



TEXTS ADOPTED

P9_TA(2021)0356

Hong Kong, notably the case of Apple Daily

European Parliament resolution of 8 July 2021 on Hong Kong, notably the case of Apple Daily (2021/2786(RSP))

The European Parliament,

- having regard to all its previous resolutions on Hong Kong, in particular those of 21 January 2021 on the crackdown on the democratic opposition in Hong Kong¹, 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 autonomy², of 18 July 2019 on the situation in Hong Kong³ and of 24 November 2016 on the case of Gui Minhai, jailed publisher in China⁴,
- having regard to its previous resolutions on China, in particular those of 20 May 2021 on Chinese countersanctions on EU entities and MEPs and MPs⁵, of 12 September 2018 on the state of EU-China relations⁶ and of 16 December 2015 on EU-China relations⁷,
- having regard to its recommendation 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 handover⁸,
- having regard to the joint statement by Members of the European Parliament David McAllister and Reinhard Bütikofer on the new national security law in Hong Kong of 1 July 2020,
- having regard to the European Parliament Conference of Presidents' press statement of 6 July 2020,
- having regard to the statements by the Spokesperson of the European External Action Service (EEAS) of 23 June 2021 on the closure of Apple Daily's Hong Kong operations

¹ Texts adopted, P9_TA(2021)0027.

² Texts adopted, P9_TA(2020)0174.

³ OJ C 165, 4.5.2021, p. 2.

⁴ OJ C 224, 27.6.2018, p. 78.

⁵ Texts adopted, P9_TA(2021)0255.

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.

and of 17 April 2021 on the sentencing of pro-democracy activists in Hong Kong, to the statement of 9 June 2021 by the VP/HR on the changes to Hong Kong's electoral system, to the declarations by the VP/HR on behalf of the EU of 11 March 2021 on Hong Kong's electoral system and of 7 January 2021 on the mass arrest of people involved in the July 2020 pro-democracy primary elections in Hong Kong, and to all other statements and declarations on the situation in Hong Kong,

- having regard to the declaration of 2 May 2021 by the VP/HR on behalf of the EU on the occasion of World Press Freedom Day,
- having regard to the EU's annual report on political and economic developments in 2020 of 12 March 2021,
- having regard to the 13th annual Structured Dialogue, which took place in Hong Kong on 28 November 2019,
- having regard to the Council conclusions on Hong Kong of 28 July 2020,
- having regard to the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966, and the concerns raised by the UN Human Rights Committee in its List of Issues for Hong Kong of 26 August 2020,
- having regard to the statement of 24 June 2021 by the UN High Commissioner for Human Rights, Michelle Bachelet, that Hong Kong's new national security law was leading journalists to 'self-censor' to avoid clashing with 'vaguely formulated offences', and to her statement of 21 June 2021 at the 47th session of the Human Rights Council,
- having regard to the UN experts' call of 26 June 2020 for decisive measures to protect fundamental freedoms in China,
- having regard to the adoption of the National Security Law in Hong Kong by the Standing Committee of China's National People's Congress on 30 June 2020,
- having regard to the G7 Summit communiqué of 13 June 2021 and to the G7 statement of 12 March 2021 on electoral changes in 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,
- having regard to the joint communication from the Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament and the Council of 12 March 2019 entitled 'EU-China – A strategic outlook' (JOIN(2019)0005),
- having regard to the EU's 'One China' policy and to the 'one country, two systems' principle,
- having regard to the Universal Declaration of Human Rights of 1948,

- having regard to Rule 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 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 17 June 2021, 500 Hong Kong armed police raided the offices of the largest pro-opposition newspaper, Apple Daily, forcing journalists to leave the newsroom, and sifted through reporters' computers, phones and journalistic material, in the first case in which authorities have cited media articles as potentially violating the Hong Kong National Security Law (NSL); whereas five of the paper's senior executives and editors were arrested, including Editor-in-Chief Ryan Law, Chief Executive Cheung Kim-hung, Chief Operating Officer Royston Chow, Associate Publisher Chan Puiman and Director of Apple Daily Digital Cheung Chi-wai;
- C. whereas, according to a Hong Kong police spokesperson, the newspaper executives and editors were arrested for their role in the publication of more than 30 articles calling on foreign countries to impose sanctions in relation to the NSL; whereas such calls were considered by the Hong Kong authorities as collusion with foreign countries endangering national security;
- D. whereas on 23 June 2021, police also arrested Apple Daily's China Beat editorial writer Yeung Ching-kee (also known as Li Ping) and also charged him with 'conspiracy to collude with foreign forces', and former senior editorial writer at Apple Daily Fung Wai-kwong (also known as Lo Fung) was arrested on 27 June 2021 for the same offence;
- E. whereas, following the freeze of all its assets (around EUR 2 million) by the Hong Kong authorities on the basis of the NSL, Apple Daily was forced to definitively close on 24 June 2021 after 26 years; whereas more than 800 Apple Daily staff have lost their job and are unlikely to be re-employed in Hong Kong;
- F. whereas the founder of Apple Daily, Jimmy Lai, is serving 20 months in jail for his involvement in the 2019 protest movement and faces additional charges under the NSL that carry a possible life sentence; whereas Apple Daily had always been an open and critical voice vis-à-vis the mainland and Hong Kong's leadership and was the only Chinese-language newspaper in Hong Kong that was free from the Chinese Government's control;
- G. whereas the NSL allowed one single official, namely the Hong Kong Secretary for Security, to freeze all the assets of Apple Daily, without a formal charge or a fair trial, simply based on claims of violations of the NSL; whereas such a procedure could be applied to any publicly traded entity or to any company simply doing business in Hong Kong;
- H. whereas 30 June 2021 marked the first anniversary of the entry into force of the NSL; whereas the authorities had announced that the law would only target an 'extreme minority' threatening public security; whereas, however, over the course of one year, the law was applied to completely dismantle Hong Kong's free society on almost all fronts, based on an array of such vaguely defined charges as 'subversion', 'secession' and

