



THE INTERNATIONAL COALITION TO END ORGAN PILLAGING IN CHINA
endorganpillaging.org

Joint Standing Committee on Foreign Affairs, Defence and Trade

The Status of the Human Right to Freedom of Religion or Belief

Australian Advocacy and Initiatives Committee
The International Coalition to End Organ Pillaging in China

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About the Australian Advocacy and Initiatives Committee

The Australian Advocacy and Initiatives Committee (**AAIC**) was formed in 2016 in response to the serious human rights violations committed in China, in particular the systematic, forced and state-sanctioned organ harvesting and trafficking from prisoners, including non-consenting prisoners of conscience (**forced organ harvesting**).

The AAIC is comprised of lawyers, academics, ethicists, medical professionals and human rights advocates, and is the Australian chapter of the International Coalition To End Organ Pillaging In China (**EOP**). The EOP provides leadership on the issue of forced organ harvesting in China, and promotes and protects human rights by:

- Undertaking, publishing and disseminating research regarding forced organ harvesting in China;
- Calling for greater transparency and scrutiny of the transplantation system in China;
- Promoting public debate regarding human tissue and organ trafficking laws and policy;
- Raising public awareness regarding the importance of ending the detainment, torture and forced organ harvesting in China;
- Advocating for actions to reduce and avoid international complicity in China's violations of transplant ethics and human rights law; and
- Seeking justice for the victims of forced organ harvesting and demanding accountability for the perpetrators

For further details about AAIC please go here:

<http://endorganpillaging.org/committee-australia/>

Executive Summary

1. The AAIC is grateful for the opportunity to make this submission and commends the Joint Standing Committee on Foreign Affairs, Defence and Trade (**the Committee**) for undertaking an inquiry into Australia's efforts to protect freedom of religion and belief.
2. The AAIC's submission will respond to the Committee's terms of reference by providing:
 - An overview of forced organ harvesting in China;
 - Persecution of Falun Gong practitioners in China;
 - Breaches of international human rights of prisoners of conscience in China and national laws in Australia; and
 - Action taken to protect the freedom of religion or belief of prisoners of conscience in China and prevent human rights violations or abuses of this right.
 - AAIC Recommendations
3. AAIC calls on the Australian government to take action to expose, condemn, and work to eradicate the serious crimes being committed in China which constitute a form of religious persecution, and thereby seriously undermine the human right of freedom of religion or belief.

We make this submission to bring this issue to the attention of the Committee. We understand that this is an issue that is difficult to come to terms with, and that there is no easy solution. However, we ask you to remain open and to seek out the truth as a moral and legal duty to ensure that we do not repeat the senseless and inhumane killings and persecution of the Jewish people some 80 years ago. We walk with new knowledge gained from the experiences of our past, and this submission is to assist you so that the Committee is fully aware of the religious persecution and human rights occurring in China, and the discrimination which occurs in Australia as a result of religious persecution. We trust the Committee will endeavor to take all action to prevent such atrocities and to pave a new future for all those who rightfully and freely choose to practice their own spiritual beliefs.

Overview of Forced Organ Harvesting of Prisoners of Conscience in China

In 2005, after longstanding denials, it was officially acknowledged that executed prisoners were harvested for their organs in China.¹

Before China introduced a pilot voluntary organ donation programme in 2010, over 90% of organs transplanted were procured from prisoners, many imprisoned because of their beliefs, having not received a fair trial, if a trial at all.² China remains ‘the only country in the world that still systematically takes organs from executed prisoners for the purpose of transplantation’.³ The AAIC has grave concerns about the lives of thousands of people in China, primarily Falun Gong practitioners, who are being unjustifiably and unlawfully executed for their organs as an act of persecution due to religion and beliefs.

Although China made declarations to the world in 2014 that the country would cease using organs harvested from prisoners⁴, they have not made available any robust data on how they currently meet the demands of the extraordinarily large numbers of transplants performed each year, and offer no explanation on how they have become one of the world’s leading organ transplantation countries, second only to the USA. They do not adhere to international standards such as the Declaration of Istanbul⁵ and the WHO Guiding Principles on Human Cell, Tissue and Organ Transplantation⁶.

Further, there have been no regulatory changes to China’s 1984 provision organ harvesting from executed prisoners on organ procurement and organ trafficking. Until there is clear and compelling evidence that there has been significant changes to China’s organ procurement regulations and practices, there remains grave concerns about the systematic, forced and state-sanctioned killings of thousands of prisoners, in particular prisoners of conscience, for their organs, without their consent.

