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P9_TA(2021)0255

Chinese countersanctions on EU entities and MEPs and MPs

European Parliament resolution of 20 May 2021 on Chinese countersanctions on EU entities and MEPs and MPs (2021/2644(RSP))

(2022/C 15/17)

The European Parliament,

— having regard to its previous resolutions and reports on the situation in China and EU-China relations, in particular those of 21 January 2021 on the crackdown on the democratic opposition in Hong Kong [1] and of 17 December 2020 on forced labour and the situation of the Uyghurs in the Xinjiang Uyghur Autonomous Region [2] (XUAR),

— having regard to its previous recommendations relating to Hong Kong, in particular that 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 [3],

— having regard to its resolution of 20 January 2021 on the implementation of the Common Foreign and Security Policy — annual report 2020 [4],

— having regard to the awarding of the 2019 Sakharov Prize to Ilham Tohti, an Uyghur economist fighting for the rights of China's Uyghur minority,

— having regard to the statement by leading MEPs following the decision by the Chinese authorities to sanction the Subcommittee on Human Rights and other European entities and officials of 23 March 2021,

— having regard to the speeches by its President, David Maria Sassoli, the Chair of its Subcommittee on Human Rights, Maria Arena, and the Chair of its Delegation for Relations with the People's Republic of China, Reinhard Bütikofer, at the opening of its plenary session on 24 March 2021,

— having regard to the statement by European Research Institute Directors of 25 March 2021,

— having regard to the speech by the VP/HR, Josep Borrell, at its debate of 28 April 2021 on the Chinese countersanctions on EU entities and MEPs and MPs and the ensuing debate,

— having regard to the joint statement on Chinese sanctions against Members of Parliament by the President of the European Parliament, the President of the Belgian House of representatives, the President of the Dutch House of representatives and the Speaker of the Seimas of the Republic of Lithuania of 29 March 2021,

— having regard to Council Implementing Regulation (EU) 2021/478 of 22 March 2021 implementing Regulation (EU) 2020/1998 concerning restrictive measures against serious human rights violations and abuses [5] and to Council Decision (CFSP) 2021/481 of 22 March 2021 amending Decision (CFSP) 2020/1999 concerning restrictive measures against serious human rights violations and abuses [6],

— having regard to the G7 statement on electoral changes in Hong Kong of 12 March 2021 and to the G7 Foreign and Development Ministers' communiqué of 5 May 2021,

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(1) Texts adopted, P9_TA(2021)0027.
(2) Texts adopted, P9_TA(2020)0375.
(3) OJ C 369, 11.10.2018, p. 156.
(4) Texts adopted, P9_TA(2021)0012.
(5) OJ L 99 I, 22.3.2021, p. 1.
(6) OJ L 99 I, 22.3.2021, p. 25.

— having regard to the statement by the Spokesperson of the VP/HR on the sentencing of pro-democracy activists in Hong Kong of 17 April 2021,

— having regard to the statement by the Spokesperson of the VP/HR on the sentencing of journalists, lawyers and human rights defenders of 29 December 2020,

— having regard to the announcement by the Spokesperson of the Ministry of Foreign Affairs of the People's Republic of China on sanctions on relevant EU entities and personnel of 22 March 2021,

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

— having regard to the joint communication from the Commission and the VP/HR of 12 March 2019 entitled 'EU-China — A strategic outlook'(JOIN(2019)0005),

— having regard to Article 36 of the Constitution of the People's Republic of China, which guarantees all citizens the right to freedom of religious belief, and to Article 4 thereof, which upholds the rights of minority ethnicities,

— having regard to the UN experts' call of 26 June 2020 for decisive measures to protect fundamental freedoms in China,

— having regard to the International Covenant on Civil and Political Rights of 16 December 1966, which China signed in 1998, but which it has never ratified,

— having regard to the Rome Statute of the International Criminal Court,

— having regard to the UN Convention on the Prevention and Punishment of the Crime of Genocide,

— having regard to the Protocol of 2014 to the International Labour Organization (ILO) Forced Labour Convention of 1930, which has not been signed by China,

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

— having regard to Rule 132(2) and (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 upholding these values in its external action and China's expressed interest in adhering to them in its own development and international cooperation;

B. whereas on 7 December 2020 the Council adopted Regulation (EU) 2020/1998 establishing the EU Global Human Rights Sanctions Regime, which enables the EU to impose restrictive measures on targeted individuals, entities and bodies — including states and non-state actors — responsible for, involved in or associated with serious human rights violations and abuses worldwide; whereas it is important to emphasise that the EU has a responsibility to make use of this regulation in the event of massive human rights violations;

