1. Deleted.

2. Please provide information on the treatment of FG practitioners. Are there ongoing arrests, in what circumstances do these arrests take place and how are those arrested treated, how are those released from prison treated and how are their relatives treated by the Chinese authorities?

Treatment of Falun Gong

Falun Gong practitioners are treated harshly by the Chinese government, which has labelled the movement an “evil cult”. Since Falun Gong was banned in 1999, measures against followers have included:

- severe sentences in prison and administrative detention, allegedly incorporating the use of psychiatric institutions to detain and “re-educate” Falun Gong practitioners;
- an increase in systematic and state sanctioned violence against members;
- an escalated propaganda campaign against Falun Gong, repeatedly reinforcing the government’s message that the group was an “evil cult” which posed a threat to Chinese society; and
- the utilisation of state institutions such as the police and universities to combat Falun Gong.

There have been credible reports of practitioner deaths due to torture and abuse. Followers who refuse to recant their beliefs are sometimes subjected to harsh treatment in prisons, labour camps, and extra-judicial “legal education” centres. Chinese authorities have also attempted to restrict the movement of suspected members within China and to prevent the international press from covering Falun Gong activities. Falun Gong cases are reportedly handled outside normal legal procedures by a special Ministry of Justice office, known as the “610 office”, which oversees the government’s crackdown on Falun Gong.¹

¹ Deleted.

As a result of the government’s campaign against Falun Gong there has been a dramatic abatement in the visibility of the movement in China in recent years. Many practitioners now perform the exercises at home and public demonstrations have become rare, though some followers distribute pamphlets and emails quietly. That notwithstanding, the arrest, detention and imprisonment of practitioners continues.

**Arrests**

In 2009 Amnesty International reported that Falun Gong was among the most persecuted groups in China, and the US State Department and a US Congressional-Executive Commission on China have noted that the Chinese government intensified its campaign against the movement in the year leading up to the Beijing Olympics. Reportedly, thousands of practitioners were detained and hundreds imprisoned or sent to re-education labour camps and other forms of administrative detention during this period – keeping them out of the way of the Games.

It is important to note that the word “arrests” may refer to either instances of formal arrest – which are to be carried out in accordance with the Chinese *Criminal Procedure Law* – or being detained. Under the law, police and security officials are permitted to “detain persons without arresting or charging them”. Reliable sources including the US State Department and Human Rights Watch state that most Falun Gong practitioners are punished administratively, with judicial sentencing typically reserved for core leaders and organisers and “largescale publishers and distributors”.

Reports from Falun Gong and a few independent sources indicate that arrests of practitioners may be arbitrary and occur in a range of circumstances. Possession of Falun Gong literature, internet activity in support of the movement, distributing Falun Gong pamphlets, attempting to broadcast Falun Gong messages through television or radio, and publicly “clarifying the truth” about Falun Gong were mentioned frequently in accounts of practitioner arrests. (Arrests for demonstrating have become less common as public

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10 See for example US State Department 2009, *International Religious Freedom Report 2009 – China*, Section 2, October 29 – Attachment 19; see also “Seven Female Practitioners from Heilongjiang Province Arrested
Falun Gong activity has become, in the words of the US State Department, “negligible”). In addition, informers may assist authorities in identifying Falun Gong practitioners: in one story on the Falun Gong website Clearharmony.net, a taxi driver was arrested by police after a passenger reported that he had commented positively on the movement. In one especially serious case reported by the US State Department and Sunday Times as well as Falun Gong websites, Yu Zhou, a musician, was said to have been arrested on 26 January 2008 after he and his wife were stopped for speeding and police found Falun Gong literature in their car. Yu died in custody 11 days later and his wife was sentenced to three years in prison.

Falun Gong sources claim that practitioners who are arrested or detained even for short periods may be treated badly, becoming subject to threats and abuse. A Falun Dafa Information Center Report cited in the UK Home Office Country Report on China said that in 2008 reported that individuals who were arrested after door-to-door searches uncovered Falun Gong materials were then subjected to “severe torture…to force them to disavow their faith”. There are multiple accounts on Falun Gong websites (i.e., Clearharmony.net, Clearwisdom.net, Faluninfo.net) of practitioners being beaten while under arrest. For example, one Clearwisdom.net entry dated 30 August 2009 reports that a woman who was caught talking to others about Falun Gong was kicked in the chest, had her hair pulled and her face slapped; another source reported that a woman was “hung up and beaten” by police during her arrest, and after her confession and release was unable to walk without assistance.

