18.1.2022

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))

Hilde Vautmans, Petras Auštreivičius, Nicola Beer, Izaskun Bilbao Barandica, Dita Charanzová, Olivier Chastel, Engin Eroğlu, Vlad Gheorghe, Klemen Grošelj, Bernard Guetta, Svenja Hahn, Martin Hojsík, Karin Karlsbro, Ilhan Kyuchyuk, Nathalie Loiseau, Karen Melchior, Javier Nart, María Soraya Rodríguez Ramos, Michal Šimečka, Nicolae Ţăfănuţă, Ramona Strugariu, Dragoş Tudorache, Marie-Pierre Vedrine on behalf of the Renew Group
European Parliament resolution on violations of fundamental freedoms in Hong Kong (2022/2503(RSP))

The European Parliament,

- having regard to its previous resolutions on Hong Kong and on China, in particular the one 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, of 21 January 2021 on the crackdown on the democratic opposition in Hong Kong, of 8 July 2021 on Hong Kong, notably the case of Apple Daily and the European Parliament resolution of 16 September 2021 on a new EU-China strategy,

- having regard to the Council conclusions on Hong Kong of 28 July 2020,

- having regard to the statement by the EEAS Spokesperson on the expulsion of democratically elected district councillors and the shrinking space for civil society of 21 October 2021 and to the statement by HR/VP Josep Borrell on the Legislative Council Election held on 19 December 2021, of 20 December 2021,

- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council of 12 March 2019 entitled ‘EU-China – A strategic outlook’,

- having regard to the adoption of the National Security Law in Hong Kong by the Standing Committee of 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,

- 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 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 Rule 144(5) and 132(4) of its Rules of Procedure,

A. whereas the Hong Kong national security law (NSL) passed on 30 June 2020 by the central Chinese authorities in the wake of intense pro-democracy protests has been used since its adoption to dismantle Hong Kong’s political and legal landscape, to stifle freedom of speech, justify censorship, harassment, arrests and prosecutions systematically targeting elected representatives, activists, students and journalists in the pro-democracy camp;
B. whereas in June 2021, around 500 Hong Kong police officers raided the offices of the largest independent media outlet, Apple Daily, and arrested several of its senior executives and editors, forcing Apple Daily to close; whereas the founder of Apple Daily, Jimmy Lai, is in jail for his involvement in the 2019 protest movement and for participating in a vigil marking the 1989 Tiananmen massacre in Beijing and faces additional charges under the NSL that carry a possible life sentence;

C. whereas on 29 December 2021, Stand News, one of the last pro-democracy news organisation, said it would close after police officers raided its headquarters and arrested several of its senior staff; whereas some days later another independent news outlet, Citizen News, announced it would be closing to protect the security of its staff; whereas the online media outlet DB Channel shut operations in Hong Kong in November 2021, following the arrest of co-founder Frankie Fung; whereas a November 2021 survey of the Foreign Correspondents’ Club of Hong Kong found that more than 70% of correspondents in the city were concerned about being arrested or prosecuted because of their reporting;

D. whereas many pro-democracy figures, including Joshua Wong, Sze-yiu Koo, Martin Lee, Albert Ho, Margaret Ng were sentenced for their peaceful involvement in protests; whereas the lengthy imprisonment of individuals for non-violent acts is a further sign of the significant erosion of fundamental freedoms in Hong Kong;

E. whereas so far Hong Kong used to be the only place in China where mass remembrance of Tiananmen was still tolerated; whereas recently three Hong Kong universities have removed art pieces marking the Tiananmen Square massacre;

F. whereas in November 2021, Ma Chun-man, a pro-independence activist, was sentenced to almost six years in prison for inciting secession under the security law by chanting pro-independence slogans;

G. whereas by mid-2021, almost all leading pro-democracy legislators and activists in Hong Kong have been arrested, imprisoned or forced to exile, with most major pro-democracy organisations, trade unions and media outlets disbanded due to the repression;

H. whereas since the National Security Law came into force, more than 150 Hongkongers have been arrested; whereas among them, 100 were charged and four companies were also prosecuted for allegedly violating the security legislation;

I. whereas Hong Kong authorities deployed new provisions for candidacy and taking up of public offices to expel 49 democratically elected District Councillors from their seats, while more than 240 pro-democracy Councillors resigned from their positions amid the crackdown on public dissent, negating the results of the November 2019 District Council elections, in which pro-democracy candidates secured more than 80% of the seats;

