Thursday 21 January 2021

P9_TA(2021)0027

The crackdown on the democratic opposition in Hong Kong

European Parliament resolution of 21 January 2021 on the crackdown on the democratic opposition in Hong Kong (2021/2505(RSP))

(2021/C 456/21)

The European Parliament,

— having regard to its resolutions of 19 June 2020 on the People's Republic of China (PRC) national security law for Hong Kong and the need for the EU to defend Hong Kong's high degree of autonomy [1] and of 18 July 2019 on the situation in Hong Kong [2], to its resolutions of 24 November 2016 on the case of Gui Minhai, jailed publisher in China [3] and of 4 February 2016 on the case of the missing book publishers in Hong Kong [4], and to its resolution of 17 December 2020 [5], in particular with regard to the importance of creating effective European corporate due diligence legislation,

— having regard to its previous resolutions on China, in particular those of 12 September 2018 on the state of EU-China relations [6] and of 16 December 2015 on EU-China relations [7],

— 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 [8],

— having regard to the declaration by the High Representative on behalf of the EU of 7 January 2021 on the mass arrest of people involved in the July 2020 pro-democracy primary elections in Hong Kong, to the statement by the Spokesperson of 29 December 2020 on the trial of 10 Hong Kongers, to the declaration by the High Representative on behalf of the EU of 12 November 2020 on the disqualification of Members of the Hong Kong Legislative Council, to the statement by the Spokesperson of 2 November 2020 on the arrest of several pro-democracy lawmakers and former lawmakers in Hong Kong, to the statement by the Spokesperson of 24 September 2020 on the arrest of Joshua Wong and other pro-democracy activists, to the statement by the Spokesperson of 10 August 2020 on recent arrests and raids under the National Security Law in Hong Kong, to the declaration of the High Representative on behalf of the EU of 3 August 2020 on the postponement of the Legislative Council elections in Hong Kong, and to the declaration of the High Representative on behalf of the European Union of 1 July 2020 on the adoption by China's National People's Congress of a National Security Legislation on Hong Kong,

— having regard to the press statement of its Conference of Presidents of 6 July 2020,

— having regard to the adoption of the National Security Law in Hong Kong by the Standing Committee of the China's National People's Congress on 30 June 2020,

— having regard to the G7 Foreign Ministers' statement of 17 June 2020 on Hong Kong,

— 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 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,

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(1) Texts adopted, P9_TA(2020)0174.
(2) Texts adopted, P9_TA(2019)0004.
(3) OJ C 224, 27.6.2018, p. 78.
(4) OJ C 35, 31.1.2018, p. 46.
(5) Texts adopted, P9_TA(2020)0375.
(6) OJ C 433, 23.12.2019, p. 103.
(7) OJ C 399, 24.11.2017, p. 92.
(8) OJ C 369, 11.10.2018, p. 156.

— 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 of 12 March 2019 entitled 'EU-China — A strategic outlook' (JOIN(2019)0005),

— having regard to the EU's 'One China' policy,

— having regard to Rule 144(5) and 132(4) of its Rules of Procedure,

A. whereas on 5 January 2021 the Hong Kong police arrested 53 representatives of the democratic opposition and activists on charges of subversion under the National Security Law (NSL) for Hong Kong; whereas among those detained were the organisers and candidates of last July's democratic primaries in the run-up to the elections to the Legislative Council of the Hong Kong Special Administrative Region, former Legislative Council members, district councillors, and an American lawyer involved in the pro-democracy movement; whereas on the instructions of the Hong Kong Police, banks also froze HKD 1,6 million related to the 53 individuals; whereas in the meantime all but three of these individuals have been released on bail pending further investigation;

B. whereas this was the latest in a long series of arrests of representatives and activists of the democratic opposition and other actions aimed at undermining democratic institutions in Hong Kong since the entry into force of the NSL on 1 July 2020; whereas 93 opposition figures have been arrested under the law since its introduction; whereas on 1 September 2020 the UN human rights experts affirmed that the law 'implicates both serious concerns of legality as well as undue limitations on freedom of opinion, expression and peaceful assembly';

