

Wednesday 22 October 2008

34. Asks the Member States and the Commission to adopt measures to combat abuses, in particular regarding activities of those 'letterbox-companies' which are not engaged in any genuine and effective business in the country of establishment but which have been created, sometimes even directly by the main contractor in the host country, for the sole purpose of carrying out business in the host country, in order to circumvent the full application of host country rules and regulations in particular with regard to wages and working conditions; calls on the Commission to lay down clear rules to combat 'letterbox companies' in its code of conduct for undertakings under the Services Directive;

35. Reaffirms that fundamental social rights are not subordinate to economic rights in a hierarchy of fundamental freedoms; therefore asks for a re-assertion in primary law of the balance between fundamental rights and economic freedoms in order to help avoid a race to lower social standards;

36. Welcomes the common position of the Council on a new Directive on Temporary Agency Work, which would provide for non-discriminatory treatment from the first day of employment unless the social partners agree otherwise;

37. Calls on the Commission to put forward the long awaited Communication on transnational collective bargaining proposing the establishment of a legal framework for transnational collective agreements;

*

* * *

38. Instructs its President to forward this resolution to the Council and the Commission, and the governments and parliaments of the Member States.

Democracy, human rights and the new EU-Vietnam Partnership and Cooperation Agreement

P6_TA(2008)0514

European Parliament resolution of 22 October 2008 on democracy, human rights and the new EU-Vietnam Partnership and Cooperation Agreement

(2010/C 15 E/11)

The European Parliament,

- having regard to its previous resolutions on Vietnam,
 - having regard to the 1995 Cooperation Agreement between the European Community and the Socialist Republic of Vietnam,
 - having regard to the International Covenant on Civil and Political Rights, ratified by Vietnam in 1982,
 - having regard to Rule 108(5) of its Rules of Procedure,
- A. whereas the second round of talks between the EU and Vietnam was held in Hanoi on 20-21 October 2008,
- B. whereas a hearing on Vietnam, Laos and Cambodia was held by Parliament's Subcommittee on Human Rights on 25 August 2008,
- C. whereas the next meeting within the framework of the human rights dialogue between the EU Troika and Vietnam is scheduled for December 2008,

Wednesday 22 October 2008

- D. whereas Article 1 of the Cooperation Agreement between the European Community and the Socialist Republic of Vietnam states: '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',
- E. whereas in Vietnam freedom of assembly is severely restricted: in September 2008 the Vietnamese Government launched its harshest crackdown in decades on peaceful Catholic protesters participating in prayer vigils in Hanoi to demand the return of church properties confiscated by the Vietnamese Government,
- F. whereas in Vietnam press freedom is severely restricted: in 2008, several Vietnamese journalists have been arrested or penalised for reporting on official corruption, and on 19 September 2008 the Associated Press Hanoi bureau chief Ben Stocking was arrested and beaten by police for covering a peaceful rally of Vietnamese Catholics in Hanoi,
- G. whereas the ethnic minorities of the Northern and Central Highlands are still subjected to discrimination, confiscation of their land and violation of their religious and cultural freedoms; whereas neither independent non-governmental organisations nor foreign journalists have unfettered access to the Central Highlands in order to assess the real situation of the Montagnards, in particular those forcibly repatriated from Cambodia; whereas more than 300 Montagnards have been sentenced to imprisonment since 2001 for peaceful political or religious activities,
- H. whereas, in spite of constant and repeated appeals from the international community, the supreme patriarch of the Unified Buddhist Church of Vietnam, Thích Qung Đ (79 years old), winner of the 2006 Rafto Prize for human rights defenders, has been imprisoned numerous times since 1982 and still remains under effective house arrest,
- I. whereas the Vietnamese Government has still not recognised the Unified Buddhist Church of Vietnam, the largest organisation of Buddhists in Vietnam,
- J. whereas Vietnam has implemented legislation to limit freedom of internet access, with filtering and content controls, and has carried out arrests of numerous 'cyber-dissidents' for using the internet to disseminate their views on human rights and democracy or participating in online democracy discussions; whereas on 10 September 2008 internet writer and democracy activist Nguyen Hoang Hai, known by his pen-name Điu Cày, was sentenced to imprisonment,
- K. whereas members of the ethnic Khmer minority (Khmer Krom) in southern Vietnam have suffered religious persecution and land confiscation; whereas the authorities defrocked approximately 20 Khmer Krom Buddhist monks for their participation in a peaceful protest in February 2007 calling for greater religious freedom, and sentenced five to imprisonment; whereas the Vietnamese authorities have placed Khmer Krom monk Tim Sakhorn under house arrest following his release from prison in June 2008; whereas the authorities have used excessive force against Khmer Krom farmers petitioning for resolution of land conflicts,
1. Stresses that the human rights dialogue between the EU and Vietnam must lead to tangible improvements in Vietnam; asks the Council and the Commission to reassess the cooperation policy with Vietnam, bearing in mind Article 1 of the 1995 Cooperation Agreement, which states that cooperation is based on respect for human rights and democratic principles;
 2. Calls on the Commission to establish clear benchmarks for the evaluation of the current development projects in Vietnam in order to ensure their compliance with the human rights and democracy clause contained in the abovementioned Agreement;

Wednesday 22 October 2008

3. Calls on the Commission and the Council, within the framework of the ongoing negotiations for a new Partnership and Cooperation Agreement between the EU and Vietnam, which will include a clear human rights and democracy clause accompanied by a mechanism for the implementation of that clause, to raise with the Vietnamese side the need to stop the current systematic violation of democracy and human rights before the finalisation of the Agreement and, in particular, to ask the Vietnamese Government:
- as a member of the UN Security Council, to actively cooperate with UN human rights mechanisms, by inviting the Special Rapporteur on freedom of religion or belief, who last visited Vietnam in 1998, and the Working Group on Arbitrary Detention, which last visited Vietnam in 1994, to visit Vietnam; and to provide UN officials and Special Rapporteurs with unrestricted access to all regions, including the Central and Northern Highlands, where they should be allowed to conduct confidential interviews with political and religious prisoners and detainees, as well as with Montagnard asylum seekers returned to Vietnam from Cambodia;
 - to immediately release all people imprisoned or detained for the peaceful expression of political or religious beliefs, including more than 300 Montagnard Christians, as well as Khmer Krom Buddhist monks, democracy activists, land rights petitioners, cyber-dissidents, trade union leaders, Catholic parishioners, and followers of Hòa Hô Buddhism and the Cao Đài religion;
 - to immediately provide full freedom from house arrest to Thích Qung Đ and Tim Sakhorn;
 - to allow independent religious organisations to freely conduct religious activities without government interference and allow those religious organisations to independently register with the government if they choose to do so; to return church properties and pagodas confiscated by the Vietnamese Government and to re-establish the legal status of the Unified Buddhist Church of Vietnam;
 - to repeal provisions in Vietnamese law that criminalise dissent and certain religious activities on the basis of imprecisely defined 'national security' crimes, and to ensure that those laws cannot be applied against persons who have exercised their basic rights to freedom of expression, assembly, association and religious belief;
 - to end the Vietnamese Government's censorship and control over the domestic media, including the internet and electronic communications, and authorise the publication of independent, privately-run newspapers and magazines;
4. Instructs its President to forward this resolution to the Council, the Commission, the governments of the ASEAN member countries, the United Nations Secretary-General, the United Nations High Commissioner for Human Rights and the Government and Parliament of Vietnam.
-