



Plenary sitting

B8-0043/2018

16.1.2018

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 cases of human rights activists Wu Gan, Xie Yang, Lee Ming-chee, Tashi Wangchuk and the Tibetan monk Choekyi
(2018/2514(RSP))

Molly Scott Cato, Heidi Hautala, Barbara Lochbihler, Igor Šoltes, Jordi Solé, Davor Škrlec, Bronis Ropè, Helga Trüpel,
on behalf of the Verts/ALE Group
Fabio Massimo Castaldo, Ignazio Corrao

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European Parliament resolution on the cases of human rights activists Wu Gan, Xie Yang, Lee Ming-chee, Tashi Wangchuk and the Tibetan monk Choekyi (2018/2514(RSP))

The European Parliament,

- having regard to its previous resolutions on China with regard, in particular to the one of 16 December 2015 on EU-China relations, the one of 13 March 2014 on EU priorities for the 25th session of the UN Human Rights Council, the one of 24 November 2016 the case of Gui Minhai, jailed publisher in China, the one of 15 December 2016 on the cases of the Larung Gar Tibetan Buddhist Academy and Ilham Tohti and the one of 6 July 2017 on the cases of Nobel Laureate Liu Xiaobo and Lee Ming-Che

- having regard to the EU-China Strategic Partnership launched in 2003 and to the European Commission and EEAS joint communication to the European Parliament and the Council entitled 'Elements for a new EU strategy on China', of 22 June 2016,

- having regard to the EU-China summit held in Brussels on 1 and 2 June 2017,

- 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 EU-China dialogue on human rights launched in 1995 and the 35th round held in Brussels on 23 and 23 June 2017,

- having regard to the statement by the Spokesperson for Foreign Affairs and Security Policy/European Neighbourhood Policy and Enlargement Negotiations on the verdicts of Wu Gan and Xie Yang in China of 27 December 2017,

- having regard to the Declaration by the High Representative Mogherini on behalf of the EU on Human Rights Day of 10 December 2017,

- having regard to the International Covenant on Civil and Political Rights of 16 December 1966,

- having regard to Rule 135 of the Rules of Procedure,

A. whereas since President Xi Jinping assumed power the human rights situation in China has continued to deteriorate with the government stepping up its hostility toward peaceful dissent, freedoms of expression and religion, and the rule of law; whereas the Chinese authorities have detained and prosecuted hundreds of human rights defenders lawyers and journalists,

B. whereas the Chinese government passed a slew of new laws that cast public activism and peaceful criticism of the government as state security threats, strengthen censorship, surveillance and control of individuals and social groups and deter individuals from campaigning for human rights with regard, in particular, to the State Security Law, passed on

July 1, 2015, the Counterterrorism Law, the Cybersecurity Law, and the Foreign NGO Management Law,

C. whereas on 26 December 2017 a court in Tianjin sentenced activist Wu Gan, better known by his online alias of “Super Vulgar Butcher”, to eight years in prison on charges of subverting state power; whereas Wu routinely campaigned on sensitive issues relating to the government abuse of power, both online and offline; whereas *according to his lawyer, Wu Gan rejected a deal with the authorities which would have given him a suspended sentence if he were to admit guilt,*

D. whereas the same day in Hunan human rights lawyer Xie Yang was also convicted but exempted from criminal penalties after he earlier pleaded guilty to subversion charges; whereas both Wu Gan and Xie Yang were arrested months before an unprecedented crackdown on human rights lawyers and defenders in 2015 that saw hundreds of people questioned or detained nationwide over a few weeks,

E. whereas longtime democracy activist Lee Ming-Che went missing on March 19, 2017, after he crossed from Macau into Zhuhai in China’s Guangdong province; whereas ten days later, China’s Taiwan Affairs Office confirmed at a news conference that the “relevant authorities” had detained Lee and placed him under investigation on suspicion of “engaging in activities that endanger national security”,

F. whereas on 28 November 2017, Yueyang Intermediate Court sentenced Mr. Li Ming-Che to five years in prison after finding him guilty on charges of “subverting State power” stripping him also of all political rights in China for two years; whereas Li Ming-Che public confession was likely made under pressure from Chinese authorities,

