



---

*Plenary sitting*

---

**B9-0181/2020**

10.6.2020

## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 132(2) of the Rules of Procedure

on the PRC national security law for Hong Kong and the need for the EU to defend Hong Kong's high degree of autonomy  
(2020/2665(RSP))

**Anna Fotyga, Hermann Tertsch, Charlie Weimers, Raffaele Fitto,  
Bert-Jan Ruissen, Nicola Procaccini, Bogdan Rzońca, Ruža Tomašić,  
Elżbieta Kruk**

on behalf of the ECR Group

**European Parliament resolution on the PRC national security law for Hong Kong and the need for the EU to defend Hong Kong's high degree of autonomy (2020/2665(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Hong Kong,
  - having regard to its recommendation of 13 December 2017 to the Council, the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on Hong Kong, 20 years after handover<sup>1</sup>,
  - having regard to its resolution of 12 September 2018 on the state of EU-China relations<sup>2</sup>,
  - having regard to the declaration by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on behalf of the European Union on Hong Kong of 29 May 2020,
  - having regard to the statement from UK Foreign Secretary Dominic Raab, Australian Foreign Minister Marise Payne, Canadian Foreign Minister François-Philippe Champagne, and US Secretary of State Michael Pompeo on Hong Kong of 28 May 2020,
  - 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 (PRC) on the Question of Hong Kong of 19 December 1984, also known as the Sino-British Joint Declaration, registered by the Chinese and British governments at the United Nations on 12 June 1985,
  - having regard to the Universal Declaration of Human Rights of 10 December 1948,
  - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966,
  - having regard to the US Hong Kong Human Rights and Democracy Act of 2019,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the Chinese Communist Party (CCP) has undertaken a series of actions that fundamentally undermine Hong Kong's autonomy and freedoms, and China's own

---

<sup>1</sup> OJ C 369, 11.10.2018, p. 156.

<sup>2</sup> OJ C 433, 23.12.2019, p. 103.

promises to the people of Hong Kong, as well as being in direct breach of international law and treaties, including of the Sino-British Joint Declaration, a UN-filed international treaty;

- B. whereas on 15 April 2020 the Chinese Liaison Office in Hong Kong stated that the coronavirus pandemic and the recent protests highlighted the need for the enactment of national security legislation in Hong Kong;
- C. whereas on 28 May 2020 the third session of the 13th National People's Congress (NPC), in blatant violation of the Basic Law, adopted a resolution on a 'Decision on Establishing and Improving the Legal System and Enforcement Mechanisms for the Hong Kong Special Administrative Region to Safeguard National Security';
- D. whereas the resolution authorises the NPC Standing Committee to adopt legislation targeting separatism, subversion of state power, terrorism and foreign interference in Hong Kong; whereas it also enables security agencies under the auspices of the central government in China to establish branches to carry out activity in Hong Kong with the aim of preventing, detaining, and punishing those who endanger national security; whereas the legislation is expected to enter into force by September;
- E. whereas the unilateral and arbitrary imposition of national security legislation by China violates Article 23 of the Hong Kong Basic Law which stipulates that the Hong Kong SAR must enact national security laws on its own; whereas the attempt of the Hong Kong local government to enact a law in this spirit in 2003 was halted following public protests;
- F. whereas the Chief Executive has appealed to the citizens of Hong Kong in a letter published in newspapers on 29 May 2020 for their full understanding and staunch support for the Decision passed by the NPC, stating that the legislation safeguards national security, aims to enable society to find a way out of the impasse and restore stability as soon as possible, and also to resume development of the economy and livelihoods;
- G. whereas the announcement of the new national security legislation sparked protests in Hong Kong; whereas the police deployed tear gas in an attempt to disperse the protesters; whereas protests during the past year are the result of an accumulation of distrust between the people of Hong Kong and the governments in Hong Kong and Beijing over the past few decades; whereas, in anticipation of the introduction of new Chinese security legislation, the Hong Kong authorities have prohibited the commemoration of the Tiananmen Square protests for the first time;
- H. whereas the new legislation, including the controversial National Anthem Law, is likely to further threaten basic rights and freedoms such as press freedom, the right to protest peacefully, freedom of expression and assembly and religious freedom, as is the case in mainland China;
- I. whereas the proposed legislation goes against human rights commitments Hong Kong has made as a signatory of the ICCPR, and comes at a time when UN Human Rights Experts are already calling for the Hong Kong Government to reform its anti-sedition and anti-terror laws to meet international standards;

