



Plenary sitting

B8-1269/2016

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 GUE/NGL Group

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

The European Parliament,

- having regard to the United Nations Universal Declaration of Human Rights of 1948, in particular to its Article 19, on freedom of opinion and expression,
- having regard to the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong of 19 December 1984 in Beijing,
- having regard to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (HKSAR) of 4 April 1990,
- having regard to Article 28 of HKSAR Basic Law and Article 2 of the Bill of Rights on right to life.
- having regard to Article 27 of HKSAR Basic Law and Article 16 of the Bill of Rights on freedom of expression,
- having regard to Article 17 of HKSAR Bill of Rights on freedom of assembly,
- having regard to the EEAS Statement on the disappearance of individuals associated with the Mighty Current publishing house in Hong Kong of 7 January 2016,
- having regard to UK's Foreign Office statement on the missing HKSAR booksellers,
- having regard to its previous resolutions on HKSAR and China,
- having regard to Rule 135 of its Rules of Procedure,

A. whereas Gui Minhai, a book publisher and shareholder of the publishing house 'Mighty current Media', and of 'Causeway Bay Books', a bookstore selling tabloid style China-critical books, disappeared in Pattaya, Thailand, in 17 October 2015 without any trace; whereas there was no record of him leaving Thailand;

B. whereas Gui Minhai is a Swedish citizen of Chinese origin;

C. whereas on 17 January Gui Minhai appeared in a Chinese TV broadcast confessing that he voluntarily returned to mainland China in order to be judged for an alleged crime involving a car accident in 2003 where a girl died; whereas different elements of the interview give reasonable doubts about Gui Minhai being coerced during this confession;

D. whereas Gui Minhai has been under arrest for more than a year, incommunicado and in an unknown whereabouts;

E. whereas between October and December 2015 four other Hong Kong citizens (Lui Bo,

Zhang Zhiping, Lin Rongji and Lee Bo) who also worked for 'Causeway Bay Books', went missing;

F. whereas on 20 February 2016 Gui Minhai, Lui Bo, Zhang Zhiping and Lin Rongji appeared in Phoenix television confessing that they had been illegally trading books to mainland China;

G. 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;

H. whereas Lin Rongji claims in a press conference that he was kidnapped by an elite force in China, forced to confess and denied the right to see his family and a lawyer; whereas he claimed that his appearance on Phoenix TV was staged and that he was given a script to read from;

I. whereas Gui Minhai is the only bookseller of the group still in prison;

J. whereas this kind of repressive policies, where individuals critical of the Chinese government have been detained and have appeared in television confessing their crimes under alleged coercion, have increased since Xi Jinping was appointed in 2013;

K. whereas the Swedish authorities have asked for the Chinese authorities' full support in protecting the rights of Gui Minhai;

L. whereas on 1 July 1997, the transfer of sovereignty of Hong Kong from the United Kingdom to the People's Republic of China took place, officially marking the end of Hong Kong's 156 years under British colonial governance; whereas, at the same time, Hong Kong switched its country of administration overnight to become China's first Special Administrative Region becoming an autonomous territory on the southern coast of China;

M. whereas the People's Republic of China is the sole legitimate government of China;

N. whereas HKSAR Basic Law, serves as the constitutional document of the HKSAR of the People's Republic of China; whereas HKSAR enjoys a high degree of autonomy as a special administrative region in all areas, including its political and judicial systems except defense and foreign affairs;

O. whereas HKSAR's economy is guided by the "One Country, Two Systems" and guarantees, among other things, the freedom of speech, freedom of the press and of publication;

P. whereas human Rights are universal, inalienable, indivisible, interdependent and interrelated;

Q. whereas according to The Universal Declaration of Human Rights everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media

and regardless of frontiers;

R. whereas respect for freedom of expression underpins all free societies;

S. whereas several HKSAR booksellers who are known for titles about Chinese political scandals and other sensitive issues have vanished since October 2015;

T. whereas on 9 January 2016 thousands of protesters in HKSAR gathered in the streets to demand answers over the disappearance of the book publishers;

U. whereas on the second week of January 2016 two Hong Kong journalists were on trial for selling political magazines in Shenzhen;

V. whereas the right of privacy, covert surveillance remains a major concern;

W. whereas there is a lack of protection for homosexuals due to the absence of a sexual orientation discrimination law; whereas LGBTi persons in HKSAR may face legal challenges not experienced by non-LGBTi residents;

