

Australia's Human Rights Dialogue Process

**Submission to the Inquiry by the Federal
Parliament Human Rights Sub-Committee, of the
Joint Standing Committee on Foreign Affairs,
Defence and Trade**

Falun Dafa Association

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Summary of Main Points

- Based on assessment of the Dialogue outcomes in terms of the treatment of Australian Falun Gong family members in China and the overall situation of Falun Gong practitioners in China, we feel that the Dialogue fails to have any restraining effect on this biggest persecution currently occurring in China, controlled by an extra-government agency
- Falun Gong practitioners are concerned to observe that the current “closed-door” nature of Bilateral Dialogue suits Jiang’s faction’s aim to conceal the persecution of Falun Gong practitioners in China
- Openness is the key to a more effective Bilateral Dialogue process
- Falun Gong practitioners believe that only international pressure of open condemnation can deliver real improvement in human rights situation in a country under a totalitarian system such as China

Introduction

The Falun Dafa Association wishes to express their appreciation to the members of the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade for conducting this inquiry into Australia's Bilateral Dialogue experiences with China, Iran and Vietnam.

On behalf of Australians who practise Falun Dafa (also known as Falun Gong), we offer this submission concentrating our focus on Australia's Bilateral Dialogue with China, as China is where Falun Gong practitioners have been subject to brutal persecution for the past five years.

To understand the effect, or lack thereof, of the Bilateral Dialogue on the human rights abuses inflicted on Falun Gong practitioners in China it is necessary to explore the competing interests which are at work. In the sections that immediately follow, this submission presents an analysis of the coercion and pressure that is applied to countries such as Australia from the Chinese side and their subsequent repercussions, which sets context of the Dialogues in relation to Falun Gong. Subsequently the submission sets out observations of the Dialogue processes as related to Falun Gong practitioners in China and offers information and recommendations.

1. Coercion of Western Countries to Participate in the Persecution of Falun Gong

The report "Investigation Report on the Jiang faction's¹ Persecution of Falun Gong outside China" by the WOIPFG² dated 13 May 2004, contains considerable evidence and concludes that the persecution of Falun Gong has been extended to overseas Falun Gong practitioners by former Chinese leader Jiang Zemin employing overseas Embassies and Consulates.

Using Chinese Embassies and Chinese Consulates as overseas persecution bases, Jiang's faction uses many ways to coerce Western countries to participate in the persecution of overseas Falun Gong practitioners. On 9 October 2002 at the series report meeting co-hosted by the Chinese CCP Propaganda Ministry and four other Ministries, Tang Jiaxuan said, "The struggle against 'Falun Gong' has continued to gain new victories," "With the close cooperation of those both inside China and abroad, [we] crushed 'Falun Gong,'" "[we] assailed the 'Falun Gong' abroad."³

Violating international diplomatic treaties and the laws of respective countries, ambassadors, consular-level employees and all levels of diplomats periodically send hate propaganda to various levels of governmental organisations, government officials, media, and other organisations in various countries (including Australia). Diplomatic "official letters" are used for the "good relationship between China and Australia" as a condition to deprive rights of overseas Falun Gong practitioners and suppress voice of justice and condemnation. According to a report in The Sydney Morning Herald⁴ on 15 August 2000, "To suppress activities of Falun Gong members in Sydney and Canberra, Chinese diplomats are suspected to exert pressures on local governments to prevent Falun Gong practitioners from using community facilities."

¹ Jiang's faction is the collective term for former Chinese President Jiang Zemin and his "610" system which is dedicated to persecute Falun Gong practitioners

² WOIPFG – World Organization to Investigate the Persecution of Falun Gong, www.upholdjustice.org

³ "The Glorious Path of China's Cross-Century Diplomacy" – (Excerpt) A report given by Tang Jiaxuan, Minister of Foreign Affairs in the Report Series on Achievements Brought About by Reforms, Open Door Policy, and Modernization After the Communist Party's 13th session of the Fourth Plenary Congress. This report series was hosted by the Chinese Propaganda Department and other five Ministries and Commissions on 17 October 2002. (<http://www.fmprc.gov.cn/chn/ziliao/wzzt/2319/t10827.htm>)

⁴ The Sydney Morning Herald (August 15th, 2000): "Beijing's long-distance bid to snuff out banned sect in Australia"

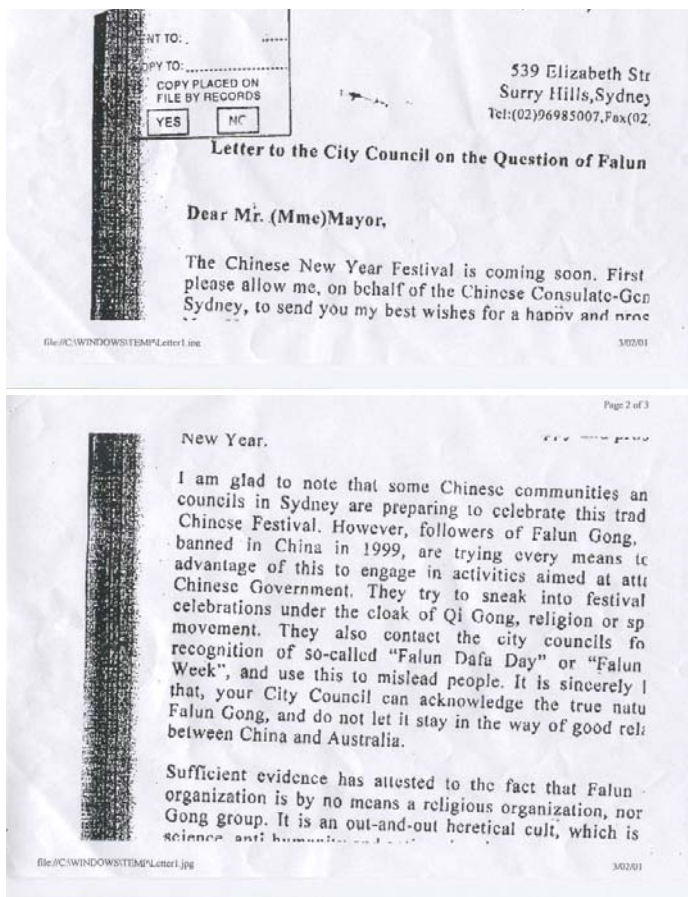


Figure 1 Chinese Consular Officials Wrote to Australian Government Officials, Requesting Cancellation of Falun Gong activity

After over four years of continual efforts in bringing the persecution of Falun Gong to the attention of people around the world, their efforts for justice and humanity have received support from governments, NGOs and many kind-hearted people worldwide. Jiang's faction saw this as working against his plan and decided to offer trade incentives in an attempt to coerce other countries to act against their conscience. These include:

- suppressing the voice of condemnation and appeals;
- escaping condemnation and sanctions from the United Nations Commission on Human Rights;
- stopping media reports and coverage supporting Falun Gong;
- stopping local foreign governments from supporting Falun Gong openly and publicly such as issuing pro-Falun Gong proclamations;
- preventing Falun Gong practitioners from conducting their local activities;
- Influence outcomes of lawsuits against the prime culprits in various countries.

Another example was investigated in the WOIPFG report "An Investigation Report on the Use of Propaganda and Penetration Abroad to Extend the Persecution of Falun Gong Overseas":

*In Melbourne, Australia, during last year's Chinese Spring Festival Celebration, Falun Gong practitioners' application was turned down with the excuse of "the booths are all taken." They then visited the organizers' committee. The staff the practitioners talked to emphasized that they did not have spare booths, but a person in charge told practitioners frankly, "If we give you a booth, we will not be able to host this event next year ... We are running a small business, and need the money to support our family..." He refused however, to say who it was that was threatening him. He said during the conversation with practitioners that the Chinese Consular had planned to join the event, but threatened not to come if Falun Gong appeared in the celebration. Obviously, this is the reason that Falun Gong practitioners were not allowed to join the Chinese Community's activities.*⁵

On the 9 October 2002, *South China Morning Post* also published an article titled "Chinese Foreign Minister Requests Australia to Punish Falun Gong." The article reported that in recent years Beijing brutally suppressed this group, hundreds of thousands of people were imprisoned, and hundreds of people were tortured to death. This issue was raised in today's Ministers' meeting, where Australian Foreign Minister Alexander Downer expressed his concern. However, Mr. Downer's concern has not been able to prevent China from requesting the Australian government to punish this group in Australia.

Using economic and diplomatic pressure to force overseas countries to consent to or participate in persecution and these kinds of aggressive campaigns against Australian citizens who practise Falun Gong echo around the world due to the order "strengthening the overseas fight" by the Jiang faction.

From the WOIPFG report, according to a report from the *National Post*⁶ in Canada on March 20, 2004, Chinese diplomats spent a huge amount of time soliciting Canadian statesmen to discriminate against Falun Gong. They threatened that if they did not cooperate, the trade relationship would be damaged. Not only federal government officials but also provincial statesmen, council members, and mayors have received innumerable letters of this kind. In March 2003, the interim ambassador, Chu Guangyou, wrote to Liberty Party Congressman and incumbent Martin administration cabinet Jim Peterson, warning that China had informed the Canadian government of the sensitivity of Falun Gong. The letter said "hope you and your government understand our stand and be wary of Falun Gong's intention of damaging China-Canada bilateral relationship." A package of propaganda was enclosed.

In particular, we would like to investigate the means by the Jiang faction to suppress the voice of justice and condemnation for its persecution of Falun Gong.

