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HUMAN RIGHTS COUNCIL
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Agenda Item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

**Report of the Special Rapporteur on freedom of religion or belief,
Asma Jahangir**

Addendum

Summary of cases transmitted to Governments and replies received * **

* The present document is being circulated in the languages of submission only as it greatly exceeds the word limitations currently imposed by the relevant General Assembly resolutions.

** The present report was submitted later than the indicated deadline, in order to incorporate the latest available information on the subject matter.

China

Communication sent on 29 December 2005 jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences

21. The Special Rapporteurs brought to the attention of the Government information they had received concerning **two female Falun Gong practitioners**. According to the information received, on the night of 24 November 2005, one woman aged 51 was abducted by an estimated seven policemen. Her home was ransacked and all Falun Gong materials were seized. She was taken to Dongchengfang Town Police Station in Tunzhou City, Hebei Province, where she was interrogated, beaten with rubber clubs and shocked with stun batons. At approximately 2 p.m. on 25 November 2005, a police officer took her to a room, where he lifted her shirt and touched her breasts. He then shocked her breasts with a stun baton. Another police officer came into the room and raped her. During the rape, he repeatedly slapped her in the face. He then brought another woman aged 42 into the same room and raped her too. The two rapes took place in the presence of another police officer, who made no attempt to intervene or prevent the incidents.

Observations

25. The Special Rapporteur would like to reiterate that women and detainees are in a particularly vulnerable situation and it is of the utmost importance to ensure that the States' legislative and administrative systems provide adequate protection to victims and effective remedies. The Special Rapporteur would also appreciate further information about the allegation that the two rapes took place in the presence of another police officer, who reportedly made no attempt to intervene or prevent the incidents.

Urgent appeal sent on 31 August 2006 jointly with the Special Rapporteur on the question of torture

26. The Special Rapporteurs received information concerning Bu Dongwei (also known as David Bu), aged 38, and Falun Gong practitioner. According to the allegations received, on 19 May 2006, he was detained by around seven police officers at his home in the Haidian district of Beijing. On 19 June 2006, he was assigned to two and a half years re-education through labour in connection with his activities as a member of the Falun Gong spiritual movement by Beijing's Re-education through Labour Committee, which has the power to impose periods of arbitrary detention without charge or trial. He was accused of "resisting the implementation of national laws" and "disturbing social order" on the basis of evidence including a verbal confession he made to the police and 80 copies of Falun Gong literature discovered in his home. He is due to be released on 18 November 2008.

27. Despite repeated requests to the authorities, his family has not been told where he is being detained although unconfirmed reports have been received that he may have been transferred to Tuanhe Re-education through Labour facility in Beijing on 21 August 2006. There are concerns that he is at risk of torture or other ill-treatment. Bu Dongwei had previously served a term of ten months re-education through labour from August 2000 to May 2001 in Tuanhe for "using a heretical organization to disrupt the implementation of the law" after he petitioned the authorities asking them to review their ban on Falun Gong. During this period, he was reportedly beaten and made to sit all day in a small chair. He was also subjected to sleep deprivation aimed at forcing him to renounce his belief in Falun Gong.

Observations

32. The Special Rapporteur is grateful for the Government's response. With regard to the question of "cults" or "sects", she would like to refer to the chapter on "Religious minorities and new religious movements" in her report to the fourth session of the Human Rights Council (see A/HRC/4/21, paras. 43-47). The Special Rapporteur reiterates her predecessor's assessment that, apart from the legal courses available against harmful activities, "it is not the business of the State or any other group or community to act as the guardian of people's consciences and encourage, impose or censure any religious belief or conviction" (E/CN.4/1997/91, para. 99). Similarly, during the elaboration of general comment No. 22, Human Rights Committee member Rosalyn Higgins was "resolutely opposed the idea that States could have complete latitude to decide what was and what was not a genuine religious belief. The contents of a religion should be defined by the worshippers themselves; as for manifestations, article 18, paragraph 3, existed to prevent them from violating the rights of others" (CCPR/C/SR.1166, para. 48). The terms 'belief' and 'religion' are to be broadly construed, bearing in mind that manifestations of this freedom may be subject to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. The Special Rapporteur continues to be very concerned by the continued violations of freedom of religion or belief suffered by Falun Gong practitioners (see E/CN.4/2005/61, paras. 37-38; E/CN.4/2006/5/Add.1, para. 109; A/HRC/4/21/Add.1, para. 88).

