

China: minority rights and application of the death penalty

European Parliament resolution of 26 November 2009 on China: minority rights and application of the death penalty

The European Parliament,

- having regard to its previous resolutions of 1 February 2007^[1] and 27 September 2007^[2] on a universal moratorium on the death penalty,
 - having regard to the UN General Assembly resolutions of 18 December 2007 (A/RES/62/149) and of 18 December 2008 (A/RES/63/168) entitled "Moratorium on the use of the death penalty",
 - having regard to the declarations by the Presidency on behalf of the European Union of, respectively, 29 October 2009 regarding the executions of two Tibetans, Mr Lobsang Gyaltzen and Mr Loyak, and 12 November 2009 regarding the executions of nine persons of Uighur ethnicity following the riots of 5-7 July in Urumqi in the Xinjiang Uighur Autonomous Region (XUAR),
 - having regard to Articles 35, 36 and 37 of the Constitution of the People's Republic of China, which provide, respectively, that all citizens shall enjoy freedom of expression and freedom of religious belief, and deem the freedom of the person to be 'inviolable',
 - having regard to its previous resolutions on China and, in particular, to its resolution of 13 December 2007 on the EU-China Summit and the EU-China human rights dialogue^[3],
 - having regard to the EU-China seminar of 18-19 November 2009 and the 28th round of the EU-China human rights dialogue held on 20 November 2009 in Beijing,
 - having regard to the 27th round of the EU-China human rights dialogue held on 14 May 2009 in Prague,
 - having regard to the 12th EU-China Summit to be held on 30 November 2009 in Nanjing,
 - having regard to Rule 122(5) of its Rules of Procedure,
- A. whereas the Union is based on adherence to the values of freedom, democracy and observance of human rights and to the rule of law, and it regards observance of those inalienable rights as an essential prerequisite for peaceful existence in a society,
- B. whereas the new EU-China Strategic Partnership, currently being negotiated, is very important for relations between the Union and China in the future, and whereas a true partnership must be based on shared common values,
- C. whereas, on 8 May 2009, the Union called for commutation of the death sentences handed down by Lhasa Intermediate People's Court to several Tibetans following the Lhasa riots in March 2008,
- D. whereas, during the first days of July 2009, the worst ethnic violence in decades broke out in XUAR after Uighur demonstrators took to the streets and attacked Han Chinese in Urumqi, causing casualties among them, in protest against attacks on Uighur workers at a factory in South China in June 2009; whereas, according to official figures, 197 people died and more than 1600 people were wounded,

^[1] OJ C 250 E, 25.10.2007, p. 91.

^[2] OJ C 219 E, 28.8.2008, p. 306.

^[3] OJ C 323 E, 18.12.2008, p. 489.

