JOINT MOTION FOR A RESOLUTION

pursuant to Rules 144(5) and 132(4) of the Rules of Procedure

replacing the following motions:
B9-0067/2022 (Verts/ALE)
B9-0071/2022 (Renew)
B9-0073/2022 (S&D)
B9-0075/2022 (ECR)
B9-0076/2022 (PPE)

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

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on behalf of the PPE Group
Pedro Marques, Andrea Cozzolino, Isabel Santos
on behalf of the S&D Group
Hilde Vautmans, Engin Ergolu, Petras Aušrevičius, Nicola Beer, Izaskun Bilbao Barandica, Dita Charanzová, Olivier Chastel, Vlad Gheorghe, Klemen Grošelj, Bernard Guetta, Svenja Hahn, Karin Karlsbro, Moritz Körner, Karen Melchor, Javier Nart, Frédérique Ries, María Soraya Rodríguez Ramos, Michal Šimečka, Nicolae Ştefanuţă, Ramona Strugariu, Dragoş Tudorache, Marie-Pierre Vedrenne
on behalf of the Renew Group
Reinhard Bütikofer, Francisco Guerreiro, Hannah Neumann, Katrin Langensiepen
on behalf of the Verts/ALE Group
on behalf of the ECR Group
Fabio Massimo Castaldo, Marco Campomenosi, Marco Zanni, Anna Bonfrisco, Susanna Ceccardi, Silvia Sardone
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 Hong Kong, notably the case of Apple Daily\(^1\), of 21 January 2021 on the crackdown on the democratic opposition in Hong Kong\(^2\), 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\(^3\), of 18 July 2019 on the situation in Hong Kong\(^4\) and of 24 November 2016 on the case of Gui Minhai, jailed publisher in China\(^5\),

- having regard to its previous resolutions on China, in particular those of 16 September 2021 on a new EU-China strategy\(^6\), of 20 May 2021 on Chinese counter-sanctions on EU entities and MEPs and MPs\(^7\), of 12 September 2018 on the state of EU-China relations\(^8\) and of 16 December 2015 on EU-China relations\(^9\),

- having regard to the statements by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) Josep Borrell of 20 December 2021 on the Legislative Council Election held on 19 December 2021, and of 9 June 2021 on the changes to Hong Kong’s electoral system, to his declaration on behalf of the EU of 11 March 2021 on Hong Kong’s electoral system, and to all his other statements and declarations on the situation in Hong Kong,

- having regard to the statement by the European External Action Service (EEAS) Spokesperson of 23 June 2021 on the closure of Apple Daily’s Hong Kong operations,

- having regard to the statement by the EEAS Spokesperson of 21 October 2021 on the expulsion of democratically elected district councillors and the shrinking space for civil society,

- having regard to the 11th EU-China Strategic Dialogue of 28 September 2021 between VP/HR Josep Borrell and Chinese State Councillor/Foreign Minister Wang Yi,

- having regard to the remarks by European 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

\(^{1}\) Texts adopted, P9_TA(2021)0356.
\(^{4}\) OJ C 165, 4.5.2021, p. 2.
\(^{5}\) OJ C 224, 27.6.2018, p. 78.
\(^{6}\) Texts adopted, P9_TA(2021)0382.
\(^{7}\) OJ C 15, 12.1.2022, p. 170.
\(^{9}\) OJ C 399, 24.11.2017, p. 92.
EU-China summit that took place on 22 June 2020,

– having regard to the Basic Law of the Special Administrative Region (SAR) of Hong Kong, which was adopted on 4 April 1990 and entered into force on 1 July 1997,

– having regard to the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China (PRC) of 19 December 1984 on the Question of Hong Kong, also known as the Sino-British Joint Declaration, which was registered by the Chinese and British Governments at the United Nations on 12 June 1985,

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

– 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, of 26 August 2020 in relation to the fourth periodic report of Hong Kong, China,

– having regard to the Universal Declaration of Human Rights of 10 December 1948,

– having regard to Rules 144(5) and 132(4) 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 uphold these values in its external actions and China’s expressed interest in adhering to them in its own development and international cooperation;

B. whereas Hong Kong is bound by the International Covenant on Civil and Political Rights and has a legal obligation to respect the rights to freedom of information, expression and association, as well as to guarantee due process; whereas Hong Kong will soon be reviewed on the fulfilment of its obligations under the covenant;

