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cc : Gunnar Wiegand, Managing Director for Asia and the Pacific, EEAS
David Daly, Head of Division South-East Asia, EEAS
Peter Berz, Head of Unit C2, DG Trade, European Commission
Mariella Cantagalli, Trade relations with Vietnam, DG Trade, European Commission
Bernd Lange, chair of International Trade Committee, European Parliament
Marie Arena, chair of the Human rights Committee, European Parliament
Judith Kirton-Darling, chair of the EU Domestic Advisory Group

Brussels, 15 July 2021

Regarding: Violation of a commitment by Vietnam under the EVFTA

Dear Chief Trade Enforcement Officer,

I am writing you to inform you about a violation of an important element of the free trade agreement by the Vietnamese authorities.

The establishment of a Domestic Advisory Group (DAG) by the Parties is an essential instrument in order to ensure the ownership of the trade deal by all stakeholders and to monitor its implementation, especially the Trade and Sustainable Development chapter.

While giving its assent to the EU-Vietnam FTA, the European Parliament was explicit and strong regarding our expectations when it comes to the DAG:

"[The European Parliament] stresses that the involvement of independent civil society and social partners in monitoring the implementation of the agreement is crucial, and calls for the preparation and swift establishment of DAGs following the entry into force of the agreement, as well as 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 as well as human rights defenders."*¹

The Vietnamese authorities communicated to the European Parliament ahead of the consent a detailed work plan with precise dates and implementing acts to establish their DAGs and explicitly stressing that the members would be independent. (See the attached document).

However, Queme, the Paris-based NGO monitoring Human rights in Vietnam, recently reported that two peaceful Human rights defenders, journalist Mai Phan Lợi and lawyer Đặng Đình Bách, were arrested by the Vietnamese policies on fallacious grounds.² This information has been confirmed by various sources. It is a big concern since they were involved in the establishment of the Domestic Advisory Group. There is no doubt that its members will not enjoy freedom of speech for fear of arrest for "anti-state propaganda" and "activities against the State" (Articles 109 and 117 of the Penal Code, both criticized by the UN Human Rights Council³) and consequently, will not be independent.

Since the entry into force of the EVFTA, the crackdown on the civil society has not decreased. This alarming situation prompted the European Parliament to adopt an urgency resolution in January in which the EP *"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"*.⁴

Almost one year since the entry into force of the EVFTA, the Vietnamese authorities' failure to allow the establishment of the DAG as foreseen by the treaty, accompanied by their relentless and systematic repression of free civil society and the arrest of Mai Phan Lợi and Đặng Đình Bách, shows that they have violated their commitments and casts serious doubts over their intentions to comply with the EVFTA obligations enshrined in the sustainable development chapter. On these grounds, I ask you to investigate the case and intervene with the Vietnamese authorities so that they deliver their commitments and release of Mai Phan Lợi and Đặng Đình Bách and other journalists, Human rights and environmental defenders, trade unionists and prisoners of conscience mentioned in the EP urgency resolution and stop any form of harassment against civil society trying to contribute to the establishment of the DAG, and respect the EVFTA obligations in full.

I remain at your disposal and at your best convenience for discussing the issue further.

Looking forward to hearing from you,

Saskia Bricmont, Green MEP



¹https://www.europarl.europa.eu/doceo/document/TA-9-2020-0027_EN.html, paragraph 37

²<https://queme.org/en/vietnam-blocks-civil-society-participation-in-scrutiny-of-evfta-and-arrests-cso-leaders/?v=d3dcf429c679>

³<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/083/45/PDF/G1908345.pdf?OpenElement>

⁴https://www.europarl.europa.eu/doceo/document/TA-9-2021-0029_EN.html