



Submission No 23

**Inquiry into Slavery, Slavery-like conditions and People
Trafficking**

Organisation: Falun Dafa Association of NSW



FALUN DAFA
ASSOCIATION OF NSW INC

紐省法輪大法協會

Submission

to the

Joint Standing Committee on Foreign Affairs, Defence and Trade

Inquiry into Slavery, Slavery-like conditions and People Trafficking

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1. Introduction

The Falun Dafa Association appreciates that the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade has established this inquiry into slavery, slavery-like conditions and people trafficking.

We trust that this submission will not only be valuable to the inquiry, but also add to Parliament's understanding of the Falun Gong issue in the context of international human rights, diplomacy and afford insights into the transitional leadership issues within the senior ranks of China's communist regime, which will have significance for Australia.¹

The Falun Dafa Association has long sought to raise awareness about the persecution of Falun Dafa (Falun Gong) practitioners in China, which includes illegal detention in labour camps and prisons, forced labour, torture and even evidence of organ harvesting. The association is also concerned about how the impact of this persecution extends beyond the borders of China and into Australia.

In that context, this submission will address the three terms of reference.

2. Executive Summary

Although this inquiry may not specifically refer to organ removal in its terms of reference, it is an integral part of such an inquiry and recognised in the "EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016".²

Organ harvesting can only exist in a system where human beings are regarded as a source of profit and human life is not valued. Human trafficking, forced labour and slavery in Mainland China are the precursors for organ harvesting on a mass scale.

The magnitude and impact of these crimes make it imperative that this inquiry does examine organ harvesting/organ trafficking. We also hope that the inquiry extends into Australia's role and responsibility in protecting its own citizens from being recipients of illegally procured organs and assisting Australian companies to avoid commercial involvement with products produced in slave labour camps.

Recommendations

- 1) Establish a legislative instrument that will allow successful prosecution of both visitors to and residents within Australia who have committed the crimes of slavery, people trafficking, organ trafficking or forced labour offences outside of Australian jurisdiction, and,
- 2) Have the relevant legislation adopt the mechanism used in section 6 of the Crimes (Torture) Act 1988, which provides for the prosecution of foreign public officials and their agents who have committed or consented to the crimes.
- 3) Create an information pack or web-page with links to independent information identifying lists of labour camp facilities in China and company names and addresses. This will help Australian companies to find out if they are dealing with a labour camp facility.

¹ <http://www.prnewswire.com/news-releases/urgent-call-for-investigation-of-live-organ-harvesting-of-falun-gong-practitioners-166553216.html>

² http://www.ungift.org/doc/knowledgehub/resource-centre/The_EU_Strategy_towards_the_Eradication_of_Trafficking_in_Human_Beings_2012-2016.pdf

- 4) Provide companies with advice as to how they may check up on any facilities they employ in a responsible and ethical manner.
- 5) Urge China to stop exporting the products of slave labour to Australia and implement a procedure to ensure such progress.
- 6) Urge China to shut down its extensive network of slave labour camps and propose an arrangement with China to attempt to ensure that this happens.
- 7) Make multi-language information available for Australians seeking transplant tourism as to the potential source of many organs in countries such as the People's Republic of China.
- 8) Publicise and implement travel exit/entry documents that include questions on the receipt of organ transplants and their sources, so those without documentation of a legally and ethically-procured organ could be prohibited from entry/return for attempting to import an illegal and banned substance, i.e., a human body part stolen from someone without their consent.
- 9) Consider implementing the five strategies outlined in the EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016, with emphasis on how to effectively engage the People's Republic of China.

“The term trafficking in persons can be misleading: it places emphasis on the transaction aspects of a crime that is more accurately described as enslavement. Exploitation of people, day after day. For years on end. After much neglect and indifference, the world is waking up to the reality of a modern form of slavery. The public and the media are becoming aware that humans prey upon humans for money.”³

For over 13 years, Falun Gong practitioners have been subject to systematic slavery, human trafficking, torture and murder in the Communist Party's campaign to eradicate them. Regretfully, they have also suffered neglect and indifference from the outside world. We hope that this inquiry can form an integral part of Australia's response to rightly address people trafficking and slavery, including through prosecuting offenders and protecting and supporting victims.

