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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 122 of the Rules of Procedure

on Vietnam, in particular freedom of expression
(2013/2599(RSP))

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on behalf of the GUE/NGL Group

European Parliament resolution on Vietnam, in particular freedom of expression (2013/2599(RSP))

The European Parliament,

- having regard to the new Partnership and Cooperation Agreement between the EU and Vietnam which was signed on 26 June 2012,
- having regard to Rule 122 of its Rules of Procedure,

A. whereas Vietnam has joined almost all decisive international conventions on human rights and has established bilateral dialogues with many countries regarding human rights; whereas in 2009 Vietnam subjected itself to the Human Rights Council Periodic Review and closely cooperates with the UN on human Rights and rule of law issues; whereas recently the Vietnamese government has opened a dialogue with Amnesty international, allowing the human rights group to meet with representatives of the opposition and government officials in a first contact since the end of the Vietnam War,

B. whereas Vietnam is bidding for a seat in the UN Human rights Council for the 2014-2016 term,

C. whereas the Vietnam War with its roots and outcomes is still affecting the individual and social life of almost each citizen and the fate of its families and therefore has also still a deep impact on the political and social agenda of the today's Vietnam,

D. whereas positive developments in the area of human rights saw some setbacks in the recent past which need to be corrected; whereas much work remains to be done until the promotion and protection of basic human rights and freedoms is made real without prejudice and discrimination;

E. whereas Vietnam has launched an extensive public consultation on the reform of the Constitution which resulted in a lively debate in the society even on the shortcomings of the political system in the countries new situation, on the extent of direct participation and people's supervisory mechanism for the State's power as well on issues related to human rights and the right to freedom of belief and religion; whereas there are cases that those who expressed critical opinions have faced sanctions and pressure, such as Nguyen Duc Kien, a journalist on the state-run press, who was fired on 26 February 2013, less than 24 hours after writing a post on his personal blog criticising the Secretary-general of the Communist Party Nguyen Phu Trong, who stated that calls for multiparty democracy are a "degradation" of Vietnamese society; whereas it appears that the critical remarks in the context of the constitutional reform process have been a factor in the arrest of human rights-defending lawyer Le Quoc Quan, the Buddhist activist Le Cong Cau and others;

F. whereas according to credible reports, since the adoption of the 2003 Land Law up till today, the authorities have illegally confiscated the rice-fields and lands of some 500,000 farmers and peasants; whereas police used excessive force in response to public protests over evictions, confiscation of land, and police brutality;

G. Whereas Vietnam is preparing a new decree on Internet management that has been widely criticized by the international community and Vietnamese citizens because of the threat it constitutes for the exercise of the freedom of expression and the constraints it would impose on internet companies, including foreign ones, transforming them into virtual police informers;

H. Whereas during 2012, the Vietnam authorities used vaguely defined articles in the penal code that criminalize exercise of civil and political rights to send at least 33 activists to prison and arrest at least another 34 political and religious advocates.

I. Whereas in January 2013, 14 pro-democracy activists, including several Catholic and Protestant bloggers were sentenced to a total of over 100 years in prison on charges of “activities aimed at overthrowing the people’s administration” under Article 79 of the Criminal Code, simply for exercising their right to freedom of expression ;

J. Whereas on 4 February 2013, a group of 22 people were condemned under Article 79 of the Criminal Code to prison terms ranging from 10 years to life imprisonment for their leader Phan Van Thu;

K. Whereas founders of the "Club of Free Journalists", bloggers Dieu Cay, Ms. Ta Phong Tan and Phan Thanh Hai, were condemned on appeal respectively to 12, 10 and 4 years in prison followed by five and three years house arrest for “anti-state propaganda” on 28 December 2012; whereas court’s decision came after only a few hours of deliberation raises questions about the defendants’ right to due process and a fair trial;

L. Whereas most bloggers and activists imprisoned in Vietnam are sentenced under vaguely-worded “national security” provisions that make no distinction between acts of violence and the peaceful expression of dissenting opinions or beliefs, such as “propaganda against the Socialist Republic of Vietnam” (article 88 of the Criminal Code), “activities aimed at overthrowing the people’s power” (article 79), “sowing divisions between religious and non-religious people” (article 87) “abusing democratic freedoms to encroach on the interests of the state” (article 258);

M. Whereas Vietnamese law continues to authorize arbitrary “administrative detention” without trial; whereas under Ordinance 44 (2002) and Decree 76 (2003) persons deemed threats to national security or public order can be placed under house arrest, involuntarily committed to mental health institutions, or detained at “re-education” centres.

N. Whereas Vietnam-EU relations have developed very rapidly, moving from an initial focus on trade and aid to a broader, more diversified and more political partnership; whereas EU and Vietnam launched negotiations on a deep and comprehensive free trade agreement in June 2012; ;

1. Comments Vietnam for its impressive economic development after many years of war and recognizes Vietnam's impressive record in overcoming poverty; notes on the other side that economic development in Vietnam did not coincide with the development of labour and trade union rights; calls on the parliament and government of Vietnam to amend the relevant legislation in these areas;

2. Welcomes the launch of the public consultation about the constitutional reforms, but

regrets that that this led to sanctions and pressures against people who legitimately expressing their opinions;

3. Notes the debate about the establishment of an independent national human rights commission and encourages the implementation of this idea ;

4. Underlines that freedom of expression is an important tool for the development of the society and a basic rule of a democratic state; calls on the Parliament and government of Vietnam to eliminate all obstacles for the implementation of the right to freedom expression and to amend or revise all legislation that restricts the right to freedom of expression and freedom of the press;

5. Hopes that the ongoing process of amending the constitution and the Land Law will be used for dropping provision that make possible land confiscation without due process, just compensation and independent and impartial means of review and for protecting especially the legitimate interests of vulnerable groups like women, the poor, ethnic minorities reducing by this land-related complaints and the widespread corruption;

6. Expresses concern about charges under the vaguely-worded legal provisions such as articles 79, 80, 87, 88 and 91 and 258 of the Criminal Code to suppress the peaceful and legitimate exercise of the rights to freedom of expression, religion and assembly; calls for the review of ordinance 44 on “Regulating Administrative Violations” which authorises detention without trial, and release all those currently detained under house arrest, in rehabilitation camps or psychiatric institutions under the provisions of this law;

7. Urges the authorities to release immediately and unconditionally all human rights defenders, political prisoners and prisoners of conscience; also requests the authorities to guarantee their physical and psychological wellbeing in all circumstances and to offer those who need it access to good independent professional medical care;

8. Recalls that the peaceful expression of opinions and information via the Internet is not a threat but a necessary component of a robust and well-governed society; expresses concern about the draft “Decree on the Management, Provision, Use of Internet Services and Information Content Online”, and calls the Vietnamese government to amend this decree to ensure that it protects the right to freedom of expression online;

9. Calls on the Commission to make "freedom of expression" and the ILO core labour rights including freedom of association an essential part of the sustainability chapter in the ongoing negotiations on an EU-Vietnam deep and comprehensive free trade agreement,

10. Welcomes the upgrade of the human rights dialogue between the EU and Vietnam; hopes that it will result a rapprochement of views on human and democratic rights and freedoms; underlines that the promotion of human rights and democratic freedoms should not lack behind the development of trade and economic relations;

11. Reminds the Government of Vietnam that the application for a seat in the UN Human rights Council is linked to the responsibility for guarantying and promoting human rights - political, social, ecological and cultural - at home and worldwide;

12. Encouraged Vietnam to receive the UN Special Rapporteur on Freedom of Religion or

Belief;

13. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the governments and parliaments of Vietnam, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations.