



TEXTS ADOPTED

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Vietnam, notably the situation of political prisoners

European Parliament resolution of 15 November 2018 on Vietnam, notably the situation of political prisoners (2018/2925(RSP))

The European Parliament,

- having regard to its previous resolutions, notably those of 14 December 2017 on freedom of expression in Vietnam, notably the case of Nguyen Van Hoa¹, and of 9 June 2016 on Vietnam², in particular regarding freedom of expression,
- having regard to the EU-Vietnam Partnership and Cooperation Agreement signed on 27 June 2012,
- having regard to the 7th EU-Vietnam Human Rights Dialogue of 1 December 2017,
- having regard to the statements by the Spokesperson of the EEAS of 9 February 2018 on the sentencing of human rights defenders in Vietnam and of 5 April 2018 on the sentencing of human rights activists in Vietnam,
- having regard to the local EU statement of 20 August 2018 on the recent conviction of Mr Le Dinh Luong,
- having regard to the EU Guidelines on Human Rights Defenders,
- having regard to the statements of UN experts of 23 February 2018 urging the release of activists jailed for protesting a toxic spill, and of 12 April 2018 calling for change after the jailing of rights defenders,
- 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 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,

¹ OJ C 369, 11.10.2018, p. 73.

² OJ C 86, 6.3.2018, p. 122.

- having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas according to the Vietnamese Political Prisoner Database, compiled by The 88 Project, an estimated 160 activists are serving prison sentences in Vietnam and around 16 activists are being held in pre-trial detention;
- B. whereas Vietnamese authorities continue to imprison, detain, harass and intimidate human rights defenders, journalists, bloggers, human rights lawyers and civil society activists in the country; whereas human rights defenders have faced long prison sentences for their human rights work and for exercising their fundamental right to freedom of expression, either online or offline, in contravention of the country's obligations under international law;
- C. whereas political and human rights activists face harsh conditions in detention, including denial of access to medical care, legal counsel and family contact;
- D. 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;
- E. whereas Hoang Duc Binh was sentenced to 14 years in prison for blogging about protests regarding the Formosa disaster; whereas Nguyen Nam Phong was sentenced to two years in prison for allegedly refusing to obey orders from public officials while driving to a protest; whereas their efforts have been key in raising awareness and ensuring accountability in relation to the Formosa steel plant spill;
- F. whereas in April 2018 members of the Brotherhood for Democracy were sentenced to prison terms of between seven and 15 years as part of an extensive enforcement of the national security provisions of the Criminal Code; whereas in September 2018 Nguyen Trung Truc, another member of this group, was sentenced to a 12-year prison term on charges of trying to overthrow the state;
- G. whereas Mr Le Dinh Luong, a human rights defender who has peacefully advocated the promotion and protection of human rights, was sentenced on 16 August 2018 under the national security provisions of the Criminal Code to 20 years in prison and five years of house arrest; whereas representatives of the EU delegation and of EU Member States' embassies were not allowed to observe the trial; whereas many other cases exist of human rights defenders and other prisoners of conscience suffering a similar fate;
- H. whereas on 12 April 2018 a group of UN experts, the Special Rapporteur on the situation of human rights defenders, the Chair-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, urged Vietnam not to crack down on civil society or stifle dissent;
- I. whereas the Criminal Code of Vietnam contains repressive provisions which are abusively used to silence, arrest, detain, sentence or restrict the activity of human rights activists, dissidents, lawyers, trade unions, religious groups and non-governmental organisations, notably those that express critical views of the Government of Vietnam;
- J. whereas the Vietnamese Government continues to prohibit the operation of independent or privately-owned media outlets and exerts strict control over radio and TV stations

and printed publications; whereas in April 2016, the National Assembly passed a media law strongly restricting press freedom in Vietnam;