¹ Huang J. “Ethical and legislative perspectives on liver transplantation in the People’s Republic of China”. *Liver Transplantation* 2007; 13: 193–196; 人民日报 (People’s Daily),

² Norbert, W.P., Caplan, A., Shapiro, M.E., Els, C., Allison, K.C. and Huige, Li. 2017. “Human rights violations in organ procurement practice in China” in *BMC Medical Ethics* 18:11.

³ Delmonico, F, Chapman, J, Fung J, Danovitch, G, Levin A, Capron A, Busuttill R, O’Connell P. Open Letter of the People’s Republic of China: China’s fights against corruption in organ transplantation. *Transplantation*. 2014; 97(8):795-6

⁴ Ramsey, Austin. “China sets Jan. 1 deadline for ending transplants from executed prisoners”, *The New York Times*, 4 December 2014, <https://sinosphere.blogs.nytimes.com/2014/12/04/china-sets-jan-1-deadline-for-ending-transplants-from-executed-prisoners/>; UCA News Article: <http://www.ucanews.com/news/the-horrors-of-organ-harvesting-in-china/76648>

⁵ Website for Declaration of Istanbul <http://www.declarationofistanbul.org/>

⁶ WHO Guidelines can be found here: <http://www.who.int/transplantation/en/>

It is relevant and extremely concerning that China remains the ‘world’s top executioner’. It is estimated there were thousands of people executed in China in 2015.⁷ The ‘true extent of the use of the death penalty in China is unknown as data is treated as a state secret’.⁸ A recent report by Amnesty International states that ‘as of 2017, it appears that China is still sourcing organs from prisoners on death row’.⁹ Again, without transparent, independently verifiable and accurate data, the international community is unable to ascertain how many people are in fact being killed for their organs.

New evidence and figures mined from primary Chinese sources are now uncovering the nature and scale of these abuses, as a means of supplying China’s vast, lucrative organ transplantation industry. On June 22, 2016, three highly respected independent investigators published the 680-page report “Bloody Harvest/ The Slaughter: An Update”(“**The Update**”)¹⁰ illustrating a state-driven industry that transplants far more organs—by an order of magnitude—than can be accounted for by official sources, which China claims are all voluntary donors. The basis of the report is a meticulous examination of the transplant programs of hundreds of hospitals in China. It draws almost entirely on official Chinese-language sources including medical journals, hospital websites, media reports, and a vast amount of deleted websites found in archives. It analyses hospital revenue, transplantation volumes, bed utilisation rates, surgical personnel, training programs, and state funding. The report concludes that 60,000 to 100,000 transplants per year are currently taking place in China - as opposed to the official Chinese claim of 10,000 per year.

China’s organ harvesting has become a focus of media investigations around the world.¹¹ Hearings have been held by U.S. Congress, the British Parliament, and the European Parliament.¹² The U.S House of Representatives and the European Parliament have passed resolutions condemning the practice.

⁷ Amnesty’s Report “China’s Deadly Secrets”. 2017.
<https://www.amnesty.org/en/documents/asa17/5849/2017/en/>; Amnesty International Global Figures 2015, <https://www.amnesty.org/en/latest/news/2016/04/death-penalty-2015-facts-and-figures/>

⁸ Amnesty’s Report “China’s Deadly Secrets”. 2017.
<https://www.amnesty.org/en/documents/asa17/5849/2017/en/>; Amnesty International Global Figures 2015, <https://www.amnesty.org/en/latest/news/2016/04/death-penalty-2015-facts-and-figures/>

⁹ Amnesty’s Report “China’s Deadly Secrets”. 2017.
<https://www.amnesty.org/en/documents/asa17/5849/2017/en/>, p12

¹⁰ Kilgour, D., Gutmann, D. and Matas, D. 2016. *Bloody Harvest/The Slaughter: An Update*.
<http://endorganpillaging.org/an-update/>

¹¹ The International Coalition to End Organ Pillaging in China website:
<http://press.endorganpillaging.org/>

¹² The International Coalition to End Organ Pillaging in China website:
<http://endorganpillaging.org/legislation/>

Forced organ harvesting is a breach of national and international laws and ethical organ donation standards of the Australian Medical Association, the Transplantation Society of Australia and New Zealand, the World Medical Association, The Transplantation Society, and many others. The World Health Organization urges all Member States, which includes Australia, to implement the 'Guiding Principles on Human Cell, Tissue and Organ Transplantation'. At the Sixty-Third World Health Assembly, the WHO called on all Member States

to oppose the seeking of financial gain or comparable advantage in transactions involving human body parts, organ trafficking and transplant tourism; to promote a system of transparent, equitable allocation of organs, cells and tissues, guided by clinical criteria and ethical norms, as well as equitable access to transplantation services in accordance with national capacities, which provides the foundation for public support of voluntary donation.¹³