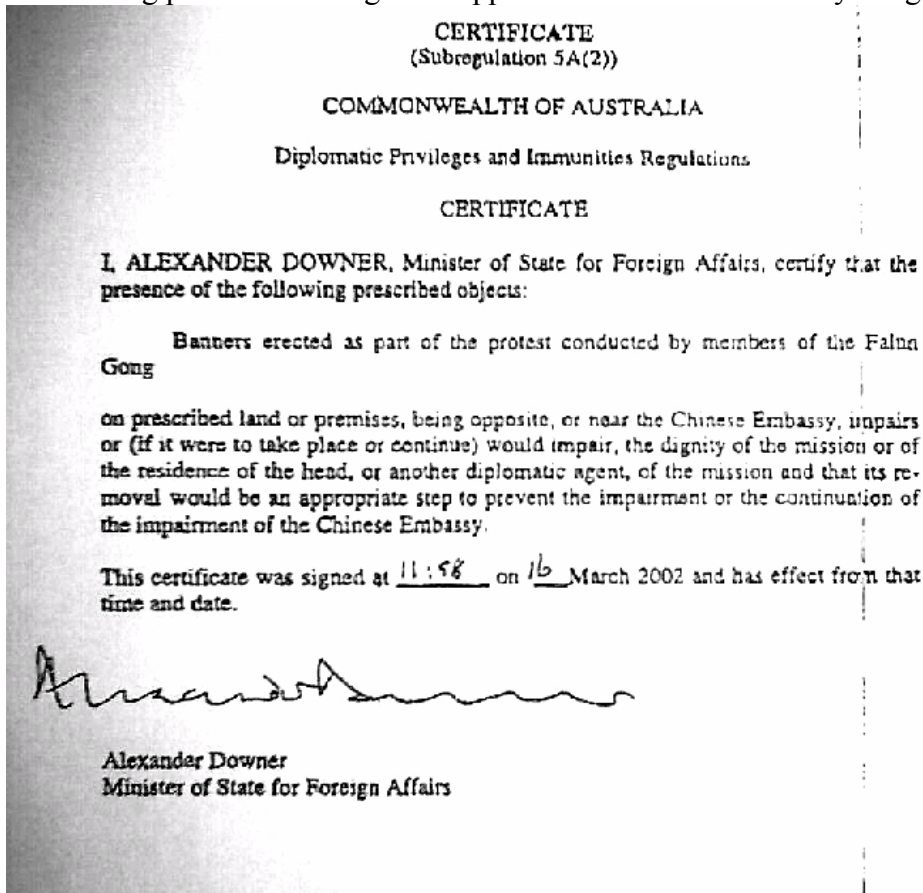
⁵ WOIPFG report 'An Investigation Report on the Use of Propaganda and Penetration Abroad to Extend the Persecution of Falun Gong Overseas'

<http://www.upholdjustice.org/English.2/Overseas%20Media%20report.doc>

⁶ "Falun Gong persecution spreads to Canada; Ottawa does little to counter campaign by Chinese envoys." *National Post* (Canada) Mar 20th, 2004. Full text is in Appendix 1.

2. China's Economic Pressure to Australia

The WOIPFG report investigated the issuing of certificates by Australian Foreign Affairs Minister Mr Alexander Downer under the Diplomatic Privileges and Immunity Act in March 2002. Mr. Downer claimed in the Certificates that Falun Gong practitioners' peaceful petition at the Chinese Embassy in Canberra damages the dignity of foreign diplomatic officials and issued certificates every month for the last two years. As a result, Falun Gong practitioners' rights to appeal in front of the Embassy are greatly restricted.



An article in the "Law Society Journal" June 2002 issue from the NSW Law Society commented on the certificates signed by Mr. Downer, "And was this opinion his own?" and also noted a comment from a judge regarding the issue of such certificates, "we don't want governments known to be autocratic, authoritarian or military in nature contributing to, let alone determining the extent of freedom of expression in Australia".

The BBC reported on 19 March 2002, how Mr. Downer was ignored and sat aside watching as Chinese Foreign Minister Tang Jiaxuan told reporters that Australia should keep alert to the "--cult" that he often mentioned in his speech⁷.

⁷ "Australia 'gives in' to China" BBC, 19 March 2002

On 8 August 2002, Australia was awarded a record export contract, for the supply of liquefied natural gas (LNG) to the value of \$25 billion.

Falun Dafa practitioners do not oppose to the trading tie between Australia and China, but are concerned that Jiang's faction is using the trading tie to silent voice of justice by other countries. Improvement of China's human rights will benefit both China and Australia, as explained by the office of the German President Johannes Rau in the reply to a letter from German Falun Gong practitioners, "The President's office hopes to see the improvement of China's human rights, which will benefit China, because a modern society cannot be founded without the rule of law and the protection of human rights. It is our responsibility to make Chinese authorities realize this".

A report from a German reporter in Beijing says Rau is the first major German politician to visit China after its new leadership took over the government. Rau told the media that during the meeting with Hu Jintao he emphasized the importance of democratic society and freedom for religious groups. In a letter to the English-language newspaper China Daily, the German president says: "Germany thinks freedom and the security of the legal system have great significance in measuring the degree of development. A nation's rule of law and freedom of speech are the precondition of political stability."

<http://english.epochtimes.com/articles/5471.html>)

3. Falun Dafa & Human Rights Bilateral Dialogue

In this section, we endeavour to put forward our analysis of the current Human Rights Bilateral Dialogue process and its relationship with Falun Dafa in three sections:

- Our view on the current Bilateral Dialogue process
- Assessment of outcomes of past dialogues
- Analysis of the deficiencies of the Bilateral Dialogue process

3.1 Observations of the Current Bilateral Dialogue

Due to the lack of transparency, these are only our limited observations of the current bilateral dialogue.

a) Involvement of Falun Dafa Association

- In 2002 and 2003, a number of Falun Gong practitioners attended brief pre-dialogue and post-dialogue meetings
- Ongoing working relationship between the Association and the Bilateral Dialogue is yet to be established
- DFAT uses general information compiled by practitioners to help those Australian family members who are being incarcerated for being a Falun Gong practitioner;

See more details in Appendix 3- **Participation in the Current Dialogues Process**

b) Other participating agencies

HREOC

Since July 1999, Australian Falun Dafa practitioners have had some contact with the Human Rights and Equal Opportunity Commission (HREOC).

We understand HREOC participate in the dialogue at the invitation of the Government and in an essentially advisory role. Accordingly, HREOC does not have any capacity to determine the agenda for discussion at the meetings or the way the dialogue process is conducted.

HREOC officials who attended the 2003 Dialogue confirmed that when Falun Gong was mentioned the response from the Chinese side was quite irrational.

(See Appendix 3 - **Participation in the Current Dialogues Process**)

PARLIAMENTARIANS

We observed very limited and declining participations from Parliamentarians since the dialogue became “regular” in 1997.

(See Appendix 3 - **Participation in the Current Dialogues Process**)

(Reference http://www.dfat.gov.au/hr/achrd/aus_proc_dialogue.html)

c) Involvement of other NGOs

There are at least two other international non-government organisations who are dedicated to bring an end to the persecution of Falun Gong. (See below)

The Global Mission to Rescue Persecuted Falun Gong Practitioners

Website: www.globalrescue.net

World Organisation to Investigate the Persecution of Falun Gong,

Australian Branch, Inc. Website: www.upholdjustice.org

Current involvement with the Bilateral Dialogue Process is limited and informal. We believe DFAT do use the information compiled by Global Mission to Rescue Persecuted Falun Gong Practitioners, but are receiving them indirectly.

d) Other observations on the current dialogue process:

- The “closed-door” nature of the dialogue: topics and outcomes are not made public
- Lack monitoring and reporting mechanisms
- Lack participation by relevant group in evaluation of outcomes

3.2 Assessment of Outcomes from Past Dialogues

There have been four Human Rights Bilateral Dialogues with China since the start of the persecution of Falun Gong in 1999.

Based on the increase in number of verified death, the largely unimproved situation of Australian family members, and the continuing escalation of the persecution, the Bilateral Dialogue has shown minimal results for improving the treatments of Falun Gong practitioners in China.

a) Australian's family members in China

Case Study - Ouyang Ming

Mr. Ming Ouyang was arrested and sentenced to forced labour in 2001 for refusing to give up practising Falun Gong. His brother Mr Yu Ouyang (not a practitioner) from Melbourne contacted DFAT for help.

Ming Ouyang's name appeared in the list during the 2002 and 2003 Bilateral Dialogues. During the 2003 bilateral dialogue, held in July in Beijing, Chinese officials told the Australian delegate that they could not identify people on the Australian list, including Ming Ouyang. August that year, Ming Ouyang died from long term torture.

(Please see Appendix 4 for more details and two other case studies.)

Problems observed from Mr Ming Ouyang's case:

- Lack of established communication with and transparency of the dialogue has prevented Australian Falun Gong practitioners from doing something to save the life of Mr Ming Ouyang. Some of our letter writing and phone calling rescue effort did prove effective in saving practitioners lives, unfortunately for Ming, we did not know his existence until after his death.

- We were told at the post-2002 dialogue meeting with DFAT officers that there was another Falun Gong practitioner's name mentioned at the dialogue but we were not given the name of that Falun Gong practitioner. Only after Mr Ming Ouyang's death we found out that the "unnamed" practitioner is Mr Ming Ouyang.