- K. whereas on 12 June 2018 Vietnam's National Assembly passed a cyber-security law aimed at tightening online controls, which requires providers to delete posts considered 'threatening' to national security; whereas this law places harsh restrictions on freedom of expression online and aims at greatly threatening the right to privacy;
 - L. whereas on 1 January 2018 Vietnam's first ever law on belief and religion came into effect, obliging all religious groups in the country to register with the authorities and to inform them about their activities; whereas the authorities can reject or hinder registration applications and ban religious activities which they arbitrarily deem to be contrary to the 'national interest', 'public order' or 'national unity'; whereas with this law, the government has institutionalised its interference in religious affairs and state supervision of religious groups;
 - M. whereas Vietnam ranks 175th out of 180 on the Reporters Without Borders Press Freedom Index 2018;
 - N. whereas the death penalty continues to be applied in Vietnam but the number of executions is unknown, since the Vietnamese authorities classify death penalty statistics as a state secret; whereas Vietnam reduced the number of crimes punishable by death from 22 to 18 in January 2018;
 - O. whereas Vietnam has not yet ratified fundamental ILO conventions, namely Convention 98 on the Right to Organise and Collective Bargaining, Convention 105 on the Abolition of Forced Labour, and Convention 87 on the Freedom of Association and Protection of the Right to Organise;
 - P. whereas the EU-Vietnam Human Rights Dialogue is an important avenue for ongoing comprehensive discussion of issues of concern to the EU, including the full respect of the fundamental rights to freedom of expression, association and peaceful assembly; whereas the relationship between the European Union and Vietnam must fundamentally be based on respect for human rights, democracy and the rule of law, and on upholding international standards in that regard;
 - Q. whereas a clear link exists between the Partnership and Cooperation Agreement (PCA) and the EU-Vietnam Free Trade Agreement (FTA), whereby both parties committed to fulfil their human rights obligations;
1. Condemns the continuing violations of human rights in Vietnam, including the sentencing, political intimidation, surveillance, harassment, assaults and unfair trials of political activists, journalists, bloggers, dissidents and human rights defenders for exercising their freedom of expression either online or offline, in clear violation of Vietnam's international human rights obligations;
 2. Calls on the Vietnamese authorities to immediately and unconditionally release all human rights defenders and prisoners of conscience detained or sentenced for merely exercising their right to freedom of expression, including Hoang Duc Binh, Nguyen Nam Phong, Nguyen Trung Truc and Le Dinh Luong, and to drop all charges against them;
 3. Reiterates its call on the Vietnamese authorities to end all restrictions and acts of

harassment against human rights defenders and to guarantee in all circumstances that they are able to carry out their legitimate human rights activities without fear of reprisal and free from all restrictions including judicial harassment; calls on the Government of Vietnam to remove all restrictions on freedom of religion and to put an end to the harassment of religious communities;

4. Insists that the Vietnamese Government must ensure that the treatment of all detainees is in line with international standards; stresses the fact that the right to access lawyers, medical professionals and family members is an important safeguard against torture and ill treatment, and is critical to the right to a fair trial;
5. Condemns the abuse of repressive legal provisions restricting fundamental rights and freedoms; calls on the authorities of Vietnam to repeal, review or amend all repressive laws, notably its Criminal Code, its law on cybersecurity and the law on belief and religion, and to ensure that all legislation is in conformity with international human rights standards and obligations, including the ICCPR, to which Vietnam is a party; calls on the government to bring legislation regulating public gatherings and demonstrations into conformity with the rights of free assembly and association;
6. Calls on Vietnam to sign and ratify all relevant human right treaties of the United Nations and the Rome Statute of the International Criminal Court, as well as ILO Conventions No. 87, No. 98 and No. 105;
7. Urges Vietnam to issue a standing invitation to the Special Procedures of the UN Human Rights Council, in particular the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on human rights defenders;
8. Calls on the authorities of Vietnam to recognise independent labour unions;
9. Calls for the EU to monitor and work with the authorities and all relevant stakeholders to improve the human rights situation in Vietnam;
10. Reiterates its opposition to the death penalty in all circumstances; calls on the Vietnamese authorities to introduce an immediate moratorium on the use of the death penalty as a step towards abolition; calls on the authorities of Vietnam to review all death sentences in order to ensure that these trials adhered to international standards;
11. Calls on the EEAS and the Commission to support civil society groups and individuals defending human rights in Vietnam in an active manner, including by calling for the release of human rights defenders and prisoners of conscience in all contacts they hold with Vietnamese authorities; urges the EU delegation in Hanoi to provide all appropriate support to imprisoned human rights defenders and prisoners of conscience, including by arranging prison visits, monitoring trials and providing legal assistance;
12. Calls on EU Member States to intensify their efforts to press for concrete human rights improvements in Vietnam, including during the upcoming Universal Periodic Review of Vietnam at the UN Human Rights Council;
13. Reiterates its call for an EU-wide ban on the export, sale, update and maintenance of any form of security equipment which can be or is used for internal repression, including internet surveillance technology, to states with a worrying human rights record;

14. 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 necessary reforms; strongly encourages the Commission to monitor progress under the Dialogue through the introduction of benchmarks and monitoring mechanisms;
15. Calls for the Vietnamese Government and the EU, as important partners, to commit to improving respect for human rights and fundamental freedoms in the country, as it is a cornerstone of the bilateral relations between Vietnam and the Union, notably in view of the ratification of the EU-Vietnam Free Trade Agreement (EVFTA) and in view of the EU-Vietnam Partnership and Cooperation Agreement (PCA);
16. 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), the Government and National Assembly of Vietnam, the United Nations High Commissioner for Human Rights and the Secretary-General of the United Nations.