There is no doubt that addressing this issue requires courage, diplomacy and determination, however the alternative is to sit by silently and let hundreds of thousands of people be killed for their organs. To not object and advocate for change would be tantamount to complicity in this injustice. In a joint report by the Special Rapporteur, Professor Manfred Nowak, in 2006:

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.¹⁴

This is not a time for inaction, but rather a time when the Australian government must unreservedly condemn such senseless killings. Those being sacrificed as a result of serious breaches of the human right to freedom of religion or belief, are our neighbours and share in our global citizenship. It is

¹³ World Health Organization, 63rd World Health Assembly, Geneva 17-21 May 2010
http://apps.who.int/gb/ebwha/pdf_files/WHA63-REC1/WHA63_REC1-en.pdf

¹⁴<http://www.parl.gc.ca/Content/HOC/Committee/411/SDIR/Evidence/EV5963650/SDIR66/Eng/Appendix-Kilgour%20David%20E.pdf>

therefore the moral and legal responsibility of our nation to protect our neighbours and global citizens, some of whom are also family members of Australian citizens.

Persecution of Falun Gong Practitioners in China

Although use of executed prisoners as organ sources in China had been rumoured for decades, the organ harvesting issue linked to religious persecution first came to light in March 2006, when a whistleblower claimed that as many as 4,000 Falun Gong practitioners had been killed for their organs at the hospital in northeast China where she worked. She also said that her former husband, a surgeon at the same hospital, had disclosed to her that he had removed the corneas from more than 2,000 living Falun Gong practitioners between 2000 and 2001. In response, David Kilgour, former Canadian Secretary of State for Asia-Pacific, and David Matas, an international human rights lawyer, launched an independent investigation and came to “the regrettable conclusion that the allegations are true.” They compiled their findings in the book “Bloody Harvest: Organ Harvesting of Falun Gong Practitioners in China”.¹⁵ Investigative journalist, Ethan Gutmann, later spent seven years doing his own research. He reached similar conclusions in his book “The Slaughter: Mass Killings, organ Harvesting, and China’s Secret Solution To Its Dissident Problem”.¹⁶

In 2016, the three investigators joined forces, evaluating primary source research about the activities of hundreds of transplant hospitals around China and published The Update. Drawing on media reports, official statements, medical journals, hospital websites, and web archives, their findings¹⁷ show that China’s transplant industry became among the most prolific in the world in just a few years, despite the lack of any legitimate voluntary organ donation system. Benedict Rogers, Deputy Chair of the U.K. Conservative Party Human Rights Commission aptly describes the history and gravity of the killings for organs from prisoners of conscience without their consent:

Across China, a gruesome trade in human organs is taking place on a mass scale. Like something out of a horror movie, livers, kidneys, hearts, lungs, and corneas are being cut out from prisoners of conscience while they are still alive. If anything proves the meaning of the term ‘crime against humanity,’ it is this bloody, ghoulis practice.

¹⁵ Kilgour, D., and Matas, D. 2009. *Bloody Harvest: Organ Harvesting of Falun Gong Practitioners in China*. <http://endorganpillaging.org/books/>

¹⁶ Gutmann, E. 2014. *The Slaughter: Mass Killings, organ Harvesting, and China’s Secret Solution To Its Dissident Problem*. <http://endorganpillaging.org/books/>

¹⁷ The International Coalition to End Organ Pillaging in China website: www.endorganpillaging.org/an-update

The dark secret of China's transplant industry is that another source entirely has been used: non-consenting prisoners of conscience. Those targeted include prisoners of conscience as far back as the 1970s, then Uyghurs, a Turkic, Muslim people residing in the northwest region of Xinjiang during the 1990s, Tibetans and House Christians. What all these groups have in common is that they have been persecuted because of their religious belief. But by far the largest group to be targeted for organ harvesting is Falun Gong. The serious, large-scale development of China's transplantation system coincided with the Communist Party's campaign to wipe out Falun Gong. By the end of the 1990s, the Chinese government estimated that over 70 million people were practicing Falun Gong. The former Communist Party leader Jiang Zemin saw the group's popularity and revival of traditional values as a threat to his rule, and launched a violent campaign to "bankrupt them financially, ruin their reputations, destroy them physically."¹⁸

Hundreds of thousands of Falun Gong practitioners from around China traveled to Beijing on 25 April 1999 to appeal to the central government, only to be arrested and tortured. When many were unwilling to disclose their identities to protect their families and friends, they became part of a large anonymous population held captive by the State. More practitioners were rounded up all across China. This is when large numbers of them started to disappear without a trace.