J. whereas Beijing and Hong Kong authorities used the national security law to purge the Hong Kong opposition, introduced electoral changes which reduced the number of directly elected seats, established a vetting process to severely restrict the choice of candidates and criminalised calls for voters to boycott or cast blank ballots, which led to a dramatically low turnout with only thirty percent of voters participating and pro-Beijing candidates claiming an overwhelming victory in the 19 December 2021 Hong Kong Legislative
Council elections; whereas the election turnout was 30.2 percent, which is the lowest since the Basic Law came into effect;

K. whereas the NSL is in clear violation of the 1984 Sino-British Joint Declaration and the 1990 Basic Law of the HKSAR; whereas both the Joint Declaration and the Basic Law enshrine the ‘one country, two systems’ principle’ as agreed between China and the United Kingdom;

L. whereas the Hong Kong Chief Executive, Carrie Lam, has indicated that Hong Kong will introduce new national security legislation which will criminalise foreign political organisations from conducting activities in Hong Kong,

M. Whereas China’s Ministry of National Defense has appointed the chief of staff of the Armed Police Force in Xinjiang, Peng Jingtang, as the People’s Liberation Army (PLA) Hong Kong garrison commander,

N. whereas the EU and the European Parliament have always strongly supported the ‘one country, two systems’ principle and the preservation of Hong Kong’s high degree of autonomy in line with the Basic Law and international commitments; whereas in the current circumstances these principles are undermined and nullified;

1. Is alarmed by and condemns in the strongest terms the numerous and on-going violations of fundamental freedoms in Hong Kong, including the steps taken by the Chinese and Hong Kong authorities to attack media freedom and freedom of expression in Hong Kong, including through the use of the 2020 national security law;

2. Condemns in the strongest possible terms the forced closure of Stand News, Citizen News and DB Channel and the arrest of journalists at Stand News and the pro-democracy activists Margaret Ng and Denise Ho under colonial sedition laws; Calls for the release of all political prisoners in Hong Kong, including those Apple Daily, Stand News and DB Channel journalists who remain in police custody and awaiting trial; expresses concern that the closure of Apple Daily, Stand News, Citizen News and other media channels will lead to increased pressure from the Chinese authorities on the remaining local news publications; calls for a stop to politically motivated prosecutions and other legal procedures against journalists, peaceful protesters and other independent voices;

3. Reiterates that the freedom of expression and of information is a fundamental right enshrined in Hong Kong’s domestic and international law; calls on the Hong Kong and Chinese authorities to end all harassment and intimidation directed at journalists and other independent voices and to protect them against all forms of violence, pressure, or unfair legal proceedings;

4. Condemns the conviction and sentencing of barrister and human rights defender Chow Hang-tung and others for their roles with respect to the 2020 and 2021 Tiananmen Massacre vigil, and the chilling effect this has on freedom of assembly and the right to demand truth and accountability for past human rights violations; Deplores the decision by the Hong Kong authorities to ban for the past two years the annual 4 June Tiananmen Square vigil and the annual 1 July march; deeply regrets the removal of a monument to
the victims of Tiananmen Square, the Pillar of Shame, by the University of Hong Kong from its premises and sees it as continuous attack on academic freedom in Hong Kong and effort to erase history and collective memory;

5. Urges the Chinese authorities to repeal the NSL, which is in breach of China’s commitments and obligations under international law; urges the Hong Kong authorities to fully restore respect for the rule of law, human rights, democratic principles and the autonomy under the ‘one country, two systems’ principle, as enshrined in the Hong Kong Basic Law;

6. Stresses that the NSL prevents a relationship of trust between China and the EU, undermines future cooperation and leads to a further erosion of Beijing’s credibility on the international stage, while also significantly damaging Hong Kong’s international status and reputation;

7. Deplores the introduction of a ‘patriot-only’ principle and the banning of dissenting candidates as serious violations of democratic principles and political pluralism committed in the run-up to the December 2021 Legislative Council Election, which was neither free, nor fair; stresses that the legitimacy of the upcoming Hong Kong Chief Executive Election on 27 March 2022 will be questionable as the same group of electorates of the 1,500-strong Election Committee of the 2021 Legislative Council Election will select Hong Kong's head of government and region; calls on Chinese and Hong Kong authorities to abide by their national and international commitments, including the commitments to greater democratic representation enshrined in the Hong Kong Basic Law;

