

China in fifty seconds

by David Matas

China's turn came up again on 22 October 2013 at the United Nations Universal Periodic Review Working Group in Geneva. Since 2006, once every four years, every country comes under scrutiny. China came under review for the first time in February 2009. October 2013 it was China's turn again.

The review for each state is limited to three hours. The state under review opens; other states comments; the state being reviewed responds, orally during the three hours and in writing three days later. Non-governmental organizations can make written submissions but not oral presentations.

The state under review is given one hour for an opening statement and responses during the three hours. The rest of the time is allocated to states wishing to make comments.

Originally, commenting states were allocated two minutes each. That meant that only sixty states at most could fit within the two hours remaining.

Diplomats in Geneva from gross violating states, to insulate their governments from criticism, have become masters at gaming the UN human rights system so that it talks about anything but human rights. They figured out that the way to stymie the Universal Periodic Review was to jam the two hours with their friends.

This gaming led to a rush to the mike. Diplomats from countries serious about human rights had to line up in the early hours of the morning to get on to the speaking list for gross violating states.

These early morning jamborees eventually became too much for everyone and the rules were changed to allocate time to all states who wanted to speak on any country, dividing

the available two hours amongst them. When it comes to frustrating human rights, the ever ingenious gross rights violating states figured out a way to undermine this system too. Their representatives lined up as many states to speak as possible, thereby cutting down the time available for each state seriously concerned about respect for human rights.

For the most recent Cuban review in May 2013, the Cuban delegation managed to line up so many speakers that the available time for each was 38 seconds. China, though it puts Cuba to shame in the way it violates human rights, has not been as focused as Cuba on undermining the UN human rights system. So for China, the number of states wanting to speak, 137, meant that the time available for each was 50 seconds.

China is a vast country with a huge array of human rights problems. What could one usefully say in 50 seconds? In theory, in the age of 40 character Twitter and the 10 second TV news bit, one would have thought that states should be used to saying quite a lot within narrow constraints. However, that turned out not to be the case.

When states spoke on the Chinese human rights record in the morning of 22 October 2013, representatives of those states which have poor human rights records as well as states which are grateful, sometimes after a good deal of arm twisting, for the vast sums the Chinese state showers on them, purposely distanced themselves from reality. These representatives commended China on its "remarkable" human rights achievements and urged China to continue its "exemplary" efforts.

The reality based states, in planning their statements, debated whether to raise a few points of concern or run through as much as possible of the very long list of human rights problems China presents. The issue though was one tree or many. Talking about the forest seemed to be beyond all of them. Coherence or thematic unity was absent from all the statements the human rights defender states made.

A focus on human rights abuse should be teleological. It should not focus on specific phenomena only. It should go after the root causes. Specific abuses stem from much larger problems. Pull out the abuse at its roots and its branches wither. Lop off a branch and it just grows back.

In China, the root cause of human rights violations is Communist Party rule. Even if one puts aside the inhumane ideology of Chinese Communism, the very fact of a one party state violates basic human rights. Respect for human rights means free democratic elections.

The official Chinese government statement to the Universal Periodic Review Working Group had the effrontery to claim that there were free democratic elections throughout China at the village level. That raises the obvious question, well, what about at the city or regional or national level. No country, not one, raised that question.

A human rights strategy should be focused on the victims rather than the perpetrator. That strategy would focus on the worst victimization first. While all torture victims suffer equally and all those arbitrarily killed are equally dead, numbers matter. In terms of numbers the largest set of victims, bar none, is Falun Gong.

The Communist Party decided in 1999 to target Falun Gong because its popularity made Party leaders fearful for their ideological supremacy. Falun Gong is a set of exercises with a spiritual foundation. It is a blending and update of Chinese spiritual and exercise traditions - qigong, Buddhism and Taoism.

Falun Gong would seem to be of no political concern or interest to anyone. It is not an organization with a membership. It has no leadership, other than spiritual, no offices and no finances. Its spiritual texts have no political content or agenda.

The Communist Party targeting of Falun Gong says nothing about Falun Gong, but a lot about the Chinese Communist Party - its unstable hold on the hearts and minds of the Chinese people, its need to invent imaginary enemies to justify its own hold on power, its fear of popular movements, its abhorrence of spirituality, and its rejection of Chinese traditions.

Falun Gong victimization dwarfs other victimization. In terms of torture, which is representative of other forms of victimization, the multiple, according to former UN Rapporteur on Torture Manfred Nowak, is six to one. There are six times as many Falun Gong victims of torture as victims from any other single group. In terms of sheer volume of inflicted tragedy, nothing in China even comes close to the tragedy of Falun Gong.

It is a simple matter to pick up this difference in victimization just by listening to the way the Communist Party of China speaks about Falun Gong. While the Communist Party has all sorts of ridiculous vocabulary for a wide variety of innocents, the worst is saved for Falun Gong. Tibetan Buddhists and Uighur Muslims, for instance, are called splittists. Only Falun Gong is called an evil cult.

Choosing the victim group with the highest number of victims in China is easy; so is choosing the worst victimization. Torture, disappearance and arbitrary detention are all awful. Yet, surely, the worst of all is killing innocents for their organs and selling their organs to transplant tourists or wealthy Chinese, an abuse inflicted on Falun Gong since 2001, all told in the tens of thousands.

The victimization of Falun Gong looms over the human rights landscape in China. Yet, at the Universal Periodic Review, only one state mentioned Falun Gong - Canada. Even Canada referred to Falun Gong only as a part of list of victims of religious repression.

