



Plenary sitting

**B8-0685/2017 }
B8-0687/2017 }
B8-0688/2017 }
B8-0690/2017 }
B8-0693/2017 } RC1**

13.12.2017

JOINT MOTION FOR A RESOLUTION

pursuant to Rules 135(5) and 123(4), of the Rules of Procedure

replacing the motions by the following groups:

ECR (B8-0685/2017)

Verts/ALE (B8-0687/2017)

S&D (B8-0688/2017)

ALDE (B8-0690/2017)

PPE (B8-0693/2017)

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

**Cristian Dan Preda, Tomáš Zdechovský, David McAllister,
Jaromír Štětina, Claude Rolin, Bogdan Brunon Wenta, Tunne Kelam,
Pavel Svoboda, Patricija Šulin, Elisabetta Gardini, Csaba Sógor,
Ivan Štefanec, Michaela Šojdrová, Laima Liucija Andrikienė,
László Tóké, Ivana Maletić, Milan Zver, Agnieszka Kozłowska-Rajewicz,
Adam Szejnfeld, Eduard Kukan, Dubravka Šuica, Ramona Nicole
Mănescu, Sandra Kalniete, Lars Adaktusson, Marijana Petir,
Andrey Kovatchev, Seán Kelly, Deirdre Clune, Roberta Metsola,
Anna Záborská, Jeroen Lenaers, Inese Vaidere, José Ignacio Salafranca
Sánchez-Neyra, Stanislav Polčák, Elmar Brok**
on behalf of the PPE Group
Elena Valenciano, Victor Boștinăru, Soraya Post, Neena Gill

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on behalf of the S&D Group

**Charles Tannock, Ruža Tomašić, Branislav Škripek, Urszula Krupa,
Notis Marias, Valdemar Tomaševski, Jana Žitňanská, Monica Macovei,
Angel Dzhambazki**

on behalf of the ECR Group

**Pavel Telička, Petras Auštrevičius, Nedzhmi Ali, Beatriz Becerra
Basterrechea, Izaskun Bilbao Barandica, Dita Charanzová,
Gérard Deprez, Martina Dlabajová, Nathalie Griesbeck, Marian Harkin,
Filiz Hysmenova, Ivan Jakovčić, Petr Ježek, Ilhan Kyuchyuk,
Patricia Lalonde, Valentinas Mazuronis, Louis Michel, Javier Nart,
Norica Nicolai, Urmas Paet, Maite Pagazaurtundúa Ruiz, Jozo Radoš,
Robert Rochefort, Marietje Schaake, Ramon Tremosa i Balcells,
Ivo Vajgl, Johannes Cornelis van Baalen, Hilde Vautmans,
Cecilia Wikström**

on behalf of the ALDE Group

**Barbara Lochbihler, Heidi Hautala, Bodil Valero, Maria Heubuch,
Ernest Urtasun, Bronis Ropè, Igor Šoltes, Davor Škrlec, Sven Giegold,
Michel Reimon, Michèle Rivasi, Jordi Solé**

on behalf of the Verts/ALE Group

Ignazio Corrao, Fabio Massimo Castaldo, Isabella Adinolfi

on behalf of the EFDD Group

Barbara Kappel

European Parliament resolution on freedom of expression in Vietnam, notably the case of Nguyen Van Hoa (2017/3001(RSP))

The European Parliament,

- having regard to its previous resolutions on Vietnam,
 - having regard to the 7th EU-Vietnam Human Rights Dialogue of 1 December 2017,
 - having regard to the EU-Vietnam Partnership and Cooperation Agreement signed on 27 June 2012,
 - having regard to the EU Guidelines on Human Rights Defenders of 2008,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the International Covenant on Civil and Political Rights, to which Vietnam acceded in 1982,
 - having regard to the decision of the European Ombudsman of 26 February 2016 in case 1409/2014/MHZ on the European Commission’s failure to carry out a prior human rights impact assessment of the EU-Vietnam free trade agreement,
 - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas the EU considers Vietnam to be an important partner in Asia; whereas 2015 marked the 25th anniversary of EU-Vietnam relations; whereas the scope of these relations has broadened rapidly, from trade and aid to a more comprehensive partnership;
- B. whereas 22-year-old videographer and blogger Nguyen Van Hoa was reported missing by his family on 11 January 2017 and was later discovered to have been detained by the police without an official warrant;
- C. whereas Nguyen Van Hoa was initially arrested under Article 258 of the Vietnamese Penal Code and charged with ‘abusing democratic freedoms to infringe upon the interests of the state’; whereas in April 2017, these charges were upgraded to a violation of Article 88; whereas Article 88 of the Penal Code has been widely used against human rights defenders (HRDs) who have highlighted abuses in Vietnam;
- D. whereas on 27 November 2017, Nguyen Van Hoa was sentenced to seven years’ imprisonment for having disseminated online information, including videos, on the environmental disaster in Ha Tinh Province that took place in April 2016, when Formosa Ha Tinh, a Taiwanese steel company, caused an illegal discharge of toxic industrial waste into the ocean, which had devastating environmental effects along 200 km of coastline, killing marine life and making people ill;
- E. whereas this disaster provoked widespread indignation among the Vietnamese population, a vast mobilisation of social networks and massive peaceful demonstrations in all large