What ensued was a rapid campaign of government propaganda, large-scale extrajudicial imprisonment, torture and coercive reeducation, whereby thousands of Falun Gong practitioners were taken to labor camps where they remain today. Some do not survive and are either killed for their organs, executed, or die from the harsh conditions. A key finding in a special report by Freedom House in February 2017 titled "The Battle for China's Spirit" states that:

At least 100 million people—nearly one-third of estimated believers in China—belong to religious groups facing "high" or "very high" levels of persecution (Protestant Christians, Tibetan Buddhists, Uighur Muslims, and Falun Gong).¹⁹

In contrast to a large portion of death row inmates, Falun Gong adherents refrain from alcohol, cigarettes, and drugs — making them healthier than the

¹⁸ The Diplomat: <http://thediplomat.com/2016/06/organ-harvesting-in-china/>

¹⁹ The Battle for China's Spirit Report, Freedom House, <https://freedomhouse.org/report/china-religious-freedom>

general prison population and making them, from a purely physical standpoint, the perfect organ donor. There are reports that many are alive during the organ procurement operation. The very short times often recorded in medical journals between organ harvesting and transplantation into the recipient from Chinese hospitals suggest that the execution and the procurement procedure itself are essentially the same surgical act - the "donor" dies in the course of harvesting, once the vital organs are removed. This execution-on-demand forms the basis of the very short waiting times for organs by comparison to international standards - sometimes weeks rather than years for a liver for example. These are perilous and brutal acts indicative of the complete disregard for the human life of these individuals.

Given the grave and long-standing evidence of religious persecution and organ harvesting summarised above, it would seem obvious that Australia might raise alarm and objection to these practices of their close neighbour and largest trading partner. However, the discrimination and testimonial injustice that occurs in many countries against Falun Gong practitioners is currently a serious obstacle to the acknowledgment of forced organ harvesting of prisoners of conscience in China as an important and urgent human rights issue. An example of such discrimination is highlighted in a Canadian human rights case in 2006 involving a seventy-three year old Canadian citizen who emigrated from China later in her life. The Human Rights Tribunal of Ontario found that

the [Ottawa Chinese Senior] Association had repeatedly confronted the Complainant about her beliefs in Falun Gong, publicly revoked her membership...participated in organizing petitions against her practices during Association events, and subjected her to demeaning comments about her beliefs. The Tribunal...determined that these discriminatory acts exposed the Complainant to contempt and a loss of standing and isolation within her own cultural community, and were an affront to her dignity'.²⁰

The media contribute to such discrimination by reporting Falun Gong as an 'evil cult', especially the Chinese media,²¹ a bias that can carry over to Western media coverage. This propaganda helps China to maintain its control over its citizens and its justification of the senseless killings of those who choose not to follow the Communist Party of China, and want to simply exercise their human right to freedom of religion or belief.

²⁰ http://www.ohrc.on.ca/en/news_centre/tribunal-finds-falun-gong-protected-creed-under-ontarios-human-rights-code

²¹ <http://www.china-embassy.org/eng/zt/ppfg/t36570.htm>

In a recent report published in April 2017 by the United States Commission on International Religious Freedom (USCIRF), a key finding states that

In 2016, the Chinese government regularly emphasized the “sinicization” of religion and circulated revised regulations governing religion, including new penalties for activities considered “illegal” and additional crackdowns on Christian house churches...The government continued to detain, imprison, and torture countless religious freedom advocates, human rights defenders, and religious believers, including highly persecuted Falun Gong practitioners. Based on China’s longstanding and continuing record of severe religious freedom violations, USCIRF again finds that China merits designation in 2017 as a “country of particular concern”...²²

Forced organ harvesting from prisoners of conscience has been equated to acts similar to the senseless and inhumane killings of the Jewish people during World War II, who were also murdered for religious reasons, and who were also not believed at the time. The Australian Government cannot sit idle and watch these atrocities and do nothing, for that would be repeating history and only amount to a further abrogation of the right to freedom of religion or belief.

²² United States Commission on International Religious Freedom Report. April 2017.
http://www.uscifr.gov/sites/default/files/2017_USCIRFAnnualReport.pdf

Breaches of International Human Rights Laws in China and National Laws in Australia

Falun Gong is a spiritual belief and as such is covered by international laws on freedom of religion and belief. Freedom of religion and belief are recognised as human rights in the *Universal Declaration of Human Rights*, which was proclaimed by the United Nations in 1948 as ‘a common standard of achievement for all peoples and all nations’.

