

Does human rights education help to realize the human rights of the most vulnerable groups?

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Human rights education spreads the language of human rights to everyone, perpetrators as well as victims. This vocabulary can be and has been used indiscriminately. Human rights education can increase the sophistication of human rights violators.

Perpetrators, by mastering the language of human rights, can cloak their violations in language forms which seem respectful of human rights, all the while rejecting human rights in practice. Obfuscation created by the smokescreen of human rights language makes abuses harder to notice; it renders more difficult the mobilization against the abuses of large numbers from many different places and languages. The uninformed misdirect their animosity towards human rights violations from perpetrators to victims. Those who need a ready excuse for their participation in violations latch on to the vocabulary of human rights to pile on the victims.

As a case study, the paper considers the persecution by the Communist Party of China of practitioners of the spiritually based set of exercises Falun Gong. One manifestation of the persecution has been Communist Party defamation of Falun Gong drawn from the human rights vocabulary. Another manifestation has been Communist Party distortion by portraying the reporting of evidence of their violations against Falun Gong as a form of human rights victimization of Chinese Communist Party/State actors. The paper presents this Communist Party abuse of human rights language both to attack Falun Gong and to defend itself against the evidence based charges of persecuting Falun Gong.

Falun Gong is a set of exercises with a spiritual foundation. It is a blending and updating of Chinese exercise and spiritual traditions. It was founded in 1992 with the teachings of Li

Hongzhi and initially encouraged by the Communist Party as beneficial to health. However, its spirituality and its outsized popularity made the Party, which is atheist and demands ideological control, jealous and fearful of its own ideological supremacy. So Falun Gong, in 1999 was repressed, without being officially banned.

The Chinese Communist Party and State arrested Falun Gong practitioners and tortured them into recantation. Those who did not recant, in the hundreds of thousands, disappeared into arbitrary detention where they became vast forced organ donor banks.

I wrote a report with former Canadian government Minister David Kilgour in June 2006 which concluded that many of these disappeared practitioners Falun Gong, in the tens of thousands, were being killed for their organs. We produced a second version in of their report in January 2007 and a third version in book form under the title *Bloody Harvest* in November 2009. Our report prompted the founding of a non-governmental organization, Doctors against Forced Organ Harvesting or DAFOH. I and Dr. Torsten Trey, the founder of DAFOH, co-edited a book of essays on organ transplant abuse in China published in August 2012 under the name *State Organs*. Ethan Gutmann, in a book titled *The Slaughter* published in August 2014, wrote that the killing of prisoners for the conscience for their organs included, as well as Falun Gong, Tibetans, Eastern Lightning house Christians and Uighurs.

I. Attacking Falun Gong

In this section, I give examples of Communist Party vilification of Falun Gong which use the human rights vocabulary. Examples could be drawn from any country. Since I, as a Canadian, am familiar with the situation there, I draw my examples from Canada.¹

¹ See generally David Matas and Maria Cheung "Concepts and Precepts: Canadian Tribunals, Human Rights and Falun Gong" 62 Canadian Journal of Human Rights (2012) 1:1 <http://cjhr.ca/wp-content/uploads/2012/05/Matas-Cheung-Canadian-Tribunals-Human-Rights-and-Falun-Gong.pdf>

A. La Presse Chinoise

In the months of November 2001, December 2001 and February 2002, the Montreal based newspaper La Presse Chinoise published a series of attacks against Falun Gong. The articles included accusations that practitioners of Falun Gong were guilty of money laundering for the underworld, murder, forcing women into prostitution, bestiality, and sucking blood from practitioners of the opposite sex.

A number of Falun Gong practitioners sued the newspaper for libel. The Quebec Court of Appeal recognized that what the newspaper distributed was defamatory and that its statements against Falun Gong were unfounded. There was no attempt in court on the part of the newspaper to produce evidence which would support the statements made. The Court nonetheless dismissed the lawsuit on the basis that one cannot defame a group.² The law of defamation applies only to individuals and so the newspaper would not be liable for its defamatory allegations.

