



Plenary sitting

**B9-0169/2020/REV }
B9-0171/2020 }
B9-0173/2020 }
B9-0176/2020 }
B9-0181/2020 } RC1**

15.6.2020

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 132(2) and (4) of the Rules of Procedure

replacing the following motions:

B9-0169/2020 (Renew)
B9-0171/2020 (S&D)
B9-0173/2020 (Verts/ALE)
B9-0176/2020 (PPE)
B9-0181/2020 (ECR)

on the PRC national security law for Hong Kong and the need for the EU to defend Hong Kong's high degree of autonomy (2020/2665(RSP))

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on behalf of the PPE Group

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on behalf of the S&D Group

Hilde Vautmans, Abir Al Sahlani, Petras Auštrevičius, José Ramón Bauzá

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Rodríguez Ramos, Nicolae Ștefănuță, Marie Pierre Vedrenne

on behalf of the Renew Group

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on behalf of the Verts/ALE Group

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European Parliament resolution on the PRC national security law for Hong Kong and the need for the EU to defend Hong Kong’s high degree of autonomy (2020/2665(RSP))

The European Parliament,

- having regard to its resolution of 18 July 2019 on the situation in Hong Kong¹, to its resolutions of 24 November 2016 on the case of Gui Minhai, jailed publisher in China², of 4 February 2016 on the case of the missing book publishers in Hong Kong³, and to its previous recommendations relating to Hong Kong, in particular the recommendation of 13 December 2017 on Hong Kong, 20 years after handover⁴,
- having regard to its previous resolutions on China, in particular those of 12 September 2018⁵ and of 16 December 2015⁶ on EU-China relations,
- having regard to the adoption on 28 May 2020 of the Chinese National People’s Congress’ resolution on the National Security Law for Hong Kong,
- having regard to the declarations on Hong Kong by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR), on behalf of the European Union, of 22 and 29 May 2020 ,
- having regard to the joint statement of the 21st EU-China summit of 9 April 2019,
- 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 communication from the Commission and the VP/HR of 22 June 2016 on elements for a new EU strategy on China (JOIN(2016)0030), the joint communication from the Commission and the VP/HR of 12 March 2019 entitled ‘EU-China – A strategic outlook’ (JOIN(2019)0005), and the Council conclusions of 18 July 2016 on the EU Strategy on China,
- having regard to the joint reports of the Commission and the VP/HR of 8 May 2019 (JOIN(2019)008), 26 April 2017 (JOIN(2016)0016) and 25 April 2016 (JOIN(2016)0010) on the Hong Kong Special Administrative Region – Annual Report, and the other 20 similar reports preceding it,
- having regard to the 13th annual Structured Dialogue that took place in Hong Kong on 28 November 2019, and the 37th EU-China Human Rights Dialogue, held in Brussels

¹ Texts adopted, P9_TA(2019)0004.

² OJ C 244, 27.6.2018, p. 78.

³ OJ C 35, 31.1.2018, p. 46

⁴ OJ C 369, 11.10.2018, p. 156

⁵ OJ C 433, 23.12.2019, p. 103.

⁶ OJ C 399, 24.11.2017, p. 92.

on 1 and 2 April 2019,

- 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 Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights of 16 December 1966,
- having regard to Rule 132(2) and (4) of its Rules of Procedure,

A. whereas the 1984 Sino-British Joint Declaration guaranteed, 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 the Basic Law of the HKSAR lays down provisions guaranteeing its autonomy in maintaining security and order, and to enact legislation on any act of treason, secession, sedition or subversion against the Central People’s Government; whereas both the Joint Declaration and the Basic Law enshrine the ‘One Country, Two Systems’ principle’ as agreed between China and the United Kingdom; whereas the PRC has also signed and ratified international agreements guaranteeing these rights and has thus acknowledged the significance and universality of human rights; whereas Hong Kong is party to the International Covenant on Civil and Political Rights (ICCPR);

B. whereas the EU advocates the promotion of and respect for human rights, democracy and the rule of law as core values guiding our long-standing relationship with the People’s Republic of China, in line with the EU’s commitment to uphold these values in its external action; whereas the EU remains a strong supporter of 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, as well as to the respect for this principle; whereas in particular since the Occupy Protest, the ‘One Country, Two Systems’ principle is being eroded through the interference of Chinese authorities, political leaders have been imprisoned, free speech has been eroded, enforced disappearances have increased, and bookshops and media outlets have been bought by owners friendly to Beijing;

