

Ten things you should know about China

(Contribution to a briefing session 22 April 2013 for Dutch Parliamentarians on a mission to China, May 3 to 11)

I want to say a few words about the human rights situation in China with reference to Falun Gong. Allow me to begin with what may seem to be a truism. China is very different from Holland. That may be easy to appreciate in a general sort of way. Yet, how different China is requires some explanation.

It certainly took me a while to realize how very different China is from Canada. There are ten basic facts I want to present to you about China which I hope will give you some awareness of the extent of the difference which I have come to appreciate.

1. The Communist Party rules

The first thing you should know is that the Government of China does not rule China. It is rather the Communist Party of China which rules China.

Government functionaries are a front or a facade. Instructions about how they are to go about their tasks come from the Party.

Up and down the Government system, whether it be national regional or local, no matter what department or state enterprise, Government functionaries may go about the day to day task. Yet it is the Party which instructs and decides.

Every Government function has a parallel Party function. Many people in the system often have double functions, a party function and the state function. In the state function, they receive instructions; in the Party function, they give instructions.

Many of the people you will be dealing with in your mission will be state functionaries with impressive sounding titles. One has to remember that each of these state functionaries you

meet is subject to the whim and will of the Party; each of them has a Party handler or committee of handlers telling the official what to do and what to say.

2. There is no rule of law in China

The second basic fact you must know is that there is no rule of law in China. It is not the law which rules; it is the Party which rules. It is impossible to enforce the law against the Party, since the Party instructs the legal system.

Moreover, the Party itself often does not function by law. It often does not issue nor ask its government instruments to issue public written directives. The Party rather frequently operates by way of secret oral decisions. One is left to deduce what the Party has decided by the actions of officials in carrying out the decisions of the Party.

The Party tentacles are not just limited to the civil service, the traditional apparatus of government. They reach into the Chinese Parliament and the courts.

The prosecution, the judges, even the defense bar have their Party instructing components. The Party tells the legal system what to do, not the reverse.

This Party instructing system generates a type of court we do not see in the West, a court which hears but does not decide. It is rather the Party, in political cases, which decides, telling the Court what the verdict must be, regardless who conducts the court hearing.

This Party instructing system produces a defense bar unlike any other. Defense lawyers who defend their clients against the Party dictates are disbarred; their offices are closed. They can be beaten, tortured and arbitrarily disappeared. Being a human rights lawyer in China means becoming a human rights victim.

3. The priority of the Communist Party is its own power

The third basic fact you must know about China is that the primary interest of the Communist Party of China is maintenance of its own power. The Party at one time had an ideological core, of socialism. That core is now gone. All that is left is the pursuit and maintenance of power for its own sake.

The Party is not elected. So it does not necessarily seek popularity, though it can not alienate the Chinese public too much.

The Party censors to prevent, contradict and forestall criticism of itself. The Party controls the media and the internet for that purpose.

In addition to preventing negative messages, the Party propagandizes heavily to put out its own message. The bottom line of all this propaganda is a desire to make the Party look good and its critics look bad.

Economic prosperity is not the ultimate goal of the Party but rather a means to an end. The Party uses the pursuit of wealth as a means of placating its population, to prevent discontent over Party rule.

4. To the Communist Party of China the greatest threat is Falun Gong

The fourth fact you must know is that the primary threat the Party sees to its supremacy over China is Falun Gong. Falun Gong is a set of exercises with a spiritual foundation begun with the teachings of Li Hong Zhi in 1992.

The Party initially encouraged the practice of Falun Gong as beneficial to health and saving the health system costs at a time when the state was shifting from socialism to capitalism and withdrawing state funding from the health system. However, by 1999 practitioners of

Falun Gong were more numerous than members of the Communist Party and the Party took fright that its own ideological supremacy was threatened.

Falun Gong has no organisation or political platform. Yet it is a movement which is spiritual in contrast to the Party which is atheist.

Falun Gong is rooted in Chinese traditions in contrast to Communism which is a Western import. Falun Gong is a blending and updating of the ancient Chinese spiritual and exercise traditions - Buddhism, Taoism and Qi Gong.

