

Violations of Labor Rights in the Socialist Republic of Vietnam

Submission to the International Labor Organization Committee of Experts

Prepared by Boat People SOS (BPSOS)

August 28, 2013

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Founded in 1980, Boat People SOS (BPSOS) is a U.S.-based international organization with operations in eleven locations in the U.S. and in three Asian countries. Our international initiatives include refugee protection, combatting human trafficking and civil society development. For 25 years we have closely monitored country conditions in Vietnam and have published a number of reports on the different aspects of human rights violations by the Vietnamese government. Our legal teams operating in Thailand and Malaysia continually collect information through interviews with newly arrived asylum seekers from Vietnam. This report focuses on labor rights.

PERSECUTION AGAINST LABOR UNION ORGANIZERS

The Socialist Republic of Vietnam does not respect fair labor practices for its workers. Without the right to form independent labor unions, workers in Vietnam have no collective bargaining power. The government has harshly cracked down on individuals who attempt to organize labor unions or defend workers' rights.¹

In November 2006 police arrested all of United Workers and Farmers Organization (UWFO)'s known members in Vietnam, including Doan Huy Chuong, his father Doan Van Dien, Tran Thi Le Hong, Nguyen Thi Tuyet, Le Ba Triet, Nguyen Tuan, and Ly Van Sy. On January 14, 2007, the authorities arrested UWFO's spokesperson Tran Quoc Hien after he issued an appeal on behalf of the jailed labor activists. On November 20, 2007 Phung Quang Quyen was arrested for involvement in UWFO.

In December 2007, the Dong Nai Province Peoples' Court sentenced UWFO leaders Doan Van Dien, Doan Huy Chuong, Tran Thi Le Hong, and Nguyen Thi Tuyet to prison sentences ranging from 18 months to four-and-a-half years under penal code article 258, "abusing democratic freedoms to infringe upon the interests of the state." They were accused of slandering the Vietnamese government by alleging that it violated workers' rights and illegally confiscated farmers' land through articles disseminated on "reactionary" websites and interviews with western news sources.² On February 25, 2008 Phung Quang Quyen was sentenced to 18 months imprisonment on the same charge.

Released from prison on May 13, 2008, Doan Huy Chuong was again arrested in February 2010, this time along with Nguyen Hoang Quoc Hung and Do Thi Minh Hanh, both members of the Committee to Protect Vietnamese Workers. The three were allegedly assisting some two thousand on-strike

¹ "[Not yet a workers' paradise: Vietnam's suppression of the independent workers' movement](#)". Human Rights Watch. May 2009.

² "[Lead a Union, Go to Prison](#)". Amnesty International. November 2007.

workers at a shoe factory in Tra Vinh to draft a list of demands. They were charged of “disrupting national security” under Article 89 of the Vietnamese Penal Code. Doan Huy Chuong and Do Thi Minh Hanh were sentenced to 7 years while Nguyen Hoang Quoc Hung to 9 years. They were reportedly tortured, beaten and mistreated while in detention and then in prison.

On November 14, 2012 the UN Working Group on Arbitrary Detention found that the deprivation of liberty of these three labor activists “is arbitrary, being in contravention of articles 9, 10, 20 and 21 of the Universal Declaration of Human rights and articles 9, 14, 22 and 25 of the International Covenant on Civil and Political rights, to which Viet Nam is a party, and falls within categories II and III of the arbitrary detention categories referred to by the Working Group when considering the cases submitted to it.”

The Working Group called for the Vietnamese government “to release the above-mentioned individuals and to accord them an enforceable right to compensation, in accordance with article 9, paragraph 5, of the International Covenant on Civil and Political Rights.” The Working Group also referred the case to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for appropriate action.

Do Thi Minh Hanh has been brutalized by prison authorities because she refuses to perform forced labor in prison, and speaks out against the forced labor imposed on fellow political prisoners by prison authorities. In late April 2013, she was moved to a prison in Xuan Loc, Dong Nai Province, where she was ordered to peel cashews. In retaliation, the prison authorities had a number of criminal prisoners attack her at various times under various pretexts. Once, she was assaulted while taking a bath, in full view of public security personnel. Her health has deteriorated significantly recently. On August 7, 2013 a visiting family member noticed that she looked thin and sick, and was covered with skin lesions. She reported feeling pain in one breast, which had been shrinking. Her repeated requests for medical care had been rejected by the prison staff.



Labor rights activist Tran Quoc Hien on his way to prison.

In January Tran Quoc Hien completed his 5-year sentence. He soon resumed labor rights advocacy. He was about to be arrested when he fled to Thailand to seek refugee protection from the international community. He continues to fight for the rights of workers inside Vietnam and for the protection of labor rights activists. In June 2013 he submitted on behalf of UFWO a report to the UN Human Rights Council for the upcoming Universal Periodic Review of Vietnam. In July 2013 he communicated the case of Do Thi Minh Hanh to the UN Commission on the Status of Women.

Partial List of Labor Unionists Arbitrarily Arrested and Imprisoned Since 2006

Name	Year of Birth	Affiliation	Date of Arrest	Sentence	Status	Notes
Nguyen Thi Tuyet		United Workers and Farmers Organization (UWFO)	2006	1.5 years of imprisonment	Released in 2008	Arrested on 15/11/2006 after participating in several labor strikes in Dong Nai Province. Tried in December 2007.
Tran Thi Le Hong Co-founder of UFWO	1960	UWFO	2006	3 years of imprisonment	Released in Feb. 2009	Arrested in November 2006 after she issued a public appeal protesting the arrest of UFWO co-founder Doan Huy Chuong.
Le Thi Cong Nhan (f) [lawyer]	1979	Progression Party Vietnam	2007	3 years imprisonment and 3 years house arrest.	Released on 06/03/10, now under house arrest until Mar. 2013	Charge: Spreading propaganda against the Socialist Republic of Vietnam (§88 VCC); “misinterpreting the state’s policies regarding labor unions and workers in Vietnam.” Arrested on 06/03/07 and tried on 17/08/07 in Hanoi. The Appeal Court on 27/11/07 reduced the prison term from 4 to 3 years.
Tran Quoc Hien (m) [jurist, spokesperson of UWFO]	1965	UWFO	2007	5 years imprisonment and 2 years house arrest	Released in Jan. 12, now taking refuge in Thailand	Charge: Spreading propaganda against the Socialist Republic of Vietnam (§88 VCC) and disrupting security (§89 VCC). Arrested on 12/01/07 and tried on 15/05/07 in HCM City.
Nguyen Hoang Quoc Hung (m)	1981	Committee to Protect Vietnamese Workers	2010	9 years’ imprisonment	Prison Xuyen Moc, Ba Ria – Vung Tau Province	Charge(s): Disrupting security (§89 VCC) Hung is a labor activist who organized a strike in a shoe fabric in Tra Vinh Province and distributed anti- government leaflets. Arrested on 24/02/10 in Lam Dong Province and tried on 26/10/06 in Tra Vinh Province; sentence upheld at appeal trial in Tra Vinh Province on 18/03/11. Claimed to be tortured in detention.

Do Thi Minh Hanh (f)	1985	Committee to Protect Vietnamese Workers	2010	7 years' imprisonment	Z30A Prison, Dong Nai Province	<p>Charge(s): Disrupting security (§89 VCC).</p> <p>Hanh is a labor activist who organized a strike in a shoe factory in Tra Vinh Province and distributed anti- government leaflets.</p> <p>Arrested on 23/02/10 in Province Lam Dong and tried on 26/10/06 in Tra Vinh Province; sentence upheld at appeal trial in Tra Vinh Province on 18/03/11.</p> <p>In poor health due to torture and forced labor.</p>
Doan Huy Chuong (m) [aka Nguyen Tan Hoanh]	1985	Committee to Protect Vietnamese Workers	2010	7 years' imprisonment	Z30A Prison, Dong Nai Province	<p>Charge(s): Disrupting security (§89 VCC).</p> <p>Chuong is a labor activist who organized a strike in a shoe factory in Tra Vinh Province and distributed anti- government leaflets.</p> <p>Arrested on 11/02/10 and tried on 26/10/06 in Tra Vinh Province; sentence upheld at appeal trial in Tra Vinh Province on 18/03/11.</p> <p>As President of the United Workers and Farmers Association (UWFA), Doan Huy Chuong was previously arrested in Nov. 2006 and later sentenced to 18 months imprisonment.</p>
Doan Van Dien (m)	1954	UWFO	2006	4.5 years imprisonment	Released on 15/05/11	<p>Charge: Abusing democratic freedoms (§258 VCC).</p> <p>Arrested on 15/11/06 in Dong Nai Province. No reduction at appeal trial on 25/02/08.</p>
Phung Quang Quyen (m)	1956	Vietnam Populist Party (VPP) UWFO	2009	4 years' imprisonment followed by 4 years' house arrest	Released. Under house arrest until 2017	<p>Charge(s): Fleeing abroad to oppose the People's Government (§91 VCC). Arrested on 30/08/09 and tried on 20/04/2010 in Lam Dong Province. He was previously arrested on 20/11/2007 because of his activities with the United Farmers and Workers Organization (UFWO) and was then sentenced to 18 months imprisonment.</p>

FORCED LABOR

After political and religious detainees are tried and sentenced, they are transferred to national prisons for convicted prisoners. All convicted prisoners in Vietnam, and detainees in “education centers”, are required to work eight hours a day without pay, primarily doing agricultural and manufacturing work.³ Prison jobs include construction, carpentry and furniture production, sewing, making handicrafts, weaving, making bricks, farming, rubber tapping, tending cashew plantations, cashew processing, and logging.

Manual labor is obligatory for convicted prisoners in Vietnam, regardless of whether they have been sentenced for political and religious reasons. This is in violation of the ILO’s Convention on the Abolition of Forced Labor (No. 105), which prohibits forced or compulsory labor of prisoners convicted of political offenses or because of racial, social, national or religious discrimination.⁴ The use of forced labor by detainees in “education centers” (and drug detention centers) also violates ILO Convention No. 29, which prohibits the use of forced labor by detainees who have not been convicted in a court of law.⁵

Political prisoners have tried to protest forced labor requirements, arguing that compulsory labor may be warranted for common criminals, but not for political prisoners, especially since the forced labor is not documented in their sentencing and imprisonment documents. The response from prison officials has been not only to reject such assertions, but often to punish the prisoners who speak out by placing them in solitary confinement.

The United Nations Standard Minimum Rules for the Treatment of Prisoners provide that prison labor must be of a vocational nature, with prisoners allowed to choose the type of work they want to do.

While Vietnam’s state media often portrays prison jobs as “vocational training,” in practice prisoners are mandatorily assigned various forms of repetitive manual labor that do little to improve skills. Prisoners are not allowed to choose their “training” (i.e. form of labor) according to their interest and background, nor are they allowed to opt out of an assigned job. Prison labor is used to generate income for the prisons, rather than provide genuine skills training.

³ “Joint Circular Guiding the Labor of Inmates in Prisons,” No. 07/2007/TTLT/BCA-BQP-BTC, Ministries of public security, defense and finance, July 2007, http://laws.dongnai.gov.vn/2001_to_2010/2007/200706/200706070004/lawdocument_view (accessed April 10, 2010).

⁴ The Abolition of Forced Labor Convention No 105 (1957) prohibits forced or compulsory labor for prisoners, even if convicted in a court of law, for those imprisoned as punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; or imprisoned as a means of racial, social, national or religious discrimination. (Article 1). ILO Convention on the Abolition of Forced Labor (No 105), Article 1, 1957.

⁵ ILO Convention No. 29 concerning Forced or Compulsory Labor, art. 2, was ratified by Vietnam on March 5, 2007.

Prisoners who do not meet production quotas or who are unwilling to work are punished by reduction of their food rations, deprivation of family visits, or placement in solitary confinement.

Using compulsory prison labor to produce goods for export or for private, for-profit enterprises violates international labor standards⁶ and prohibitions on forced labor by some of Vietnam's trade partners, including the United States.⁷

International standards provide that the same health and safety standards should apply to prison labor as other types of labor. Instead, prisoners must work even when weak from lack of food, ill, or suffering from serious internal injuries caused by beatings. Health and safety precautions are not always taken to protect prisoners working in hazardous industries like cashew processing. Instead, prisoners assigned to unsafe jobs who refuse to work are punished

Hoa Hao Buddhist LTTS described her work on a prison farm at Z30D Prison in Binh Thuan Province, where she spent more than two years:

"We went to work every day, walking 10 kilometers each way. We worked from 6:30 am to 5 pm, usually with a mid-day break.

"We cut down trees to plant corn, cassava, and watermelon. We also planted rubber and cashew trees. When the cashews were ripe we picked the fruit.

"I did not get sick from picking cashews; I got sick from overwork.

"The crops were not for the prisoners but sold to others. Prisoners can't eat the crops. If we eat [the crops], they beat us.

