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 Violations of fundamental freedoms in Hong Kong

(2022/2503(RSP))

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on behalf of the Verts/ALE Group
European Parliament resolution on Violations of fundamental freedoms in Hong Kong
(2022/2503(RSP))

The European Parliament,

– having regard to all its previous resolutions on Hong Kong, in particular those of 8 July 2021 on the case of Apple Daily, of 21 January 2021 on the crackdown on the democratic opposition in Hong Kong, of 19 June 2020 on the PRC national security law for Hong Kong, of 18 July 2019 on the situation in Hong Kong, of 24 November 2016 on the case of Gui Minhai, jailed publisher in China,

– having regard to its previous resolutions on China, in particular those of 16 September 2021 on a new EU-China strategy and of 20 May 2021 on Chinese countersanctions on EU entities and MEPs and MPs,

– 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 handover,

– having regard to the joint statement by Members of the European Parliament David McAllister and Reinhard Bütikofer on the new national security law in Hong Kong of 1 July 2020,

– having regard to the statement by the High Representative/Vice-President on the Legislative Council Election on 20 December 2021 and on the changes to Hong Kong’s electoral system of 9 June 2021, the statements by the Spokesperson on the expulsion of democratically elected district councillors and the shrinking space for civil society of 21 October 2021, on the closure of Apple Daily’s Hong Kong operations of 23 June 2021 and on the sentencing of pro-democracy activists in Hong Kong of 17 April 2021, the declaration by the High Representative on behalf of the EU on the electoral system of 11 March 2021, 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, and to all other statements and declarations on the situation in Hong Kong,

– having regard to the declaration of the High Representative on behalf of the EU of 2 May 2021 on the occasion of the World Press Freedom Day,

– having regard to the Annual EU report on political and economic developments in 2020 of 12 March 2021,

– having regard to the 13th annual Structured Dialogue that took place in Hong Kong on 28 November 2019,

– having regard to the Council conclusions on Hong Kong of 28 July 2020,
– having regard to the International Covenant on Civil and Political Rights (ICCPR) 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 UN experts’ concerns about the arrest of Hong Kong pro-democracy activist Chow Hang-Tung on 12 October 2021,

– having regard to the statement of the UN High Commissioner for Human Rights Michelle Bachelet on 24 June 2021 that Hong Kong's national security law was leading journalists to "self-censor" to avoid clashing with "vaguely formulated offences", and to her statement of 21 June 2021 at the 47th session of the Human Rights Council,

– having regard to the adoption of the National Security Law in Hong Kong by the Standing Committee of the China’s National People’s Congress on 30 June 2020,

– having regard to the G7 Foreign Ministers' statement on Hong Kong Legislative elections of 20 December 2021, the G7 Summit Communiqué of 13 June 2021 and to the G7 statement on electoral changes in Hong Kong of 12 March 2021,

– having regard to the Joint Statement by the Secretary of State of the United States of America and the EU High Representative for Foreign Affairs and Security Policy/Vice President of the European Commission of 3 December 2021 and to the Joint Press Release by the EEAS and Department of State on the Second High-Level Meeting of the EU-U.S. Dialogue on China of 2 December 2021,

– having regard to the Basic Law of the Hong Kong Special Administrative Region (HKSAR) 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 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 and to the principle “One country two systems”,

– having regard to the Universal Declaration of Human Rights of 1948,

– 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 are at the center of the long-standing China policy of the EU, in line with the EU’s commitment to upholding these values in its external action;

B. whereas since the introduction of the National Security Law (NSL) on 30 June 2019, Hong Kong’s free society has been dismantled on nearly all fronts, completely
transforming its political and legal landscape, stifle freedom of the press and free expression of opinions; whereas national security has been used to justify censorship, harassment, arrests and prosecutions systematically targeting political and elected representatives, activists, students and journalists in the pro-democratic camp; whereas the NSL fully violates the “One Country Two Systems” principle and the Sino-British Declaration;

C. whereas Hong Kong is bound by the International Covenant on Civil and Political Rights (ICCPR) and has a legal obligation to respect the rights to freedom of information, expression and association, as well as to guarantee due process;

D. whereas under the auspices of the NSL, more than 150 people, including pro-democracy politicians, activists, lawyers and journalists, have been arrested and bail has been denied for the vast majority of cases;

E. whereas, the shrinking of civil society space has more recently underwent a further worrying acceleration resulting in at least 64 civil society organizations disbanding in response to the threat generated by the NSL, such as the Hong Kong Confederation of Trade Unions, the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, the China Human Rights Lawyers Concern Group, the Hong Kong Professional Teachers’ Union and the Civil Human Rights Front; whereas this has also affected international NGOs which, like Amnesty International, have decided to close their Hong Kong offices out of fear of serious reprisals from the government;

