



Plenary sitting

B8-1263/2016

22.11.2016

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 Gui Minhai, jailed publisher in China
(2016/2990(RSP))

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on behalf of the S&D Group

European Parliament resolution on the case of Gui Minhai, jailed publisher in China (2016/2990(RSP))

The European Parliament,

- having regard to its previous resolutions on China, in particular the one the case of the missing book publishers in Hong Kong (February 2016), and 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 EU–China dialogue on human rights launched in 1995 and the 34th round held in Beijing on 30 November and 1 December 2015;
- having regard to European Commission (EC) annual report on the Hong Kong Special Administrative Region Annual Report 2015, published in April 2016;
- having regard to the statement made on 16 February 2016 by the UN High Commissioner for Human Rights;
- having regard to the European Commission and EEAS joint communication to the European Parliament and the Council: Elements for a new EU strategy on China, on 22 June 2016;
- having regard to the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, in particular the articles on personal freedoms and freedom of the press, and to the Hong Kong Bill of Rights Ordinance;
- having regard to the adoption of the new national security law by the Standing Committee of the Chinese National People’s Congress of 1 July 2015, and the publication of the second draft of a new Foreign NGO Management Law on 5 May 2015;
- having regard to the 21st annual report (July 2014) of the Hong Kong Journalists Association, calling 2014 as “the darkest year for press freedom in Hong Kong for several decades”;
- having regard to Rule 135 of its Rules of Procedure

- A. whereas Gui Minhai, a book publisher and shareholder of the publishing house and of a bookstore selling tabloid style China-critical books, disappeared in Pattaya, Thailand, in 17 October 2015 without any trace;
- B. whereas between October and December 2015 four other Hong Kong residents (Lui Bo, Zhang Zhiping, Lin Rongji and Lee Bo) who also worked for the same bookstore, disappeared;
- C. whereas Lui Bo and Zhang Zhiping, were allowed to return to Hong Kong on 4 March and 8 March 2016 respectively after being detained in mainland China; whereas they asked the police to drop their respective case and went back to mainland China on the same day they had arrived; whereas Lee Bo returned to Hong Kong on 24 March 2016 and denies kidnapping; whereas Lin Rongji returned to Hong Kong on 16 June 2016;
- D. whereas on 17 January Gui Minhai appeared in a Chinese TV broadcast and apparently acknowledge that he voluntarily returned to mainland China in order to be judged for an supposed crime involving a car accident in 2003 where a girl died; whereas there are serious reasons to believe his appearance on TV was staged and that he was given a script to read from;
- E. whereas Gui Minhai has been under arrest for more than a year, incommunicado and in an unknown whereabouts; whereas Gui Minhai is the only bookseller of the group still in prison;
- F. whereas Gui Minhai has double citizenship: Swedish and Chinese;
- G. whereas the Hong Kong Basic Law enshrines the 'one country, two systems' principle and guarantees, among other things, the freedom of speech, freedom of the press and of publication;
- K. whereas the EEAS and the EC in the 2015 Annual Report on Hong Kong Special Administrative Region consider the case of the five book publishers to be the most serious challenge to Hong Kong's Basic Law and the 'one country, two systems' principle since Hong Kong's return to the People's Republic of China (PRC) in 1997; whereas only legal enforcement agencies in Hong Kong have the legal authority to enforce law in Hong Kong;
- L. whereas the UN Committee Against Torture has reported its serious concerns over consistent reports from various sources about a continuing practice of illegal detention in unrecognized and unofficial detention places, the so-called 'black jails'; whereas it has also expressed serious concerns over consistent reports indicating that the practice of torture and ill-treatment is still deeply entrenched in the criminal justice system, which places over-reliance on confessions as the basis for convictions

- M. whereas China signed but not yet ratified the International Covenant on Civil and Political Rights (ICCPR); whereas China has not signed nor ratified the International Convention for the Protection of All Persons from Enforced Disappearances;
- N. whereas the Swedish authorities have asked for the Chinese authorities' full support in protecting the rights of their citizen as well as the other 'disappeared' individuals; whereas neither the family of Gui Minhai nor the Swedish government has been informed of any formal charges against him, nor the formal place of his detention;
- O. 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;
- P. whereas the 17th EU-China Summit, of 29 June 2015, lifted bilateral relations to a new level, and whereas in its strategic framework on human rights and democracy the EU pledges that it will place human rights at the centre of its relations with all third countries, including its strategic partners; whereas the 18th EU-China Summit, of 12 - 13 July 2016 concluded to hold another round of the human rights dialogue between EU and China still in 2016;
1. Expresses its grave concern over the lack of knowledge on the whereabouts of Gui Minhai; calls for the immediate publication of detailed information on the whereabouts and calls for his immediate safe release and to be given the right to communication;
 2. Notes with concern 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;
 3. Calls on the relevant authorities in China/ Hong Kong and Thailand to investigate and clarify the circumstances surrounding the disappearances, in accordance with the rule of law;
 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; expresses grave concern over the reported practices of secret detention, of torture and ill-treatment, and of forced confessions;

5. Calls for China to ratify the ICCPR and to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearances without delay;
6. Expresses its concern at the entry of the new Foreign NGO Management Law on 1 January 2017, given that it would 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 prohibiting provincial public security departments from funding any Chinese individual or organisation, and 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 provide a safe and fair environment and transparent processes which allow NGOs to operate freely and effectively in China;
7. Expresses its concern at the new law on cybersecurity, adopted on 7 November 2016, which would bolster and institutionalise the practices of cyberspace censorship and monitoring, and at the adopted national security law and the draft law on counter-terrorism; notes the fears of Chinese reformist lawyers and civil rights defenders that these laws will further restrict freedom of expression and that self-censorship will grow;
8. Underlines the European Union’s commitment to strengthening democracy, including the rule of law, the independence of the judiciary, fundamental freedoms and rights, transparency, and freedom of information and expression in Hong Kong;
9. Insists that trade and economic relations are important to boost our respective welfare; reminds that such relations can only evolve in good faith and mutual trust; stresses that respecting human rights and transparency are part of modern trade agreements;
10. Instructs its President to forward this resolution to the Council, the Commission, the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Government and Parliament of the People’s Republic of China and the Chief Executive and the Assembly of the Hong Kong Special Administrative Region.