B. The Ottawa Chinese Seniors Association

Daiming Huang, an elderly Chinese Canadian woman, brought a complaint to the Ontario Human Rights Tribunal against the Ottawa Chinese Seniors Association. Ms. Huang claimed she was expelled from the Seniors Association because of her belief in Falun Gong.

In response, the lawyer for the Association submitted that the tenets of Falun Gong were contrary to the principles of the Canadian Charter of Rights and Freedoms. He argued that the opponents of Falun Gong had a right to be protected from Falun Gong. He further submitted that Falun Gong could not be given the full protection of a religion or creed and was "closer to a cult".

² *Zhang v. Chau* [2008] QCCA 961

The Tribunal, on April 27, 2011, ruled that the Association and its leadership violated the Ontario Human Rights Code by expelling Daiming Huang. The Tribunal ordered the Association to pay her \$15,000 for "the injury to her dignity, feelings and self respect arising from the infringement of her rights under the [Ontario Human Rights] Code".³

C. The Calgary Consulate

Two members of the Chinese consulate, in June 2004, distributed anti Falun Gong literature at a University of Alberta conference. The police recommended prosecution of the consular officials for wilful promotion of hatred, a Canadian Criminal Code offence.⁴

The police report narrative of the incident sets out in detail, over eight pages, the diatribes of the Chinese Communist Party of China against Falun Gong. Falun Gong is accused of being an evil cult whose practitioners lay siege to government institutions, harass critics, rebel, neglect their families, commit suicide and murder family members and friends. The full police report can be found as an appendix to the report David Kilgour and I posted on the internet.⁵

In order to proceed with the prosecution of any hate crime in Canada, the consent of the Attorney General of the province with jurisdiction must be obtained, and in this case the Attorney General refused consent on freedom of speech grounds. Those who had complained to the police challenged the decision of the Attorney General not to consent to prosecution in the Alberta Queen's Bench. The application of the complainants was dismissed on the basis that the Court would not interfere with the discretion of the Attorney

³ *Huang v 1233065 Ontario*, [2011] HRTO 825

⁴ Code section 319(2).

⁵ www.organharvestinvestigation.com

General.⁶

D. Satellite TV

CCTV-4, a Chinese government TV satellite broadcaster, sought permission to broadcast into Canada on a digital basis. The Canadian Radio-television and Telecommunications Commission (CRTC) in December 22, 2006 concluded that this broadcaster had a history of abusive comment, incitement to hatred and contempt, incitement to violence and threats to physical security against the Falun Gong.⁷

The Commission decision made reference to these broadcasts:

- A member of the public states, "We have to stand against Falun Gong and thoroughly cleanse such non-religious and anti-humanity cults from our society."
- Falun Gong's founder, Li Hongzhi is described by a member of the public as "truly worthy of our hatred" because of his association with Falun Gong.
- A school founder states, "We are in deep hatred towards Falun Gong, including both its manipulator and organizer. We are in deep hatred of Li Hongzhi."
- Two CCTV-4 news stories aired in which the reporters each described an individual as "mentally ill" and in each case linked the cause of such illness to the subject's association with Falun Gong.
- In the context of news stories, reporters, news readers, and interviewees such as medical professionals, teachers and ordinary citizens repeatedly characterize Falun Gong as "anti-humanity, anti-science and anti-society" and describe it as an "evil cult" or "evil doctrine," or as having a criminal and homicidal nature, and, in one case, "extending its demon claw."

⁶ *Chen v Attorney General of Alberta*, [2007] ABQB 267

⁷ Broadcasting Public Notice CRTC 2006-166, paragraphs 95 to 107.

The CRTC approved the application with a warning. The warning was that unless CCTV-4 became free of abusive comment towards Falun Gong, it would be removed from the list of eligible satellite services authorized for digital distribution in Canada.⁸

II. Defending the Party

A. Voluntary prison organ donations

The current director of the China Organ Donation Committee and, at the time, vice-minister of health Huang Jiefu, in a statement to China Daily in August 2009, asserted that prisoners are "definitely not a proper source for organ transplants"⁹. So that seems pretty straightforward.