F. whereas peaceful political expression has been disproportionately restricted and even criminalized under the NSL; whereas prominent activists, such as Chow Hang-tung, have been charged for encouraging citizens to lit candles to commemorate Tiananmen events and whereas Hong Kong Alliance in Support of Patriotic Democratic Movements of China (the Alliance) disbanded after authorities used the annual Tiananmen candlelight vigil it had organized for 30 years as evidence of the group “endangering national security”; whereas any acts which could be deemed by Hong Kong's courts as amounting to secession, subversion, terrorism, or collusion with foreign forces are punishable by up to life imprisonment;

G. whereas the June 4th Museum run by the Alliance was forced to close on June 1 2021; whereas on 23 December 2021 the Pillar of Shame, a statue showing piled-up corpses to commemorate the of pro-democracy protesters killed by Chinese authorities during Tiannanmen protests and one of the few remaining public memorials in Hong Kong, was removed;

H. Whereas in March 2021 changes to Hong Kong’s electoral law were adopted, introduced a “patriot-only” principle and set up a vetting committee to screen all election candidates, thereby authorising only pro-Beijing candidacies; Whereas on 19 December 2021, the seventh LegCo elections took place with a record-low turnout of only 30%, while a high record of 2% invalid ballots were cast, in a clear sign that an important majority of Hong Kongers think elections under the new law is a sham and that they are refusing to legitimise it; whereas the recent changes in the electoral system run counter to the commitments to greater democratic representation enshrined in the Hong Kong Basic Law;
I. whereas in July 2021, 21 pro-democracy candidates were disqualified from running in Macao’s legislative elections; whereas on 12 September 2021, the elections for the seventh Legislative Assembly of Macao were held without a real political opposition, which could lead to long-term social instability, and resulted in a record-low voter turnout of 42.38%;

J. whereas Hong Kong is left without any pro-democratic opposition since its representatives are either barred from taking part in elections or have been jailed; whereas a year ago 53 pro-democracy activists were arrested and 34 of those still remain in police custody and have been refused bail; whereas in October 2021 more than 200 district councillors resigned after the decision to apply new provisions in order to expel 49 councillors; whereas other prominent pro-dem political representatives have left Hong Kong or resigned from politics;

K. whereas on 29 December 2021 Stand News, a vocal pro-democracy website in Hong Kong, shut down after police raided its office and arrested six current and former editors and board members; whereas the media outlet was one of the last remaining prominent and influential pro-democracy online newspaper in Hong Kong since the closure of Apple Daily in July 2021; whereas the staff was arrested on suspicion of “seditious publication” offences, based on recent court judgements which have enabled authorities to use powers conferred by the NSL to deploy rarely used colonial era laws covering sedition;

L. whereas the legal charges used against Stand News could effectively make any critical journalism illegal since this would always be considered as “inciting hatred towards the Hong Kong government”;

M. whereas just a few days later, the online independent newspaper Citizens News announced its closure over safety concerns for its staff, yet another example of how the NSL prompts self-censorship and has fomented an overwhelming climate of fear in Hong Kong society;

N. whereas Hong Kong authorities have increasingly denied visa to foreign journalist correspondents;

O. whereas Chief Executive Carrie Lam Hong Kong announced at the recent first session of the ‘patriots-only’ new Legislative Council that a series of 40 new national security offences would be introduced to complement the NSL, up to banning foreign political organisations from conducting political activities in Hong Kong and local political organisations from having links with foreign political bodies;

1. Condemns in the strongest terms the relentless dismantlement of Hong Kong liberties through the criminalisation of fundamental freedoms, freedom of expression, freedom of the press and the prosecution of the pro-democratic opposition, in full violation of Hong Kong and the PRC’s domestic law and international commitments, such as the Hong Kong Basic Law, the Sino-British Declaration or the ICCPR; reiterates its deep concern at the human rights emergency which has unfolded; takes the position that the “One County, Two System” principle has been fully breached by the PRC;
2. Strongly condemns all the arrests of political representatives, activists, journalists, human-rights defenders and the closures of independent media outlets; urges Hong Kong authorities to drop all criminal charges against and immediately release those who have simply exercised their right to freedom of expression or other human rights, and end the practice of bringing such charges in future;

3. Reiterates its grave concern at the continued application of the NSL, which is in breach of the PRC’ commitments and obligations under international law, namely the Sino-British Joint Declaration and is a comprehensive assault on the city’s high degree of autonomy, rule of law and fundamental freedoms; stresses that the NSL prevents a relationship of trust between China and the EU, it undermines future cooperation and leads to a further erosion of Beijing’s credibility on the international stage;

