

safeguard DEFENDERS

Overview statements/actions on Extradition Treaties with Hong Kong¹

A. [European Council Conclusions of 24 July 2020](#)

“As an initial response, the EU has decided to endorse a coordinated package responding to the imposition of the national security law, to be carried out at EU and/or Member State level, as deemed appropriate, within their respective areas of competence, in the following fields:

- Reviewing the implications of the national security legislation on the operation of Member States’ extradition and other relevant agreements with Hong Kong.”

In its [24th Annual Report to the European Parliament and the Council on political and economic developments in the Hong Kong Special Administrative Region](#) of May 20, 2022, the **European Commission** highlighted how the measures taken by the EU and Member States in response to the NSL in the Council Conclusions adopted in July 2020 remain in force. This package of measures includes:

- a review of the asylum, migration, visa and residency policy, and of extradition agreements;

B. State actions

1. Canada

On July 3, 2020, [Canada’s Prime Minister Justin Trudeau announced the suspension of its extradition treaty with Hong Kong](#) as part of a package of responses to the new security law China has imposed on the region.

2. Australia

On July 9, 2020, Australia’s Prime Minister Scott Morrison MP, Minister for Foreign Affairs Marise Payne and Attorney-General Christian Porter MP issued [a joint statement announcing the suspension of the bilateral extradition treaty with Hong Kong](#):

“The Australian Government remains deeply concerned about China’s imposition of a broad national security law on Hong Kong. The National Security Law erodes the democratic principles that have underpinned Hong Kong’s society and the One Country, Two Systems framework. It constitutes a fundamental change of circumstances in respect to our Extradition Agreement with Hong Kong. As a result, we have today taken steps to suspend our Extradition Agreement. We will continue to monitor developments in Hong Kong closely.”

¹ Last updated: 16 August 2022

3. United Kingdom

On July 20, 2020, [UK Foreign Secretary Dominic Raab announced to Parliament](#) that *“the UK will extend the arms embargo that applies to China to Hong Kong, and suspend our extradition treaty with Hong Kong indefinitely.”*

4. New Zealand

On July 27, 2020, [New Zealand’s Foreign Affairs Minister Winston Peters announced the suspension of his country’s extradition treaty with Hong Kong](#), stating that *“New Zealand can no longer trust that Hong Kong’s criminal justice system is sufficiently independent from China”*.

5. Germany

Following the European Council’s recommendation, Germany suspended its extradition treaty with Hong Kong on July 31, 2020.

[Foreign Minister Heiko Maas stated](#): *“The decision by the Hong Kong Government to disqualify 12 opposition candidates and to postpone the elections to the Legislative Council represents a further infringement of the rights of Hong Kong’s citizens. This move comes after the detention of four activists by the newly established National Security Department, which fills us with concern.*

In view of these latest developments, we have decided to suspend our extradition agreement with Hong Kong.

We have repeatedly made clear our expectation that China abide by its obligations under international law. This includes ensuring the rights and freedoms guaranteed by the Basic Law of Hong Kong. In particular, it includes the right to free and fair elections, which the people of Hong Kong must enjoy.”

6. France

On August 3, 2020, [France announced suspension of the ratification process for the bilateral extradition agreement with Hong Kong](#) in a statement expressly mentioning the European Council’s July conclusions.

7. United States of America

On August 19, 2020, the [United States government officially suspended its extradition treaty with Hong Kong](#) over concerns that the Chinese government’s new national security law is eroding the city’s autonomy. In a statement, the US State Department announced Washington would be suspending or eliminating three treaties with the former British colony, including *“the surrender of fugitive offenders, the transfer of sentenced persons, and reciprocal tax exemptions on income.”*

The State Department statement noted in particular that the decision was made out of *“deep concern regarding Beijing’s decision to impose the National Security Law, which has crushed the freedoms of the people of Hong Kong”*.

8. Ireland

On October 13, 2020, following a review by the Department of Justice and the Department of Foreign Affairs, [the Irish Government suspended the bilateral extradition treaty with Hong Kong](#), stating that *“this suspension, which puts the operation of the agreement on hold, was taken in concert with other EU Member States who have or are also planning to suspend their respective agreements”*.

9. The Netherlands

[In a written reply to Parliament on October 15, 2020, Dutch Foreign Minister Blok](#) – also on behalf of the Ministry of Justice – stated that the Government was of the opinion the suspension of the bilateral extradition treaty with Hong Kong was *“opportune, because the government is of the opinion that joint action by EU Member States with regard to China is in the interest of the Netherlands, and that following the introduction of the National Security Law it is important not only to express the serious concerns but to act concretely.”*

In response, [Hong Kong suspended its extradition treaties with Ireland and The Netherlands on November 10, 2020](#), as it had previously done with other countries suspending their bilateral extradition treaties.

10. Finland

On October 16, 2020, [Finish President Sauli Niinistö approved Minister of Justice Anna-Maja Henriksson’s \(SFP\) proposal to suspend the application of the extradition treaty](#) between Finland and Hong Kong.

C. European Parliament Resolutions

1. [European Parliament resolution of 20 May 2021 on Chinese countersanctions on EU entities and MEPs and MPs \(2021/2644\(RSP\)\)](#)

“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;**”

2. [European Parliament resolution of 8 July 2021 on Hong Kong, notably the case of Apple Daily \(2021/2786\(RSP\)\)](#)

“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;”

3. [European Parliament resolution of 16 September 2021 on a new EU-China strategy \(2021/2037\(INI\)\)](#)

“19. Calls on the Member States to fully implement the package of measures that was agreed following the introduction of the National Security Law for Hong Kong in July 2020 and to review their asylum, migration, visa and residence policies for Hong Kongers; urges the VP/HR and the Council to assess and update the conclusions on Hong Kong; calls for targeted measures under the EU Global Human Rights Sanctions Regime, as necessary, in order to address repression in Hong Kong; calls furthermore for the repeal by China of the National Security Law imposed on Hong Kong in June 2020; **calls on those Member States which continue to have extradition treaties with China and Hong Kong in force to suspend individual extraditions wherever the extradition of an individual puts them at risk of torture or cruel, inhuman or degrading treatment or punishment, where that individual would face charges for politically motivated reasons, in other situations where ethnic minorities, representatives of the pro-democratic opposition in Hong Kong and dissidents in general would be targeted, and wherever this would be in breach of the EU's obligations under the European Convention on Human Rights;**”

4. [European Parliament resolution of 20 January 2022 on violations of fundamental freedoms in Hong Kong \(2022/2503\(RSP\)\)](#)

“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;**”

5. [European Parliament resolution of 9 June 2022 on the human rights situation in Xinjiang, including the Xinjiang police files \(2022/2700\(RSP\)\)](#)

“16. **Calls for the EU and the Member States to suspend their extradition treaties with China and Hong Kong;**”

6. [European Parliament resolution of 7 July 2022 on the arrest of Cardinal Zen and the trustees of the 612 Humanitarian Relief Fund in Hong Kong \(2022/2751\(RSP\)\)](#)

“8. Reiterates its call for the Council to introduce targeted sanctions under the EU Global Human Rights Sanctions Regime (the EU's Magnitsky-style sanctions) against John Lee and all other Hong Kong and PRC officials responsible for the ongoing human rights crackdown in the city; **further reiterates its urgent call for the remaining 10 EU Member States who have not done so to suspend active extradition treaties with the PRC and Hong Kong;**”