At a meeting in Hangzhou, in October 2013, Chinese Government Health Minister Bin Li began the meeting with a statement expressing the resolve of the Government "that the reliance of transplant centers upon organs from executed prisoners must cease". The Minister stated:

"China needs the support of the international community to implement this new system and the international community needs the involvement of China in progress of organ transplantation as a field of medicine."

The report of the meeting further stated:

"Immediately after the presentation of the Hangzhou Resolution on Nov 2nd, 2013, the leaders of 36 transplant centers made a written commitment to the cessation of organs from executed prisoners. More hospitals are anticipated in the days ahead. The names of these centers and these transplant leaders will be presented to the international community to enable the publication of data from their centers in the

⁸ Paragraphs 112 and 113.

⁹ Tania Branigan, "Executed prisoners are main source of Chinese organ donations" The Guardian, 26 August 2009

medical literature and their presentations at international scientific congresses."

The promotion of transplant tourism into China continued even after the Hangzhou resolution - under the name Omar Health Care Service. The Omar Health Care website as well as other information prompted an open letter from The Transplantation Society to President of China Xi Jinping sent the end of February 2014.

That letter stated

"... the fact that foreign patients are still undergoing transplantation in China suggests that some hospitals are boldly and irresponsibly violating Chinese government regulations, thereby rendering the law a mere 'paper tiger'. These centers are both jeopardizing the public trust at home and tarnishing China's reputation on the international stage....Chinese media report that even as the new [organ donor] program is being piloted, it has already been infiltrated by persons driven by the same corrupt practices who have assumed authority for the distribution of organs."

The letter asked China to get matters right.¹⁰

The letter from the Society led to a couple of responses. One is that the Omar Health Care website is now gone. You can still see the site yourself by using the way back search engine on the internet.¹¹

The other development was that the Chinese government used the language of human rights to abandon the commitment to end the sourcing of organs from prisoners. Huang

¹⁰ Matthew Robertson "International Transplant Community Raises Voice Against China's Abuses" Epoch Times, April 7, 2014

¹¹ The best snapshot can be found at February 22, 2007 at <https://web.archive.org/web/20070222164806/http://www.cntransplant.com/?>

Jiefu, the man in charge of transplants in China, asserted that, rather than shifting from prisoners to donors for sourcing of organs, China would incorporate the sourcing of organs from prisoners into its donor system. He said "we will regulate the issue [inappropriate handling of organ donations from executed prisoners] by including voluntary organ donations by executed prisoners in the nation's public organ donation system"¹². He added "Judicial bodies and local health ministries should establish ties, and allow death row prisoners to voluntarily donate organs and be added to the computer organ allocation system"¹³.

Lest there be any doubt about what he meant, he elaborated more specifically in a Chinese language interview when asked about the commitment of the leaders of 36 transplant centers to stop sourcing organs from executed prisoners¹⁴. Huang Jiefu stated that the commitment from these 36 transplant centres

"is not about not using organs from executed prisoners, but not allowing hospitals or medical personnel to engage in private transactions with human organs."

Huang Jiefu made this statement before the publication of the names of the 36 centres in April 2014¹⁵, thus preventing the public from getting the mistaken impression that these 36 centres were actually going to stop sourcing organs from prisoners.

¹² Shan Juan "Govt seeks fairness in organ donor system for inmates" China Daily USA, 2014 March 07

¹³ Matthew Robertson "Top Chinese Transplant Official Says There's No Plan to Stop Using Prisoner Organs" Epoch Times, April 11, 2014

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<http://dailynews.sina.com/gb/chn/chnpolitics/phoenixtv/20140304/12205515629.html>

¹⁵ "China organ donation and transplantation update: the Hangzhou Resolution" Authors: Huang JF, Zheng SS, Liu YF, Wang HB, Chapman J, O'Connell P, Millis M, Fung J, Delmonico F, Hepatobiliary & pancreatic diseases international: HBPD INT. 13(2): 122 4, April 15, 2014.

Huang Jiefu in this interview added:

"Executed prisoners are also citizens having the right to donate organs. We are not against organ donation of prisoners which would deprive them of this right. ... Given the willingness of death row prisoners to donate organs, once entered into our unified allocation system then they are counted as voluntary donations of citizens. The so called death row organ donation doesn't exist any longer."

