Would this not be in contravention of Council Directive 89/48/EEC (1) of 21 December 1988 on a general system for the recognition of higher education diplomas awarded on completion of professional education and training?

Is the proposed Directive on recognition of professional qualifications (2) going to eliminate this anomaly, particularly since French teachers are able to teach in the United Kingdom without such an additional examination?


Answer given by Mr Bolkestein on behalf of the Commission

(10 October 2003)

The Court of Justice has just delivered a judgment in a case concerning a preliminary ruling (Case C-285/01 ‘Burbaud’), which may provide some clarification of Community rules governing the issue raised by the Honourable Member. The Commission is currently examining the judgment and will provide the Honourable Member with an answer as soon as this analysis has been completed.

(2004/C 58 E/200) WRITTEN QUESTION E-2607/03 by Olivier Dupuis (NI) to the Commission

(25 August 2003)

Subject: Thich Tri Luc, a monk kidnapped in Phnom Penh and rediscovered in a Vietnamese prison

Exactly a year ago I notified the Commission of the disappearance of the Buddhist monk Thich Tri Luc, a member of the Unified Buddhist Church of Vietnam (UBCV), a banned organisation, who had been kidnapped in Phnom Penh after seeking asylum in Cambodia. Aged 49, Thich Tri Luc (secular name Pham Van Tuong) had fled from Vietnam to escape religious persecution. The ten years that followed his first arrest in 1992 were a series of harassments, imprisonment and house arrest for supporting the UBCV. The status of refugee, granted by the Phnom Penh office of the UN High Commissioner for Refugees in June 2002, did not prevent his kidnapping in the night of 25 July by unidentified individuals. Both Vietnam and Cambodia had denied having any information on his abduction and disappearance and the HCR was unable to obtain any information as to his plight. Thich Tri Luc has now resurfaced, not as a free person protected by the United Nations, but as a prisoner awaiting trial behind bars in a Vietnamese jail. According to the Vietnamese Human Rights Committee, 'after a year without news his family has received a short message from the People's Court in Ho Chi Minh City inviting them to attend the trial of Pham Van Tuong'. Scheduled for 1 August, the trial has been postponed without setting a date. His family does not know where he is being held, or the charges against him, and has not been allowed to visit him. During this illegal and secret imprisonment, which has lasted 12 months, Thich Tri Luc has been subjected not only to serious psychological and physical pressure but has also been denied the right to a fair trial, as he has been unable to contact a lawyer and prepare his defence. As he is both a prisoner of conscience and a member of a Church that is still banned he is likely to receive a very long prison sentence.

Does the Commission know that Thich Tri Luc was kidnapped and forcibly repatriated in spite of his refugee status, and that he has been detained in secret in Vietnam for over a year? Is it aware of the charges against Thich Tri Luc, and has it asked for its representative in Hanoi to be allowed to visit him in prison and attend his trial? What representations will the Commission be making to prevent the continual violation by the Cambodian and Vietnamese authorities of international laws governing the status of refugees, particularly the principle of ‘non-refoulement’ of persons whose freedom is at threat in their own country because of their religion, race or political opinions? Should not these violations by the Hanoi and Phnom Penh authorities induce the Commission to adopt sanctions under the human rights clause in the EU's Cooperation Agreements with Vietnam and Cambodia?
Answer given by Mr Patten on behalf of the Commission  

(18 September 2003)

The Commission reacted with concern to the disappearance from Cambodia of Thich Tri Luc, a Refugee under the protection of the United Nations High Commissioner for Refugees (UNHCR), in July 2002. The exact circumstances, under which he left Cambodia and came into police custody in Vietnam have not been clarified. The Commission has not yet received any reply to its request to the Vietnamese authorities for further information on Thich Tri Luc. Nor has the Commission confirmation yet of the exact charges that the Vietnamese authorities now lay against him. In the past, the Union Presidency has repeatedly requested that the authorities of Vietnam allow Union diplomats to attend trials of Persons of concern. So far the authorities of Vietnam have not allowed foreign diplomats to attend any of these trials. The Commission will continue to follow this case, via its Delegation in Hanoi and in close collaboration with the Member States.

The Commission would like to recall that it attaches great importance to the rights of freedom of religion, belief, expression and of a fair trial. The Union has repeatedly affirmed that human rights and democratisation must form an integral part of all political dialogues with third countries. Religious freedom, as one of the fundamental human rights, are addressed through the Union's bilateral political dialogues, and, when appropriate, through démarches and public declarations, as well as through Union action in fora such as the United Nations Commission on Human Rights or the Third Committee of the United Nations General Assembly. The reference to the respect for Human Rights and democratic principles in the Community-Co-operation Agreements with Vietnam and Cambodia enables the Commission to address human rights issues in its bilateral contacts with the Governments of these countries.

The Commission would like to reiterate that its overall policy towards Vietnam is to encourage and support progress on human rights and democratisation, and to raise concerns where abuses occur or where a deterioration in the situation becomes evident. The Commission, through its Delegation in Hanoi, works closely with the Member States to monitor human rights developments in the country, participates in all Union démarches to the Government of Vietnam on human rights issues.

(2004/C 58 E/201)

WRITTEN QUESTION E-2611/03

by Proinsias De Rossa (PSE) to the Commission  

(28 August 2003)

Subject: Working hours and the SIMAP case (Case C-303/98) of 3 October 2000

In its answer to Written Question E-3515/02 (1) given on 2 December 2002, the Commission said that it had decided to issue an invitation to tender for a study of the scope and consequences of the SIMAP case for Member States.

In its answer to Written Question E-0535/03 (2) given on 24 March 2003, the Commission said that the invitation to tender had been issued for this study and that a meeting with national experts had already taken place on the implications of the judgment.

Why did the Commission wait for almost 2½ years before issuing the invitation to tender for this study?

When does it envisage the results of this study being completed and made public? Does it believe that this should be done before it publishes its Communication on working time due by the end of 2003 which, it has already indicated, will address the implications of the SIMAP judgement?

Given that the Irish Government has already failed to meet the 1 August 2003 deadline for the transposition into Irish law of some elements of Directive 2000/34/EC (3), which extends the 1993 Working Time Directive to the excluded sectors, what views were presented by the Irish Government’s representative at the meeting of national experts referred to by the Commission in its answer to Written Question E-0535/03?

(1) OJ C 110 E, 8.5.2003, p. 217.