- This example demonstrates that by giving the list of family members of Australian citizens who are Falun Gong practitioners does not help improving the treatments of these family members in China. Without a monitoring mechanism to check the condition of these family members, the Chinese officials can get away with a simple reply of "could not identify these people".

b) Escalation of the Persecution

Since its start in July 1999, the persecution of Falun Gong still continues to escalate. This escalation can be seen in two aspects: the increase in the death toll, and the brutal methods used to persecute.

a) The number of deaths continued to rise, the verified number is now over 980

We saw the month of April 2004 as one of the highest tolls reported during the five-year campaign of violence and indoctrination against Falun Gong—41 cases reported⁸. In the

⁸ Falun Dafa Information Centre Media Release "62 Cases of Falun Gong Practitioners Killed from Torture, Abuse Reported in April and May 2004", 9 June 2004

Media Release, it stated that “The policy of China’s former leader to “eradicate Falun Gong” continues to increase the number of deaths by torture in China, as 62 more cases were reported in April and May, 2004. Those killed ranged in age from 23 to 82 years old.

b) Brutal Methods to Persecute Falun Gong practitioners.

The latest United Nations Report of the Special Rapporteur on Torture published on 23 March 2004 highlights the torturing of Falun Gong practitioners:⁹

Of over 130 cases of reported torture and abuse in China, approximately 100 of them were perpetrated against Falun Gong practitioners. These cases include severe beatings, whippings with poisonous hemp, hanging by the wrists, deprivation of food and sleep, dousing with extremely cold or hot water, shocking sensitive body parts with high-voltage electric batons, and sodomizing with sticks.

According to the report, Rapporteur Theo van Boven, 70, wrote to the Chinese government at least six times in 2003. In a letter dated June 4 he informed the Chinese government he was aware that a Mr. Xiao “was reportedly subjected to the so-called “water dungeon”... locking a naked person into a small iron cage with spikes on all sides. The cage is then lowered into filthy water up to the victim’s chest or neck in a completely dark room. The victim may be locked in the cage for days or even weeks, and urine and faeces are excreted into the water.”

(Appendix 5: Escalation of Persecution of Falun Gong practitioners in China)

3.3 Analysis of the deficiencies of the Bilateral Dialogue Process for helping Falun Gong

The analysis shows the following reasons for the deficiencies of the current Bilateral Dialogue process:

a) “Closed-door” Bilateral Dialogue suits Jiang’s aim to conceals the persecution of Falun Gong

Jiang’s faction, the perpetrators of the persecution against Falun Gong, has gone to great trouble and spent a great amount of money to keep the persecution secret, even from its own people. The nature of this persecution has been recognised as a form of genocide.¹⁰

<http://www.faluninfo.net/displayAnArticle.asp?ID=8669>

⁹ Falun Dafa Information Centre Media Release “United Nations’ Rapporteur on Torture Highlights China, Falun Gong Ahead of Planned Visit”, 2 June 2004

<http://www.faluninfo.net/displayAnArticle.asp?ID=8650>

¹⁰ Persecution of Falun Gong is a form of genocide

<http://www.falunau.dyndns.org/ausweb/downloads/materials/UN%20Package%202004.pdf>

The Bilateral Dialogue between China and world democratic nations, was introduced after the 1989 June 4th Tiananmen massacre, and has the real effect of silencing the democratic nations who were critical of China's human right situation, thus isolating them from each other. China will talk, but only on its terms – behind the closed doors. The result is that China effectively muted the voice from the international community. This suited the aim of the Jiang faction perfectly now in the persecution of Falun Gong.

In fact, the Dialogue has been used as an excuse by China to escape criticism, and it unfortunately can also be used as an excuse by democratic nations to escape from international obligations to uphold justice and protect human rights, when come under pressure.

“Meeting Human Rights Criminals While Discussing Human Rights Improvements” in Appendix 6: Deficiencies of the Current Bilateral Dialogue, provides additional insights into why Bilateral Dialogue with China does not work.

b) Human Rights dialogue with China not effective due to the “610 Office”

Persecution of Falun Gong is carried out systematically through the intricate network set up by the “610 Office”.

The “610 Office” is a Gestapo like structure created by Jiang Zemin for the sole purpose of persecuting Falun Gong. It runs in parallel to (independent of) all levels of government and takes orders directly from Jiang. In Resolution No.188 of the United States Congress which was unanimously passed in July 2002¹¹, it was stated that “Jiang Zemin’s faction has created notorious government “610” offices throughout the People’s Republic of China with the special task of overseeing the persecution of Falun Gong members through organised brainwashing, torture, and murder ...”

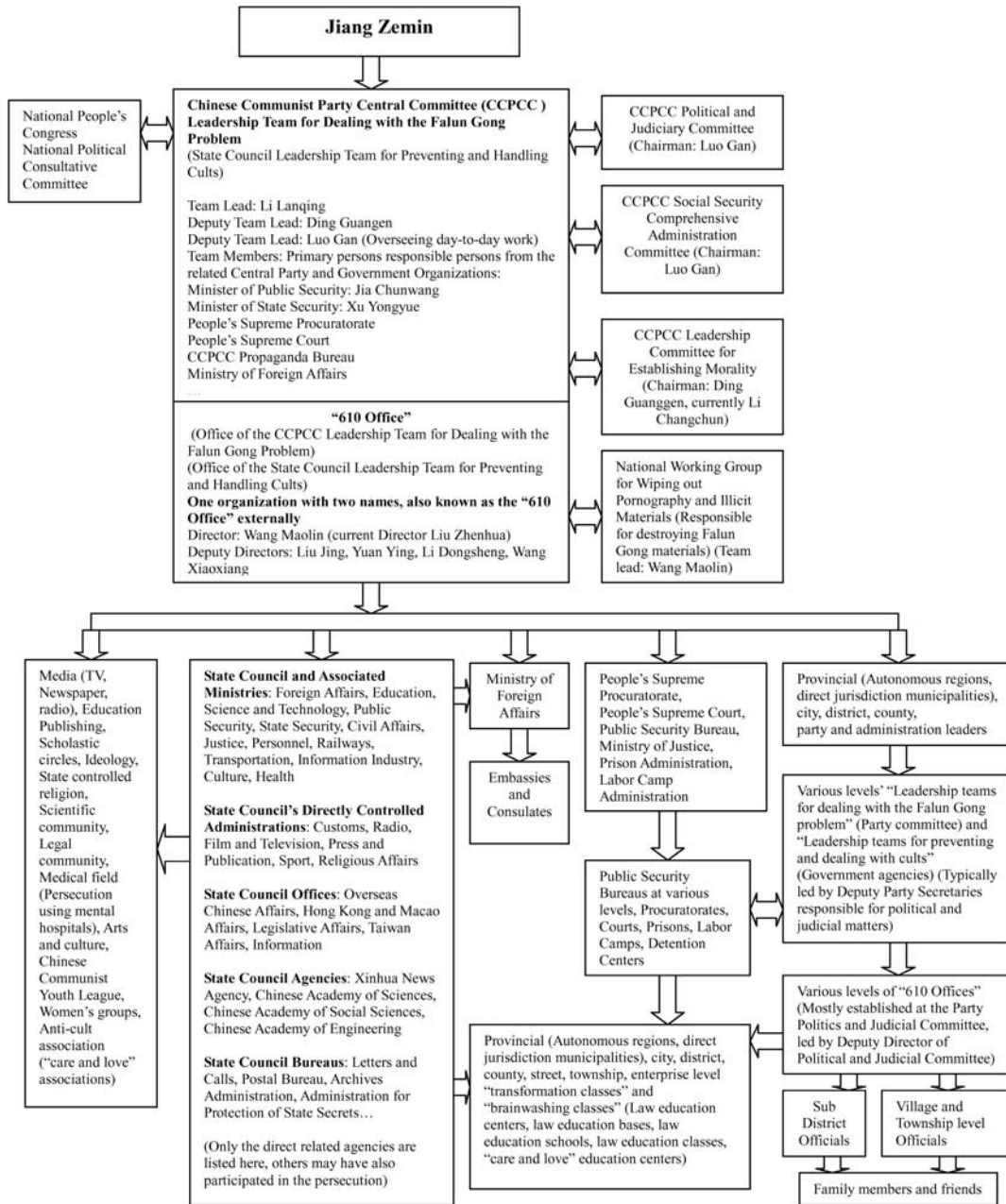
The Bilateral Dialogue has not been effective in the case of Falun Gong because the Dialogue is talking with the Chinese government, while the persecution is carried out by “610 Office” which is a system outside of the normal government. A schematic diagram detailing the network of “610 Office” is shown in the following page.

While Australian officials may have met with Chinese officials, these efforts are doomed to fail by the very nature of China’s totalitarian system - when there is an order coming from “higher up”, the Chinese system has no ability to stop atrocity.

¹¹ <http://usinfo.state.gov/regional/ea/uschina/falun188.htm>

“610 Office” Network for Persecuting Falun Gong

Prepared by World Organization to Investigate the Persecution of Falun Gong (WOIPFG)



4. Recommendations on Australia's Current Bilateral Human Rights Dialogue with China

Human Rights Objective

The dialogue process should have the sole purpose of carrying out our international obligations on promoting justice and human rights and free from economic or political influence.

Transparency and Openness

A transparent and open dialogue process will ensure appropriate evaluation of outcomes and ongoing improvement of the process. Achieving the following aspects will ensure a more transparent and open dialogue process: higher level of participation from the public including NGOs and the Federal Parliament, a good reporting and monitoring mechanism and a genuine evaluation of outcomes. Our suggestions for achieving these results throughout the dialogue process (before, during and after each dialogue) include:

i. Setting dialogue agenda

A formal consultation session should be organised prior to setting the agenda of the dialogue. Invitation to participate in the consultation session should be sent to the public, NGOs and parliamentarians. Dialogue discussion agenda is then set with reference to the issues raised from the consultation session.

ii. Participation

Testimonies from affected individuals should be arranged to be included in the dialogue sessions. Representatives from the Federal Parliament Human Rights Sub-Committee and other interested parliamentarians should also be involved in the dialogue sessions as part of their supervising role in the dialogue process.

iii. Reporting

Both overall outcome and individual victims' case outcome should be reported to the monitoring bodies and the relevant NGOs, community groups.