C. whereas on 22 March 2021 the EU Foreign Affairs Council adopted restrictive measures under the EU Global Human Rights Sanctions Regime on Zhu Hailun, former Deputy Head of the 13th People's Congress of the Xinjiang Uyghur Autonomous Region (XUAR), Wang Junzheng, Party Secretary of the Xinjiang Production and Construction Corps (XPCC) and Deputy Secretary of the Party Committee of China's XUAR, Wang Mingshan, Member of the Standing Committee of the Party Committee of the XUAR and Secretary of the Political and Legal Affairs Committee of the XUAR, and Chen Mingguo, Director of the Xinjiang Public Security Bureau (XPSB) and Vice-Chair of the XUAR People's Government, and on the XPCC Public Security Bureau, which runs the detention centres in Xinjiang; whereas these four individuals and one entity are responsible for serious human rights violations, including the large-scale arbitrary detention and degrading treatment of Uyghurs and people from other Muslim ethnic minorities in XUAR;

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D. whereas, just a few moments after the approval of the EU list, the Spokesperson of the Foreign Ministry of the People's Republic of China announced the adoption of sanctions on five MEPs, Reinhard Bütikofer, Michael Gahler, Raphaël Glucksmann, Ilhan Kyuchyuk and Miriam Lexmann, Parliament's Subcommittee on Human Rights, 3 MPs from EU Member States (Sjoerd Wiemer Sjoerdsma, Samuel Cogolati and Dovile Sakaliene), the Political and Security Committee of the Council of the EU, comprising the Ambassadors of the 27 EU Member States, two scholars (Adrian Zenz and Björn Jerdén) and two think tanks (Mercator Institute for China Studies (MERICS) in Germany and the Alliance of Democracies Foundation in Denmark) for 'severely harming China's sovereignty and interests and maliciously spreading lies and disinformation';

E. whereas, according to the Spokesperson's press release, the individuals concerned and their families are prohibited from entering mainland China, Hong Kong and Macau, and whereas they, and any companies or institutions associated with them, are also prohibited from doing business with China;

F. whereas, a few days later, China adopted sanctions against MPs, entities and think tanks in the UK, Canada and the US, which had also introduced measures against human rights abuses in Xinjiang;

G. whereas the Chinese measures constitute an attack against the European Union and its Parliament as a whole, the heart of European democracy and values, as well as an attack against freedom of research;

H. whereas, while the EU's sanctions target human rights violations and are based on legitimate and proportionate measures embedded in international law, China's sanctions lack any legal justification, are entirely unsubstantiated and arbitrary and target the criticism of such human rights violations; whereas the sanctions are clearly an attempt to deter the EU from continuing its work and action against human rights abuses in China;

I. whereas China has a track record of human rights violations that eschew the country's bilateral and multilateral commitments in these areas, and whereas authoritative reports have stated that the human rights situation in China is at its worst since the Tiananmen Square massacre; whereas China has regularly submitted resolutions to the UN Human Rights Council aimed at making 'sovereignty, non-interference and mutual respect' fundamental non-negotiable principles and rendering the promotion and protection of human rights of individuals an afterthought;

J. whereas in December 2020 the EU and China agreed in principle to the EU-China Comprehensive Agreement on Investment (CAI); whereas the ability of the European Parliament to duly analyse the CAI is significantly hindered by the Chinese sanctions, which prevent, as a minimum, the Subcommittee on Human Rights from working with Chinese experts; whereas it is not acceptable to deal with trade and investment relations outside the general context of human rights issues and the broader political relations;

K. whereas the imposition of sanctions by China is the latest episode of a gradual move of the Chinese Communist Party (CCP) leadership towards a confrontational approach, including by targeting the EU with disinformation and cyber-attacks, while EU-China relations are increasingly strained on account of the actions against the Uyghur people and other ethnic minorities, the crackdown on democracy in Hong Kong and the increasingly confrontational approach in the Taiwan Strait; whereas given that the existing EU-China Strategy has revealed its limitations, EU-China relations may not continue business as usual;

L. whereas the Chinese sanctions against the MEPs have been followed by the decision of the Russian authorities of 30 April 2021 to impose sanctions against eight EU nationals, including the President of the European Parliament, David Sassoli, and Vice-President of the Commission Věra Jourová;

