

Civil society calls on European Parliament not to ratify EU-Vietnam Free Trade Agreement without firm guarantees on human rights

BRUSSELS, 3rd

December 2019 (VCHR) – At a Conference on “**Human Rights and the EU-Vietnam Free Trade Agreement (EVFTA)**”, hosted by MEP Julie Ward (S&D Group) and organized by **Vietnam Committee on Human Rights (VCHR)** and **Christian Solidarity Worldwide (CSW)**, civil society organizations urged Euro-MPs not to ratify EVFTA until Vietnam has taken concrete steps to improve human rights.

At the conference, VCHR revealed a video message prepared especially for the event by **Phạm Chí Dũng**, an independent journalist and prominent dissident in Vietnam. On 21st November, just two days after he sent it to VCHR, Phạm Chí Dũng was arrested in Vietnam.

The conference took place as the European Parliament embarks on a crucial phase of negotiations on EVFTA, one of the most ambitious trade agreements ever concluded between the EU and a developing country, and the Investment Protection Agreement (IPA). Today, the EP Human Rights Subcommittee meets to develop its opinion, and MEPs from across the political spectrum will discuss their position, to be voted at the beginning of 2020. Signed in June 2019 in Hanoi, EVFTA and the IPA must be ratified by the European Parliament before they come into force.

VCHR Vice-Chair [Penelope Faulkner](#) said that for her committee, EVFTA had “*a distinct air of déjà vu*”. Throughout more than two decades of EU-Vietnam trade relations, with a first agreement in 1995 and a framework Cooperation and Partnership Agreement signed in 2012, the European Commission has systematically played down Vietnam’s abysmal human rights record, insisting that the agreements would give the EU more leverage to press for reforms. “*For the first agreement, we were hopeful. For*

the second, we were doubtful. For EVFTA, we are plainly not convinced”, she told MEPs.

She also

warned that the EU was rushing to finalize EVFTA against a backdrop of increasing political repression in Vietnam. Harassments, beatings and arrests of human rights defenders, religious followers, bloggers and journalists have escalated, harsh prison sentences of 15 – 20 years on trumped-up “national security” charges are frequent. At the same time, Vietnam has adopted a whole arsenal of laws such as the Criminal Code, the Law on Belief and Religion, the Press Law, Cyber Security Law, the law on Access to Information, etc. that criminalise the exercise of human rights. *“VCHR and other NGO colleagues have reported regularly on these abuses at the EU-Vietnam human rights dialogues. The EU cannot say they did not know”.* The EP would betray its core values of democracy and human rights by ratifying the agreements without any sign of good will from Hanoi, she said.

In his

video message, **Phạm Chí Dũng**, a former Communist Party member, observed that EVFTA and IPA would benefit Vietnam far more than the EU, given the EU’s trade deficit of 20-25 billion US\$ with Vietnam. He described the eight annual EU-Vietnam human rights dialogues as *“fruitless”*, with less than 95% of the EU’s recommendations not taken into account, and rejected claims that Vietnam’s newly-amended Labour Code is a positive step forward. Contrary to what has been said, the Code makes no provisions for the establishment of free trade unions.

“The term “independent trade union” is not included in the revision of Vietnam’s Labour Code and Trade Union Law”, he said. “Hanoi considers independent unions as “reactionary” because of the impact of Polish the trade union Solidarność on the fall of

communist system in Poland in 1989”.

Hanoi’s

promise to consider ratification of ILO Conventions 87 on the right to organise and 105 on the abolition of forced labour in 2023-2015 was simply *“a trick”* to play for time and demoralise the EU and ILO. *“There is no detailed timeline for ratification or any guarantee that Hanoi will meet their commitments”*, he said.

Phạm Chí Dũng concluded his message by calling on the EP to postpone ratification of EVFTA and IPA *“until Vietnam’s regime fulfils its commitments on human rights”*, and by warning that the trade agreements would not bring an end to Hanoi’s repressive intolerance.

“The regime is likely to jail more dissidents after the EU ratifies the EVFTA and IPA. Prominent dissidents who oppose EVFTA due to Vietnam’s poor human rights record and those who stand up against China will receive heavy prison sentences”.

His poignant message predicted his own fate. On 10th November, [Phạm Chí Dũng](#) sent a Petition to the European Parliament expressing his concerns, and sent the video to VCHR on 19th November. He was arrested on 21st November at his home in Saigon (Ho Chi Minh City). He is charged with *“making, storing or disseminating information, documents, materials and items against the Socialist Republic of Vietnam”* (Article 117 of the Criminal Code). If convicted, he faces a prison sentence of up to 20 years.

At the Conference, VCHR and FIDH also announced that on Friday 29th November 2019, they had **filed a formal Complaint to the EU Ombudsman** in which they accused the European Commission of “maladministration” by seeking to conclude EVFTA and IPA without due consideration to human rights, and failing to include monitoring mechanisms in the agreement, despite [a strong resolution adopted by the](#)

[EP](#) in 2018. [Gaelle Dusepulchre](#), FIDH's representative to the EU, declared: *"the EU has an immediate **obligation to establish a monitoring and complaints mechanism that can monitor the human rights impacts of the agreement**, facilitate people's access to appropriate remedies, and provide guarantees of non-repetition. [The mechanism] must offer procedural guarantees, effectively decide on the requests submitted to it and give reasons for its decisions"*. This is the second complaint filed by FIDH and VCHR to the EU Ombudsman. The [first complaint](#), submitted in 2014, denounced the EU Commission for failing to conduct a "human rights impact assessment" which is mandatory in all trade agreements. In 2016, [EU Ombudsman Emily O'Reilly](#) confirmed that the Complaint was well-founded, and ordered the Commission to carry out an assessment without delay. Although the Commission did not follow her demand on the case of Vietnam, it took FIDH/VCHR recommendations into account. The EU now conducts human rights impact assessments on all ongoing trade agreements.