



2 September 2025

██████████
Officer-in-charge
Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights

Dear ██████████,

We refer to the Joint Communication from Special Procedures (AL OTH 65/2025) to the Asian Development Bank's (ADB's) President Kanda dated 10 July 2025, transmitted on behalf of independent human rights experts appointed by the United Nations Human Rights Council. We appreciate the thoroughness and gravity of the concerns raised including specific reference to the situation of Mr. Dang Dinh Bach and broader human rights considerations in the context of climate and energy policy.

Please note that ADB is not a party to the Political Declaration on establishing the Just Energy Transition Partnership with Viet Nam dated 14 December 2022 between the Government of Viet Nam and the International Partners Group of countries, but we are committed to help all our developing member countries, including Viet Nam, in their energy transitions. As a financing institution, we have committed to provide funding support for JETP investments in Viet Nam, subject to investment acceptability and approval from our Board of Directors. We have not made any such investments to date.

We value this opportunity to provide clarifications and information on ADB's policies, processes, and commitments with respect to human rights due diligence, meaningful stakeholder engagement, grievance mechanisms, and the alignment of our operations with international human rights standards. Regarding your request for observations in the referenced joint communication, please see below our responses to the six points raised. For additional information, we also summarized in the Annex the key ADB policies relevant to human rights.

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

Response: We do not have any additional information and are aware of the above-mentioned allegations only through publicly available media sources.

- 2. Please provide information on whether ADB has conducted any human rights due diligence processes before and during its financing activities of the JETP, and whether the outcomes of such processes were made public.**

Response: To clarify, ADB is not a party to the Joint Statement between the Government of Viet Nam and the International Partners Group that agreed upon a JETP for Viet Nam. ADB committed to provide financing to applicable projects subject to such projects meeting ADB policies, standards, and guidelines. To date ADB has not conducted any financing activities related to the JETP. If and when any such financing activities commence, we give full assurance that any engagement by ADB will be subject to ADB's policies, including environmental and social requirements and standards, which apply to ADB operations in the form of funding projects, providing technical assistance, or any other such official intervention. Details can be found in ADB's Safeguard Policy, 2009 and the Environmental and Social Framework, 2024 (collectively, the safeguard policies). Human rights considerations and due diligence on issues such as child labor, forced labor, worker and community health and safety, gender, vulnerability, Indigenous People, transparent information disclosure, and meaningful consultation without coercion or intimidation, are integral to ADB's environmental and social policies. Information on the application of environmental and social safeguards on ADB financed and administered projects (such as safeguards assessment and management documents) are disclosed on ADB's website consistent with ADB's safeguard policies and the Access to Information Policy, 2018.

- 3. Please provide information on how the ADB human rights due diligence processes has taken into account how civil society organizations, environmental advocates and human rights defenders can meaningfully participate in shaping climate and environmental policies and decision-making, including in the context of the JETP, in a safe and conducive environment, in line with the guiding principles and related Working Group on Business and Human Rights' guidance on human rights defenders (A/HRC/47/39/Add.2). In particular please indicate if human rights due diligence processes have identified and addressed the alleged use of strategic lawsuits against public participation (SLAPPs) to silence the voices of human rights defenders, including as they relate to the situation of Mr. Dang Dinh Bach.**

Response: ADB applies its safeguard policies for any project financing activity, technical assistance, or other such official intervention. ADB's safeguard policies set out requirements for meaningful consultation and stakeholder engagement, including with civil society organizations. Meaningful consultation is defined as a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups;

and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

ADB's Environmental and Social Framework (ESF), 2024 also sets out requirements for project borrowers to provide stakeholders with safe, accessible, and inclusive means to raise questions, proposals, concerns, and grievances, without threat of reprisal.

- 4. Please indicate if any grievance mechanism is available at ADB for victims of human rights abuses occurred in the context of the JETP, including for environmental human rights defenders who have been convicted and/or are being targeted and/or are being detained for activities connected to the exercise of their legitimate participation rights in all relevant aspects of the JETP.**

Response: Any financial support ADB provides to our member countries is subject to our Safeguard policies and legal covenants as set out in the financing agreements. ADB's Safeguard Policy Statement (2009), which is currently in effect, and ADB's Environmental and Social Framework, which comes into effect 1 January 2026, includes consultation and participation as central to the achievement of safeguard policy objectives. Furthermore, the Safeguard policies require establishment of a grievance mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project. This mechanism has to be maintained throughout the project cycle, and has to be gender responsive, culturally appropriate, and readily accessible to all segments of the affected people. Those project-affected people can also approach ADB's operations departments directly, and through ADB's Accountability Mechanism in accordance with its Accountability Mechanism Policy.

- 5. Please provide information on how the Environmental and Social Framework approved by ADB's Board of Directors on 22 November 2024, which is expected to become effective 1 January 2026, or at a later date as determined by ADB Management, will be applied in the context of the JETP. In particular, please provide information on how this Framework aligns with ADB's responsibility under the UN Guiding Principles on Business and Human Rights, and with the recommendations of the Working Group on Business and Human Rights in its reports on "Development finance institutions and human rights" (A/HRC/53/24/Add.4) and on "Investors, environmental, social and governance approaches and human rights" (A/HRC/56/55).**

Response: ADB applies its policies and safeguards standards once any project financing activity, technical assistance, or other such official intervention commences. This is regardless of whether such an intervention meets the criteria that would qualify it as a JETP project or not. With respect to ADB's safeguard policies and human rights, we have attached (see Annex) an analysis that was previously shared with UNOHCHR in connection with its Benchmarking Study of Development Finance Institutions'

Safeguard Policies, explaining how ADB’s Safeguard Policy Statement and other strategy documents incorporate human rights principles. The ADB’s ESF further enhances the integration of key human rights principles within the policy.

- 6. Please provide information on how ADB is using or will use leverage in its business relationships to promote and ensure respect for human rights, including by requiring human rights due diligence policies and processes by its JETP clients, in line with recommendations contained in the report of the Working Group on Business and Human Rights on “Development finance institutions and human rights” (A/HRC/53/24/Add.4).**

Response: As stated above, any ADB operations in the form of funding projects, providing technical assistance, or any other such official intervention, will always be subject to ADB’s policies, safeguards and standards. These can be found via the following link: <https://www.adb.org/who-we-are/environmental-social-requirements/environmental-social-framework>. We stand by this policy and any projects or investments ADB will make in any member countries will have to abide by the process and procedures as set out by our policy.

In closing, please be assured that ADB remains steadfast in upholding its commitment to international human rights standards and the principles of transparency, inclusivity, and accountability across all operations. We appreciate your engagement on these important issues and welcome ongoing dialogue as we strive to advance sustainable and rights-respecting development outcomes across the whole of Asia and the Pacific.

Sincerely yours,



Priyantha Wijayatunga
Senior Director, Energy
Energy Sector Office
Asian Development Bank