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P9_TA(2021)0029

Human rights situation in Vietnam, in particular the case of human rights journalists Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan**European Parliament resolution of 21 January 2021 on the human rights situation in Vietnam, in particular the case of human rights journalists Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan (2021/2507(RSP))**

(2021/C 456/23)

The European Parliament,

- having regard to its previous resolutions on Vietnam, in particular those of 15 November 2018 on Vietnam, notably the situation of political prisoners ⁽¹⁾, of 14 December 2017 on freedom of expression in Vietnam, notably the case of Nguyen Van Hoa ⁽²⁾, and of 9 June 2016 on Vietnam ⁽³⁾,
- having regard to its resolutions of 12 February 2020 on the draft Council decision on the conclusion of the Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam ⁽⁴⁾, and on the draft Council decision on the conclusion, on behalf of the Union, of the Investment Protection Agreement between the European Union and its Member States, of the one part, and the Socialist Republic of Viet Nam, of the other part (IPA) ⁽⁵⁾,
- having regard to the Framework Agreement on Comprehensive Partnership and Cooperation between the European Union and its Member States, of the one part, and the Socialist Republic of Vietnam, of the other, signed on 27 June 2012, which entered into force in October 2016 (PCA) ,
- having regard to the EU-Vietnam Free Trade Agreement (EVFTA),
- having regard to the 10th EU-Vietnam Human Rights Dialogue of 19 February 2020,
- having regard to the European External Action Service (EEAS) statement by its spokesperson of 6 January 2021 on the sentencing of three journalists (Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan),
- having regard to the message by the Delegation of the European Union to Vietnam regarding the decision of the Court of Appeal of Ho Chi Minh City of January 2021 to uphold the heavy sentence handed down to the members of the Hiên Pháp Group,
- having regard to the UN Special Rapporteurs' joint statement of 14 January 2021 entitled 'Viet Nam: Arrests send chilling message before key Party meeting',
- having regard to the press briefing notes of the Spokesperson for the UN High Commissioner for Human Rights of 8 January 2021 on Viet-Nam, and to the UN High Commissioner for Human Rights's statement of 3 June 2020 entitled 'Asia: Bachelet alarmed by clampdown on freedom of expression during COVID-19',
- having regard to the joint allegation letters by UN Special Procedures of 17 September 2020 on the three journalists and of 22 January 2020 on two individuals including journalist Pham Chi Dung, and to the respective responses by the Vietnamese Government of 28 December 2020 and 18 March 2020,
- having regard to the third periodic report of Viet Nam (CCPR/C/VNM/3) of 11 and 12 March 2019 and to the UN Human Rights Committee's concluding observations thereon of 29 August 2019,
- having regard to the UN Guiding Principles on Business and Human Rights (UNGPs) of 2011,

⁽¹⁾ OJ C 363, 28.10.2020, p. 66.

⁽²⁾ OJ C 369, 11.10.2018, p. 73.

⁽³⁾ OJ C 86, 6.3.2018, p. 122.

⁽⁴⁾ Texts adopted, P9_TA(2020)0027.

⁽⁵⁾ Texts adopted, P9_TA(2020)0029.

