



Plenary sitting

B9-0070/2021

19.1.2021

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 crackdown on the democratic opposition in Hong Kong
(2021/2505(RSP))

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on behalf of the S&D Group

B9-0070/2021

**European Parliament resolution on the crackdown on the democratic opposition in Hong Kong
(2021/2505(RSP))**

The European Parliament,

- having regard to its previous resolutions on Hong Kong, in particular those of 19 June 2020 on the PRC national security law for Hong Kong and the need for the EU to defend Hong Kong's high degree of autonomy, 17 July 2019 on the situation in Hong Kong¹, of 24 November 2016 on the case of Gui Minhai, jailed publisher in China², of 4 February 2016 on the case of the missing book publishers in Hong Kong³, of 15 December 2005 on the human rights situation in Tibet and Hong Kong⁴, of 8 April 2003 on the Third and Fourth Annual Reports by the Commission to the Council and the European Parliament on the Hong Kong Special Administrative Region⁵, of 19 December 2002 on Hong Kong⁶, of 26 October 2000 on the First and Second Annual Reports by the Commission on the Special Administrative Region of Hong Kong⁷, of 8 October 1998 on the communication from the Commission to the Council on the European Union and Hong Kong: Beyond 1997⁸, and of 10 April 1997 on the situation in Hong Kong⁹,
- having regard to its previous resolutions on China, in particular those of 12 September 2018 on the state of EU-China relations¹⁰ and of 16 December 2015 on EU-China relations¹¹,
- 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 (VP/HR) on Hong Kong, 20 years after handover¹²,
- having regard to the declaration by the High Representative on behalf of the EU on the mass arrest of people involved in the July 2020 pro-democracy primary elections in Hong Kong of 7 January 2021, to the statement of the Spokesperson on the trial of 10 Hong Kongers of 29 December 2020, to the declaration by the High Representative on behalf of the EU on the disqualification of Members of the Hong Kong Legislative Council of 12 November 2020, to the statement by the Spokesperson on the arrest of several pro-democracy lawmakers and former lawmakers in Hong Kong of 2 November 2020, to the

¹ Texts adopted, P9_TA(2019)0004.

² OJ C 224, 27.6.2018, p. 78.

³ OJ C 35, 31.1.2018, p. 46.

⁴ OJ C 286E, 23.11.2006, p. 52.

⁵ OJ C 64E, 12.3.2004, p. 130.

⁶ OJ C 31E, 5.2.2004, p. 261.

⁷ OJ C 197, 12.07.2011, p.115.

⁸ OJ C 328, 26.10.1998, p. 139.

⁹ OJ C 132, 28.4.1997, p. 222.

¹⁰ OJ C 433, 23.12.2019, p. 103.

¹¹ OJ C 399, 24.11.2017, p. 92.

¹² OJ C 369, 11.10.2018, p. 156.

- statement by the Spokesperson on the arrest of Joshua Wong and other pro-democracy activists of 24 September 2020, to the statement by the Spokesperson on recent arrests and raids under the National Security Law in Hong Kong of 10 August 2020, to the declaration of the High Representative on behalf of the EU on the postponement of the Legislative Council elections in Hong Kong of 4 August 2020, and to the declaration of the High Representative on behalf of the European Union on the adoption by China's National People's Congress of a National Security Legislation on Hong Kong of 1 July 2020,
- having regard to the Council conclusions on Hong Kong of 28 July 2020,
 - having regard to the International Covenant on Civil and Political Rights of 16 December 1966, and the concerns raised by the UN Human Rights Committee in its List of Issues for Hong Kong of 26 August 2020
 - having regard to the remarks by Council President Charles Michel after the EU-China leaders' meeting of 14 September 2020,
 - having regard to the joint statement of President Michel and President von der Leyen on defending EU interests and values in a complex and vital partnership following the 22nd EU-China summit that took place on 22 June 2020,
 - having regard to the UN experts' call of 26 June 2020 for decisive measures to protect fundamental freedoms in China,
 - 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 "Hong Kong Special Administrative Region: Annual Report for 2019" of 22 July 2020 from the Commission and the VP/HR to Parliament and the Council, and the other 21 similar reports preceding it,
 - having regard to the 13th annual Structured Dialogue that took place in Hong Kong on 28 November 2019,
 - having regard to the joint communication from the Commission and the VP/HR to the European Parliament and the Council of 12 March 2019 entitled 'EU-China – A strategic outlook' (JOIN(2019)0005),
 - having regard to the EU's 'One China' policy,
 - having regard to Rule 144 of its Rules of Procedure,
- A. whereas the promotion of and respect for human rights, democracy and the rule of law should remain at the centre of the long-standing relationship between the EU and China,

