



Plenary sitting

B9-0023/2019

16.7.2019

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 144 of the Rules of Procedure

on the situation in Hong Kong
(2019/2732(RSP))

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on behalf of the Renew Group

**European Parliament resolution on the situation in Hong Kong
(2019/2732(RSP))**

The European Parliament,

- having regard to the Statement by the EEAS Spokesperson on the latest developments in Hong Kong, of 1 July 2019,
 - having regard to the European Commission and Vice-President/High Representative Joint report to the European Parliament and the Council: Hong Kong Special Administrative Region: Annual Report 2018, of 8 May 2019,
 - having regard to the Joint statement of the 21st EU-China summit, of 9 April 2019,
 - having regard to its previous resolutions on the situation in China and or Hong Kong, in particular of 18 April 2019: China, notably the situation of religious and ethnic minorities, of 13 December 2017: Hong Kong, 20 years after handover, and of 4 February 2016: on the case of the missing book publishers in Hong Kong,
 - having regard to the EU-China dialogue on human rights, launched in 1995, and the 37th round of this dialogue of 1-2 April 2019,
 - having regard to the European Commission and VP/HR contribution to the European Council EU-China - A strategic outlook, of 12 March 2019,
 - having regard to the Basic Law of the Special Administrative Region (SAR) of Hong Kong adopted on 4 April 1990, which entered into force on 1 July 1997,
 - having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
 - having regard to the UN Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. Whereas during the past weeks the people in Hong Kong have taken to the streets several times and conducted largely peacefully protests against new extradition laws that would provide for greater extradition of people from Hong Kong to mainland China;
- B. Whereas current legislation in Hong Kong allows for extradition of people to jurisdictions with standing extradition agreements with Hong Kong, or to other jurisdictions on a case by case basis and whereas changes to these arrangements need to go through the

Legislative Council and be ordered by the Hong Kong chief executive; whereas mainland China has not been included in these arrangements on purpose;

- C. Whereas mainland China's judiciary lacks independence from the government and the Chinese Communist Party and is characterised by arbitrary detention, torture and other ill-treatment, serious violations of fair trial rights, enforced disappearances and various systems of incommunicado detention without trial;
- D. Whereas more than 70 human rights NGOs, including, Amnesty International, Human Rights Watch and Human Rights Monitor, have addressed a collective letter to the Hong Kong Chief Executive with the request to drop the extradition bill as threatening the respect for human rights;¹
- E. Whereas there is concern regarding the amendments from February 2019 proposed by the government to two Hong Kong laws concerning extradition, the Fugitive Offenders' Ordinance (FOO) and the Mutual Legal Assistance in Criminal Matters Ordinance (MLACMO), where the scrutiny by the Legislative Council would be removed, in that it could facilitate rendition to China of people for political reasons and exposure to a judicial system with serious human rights failings; whereas according to the proposed amendments the court does not have the clear explicit jurisdiction and legal obligation to examine the various human rights involved in mainland China or in other countries;
- F. Whereas following the mass demonstrations the bill has been suspended but not withdrawn;
- G. Whereas the level of force by the police on June 12 was not proportionate to the overall peaceful protests and whereas calls for an independent investigation into the use of force have not been heard;
- H. Whereas Hong Kong courts are generally known for their independence and the enforcement of procedural protections while China's justice system has a record of arbitrary detention, torture and other ill-treatment, serious violations of fair trial rights, and various systems of incommunicado detention without trial;
- I. Whereas since the return to China in 1997 under the principle of "one country, two systems", Hong Kong has its own legal system and borders as well as rights such as freedom of assembly and free speech;
- J. Whereas the Commission and the Vice-President/High Representative in its joint annual report on the developments in the Hong Kong Special Administrative Region (SAR) states that 2018 was another challenging year and that the principle of "one country, two systems" is facing an increasing erosion, in particular regarding civil and political rights;
- K. Whereas this development is also reflected in an unusual high number of questions and recommendations to Hong Kong by the United Nations' universal periodic review of China in November 2018, as highlighted in the Commission and High Representative's joint annual report;

¹ <https://www.hongkongfp.com/2019/06/07/hkfp-voices-hong-kongs-extradition-law-plan-threat-human-rights-say-70-ngos-open-letter/>

- L. Whereas, over the years, the people of Hong Kong has witnessed mass demonstrations in favour of democracy and the full implementation of the Basic Law, including the 2014 protests by the so-called Umbrella Movement, as well as on media freedoms, and, among other things, against the disappearance of the Hong Kong booksellers;
- M. Whereas book publisher and Swedish citizen Gui Minhai disappeared in 2015, was released by mainland authorities in 2017, and was again detained in January 2018;
- N. Whereas Hong Kong is party to the International Covenant on Civil and Political Rights (ICCPR);
- O. Whereas the Basic Law lays down provisions providing protection for human rights and individual freedoms;
- P. Whereas Article 27 of the Basic Law guarantees freedom of speech, of the press and publication, and of association, assembly, procession and demonstration;
1. Recognises that the people in Hong Kong have taken to the streets in extraordinary numbers in the past weeks, estimated to more than a million people on June 9, and to two million the following week in mainly peaceful mass demonstrations triggered by the high concerns regarding the proposed laws on extradition;
 2. Urges authorities in Hong Kong and China to show restraint, and to formally withdraw the amending bill;
 3. Calls on the authorities to establish an independent investigation regarding the excessive use of force by the police.
 4. Expresses its serious concern over the continuously deteriorating development on civil and political rights in Hong Kong and calls on authorities in Hong Kong and China to ensure the protection of human rights and the freedoms enshrined in the Basic Law for all citizens;
 5. Reiterates its support for “One Country, Two Systems” framework, which is guaranteed by the legally binding Joint Declaration of 1984 and enshrined in the Hong Kong Basic Law;
 6. Regrets that the Spokesperson of the VP/HR for the first time had to issue three statements in 2018 concerning fundamental rights and freedoms, such as the right to stand for elections and freedom of expression and association and calls on the Hong Kong SAR and the central government authorities to ensure a democratic, fair, open and transparent electoral system;
 7. Notes with deep concern in this context that opposition candidates, including Anges Chow and former lawmaker Lau Siu-Lai were not allowed to run in the Legislative Council by-election due to their political affiliation or views;
 8. Is pleased to read that the Commission and VP/HR evaluation of the year 2018 finds the rule of law “still quite robust, the judicial procedures and due process fully respected” but

alarmed to hear that the government's response to protests are having a chilling effect on civil society, political activism and freedom of assembly

9. Insists that legislation in Hong Kong is in line with its international human right obligations, such as provisions of the International Covenant on Civil and Political Rights (ICCPR), and of the UN Convention against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment;
10. Repeats its call to immediately release the Swedish national book publisher Gui Minhai;
11. Calls on the Vice-President/High Representative, the EEAS and Member States to raise all these concerns with and to ensure a dialogue with the Hong Kong SAR and the central government authorities;
12. 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 Government and Parliament of the People's Republic of China and the Chief Executive and the Assembly of the Hong Kong Special Administrative Region.