



Plenary sitting

B9-0019/2019

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

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on behalf of the GUE/NGL Group

**European Parliament resolution on 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 EU's 'One China' policy,
- having regard to the visa-free entry to the Schengen area(2) and the rest of the European Union for holders of Hong Kong Special Administrative Region passports and vice versa
- having regard to the United Nations Universal Declaration of Human Rights of 1948, in particular to its Article 19, on freedom opinion and expression,
- having regard 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 its previous resolutions on HKSAR and China,
- having regard to Rule 135 of its Rules of Procedure,

A. 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 to become China's first Special Administrative Region becoming an autonomous territory on the southern coast of China;

B. 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;

C. whereas under existing extradition legislation, Hong Kong authorities can only extradite people to jurisdictions with which the Hong Kong government has standing extradition agreements or to other jurisdictions on a case-by-case basis; whereas changes to these arrangements must be ordered by the Hong Kong chief executive and scrutinized by the Legislative Council (LegCo); whereas the existing legislation excludes mainland China from these arrangements, a deliberate decision taken before Hong Kong's handover to China in 1997;

D. whereas the proposed Security Bureau changes would expand the case-by-case extradition arrangement to mainland China, enabling the Hong Kong government to transfer criminal suspects to the mainland authorities; whereas the changes would remove the LegCo from scrutinizing these individual executive requests, a crucial layer of governmental and public oversight

E. whereas this law was drafted notably to answer to the cases of taxes exile in Hong Kong; whereas Chinese government regularly brings criminal charges recognized as legitimate and non-political, such as tax offenses, to prosecute and imprison peaceful activists, human rights defenders, and those who oppose government policy; whereas in recent years, the Hong Kong government has increasingly made use of the legal system to silence critical voices, bringing politically motivated prosecutions against peaceful protesters; whereas the extradition amendments, once they pass, can present a potent tool for the Hong Kong and Beijing governments to further intimidate critics;

F. Whereas since the introduction of the amendments in February 2019, big demonstrations took place in Hong Kong, up to more than one million of persons demonstrating according to the NGO's; whereas demonstrators estimate that behind the modification of the juridical system, it's all the legal particularity of Hong Kong system which is put into question with this law;

G. whereas on June 12, during the fourth strike and demonstration against the law, Hong Kong police used beanbag rounds, rubber bullets, pepper spray, and batons on overwhelmingly peaceful protesters who gathered around the Legislative Council building; whereas according to the Hong Kong Hospital Authority at least 81 protesters were injured; whereas Police said 22 officers were injured; Whereas on the 1th of July violent protests stormed the legislature building and carried out a series assaults; whereas at least 54 people were taken to hospital after the protests, according to the Hong Kong hospital authority;

H. Whereas some NGO's such as Human Rights Watch previously called on the police to not use excessive force to suppress peaceful protests, and expressed concern about authorities' unwillingness to investigate police conduct; whereas Hong Kong authorities have rejected calls for an independent investigation and repeatedly contended that existing police complaint mechanisms are adequate in dealing with allegations of police abuse.

I. whereas in Hong Kong, are over 350,000 Migrant Domestic Workers, predominantly Filipino and Indonesian women, and around 10,000 Local Domestic Workers who now make up around a tenth of the total working population; 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; whereas evidences comment on a lack of protection for labour rights; whereas Indonesian women make up almost half of the 350,000 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;

J. whereas multinationals companies and among them European companies are using Hong Kong as a roting plate for their benefits with regards to the really low level of taxation and high level of “fiscal optimisation” for residents and companies; whereas EU is one of the largest trading partner in goods and a key partner for trade in services with Hong Kong; whereas according to the UN Conference on Trade and Development (UNCTAD), Hong Kong is the world's second largest target market for foreign direct investment;

K. whereas in 2017-18, Hong Kong was placed on the watchlist and was required to meet relevant EU criteria with a 2018 deadline – to avoid getting blacklisted for non-compliance; whereas on March 12, 2019, the European Commission removed Hong Kong from the European Union’s watchlist on non-cooperative tax jurisdictions;