"We also carved dry fish, provided from a factory, to make it look like a rose or an apple. The prisoners would work on this; the guards would get the money.

"We also embroidered flowers on pillow cases. If we do it right, okay. If we do it wrong or mess it up, we have to pay for it. Sometimes I could not see well enough to embroider—my family was forced to provide money to replace what I had ruined.

"Only once a year, 20 days before Tet, the work load was less arduous— at that time we cut grass inside the prison. They were worried that because Tet was coming, we would try to run away if we were in the fields."⁸

⁶ The U.N. Standard Minimum Rules for Treatment of Prisoners states that prison labor must not be driven by financial profit motives, and no prisoner should be forced to work for private entities. ILO Convention No. 29 concerning Forced or Compulsory Labor provides that prisoners may not be "hired to or placed at the disposal of private individuals, companies or associations." This has generally been interpreted to mean that prison labor for private, for-profit enterprises may only be by consent of the prisoner. ILO Convention No. 29 concerning Forced or Compulsory Labor, art. 2, ratified by Vietnam on March 5, 2007; Human Rights Watch, "Cambodia: Cut Draft Provision Allowing Prison Labor," November 28, 2011, <http://www.hrw.org/news/2011/11/28/cambodia-cut-draft-provision-allowing-prison-labor>

⁷ The US U.S. Tariff Act of 1930, as amended in 2006, specifically prohibits import of goods and merchandise "produced or manufactured wholly or in part in any foreign country by convict labor or forced labor." The amended Tariff Act also prohibits the import of goods "made in factories or workshops that violate core labor standards. Smoot-Hawley Tariff Act of 1930 (19 USC. 1307); amended in 2006.

⁸ Interview with LTTS, location withheld, August 4, 2008.

Montagnard prisoner ST worked ten hour days at Nam Ha prison, from 7 a.m. - 12:15 and after a 15 minute break for lunch, from 12:30 to 5 pm.

“I was forced to work very hard. They made me carry large rocks on my shoulder. I fell, injuring my back. Later they assigned me to make bamboo and wicker baskets. It may sound easy, but they forced us to work like a machine. “When you do this a long time, your back hurts and your hands cramp up from forcing the bamboo into place.”⁹

At Xuan Loc, Vo Van Ngoc worked at a prison farm planting vegetables, tending crops, carrying water, and collecting firewood.

“It was terrible when we planted vegetables. We used cow manure for fertilizer, which we applied by hand. Every morning and afternoon I had to water the fields. I had to carry 120 buckets [40 liters total] on a shoulder pole in the morning and another 120 in the afternoon.

“If I didn’t do it, they put me in a dark room for one week, wearing only shorts, and getting less rice to eat. Then I had to sign an agreement or spend another week there. This happened to me many times — at least four times I was sent to the dark cell. Not because I refused to do the work, but because I was too weak. Now my neck has problems in the bone.”¹⁰

DT, who had been a Buddhist monk all of his adult life before he was arrested, found the work regime at Soc Trang prison grueling and unfamiliar:

“We had to plow the earth to plant vegetables, dig ponds, carry water. I did not know how to farm. If we did not fulfill the work requirements, they beat us and withheld rice from us. If we argued with them, they sent us back to the dark cell. We had to follow exactly what they said.”¹¹

Cashew Processing

Some of the forced prison labor is in hazardous industries, such as cashew nut processing, particularly roasting, boiling, cracking open, shelling, and hand-peeling the nuts.¹²

According to Ministry of Public Security (MPS) officials, prisoners in Vietnam work on 1,000 hectares of cashew tree plantations nationwide, where they are required to meet production quotas.¹³

Prisons that operate cashew processing facilities include Chi Hoa in Ho Chi Minh City, Nam Ha Prison in Ha Nam, Xuan Loc (Z30A) Prison in Dong Nai, Gia Trung Prison in Gia Lai, An Phuoc and Bo La prisons in Binh Duong, Xuan Phuoc Prison in Phu Yen, and Thu Duc Prison in Binh Thuan.¹⁴

⁹ Interview with Montagnard activist ST, Charlotte, North Carolina, January 17, 2010.

¹⁰ Interview with Vo Van Ngoc, place withheld, August 4, 2008.

¹¹ Interview with DT, May 13, 2010.

¹² V.R. Prakasam, “Ethics Violation in Cashew Factories of Kerala, India,” <http://www.eubios.info/trt8abs.htm>; Kathy Wollard, “Why is the cashew the only nut you cannot buy in its shell?”, <http://www.word-detective.com/howcome/cashew.htm>

¹³ Unclassified cable from the U.S. Embassy in Hanoi, “Prison Labor and Cashew Nuts in Vietnam,” Wikileaks Reference ID 08HANOI450, April 18, 2008, <http://wikileaks.org/cable/2008/04/08HANOI450.html>

¹⁴ The operation of cashew processing facilities at these prisons is mentioned in articles by Vietnamese state media such as Cong An Nhan Dan, ANTG, etc.



Cashew nut processing by prisoners in Gia Trung Prison, Gia Lai Province.

Physical contact with cashew nuts, oil from the cashew nut shell and their fruit, or inhaling fumes from roasting or boiling the nuts, can cause skin rashes, itching, blisters, eye irritation, and respiratory problems including asthma and bronchitis.¹⁵

The cashew-processing plant at Xuan Loc Prison in Dong Nai is located within the grounds of the prison, about 15 minutes' walk, or about one kilometer, from the cells.¹⁶ There is no signboard at the place indicating it is a cashew-processing plant. Prisoners assigned to work there must husk around 21 kilos of cashews a day; if they do not meet their quota, even due to illness or fatigue, they are sent to solitary confinement and shackled.¹⁷

People's Action Party member DN became ill after working at the cashew plant at Xuan Loc.

"I did not see any evidence that they used chemicals for processing the cashews. However everyone who worked at cashew processing got sick, and some died. They died because of the cashews, from toxins in the cashews. The poison came from the cashews themselves.

"When you open up the fruit, a black resin comes out. We were not provided masks.

"We were required to clean and process a certain amount of cashews a day. If you did not meet that quota, they beat you.

"I developed a cough with a lot of sputum and became very weak because of the poison. My hands were black from the resin from the cashews."¹⁸

In 2008, when imprisoned labor rights activist Tran Quoc Hien spoke out against forced prison labor at Xuan Loc, prison officials directed another inmate to assault and beat him.

"Specifically, I had requested the prison officials to observe human rights practices such as: (1) stop using the political and religious dissident prisoners to perform harsh labor; (2) improve prison living conditions such as providing adequate water and ventilation to the prisoners; (3)

¹⁵ Cashew nuts and their reddish stalks— often called the cashew fruit or apple—belong to the same botanical family (Anacardiaceae) as mangoes, poison ivy, and poison sumac and can have similar toxic effects, especially if handled in large quantities, causing allergic reactions as well as respiratory problems. The oily liquid from the cashew nut shell contains allergens (anacardic acid and cardol) that are related to the allergen (urushiol) found in poison ivy and poison sumac. Suzanne S. Teuber et al, "Characterization of the soluble allergenic proteins of cashew nut (*Anacardium occidentale* L)," *Journal of Agricultural Food Chemistry*, American Chemical Society, 2002. Kathy Wollard, "Why is the cashew the only nut you cannot buy in its shell?", <http://www.word-detective.com/howcome/cashew.html>

¹⁶ Interview with former PAP member DN, location withheld, August 4, 2008.

¹⁷ Le Nguyen Sang said he had to shell 21 kilos of cashew nuts a day – if he did not meet this quota, even due to illness or fatigue, he was shackled as punishment.

http://www.queme.net/eng/doc/From_Vision_to_Facts_-_Human_Rights_in_Vietnam.pdf

¹⁸ Interview with former PAP member DN, location withheld, August 4, 2008.

reduce the heavy workload imposed on the common prisoners, such as the number of kilograms of cashew nuts they must peel each day without wearing adequate protection; and (4) refrain from beating the prisoners in violation of their human rights.

“As a result, on March 6, 2008, the [prison] officials allowed a violent prisoner to assault me in retaliation for speaking out. I sustained bruises and injuries to the left side of my face.”¹⁹

One Montagnard asylum seeker in Thailand reported to our legal team that he had to process cashew nuts for 7 years of his prison term, from 2002 through 2009. His hands had lesions caused by the acid from the cashew nuts because he was not allowed to use gloves. Another Montagnard jailed from 2005 until 2009 at Dai Binh Prison in Lam Dong described prisoners being divided into production teams (cashew production, farming, vegetation, packaging fish for exporting). Those failing to meet quota were beaten with a whip and kicked.

Asylum seeker HND, a Vietnamese dissident sentenced to 2.5 years in prison for promoting democracy over the internet and for distributing leaflets, was required to break cashew shells during his incarceration at the Z30A Xuan Loc prison. His quota was about 22 kilograms per day.

Human rights lawyer Nguyen Van Dai, a former prisoner of conscience, also reported the wide use of forced labor in prison to manufacture products that were then exported to Western countries.

In April 2008 the US Embassy met with officials from the Ministry of Public Security (MPS)’s Prison Management Department to discuss the use of prison labor in cashew processing. An embassy cable about the meeting reported that MPS officials asserted that no prison labor is used to produce goods for export. While prison officials openly admitted that prisoners must meet production quotas, they asserted that these were much lower than those in non-prison factories.²⁰

Regarding complaints the Embassy had received from families of political prisoners in Xuan Loc prison about high production quotas and toxic effects of cashew processing, the MPS official told the Embassy that regulations dictate that prisoners wear gloves and masks, and ventilators are used in cashew nut processing factories.²¹ He attributed the specific complaint regarding production quotas at Xuan Loc Prison to the fact that most prisoners “don’t like to work.”²²

The Embassy cable concluded with a comment that “Given the sheer volume of cashews Vietnam exports as the world’s leading producer, however, it would be difficult if not impossible to disprove completely the allegations that some amount of cashews produced by prison labor finds its way into Vietnam’s exports.”²³

DN, already partially lame as a result of beatings during interrogation, described what it was like working at Xuan Loc’s cashew plant.

¹⁹ Interview with Tran Quoc Hien.

²⁰ Unclassified cable from the U.S. Embassy in Hanoi, “Prison Labor and Cashew Nuts in Vietnam,” Wikileaks Reference ID 08HANOI450, April 18, 2008, <http://wikileaks.org/cable/2008/04/08HANOI450.html>

²¹ Unclassified cable from the U.S. Embassy, “Prison Labor and Cashew Nuts in Vietnam.”

²² Unclassified cable from the U.S. Embassy, “Prison Labor and Cashew Nuts in Vietnam.”

²³ Unclassified cable from the US Embassy in Hanoi, “Prison Labor and Cashew Nuts in Vietnam,” Wikileaks Reference ID 08HANOI450, April 18, 2008, <http://wikileaks.org/cable/2008/04/08HANOI450.html>

“We would walk [to work] in a line, with police on each side of us. They hit us if we strayed from the line.

“Every day we walked to work at 7 a.m., returning to the cells at 11. Then we returned to work at 1, working until 5. By 5:30 we were back in the cell, where they locked us in for the night. So I had to make the trip four times a day, even though I could barely walk.

“Before we left for work the police checked our bodies; after work they checked again. If I stole one cashew, they beat me.

“At any time there were maybe 300-500 prisoners processing cashews in the plant— only prisoners worked there. While we worked, the police checked whether we ate any cashews. If you ate a cashew, they beat you.

“I stopped working at the cashew processing plant after six months because I was sick, injured, and disabled from all the beating. I could not sit. I could only walk with a cane.”²⁴

STATE-SPONSORED LABOR TRAFFICKING

Vietnam’s Ministry of Labor War Invalids and Social Affairs (MOLISA) operates and manages the labor export program, through which many Vietnamese have been trafficked. Labor trafficking is intimately related to and a result of Vietnam’s policy to “eradicate hunger and reduce poverty” (xoá đói giảm nghèo). Sending workers overseas is the main thrust of this policy. Since 2000 Vietnam has exported 600,000 workers and there are currently half a million Vietnamese workers overseas. They send home US \$2 billion a year in remittances. Vietnam aggressively expands this labor export in existing and to new markets.

The Vietnamese government aggressively suppresses the voice of those who expose labor trafficking under this government-run program, threatening them and their family members with punishment. State-owned labor export companies involved in human trafficking continue to operate with impunity. State-owned banks have placed many victims in debt bondage and hold the titles of their homes and farmlands. More than being merely complicit, MOLISA runs a national program that is a hotbed for labor trafficking.