B. A call for justice

A remarkable article¹⁶ in the China Medical Tribune, an official medical publication available in Chinese in China, reports on a press conference held by Huang Jiefu at the Chinese medical transplant congress in Hangzhou October 30th, 2014. The article refers to

- the Virginia Medical Association Resolution 13-207 of May 2014,
- the Pennsylvania House of Representatives resolution number 1052 passed 198 in favour, none against, adopted October 8, 2014
- The TAICOT appeal of October 27, 2014 to boycott Chinese organ transplantation.
- A Minghui webpage and link from December 7, 2009.

The Virginia Medical Association Resolution 13-207 of May 2014

- condemns systematic, state-sanctioned organ harvesting in China,
- calls for "a full and transparent investigation by the United States Department of State into organ transplant practices in the People's Republic of China, and for the prosecution of those found to have engaged in such unethical practices",

http://www.cmt.com.cn/detail/623923.html&usg=ALkJrhj1Ume7SWS_04UtatL3pWKYRbFqxw. I have to thank Swiss based researcher Arne Schwarz for drawing this article to my attention. See Matthew Robertson, "From Attack to Defense, China Changes Narrative on Organ Harvesting" Epoch Times, November 24,

2014, <http://m.theepochtimes.com/n3/1099775-from-attack-to-defense-china-changes-narrative-on-organ-harvesting/?sidebar=hotarticle>

- recommends that the US State Department
 - a) issue a travel warning for US citizens travelling to China for organ transplants and
 - b) bar the entry of those who have participated in organ harvesting, and
- calls for an end to the persecution of Falun Gong.¹⁷

The Pennsylvania House of Representatives resolution number 1052 adopted October 8, 2014

- calls upon the Government of China to immediately end the practice of forced organ harvesting from all prisoners, particularly from Falun Gong prisoners and members of other religious and ethnic minority groups;
- calls upon the Government of China to increase accountability and transparency in the organ transplant system and punish those responsible for abuses;
- urges the United States Government to commence a full and transparent investigation into organ transplant practices in China;
- calls upon the United States Government to prohibit any doctors involved in unethical organ procurement or transplantation surgery using organs harvested from living prisoners in China from gaining entry into the United States; and
- encourages the medical community of Pennsylvania to help raise awareness of unethical organ transplant practices in China.

The Taiwan Association for International Care of Organ Transplant (TAICOT) on October 27, 2014 appealed to experts in transplantation medicine, the international community and the people invited to attend the China Transplant Congress

- not to participate and not to support the Chinese Transplant Congress and China's exchange activities related to organ transplantation, and

¹⁷ Brianna Pendleton, "Medical Society of Virginia Passes a Resolution to Condemn Organ Harvesting and Support Pending US Congressional Resolution" June 01, 2014, Minghui, <http://en.minghui.org/html/articles/2014/6/1/1453.html>

- not to cooperate in any form with China on professional organ transplants.¹⁸

Minghui is the Chinese version of Clear Wisdom, a Falun Gong website. The linked webpage of December 7, 2009 has a detailed analysis of transplant statistics in China showing that the number of prisoners sentenced to death and then executed could not possibly provide the number of organs used for transplant in China and indicates that practitioners of Falun Gong are the likely source. The title of the article, in translation, is "The condemned could not supply the mushroom cloud of China's organ transplant market". "The condemned" refers to those sentenced to death and executed. The mushroom cloud metaphor is used to dramatize the sudden explosion of transplant volumes coincident with the persecution of Falun Gong.

Huang Jiefu told the China Medical Tribune that all the cited foreign sources are "nonsense", "rumour". He asserts "Over time, the truth will be restored". He states "Justice may be late, but never absent."

Why did Huang Jiefu feel the need on October 30, 2014 to make this point? The evidence of organ transplant abuse in China had, after all been accumulating for years. The China Medical Tribune article reports the refusal to allow 35 Chinese participants for ethical reasons to attend the World Transplant Congress in San Francisco in July 2014. It also notes that for the most recent Hangzhou transplant conference "many overseas transplant experts failed to attend". A year before, in October 2013, the China Transplant Congress, also held in Hangzhou, had a raft of foreign expert attendees.