The right to freedom of thought, conscience and religion is recognised in Article 18 of the *International Covenant on Civil and Political Rights* (“**ICCPR**”). Article 18 protects not only the ‘traditional’ religious beliefs of the major religions, but also non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. Article 18 states:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

The right recognised in Article 18 is simultaneously an individual right, and a collective right. It has both an ‘internal’ dimension (the freedom to adopt or hold a belief), and an ‘external’ dimension (the freedom to manifest that belief in worship, observance, practice or teaching). While the internal dimension is absolute, the external dimension can be subject to certain limitations (on the strictly restricted grounds specified in Article 18(3)).²³

Importantly for Falun Gong practitioners they have a right to uphold their belief and to not be persecuted or discriminated against for doing so.

Australia has ratified several key international human rights treaties, including the ICCPR and the *International Covenant on Economic, Social and Cultural Rights* (“**ICESCR**”). The following rights may, and have been, breached by the practice of forced organ harvesting:

- right to life (article 6, ICCPR);
- freedom from cruel, inhuman or degrading treatment or punishment, in particular, no one shall be subjected without his free consent to medical or scientific experimentation (article 7, ICCPR);

²³ Australian Human Rights Commission website, <https://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/freedom-religion-and-belief>

- right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person (article 10, ICCPR);
- right to the enjoyment of the highest attainable standard of physical and mental health (article 12, ICESCR)

Relevantly, article 6(1) of the ICCPR provides that ‘every human being has the inherent right to life’. This right to life is the only right in the ICCPR that is expressly described as ‘inherent’.

In addition to the above international laws, Australia is a party to other key international human rights treaties relating to the religious persecution of prisoners of conscience including:

- *The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)*;
- *The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*;
- *Slavery Convention of 1926*; and
- *Supplementary Convention on Slavery*

Australia has also signed and/or ratified a number of optional protocols to these treaties. For example:

- *Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty*;
- *Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women*; and
- *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment*.

These treaties, which Australia has voluntarily entered, set out in clear terms Australia's international human rights obligations. Under international law, Australia is bound to comply with their provisions and to implement them domestically.

In Australia, there are a number of Falun Gong practitioners who face discrimination as a result of their religious beliefs and are entitled to the protection of the law. However, it is our humble submission that Australia currently lacks adequate laws to protect those who hold a belief and we urge the Government to consider the domestication of Article 18 to afford all Falun Gong practitioners the right to freedom of belief without fear of discrimination and persecution both in Australia and China.

We acknowledge that whilst there is some protection given to religious freedom in the Australian Constitution, it is far from comprehensive. Section 116 prohibits the Commonwealth Parliament from enacting legislation that would prohibit the free exercise of religion or establish a religion. This constitutional protection is, however, limited in a number of ways.

- It applies only to the Commonwealth and does not extend to legislative or other action by the States;
- It does not apply to all Commonwealth government action but only to legislation or actions taken under legislation;
- It does not, in its terms, protect beliefs that are not religious (although the High Court has interpreted it to extend to atheism and agnosticism at least).

Interpretation of s 116 by the High Court of Australia has in most respects been restrictive and limiting.²⁴

It is our submission that the laws in Australia are not adequate to protect Falun Gong practitioners and we urge the Committee to consider a review of such laws in Australia.

²⁴ Australian Human Rights Commission website viewed 7 February 2017, <https://www.humanrights.gov.au/our-work/rights-and-freedoms/projects/freedom-religion-and-belief>

Action Taken to Protect the Freedom of Religion or Belief of Prisoners of Conscience in China and Prevent Violations of this Right

There are challenges to preventing and eradicating the discrimination, torture and killings of thousands of people in China because of religious persecution. China refuses to provide robust and transparent data about their treatment of prisoners of conscience and are suspicious of independent reviewers such as the United Nations, the WHO and Amnesty International, and will not abide by any agreements laid down following inspections of the country by such organisations. Dr. Jacob Lavee, immediate past-President of Israel's Transplant Society, insisted in February 2017 at the Vatican's Pontifical Academy of Sciences Summit on Organ Trafficking and Transplant Tourism, that the WHO be allowed to conduct surprise inspections and interview donor relatives in China.²⁵

In 1999, the same year in which the Chinese government began its crackdown on the Falun Gong spiritual practice in China, the Embassy of the People's Republic of China in the USA issued a statement on October 14 refuting charges by the US State Department's *Annual Report on International Religious Freedom for 1999* against China's policy on religion.