C. whereas the Chinese National People’s Congress (NPC) adopted a resolution on 28 May 2020 authorising the NPC Standing Committee to adopt legislation targeting separatism, subversion of state power, terrorism and foreign interference in Hong Kong, and mentions other measures to be taken, including national security education, the establishment of national security organs of the Central People’s Government (CPG) in Hong Kong, and regular reporting by the Chief Executive to the CPG on Hong Kong’s

performance in fulfilling its duty to safeguard national security;

- D. whereas the international community sees this decision as a threat to the ‘One Country, Two Systems’ principle, believes that it ignores the provisions of the Basic Law and the Joint Sino-British Declaration, goes against Hong Kong’s commitments on human rights, entirely bypasses Hong Kong’s own legislative process, and constitutes the latest and most blatant of Beijing’s continuing attempts ongoing for years to curb the freedom and autonomy of Hong Kong and its citizens’ civil liberties;
- E. whereas over recent years, the people of Hong Kong have taken to the streets in unprecedented numbers, exercising their fundamental right to assemble and to protest; whereas instead of reducing the ongoing tensions in Hong Kong’s politics and society, this law further intensifies existing unrest; whereas, in February 2019, the HKSAR administration proposed the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 to amend the Fugitive Offenders Ordinance against massive opposition from Hong Kong citizens, sparking the massive protests in Hong Kong in 2019 and 2020, but was later withdrawn after 20 weeks of protests;
- F. whereas during April and May 2020 Beijing redoubled its efforts to impose its rule on Hong Kong while silencing, arresting and prosecuting hundreds of pro-democracy activists and opposition groups; whereas Hong Kong police have enjoyed impunity for all its brutality against demonstrators in 2019 and 2020; whereas more than 360 Hong Kong pro-democracy activists were arrested on 27 May 2020 amid demonstrations against the Chinese anti-sedition law; whereas the Hong Kong police used social distancing measures related to COVID-19 as a pretext to use unnecessary and excessive force against the peaceful vast majority, including tear gas, rubber bullets, beanbags and pepper spray;
- G. whereas on 20 April 2020 Members of the European Parliament urged the Chief Executive to ensure that charges against 15 pro-democracy activists who participated in peaceful protests in Hong Kong in 2019 are dropped; whereas on 13 May 2020 United Nations human rights experts urged the authorities of the Hong Kong Special Administrative Region to immediately drop the criminal prosecution of the 15 pro-democracy activists;
- H. whereas under the proposed national security plan, activist groups could be banned and prosecuted, Courts could impose long jail sentences for national security violations, China’s security agencies could operate openly in the city, and a new ban on terrorism will give to the Chinese authorities, security and military forces ample and unchecked discretion to operate in Hong Kong; whereas mainland China’s enforcement agencies have reportedly already been operating in Hong Kong illegally; whereas any operation of PRC law enforcement agencies in Hong Kong is a serious violation of the ‘One Country, Two Systems’ principle;
- I. whereas Hong Kong’s leader Carrie Lam defended the legislation proposed by Beijing admitting that no public consultation will take place in Hong Kong on the security plan, while also claiming that rights and freedoms are not absolute; whereas in a letter

published in newspapers on 29 May 2020 the Chief Executive appealed to Hong Kong citizens for their full understanding and staunch support for the Decision passed by the NPC;

- J. whereas the PRC State Council issued a white paper on the practice of the ‘One Country, Two Systems’ policy in Hong Kong on 10 June 2014, stressing that the autonomy of the HKSAR is ultimately subject to central PRC Government authorisation; whereas the Chinese Government has encouraged the HKSAR Government to adopt a new zero-tolerance policy towards any mention of ‘self-determination’ or ‘independence’ on grounds of national security and in contravention of the Basic law;
- K. whereas mainland China’s judiciary lacks independence from the government and the Chinese Communist Party and is characterised by arbitrary detention, torture and other ill-treatment, serious violations of the right to a fair trial, enforced disappearances and various systems of incommunicado detention without trial;
- L. whereas a cross-party international coalition led by the former Governor of Hong Kong, Lord Patten, which has so far been joined by around 900 parliamentarians and policymakers from more than 40 countries, issued a statement decrying Beijing’s ‘unilateral introduction of national security legislation in Hong Kong,’ and calling for sympathetic governments to unite against this ‘flagrant breach of the Sino-British Joint Declaration’;
- M. whereas the Pan-Democracy Camp won an overwhelming victory in the Hong Kong district elections of 24 November 2019; whereas the Hong Kong Legislative Council elections are scheduled for September 2020;
- N. whereas UK Foreign Secretary Dominic Raab stated on 2 June 2020 in the House of Commons that if China follows through with its proposed legislation, the government will put in place new arrangements to allow British National Overseas passport holders in Hong Kong to come to the United Kingdom without the current six month limit, enabling them to live and apply to study and work for extendable periods of 12 months, thereby also providing a pathway to citizenship;
- O. whereas according to Article 21 of the Treaty on European Union (TEU): ‘the Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world’;
- 1. Deplores 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 threatened; stresses that the introduction of the planned national security legislation would be seen as a breach of the People’s Republic of China’s commitments and obligations under international law, in particular the Sino-British Joint Declaration, threatens to severely damage the relationship of trust between China and the EU, and affect future cooperation, as well as business confidence in Hong Kong as a major