L. whereas this liberal system pushed to the extreme favors the few large families in Hong Kong who control in fact the bulk of the local economy (real estate, energy, transportation, supermarkets, hotels); whereas this oligarchic system, aggravated by the absence of effective mechanisms of redistribution of wealth, creates a huge wealth gap in society; whereas Hong occupies the 9th place of Gini index (and still the 1st among the developed economies), which calculates the differences in wealth;

M. whereas in today’s Hong Kong, according to the government’s own figures, the wealthiest households in the city amass 44 times the monthly income of the poorest families; whereas the NGO’s Oxfam in its September 2018’s report urged the Hong Kong Authorities to allocate HK\$36.7 billion (US\$4.7 billion) toward poverty prevention and relief through a number of initiatives, including increased old-age allowances, improving social mobility especially for the young people, allocating more land to build social housing, and places for the elderly in nursing homes, more government-subsidised childcare centres to allow more mothers to work, and much greater educational assistance to ethnic minorities, who suffer an often hopeless linguistic disadvantage in the city’s schools;

1. Supports ‘one country, two systems’ as a basis for good relations between the Special Administrative Regions of Hong Kong and Macao and mainland China; is deeply concerned about the growing challenges on human rights in HKSAR, especially regarding freedom of expression and the repressive answer to the demonstrations;

2. Supports the request of the protestors to fully withdraw the proposed extradition bill; calls for the establishment of an independent investigation into the excessive use of force by the police notably during the demonstration of the 12th of June; deplores the takeover of the local Parliament of Hong Kong, which was

vandalized by some protesters;

3. Calls for the 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; deplors the use of tactics to track the movements of and subsequent arrest of protesters via messaging applications; calls on the same way to fully ensure the rights of all detainees of an impartial juridical procedure;

4. Insist on the fact that Hong Kong's legislation should remain fully in line with Hong Kong's international human rights obligations, including 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

5. Recalls that human rights are universal and indivisible and denounces the instrumentalization of these issues for geopolitical or economic purposes; Deplores the statements of the United Kingdom and the United States for their interventionist nature, which does not help the rights of the protesters and does not respect the system of "a country, two systems" that govern the rights of China and Hong Kong;

6. Expresses on the need of improving law enforcement and fight against human trafficking as a priority; reiterates concerns about on-going labour rights violations in HKSAR sharing the International Trade Union Confederation's concern on reports of 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;

7. stresses that respecting human rights and transparency should be at the centre of all trade agreements; stresses that free trade agreements and the deepening liberalisation of international trade are incompatible with labour, social and human rights, with the protection of the development interests and sovereignty of the countries and people's involved; calls for the need to shift the logical of international trade to one that serves the objective of achieving mutual advantageous cooperation agreements that do not compromise the right of sovereign development of the countries,

8. urges for a dialogue between the EU institutions and China to guarantee the democratic, cultural and linguistic rights of the people of Hong Kong, as well as to establish a European position on their relations to China adapted to the geopolitical challenges of the 21st century that is committed to beneficial trade relations for the entire world development, with labour and environmental rights and work for the construction of a peaceful world; urges the EU and its Members states to concretely fight for fiscal justice, against tax heavens and tax optimisation; stresses the need to be forceful in upholding tax justice with regards to HKSAR's lax approach;

9. Regrets that the European Commission removed Hong Kong from the European Union's watch list on non-cooperative tax jurisdictions; reaffirms that the activities of European companies operating in third countries must fully respect international human rights standards; calls on the Member States to ensure that

companies under their national law remain bound to respect human rights and the social, health and environmental standards imposed on them if they establish or operate in a third country and are committed to respect their fiscal duties; calls on the Commission and the Member States to take the necessary measures against European companies that do not respect these standards or that do not satisfactorily compensate victims of human rights violations directly or indirectly responsibility ;

10. 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.