



Plenary sitting

B9-0384/2021

6.7.2021

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 Hong Kong, notably the case of Apple Daily
(2021/2786(RSP))

Manu Pineda

on behalf of The Left Group

European Parliament resolution on Hong Kong, notably the case of Apple Daily (2021/2786(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 International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966
 - 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 joint statement of the 21st EU-China summit of 9 April 2019,
 - Having regard to the 37th EU-China Human Rights Dialogue, held in Brussels on 1 and 2 April 2019,
 - Having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 12 March 2019 entitled 'EU-China – A strategic outlook' (JOIN(2019)0005),
 - having regard to the Statement by Michelle Bachelet, UN High Commissioner for Human Rights at the 47th session of the Human Rights Council on the 21 June 2021
 - Having regard to Statement by Michelle Bachelet, UN High Commissioner for Human Rights for the Society of Publishers in Asia Annual Awards for Editorial Excellence 2021 on the 24 of June 2021
 - having regard to Rule 144 of its Rules of Procedure,
- A) whereas Apple Daily, an outspoken Hong Kong media organization founded by Jimmy Lai in 1995, said on 23 June 2021 that it was ceasing operations due to financial distress; whereas in the week of 14 June, the authorities froze HK\$18 million (US\$2.32 million) of assets owned by companies linked to Apple Daily; whereas in the same week the police raided the newspaper's premises and seized the journalistic material;
- B) Whereas in August 2020, more than 200 Hong Kong police officers raided Apple Daily's offices and arrested its owner, Jimmy Lai;
- C) whereas the announcement followed the arrests of six of the newspaper's staff and executives in the prior week; whereas five of the arrests took place on 17 June; whereas on

23 June, police also arrested Apple Daily's China Beat editorial writer Yeung Ching-kee (also known as Li Ping) and charged him with "conspiracy to collude with foreign forces". Former senior editorial writer at Apple Daily Fung Wai-kwong (also known as Lo Fung) was arrested on 27 June for the same offence;

- D) whereas according to a Hong Kong Police spokesperson, the newspaper executives were arrested and were charged with "conspiracy to defraud," attending and inciting "unauthorized assembly" and "colluding with a foreign country or with external elements to endanger national security" under Hong Kong's National Security Law.
- E) Whereas the third session of the thirteenth National People's Congress authorized the National People's Congress Standing Committee to promulgate a national security law in Hong Kong; whereas this decision was formally taken in accordance with Article 18 of the Basic Law;
- F) Whereas according to data published by the National Endowment for Democracy the United States and the United Kingdom have used millions of dollars to support emerging networks of social and political organizations, as well as media outlets in Hong Kong;
- G) Whereas sovereignty over Hong Kong was transferred from the United Kingdom to the People's Republic of China (PRC) on 1 July 1997, ending decades of British colonialism on this Chinese territory; 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; whereas according to Section 3(2) of the 1984 Sino-British Declaration places security and defense policy under control of the Government of the People's Republic of China
- H) Whereas the US Administration has been steadily escalating confrontation with China; whereas this escalation of tensions by the United States has very problematic consequences for peace and security, the rule based international world order, international trade and social security worldwide; whereas the US Administration has unilaterally pulled apart the foundation of multilateralism; whereas there are legitimate demands on the incoming US administration to deescalate the conflict and return to a rule-based way of solving disagreements;
- I) whereas this confrontation has been exacerbated since the beginning of the pandemic and the incapacity of the western countries, notably the EU, to overpass the sanitarian crisis by sharing the patents on vaccines, investing in public services and escaping the big pharma monopoly on the health sector; whereas on the contrary China has allowed masks and medical equipment to be shipped around the world strengthening its influence and relationships;
- J) Whereas over the years, the people of Hong Kong have witnessed mass demonstrations; in which peaceful actions calling for greater autonomy for Hong Kong have been mixed with violent acts seeking to instrumentalize the initial protests,
- K) Whereas political tensions still exist in Hong Kong in the aftermath of the mass demonstration; whereas an active and well-rounded media sphere is vital in safeguarding human rights and the rule of law especially during times of social turmoil;

- L) Whereas the EU and China have reaffirmed that, all human rights are universal, indivisible, and interdependent and interrelated, whereas they agreed to continue the Human rights dialogues and to cooperate on this in the UN fora.
- M) Whereas in the Joint EU-Summit statement the EU and China committed to uphold the UN Charter and international law, and all the three pillars of the UN system, namely peace and security, development and human rights;
- N) Whereas the European Union, in accordance to the United Nations Charter and international law, must respect sovereign states and contribute to re-building the foundations of multilateralism, which is constantly under attack by the United States; whereas the People's Republic of China remains a strategic partner for rebuilding the law based system of international relations which has its basis on peace, sovereignty, cooperation and social progress and whereas competition and different national political and economic order and therefore interests should not hinder the mutual beneficial cooperation;
- O) Whereas multinationals companies and among them European companies are using Hong Kong as a turntable for their benefits with regards to the very low level of taxation and high level of “fiscal optimisation” for residents and companies which makes Hong Kong an important subject in the US, UK and EU strategy; 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;

1. Recalls that Freedom of Information (FOI) is defined as the right to access information held by public bodies; Stresses it is an integral part of the fundamental right of freedom of expression, as recognized by Resolution 59 of the UN General Assembly adopted in 1946, as well as by Article 19 of the Universal Declaration of Human Rights (1948), which states that the fundamental right of freedom of expression encompasses the freedom to “to seek, receive and impart information and ideas through any media and regardless of frontiers”; Reminds that this needs to be respected and upheld by members of the United Nations;

