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HIGH REPRESENTATIVE

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TRADE

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Dear Honourable Members,

Thank you for your letter of 17 September 2018, requesting us to push for robust progress on Vietnam's human rights record ahead of the consent procedure of the EU-Vietnam Free Trade Agreement and Investment Protection Agreement.

Your letter is timely, and your constructive ideas will feed into our reflection, going forward, on how to best ensure that the EU-Vietnam agreements can effectively contribute to promoting human and labour rights in Vietnam.

As indicated in your letter, the EU-Vietnam Free Trade Agreement refers to Article 1 of the Partnership and Cooperation Agreement between the EU and Vietnam (PCA). In this provision, the Parties confirm their commitment to the respect for democratic principles and human rights, as laid down in the UN General Assembly Universal Declaration of Human Rights and other relevant international human rights instruments.

Furthermore, under the PCA, the EU maintains a regular dialogue with the Vietnamese Government. The EU-Vietnam Human Rights Dialogue, which is held under the PCA on a yearly basis, provides a high-level platform to voice concerns and to explore how to advance human rights in Vietnam.

At the last EU-Vietnam Human Rights Dialogue, the EU raised the issue of civil and political rights, in particular freedom of expression, association, assembly, religion and belief and access to information. The EU expressed serious concerns about the extensive application of the national security provisions in Vietnam's Penal Code and indicated a number of individual cases, reiterating its request for all the Vietnamese citizens detained for peacefully exercising their freedom of expression to be released.

Apart from the formal meetings, the EU keeps an open channel of communication with the Vietnamese authorities whereby we draw their attention to specific human rights-related issues and shortcomings. Furthermore, through technical cooperation projects, the EU aims to support civil society in Vietnam.

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Moreover, the EU-Vietnam Free Trade Agreement includes a chapter on Trade and Sustainable Development (TSD Chapter) with binding commitments on adherence to and effective implementation of fundamental Conventions of International Labour Organization (ILO) and Multilateral Environmental Agreements (MEAs). Importantly, the TSD Chapter also provides for cooperation and dialogue as well as overseeing mechanisms that involve government authorities, business and civil society of both trading partners. The Domestic Advisory Groups, comprising civil society representatives also participate in monitoring of and advising on the implementation of the TSD Chapter.

The EU-Vietnam Free Trade Agreement will thus open additional mechanisms and opportunities for dialogue with the Vietnamese Government as well as with civil society.

We take this opportunity to update you on some developments in Vietnam that we are monitoring very closely (cfr. in annex).

It is widely acknowledged that these recent developments are due in part to the engagement and pressure from the EU in the context of the trade negotiations. Notwithstanding these developments, the EU will continue to press Vietnam to enact further reforms, and will carefully analyse, taking into account ILO expertise, if the revised Labour Code is in line with the Free Trade Agreement labour commitments. We will also continue to follow closely and engage on the timelines for ratification of the ILO Conventions.

The legal framework and institutional platforms established under the Free Trade Agreement will be instrumental for further engagement in order to contribute to the shared objective of improving the labour conditions.

Overall, our assessment is that significant progress on trade and sustainable development has been made by Vietnam. Having said that, we agree with you that more needs to be done in order to ensure similar progress as regards human rights and labour rights. The EU-Vietnam agreements, once ratified, will provide us with additional important tools with which to achieve this. We therefore hope that you share our belief that far more can be achieved with the ratified EU-Vietnam Free Trade Agreement and Investment Protection Agreement, than without them.

We thank you for your interest and support in this process.

Yours sincerely,



Federica Mogherini



Cecilia Malmström

Annex

Recent socio-economic developments in Vietnam

Vietnam has made significant economic and social progress over recent years, which has translated into an advancement in socio-economic rights. The country has made progress towards the 2030 Agenda for Sustainable Development Goals and the Government has decided to participate in its voluntary regular and inclusive reviews at national level, alongside 47 other countries.

As regards labour obligations in the TSD Chapter of the EU-Vietnam Free Trade Agreement, the Vietnamese Government has publicly affirmed its commitment to the 1998 ILO Declaration on the Fundamental Principles and Rights at Work, including the possible ratification of Convention 87 concerning Freedom of Association and Protection of the Right to Organize (C87), Convention 98 on Right to Organize and Collective Bargaining (C98) and Convention 105 concerning the Abolition of Forced Labour (C105). Moreover, the Central Committee of the Communist Party adopted in June 2018 a Resolution (No. 27) regarding freedom of association with regard to the promotion of negotiations of wages between workers and employers and non-interference of the government in these negotiations.

The Vietnamese Government's development policy framework entitled *Overall Strategy for International Integration through 2020, Vision 2030* includes ILO core labour standards as a priority component of Vietnam's integration into the international community and markets. It reiterates a commitment to develop and implement a plan to ratify outstanding ILO fundamental Conventions. To this end in 2016 the Government officially began an analysis of the feasibility of ratifying those Conventions, with the evaluation process slated to run until 2020 (*Decision 2528/QĐ-TTg of 2015, Item II.3.b*).

The Vietnamese Ministry of Labour, Invalids and Social Affairs has recently reported that the Government plans to ratify C98 in 2019 and C105 by 2020, following the adoption of the revised Labour Code, with ratification of C87 subsequently. It is equally important to note that the Government is finalising the revision of the Labour Code, which will already incorporate several of the ILO commitments. This should be published shortly for public consultation, with the plan to submit it to the National Assembly in May 2019. The Government invited the EU to comment on this revision.