Urgent appeal sent on 1 December 2006 jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the question of torture

33. The Special Procedures mandate holders brought to the attention of the Government information they had received regarding Mr. **Zhang Hongwei**, member of the "Falun Gong", detained in Jilin prison at the time the communication was sent. According to the information received, Mr. Hongwei was arrested in Beijing and sentenced to 11 years of imprisonment in 2001. He was transferred to Tiebei Prison in Changchun city, where he went on a 53-day hunger strike, and subsequently to Jilin Prison in March 2002. He was held in solitary confinement for two years and five months and ill-treated. His conditions of health were severe. By the beginning of 2006, Mr. Zhang was continuously coughing and type III tuberculosis was diagnosed. Body fluid was accumulating in his chest and in March 2006 he also suffered from pleurisy, high blood pressure and heart disease. Thereafter, he was transferred to the prison hospital, however, still ill-treated by prison guards. Several applications by Mr. Zhang's family for medical parole and access to his X-rays were refused. Further, his family was denied to visit him.

Urgent appeal sent on 22 December 2006 jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention

38. The Special Procedures mandate holders brought to the attention of the Government information they had received concerning Mr. **Cao Dong**, a Falun Gong practitioner. According to the information received, on 21 May 2006, Mr. Dong met with the Vice-President of the European Parliament, Mr. Edward McMillan-Scott, in Beijing. Following this meeting, he was arrested and transferred to the Gansu Province State Security Bureau Detention Centre. On 29 September 2006, Mr. Dong was charged with “producing Falun Gong material”. His current whereabouts are unclear and his family has not been allowed to visit him since the arrest. Gansu local authorities informed Mr. Dong’s family that he will be on trial soon. Mr. Dong has previously been placed in administrative custody for being a Falun Gong practitioner.

Observations

39. The Special Rapporteur regrets that she has not received a reply from the Government concerning the above mentioned allegation. She would like to refer to her predecessor’s conclusions and recommendations after his country visit (E/CN.4/1995/91, page 133): “The Special Rapporteur considers that there must be no interference with religious activity falling within the scope of the 1981 Declaration. At all events, there must not be any surveillance of a kind to infringe the right to freedom of belief and to manifest one’s belief. With regard to sects, the Special Rapporteur particularly wishes to point out that the 1981 Declaration protects not only religion, but also theist beliefs and that article 1, paragraph 3, of that Declaration states that freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.”

Communication sent on 25 January 2007 jointly with the Special Rapporteur on the question of torture.

40. The Special Rapporteurs sent a letter to the Government of the People’s Republic of China as a follow-up to a communication sent on 11 August 2006 (see A/HRC/4/21/Add.1, paras. 107-111). To this communication China had sent a response on 28 November 2006 (see A/HRC/4/21/Add.1, paras. 112-118), in which however the following issue was not addressed. It was reported that there were many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable sources. Moreover, the reportedly short waiting times that had been advertised for perfectly-matched organs would have suggested the existence of a computerised matching system for transplants and a large bank of live prospective donors. It was alleged that the discrepancy between available organs and numbers from identifiable sources was explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincided and correlated with the beginning of the persecution of these persons. The Special Rapporteurs noted reports that on 15 November 2006, Vice-Minister Huang reiterated at a conference of surgeons in Guangzhou that most organs harvested come from executed prisoners. Notwithstanding the reported stringent criteria in place for donors, including for those sentenced to death, the Government informed in its response of 28 November 2007, that voluntary donations and donations between relatives were the two other legitimate sources of transplant organs. The Special Rapporteurs also noted that between the years 2000 and 2005 there were 60,000 transplantations performed, or approximately 10,000 per year for six years. This period coincides with the alleged rise in the persecution of Falun Gong practitioners. In 2005, it was reported that only 0.5% of total transplants were accounted for by donations by relatives;

non-relative brain dead donors were around nine in 2006; and estimates—given that the Government does not make public statistics on executions—for 2005 indicate 1770 executions were reportedly carried out, and 3900 persons sentenced to death. It was alleged that the discrepancy between the number of transplants carried out and the number of available sources is made up from the harvesting of organs from Falun Gong practitioners.