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- having regard to the 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 (ICCPR), to which Vietnam acceded in 1982,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas on 5 January 2021, human rights defenders and journalists Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan, members of the Independent Journalist Association of Vietnam (IJAVN), were sentenced to heavy prison terms of 15, 11 and 11 years respectively by the People's Court of Ho Chi Minh City for, among other charges, 'making, storing and spreading information, materials and items for the purpose of opposing the State'; whereas the scope of their respective reporting includes government mismanagement and corruption, the treatment of human rights defenders by the Vietnamese authorities, and the pro-democracy movement in Vietnam;
- B. whereas the Vietnamese authorities continue to imprison, detain, harass and intimidate human rights defenders, journalists, bloggers, human rights lawyers, civil society activists and trade unionists in the country; whereas human rights defenders face long prison sentences for their human rights work and for exercising their fundamental right to freedom of expression, both online and offline; whereas Vietnam currently holds in detention the largest number of political prisoners in Southeast Asia, including 170 prisoners of conscience, of whom 69 are being held solely for their social media activity; whereas most political prisoners are detained under vaguely worded national security clauses which are inconsistent with the Vietnamese Constitution and international human rights treaties such as the ICCPR, to which Vietnam is a State Party;
- C. whereas political and human rights activists face harsh conditions in detention, including denial of access to medical care, legal counsel and family contact, and are often subjected to violence, torture or other forms of ill-treatment; whereas their often expeditious trials do not meet basic standards of impartiality, fairness, and independence of the courts; whereas confessions are regularly extracted under duress and televised;
- D. whereas Pham Chi Dung, an independent journalist campaigning in defence of the environment, democracy, media freedom, political pluralism, the rule of law, and the development of civil society, has been in arbitrary detention since November 2019 on charges of 'cooperating with foreign media to deliver distorted information'; whereas these charges were brought after he sent a video message to MEPs urging them to postpone the ratification of the EVFTA until progress had been made on human rights in the country; whereas Pham Chi Dung had previously been detained for six months in 2012 on the same charges;
- E. whereas shortly after Pham Chi Dung's arrest, the IJAVN's website was shut down by the authorities; whereas Ngyuen Tuong Thuy was arrested in his Hanoi apartment on 23 May 2020 and Le Huu Minh Tuan was arrested on 12 June 2020; whereas all three human rights defenders had been subjected to harassment and intimidation by the Vietnamese authorities prior to their arbitrary arrest and conviction;
- F. whereas according to civil society reports, close to 80 % of prisoners of conscience in Vietnam are in prison for their social media activity; whereas at least two global social media platforms have substantially increased their compliance with Vietnam's freedom of speech restrictions and censorship laws, including through the censorship of peaceful criticism of the state, the expansion of geo-blocking and the removal of 'propaganda against the Party and the State', in breach of universal standards such as the UNGPs, and their own codes of conduct;
- G. whereas Vietnam ranks 175 out of 180 in the Reporters Without Borders 2020 World Press Freedom Index; whereas nearly all media outlets in Vietnam are state-owned and controlled, and there is censorship, including of foreign broadcasters and publications; 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 severely restricting press freedom in Vietnam;

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- H. whereas on 12 June 2018, Vietnam's National Assembly passed a cybersecurity 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 to severely limit the right to privacy;
- I. whereas the right to freedom of expression is guaranteed by the Vietnamese Constitution, the Universal Declaration of Human Rights, and other international conventions which Vietnam has signed up to, including the ICCPR; whereas, in the context of the UN's Universal Periodic Review, Vietnam accepted recommendations to guarantee freedom of opinion and expression and lift restrictions on it;
- J. 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';
- K. whereas the Criminal Code of Vietnam contains repressive provisions which are abusively used to silence, arrest, detain or sentence, or restrict the activity of, human rights defenders, dissidents, lawyers, trade unions, religious groups and non-governmental organisations, notably those that express critical views of the Government of Vietnam;
- L. whereas the death penalty is still applied in the country, but the number of executions is unknown since Vietnamese authorities classify death penalty statistics as a state secret;
- M. whereas EU-Vietnam relations are founded on the EU-Vietnam PCA, of which human rights are an essential element, and which provides for the suspension of bilateral cooperation instruments, including bilateral trade preferences, in the event of serious and systematic violations of human rights;
- N. whereas, under the EU-Vietnam PCA, and in particular Articles 1, 2 and 35 thereof, Vietnam has committed to cooperating with the European Union in the promotion and protection of human rights; whereas such cooperation includes the implementation of international human rights instruments, such as the ICCPR, to which Vietnam is a State Party; whereas a clear link exists between the EU-Vietnam PCA and the EVFTA, wherein both parties committed to fulfil their human rights obligations; whereas the essential elements clause in the EU-Vietnam PCA allows for appropriate measures in the event of severe and systematic violations of human rights;
- O. whereas the second Joint Committee under the EU-Vietnam PCA, which met online on 15 December 2020, reviewed proposals for cooperation in the field of human rights, including the implementation of the ICCPR, and accepted the recommendations made in the Universal Periodic Review;
1. Calls on the Vietnamese authorities to immediately and unconditionally release Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan and all other journalists, human rights and environmental defenders, trade unionists and prisoners of conscience detained and sentenced for merely exercising their right to freedom of expression, and to drop all charges against them;
 2. Is appalled by and condemns the escalating crackdown on dissent and increasing violations of human rights in Vietnam, including the sentencing, political intimidation, surveillance, harassment, unfair trials and forced exiles of and assaults on political activists, journalists, bloggers, dissidents and human rights defenders for exercising their freedom of expression, which are clear breaches of Vietnam's international human rights obligations;
 3. Calls on the Vietnamese authorities to immediately cease other forms of harassment, including judicial harassment and intimidation of journalists, human rights and environmental defenders, activists and all individuals engaged in the peaceful exercise of their right to freedom of expression and other human rights, both online and offline;

