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MOTION FOR A RESOLUTION

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

pursuant to Rule 122 of the Rules of Procedure

on human rights in China and the case of Liu Xiaobao

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on behalf of the S&D Group

European Parliament resolution on human rights in China and the case of Liu Xiaobao

The European Parliament,

- having regard to its previous resolutions on China and, in particular, those of 13 December 2007 on the EU-China Summit and the EU/China human rights dialogue and of 26 November 2009 on minority rights and the application of the death penalty,
 - having regard to the declarations of the Presidency on behalf of the EU concerning Charter 2008 and the arrest of human rights campaigners of 19 December 2008,
 - having regard to the declarations of the Presidency on behalf of the EU on prosecution of Mr Liu Xiaobo of 26 June 2009 and 14 December 2009,
 - having regard to the declaration of the Presidency on behalf of the EU on the execution of Akmal Shaikh of 29 December 2009,
 - having regard to the EU-China seminar of 18-19 November 2009 and the EU-China Human Rights dialogue of 20 November 2009,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. Whereas Chinese Authorities have not heard the repeated calls by the EU and one of its Members States for the death sentence passed against Mr Shaikh to be commuted;
- B. whereas on 8 December 2008 Liu Xiaobo, a prominent human rights activist and scholar, and co-author of the “Charter 08”, was placed under “residential surveillance”, a form of pre-trial detention that can be used up to six months without a charge being issued, at an undisclosed location in Beijing; whereas at the time of his arrest, the police also searched his home and confiscated his computers, mobile phones, books, magazines, printed papers and a draft of the “Charter 08”,
- C. whereas on 23 June 2009, Mr. Liu Xiaobo was officially arrested and charged on 24 June 2009 with “inciting to subvert State power“, pursuant to Article 105 of the Criminal Code,
- D. whereas Liu Xiaobo is one of the 303 first signatories of Charter 2008, a petition that urges China to press ahead with political reform and the protection of human rights, that was subsequently signed by more than 10,000 Chinese citizens,
- E. whereas on 25 December 2009, the Beijing Municipal No.1 Intermediate People's Court found Mr. Liu Xiaobo guilty of “inciting subversion of State power” and sentenced him to 11 years of imprisonment and two years’ deprivation of political rights; whereas the government based the conviction on Mr. Liu’s role in drafting and

organising the signing of Charter 08 and on six essays he published between 2005 and 2007 critical of the Chinese Government;

- F. whereas Liu's wife and personnel from about a dozen foreign embassies in Beijing, including those of the United States, Germany and Australia, requested to observe the trial but were denied access to the courtroom,
 - G. whereas this ruling has caused widespread criticism and concern all over the world and also in China,
 - H. whereas in December 2009 other cases of human rights violations took place in China like the harassment against members of the Guizhou Human Rights Forum in order to prevent them from carrying out planned activities to celebrate Human Rights Day and the beating and ill-treatment while in detention of Qi Choghuai, a reporter and former Shandong Bureau Chief for the Fazhi Morning Post,
 - I. whereas, on 13 January 2010, Google announced its decision to stop cooperating with Chinese Internet censorship linking this to sophisticated cyber-attacks on its computer systems, which it suspected originated in China, aimed in part at the Gmail user accounts of Chinese activists,
 - J. whereas the EU-China human rights dialogue established in 2000 has achieved so far insufficient results; whereas the lack of results is also the consequence of an uncoordinated and ineffective EU common foreign policy towards China,
1. Condemns in the strongest terms the execution of Akmal Saikh and reaffirms its absolute and longstanding opposition to the use of the death penalty in all circumstances; is convinced that the abolition of the death penalty is an integral part of respect for Human Rights and protection of human dignity, in all the democratic countries;
 2. Calls on the Chinese Authority to unconditionally release Mr. Liu Xiaobo and to end the harassment and detention of other signatories of the Charter 08, reminding China's international Human Rights obligation, as well as the Chinese Constitutional guarantees on freedom of expression,
 3. Expresses its deep solidarity and sympathy for the peaceful actions and initiatives of Liu Xiaobo in favour of democratic reforms and the protection of human rights, strongly condemns the judicial harassment of which he was victim,
 4. Calls on the PRC authorities to respect the commitments made before the Human Rights Council and to conform with the provisions of the UN Declaration on Human Rights Defenders adopted by the General Assembly of the United Nations on 9 December 1998;

5. Calls on the PRC to ensure respect for human rights and fundamental freedoms in accordance with human rights standards and international instruments, as well as for the ratification of the International Covenant on Civil and Political Rights;
6. Calls on the Council and the Commission to raise firmly this case at the next EU-China summit;
7. Takes note of Google's decision to stop cooperation on internet filtering and censorship with the Chinese authorities; calls on PRC to fully respect internet freedom;
8. Considers a significant step the fact that the Chinese government has published its first National Human Rights Action Plan (2009-2010) in April 2009 which notably aims at improving the protection of citizens' rights in every process of law enforcement and judicial work from arbitrary detention, prohibiting extortion of confessions by torture and ensuring fair and open trials;
9. Stresses that China's human rights record remains a matter of serious concern; takes note of the previous rounds of human rights dialogues with China and the EU-China human rights dialogue of 20 November which had to examine matters such as freedom of expression, the protection of human rights defenders, the use of torture and death penalty, the situation of minorities in Tibet, the independence of the judiciary, including the role of the defence and the reform of the re-education through work as well as the right to work and to health,
10. Insists on the need for a strict follow-up between all dialogues with regard to the application of the recommendations resulting from previous dialogues mutually agreed upon by both parties and the EU-China legal seminars on human rights, which used to precede the dialogue, with the participation of academic and civil society representatives;
11. Takes the view that the development of trade relations with China must go hand in hand with the development of a genuine, fruitful and effective political dialogue and that the respect for human rights should be an integral part of the new Partnership Cooperation Agreement which is now being negotiated with China;
12. Instructs its President to forward this resolution to the President of the EU Council, the High Representative of the EU, the Commission, the Governments of the Member States and to the President, the Prime Minister and the National People's Congress of the People's Republic of China;