Thursday 18 July 2019

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(Resolutions, recommendations and opinions)

RESOLUTIONS

EUROPEAN PARLIAMENT

P9_TA(2019)0004

Situation in Hong Kong

European Parliament resolution of 18 July 2019 on the situation in Hong Kong (2019/2732(RSP))

(2021/C 165/01)

The European Parliament,

— having regard to its previous resolutions on Hong Kong,

— having regard to the statement by the Spokesperson of the European External Action Service (EEAS) of 12 June 2019 on the ongoing protests against the proposed extradition reforms in Hong Kong,

— having regard to the statement by the Spokesperson of the EEAS of 1 July 2019 on the latest developments in Hong Kong,

— 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 joint report of the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) to the European Parliament and the Council of 8 May 2019, entitled 'Hong Kong Special Administrative Region: Annual Report 2018',

— having regard to the joint statement of the 21st EU-China summit of 9 April 2019,

— having regard to the EU-China dialogue on human rights, launched in 1995, and to the 37th round of this dialogue, of 1-2 April 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',

— having regard to the International Covenant on Civil and Political Rights of 16 December 1966,

— having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

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

— having regard to the United Nations' universal periodic review (UPR) of China carried out in November 2018,

— 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 action and China's expressed interest in adhering to these very values in its own development and international cooperation;

B. whereas the Government of the Hong Kong Special Administrative Region (HKSAR) has proposed the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 to amend the Fugitive Offenders Ordinance (FOO) and the Mutual Legal Assistance in Criminal Matters Ordinance (MLAO);

C. whereas Hong Kong's leader Carrie Lam announced on 9 July 2019 that the widely loathed legislation was 'dead'; whereas she stopped short of announcing that the bill would be withdrawn;

D. whereas the proposed bill could facilitate the rendition to China of people for political reasons and their exposure to a judicial system with serious human rights failings; whereas under the proposed amendments, the Hong Kong court would not have the clear, explicit jurisdiction and legal obligation to examine the various human rights involved in cases being handled by the courts in mainland China or in other countries;

E. 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;

F. whereas many citizens of Hong Kong, from pro-democracy activists to business people, fear being extradited to mainland China;

G. whereas the people of Hong Kong have taken to the streets in unprecedented numbers, peacefully exercising their fundamental right to assemble and to protest; whereas on 12 June 2019, tens of thousands of protesters assembled around the Legislative Council building and its nearby roads, calling on the government to drop its proposed amendments to Hong Kong's extradition law;

H. whereas more than 70 human rights NGOs, including, Amnesty International, Human Rights Watch, Human Rights Monitor, the Hong Kong Bar Association and the Law Society of Hong Kong, had addressed a collective letter to Chief Executive Lam, requesting that her government drop the extradition bill as it posed a threat to respect for human rights;

I. whereas the Hong Kong police used the violent acts of a small number of protesters as a pretext to use unnecessary and excessive force against the peaceful vast majority, including tear gas, rubber bullets, beanbags and pepper spray, labelled the incident a riot and hence proceeded to make several dozen arrests; whereas several people were charged with rioting, which carries a 10-year prison sentence;

J. whereas, over the years, the people of Hong Kong have witnessed mass demonstrations in favour of democracy and the full implementation of the Basic Law, such as the 2014 protests by the so-called Umbrella Movement, as well as demonstrations in favour of media freedoms and, among other things, against the disappearance of the Hong Kong booksellers;

K. whereas at the end of 2015, four Hong Kong residents, among them Gui Minhai, and one non-resident associated with the publishing house Mighty Current and its bookshop, disappeared; whereas months later, information emerged that they were being detained in mainland China in undisclosed locations; whereas one of the booksellers who returned to Hong Kong has since moved to Taiwan out of fear of being extradited;

L. whereas the Basic Law lays down provisions guaranteeing protection for human rights and individual freedoms; whereas Article 27 of the Basic Law guarantees freedom of speech, of the press and publication, and of association, assembly, procession and demonstration; whereas Articles 45 and 68 of the Basic Law stipulate that the Chief Executive and all members of the Legislative Council should ultimately be elected by universal suffrage;

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M. whereas the EU supports the 'one country, two systems' principle and Hong Kong's high degree of autonomy;

1. Calls on the HKSAR Government to withdraw the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019;

2. Calls on the HKSAR Government to immediately release and drop all charges against peaceful protesters and all those detained for the peaceful exercise of their freedom of expression during or in the lead-up to protests;

3. Calls for an independent, impartial, effective and prompt investigation into the use of force by Hong Kong police against protesters;

4. Stresses that the EU shares many of the concerns raised by citizens of Hong Kong regarding the proposed extradition reforms and has conveyed them to the HKSAR Government; underlines that the bill has far-reaching consequences for Hong Kong and its people, for the EU and for foreign citizens, as well as for business confidence in Hong Kong;

5. Urges Hong Kong to ensure that its legislation remains fully in line with its international human rights obligations, including provisions of the International Covenant on Civil and Political Rights (ICCPR) and of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

6. Recognises that the people of Hong Kong have taken to the streets in extraordinary numbers in recent weeks, with estimates of more than a million people on 9 June 2019 and up to two million the following week, in mainly peaceful mass demonstrations triggered by high levels of concern regarding the proposed laws on extradition;

7. Underlines that the rights of Hong Kong citizens have generally been upheld in Hong Kong, but expresses great concern at the steady deterioration of civil rights, political rights and press freedom; is deeply concerned by 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;

8. Stresses that the Basic Law guarantees freedom of speech, of the press and publication, and of association, assembly, procession and demonstration; calls on the authorities in Hong Kong and China to ensure the protection of human rights and the freedoms enshrined in the Basic Law for all citizens;

9. 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 is no longer valid; stresses that the Chinese Government is bound by the Joint Declaration to uphold Hong Kong's high degree of autonomy and its rights and freedoms;

10. Notes with deep concern in this context that opposition candidates, including Anges Chow and former lawmaker Lau Siu-Lai, were not allowed to run in the Legislative Council by-election owing to their political affiliation or views;

11. Calls for the EU, its Member States and the international community to work towards the imposition of appropriate export control mechanisms to deny China, and in particular Hong Kong, access to technologies used to violate basic rights;

12. Urges 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 it grants the people of the HKSAR the right to elect candidates and to stand for election in the selection process for all leadership positions;

13. Repeats its call for the immediate release of book publisher Gui Minhai, a Swedish national;

14. Underlines the EU's commitment to strengthening democracy, including the rule of law, the independence of the judiciary, fundamental freedoms and rights, transparency, and freedom of information and expression in Hong Kong;

15. Recalls the importance of the EU continuing to raise the issue of human rights violations in China 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; 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 in order to ensure that it lives up to these commitments;

16. Calls on the VP/HR, the EEAS and the Member States to raise all these concerns and to ensure a dialogue with the governments of the HKSAR and of China;

17. 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.