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4. Expresses deep concern over the overcrowded and unsanitary conditions in Vietnamese prisons, which increase the risk of infection with COVID-19 and other diseases; reiterates the call of the UN High Commissioner for Human Rights to release all those detained without sufficient legal basis, including political prisoners and those detained for dissenting views; insists that, pending their release, the Vietnamese authorities must ensure, in all circumstances, the physical safety and psychological well-being of all prisoners, including Pham Chi Dung, Nguyen Tuong Thuy and Le Huu Minh Tuan, and ensure that the treatment of all other political prisoners and 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;
5. Calls on the Vietnamese authorities to end the censorship of independent news and media produced by both domestic and international news outlets, including the IJAVN, to cease restrictions on online information sources and internet usage, and to provide a safe space and enabling environment for journalists, citizen journalists, bloggers and others who express themselves online;
6. Expresses its concern about the reported participation of global social media networks in attempts by the Vietnamese authorities to limit freedom of expression, and urges global social media platforms not to be complicit in the ongoing censorship in Vietnam;
7. 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;
8. Urges the Vietnamese Government to revise the provisions of the Criminal Code of Vietnam, notably Articles 117, 118 and 331, which unduly restrict the rights to freedom of expression, peaceful assembly and association, and to amend the Law on Cybersecurity and Decrees 15/2020/ND-CP on penalties for administrative violations of regulations on postal services, telecommunications, radio frequencies, information technology and electronic transactions, and 72/2013/ND-CP on the management, provision, and use of internet services and information content online, in order to bring them into conformity with international human rights standards; stresses, in particular, that a reform of the Criminal Code is also necessary to ensure the effective implementation of International Labour Organization (ILO) Conventions 98 and 87, which Vietnam has committed to ratifying;
9. Calls on Vietnam to accelerate the pace of the ratification of ILO Convention 87 on the Freedom of Association and Protection of the Right to Organise and to ensure its prompt entry into force, and to provide a credible roadmap for the implementation of ILO Convention 105 on the Abolition of Forced Labour and Convention 98 on the Right to Organise and Collective Bargaining; calls on the authorities of Vietnam to recognise independent labour unions and to protect all workers, especially women and children, against discrimination, sexual harassment, violations of the legal overtime threshold, and breaches of safety and health obligations;
10. Calls on the Vietnamese authorities to support the implementation of the UNGPs, and calls on companies based in or operating within the EU to comply with the UNGPs and both international and human rights law;
11. Calls on the Vietnamese authorities to introduce an immediate moratorium on the use of the death penalty, as a step towards abolition; calls for a review of all death sentences to ensure that the trials adhered to international standards, and for the accession of Vietnam to the Second Optional Protocol to the ICCPR, which aims for the abolition of the death penalty;
12. Underscores that respect for human rights constitutes a key foundation of the bilateral relations between Vietnam and the EU and is an essential element of the EU-Vietnam PCA and the EVFTA;
13. Welcomes the strengthened partnership and human rights dialogue between the EU and Vietnam, especially the establishment of the EP Joint Parliamentary Monitoring Group (JPMG) with the National Assembly of Vietnam to monitor the implementation of the EVFTA and the IPA, which could facilitate dialogue beyond trade; recalls the importance of the human rights dialogue as a key instrument to be used in an effective manner to accompany and encourage Vietnam to implement the necessary reforms; calls on the EEAS, the Commission and the EU Special Representative for Human Rights to strengthen the human rights dialogue with Vietnam at the highest levels;
14. Acknowledges the institutional and legal link between the EVFTA and the PCA, which ensures that human rights are placed at the core of the EU-Vietnam relationship; calls on the Parties to make use of the agreements in order to improve the human rights situation in Vietnam, and underlines the importance of a constructive and effective human rights dialogue between the EU and Vietnam; reminds the Government of Vietnam, in the light of the magnitude of the ongoing human