3. Background

What is Falun Gong?

Falun Gong is a spiritual movement that gained large numbers of supporters in China during the 1990s. It was reported to be the fastest growing spiritual practice at the time, with the number of practitioners estimated to be 100 million by 1999.

Falun Gong, also known as Falun Dafa, is based on the traditional values of Buddhist and Daoist systems of belief. The core principles of faith are Truthfulness, Compassion and Tolerance. It is a true mind-body practice through which a practitioner strives to raise his/her moral character, while also strengthening health via the performance of five meditative exercises.⁴ Falun Dafa has been practised in Australia since 1995 and is enjoyed by thousands in all States by people from various ethnic and social-economic backgrounds (ranging from professionals in both private and public sectors, including the finance, legal, medical and education industries to retirees).

³ http://www.ungift.org/doc/knowledgehub/resource-centre/GIFT_Global_Report_Executive_summary_Eng.pdf

⁴ <http://www.amnesty.org/en/library/asset/ASA17/013/2012/en/5f4a84f0-3afb-4c8c-af41-0d22c85c79bd/asa170132012en.html>

The Persecution of Falun Gong

The campaign to eliminate Falun Gong practitioners in China, which began on 20 July 1999, has targeted the spiritual belief of 70 to 100 million people in China.

According to Amnesty International, practitioners have been held in psychiatric hospitals, re-education through labour (RTL) facilities (a form of administrative detention imposed without charge, trial or judicial review), sentenced to long prison terms, and been held in specialized detention centres whose mission is to “transform” Falun Gong practitioners via coercion into renouncing their spiritual beliefs, often through the use of torture and ill-treatment.

Torture and other ill-treatment are endemic in all forms of detention, despite China’s ratification of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988.

As at the date of this submission, the verified death toll stands at **3,599**, while the actual deaths may be in the tens of thousands, with hundreds of thousands reported to be in labour “re-education” camps, China’s *gulag* system (forced labour camps, see below).

Following his visit to Mainland China in November 2005, the then UN Rapporteur on Torture, Mr Manfred Nowak, confirmed that Falun Gong practitioners comprised two-thirds of all torture cases reported in China. Amnesty International, Human Rights Watch, the US State Department country reports on human rights in China and the US Commission on International Religious Freedom reports all confirm the serious and ongoing torture and abuse of Falun Gong practitioners in China.

Chinese human rights lawyer Gao Zhisheng has been disbarred, detained and tortured because of his open advocacy for an end to the persecution of Falun Gong. He is currently serving out a 3-year sentence in Shayar County Prison in a remote area of Xinjiang Province. In his book *A China More Just*,⁵ he describes being shocked by the extent of the 6-10’s operations after his 2005 investigation of Falun Gong torture victims:

“The immoral act that has shaken my soul most is the 6-10 Office and policeman’s regular practice of assaulting women’s genitals...Of those persecuted, almost every woman’s genitals and breasts and every man’s private parts have been sexually assaulted in a most vulgar fashion.”

Falun Gong in Forced Labour Camps

Falun Gong practitioners are regularly sentenced to forced-labour camps without any real legal proceedings. Once interred, these individuals are routinely tortured using a variety of methods designed to break the body and mind. At the same time, practitioners are expected to complete their assigned work despite often being injured from torture by fellow inmates and guards, or because they were forced to attend brainwashing sessions.