Many attendees to the 2014 Hangzhou conference were likely asking where all the overseas transplant experts were. Huang Jiefu must have felt compelled to say something to explain and counter their absence.

¹⁸ <http://www.organcare.org.tw/2014/10/blog-post.html>

The NGO Doctors against Forced Organ Harvesting (DAFOH) on October 20th released a statement which provided that

"we would consider it unethical for any foreign transplant professional to attend this transplant congress in Hangzhou given the rampant and unrepentant transplant abuse in China, unless the person is going with the express and sole purpose of speaking out against it."¹⁹

This statement, along with other developments, would have been a drag on overseas transplant expert attendance.

Those doctors who applied to attend and participate in the World Transplant Congress in San Francisco in July 2014 and were rejected, and their colleagues who knew they were applying to attend, also needed an explanation. The Communist Party may have felt that they could ignore the evidence of the killing of Falun Gong for their organs. However, they could not ignore the fact that Chinese transplant doctors were denied admission to an international transplant congress or that foreign transplant doctors who had come before to China were no longer coming.

Huang Jiefu is then complaining about the global rejection of his colleagues. That, he claims, is an injustice which will eventually be remedied. He parlays the global concern about killing of innocents for their organs into a complaint of ostracization where he and his colleagues, rather than those killed for their organs, become the victims.

III. Responding to attacks

One answer to abuse of the human rights vocabulary to attack victims is the facts. This

¹⁹ See <http://www.dafoh.org/obligations-medical-profession-regarding-chinese-transplant-congresses/>

sort of answer is straightforward when the facts are known or knowable, outside the jurisdiction of the perpetrators and their ability to cover up and repress the facts. The abuse does nonetheless have an impact even in the face of the facts, which is why laws and policies against incitement to hatred are necessary.

The Falun Gong community was the first in China to take advantage of modern technology to gather in large numbers. The growth of the practice of Falun Gong and mobilization of its practitioners is directly attributable to the advent of the internet and cell phones.

Through cell phones and the internet, it is possible for large numbers of people to do the same thing at the same time, be at the same place at the same time, without organization or leadership. For Falun Gong practitioners, one can say - make publicly available the exercises and beliefs, spread the technology of cell phones and the internet and they will come, without organization or leadership. This phenomenon was unknown in China before it was manifested through the Falun Gong.

When the Communist Party leadership saw a group of people doing the same thing at the same time, they did not attribute to flash this spontaneous activity to flash mobbing, to cell phones and the internet. Many in the leadership of the Party simply had no idea of their mobilization capacity. What they saw instead is what they knew - an organization, a hierarchy, a leadership, a plan, rather than what was in fact staring them in the face.

The Party projected on to others, a disparate group of Falun Gong practitioners, its own manner of operation. The persecution of the Falun Gong began and continues with a simple mischaracterization.

The facts are there for those who want to delve into them. Falun Gong, after all, is not practiced only in China. It has spread world wide. There are practitioners of Falun Gong

in many countries. It is unrealistic to suggest that Falun Gong practitioners outside of China are different from Falun Gong practitioners inside of China. And we can see outside of China who Falun Gong practitioners are and what Falun Gong is.

We can see with our own eyes that the Falun Gong community has none of the characteristics of a cult. Falun Gong has no memberships, no offices and no officers. It has no mandatory financial obligations, isolation of practitioners in communes or withdrawal from the world.

Falun Gong practitioners remain within society. They live with their families. They go to work and send their children to school.²⁰ There is no penalty for leaving the Falun Gong, since there is nothing to leave.

Falun Gong is neither a movement nor an organization; it is not even people. It is rather a set of exercises with a spiritual foundation.

Literally, the word "Gong" means "practice" or "set of exercises" and Falun means "the wheel of law". The phrase "wheel of the law" is a short hand description of Falun Gong beliefs. So Falun Gong is a form or type of practice or exercises.

The exercises can be done by anyone, anywhere, at any time, though commonly they are done once daily in groups. Those who are interested can begin the exercises whenever they want and stop whenever they want. While practising, they are free to practise Falun Gong as little or as much as they see fit.

