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IRB – Immigration and Refugee Board of Canada

China: Treatment of Falun Gong practitioners by society and by state authorities, including treatment and monitoring outside of China and treatment upon return (2018–October 2020) [CHN200328.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

Sources report that Falun Gong was founded in 1992 and the Chinese government banned it in 1999 (*The Economist* 5 Sept. 2018; Freedom House Feb. 2017, 110). The ban followed a demonstration by thousands of followers in Beijing (*The Economist* 30 Aug. 2018; Freedom House Feb. 2017, 111), demanding "an end to abuses [by the Chinese authorities] and recognition of their right to practice" (Freedom House Feb. 2017, 111). According to a 2017 Freedom House report on religion in China, there are an estimated 7 to 20 million Falun Gong practitioners in China (Freedom House Feb. 2017, 9).

Sources report that Falun Gong is a spiritual practice that incorporates teachings related to Buddhist and Daoist traditions, and Qigong exercises (CFR 11 Oct. 2018; Freedom House Feb. 2017, 110). A September 2018 article by the *Economist* notes that Falun Gong "is a set of meditation exercises and texts that preach the virtues of truth, benevolence and forbearance" (*The Economist* 5 Sept. 2018).

2. Treatment of Falun Gong Practitioners by Society

An October 2019 Australian Department of Foreign Affairs and Trade (DFAT) country information report on China notes that while Falun Gong practitioners can usually practice privately at home, if they become known to authorities, coworkers, or neighbors, they encounter official and societal discrimination (Australia 3 Oct. 2019, para. 3.99). The US Department of State's *International Religious Freedom Report for 2019* indicates that Falun Gong practitioners have reported facing discrimination in housing and employment, as well as experiencing challenges finding landlords who are willing to accept them as tenants (US 10 June 2020, 3, 42). According to Australia's DFAT, Falun Gong members who have been detained can experience challenges finding employment beyond low-skilled work (Australia 3 Oct. 2019, para. 3.101).

3. Treatment of Falun Gong Practitioners by the Authorities

Sources report that the Chinese government maintains an extrajudicial security apparatus to eliminate the Falun Gong movement (Australia 3 Oct. 2019, para. 3.97; US 10 June 2020, 7; Freedom House Feb. 2017, 112). Sources note that this apparatus is known as the 6-10 office, and that the name refers to the 10 June 1999 "crackdown" against Falun Gong (Australia 3 Oct. 2019, para. 3.97; Freedom House Feb. 2017, 112). Australia's DFAT report indicates that the 6-10 office has reportedly established "transformation through re-education centres" that compel Falun Gong practitioners to renounce their religious beliefs (Australia 3 Oct. 2019, para. 3.97). A July 2019 article by Freedom House researcher Sarah Cook on Falun Gong reports that Falun Gong practitioners have also been subject to extrajudicial killings (Cook 22 July 2019).

In its March 2018 submission to the UN Human Rights Council Universal Periodic Review (UPR) of China, the Dui Hua Foundation (Dui Hua), a non-profit humanitarian organization based in San Francisco that monitors and advocates for those detained in China, notes that article 300 of the Criminal Law, "organizing/using a cult to undermine implementation of the law," is often used to charge members of banned religious groups (Dui Hua Mar. 2018, 1, 5). The same source reports having found in 2017, from judgments available online, approximately 800 new names of individuals convicted under article 300 with the "majority" of these cases being related to Falun Gong (Dui Hua Mar. 2018, 5). According to the 2019 annual report by the US Congressional-Executive Commission on China (CECC), 931 Falun Gong practitioners were sentenced for "criminal 'cult' offenses" in 2018 (US 18 Nov. 2019, 9-10). Australia's DFAT report indicates that Falun Gong practitioners who are arrested and charged often receive sentences of three to seven years in prison (Australia 3 Oct. 2019, para. 3.100).