As noted by the US State Department, reports of abuse are difficult to confirm because the government does not permit foreign officials and journalists to meet with Falun Gong members. However, what is known is that under Chinese law, individuals may be held for extended periods before being formally arrested or charged. In addition, public security organs do not require court-approved warrants to detain suspects under their administrative detention powers. After detention the procuracy can approve formal arrest.
without court approval. According to the law, in routine criminal cases police can unilaterally detain persons for up to 37 days before releasing them or formally placing them under arrest.17 If charges are laid, a person’s release may be delayed much longer, and while “the Criminal Procedure Law allows detainees access to lawyers before formal charges are filed…police often limited such access”.18

**Treatment following release**

There is little independent information regarding the treatment of Falun Gong members who have been released from prison or detention, but Falun Gong sources indicate that practitioners may be watched by authorities and suffer other forms of discrimination, such as loss of employment and expulsion from school or university.

According to Falun Gong spokespersons cited in a 2005 Canadian Immigration and Refugee Board report, authorities often monitor Falun Gong detainees who have been released and may require them to report to police on a regular basis.19 Falun Gong websites such as Clearwisdom.net and Faluninfo.net contain further and more recent accounts of practitioners who have been released but who continue to be under surveillance and/or who must report to police.20 A Falun Dafa Information Center document on member deaths in 2009, for example, notes several cases in which released practitioners have continued to be monitored by the government.21 By way of corroboration, Dr Sarah Biddulph, an academic in the Asian Law Centre at the University of Melbourne, has advised the Tribunal that she would be “fairly confident” that Falun Gong practitioners were included in a “special population” register, that is, “a register of people who have been released from prison, re-education through labour, drug detention”. According to Dr Biddulph, the register “is a list which is kept at the local police station” in order to assist authorities in monitoring persons of interest who are in the area.22

Falun Gong sources further report that practitioners who have been released (or who are near release) may be pressured into aiding government efforts to discredit the movement and dissuade other followers from it23 – claims which find some reflection in accounts of Falun Gong “conversions” on Chinese government-sponsored websites or in the Chinese press.24 For instance, the anti-Falun Gong website Facts.org.cn has a section of purported

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ex-member testimony against the movement. In one representative entry, a former practitioner declares, “I have now broken away from the cult Falun Gong completely with the help and education of the police at the Labor Camp” before going on, “I have fully realized the actual harm of the cult organization Falun Gong.”25 A statement by a former detainee on a Canadian politician’s website describes his experience of being forced to “re-educate” other Falun Gong practitioners as bringing him to the point of “collapse”.26

Falun Gong sources also say that members can lose their jobs and be expelled from school or university, though little information was found regarding employment prospects for practitioners released from prison or detention, specifically.27 A June 2009 article in The Epoch Times noted that a follower who was “fired from her job” soon after release from detention was “one of the hundreds of thousands of Falun Gong practitioners to have been harassed at work and lose their jobs during the persecution in China”.28 In a September 2006 entry on Clearwisdom.net a practitioner said that her job was terminated after she was released from detention; in time, she picked up a new position.29 Another entry on the website related the story of a Falun Gong member who was apparently less fortunate: while she “tried really hard to find jobs…several times, right after she started working, the local 610 Office pressured her employers and she was laid off”.30 On the basis of these reports and information provided previously to the Tribunal regarding the Chinese government’s personal dossier (or dang’an) records on its citizens, it is judged conceivable that a criminal conviction or period of administrative detention – including for Falun Gong activity – could be recorded in an individual’s dang’an, where it might affect his or her opportunities for government employment or further education.31

**Treatment of Falun Gong relatives**

Few independent sources indicate that relatives of Falun Gong members may attract the attention of authorities and become subject to harassment as a result of their association with the movement, but many Falun Gong sources (e.g. The Epoch Times, Faluninfo.net, Clearharmony.net) have claimed that the Chinese government targets relatives of Falun Gong practitioners. In March 2009, for example, an entry on Falun Gong website Clearharmony.net claimed that police had “harassed and intimidated” relatives of a Falun Gong member during his imprisonment – and that these were experiences suffered by many family members of practitioners.32 A May 2008 entry on Faluninfo.net stated that relatives of Falun Gong practitioners have been subject to mistreatment by officials,