in line with the EU's commitment to upholding these values in its external action and China's expressed interest in adhering to them in its own development and international cooperation;

- B. whereas the 1984 Sino-British Joint Declaration guarantees, and the 1990 Basic Law of the Hong Kong Special Administrative Region (HKSAR) stipulates that Hong Kong will maintain the autonomy and independence of the executive, legislature and judiciary as well as basic rights and freedoms, including freedom of speech, of assembly, of association and of press for 50 years after the handover of sovereignty; whereas both the Joint Declaration and the Basic Law enshrine the 'One Country, Two Systems' principle' as agreed between China and the United Kingdom;
- C. whereas Hong Kong is party to the International Covenant on Civil and Political Rights (ICCPR) and will soon be reviewed on its implementation of Covenant obligations;
- D. whereas the Chinese National People's Congress (NPC) adopted a resolution on 28 May 2020 authorising the NPC Standing Committee to adopt legislation targeting separatism, subversion of state power, terrorism and foreign interference in Hong Kong, and mentions other measures to be taken, including national security education, the establishment of national security organs of the Central People's Government (CPG) in Hong Kong, and regular reporting by the Chief Executive to the CPG on Hong Kong's performance in fulfilling its duty to safeguard national security; whereas United Nations human rights experts on 1 September 2020 affirmed that the law implicates serious concerns of legality, as well as undue limitations on freedom of opinion, expression and peaceful assembly; whereas the recurring undertakings by the Chinese authorities and the CPG, especially the latest application of these provisions, leading to the arrest of numerous persons of the oppositional movement, demonstrate a lack of adherence to commitments made towards the international community and thereby undermine their credibility;
- E. whereas the new national security law empowers the Chinese-appointed Hong Kong government to crack down on peaceful protesters for 'acts and activities endangering national security' with the assistance of both mainland People's Republic of China (PRC) and dedicated Hong Kong security agencies; whereas mainland China's enforcement agencies have reportedly been operating in Hong Kong illegally; whereas any operation of PRC law enforcement agencies in Hong Kong is a serious violation of the 'One Country, Two Systems' principle;
- F. whereas on several occasions over the past years, the people of Hong Kong have taken to the streets in unprecedented numbers, exercising their fundamental right to assemble and to protest; whereas instead of reducing the ongoing tensions in Hong Kong's politics and society, this law further intensifies existing unrest; whereas by banning 'subversion' as an act endangering China's national security, the protection of freedom of assembly and speech in Hong Kong is no longer functional in practice;
- G. whereas the pan-democratic camp in Hong Kong, human rights organisations and the international community have criticised the decision as a threat to the 'one country, two systems' principle, the rule of law and civil liberties and a direct violation of China's international commitments;
- H. whereas the Hong Kong legislative elections, originally scheduled on 6 September 2020,

were postponed by Chief Executive Carrie Lam as announced on 31 July 2020, invoking the Emergency Regulations Ordinance which gave her the emergency powers to proceed so, citing the resurgence of the COVID-19 cases and denying any political calculation behind it; whereas the delay is seen as a blow to the pro-democrats who aimed to achieve "35+" majority by riding its 2019 District Council landslide on a wave of massive protests against the government and concerns about the sweeping new national security law imposed by Beijing on Hong Kong;