global financial centre;

2. Strongly condemns the constant and increasing interference by China in Hong Kong's internal affairs, as well the recent assertion by China that the Sino-British Joint Declaration of 1984 is a historic document, and hence no longer valid; stresses that the Chinese Government is bound by the Joint Declaration, which was registered with the UN as a legally binding treaty, to uphold Hong Kong's high degree of autonomy and its rights and freedoms; expresses deep concern that a permanent infringement of Hong Kong's autonomous governing framework will severely dampen its economy; calls upon the PRC Central Government to desist from pressuring the business community into supporting the National Security legislation, and to refrain from labelling international support for Hong Kong's autonomy and Hong Kong's freedoms as 'interference in internal affairs' and acts of subversion and separation, as these concerns address binding international obligations of the PRC;
3. Calls on the Chinese authorities to respect China's international obligations under the Sino-British Joint Declaration; stresses that China should fully respect the Basic Law and the 'One Country, Two Systems' principle, including by finally implementing universal suffrage; underlines that China should not undermine the high degree of autonomy of the Hong Kong Special Administrative Region;
4. Supports the VP/HR's assessment that a new and more robust strategy to deal with a more assertive China is necessary, as well as an open and honest dialogue; urges the Council and the EEAS to adopt a stronger position supporting Hong Kong's continued legal autonomy; stresses that this is paramount to let pro-democracy supporters in Hong Kong and the wider international community know that the EU will stand by its founding values of freedom, democracy, respect for human rights and the rule of law;
5. Strongly urges the Council and the VP/HR to ensure that all aspects of EU relations with the People's Republic of China are guided by principles and values stipulated in Article 21 of the TEU, and to address the issue of the national security law for Hong Kong as a top priority on the agenda of the upcoming EU-China Summit and at the planned EU-China Leaders meeting, as well as other human rights issues, such as the situation of the Uyghurs;
6. Stresses that the EU is China's largest export destination; believes that the EU should use its economic leverage to challenge China's crackdown on human rights by economic means; underlines that the current situation reinforces Parliament's conviction that respect for human rights and fundamental freedoms must be an important element in the negotiations of an EU-China investment agreement; calls on the Commission to make use of all means at its disposal, together with the ongoing negotiations for a bilateral investment agreement, to put pressure on the Chinese authorities to preserve Hong Kong's high degree of autonomy as well as the basic rights and freedoms of its citizens and independent civil society organisations and to improve the human rights situation in the mainland and in Hong Kong; reiterates its call to include a binding and enforceable sustainable development chapter in the agreement; urges the EU, pursuant to Article 21 of the TEU, to include a human rights clause in any future trade agreement

with the People's Republic of China; instructs the Commission to inform the Chinese side that Parliament will take the human rights situation in China, including in Hong Kong, into consideration when asked to endorse a comprehensive agreement on investment or future trade deals with the PRC;