- E. whereas, in order to ensure that Tibetans and Uighurs, China's two major ethnic minorities, can coexist peacefully with the great majority of the Chinese population, who are of Han ethnicity, it is essential to begin a frank, ongoing and mutually respectful dialogue,
- F. whereas there is growing dissatisfaction and resentment among the Uighur population – which is largely Muslim, shares linguistic and cultural bonds with Central Asia and accounts for almost half of Xinjiang's 20 million people – directed at the mainly Han Chinese authorities, the latter being accused of closely watching and containing religious activities in a context of employment discrimination and marginalisation of their own ethnic group in the region; whereas the call by human rights NGOs for the international community to send an independent investigative team to the site of the riots received no response,
- G. whereas the People's Republic of China has expressed a desire for harmonious ethnic relations in XUAR,
- H. whereas the legitimacy of the sentences passed on the Tibetans condemned for crimes during the March 2008 riots has been called into question in a report by Human Rights Watch, which states that some trial proceedings took place covertly on undisclosed dates and that the Tibetans were denied access to a meaningful defence with lawyers of their choosing,
- I. whereas religious observance in China is subject to restrictions and is closely controlled by the State,
- J. whereas the death penalty is applicable in the case of 68 offences in China, including non-violent offences such as tax fraud and drugs offences,
 - 1. Reiterates its long-standing opposition to the death penalty in all cases and under all circumstances; recalls the EU's strong commitment to working towards abolition of the death penalty everywhere and emphasises once again that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights;
 - 2. Recognises the positive move by the Supreme People's Court, in January 2007, to review death sentences but deplores the fact that it has not led to a significant decrease in the number of executions in China; remains concerned that China still carries out the greatest number of executions worldwide;
 - 3. Urges the Chinese Government, therefore, to adopt a moratorium on the death penalty immediately and unconditionally, this being seen as a crucial step towards abolition of the death penalty; strongly condemns the execution of the two Tibetans, Lobsang Gyaltzen and Loyak, and of the nine persons of Uighur ethnicity following, respectively, the events in March 2008 in Lhasa and the riots of 5-7 July 2009 in Urumqi; calls on the Chinese authorities to suspend all the other death sentences passed by the Intermediate People's Courts of Lhasa and Urumqi and to commute those sentences, in the case of persons duly found guilty of acts of violence, to terms of imprisonment; condemns, too, the death sentences with two years' suspension imposed on Tenzin Phuntsok and Kangtsuk, following the March protests, and the imprisonment for life of Dawa Sangpo, and underlines its concern as to whether they received a fair trial;
 - 4. Calls once again on China to ratify the International Covenant on Civil and Political Rights; deplores the often discriminatory treatment of ethnic and religious minorities in China;
 - 5. Highlights the fact that the Chinese Government published its first National Human Rights Action Plan (2009-2010) in April 2009, aiming in particular to improve the protection of citizens' rights throughout the law-enforcement and judicial processes, eliminate arbitrary detention, prohibit the extortion of confessions by torture and ensure fair and open trials; calls on the Chinese authorities to make public the number of executions carried out;

6. Calls on the Chinese authorities to make every effort to develop a genuine Han-Uighur dialogue, to adopt more inclusive and comprehensive economic policies in Xinjiang aimed at strengthening local ownership, and to protect the cultural identity of the Uighur population;
7. Stresses that China's human rights record remains a matter of serious concern; insists on the need for rigorous follow-up between all rounds of the EU-China human rights dialogue, with a view to ensuring the application of the recommendations resulting from previous dialogues, which were mutually agreed by both parties, and in the form of the EU-China legal seminars on human rights which used to precede the rounds of the dialogue and which involved academic and civil-society representatives; calls on the Council and the Commission to put the questions of abolition of the death penalty and observance of ethnic minorities' and religious rights on the agenda for the 12th EU-China Summit on 30 November 2009, and to continue to pursue inclusion in the new Partnership and Cooperation Agreement, currently in negotiation, of a clause concerning respect for human rights in China;
8. Calls on the Chinese authorities to end immediately the 'Strike Hard' campaign, under which the rights of the people in XUAR are being repressed, while the causes of unrest are being ignored;
9. Calls for the reopening of sincere and results-orientated dialogue between the Chinese Government and the Dalai Lama's representatives, based on the 'Memorandum on Genuine Autonomy for the Tibetan People' and leading towards a positive, substantial and meaningful change in Tibet consistent with the principles outlined in the Constitution and laws of the People's Republic of China;
10. Reiterates its solidarity with all the victims of the events in Urumqi, XUAR, in July 2009, while recognising the duty of the State institutions to maintain public order; is concerned at reports alleging that disproportionate force was used against ethnic Uighurs and that large numbers of them were detained;
11. Calls on the Chinese authorities to ensure that those detained in connection with the above events are guaranteed humane treatment while in custody and fair trials in accordance with international law, including access to a lawyer of their choosing, presumption of innocence and proportionate sentencing of those found guilty;
12. Instructs its President to forward this resolution to the Council, the Commission, the Governments of the Member States, the Council of Europe, the United Nations Human Rights Council and the Government of the People's Republic of China.