X. whereas the EU and China are currently negotiating a comprehensive bilateral investment agreement; whereas these negotiations should be based on fair competition rules, transparency and for common measures against economic, social and environmental dumping;

Y. whereas with its large migrant population, mostly from the Philippines and Indonesia HKSAR needs a more comprehensive definition of human trafficking; whereas HKSAR narrowly defines human trafficking as a crime only involving cross-border sex trafficking for prostitution, meaning that victims of forced labour are not legally protected; whereas the ILO estimates that almost 70 percent of modern-day slaves are forced labour victims, being the rest exploited in the sex industry;

Z. whereas evidences comment on a lack of protection for labour rights; whereas Indonesian women make up almost half of the 320,000 migrant domestic workers employed in HKSAR; whereas effective regulation of recruitment practices in both territories and better access to redress mechanisms in HKSAR are critical first steps towards ensuring that Indonesian migrant domestic workers are free from the risk of forced labour;

1. Notes with great concern the continuing lack of information about the well-being and whereabouts of Gui Minhai after more than 400 days of detention, calls for the immediate publication of detailed information thereon and strongly urges for his immediate safe release and for him to be given the right of communication;

2. Urges the relevant authorities in Thailand, China and Hong Kong to clarify the circumstances of the disappearances in conformity with the rule of law;

3. Supports 'one country, two systems' as a basis for good relations between the Special Administrative Regions of Hong Kong and Macao and mainland China;

4. Notes with high concern the increase of the repressive policies of China government against critical individuals from the civil society;

5. Is deeply concerned about the growing challenges on human rights in HKSAR, especially regarding freedom of expression; is very concerned over the disappearance of the booksellers;
6. Calls on all relevant authorities to investigate and clarify the circumstances of the booksellers' disappearances in conformity with the rule of law and to take actions in order to bring responsible individuals of the disappearances to justice through a thorough, effective, rigorous and independent investigation;
7. Calls on the HKSAR authorities to urgently ensure the protection of innocent people under such an assault against freedom of expression; ensuring and protecting the aforementioned rights and guarantee the integrity of those facing threats for exercising those rights;
8. Insists that human rights, such as the right of freedom of expression and freedom of speech must be respected protected and fulfilled at all times not limiting publishing or media freedom and independent reporting;
9. Recalls that the independence of book editors, journalists and bloggers must be safeguarded and that their right to operate without fear of harassment or intimidation by state forces must be guaranteed;
10. Urges the HKSAR government to honor its commitment to press freedom; calls Chinese authorities to continue making every effort to ensure that the environment in which the media and publishers operate in the HKSAR is improved;
11. Reiterates its paramount concerns on women's rights and gender equality and the rights of LGBTi persons; calls on all relevant authorities to take immediate action to effectively ensure and guarantee women's and girls rights and LGBTi individual's rights in HKSAR;
12. Expresses on the need of improving law enforcement and fight against human trafficking as a priority; reiterates serious concerns about on-going labour rights violations in HKSAR sharing the International Trade Union Confederation's concern on reports of serious shortcomings and failures by HKSAR authorities to live up to its commitments in relation to improving workers' rights; Urges HKSAR authorities to enhance labor rights and effectively comply with ILO core standards; calls the HKSAR authorities to regulate the issue of migrants domestic women;
13. Underlines the urgent need for international commitment to strengthen 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;
14. Urges the related EU institutions to bring the case of Gui Minhai to the agenda of the next EU-China Dialogue on Human Rights; calls on the EU to press the Chinese government to release Gui Minhai and express condemnation about the snatching of foreign nationals from abroad;
15. Insists that trade and economic relations are important to boost our respective welfare; stresses that respecting human rights and transparency should be at the center of all trade

agreements; reiterate in this context its call for an in-depth reform of the WTO rules so as to fully include respect for International Labour Organisation (ILO) core labour standards, as well as for the relevant environmental and social standards in international trade; calls for the EU to revise its international trade policies and adopt an approach where human, labour, consumer and environmental rights are put at the forefront and guide transnational and national trade and investment;

16. 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 ACP-EU Council, the European Commission, the Council, the East African Community and the government of its Member States, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the institutions of the African Union and the Secretary-General of the United Nations;