41. The Special Rapporteurs asked for a full explanation of the source of organ transplants that would disprove the allegation of organ harvesting of Falun Gong practitioners, particularly if they could be traced to willing donors or executed prisoners. Therefore, they reiterated their request for an explanation for the discrepancy in the number of transplants between the years 2000 to 2005 and the numbers from identifiable sources of organs.



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HUMAN RIGHTS COUNCIL
Fourth session
Item 2 of the provisional agenda

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Report of the Special Rapporteur on freedom of religion or belief,
Asma Jahangir***

Addendum

Summary of cases transmitted to Governments and replies received

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Urgent appeal sent on 13 September 2005 jointly with the Special Rapporteur on violence against women, its causes and consequences

, including Tang Yubao, who subjected her to electric shocks. On 22 March 2004, she was transferred to Masanjia Labour Camp where she was forced to sleep on cement floors for three months. She was released on 24 December 2004, due to her extremely weak conditions, weighing less than 40 kg, whereas at the time of her arrest she weighed 80 kg. The several complaints that Ren Shujie made to the prison guards, who were the only authorities she had access to, provided no response or amelioration to her conditions of detention.

82. On 21 January 2000, Ms. **Liu Yunxiang**, aged 32, living in Yangjiazhuang village in Junbukou Township was arrested by police officers belonging to the Junbukou Township of Weifang City in Shandong province, for practicing Falun Gong. No charges were brought against her and she was provided no hearing before a court of law. She was subjected to severe beatings, and the men who were also arrested with her were forced to beat her and the other arrested women on their hips. During her detention, she was forced to curse the founder of Falun Gong, drink alcohol and smoke cigarettes, which is against Falun Gong principles. As a result of this treatment, Ms. Liu Yunxiang miscarried. She was released after having paid for her release. In the Summer of 2001, she was arrested again for practicing Falun Gong and was once again subjected to torture including electric shocks, as a result of which she miscarried a second time. After twenty days of torture, she was sent to a detention centre for another month, after which she was released.

Observations

87. The Special Rapporteur would like to make reference to her predecessor's conclusions after his country visit to China from 19 to 30 November 1994 (E/CN.4/1995/91, para. 189): "The Special Rapporteur considers that there must be no interference with religious activity falling within the scope of the 1981 Declaration. At all events, there must not be any surveillance of a kind to infringe the right to freedom of belief and to manifest one's belief. With regard to sects, the Special Rapporteur particularly wishes to point out that the 1981 Declaration protects not only religion, but also theist beliefs and that article 1, paragraph 3, of that Declaration states that freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others."

88. The Special Rapporteur continues to be very concerned by the continued violations of freedom of religion or belief suffered by members of the Falun Gong. In her previous reports to the Commission on Human Rights, she explicitly mentioned members of the Falun Gong as targets of various human rights violations because of their beliefs and she strongly condemns the continued lack of freedom of belief of members of Falun Gong (see E/CN.4/2005/61, paras. 37-38 and E/CN.4/2006/5/Add.1, para. 109).

89. The Special Rapporteur would like to thank the Government for the invitation it has extended in 2004 for a follow-up visit and she hopes to receive a reply from the Government further to her last letter of September 2006 requesting dates for this visit. were handed over to the Public Security Bureau of their respective places of origin after they refused to sign a statement denouncing the Dalai Lama and recognizing Tibet as a part of China. They are currently being held in Public Security Bureau places of detention. There are concerns that they may be subjected to torture or ill-treatment.

Communication sent on 29 December 2005 jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on violence against women, its causes and consequences

105. The Special Rapporteurs brought to the attention of the Government information they had received concerning **two female Falun Gong practitioners**. According to the information received, on the night of 24 November 2005, one woman aged 51 was abducted by an estimated seven policemen. Her home was ransacked and all Falun Gong materials were seized. She was taken to Dongchengfang Town Police Station in Tunzhou City, Hebei Province, where she was interrogated, beaten with rubber clubs and shocked with stun batons. At approximately 2 p.m. on 25 November 2005, a police officer took her to a room, where he lifted her shirt and touched her breasts. He then shocked her breasts with a stun baton. Another police officer came into the room and raped her. During the rape, he repeatedly slapped her in the face. He then brought another woman aged 42 into the same room and raped her too. The two rapes took place in the presence of another police officer, who made no attempt to intervene or prevent the incidents.

