

INTERNATIONAL COALITION TO
**END TRANSPLANT
ABUSE IN CHINA**

International Coalition to End Transplant Abuse in China (ETAC)
Endtransplantabuse.org
ellie.stephenson@endtransplantabuse.org
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OHCHR-CEDAW
BY EMAIL: [ohchr-cedaw@un.org](mailto:ohchr-<u>cedaw@un.org</u>)

WRITTEN SUBMISSION

**ISSUES RELEVANT TO THE IMPLEMENTATION OF THE CONVENTION ON
THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN FOR
CONSIDERATION AT THE 85TH SESSION OF THE COMMITTEE ON THE
ELIMINATION OF DISCRIMINATION AGAINST WOMEN: CHINA¹**

I. INTRODUCTION

1. CEDAW invites NGOs to provide country-specific information on issues relevant to the implementation of the Convention on the Elimination of Discrimination Against Women (the Convention) by the States parties for consideration on 8-26 May 2023.
2. ETAC is a coalition of lawyers, academics, ethicists, medical professionals, researchers, and human rights advocates whose mandate is to end forced organ harvesting in China.

¹ This submission can be published on the OHCHR website.

ETAC is an independent, non-partisan organisation.²

3. In 2019, an independent people’s tribunal called the China Tribunal, chaired by Sir Geoffrey Nice KC, lead prosecutor of Slobodan Milosovic at the UN’s International Criminal Tribunal for the Former Yugoslavia, constituted the first independent legal analysis of all available evidence regarding forced organ harvesting in China and concluded that “forced organ harvesting had been committed for years throughout China on a significant scale and that Falun Gong practitioners have been one – and probably the main – source of organ supply...”³

4. It is in this context that ETAC will provide information on China on issues relevant to the implementation of the Convention by China.

5. “Forced organ harvesting” means killing a person without their consent so that their organs may be removed and transplanted into another person.⁴ Forced organ harvesting is a form of organ trafficking.

II. THE PERSECUTION OF FEMALE FALUN GONG PRACTITIONERS AND FORCED ORGAN HARVESTING

6. The 85th session of CEDAW takes place at a time when the human rights situation in China continues to deteriorate. There is overwhelming evidence of widespread and systematic human rights abuse of religious minorities in China.⁵

7. Falun Gong is a form of qigong and meditation of the Buddhist tradition. Its moral underpinning emphasizes truthfulness, compassion, and forbearance.⁶ Qigong surged during

² [About Us - The International Coalition to End Transplant Abuse in China](#)

³ [Final Short Form Conclusion China Tribunal](#); see also UN OHCHR Correspondence [DownloadPublicCommunicationFile \(ohchr.org\);China: UN human rights experts alarmed by ‘organ harvesting’ allegations | OHCHR](#)

⁴ [ChinaTribunal_JUDGMENT_1stMarch_2020.pdf](#) at paragraph 2.

⁵ [UN experts call for decisive measures to protect fundamental freedoms in China](#); [Country of Origin Information Report China](#) at section 1.2 and 4.1; [China - Events of 2020](#); [Statement of the EU Delegation to China on the International Human Rights Day](#); [Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day](#); [China bars four from U.S. panel on religious freedom in response to sanctions](#)

⁶ [The Rise of Falun Gong](#)

the 1980s and 1990s in China.⁷

8. The Chinese Communist Party outlawed Falun Gong in 1999.⁸ The former Party leader Jiang Zemin saw the group's popularity and revival of traditional moral values as a threat to his rule and launched a violent campaign to "bankrupt them financially, ruin their reputations, destroy them physically."⁹

9. As confirmed by Freedom House, despite a 17-year CCP campaign to eradicate Falun Gong, millions of people continue to practice and practitioners across China are subject to widespread surveillance, arbitrary detention, imprisonment, and torture.¹⁰ They are killed on demand for their organs and denied the right to life. The evidence about forced organ harvesting against prisoners of conscience is now conclusive given the China Tribunal's findings.¹¹

10. The China Tribunal found that the judicial system systematically arrests practitioners for no reason other than their beliefs, fails to inform them of their rights or charges, and punishes them without good cause or basis in law.¹²