- I. whereas the postponement by one year of the elections to the Legislative Council through recourse to emergency powers, would delay the renewal of the democratic mandates and call into question the exercise of the democratic rights and freedoms guaranteed under Hong Kong's Basic Law; whereas the disqualification of pro-democracy candidates, including sitting lawmakers previously democratically elected by the people of Hong Kong, also weakens Hong Kong's democracy as well as its international reputation as a free and open society;
- J. whereas on 11 November 2020, the National People's Congress Standing Committee (NPCSC) barred Legislative Council members from supporting Hong Kong independence, refusing to recognise Beijing's sovereignty over Hong Kong, seeking help from "foreign countries or foreign forces to interfere in the affairs of the region" or committing "other acts that endanger national security"; whereas, consequently, four sitting legislators, Alvin Yeung, Kwok Ka-ki, Dennis Kwok and Kenneth Leung, whose candidacies were invalidated by the Returning Officers in the later-postponed September election, were ousted from the legislature with immediate effect; whereas, after the disqualification, the 15 remaining pro-democracy legislators announced their resignation in protest of the decision; whereas, following their resignation, the number of vacant seats on the Legislative Council is 27 out of a total of 70, with virtually no opposition lawmakers remaining;
- K. whereas, on 23 August, the Chinese authorities apprehended 12 Hong Kong activists who were allegedly trying to flee Hong Kong by boat ; whereas 10 of the 12 activists were handed prison sentences ranging between 7 months and 3 years on charges of illegally crossing the border in a trial that did not respect the defendant's right to due process;; whereas one of these activists, Tsz Lun Kok, a 19 year old student is a dual Chinese and Portuguese national, and is therefore an European Union citizen; whereas they are were detained, held incommunicado and judged in Shenzhen; whereas they were also denied the possibility to choose their representation;
- L. whereas they are detained and on trial in Shenzhen; whereas, on 15 January 2020, Chinese human rights lawyer Lu Siwei revoked by the Sichuan Provincial Justice Department for representing one of these 12 activists; whereas human rights lawyer Ren Quanniu faces a hearing in the Henan Provincial Judicial Department on 19 January 2021 to contest the Judicial Department's decision to initiate the process to revoke his license over the same issue; are at risk of losing their license after trying to represent Hong Kong activists who were intercepted by the Chinese authorities while attempting to flee to Taiwan by boat; whereas ten diplomats, including of EU member States, were barred from observing Lu Siwei's hearing in Chengdu on 13 January 2021;
- M. whereas the authorities in Hong Kong arrested over 50 people on 6 January 2021 on

charges pursuant to the National Security Law (NSL); whereas the charges in question relate to the holding in July 2020 of pro-democracy primary elections aimed at identifying candidates for the next Legislative Council elections;

- N. whereas those arrested include former opposition lawmakers and civil society activists, including opposition leader Joshua Wong; whereas, on 2 December 2020, Joshua Wong had already been sentenced to 13.5 months in prison for his role in a 2019 demonstration; whereas two other leading members of the now-dissolved political organisation headed by Wong, Demosistō, former chairperson Ivan Lam and former deputy secretary-general Agnes Chow, were sentenced to 7 and 10 months, respectively, on the same occasion; whereas these arrests penalise political activity that should be entirely legitimate in any political system that respects basic democratic principles as enshrined in the Hong Kong Basic Law;
- O. whereas these arrests are the latest indication that the National Security Law is being used by the Hong Kong and mainland authorities to stifle political pluralism in Hong Kong, and the exercise of human rights and political freedoms that are protected under Hong Kong law and international law;
- P. whereas Hong Kong's 180,000 civil servants were told on 15 January 2021 they had four weeks to sign a document pledging their loyalty to the city's Basic law and dedication to the government; whereas it was made known that all civil servants should in "no uncertain terms acknowledge and accept these basic duties"; whereas negligence or refusal to take the oath or to duly sign and return the declaration by a civil servant would cast serious doubts on his or her willingness to take up these basic duties and his or her suitability to remain in the civil service in the eyes of the authorities; whereas in the past, authorities have disqualified opposition candidates in elections, as well as pro-democracy lawmakers, on grounds of similar oaths of allegiance being "dishonest";
- Q. whereas the EU and Parliament strongly support the 'one country, two systems' principle and Hong Kong's high degree of autonomy;
- R. whereas, on 15 January 2021, Hong Kong Broadband Network blocked a pro-democracy website upon request of the Hong Kong authorities under the National Security Law; whereas this first instance of internet censorship under the NSL raises concerns that the Hong Kong authorities plan on using this legislation to further limit the freedom of expression and of information online; whereas this would have damaging consequences for both civil liberties and democracy;
- S. whereas the European Union continues to have deep concerns regarding the PRC national security law for Hong Kong; whereas this is a sensitive issue, with far-reaching consequences for Hong Kong and its people, for EU and foreign citizens, for EU and international civil society organizations, as well as for business confidence in Hong Kong; whereas the entry into force of the national security law would increase the risks for the EU citizens in Hong Kong;
- 1. Calls for the immediate and unconditional release and dropping of all charges against those arrested in Hong Kong in the first two weeks of the year on charges pursuant to the National Security Law; urges the authorities to respect Hong Kong's rule of law, human rights, democratic principles and high degree of autonomy under the 'One Country, Two

