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*Plenary sitting*

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**B9-0073/2022**

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 the violations of fundamental freedoms in Hong Kong**  
(2022/2503(RSP))

**Pedro Marques, Andrea Cozzolino, Isabel Santos**  
on behalf of the S&D Group

**European Parliament resolution on the violations of fundamental freedoms in Hong Kong  
(2022/2503(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Hong Kong, in particular those of 6 July 2021 on Hong Kong, notably 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 and the need for the EU to defend Hong Kong's high degree of autonomy, 17 July 2019 on the situation in Hong Kong<sup>1</sup>, of 24 November 2016 on the case of Gui Minhai, jailed publisher in China<sup>2</sup>, of 4 February 2016 on the case of the missing book publishers in Hong Kong<sup>3</sup>, of 15 December 2005 on the human rights situation in Tibet and Hong Kong<sup>4</sup>, 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 Region<sup>5</sup>, of 19 December 2002 on Hong Kong<sup>6</sup>, of 26 October 2000 on the First and Second Annual Reports by the Commission on the Special Administrative Region of Hong Kong<sup>7</sup>, of 8 October 1998 on the communication from the Commission to the Council on the European Union and Hong Kong: Beyond 1997<sup>8</sup>, and of 10 April 1997 on the situation in Hong Kong<sup>9</sup>,
- having regard to its previous resolutions on China, in particular those of 16 September 2021 on A new EU-China strategy, of 20 May 2021 on Chinese countersanctions on EU entities and MEPs and MPs, of 12 September 2018 on the state of EU-China relations<sup>10</sup> and of 16 December 2015 on EU-China relations<sup>11</sup>,
- 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<sup>12</sup>,
- having regard to the declaration of the High Representative/Vice-President Josep Borrell on the Legislative Council Election held on 19 December 2021, 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, to the statement by the EEAS Spokesperson on the closure of Apple Daily's Hong Kong operations of 23 June 2021, to

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<sup>1</sup> Texts adopted, P9\_TA(2019)0004.

<sup>2</sup> OJ C 224, 27.6.2018, p. 78.

<sup>3</sup> OJ C 35, 31.1.2018, p. 46.

<sup>4</sup> OJ C 286E, 23.11.2006, p. 52.

<sup>5</sup> OJ C 64E, 12.3.2004, p. 130.

<sup>6</sup> OJ C 31E, 5.2.2004, p. 261.

<sup>7</sup> OJ C 197, 12.07.2011, p.115.

<sup>8</sup> OJ C 328, 26.10.1998, p. 139.

<sup>9</sup> OJ C 132, 28.4.1997, p. 222.

<sup>10</sup> OJ C 433, 23.12.2019, p. 103.

<sup>11</sup> OJ C 399, 24.11.2017, p. 92.

<sup>12</sup> OJ C 369, 11.10.2018, p. 156.

the statement of the High Representative/Vice-President Josep Borrell on the changes to Hong Kong's electoral system of 6 June 2021, to the statement of the EEAS Spokesperson on the sentencing of pro-democracy activists of 16 April 2021, to the declaration of the HR/VP on behalf of the EU on the NPC Decision regarding the Hong Kong electoral system of 11 March 2021, 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 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 11th EU-China Strategic Dialogue of 28 September 2021, in between the High Representative/Vice-President Josep Borrell and the State Councillor/Foreign Minister Wang Yi,
- having regard to the G7 Foreign Ministers' statement of 20 December 2021 on the Hong Kong Legislative elections,
- having regard 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 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 2020” of 12 March 2021 from the Commission and the VP/HR to Parliament and the Council, and the other 22 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 and the principle “One country two systems”,
  - 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;
- 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 changes to the electoral system adopted by the Standing Committee of China’s National People’s Congress (NPC) in March 2021 and passed by Hong Kong’s Legislative Council on 27 May 2021 are breaching the “One Country Two Systems” principle; whereas these changes run counter to the commitments to greater democratic representation enshrined in the Hong Kong Basic Law;
- E. whereas the National Security Law imposed by Beijing - which has led to over 150 people arrested to date - is being used to stifle freedom of the press and the free expression of opinions; whereas this legislation undermines media freedom and pluralism, which are essential for any open and free society; whereas the erosion of press freedom is also counter to Hong Kong’s aspirations as an international business hub;
- F. whereas Hong Kong’s seventh Legislative Council Election took place on 19 December 2021; whereas this was the first such election since the imposition of the National Security Law and the implementation of sweeping changes in the electoral system which run