8. Expresses its concerns about plans to introduce new national security legislation and calls on the Hong Kong Chief Executive to recommit to upholding the Basic Law which guarantees freedom of association, freedom of assembly, and freedom of expression;

9. Firmly condemns the Hong Kong authorities' move to erase memorials of the 1989 Tiananmen square events and the removal of commemorating works of art in universities;

10. Condemns the emerging restrictions on the independence of the judiciary and the increasing politicisation of courts; stresses the urgent need to prevent the dismantling of Hong Kong’s independent judiciary and calls on the European institutions to follow closely the rule of law situation in Hong Kong;

11. Expresses concern over the appointment of the chief of staff of the Armed Police Force in Xinjiang, Peng Jingtang, as the PLA’s Hong Kong garrison commander and about comments that he will focus on alleged terrorist activities in Hong Kong;

12. Reiterates the Parliament’s position that any ratification of the EU-China Comprehensive Agreement on Investment will consider the ongoing human rights situation in Hong Kong and mainland China;

13. Urges the EU and its Member States to adopt new measures regarding the serious violations of human rights and international law in Hong Kong, including targeted sanctions under the EU Global Human Rights Sanctions Regime against the individuals and entities in Hong Kong and China which have a crucial role in adopting measures
undermining Hong Kong’s autonomy and freedoms, including on 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;

14. Calls on the Member States and EU institutions to continue to implement the package of measures adopted in July 2020; urges EU and Member States diplomatic missions to provide protection and support to peaceful activists and journalists in Hong Kong, including by issuing emergency travel documents for individuals at risk of imprisonment under the ongoing crackdown on human rights, monitoring and attending trials, requesting prison visits, releasing public statements, and raising cases with authorities at all levels; calls on those Member States which continue to have extradition treaties with China and Hong Kong in force to suspend individual extraditions wherever the extradition of an individual puts them at risk of torture or cruel, inhuman or degrading treatment, where that individual would face charges for politically motivated reasons, in other situations where representatives of the pro-democratic opposition in Hong Kong, dissidents or representatives of ethnic minorities would be targeted, and wherever this would be in breach of the EU’s obligations under the European Convention on Human Rights; calls on the EU Member States to coordinate with each other and to establish a new migration package for Hong Kong people at risk;

15. Urges the Council to bypass the current veto by one Member State and press ahead with the adoption and implementation of an EU lifeboat scheme for Hong Kongers and other oppressed minorities in the next few months;

16. Calls on the Commission, the Member States and universities in Europe to increase the number of academic and training opportunities for students from Hong Kong, providing them with pathways to continue staying in the EU to live, work and study and to protect the academic freedom of Hong Kong students and scientists at European universities from pressure from the Hong Kong and Chinese authorities;

17. Calls on the EU and its Member States to continue applying export control mechanisms to deny China and Hong Kong access to technologies that could be used to violate human rights, and to consider rules to prevent European investment in companies that are complicit in human rights violations in Hong Kong and China;

18. Calls on the Member States and EU institutions to address the serious violations of fundamental freedoms in Hong Kong in their meetings with the Chinese authorities and to urge them to comply with China’s international human rights commitments;

19. Calls on the Member States and EU institutions to cooperate closely with like-minded partners to address the significant erosion of Hong Kong’s freedoms in all relevant multilateral fora; Further calls on the Member States to back a United Nations (UN) Human Rights Council special session on the deteriorating human rights situation in China, including with regards to the implementation of the NSL in Hong Kong;

20. Calls on the Commission and 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 ongoing destruction of the territory’s autonomy;
21. Urges the Commission to ensure that the upcoming EU Sustainable Finance Disclosure Regulation includes provisions strengthening reporting requirements regarding European pension fund investments in Chinese companies accused of complicity in gross human rights violations;

22. Calls on the EU Commission, Council and Member States to decline invitations for government representatives and diplomats to attend the Beijing 2022 Winter Olympics games in light of the human rights situation in Hong Kong, the Xinjiang Uyghur Region and elsewhere in China;

23. Encourages the EU institutions and Member States to hold or support regular public events to raise awareness about the human rights situation in Hong Kong;

24. 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.