



TEXTS ADOPTED

P8_TA(2018)0014

The cases of human rights activists Wu Gan, Xie Yang, Lee Ming-che, Tashi Wangchuk and the Tibetan monk Choekyi

European Parliament resolution of 18 January 2018 on the cases of the human rights activists Wu Gan, Xie Yang, Lee Ming-che and Tashi Wangchuk, and the Tibetan monk Choekyi (2018/2514(RSP))

The European Parliament,

- having regard to its previous resolutions on China, in particular those of 13 March 2014 on EU priorities for the 25th session of the UN Human Rights Council¹, of 16 December 2015 on EU-China relations², of 24 November 2016 on the case of Gui Minhai, jailed publisher in China³, of 15 December 2016 on the cases of the Larung Gar Tibetan Buddhist Academy and Ilham Tohti⁴, and of 6 July 2017 on the cases of Nobel laureate Liu Xiaobo and Lee Ming-che⁵,
- having regard to the EU-China Strategic Partnership, launched in 2003, and to the joint communication from the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) of 22 June 2016 entitled ‘Elements for a new EU strategy on China’,
- 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 on 1 July 2015, and the publication of the second draft of a new Foreign NGO Management Law on 5 May 2015,
- having regard to Article 36 of the Constitution of the People’s Republic of China, which guarantees all citizens the right to freedom of religious belief, and to Article 4 thereof, which upholds the rights of minority nationalities,
- having regard to the EU-China dialogue on human rights, launched in 1995, and to the

¹ OJ C 378, 9.11.2017, p. 239.

² OJ C 399, 24.11.2017, p. 92.

³ Texts adopted, P8_TA(2016)0444.

⁴ Texts adopted, P8_TA(2016)0505.

⁵ Texts adopted, P8_TA(2017)0308.

35th round thereof, held in Brussels on 22 and 23 June 2017,

- having regard to the awarding of its Sakharov Prize for Freedom of Thought to Wei Jingsheng and Hu Jia in 1996 and 2008 respectively,
 - having regard to the statement by the Spokesperson for Foreign Affairs and Security Policy/European Neighbourhood Policy and Enlargement Negotiations of the European External Action Service (EEAS) of 27 December 2017 on the verdicts of Wu Gan and Xie Yang in China,
 - having regard to the Local Statement by the Delegation of the European Union on International Human Rights Day, 8 December 2017,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the promotion of and respect for universal human rights, democracy and the rule of law should remain at the centre of the long-standing relationship between the EU and China, in accordance with the EU's commitment to uphold these very same values in its external action and China's expressed interest in adhering to them in its own development and international cooperation;
- B. whereas since President Xi Jinping assumed power, the human rights situation in China has deteriorated further, with the government stepping up its hostility toward peaceful dissent, the 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;
- C. whereas on 26 December 2017, a court in Tianjin sentenced activist Wu Gan to eight years in prison on charges of subverting state power; whereas Wu Gan routinely campaigned on sensitive issues relating to the government's 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 have admitted his guilt;
- D. whereas on the very 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 Wu Gan was arrested months before an unprecedented crackdown on human rights lawyers and defenders in 2015 that saw hundreds of people, including Xie Yang, questioned or detained nationwide over a few weeks; whereas there are allegations that Xie Yang has been tortured, beaten and threatened by interrogators;
- E. whereas on 28 November 2017, Yueyang Intermediate Court sentenced democracy activist Lee Ming-che to five years in prison after finding him guilty on charges of 'subverting State power', and stripped him of all political rights in China for two years; whereas it is likely that Lee Ming-che's public confession was made under pressure from the Chinese authorities; whereas Lee Ming-che had gone missing on 19 March 2017, after he crossed from Macau into Zhuhai in China's Guangdong province;

- F. whereas Tashi Wangchuk, a Tibetan shopkeeper and language rights advocate, was detained on 27 January 2016 after he appeared in a New York Times video advocating the right of Tibetans to learn and study in their mother tongue; whereas in March 2016 Tashi Wangchuk was charged with ‘inciting separatism’ and faces up to 15 years in prison, although he told the newspaper explicitly that he was not calling for Tibetan independence;
 - G. whereas in 2015 the Tibetan monk Choekyi, from Phurbu monastery in Sichuan’s Seda county, was jailed for celebrating the birthday of exiled spiritual leader the Dalai Lama; whereas after being charged, Choekyi was briefly held in a prison in Kangding county in Ganzi prefecture, and was finally sent to Sichuan’s Mianyang prison to serve a four-year term; whereas according to media sources, Choekyi had kidney problems, jaundice, and other health-related issues which got worse because of his detention;
 - H. whereas human rights lawyers have continued to face intimidation and imprisonment, as in the cases of prominent lawyers Li Yuhan, who has been incommunicado since November 2017, and Wang Quanzhang, who was arrested in July 2015, held incommunicado for over 800 days and reportedly subjected to torture; 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 continuing to suffer from a severe case of glaucoma; whereas human rights defenders who provide a platform for petitioners and other human rights defenders, such as Ding Lingjie, Liu Feiyue and Zhen Jianghua, have also been detained;
 - I. whereas the Chinese Government has passed new laws, notably the State Security Law, the Counterterrorism Law, the Cybersecurity Law, and the Foreign NGO Management Law, that cast public activism and peaceful criticism of the government as state security threats, strengthen censorship, surveillance and the control of individuals and social groups, and deter individuals from campaigning for human rights;
 - J. whereas in the EU Strategic Framework and Action Plan on Human Rights and Democracy, the Council pledges that the EU will promote democracy, the rule of law and ‘human rights in all areas of its external action without exception’ and will ‘place human rights at the centre of its relations with all third countries, including its strategic partners’;
1. Remains highly concerned by the Chinese Government’s approach towards human rights defenders, activists and lawyers; reminds China of its responsibilities as a 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 of Human Rights and other international human rights instruments signed or ratified by China; urges the Beijing authorities, moreover, 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. Urges the Chinese authorities to release immediately and unconditionally all human rights defenders, activists, lawyers, journalists and petitioners being detained for their human rights work, and to end the ongoing crackdown against them, which is being perpetrated in the form of detention, judicial harassment and intimidation;
 3. Calls on the Government of the People’s Republic of China to release Wu Gan