‘collusion with foreign forces’, completely transforming Hong Kong’s political and legal landscape and stifling freedom of the press and free expression of opinions; whereas national security was used to justify censorship, harassment, arrests and prosecutions systematically targeting political and elected representatives, activists, students and journalists in the pro-democracy camp; whereas it is estimated that 128 people have been arrested under the NSL and 64 people formally charged, of whom 47 are currently in pre-trial detention; whereas the NSL completely violates the ‘one country, two systems’ principle; whereas the erosion of press freedoms is also counter to Hong Kong’s aspiration as an international business hub;

- I. whereas, since its entry into force, the NSL has been used to intimidate, attack and even harass journalists and the media, who had already started to quit their jobs as a result; whereas at least 10 journalists and defenders of press freedoms are now facing potential life sentences; whereas the forced closure of Apple Daily, based on charges that its activities constitute a threat to national security, amounts to the definitive end of media freedom and freedom of expression in Hong Kong;
- J. whereas on 27 June 2021 another independent media outlet, Stand News, announced the deletion of all opinion articles from its website and six directors resigned; whereas the Hong Kong Journalists Association has warned against further arrests of journalists and reported that the authorities have drawn up a list of individuals to be arrested under the NSL;
- K. whereas at least two foreign judges have resigned from their position citing the NSL as the main reason; whereas in June this year pro-Beijing law-makers successfully intervened, for the first time, in the appointment of a senior judge to the Hong Kong Court of Final Appeal, in what appears to be a first concrete step in attempting to undermine the independence of the judiciary;
- L. whereas the Hong Kong authorities have introduced a National Security Law whistleblower hotline; whereas education material and curricula in primary and secondary schools, including international schools attended by expatriate children, are now being vetted based on NSL principles;
- M. whereas 10 prominent pro-democracy figures, namely Martin Lee, Albert Ho, Jimmy Lai, Margaret Ng, Cyd Ho, Lee Cheuk-yan, Leung Kwok-hung, Au Nok-hin, Leung Yiu-chung and Yeung Sum, were sentenced on 16 April 2021 in Hong Kong, in two separate cases, for their peaceful involvement in protests; whereas their sentences range from prison sentences ranging between 8 and 18 months, and suspended prison sentences from 8 to 12 months in five of the cases; whereas these latest decisions follow the sentencing of Joshua Wong and Sze-yiu Koo on 13 April 2021; whereas the lengthy imprisonment of some of the individuals for non-violent acts when exercising protected civic rights is a further sign of the continued shrinking of democratic space and erosion of fundamental freedoms in Hong Kong;
- N. whereas the NSL is de jure and de facto 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, legislature and judiciary, as well as basic rights and freedoms such as freedom of speech, assembly, association and of the press for 50 years after the handover of sovereignty; whereas the NSL also prevents Hong Kong from abiding by its international human rights obligations, including the ICCPR; whereas both

the Joint Declaration and the Basic Law enshrine the ‘one country, two systems’ principle’ as agreed between China and the United Kingdom;