The statement published on the website of the Embassy of the People's Republic of China in the USA, made by the Embassy spokesman for the Religious Affairs Bureau of the State Council states, *inter alia*, that

faced with the sound conditions of religion in China, they still irresponsibly throw stones at China like a blind man feeling a giant elephant. Can anyone believe they do not have ulterior motives?...It is rude as well as naive for the U.S. to intervene in the internal affairs of other nations and impose its own will on them...In today's world, there is no nation with sovereignty that follows up other nations' will or allows them to intervene in its internal affairs....Some cults have existed in parts of China in recent years whose leading members spread misinformation using religion as a camouflage to deceive the general public, swindle money and property from people, and sexually exploit women. These people are hated bitterly by the general public and religious people. Taking legal action against the leading members according to law is meant to rid the people of a scourge and benefit the community.²⁶

²⁵ Pontifical Academy of Sciences website viewed 10 February 2017

http://www.pas.va/content/accademia/en/events/2017/organ_trafficking/statement.html

²⁶ Embassy of the People's Republic of China in the USA website viewed 7 February 2017:

The Statement concludes with the following remarks:

The key point at issue is the United States using the freedom of religion as a camouflage to grossly interfere in China's internal affairs, which is absolutely unacceptable to the Chinese government and people...The U.S. government must immediately put an end to interfering in China's internal affairs through the use of the so-called religious issue.²⁷

China refuses to take responsibility for the harms caused by their actions. Falun Gong practitioners have not been arrested in China for anything other than practicing their belief. They are known worldwide to be peaceful in their protests and awareness raising in their actions. What is happening in China is religious persecution of the gravest kind.

It is clear from the statement from the Embassy, and from China's history, that they refuse to engage with the international community on the issue of the persecution of Falun Gong practitioners and forced organ harvesting in an open, honest and collaborative manner. Rather, they deny outright any wrong doing, wholly justify their actions, and hide behind the veil of sovereignty. Through its actions, China breaches international human rights laws. The extrajudicial killings of prisoners of conscience for organ harvesting no doubt amounts to crimes against humanity.

One of the obstacles in taking effective action is that the Chinese government is fiercely protective of 'what goes on inside' and uses propaganda to fuel their secrecy. Further, they subject their citizens to an enormous amount of fear and the threat of persecution is so great and real in China that the citizens remain silent. This is no different to how the Jewish community were treated in Germany. Vivekanand Jha in an article '*Reforms in Organ Donation in China: Still to be Executed?*' states:

The closed nature of the Chinese organ transplantation system, with the alleged involvement of the military, led to stories that cannot be independently verified or refuted. In contrast to the rest of the world, where unethical practices—when they exist—are investigated and exposed; the Chinese system is fiercely protective of what goes on inside.....The existence of many of these practices no longer is in doubt. The universal global condemnation it attracted seemed to

<http://www.china-embassy.org/eng/zt/zjxy/t36496.htm>

²⁷ Ibid

initially matter little to those who control the organ procurement machinery in China. Its spokespersons first kept on dismissing the allegations as baseless, but were forced to acknowledge its existence in the face of mounting evidence.²⁸

The Australian Government has also been subjected to the fear-mongering and propaganda of China, and on occasion, public servants have openly stated that they do not believe the extent of forced organ harvesting against prisoners of conscience in China.²⁹ We ask the Committee to seriously consider the issue and ensure it remains on the Australian agenda until China is able to provide clear and compelling evidence that prisoners of consciences are no longer killed for their organs. Until then, we say that anyone who knows about the issue and does nothing is complicit in these crimes.

Despite the difficulty and challenges posed by a nation of secrecy and control, and China's continued and repeated denials of religious persecution and the procurement of organs from prisoners of conscience, in recent years there has been increasing global awareness of these human rights violations in China. This has resulted in hearings and testimonies, declarations and resolutions, and reports published.

Internationally, some important achievements which have been made in this regard include:

- December 2013: European Parliament resolution on organ harvesting in China which called on the Government of the People's Republic of China to end immediately the practice of harvesting organs from prisoners of conscience and members of religious and ethnic minority groups;³⁰
- February 2013: The Canadian Subcommittee on International Human Rights, Standing Committee on Foreign Affairs and International Development hearing;³¹

²⁸ Vivekanand Jha, "Reforms in Organ Donation in China: Still to be Executed?". *Hepatobiliary, Surgery and Nutrition*, 2015 Apr; 4(2): 138–140.