Systems' principle, as enshrined in the Hong Kong Basic Law and in line with domestic and international obligations;

2. Calls for the immediate and unconditional release of the Hong Kong activists caught on August 23 while allegedly trying to flee by boat, and for all charges against them to be dropped; calls on the European External Action Service, namely through the EU Delegation in China, to continue providing the due assistance to Mr. Kok Tsz-Lun, a dual Chinese and Portuguese national and, therefore, an European Union citizen, who was also one of the 10 judged in Shenzhen; calls on the Chinese authorities to immediately reinstate the licences of their defenders, human rights lawyers Lu Siwei and Ren Quanni;
3. Calls for the immediate unconditional release and dropping of all charges against all peaceful Hong Kong protesters arrested in the last years, including Joshua Wong, Ivan Lam, and Agnes Chow ; calls for independent, impartial, effective and prompt investigations into the use of force by Hong Kong police against protesters;
4. condemns any attempts at muzzling pro-democracy activists, including the blocking of pro-democracy websites, under the National Security Law; reiterates that the freedom of expression and of information is a fundamental right enshrined in Hong Kong's domestic and international law;
5. Calls on the Hong Kong authorities to reconsider their decisions to postpone the elections to the Legislative Council; urges the Hong Kong authorities to reverse the disqualification of pro-democracy candidates, including sitting lawmakers previously democratically elected by the people of Hong Kong;
6. Condemns the unilateral introduction of national security legislation by Beijing in Hong Kong, as this is a comprehensive assault on the city's autonomy, rule of law, and fundamental freedoms; stresses that the integrity of 'one-country, two-systems' is seriously under threat;
7. Calls for the full withdrawal of the law 'Decision of the National People's Congress on Establishing and Completing the Hong Kong's Special Administrative Region's Legal System and Implementation Mechanisms for the Preservation of National Security', which damages Hong Kong's international status by eroding its autonomy, democracy, the independence of the justice system and its respect of human rights;
8. Stresses that the introduction of the national security legislation is a breach of the PRC's commitments and obligations under international law, namely the Sino-British Joint Declaration, and threatens to severely damage the relationship of trust between China and the EU, and their future cooperation;
9. Takes note of the agreement in principle on the Comprehensive Agreement on Investment of 30 December 2020; expresses its concern that the agreement in principle was reached regardless of the severely deteriorating situation of the human rights in Hong-Kong and mainland China; commits to making use of all means at its disposal, including the process leading up to its decision on ratification of the Comprehensive Agreement on Investment, to put pressure on the Chinese authorities to preserve Hong Kong's high degree of autonomy as well as the basic rights and freedoms of its citizens and independent civil society organisations and to improve the human rights situation in

the mainland and in Hong Kong; calls on the Commission to do the same during any further advancement of still-ongoing negotiations; is of the opinion that the Comprehensive Agreement on Investment with China must include a binding sustainable development chapter integrating a clear and enforceable implementation mechanism, provisions to measure progress on commitments made regarding the improved standards of workers' rights, and the integration of a strong penalty clause for the cases of violations of the treaty;