7. Stresses that the international community must work together closely to put pressure on Beijing to ensure that its actions are in line with the country's international commitments under the 1984 Sino-British Declaration;
8. Observes that the PRC's policy of abandoning the 'One Country, Two Systems' approach has greatly alienated the people of Taiwan, and emphasises its willingness to cooperate with international partners in order to help strengthening democracy in Taiwan;
9. Calls on the EU and its Member States to consider, in the event the new security law is applied, filing a case before the International Court of Justice alleging that China's decision to impose national security legislation on Hong Kong violates the Sino-British Joint Declaration and the ICCPR;
10. Urges the EU Member States that are members of the UN Security Council to convene an 'Arria meeting' to discuss the situation in Hong Kong with activists, NGO representatives and UN Special Rapporteurs; calls, in this context, on the EU to push for the UN Secretary General or the UN High Commissioner for Human Rights to appoint a UN Special Envoy or Special Rapporteur on the situation in Hong Kong, joining the initiative by the Chairs of the UK, Canadian, Australian, and New Zealand Foreign Affairs Committees;
11. Calls on the Council and the VP/HR to work with the international community to establish an international contact group on Hong Kong, and to coordinate action with international partners, in particular with the United Kingdom;
12. Calls on the Council and in particular on the incoming Council Presidency to finalise in 2020 the work on an EU Global Human Rights Sanctions Mechanism as supported by the European Parliament in its resolution of 14 March 2019⁷, and calls on the Council to adopt targeted sanctions and assets freezes against Chinese officials responsible for devising and implementing policies that violate human rights; believes this human rights framework could be used 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; stresses that such sanctions should be discussed and, when possible coordinated with democratic partners such as Australia, Canada, the USA, Japan and South Korea;
13. Calls for the EU, its Member States and the international community to work towards the imposition of appropriate export control mechanisms including cyber surveillance items to deny China, and in particular Hong Kong, access to technologies used to

⁷ Texts adopted, P8_TA(2019)0215.

violate basic rights; calls on the co-legislators, in this regard, to conclude a common position on reform of the Dual Use Regulation; stresses that Parliament has further developed and strengthened the Commission's proposal on the inclusion of strict export controls for listed and non-listed cyber-surveillance technology;

14. Calls on the EU Member States to carefully consider how to avoid economic and in particular technological dependency on the PRC, including in EU Member State decisions on developing their 5G networks;
15. Calls on the Council and the Commission to consider the creation of a 'life boat' scheme for the citizens of Hong Kong in the case of any further deterioration of human rights and fundamental freedoms;
16. 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; calls on the EU Member States to fully apply the relevant EU human rights guidelines, mobilising all diplomatic personnel to resolutely react to arrests and convictions of activists, including by ensuring trial observation, requesting prison visits, reaching out to relevant authorities to urge the release of those detained and convicted for the peaceful exercise of their freedom of expression;
17. Calls for an independent, impartial, effective and prompt investigation into the use of force by Hong Kong police against protesters; calls on the authorities of the Hong Kong Special Administrative Region to ensure that the charges against the 15 pro-democracy activists and politicians, as well as peaceful demonstrators, are dropped and the prosecution is stopped, including, among others, Martin Lee, Margaret Ng, Lee Cheuk-yan, Benny Tai, Jimmy Lai, Albert Ho and Leung Kwok-hung;
18. Expresses great concern at the steady deterioration of civil rights, political rights and press freedom; is deeply concerned by the abrogation of journalists' rights, the unprecedented pressure on journalists and their increasing self-censorship with regard, in particular, to coverage of sensitive issues on mainland China or those concerning the HKSAR Government;
19. Expresses growing concern over the heightened risk of the entry into force of the National Security Law for hundreds of thousands of EU citizens in Hong Kong;
20. Urges the VP/HR and the Member States' delegations to monitor closely and report regularly on the run-up to the Legislative Council (LegCo) elections currently scheduled for September, taking particular note of whether candidates are unjustly barred from running either through procedural obstacles or baseless legal proceedings, taking note also of whether all have access to assemble for campaign purposes, and whether voters are able to cast their votes freely; calls upon the HKSAR Government to ensure free and fair elections to the Legislative Council in September 2020; urges China to refrain from interference in the election processes in the HKSAR; reiterates its call for a systematic

reform to implement direct elections for the position of Chief Executive and to the Legislative Council, as enshrined in the Basic Law, and calls for agreement on an electoral system that is overall democratic, fair, open and transparent and that grants the people of the HKSAR the right to elect candidates, and to stand for election in the selection process for all leadership positions;

21. Calls for the immediate and unconditional release of Swedish bookseller Gui Minhai imprisoned in the PRC;
22. Calls on the VP/HR, the EEAS and the Member States to firmly raise all these concerns and to ensure a dialogue with the governments of the HKSAR and of China; recalls the importance for the EU 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; recalls, further, 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 dialogue with China to be pursued to ensure that it lives up to these commitments;
23. Pays respect to the brave people of China who gathered in Beijing's Tiananmen Square in June 1989 to call for the elimination of corruption, for political reforms and civil liberties; urges the Chinese authorities to enable the commemoration of the Tiananmen massacre not only in Hong Kong, but also in the whole territory of the PRC;
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.