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27 “A statement by a former practitioner with relatives of Falun Gong practitioners. In March 2009, for example, an entry on Falun Gong website Clearharmony.net claimed that police had “harassed and intimidated” relatives of a Falun Gong member during his imprisonment – and that these were experiences suffered by many family members of practitioners. A May 2008 entry on Faluninfo.net stated that relatives of Falun Gong practitioners have been subject to mistreatment by officials,

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27 “A statement by a former practitioner with relatives of Falun Gong practitioners. In March 2009, for example, an entry on Falun Gong website Clearharmony.net claimed that police had “harassed and intimidated” relatives of a Falun Gong member during his imprisonment – and that these were experiences suffered by many family members of practitioners. A May 2008 entry on Faluninfo.net stated that relatives of Falun Gong practitioners have been subject to mistreatment by officials,
ranging from forced divorce to loss of employment to expulsion from school.\textsuperscript{33} Another example is an undated Falun Gong Human Rights Working Group webpage alleging that the Chinese government “torments family members in order to pressure…practitioners to renounce Falun Gong”. The entry also claimed that police attempted to extort money from relatives of Falun Gong members.\textsuperscript{34} Further examples are cited in Research Response CHN35355 of August 2009 and in June 2008 and July 2007 reports by the Canadian Immigration and Refugee Board, though again, these are from Falun Gong sources.\textsuperscript{35}

In analysing these reports it is difficult to discern patterns in terms of the circumstances in which relatives are most likely to be harassed by authorities. Families who are vocal in their support for practitioner-relatives seem to be more likely to attract negative attention. In one high-profile example, the daughter of a Falun Gong practitioner who died in prison was herself sentenced to three years of detention after attempting to investigate what had happened to her mother – and sharing her story with the Wall Street Journal.\textsuperscript{36}

The US State Department’s 2008 \textit{Human Rights Report} offers some corroboration of Falun Gong sources in stating that “[f]amily members of activists and rights defenders, Falun Gong practitioners, journalists, unregistered religious figures, and former political prisoners were targeted for arbitrary arrest, detention and harassment”.\textsuperscript{37} No further detail was given regarding the experience of relatives of Falun Gong followers in particular, and no other independent reports were found to corroborate the Falun Gong sources. This likely reflects how difficult it is for outsiders to confirm reports of abuse, given that the Chinese government prevents Falun Gong members from meeting with foreign reporters and government officials.\textsuperscript{38}

\section*{Attachments}

1. Deleted.

2. Deleted.


\textsuperscript{35}RRT Research & Information 2009, \textit{Research Response CHN35355}, 27 August – Attachment 52; Research Directorate Immigration and Refugee Board of Canada 2008, \textit{China: Treatment of children of Falun Gong practitioners; whether children of Falun Gong practitioners are subject to sanctions, including reduced access to education and to health care}, 26 June – Attachment 53; Research Directorate Immigration and Refugee Board of Canada 2007, \textit{China: Treatment of family members of Falun Gong practitioners by the Chinese authorities; situation of persons who unwittingly or knowingly assist Falun Gong practitioners (e.g., by allowing use or rental of property, offices, office equipment, vehicles, etc.); the treatment of such persons if they deny knowledge of having assisted Falun Gong practitioners, agree to cease such assistance, or denounce Falun Gong}, 11 July – Attachment 54.


4. Deleted.

5. Deleted.

6. Deleted.

7. Deleted.

8. Deleted.


24. “Seven Female Practitioners from Heilongjiang Province Arrested (Photos)” 2010, *Clearwisdom.net*, 22 January,


30. DIMA Country Information Service 2000, Country Information Report No 396/00 – Update on Falun Gong (Falun Dafa), (sourced from DFAT advice of 17 July 2000), 28 July. (CISNET China CX43498)


32. UK Home Office 2009, China Country Assessment, 1 October.


are subject to sanctions, including reduced access to education and to health care, 26 June.

54. Research Directorate Immigration and Refugee Board of Canada 2007, *China: Treatment of family members of Falun Gong practitioners by the Chinese authorities; situation of persons who unwittingly or knowingly assist Falun Gong practitioners (e.g., by allowing use or rental of property, offices, office equipment, vehicles, etc.); the treatment of such persons if they deny knowledge of having assisted Falun Gong practitioners, agree to cease such assistance, or denounce Falun Gong*, 11 July.