On 15th of February, 2012, Vietnam’s Ministry of Labor War Invalids and Social Affairs (MOLISA) issued a circular accusing anti-trafficking-in-persons (ATIP) organizations that have come to the assistance of Vietnamese trafficked victims in destination countries of “taking advantage of our worker’s ignorance” to sabotage Vietnam’s labor export program (Circular dated February 15, 2011). The same circular instructs labor export companies to exert tighter control of Vietnamese migrant workers, intercept any contact between workers and ATIP organizations, and settle “disputes” between the striking employees and their employers expeditiously. Settling disputes often means returning to work for the traffickers.

As illustration, in 2012 42 Vietnamese women and 3 Vietnamese men were rescued from a labor exploitation situation in Malaysia. The Vietnamese embassy explicitly requested the Malaysian government not to allow NGOs access to the rescued victims, threatening that any such access could sour the relationship between the two countries. The Vietnamese women were then repatriated

²⁴ Interview with former PAP member DN, location withheld, August 4, 2008.

expeditiously, even before the Malaysian government could determine whether they were victims of human trafficking.

Vietnamese embassies often take the side of employers and blame the workers who are on strike of breaching their employment contracts, which contain provisions banning strikes. In the case of VINASTAR, a Vietnamese-owned sweatshop in the suburbs of Moscow, Russia, 102 Vietnamese migrant workers had been forced to work 15-18 hours a day, sometimes as much as 22 hours. There was no holiday and no break on weekends. They were paid much less than what was promised in the contracts and also much less than the minimum wages required by Vietnam's and Russia's labor laws. It is estimated that the trafficker had cheated them of some US \$1,000 per month per worker on the average. There was nothing left of their salaries after deductions for food and lodging. They made numerous calls to MOLISA and the responsible labor export companies, but there was no response. When they stopped work to demand fair pay, the employer turned off power, running water and heating, and drastically reduced food rations as well as drinking water. A BBC reporter learned of this case and exposed it (<http://www.bbc.co.uk/news/world-europe-19197095>). An official from the Vietnamese embassy in Moscow soon came to talk to the workers on strike. He was caught on video stating that the workers were at fault and had breached the contract: "We only help those who believe in the Party and the Government, not those who 'betray' our Government." He meant that these victims had betrayed the Vietnamese government by contacting the international media. Responding to the BBC report, the Russian authorities later rescued all victims.

The Vietnamese embassy in Malaysia has even required that Malaysian employers include specific provisions in all contracts with migrant workers from Vietnam (List of the Required Documents and Sample Documents for Attestation issued by the Vietnamese Embassy in Malaysia, May 2002). One such provision states that "The Employee shall not strike or being [sic] involved in any strike or industrial action as well as any political activities and activities of those related with Trade Union in Malaysia, or instigate others to commit such acts." This provision not only excludes Vietnamese migrant workers from seeking protection and support from labor unions, it contravenes Malaysian law, which allows migrant workers to join Malaysian trade unions. Another provision stipulates that "Employee shall not engage in any romance relationship and/or marry and/or intent [sic] to marry any Malaysian in the period of this Contract." Violation of these provisions would constitute a breach of the contract, which would expose workers to heavy penalties imposed by the labor export companies. These provisions have rendered Vietnamese migrant workers highly vulnerable to labor exploitation and trafficking by employers and put them at the total mercy of the labor export companies.

In 2011 Vietnam passed its first comprehensive law to combat human trafficking. However its definition of human trafficking is substantively flawed and fundamentally out of line with the Palermo Protocol. It practically protects government-sanctioned labor export companies from being implicated in the act of labor trafficking. This definition explicitly states that "transfer, receipt of persons involving payments, assets that are in nature compensations in accordance with the law are not acts of human trafficking..." The Palermo Protocol places no such restriction on the definition of the acts of human trafficking. Namely, a labor export company may charge a fee that is in compliance with the law and at the same time deceive a victim into a slave-like situation. Under

Vietnam's law, this company would not be implicated in the act of trafficking human beings.

Because of this deficiency in Vietnam's law, there is currently no legal mechanism to protect victims of labor trafficking or to prosecute their traffickers. Furthermore, up to this day the Vietnamese government has not specified penalties for the crimes of human trafficking. The prosecution component of its 2011 ATIP law has therefore not come into effect.

Over the years Coalition to Abolish Modern-day Slavery in Asia (CAMSA) has publicized an updated list of Vietnamese labor export companies involved in labor trafficking cases that we worked on. So far not a single company has been investigated or prosecuted. Instead, close to a dozen of them have received awards for excellent performance from Viet Nam Association of Manpower Supply (VAMAS). Among the awardees are many repeat offenders such as LETCO and VINAMOTOR.

The Vietnamese government does not allow the free formation of genuine non-governmental organizations (NGOs). This has excluded the full participation of civil society in combatting human trafficking. Consequently there is no mechanism to monitor law enforcement, advocate for the rights of victims, and challenge the labor export companies (particularly state-owned ones) known to have engaged in labor trafficking under national programs run and promoted by the government. In such circumstances, government-sanctioned NGOs (also known as government-organized NGOs, or GONGOs) would inevitably come into conflict of interests. Indicative of this conflict is the fact that very few of these GONGOs have provided assistance to rescued victims of labor trafficking upon repatriation. None of them has taken on labor trafficking cases without the vetting and approval of the government.

Vietnam's state-controlled media do not report even high-profile cases that have been featured in reports published by foreign governments (such as the US Department of State's annual trafficking in persons report) or covered in the international media. This absence of media coverage about typical cases of human trafficking severely hinders prevention efforts.

RECOMMENDATIONS

Regarding the Use of Forced Labor in Prisons and Detention Centers:

- Abolish forced labor in prisons. Reduce the hours of labor and allow prisoners to rest at least one day a week, or pay over time.
- Carry out prompt, independent, and thorough investigations into the labor conditions in prisons, detention centers, and re-education centers, as they amount to forced labor in violation of Vietnamese and international law.
- Publish a list of all forms of work in which prisoners and detainees are involved, which products are processed using detainee and prison labor, and the companies whose products are processed using detainee and prison labor.
- Ensure that the same health and safety standards apply to prison and "education center" labor as other types of labor.

- Promptly ratify and effectively implement ILO Convention No. 105 (Abolition of Forced Labor), which prohibits forced or compulsory labor of prisoners convicted of political offenses or because of racial, social, national or religious discrimination.
- Provide unhindered access to all detention facilities by independent bodies, UN monitors, and the International Committee of the Red Cross so that they can conduct regular and unannounced monitoring visits.

Regarding the Imprisonment of Labor Rights Activists:

- Immediately and unconditionally release all persons detained or imprisoned for peacefully promoting workers' rights or for organizing independent labor unions.

Regarding Vietnamese Migrant Workers:

- Immediately investigate labor export companies implicated in labor trafficking, starting with those already identified to be involved in past or on-going cases of labor trafficking and/or fraudulent recruitment.
- Immediately eliminate contract provisions that prohibit migrant workers from joining labor unions in, seeking help from NGOs, or exercising their basic human rights (such as getting married to locals, being in relationship with locals, becoming pregnant, joining associations or organizations, or participating in religious or political events).
- End all harassment against NGOs and threats against victims who expose labor trafficking, and recognize and respect the roles of non-governmental or non-government-sanctioned stakeholders in the fight against human trafficking.
- Welcome the role of true civil society inside Vietnam (including faith-based organizations across the country) and genuine collaboration with foreign NGOs in assisting rescued victims to return home, including paying for their repatriation costs. Namely the government should welcome all formal and informal organizations to participate in mass education campaigns to promote prevention, the formation of legal aid organizations to help victims with access to justice, and the function of civil society organizations as watchdogs of law enforcement.
- Disclose its national 5-year action plan to combat human trafficking and welcome inputs from civil society, stakeholders and human rights organizations.

Regarding Workers' Right to Form Independent Labor Unions:

- Uphold its international obligations as an ILO member, respect Vietnamese workers' freedom of association, and recognize under national law their rights to form independent labor unions, conduct strikes, and collectively bargain with employers.
- Recognize the right of Vietnamese migrant workers to join labor unions in their destination countries.

- Invite ILO officials to investigate reports of labor rights violations, meet with labor union organizers including those in prison, and discuss with diverse stakeholders issues relating to the protection and promotion of workers' rights in Vietnam.

ENCLOSURES

- (1) United Farmers and Workers Organization's UPR Submission
- (2) Coalition to Abolish Modern-day Slavery in Asia's UPR Submission
- (3) Tran Quoc Hien's communication regarding Do Thi Minh Hanh to UN Commission on the Status of Women
- (4) Letters of appeal from Do Thi Minh Hanh's parents
- (5) Report by Tran Thi Ngoc Minh, mother of Do Thi Minh Hanh
- (6) Opinions adopted by the Working Group on Arbitrary Detention at its 65th session, 14-23 November 2012
- (7) List of the Required Documents and Sample Documents for Attestation issued by the Vietnamese Embassy in Malaysia, May 2002 (see Section 18 "Restrictions")
- (8) List of Vietnamese labor export companies involved in labor trafficking and/or fraudulent recruitment

UPR Submission Regarding Labor Rights in Vietnam

By United Farmers and Workers Organization (UFWO)

1. I am Tran Quoc Hien, a human rights defender and a member of United Farmers and Workers Organization (UFWO). Due to my efforts to organize free and independent labor union, I was sentenced to 5 years in prison. After release from prison, I continued my labor organizing work and was about to be arrested when I fled to Thailand to seek refugee protection from the international community. Following are my contributions to the upcoming Universal Periodic Review of Vietnam.
2. Vietnam's labor unions, all placed under Vietnam General Confederation of Labor (VGCL), are organizations directly under the control, management and direction of the Vietnamese Communist Party (VCP) via the State system. Workers in Vietnam do not have the freedom to form their own labor unions.
3. The 1992 Constitution, Article 10, asserts that: "Labor union is a socio-political organization of the working class and of the workers that in conjunction with State agencies, economic organizations, social organizations, cares for and protects the rights and interests of cadres, workers, civil servants and other laborers; participates in managing the State and society; participates in the review, monitoring of the activities of State agencies, economic organizations; educates cadres, workers and civil servants and other laborers to build and defend the fatherland."
4. Article 1 of the Labor Union Law No. 12/2012/QH13, passed by the National Assembly in its Session XIII, 3rd meeting, on 20 June, 2012, asserts that: "Labor union is a broad socio-political organization of the working class and of the workers formed on a voluntary basis, and a member of the political system of Vietnam's society, under the leadership of the Vietnamese Communist Party.
5. The above provisions in Vietnam's Constitution and laws clearly indicate that the VCP is the agent that regulates and controls all activities of VGCL and affiliated labor unions. Vietnamese workers view this labor union as part of the State. The workers may either join it voluntarily or not. All activities to form a labor union independent from VGCL are considered illegal.
6. According to state data, in 2011 there were 51,4 workers 15-years or older. The government directly manages all labor unions formed in state-owned enterprises, corporations, economic or manufacturing consortiums. The government also pushes for the formation of labor unions in private or foreign-owned enterprises so as to control all workers outside of the state factor and to increase the collection of dues, insurance fees (social security, medical care, and unemployment) from labor union members – the employer pays 23% and the worker 9.5% per month. These dues and fees are deducted from the worker's salary.
7. There is no transparent report on revenues and expenses from the labor unions or government. The benefits available to worker are primarily rhetorical or for show. For example re-training and job placement assistance for laid off workers are ineffective. Most workers have to find new employment on their own.

Outlawing the formation of free and independent labor unions

8. The government suppresses efforts to form free and independent labor unions and imprisons labor union organizers.
9. On 31 October 2006, the United Workers and Farmers Organization (UWFO) was founded, with the purpose of defending the rights and interests of farmers and forming an independent union for workers. However, in November 2006, four members of this organization were arrested and sentenced to prison terms: Doan Van Dien (4 years 6 months), Tran Thi Le Hong (3 years), Doan Huy Chuong and Phung Quang Quyen (18 months each). Then on 12 January, 2007 Tran Quoc Hien, UWFO spokesperson, was arrested and then sentenced to 5 years in prison and 2 years of house arrest. Another member, Le Tri Tue, was brutally persecuted. He managed to escape to Cambodia to seek protection from the UN High Commissioner for Refugees (UNHCR) but then disappeared. The UNHCR requested the Cambodian government to investigate into his disappearance but received no response.
10. On 13 May 2008, Doan Huy Chuong was released. He continued with his labor union organizing. In February 2010, he was again arrested along with Nguyen Hoang Quoc Hung, Do Thi Minh Hanh after their efforts to organize a strike by over 2,000 workers of the My Phong shoe manufacturing company in Tra Vinh. Doan Huy Chuong and Do Thi Minh Hanh were sentenced to 7 years while Nguyen Hoang Quoc Hung to 9 years. They were reportedly tortured, beaten and mistreated while in detention and then in prison.

