

## **P7\_TA(2013)0189**

### **Vietnam, in particular freedom of expression**

#### **European Parliament resolution of 18 April 2013 on Vietnam, in particular freedom of expression (2013/2599(RSP))**

*The European Parliament,*

- having regard to the Partnership and Cooperation Agreement between the EU and Vietnam signed on 27 June 2012 and to the EU-Vietnam human rights dialogue held twice a year between the EU and the government of Vietnam,
  - having regard to the International Covenant on Civil and Political Rights to which Vietnam acceded in 1982,
  - having regard to the Universal Periodic Review Outcome on Vietnam by the UN Human Rights Council of 24 September 2009,
  - having regard to report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to the 14th Session of the Human Rights Council in April 2010,
  - having regard to the Statement by the Spokesperson of EU High Representative Catherine Ashton on the sentencing of bloggers in Vietnam of 24 September 2012,
  - having regard to its resolution of 11 December 2012 on a Digital Freedom Strategy in EU Foreign Policy<sup>1</sup>,
  - having regard to its previous resolutions on Vietnam,
  - having regard to Rules 122(5) and 110(4) of its Rules of Procedure,
- A. whereas three prominent journalists – Nguyen Van Hai/Dieu Cay, Ta Phong Tan and Pan Thanh Hai – were sentenced to prison on 24 September 2012; whereas, following an appeal, their sentences were confirmed as 12, 10 and 3 years respectively, followed by several years of house arrest, for posting articles on the website of the Vietnamese Club of Free Journalists;
- B. whereas, according to recent reports by international human rights organisations, 32 cyber dissidents have been handed heavy prison sentences or are awaiting trial in Vietnam; 14 pro-democracy activists have been sentenced to a total of over 100 years in prison for exercising their right to freedom of expression; a group of 22 peaceful environmental activists have been given prison terms ranging from 10 years to life imprisonment; a journalist working for the state-run press was fired after writing a post on his personal blog criticising the Secretary-General of the Communist Party; and cyber dissidents, including Le Cong Cau and Huynh Ngoc Tuan, are frequently harassed and assaulted by the police;
- C. whereas several prisoners of conscience have been sentenced under vaguely worded

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<sup>1</sup> Texts adopted, P7\_TA(2012)0470.

‘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) and ‘abusing democratic freedoms to encroach on the interests of the state’ (Article 258); whereas Ordinance 44 of 2002 authorising detention without trial is increasingly used to detain dissidents;

- D. whereas bloggers and human rights defenders increasingly turn to the internet to voice their political opinions, expose corruption, and draw attention to land-grabbing and other official abuses of power;
- E. whereas the Vietnamese authorities systematically suppress freedom of expression and peaceful assembly and persecute those who question government policies, expose cases of official corruption or call for alternatives to the one-party rule;
- F. whereas Vietnam is drafting the ‘Decree on the Management, Provision, Use of Internet Services and Information Content Online’, a new decree on internet management that would legalise content-filtering, censorship and sanctions by the government against vaguely defined ‘prohibited acts’ and which would oblige internet companies and providers, including foreign ones, to cooperate with the government in the surveillance and tracking of cyber dissidents; whereas digital freedoms are increasingly under threat;
- G. whereas in 2009, during the UN Human Rights Council’s Universal Periodic Review (UPR) of Vietnam’s human rights record, Vietnam accepted a number of recommendations on freedom of expression, including the recommendation to ‘fully guarantee the right to receive, seek and impart information and ideas in compliance with article 19 of the International Covenant on Civil and Political Rights’; whereas Vietnam has still not implemented those recommendations;
- H. whereas land confiscation by government officials, use of excessive force in response to public protests over evictions, arbitrary arrests of activists and heavy sentences for protesters are ongoing, while the issues of land rights and land use are unclear;
- I. whereas freedom of religion and belief is repressed and the Catholic Church and non-recognised religions, such as the Unified Buddhist Church of Vietnam, the Protestant churches and others continue to suffer from severe religious persecution;
- J. whereas Vietnam has started extensive public consultations with a view to drafting a new Constitution, but those who expressed their opinions have faced sanctions and pressure;
- K. whereas Vietnam is bidding for a seat on the United Nations Human Rights Council for the 2014-2016 term;
- 1. Expresses its deep concern about the conviction and harsh sentencing of journalists and bloggers in Vietnam; condemns the continuing violations of human rights, including political intimidation, harassment, assaults, arbitrary arrests, heavy prison sentences and unfair trials, in Vietnam perpetrated against political activists, journalists, bloggers, dissidents and human rights defenders, both on- and offline, in clear violation of Vietnam’s international human rights obligations;

