducation of Falun Gong Practitioners

The government's eradication campaign also led to the detention of thousands of Falun Gong practitioners. Ye Xiaowen, Director-General of China's State Administration of Religious Affairs, reportedly told China's official *Xinhua News Agency* that by August 2000, 151 Falun Gong practitioners were convicted for using Falun Gong to create social chaos or "other crimes," and had received criminal penalties, including prison sentences. In her article, "Falun Gong: An Analysis of China's National Security Concerns," published in the March 2001 issue of the *Pacific Rim Law and Policy Journal*, Kelly Thomas cites reports from Amnesty International stating that as of early 2001, over 600 Falun Gong followers were forcibly committed to mental hospitals, 10,000 were sent for "re-education through labor without trial," and 50,000 Falun Gong followers were held against their will in temporary detention centers, where they reportedly risk torture and even death. In "Judicial Psychiatry in China and its Political Abuses," published in the Spring 2000 issue of the *Columbia Journal of Asian Law*, Robin Munro, Senior Research Fellow at the Law Department and Center of Chinese Studies at the University of London's School of Oriental and African Studies, described the conditions often faced by Falun Gong practitioners forced into mental hospitals: "[p]eople are drugged with various unknown kinds of medication, tied with ropes to hospital beds . . . subjected to electro-convulsive therapy or painful forms of electrical acupuncture treatment, denied adequate food and water . . . forced to write confessional statements renouncing their belief in Falun Gong as a precondition of their eventual release, and then required to pay fines . . . for their board and treatment in the hospital."

Forced "Re-education" of Falun Gong Practitioners

China's *Xinhua News Agency* reported that the Chinese government claims it has prosecuted only a minority of Falun Gong practitioners. According to a senior official of Chinese religious affairs, the vast majority of those prosecuted



Credit: Erin Chlopak

A visiting scholar at George Washington University, originally from the Yun Nan Province of China, practices Falun Gong at a protest site in Washington, D.C.

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“ . . . have been converted to normal life after persuasion and education for over a year.” While China claims its re-education of Falun Gong practitioners is successful, the re-education component of China’s anti-Falun Gong campaign may be its least effective. Re-education is pursued through the detention of practitioners, who are forcibly enrolled in classes that teach the government’s anti-Falun Gong philosophy. Some who have completed the program report that at the conclusion of the re-education session, detainees are forced to sign a statement promising not to continue practicing Falun Gong, and another statement asserting that Falun Gong is an evil cult. Despite these apparent conversions, however, not all detainees who complete the re-education process actually renounce their commitment to Falun Gong.

Violent Repression of Falun Gong Practitioners

Violence is integral to China’s campaign against Falun Gong and, as one government official commented, “practitioners who are not beaten generally do not abandon the group.” The *Washington Post* and Amnesty International noted that in 2001 the central Chinese leadership—for the first time in its effort to purge China of Falun Gong—officially sanctioned the systematic use of violence against the group’s practitioners. The *Washington Post* further reported that, according to government sources and Falun Gong practitioners, Chinese officials employ a variety of violent practices, such as beating detainees and shocking them with electric truncheons. Officials also torture detainees with “unbearable physical pressure.” For instance, detainees are forced to squat on the floor for days at a time. In addition, Amnesty International has documented the use of electric shock batons to beat practitioners, and a device called the “Di Lao,” in which a victim’s wrists and feet are “shackled and linked together with crossed steel chains making it nearly impossible to walk or sit down.”

The Chinese Media’s Propaganda Campaign against Falun Gong

While the government’s campaign of violence endeavors to abolish the practice of and belief in Falun Gong, the propaganda campaign has been effective in gaining public support. The most common and seemingly most effective element of the propaganda campaign is recurrent broadcasting and reporting of the self-immolation of several alleged Falun Gong practitioners in Tiananmen Square in January 2001. By repeatedly depicting images of a young girl burning alive while asserting that Falun Gong preaches that such self-immolation will lead its followers to paradise, the Chinese government reportedly has succeeded in persuading many people that Falun Gong is an “evil cult.” In response to the self-immolations, several unnamed Falun Gong spokespersons attempted to disassociate the movement from such events, expressing skepticism about whether those who set themselves on fire actually were Falun Gong members.