Falun Gong is moral; its three basic tenets are truthfulness, compassion and tolerance. In contrast, the Party has no moral ethic other than maintenance of its own power and is prepared to violate every moral principle to maintain that power.

Falun Gong is a movement which is Han Chinese, spread everywhere throughout China, representing huge numbers and articulating a belief system which is decidedly both authentically Chinese and not Communist. In order to maintain its own hold on power, the Party felt compelled to ban and repress the Falun Gong. Despite the apolitical non-violent nature of Falun Gong, Falun Gong became Chinese Communist Party public enemy number one and continues that status to this day.

5. The worst victims of human rights violations in China are Falun Gong

The fifth fact you should know is that the worst victims of human rights violations in China, by far, are Falun Gong. Former UN rapporteur on torture Manfred Nowak estimated that two thirds of the torture victims in China were Falun Gong. The next highest number was Uighurs at 11%. All other victims were single digit.

The re-education through labour camps also have more Falun Gong than any other victims.

The United States Department of State Country Reports estimates that about half of the population of these arbitrary detention camps is Falun Gong.

One can see this hierarchy of victimization by the language the Party uses. Tibetans and Uighurs are called splittists. Only Falun Gong is called an evil cult.

Falun Gong protested their banning. They were arrested in large numbers, hundreds of thousands. Those who recanted and joined in the victimization were released. Those who did not were tortured. Those who refused to recant and join in the victimization of fellow practitioners, even after torture, were disappeared.

6. Falun Gong are killed for their organs.

Organ transplant abuse is a global problem. Yet, here as in so many other ways, China presents a unique phenomenon. Elsewhere organ transplant abuse is a black market. Only in China, and this is the sixth fact you must know, is organ transplant abuse a state function directed against prisoners of conscience.

The killing of Falun Gong for the sale of their organs results from a combination of factors - the need of the health system for funds, the military as a conglomerate business including transplant hospitals, the marginalization of Falun Gong, and their huge numbers in arbitrary detention throughout China. In China, killing prisoners for their organs is a billion dollar business. While initially the contribution of the healthfulness of Falun Gong to the finances of the health system was the cutting down on costs of treatment, eventually the contribution became the healthfulness of their organs, which could be sold at first to transplant tourists and more recently to local Chinese at exorbitant prices.

The military in particular, because of their access to the prisons and detention centres and their shared culture with the prison and detention guard system, are able to access detain

Falun Gong for organ harvesting with ease. The Falun Gong, because of the huge numbers in detention throughout China, are a vast, widespread organ donor pool who can be and are killed on order whenever a patient shows up with the requisite funds and in need of an organ.

7. Chinese officials are willing to talk about transplant reform.

When you raise persecution of Falun Gong with Chinese officials, they are hostile. This is a conversation in which they are not willing to engage. They will respond with propaganda against Falun Gong, complaints of interference in internal affairs, criticism of the human rights record of the country of the interlocutor, or claims that the interlocutor is anti-China.

We in the West reflexively separate patriotism from political party loyalty. The heavy Communist indoctrination in China means that many Chinese do not make this distinction. They see criticism of the Communist Party as an attack on China, even when one is criticising the Party for mass killings.

Discussion of transplant reform, and this is the seventh fact you must know, is different. Government officials acknowledge that the overwhelming bulk of organs for transplants comes from prisoners. They further accept that the sourcing of organs from prisoners is wrong. They claim to be shifting from prisoners to voluntary donors and indicate that this shift will occur over a matter of time.

The notion that the killing of prisoners for organs should stop eventually rather than immediately is hard to swallow. All the same, the transplant discourse - give us time, is quite different from the Falun Gong discourse, which is complete hostility and denial. For those who would rather avoid confrontation, this sort of conversation, pressing China to accelerate its transplant reform and shift from prisoners to other sources for organ transplants, is easier to engage.