Typical Strikes Since 2009

11. According to data from the Minister of Labor, War Invalids and Social Affairs (MOLISA), there were 218 strikes in 2009, 422 in 2010, 857 in 2011, and 334 in the first six months of 2012. In recent years, the number of workers joining the strikes has increased significantly. However, the government characterizes 95% of them as illegal strikes because they did not comply with regulations imposed by the State. In reality, labor unions are affiliated organizations of VCP and paid by enterprise owners; consequently they cannot fairly and effectively defend the rights and interests of the workers, or resolve disputes between workers and employers. Most dis-satisfied workers have no other recourse than conducting a strike.
12. Enterprise owners often must pay bribes to corrupt government officials on top of the required insurance fees. They pass these costs on the workers through exploitation of their labor, denying them their rightful interests.
13. Strikers often demand salary increases, decrease in the number of work hours, improvements in quality of meals, medical care; they also fight arbitrary firing, unfair regulations, violations of human rights, discrimination, etc. The government often uses the state-controlled media to paint the strikes as illegal activities that cause losses to the employers. Whenever a strike happens, labor unions routinely stay away from it and from legal complications. In the eyes of the affected workers, these labor unions are irresponsible.
14. Following are examples of compelling consequences of workers' strikes.
15. On 23 June 2011, a female worker died and six others got injured during their strike at Just Special Material Co. in Ha Noi when a company truck driven by a security guard did not stop when the strikers blocked its path.

16. On 18 April, 2011 free-lance reporter Le Thanh Tung covered the strike at Japanese Marumitsu Company and took photos to be posted on the internet about the on-going strike of 2,500 workers. Security guard and the police arrested and detained him for two days. He was since summoned repeatedly to the police station for investigation.
17. On 11 July , 2012 a worker of H.I.P.C, a foreign company, asked for leave when she experience stomach pain. The manager did not approve her request. She later fainted. Some 400 of her co-workers held a strike to demand better treatment.
18. On 26 March, 2013, workers of Chinese-owned Zhan Yi Company in the Tan Duc Industrial Zone, Long An Province, reported to the People's Committee that a company manager of the company assaulted the strikers.
19. On 13 April, 2013 during a strike at Dona Biti (Binh Tien Dong Nai) Company in Tam Hiep District, Bien Hoa City, an altercation between the strikers and the security guards broke out. A security guard used a baton to hit the strikers, causing head injuries to one striker who had to be hospitalized.
20. On 3 June, 2013 at the garment company CP 8 Ho Guom in Cam Hoa, Cam Tu Hamlet, Cam Thuy District, Thanh Hoa Province, hundreds of workers held a strike after their supervisor verbally abused them.
21. The government-controlled labor unions took no action to defend the workers' interests or mediate between the strikers and their employers in any of the above incidents.

Recommendations

We respectfully offer the following recommendations to the Vietnamese government:

22. Labor union staff should cease to take salaries from the employers so as to avoid conflicts of interest.
23. The government should allow the formation of free and independent labor unions, should not arrest or hinder labor union organizers, and immediately release those being imprisoned.
24. The government-controlled VGCL should regularly inspect companies that employ large numbers of workers.
25. Government officials should stop harassing in order to demand bribes from the employers, which would lead to further exploitation of workers to make up for the loss in revenue.
26. The government should be transparent with the dues and fees collected from workers and report the financial statements of funds such as social security fund, medical fund, unemployment assistance fund, labor union funds, etc.

In addition, we recommend the United Nations and the International Labor Organization (ILO) to examine and assess the labor conditions in Vietnam, make recommendations to the Vietnamese government, and monitor its execution of international conventions and agreements relating to the rights of workers that it has signed.



Setting Captives Free

COALITION TO ABOLISH MODERN-DAY SLAVERY IN ASIA

Website: <http://camsa-coalition.org>

Submission to the Universal Periodic Review of the Socialist Republic of Vietnam

1. Founded in February 2008, CAMSA is a coalition of international and national organizations sharing the same goal of eliminating labor and sex trafficking of men, women and children within, from and to Asia.
2. The 2009 UPR of the Socialist Republic of Vietnam (SRV) contains over one hundred recommendations. Of these we will focus on recommendations relating to forced labor, human trafficking and labor rights, namely:
 - Cooperate with the international community and neighbouring countries particularly in the fight against transborder organized crime, and fight against trafficking in women and children (Islamic Republic of Iran).
 - Intensify its efforts to combat child prostitution, provide effective support to the children affected and sensitize its police forces to this problem in particular through adequate training courses (Austria).
 - Continue national efforts aimed at combating forced labour and taking necessary measures to prevent, suppress and punish trafficking in persons, particularly women and children (Morocco).

Methodology and consultation process

3. The information presented herein is drawn mostly from some 60 cases involving around 3,000 Vietnamese victims of human trafficking that we have rescued or assisted over the past 5 years. As a coalition of international and national organizations we have regularly conducted consultation with coalition members as well as partners. We have compiled their inputs on specific cases and also their observations and analysis of broad policy issues. Namely, we have included information from service providers in destination countries (such as Malaysia and Taiwan) that work to rescue and protect Vietnamese victims of human trafficking, and from organizations that conduct prevention campaigns or serve repatriated victims in Vietnam. We have also consulted legal professionals inside Vietnam about Vietnam's labor and anti-trafficking in persons (ATIP) laws.

Developments since 2009 UPR

4. In March 2011 the SRV's National Assembly passed the anti-trafficking in persons (ATIP) law. This law would take effect January 1, 2012. The SRV developed a national 5-year plan and allocated the equivalent of US \$15 million to fight human trafficking. In June 2012 the SRV signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (aka the Palermo Protocol).
5. On 15th of February, 2012, the SRV's Ministry of Labor War Invalids and Social Affairs (MOLISA) issued a circular accusing ATIP organizations that have come to the assistance of

Vietnamese trafficked victims in destination countries of “taking advantage of our worker’s ignorance” to sabotage Vietnam’s labor export program (Circular dated February 15, 2011). The same circular instructs labor export companies to exert tighter control of Vietnamese migrant workers, intercept any contact between workers and ATIP organizations, and settle “disputes” between the striking employees and their employers expeditiously. Settling disputes often means returning to work for the traffickers.

6. As illustration, in 2012 42 Vietnamese women and 3 Vietnamese men were rescued from a labor exploitation situation in Malaysia. The Vietnamese embassy explicitly requested the Malaysian government not to allow NGOs access to the rescued victims, threatening that any such access could sour the relationship between the two countries. The Vietnamese women were then repatriated expeditiously, even before the Malaysian government could determine whether they were victims of human trafficking.
7. The recent contracts that migrant workers must sign appear to reflect this circular. Workers are now warned not *“to fabricate stories to defame, distort the truth about the policy of the Vietnamese government. Pass around information about [the labor export company] without evidence, without respect for the Vietnamese community. [Join] illegal organizations that the [destination country’s] law or the Vietnamese law does not approve. Hold a strike or mobilize, threaten, entice others to hold a strike contrary to the law...”* Such provisions place restrictions on the migrant worker’s rights and prevent them from defending themselves in the face of labor exploitation and trafficking.
8. MOLISA operates and manages the labor export program, through which many Vietnamese have been trafficked. The government has expressly suppressed the voice of those who expose labor trafficking under this government-run program and demand justice, threatening them and their family members with punishment. State-owned labor export companies involved in human trafficking continue to operate with impunity. State-owned banks have placed many victims in debt bondage and hold the titles of their homes and farmlands. More than being merely complicit, MOLISA runs a national program that is a hotbed for labor trafficking.
9. In September 2011, Human Rights Watch published its report titled “The Rehab Archipelago” exposing the various forms of forced labor in the SRV’s rehabilitation centers, including producing cashews, sewing garments, and manufacturing other items. Through interviews with asylum seekers in Thailand, we have discovered that many individuals imprisoned because of their political opinions or because of their faith have also been subjected to exactly the same type of forced labor. One Montagnard, jailed from 2002 through 2009, had been forced to manually process cashew nuts for 7 years. His hands were eaten by the acid from the cashew nuts because he was not allowed to wear gloves. Another Montagnard jailed from 2005 until 2009 at Dai Binh Prison in Lam Dong described prisoners being divided into production teams (cashew production, farming, vegetation, packaging fish for exporting). Those failing to meet the quota imposed by the prison’s Administration were whipped and kicked. A Vietnamese dissident sentenced to 2.5 years in prison for promoting democracy over the internet and for distributing leaflets was required to break cashew shells during his incarceration at the Z 30A Xuan Loc prison. His quota was about 22 kilograms per day. Human Rights Lawyer Nguyen Van Dai, a recently released prisoner of conscience, also reported the wide use of forced labor in prison to manufacture products that were then exported to Western countries.

Deficient Legal Framework

10. The SRV's 2011 ATIP law is substantively flawed and fundamentally out of line with the Palermo Protocol. The definition of trafficking in persons in the SRV's law protects government-sanctioned labor export companies from being implicated in the act of labor trafficking. This definition explicitly states that "transfer, receipt of persons involving payments, assets that are in nature compensations in accordance with the law are not acts of human trafficking..." The Palermo Protocol places no such restriction on the definition of the acts of human trafficking. Namely, a labor export company may charge a fee that is in compliance with the law and at the same time deceive a victim into a slave-like situation. Under Vietnam's law, this company would not be implicated in the act of trafficking human beings.

Deficient Law Enforcement

11. Over the years we have publicized the list of forty Vietnamese labor export companies involved in labor trafficking cases that we worked on. So far not a single company has been investigated or prosecuted. Instead, close to a dozen of them have received awards for excellent performance from Viet Nam Association of Manpower Supply (VAMAS). Among the awardees are many repeat offenders such as LETCO and VINAMOTOR. A partial list of such companies can be found at: <http://www.camsa-coalition.org/vi/index.php/cong-ty-moi-gioi/danh-gia-cong-ty>.
12. Vietnamese embassies often take the side of employers and blame the workers who are on strike of breaching their employment contracts, which contain provisions banning strikes. In the case of VINASTAR, a Vietnamese-owned sweatshop, 102 Vietnamese migrant workers had been forced to work 15-18 hours a day, sometimes as much as 22 hours. There was no holiday and no break on weekends. They were paid much less than what was promised in the contracts and also much less than the minimum wages required by Vietnam's and Russia's labor laws. It is estimated that the trafficker had cheated them of some US \$1,000 per month per worker on the average. There was nothing left of their salaries after deductions for food and lodging. They made numerous calls to MOLISA and the responsible labor export companies, but there was no response. When they stopped work to demand fair pay, the employer turned off power, running water and heating, and drastically reduced food rations as well as drinking water. A BBC reporter learned of this case and exposed it (<http://www.bbc.co.uk/news/world-europe-19197095>). An official from the Vietnamese embassy in Moscow soon came to talk to the workers on strike. He was caught on video stating that the workers were at fault and had breached the contract: *"We only help those who believe in the Party and the Government, not those who 'betray' our Government."* He meant that these victims had betrayed the Vietnamese government by contacting the international media. Responding to the BBC report, the Russian authorities later rescued all victims.
13. VINASTAR is hardly the only case of Vietnamese trafficked to Russia. There are reportedly some 3,000 Vietnamese-owned sweatshops in and around Moscow alone, each employing between 30 and 150 workers. There has been no record of any victim ever rescued or assisted by the Vietnamese government. There has been no record of any labor export companies prosecuted for the act of labor trafficking.

14. The Vietnamese embassy in Malaysia has gone one step further, requiring that Malaysian employers include specific provisions in all contracts with migrant workers from Vietnam (List of the Required Documents and Sample Documents for Attestation issued by the Vietnamese Embassy in Malaysia, May 2002). One such provision states that “The Employee shall not strike or being [sic] involved in any strike or industrial action as well as any political activities and activities of those related with Trade Union in Malaysia, or instigate others to commit such acts.” This provision not only excludes Vietnamese migrant workers from seeking protection and support from labor unions, it contravenes Malaysian law, which allows migrant workers to join Malaysian trade unions. Another provision stipulates that “Employee shall not engage in any romance relationship and/or marry and/or intent [sic] to marry any Malaysian in the period of this Contract.” Violation of these provisions would constitute a breach of the contract, which would expose workers to heavy penalties imposed by the labor export companies. These provisions have rendered Vietnamese migrant workers highly vulnerable to labor exploitation and trafficking by employers and put them at the total mercy of the labor export companies.
15. Even in the realm of sex trafficking, there are signs of complicity of certain government officials. In the case involving 15 young Vietnamese women held captive and forced into prostitution at a Vietnamese-owned brothel in Moscow, the Vietnamese Counselor Envoy to the Russian Federation refused to intervene when four victims who had managed to escape from the brothel sought the embassy’s protection and help. They were soon recaptured by the trafficker. It later turned out that this Counselor Envoy and the brothel’s owner are close acquaintances. This case soon made the news in the US (<http://www.houstonchronicle.com/news/houston-texas/houston/article/Houston-woman-worried-for-sister-in-Russia-4301768.php#ixzz2L13iZGAg>). To avoid further publicity, the brothel’s owner released the victim featured in the Houston Chronicle to the Vietnamese embassy. An embassy staff instructed the victim to write a letter thanking the Vietnamese embassy and the brothel’s owner for having facilitated her repatriation.
16. A number of victims of labor trafficking are seeking refugee protection in Vietnam’s neighboring countries because the Vietnamese police had arrested, detained and beaten them for having exposed labor trafficking in the government’s national labor export program. Two of these victims were ordered by the police to pay huge sums of penalty to the labor export companies for having breached their contracts when they escaped from the labor trafficking situation.