10. Calls on the Commission and the Member States to address the issue of the national security law for Hong Kong as a top priority on the agenda of all EU-China meetings, including the postponed summit with all 27 Member States, and to resolutely address the issue in diplomatic consultations in preparation of these;
11. Strongly condemns all cases of human rights violations in Hong Kong, in particular arbitrary arrests, rendition, forced confessions, incommunicado custody and violations of the freedoms of publication and of expression; calls for an immediate end to human rights violations and political intimidation; expresses grave concern over the reported practices of secret detention, of torture and ill-treatment, and of forced confessions;
12. Calls for the immediate and unconditional release of Swedish bookseller Gui Minhai imprisoned in the PRC;
13. Calls for the EU institutions and the Member States to offer all needed support to the human rights activists in Hong Kong, in full application of the relevant EU guidelines;
14. Calls for the Member States that are members of the UN Security Council to do the necessary diligences aiming to convene an 'Arria meeting' to discuss the situation in Hong Kong with activists, non-governmental organisation (NGO) representatives and UN Special Rapporteurs; calls, in this context, for exploring the possibility that the UN Secretary General or the UN High Commissioner for Human Rights appoint an UN Special Envoy on the situation in Hong Kong;
15. Calls for the EU institutions, , the EU Office to Hong Kong and Macau, and the Member States to further monitor and report on the postponed Legislative Council elections, paying particular attention to the candidates that are discriminatorily obstructed, and how the new national security legislation will be used to hamper the electoral process and undermine the basic and political rights of citizens of the HKSAR as provided by the Basic Law;
16. Calls for the EU, its Member States and the international community to work towards the imposition of appropriate export control mechanisms to deny China access to technologies used to violate human rights; regrets the fact that China is not complying with its own commitments entered into by adhering to the Organisation for Economic Co-operation and Development principles on human-centred artificial intelligence and by having subscribed to the G20 declaration of June 2019, and calls on the Commission and the Member States to continue calling on China to adhere to its own commitments in this regard;
17. Commits to the adoption of an effective EU corporate due diligence legislation imposing due diligence obligations to EU companies and companies operating in the EU single

market and ensuring that products and services produced by companies violating fundamental rights in Hong-Kong and mainland China cannot be purchased in the EU internal market;

18. Welcomes the adoption of the EU Global Human Rights Sanctions Regime on 7 December 2020; calls on the Member States and the High Representative of the Union for Foreign Affairs and Security Policy to urgently adopt sanctions against the high-ranking Chinese and Hong-Kong officials responsible for devising and implementing policies that violate human rights, including the Hong Kong National Security Law;
19. Recalls the importance of the EU continuing to raise the issue of human rights violations in China, in particular the case of minorities in Tibet and Xinjiang, at every political and human rights dialogue with the Chinese authorities, in line with the EU's commitment to project a strong, clear and unified voice in its approach to the country; reiterates its call on the Member States to suspend their extradition treaties with the People's Republic of China, to prevent the extradition of Uyghurs, citizens of Hong Kong, Tibetans, or Chinese dissidents in Europe to stand political trial in the People's Republic of China; further recalls that in its ongoing reform process and increasing global engagement, China has opted into the international human rights framework by signing up to a wide range of international human rights treaties; calls for the EU, therefore, to pursue dialogue with China to ensure that it lives up to these commitments;
20. Notes with regret the lack of coordination between EU Member States leading to the conclusion in principle of the Comprehensive Agreement on Investment and the disregard towards concerns voiced by the European Parliament, which undermine the EU's ambition to act cohesively;
21. Welcomes the newly established bilateral EU-US Dialogue on China, launched on 23 October 2020; calls for enhanced coordination with international partners, including the incoming US administration, in regard to all aspects of relations with the People's Republic of China and Hong Kong; insists that human rights, with particular focus on the situation in Hong Kong, feature prominently on the agenda of the forthcoming EU-US Dialogue;
22. 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 Legislative Council of Hong Kong;