counter to the commitments to greater democratic representation enshrined in the Hong Kong Basic Law.

- G. whereas the Legislative Council Election saw a reduction in the number of seats directly elected by Hongkongers; whereas the fundamental rights of Hong Kong citizens were also impacted by threats of legal action against those calling for non-participation;
- H. whereas the European Union sees this election, in combination with the ongoing pressure on civil society, as yet another step in the dismantling of the ‘One Country Two Systems’ principle; whereas EU attaches great importance to the preservation of Hong Kong’s high degree of autonomy as well as respect for human rights and fundamental freedoms, democratic principles and the rule of law, in line with the Basic Law and with international commitments.
- I. whereas 47 pro-democracy advocates including former opposition lawmakers and civil society representatives were arrested in January 2021 for their role in prodemocracy primary elections in July 2020; whereas many of these individuals have not been able to stand in the Legislative Council Election as they were held in custody on charges pursuant to the National Security Law; whereas the arrests of opposition figures also had an impact on the number of candidates.
- J. whereas the pressure on Hong Kong’s civil society has intensified, as reflected in the disbanding of 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 as well as the closure of the Amnesty International office;
- K. whereas press freedom has been eroded, as manifested in the enforced closure of Apple Daily and the arrest of Jimmy Lai and the editorial staff of the newspaper; whereas the subsequent arrest of the current and former leadership of the Stand News, one of the last remaining prominent pro-democracy publications, resulting in its closing, also contributes to erosion of free press; whereas this media environment erosion finally culminated in the closing of Citizen News, the largest independent online news outlet, in view of the need to protect its staff. Lengthy pre-trial detention for some individuals involved in non-violent acts is another sign of the continued curtailing of human rights and fundamental freedoms in Hong Kong.
- L. whereas the independence of the judiciary must be guaranteed, with its crucial role in safeguarding human rights and fundamental freedoms in Hong Kong.
- M. whereas the lengthy imprisonment of some of the individuals for non-violent acts when exercising protected civic rights is a further sign of the continued diminution of the democratic space and erosion of fundamental freedoms in Hong Kong; whereas the exercise of fundamental freedoms, including peaceful assembly, must be ensured, as guaranteed in the Hong Kong Basic Law and in the Sino-British Joint Declaration;
- N. whereas the pan-democratic camp in Hong Kong, human rights organisations and the international community have criticised these decisions 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;