²⁹ Senate Estimates - <http://parlview.aph.gov.au/mediaPlayer.php?videoID=326684>
Timecodes – Senators Rice and Abetz question DFAT 14:33 and 14:48, Rice and Abetz - question DFAT on forced organ harvesting and the new 2016 report 'An Update';
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F7337364-8906-4997-8e24-5b67db7968a7%2F0043%22>

³⁰ European Parliament Website: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0603+0+DOC+XML+V0//EN>

³¹ Parliament of Canada website:
<http://www.parl.gc.ca/HousePublications/Publication.aspx?Mode=1&DocId=5963650&Language=E>

- January 2013: European Parliament hearing “Religious Persecution by China: A Horror Story”. Mr. Edward McMillan-Scott (ALDE), Vice-President of the European Parliament for Human Rights & Democracy and the Unrepresented Nations and People’s Organization (UNPO) convened a seminar on Religious Persecutions in China at the European Parliament in Brussels, Belgium;³²
- July 2016: European Parliament written declaration under Rule 136 of Parliament’s Rules of Procedure, on stopping organ harvesting from prisoners of conscience in China;³³
- June 2016: US House of Representatives unanimously passes Resolution 343 – Expressing concern regarding persistent and credible reports of systematic, state-sanctioned organ harvesting from non-consenting prisoners of conscience in the China, including large members from Falun Gong practitioners and members of other religious and ethnic minority group,³⁴ and
- June 2016: US Joint Subcommittee Hearing “Organ Harvesting: An Examination of a Brutal Practice” - Hearing Held by U.S. Foreign Affairs Committee.³⁵

In Australia, some positive actions have been taken towards acknowledging the persecution of prisoners of conscience and to prevent Australians from participating in illegal organ trafficking. However, Australia lags behind the rest of the world, including USA, Israel, Taiwan, Spain and the EU, when it comes to taking action in ensuring such crimes are prevented. Notable actions by Australia include:

- November 2016: Australian Senate passed motion – Organ Procurement In Foreign Countries;³⁶
- “Human Tissue Amendment (Trafficking in Human Organs) 2016” Bill which was presented to the NSW Parliament Upper House for a second reading in late 2016 and seeks to make it a crime for NSW citizens to receive organs received through illegal and unethical means, no matter where in the world a transplant takes place.³⁷

³² European Parliament Website: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2013-0603+0+DOC+XML+V0//EN>

³³ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=%2f%2fEP%2f%2fNONSGML%2bWDECL%2bP8-DCL-2016-0048%2b0%2bDOC%2bPDF%2bV0%2f%2fEN>

³⁴ US Congress Website: <https://www.congress.gov/bill/114th-congress/house-resolution/343/text>

³⁵ The House Foreign Affairs Committee Website: <https://foreignaffairs.house.gov/hearing/joint-subcommittee-hearing-organ-harvesting-examination-brutal-practice/>

³⁶ Parliament of Australia Website:

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22chamber%2Fhansards%2F7337364-8906-4997-8e24-5b67db7968a7%2F0043%22>

³⁷ Parliament of NSW Website: <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=2953>

Whilst there appears to be increasing awareness in Australia, and globally, about the persecution of prisoners of conscience in China, the issue still lacks the worldwide attention and condemnation it deserves, and it is our submission that the main underlying barriers to worldwide recognition of this pressing human rights issue include:-

- China's refusal to acknowledge that religious persecution takes place in China. Instead, it justifies the persecution by labeling the religious minority group of the Falun Gong as an "evil cult" and carries out State-funded propaganda campaigns within China and internationally as a source of misinformation. A propaganda campaign has been a key tool in the suppression of Falun Gong. Since the persecution began in July 1999, the 610 Office has used the country's newspapers, television stations, radio stations, websites, and loudspeakers in rural areas to broadcast anti-Falun Gong propaganda. The demonisation of Falun Gong provides a basis on which crimes against practitioners can be justified.³⁸
- China's continued denial and refusal to be open and transparent about its organ transplant industry and the sourcing of the organs that sustain this growing industry in China;
- The particularly heinous nature of the persecution and human rights abuses of forced organ harvesting making the allegations "hard to believe" and difficult for members of the public to accept that it is actually occurring;
- The very nature of the crimes, in particular forced organ harvesting, and the secrecy in which prisoners of conscience are killed means that there are very few, if any eye-witnesses other than those engaged in the crimes. For other forms of persecution and human rights abuses occurring in China, much of the evidence comes only from the testimonies of the victims themselves;
- The above factors, and the Chinese government propaganda machinery labeling the victims of the persecutions, including Falun Gong practitioners, as "political" and "having political motives", has resulted in some key persons and sectors of the Australian and global community echoing these sentiments and discrediting the victims' claims about human rights abuses. This is evidenced by the fact that

³⁸ Matas, D., Kilgour, D., and Gutmann, E. 2016. Bloody Harvest/ The Slaughter: An Update.
<http://endorganpillaging.org/2016-report/>

there is a need for many academics and human rights activists who have spoken up or written about the persecution of prisoners of conscience in China to have to disclose and refer to the fact that they are not practitioners of Falun Gong in order for their work to be taken seriously.