Involvement of Civil Society

17. The SRV does not allow the free formation of genuine non-governmental organizations (NGOs). This has excluded the full participation of civil society in combatting human trafficking. Consequently there is no mechanism to monitor law enforcement, advocate for the rights of victims, and challenge the labor export companies (particularly state-owned ones) which engaged in labor trafficking under national programs run and promoted by the government. In such circumstances, government-sanctioned NGOs (also known as government-operated NGOs, or GONGOs) would inevitably come into conflict of interests. Indicative of this conflict is the fact that very few of these GONGOs have provided assistance to victims of labor trafficking. None of them has taken on labor trafficking cases without the vetting and approval of the government.

18. Vietnam's state-controlled media do not report even high-profile cases that have been featured in reports by foreign governments or published in the international media. This absence of media coverage about typical cases of human trafficking severely hinders prevention efforts.

Recommendations

19. In light of the above, we respectfully make the following recommendations to the Human Rights Council's Working Group and the SRV.
20. The SRV should amend its 2011 ATIP law and adopt the Palermo Protocol's definition of human trafficking.
21. The SRV should immediately investigate labor export companies implicated in labor trafficking, starting with those on our list, which makes reference to actual cases of labor trafficking and/or fraudulent recruitment.
22. The SRV should tightly monitor and inspect the flow of Vietnamese, especially extremely low-income young people from rural areas, traveling on tourist visas to other countries, such as Russia and Malaysia.
23. The SRV and its Vietnamese embassies in destination countries should immediately eliminate contract provisions that prohibit migrant workers from joining labor unions in, seeking help from NGOs, or exercising their basic human rights (such as getting married to locals, being in relationship with locals, becoming pregnant, joining associations or organizations, or participating in religious or political events). The Working Group may want to closely examine these contracts and recommend the proper language, ideally in consultation with ILO, and then assess Vietnam's compliance with such recommendations.
24. The SRV should immediately end the use of forced labor in drug rehab centers, re-education centers, and prisons across the country. The SRV should transfer the management of rehab centers from MOLISA to the Ministry of Health.
25. The SRV should end all harassment against NGOs and threats against victims that expose labor trafficking, and recognize and respect the roles of non-governmental or non-government-sanctioned stakeholders in the fight against human trafficking.
26. The SRV should welcome the role of true civil society inside Vietnam (including faith-based organizations across the country) and genuine collaboration with foreign NGOs in assisting rescued victims to return home, including paying for their repatriation costs. Namely the SRV should welcome all formal and informal organizations to participate in mass education campaigns to promote prevention, the formation of legal aid organizations to help victims with access to justice, and the function of civil society organizations as watchdogs of law enforcement.
27. The SRV should publicly disclose its national 5-year action plan to combat human trafficking and welcome inputs from civil society, stakeholders and human rights organizations.

Report on human right violations against women in Vietnam – CSW

Tran Quoc Hien

In this report, I wish to raise the case of Ms. Do Thi Minh Hanh, a person who has been a victim of numerous human right violations against women from the Vietnamese government. Even before she was arrested and now as she is imprisoned, the degree of repression, torture and terrorism has never diminished.

Do Thi Minh Hanh, born in 1985, is currently held in section 5 of prison camp Xuan Loc – Long Khanh – Dong Nai Province, Vietnam. She has been imprisoned for having advocated and defended worker rights in Vietnam and for having engaged in activities to promote democracy, human rights and the development of a civil society in Vietnam. She was arrested by the authorities on February 23, 2010, and sentenced to 7 years of prison along with two other activists, namely Nguyen Hoang Quoc Hung and Doan Huy Chuong. They were charged with “disrupting national security” in accordance with Article 89 of the criminal code of the Socialist Republic of Vietnam.

Vietnamese police engage in all-out repression against those they deem to represent a threat to the regime even though these are women.

1) In 2005, Do Thi Minh Hanh was arrested by police. She was beaten and unlawfully and arbitrarily interrogated in Hanoi.

In February 2005, Ms. Hanh made the acquaintance of dissident Dr. Nguyen Thanh Giang (PhD) and met with him at his residence in Hanoi. He offered her copies of his books “Timeless aspirations” and “Meditations and aspirations”. The police used the pretext that these were reactionary books to arrest Hanh and took her to Hoang Anh hotel, at 209 Cau Giay in Hanoi. Starting that evening, the public security unlawfully placed her under arrest and in confinement in a location operated by their forces, without notifying her family. They proceeded to interrogate her for several days. Her family in Di Linh Commune, Lam Dong Province only learned of these events and her detention in Hanoi when the local police (from Lam Dong) came to interrogate them and look for information on Hanh. Her family then sought to sponsor her back to her home in Lam Dong Province.

Forcibly confined and beaten at the police station in Di Linh Commune – Lam Dong Province

2) At 9 AM on February 23, 2010, Hanh’s family accompanied her to the public security office of Di Linh Commune – Lam Dong Province to obtain new identification papers. Here, as many as 20 police officers unlawfully put her under arrest and handcuffed her without giving any reason nor producing any arrest warrant. They proceeded to beat her until her face was covered with her own blood, in the presence of her mother. Her hearing on one side was impaired due to blows to the head. After the

arrest and beating, Hanh requested to see the arrest warrant and asked for the reason for the arrest. After a while, Di Linh police presented an arrest warrant just faxed in from the public security ministry. At 4 PM the same day, the public security ministry and Di Linh police along with the local authorities took Hanh handcuffed to her family's house and her sister's house to conduct searches, but could not find any evidence indicating she had broken the law. The police continued to beat Hanh in the head when they got to her sister's house at Bao Lam Commune – Lam Dong Province. Afterwards, they took her to the public security's B34 temporary detention centre at 237 Nguyen Van Cu street – District 1, Ho Chi Minh City in order to undertake an investigation.

During temporary detention, police tortured and mentally terrorized Hanh and her family at the public security's B34 temporary detention centre

3) On April 18, 2010, Hanh's mother made her way to B34 detention centre where she was met by a woman police officer who refused to let mother and daughter meet. The officer informed Hanh's mother that Hanh was showing constant resistance, refused to eat, was always lying in one place, and refused to answer questions. Subsequently, Hanh did resume eating. The woman police officer told her mother that Hanh was refusing to cooperate with the police, and requested her mother write Hanh a letter to persuade her to disclose her wrongdoings and confess. Out of love for her daughter and concern for the latter's well-being as well as eager to see her daughter being released soon, she complied with the police request. After receiving her mother's letter, Hanh accepted to answer questions from the police.

4) When Hanh's sister brought medicine, clothes and personal effects to Hanh, she was questioned by the B34 detention centre police, was mentally terrorized and also received threats to pressure her to report on Hanh's actions and incriminating evidence. The police took pictures of Hanh's sister which they used to intimidate her. They asked her not to reveal she had been questioned and pressured. Out of love for her younger sister and out of concern that her sister's detention could be adversely affected, Hanh's sister kept quiet about the incident.

5) Subsequently, police used the pictures they had taken of Hanh's sister to intimidate and pressure Hanh herself, attempting to force her to confess and ask for forgiveness. However, Hanh maintained the same position as in the beginning that she was innocent.

First instance trial: arbitrary and lacking transparency; beating of Hanh in court.

6) On October 10, 2010, as part of the monthly visit, Hanh's family came to see her at the B34 detention centre and learned that she had been moved to the Tra Vinh police detention centre. In other words, the public security did not inform her family at all of her transfer. On October 15, 2010, Hanh's family made their way to the Tra Vinh police detention centre and found out Hanh had been moved there along with two friends, Mr. Nguyen Hoang Quoc Hung and Mr. Doan Huy Chuong. However, families were not allowed to visit or meet with detainees.

7) On October 22, 2010, her family received notification from the Tra Vinh Province's people's court inviting the families to attend the trial of Hung, Hanh, and Chuong on October 26, 2010 at the Tra Vinh Province's people's court. The defendants were tried for "disrupting security to oppose the people's government" in accordance with Article 89 of the Socialist Republic of Vietnam's criminal code. This meant that the families were notified of the trial only 4 days in advance. The families were caught by surprise and were therefore unable to find defence attorneys. As a result, at the trial of Hung, Hanh, and Chuong, no defence attorneys were present. Furthermore, these defendants were not allowed access to defence counsel from the time of their arrests in February 2010 right through the investigation process.

8) On October 26, 2010, the trial took place with no defence lawyers representing the defendants. The defendants were interrupted when replying to charges announced by the main judge; the defendants were told they could not defend themselves but could only reply with "yes" or "no". The judge skipped over a number of court proceedings stipulated by law, in the process violating prosecution principles and rushing to conviction. The first instance trial was over quickly: after 3 hours in the morning and just over one hour in the afternoon, 7 year sentences were handed down to Hanh and Chuong, and Hung received a 9 year sentence. Even though they were interrupted and could only utter a few words, Hanh, Hung and Chuong managed to defiantly declare in court they were innocent.

9) During break time, when outside the courthouse, Hanh sang to Hung and Chuong a song on friendship. At that moment, Tra Vinh Province police violently shoved her head against the side of the prisoner transport vehicle, causing her to scream in pain.

Mental punishment, preventing appeal and preventing access to defence lawyers

10) Following the first-instance trial, Hanh, Hung and Chuong were still held at the public security detention centre in Tra Vinh Province. Here, Hanh was mistreated, tortured, and mentally punished. The police tried to force Hanh to plead guilty, locked her up in an unsanitary cell, made her use dirty water for washing, prevented her from using a mosquito net which resulted in her being covered with mosquito bites even though her family had sent her a mosquito net and sheets.

11) During visitations of the victim, Hanh, held at Tra Vinh police headquarter, her family requested the police to allow her to file for an appeal and get access to a legal counsel. All three political inmates, Hanh, Hung and Chuong asked the jailer/police to provide them with papers and pens to write the appeals but they denied their requests. All three families of Hanh, Hung and Chuong requested the police to carry out their duty in accordance with the laws by granting them their rights to appeal. Finally, on February 5, 2011 we learned that their appeals have made their way to the Supreme People's Court in Hochiminh city.

12) - On December 31, 2010 the three families had signed a contract with Luan The Dang, an attorney, to defend Hanh, Hung and Chuong in the Appellate Court.

- On January 17, 2011, the attorney came to the police detention center of TraVinh province requesting to meet with the accused(s), but the police at TraVinh did not satisfy the attorney's request.

13) On 18/01/2011 three families of Hanh, Hung and Chuong filed a complaint against the police in charge of the TraVinh detention center because the police did not follow the letters of the laws. The complaints were sent to:

- Minister of Public Security.
- The police General Inspector.
- Court of Criminal Appeal of the Supreme People's Court in Hochiminh city.
- People's Procuracy of TraVinh province.
- People's Court of TraVinh.
- Police Inspector of TraVinh.
- The warden of the police detention center of TraVinh.

14) On January 19, 2011, the attorney went to the Supreme People's Court of Ho Chi Minh City, to request permission to visit the accused(s); but he was denied. They claimed that responsibility is laid with the police force of TraVinh province. He then went on to the police detention center of TraVinh and requested the same; but again he was met with refusal!

It was not until March 5th, 2011, when the attorney finally got access to the accused(s) files, and met with Hanh, Hung and Chuong at the police detention center of TraVinh.

The attorneys could only meet the defendants 2 times before the trial at the Appellate Court.

15) Hanh informed their attorney that police wrongfully recorded her testimony in the interview session at B34 prison. She asked the police to revise these testimonial statements in the records, but they did not; and kept several of her purported statements! Chuong advised their attorney that the police always left a blank space following each of the testimonial statement in their records.

+ Hung advised the attorney that the police at TraVinh detention center threatened him with either being sent to a mental-institution, or be injected with HIV infected blood if he did not admit his guilt!

Appellate trial: it was not open to the public, therefore no transparency, while the next of kin of the accused were not allowed inside, nor was there any consideration given for the presentation of the defense attorney.

16) On 18/03/2011, the trial date of the Appellate Court for the case of Hanh, Chuong and Hung took place at the People's Court of TraVinh province. The Court did not inform the defendants' families; however, they learned the news through the attorney and came to the Court. The police did not let them in regardless of their strong protests.