3.1 Surveillance and Monitoring of Falun Gong Practitioners in China

According to written testimony on technological surveillance of religion in China by the Deputy Director of the Artificial and Emerging Technology Initiative at the Brookings Institution [1], from a July 2020 hearing before the US Commission on International Religious Freedom (USCIRF), the Chinese Communist Party (CCP) has used digital surveillance to "target" spiritual movements such as Falun Gong (Meserole 22 July 2020, 4). The Freedom

House researcher indicates that Falun Gong practitioners face "widespread surveillance" (Cook 22 July 2019). The Australian DFAT report notes that "[s]ensitive social groups, including ... Falun Gong practitioners ... have alleged that the government uses a range of surveillance methods to monitor their activities" (Australia 3 Oct. 2019, para. 2.57). The same source notes that Falun Gong practitioners who have been released from detention can be placed under surveillance (Australia 3 Oct. 2019, para. 3.101).

3.2 Detention and Treatment in Detention

The US *International Religious Freedom Report for 2019* indicates that, according to the Political Prisoner Database (PPDB), a database maintained by Dui Hua that "contains information about political and religious prisoners incarcerated in China since 1980" (Dui Hua n.d.), 2,979 Falun Gong practitioners were imprisoned in 2019, compared with 3,486 in 2018 (US 10 June 2020, 12).

According to the CECC report, human rights organizations and Falun Gong practitioners reported cases of physical violence, forced drug administration, and other forms of torture that were used against Falun Gong practitioners in detention (US 18 Nov. 2019, 10). Australia's DFAT states that Falun Gong practitioners have reported mistreatment in detention including "sleep deprivation, enforced standing and kneeling for extended hours, nasal feeding (forced feeding through a tube inserted into the nostril), being forced to drink dirty or salty water, shackling and beatings" (Australia 3 Oct. 2019, para. 4.17). In its 2020 annual report, Freedom House indicates that Falun Gong "[d]etainees typically face torture aimed at forcing them to abandon their beliefs, sometimes resulting in deaths in custody" (Freedom House 4 Mar. 2020, Sec. D2).

The 2020 Freedom House report notes that, while "reeducation through labor [RTL]" camps were abolished in 2013, Falun Gong practitioners "are still held in other forms of arbitrary detention" (Freedom House 4 Mar. 2020, Sec. F2). Sources report that Falun Gong practitioners have been detained in "legal education" facilities (Freedom House 4 Mar. 2020, Sec. D2; US 9 Oct. 2019, 8), or in mental health facilities since the end of the RTL centers (US 9 Oct. 2019, 8). The Australian DFAT report indicates that since the dismantling of RTL centers, Falun Gong practitioners have reportedly faced residential detention, criminal or administrative penalties, or have been released following propaganda training (Australia 3 Oct. 2019, para. 3.98).

Amnesty International indicates that Falun Gong practitioners are subject to "unfair trials" (Amnesty International 22 Feb. 2018, 128). The Australian DFAT report notes that lawyers are often denied access to their Falun Gong practitioner clients while they are in custody and on trial (Australia 3 Oct. 2019, para. 3.102). The US CECC report observes that, in February 2017, a Falun Gong practitioner who was arrested in Beijing and charged with "organizing and using a cult to undermine implementation of the law" said that she was tortured, was subject to arbitrary extended pretrial detention, and was denied proper legal counsel (US 18 Nov. 2019, 85). Amnesty International reports that in May 2017, the trial of a Falun Gong member was adjourned following her lawyer's request that "the court exclude evidence extracted through torture" (Amnesty International 22 Feb. 2018, 128).

3.3 Organ Harvesting

The 2020 Freedom House report notes that "[r]ights activists, journalists, medical professionals, and an independent tribunal of experts sitting in London reiterated concerns during the year regarding unethical and illicit organ sourcing from prisoners, including religious and ethnic minorities such as Falun Gong adherents and Uighurs" (Freedom House 4 Mar. 2020, Sec. F3). In June 2019, the China Tribunal, "an independent people's tribunal" initiated by the International Coalition to End Transplant Abuse in China (ETAC) [2] to investigate organ harvesting in China (China Tribunal n.d.b), concluded that "forced organ harvesting has been committed for years throughout China on a significant scale and that Falun Gong practitioners have been one – and probably the main – source of organ supply" (China Tribunal 17 June 2019, 2). A March 2020 report published by the Victims of Communism Memorial Foundation, an educational and research NGO dedicated to commemorating victims of communism around the world "and to pursuing the freedom of those still living under totalitarian regimes" (Victims of Communism Memorial Foundation n.d.), found that there is evidence that Falun Gong practitioners have been used as a source of organs (Victims of Communism Memorial Foundation 10 Mar. 2020, 35).

