



Plenary sitting

B8-0688/2017

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 S&D Group

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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, notably that of 9 June 2016,
- having regard to the Statement by the Ambassador and Head of the EU Delegation on the conviction of Ms Nguyễn Ngọc Như Quỳnh of 30 November 2017,
- having regard to the EU-Vietnam Framework Agreement on a Comprehensive Partnership and Cooperation Agreement, which entered into force in 2016,
- having regard to the EU-ASEAN enhanced partnership 2013 - 2017,
- having regard to the 7th EU-Vietnam Human Rights Dialogue held in Hanoi on 1 December 2017,
- having regard to the Remarks of the High Representative/Vice President Federica Mogherini at the 13th ASEM Foreign Ministers' Meeting in Nay Pyi Taw on 20-21 November 2017,
- having regard to the Universal Periodic Review outcome of Vietnam by the UN Human Rights Council of 28 January 2014,
- having regard to EU Annual Report on Human Rights and Democracy in the World in 2016,
- having regard to Decision of the EU Ombudsman 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 the EU Human Rights Guidelines on Freedom of Expression Online and Offline of 12 May 2014,
- having regard to the UN Declaration on Human Rights Defenders of 1998,
- 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 (ICCPR), to which Vietnam acceded in 1982,
- having regard to the ILO Convention on Freedom of Association and Protection of the Right to Organise,

- having regard to the UN Convention against Torture, which was ratified by Vietnam in 2015,

- having regard to the ASEAN Charter,

- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

- A. whereas Vietnam has been a one-party state since 1975; whereas the Communist Party of Vietnam allows no challenge to its leadership and maintain control of the National Assembly and the courts;
- B. whereas 22 year old videographer Nguyen Van Hoa was reported missing by his family on 11 January 2017 and later discovered to be detained by the police without an official warrant;
- C. whereas after multiple requests by his family the police claimed he was detained under Article 258 of the Penal Code, but later altered the charge to conducting propaganda against the state under Article 88; whereas this Article is frequently used to suppress dissidents in Vietnam;
- D. whereas Nguyen Van Hoa was detained in police custody, reportedly without legal representation, and sentenced to 7 years in prison and 3 years of house arrest in November 2017 after an abrupt trial held without his family's knowledge;
- E. whereas in 2017 Hoa was the first of around 25 bloggers to be arrested; whereas many of the arrested individuals were participating in mass protests following the toxic waste spill by Taiwanese steel company Formosa and enormous subsequent environmental damage caused;
- F. whereas independent political parties, trade unions and human rights organisations are banned in Vietnam; whereas official approval is needed for public gatherings and many assemblies are banned or broken up;
- G. whereas dissidents and protesters are routinely harassed, intimidated and attacked; whereas there are multiple reports of plain-clothed government agents violently attacking dissidents;
- H. whereas most media outlets are owned and controlled by the state; whereas press freedom is severely restricted; whereas Vietnam ranks 175 out of 180 countries in Reporters Sans Frontier's 2017 World Press Freedom Index;
- I. whereas there is a severe lack of transparency in police and judicial cases; whereas human rights organisations have expressed serious concerns about lack of due process including closed court hearings and lack of access to lawyers; whereas the EU pledged €8.6 million to Vietnam between 2014 and 2020 for the JULE programme in support of judicial reforms;

- J. whereas activist Tran Thi Nga was sentenced to nine years' imprisonment in July 2017 under Article 88 of the Penal Code for so-called 'anti-state propaganda' for comments posted online, and after being kept incommunicado for six months; whereas in October 2016 the prominent environmental human rights defender known as 'Mother Mushroom' was detained on charges of spreading propaganda against the government online and subsequently sentenced to 10 years in jail; whereas her appeal was rejected in November 2017;
- K. whereas human rights organisations report that activists engaging with the EU officials in Hanoi are targeted by the Vietnamese authorities; whereas lawyer Nguyen Van Dai was arrested on his way to meet the EU Delegation in December 2015 and remains in detention; whereas in November 2017 two human rights activists were detained after meeting a delegation from the EU;
- L. whereas there are a high number of deaths in custody and torture reported; whereas in 2015 the Criminal Procedure Code was amended to require video or audio recordings of interrogations; whereas the full implementation of this rule enters into force in 2019;
- M. whereas the death penalty continues to be used in Vietnam; whereas death penalty statistics are classified as a state secret; whereas nonetheless around 700 prisoners are reported to be on death row;
- N. whereas a limited number of independent NGOs are able to operate in Vietnam, but face state control and threats of intimidation and harassment;
1. Expresses serious concerns at the deteriorating situation in Vietnam for human rights, in particular freedom of expression and freedom of religion and belief; deeply regrets the increasing number of activists and bloggers who were arrested, detained and sentenced in 2017 including Nguyen Van Hoa; denounces the violence used against civil society activists by state actors;
 2. Recalls that the protection of human rights and a robust and independent civil society is a prerequisite for to advance sustainable development and strengthen the rule of law;
 3. Calls on the government of Vietnam to release all political prisoners and detainees; urges Vietnam to uphold its international commitments to human rights protection including freedom of expression; strongly urges in this regard the current crackdown on individuals criticising the government to be brought to an end;
 4. Ensure as a matter of urgency that all detainees have full and timely access to family visits, legal representation of their choosing and medical care; strongly urges the Vietnamese government to end the practice of incommunicado detention;
 5. Urges the government of Vietnam to amend Articles of the 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 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;

6. Urges Vietnam to issue a standing invitation to UN Special Procedures, in particular to the Special Rapporteur on freedom of expression and the Special Rapporteur on the situation of human rights defenders;
7. Encourages the Commission and EEAS to continue engaging with Vietnam under the JULE programme for further reforms to the criminal justice system; urges Vietnam to ratify outstanding international conventions in line with the recommendations on the most recent UN Universal Periodic Review of human rights;
8. Welcomes Vietnam's ratification of the UN Convention Against Torture and urges it to engage meaningfully including providing regular and detailed submissions under the provisions of the Convention; 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;
9. Reiterates the European Union's strong opposition to the death penalty, in all cases and without exception; calls for the universal abolition of capital punishment;
10. Welcomes the first EU-Vietnam civil society dialogue with NGOs in Hanoi in June 2016; urges the Vietnamese government to ensure all NGOs are able to attend future dialogues freely and without fear of intimidation and harassment; urges the EEAS to intervene particularly to support human rights defenders operating in Vietnam who are targeted for their engagement with EU officials;
11. Welcomes the EU raising the issues of freedom of expression and association and the increasing number of detentions, arrests and sentencing 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 HR/VP to continue raise the issue of freedom of expression in its regular dialogue with Vietnam, including during the next ASEM Summit in Brussels in 2018;
12. Regrets the lack of human rights impact assessment carried out by the Commission before launching negotiations for an EU-Vietnam free trade agreement; urges the Commission to use all available mechanisms in engagement with Vietnam to advance dialogue on human rights and robustly monitor implementation of human rights obligations;
13. Calls for greater interparliamentary cooperation between the EU and Vietnam on issues including trade, sustainable development and human rights;
14. 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 European External Action Service, the EU Special Representative for Human Rights, the Government and National Assembly of Vietnam, the governments and parliament of the ASEAN member states and the UN High Commissioner for Human Rights.