4. Urges the government of Hong Kong to repeal the NSL, and immediately stop using politically motivated prosecutions and other legal procedures against critical voices and deter people from participation in the public sphere and to fully restore the respect of the rule of law, human rights, democratic principles and the high degree of autonomy under the ‘One Country, Two Systems’ principle, as enshrined in the Hong Kong Basic Law and in line with its domestic and international obligations; notes with concern the increasing attempts by the Chinese government to legitimise its authoritarian system internally and externally by co-opting, redefining and distorting a number of political ideas, including the principles of democracy, through such notions as “democracy with Hong Kong characteristics” or “whole-process people’s democracy” and regards such attempts as a political farce;

5. Deeply regrets the recent modifications to the electoral law of Hong Kong and the arrests and harassment of the representatives of the pro-democratic opposition which de jure and de facto prevent free and fair elections at all levels and have led to the dismantlement of all forms of political opposition; stresses that this runs counter to the commitments to greater democratic representation enshrined in the Hong Kong Basic Law;

6. Expresses concern over the appointment of the former chief of staff of the Armed Police Force in Xinjiang, Peng Jingtang, as the People’s Liberation Army Hong Kong Garrison commander and is alarmed by reports that the Garrison has acquired a large amount of counter-terrorism equipment and by assessments by Chinese commentators that terrorism is a problem of primary importance for the Hong Kong Government;

7. Considers Hong Kong Covid-19 quarantine rules and zero-Covid policy bear the risk of turning into a disguised tool to further oppress the society and is concerned by arbitrary discrimination among EU Member States in regards to travel bans applied to EU nationals even when resident in Hong Kong;

8. Expresses its strongest solidarity with all Hong Kong journalists who, despite the entry into force of the NSL, have continued to strenuously defend media freedom and independent journalism and to keep reporting about the dramatic evolution of events; Calls on the EU and the Member States to provide public and private support to the Hong Kong Journalists Association, which has come under attacks from state-owned media in Hong Kong and to warn the Hong Kong government not to threaten the Association; Calls on the Hong Kong authorities to immediately end all legal harassment and all intimidation
directed at journalists and to strive for their protection and the safety against all forms of violence, pressure, discrimination, unfair legal proceedings and all attempts aimed at preventing them from accomplishing their mission or of weakening their ability to do so in accordance with international norms, especially with Articles 19 and 21 of the ICCPR on the right to freedom of expression and the right to freedom of peaceful assembly;

9. Expresses grave concern over the practices of secret detention, torture and ill-treatment, forced confessions by the Hong Kong Police Force and in Hong Kong jails, including concern over the abusive use of pre-trial detention and bail denial, whereby individuals are being held in solitary confinement for long-periods of time and in premises that are generally not suitable for long detention periods; strongly condemns the practice of cumulating multiple charges and trials;

10. Underlines that the independence of the judiciary must be safeguarded and politicization of courts avoided as a key priority; reiterates its call to the EEAS to prepare a detailed public report on the rule of law and the independence of the judiciary in addition to the Hong Kong Annual report; calls on the EEAS to include discussions on the deteriorating rule of law situation in Hong Kong and the security of European citizens in the annual Structured Dialogue meetings between the HKSAR government and the EU;

11. Calls on the Commission and the Member States to address the NSL as a top priority on the agenda of all EU-China meetings, including in diplomatic consultations in preparation of those meetings; recalls the importance of the EU and the Member States continuing to raise all human rights violations in China at every political and human rights dialogue with Chinese authorities and in line with the EU’s commitment to project a strong, clear and unified voice in its approach to China; recalls that China has signed up to a wide range of international human rights treaties and conventions and highlights therefore the importance to pursue dialogue with China to ensure it lives up to the commitment of abiding by the international human rights framework;

12. Regrets that Council Conclusions on Hong Kong of July 2020 still have only partially been implemented by Member States, as well as the failure to adopt new Council Conclusions in 2021 because of the veto of one Member State; reiterates the need to set a clear timeline for the implementation of the package of measures of July 2020 and calls on the EEAS to continue keeping such implementation on the agenda and to prepare concrete responses to the possible extraterritorial effects of the NSL;

13. Is extremely concerned at attempts by Chinese authorities to target Hong Kong diaspora communities, including human rights defenders, in EU Member States; welcomes the decision by EU Member States and other international partners to suspend extradition treaties with Hong Kong; reiterates its demand that the 10 remaining Member States’ extradition treaties with China be suspended;

14. Highlights in particular the importance of stepping up support to academia by intensifying scholarships and other kinds of supporting instruments for Hong Kong academics and students to be enrolled in exchange programmes and to cooperate with EU universities; calls on the EEAS and the Commission to develop and coordinate measures to protect the academic freedom of Hong Kong students and scientists at EU universities against pressure from Chinese authorities;
15. Points to the lack of coordination between Member States in implementing a 'lifeboat scheme' for pro-democratic activists and political leaders in Hong Kong, and urges the Member States to step up the issuing of emergency travel documents for journalists in Hong Kong;