G. whereas Tashi Wangchuk, a Tibetan shopkeeper and language rights advocate, was detained on 27 January 2016, after appearing in a New York Times video in which he advocated for the rights of Tibetans to learn and study in their mother tongue; whereas he was charged in March 2016 with “inciting separatism,” and faces up to 15 years in prison although he told the paper explicitly that he was not calling for Tibetan independence,

H. whereas in Sichuan’s Mianyang prison the life of Choekyi, a Tibetan monk, jailed for celebrating the Dalai Lama’s birthday, is at risk because of failing health,

I. whereas respect for human rights, freedom of identity, culture, religion and association are founding principles of the EU and of its foreign policy; whereas more than 140 Tibetans, mostly monks and nuns, have reportedly set themselves on fire since 2009 in protest against restrictive Chinese policies in Tibet and in support of the return of the Dalai Lama and the right to religious freedom,

J. whereas human rights lawyers have continued to face intimidation and imprisonment, as in the cases of prominent lawyers Li Yuhan, who has been in incommunicado since November 2017, and Wang Quanzhang, who was arrested July 2015, held incommunicado for over 800 days and reportedly subjected to torture,

K. whereas human rights defenders who are petitioners who travel to major cities to raise local issues face detention and imprisonment, as with Li Xiaoling, who has been in detention since June 2017 while she continues to suffer from a severe case of glaucoma; whereas

human rights defenders who provide a platform for petitioners and other HRDs, such as Ding Lingjie, Liu Feiyue, Zhen Jianghua, have also been detained;

L. whereas in its strategic framework on human rights and democracy, the EU pledges that human rights, democracy, and rule of law will be promoted “in all areas of the EU's external actions without exception” and that the EU will “place human rights at the centre of its relations with all third countries including strategic partners.”,

M. whereas at the EU-China summit held in Brussels on June 1-2, the EU Council and Commission presidents in public avoided criticising China’s deteriorating human rights situation, nor calling for the release of political prisoners, including EU citizens,

N. whereas the EU-China Human Rights dialogue has brought so far no substantial results; whereas some prominent NGOs called on the European Union to cancel the 35th round of the human rights dialogue with China of 22 and 23 June 2017 and suspend the exchange until the meetings can bring genuine human rights improvements,

1. Stresses that a genuine strategic partnership can only be built on shared common values; reminds China of its responsibilities as global power and calls on the Beijing authorities to ensure in all circumstances respect for human rights and fundamental freedoms in accordance with the Universal Declaration on Human Rights and other international human rights instruments signed or ratified by China and to put an end to all acts of harassment against all human rights defenders in the country so that they are able to carry out their work without hindrance;

2. Calls on the Chinese government to immediately and unconditionally release Wu Gan as he has been imprisoned solely for peacefully exercising his right to freedom of expression and assembly and while pending his release to ensure that Wu Gan has regular, unrestricted access to family and lawyers of his choice, and is not subjected to torture or other ill-treatment; calls for the conduct a prompt, effective and impartial investigation into the alleged torture against Wu Gan and bring those responsible to justice;

3. Calls on the Chinese authorities to guarantee in all circumstances the physical and psychological integrity of Lee Ming-Che and to release him immediately and unconditionally as his detention is arbitrary since it only seems to aim at punishing him for his human rights activities; urges at the same time the Chinese government to disclose Lee's whereabouts and to allow his relatives and the lawyers of his choice to visit him;

4. Expresses its deep concern at the arrest and the continued detention of Tashi Wangchuk, as well as his limited right to counsel, the denial of presenting the evidence against him and the irregularities in the criminal investigation and calls for his immediate release;

5. Calls for the release of monk Choekyi for humanitarian reasons and while in jail to allow him to have access to the necessary medical treatment;

6. Is deeply concerned by the deterioration of the human rights situation in Tibet which has led to an increase in the number of self-immolation cases; criticises the increase in military

displays on the Tibetan plateau that will only lead to escalating tension in the region;
condemns the increase in the use of surveillance systems in Tibetan private households;

7. Calls on the Chinese government to respect its own constitution with regard, in particular, to article 36 that recognizes the right to freedom of religious belief, and international and legal obligations and permit full freedom of religious practice;

8. Reiterates its call on the Government of the People's Republic of China to engage with His Holiness the Dalai Lama and members of the elected Tibetan leadership and expresses its support for a peaceful resolution of the issue of Tibet through dialogue and negotiations with a view to granting Tibet a genuine autonomy within the framework of the Constitution of the PRC;