International human rights lawyer David Matas confirms:

*“Most of the people in Chinese slave labour camps are practitioners of Falun Gong, a spiritually based set of exercises which the Communist Party banned in 1999 out of fear the ideological supremacy of the party was threatened by its popularity. The US State Department’s 2005 country report on China indicated its police run hundreds of detention centres, with the 340 “re-education-through-labour” camps alone having a holding capacity of about 300,000 persons...Unofficial estimates suggest there are 1,200 forced labour camps with 2 million inmates.”*⁶

More chilling is the growing body of evidence that many practitioners, due to their healthy lifestyle (not smoking or drinking alcohol), are often prey to organ harvesting.⁷ According to reports from

⁵ <http://www.broadbook.com/english/1product.asp?id=216>

⁶ <http://www.winnipegfreepress.com/opinion/westview/tell-china-to-stop-slave-labour-138701239.html>

⁷ <http://www.theepochtimes.com/n2/china-news/source-wang-lijun-told-u-s-officials-of-organ-harvest-254919.html>

former doctors and nurses, organs are taken from living victims and sold for a profit to both local and foreign recipients.⁸

The horrific practice of killing Falun Gong practitioners to harvest their organs for sale on the burgeoning transplant market in China was exposed in 2006, although it is widely known that prisoners sentenced to death were used for organ harvesting since the late 1980s in China.

The initial report by Canadian lawyers David Matas and David Kilgour into these allegations of organ harvesting in June 2006, the update in 2007 and the publication of their book *Bloody Harvest, the killing of Falun Gong for their organs*⁹ in 2009 brought this crisis to the world's attention.

The Declaration of Istanbul was first published on 5 July 2008 in the *Lancet*. The Declaration calls on the medical community, especially transplant surgeons and nephrologists, to join the World Health Organisation (WHO) to put pressure on health ministries with transplantation programs to eliminate organ trafficking and transplant tourism.

Although Vice-Minister of Health of the People's Republic of China Jiefu Huang endorsed the Istanbul Declaration in his presentation at the Sydney Transplantation Congress in 2008, there has been no evidence that organ harvesting from Falun Gong practitioners has ended.

Rep. Christopher H. Smith, New Jersey Republican and chairman of the U.S. Congressional-Executive China Commission, has referred to the "bedrock principle that donors must give consent" as codified by the Declaration of Istanbul. Congressman Smith said that he has heard evidence on House Foreign Affairs Committees,

*"that even though few Chinese voluntarily donate organs, China stands next behind the United States in the yearly number of organ transplants. With 600 transplant centers, it has become a destination for "transplant tourism." Each transplant of a heart or liver can provide more than \$100,000 in revenue. What adjectives can we use to describe the prospect that Chinese doctors and hospitals are engaged in large-scale harvesting of human organs for profit? The ordinary words such as 'disturbing,' 'appalling' or even 'shocking' are inadequate."*¹⁰

The book *State Organs – Transplant Abuse in China* was published in 2012 with contributors including Dr Ghazali Ahmad, Dr Gabriel Danovitch, Dr Maria Fiatarone Singh, Dr Jacob Lavee and Dr Torsten Trey. Dr Fiatarone Singh, professor of Medicine and Sports Science at the University of Sydney, had noted that immigration departments could include questions in travel documents such as:

"Does the purpose of your travel include receipt of an organ transplant? Have you received an organ transplant while travelling? What was the source of the organ transplant? Those who cannot provide documentation of a legally and ethically-procured organ could be prohibited from entering their homeland by virtue of attempting to import an illegal and banned substance – in this case, a human body part stolen from someone without their consent."

Forced Labour Camps

Originally named *Láodòng Gǎizào*, which loosely translates as "reform through labour", the forced labour camps were modelled on Stalin's Soviet gulags as a way to punish and reform criminals in a manner useful to the state.

An independent non-governmental organisation in the United States, estimates that there are almost 1,100 labour institutions in the labour camp system with an estimated 6.8 million inmates.¹¹ Once inside these camps, inmates are often subjected to extreme mental and physical torture, as

⁸ Gutman, E., 2012 <http://www.defenddemocracy.org/media-hit/bitter-harvest-chinas-organ-donation-nightmare/>

⁹ <http://organharvestinvestigation.net/>

¹⁰ <http://www.washingtontimes.com/news/2012/sep/18/chinas-illegal-organ-harvesting/#ixzz26syo8xoi>

¹¹ Pejan, R, 2000, 'Reform through Labor' in China, **Human Rights Brief**, Volume 7, Iss.2, <http://www.wcl.american.edu/hrbrief/07/2laogai.cfm>

well as being expected to work for extended periods of time to make the factory's consumer products.