Jeremy Chapman, an Australian transplant surgeon and former president of The Transplantation Society, called the estimates of the volume of organ transplant currently taking place in China as researched and outlined in the The Update “*pure imagination piled upon political intent*” and has furthermore been quoted saying: “*Look at the sources of those documents. They are all Falun Gong*”³⁹

In order to test out the assertion that the sources of information found in The Update are all “Falun Gong” sources, the AAIC copied out 2,355 footnotes from The Update, and did some basic analysis of the URLs in the report. We found that out of the 2,355 footnotes, only 6% were from Falun Gong sources. Many of the others were from Chinese institutions.

However, even if the sources were from Falun Gong, to discredit an information source *prima facie* on the basis of someone’s belief, we say, is form of victimisation and discrimination. Furthermore, many of the “Falun Gong” sources referred to in The Update were testimonials from Falun Gong practitioners who managed to survive the brutal conditions China’s labour camps. To discredit evidence of a human rights abuse simply because it comes from the victims themselves is to deny the victims of the right to be heard. During the Holocaust in 1943 the only places reporting the Holocaust were the Jewish papers and they too were discredited for exactly the same reason.

At the minimum Falun Gong practitioners should be afforded the right to have their evidence tested. Australia should not simply believe what is being said by Chinese authorities without clear and compelling evidence, otherwise due legal processes may be violated. This means Australia needs to take seriously these allegations and not dismiss them as fanciful or ridiculous.

The power and influence of China in the global community, and hence the readiness on the part of some academics and stakeholders to readily accept the statements by Chinese Officials that “China is reforming its organ transplant system” at face value, is extremely concerning. Lack of understanding and possible ignorance towards the victims, in particular the

³⁹ <http://www.theglobeandmail.com/news/world/report-alleges-china-killing-thousands-of-prisoners-to-harvest-organs/article30559415/>

Falun Gong, has in turn led to the sometimes inadvertent but often victimisation and discrimination they face and experience. In China they face imprisonment, torture and death.

We remain seriously concerned by the inaction of the Australian Government to address this issue and we urge the Committee to read the extensive and legitimate research and resources available, including the materials referenced herein, so as to make informed judgments about the spiritual belief of Falun Gong and forced organ harvesting in China, so as not to be wrongly influenced by politics, media and propaganda.

AAIC Recommendations

In order to ensure Australia's commitment to the universal values of the right to freedom of thought, conscience and religion, as a nation we need to work towards preventing and eradicating the killings of hundreds of thousands of people in China as a result of persecution due to religion and spiritual beliefs.

We make the following recommendations:

1. That the Australian Government request and demand transparent data from China regarding forced organ harvesting from all prisoners, including prisoners of conscience.
2. That the Australian Government work with China and the international community to hold China accountable for its past and present human rights violations of prisoners of conscience by seeking clear and compelling evidence that forced organ harvesting has ceased.
3. That the Australian Government publicly declare and condemn the practice of forced organ harvesting in China.
4. That the Australian Government demand an immediate end to the persecution of the Falun Gong spiritual practice by the Government of the People's Republic of China and the Communist Party of China, and the immediate release of all Falun Gong practitioners and other prisoners of conscience.
5. That the Australian Government review existing domestic legislation on the right to freedom of religion or belief to ensure it complies with international legal standards.
6. That the Australian Government consider establishing an independent commission dedicated to defending the universal right to freedom of religion or belief.
7. That we become a more informed community, committed to eradicating ignorance and promoting and fostering the understanding and tolerance of all spiritual and religious groups in society.
8. That we work towards eliminating discrimination on the basis of a person's beliefs as this serves as a real barrier towards giving those

who have been victimised and marginalised a voice, and acts as a barrier towards positive changes being made in society.

In summary, the AAIC calls on the Australian government to take action to:-

1. Investigate and address the human rights violations against prisoners of conscience in China;
2. Investigate and address the victimisation and discrimination against Falun Gong practitioners in Australia; and
3. Work with the international community to eradicate the serious and heinous crimes being committed in China as a result of religious persecution and oppression.

We make this submission to bring this issue to the attention of the Committee. We understand that this is an issue that is difficult to come to terms with and that there is no easy solution. However, we ask you to remain open and to seek out the truth as a moral and legal duty to ensure that we do not let what happened some 80 years ago happen again. We walk with new knowledge gained from the experiences of our past, and this submission is to assist you so that the Committee is fully aware of the religious persecution and human rights occurring in China, and the discrimination which occurs in Australia as a result of religious persecution. We trust the Committee will endeavor to take all action to prevent such atrocities and to pave a new future for all those who rightfully and freely choose to practice their own spiritual beliefs.

If you would like to discuss any aspect of this submission, please contact the authors of this submission by email: aaic@endorganpillaging.org.

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