



Plenary sitting

B8-0185/2016

2.2.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on the case of the missing book publishers in Hong Kong
(2016/2558(RSP))

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on behalf of the S&D Group

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**European Parliament resolution on the case of the missing book publishers in Hong Kong
(2016/2558(RSP))**

The European Parliament,

- having regard to its previous resolutions on China, in particular the its reports of 16th December 2015 on EU-China Relations and of 13th March 2014 on EU priorities for the 25th session of the UN Human Rights Council
 - having regard to the statement of 7th January 2016 by the EEAS spokesperson on the disappearance of individuals associated with the Mighty Current publishing house in Hong Kong
 - having regard to the press release on the issuance of the annual report on Hong Kong Special Administrative Region by the European Commission and European union External Action on 28th January 2016
 - having regard to the United Nation's Human Rights Committee's concluding observations on the third periodic report of Hong Kong, China, adopted by the Committee at its 107th session (11 – 28 March 2013)
 - having regard to the United Nation's Committee against Torture's concluding observations on the fifth periodic report of China adopted at its 1391st and 1392nd meetings, held on the 2nd and 3rd December 2015
 - having regard to the Human Rights Watch World Report 2016
 - having regard to the Universal Declaration of Human Rights
 - having regard to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and to the Hong Kong Bill of Rights Ordinance
 - having regard to the UN International Covenant on Civil and Political Rights of 16th December 1966
 - having regard to Rule 135 of its Rules of Procedure
- A. Whereas over the last four months, five Hong Kong resident booksellers who sold literary works critical of the Chinese Government and of individuals associated with it, have gone missing; whereas two of them are EU citizens - Gui Minhai a Swedish national and Lee Po, a British national; whereas in January 2016, those EU citizens were confirmed to be in mainland China, and the remaining 3 booksellers are so suspected; whereas Lee Po was temporarily reunited with his wife on the 23rd January 2016 in an undisclosed location in mainland China;
- B. Whereas there are strong impacting media allegations, and concerns by lawmakers and numerous civilians, that the 5 booksellers were abducted by China's mainland authorities; and that in particular, Lee Po was abducted from Hong Kong.

- C. Whereas China and Hong Kong operate a "*one country, two systems*" arrangement, and any such operation of mainland law enforcement agencies in Hong Kong would be a violation of the Basic Law in Hong Kong and inconsistent with the "one country, two systems" principle.
- D. Whereas Hong Kong upholds and protects the freedoms of speech, expression and publication; whereas the publication of any material critical of Chinese leadership is legal in Hong Kong, yet banned in mainland China; whereas the "one country, two systems" principle guarantees Hong Kong's autonomy from Beijing with respect to such freedoms .
- E. Whereas mainland China's government tightly restricts and criminalizes freedom of expression, particularly through censorship; whereas China's Internet's "grey firewall" allows the government to censor any information it deems politically unacceptable; whereas government agencies shut down or restricted access to VPNs (Virtual Private Networks) and announced that police would be stationed in major internet companies to more effectively prevent spreading rumors online;
- F. Whereas Gui Minhai has recently released a media statement in mainland China, stating his voluntary travel to mainland China and his confession with regard to a past drunk driving offence; whereas this statement conjured strong suspicions and concerns of his rendition and a forced confession.
- G. Whereas the UN Committee against Torture has reported its serious concerns at consistent reports from various sources about a continuing practice of illegal detention in unrecognized and unofficial detention places, the so-called "black jails, as well as serious concerns over consistent reports indicating that the practice of torture and ill-treatment is still deeply entrenched in the criminal justice system, which overly relies on confessions as the basis for convictions.
- H. Whereas In April 2015, prominent journalist Gao Yu was sentenced to seven years in prison for allegedly leaking an internal CCP document calling for greater censorship of liberal and reformist ideas; whereas her confession was forced and also aired on state TV, prior to the launching of criminal investigations against her;
- I. Whereas China is a major trading partner of the EU, with a huge and expanding market; whereas the ongoing investment agreement negotiations represent one of the most important issues in EU-China bilateral economic and trade relations; whereas China and the EU launched negotiations for a bilateral investment treaty (BIT) in 2013;
- J. Whereas 2015 marks the 40th anniversary of diplomatic relations between the EU and China; whereas the EU-China Strategic Partnership is of key importance to relations between the EU and the People's Republic of China (PRC) and to finding mutual answers to a range of global concerns and identifying common interests, such

as global and regional security, counter-terrorism, the fight against organised crime, cybersecurity, weapons of mass destruction and nuclear non-proliferation, energy security, global financial and market regulation, climate change and sustainable development, as well as in creating a framework to address bilateral concerns between the EU and China;

1. Expresses its grave concern over the lack of knowledge on the whereabouts of the 5 missing booksellers; calls for the immediate publication of detailed information on the whereabouts of Lee Po and Gui Minhai, and calls for their immediate safe release and to be given the right to communication; calls for the immediate release of all those other persons arbitrarily arrested for exercising their rights to freedom of expression and publication in Hong Kong, potentially including the 3 other booksellers;
2. Calls on the Government to immediately report on information relating to the missing booksellers, and to engage in immediate inclusive and transparent dialogue and communication on the matter between the mainland's authorities and those in Hong Kong. notes as a positive development the communication and reunification of Lee Po and his spouse.
3. Expresses its concern over the allegations of mainland China's enforcement agencies operating in Hong Kong; reminds the Chinese authorities that any operation of their law enforcement agencies in Hong Kong would be inconsistent with the "one country, two systems" principle.
4. Strongly condemns all cases of human rights violations, in particular arbitrary arrests, rendition, forced confessions, incommunicado custody and violations of the freedoms of publication and of expression; calls for an immediate end to human rights violations and political intimidation
5. Expresses grave concern over the reported practices of secret detention, of torture and ill-treatment, and of forced confessions;
6. Condemns the restriction and the criminalisation of the freedom of expression and deplors the tightening of restrictions on the freedom of expression; calls on the government to stop suppressing the free flow of information, including by restricting the use of the internet
7. Expresses its concern at the imminent adoption of the draft Foreign NGO Management Law, as it would in its current state drastically hamper the activities of Chinese civil society and would severely restrict the freedoms of association and expression in the country, including by banning "overseas NGOs" that are not registered with the Chinese Ministry of Public Security and provincial public security departments from funding any Chinese individual or organisation, and prohibiting Chinese groups from conducting "activities" on behalf of or with the authorisation of non-registered overseas NGOs, including those based in Hong Kong and Macao; calls on the Chinese authorities to substantially revise this draft law in order to bring

it in line with international human rights standards, including international commitments made by the PRC;

8. Expresses its concern at the new draft law on cybersecurity, which would bolster and institutionalise the practices of cyberspace censorship and monitoring and may force European companies to include mandatory backdoors in their IT infrastructure; notes the fears of Chinese reforming lawyers and civil rights defenders that this law will further restrict the freedom of expression and that self-censorship will grow; stresses the expected severe adverse impact of both the cybersecurity and NGO laws on the activities of European businesses and institutions in the PRC, should they be adopted in their current state, and therefore calls on the European Council, the EEAS and the European Commission to continue to complain forcefully to the Chinese authorities against these highly controversial measures;
9. Instructs its President to forward this resolution to the Government and the Parliament of China, the European Commission, the Council, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the institutions of the African Union and the Secretary-General of the United Nations.