For the past 60 years or so, the Chinese Communist Party has instituted a policy of utilising its prisoners to gain economic rewards. Within a system of prison farms, detention centres and factories, China's criminals, political prisoners or those who are deemed a threat to national security, like Falun Gong practitioners, are placed into these camps and forced to work for the benefit of the Chinese Communist Party (CCP).

What is known is that over the past two decades, forced-labour enterprises in various regions around China, in particular Liaoning and Shandong, have developed into small economic empires. These forced labour camps are producing millions of dollars in revenue. There are a variety of goods that are produced in Mainland China by slave labour, including toys, textiles, cotton, garments, fireworks and bricks,¹² with a multitude of such goods in Australia.

Please refer to Appendix 1, which outlines the experiences of Ms Li Ying, an Australian citizen who was imprisoned in China for her Falun Gong beliefs, and the products she was forced to make in prison that were exported to Western countries.

4. Terms of Reference & Discussion

Australia's efforts to address people trafficking, including through prosecuting offenders and protecting and supporting victims.

DISCUSSION

That the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking Bill 2012 (Provisions) is currently before Parliament and addresses the incidence of organ trafficking, forced labour and slavery-like conditions in Australia. The crimes of people trafficking, organ trafficking and forced labour in other countries lie outside the remit of Australian law, yet these criminal acts impact Australians on many levels.

Some countries where an offence is originally committed may not have a justice and law enforcement system that will effectively prosecute some of these crimes, especially where the offender is a public official or acted with the acquiescence of a public official in carrying out the crime. Additionally, organised crimes of people trafficking and organ trafficking are often operated internationally. Offenders of such countries may launder the proceeds of their crimes and seek haven in Australia. Extraditing an offender back to such countries often will not result in the effective prosecution and punishment of the crimes committed.

In order to effectively fight against such crimes, a robust prosecution and enforcement system in Australia is needed so these crimes, wherever they have been committed, may be brought to justice and their proceeds may be seized in Australia. This will help stop offenders, particularly of organised crime syndicates, from evading prosecution in their home country and expanding any part of their operations into Australia.

We therefore recommend for the establishment of a legislative instrument that will allow successful prosecution of both visitors to and residents within Australia who have committed crimes of slavery, people trafficking, organ trafficking or forced labour offences outside of Australian jurisdiction.

¹² Bradford, H, 2012, 'Here are over a Hundred Products Made from Child or Slave Labor', in the Huffington Post http://www.huffingtonpost.com/2012/05/10/worldwide-products-slave-labor_n_1505811.html

We further recommend that the relevant legislation adopt the mechanism used in section 6 of the Crimes (Torture) Act 1988, which provides for the prosecution of foreign public officials and their agents who have committed or consented to the crimes.

We believe these measures will help achieve the object of the United Nations' Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, ratified by Australia in 2005.

Forced Labour

We understand that the Australian Government may not simply be able to ban or fine companies from doing business with labour camps, factories or other facilities. However, we do believe it would be beneficial if the Government supported Australian companies to find out if they are dealing with a labour camp facility, via the creation of an information pack or webpage with links to independent information identifying lists of labour camp facilities in China and company names and addresses. We also propose that the government provide companies with advice as to how they may check up on any facilities they employ in a responsible and ethical manner. Such examples in the United States have taken the form of independent visits to proposed factories or other complexes.

The Trafficking of Human Organs from Unwilling Donors

We recommend that the Australian Government have information made available to those seeking transplant tourism as to the providence of many organs in countries such as the People's Republic of China. The plight of people subject to forced labour camps being routinely killed so the Chinese Communist Party officials may make money from the harvest of their organs is a crime equal to those perpetrated by the Nazis on the European Jewish communities. The veracity of organ harvesting is undisputed and recognised in several publications. We suggest this information be made available in information packs in Asian communities and other Australians who may feel comfortable seeking their medical care overseas.

Ways to encourage effective international action to address all forms of slavery, slavery-like conditions and people trafficking

and

International best practice to address all forms of slavery, slavery-like conditions and people trafficking.