After the trial, the attorney told the victims' families that the Court expressed their discomfort when he affirmed that all three of the victims Hanh, Chuong and Hung were innocent. The Judge did not want to listen, and immediately after the presentation of the defense attorney, the Court quickly came up with a guilty verdict with pre-determined charges against them. They upheld the judgment of the Lower Court!

Forced labor, disciplinary solitary confinement at Thu DucZ30D Prison of Binh Thuan Province, and XuanLocZ30A Prison of Dong Nai Province, and using regular prisoners to beat political prisoners.

17) Do Thi Minh Hanh was transferred from TraVinh prison to prison at Long An province, and then to Prison Z30D of Binh Thuan Province on May 6, 2011. There Hanh was forced to do labor work in cleaning fish for exports. She has to clean 8 kilograms of fish per day. Hanh was often kept in solitary confinement with shackles to punish her for not completing assigned duties.

18) Jailers urged regular prisoners to threaten, beat and insult political prisoners in order to traumatize them. The chaos then will be used as an excuse for jailers to discipline the political prisoners and sending them to solitary confinement. Hanh had been handcuffed to a pole in the prison court yard by the jailer to endure the intense heat of the sun.

19) Hanh was subject to solitary confinement and shackled so many times because of minor and arbitrary reasons such as: not admitting guilt in the quarterly confession reports or complaining against the jailers who forced prisoners to work under the rain while not allowing them to wear rain-coats! This is a very serious human rights violation.

Political prisoners were forced to share rooms with people infected with contagious and life threatening diseases such as HIV / AIDS and without timely medical care.

20) Pursuant to the criminal laws of the Socialist Republic of Vietnam of Article 42, section 4, each inmate is allowed to have a minimum space of 2m². In reality, each of them only has a wiggle room of about 60 to 70 cm wide, which amounts to a space of less than 1.2 m² per inmate! All prison systems in Vietnam are in violation of this requirement. Not only Hanh, but other political prisoners all confirmed this fact.

21) Hanh was incarcerated with prisoners afflicted with infectious diseases such as HIV/AIDS which is in violation of article 27, section 2d of the criminal code.

22) Hanh suffered a chronic deficiency of calcium in her blood needing medical care by a doctor but was not treated by the prison clinic until the police officers in charge received bribes from her family. This exposed the intentional negligence and discrimination of prison officers against political prisoners.

The victim families requested in vain judgment from the Vietnamese Supreme Court.

23) On June 10, 2011 the families of Hanh, Hung and Chuong requested the judgment of Supreme People's Court of Hanoi on this case, but the request was denied with the excuse that Hanh, Hung and Chuong have committed the crime against the Communist Party and State of Vietnam.

24) Below is a Hanh's letter written in prison and secretly given to her family. It described the horrific treatments by the police and jailers, severe human rights violations and deteriorating situation in all prisons and detention centers where she has been imprisoned including the Z30A prison in XuanLoc - Dong Nai.

LETTER OF DO THI MINH HANH TO HER FATHER

Beloved Daddy

I have on several occasions tried to write to you but I did not succeed. I know that right now you are very much concerned about me, that is why I try once more. I hope that out of ten tries, at least one will succeed.

Dear Dad,

I will try to make you understand me and my situation in here. You and my brother and sister must not understand why I refuse to do labor, am I right? So let me try to make it clear to you why.

At Ham Tan I felt at ease, I worked in accordance to my conscience, I was not forced one way or the other. The fact that they transferred me to this camp was something that I foresaw from what I heard other women prisoners talk about, for the simple reason that I knew too much about the conditions of the [former] camp.

Now they transferred me to this camp so that I have to do hard labor. I am not really afraid of work but the fact is that I am weak and sick, also I do not readily accept the way they treat me here since I will not submit to any imposition by force. For this is a question of honor for a fighter [like me]. All the things that they force me to do put me in a bind with the collective. If I make a mistake the collective could go after me with their remarks, with shaming me, and even resorting to... force.

In truth I never thought that I would get to witness this method of using prisoners against prisoners, using them to punish other prisoners--a method that I myself have become a victim.

Right from day one in the so-called "education room," a cadre tried to cow me but I didn't budge, they could do that only to weak-spirited people.

For the first few days I did not go to roll call in the morning. They did not say anything, they did not even mention it. Then on 3 May, after your visit on 2 May, they forced other women prisoners to stand in the sun if I did not show up. The prison guard appeared with a number 8 shackle, she went into the bathroom and dragged me out while I did not have anything on. I opposed that act on her part, they yelled at me then gave the number 8 shackle to a criminal prisoner who came in and used the number 8 shackle to beat me up. I shouted real loud: "They use prisoners to beat up other prisoners." When I stepped out later, everyone was mad at me thinking that because of my doing they had to stand in the sun. So they cursed at me: "Whore, demon," they said. The cadres simply stood there and laughed. I yelled even louder: "This prison uses prisoners against other prisoners." Thereafter, the rabble came into the cell and beat me up but an orderly stopped them. The cadres merely looked on, they let me alone with my unhappiness. That evening, a security cadre named Giang (who was in charge of family visits that day) met with me, showing an attitude that I did not appreciate. "Mother" Duong Thi Tron advised me to go to roll call, so on 4 May I went out and loudly told them: "I come out here not because I am afraid of you people, I want you to know I do so because I don't want my fellow prisoners to stand in the sun, to be punished. The use of prisoners against other prisoners is a lowly, despicable, dishonorable behavior towards a small girl like me. It's truly contemptible."

A few days later, they split my team and put me in team 2, the team in charge of cashew trampling. But they entrusted me to the cell holding teams 25 and 26, which consisted of many recidivists and people with long prison sentences. All the other women prisoners understood why they sent me in there.

When I went into the cell I was assigned a place on the second floor and given a space that measured only 62 centimeters wide which was meant to hold my belongings as well as serve as my sleeping "bed" and room for other activities, including eating and drinking. I went up to the cadres and demanded my 2 square meters in accordance with prison regulations. I also asked that I be transferred to another room. So there were some heated exchanges. Some time later, the cadres came in and asked the others to squeeze together a little more so as to leave me a little more space. But how can I suffer such an arrangement? I could not let the others have less than their 60 centimeter-wide space, so I accepted to squeeze in my space instead.

The next day, the supervising cadre of team 2 (named Phuong) met with me. She asked why I stayed home [and not go to work]. I said I refused to do "standing duty" (scrubbing the latrines, cleaning the cells, watching out for dinner time, gathering the sun-dried clothes of over 50 people), which is too much responsibility, and which is why I cannot accept to do it. I also refused to do cashew trampling.

Then on 9 May... [at least one page is missing] I cannot offer my apologies to you, sisters, because I cannot do otherwise. Sisters, you should struggle against the cadres yourselves. Tell them that you cannot be made responsible for my behavior. For that is the way the cadres want." Suddenly from the crowd, a gal kicked me in the head so that my head hit the floor hard, another booted me in the back and on my shoulders, a third jumped on my buttocks causing pain in my lower body. I was knocked dizzy but did not fight back. This is because I understand them, they acted out of frustration or because their understanding is not up to a certain level, so they get used by the cadres. During all that time, there was no cadre around and no one could be there to stand witness. My head was in pain but my spirit was stronger than ever. After that, two sisters came into the room to drag me out but I went on staying where I was, one of the two took a water scoop and hit my head, the scoop got splintered instead. Thereafter they dragged me down, making my head knock against the ladder. When they got me to the door of the cell, a group of people happened to come by with a pushcart, so they dumped me in the pushcart, and an orderly locked the door of the cart, making me look like an animal in a cage in front of everybody. They pushed the cart to the entrance of the camp then let me stay in camp to go to work.

In the late afternoon, after they got back from work, the members of teams 25 and 26 went over to the room of team 2 and berated those who had beaten me. Very many sisters were concerned and asked how I felt, they tried to see how my head was hurt and went and asked for medicine for me. They were incensed at how I had been treated. It was thanks to them that I know the names of those who hit me.

On Saturday of that week, we had a team assembly. This was an occasion for those who wished to be noticed to analyze what happened in the place of the cadres. Of course, I protested and asked that I alone be made responsible of my actions, I said that they should not retaliate against others because of my actions. That was not to mention the fact that that very morning, the cadres again tried to use the same method to force me to go to work but they were unsuccessful as the other sisters protested on my behalf. Speaking about my being beaten, the supervising cadres said: "You are so stubborn, that's why the collective must deal with you." Cadre Giang added: "The education of prisoners is based on the collective, it's called collective education." Then they proclaimed that I would have to endure disciplinary action, seven days in an isolation cell. The sisters in my cell worried on my behalf. Their concern really touched me. Thereafter they read a sentence warning me of disciplinary action.

They again forced me to do "standing duty" but I refused. I have so determined and I will not change my mind. After the way they treated me I decided not to do anything that they ordered. However, I kept on helping the older and weaker prisoners through my sympathy and depending on my means. Cadre Giang "insulted" me by calling that "charity."

"Mother" Tron, a Hoa Hao Buddhist, and sister Dung caringly look after me. Ms. Hong has to do the really hard work of cashew trampling. Ms. Hong is miserable, not having anyone to visit her. That is why she is so meek, she will do whatever they tell her to do. Right now I feel pretty stable, and I do not do any labor. Daddy, please contact the families of "mother" Tron and sister Dung! As for Ms. Hong (the wife of Mr. Thu, 22 persons in the family), please ask that her family go and visit her.

Recommendations to the United Nations:

25) Human rights violations against women in Vietnam still occur frequently, at all levels and in different localities. Much of the violations were hidden underneath exaggerated statistical data in economic improvements and human development provided by the Government of Vietnam. The UN Department in charge of human rights violations against women should learn and assess other information and statistics provided by non-governmental sources.

26) Under the current depressed economic situation in Vietnam, social unrest and crime are in the rise. Number of women inmates is increasing. The coercion of all prisoners, including female inmates, in overworking without enjoying the fruits of labor, is the way the government of Vietnam manages their prisons and detention systems. It is strongly recommended that UN conduct thorough inspections of prisons and detention centers in Vietnam, to search and assess the human rights violations against the prisoners, especially against the female inmates.

27) Request the government of Vietnam to:

- Resolve the over-crowding situations at prisons where female inmates are kept;
- Take steps to eliminate forced labor applied to female prisoners;
- Allow cultural education at all levels, including higher education, for women prisoners.
- Provide vocational training to female inmates to reintegrate them into the society upon their release.

28) Request the Government of Vietnam to respect human dignity, to show consideration of physical bodies and the lives of the women prisoners of conscience and political detainees. There must be separate regulations for their detention and imprisonment.

Lam Dong, August 10, 2013

Respectfully submitted to:

- Mr. Truong Hoa Binh, Director, Supreme People's Procuracy, 44 Ly Thuong Kiet, Hanoi
- Lieutenant General Cao Ngoc Oanh, Director, 8th Department, Ministry of Public Security
17, Dinh Cong Alley, Dinh Cong Subdistrict, Hoang Mai District, Hanoi
- Area 5 Warden, Prison Z30A, Long Khanh, Xuan Loc, Dong Nai

Sirs,

My name is Do Ty and I reside in Di Linh, Lam Dong. I respectfully and urgently request that you address the matter described below.

Our daughter Do Thi Minh Hanh assisted the employees of My Phong Shoe Factory in Tra Dinh when they demanded justice. The Tra Vinh People's Court sentenced Hanh to 7 years in prison, along with Doan Huy Chuong and Nguyen Hoang Quoc Hung (the other two accused of the same action), on 10/26/2010.

From then on, government officials have moved Hanh between a number of prisons, put her in solitary confinement, caused others to assault her, and required her to do forced labor. They kept her in a cell shared by HIV-infected detainees in their terminal stage; they set Hanh up for brutal, gang style beatings by detainees with criminal records, in full view of prison guards who did not intervene. We have repeatedly requested the appropriate authorities to put an end to the mistreatment, but to no avail.

On August 7, 2013, a member of my family visited Hanh in Prison Z30A and saw that our daughter looked thin, sick, covered with skin lesions, and heard from Hanh about the pain in one of her breasts, including learning from Hanh that the particular breast has been shrinking. Hanh repeatedly asked prison staff to allow her access to medical treatment for what we suspect to be cancer, but was denied again and again.

As Hanh's father, I suffer greatly when my daughter endures mistreatment in prison and suffers from a potentially lethal disease, especially when hearing about the insensitivity exhibited by prison officials.

Hanh is a human being even if she is being detained. Furthermore, her "crime" involved only showing compassion and helping less fortunate compatriots.

Many of you have children and other young relatives. You must feel the same pain as I do if your relatives have to endure such conditions.

I respectfully request that you, officials with proper authority, to immediately order that Do Thi Minh Hanh be taken to a hospital qualified to treat her condition.