2. Is concerned about the situation of freedom of information, fake news and disinformation worldwide; Notes that the widespread distrust in media and the emerging trend disinformation online has led to a negative impact across the globe consequences globally; Whereas according to the “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression” published on the 13th of April 2021, the threats posed by disinformation to human rights, democratic institutions and development processes, While acknowledging the complexities and challenges posed by disinformation in the digital age, the responses by States and companies have been problematic;

3. Urges the authorities in Hong Kong to ensure the security of all citizens, irrespective of their political views, affiliation or confession, to and respect human rights and fundamental freedoms, to protect the freedoms of association, of peaceful assembly, and of expression; calls the Hong Kong authorities to guarantee the right to a fair trial to Jimmy Lai, Yeung Ching-kee and arrested former employees’ of Apple Daily;

4. Stresses the need to put an end to belligerent and confrontational positions towards China; denounces the use of political propaganda in relation to the PRC and its territory; calls on the EU to dissociate itself from this propaganda campaign and to make a truthful and impartial analysis of the situation, moving away from following the US in its attempt to destabilise as part of its global confrontation with China.

5. Underlines that Hong Kong is part of the People's Republic of China, with Special Administrative Region (SAR) status and under the 'One Country, Two System' rule with a unique Basic Law constitution, one which should not be subjected to foreign interference; condemns all foreign attempts to undermine China's sovereignty over Hong Kong; recognizes that all people have the right to aspire to self-determination and seek political change through democratic means; believes that peace, stability and safety in the world relies on an international system where countries hold each other accountable for human rights violations;

6. Recognizes that a Security Law is necessary in Hong Kong SAR, as stipulated in Article 23 of the Basic Law, acknowledges the challenges of enforcing the law at such a sensitive time;

7. Recalls that any security legislation must adhere to human rights and the International Covenant on Economic, Social, and Cultural Rights;

8. Expresses concern about the reports of the arrest in Hong Kong for "subversion" under the New Security Law that is being implemented since June 2020; notes the vague definition of this crime in the National Security Law which could lead to collusion with the International Covenant on Civil and Political Rights; points out that most countries have similar Security Laws.

9. Recognizes that both the EU's 'One China' policy and the respect of the basic international agreements on Hong Kong as well as the United Nations Charter and international law are cornerstones of the EU-China relations; Recalls the need to respect the sovereignty of the People's Republic of China.

10. Condemns the British Government's intention to offer citizenships or residency exemptions to British Nationals (Overseas) passport holders in Hong Kong as further provocation from external powers, and an abuse of its colonial reach - 23 years after the handover; condemns in the same manner the reintroduction on the 1th of July 2021 of 2020's bill by a bipartisan group of US congressmen that would grant special refugee status and visas to Hong Kong residents who played a "significant role" in the 2019 anti-China extradition bill demonstrations;

11. Calls on all foreign states to stop interfering in the situation in Hong Kong and to prevent the United States, UK and the EU from using it as a pretext to complicate further the situation;

12. Believes it is imperative that both the EU and China do not act in a belligerent way towards each other or other countries, including through its rhetoric; highlights that both parties should always seek to promote dialogue where conflicts arise;

13. Condemns the unilateral decision by the former President of the United States of America, and its continuity by Biden's administration, to end Hong Kong's privileged status as an unnecessary, retaliatory measure that effectively changes Hong Kong's special status as recognized in international law, and will not only adversely affect the territory's economic and social standing, its people's prosperity, but also the diplomatic relationship with China as a whole, and the possible effects this would have on the increasingly-volatile Asia-Pacific region;

14. Deplores the intervention of the United States as undermining the long-standing 'One Country, Two Systems' principle, and the potential consequences his decision could have on Hong Kong;

15. Expresses concerns about the rising socio-economic inequality and rising poverty in Hong Kong; believes that increased social justice are important elements for achieving stability and a better future for the people of Hong Kong; Believes that the HKSAR government must put the interests of its people first instead of businesses, the financial sector, conglomerates and multinationals, with coherent policies to reverse the massive social inequality, rising poverty, as well as undergo huge public programs to address the severe lack of social housing, poor healthcare and underfunded education systems - all of which have helped contribute to the instability and endless cycles of violence;

16. Welcomes the fact that as result of the 2019 EU-China Summit both partners confirmed their strategic partnership and demonstrated their political will to discuss and find solutions in areas where the partners have different views and approaches; calls that the next EU-China Summit should reconfirm the strategic partnership, based on mutual cooperation, between the EU and China and calls to discuss openly with a view to find solutions the areas where the partners have different views and approaches; Highlights the importance of a closer cooperation between the European Union and the People's Republic of China in different sectors, including the Belt and Road initiative on the basis of reciprocity, sustainable development, inclusiveness, good governance, rule of law, ambitious social, environmental and fiscal standards, open and transparent rules, in particular as regards public procurement, and the need to have relations based on understanding and mutually beneficial agreements; recalls the importance of good relations with China in the context of the COVID-19 pandemic, in which Chinese authorities have closely collaborated with different Member States showing solidarity;

17. Notes the agreements between China and the EU and its Member States; Calls on the EU and China to assume their responsibility as important international actors and avoid a transformation of the relations into confrontation; stresses that good cooperation between both partners is necessary to address global problems; reiterates that China remains a strategic partner for the EU and has been a reliable partner in many areas of international cooperation and upholding multilateralism;

18. Reaffirms that the activities of EU Member states and their companies must fully respect international human rights standards, especially when operating in third countries; 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; regrets that the European Commission removed Hong Kong the European Union's watch list on non-

cooperative tax jurisdictions; calls on the Commission and the Member States to take the necessary measures against EU Member state companies that do not respect these standards or that do not satisfactorily compensate victims of human rights violations directly or indirectly;

19. 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.