



Plenary sitting

B9-0390/2021

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))

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on behalf of the ECR Group

B9-0390/2021

European Parliament resolution on Hong Kong, notably the case of Apple Daily (2021/2786(RSP))

The European Parliament,

- having regard to its previous resolutions on Hong Kong, notably that of 21 January 2021 on the crackdown on the democratic opposition in Hong Kong and of 19 June 2020 on the People’s Republic of China (PRC) National Security Law for Hong Kong and the need for the EU to defend Hong Kong’s high degree of autonomy,
- having regard to its resolution of 12 September 2018 on the state of EU-China relations,
- having regard to its previous recommendations relating to Hong Kong, in particular that 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 handover,
- having regard to the Statement by the EEAS Spokesperson of 23 June 2021 on the closure of Apple Daily’s Hong Kong operations, to the Statement by the HR/VP of 9 June 2021 on the changes to Hong Kong’s electoral system and to the Statement by the EEAS Spokesperson of 16 April 2021 on the sentencing of pro-democracy activists,
- 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 1948,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966,
- having regard to Rule 144 of its Rules of Procedure,

- A. whereas on 17 June 2021 around 500 police officers raided the Apple Daily headquarters in Hong Kong and froze the assets of Apple Daily Limited, Apple Daily Printing Limited, and AD Internet Limited, over allegations that its reports breached the National Security Law (NSL), by publishing more than 30 articles which allegedly called for sanctions on the Beijing and Hong Kong governments;
- B. whereas during the raid the police arrested and detained Next Digital CEO Cheung Kim-hung and Chief Operating Officer Royston Chow, Apple Daily's Editor-in-Chief Ryan Law, Associate Publisher Chan Pui-man and Cheung Chi-wai, who manages the newspaper's online news platform; whereas the police force also seized journalistic materials including 38 computers from the newsroom;
- C. whereas on 10 August 2020, on the same day as a previous police raid on Apple Daily's offices, Jimmy Lai, the owner and founder of the pro-democracy newspaper Apple Daily was arrested on grounds of violating the NSL and was sentenced to 20 months imprisonment for his role in three unauthorised protests in 2019; whereas he is also set to face a national security trial in the city's High Court, where the maximum penalty is life imprisonment;
- D. whereas a Hong Kong court on 19 June has denied bail to Cheung Kim-hung and Ryan Law after they were charged under the Beijing-imposed national security law for allegedly colluding with a foreign country or external forces; whereas their case was adjourned to 13 August; whereas Royston Chow, Chan Pui-man and Cheung Chi-wai were released on bail shortly after the arrest;
- E. whereas Apple Daily throughout the years has become Hong Kong's largest pro-democracy newspaper; whereas the freezing of the company accounts meant the paper no longer had money to pay its staff and run daily operations; whereas on 23 June 2021 Apple Daily announced its closure and its final print edition was published on 24 June;
- F. whereas on 23 June Li Ping, the editorial writer for Apple Daily, has been arrested on suspicion of conspiring to collude with foreign countries or foreign forces to endanger national security;
- G. whereas on 27 June Hong Kong police have arrested former senior Apple Daily journalist Fung Wai-kong at the airport while he was attempting to leave the city;
- H. whereas on 28 June pro-democracy digital news outlet Stand News has announced it will remove opinion articles and columns it published before May and stop accepting donations in order to reduce risks under the national security law following a report of anonymous threats to some media outlets;

- I. whereas 1 July marked the first anniversary of the decision by the Chinese Communist Party to impose the National Security Law on Hong Kong, which has brought in an array of vague and draconian charges including ‘subversion’, ‘succession’, and ‘collusion with foreign forces’;
- J. whereas under the pretext of state security and in violation of Hong Kong’s Basic Law, Beijing in the last year has dismantled the right to free expression, freedom of assembly, a free press, democracy, and the rule of law, in what was once the most international and open city in Asia;
- K. whereas despite assurances from the Hong Kong Government that this new law would be used sparingly, to date 114 individuals have been arrested and 59 individuals charged under the law, including journalists, students, pro-democracy activists, and former lawmakers; whereas the wave of arrests is an unprecedented crackdown on human rights and fundamental freedoms in Hong Kong and a breach of China’s commitments under the Sino-British Joint Declaration;
- L. whereas on 16 April 2021 10 prominent pro-democracy figures were sentenced in Hong Kong in two separate cases for their peaceful involvement in protests; whereas their sentences range from terms of imprisonment between 8 and 18 months, and suspended prison sentences from 8 to 12 months in five of the cases; whereas these latest verdicts follow the sentencing of Joshua Wong and Sze-yiu Koo on 13 April;
- M. whereas on 27 May 2021 Hong Kong's legislature, dominated by pro-Beijing lawmakers since a mass opposition walkout last year, passed by an overwhelming majority an electoral reform bill, enacted on 11 March 2021 by China’s National People's Congress (NPC), that is set to increase the number of pro-Beijing lawmakers in the city's legislative council, while at the same time reducing the public's ability to choose elected representatives; whereas the electoral reform is one of the most significant changes to Hong Kong's political system since the handover to China in 1997;
- N. whereas Article 27 of the Basic Law guarantees freedom of speech, of the press and publication, and of association, assembly, procession and demonstration;
- 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 US and UK adopted special legal tools to counteract Beijing's crackdown on the autonomy of Hong Kong, e.g. the U.S. Hong Kong Human Rights and Democracy Act of 2019; whereas the EU still lacks such comprehensive solutions;
- Q. whereas the Chinese Communist Party this year celebrates its 100th anniversary which serves as an ideal moment for the West to reflect on how it helped to enable China's rise, asses China's landmark achievement such as economic boom but also to take into account that the country under communist rule has morphed into an uncompromising authoritarian regime violating fundamental human rights in Hong Kong, Xinjiang, Tibet and other places, demonstrating the disparity between values between a communist China and democratic West;