Do Ty, father of Do Thi Minh Hanh

August 15, 2013

Respectfully addressed to:

- The United Nations Human Rights Council
- The United Nations Commission on the Status of Women
- The International Labour Organization
- International Human Rights Organizations

REPORT

Human rights violations at Prison Z30A in Vietnam

My name is Tran Thi Ngoc Minh, residing in Di Linh, Lam Dong Province, Vietnam. My daughter Do Thi Minh Hanh, bd 3/13/1985, is a prisoner of conscience in Area 5 of Prison Z30A in Long Khanh, Xuan Loc District, Dong Nai Province. The government of Vietnam sentenced her to 7 years in prison for "anti-government activities harming national security" per Article 89 of the penal code. I request the immediate attention of:

- The United Nations' Human Rights Council
- The United Nations' Commission on Women's Status
- The International Labour Organization
- International Human Rights Organizations

Your attention is urgently needed because the government has been violating the human rights of Prison Z30 detainees as described below:

1) Deploable living conditions in Prison Z30A :

In late April 2013, they moved Do Thi Minh Hanh from Prison Z30D in Tan Duc, Ham Tan District, Binh Tnuan Province to Prison Z30A in Long Khanh, Dong Nai Province. At Z30, they put her in the same section as female prisoners with criminal records such as using and selling drugs, larceny, robbery, theft, murder, among other crimes. Living conditions are terrible: e.g., extreme overcrowding (sleeping space per detainee is 25 inches wide) and no medical care.

2) Forced Labor in Z30A:

Soon after arriving, prison staff forced Do Thi Minh Hanh to manually peel cashew nuts. The peeling process involves using a foot-powered peeling machine, followed by handling the kernels. Raw cashews contain a compound that causes skin rashes, a condition suffered by all those who are forced to perform this work.

3) Public security agents set up attacks by other prisoners to punish advocates:

Forced prison labor is inhumane and illegal. The prisoners' relatives must supply them with food and money to survive because Communist prisons provide hardly anything. Therefore it is unjust for the prison system to force detainees to work for free in order to profit from their labor. Minh Hanh refused to do the work. Public security agents punished her by setting her up for gang style beatings by other prisoners (those with criminal records). Once, a group of prisoners attacked her in the bathing area when she was naked. In spite of beatings, mistreatment and abuse, Minh Hanh continued to resist.

3) Prison staff allow no medical treatment:

The deplorable conditions, dirty water, and forced labor resulted in many detainees suffering from skin lesions and other sickness. Mrs. Mai Thi Dung, a Hoa Hao Buddhist detainee, is suffering from gallstones. Mrs. Do Thi Hong, a political prisoner, has been mistreated, forced to peel cashews, and has no relatives who could afford to supply her with food or money. Her condition resulted in a rupture of some veins, causing half of her body to turn blue in addition to large areas of skin rashes. Both Mrs. Dung and Mrs. Hong share the same cell with Hanh and have not been treated at all. Hanh may be suffering from breast cancer because one of her breasts is very sore and is shrinking in size, on top of her skin problems. She has not been allowed to seek medical care.

- I urge the UN Human Rights Council, International Human Rights Organizations, the International Labour Organization and the UN Commission on the Status of Women to intervene on my daughter's behalf and on behalf of the other detainees.

Petition:

- I appeal to the UN Human Rights Council, International Human Rights Organizations, and the UN Commission on Women's Status for your help in demanding that the government of Vietnam treat humanely all prisoners of conscience, including political prisoners and those who advocate for freedom of religion and belief.
- I urge the appropriate international and UN organizations to send representatives to visit detainees and assess conditions in Vietnam's prisons so that help can be provided.
- I appeal to International Labour Organization, Human Rights Organizations, the UN Human Rights Council, and the UN Commission on Women's Status for your urgent intervention with the government of Vietnam to let Do Thi Minh Hanh receive timely medical treatment in view of her possible breast cancer.

-

With gratitude,

Trần Thị Ngọc Minh

20 June, 2013

REPORT

An Account of Prisoner Hanh's Arrest, Torture, and Sham Trials

My name is Tran Thi Ngoc Minh. I live in Di Linh, Lam Dong Province, Vietnam. My daughter, Do Thi Minh Hanh (b. 1985), is being held in Area 5 of Prison Z30A in Xuan Loc, Long Khanh District, Dong Nai Province for her advocacy on behalf of Vietnamese workers, democracy, and freedom, and her opposition of China's infringement on Vietnam's sovereignty. On February 23, 2010, the government of Vietnam arrested her. Subsequently, after a sham trial, they gave her and two friends, Nguyen Hoang Quoc Hung and Doan Huy Chuong, 7-year sentences for "acts that harm security and demonstrate opposition to the national government per Article 89 of the Socialist Republic of Vietnam". May I provide you with facts related to my daughter's arrest, abuse, and mental torture in prison, and sham trials.

Do Thi Minh Hanh has been subjected to several prison transfers, mental torture, beatings, and forced labor.

1) Arrest and Torture in Hanoi.

- The first incident took place in February 2005 when she paid her first visit to Dr. Nguyen Thanh Giang at his house in Ha Noi. Dr. Giang gave her two books, Thousand-Generation Aspirations, and Reflections and Wishes. Public security agents assaulted and threatened her when they entered Hoang Anh Hotel in Cau Giay District, Hanoi, accusing her of possessing "reactionary material". They took her into custody without due process and without informing her family. They held her in a house owned by the public security ministry where they subjected her to daily interrogations. When public security agents in Di Linh, Lam Dong Province, came to our house to seek information about my family and Hanh's past activities, we suspected immediately that she had been detained. We found out that Hanoi public security had made the arrest, and tried to get her released.

2) Arrest and Torture in Di Linh District

At 9 a.m. on February 23, 2010, when Hanh went with me to the Di Linh public security office to renew her national ID card, approximately 20 public security agents surrounded us, put manacles on her wrists without reason or arrest warrant, and struck her until her face bled. They did not tell us why. They slapped her so hard that she temporarily lost her hearing in one ear. Hanh asked to see the arrest warrant and the reason. Only some time later did they show us the arrest warrant that the public security ministry had just faxed. At 4 p.m., public security agents from the central office and Di Linh branch office, accompanied by local government representatives, brought Hanh (still manacled) to my house, and then to her sister's house in Bao Lam District, in search of incriminating evidence (they found none). Public security agents kept hitting Hanh while they were in her sister's house. Finally they took her to Prison B34 of the public security office of Ho Chi Minh City.

3) Mental Torture in Public Security Ministry's Prison B34

- On 04/18/2010, I went to Prison B34 where a female agent met me but did not allow me to see Hanh. The agent said that Hanh remained defiant, went on frequent hunger strikes, often stayed in bed and refused to answer when spoken to. Hanh ate now and then, but refused to eat prison food, choosing instead food offered by her female cellmate (food brought by the cellmate's visitors). Hanh had not allowed the prison physician to examine her. The agent told me that Hanh's uncooperative attitude could only be changed if I wrote my daughter to convince her to respond to the agents' questions and acknowledge her guilt. Being naive about the public security agents' agenda, and, out of concern for my daughter's health, I wrote her (later, I learned that Hanh told her siblings how much pain my letter had caused her). After reading my letter, Hanh answered questions posed by the agents and acknowledged that she had performed the deeds cited by the agents. Hanh also maintained that her actions resulted from her love for our country and were not illegal.

On 05/14/2010, finally I was allowed to spend 15 minutes with Hanh. Hanh begged me to understand her concern for our country and our people who are virtually inmates in the large prison that is our Communist-run country. Hanh maintained that she did nothing wrong. Two agents who had been watching us ordered her to shut up and then angrily cut short my visit. I was really worried about her being mistreated in prison. A few days later, Hanh's elder sister brought her some medicine and clothing. Public security agents in Prison B34 interrogated her using threats in trying to extract additional information about Hanh's activities and the evidence that they had seized. Their intent was to use any new information to intimidate Hanh into admitting "guilt" and ask for leniency. They warned Hanh's sister not to disclose the interrogation session to others. Hanh's sister had to acquiesce, fearing for Hanh's safety.

From that day on, they allowed a visitor to see Hanh on the 10th of each month, 15 minutes each visit. When one of us came to see Hanh in prison, the visitor was ordered to limit the conversation to the prisoner's health and persuading Hanh to cooperate with the agents. However, Hanh never relented.

4) Trial by the Lower Court: Injustice, Lack of Transparency, and Beatings

- On 10/10/2010, as in previous months, I brought supplies to Hanh at Prison B34. When I arrived, prison staff informed me Hanh had been moved to the public security ministry's prison in Tra Vinh Province. The government had not bothered to inform our family about the transfer. On 10/15/2010, we had to search for her whereabouts until we learned that both Hanh and the other two detainees had been moved to the prison in Tra Vinh. Prison staff denied our request to visit Hanh or bring supplies to her.

On 10/22/2010, we received a letter from the people's court of Tra Vinh Province inviting us to attend the trial of Hanh, Hung and Chuong on 10/26/2010 - only four days before the trial date. The charge was *"acts that harm security and demonstrate opposition to the national government per Article 89 of the Socialist Republic of Vietnam"*. We did not have time to find and retain a suitable attorney for Hanh. All three detainees were effectively deprived of legal defense.

On 10/26/2010, on the way to the courthouse we saw a mass of public security agents along the major streets leading to the courthouse and in the courthouse. Hung, one of the detainees, had spent 8 months in solitary confinement, managed to catch a glimpse of his father as he entered the courtroom.

When the trial began, public security agents ushered Hanh and Chuong into the courtroom first. After they finished questioning the two detainees, they took the two away. They pushed Hung into the courtroom for the questioning and dragged him out afterwards. This happened again and again. Hung invariably responded with "Prosecution, you completely misstated the facts". When the prosecution read the verdict with reference to foreign organizations, Hung said loudly: "No one directed me. I acted alone and made all the decisions." Besides the absence of legal counsel, the court interrupted the detainees in mid-sentence and ordered them to respond only using the words Yes or No.

(Later, we found an attorney. We played for him a recording of the trial. The attorney said that he had read the dossier of the trial and determined that the three had committed no crime. Hung made no deposition while Hanh and Chuong stated that they had acted out of patriotism and not at any organization's behest. Before studying the dossier, the attorney had felt that the three may have done something wrong. After reading the dossier and listening to the recording, he ascertained that the court had disregarded the noble motives cited by the detainees and focused only on asking the kind of questions that would cast the detainees in an unfavorable light).

Ignoring the detainees' counter-arguments, the judge rushed to deliver the verdict. After only 3 hours in the morning and a little over an hour in the afternoon, the judge gave Hanh and Chuong seven-year terms and Hung a 9-year term.

In spite of being prevented from speaking, Hanh, Hung and Chuong managed to proclaim their innocence.

During the recess, when the three were outside the courtroom, Hanh started to sing a song about friendship for Hung and Chuong when she slammed her head against the trunk of the prison van, eliciting a loud scream from Hanh because she felt so much pain (the recording preserved the scream).

5) Intimidation, Blocking Efforts at Appeals, and Preventing the Use of Legal Counsel

After the lower court's trial, the three continued to be kept in the public security ministry's prison in Tra Vinh. Hanh suffered mistreatment, intimidation, and was constantly forced to admit guilt. They let the detainees use dirty water and did not allow them to use the mosquito nets supplied by their families. At night, mosquitoes bit them all over their bodies as they tried to sleep.

On 10/29/2010, the detainees' families could resume monthly prison visits. After 15 visits, finally prison staff allowed us to bring supplies to the detainees. They did not allow the three visitors to see the detainees all at once, and only allowed one visitor into the visiting area each time. When it was my turn in the visiting area, I was made to sit 2 meters away from Hanh. At least 6 public security agents surrounded the two of us, staring menacingly at Hanh. They allowed us to discuss only Hanh's health and threatened to stop me from visiting and bringing supplies if we discussed anything else, including the use of an attorney and the appeal of the sentence.

During subsequent visits, I requested prison staff to give my daughter a pen and some paper to start the appeal process and request legal assistance, without success.

Hanh, Hung and Chuong requested prison staff to give them pens and paper. Prison staff responded with threats. All the three families put pressure on the public security office to follow the law and allow the detainees to appeal.

Finally, on 02/05/2011, we learned that the detainees' appeals had been submitted to the appeals court in Ho Chi Minh City.

- A few months earlier, on 12/31/2010, our three families signed a contract with Attorney Dang The Luan to have him defend the three detainees in the appeals court, disregarding the official position that only the detainees may make a request to a defense attorney.

- On 01/17/2011, our attorney was prevented by public security agents from seeing the detainees in their prison.

- On 01/18/2011, our three families we submitted complaints about the Tra Vinh prison staff to:

- The public security minister
- The inspector general of the public security ministry
- The supreme court of appeals in Ho Chi Minh City
- The people's procuracy of Tra Vinh
- The people's court of Tra Vinh
- The inspector general of the public security office in Tra Vinh
- The warden of Tra Vinh Prison

- On 01/19/2011, our attorney went to the supreme people's court in Ho Chi Minh City to request a permit to enter the prison. The court staff said that he should request the Tra Vinh prison staff. The attorney went to the prison on the same day. He had to spend the night in Tra Vinh because of the time it had taken him to make the long trip. In the morning, the prison staff did not let him see the detainees.