Consequences of China’s Crackdown on Falun Gong

Perhaps the most disturbing element of China’s campaign against Falun Gong is reports of its fatal consequences in some cases of detained practitioners. In a recent briefing

on human rights conditions in China, Amnesty International noted that since the group was banned in July 1999, over 250 Falun Gong practitioners have died while in official custody. According to Amnesty International, many of these deaths resulted from torture and ill treatment while in government custody. The Chinese government officially reports these deaths as suicides. Reported attempts by Chinese officials to conceal or destroy evidence by hastily cremating the victims before relatives could see the bodies or before autopsies could be performed compound the suspicion surrounding these deaths.

International Legal Consequences of China’s Actions against the Falun Gong

China’s crackdown on Falun Gong demonstrates a disturbing irony. In spite of the country’s long-standing record of deficient human rights practices, the Chinese government seemingly desires to improve its reputation, as suggested by its ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), one of the more progressive international human rights treaties. Additionally, in November 2000 China’s Vice Foreign Minister Wang Guangya and UN High Commissioner for Human Rights Mary Robinson signed a memorandum asserting the Chinese goal of harmonizing its domestic laws with its international commitments. China’s treatment of Falun Gong practitioners blatantly violates these obligations.

In addition to its obligations under the ICESCR, China has expressed its intention to abide by broader international human rights principles through membership in the United Nations and by ratifying and/or signing other international treaties. As Kelly Thomas argued in *Falun Gong: An Analysis of China’s National Security Concerns*, China’s membership in the UN constitutes a pledge by the Chinese government to promote the UN Universal Declaration of Human Rights (UDHR). Similarly, as a signatory to the International Covenant on Civil and Political Rights (ICCPR) since 1997, China acknowledges its duty to protect the rights enunciated in the treaty.

China’s Acknowledgment of Universal Declaration of Human Rights Principles

As a member of the United Nations, China is bound to promote respect for the rights and freedoms enumerated in the UDHR, and, as the Declaration states in its preamble, to “[s]ecure their universal and effective recognition and observance . . . among the peoples of Member States themselves.” The various articles of the UDHR proclaim, *inter alia*, the universal right of “everyone” to be free from torture or other cruel, inhuman or degrading treatment or punishment (Article 5); the right to receive equal protection against discrimination (Article 7); the right to be treated without distinction on the basis of, *inter alia*, religion or political or other opinion (Article 2); the right to be granted a “fair and public hearing by an independent and impartial tribunal, in the determination of [one’s] rights and obligations and of any criminal charge against [a person] (Article 10);

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“freedom of thought, conscience and religion,” and the freedom to “manifest [one’s] religion or belief in teaching, practice, worship and observance” (Article 18); and freedom of opinion and expression, including the right to “hold opinions without interference” (Article 19). China’s treatment of Falun Gong practitioners, and of the practice of Falun Gong throughout China, stands in marked contrast to its acceptance of such principles. In fact, in August 1999 the UN denounced China’s treatment of Falun Gong, declaring that the banning of the group, the destruction of its materials, the detention of its practitioners, and the prevention of their free assembly violates the “spirit and provisions” of international human rights instruments.