2. Urges the authorities to immediately and unconditionally release all bloggers, online journalists and human rights defenders; calls upon the government to cease all forms of repression against those who exercise their rights to freedom of expression, freedom of belief and freedom of assembly in accordance with international human rights standards;
3. Calls on the Vietnamese government to amend or repeal legislation that restricts the right to freedom of expression and freedom of the press in order to provide a forum for dialogue and democratic debate; calls also on the government to modify the draft 'Decree on the Management, Provision, Use of Internet Services and Information Content Online' to ensure that it protects the right to freedom of expression online;
4. Urges the Vietnamese government to cease forced evictions, to secure freedom of expression for those who denounce abuses on land issues, and to guarantee those who have been forcibly evicted access to legal remedies and adequate compensation in conformity with international standards and obligations under international human rights law;
5. Calls on the authorities to comply with Vietnam's international obligations by putting an end to religious persecution and removing legal hindrances to independent religious organisations freely conducting peaceful religious activities, which entails the recognition of all religious communities, the free practice of religion and the restitution of assets arbitrarily seized by the state from the Unified Buddhist Church of Vietnam, the Catholic Church and any other religious community;
6. Expresses deep concern about the detention conditions of prisoners of conscience stemming from ill-treatment and lack of medical care; requests that the authorities guarantee their physical and psychological integrity, ensure unrestricted access to legal counsel and offer appropriate medical assistance to those in need;
7. Reiterates that the human rights dialogue between the EU and Vietnam should lead to concrete progress on human rights and democratisation; calls, in this respect, on the European Union to consistently raise concerns about human rights violations in Vietnam at the highest levels and to intensify pressure on the Vietnamese authorities to lift internet and blogging controls and prohibitions on privately owned media, allow groups and individuals to promote human rights and express their opinions and dissent publicly, take steps to abolish the death penalty, repeal or amend national security laws used to criminalise peaceful dissent, and release peaceful prisoners of conscience;
8. Reminds all parties that Article 1 of the Partnership and Cooperation Agreement (PCA) states that: '*Respect for human rights and democratic principles is the basis for the cooperation between the Parties and for the provisions of this Agreement and it constitutes an essential element of the Agreement*'; asks the High Representative to assess the compatibility of the Vietnamese government's policies with the conditions included in the PCA;
9. Encourages Vietnam to move towards ratification of the Rome Statute of the International Criminal Court (ICC) and Convention against Torture (CAT); calls on the government to put in place an independent national human rights commission;
10. Requests that the ASEAN Intergovernmental Commission on Human Rights examine the situation concerning the state of human rights in Vietnam with a special focus on the freedom of expression, and that it make recommendations to the country;

11. Welcomes the fact that the Government of Vietnam has issued a call for public input into its first constitutional reform since 1992 and that the deadline has now been extended until September 2013, but regrets that the public consultation has led to sanctions and pressure against those who legitimately express their opinions; hopes that the new Constitution addresses the issues of civil and political rights and religious freedoms as a priority; welcomes in this respect the opening of a dialogue with human rights organisations; expresses its hope that this can lead to important reforms on labour, education and human rights over a longer term; recommends that an invitation be addressed to the UN Special Rapporteur on Freedom of Expression and Opinion to visit the country and that the authorities fully implement any recommendations;
12. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments of the Member States, the government and parliament of Vietnam, the governments of ASEAN Member States, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations.