



Plenary sitting

B8-0687/2017

12.12.2017

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Freedom of expression in Vietnam, notably the case of Nguyen van Hoa (2017/3001(RSP))

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on behalf of the Verts/ALE Group

European Parliament resolution on Freedom of expression in Vietnam, notably the case of Nguyen van Hoa (2017/2001(RSP))

The European Parliament,

- having regard to its previous resolutions, notably the one of 9 June 2016, 18 April 2013 on Vietnam, in particular freedom of expression, of 26 November 2009 on the situation in Laos and Vietnam, and of 22 October 2008 on democracy, human rights and the new EU-Vietnam Partnership and Cooperation Agreement;
 - having regard to the EU-Vietnam Framework Agreement on Comprehensive Partnership and Cooperation (resolution), signed in 2012, as well as the European Parliament Resolution of 17 December 2015 accompanying its assent;
 - having regard to the ongoing preparations for the EU-Vietnam Free trade agreement,
 - having regard to the declaration of 3 June 2016 which has been endorsed by the UN Special Rapporteur on the situation of human rights defenders, Mr. Michel Forst; the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. Maina Kiai; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. David Kaye; the Special Rapporteur on violence against women, its causes and consequences, Ms. Dubravka Šimonović; and the Working Group on Arbitrary Detention,
 - having regard to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), ratified by Vietnam in 1982,
 - having regard to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Vietnam in 2015,
 - having regard to Rule 122 of its Rules of Procedure,
- A. Whereas on 27 November 2017 Nguyen Van Hoa, a Vietnamese blogger and activist, was sentenced to 7 years imprisonment for having spread online information, including videos, on the environmental disaster in the Ha Tinh province that took place in April 2016, when a steel complex dumped toxins into the ocean with devastating environmental effects along 200 kilometres of coastline, causing millions of dead fish to be washed ashore and ruining fishing prospects in the region;
- B. Whereas this disaster provoked widespread indignation amongst the Vietnamese population, a vast mobilisation of social networks took place and massive peaceful demonstrations were staged in all the large cities of Vietnam; whereas the Vietnamese authorities reacted by momentarily blocking access to social networks, violently repressing demonstrations and arresting protesters;

- C. Whereas on 30 November, a Vietnamese court upheld the 10-year sentence of another blogger Nguyễn Ngọc Như Quỳnh for anti-state propaganda after she issued critical posts on environmental degradation, politics and deaths in police custody;
- D. Whereas in recent years there has been a steep rise in the number of detentions, arrests and sentencing of Vietnamese citizens related to freedom of expression and opinions on the basis of Article 88 of the Penal Code; whereas many of human rights defenders remain detained without trial, including prominent Vietnamese human rights lawyer Nguyen Van Dai who was arrested two years ago on 16 December 2015;
- E. Whereas such repression targets all those who speak out for human rights, including bloggers, government critics, human rights defenders, members of “non-recognised” religions and social activists, and has led to a persistent pattern of arrests, harassment, physical assaults, surveillance and even detention in psychiatric institutions, perpetrated either by police officers or plain-clothed security agents and hired thugs;
- F. whereas the UN Human Rights Office and international human rights mechanisms have repeatedly denounced article 88 of the Vietnamese Penal Code, along with several other provisions of the Code, as being in breach of international human rights law;
- G. Whereas freedom of religion or belief is repressed and the Catholic Church and non-recognised religions, such as the Unified Buddhist Church of Vietnam, several Protestant churches as well as members from the ethno-religious Montagnard minority and others continue to suffer from severe religious persecution;
- H. Whereas in April 2016 Vietnam adopted a Law on Access to Information and an amended Press Law which restricts freedom of expression and reinforces censorship, as well as regulations banning demonstrations outside Courts during trials; whereas the National Assembly is expected to pass a Law on Associations and a Law on Belief and Religion which are incompatible with international norms of freedom of association and freedom of religion or belief;
- I. Whereas Vietnam is an important partner for the EU, in particular in the framework of EU-ASEAN relations, and this relationship is underpinned by a PCA which includes a section on human rights;
- J. Whereas in March 2015, the EU Ombudsman pronounced the European Commission guilty of maladministration for refusing to conduct a Human Rights Impact Assessment prior to the negotiations of the EU-Vietnam Free Trade Agreement; whereas the Commission has refused to carry out this impact assessment in spite of the Ombudsman's ruling;

1. Urges the Vietnamese authorities to immediately and unconditionally release blogger Nguyen Van Hoa and all other prisoners of conscience in Viet Nam, including blogger and human rights defender Nguyễn Ngọc Như Quỳnh;
2. Expresses its concern about the rise in the number of detentions, arrests and sentencing of Vietnamese citizens related to the expression of their opinions and calls on the Vietnamese authorities to end arrests, prosecutions and convictions of people for their beliefs and peaceful advocacy for human rights;
3. Is concerned about Vietnam's use of the death penalty for certain « national security » provisions, as prescribed in its amended Criminal Code, as it continues to hand out death sentences to an average of 100 persons each year;
4. Calls on the Vietnamese authorities to stop the use of vaguely worded provisions in Viet Nam's Penal Code to criminalise human rights defenders and peaceful activists, in particular Article 88 (Conducting propaganda against the Socialist Republic of Viet Nam) and Article 79 (Activities aimed at overthrowing the people's administration); as well as provisions such as “causing public disorder” (Article 245); “Abusing democratic freedoms to infringe upon the interests of the State” (Article 258); “Resisting persons in the performance of their official duties (Article 257), which are also being used against activists;
5. Regrets that Vietnam has adopted a number of laws and regulations which criminalise the peaceful exercise of certain internationally recognized fundamental rights as also defined in the ICCPR which Vietnam ratified in 1982, and empower the authorities to repress and detain with total impunity all those who seek to claim their rights;
6. Regrets that all mainstream media remain under control of the Communist Party, and that the amended Press Law does not provide for the establishment of independent press and media outlets in Vietnam; further urges compliance with article 19 of the International Covenant on Civil and Political Rights to which Vietnam is a party;
7. Denounces Vietnam's policy of censorship and assault on freedom of expression and assembly, using persistent crackdowns, arrests and police brutality to create a climate of fear amongst all those who seek to speak freely or participate in public affairs; urges the Vietnamese government to enact legislation that regulates the right to freedom of peaceful assembly in line with the provisions of the ICCPR, to which Vietnam is a state party;
8. Re-iterates the call on the Vietnamese authorities to establish a moratorium on the death penalty as a first step towards the abolition of capital punishment for all crimes;
9. Urges Vietnam to comply with its international human rights obligations to the United Nations by issuing a standing invitation to Special Procedures, in particular the Special Rapporteur on Freedom of Opinion and Expression and the Special

Rapporteur on Human Rights Defenders to visit Vietnam, and give them free and unfettered access to all parties they wish to consult;

10. Calls on the EEAS and the Commission to keep bringing these and other human rights concerns into their interactions with the Vietnamese government and authorities and to provide continuous assistance and support to families of imprisoned HRDs and prisoners of conscience;
11. Deplores the failure of the European Commission to carry out a human rights impact assessment on the EU-Viet Nam free trade agreement and demands that the Commission makes the ratification of the Free trade agreement conditional on an end to the crack down on fundamental rights activists and the release of those who are being held solely for expressing peaceful dissent;
12. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the European Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, the governments and parliaments of the Member States, the Secretary-General of the UN, the UN Human Rights Council, and the Government and National Assembly of Vietnam.