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To all members of the EU Parliament

Brussels, the 9 February 2020

Copies to:

Mr. Jan Figel, EU Special Envoy for Freedom of Religion

Re: EU-Vietnam Free Trade Agreement

Dear Member of the European Parliament,

We are writing to recommend that you vote for the postponement of the European Parliament's consent to the EU-Vietnam Free Trade Agreement (EVFTA) and Investment Protection Agreement (IPA) until the Vietnamese government has demonstrated significant compliance with its commitments under different UN conventions. For example, both the UN Human Rights Committee and the UN Committee Against Torture offered long lists of recommendations following their recent reviews of Vietnam's implementation of the International Covenant for Civil and Political Rights (ICCPR) and Convention Against Torture.

The Government of Vietnam continues to suppress freedom of religion or belief, persecute members of religious communities that resist government control, and expropriate property of religious organizations. The Government in recent years has increasingly used organized mobs and other non-state actors, including government-created religious organizations, to physically and verbal assault against Catholic and Cao Dai communities. Currently there are at least ten thousand Hmong and Montagnard Christians rendered functionally stateless because they have refused to renounce their faith. Vietnam currently has some 250 prisoners of conscience, of which one third are members of Hoa Hao Buddhist communities, An Dan Dai Dao Buddhist Sect, and Montagnard Christian house churches.

In its Concluding Observations issued August 29, 2019, the UN Human Rights Committee recommended that the Government of Vietnam:¹

¹ Concluding observations on the third periodic report of Viet Nam, UN Human Rights Committee, August 29, 2019:

“The State party should bring its legislation into conformity with article 18 of the Covenant, refrain from any action that may restrict the freedom of religion or belief beyond restrictions permitted under that article... It should also take measures to prevent and swiftly and effectively respond to all acts of undue interference with the freedom of religion, and any incidents of hate speech, incitement to discrimination, violence or alleged hate crime, and ensure that those responsible are brought to justice.”

In its Concluding Observations issued December 28, 2018, the UN Committee Against Torture recommended that the Government of Vietnam:²

“(1) Acknowledge and publicly and unequivocally condemn at the highest level all acts of torture and ill-treatment of any persons deprived of their liberty;

(2) Ensure that investigations are systematically carried out, that perpetrators are prosecuted and convicted in accordance with the gravity of their acts, in keeping with article 4 of the Convention, and that victims are afforded appropriate redress.”

Human rights defenders, including religious leaders who defend the interests and rights of their followers or speak out on social justice in general, have been subjected to arrest, detention, verbal abuses and occasionally even torture. Many of them have been publicly condemned on state-run media. In its Concluding Observations issued on August 29, 2019, The UN Human Rights Committee recommend that the Government of Vietnam:

“[E]nsure that human rights defenders and other civil society actors are protected against threats, intimidation and physical attacks and investigate, prosecute and convict perpetrators of such acts. It should also allow them the necessary latitude to carry out their activities, including engaging with the United Nations, without fear of restrictions or reprisal.”

The Vietnamese Government has routinely harassed, threatened and punished individuals or groups of individuals who reported violations of human rights. Government authorities have frequently used threats and intimidation to silence family members of victims of torture, extra-judicial killing or arbitrary detention. The UN Secretary General, in his 2019 Intimidation and Reprisals Report, recommended that States included in the report cease their practices of punishing those who report human rights abuses:³

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2fVNM%2fCO%2f3&Lang=en

² Concluding observations on the initial report of Viet Nam, UN Committee Against Torture, December 28, 2018:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fVNM%2fCO%2f1&Lang=en

³ Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, UN Human Rights Council 42nd Session, September 9, 2019:

https://www.ohchr.org/Documents/Issues/Reprisals/A_HRC_42_30.docx

“Membership in the United Nations entails obligations and responsibilities, and States should live up to their commitments. I welcome explicit State pledges to reject intimidation and reprisals. States can put their commitments into practice through the Human Rights Council’s universal periodic review mechanism, which can be better utilized to its full potential. I would encourage States to further use this mechanism to address intimidation and reprisals. Beyond the universal periodic review, I support continued multilateral engagement, as well as bilateral dialogue and assistance to victims. Several good practices at the national and international level are highlighted in the present report.”