China rejects the evidence that Falun Gong prisoners are killed for their organs, but acknowledges that almost all of its organs for transplants come from prisoners. China promises eventually to stop sourcing organs from prisoners.

The dispute with China is not whether organs for transplants are coming from prisoners, but only over which prisoners. The position of the Government of China that its prisoner organ sources are all prisoners sentenced to death.

Falun Gong are not sentenced to death. Sometimes they are sentenced for up to three years for the offence of disturbing social order. Mostly they are sentenced to nothing and just arbitrarily detained until they recant.

Sourcing organs from prisoners sentenced to death violates ethical standards of the transplant profession, the official policies of The Transplantation Society and the World Medical Association. The Government of China claims that prisoners sentenced to death consent to the use of their organs for transplants. Transplant professionals assert the obvious, that autonomous informed consent is impossible in a prison environment, which is inherently coercive. Sourcing of organs from prisoners, no matter what sort of prisoners, is done, practically, without consent.

Wherever one stands on the dispute over which Chinese prisoners are the sources of organs, international standards dictate that China has the responsibility to account for its sources of organs. It does not fall to outsiders to show that organ transplant sourcing is abusive. The World Health Organization Guiding Principles on Human Organ Transplantation assert the principles of transparency, accountability and traceability.

China does not respect these Guiding Principles. On the contrary, as evidence of the killing

of Falun Gong for their organs has mounted, China has engaged in increasing cover up, removing access to data which government websites had previously made available and denying statements its own officials previously made.

In light of the fact that sourcing of organs from prisoners violates international standards and China has committed to ending that sourcing, one would have thought that states at the Universal Periodic Review for China, no matter how timorous, would have mentioned the issue. Yet, not one state did.

The Committee against Torture established under the Convention against Torture in December 2008 had called for to China to cooperate with an independent investigation into the sourcing of organs for transplants and for prosecution of those involved in organ transplant abuse. Four years ago, at the 2009 Universal Periodic Review for China, Canada called on China to respect these recommendations. This time no country did that.

Rights respecting states who omitted mention of persecution of Falun Gong and organ transplant abuse likely both know and care about both violations, whatever their position on their combination. The problem is the audience these states target.

For the pandering states, the audience is the perpetrator, the Government of China. For the rights promoting states, the primary audience should be first the victims, second the public, and only last the perpetrator. Many rights promoting states though considered strategically that it was better to advocate a reform China was likely to accept than one it would reject.

Working Group sessions are called an interactive dialogue. Yet, the reaction of representatives of China to a sequence of serious human rights recommendations was rejection, counter attack and obfuscation.

One can get a sense of the official Chinese attitude to human rights by this statement made by a Chinese Government spokesman during the interactive dialogue:

"A country's human rights situation can not be divorced from its reality. Others should not seek to misguide the public. Some countries in their comments equated security actions to protect civilians with ethnic cleansing and called certain criminals in China human rights defenders. Normal judicial procedures were called political persecution. This is a typical case of politicising human rights. We feel very sorry about this. The so called proposals are unacceptable to us. I must stress that the only person who knows whether shoes can suit the person's feet is the person wearing those shoes. The best person to know the human rights situation in China is a Chinese person."

Yet, any Chinese person in China who dares to say anything about human rights is beaten, tortured, arbitrarily detained and made to disappear. The Universal Periodic Review would, one would hope, welcome the opportunity to have Chinese in China make submissions on human rights. The Chinese government regrettably does not allow it.

At the October 22nd session, various states danced around the issue of the killing of Falun Gong for their organs. Many states called for publishing death penalty statistics.

The connection between death penalty statistics and organ transplant abuse was made explicit by the UN rapporteur on torture, the UN rapporteur on religious intolerance and the UN Committee on Torture. All have asked China to explain the discrepancy between its volume of transplants and its volume of sources. Though China does not publish death penalty statistics, unofficial estimates provide death penalty numbers which come nowhere near to explaining the volume of transplants which China says is sourced from death penalty prisoners.

Many states also called for an end to arbitrary detention in general and the re-education through labour camps in particular. Even though no state said this, these camps are vast forced organ donor banks populated mostly by Falun Gong.

There was as well a call from many states to respect freedom of religion and to stop the persecution of human rights defenders. But these were generalities. The name of Gao Zhisheng, a Chinese human rights lawyer persecuted for being so bold as to object to the killing of Falun Gong for their organs, was not mentioned.

So the fifty seconds each state had was poorly used. Realistically, fifty seconds is about 170 words. How does pack the most punch into that framework? This is what I suggest.

"Mr. President

We want to highlight one matter - the compelling evidence that Falun Gong are being killed for their organs. The Government of China denies that this is happening, yet accepts that most organs for transplants come from prisoners and says that these prisoners are all sentenced to death. However, China does not give death penalty statistics; it should do so.

China must respect the World Health Organization principles of transparency, accountability and traceability. The Government should cooperate with an independent investigation into the source of its transplants.

Killing of Falun Gong for their organs could not happen without the existence of re-education through labour camps, which house mostly Falun Gong; religions intolerance; one party rule and the repression of human rights defenders, like Gao Zhisheng, who assert these other principles. We call on China to end arbitrary detention, respect freedom of

religion, hold free and fair democratic elections at all levels of government and to end its repression of human rights defenders.

Thank you Mr. President."

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