C. whereas between 1 July 2020 and the end of 2021, police in Hong Kong arrested or ordered the arrest of at least 139 people in relation to the National Security Law (NSL); whereas at of the end of 2021, 94 people were formally charged, 60 of whom were in pre-trial detention; whereas peaceful political expression has been disproportionately restricted and even criminalised under the NSL; whereas prominent activists, such as Chow Hang-tung, have been charged for encouraging citizens to light candles to commemorate the victims of Tiananmen Square and whereas the Hong Kong Alliance in Support of Patriotic Democratic Movements of China disbanded after the authorities used the annual Tiananmen candlelight vigil the group had been organising for 30 years as evidence of it ‘endangering national security’; whereas the NSL flagrantly violates the ‘One Country, Two Systems’ principle and the Sino-British Joint Declaration;

D. whereas the political opposition in Hong Kong was effectively obliterated following the arrests of 55 people under the NSL on 6 and 7 January 2021, most of whom were pro-democracy lawmakers and activists;
E. whereas on 17 June 2021, 500 police officers raided the premises of Apple Daily, taking away computers and documents, including some containing journalistic material, and arresting five newspaper executives; whereas all were charged with ‘colluding with a foreign country or with external elements to endanger national security’ under the NSL; whereas on 23 June 2021, Apple Daily announced it was closing down after 26 years; whereas charging the pro-democracy activist and former owner of Apple Daily, Jimmy Lai, and six former Apple Daily journalists with ‘conspiracy to distribute seditious material’ is a further assault on press freedom in Hong Kong;

F. whereas on 29 December 2021, 200 police officers raided the office of Stand News, taking away its computers and documents, and arresting seven people, all of whom were senior or former senior staff members of the company, for conspiracy to publish seditious publications; whereas Stand News was shut down immediately; whereas Hong Kong’s online media outlet DB Channel has stopped operating in the city, as its detained co-founder Frankie Fung awaits trial under the NSL; whereas Citizen News, another pro-democracy online media outlet, recently announced its closure, citing a ‘deteriorating media environment’;

G. whereas Amnesty International closed its two offices in Hong Kong in late 2021, driven by the NSL, which made it impossible for human rights organisations to work freely and without fear of serious reprisals from the government; whereas over 60 civil society organisations closed due to repression between 1 January 2021 and 4 January 2022, including 12 trade unions, eight media organisations, eight neighbourhood groups, seven professional groups, five student organisations and four religious groups;

H. whereas dozens of pro-democracy activists in Hong Kong have been jailed for fomenting secession and subversion of the state under the NSL, such as Ma Chun-man, Tony Chung Hon-lam and Chow Hang-tung;

I. whereas the European Union continues to have deep concerns regarding the PRC’s NSL for Hong Kong; whereas this is a sensitive issue, with far-reaching consequences for Hong Kong and its people, for EU and foreign citizens, for EU and international civil society organisations, and for business confidence in Hong Kong; whereas the entry into force of the NSL has increased the risks for EU citizens in Hong Kong;

J. 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 international commitments; whereas in the current environment, those principles are on the verge of being irreversibly undermined;

K. whereas ‘patriots-only’ Legislative Council elections took place on 19 December 2021 under new rules imposed by Beijing, which effectively barred pro-democracy parties from running, criminalised calls for voters to boycott or cast blank ballots, saw the Hong Kong SAR threaten international media outlets covering the election, extended voting to Hongkongers resident in mainland China, and saw only 30% of registered voters cast their ballots; whereas the recent changes in the electoral system run counter to the commitments to greater democratic representation enshrined in the Basic Law;
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;

L. 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%; whereas journalists at Macao’s public broadcaster have been ordered to promote ‘patriotism, respect and love’ for China and at least six journalists have resigned since the introduction of new editorial rules, showing that concerns over the NSL also affect other regions; whereas the Macao Basic Law also protects the freedom of the press and will be in place until 2049;

M. whereas the pressure on Hong Kong’s civil society has intensified, as reflected by 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;

N. whereas the Hong Kong Chief Executive, Carrie Lam, has indicated that the SAR will introduce Article 23 of the NSL, which will criminalise foreign political organisations and deter them from conducting activities in Hong Kong;