In its Concluding Observations following the review of Vietnam’s implementation of the UN Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), the Committee on the Elimination of Discrimination against Women recommended the Government of Vietnam:⁴

“(a) To investigate allegations of harassment, arbitrary detention and ill treatment of women human rights defenders, prosecute those responsible and provide remedies to the victims; (b) To take specific steps to create an enabling environment in which women human rights defenders and women’s rights organizations can be freely established and freely operate in the State party, in line with article 7 (c) of the Convention.”

Instead of complying with these recommendations, Vietnam has opted to skip the subsequent CEDAW review in 2019.

In light of Vietnam’s on-going non-compliance with the multiple UN Conventions that Vietnam is a State Party of, the European Parliament should withhold its consent to the EVFTA and IPA and instead pass a resolution laying out the human rights conditions that Vietnam should meet. These conditions should include, at a minimum:

- Verification that Vietnam has developed a roadmap to comply with recommendations by the UN Human Rights Committee, the UN Committee Against Torture and other UN mandate holders.
- Vietnam’s actual or proposed amendments to its Law on Belief and Religion and its Penal Code to fully comply with the ICCPR, particularly Article 18;
- Vietnam’s satisfactory resolution of the functional statelessness of Hmong and Montagnard Christians;
- Vietnam’s detailed plan to investigate reported incidents of torture and other gross abuses of human rights, prosecute the perpetrators including government officials and non-state actors, and secure compensation for the victims;
- The release of all religious and other prisoners of conscience;

⁴ Concluding observations on the combined seventh and eighth periodic reports of Viet Nam, Committee on the Elimination of Discrimination against Women, July 29, 2015: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fVN%2fCO%2f7-8&Lang=en

- The lifting of travel bans and cessation of all other acts of intimidation and reprisal against those who report human rights violations.

There is a saying, “trust but verify.” It is only reasonable to verify that Vietnam has considerably complied with existing commitments that its Government has made with the United Nations, especially because Vietnam is currently a non-permanent member of the UN Security Council, before the European Parliament ratifies the EVFTA and the IPA.

Respectfully Yours,

Organizations:

Association for the Advancement of Freedom of Religion or Belief in Vietnam

Association of Courageous Writers – Vietnam

“Bau Bi Tuong Than” Mutual Assistance Association for Prisoners of Conscience – Vietnam

Boat People SOS – Religious Freedom Project – USA, www.bpsos.org/

Brotherhood for Democracy – Germany

Buddhist Solidarity Association – Vietnam

CAP Freedom of Conscience – France, www.freedomofconscience.eu/

Charter for Compassion – Yemen, www.charterforcompassion.org/sana-a-yemen

Con Dau Catholic Parishioners Association -- USA

Committee for Religious Freedom in Vietnam

Eastern European Educational Center – Bulgaria

European Federation for Freedom of Belief – Italy, www.freedomofbelief.net/

Foundation Help the Needy – Bulgaria, www.uri.org/who-we-are/cooperation-circle/help-needy-foundation

Gerard Noot Foundation for FoRB – Netherlands, www.noodt.org/

Hmong United for Justice -- Vietnam

Interfaith Council of Vietnam – Vietnam

International Academy for Journalism – Europress – Bulgaria

International Center for Rights and Justice – USA, www.icrj.org/

International Society for Human Rights – Germany, <http://www.ishr.org/>

Montagnard Evangelical Church of Christ – Vietnam

Stichting Vietnam Human Rights Foundation - Netherlands

The Vietnam Helsinki Human Rights Committee – USA

Unified Buddhist Church of Vietnam Sangha – Vietnam

Unified Buddhist Church of Vietnam, Office of International Relations – USA

Vietnam Coalition Against Torture – Vietnam

Vietnamese Women for Human Rights – Vietnam, www.vnwhr.net/

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