The reports should include questions put to Chinese delegates and their responses. For individual cases, the situation of the individual should be followed and reported to the NGO providing input on the case.

A written transcript of the dialogue discussion should also be available to the public so that the Australian people are informed of the efforts and outcomes.

iv. Monitoring and Evaluation of outcomes

The objectives of the dialogues should be evaluated and its outcomes measured and made to the public after each dialogue. Outcome measurements should include assessment of the outcomes from NGOs and the public. The evaluation should be carried out by Federal Parliament Human Rights Sub-Committee or a similarly designated body.

Federal Parliament Human Rights Sub-Committee should have an active monitoring role in the dialogue process to ensure achievement of real outcomes.

More Suggestions on the Involvement of NGOs

Apart from the Australian Falun Dafa Association, there are two other international NGOs who are dedicated to efforts to end the persecution of Falun Gong practitioners in China and therefore are recommended here for inclusion in the dialogue process:

The Global Mission to Rescue Persecuted Falun Gong Practitioners

Australian Branch Contact: Esther Wang

Address: PO Box 771, Dapto, NSW 2530

E-mail: ejw@bigpond.net.au, helprescue@fastmail.fm

Website: www.globalrescue.net

World Organisation to Investigate the Persecution of Falun Gong,

Australian Branch, Inc.

Australian Representative: Jane Sun

Email: australia@upholdjustice.org

Website: www.upholdjustice.org

5. Recommendations on the Desired Approach to Human Rights Dialogue with China

We strongly believe that openness is the key to real success in engaging in a dialogue process with China.

If we free ourselves from the limitations of the current process and consider what would be a more effective and desired process to address the Human Rights violation issues in China, then the following options and alternatives should not be ruled out from consideration:

- multilateral vs bilateral
- open discussion vs closed-door negotiation

Multilateral vs Bilateral

There is no reason why talks with China on human rights issues has be bilateral.

Australia's discussion and cooperation with governments of other democratic nations to postulate a multilateral and open approach to China is desirable.

In the current isolated bilateral dialogue process, the Western countries are precluded from employing any other processes or practices.

For Australia to engage in robust and forthright exchanges at the highest levels with other countries would be Australia playing its part in a broader, international strategy of engagement and also affirming the human rights values we uphold.

Australia should coordinate with other countries who similarly engage China so that a sharing of information occurs.

In the case of Falun Gong practitioners, such coordination with Canada and the USA could prove more effective in gaining release of practitioners with relatives in these countries. The more cooperation there is internationally to achieve that, the more effective it will be and the sooner such atrocities will cease.

Open discussion vs closed-door negotiation

In the case of Falun Gong, it is very clear that the closed-door dialogue currently in place is not effective, and worth still, helped Jiang's factor's agenda of deliberate covering up.

Either bilateral or multilateral, openness is the only guarantee of real effectiveness in improving that human rights situation in China.

Open Condemnation to the Persecution of Falun Gong

If there has been an agreement with China not to engage in public discussion of human rights issues because of a belief that more friendly ties could bring better ability to influence human rights situation in China, then at least in the case of the persecution against Falun Gong, this hypothesis has proven wrong. The death toll is still on the rise while Chinese diplomats use a total denial that such genocide exists.

Due to the nature of the totalitarian tradition which enable Jiang's faction to keep the Gestapo like "610 Office" and the propaganda machine running under their control, no any form of talks with the government could ever be effective.

International pressure was proven to have helped the more rational factors in China in the case of SARS when its cover-up was exposed by a Chinese doctor to the foreign media. Open condemnation from the international community of the persecution of Falun Gong should be a good thing both for China and Australia. It will encourage the rational factors in China to act swiftly to right the wrongs, to end the persecution that is harming China and its people, both in ethical and in economical terms.

Appendix 1: National Post: Ottawa does little to counter campaign by Chinese envoys

John Turley-Ewart
National Post

Saturday, March 20, 2004

Chinese leaders gathered in early March at Beijing's Great Hall of the People to deliver two key messages to their 1.2 billion citizens.

First, the fight against government corruption that is weakening the Communist party's grip on the reins of power will be redoubled.

Second, Beijing's rulers will continue rooting out Falun Gong, a spiritual movement founded in 1992 that is today to China's masters what the Jews were to pre-war Nazi Germany: a convenient scapegoat used to explain away the failings and insecurities of the state and its leadership.

Since Falun Gong was outlawed in 1999 by Jiang Zemin, the former Chinese president, China has waged against its practitioners a determined campaign that the U.S. Congress says is "carried out by government officials and police at all levels, and has permeated every segment of [Chinese] society." Falun Gong is targeted not only in China, it is also the subject of a propaganda campaign in Canada, one that the Canadian Security Intelligence Service warned Ottawa about years ago. It is waged by China's diplomatic and consular officials, who rely on help from some quarters of the Canadian Chinese media, which serve roughly one million ethnically Chinese Canadians.

A week had hardly passed after Sept. 11, 2001, when Canada's Chinese-language Sing Tao Daily, owned in part by TorStar, which publishes the Toronto Star, printed an inflammatory article entitled "Radical Religions Advocate Destroying the World," which parroted Beijing's equating of Falun Gong with the Branch Davidians, the American group that David Koresh indoctrinated in Waco, Tex., until his clash with police in February, 1993, led to the death of 86 people, 17 of whom were children. Les Presses Chinoises in Quebec published a series of articles between November, 2001, and February, 2002, saying Falun Gong was "an evil" cult and an "enemy to the state" and continued to print such articles after a Quebec court ordered the paper to stop.

In August, 2002, the Canadian Broadcast Standards Council found that a Vancouver-based, Chinese-language television station, Talentvision, had violated four articles of the Canadian Association of Broadcasters' Code of Ethics as well as journalistic ethics by rebroadcasting anti-Falun Gong propaganda produced by Beijing's state-controlled media.

In a more recent example of this campaign, Pan Xinchun, China's consul in Toronto, was found by an Ontario court to have libelled Joel Chipkar, a Canadian Falun Gong practitioner, in a letter to the Toronto Star. Pan's letter said Chipkar was the member of a "sinister cult" seeking to "instigate hate."

Keith Landy, president of the Canadian Jewish Congress, believes if "Jew" were substituted for Falun Gong in the letter Pan wrote to the Star "you would have an uproar in the community."

That the hypersensitive, politically correct to a fault Toronto Star published Pan's letter indicates how little is understood about the Chinese government's aggressive campaign against Canadians who practise Falun Gong and our government's indifference to China's hate-mongering in Canada.

- - -

In 1992, an obscure, 40-year-old former trumpet player from north-east China, Li Hongzhi, jumped on Beijing's nationalist gravy train and founded Falun Gong. At the time, it seemed to be another in a long series of Chi Gong personal cultivation programs that China's communist rulers began to encourage in the 1970s. The point was to promote Chinese culture and nationalism. Chi Gong teachers, or masters as they refer to themselves, developed exercise programs around the ancient Chinese belief that all forms of life in the universe are animated by an essential life-force or vital energy called "Chi." By cultivating the body and generating positive Chi through meditation and exercise, Chi Gong is said to improve health and prevent illness.

Falun Gong emerged from the Chi Gong movement but broke new ground by stressing that spiritual and physical perfection could not be achieved only by exercise and meditation. Li argued it must be combined with a philosophy grounded in truth, benevolence and forbearance. Rather like Christian Science in the West, Li's teaching emphasizes spiritual healing. Putting all this to paper, he deemed it essential reading for people seeking self-improvement.

Falun Gong spread across China. Millions took up the practice at a time when many despaired at the toll dishonesty and corruption was taking on the country. When criticism of Li's teachings appeared in Chinese media, he encouraged his followers to defend Falun Gong using peaceful protests.

David Ownby, a professor of Chinese history at the University of Montreal and the author of a forthcoming book on Falun Gong, believes these protests by practitioners raised the ire of Beijing's mandarins. Making matters worse, according to Ownby, was Li's unwillingness to toe the Communist party line, which singled him out from other Chi Gong masters, supported by Beijing. In early 1999, rumours were spreading that Falun Gong would be banned. Li and his followers responded by organizing an April rally in Beijing, which drew thousands and struck fear in the corridors of power.

Jiang Zemin, China's Communist boss at the time, was already facing a crisis in governing China, as it changed in the 1990s from an isolated Communist state to one focused on economic growth rates. Jiang outlawed Falun Gong and put Li on the government's wanted list, despite protests from within the military and the Communist party, where many believed Falun Gong presented no danger to public order or the government's hold on power.

Li fled and now lives in self-imposed exile in New York state, refusing to do interviews and communicating with what has become his worldwide following of millions who use the Internet and translations of his edicts on the path to self-improvement. Ownby (who is not a member of Falun Gong) believes that while some of their beliefs are eccentric, the group does not exhibit any of the classic tendencies of what, for a lack of a better word, are often described as "cults." Li urges his followers to remain in the world, not to isolate themselves. He and his followers do not believe in any utopia. Adherents of Falun Gong are not asked to give money to Li, and he does not intervene in their personal lives. In fact, Ownby thinks the moral grounding of Li's teachings is likely to make Falun Gong practitioners "more responsible citizens."