A person need not register with anyone or join anything to practice the exercises. All

²⁰ "Falun Gong and Canada's China policy". David Ownby, vol. 56, International Journal, Canadian Institute of International Affairs, Spring 2001.

information about how to do the exercises is publicly available.

There are some Falun Gong practitioners who have formed and joined support organizations, Falun Dafa associations. Falun Dafa associations are local or national. There is no one international Falun Dafa Association.

These associations encompass only a portion of Falun Gong practitioners. They may facilitate some Falun Gong activities, but they do not represent or lead or organize all Falun Gong practitioners.

These associations make representations to government on behalf of Falun Gong practitioners. In formulating these representations, they operate by consensus of all and any of the practitioners who volunteer to participate in the discussion about what those representations should be.

Those who practise Falun Gong have no organizational leadership. Li Hongzhi got things going. He has written books and given public lectures widely available in print and on the internet which have inspired individual Falun Gong practitioners. His advice to practitioners is publicly available information. He is the founder of the practice, its first teacher, a spiritual leader, but not an organization leader.

Li Hongzhi is not worshipped by practitioners. Nor does he receive funds from practitioners. He is a private person who meets rarely with practitioners. Most practitioners have never met him.

Some Falun Gong practitioners have banded together to produce a newspaper - the Epoch Times, a satellite TV network - New Tang Dynasty TV, a satellite radio network - the Sound of Hope, and a classical Chinese dance company. All of these efforts are the work of

volunteers, pitching in what time, funds or goods in kind they individually wish to contribute to the specific project at hand.

Falun Gong practitioners consistently oppose their persecution. That, in itself, is hardly surprising and does not indicate anything untoward about the practice or the practitioners.

Falun Gong includes elements drawn from Buddhist and Taoist principles. In essence, it teaches methods of meditation through exercises intended to improve physical and spiritual health and fitness. It is a form of Chinese yoga.

The movement has no political platform; its followers seek to promote three cardinal principles - truth, tolerance and compassion across racial, national and cultural boundaries. Violence is anathema.

There may be some elements of the spiritual beliefs of Falun Gong which do not seem rational to non-believers. That, of course, is a criticism which can be levied against any belief. To take one example, for a non-Christian, the notion that babies could have wings must seem strange. Yet, one sees such depictions throughout Christendom.

Though the Falun Gong is not an organization with a leadership, the Communist Party of China is. When you are a hammer, everything looks like a nail. The Communist Party of China saw the Falun Gong community as a mirror of itself, organizationally similar, but ideologically different.

The absence of organization and leadership of Falun Gong has not stopped the Government of China from believing there is one. Chinese officials just think it is hidden. The very lack of visibility of leadership and organization has led the Government of China to greater suspicion, greater fears.

Calling an uncoordinated mass of individuals engaged in parallel activities an organization with a leadership may on its own just be an innocent mistake. But once one starts attributing anti-state activity to this imagined organization, the mistake ceases to be innocent. The error becomes paranoiac, a conspiracy fantasy.

To outsiders, there is the immediate, albeit superficial, strangeness of the name Falun Gong. The words "Falun" and "Gong" in Western languages mean nothing.

For the Communists, victimizing the Falun Gong is a crime which is easier to get away with than victimizing other, better known groups. Falun Gong victims are often people without Western connections or Western languages. It is much easier for outsiders to relate to victims who have universal labels - journalists, human rights defenders, democracy activists, than a group with a name which means nothing to most ears.

It is also harder to misrepresent the known than the unknown. When the Communists slur Tibetan Buddhists or the Christian house churches, we know that they are talking nonsense. When the Communists slur the Falun Gong, many people are not sure whether there is any basis for the charges.

The Chinese Communist Party labelling of Falun Gong is a component of the repression of the Falun Gong, a pretext for that repression as well as a defamation, incitement to hatred, depersonalization, marginalization and dehumanization. The incitement to hatred against the Falun Gong, like all incitement to bigotry, has an impact. The place with the most ferocious impact is China, where the propaganda is uncontradicted. But the incitement has an insidious effect everywhere.