C. whereas Hong Kong's Security Minister has declared that those arrested were suspected of trying to paralyse the government through their plans to use their democratic rights and gain a majority of the seats in the legislature;

D. whereas numerous pro-democracy figures have been subject to politically motivated disqualification from elected offices, based on a National People's Congress resolution of 10 November 2020 to make patriotism a legal requirement for lawmakers, leading to the resignation of almost all opposition members from the Legislative Council; whereas Hong Kong's previously independent judiciary is increasingly coming under attack by the Chinese Communist Party and the state-controlled press;

E. whereas, on 15 January 2021, Hong Kong Broadband Network blocked a pro-democracy website at the request of the Hong Kong authorities under the NSL; whereas this first instance of internet censorship under the NSL raises concerns that the Hong Kong authorities plan on using this legislation to further limit freedom of expression and of information online; whereas this would have damaging consequences for both civil liberties and democracy;

F. whereas the Hong Kong Government took the decision to postpone the Legislative Council elections originally scheduled for 6 September 2020 by one year, clearly in an effort to hamper the opposition, which for the first time had stood a real chance of winning a majority; whereas immediately after the entry into force of the NSL, Hong Kong leader Carrie Lam declared that the primaries were illegal and might violate the NSL;

G. whereas, on 23 August 2020, the Chinese authorities apprehended 12 Hong Kong activists who were allegedly trying to flee Hong Kong by boat; whereas 10 of the 12 activists were handed down prison sentences ranging between 7 months and 3 years on charges of illegally crossing the border in a trial that did not respect the defendants' right to due process; whereas one of these activists, Kok Tsz-Lun, is a 19-year-old student and a dual Chinese and Portuguese national, and is therefore an EU citizen; whereas the defendants were detained, held incommunicado and put on trial in Shenzhen; whereas they were also denied the possibility of choosing their representation;

H. whereas they were detained and their trial held in Shenzhen was in violation of the principles of a fair trial and due process; whereas, on 15 January 2021, Chinese human rights lawyer Lu Siwei had his licence to practice law revoked by the Sichuan Provincial Justice Department for representing one of these 12 activists; whereas human rights lawyer Ren Quanniu faced a hearing in the Henan Provincial Judicial Department on 19 January 2021 to contest the Judicial Department's decision to initiate the process to revoke his licence over the same issue; whereas both lawyers are at risk

of losing their licence after trying to represent Hong Kong activists who were intercepted by the Chinese authorities while attempting to flee to Taiwan by boat; whereas 10 diplomats, including some representing EU Member States, were barred from observing Lu Siwei's hearing in Chengdu on 13 January 2021;

I. whereas on 10 August 2020 Jimmy Lay, the media mogul and founder of the pro-democracy newspaper *Apple Daily* was arrested on grounds of violating the NSL;

J. whereas the NSL is in clear violation of the 1984 Sino-British Joint Declaration and the 1990 Basic Law of the HKSAR, which guarantees the autonomy and the independence of the executive, legislative and judiciary, as well as basic rights and freedoms such as freedom of speech, assembly, association and of the press for 50 years after handover of sovereignty; whereas the NSL also prevents Hong Kong from abiding by its international human rights obligations, including the International Covenant on Civil and Political Rights (ICCPR), whose implementation by Hong Kong will soon be reviewed;

K. whereas Human Rights Watch's annual report states that China is in the middle of its darkest period for human rights since the Tiananmen Square massacre;

L. whereas the European Union continues to have deep concerns regarding the PRC 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 NSL increases the risks faced by EU citizens in Hong Kong;

M. whereas the EU has always strongly supported the 'One Country, Two Systems' principle and the preservation of Hong Kong's high degree of autonomy in line with the Basic Law and international commitments; whereas in the current circumstances these principles are on the verge of being irreversibly undermined;

N. whereas in December 2020 the EU and China agreed in principle on the EU-China Comprehensive Agreement on Investment (CAI);