8. Cover up increases; transparency decreases

While Chinese officials in theory claim that eventually they will get closer to international transplant standards, the day to day reality is that over time, and this the eighth fact you should know, the Chinese system is getting further away from these standards, in particular, the standards of transparency, accountability and traceability. The more time passes, the less information is available about transplantation in China.

The experience of our research is that as soon as we cite an official Chinese source, it disappears. Advertisements on hospital web sites of short waiting times for transplants have gone. So have boasts about the amount of money being made from transplants.

Official Chinese prices lists for transplants have vanished. Hospitals no longer tell callers that they have organs of Falun Gong for sale.

The liver transplant registry of Hong Kong, which used to post aggregate liver transplant volumes, no longer does so. Chinese transplant doctors who used to give referral letters to foreign after care doctors about the operations of their patients and data about the organ sources and anti-rejection drugs no longer do so.

We have archived all information we referenced so that independent researchers can see what we saw. However, over time there has been a progressive degradation of the available data.

The Government of China claims that the prisoners from whom organs are sourced are all prisoners sentenced to death. Yet the Government refuses to release death penalty statistics.

9. The killing of Falun Gong for their organs can stop

It is unrealistic to expect to find in China an island of respect for any law, including the law of organ transplants, in a raging sea of Communist Party tyranny. Rather, the law itself is a facet of that tyranny, a form of propaganda the Party uses to put a benign public face on its underlying cruelty.

In a country subject to the rule of law, policy would take priority over politics and law over policy. In a tyranny, this hierarchy is reversed. Politics trumps policy and policy trumps law. The changes in Chinese policy are more likely to affect practice than changes in law.

The killing of Falun Gong for their organs violates Chinese law. But it happens anyways. Even the banning of Falun Gong has no legal foundation. There is no Chinese legal instrument banning Falun Gong. But that too happens anyways, because that is what the controlling faction of the Party wants.

Party officials are not unanimous in the banning of Falun Gong. On the contrary, if the matter were put to a vote, even within the Party, it is likely that the ban would be lifted. Falun Gong, before the banning, was too widespread and the practice is too harmless, even beneficial, for substantial support for the banning to exist.

Yet, the Party is a hierarchy, not a democracy. Jiang Zemin, when he was Secretary General of the Party, pushed the banning through, mostly out of jealousy over the popularity of Falun Gong and fear for the ideological supremacy for the Party in the face of that popularity. The Jiang Zemin faction now maintains the banning in large measure because the very brutality of the repression. The brutality has created a cadre of perpetrators who need the repression to continue in order to provide impunity for themselves. The very senselessness of the cruelty has become its own justification for continuation.

The Jiang Zemin faction within the Party may well feel that the repression of Falun Gong, once started, must continue to justify and excuse all the crimes committed in the name of that repression. However, the killing of prisoners for their organs is another matter. While the money to be made is huge, the Party, and this is the ninth fact you must know, does not need to continue these killings to stay in power.

On the contrary, if the political cost of the killing of prisoners for organs becomes too great, the Party will back away from these killings, as it has already started to do. Your delegation and all others interacting with Chinese officials should add to that political cost, which can, at least in this area, impact behaviour.

10. You can raise human rights issue in China without compromising economic interests

The experience has been, and this is fact number ten, that there is no correlation between human rights criticism and economic relations. Chinese businesses will continue to do business abroad as long as it makes economic sense.

Taiwan saw its business with China increase when it shifted from a friendly Kuomintang government to a hostile Nationalist government. Canada had a similar experience when it shifted from a friendly Liberal government to a critical Conservative government. The favourable shift can not, of course, be attributed to the increased criticism; it was rather attributable to the business cycle. The fact that business considerations prevailed even when criticism increased means though that self censorship is self inflicted harm and harm inflicted on the victims for no good reason.

Many Westerners with economic interests in China engage in self censorship for fear that they might otherwise antagonize Chinese officials and harm their business interests. Yet,

this self censorship is economically unnecessary and harmful to the victims.

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David Matas is an international human rights lawyer based in Winnipeg, Manitoba, Canada