China’s Commitments under the International Covenant on Civil and Political Rights

Many of the principles expressed in the UDHR are codified in the ICCPR, which China signed in 1998, but has yet to ratify. In particular, the ICCPR proscribes the subjection of any person to torture or cruel, inhuman, or degrading treatment or punishment (Article 7), and to arbitrary arrest or detention (Article 9(1)). The ICCPR further pronounces the right of everyone to freedom of thought, conscience, and religion, including the right to manifest one’s beliefs, and the right to be free from coercion (Article 18). In spite of China’s failure to ratify the ICCPR, its signature of the treaty indicates the government’s recognition of the significance of the principles the ICCPR codifies. Moreover, China did not enter any reservations when it signed the ICCPR, nor has it made any relevant statements. China’s aggressive actions against the Falun Gong constitute blatant contradictions of ICCPR principles, and shed doubt on the government’s professed commitment to improving its human rights record.

China’s Obligations under the Convention Against Torture

China’s obligation to refrain from sanctioning or permitting torture or other forms of cruel, inhuman, or degrading treatment or punishment is explicit and solidified by China’s ratification in October 1988 of the Convention Against Torture (CAT). The CAT defines torture as any act “by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining . . . information or a confession, punish[ment], or . . . intimidat[ion]” (Article 1 (1)). The state-sanctioned methods of inflicting physical suffering and forced “reeducation” to compel Falun Gong practitioners to renounce their beliefs and commitments exemplifies the definition of torture. China’s only reservations regarding the CAT relate to the authority of the Committee against Torture and the International Court of Justice to investigate and arbitrate, respectively, alleged violations.

China’s National Security Defense

To justify the government’s abusive tactics, the Chinese media characterizes Falun Gong founder Li Hongzhi as “anti-China” and accuses the group of conspiring to overthrow the Chinese government. In July 2000, the official *Xinhua News Agency* described Falun Gong as “an evil force

which is anti-science, anti-humanity, anti-society and anarchistic,” as well as “a trouble-making group that attempts to challenge the [Communist] Party and the government.” More recently, in January 2001 the *Agency* cited reports from China’s widely read newspaper, *People’s Daily*, which suggested that Falun Gong sought to “topple” the leadership of the Central Committee of the Communist Party of China and the Chinese government.

Even if Falun Gong did present a legitimate threat to Chinese security—a claim that seems to lack credibility—the particular human rights principles enshrined in the UDHR, ICCPR, and the CAT are internationally recognized as non-derogable. Specifically, although international law recognizes the right of states to derogate from some of their international obligations in times of public emergency or when the security of the state may be in jeopardy, the fundamental human rights, which China continues to violate in its campaign against Falun Gong, are not among those from which states may derogate. In particular, Article 4 of the ICCPR permits State Parties to derogate from their obligations under the treaty in public emergencies, as required by “the exigencies of the situation,” but excludes, *inter alia*, Articles 7 and 18, which proscribe torture, inhuman, or degrading treatment or punishment, and protect freedom of thought, conscience and religion, respectively. Similarly, Article 2(2) of the CAT proclaims, “[n]o exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.” China’s ostensible security concerns fail to

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justify the treatment of Falun Gong practitioners.

Conclusion

China’s abusive tactics toward Falun Gong contradict the government’s apparent objective of improving its historically problematic human rights record. Moreover, the development of the conflict between the Chinese government and Falun Gong demonstrates that abusing human rights as a means to repress internal opposition not only violates a variety of international human rights principles, but is an ineffective means of achieving such repression. As China’s treatment of Falun Gong demonstrates, excessive forms of repression often unify and empower those that the government seeks to repress, rather than facilitating their defeat.

Ironically, the conflict between the Chinese government and Falun Gong is largely the government’s own creation. Before China took action, Falun Gong was simply a form of meditation that gained popularity for its promotion of spiritual and physical cultivation. In July 1999, responding to China’s initial crackdown, Falun Gong founder Li Hongzhi released a statement in which he explained that Falun Gong is nothing more than a popular *gigong* activity, which lacks any organizational structure or political objective. The Chinese government’s repressive efforts present a paradox: the campaign to eliminate Falun Gong has transformed the benign form of meditation into a powerful, international movement, backed by the fundamental support of its believers and the encouragement of human rights and political activists throughout the world. ☺

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