1. Expresses its deep concern at the recent police raid at Apple Daily's headquarters in Hong Kong and the subsequent arrest of seven of its executive staff and journalists and the freezing of assets aimed at the discontinuation of the media portal;
2. Stresses that the arrests constitute an assault on the freedom of the press and undermine Hong Kong's reputation as an open international city and that the closure of Apple Daily's operations clearly shows how the National Security Law imposed by Beijing is being used to stifle freedom of the press and the free expression of opinions;
3. Calls on the Hong Kong authorities to unfreeze Apple Daily's assets, to release the journalists arrested and drop all national security charges, including those against Jimmy Lai;
4. Underlines that media freedom and pluralism are essential for any open and free society;
5. Considers the lengthy imprisonment of several individuals for non-violent acts when exercising protected civic rights is a further sign of the continued decrease of democratic space and erosion of fundamental freedoms in Hong Kong; expresses concern regarding reports of individuals being mistreated in Hong Kong jails, including those currently awaiting trial who are being held in solitary confinement for long-periods of time;
6. Expresses concern at the recently adopted changes to Hong Kong's electoral law that run counter to the commitments to greater democratic representation enshrined in the Hong Kong Basic Law;

7. Reiterates its calls on 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 the Sino-British Joint Declaration and in line with domestic and international obligations;
8. Condemns all acts and actions perpetrated by the Communist Party of China which have resulted in de facto nullification of the 'One Country, Two Systems' principle, one of Beijing's fundamental international commitments and the primary essence of the Basic Law; Calls on the international community to undertake appropriate measures to encourage the PRC to return to full compliance with these obligations;
9. Stresses that if Beijing does not respect international law, standing agreements and its own commitments regarding Hong Kong this would erode trust and would lead to the further erosion of Beijing's credibility on the world stage, which should have also implications on the EU-China relations, including trade and investments cooperation and agreements; stresses that any future consideration of the EU-China Comprehensive Agreement on Investment by the Parliament will take into regard the human rights situation in Hong Kong and China's commitment to uphold the Sino-British Joint Declaration;
10. Calls on China to revoke the National Security Law that is in blatant contravention of the Basic Law, and release all individuals that have been arrested under the law;
11. Stresses the importance of the independence of the judiciary in Hong Kong and notes with concern recent reports that lawmakers have blocked the appointment of a senior judge to the Hong Kong Court of Final Appeal;
12. Expresses concern over the implementation of an Immigration Bill in August 2021 which will give officials the power to restrict freedom of movement in and out of Hong Kong;
13. Notes the decision by the Hong Kong Police to ban the annual 4 June Tiananmen Square vigil and the annual 1 July March, while granting special permission for the waiving of COVID-19 restrictions to allow Hong Kong officials to celebrate the centenary of the Chinese Communist Party;
14. Recalls that PRC's achievements in the past but also in the present have been built on a political edifice that suffered catastrophic reversals in the non-so-distant past as calls on the EU not to prioritize economic games over human rights;
15. Encourages the Council to use the Global Human Rights Sanctions regime to impose Magnitsky-style sanctions on the leaders who conduct this crackdown on Hong Kong

and its people and are responsible for serious human rights abuses; urges the Council to consider the introduction of targeted sanctions against individuals in Hong Kong and China, including Carrie Lam, Teresa Yeuk-wah Cheng, Xia Baolong, Xiaoming Zhang, Luo Huining, Zheng Yanxiong, Ping-kien Tang, Wai-Chung Lo and Ka-chiu Lee, under the EU human rights global sanction regime;

16. 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; calls on the Council and the VP/HR to work with the international community to establish an international contact group on Hong Kong;
17. Calls on 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;
18. Calls on the Member States to consider suspending extradition treaties with the PRC, to prevent the extradition of Hong Kongers, Uyghurs, Tibetans or Chinese dissidents in Europe and European citizens to stand political trial in the PRC;
19. Calls on the Council and Commission to announce a timeline for implementing the package of measures agreed in July 2020 for Hong Kong; Calls on the EU Member States to consider the coordination of a 'lifeboat scheme' for citizens of Hong Kong following a further deterioration of human rights and fundamental freedoms;
20. Calls on the EU to fully back a United Nations Human Rights Council special session or urgent debate on the deteriorating human rights situation in China, including with regard to the implementation of the NSL in Hong Kong, and adopt a resolution to create a monitoring and reporting mechanism, in line with a global call by hundreds of civil society organizations from all regions and call to action by an unprecedented number of Special Procedures;
21. 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.