That is not what the Chinese government wants Canadians to think about their fellow citizens who practise Falun Gong or about the thousands now in labour camps in China and others who have died in the custody of Chinese police after being arrested for practising Falun Gong.

Mei Ping, China's ambassador to Canada, made that plain a few years ago when we met. Mei came to the National Post to extol the virtues of Communist China and the evils of Falun Gong, leaving behind a book that purported to show how Falun Gong had driven people to suicide, murder and madness, a claim without foundation and one that no other government has ever made about its own citizens who have taken up Li's teachings.

China's diplomats also spend much of their time trying to persuade Canadian politicians to discriminate against Falun Gong under the threat that failing to do so could jeopardize Canada-China trade relations.

Writing in March, 2003, to Jim Peterson, a Liberal MP and now a member of Paul Martin's Cabinet, Chu Guangyou, China's charge d'affaires in Canada, warned that China has "advised the Canadian government of the sensitivity of the issue [of Falun Gong] in the overall bilateral relations. I hope you and your government will understand our position and be vigilant against any attempt of Falun Gong to jeopardize our bilateral relations." With the letter came the now standard package of anti-Falun Gong propaganda.

Such pressure reaches beyond federal government officials. Countless similar letters have been sent to provincial politicians as well as city councillors and mayors across Canada.

Toronto city council has experienced this first-hand. Councillor Michael Walker recently introduced a motion to have a Falun Gong day and a resolution calling on China to stop persecuting Falun Gong, but other councillors have not been so strong-willed in the face of Chinese threats that if the motion is passed it "will have a very negative effect on our future beneficial exchanges and cooperation." Citing foreign trade, councillor Giorgio Mammoliti held up the motion and appears to want it buried in the process.

But in August, 2001, Andy Wells, Mayor of St. John's, Nfld., responded to a letter from Ambassador Mei attacking Falun Gong saying: "Your persecution of this innocent group exemplifies your government's moral and ethical bankruptcy."

Within Canada's Chinese community, the Falun Gong is often shunned and those who do business with the Chinese government are warned off employing Canadians who practise Falun Gong.

An Ontario Human Rights Commission case has arisen from this conflict. Andie Shih was a member of the board of the Chamber of Chinese Herbal Medicine of Canada, starting in 1988. According to Shih's statements filed with the commission, a colleague on the board asked him two years ago not to attend a dinner that was welcoming a Chinese delegation because of his association with Falun Gong. When Shih refused, he was pressured to withdraw from the board. He alleges that he was eventually removed because of his Falun Gong practice.

In another complaint to the Ontario Human Rights Commission, Cathy Liu says she has suffered similarly at the hands of her former employer, Bond International College. Liu alleges that her peaceful protests in front of the Chinese Consulate in Toronto, which she did on her own time, were not acceptable to the school because the consulate was an important client. Liu's case went

to mediation; the school offered her money and an apology on the condition that it be kept confidential. She refused.

Ottawa has shown little resolve to stop the attempt by China to spread hate in Canada. Pan, who slandered a Canadian in the Toronto Star, is now pressuring the Canadian government to overturn the libel judgment. But why is Pan still in Canada, and why are China's other diplomats and consular officials still allowed to spread propaganda against Canadians? In February, 2003, Irwin Cotler was chairman of Canada's Human Rights Commission and described the persecution of Falun Gong in China as "the criminalization of innocence that finds expression in the intimidation, harassment, arrest, detention, coercive interrogation, torture, beatings and imprisonment for doing nothing more than espousing ancient Chinese values."

Today, Cotler is the Minister of Justice and Falun Gong is being persecuted in his own backyard.

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Appendix 2: Feedback on 2003 Australia-China Human Right Dialogue

In July 2003, Australian Falun Gong practitioners submitted a name list of 15 Falun Gong practitioners who are Australian citizens' family members to DAFT before the human right dialogue. Besides Mr. Chen Chengyong and Ms. Ma Guilin who have been tortured to death, details of 13 detained practitioners were submitted and specific request were raised. The report below summarizes the feedback after the 2003 dialogue and the current situation of each of them.

1. Mr. Chen Ruichang, brother of Richard Chen (Sydney), and Mrs. Liang Zihui, sister-in-law of Richard Chen

Mr. Chen Ruichang, the elder brother of Australian citizen Mr Richard Chen, together with his wife Liang Zihui, were kidnapped again on 15 June, 2003 and sent to the Guangdong Sanshui Forced Labour Camp.

Specific request raised in 2003 dialogue: Details of current state of health, Visit rights, and unconditional release

Feedback: we received no response after the human right dialogue. Chen Ruichang was later released in January 2004. During the detention, he was forced with heavy labour many hours a day. The family could not get information of his whereabouts, nor were they allowed to visit him. In the cold winter, he was still wearing the thin summer shirt and pants, but the family was not allowed to bring clothes for him. After he was released, the work unit deprived his right to work, and only got him to clean the building and toilets everyday. He tried to apply a passport to go overseas, and a letter from the work unit to the police department is essential. However, the work unit refused to issue this letter for him.

Currently he is being monitored and phone calls to him are being tapped. His arms cannot stretch straight forward, as a result being tortured during detention with a torture method called "Tying the Ropes". [*The police tie up the practitioner with a thin rope, circle the rope around his neck, and tie his hands behind his back. Then the police would use all the force they could muster to tighten the rope. The rope becomes tighter and tighter around the body of the practitioner, and makes it more and more difficult for him to breathe. The pain is so intense that the practitioner sometimes loses control of his bladder. There are instances when the rope was tightened enough to break a practitioner's arm.*]

Liang Zihui was released several weeks after she was detained.

2. Ms. Li Cuiling, 37, sister-in-law of Jianrong Chen (Sydney)

Personal information: a primary school teacher in Sanya City, Hainan Province

Time detained: 19 August 2002

Detention site: No. 2 Team Sanya Forced Labour Camp, Hainan Province

Specific request raised in 2003 dialogue: Details of her current situation

Feedback: we received no response after the human right dialogue. She was released in the end of August 2003.

3. Ms. Li Hong, 39, sister of Australian citizen Qizhong LI's (Cheezong LEE's) fiancée LI Ying

Time detained: 28 September 2002

Detention site: Tianjin Dagang Banqiao Woman's Labor Camp, zip code: 300270; 86-22-63251823(reception) , 86-22-63251619(office), 86-22-63251069(Department of Management)

Li Hong was arrested at the end of 1999 for appealing for Falun Gong. She was released after being illegally detained for 13 months. On September 28, 2002 she was illegally sentenced to 2.5 years for giving some truth-clarification literature to someone.

Specific request raised in 2003 dialogue: Details of current state of health, Visitation rights, and unconditional release

Feedback: we received no response after the human right dialogue. She is still detained.

4. Mr LI Liang, 32, brother of Qizhong LI's (Cheezong LEE's) fiancée LI Ying

Time detained: 27 June 2002

Detention site: Tianjin City West Suburb Qingpowa Labor Camp, zip code: 300381; Phone, 86-22-23963127(office), 86-22-23973431(Team leads: Li Wenjun, Wang Yunpu, Zhang XX), 86-22-23973120 (Department of Management)

LI Ying's (Fiancee of Australia Citizen Li, Qizhong) younger brother, LI Liang, is 31. He was arrested in October 1999 because he appealed peacefully for the end of the persecution of Falun Gong practitioners. He was released after being detained for one month. Two months later he was arrested again and sentenced to a forced labor camp. Because he refused to give up practicing Falun Gong, his term was extended. On June 27, 2002 he was sentenced to another two years in a labor camp for the same reason.

Specific request: Details of current state of health, Visitation rights, and unconditional release

Feedback: we received no response after the human right dialogue. She is still detained.

5. Ms LI Ying, 34, fiancée of Qizhong LI (Sydney)

Profession: A consultant in Shanghai

Time detained: 16 October 2001

Detention site: Qingsong Women's Labour Camp, Shanghai

In January 2001 she was abducted to a brainwashing class in Shanghai. During the class, she held hunger strike to protest the illegal detention, however she was force-fed and suffered more tortures. Later her company bailed her out as her life was in great danger. During the period when the Asia Pacific Economic Convention was held in Shanghai in October 2001, Li Ying was placed under house arrest. On October 16, 2001, when she was in a business trip in Hangzhou City, Zhejiang Province, she was arrested and the police told her manager that she would not be allowed to work for about 3-5 years. She was sentenced to forced labor camp for 2 years. The police even ransacked her house and took away the key to her the mailbox to prevent her family from accessing her mail, including the document from Australian Consulate in Shanghai in

regards to her application for immigration to Australia. Currently she is detained in Shanghai Qingsong Women's Labor camp.

Specific request: Allow Qizhong Li to speak to her over the phone, to visit, unconditional release, and unite with Qizhong in Australia

Feedback: No feedback after the human right dialogue. However, as this case was disclosed to a lot of both Chinese and English media, a lot of phone calls from kind-hearted people from all over the world were made to the prison guards and police departments, many MPs are concerned about this case, Li Ying was released on 15 October, 2003 and arrived in Sydney on 29 November 2003.

6. Ms Li Jieling, 58, mother of Esther Wang (Wollongong)

Time detained: 20 July 2000

Detention site: Chongqing Yongchuan Women's Labor Camp, Sichuan Province

Ms. Li was arrested in July 2000 outside her home. She was jailed for approximately four months before being taken to court and was accused for distributing Falun Gong truth-clarification materials and being in possession of Falun Dafa books. After the show trial, she was sent back to the jail for another 5 months before being brought back to the court, and was then sentenced to 3 years in a labor camp.