O. whereas the independence of the judiciary must be guaranteed, given its crucial role in safeguarding human rights and fundamental freedoms in Hong Kong;

P. whereas in its resolution of 8 July 2021, Parliament called ‘on the Commission, the Council and the Member States to decline invitations for government representatives and diplomats to attend the Beijing 2022 Winter Olympics unless the Chinese Government demonstrates a verifiable improvement in the human rights situation in Hong Kong’;

Q. whereas China has been engaging in aggressive rhetoric and has introduced an unexplained and undeclared de facto ban preventing Lithuanian-made products from entering the Chinese market; whereas such unlegislated actions and practices violate not only all international and World Trade Organization rules of trade, but also directly impact the underlying principles of the EU single market;

1. Condemns in the strongest terms the fact that freedom of expression, freedom of association and freedom of the press are as severely restricted in Hong Kong as they are in China, and reiterates its solidarity with the people of Hong Kong in their fight for freedom and democracy; deplores the political persecution to which many journalists who are now in exile or in prison have been subjected; calls on China to ensure that all journalists can conduct their work freely and without impediments or fear of reprisals; stresses that the freedom of the press and media should be ensured;

2. Calls on the Hong Kong Government to release all political prisoners in Hong Kong; calls for the immediate and unconditional release and the dropping of all charges against
all peaceful Hong Kong protesters arrested in the last few years, who simply exercised their right to freedom of expression or other human rights, such as Joshua Wong, Koo Sze-yiu, Martin Lee, Albert Ho, Margaret Ng and Kok Tsz-lun, a dual Chinese and Portuguese national and, therefore, an EU citizen, who was sentenced in Shenzhen in 2020 to seven months’ imprisonment for allegedly trying to flee Hong Kong by boat and is currently awaiting trial in custody in Hong Kong; condemns the ongoing cases, including those of human rights defenders Chow Hang-tung, Lee Cheuk-yan and Albert Ho; calls for the immediate and unconditional release of Swedish bookseller Gui Minhai, who is imprisoned in the PRC;

3. Stresses that the NSL prevents a relationship of trust between China and the EU, which is undermining future cooperation and leading to a further erosion of Beijing’s credibility on the international stage, while also significantly damaging Hong Kong and Macao’s international status and reputations; urges the Chinese authorities to repeal the NSL, which is a breach of the PRC’s commitments and obligations under international law, namely the Sino-British Joint Declaration and the Sino-Portuguese Joint Declaration respectively, and urges the Hong Kong and Macao authorities to fully respect 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 and Macao Basic Laws and in line with their 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;

4. Deeply regrets the recent modifications to the electoral law of Hong Kong and the arrests and harassment of 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;

5. 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, as well as Macao’s Court of Final Appeal decision to ban the city’s annual Tiananmen Square vigil; 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 this as part of a continuous attack on academic freedom in Hong Kong and an attempt to erase history and collective memory;

6. Calls on the Hong Kong Chief Executive to withdraw plans to introduce Article 23 of the NSL and to recommit to upholding the Basic Law, which guarantees freedom of association, freedom of assembly, freedom of expression and freedom of religion and belief;

7. Underlines that the independence of the judiciary must be safeguarded and the
politicisation of the courts avoided as a key priority; reiterates its call for 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 EU citizens in the annual structured dialogue meetings between the Hong Kong SAR Government and the EU;

8. Expresses concern over the appointment of the chief of staff of the armed police force in Xinjiang, Peng Jingtang, as the People’s Liberation Army’s Hong Kong garrison commander and about comments that he will focus on alleged terrorist activities in Hong Kong;

9. Calls on the Commission and the Member States to address the enforcement of the NSL as a top priority on the agenda of all EU-China meetings, including in diplomatic consultations in preparation for those meetings; recalls the importance of the EU continuing to raise the issue of human rights violations in China, in particular the case of minorities in Xinjiang and Tibet, 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 therefore highlights the importance of pursuing dialogue with China to ensure that it lives up to its commitment to abide by the international human rights framework;

10. Is extremely concerned at attempts by Chinese authorities to target Hong Kong diaspora communities, including human rights defenders, in EU Member States; reiterates its call on the EU Member States to suspend active extradition treaties with the PRC and Hong Kong;