Even in democratic states, people may know enough not to swallow Chinese propaganda

whole. But there is often a tendency to think that where there is smoke, there is fire.

American law professor Mari Matsuda, when addressing incitement to racial hatred, describes the phenomenon this way:

"At some level, no matter how much both victims and well meaning dominant-group members resist it, racial inferiority is planted in our minds as an idea that may hold some truth. The idea is improbable and abhorrent, but because it is represented repeatedly, it is there before us. 'Those people' are lazy, dirty, sexualized, money grubbing, dishonest, inscrutable, we are told. We reject the idea, but the next time we sit next to one of 'those people' the dirt message, the sex message is triggered. We stifle it, reject it as wrong, but it is there, interfering with our perception and interaction with the person next to us."²¹

The Chinese noise about the practice of Falun Gong confuses and obscures. Many of those who do not accept in its entirety Chinese propaganda against the Falun Gong, nonetheless, hold the view that there must be something improper about Falun Gong behind all the Chinese government charges.

Outsiders do not have either the acquired knowledge or the time and energy to do the research to contradict Chinese Communist propaganda. Scepticism about the Falun Gong is not based on anything real in the practice of Falun Gong but is just the residual impact of Chinese Government/Communist Party incitement against the practice.

IV. Responding to the defence

Responding to perpetrator abuse of the human rights vocabulary where the perpetrators remain in power, when the evidence is to be found in the jurisdiction the perpetrators

²¹ "Public Response to Racist Speech: Considering the Victim's Story" in *Words That Wound* Westview Press, Boulder Colorado, 1993 pages 25 and 26.

control and while the perpetrator engage in repression of the evidence, denial and cover-up is a quite a different task from responding to perpetrator abuse when the facts are to be found in jurisdictions outside the control of the perpetrator. Even in jurisdictions outside the control of the perpetrator, there remains, as noted, the problem of incitement to hatred. In these jurisdictions, there remains the possibility of recourse to the facts to rebut the perpetrator.

The recourse though is weakened where the perpetrators control access to at least some of the evidence. Where perpetrators staff the gateway to at least some evidence, that gateway is used to deny access, to pretend that the situation is different from what the known facts point to what it is, and to cry crocodile tears, a claim of unjust treatment through unfair accusations.

I have written and spoken at length at the cover-up in the Communist Party/State of China has engaged of organ transplant abuse²² and will not repeat those remarks here. Here, I make only the point that perpetrators cannot both cover up and claim unjust treatment because the evidence they have not managed to suppress leads to accusations against them.

Classifying prisoners who are sources of organs as voluntary donors is part of the cover up. The notion that prisoners are voluntary actors belies the prison experience. Prison is a coercive environment; it becomes impossible to characterize the sourcing of organs from prisoners in that context as voluntary.

In addition, the secrecy under which the Chinese prison system operates means that any claims of voluntariness are unverifiable. The claim of voluntariness looks to be nothing

²² "Cover up of organ transplant sourcing in China" Remarks for a panel on Organ Trafficking in China, Metropole Hotel, 17 December 2012 Geneva, Switzerland

more than a shift in vocabulary to obfuscate continuing abuse.

To the Communist Party of China, the word "donations", like many other words such as "freedom" and "democracy", has developed its own meaning. To the Party, "donations" encompasses sourcing from prisoners. The word "donations" is used to differentiate state sourced organs from private black market organs, a usage we find nowhere else.

Within the mass of Chinese state sourced organs, there will be some which do not come from prisoners and are truly voluntary. But, in the absence of transparency, how is one to tell what the truly voluntary numbers are?

If the Communist Party/State of China cries foul because they are being accused of killing prisoners of conscience for their organs, then the onus falls on them to account for the sourcing of their organs. Yet, they move in the opposite direction making every effort possible to avoid disclosure of the sourcing of organs.

Though Minghui is cited in the China Medical Tribune article and the link to the webpage is provided, someone clicking on the link in China will get nowhere. A web based service which allows for the testing of any website to determine whether it is accessible from China shows that the Minghui website is not accessible.²³

The refutation of the foreign sources in the China Medical Tribune article cited is, to say the least, feeble. The article does not mention Falun Gong, but it does mention the evidence of foreign research that death penalty numbers are insufficient to account for transplant volumes. The article provides no explanation for the discrepancy between the volume of transplants and the volume of identified sources.