11. It also concluded that forced organ harvesting is a state-sanctioned regime.¹³ The language in the new landmark U.S Bill - The Stop Forced Organ Harvesting Act of 2023 - aims to hold accountable those involved in forced organ harvesting and trafficking of persons and specifically calls out the Chinese Communist Party.¹⁴

12. The evidence available today provides a clear and convincing pattern that shows that the persecution of Falun Gong practitioners is ongoing. The evidence is considered credible

7 [Activist Practitioners in the Qigong Boom of the 1980s; Dangerous Meditation: China's Campaign Against Falungong](#)

8 [Detailed Court Statistics on Article 300, Part II; Dangerous Meditation: China's Campaign Against Falungong](#)

9 [Terror Unleashed; The Victims; Falun Gong's Secrets for Surviving in China](#)

10 [Falun Gong: Religious Freedom in China](#)

11 See also the 28.8.22 statement on the boycott of Chinese research papers by the International Society for Heart and Lung Transplantation https://ishlt.org/ishlt/media/documents/ISHLT_Statement_Transplant-Ethics_2022.pdf; and New York Bar Bioethical Issues Committee Report-[Organ Harvesting Ethical Considerations | Member & Career Services | NYC Bar](#)

12 [China Tribunal JUDGMENT 1st March 2020.pdf](#) at paragraph 149.

13 Ibid at para 479.

14 [Text - H.R.1154 - 118th Congress \(2023-2024\): Stop Forced Organ Harvesting Act of 2023 | Congress.gov | Library of Congress](#) at section 2(4).

by the United Nations¹⁵ and the European Parliament,¹⁶ and the authoritative reporting from human rights organisations is plentiful.¹⁷

III. THE IMPLEMENTATION OF ARTICLES OF THE CONVENTION BY CHINA

Article 2

13. Under Article 2 of the Convention, State parties agree to pursue a policy of eliminating discrimination against women.

14. Both male and female Falun Gong practitioners are persecuted in China. A greater proportion of those persecuted are women, and women are subject to sexual and gender-based violence.¹⁸

15. Transformation—a euphemism for forcing practitioners to renounce the Buddhist practice of Falun Gong and pledge allegiance to the Communist Party—has been at the core of the anti-Falun Gong campaign since its inception. Bonuses are distributed to the most effective labor camp personnel at “transforming” practitioners. This encourages the most barbaric of torture techniques and women are singled out for sexual and gender-based violence as it is deemed an effective way to achieve their goals. Prominent attorney Gao Zhisheng in a 2005 open letter to China’s leaders documenting his investigation into the torture of Falun Gong practitioners wrote “Almost every woman’s genitals and breast... have been sexually assaulted in the most vulgar fashion. Pregnant women are often given a forced abortion or beaten to the point of miscarriage and then sent to a labor camp for

15 [China: UN human rights experts alarmed by ‘organ harvesting’ allegations | OHCHR](#)

16 [MOTION FOR A RESOLUTION on reports of continued organ harvesting in China | B9-0252/2022 | European Parliament \(europa.eu\)](#)

17 [China: Transnational Repression Case Study; Strategic Studies: For Future Human Rights Policy and Practice; Country Policy and Information Note China: Falun Gong;The Victims; Falun Gong’s Secrets for Surviving in China; Additional Persecution News from China – February 11, 2022 \(9 Reports\)](#)

18 [Persecution of Women - Falun Dafa Information Center \(faluninfo.net\);Torture of Women | Falun Dafa - Minghui.org; Amnesty International's Annual Report Exposes Persecution of Falun Gong in China | Falun Dafa - Minghui.org; The Global Gender-Based Violence Threat U.S. Congressional Hearing Includes Falun Gong Practitioners' Testimonies in Official Records | Falun Dafa-Minghui.org; Amnesty International: Falun Gong Persecution Fact Sheet - Falun Dafa Australia Information Centre \(falunau.org\);Rape and Sexual Assault - Falun Dafa Information Center \(faluninfo.net\);Torture and Sexual Abuse of Falun Gong Women is Rife in China's Detention Centers and Labor Camps \(Part 1\) | Falun Dafa - Minghui.org;New Book Exposes Inhuman Sexual Torture in Masanjia Labor Camp - The International Coalition to End Transplant Abuse in China; ChinaTribunal JUDGMENT 1stMarch 2020.pdf at paragraph 279-290;Jilin Women’s Prison: Notorious Torture Behind 29 Deaths - Falun Dafa Information Center:\(faluninfo.net\);](#)

“re-education”.¹⁹ By targeting women, the authorities hope to undermine the cohesion and effectiveness of the Falun Gong movement.