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cities in Vietnam; whereas Nguyen Van Hoa's arrest was one of a series of arrests by the Vietnamese authorities in the days leading up to the Tet holiday;

- F. whereas the People's Court of Ha Tinh Province found Nguyen Van Hoa guilty of producing propaganda against the state under Article 88 of the Penal Code, following a two and a half hour trial; whereas Nguyen Van Hoa was not permitted access to a lawyer to represent him at the hearing;
 - G. whereas on 30 November 2017, a Vietnamese court upheld the 10-year sentence of another blogger, Nguyen Ngoc Nhu Quynh, for anti-state propaganda after she wrote critical posts on environmental degradation, politics and deaths in police custody;
 - H. whereas the UN Human Rights Office and its special procedures and mechanisms have repeatedly denounced Article 88 of the Penal Code, along with several of its other provisions, as being in breach of international human rights law;
 - I. whereas most media outlets are owned and controlled by the state; whereas press freedom is severely restricted; whereas Vietnam ranks 175th out of 180 countries in the Reporters Without Borders 2017 World Press Freedom Index; whereas in response to widespread indignation among the Vietnamese population after the disaster in Ha Tinh Province, the authorities momentarily blocked access to social networks, violently repressing demonstrations and arresting protesters;
 - J. 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;
 - K. whereas freedom of religion or belief is repressed in Vietnam and the Catholic Church and non-recognised religions, such as the Unified Buddhist Church of Vietnam, several Protestant churches and others, including ethnic minority Montagnards, continue to suffer severe religious persecution;
 - L. whereas during the 7th EU-Vietnam Human Rights Dialogue, freedom of expression, association, assembly, religion and belief, and access to information were discussed; whereas the EU underlined the deterioration of civil and political rights in Vietnam; whereas it encouraged Vietnam to issue standing invitations to UN Special Procedures;
1. Condemns the sentencing of Nguyen Van Hoa to seven years in prison; underlines that Nguyen Van Hoa has exercised his right to freedom of expression; urges the Vietnamese authorities to release Nguyen Van Hoa immediately and unconditionally;
 2. Expresses its concern about the rise in the number of detentions, arrests and convictions of Vietnamese citizens related to the expression of their opinions;
 3. Expresses its concern at the increasingly restrictive approach of the authorities with regard to freedom of expression and other freedoms; condemns, in this regard, the use by the authorities of physical and psychological harassment, extra-judicial house arrest, pressure on lawyers, employers, landlords and family members of activists, and intrusive

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surveillance; expresses concern, furthermore, at the restrictions placed on freedom of movement to prevent bloggers and activists from participating in public events such as human rights discussions and attending trials of fellow activists;

4. Calls on the Vietnamese authorities to release all citizens detained for peacefully exercising their freedom of expression;
5. Calls on the Vietnamese authorities to end all restrictions on and acts of harassment against HDRs and to guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment;
6. Expresses serious concerns about the extensive application of the national security provisions in Vietnam's Penal Code;
7. Denounces Vietnam's use of the death penalty for certain national security crimes, as prescribed in its amended Penal Code, and the fact that it continues to hand out death sentences; reiterates the EU's strong opposition to the death penalty, in all cases and without exception; reiterates its 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;
8. Urges the Government of Vietnam to amend certain articles in its Penal Code, including Article 88 on propaganda and Article 79 on activities aimed at overthrowing the administration, which have been denounced by the OHCHR as being in breach of international human rights law, and to ensure that national security concerns are not used as a pretext for the suppression of human rights, including freedom of expression and freedom of religion and belief; expresses its concern about the new Law on Associations and the Law on Belief and Religion, which are incompatible with international norms;
9. Urges Vietnam to issue a standing invitation to UN Special Procedures, in particular to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders, and to give them free and unfettered access to all parties they wish to consult;
10. Welcomes Vietnam's ratification of the UN Convention Against Torture and urges it to engage with it meaningfully, including by providing regular and detailed submissions under its provisions; insists that no statement extracted under torture or other ill-treatment are relied upon as evidence to convict individuals accused of propaganda or other politically motivated charges;
11. Welcomes the strengthened partnership and Human Rights Dialogue between the EU and Vietnam and recalls the importance of the Dialogue as a key instrument to be used in an efficient manner to accompany and encourage Vietnam in the implementation of the necessary reforms;
12. Welcomes the fact that the EU raised the issues of freedom of expression and association and the increasing number of detentions, arrests and convictions during the 7th EU-Vietnam Human Rights Dialogue; strongly encourages the Commission to monitor

progress under the Dialogue through the introduction of benchmarks and monitoring mechanisms; urges the Commission and the VP/HR to continue to raise the issue of freedom of expression in its regular dialogue with Vietnam, including during the next Asia-Europe Meeting (ASEM) Summit in Brussels in 2018;

13. Calls on the Vietnamese authorities to address the environmental disaster in the Ha Tinh Province, which caused mass fish deaths in the region and affected the lives of thousands of people, through legislative measures aimed at restoring and rehabilitating the local economy;
14. 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 Secretary-General of the Association of Southeast Asian Nations (ASEAN), and the Government and National Assembly of Vietnam.