²³ <http://www.websitepulse.com/help/testtools.china-test.html>

The article has an unusual exchange. He Xiaoshun from the Organ Transplantation Centre, First Affiliated Hospital, Sun Yat-sen University, Guangzhou, Guangdong is reported as stating to Huang Jiefu, "Let us open the door so that international scholars can investigate these rumours and prove to themselves that they are unfounded." Huang Jiefu is reported as replying: "Now is not the right time." Yet, if not now, when?

From my perspective, Huang Jiefu is putting on hold an independent outside investigation into sourcing of organs in China until the Chinese transplant system shifts away from sourcing organs from prisoners. Then, so he hopes, there could be a complete disclosure of sourcing without, presumably, any reference to or acknowledgement of the past.

Letting the cat part way out of the bag, Huang Jiefu and his colleagues will find, is no solution. Delay, which they think they can profitably use to cover up their misdeeds, will serve no purpose.

Unless abuse is confronted and opposed directly, it will continue. Those making large amounts of money by killing prisoners to sell their organs will not easily be dissuaded from continuing their crimes. Huang Jiefu has deluded himself and is deluding others if he thinks that he can end the abuse without confronting it.

For human rights the ultimate test of their worth is not the invocation of standards to attack or defend, but the facts. Yet, when perpetrators are in power, engage in cover up and give themselves immunity, the facts can be hard to come by.

We need accountability. The onus must be on those who have the facts in their possession to present them. The World Health Organization Guidelines on Organ Transplantation require transparency of sources, open to scrutiny, and traceability.²⁴ When the Chinese

authorities refuse transparency, without good reason, we know where the human rights and wrongs are.

Conclusion

The Chinese Communist Party then has used the human rights vocabulary to attack its chosen victims, Falun Gong, and to obfuscate its most acute form of victimization of Falun Gong, the killing of Falun Gong for their organs. This behaviour leads to reassessment of China, organ transplant abuse, the Communist Party and Falun Gong. It also justifies reassessment of the worth of human rights.

Has human rights helped or hurt the victims, practitioners of Falun Gong? The answer is both. Communist victimization of Falun Gong was not spurred by human rights standards. Yet Communists have used the human rights vocabulary both as a sword to attack Falun Gong and as a shield, to defend themselves against the weight of evidence of victimization of Falun Gong.

Abuse of the human rights vocabulary has become a modern form of victimization. Today, the language of religion has been supplemented by the language of human rights, both to attack and defend.

William Shakespeare wrote, in *The Merchant of Venice*: "The devil can cite Scripture for his purpose". Equally even a human rights violator can invoke international human rights standards.

If human rights education is going help to realize the human rights of the most vulnerable groups, we must be schooled not only in the use of human rights standards, but also in the abuse that perpetrators make of these standards.

When the person at the head of Chinese system responsible for the killing of prisoners of conscience for their organs claims injustice because this killing has led to an international ostracization of his colleague in crime or claims, without accountability of sources, that the rights of prisoners would be violated if they were not allowed to donate their organs, when the Communist Party accuses innocents without evidence and contrary to the evidence of the engaging in egregious human rights violations, the notion of human rights appears to have lost all meaning. We can give it the meaning it was intended to have if only we keep firmly in focus both who are the perpetrators and who are the victims, what are the violations and what are the attempts to seek immunity.

Human rights is an arsenal which can be used by both perpetrators and victims. We cannot assume that the beneficiaries of human rights education are the victims and their friends, attempting to combat victimization. The beneficiaries can be human rights perpetrators using what they have learned to victimize.

Like organ transplant technology, human rights standards were developed for human good. However, we have enough experience with both organ transplant technology and human rights standards by now to know that the intent of good is not always realized. On the contrary, wrongdoers can manipulate either to their own ends.

We can learn from the Falun Gong experience that, to combat abuse by perpetrators of human rights standards, we must:

- a) confront incitement to hatred,
- b) focus on the facts, and
- c) insist on full disclosure.

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