3.4 Treatment of Lawyers

The Australian DFAT report notes that lawyers who accept "politically sensitive" clients, including Falun Gong practitioners, "can place themselves at risk of adverse treatment by authorities, including through discrimination, harassment, detention, residential surveillance, movement restrictions, the revocation of lawyer licenses and ill-treatment" (Australia 3 Oct. 2019, para. 3.127). The US Department of State's *Country Reports on Human Rights Practices for 2019* states that the government has suspended the law licenses or business licenses of lawyers who have defended Falun Gong practitioners (US 11 Mar. 2020, 17). The same source also indicates that a lawyer who took on human rights cases, including those of Falun Gong practitioners, was disbarred in May 2018 and subsequently arrested and charged with "inciting subversion of state power" in December 2019 (US 11 Mar. 2020, 13).

Sources report that in January 2019, a human rights lawyer who had taken on the cases of Falun Gong practitioners [and other cases considered "sensitive" by authorities (Reuters 27 Jan. 2019)] was sentenced to four years and six months in prison for "subversion" (Reuters 27 Jan. 2019; *The Guardian* 28 Jan. 2019). According to sources, he was released in April 2020; following his release he was not permitted to reunite with his family in Beijing and was forced to isolate in his former residence in Jinan due to the COVID-19 [coronavirus] pandemic (*SCMP* 6 Apr. 2020; DW 5 Apr. 2020; BBC 5 Apr. 2020).

3.5 Treatment of Family Members of Falun Gong Practitioners in China

An August 2018 report by the Office of the UN High Commissioner for Human Rights (OHCHR) for the UPR of the human rights situation in China notes that the children of Falun Gong practitioners were “arrested, detained, and subjected to ill-treatment and torture” (UN 27 Aug. 2018, para. 56). The Australian DFAT report indicates that family members of Falun Gong practitioners can face discrimination, which can lead to loss of employment, pensions, and relationships (Australia 3 Oct. 2019, para. 3.101). The same source reports that government officials, members of the police, and employees of state-owned enterprises are often obligated to sign a statement indicating that they and their family members are not Falun Gong practitioners (Australia 3 Oct. 2019, para. 3.101). In correspondence with the Research Directorate, a senior lecturer in Chinese politics at the University of Auckland, who has written on the Falun Gong movement, reported that family, friends, colleagues, and distant acquaintances of Falun Gong practitioners could be subject to harassment (Senior Lecturer 14 Sept. 2020). The same source noted that “there is no obvious or externally-explicated logic as to why some individuals are targeted and others are not” (Senior Lecturer 14 Sept. 2020). The same source indicated that, in cases where authorities are pursuing a case against a known Falun Gong practitioner, their family and friends might be subject to harassment as well, particularly if charges are brought against the practitioner under national security laws (Senior Lecturer 14 Sept. 2020).

4. Treatment and Monitoring of Falun Gong Practitioners Outside of China

An August 2018 *Economist* article on Falun Gong notes that Chinese diplomats view the monitoring of Falun Gong activities as an important responsibility (*The Economist* 30 Aug. 2018). The Senior Lecturer indicated that international monitoring of dissident groups, including Falun Gong practitioners, is a key role and foreign policy objective of Chinese consular staff around the world (Senior Lecturer 14 Sept. 2020). The same source noted that “[i]nstances of international monitoring of [Falun Gong] in Canada and abroad are so common as to be unremarkable, and simply too numerous to name” (Senior Lecturer 14 Sept. 2020). The Senior Lecturer stated that common monitoring tactics, used to monitor Falun Gong activity and exercise influence in a target country, include reporting on “anti-China” activity, as well as material [produced and/or disseminated] on university campuses, “usually” by international students from China who “may” form “nationalistic” student associations and “who take advantage of free speech on campuses to stifle dissident claims” (Senior Lecturer 14 Sept. 2020). The “more diplomatic means” employed by Chinese officials, such as gift-giving and leveraging inter-agency connections, are used “to keep tabs” on Falun Gong activity (Senior Lecturer 14 Sept. 2020).

With respect to the harassment of family members, friends, colleagues, and acquaintances of Falun Gong members, the Senior Lecturer indicated that it is more likely for those in China and for individuals with Chinese citizenship, and that while transnational harassment [of those with connections to Falun Gong practitioners] also occurs, it is generally limited to information gathering rather than the [“official” (Senior Lecturer 20 Oct. 2020)] extortion or black-listing that is common in China (Senior Lecturer 14 Sept. 2020). In follow up correspondence with the Research Directorate, the Senior Lecturer stated that “[o]verwhelmingly it is individuals embedded in Chinese diaspora communities, often those with ultra-nationalistic views” who are engaging in the transnational harassment of the family members, friends, and acquaintances of Falun Gong members abroad (Senior Lecturer 20 Oct. 2020). The same source noted that “these individuals do not act of their own accord. Frequently, their orders to disrupt [Falun Gong] practice and community abroad come from state or Party-based bodies, with little or no judicial oversight” (Senior Lecturer 20 Oct. 2020).

5. Treatment of Falun Gong Practitioners in Canada

A May 2020 report by the Canadian Coalition on Human Rights in China, “a coalition of Canada-based civil society organizations with a specific focus on Canada’s foreign policy with China” and Amnesty International Canada on the harassment and intimidation of individuals in Canada who work on human rights issues related to China, states that, “[s]ince 2017, practitioners of Falun Gong have continued to be targeted in Canada through incidents of harassment that appear to be linked to the Chinese state apparatus” (Canadian Coalition on Human Rights in China and Amnesty International Canada 12 May 2020, 7, 3). The same source reports that there have been “a number of” instances of harassment in Ottawa, Calgary, and Winnipeg involving threats against Falun Gong practitioners, and bullying and harassment of Falun Gong practitioners (Canadian Coalition on Human Rights in China and Amnesty International Canada 12 May 2020, 3).

6. Treatment of Falun Gong Practitioners Upon Return to China

US *Country Reports 2019* reports that the Chinese government has denied Falun Gong activists re-entry into China (US 11 Mar. 2020, 56). The Senior Lecturer stated that how Falun Gong practitioners are treated upon entry/return to China depends on numerous factors, especially the frequency of observance and the country of citizenship (Senior Lecturer 14 Sept. 2020). The same source indicated that punishment of those caught practicing Falun Gong is far more severe for Chinese citizens than for foreigners and that the most likely consequence for a foreigner who is caught practicing Falun Gong is to be returned to their country of origin, whereas Chinese citizens are subject to arrest, detention, and in rare cases, forced disappearance (Senior Lecturer 14 Sept. 2020). The source also noted that China does not recognize dual citizenship and might occasionally view an individual with foreign citizenship as “one of their own” if they have Chinese family ancestry (Senior Lecturer 14 Sept. 2020). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

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. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Brookings Institution is a "nonprofit public policy organization based in Washington, DC" that brings together "experts in government and academia from all over the world" (Brookings Institution n.d.).

[2] The International Coalition to End Transplant Abuse in China (ETAC) is an international organization with headquarters in Australia that is "dedicated to ending forced organ harvesting (a form of organ trafficking) in China" (China Tribunal n.d.a).

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Oral sources: Human Rights in China; Human Rights Watch; professor of history at a university in Australia who wrote a book on Falun Gong; professor of political science at a university in California who studies Chinese politics and has written on religious movements in China; research analyst at Freedom House; UN – UNHCR.

Internet sites, including: Bertelsmann Stiftung; CBC; Chinese Human Rights Defenders; CNN; *The Diplomat*; ecoi.net; Factiva; *Foreign Policy*; Global News; *The Globe and Mail*; Human Rights in China; Human Rights Watch; *The National Post*; Radio Free Asia; Swiss Refugee Council; UN – Refworld; University of Toronto – The Citizen Lab; US – US Commission on International Religious Freedom; *The Washington Post*.

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