- J. whereas relations with the PRC should be based on mutual respect and trust; whereas the decision further calls into question China's will to uphold its international commitments;
- K. whereas Beijing blocked a UN Security Council meeting aimed at discussing the legislation with China's UN ambassador;
- L. whereas Article 27 of the Basic Law guarantees freedom of speech, of the press and publication, and of association, assembly, procession and demonstration;
- M. whereas Hong Kong's freedoms have paved the way for both economic and social success, and for the development of a genuine and independent civil society that actively and constructively takes part in the public life of the SAR;
- N. 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; whereas the PRC has also signed and ratified international agreements guaranteeing these rights and has thus acknowledged the significance and universality of human rights;
- O. whereas the European Union has a strong stake in the continued stability and prosperity of Hong Kong under the 'One Country Two Systems' principle and attaches great importance to the preservation of Hong Kong's high degree of autonomy, in line with the Basic Law and with international commitments;
- P. whereas the Hong Kong Legislative Council elections are scheduled for September 2020;
1. Expresses grave concerns at the adoption on 28 May 2020 of the resolution by the NPC of a National Security Law to be applied in Hong Kong; stresses that the unilateral introduction of national security legislation by China against Hong Kong is an assault on the city's autonomy, the rule of law and fundamental freedoms, and constitutes the most serious threat to the people of Hong Kong since the handover in 1997;
  2. Emphasises that Article 23 of the Basic Law indeed requires national security legislation to be introduced and activated by the Hong Kong Government itself, not by Beijing;
  3. Warns that any effort to impose national security legislation that does not reflect the will of the people of Hong Kong would be highly destabilising and would jeopardise Hong Kong's future as an open international city;
  4. Calls on the Chinese authorities to respect China's international obligations under the Sino-British Joint Declaration; stresses that China should fully respect the Basic Law and the 'One Country Two Systems' principle; underlines that China should not undermine the high degree of autonomy of the Hong Kong SAR; calls on the Chinese authorities to withdraw the National Security Law;
  5. Strongly denounces the constant and increasing interference by China in Hong Kong's internal affairs, as well as the recent assertion by China that the Sino-British Joint

Declaration of 1984 is a historical document, and hence is no longer valid; stresses that the Chinese Government is bound by the Joint Declaration, which was registered with the UN as a legally binding treaty, to uphold Hong Kong's high degree of autonomy and its rights and freedoms;

6. Stresses that if Beijing does not respect international law and standing agreements regarding Hong Kong, this would erode trust and lead to the further erosion of Beijing's credibility on the world stage;
7. Calls on the Hong Kong Government to stop the prosecution of, to release and to drop all charges against peaceful protesters, including Martin Lee Chu-ming, founder of Hong Kong Democracy Party and entrepreneur Jimmy Lai, and all those detained during or in the run-up to protests for the peaceful exercise of their right to freedom of expression;
8. Condemns threats to disqualify candidates for the upcoming Legislative Council elections in September; calls on the Hong Kong authorities to ensure that the Legislative Council elections are conducted in a free, fair and transparent manner;
9. Is of the opinion that the EU's reaction to Beijing's crackdown on Hong Kong will be one of the most difficult tests for the EU's declared commitment to democracy, human rights and the rule of law;
10. Calls on the Council and the VP/HR to work with the international community to establish an international contact group on Hong Kong;
11. Calls on the EU institutions to support the creation of a UN Special Envoy on Hong Kong to monitor the state of autonomy, the rule of law, fundamental freedoms and the implementation of international agreements related to Hong Kong;
12. Urges the swift conclusion of negotiations on the EU's Global Sanctions Regime, and calls on the Council to apply the mechanism to sanction individuals, groups or entities responsible for human rights violations in Hong Kong;
13. Supports the robust exercise by the residents of Hong Kong of the rights to free speech, the freedom of the press, and other fundamental freedoms as provided by the Basic Law and the Joint Declaration;
14. Calls for the inclusion of a human rights clause in all future trade and investment talks, including the Comprehensive Agreement on Investment (CAI), with China, and to include human rights and Hong Kong on the agenda of the next EU-China Summit;
15. Recalls that fully respecting the Basic Law of the Hong Kong SAR is of key importance for the development and further strengthening and expanding of present and future relations with the EU, and that intervening in Hong Kong's internal affairs has the potential to undermine that principle and should therefore be avoided;
16. Calls for the EU to defend Hong Kong's high degree of autonomy and to underline its 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;

17. Pays respect to the brave people of China who gathered in Beijing's Tiananmen Square in June 1989 to call for the elimination of corruption, for political reforms and civil liberties; calls on the CCP leaders to investigate and bring to justice those responsible for this brutal and bloody crackdown; urges the Chinese authorities to enable the commemoration of the Tiananmen massacre not only in Hong Kong, but also throughout the entire territory of the PRC;
18. Supports the democratic aspirations of the people of Hong Kong, including the 'ultimate aim' of the selection of the Chief Executive and all members of the Legislative Council by universal suffrage, as articulated in the Basic Law; calls on the VP/HR to monitor the preparations for the upcoming Hong Kong Legislative Council Election, as well as the election itself, in order to react quickly and firmly if any interference in this democratic process occurs, including the disqualification of candidates as in 2016;
19. Calls on the VP/HR to cooperate closely with like-minded countries and partners, including the US, UK, Australia, Japan, New Zealand, Canada, South Korea and Taiwan, to halt the erosion of Hong Kong's freedoms and induce the CCP to abide its promises made under 'One Country, Two Systems' and to follow its commitments under international law and regulations;
20. Instructs its President to forward this resolution to the Council, the European External Action Service, the Commission, the governments and parliaments of the Member States and the accession and candidate countries, 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.