- O. whereas the journalists at Macau’s public broadcaster have been ordered to promote “patriotism, respect and love” for China, and at least six journalists have resigned after the introduction of new editorial rules, showing that concerns over the National Security Law also affects other regions; Whereas the Macao Basic Law also protects freedom of press and is in place until 2049.
- P. whereas the EU and Parliament strongly support the ‘one country, two systems’ principle and Hong Kong’s high degree of autonomy;
1. The European Union and the Parliament strongly condemns this violation of democratic principles and political pluralism in Hong Kong; 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 unconditional release and dropping of all charges against all peaceful Hong Kong protesters arrested in the last years, who have simply exercised their right to freedom of expression or other human rights, such as Tsz Lun Kok, a dual Chinese and Portuguese national and, therefore, an EU citizen, who was sentenced in Shenzhen, in 2020, to seven months of imprisonment for allegedly trying to flee Hong Kong by boat and currently awaits trial in custody, in Hong Kong, and end the practice of bringing such charges in future; calls for independent, impartial, effective and prompt investigations into the use of force by Hong Kong police against protesters;
  3. Condemns the conviction and sentencing of barrister and woman 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;
  4. Condemns the on-going prosecution under repressive laws, including the National Security Law, the assembly-related provisions in the Crimes Ordinance, and the sedition law, against human rights defenders for exercising their rights including the cases of human rights defenders Chow Hangtung, Lee Cheuk-yan, Albert Ho who were all prosecuted together. Calls on the Hong Kong Government to review all these laws and amend them to align them with international human rights standards;
  5. Calls for the immediate and unconditional release of Swedish bookseller Gui Minhui imprisoned in the PRC;
  6. Calls on the Hong Kong authorities for the immediate and unconditional release of all the Stand News and Apple Daily journalists who remain in police custody and awaiting trial and to end all legal harassment and all intimidation directed at journalists and to strive for their protection and 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 accord with international norms, especially with Articles 19 and 21 of the International Covenant on Civil and Political Rights on the right to freedom of expression and the right to freedom of peaceful assembly;

7. 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; condemns the use or threat of using the powers under article 43 of the Hong Kong National Security Law given to police to compel organisations and individuals to turn over data and information, which creates enormous risks and pressure on the operations and work of human rights defenders, donors and international organisations that work in or support human rights in Hong Kong and mainland China;
8. Calls for the end of politically motivated prosecutions and other legal procedures against peaceful protesters and others to silence critical voices and deter people from participation in the public sphere;
9. Calls on Chinese authorities to cease the threatening, intimidation, harassment, reprisal, and espionage of Hong Kong diaspora communities, including human rights defenders, in EU member states; Urges EU Member States to reinforce the protection of Chinese activists residing in their countries;
10. 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;
11. 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; calls for the safeguards that are enshrined in Hong Kong law are strictly adhered to as a counterweight to the sweeping powers introduced by the National Security Law
12. 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; 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;
13. Calls on the Commission and the Member States to address the issue of the national security law for Hong Kong, Macao and any other regions, as a top priority on the agenda of all EU-China meetings and to resolutely address the issue in diplomatic consultations in preparation of these; calls for the EU institutions and the Member States to offer all needed support to the human rights activists in Hong Kong, Macao, Tibet, Xinjiang and any other regions, in full application of the relevant EU guidelines, including through the issuing of emergency visas and by providing temporary shelter in EU Member States;;
14. Calls for the EU and its Member States to fully support a United Nations Human Rights

Council special session or urgent debate on the deteriorating human rights situation in China, including the implementation of the National Security Law, consider the creation of a monitoring and reporting mechanism and the appointment of a UN Special Envoy;

15. Calls on the European Union Office to Hong Kong and EU Member States missions in Hong Kong to conduct a comprehensive security review of their modalities of interactions with human rights defenders with a view to identifying good practices that maintain quality communication with and support to human rights defenders, while also adequately addressing the risks such interactions may generate and take steps to mitigate them under the new political realities in Hong Kong; calls once again the European Union Office to Hong Kong and member states missions to coordinate to fully implement the EU Guidelines on Human Rights Defenders by making full use of all tools at their disposal to protect human rights defenders in Hong Kong, including by requesting prison visits, observing trials, releasing public statements, raising cases with authorities at all levels; calls on the EU and its 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 Hong Kong Journalists Association and other civil society groups;
16. Reiterates its position on the EU-China Comprehensive Agreement on Investment (CAI), expressed in its resolution of 21 May 2021 and reiterates its call on the Council to promptly impose targeted sanctions under the EU Global Human Rights Sanction regime on individuals in Hong-Kong, Macao and mainland China, notably in Xinjiang, responsible for Human Rights violations;
17. 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;
18. 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;
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. 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;