16. Urges all EU and Member States’ diplomatic personnel to do everything they can to provide protection and support to peaceful activists and political leaders in Hong Kong; urges the European Union Office to Hong Kong and EU Member States missions to conduct a comprehensive security review of their modalities of interactions with human rights defenders with a view to maintaining quality communication with and support to human rights defenders, including the issuing of emergency visas where appropriate, while addressing the risks through mitigating measures; calls on the EEAS and the Member States to fully apply the EU Guidelines on Human Rights Defenders, including by requesting prison visits, observing trials, releasing public statements, raising cases with authorities at all levels;

17. Reiterates its demand for the EEAS and the Council to devise concrete measures to increase support to Hong Kong civil society and media, such as extending the scope of the European Endowment for Democracy to projects located in South-East Asia, and including active engagement with the Hong Kong diaspora; Calls on the EEAS to closely monitor the status of prominent Hong Kong activists who are unable to leave the territory due to confiscation of travel documents and travel bans;

18. Calls on the EEAS to ensure adequate resources for the European Union Office to Hong Kong to continue conducting and adequately step up trial observation and human rights monitoring;

19. Calls on the EU and the Member States to help in saving Hong Kong’s democratic memory by assisting with the archiving, publicizing, documenting human rights violations, and to counteract the PRC by making books banned in Hong Kong widely available online; Expresses its support for efforts by international television channels, such as Deutsche Welle and France 24, to regularly report about developments in Hong Kong;

20. Further recalls and reiterates its condemnation of the complicity of European-based banks in freezing the assets and bank accounts belonging to former pro-democracy lawmakers and targeted media outlets; reiterates its call on the EEAS to evaluate the level of compliance, involvement and collaboration of EU-based companies with Hong Kong authorities in enforcing the NSL;

21. Calls on the Commission and the EEAS to step up application and work on appropriate export control mechanisms to deny China and Hong Kong access to technologies used to violate human rights, as well as on setting rules to prevent European investment in companies complicit in gross human rights violations in China and Hong Kong, including the option of an entity list;

22. Calls on the EEAS, Commission and the Member States to review the EU-Hong Kong Agreement on Cooperation and Mutual Administrative Assistance in Customs Matters and the EU’s support for Hong Kong’s seat at the World Trade Organisation in light of the total dismantlement of the territory’s high degree of autonomy;
23. Urges the EEAS and the Member States to adopt new targeted sanctions under the EU human rights global sanctions regime, including the implementation of travel bans and asset freezes, against individuals and entities in Hong Kong and China, for the serious human rights and international law violations in Hong Kong, including Carrie Lam, Teresa Yeuk-wah Cheng, Xia Baolong, Zhang Xiaoming, Luo Huining, Zheng Yanxiong, Chris Tang Ping-keung, Stephen Lo Wai-chung, and John Lee Ka-chiu, as well as PRC institutions, having a crucial role in adopting measures and complicit actions undermining Hong Kong’s high degree of autonomy and freedoms;

24. Welcomes the decision of US, UK and other governments to politically boycott the 2022 Beijing Winter Olympics; Calls on the EU Commission, Council and Member States to decline invitations for government representatives and diplomats to attend the games.

25. Supports the calls by UN experts for a Special Session of the Human Rights Council or an urgent debate to evaluate the deteriorating human rights situation and the range of violations by China’s government, including with regards to the implementation of the NSL in Hong Kong, and to establish an impartial and independent UN mechanism to closely monitor, analyse, and report annually on that topic, 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; Urges the UN Secretary-General to appoint a Special Envoy, consistent with his Call to Action on Human Rights, and calls on the High Commissioner for Human Rights to fulfil her independent mandate to monitor and publicly report on China’s sweeping rights violations;

26. Encourages UN members to hold regular public events to raise awareness about the Chinese government’s grave human rights violations, including crimes against humanity, and other violations of international law, including at least one Arria formula meeting of the UN Security Council; welcomes if EU institutions or MS would consider commemorating the 1 July as “Stand with Hong Kong Day” in order to annually raise the awareness of the European public on the situation of Hong Kong; reiterates its call to the EU and the Member States to consider filing a case before the International Court of Justice alleging that China’s decision to impose the NSL on Hong Kong and its application violate the Sino-British Joint Declaration and the ICCPR;

27. Welcomes the outcome of the recent talks in the framework of the EU-US Dialogue on China and the discussions on human rights abuses in China including the erosion of autonomy and democracy in Hong Kong; encourages the EU and the US to continue close cooperation and concerted actions, including in multilateral fora, on human rights issues in China as a key objective of the Dialogue;

28. 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.