



Brussels, 12 February 2014

Open letter: The EU-Vietnam Free trade Agreement and the vote in the European Parliament this 13th of February.

Dear Members of the European Parliament, INTA commission,

In the context of the current negotiation regarding an EU-Vietnam Free trade agreement, FIDH wishes to insist on the necessity to take the human rights situation in Vietnam into account. The concerns regarding freedom of expression, freedom of association, freedom of religion discriminations, rule of law, access to health and education commends to be cautious, and to take all the needed measures to ensure human rights are duly taken into account, respected and protected¹. While the situation has not progressed in the field, opportunities for an increased leverage of influence now become clearer.

In this context, the draft resolution on EU-Vietnam free trade agreement, currently being considered by INTA, presents a useful opportunity and could be an instrument to strengthen the consideration of human rights in the context of the free trade agreement. In particular, FIDH would like to invite you to support suggested amendments that give substance to the Human Rights commitments of the EU and, among them, specially the [amendments](#) 3, 18, 28, 48/50, 51, 53/54, 57, 58, as well amendment 59 which should be complemented by an explicit reference to human rights.

As raised in amendment 3, FIDH would like to particularly emphasise and encourage you to include the following and specific language: “*human rights should be treated as an essential element of EU's trade policy* » and « *the EU is committed, in the framework of the EU strategic Framework and Action Plan on human rights and Democracy, to carrying out Human Rights Impact Assessments for all FTAs and investment agreements* ». This means that the EU-Vietnam treaty should at least contain mandatory and enforceable provisions to ensure :

- *the treaty is read as subject to Human rights obligations (see amendment 51)*
- *the respect of the OECD Guidelines for Multinational Enterprises and the UN guiding principles on business and human rights as well as on the UN Principles for Responsible Investment and Reporting and the establishment of an effective monitoring mechanism (see*

¹ See our previous letters, press releases and other documents : Open Letter : [Vietnam and Free trade Agreement negotiations: NGOs urge the EU to carry out a human rights impact assessment](#), 30 April 2013 ; [The EU's Strategic Framework and Action Plan on Human Rights and Democracy – one year after its adoption](#), 24 June 2013 ; [Trade relations : Reluctant to assess human rights in Vietnam, the EU fails to respect its commitments](#), 3 July 2013 ; [joint submission to the Universal Periodic Review](#) tabled by FIDH and its member organisation the Vietnam Committee on Human rights, 17 June 2013.

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- amendment 18)*
- *that human rights protection cannot be interpreted as contravening to the rights of the investors (see amendments 28/50) and that investor should not benefit from disproportionate protection compared to human rights protection and general interest protection (see amendments 48/50)*
 - *a binding and enforceable chapter ensuring the respect (and not only the promotion) of Human rights, the monitoring by a independent civil society organisations, measures in case of infringement and the seizability of the general dispute settlement mechanism (see amendment 54 and amendment 53 as modified to refer to respect compliance and enforcement and not only promotion)*
 - *the assessment of the impacts of the treaty on human rights and mechanisms to review, suspend, amend or abandon the agreement in consequence (see amendment 58 and amendment 59 modify to explicitly refer to human rights)*

To conform to the EU strategic Framework and Action Plan on human rights and Democracy FIDH also calls on the Members of the INTA commission to ask for an impact assessment on human rights and an update of the last SIA before the conclusion of a possible future FTA with Vietnam and to ask to take advantage of the current negotiation to obtain from Vietnam concrete progress on human rights.

Sincerely yours,



Karim Lahidji
FIDH president