M. whereas since the launch of the Chinese Government's 'Strike hard against violent terrorism' campaign in 2014, which mainly targets Uyghur minorities in Xinjiang, more than one million people have been imprisoned in detention camps, called 'political re-education' or 'training' centres, which constitutes the largest mass incarceration system in the world; whereas the Uyghur population is a victim of the Chinese Government's efforts to eradicate their unique identity and the right to existence as a population through torture, enforced disappearance, mass surveillance, cultural and religious

erasure, the forced sterilisation of women, sexual violence, violations of reproductive rights, and family separation; whereas human rights organisations have assessed that these offences could constitute crimes against humanity under international law;

N. whereas the repression of the political opposition in Hong Kong has continued to worsen since Parliament' resolution of 21 January 2021, with numerous sentences against pro-democracy activists and political representatives, such as Joshua Wong, Martin Lee, Jimmy Lai, Andy Li and Lester Shum, for their peaceful involvement in protests, and in some cases even with no evidence of any active role in the riots; whereas in March this year changes were introduced to Hong Kong's electoral system in what is the most significant alteration to Hong Kong's political system, adding a requirement of patriotism to the mainland and introducing a concentration of power and influence in the Hong Kong Election Committee, which will lead to a drastic reduction in the proportion of directly elected representatives in the Hong Kong Legislative Council;

O. whereas 10 EU Member States still have active extradition treaties with China, whereby Uyghur people, citizens of Hong Kong, Tibetans and Chinese dissidents in Europe can be extradited to stand political trial in China;

P. whereas Gui Minhai, a Hong Kong resident and Swedish citizen, remains incarcerated in spite of Parliament's numerous calls for his immediate release;

1. Condemns in the strongest possible terms the baseless and arbitrary sanctions imposed by the Chinese authorities, which amount to an attack on freedom of speech, on academic freedom and on the international commitment to and understanding of universal human rights; urges the Chinese authorities to lift these unjustified sanctions;

2. Stands in full solidarity with the Members of this Parliament, with its Subcommittee on Human Rights, and with all other individuals and entities affected by the Chinese sanctions, namely the Political and Security Committee of the Council of the European Union, the members of the national parliaments, the Swedish and German academics, and the think tanks in Germany and Denmark; expresses full solidarity with MPs from non-EU countries that have also been targeted by sanctions, such as in the UK, Canada, the US and Australia;

3. Reaffirms that fundamental freedoms, freedom of expression, free participation in decision-making processes, academic freedom and the defence of human rights are pillars of our democracies and that these values will never be compromised in EU-China relations; stresses that intimidation attempts are futile and that, as elected Members of the European Parliament, we will continue to actively and unabatedly denounce and work on human rights violations and breaches of international law, and to urge the EU to keep respect for human rights at the core of all its external policies; considers these attacks from China to be a manifestation of the systemic rivalry dimension of EU-China relations;

4. Strongly condemns this new attempt, and previous attempts, by the Chinese state and non-state actors to interfere in the democratic life of the European Union and of its Member States and spread disinformation in public debates; considers the sanctions to be part of an effort to police speech about China worldwide and to determine what kind of speech and discussions would be allowed globally, and sees this effort as part of a totalitarian threat;

5. Reiterates its most serious concern about the various abuses of basic and human rights in China, violations of human dignity, of the rights to freedom of cultural expression and religious belief, and of the freedoms of speech, of peaceful assembly and of association, and in particular the systemic persecution of the Uyghur people, Tibetans, Mongols and other ethnic minorities, human rights defenders, social activists, religious groups, journalists, and petitioners and protesters against injustices, as well as the ever-increasing repression of all dissenting and opposition voices, especially in Hong Kong;

6. Recalls its position from its resolution of 17 December 2020 that violations in Xinjiang amount to crimes against humanity and highlights the increasing evidence of such crimes; urges the EU and its Member States to intensify efforts to reach enough international support for an independent UN investigation on Xinjiang; therefore welcomes the listing of four Chinese individuals and one entity from China under the EU Global Human Rights Sanctions Regime, as they are

responsible for serious human rights violations in China; urges the Commission, the Council and the Member States to take all the necessary measures and to use all means of leverage at their disposal, notably economic ones, to persuade the Chinese Government to close the camps and to end all human rights violations in Xinjiang and other places, such as Tibet;

