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*Plenary sitting*

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**B9-0013/2019**

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))

**Reinhard Bütikofer, Heidi Hautala, Alyn Smith, Henrike Hahn, Hannah Neumann, Alexandra Louise Rosenfield Phillips, Gina Dowding, Saskia Bricmont, Ernest Urtasun, Viola Von Cramon-Taubadel, Pierrette Herzberger-Fofana**  
on behalf of the Verts/ALE Group

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

*The European Parliament,*

- 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 Joint Declaration of the Government of the United Kingdom and the Government of the People’s Republic of China on the Question of Hong Kong of 19 December 1984, also known as the Sino-British Joint Declaration,
- having regard to the joint reports of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 8 May 2019 JOIN(2019) 8 final, of 26 April 2017 (JOIN(2017)0016), of 25 April 2016 on the Hong Kong Special Administrative Region – Annual Report,
- having regard to the Joint Communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 22 June 2016 on elements for a new EU strategy on China (JOIN(2016)0030), and the Council Conclusions of 18 July 2016 on EU Strategy on China,
- having regard to the Joint Communication by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 12 March 2019 EU China - A Strategic Outlook (JOIN(2019) 5 final,
- having regard to the EU’s ‘One China’ policy,
- having regard to the EU-China dialogue on human rights launched in 1995,
- having regard to the statements of the EEAS Spokesperson on the ongoing protests against the proposed extradition reforms in Hong Kong of 12 June 2019<sup>1</sup> and of 1 July 2019<sup>2</sup>,
- having regard to its previous resolutions on Hong Kong, in particular those of 24 November 2016 on the case of Gui Minhai, jailed publisher in China<sup>3</sup>, of 4 February 2016 on the case of the missing book publishers in Hong Kong<sup>4</sup>, and to its previous recommendations, in particular the one of 13 December 2017 on Hong Kong, 20 years after handover<sup>5</sup>,

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<sup>1</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage/64020/statement-spokesperson-ongoing-protests-against-proposed-extradition-reforms-hong-kong\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/64020/statement-spokesperson-ongoing-protests-against-proposed-extradition-reforms-hong-kong_en)

<sup>2</sup> [https://eeas.europa.eu/headquarters/headquarters-Homepage/64854/statement-spokesperson-latest-developments-hong-kong\\_en](https://eeas.europa.eu/headquarters/headquarters-Homepage/64854/statement-spokesperson-latest-developments-hong-kong_en)

<sup>3</sup> Texts adopted, P8\_TA(2016)0444.

<sup>4</sup> Texts adopted, P8\_TA(2016)0045.

<sup>5</sup> Tests adopted, P8\_TA(2017)0495

- having regard to its previous resolutions on China, in particular those of 12 September 2018<sup>6</sup> and of 16 December 2015<sup>7</sup> on EU-China relations,
  - having regard to the United Nations’ universal periodic review (UPR) of China carried out in November 2018<sup>8</sup>,
  - having regard to Rule 135 of its Rules of Procedure,
- A. Whereas sovereignty over Hong Kong was transferred from the United Kingdom to the People’s Republic of China (PRC) on 1 July 1997;
  - B. Whereas the 1984 Sino-British Joint Declaration guaranteed, and the 1990 Basic Law of the Hong Kong Special Administrative Region (SAR) stipulates, that Hong Kong will maintain the autonomy and independence of the executive, legislature and judiciary for 50 years following the handover of sovereignty;
  - C. Whereas in February 2019 the government of Hong Kong proposed the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 to amend the Fugitive Offenders Ordinance, thereby extending case-by-case extraditions to jurisdictions beyond those Hong Kong has bilateral treaties with, and allowing extraditions to mainland China; whereas such legislation would allow China to request the extradition of an alleged suspect from Hong Kong based on the standards of evidence that currently apply in Chinese courts;
  - D. Whereas judges, lawyers, opposition politicians, rights activists, business groups, and journalists have expressed vocal opposition to the plan on several occasions since March;
  - E. Whereas on 9 June 2019, in view of the upcoming reading of the bill in the Legislative Council (LegCo), an estimated 1 million people took the streets of Hong Kong in what was probably the largest protest since the handover of Hong Kong to China in 1997; whereas on 12 June, the day of the actual reading, riot police was called in and violence broke out; whereas the police used tear gas, water canons, rubber bullets and labelled the incident a riot, hence proceeding with arresting a few dozen people; whereas five people were charged with rioting, which carries a ten-year prison sentence;
  - F. Whereas, following the massive protests of 9 June, Hong Kong leader Carrie Lam decided on Saturday 15 June to delay indefinitely the proposed law and to halt all the work on the bill, in spite of the request from the protest’s leaders to fully withdraw the legislative draft;
  - G. Whereas protests grew further on 16 June, when 2 million people took the streets of Hong Kong;