Specific request in 2003 dialogue: Details of current state of health, Visitation rights, and unconditional release

Feedback: No feedback after the 2003 human right dialogue. She was released in July 2003 when her term expired.

There was a letter received in December 2001 from Kyle Wilson of DFAT after the Human Right dialogue in August 2001, explaining the outcome of talks with the Chinese authorities about the Mrs Li's situation, but there has been no other feedback ever since regarding any further negotiation of Mrs Li's release.

7. Ms Tang Yiwen, 36, sister of Lisa Liang (Sydney)

Time detained: 29 August 2002

Detention site: Firstly detained in Chatou Women Labour Camp, Baiyun District, Guangzhou City (phone: 86-20- 8173 0790), now in Sanshui Women's Forced Labour Camp.

Ms Tang had worked as translator, assistant manager, and lecturer since her graduation from university in 1988. Just because she practises Falun Gong, Ms Tang was detained on 29 August 2000 and sentenced for two years of forced labour. At the end of the two years, Chatou Women Labour Camp did not release her. In February 2003, Yiwen's father, was finally able to see his daughter for the first time in three years. He was shocked to find out that Yiwen's legs were lame from torture. However, the chief of the labor camp Liang Huiping threatened her father not to speak this out.

Recently, Yiwen had been transferred to the notorious Sanshui Women's Forced Labour Camp, where two other Dafa practitioners had been tortured to death.

Specific request raised in 2003 dialogue: Details of current state of health, Visitation rights, and unconditional release

Feedback: No feedback after the dialogue. She was released in August 2003, 23 days after the due date of her detention. On the night of 23 February 2004, she was again detained. She staged a hunger strike for 17 days. When her life was on the brink of death, fearing to take the responsibilities, the police sent her to the hospital with three policemen watching her. She continued the hunger strike and family also protested. On 12 March 2004, she was sent home. Currently she has left home and wanders around to avoid further persecution.

8. Ms TAO Yuefen, aunt of Li Qiuju (Sydney)

Personal information: a retired worker of No. 2 Wireless Instrument Factory in Beijing

Time detained: 17 May 2002

Detention site: Beijing Daxing County Women's Labour Camp

Aunt of Li Qiuju of Sydney, Australia. She has been arrested and detained many times for not giving up practicing Falun Gong. She was kidnapped by plain-cloth police Cao and Liu on May 17, 2002 and was sentenced to 1.5 year of forced-labor camp term on June 17, 2002.

Specific request: Details of current state of health, Visitation rights, and unconditional release

Feedback: no feedback after human right dialogue. She was released on 16 November, 2003

9. Mr Wang Jianping, ex-brother-in-law of Christine Hond (Sydney)

Personal information: taxi driver in Shanghai

Time detained: November 2000

Detention site: Tilan Bridge Prison, Beijing, sentenced to 8 years

Ex-brother-in-law of Australian citizen Christine Hond of Sydney, Australia. In November 2000 Wang was illegally arrested in a friend's home in Shanghai City, and was later detained in a forced-labor camp in Chuansha County. Later he was transferred to Tilanqiao Detention Centre in Shanghai and was sentenced for eight years.

Specific request: Details of current state of health, and unconditional release

Feedback: no feedback after human right dialogue. He is still detained.

10. Ms Wang Wei, sister of Esther Wang (Wollongong)

Personal information: bank staff

Time detained: 3 January 2002

Detention site: Jiangbei Women's Labor Camp, Chongqing, Sichuan Province, China

Sister of Australian citizen Esther Wang. On 3rd January 2002, Ms WANG Wei was arrested while meeting with a group of other Falun Gong practitioners in a park in Chongqing, China. She was held in police custody without charges for almost 2 months and then was illegally sentenced

without trial to forced labour camp for 2 years. On 26 June 2002, She was transferred to a brainwashing class in the labour camp. This type of so-called class usually lasts up to 3 months. The transformation methods are often very brutal and include both mental and physical tortures.

Specific request raised in 2003 dialogue: Details of current state of health, and unconditional release

Feedback: no feedback after human right dialogue. She was released on 11 December 2003.

11. Ms YAN Haiyu, sister of Mr YAN Zhihui (Sydney)

Time detained: 18 June 2000

Detention site: Chatou Women Labour Camp, Baiyun District, Guangzhou

Ms YAN Haiyu was the deputy chairwoman of the union of Guangdong Agricultural Material Corporation.

On 18 July, 2000, she was illegally kidnapped to the brainwashing class held on Yueken Road, Shahe, Guangzhou City. Later she was illegally sentenced for two years' forced labour in Chatou Women's Labour Camp in Guangzhou City. Her husband was only allowed to visit her once every three months, and the application for visiting was often refused. Her son was only 15 years old when she was arrested, and had to stay at home because of having no money. Now her detention term has expired but she is still being detained. It was said that she held a hunger strike to protest but still hasn't been released.

Ms. Yan was often subjected to inhuman treatment in the labour camp. The prison guards hung her up for 24 hours, leaving only her toes touching the grounds, in an attempt to force her to give up practising Falun Gong. She was also often locked up in a small cell.

Specific request raised in 2003 dialogue: Details of current state of health, and unconditional release

Feedback: She was released on 5 September 2003, but then was strictly monitored. The police kept harassing her to force her to write the guarantee statements to promise giving up practising Falun Gong. In February 2004, the policemen of Guangzhou City massively searched and arrested Falun Gong practitioners. Yan Haiyu was forced to escape from home to avoid further persecution.

Recently she returned home as the life of escaping is so painful. She stays at home, and whenever she goes out, her husband is with her to prevent her from being taken away again. Telephone of her home is tapped. The whole family lives in horror.

12. Ms Zhang A-lian, sister of Zhang Xiaogang (Sydney)

Personal information: retired worker in Guangzhou

Time detained: 29 August 2002

Detention site: Chatou Women's Forced Labour Camp, Guangzhou City

She was detained twice in summer of 2000. After the second detention she was sent to a brainwashing class for about two weeks and was forced to pay 1000 Yuan for that class. The police told her that she would be taken to labor camp for further brainwashing until she fully gives up Falun Gong. In exchange for the permit to look after her seriously sick father, she had to report to the police daily about her activities and whereabouts. She left home on May 15, 2001 to avoid further persecution after her father passed away. Since 29 August 2002, relatives lost the contact with her. In the middle of September 2002, Guangzhou police informed her daughter that she had been arrested in Tibet and that she was on hunger strike.

Specific request raised in 2003 dialogue: Details of current state of health, and unconditional release

Feedback: No feedback after human right dialogue. She was released in mid May 2004. However, as her telephone is being tapped, no further information about her situation can be obtained as the family and are very careful about their conversation over the phone.

13. Ms ZHAO Lin, sister of Zhang Yanping (Sydney)

Time detained: 26 September 2002

Detention site: details not known, but police of Chaoyang District in Beijing is responsible for her detention

Ms ZHAO Lin is 43 years old. On about 26 September 2002, she was kidnapped from home by the police from Chaoyang District of Beijing, her whereabouts is hard to obtain.

Specific request raised in 2003 dialogue: Her whereabouts and current health

Feedback: No feedback after human right dialogue. Her whereabouts is still unknown.

Appendix 3: Participation in the Current Dialogue Process

PAST INPUTS FROM FALUN GONG PRACTITIONERS TO BILATERAL DIALOGUE

Limited involvement from the major victim of current persecution in China

OUR INTERACTION WITH OTHER PARTICIPATING PARTIES

Human Rights and Equal Opportunity Commission (HREOC)

Since the persecution of Falun Gong began in China in July 1999, Australian Falun Dafa practitioners have provided information of this crisis to the Human Rights and Equal Opportunity Commission (HREOC). There was a meeting with former HREOC President Alice Tay in 2001 and in 2002 the information submitted to HREOC identified the suffering of Chinese Falun Gong practitioners who have relatives in Australia.

In July 2003, prior to the Bilateral Dialogue, the Falun Dafa Association of NSW met with David Robinson from HREOC and submitted the following information:

- Overall background information on the persecution of Falun Gong in China
- Specific recorded cases of deaths following torture in China
- Family Rescue 2003 Report (as also submitted to DFAT)

The Report contained information on 13 relatives of Australian Citizens being detained in China due to their practising Falun Dafa and also requested their unconditional release and made specific requests about their current state of health.

In December 2003, the Falun Dafa Association of NSW met with HREOC President John von Doussa, Bill Kennedy, Director of International Programs, and David Robinson and enquired as to the progress of the Dialogue. The following information was submitted:

- Media reports confirming the campaign to eradicate Falun Gong in China
- Examples of recorded cases of deaths following torture
- Update on Australian relatives persecuted in China
- Information on lawsuits against former leader Jiang Zemin for genocide and crimes against humanity
- Sources of information about the persecution

HREOC has noted that to be effective in their limited training and capacity building work under the China-Australia Human Rights Technical Cooperation Program (HRTC), it is important they are aware of the current situation in China, including those areas where the policies and practices of the government are falling below internationally accepted human rights standards. In that regard, he confirmed that the information and updates from the Falun Dafa Association are invaluable.

PROBLEMS OBSERVED IN THE CURRENT DIALOGUE PROCESS

The Limited Role of HREOC

HREOC confirmed that their role within the dialogue process is to participate in the dialogue at the invitation of the Government and in an essentially advisory role. Accordingly, HREOC does not have any capacity to determine the agenda for discussion at the meetings or the way the dialogue process is conducted. HREOC officials who attended the 2003 Dialogue confirmed that when Falun Gong was mentioned the response from the Chinese side was quite irrational.