1. Calls for the immediate and unconditional release of those arrested in Hong Kong in the first two weeks of 2021, and of all those previously arrested on charges pursuant to the NSL, and for all charges against them to be dropped; 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 and unconditional release of the Hong Kong activists detained on 23 August 2020 while allegedly trying to flee by boat, and for all charges against them to be dropped; calls on the European External Action Service (EEAS), through the EU Delegation in China, to continue providing due assistance to Kok Tsz-Lun, a dual Chinese and Portuguese national and, therefore, an EU citizen, who was also one of the 10 sentenced in Shenzhen; calls on the Chinese authorities to immediately reinstate the licences of their defenders, human rights lawyers Lu Siwei and Ren Quanniu;

3. Calls for the immediate and unconditional release of all peaceful Hong Kong protesters arrested in recent years, including Joshua Wong, Ivan Lam, and Agnes Chow, and for all charges against them to be dropped; calls for independent, impartial, effective and prompt investigations into the use of force by the Hong Kong police against protesters;

4. Calls on the Hong Kong authorities to immediately refrain from making further use of the NSL to suppress the rights to freedom of expression, peaceful assembly and association; stresses the importance of preventing, as a next step, the disqualification of district councillors, as well as any change to the electoral law that would further limit the space of the pro-democracy camp, which runs counter to the legal guarantees of the Hong Kong Basic Law and to international obligations and standards;

5. Calls for the full withdrawal of the law entitled '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 and democracy, the independence of the justice system and its respect for human rights; underlines that the people of Hong

Kong should enjoy the freedoms and high degree of autonomy guaranteed under both the Basic Law and the ICCPR to which Hong Kong is a party;

6. Stresses that the introduction of the NSL is a breach of the PRC's commitments and obligations under international law, namely the Sino-British Joint Declaration, prevents the establishment of a relationship of trust between China and the EU, and undermines future cooperation;

7. Expresses concern at the increasing number of attacks against the Hong Kong judiciary by the Chinese Communist Party and the state-controlled Chinese press aimed at directly calling judicial independence into question; is concerned that the NSL could be further invoked, as a next step, to undermine the independence of the judiciary of Hong Kong, since the Chief Executive is being given the power to appoint judges to prosecute national security cases, and since those charged could be extradited to mainland China and tried in Chinese courts;

8. Strongly welcomes the decision by the UK Government to create a pathway to citizenship for the more than one million Hong Kong residents who hold British National Overseas (BNO) passports; condemns the threats by China to withdraw its recognition of such passports as a valid travel document and is concerned at the latest information that China is allegedly considering excluding BNO passport holders from Hong Kong public office or even denying them the right to vote in Hong Kong elections; calls on the Council, the EEAS and the Commission to improve coordination in order to achieve the successful and effective implementation of the package of measures for Hong Kong adopted in July 2020; calls on the EEAS to provide a more transparent assessment of these measures, including the urgency of setting up a 'lifeboat scheme' for citizens of Hong Kong in the event of a further deterioration of human rights and fundamental freedoms;

9. Urges all EU and European diplomatic personnel to do everything they can to provide protection and support to peaceful activists in Hong Kong, including by attending trials, requesting prison visits and consistently and resolutely reaching out to the local authorities, applying in full the EU Guidelines on Human Rights Defenders and other relevant EU policies, including the new EU Action Plan on Human Rights and Democracy;

10. Is deeply disturbed by the reports that the Hong Kong authorities are considering prosecuting Danish lawmakers Uffe Elbæk and Katarina Ammitzbøll for helping Hong Kong activist Ted Hui to go into exile in the UK; believes that the proposed charges against the Danish lawmakers are illegitimate and false, and expresses strong concern at the determination of the Chinese Communist Party to clamp down on Hong Kong voices of dissent across the democratic world through an extraterritorial application of the NSL; urges China to release unjustly detained EU citizens, such as Irish citizen Richard O'Halloran; calls, furthermore, on the Commission to conduct a risk assessment of how Hong Kong's NSL could affect European citizens;

11. Remains particularly outraged at the continuing detention of Swedish publisher Gui Minhai, and urges robust and steady intervention by the EU and the Member States at the highest level to secure his release; calls for the release of dual Hong Kong-Portuguese national Kok Tsz-Lun, and urges that he be allowed access to Portuguese consular staff and the counsel of his choice;