11. Calls on the Commission and the Member States to review the Agreement between the European Community and Hong Kong, China on cooperation and mutual administrative assistance in customs matters and the EU’s support for Hong Kong’s seat at the World Trade Organization, in the light of the destruction of the autonomy the territory had under the previously established ‘One Country, Two Systems Model’;

12. Reiterates its serious concerns about the various human rights abuses in China and recalls that full respect for universal values is essential;

13. Calls on the Council to introduce targeted sanctions under the EU Global Human Rights Sanctions Regime (the EU’s Magnitsky-style sanctions) against the Hong Kong and PRC officials responsible for the ongoing human rights crackdown, including Carrie Lam, Teresa Cheng Yeuk-wah, Xia Baolong, Zhang Xiaoming, Luo Huining, Zheng Yanxiong, Chris Tang Ping-keung and John Lee Ka-chiu; calls on Council and the Commission to agree to draw up a list of companies which should be subject to sanctions and investment bans for their complicity in the ongoing human rights crackdown in Hong Kong;
14. Reiterates its previous position that any ratification of the EU-China comprehensive agreement on investment must take into account the ongoing human rights situation in Hong Kong and China’s commitment to the Sino-British Joint Declaration;

15. Expresses concern that the closure of Stand News and Citizen News will lead to increased pressure from the Chinese authorities on the remaining local news publications;

16. Fully supports proposals to hold 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 Macao and the adoption of a resolution to create a monitoring and reporting mechanism in line with a global call by hundreds of civil society organisations from all regions and a call for action by an unprecedented number of UN special procedures;

17. Calls on the VP/HR to cooperate closely with like-minded countries and partners to halt the erosion of Hong Kong’s freedoms; welcomes the newly established bilateral EU-US dialogue on China and insists that stronger coordination on human rights, including with a focus on the situation in Hong Kong, should be a key objective;

18. Reiterates its call for EU Member States to implement the EU Council conclusions of 28 July 2020 and introduce lifeboat schemes for Hong Kong pro-democracy activists and journalists who remain at risk of imprisonment under the ongoing crackdown on human rights; 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 its implementation on the agenda and to prepare concrete responses to the possible extraterritorial effects of the NSL;

19. Condemns China’s coercion and intimidation of Lithuania; welcomes the recent statements of solidarity with Lithuania aimed at resisting China’s coercive actions; urges the EU to defend the basic principles of the single market against Chinese intimidation;

20. Calls on the Commission, the Council and the Member States to decline invitations for government representatives and diplomats to attend the Beijing 2022 Winter Olympics since the Chinese Government has not demonstrated a verifiable improvement in the human rights situations in Hong Kong, Macao, the Xinjiang Uyghur Region, Tibet and elsewhere in China;

21. Calls on the EEAS to investigate the status of the prominent Hong Kong pro-democracy activists who are not currently in jail, but are unable to leave the territory as a result of the authorities continuing to confiscate their travel documents and subjecting them to travel bans; 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 and raising cases with the authorities at all levels; calls on the EEAS to ensure adequate resources for the European Union Office to Hong Kong and Macao to enable it to continue conducting and adequately step up trial observation and human rights monitoring;
22. Highlights, in particular, the importance of stepping up support to academia by expanding scholarships and other kinds of support instruments for Hong Kong academics and students so they can be enrolled in exchange programmes and 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;

23. Calls on the Commission and the EEAS to step up the application of and work on appropriate export control mechanisms to deny China and Hong Kong access to technologies used to violate human rights; encourages the Commission to finalise the preparation of effective EU corporate due diligence legislation imposing due diligence obligations on EU companies and companies operating in the EU single market;

24. Calls for the EU and the Member States to help to save Hong Kong’s democratic memory by assisting with the archiving, publicising and documenting of human rights violations, and to counteract actions of 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 on developments in Hong Kong;

25. Calls on the Commission, the Council and the Member States to cooperate with international partners to help secure democracy in Taiwan, particularly in the light of recent developments in relations between Lithuania and Taiwan orchestrated by the Chinese Government and the erosion of Hong Kong’s freedoms under China’s policy of abandoning the ‘One country, Two systems’ approach;

26. 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.