7. Regrets that several international companies, notably in the apparel and textiles sector, have been subject to an extensive and widespread boycott after expressing concern about the reports on forced labour in Xinjiang and taking the decision to cut supply-chain ties with Xinjiang and strongly condemns the aggressive political coercion exercised against them by the Chinese Government; reiterates its request that the Commission and the European External Action Service swiftly finalise a supply-chain business advisory with guidance for companies on the exposure to risk of using Uyghur forced labour and providing support in urgently identifying alternative sources of supply;

8. Is concerned that the retaliatory measures against the EU and Member State institutions and their work on human rights is part of a deliberate strategy to weaken human rights internationally and redefine those rights in a way so that they would ultimately be emptied of their original meaning; regrets that the approach taken and tools used by the EU so far have not yielded tangible progress in China's human rights record, which has only deteriorated over the last decade; urges the Commission to develop and implement a holistic EU strategy with a view to pursuing genuine progress on human rights in China;

9. Considers that the Chinese retaliatory sanctions, which are not based on international law, constitute an important backsliding in EU-China relations; considers it crucial for the EU and all its institutions to stand united against this attack against European democracy and in defending our common values; calls on the Presidents of the Council and the Commission to issue a clear statement that China's sanctions against elected politicians will not be tolerated; considers it appropriate and necessary that the VP/HR and EU Member States raise this issue in bilateral exchanges with their Chinese counterparts at all levels and asks that Parliament be kept informed of these efforts;

10. Takes the position that any consideration of the EU-China Comprehensive Agreement on Investment (CAI), as well as any discussion on ratification by the European Parliament, has justifiably been frozen because of the Chinese sanctions in place; demands that China lift the sanctions before Parliament can deal with the CAI, without prejudice to the final outcome of the CAI ratification process; expects the Commission to consult with Parliament before taking any steps towards the conclusion and signature of the CAI; calls on the Commission to use the debate around the CAI as leverage to improve the protection of human rights and support for civil society in China and reminds the Commission that Parliament will take the human rights situation in China, including in Hong Kong, into account when asked to endorse the CAI;

11. Highlights the urgent need to re-balance EU-China relations through the adoption of a toolbox of autonomous measures including: legislation against distortive effects of foreign subsidies on the internal market; an international procurement instrument; supply-chain legislation with mandatory due diligence requirements which also provide for an import ban on forced labour goods; an enhanced and strengthened EU Foreign Investment Screening Regulation; an effective anti-coercion instrument; additional targeted measures under the EU Global Human Rights Sanctions Regime, as necessary, in order to continue addressing repressions in Xinjiang and Hong Kong and aimed at China putting an end to all the violations; adequately address China's cybersecurity threats, hybrid attacks and the civil-military fusion programme;

12. Urges the Chinese Government to ratify and implement International Labour Organization (ILO) Convention Nos 29 on Forced Labour, 105 on the Abolition of Forced Labour, 87 on Freedom of Association and Protection of the Right to Organise, and 98 on the Right to Organise and to Collective Bargaining; urges China to ratify the International Covenant on Civil and Political Rights;

13. Calls on the Chinese and the Hong Kong authorities to restore confidence in Hong Kong's democratic process and to immediately end the persecution of those who promote democratic values; deplores the lack of unity in the Council of the EU over the adoption of measures to address the crackdown on democracy in Hong Kong; urges the VP/HR and the Council

to propose and adopt conclusions on Hong Kong irrespective of a lack of unanimous support and demands that Member States' extradition treaties with China be suspended;

14. Underlines the need to set up a system to check whether entities operating on the EU internal market are directly or indirectly involved in human rights abuses in Xinjiang and to introduce trade-related measures such as exclusion from public procurement and other sanctions; insists that the procurement of exploitative technology which is deployed in situations of violations of human rights should be prevented in the EU at all levels and in all EU institutions;

15. Calls on the European Council to take a firm stance against the Chinese sanctions and to adopt conclusions on the matter; takes the view that these sanctions, as well as the negative evolution and deteriorations within China and of China as an international actor, should be adequately reflected and responded to in the ongoing review of the joint communication 'EU-China — A Strategic Outlook' with a view to moving towards a more assertive EU-China strategy with the goal of uniting all Member States;

16. Calls on the EU to increase its coordination and cooperation with the US within the framework of a Transatlantic Dialogue on China, including in regards to a coordinated approach to measures to address human rights violations and requests that this dialogue provide a strong parliamentary dimension;

17. Considers that other trade and investment agreements with regional partners, including Taiwan, should not be held hostage to the suspension of the CAI ratification;

18. 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 governments and parliaments of the Member States, and the Government and Parliament of the People's Republic of China.