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rights violations, that the EU-Vietnam PCA, which is linked to the EVFTA, allows for appropriate action to be taken in the event of serious breaches of human rights, taking a tougher stance vis-à-vis the Vietnamese Government; welcomes the opportunity to raise human rights issues in the meetings of the JPMG on the EVFTA with the Vietnamese Parliament, and also welcomes the fact that the first such meeting took place in December 2020;

15. Calls upon the Commission and the EEAS to swiftly carry out a comprehensive human rights impact assessment on what the EVFTA could mean for human rights, which is what Parliament asked for in its resolution on the ratification of the agreement; calls for the adoption of an action plan to effectively address Vietnam's intensifying crackdown and its failure to abide by its human rights obligations, and calls on the Commission and the EEAS to regularly report to Parliament on the implementation of that action plan;

16. Reiterates its call for the EU and Vietnam to set up an independent monitoring mechanism on human rights and an independent complaints mechanism, providing affected citizens and local stakeholders with effective recourse to remedy;

17. Regrets that the Domestic Advisory Groups on the EVFTA are not yet operational, and reiterates its call for a broad and balanced representation of independent, free and diverse civil society organisations within those groups, including independent Vietnamese organisations from the labour and environmental sectors and human rights defenders; calls on the Vietnamese authorities to refrain from any undue interference in the composition and functioning of the body as well as threats or retaliation against its selected members;

18. Urges Vietnam to issue a standing invitation to the UN Special Procedures to visit Vietnam, in particular the Special Rapporteur on Freedom of Opinion and Expression and the Special Rapporteur on Human Rights Defenders, and give them free and unfettered access to all parties they wish to consult;

19. Calls on the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EEAS and the Commission to support journalists, civil society groups and individuals defending human rights in Vietnam in an active manner, including by calling for the release of journalists, human rights defenders and prisoners of conscience in all contact they have with the Vietnamese authorities; urges the EU Delegation in Hanoi to provide all appropriate support to the imprisoned human rights defenders, including by arranging prison visits, trial monitoring and the provision of legal assistance;

20. Calls on the EU Delegation to raise the cases mentioned in this resolution, as raised by UN bodies and experts, including, among many others, Tran Huynh Duy Thuc, Ho Duc Hoa, Tran Anh Kim, Le Thanh Tung, Phan Kim Khanh, Tran Hoang Phuc, Hoang Duc Binh, Bui Van Trung, Truong Minh Duc, Nguyen Trung Ton, Pham Van Troi, Nguyen Bac Truyen, Le Dinh Luong, Nguyen Van Tuc, Nguyen Trung Truc, Pham Van Diep, Nguyen Nang Tinh, Tran Duc Thach, Pham Doan Trang, Can Thi Theu, Trinh Ba Phuong, Trinh Ba Tu, Dinh Thi Thu Thuy, Nguyen Thi Ngoc Hanh, Ngo Van Dung, Le Quy Loc and Ho Dinh Cuong;

21. Urges the EU Foreign Affairs Council to discuss the human rights situation in Vietnam; calls on the Member States, preferably ahead of the 13th National Congress of the Communist Party of Vietnam, to strongly voice their concerns regarding the worsening human rights situation in Vietnam; encourages the EU and its Member States to intensify their international efforts to promote, at the UN Human Rights Council, a joint initiative with like-minded partners, and particularly with the new US administration, with a view to working towards concrete human rights improvements in Vietnam;

22. Calls for the EU to continue to work towards an effective control system for the export, sale, update and maintenance of any form of security equipment, arms and dual-use goods, including internet surveillance technology, in order to avoid their use for internal repression by states with a worrying human rights record, including Vietnam;

23. 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, the Government and National Assembly of Vietnam, and the Secretary-General of the United Nations.
