

To: Mr Donald Tusk
President of the European Council

Mr Bernd Lange
Chair of the European Parliament's Committee on International Trade

Brussels, 18 January 2019

Re: Call to Postpone the Ratification of the EU-Vietnam Free Trade Agreement

Dear President Tusk,
Dear Mr Lange MEP,

We, the undersigned Vietnamese and international NGOs and civil society groups, are writing to urge you to postpone the Council's signature of and the European Parliament's vote on the EU-Vietnam Free Trade Agreement (EVFTA) until the Government of Vietnam shows concrete improvements in its deteriorating human rights record.

We deeply regret that the Vietnamese Government has not only failed to heed any of the calls formulated mainly by the European Parliament¹ over the past months, but that the situation in the country has become even worse in the past weeks, with the entry into force of a draconian cyber-security law and worrying reports of forced land-grabbing against Catholic citizens in Ho Chi Minh City.

Despite being a party to the International Covenant on Civil and Political Rights (ICCPR), Vietnam has one of the most repressive penal codes in the region, with loose provisions routinely used by the regime to jail peaceful government critics, bloggers, religious leaders, labour rights activists, environmentalists and human rights defenders. The government owns or tightly controls all media outlets, censors the internet and punishes expressions of dissent online. Independent trade unions and civil society are not allowed to operate and the judiciary is not independent. Under the Communist Party of Vietnam the country has never held free and fair elections.

All hopes that the negotiations and possible ratification of the EVFTA would push the government to make some progress in human rights have unfortunately not materialised so far, and nothing suggests that the regime is willing to make any meaningful progress in the short time left for this European legislature to possibly vote on its consent to the agreement.

Instead of turning a blind eye on the Vietnamese Government's blatant reluctance to implement its international human rights obligations, we believe that the EU, its member states and Members of the European Parliament should postpone the ratification of the EVFTA and use all coming bilateral and multilateral interactions – including, in the short term, the upcoming EU-ASEAN ministerial meeting, Vietnam's Universal Periodic Review and other review processes in Geneva, the EU-Vietnam human rights dialogue, as well as any other possible summit or interaction at the delegation/embassy level – to ask the Government of Vietnam to:

¹ Including, among others, a joint MEP letter in September (<http://tremosa.cat/noticies/32-meps-send-joint-letter-mrs-mogherini-and-commissioner-malmstrom-ask-more-human-rights-progress-vietnam>), an International Trade Committee Hearing in October (<http://www.europarl.europa.eu/ep-live/en/committees/video?event=20181010-1430-COMMITTEE-INTA>) and an urgency resolution in November (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2018-0459+0+DOC+XML+V0//EN&language=EN>)

- Immediately and unconditionally release prominent bloggers Tran Huynh Duy Thuc, Tran Thi Nga, Nguyen Van Hoa and Ho Van Hai, religious activists Ngo Hao, Phan Van Thu, Tran Quan, Do Thi Hong, Bui Van Trung and Thach Thuol², pastor Nguyen Trung Ton, labour rights activists Truong Minh Duc and Hoang Duc Binh, pro-democracy campaigners and activists Ho Duc Hoa, Tran Anh Kim, Nguyen Trung Truc, Nguyen Dang Minh Man, Nguyen Viet Dung, Luu Van Vinh, and Nguyen Van Duc Do, land rights activist Nguyen Van Tuc, human rights activists and campaigners Le Thanh Tung and Nguyen Bac Truyen, environmental activists Tran Thi Xuan, Le Dinh Luong, and all others over 100 individuals imprisoned or detained under house arrest for peacefully exercising their basic rights;
- Repeal or amend its criminal code, criminal procedure code, cybersecurity law and law on belief and religion as necessary for its legislation to be in compliance with the ICCPR;
- Amend its labour law in order to allow independent labour unions to exist and operate, and ratify ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organize), No. 98 (Right to Organize and Collective Bargaining), No.105 (Abolition of Forced Labour), and No. 169 (Indigenous and Tribal Peoples);
- Sign the Optional Protocol of the United Nations Convention against Torture;
- Stop executions and declare a moratorium on death penalty.

Putting the ratification process on hold until the Vietnamese Government's human rights crackdown ceases would send the regime a clear message that the EU is serious about its pledges to use trade as a tool to promote human rights³, and that it expects nothing less than concrete, robust signs that the country is willing to revert its crackdown for this deal to move forward.

Yours sincerely,

Association to Protect Freedom of Religion
 Bau Bi Tuong Than
 Defend the Defenders
 Former Vietnamese Prisoners of Conscience (FPVOC)
 Human Rights Watch
 Interfaith Council of Vietnam
 Independent Journalists Association of Vietnam
 Justice and Peace Office, Vietnamese Redemptorist Church
 Khmers Kampuchea-Krom Federation
 Legal Initiatives for Vietnam
 My Khanh Parish
 Nhon Sanh Bloc of Cao Dai Church
 Patriotic Diary
 Pure Hoa Hao Buddhist Church
 Tho Hoa Parish
 Unrepresented Nations and Peoples Organization (UNPO)
 Vietnam's Independent Civil Society Organizations Network
 Vietnamese Unified Buddhist Sangha

² Thach Thuol will complete serving his 6-year prison sentence by May 2019

³ http://ec.europa.eu/trade/policy/policy-making/sustainable-development/#_human-rights and https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/131181.pdf

CC:

Members of the European Parliament's International Trade Committee,
President of the European Parliament, Mr Antonio Tajani,
Chair of the European Parliament's Foreign Affairs Committee, Mr David McAllister,
Chair of the European Parliament's Subcommittee on Human Rights, Mr Pier Antonio Panzeri,
Chair of the Council's Working Group on Asia, Mr Filip Grzegorzewski,
Members of the Council's Working Group on Asia (COASI),
High Representative for Foreign Affairs / Vice-President of the European Commission, Ms Federica Mogherini,
Secretary-General of the European External Action Service (EEAS), Ms Helga Maria Schmid
Deputy Secretary General for economic and global issues, EEAS, Mr Christian Leffler
Deputy Secretary General for political affairs, EEAS, Mr Jean-Christophe Belliard
Managing Director for human rights, global and multilateral issues, EEAS, Ms Lotte Knudsen,
Managing Director for Asia, EEAS, Mr Gunnar Wiegand,
Director, Deputy-Managing Director for human rights, global and multilateral issues, EEAS, Mr Marc Giacomini
Director, Deputy-Managing Director for Asia, EEAS, Ms Paola Pampaloni
Head of Division for human rights, EEAS, Ms Luisa Ragher
Head of Division for economic and global issues, EEAS, Mr Dominic Porter
Head of Division for South-East Asia, EEAS, Mr David Daly,
Trade Commissioner, Ms Cecilia Malmström,
Director General for Trade, DG Trade, Mr Jean-Luc Demarty
Deputy Director General for Trade, DG Trade, Ms Helena König
Acting Director for Asia and Latin America, DG Trade, Mr Peter Berz
Director for Sustainable Development; Economic Partnership Agreements - African, Caribbean and Pacific; Agri-food and Fisheries, DG Trade, Ms Ewa Synowiec
Head of Unit, Trade and Sustainable Development, Generalized System of Preferences, DG Trade, Ms Madelaine Tuininga