16. In summary, female Falun Gong practitioners in China are detained for their religious beliefs and subsequently subject to sexual and gender-based violence. This is evidence of discrimination against women in China.

17. On this basis, China is in breach of its obligations under Article 2 of the Convention.

Article 6

18. Under Article 6 of the Convention, State parties undertake to:

“take all appropriate measures, including legislation, to suppress all forms of traffic in women...”

19. The evidence of organ trafficking in China is overwhelming.²⁰ The China Tribunal concluded that “Falun Gong practitioners have been one – and probably the main – source of organ supply “and that “the vulnerability of the Uyghurs to being used as a bank of organs is also obvious”.²¹

20. The China Tribunal stated that 60,000 and 90,000 operations are performed per annum.”²² Given that more women practice Falun Gong than men,²³ and that women are targeted as a means to suppress Falun Gong, a reasonable inference is that the number of female Falun Gong practitioners killed for their organs is very high.

Forced Organ Scans in Detention: Testimonies from the China Tribunal

21. Over 50 fact witnesses gave evidence at the China Tribunal including GJ, ZY and LL:

19 Ante at footnote 18.

20 [ChinaTribunal JUDGMENT 1stMarch 2020.pdf](#) at paragraphs 161,167,178,180,188,193,205,207,214,216,218,220, 222,223,224,225,226; [Organ Harvesting:A Blind Eye to Mass Atrocity \(bitterwinter.org\)](#); [China: UN human rights experts alarmed by ‘organ harvesting’ allegations | OHCHR](#); [Falun Gong: Religious Freedom in China | Freedom House](#); [Statistics & Evidence - Falun Dafa Information Center \(faluninfo.net\)](#); [Torture and Sexual Abuse of Falun Gong Women is Rife in China's Detention Centres and Labour Camps \(Part 1\) \(clearharmony.net\)](#)

21 [ChinaTribunal JUDGMENT 1stMarch 2020.pdf](#) at paragraph 465.

22 [ChinaTribunal JUDGMENT 1stMarch 2020.pdf](#) at paragraph 364.

23 [Wayback Machine \(archive.org\)](#) at page 63;[China: Reports of torture and ill-treatment of followers of the Falun Gong - Amnesty International](#)

GJ: Uyghur, incarcerated in 2017 for 1 year, 4 months (No. 3 Prison in Urumqi, No. 2 Detention Centre, Urumqi Women's Prison)

On the night of my arrival at No. 3 Prison, I was stripped naked for a medical examination. They took a blood sample and urine sample before placing me in a cell. In less than one week, I, along with other prisoners with black hoods over our heads, were taken to an unknown place. There was medical equipment in the corridor. We were examined, blood samples were taken, and we also had ultrasound tests. We were examined once a week. In No. 2 Prison, there is a big medical clinic where we were examined regularly. They took blood samples and did ultrasound tests. We had an injection once every 10 days. I, and everyone else, had a full check-up once a month and I had an ultrasound scan three times. They also performed an X-ray to check my lungs. Many ladies were taken from the cells (including from my cell) and they did not come back.

ZY: Falun Gong practitioner, incarcerated for 7 years, 3 months in 2001 and 2017 (Harbing Female Prison, Heilongjiang Province, and Qiqihar City Detention Centre)

When I first entered the detention centre, the blood test was done with no reason nor results. The first time was in the clinic. The second and third times were just outside the cell. They did not ask me any questions.