9. Condemns, moreover, the anti-Buddhism campaigns carried out via the 'patriotic education' approach, including measures to state-manage Tibetan Buddhist Monasteries; is concerned that China's criminal law is being abused to persecute Tibetans and Buddhists, whose religious activities are equated with 'separatism', deplors the fact that the environment for practising Buddhism in Tibet has worsened significantly after the Tibetan protests of March 2008, with the Chinese government adopting a more pervasive approach to 'patriotic education';

10. Expresses its concern about the increasingly repressive regime faced by different minorities, in particular Tibetans and Uighurs, as additional constraints are put on the constitutional guarantees of their right to freedom of cultural expression and religious belief, and to the freedom of speech and expression, peaceful assembly and association, calling into question China's stated commitment to the rule of law and respect for international obligations; demands that the authorities respect these fundamental freedoms;

11. Is worried about the adoption of the package of security laws and its impact on minorities in China, particularly the law on counter-terrorism that could lead to the penalisation of peaceful expression of Tibetan culture and religion and the law on the management of international NGOs which places human rights groups under the strict control of the government, as this constitutes a strictly top-down approach instead of encouraging partnership between local and central government and civil society;

12. Urges Chinese authorities to immediately and unconditionally release all human rights defenders, activists, lawyers, journalists and petitioners being detained for their human rights work, and end the ongoing crackdown of detention, judicial harassment, and intimidation against them;

13. Underlines that Chinese authorities must ensure that all those held incommunicado are immediately put in contact with their family members and lawyers, and the conditions of all those in detention must meet the standards set out in set out in the 'Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment', adopted by UN General Assembly resolution 43/173 of 9 December 1988, including access to medical care;

14. As the 20th anniversary of its signature to the International Covenant on Civil and Political Rights approaches, encourages China to ratify it and to ensure its full implementation, including by ending all abusive practices and adapting its legislation as necessary;

15. Recalls the importance of the EU raising the issue of human rights violations in China, at every political and human rights dialogue with the Chinese authorities in line with the EU's commitment to project a strong, clear and unified voice in its approach to the country; furthermore points out that, as part of its ongoing reform process and increasing global engagement, China has opted into the international human rights framework by signing up to a wide range of international human rights treaties, and therefore calls for dialogue to be pursued with China to live up to these commitments;

16. Invites the EU High Representative and EU Member States to adopt Foreign Affairs Council conclusions on China that stress the critical importance of human rights in the EU-China relationship, convey a clear sense of concern about the negative trends in China in this regard, along with an expectation that the Chinese authorities take specific steps in response; stresses that such conclusions would serve to bind the 28 EU Member States and EU institutions to a common message and approach with regards to human rights in China;

17. Believes that strong ongoing EU-China relations must provide an effective platform for a mature, meaningful and open human rights dialogue based on mutual respect;

18. Takes the view that in order to be truly effective, and to implement the EU's own Strategic Framework on Human Rights and Democracy, adopted in June 2012, the EU should clearly articulate its concerns and set out transparent benchmarks for advancing human rights in China as a means to ensure that EU messaging reaches not just Chinese government officials, but also people across China and Europe;

19. Believes that deeper bilateral trade and investment relations should be based on a stronger conditionality in the area of sustainable development and human rights, fully in line with Article 21 TEU and the EU Strategic Framework and Action Plan on Human Rights and Democracy;

20. Calls on all EU Member States to adopt a firm value-based approach towards China and expects them not to undertake unilateral initiatives or acts that undermine the coherence, the effectiveness and the consistency of the EU action;

21. Takes note of the holding of the 35th round of the EU-China Human Rights dialogue on 22-23 June 2017; regrets that the questions on human rights and the cases of political prisoners raised by the EU did not obtain the necessary and convincing consideration of the Chinese counterpart; reiterates its view that the Human Rights dialogue should be reviewed making it more result-oriented and anchored to clear benchmarks identifying specific human rights violations that the Chinese government need to address as a strategic priority for the EU and its Member States;

22. Calls on the EU and the Member States to substantially step up the support to civil society and human rights defenders in China in an ambitious and creative manner, in line with EU guidelines on human rights defenders; insists that the EU delegation adequately consults and engages with civil society, in particular ahead of high level meetings and human rights dialogues;

23. Instructs its President to forward this resolution to the Vice-President of the Commission /

High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, and the Government and the Parliament of the Peoples' Republic of China.