OBSERVATIONS OF PARTICIPATING PARTIES

PARLIAMENT

In 1991, when Australia first initiated a bilateral dialogue, and again in 1992, the delegation involved several politicians and frank and public exposition of the discussions and observations of human rights in China were made available.¹² These exchanges were then on hold while Australia co-sponsored resolutions on China at the UNCHR until March 1997, when Prime Minister Howard visited China. A regular bilateral dialogue on human rights was agreed to and Australia dropped the co-sponsorship of the China Resolution as it was now seen as ‘hectoring’ and not productive. The same year saw then Chinese Vice-Premier Zhu Rongji and a high powered Chinese business delegation come to Australia. This correlation of trade and human rights issues has continued to the present, with Foreign Affairs Minister Downer issuing certificates under the DPI regulations continuously for 2 years to limit the Falun Dafa appeal at the Chinese Embassy in Canberra coinciding with the visit of then Chinese Foreign Minister Tang in 2002.

Since the current bilateral dialogue series began in 1997, only on 3 occasions have there been any Members of Parliament involved. In 1999, it was Peter Nugent MP, in 2000, Dr Andrew Southcott MP and Senator Vickie Bourne, and in 2002 Senator Marise Payne and Bernie Oxley MP¹³. We are not aware of any public documents where the Parliamentarians involved have described the outcomes or achievements of these dialogues.

This lack of oversight by Members of Parliament seems a major loophole in the responsible analysis and evaluation of the effectiveness of the bilateral dialogue.

NON-GOVERNMENT ORGANISATIONS (NGO)

We understand the level of involvement of non-government organisations in the bilateral dialogue is limited to cursory inclusion at the behest of DFAT. The process includes DFAT contacting noted interest groups, receiving topics or suggestions to include in the dialogue, the dialogue

¹² Senator Chris Schacht, (1991), Report of The Australian Human Rights Delegation to China, 14-26 July 1991, Canberra, Commonwealth of Australia & (1993), Report of The Second Australian Human Rights Delegation to China, 8-20 November 1992, Canberra, Australian Government Publishing Service.

¹³ http://www.dfat.gov.au/hr/achrd/aus_proc_dialogue.html

occurs and a debriefing follows some months later which noted interest groups can attend. There are no specific requirements to be met in the dialogue process and the reporting methodology is at DFAT's discretion.

The lack of involvement of NGO's seems to weaken the meaningfulness of the dialogue as they are the groups that have the intimate knowledge of what is occurring in China related to their particular fields.

OTHER PARTICIPATING AGENTS

When the dialogues are in China, we understand the participating agents regularly include the DFAT Deputy Secretary, the President of HREOC, representatives from the Attorney-General's Department and AusAID. For the dialogues in Australia, we understand that other groups such as the Office for the Status of Women and the Office of Indigenous Policy will also be involved.

We understand that DFAT, on behalf of the government, controls the agenda of the dialogue, while the other participants are included only in a subordinate advisory capacity.

As such, the involvement of the other participating agents is useful to inform their Chinese counterparts as to international human rights standards and methodologies, but they have no capacity to influence implementation of such policies. If the problem in China was solely ignorance of human rights standards, then this approach would be productive. However, the crucial issue of non-independence of the judiciary and of an authoritarian regime using rule by law, instead of rule of law, requires frank exchanges at the top levels of government to have any effect in how the people of China can experience an improvement in human rights.

Appendix 4: Case studies of Australian citizens' family members: the dialogue failed to improve their situation

We have included here examples from Australian family members and the overall situation of the persecution of Falun Gong in China to demonstrate the lack of outcomes from the Bilateral Dialogue.

a) Australian Family Members—Lack of Effectiveness of the Dialogue Delays Rescue of Mr Ming Ouyang and Leads to his Death

The assessment of the outcome from three Australian family cases is presented here:

i. Ming Ouyang Case Study

Mr Ming Ouyang, a Falun Gong practitioner, brother of Mr Yu Ouyang (Australian citizen) was tortured to death despite being mentioned at two Bilateral Dialogues.

Early 2001: Mr Ming Ouyang was arrested and sentenced to forced labour for one year.

About 15 June 2001: Mr Ming Ouyang's brother in Melbourne, Mr. Yu Ouyang (not a Falun Gong practitioner), contacted Miranda Sissons of DFAT, asking for help in rescuing his brother. Mr. Yu did not notify Australian Falun Gong Association as he did not have any contact with practitioners.

During 2002: At the Australia-China Human Rights Dialogue, Ming Ouyang's name was mentioned.

May 2002: Ming Ouyang was arrested again. He suffered from tuberculosis as a result of torture.

January 2003: DFAT sent a list to China in which Ming Ouyang's name was included. (refer: Mark Napier)

July 2003: Human rights dialogue was held in Beijing - the Chinese official told the Australian delegation that they could not identify the people (including Ming Ouyang) on the list. (refer: Mark Napier)

20 August 2003: Ming Ouyang was tortured to death

25 August 2003: Yu Ouyang advised Miranda Sissons at DFAT of his brother's death. He received no reply.

28 August 2003: Australian Falun Gong practitioners were notified for the first time the name of Mr Ming Ouyang and his death

ii. Tang Yiwen Case Study

The dialogue plays very little role in the rescue of Tang Yiwen, Australian citizen Lisa Liang's sister. The time line below shows that the dialogue does not help rescue Tang Yiwen at all. Her safety till today is still our great concern.

May 2000 Tang Yiwen was detained by Beijing police and was beaten injured.

August 2000 Tang Yiwen was detained in Chatou Women's Forced Labour Camp of Guangdong Province and was sentenced with two year's forced labour.

August 2002 Tang Yiwen was due to be released but was not, because she refused to give up practising Falun Gong.

During the detention her legs were beaten crippled. She was force fed with chilli liquid, and was hung up beaten. The police also attempted to stripe her off and lock her in an underground cell.

Around 20 June, 2003 Tang Yiwen was transferred from Chatou Women's Forced Labour Camp to Sanshui Labour Camp of Guangdong Province for further persecution.

July 2003: Tang Yiwen's case was submitted to DFAT for 2003 human right dialogue

29 August, 2003 Tang Yiwen was released.

23 February, 2004 Tang Yiwen was arrested again, and was on hunger strike since then.

26 February, 2004 Sydney Falun Gong practitioners held press conference in front of Chinese consulate.

27 February, 2004 Policewoman Wen Chunlan illicitly interrogated and threatened Tang Yiwen's husband.

8 March, 2004 Australian Falun Gong practitioners held press conference in front of Parliament House in Canberra. Then Lisa Liang went to Geneva to appeal to the United Nation for rescuing her sister.

11 March, 2004 Haizhu Police Department of Guangzhou City notified Tang Yiwen's husband to come to see her immediately. Her family urgently calls for help as her life is at stake.

15 March, 2004 Tang Yiwen was released. Currently she is still being monitored and her telephone is tapped.

iii. Yan Haiyu Case Study

The case of Yan Haiyu again shows that the human right dialogue has little effect in rescuing Australian citizen's family members.

18 July 2000 Yan Haiyu was detained in Chatou Women Labour Camp, Baiyun District, Guangzhou City, and was illegally sentenced for forced labour of two years.

July 2002 Her term expired but the labour camp did not release her because she refused to give up practising Falun Gong. She staged hunger strike to protest but they still would not release her.

July 2003 Yan Haiyu's case was submitted to DFAT for 2003 human right dialogue

5 September 2003 Yan Haiyu was released. Since then, the policemen visited her at home regularly to attempt to force her to give up practising Falun Gong.

February 2004 Policemen of Guangzhou City massively searched and arrested Falun Gong practitioners. Yan Haiyu escaped from home to avoid further persecution.

June 2004 She returned home. Whenever she goes out, her husband is with her to prevent her from being taken away again. Telephone of her home is tapped. The whole family lives in horror.

Appendix 5: Escalation of Persecution of Falun Gong practitioners in China

i. Third Party Verification

Over the past five years, the persecution of Falun Gong practitioners in China has escalated dramatically. This has been confirmed by Amnesty International, Human Rights Watch, 2004 US State Department Country Reports on Human Rights Practices¹⁴, US Commission on International Religious Freedom (USCIRF)¹⁵ and many other human rights groups and organisations around the world.

According to the USCIRF report, the Chinese government continues to engage in particularly severe violations of religious freedom. The US State Department has stated publicly that conditions of human rights, including religious freedom, actually deteriorated in 2003. Moreover, the Chinese government has not fulfilled commitments it made during the December 2002 US-China Bilateral Human Rights Dialogue. Chinese government officials control, monitor, and restrain religious practice, purportedly to protect national security or stability and public safety or health. However, the government's actions to restrict religious belief and practice go far beyond legitimate protection of security interests and exceed what is permissible under international law. According to the report, for the last four years, USCIRF has recommended that China be designated as a "country of particular concern," or CPC. The State Department has followed the Commission's recommendations and named China a CPC.

