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Human rights situations that require the Council's attention

Written statement* submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2012]

* This written statement is issued, unedited, in the language received from the submitting non-governmental organization.

Torture of Falun Gong practitioners in hospitals in China**

Thirteen years ago approximately 10,000 Chinese citizens gathered in a peaceful protest at the headquarters of the Chinese government to seek the right to practice Falun Gong, which, on July 20, 1999, Jian Zemin had ordered eradicated by any means.¹ Since then, Falun Gong practitioners have been severely persecuted by means of physical and mental torture, degrading treatment and abuse as well as by financial impoverishment.

One of the worst forms of abuse is the torture of healthy Falun Gong practitioners involuntarily detained in mental hospitals.² One of the earliest documented cases was that of 32-year-old Su Gang, who apparently underwent forced drugging and other abuse at Changel Mental Hospital in Weifang, and who died in 2000 shortly after being released to the care of his father.

Since then, evidence shows thousands of Falun Gong practitioners who have been subjected many forms of torture in Chinese hospitals with many dying after or during the treatment. Medical personnel have indicated remorse at the treatment, but claim they will lose their jobs if they do not comply with the instructions.³

According to one study, mentally healthy Falun Gong practitioners are:

involuntarily admitted (to hospitals) because they practice Falun Gong exercises, pass out flyers, refuse to sign a pledge to renounce Falun Gong, write petition letters to expose the abuse of psychiatry, go on hunger strikes in the labor camps, or appeal to the government. Others are admitted because detention sentences have expired or the detainees have not been successfully “transformed” in the brainwashing classes. Some have been told that they were admitted, not because they had a mental problem, but because they had a so-called “political problem”—that is, because they appealed to the government to lift the ban of Falun Gong.⁴

Former Special Rapporteur Nowak indicates that the aim of this abuse in China is to make the person renounce their beliefs by “altering the personality to the point of even breaking their will.”⁵ Often well-educated Falun Gong practitioners are told they are deemed harder to break through other means (such as forced labor), so they are sent to psychiatric hospitals for torture. Rapporteur Novak indicated that 66% of the persons subjected to torture in China were Falun Gong practitioners.⁶

** The Association of Humanitarian Lawyers, an NGO without consultative status, also shares the views expressed in this statement.

¹ Falun Gong/Falun Dafa is a modern form of a traditional Chinese practice of exercises and meditation. Falun Gong became immensely popular in China due to its practitioners claims of its health benefits and the improvement in their character. Its popularity was the prime factor prompting the persecution as the number of Falun Gong practitioners exceeded the number of registered communist party members. Additionally, many Party members were practitioners, and outlawing Falun Gong was a way of the main faction to purge these members.

² See, generally, R. Munro, *China’s Psychiatric Inquisition: Dissent, psychiatry and the law in post-1949 China* (London 2006).

³ Psychiatric torture of Falun Gong practitioners widespread, says UN submission. <http://www.clearwisdom.net/html/articles/2010/3/31/115791p.html>.

⁴ Lu, S.Y. & Galli, V.B., *Psychiatric abuse of Falun Gong practitioners in China*, 30 *J. Am. Acad. Psychiatry Law* 2002, at pp. 126–30.

⁵ E/CN.4/2006/6/Add.6 at para. 62.

⁶ *Idem*, at para. 42. He also notes that 8% of torture occurs in psychiatric hospitals (para. 43) and psychiatric staff were responsible for 7% of torture in China (para.44).

Torture of persons detained in hospitals is prohibited by international legal standards and medical ethics. The Human Rights Council, in its resolution 10/24 of 27 March 2009, reiterates that torture is a gross contravention of medical ethics.”⁷ Further, all hospital personnel have a duty to report any occurrence of torture to the relevant authorities.⁸

Involuntary commitment of persons who are not mentally ill to mental facilities violates the Principles for the protection of persons with mental illness and the improvement of mental health care.⁹ In its 2008 report on China, the Committee against Torture stated that China must ensure that no one is involuntarily placed in psychiatric institutions for reasons other than medical and if for medical reasons, only on the advice of an independent psychiatric expert with an appeal process in place.”¹⁰

It is clear that the Council as a whole is at an impasse with China. That said, there are a number of mandates that address this topic and the mandate holders of them should be encouraged to continue review of this issue. We particularly urge them, and well as individual States or regional groups, to undertake actions such as:

- Banning hospitals known to participate in psychiatric abuse from international academic exchanges, collaborations, medical training and publishing articles.
- Banning health care personnel involved in psychiatric torture from publishing research articles.
- Urging arrest and prosecution of health care personnel involved according to Article 5 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- Urging officials to deny visas to enter your country of health care personnel involved in psychiatric torture, and directors and board of directors of the hospitals involved.
- Asking organizations representing human rights, spiritual and ethnic groups, or representing other prisoners of conscience (lawyers, journalists) being persecuted in China to gather details on psychiatric torture cases against their own members.
- Releasing psychiatric torture cases information to the media, other interested parties.

⁷ A/HRC/RES/10/24 of 27 March 2009, preamb. para. 6.

⁸ *Idem.*, preamb. Para. 8.

⁹ Adopted by the General Assembly in its resolution 46/199 of 17 December 1991, Principle 4.

¹⁰ CAT/C/CHN/CO/4 at para. 35.