



EUROPEAN PARLIAMENT

2014 - 2019

Session document

13.12.2017

JOINT MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the 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**

European Parliament resolution on Freedom of expression Vietnam, notably the case of Nguyen Van Hoa

The European Parliament,

- having regard to its previous resolutions on Vietnam,
 - having regard to the seventh round of the EU-Vietnam Human Rights Dialogue on 1 December 2017,
 - having regard to the Partnership and Cooperation Agreement between the EU and Vietnam signed on 27 June 2012,
 - having regard to the 2008 EU Guidelines on Human Rights Defenders,
 - 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 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 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 these relations have 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 later discovered to be detained by the police without an official warrant;
- C. whereas Nguyen Van Hoa was initially arrested under Article 258 of the 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 Article 88; whereas Article 88 of the Penal Code has been widely used against human rights defenders who have highlighted abuses in Vietnam;
- D. whereas on 27 November 2017 Nguyen Van Hoa, was sentenced to seven years imprisonment for having spread online information, including videos, on the environmental disaster in the Ha Tinh province that took place in April 2016, when Formosa Ha Tinh, a Taiwanese steel company, was responsible for an illegal discharge of toxic industrial waste into the ocean with devastating environmental effects along 200 kilometres of coastline, which killed the marine life and sickened the people;
- E. whereas this disaster provoked widespread indignation amongst the Vietnamese population, a vast mobilisation of social networks took place and massive peaceful demonstrations were staged in all the large cities of Vietnam; whereas Nguyen Van

Hoa's arrest was part 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; Nguyen Van Hoa was not permitted access to an attorney to represent him at the hearing;
 - G. whereas on 30 November, a Vietnamese court upheld the 10-year sentence of another blogger Nguyễn Ngọc Như Quỳnh for anti-state propaganda after she issued critical posts on environmental degradation, politics and deaths in police custody;
 - H. whereas the UN Human Rights Office and Special Procedures and mechanisms have repeatedly denounced article 88 of the Penal Code, along with several other provisions of the Code, 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 175 out of 180 countries in Reporters Without Borders 2017 World Press Freedom Index; whereas following the widespread indignation amongst the Vietnamese population after the disaster in the Ha Tinh province authorities reacted by momentarily blocking 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 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 from severe religious persecution;
 - L. whereas during the seventh 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 the EU 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 immediately and unconditionally release Nguyen Van Hoa;
 2. Expresses its concern about the rise in the number of detentions, arrests and sentencing of Vietnamese citizens related to the expression of their opinions;
 3. Expresses its concern on the increasingly restrictive approach of the authorities concerning the 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 the use of intrusive surveillance; furthermore, expresses its concern on the restrictions 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 human rights defenders 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 provisions, as prescribed in its amended Criminal Code, as it continues to handout death sentences; reiterates the EU's strong opposition to the death penalty, in all cases and without exception; reiterates the 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 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; 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 freedom of expression and the Special Rapporteur on the situation of human rights defenders, and 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 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;
11. Welcomes the strengthened partnership and the Human Rights Dialogue between the EU and Vietnam and recalls the importance of EU-Vietnam Human Rights 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 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 VP/HR 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;

13. Calls on the Vietnamese authorities to address the environmental disaster in the Ha Tinh province, which caused massive destruction of fish 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 ASEAN and the Government and National Assembly of Vietnam.