- O. whereas the EU and the European Parliament have 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, and whereas the EU has a strong stake in the continued stability and prosperity of Hong Kong under this principle; whereas in the current circumstances these principles are being inevitably and irreversibly undermined and nullified;
 - P. whereas the EU continues to have deep concerns regarding the People’s Republic of China’s (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, as well as for business confidence in Hong Kong; whereas the entry into force of the NSL would increase the risks for EU citizens;
 - Q. whereas according to the Human Rights Watch annual report, China is in the midst of its darkest period for human rights since the Tiananmen Square massacre;
 - R. whereas the journalists at Macao’s public broadcaster have been ordered to promote ‘patriotism, respect and love’ for China, and at least six journalists have resigned after the introduction of new editorial rules, showing that concerns over the NSL also affects other regions; whereas the Macao Basic Law also protects freedom of press and is in place until 2049;
 - S. whereas a joint statement delivered by Canada on behalf of 44 states – the highest number of signatories so far – including 23 EU Member States, was adopted at the ongoing session of the UN Human Rights Council;
- 1. Condemns in the strongest terms the forced closure of the Apple Daily newspaper, the continued freezing of its assets and the arrests of its journalists as yet another step by the PRC in dismantling free society in Hong Kong and setting the definitive end of media freedom and freedom of expression there;
 - 2. Is alarmed by the rapid deterioration of the human rights situation in Hong Kong and more specifically the open attacks against freedom of speech and freedom of the press, as the PRC continues to undertake an unprecedented crackdown on fundamental freedoms, which has unfolded into a human rights emergency, and stresses the need for the EU to take urgent and resolute action;
 - 3. Expresses its strongest solidarity with all Hong Kong journalists who, despite the entry into force of the NSL, have continued to strenuously defend media freedom and independent journalism and to keep reporting on the dramatic evolution of events in Hong Kong; calls on the Hong Kong authorities to end all legal harassment and all intimidation directed at journalists and to strive for the protection and the safety of journalists against all forms of violence, pressure, discrimination, unfair legal proceedings and all attempts aimed at preventing them from accomplishing their mission or of weakening their ability to do so in accordance with international norms, especially with Articles 19 and 21 of the ICCPR on the right to freedom of expression and the right to freedom of peaceful assembly;

4. Urges the Hong Kong authorities to immediately and unconditionally release and drop all charges against all journalists, as well as all peaceful protesters, activists and political representatives, who have simply exercised their right to freedom of expression and other human rights and who have been arrested on charges pursuant to the NSL; calls for a stop to politically motivated prosecutions and other legal procedures against peaceful protesters with a view to silencing critical voices and deterring people from participating in the public sphere;
5. Reiterates its grave concern about the entry into force of the NSL on 30 June 2020, which is in breach of the PRC's commitments and obligations under international law, namely the Sino-British Joint Declaration, and is a comprehensive assault on the city's high degree of autonomy, rule of law and fundamental freedoms; recognises that the law has been used numerous times as grounds for disqualifying and imprisoning electoral candidates and politicians, arresting students over social media posts and banning common protest slogans; stresses that the NSL prevents a relationship of trust between China and the EU, undermines future cooperation and leads to a further erosion of Beijing's credibility on the international stage;
6. Condemns any attempts at muzzling pro-democracy activists, including the blocking of pro-democracy websites, on grounds of the NSL; reiterates that the freedom of expression and of information is a fundamental right enshrined in Hong Kong's domestic and international law;
7. Expresses grave concern over the reported practices of secret detention, torture and ill-treatment, and forced confessions by the Hong Kong Police Force and in Hong Kong jails, including concerns over individuals currently awaiting trial who are being held in solitary confinement for long periods of time;
8. Condemns the emerging restrictions on the independence of the judiciary and the increasing politicisation of courts; stresses the urgent need to prevent, as the next step, the dismantling of Hong Kong's independent judiciary and calls on 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;
9. Expresses concern at the recently adopted changes to Hong Kong's electoral law, which introduce a 'patriot-only' principle and set up a vetting committee to screen all election candidates, which will weed out any last remaining dissenting voices and totally runs counter to the commitments to greater democratic representation enshrined in the Hong Kong Basic Law;
10. Urges the Chinese authorities to repeal the NSL, which damages Hong Kong's international status, and urges the Hong Kong authorities to fully restore respect for 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 Basic Law and in line with its domestic and international obligations;
11. Calls on the Commission and the Member States to address 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 China lives up to its commitment to abide by the international human rights framework;