The report also highlighted the Chinese government's crackdown on Falun Gong. It said, "Since 1999, the Chinese government has labelled the Falun Gong and similar groups as 'cults,' effectively banning them and 'justifying' its ongoing brutal crackdown. There are allegations that hundreds [over a hundred thousand] of Falun Gong practitioners have been sent to labour camps without trial or been sent to mental health institutions for brainwashing. Falun Gong practitioners claim that 430 [984 verified so far] practitioners have been killed as a result of police brutality. The Chinese government has continued to pressure western businesses in China to discriminate against Falun Gong practitioners. Officials in western countries have also stated that they have received warnings from Chinese diplomatic personnel to stop their advocacy on behalf of Falun Gong and its practitioners."

ii. Statistics

The escalation of the persecution is seen in two aspects: the number of deaths reported and the brutal methods used to persecute.

a) The number of deaths continued to rise

We saw the month of April 2004 as one of the highest tolls reported during the five-year campaign of violence and indoctrination against Falun Gong—41 cases reported¹⁶. In the Media Release, it stated that "The policy of China's former leader to "eradicate Falun Gong" continues

¹⁴ <http://www.state.gov/g/drl/rls/hrrpt/2003/27768.htm>

¹⁵ <http://www.uscifr.gov/reports/12May04/finalReport.php3>

¹⁶ Falun Dafa Information Centre Media Release "62 Cases of Falun Gong Practitioners Killed from Torture, Abuse Reported in April and May 2004", 9 June 2004
<http://www.faluninfo.net/displayAnArticle.asp?ID=8669>

to increase the number of deaths by torture in China, as 62 more cases were reported in April and May, 2004. Those killed ranged in age from 23 to 82 years old. China's northeast region remains the deadliest with Heilongjiang, Liaoning and Shandong Provinces reporting the highest death tolls among the provinces. The total number of verified deaths by the end of May was 968, but the actual death toll is estimated to be several thousands.”

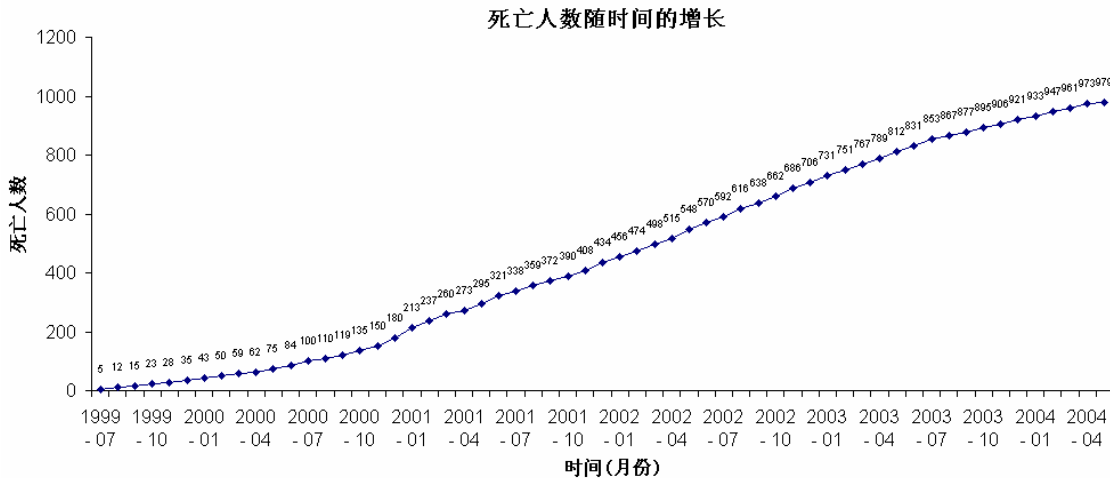
As reported by the Falun Dafa Information Centre¹⁷ to date, since the leader of China, Jiang Zemin, began the persecution of Falun Gong practitioners in 1999:

- 100 million people practiced Falun Gong in 1998, but lost that right when Jiang banned it in 1999.
- Over 100,000 illegally sent to labour camps without trials
- More than 6,000 sentenced to prison terms of up to 18 years.
- More than 1,000 have been forced into mental hospitals, an act condemned by World Psychiatric Association
- Hundreds of thousands of Falun Gong practitioners illegally arrested and detained
- At least 977 deaths through police torture have been confirmed, with government sources inside China disclosing that the actual number exceeds 1,600.

b) Brutal Methods to Persecute Falun Gong practitioners

The methods used to torture Falun Gong practitioners are unimaginable. The latest United Nations Report of the Special Rapporteur on Torture published on 23 March 2004 highlights the torturing of Falun Gong practitioners¹⁸. Of the 115 countries covered, China received by far the most ink in the 420-page report.

Death toll increases with time



¹⁷ Falun Dafa Information Centre, www.faluninfo.net/DisplayAnArticle.asp?ID=6517

¹⁸ Falun Dafa Information Centre Media Release “United Nations’ Rapporteur on Torture Highlights China, Falun Gong Ahead of Planned Visit”, 2 June 2004 <http://www.faluninfo.net/displayAnArticle.asp?ID=8650>

Appendix 6: Deficiencies of the Current Bilateral Dialogue

Meeting Human Rights Criminals While Discussing Human Rights Improvements

The Attorney-General's Department's ¹⁹ trip to China from 21-25 July 2003, confirmed the Attorney-General emphasised in his meetings with Chinese officials, including the Minister for Justice and the **Vice Minister for Public Security**, the positive nature of the HRTC Program and noted the improved cooperation between China and Australia on human rights assistance.

However, human rights assistance is not the same as human rights implementation. From the Falun Gong perspective there is a large “hole” in the effectiveness of the Dialogue which renders it impotent. The Australian delegation either by intent or by ignorance, have failed to understand or report on the multi-layered reality of the practical implementation of human rights policy in China. All the training in the world of mid-level officials does nothing to affect the actual treatment of Falun Gong practitioners at the hands of police, the Public Security Bureau, labour camp guards or officials from the “610” office, nor does it address structural systemic problems in China, such as the non-independence of the judiciary.

Our government's approach to the Bilateral Dialogue does not address the double layer of decision making in the Chinese system. While the Attorney-General meets the Public Security Ministry, it appears that no attention is paid to the human rights background of the Chinese officials they meet. As we are forging closer relationships with the Chinese Ministry of Public Security, do we really know what they are doing – or do we only see the surface that they wish us to see, while the real situation is concealed?

For example, does the Attorney-General know that the Deputy Minister of Public Security Ministry Mr LIU Jing, is also the Deputy Director of the “610 Office,” and he has personally implemented the persecution of Falun Gong in China by issuing or transmitting orders to eradicate the practice. Does the Attorney-General know that Mr LUI also spoke in defence of the persecution of Falun Gong at the UNHRC session in April 2000 and that actively incites and promotes hatred of Falun Gong.

Consider Mr ZHOU Yongkang, the Minister of Public Security and former General Secretary of the Communist Party of China (CPC) in Sichuan Province. During his tenure as the highest provincial official in Sichuan Province, the provincial police and the “610 Office” escalated their activities in that at least 58 practitioners were confirmed to have died in prisons or forced labour camps. The escalation of deaths in police custody was also related to the fact that ZHOU was served with a lawsuit while travelling in the U.S. by the family of a Falun Gong practitioner in August 2001.

As some China specialists have pointed out, his open anti Falun Gong stance and the extreme measures implemented in Sichuan were the reason for his promotion after the 16th Party Congress to the important position of Minister of Public Security. This was the first time in a quarter of a century that Beijing appointed a Politburo member to head the Ministry of Public Security. This

¹⁹ Submission from the Attorney-General's Department August 2003, “Human Rights and Good Governance Education in the Asia Pacific Region”, Inquiry by the Human Rights Sub-Committee Joint Standing Committee on Foreign Affairs, Defence and Trade

unusual appointment was seen by China specialists as a further attempt by the central leadership's commitment to fighting Falun Gong under what China calls "cult-related activities."

According to CNN²⁰, "the official People's Public Security Paper quoted ZHOU as saying the police would target the Falun Gong spiritual movement as well as illegal activities by terrorist and separatist groups."

The first awards ZHOU signed in his new position as head of the police force were awards to the "special operations teams" in Gansu Province for their anti Falun Gong operations. This sent a clear message to the national police force on the criteria for obtaining awards and monetary incentives, thus enhancing the crimes of torture and crimes against humanity committed by the Chinese police against Falun Gong. Under the title "Ministry of Public Security gave first awards respectively to four special operation teams of Gansu province", *Xinhua* Net reports:

For the great fights against criminals, the leaders of Ministry of Public Security signed the orders that gave the four special operation teams the top collective awards and 10,000 Yuan respectively. The four orders were signed, respectively, by the former minister Jia Chunwang and the current minister ZHOU Yongkang.

It is pointed out in the file "Order the top collective award to the special operation team of Bureau of public security of Gansu province for its detecting the "7.26" "Falun Gong" event" that the special operation team of Bureau of Public Security of Gansu province has caught a large number of Gansu "Falun Gong" core members, has broken down some "Falun Gong" information centres, and has captured a bunch of "Falun Gong" evil cult's reacting materials and tools. This team has made great efforts to protect the political stability of the society in harshly fighting against "Falun Gong" evil cult's crimes.²¹

As the above instances point out, ZHOU Yongkang, in both his positions as General Secretary of the CPC in Sichuan and as the Minister of Public Security, in concert with other officials of the party and government, authorized, supervised, and implemented a campaign to persecute, intimidate, and ultimately eliminate the Falun Gong spiritual movement in the province of Sichuan and elsewhere in China. This campaign has resulted in a catastrophic loss of lives, the loss of jobs, the disappearance of select persons, brutal torture, the systematic breaking of families, and the disruption of civil society. This campaign is a breach of a number of international agreements to which China is a signatory.

²⁰ See Beijing tightens grip on law and order by Willy Wo-Lap Lam CNN Senior China Analyst, Dec. 10, 2002 <http://www.cnn.com/2002/WORLD/asiapcf/east/12/10/china.police/index.html>

²¹ See Xinhua Net (2003-02-18 11:16:49), http://news.xinhuanet.com/legal/2003-02/18/content_733542.htm