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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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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,
 - 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 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”,
- B. 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,
- C. 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,
- D. 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,
- E. 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,

- F. whereas this ruling has caused widespread criticism and concern all over the world and also in China,
- G. whereas Mr Liu Xiaobo has appealed against the ruling of the court,
- 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, ahead of the country's 60th anniversary, on 1 October, the Chinese authorities increased surveillance, harassment and imprisonment of activists; whereas according to Amnesty International on this occasion several hundred activists and dissidents were put under various kinds of surveillance or house arrest and thousands of petitioners were swept out of Beijing,
- J. whereas, in April 2009, the PRC submitted a document to the UN in order to support its candidacy to the Human Rights Council, in which it affirmed that the People's Republic of China was "committed to the promotion and protection of human rights and fundamental freedoms of the Chinese people"; whereas, as a member of the Human Rights Council, China "shall uphold the highest standards in the promotion and protection of human rights",
- K. 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 human rights activists,
- L. whereas the EU-China human rights dialogue established in 2000 has proven not to be a sufficiently effective tool so far; whereas the lack of results is also the consequence of an uncoordinated and ineffective EU common foreign policy towards China,
- M. whereas any decision to initiate a human rights dialogue is taken on the basis of certain criteria adopted by the Council which notably takes into consideration the major concerns on the part of the EU about the human rights situation on the ground in the country concerned, a genuine commitment on the part of the authorities of the country concerned, with regard to such dialogue, to improve the human rights situation on the ground, and the positive impact which a human rights dialogue may have on the human rights situation,
- N. whereas the EU is China's biggest trading partner and the biggest investor in China and whereas China is the EU's second biggest trading partner; whereas trade and economic relations cannot be played off against the respect for human rights and the rule of law,

1. Expresses its deep solidarity and sympathy for the case of Liu Xiaobo and his exercise of freedom of speech in favour of democratic reforms and the protection of human rights; strongly condemns the judicial harassment of which he was victim and calls for his immediate and unconditional release;
2. Expresses at the same time its sympathy to those Chinese who have openly voiced their dissatisfaction with the sentencing of Liu Xiaobo;
3. 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;
4. Urges the PRC to ensure in all circumstances respect for human rights and fundamental freedoms in accordance with human rights standards and international instruments and calls for the ratification of the International Covenant on Civil and Political Rights;
5. Calls on the Council and the Commission to raise firmly this case at the next EU-China summit;
6. Welcomes the decision of Google to stop cooperation on internet filtering and censorship with the Chinese authorities and urges all the other informatics' corporations to act likewise; calls on PRC to fully respect freedom of speech on the internet;
7. Notes 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;
8. Notes that China's human rights record remains a matter of serious concern; emphasises the need to make a comprehensive assessment of the EU-China human rights dialogue, including the EU-China legal seminar on human rights, in order to measure the methodology applied and the progress achieved and to make it more effective and result-oriented; insists in this regard on the necessity to increase the transparency and accountability of the dialogue and seminar process by producing regular assessments based upon clear benchmarks and making these assessments public; demands that the question of the participation of academics and experts in the EU delegation for EU-China seminars on human rights be seriously examined;
9. Considers, in this regard, that the support and protection of human rights defenders must be systematically raised during these dialogues and points particularly out the situation of the 2008 Sakharov Prize Hu Jia and his wife Zeng Jinyan; stresses that making the lists of individual cases public would substantially enhance the impact of such measure;

10. Deplores that China, in the framework of its Universal Periodic Review process of June 2009, has rejected all recommendations made by UN member states related to freedom of expression and freedom of association, independence of the judiciary, guarantees for the legal profession, protection of human rights defenders, rights of ethnic minorities, reduction of the death penalty, abolition of reeducation-through-labor, prohibition of torture, media freedom, and effective remedies for discrimination;
11. Takes the view that the development of EU-China relations 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 framework agreement which is now being negotiated with China;
12. Instructs its President to forward this resolution to the Council and the Commission and to the President, the Prime Minister and the People's National Assembly of the People's Republic of China.