DISCUSSION

International action, in order to be effective, needs the capacity to reach the perpetrators of slavery and people trafficking wherever they may be, and no matter what economical pressure they can apply to avoid scrutiny. It is unacceptable for an individual to avoid due process of law by value of their wealth or status. It must become unacceptable for a regime and/or its powerbrokers, such as the Communist Party in China, to avoid the process of international law.

Effective international action requires all countries to take responsibility for their interaction with perpetrator states or governments, and aligning themselves to apply combined pressure for compliance and positive change. Relying on mechanisms such as UN initiatives, which may be controlled by the perpetrator state/s, have been shown to be ineffective.

Best practice may involve international agreements and cooperation from member nations through bodies such as the United Nations or it may involve country-to-country agreements.

In either case, *best practice* must assume that slavery, slavery-like conditions and people trafficking are recognised as abhorrent by participant/member countries and are criminal behaviour that must be eliminated.

China and Best Practice

The problem in seeking to apply any *best practice* norms to Mainland China is the response of the Communist Party, which includes:

- signing and ratifying international treaties and ignoring the treaties' intent if it conflicts with Party requirements,
- preventing access into Mainland China and scrutiny of treaty compliance,
- maintaining laws and regulations in China that contradict the intention of the treaty,
- official sanction of exploitative organ removal and murder for profit.

International human rights lawyer David Matas refers to the 1998 declaration of the International Labour Organisation (ILO), which committed all member states, including China, to eliminate forced labour. The Chinese regime reported to the ILO that its constitution prohibits forced labour and that there is a national policy of eliminating all forms of forced labour. Mr Matas states: "*Yet, forced labour in detention is not an abuse of Chinese law. It is the law. Article 58 of the Chinese Law on Prisons stipulates that prisons may punish a prisoner who is able bodied but refuses to work.*"¹³

Examples of international action

"The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016"¹⁴

The EU Strategy notes that trafficking in human beings is the slavery of our times and includes victims who are "*harboured by force, coercion or fraud in exploitative conditions, including sexual exploitation, forced labour or services, begging, criminal activities or the **removal of organs.***"

"Trafficking in human beings differs from human smuggling (facilitated migration) because it involves the use of force and involves exploitation, and because there is no need to cross a border or be physically transported."

The EU Strategy identifies five priorities the EU should focus on in order to address the issue of trafficking in human beings.

- A. Identifying, protecting and assisting victims of trafficking
- B. Stepping up the prevention of trafficking of human beings
- C. Increased prosecution of traffickers
- D. Enhanced coordination and cooperation among key actors and policy coherence
- E. Increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings.

In order to effectively combat slavery and people trafficking in Mainland China, the Australian Government needs to also effectively address the above priorities.

"Global Report on Trafficking in Persons – February 2009"¹⁵

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons came into effect in December 2003. In 2007, the United Nations Office on Drugs and Crime (UNODC) conducted, in the framework of the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT), a study on the state of the world's response to the crime of human trafficking. The subsequent Global

¹³ <http://www.winnipegfreepress.com/opinion/westview/tell-china-to-stop-slave-labour-138701239.html>

¹⁴ http://www.ungift.org/doc/knowledgehub/resource-centre/The_EU_Strategy_towards_the_Eradication_of_Trafficking_in_Human_Beings_2012-2016.pdf

¹⁵ http://www.ungift.org/doc/knowledgehub/resource-centre/GIFT_Global_Report_Executive_summary_Eng.pdf

Report on Trafficking in Persons published in February 2009 provided extensive data on national legislative and enforcement activity gathered from 155 countries and territories.