Communication sent on 11 August 2006 jointly with the Special Rapporteur on the question of torture and the Special Rapporteur on trafficking in persons, especially in women and children

107. The Special Rapporteurs brought to the attention of the Government information they had received concerning **organ harvesting**. According to the allegations received, organ harvesting has been inflicted on a large number of unwilling Falun Gong practitioners at a wide variety of locations, for the purpose of making available organs for transplant operations. Vital organs including hearts, kidneys, livers and corneas were systematically harvested from Falun Gong practitioners at Sujiatan Hospital, Shenyang, Liaoning province, beginning in 2001. The practitioners were given injections to induce heart failure, and therefore were killed in the course of the organ harvesting operations or immediately thereafter.

108. It is reported that employees of several transplant centres have indicated that they have used organs from live Falun Gong practitioners for transplants. After the organs were removed, the bodies were cremated, and no corpse is left to examine for identification as the source of an organ transplant. Once the organs were removed they were shipped to transplant centres to be used for transplants for both domestic and foreign patients. Officials from several detention facilities have indicated that courts have been involved in the administering the use of organs from Falun Gong detainees.

109. It is reported that there are many more organ transplants than identifiable sources of organs, even taking into account figures for identifiable sources, namely: estimates of executed prisoners annually, of which a high percentage of organs are donated by, according to the statement in 2005 of the Vice Minister of Health Mr. Huang Jiefu; willing donor family members, who for cultural reasons, are often reluctant to donate their organs after death; and brain-dead donors. Moreover, the reportedly short waiting times that have been advertised for perfectly-

matched organs would suggest the existence of a computerized matching system for transplants and a large bank of live prospective donors.

110. It is alleged that the discrepancy between available organs and numbers from identifiable sources is explained by organs harvested from Falun Gong practitioners, and that the rise in transplants from 2000 coincides and correlates with the beginning of the persecution of these persons.

111. On organ transplants, in general, it has been reported that in March 2006, legislation was introduced which bans the sale of human organs and requires the donor to give written permission. The legislation also limits transplants to certain institutions, which must verify the source of the organs. This law came in force on 1 July 2006. Contrary to the Government assertion that human organs have been prohibited from sale, in accordance with the 1991 WHO guiding principles, it has been reported that up to this time Chinese law has allowed the buying and selling of organs, has not required that donors give written permission for their organs to be transplanted, there has been no restriction on the institutions which could engage in organ harvesting or transplants, there was no requirement that the institutions engaged in transplants had to verify that the organs being transplanted were from legal sources, and there was no obligation to have transplant ethics committees approve all transplants in advance. Moreover, evidence exists, for example, that at least up until April 2006 price lists for organ transplants in China were published on the Internet.

Urgent appeal sent on 31 August 2006 jointly with the Special Rapporteur on the question of torture 120.

The Special Rapporteurs received information concerning Bu Dongwei (also known as David Bu), aged 38, and Falun Gong practitioner. According to the allegations received, on 19 May 2006, he was detained by around seven police officers at his home in the Haidian district of Beijing. On 19 June 2006, he was assigned to two and a half years re-education through labour in connection with his activities as a member of the Falun Gong spiritual movement by Beijing's Re-education through Labour Committee, which has the power to impose periods of arbitrary detention without charge or trial. He was accused of "resisting the implementation of national laws" and "disturbing social order" on the basis of evidence including a verbal confession he made to the police and 80 copies of Falun Gong literature discovered in his home. He is due to be released on 18 November 2008.

121. Despite repeated requests to the authorities, his family has not been told where he is being detained although unconfirmed reports have been received that he may have been transferred to Tuanhe Re-education through Labour facility in Beijing on 21 August 2006. There are concerns that he is at risk of torture or other ill-treatment. Bu Dongwei had previously served a term of ten months re-education through labour from August 2000 to May 2001 in Tuanhe for 'using a heretical organization to disrupt the implementation of the law' after he petitioned the authorities asking them to review their ban on Falun Gong. During this period, he was reportedly beaten and made to sit all day in a small chair. He was also subjected to sleep deprivation aimed at forcing him to renounce his belief in Falun Gong.