immediately and unconditionally, as he has been imprisoned solely for peacefully exercising his right to freedom of expression and assembly, and – pending his release – to ensure that he has regular, unrestricted access to his family and lawyers of his choice, and is not subjected to torture or other ill-treatment; calls for a prompt, effective and impartial investigation into torture in China and for those responsible to be brought to justice;

4. Emphasises the need to investigate the allegations of torture of Xie Yang;
5. Calls on the Chinese authorities to release Lee Ming-che immediately and unconditionally, and – pending his release – to ensure that he is protected from torture and other ill-treatment, and allowed access to his family, lawyers of his choice and adequate medical care;
6. Expresses its deep concern at the arrest and continued detention of Tashi Wangchuk, as well as his limited right to counsel, the lack of evidence against him and the irregularities in the criminal investigation; calls for the immediate and unconditional release of Tashi Wangchuk;
7. Calls on the Chinese authorities to release the Tibetan monk Choekyi immediately and unconditionally; urges the Chinese Government to allow his relatives and the lawyers of his choice to visit him and, in particular, to provide him with adequate medical care;
8. Calls on the Chinese Government to respect its own constitution, in particular with regard to Article 4, which protects national minorities; Article 35, which protects the freedoms of speech, the press, assembly, association, procession and demonstration; Article 36, which recognises the right to freedom of religious belief; and Article 41, which guarantees the right to criticise and make suggestions regarding any state organ or functionary;
9. Reiterates its call on the Chinese Government to engage with His Holiness the Dalai Lama and his representatives, and expresses its support for a peaceful resolution of the issue of Tibet through dialogue and negotiations with a view to granting Tibet genuine autonomy within the framework of the Chinese Constitution;
10. 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’; deplores 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’;
11. Is worried about the adoption of the package of security laws and its impact on minorities in China, particularly the Counterterrorism Law, which could lead to the penalisation of peaceful expression of Tibetan culture and religion, and the Foreign NGO Management Law, 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. Emphasises that the 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 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;

13. Is highly concerned to learn about allegations of torture of human rights activists; calls on the Chinese Government, therefore, to wholeheartedly respect the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, in accordance with Articles 2 and 16 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which was ratified by China on 4 October 1988;
14. Encourages the Chinese Government, as the 20th anniversary of its signature approaches, to ratify the International Covenant on Civil and Political Rights and to ensure its full implementation, including by ending all abusive practices and adapting its legislation as necessary;
15. Recalls that it is important that the EU raises the issue of human rights violations in China, in particular the case of minorities in Tibet and Xinjiang, at every political and human rights dialogue with the Chinese authorities, including the yearly human rights dialogues, in line with its commitment to project a strong, clear and unified voice in its approach to the country; regrets, however, the lack of concrete results from the yearly EU-China human rights dialogues; further recalls that in 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; calls, therefore, for dialogue to be pursued with China in order to honour these commitments;
16. Calls on all the Member States to adopt a firm, values-based approach towards China and expects them not to undertake unilateral initiatives or acts that might undermine the coherence, effectiveness and consistency of EU action; recalls with deep regret the failure of the EU to make a statement on human rights in China at the UN's Human Rights Council in Geneva in June 2017; welcomes the adoption of a statement at the following session, and expects the EU to continue to mention China as a country which requires the Human Rights Council's attention for as long as it refuses to engage in meaningful rights reforms; further calls for the EU and its Member States to raise robust concerns during the forthcoming Universal Periodic Review for China and to ensure, in particular, that Chinese civil society can freely participate in the process;
17. Invites the VP/HR and the Member States to adopt the Foreign Affairs Council's conclusions on China, which stress the critical importance of human rights in the EU-China relationship and convey a clear sense of concern about the negative trends in China in this regard, together with the 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 regard to human rights in China;
18. 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 Parliament of the People's Republic of China.