However, **this report does not cover the Peoples Republic of China.**

5. Recommendations

With regard to the inquiry terms of reference we make the following recommendations to the Australian Parliament:

- 1) Establish a legislative instrument that will allow successful prosecution of both visitors to and residents within Australia who have committed crimes of slavery, people trafficking, organ trafficking or forced labour offences outside of Australian jurisdiction, and,
- 2) Have the relevant legislation adopt the mechanism used in section 6 of the Crimes (Torture) Act 1988, which provides for the prosecution of foreign public officials and their agents who have committed or consented to the crimes.
- 3) Create an information pack or web-page with links to independent information identifying lists of labour camp facilities in China and company names and addresses. This will help Australian companies to find out if they are dealing with a labour camp facility.
- 4) Provide companies with advice as to how they may check up on any facilities they employ in a responsible and ethical manner.
- 5) Urge China to stop exporting the products of slave labour to Australia and implement a procedure to ensure such progress.
- 6) Urge China to shut down its extensive network of slave labour camps and propose an arrangement with China to attempt to ensure that this happens.
- 7) Make information available across ethnic communities for Australians seeking transplant tourism as to the potential source of many organs in countries such as the People's Republic of China.
- 8) Publicise and implement travel exit/entry documents that include questions on receipt of organ transplant and source. Those without documentation of a legally and ethically-procured organ could be prohibited from entry/return for attempting to import an illegal and banned substance, i.e., a human body part stolen from someone without their consent.
- 9) Consider implementing the five strategies outlined in the EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016, with emphasis on how to effectively engage the People's Republic of China.

Australian Case Study –

Labour camp: Shanghai Women's Forced Labour Camp

Details: Detained because she practises Falun Gong. In late November 2003, she was released from the labour camp and went to Australia with help from the people in Australia,

Account of slave-like conditions she experienced:

All of these pictures were downloaded from www.mydoll.it. Dolls exactly like those in the pictures were made, in part, in Division Three of the Shanghai Women's Forced Labour Camp between June 2002 and May 2003. Some were packaged and shipped directly to Italy, and others were sent to other locations for further processing or assembly.

Dolls were laid out on the ground after they arrived. Some were mouldy from the summer humidity. Detainees would install clothes on them, so the buyers could not see how filthy the dolls really were underneath.

There were time deadlines for the products that were about to be exported. Labour camp detainees, including Falun Gong practitioners, were forced to work from at least 7:00 a.m. to 9:00 p.m. Most people had to work until around 11:00 p.m. In picture 1, the doll on the left wears overalls. The butterfly pattern on the bottom end of the right pant leg is completely handmade. The pants and the flower pattern on the right pant-leg of the toy bear sitting on the chair (Picture 2) were also partially made in the labour camp. The flower on the doll's cap was also made in the labour camp.



Picture 1



Picture 2



Picture 3

“The packaging process was as follows: we put the pants on the doll. We positioned the pants so the doll's legs were not exposed; we put shoes with white socks on the doll's feet, folded the socks twice down and put the dress on the doll, affixed the head flower on the doll and wrapped it around its head two times. We cut the thread ends and combed the hair. We put the hat on the doll and put it in a white cloth sack, put drying agent under the doll's buttocks, then wrapped it in a transparent plastic bag, folded the paper box and put the fully packaged doll in the paper box. Each person was assigned to package 120 dolls per day.

The rubber band used to fix the head flower onto the doll's head was very tight and we had to wrap it around twice. After one day's work, our thumbs and index fingers were red and swollen. Nevertheless, we had to continue our work the next day, until the skin on our fingers broke open and bled.

In picture 4, the flower patterns on the doll dresses in this picture were all embroidered at the labour camp. One line was embroidered smoothly on the collar and the bottom of the apron, with a space of 0.5 centimetres between stitches. The packaging process and amount of work are the same as in picture 3.



Picture 4
Some of the dolls

In pictures 5 and 6, the butterflies and their wake [the trails by which the butterfly flew] on the dolls' clothes were done at the labour camp. It was required that the line along which the butterflies were stapled be invisible and the butterflies' traces must be even and smooth, with no rigid corner or lines.



Picture 5



Picture 6

The photos published on this website show only some of the products we were forced to make at the labour camp. Falun Gong practitioners were also assigned to work on the single-packed clothing, backpacks, and other accessories that went along with the dolls.

<http://falunhr.org/index2.php?option=content&task=view&id=1354&pop=1&page=0>