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<sup>6</sup> Text adopted, P8\_TA(2018)0343

<sup>7</sup> Text adopted, P8\_TA(2015)0458

<sup>8</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24344&LangID=E>

- H. Whereas the Hong Kong Journalists' Association (HKJA), right activists and legal experts have expressed concerns that extradition could be used in cases where the Chinese Communists Party wants to retaliate against someone in Hong Kong including for political reasons or any words or actions it deems illegal and based on the standards of evidence that apply in Chinese courts;
- I. Whereas in 2003 mass protests forced the Hong Kong government to abandon a proposed national security bill, known as Article 23, which would have resulted in harsh sentences for treason and subversion;
- J. Whereas even after 1 July 1997, existing agreements on civil, political, economic, social and cultural rights and international human rights agreements have continued to apply to Hong Kong; whereas the PRC has also signed and ratified international agreements guaranteeing these rights and has thus acknowledged the significance and universality of human rights; whereas Hong Kong is party to the International Covenant on Civil and Political Rights (ICCPR);
- K. Whereas the Basic Law lays down provisions guaranteeing protection for human rights and individual freedoms; whereas Article 27 of the Basic Law guarantees freedom of speech, of the press and publication, and of association, assembly, procession and demonstration; whereas Articles 45 and 68 of the Basic Law stipulate that the Chief Executive and all members of the Legislative Council should ultimately be elected by universal suffrage;
- L. Whereas Hong Kong's traditional open society has paved the way for the development of a genuine and independent civil society that actively and constructively takes part in the public life of the SAR;
- M. Whereas in particular since the Occupy Protest, the "One Country, Two System" principle is being eroded through the interference of Chinese authorities, political leaders have been imprisoned, free speech has been eroded, enforced disappearances have increased, bookshops and media outlets have been bought by owners friendly to Beijing;
- N. Whereas the PRC State Council issued a white paper on the practice of the 'one Country, Two Systems' policy in Hong Kong on 10 June 2014, stressing that the autonomy of the Hong Kong SAR is ultimately subject to central PRC government authorisation; whereas the Chinese government has encouraged SAR government to adopt a new zero-tolerance policy towards any mention of the "self-determination" or "independence" on grounds of national security and in contravention of the Basic law;
- O. Whereas elected legislators have been barred from office through vague tests of "loyalty" to the central government and several opposition candidates in the LegCo by-elections of 2018 have been barred from running because of their political affiliation and views, which raises doubts regarding legality and constitutionality of such decisions;
- P. Whereas 2018 was yet another challenging year for Hong Kong, notably with regard to restrictions of the right to stand for election, the banning of a political party and with a general clear negative trend with respect to the erosion of civil and political rights;

- Q. Whereas, on 5 October 2018, the government refused to renew the work visa to Victor Mallet, Financial Times Asia Editor and Vice-President of the Foreign Correspondent Club after chairing a talk by pro-independence activist and Hong Kong National Party member Chan Ho-tin;
1. Expresses deep concern at the proposed amendment to the Fugitive Offenders Ordinance and conveys its solidarity to the people of Hong Kong, who are peacefully demonstrating against this bill and in support for democracy and human rights;
  2. Is of the view that the planned amendments to the Ordinance would challenge the rule of law and the independence of the judiciary in Hong Kong, thereby contravening Hong Kong's Basic Law as well as the very essence of the "One Country, Two System" principle; points out that such legislation would legalise such incidents as the 2015 abduction of five Hong Kong booksellers to the mainland for selling politically sensitive books, thereby striking at the heart of what separates Hong Kong from mainland China;
  3. Notes the announcement on 9 July by Hong Kong Chief Executive Carrie Lam that the amendment to the Ordinance was "dead" and that the attempt by her government to pass such extradition legislation was "a total failure"; urges, however, the Hong Kong government to formally withdraw the proposed extradition bill;
  4. Urges the Hong Kong authorities to follow up on the announcement by the Independent Police Complaints Council to investigate the police action during mass protest by establishing an independent investigation on excessive use of force both during the most recent protests but also retroactively in all previous cases;
  5. Urges the Hong Kong authorities to release and drop all charges against peaceful protesters, and all those detained during or in the lead to protests for the peaceful exercise of their freedom of expression;
  6. Expresses its deep sorrow at the death of four young protesters who committed suicide between end of June and July and conveys its condolences to their families; is concerned about these cases where people lost faith in the preservation of a democratic future and positive change;
  7. Condemns the threats to the personal safety of pro-democracy politicians, including abductions and physical violence, as reported by some lawmakers;
  8. Supports civil society in requesting to revisit the definition of the 12 June protest as riots, particularly since there have been many reports that police's brutality has provoked the escalation in the protests; regrets Carrie Lam declaring that protests fall in the scope of riots and urges the leadership of Hong Kong to abstain from any action and public statements that could provoke escalations;
  9. Stresses that in the same way as the EU's 'One China' policy is the cornerstone of the EU's engagement, fully respecting the Basic Law of the Hong Kong SAR and the "One Country, Two Systems' principle is at the basis of the development and further

strengthening and expanding of present and future bilateral EU-China relations;

10. Acknowledges that, over time, Hong Kong evolved into an open society in which citizens enjoy human rights, freedoms, high standards of public health and safety, transparency, have a judiciary which is trusted, where the rule of law and low levels of corruption prevail, and that the people of Hong Kong have a legitimate right to expect to continue enjoying their way of life and these rights and values under a high degree of autonomy;
11. Strongly condemns the constant and increasing interference of the PRC in Hong Kong's internal affairs as well the recent assertion by China that the Sino-British Joint Declaration of 1984 is a historic document hence no longer valid; stresses that the Chinese government is bound by the Joint Declaration to uphold Hong Kong's high degree of autonomy and its rights and freedoms;
12. Expresses deep concern at the National People's Congress Standing Committee issuing interpretations of the Basic Law prior to court rulings, suggesting that democratically elected legislators should be disqualified, and thus undermining trust in the full independence of the judiciary in individual cases;
13. Underlines that freedom of information and freedom of speech have generally been upheld in Hong Kong, but expresses great concern at the steady deterioration of press freedom, the unprecedented pressure on journalists, the increasing self-censorship with regard, in particular, to covering sensitive issues on mainland China or concerning the Hong Kong Government;
14. Reiterates that any legislation introduced under the Basic Law, including any legislation to be proposed on the basis of Article 23 of the Basic Law such as a possible National Security Bill, must not interfere with the independence and exclusive jurisdiction of the Hong Kong judiciary and should not undermine obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), nor should it undermine freedoms such as freedom of speech, media freedoms, freedom of association and assembly, freedom of demonstration, freedom to form trade unions and to strike, and freedom of academic research and cultural and artistic expression, and should not be used to target human rights activists and government critics;
15. Underlines the EU's commitment to strengthening 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;
16. Calls on the EEAS, the Commission and the Member States to commit fully to continue supporting and closely monitoring Hong Kong's democratic development, aiming at a systematic reform to implement direct elections of the Chief Executive and the LegCo as enshrined in the Basic Law and reach an agreement on an election system that is overall democratic, fair, open, transparent and granting the people of the SAR the right to elect and to be elected in the selection process for all leadership positions;
17. Calls on the Commission and the EEAS to swiftly put in place measures to halt all export of crowd control equipment and "non-lethal" weaponry, which may be used by the Hong Kong police and to mainstream such measures in the overall EU strategy on

Hong Kong;

18. Instructs its President to forward this recommendation to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy and, for information, to the Government of the Hong Kong Special Administrative Region and the Government of the People's Republic of China.