LL, Falun Gong practitioner, incarcerated for 3 years, 6 months in 2005 to 2009 (Shanghai's Songjiang Women's Prison):

I was brought to a mobile medical vehicle outfitted with advanced equipment to have a chest exam, abdominal exam, and my blood checked. I don't know the name of the equipment. The medical vehicle was parked at the door of the building where we were imprisoned. I remember clearly that this examination was only done on Falun Gong practitioners who recently entered the prison and had not given up their faith. The vehicle was well-equipped, and the examination was done mainly on our chests, internal organs and blood. At that time, I even wondered why they only performed this examination on both of us healthy Falun Gong practitioners and not check the other prisoners who had severe illnesses? If this check-up was only done for new

prisoners, this can't be the case either because there were many others who were sent to the prison together with us.

22. In conclusion, there is overwhelming evidence of state sanctioned ongoing trafficking, in the form of forced organ harvesting, of women in China.

23. On this basis, China is in breach of its obligations under Article 6 of the Convention.

IV. COMMENTS ON THE REPORT OF CHINA AND ITS WRITTEN REPLIES TO THE LIST OF ISSUES

24. All reports and correspondence regarding human rights from the Government of China follow a general pattern. No evidence is offered in support of assertions or explanations. The international community is continually asked to "take China's word for it". Generally, the answer provided to expressions of concern and requests for information is evasion (please see paragraph 35 below).

25. The Report and Reply to List of Issues (the Reply) are no exception.

26. The explanations in the Report are elaborated by reference to laws in China prohibiting discrimination.²⁴ However, there is no rule of law in China: The Government of China equates the rule of law with the rule of the Chinese Communist Party. When the Party itself dictates discrimination, there is no legal recourse against the Party.

27. Forced organ harvesting in China is a state sanctioned regime.²⁵

28. Examples of inadequacies in the Reply are that China ignored completely the request set out at paragraph 22 in the List of Issues: "Please provide data on women in detention disaggregated by age, ethnic origin, type of facility, reason for detention and length of detention". China also ignored the request at paragraph 8: "Please provide detailed information about the status of the complaints filed by women against police officers for sexual violence, including rape, excessive use of force and abuses while in detention".

24 For example see https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2648&Lang=en at paragraph 19.

25 [ChinaTribunal JUDGMENT_1stMarch_2020.pdf](#) at para 479.

29. China could have provided information, but it did not. The inference to be drawn is that there is no such information available, or that they do not want anyone to see that information.
30. At paragraph 70 and 71 of the Reply, China states that “There are no extralegal detention facilities and so-called “re-education” camps in China”; “Women under supervision are detained category-based, female prisoners are kept in custody separately and under control of female police”. No evidence was offered in support of these assertions. In addition, we know, from the evidence presented at the China Tribunal alone, that there are extralegal detention facilities and re-education camps in China,²⁶ and that women are thrown into cells with large numbers of males for the purpose of rape or sexual violence,²⁷ and that male police officers undress and threaten to rape female detainees.²⁸
31. The human rights situation for women in China is dire.
32. There have been countless calls from the international community for independent verification of China’s assertions as regards human rights.
33. Such requests are either met with inadequate responses or actions or left unanswered.
34. On 10 June 2021, a joint correspondence was issued by nine UN Special Rapporteurs and human rights working groups (the Joint Correspondence). Expressing their concern at medical testing of religious minorities without their consent and organ trafficking, and including a firsthand account of one female, the Experts made 12 requests for information to the Government of China including information around arbitrary medical testing and consent.²⁹ The requests were left substantially unanswered.³⁰
35. The absence of reference to any evidence to the contrary in response to the large volume of evidence of discriminatory medical testing can be taken as a tacit admission by China

26 Ibid at pages 269,290 and 514.

27 Ibid at paragraphs 280,283 and 285.

28 Ibid at paragraph 281.

29 [DownloadPublicCommunicationFile \(ohchr.org\)](#)

30 [Joint-Letter-from-65-Organisations-to-United-Nations-Special-Rapporteurs_ForcedOrganHarvesingInChina_April_2022_signed.pdf \(endtransplantabuse.org\);https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36489](#)

that this discriminatory medical testing is happening. Silence can sometimes speak volumes.

36. We invite CEDAW to take this view when assessing the Report and Reply as regards the discrimination of women.

37. Until there is independent monitoring of the situation in China, all unverified assertions, correspondence, replies, and reports from China should be disregarded in their entirety.