12. Deeply regrets the failure to adopt Council conclusions on Hong Kong at the April EU Foreign Affairs Council; strongly supports the VP/HR in submitting draft conclusions at the earliest opportunity, and urges the Member States to address the impasse and adopt new measures including targeted sanctions under the EU global human rights sanctions regime, including the implementation of travel bans and asset freezes, against individuals and entities in Hong Kong and China for the serious violations of human rights and international law in Hong Kong, including Carrie Lam, Teresa Yeuk-wah Cheng, Xia Baolong, Zhang Xiaoming, Luo Huining, Zheng Yanxiong, Chris Tang Ping-keung, Stephen Lo Wai-chung, and John Lee Ka-chiu, as well as PRC institutions, which have a crucial role in adopting measures and complicit actions undermining Hong Kong's high degree of autonomy and freedoms;
13. Reiterates its position on the EU-China Comprehensive Agreement on Investment, expressed in its resolution of 21 May 2021, including the urgent need to adopt additional targeted measures under the EU global human rights sanctions regime, as necessary, in order to continue addressing the repression in Xinjiang and Hong Kong and aimed at China putting an end to all the violations;
14. Calls on the EEAS and the Council to continue assessing and making progress on the package of measures adopted in July 2020 and to set a clear timeline for their implementation; calls on the EEAS to continue its assessment of, and to prepare concrete responses to, the possible extraterritorial effects of the NSL, in particular Article 38 thereof, which provides that the law is applicable also to those who are not permanent residents of Hong Kong; welcomes the decision by EU Member States and other international partners to suspend extradition treaties with Hong Kong; reiterates its demand that the 10 remaining Member States' extradition treaties with China be suspended;
15. Recalls and reiterates its condemnation of the complicity of EU-based banks in freezing the assets and bank accounts belonging to former pro-democracy law-makers; calls on the EEAS to evaluate the level of compliance, involvement and collaboration of EU-based companies with the Hong Kong authorities in enforcing the NSL, and calls on the Member States to reach out to EU-based banks to release assets belonging to Hong Kong pro-democracy activists;
16. Calls on the Commission to assess the long-term commercial impact for EU firms operating in Hong Kong in light of the implementation of Hong Kong's NSL, with reference to the changing rule of law and free flow of information and capital in the city; calls on the Commission and the EEAS to continue applying and working on appropriate export control mechanisms to deny China and Hong Kong access to technologies used to violate human rights, and to consider rules to prevent European investment in companies that are complicit in gross human rights violations in China and Hong Kong, including the option of an entity list;

17. Strongly welcomes the steps taken by the UK, Australia and Canada to open schemes to offer Hong Kong citizens the opportunity to live and work in their respective countries; reiterates its urgent call on the Member States to coordinate the implementation of a 'lifeboat scheme' for pro-democracy activists and political leaders in Hong Kong following this escalating deterioration of human rights and fundamental freedoms, and to issue emergency travel documents for journalists in Hong Kong who are at risk of arrest under the NSL;
18. Urges all EU and European diplomatic personnel to do everything they can to provide protection and support to peaceful activists and political leaders in Hong Kong, including also attending trials, requesting prison visits and consistently and resolutely reaching out to local authorities, in full application of the EU Guidelines on human rights defenders and other relevant EU policies, including the new EU Action Plan on Human Rights and Democracy; expects the EEAS and the Council to devise concrete measures to increase support to Hong Kong civil society and media, such as extending the scope of the European Endowment for Democracy to projects located in South-East Asia, and including active engagement with the Hong Kong diaspora;
19. Calls for the EU and the Member States to ensure that the silenced people of Hong Kong are given a voice once more by assisting with the archiving, publicising and documenting of human rights violations, and to counteract the PRC by making books that are 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 about developments in Hong Kong;
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 unless the Chinese Government demonstrates a verifiable improvement in the human rights situation in Hong Kong, the Xinjiang Uyghur Region, Tibet, Inner Mongolia and elsewhere in China;
21. Urges the Commission and the Member States to increase the number of academic and training opportunities within the Erasmus programme for students and young graduates from Hong Kong; calls on the EEAS and the Commission to develop and coordinate measures to protect the academic freedom of Hong Kong students and scientists at European universities from pressure from the Chinese authorities;
22. Reiterates its call for the EU and all its Member States to work in a united and resolute fashion towards the holding of a special session or urgent debate on China at the UN Human Rights Council and the launching of an independent UN investigation on China; highlights the growing international support for the launching of an independent inquiry;
23. Calls for the EU and its Member States to encourage the UN Secretary-General to consider all mechanisms at his disposal to ensure independent monitoring and reporting on the situation in China, including the appointment of a UN Special Envoy; 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 put Hong Kong on the agenda of other international organisations on a regular basis;
24. Encourages UN members to hold regular public events to raise awareness about the Chinese Government's grave human rights violations, including crimes against humanity,

and other violations of international law, including at least one Arria-formula meeting of the UN Security Council; would welcome it if the EU institutions and the Member States were to consider commemorating 1 July as ‘Stand with Hong Kong Day’ in order to raise the European public’s awareness of the situation in Hong Kong each year; reiterates its call for the EU and the Member States to consider filing a case before the International Court of Justice asserting that China’s decision to impose the NSL on Hong Kong and its application violate the Sino-British Joint Declaration and the ICCPR;

25. Deplores the decision by the Hong Kong police to ban the annual 4 June Tiananmen Square vigil and the annual 1 July march while granting special permission for the waiving of COVID-19 restrictions to allow Hong Kong officials to celebrate the centenary of the Chinese Communist Party;
26. 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;
27. 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;
28. 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.