12. Welcomes the decisions by EU Member States and other international partners to suspend extradition treaties with Hong Kong; highlights the importance of continuing to observe trials and of continuing to assess and prepare responses to the possible implications of the NSL outside Hong Kong; reiterates its call on the Member States to suspend their extradition treaties with the PRC, to prevent the extradition of, for example, Uyghurs, citizens of Hong Kong, Tibetans or Chinese dissidents in Europe to stand political trial in the PRC;

13. Condemns the role of European-based banks in aiding the Chinese authorities' use of the NSL by freezing the assets and bank accounts belonging to former pro-democracy lawmakers and religious leaders;

14. Recalls that Hong Kong has enjoyed open internet access, but is concerned that the NSL grants the police the power to order internet providers to block websites; expresses its strong concern at the recent declarations by the internet service provider Hong Kong Broadband Network that it intended to reject any sites that could incite 'illegal acts' based on the NSL, and, consequently, at the tangible risk that Hong Kong could be integrated into the Chinese firewall; urges the Hong Kong authorities to immediately withdraw all takedown orders which have already been issued and to restore full internet accessibility;

15. Urges the Council to intensify its discussions on and assessment of the package of measures on Hong Kong and to promptly consider the introduction of targeted sanctions against individuals in Hong Kong and China, including Carrie Lam, Teresa Yeuk-wah Cheng, Xia Baolong, Xiaoming Zhang, Luo Huining, Zheng Yanxiong, Ping-kien Tang, Wai-Chung Lo and Ka-chiu Lee, under the EU human rights global sanction regime, taking into account, in the course of 2021, the imperative to restore civil and political rights, and compliance with the condition that the representatives of the democratic opposition be freed and allowed to take part in the forthcoming elections, fully in line with the Basic Law of the HKSAR;

16. Regrets the fact that the decision on a political conclusion of the CAI has not reflected Parliament's requests in previous resolutions on Hong Kong to use investment negotiations as a leverage tool aimed at preserving Hong Kong's high degree of autonomy, as well as its basic rights and freedoms; regrets the fact that, by rushing to reach this agreement while not taking concrete action against ongoing grave human right violations, for example in Hong Kong, Xinjiang province and Tibet, the EU risks undermining its credibility as a global human rights actor; points out that Parliament will carefully scrutinise the agreement, including its provisions on labour rights and reminds the Commission that it will take the human rights situation in China, including in Hong Kong, into account when asked to endorse the investment agreement or future trade deals with the PRC;

17. Urges the EU and all its Member States to act in a united and resolute fashion towards the establishment of a UN independent monitoring body on China, by proactively expanding coalitions of like-minded countries by holding an 'Arria' formula meeting on China at the UN Security Council, by urging the UN High Commissioner for Human Rights to launch a Human Rights Council investigation into the abuses, and by urging the UN Secretary-General to appoint a Special Envoy on China; urges the EEAS and the Member States which are members of the UN Human Rights Council to step up their efforts to publicly raise concerns about China's rights violations, for example by taking the initiative to call for a Special Session on the human rights situation in China, including Hong Kong, during the 2021 Council cycle, and underlines that China's membership of the Council requires that it be held to a higher standard of human rights security;

18. Calls for 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 in with the initiative by the Chairs of the UK, Canadian, Australian, and New Zealand Foreign Affairs Committees; calls on the Council and the VP/HR to work with the international community to establish an international contact group on Hong Kong;

19. Calls on the international community to honour its promises to the people of Hong Kong and take urgent and unprecedented action to hold China to account for these violations of international law; reiterates its call for the EU and the Member States to consider bringing a case before the International Court of Justice on the grounds that China's decision to impose the NSL on Hong Kong and its subsequent application violate the Sino-British Joint Declaration and the ICCPR;

20. Welcomes the newly established bilateral EU-US Dialogue on China, launched on 23 October 2020; calls for enhanced coordination with international partners, including the incoming US administration, with regard to all aspects of relations with the PRC and Hong Kong; insists that human rights, with a particular focus on the situation in Hong Kong, feature prominently on the agenda of the forthcoming EU-US Dialogue;

21. 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 secure democracy in Taiwan;

22. 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.