V. INFORMATION ON THE IMPLEMENTATION BY CHINA OF PREVIOUS CONCLUDING OBSERVATIONS OF THE COMMITTEE

38. On 14 November 2014, CEDAW issued its Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China.³¹

39. At paragraph 49 on “Women in Detention” the Committee urged the Government of China to:

“ improve the conditions of women’s detention facilities in accordance with international standards and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and “To immediately take measures to abolish extralegal detention facilities (“black jails”) and adequately penalize perpetrators, including non-State actors.”

40. Based on the evidence that exists today,³² this was ignored.

41. In the Joint Correspondence, the Experts reminded the Government of China of “the concluding observations of Committee Against Torture, Committee on the Rights of the Child, Committee on the Elimination of Discrimination against Women, and the Committee on the Elimination of Racial Discrimination (CAT/C/CHN/CO/5), CRC/C/CHN/CO/3-4, CEDAW/C/CHN/CO/7-8, CERD/C/CHN/CO/14-17) highlighting concerns about the practice of removing organs from prisoners of certain ethnic or

31 [CEDAW/C/NGA/CO/7-8: Concluding observations on the combined seventh and eighth periodic reports of Nigeria | OHCHR](#)

32 Ante at paragraphs 14,15,20 and 30

religious groups and the lack of clarity as to whether domestic law criminalizes all forms of trafficking.³³

42. Based on the evidence that exists today,³⁴ this was ignored.

VI. PRIORITY CONCERNS AND RECOMMENDATIONS TO FACILITATE THE WORK OF THE COMMITTEE

43. ETAC urges CEDAW to:

- (a) acknowledge publicly the scale and seriousness of the discrimination of women in the context of the persecution of religious and ethnic minorities in China;
- (b) urge the Government of China to stop targeting women as a means to suppress the Falun Gong spiritual practice and to prevent and punish perpetrators of gender-based violence against female prisoners of conscience including Falun Gong practitioners and Uyghurs;
- (c) urge the Government of China to prevent and punish perpetrators of forced organ harvesting of women:
- (d) ask the Government of China to confirm how it will achieve the outcomes described in (b) and (c);
- (e) issue a recommendation for the Government of China to cooperate with an independent UN Commission of Enquiry into organ transplantation from prisoners of conscience in China. If there is no cooperation, an investigation should be conducted, nonetheless. A request for authorization of such an investigation should be sent to the

³³ [DownloadPublicCommunicationFile \(ohchr.org\)](#)

³⁴ Ante at footnote 20

relevant office of United Nations; and

(f) request the Government of China to provide within 6 months of issuing its Concluding Observations data, with supporting evidence, on:

- the whereabouts of previously and currently detained female prisoners of conscience including Falun Gong practitioners and Uyghurs;
- numbers of women from minority backgrounds in detention, including Falun Gong practitioners and Uyghurs, disaggregated by type of facility, reason for detention and length of detention, and to provide access to the legal judgments in each case;
- measures taken to reduce the number of these women in extra-legal detention facilities, and to address gender-based violence against those women;
- the procedure followed to request and ensure the free and informed consent of female prisoners belonging to minority groups, including Falun Gong practitioners and Uyghurs, in connection to forced medical examinations and the reason why the results are withheld;
- number of women and men undergoing medical examinations in detention, disaggregated by sex and ethnic origin and the purpose for the test in each case;
- detailed information on the investigations of the reported incidents of forced organ harvesting subjected upon women; and
- measures adopted to guarantee the need for donation and transplantation activities to be transparent and open to scrutiny, while protecting the personal anonymity and privacy of donors and recipients.

44. ETAC also proposed that CEDAW convenes a meeting in which Member States meet with the Author of the 2022 landmark legal advisory “Do No Harm: Mitigating Human Risks when Interacting with International Medical Institutions & Professionals in

Transplantation Medicine,³⁵ Wayne Jordash KC, to discuss the work and consider ways that CEDAW and Member States can assist in promoting change in western medical institutions.

Submission Author
Eleanor Stephenson

Legal Consultant, ETAC
Barrister, 5 St Andrew's Hill