- On 01/20/2011, I went to the supreme court in Ho Chi Minh City to request a permit for the attorney. There, we learned that the appeals court would hear the case on 01/24/2011. The court did not alert the detainees' families about the trial date and we had to hunt for this information. I promptly submitted a request for the appeals court to postpone the session.

- On 01/28/2011, I received a response from the inspector general of the public security ministry informing that they had forwarded our complaint to Tra Vinh Prison. Prison staff did not respond to the inspector general or to our request. Worse, they increased their intimidation of the three detainees.

- On 03/05/2011, the attorney finally saw the court's paperwork and received a permit to enter Tra Vinh Prison.

Prison staff limited the defense to two meetings with the detainees.

+ Hanh told the attorney that in Prison B34, agents distorted when they recorded her statements. She requested corrections, but they still kept a number of altered statements

+ Chuong told the attorney that the prison interrogator copied down his responses but left a number of blank lines after each answer (to enable government personnel to add material that would be used against the detainee in a future trial.

+ Hung informed him that prison staff had threatened him with confinement in a mental asylum and injection of HIV-contaminated blood if Hung did not admit his "guilt".

- On 03/02/2011, the people's procuracy of Tra Vinh sent us an invitation to meet with them on 03/10/2011 to resolve our complaint. The procuracy staff tried to defend Tra Vinh prison staff while acknowledging irregularities. They did not advise us to convince the detainees to admit "guilt".

6) The Appeals Hearing: No Transparency, No Relatives Allowed in the Courtroom, and Complete Disregard for Defense's Arguments.

Our attorney alerted us that the hearing had been scheduled for 03/18/2011 at the people's court of Tra Vinh. The authorities posted no notice of the date at the supreme court building or at the Tra Vinh courthouse, nor did they notice our families.

In the morning of 03/18/2011, we arrived early at the courthouse, noticing a large number of public security agents along the streets leading to the courthouse and in the courthouse, including the courtroom. Each detainee was led into the courthouse by two agents. As Hanh was led past the two rows of soldiers guarding the entrance, one of the guards stepped up and pointed his rifle at Hanh. Hanh looked up defiantly, expressed disdain and walked straight ahead.

In the courthouse's yard, heavily armed agents crowded everywhere as if the detainees had been leading terrorists.

Public security agents blocked the detainees' relatives from entering the courtroom over our protests.

After the court session began, they let the attorney in.

We could not hear what was being said in the courtroom. After the hearing, the attorney revealed that the judges showed irritation when he stated that Hanh, Hung and Chuong did nothing illegal. As soon as the attorney concluded his defense, the court declared that the lower court's judgment remained valid. The three young persons proclaimed their innocence without hesitation.

The attorney is a Communist Party member. He dared not offer to the court all the facts even after I urged him to do so because he was leery of the government's retribution. I had to research reliable information in order to protect Hanh and her friends.

7) Mistreatment and Beatings in Tra Vinh Prison

After the appeals court announced its decision, the three were kept at the same prison.

- On 03/29/2011 representatives from each family visited the detainees. Public security staff's overt hostility did not faze Hanh.

- On 04/27/2011, representatives from the three families went to the prison with supplies for the detainees. Guards told us that the three detainees' right to be visited had been suspended for disciplinary reasons, but did not elaborate. Later on I learned the reason. Upon returning from the appeals court, Hanh sang the songs that she composed, songs decrying injustice and cruelty associated with the Communist Party. Many other inmates started tapping on their cell walls rhythmically as a sign of support. The sound traveled along pipes to various parts of the prison. Prison staff asked a few prisoners (who were there for some kind of criminal activities) to enter Hanh's cell and beat her up. Hanh cried out: "Down with Communism! Down with Communism!", Hung and Chuong also started to cry out "Down with Communism! Down with Communism!" as they kicked their cells' door. Guards immediately brought them out for a thorough beating.

For the remaining weeks that Hanh spent in Tra Vinh Prison, we brought her food, medicine, clothing, blankets, and a mosquito net. Prison staff took what we brought and punished her by forcing her to eat moldy rice, use dirty water, and sleep without a blanket and mosquito net (she suffered from numerous mosquito bites). Hanh, Hung and Chuong were subject to endless intimidation from public security agents who wanted them to acknowledge their "guilt".

8) Narrow Escape from Death in the Prison in Ben Luc, Long An

On 04/25/2011, the day we visited the three detainees, prison staff told us that Hanh had been moved to the public security ministry's prison in Long An Province whereas Hung and Chuong had been moved to a prison in Tien Giang Province. From then on, Hung and Chuong's visiting relatives no longer saw me and vice-versa.

On 04/26/2011, I went to Long An to look for Hanh, eventually finding out where she was held, and visiting her in the prison in Ben Luc. While waiting for the assistant warden to give me permission to see Hanh, a middle-aged female prisoner who had been assigned to the cafeteria told me some facts about Hanh. A summary of what she said is provided below.

Hanh is in solitary confinement in a shed with a "window" the size of one's head. Hanh had no money to pay for prison food. A guard offered to lend her meal coupons, but she refused. Female prisoners returning from their work in the fields would give Hanh a few mangoes that they had plucked. The prisoner said that each time she passed by Hanh's shed, she would give her a cup of coffee or some sweets. Each time she passed by the shed, Hanh would call out "Hi there!" in a cheerful voice. After several days on that meager diet, finally the money we paid to the prison in Tra Vinh was transferred to the new prison. From then on, Hanh could eat prison food. However, the items that we had brought to the Tra Vinh Prison for Hanh's use were not sent to the prison in Long An.

Later, Hanh told me that she was constantly beaten by the Tra Vinh agents who accompanied her in the van used to move her to Long An, while she was manacled and gagged the whole length of the long trip. When the truck arrived late at night at the prison in Long An, she bumped into a water tank because it was too dark to see anything. The tank broke and the large amount of water rushing out almost drowned her. Whether the accident had been planned or not, I began to fear for my daughter's safety. They made her sleep on the bare floor without a blanket and mosquito net. Still, Hanh never wavered, never agreed to write a confession or admitted that she did anything illegal.

Prison staff allowed me to communicate with Hanh through a glass window. Hanh said that she really missed me and the other family members. While her eyes briefly revealed her sadness, she assured me that she was as determined as ever and told me not to worry too much.

On 05/08/2011, I visited her at the prison in Long An. Prison staff informed me that they had moved her to the public security ministry's prison with the name Thu Duc Z30D in Binh Thuan Province.

9) Forced Labor in Prison Thu Duc Z30D

On 05/10/2011, I went to Prison Z30D in Binh Thuan.

From the day Hanh was moved into the prison (05/06/2011), she had been kept in Area 1. When we met, prison staff monitored us. Still, Hanh told me that she refused to learn the prison's set of rules that they tried to make her read. When they pressured her to write a report on her past activities, she wrote "I committed no crime" in huge letters on each of the 4 blank pages. Hanh told me not to be civil towards her jailers and to resist their efforts to persuade me to put pressure on Hanh and make her do what they wanted. Although the prison interrogators met with her frequently and tried to intimidate her, she kept resisting.

Less than two weeks after she arrived, they moved her to Area 6 in the rainforest where she stayed with criminals and HIV-infected inmates in crowded conditions. Each inmate had only 20 inches of space to lie down at night. The prison provided only dirty water. Prisoners were compelled to clean fish for exports, 8 kg of fish per person daily. Hanh's health prevented her from doing the work and, on many days, she returned her allotment of fish to prison staff. Hanh suffered from abnormally low calcium levels in her body. Only after Hanh received money from her family did they allow her to seek medical treatment at the prison clinic because she had to pay each time.

Prison staff mistreated Hanh and did not allow her the same privileges as the other prisoners. A few female inmates frequently incited Hanh into heated arguments so that Hanh was disciplined frequently. The punishment was suspension of visits from relatives. Once, I waited until the end of the visiting time, when a public security agent informed me that Hanh was being disciplined for her non-cooperation, refusal to greet prison staff upon seeing them, refusal to learn prison rules, and disputes with some inmates...

On the day that I could not see Hanh, she was being punished for getting involved in a dispute after an inmate accused Hanh of being a traitor to our country. As usual, prison staff disciplined Hanh and not the person who started the dispute. Guards tied her to a post under the hot sun. Among those who passed by, a few gave her a little water. My timely visit allowed me to request prison staff to let me speak with her. They allowed Hanh and me to meet for several hours in the assistant warden's office, under his observation. During that visit, I had to spend the night in the prison because buses stopped running at night. Prison staff allowed me to talk to Hanh again in the following morning, hoping that I could persuade her co-operate with her jailers and, particularly, entice her to admit guilt so that the government could "pardon" her. Hanh made use of our time together to denounce the beatings administered at her previous prison. Hanh said that if she accepted the prison rules, it would be on account of her mother, but she was not going to do so. Hanh also explained why she could not be deferential to prison staff and bow her head when seeing them approach from a distance: they had been denigrating advocates like her during interrogation sessions when in fact she and the others had been only advocating for justice. Hanh told me about her brush with death when the water tank broke at the prison in Long An, and about her life in Prison B34. Hanh pleaded with me to let her continue her struggle for justice, and, should anything bad happen to her, she hoped that her family would forgive her.

At meetings convened by the assistant warden, Hanh always denounced the harsh treatment dished out by collaborating detainees who had been selected by the prison staff to monitor the other detainees. Hanh refused to sit on the floor when requested to do so by a prison staff person sitting on a chair. She always came to the defense of other inmates when prison staff mistreated them for failing to meet their quota of prison labor. Of course, she continued to maintain her innocence and refused to greet her interrogators as they approached her.

I told Hanh that I would ask for the government's leniency because our family had served the nation during the war, on the side of our current rulers, Hanh adamantly dissuaded me from doing so, arguing that she had done nothing wrong, and it would be wrong to ask for special treatment on account of the family's background. Furthermore, Hanh would not leave the prison when her two friends remained there...

When I pleaded with her to accept the prison rules for her own safety, she said that she did not go to prison to be an unpaid laborer, and that she wanted to maintain her dignity as a human being with human rights. She asked me to understand why she had threatened to sue the prison and the other prisons for mistreatment of detainees and profiting from their labor.

In early September 2011, they moved Hanh to Area 5 where she was compelled to do prison labor. She worked in a garden with a male detainee suffering from AIDS in its terminal stage. Hanh reassured me when I expressed my concern for her. During that period, she was allowed to send letters and call home to request supplies or money, with guards monitoring her letters and telephone calls.

In early February 2012, they moved her to Area 2, a "production" section. She refused to perform forced labor. Mr. Nguyen Bac Truyen, upon learning about the prison's forced labor practice, told me that political prisoners are exempt from labor, and that he had requested the U.S. Consul General to intervene. Subsequently, Hanh was assigned work in the garden and worked there only in the morning.

The prison's policy stipulated that relatives may send at most 7 kg of supplies to each detainee. Articles sold in the prison store cost 3 times as much as what they fetched outside, but the prisoners had no choice.

Prisoners had to labor 8 hours daily, even when it rained (no raincoat was provided). This shows the government's disdain for human life and dignity.

10) Unsuccessful Attempt at Having a High-Level Review

On 06/10/2011, the families of the three detainees submitted to the Supreme People's Court in Hanoi a request for a high-level judiciary review. The government responded that cases involving acts of opposing the government are excluded from high-level reviews.

11) Forced Labor and Beatings at Prison Z30A in Xuan Loc – Dong Nai Province

In late April 2013, they moved Hanh to a prison in Xuan Loc, Dong Nai. Hanh was not allowed to bring her personal items and we had to buy all of that again at her new prison. Prison staff wanted Hanh to peel cashews, work which was part of the prison labor. Hanh refused on account of her health. They wanted her to write a report confessing guilt. Because she refused, they had some prisoners attack her at various times under various pretexts. Once, the hoodlums ganged up on her when she was taking a bath. The assault took place in full view of public security personnel..

This account summarized the injustice and mistreatment that Hanh had suffered. I will provide any new information that I may come across. I reported factually and hope that international human rights organizations read this, and assist prisoners of conscience, including those who suffer for demanding religious freedom and political freedom in Vietnam. Your help is vital because the Communist Party of Vietnam and its public security apparatus completely disregard the law and justice. They have shown their cruelty and deceit through their arbitrary arrests, reprehensible interrogation and terrorizing tactics, and sham trials. They have shown no respect for human life and dignity. Their regime is thuggish, corrupt, and violent.

Submitted by

Trần Thị Ngọc Minh



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Human Rights Council Working Group on Arbitrary Detention

Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fifth session, 14–23 November 2012

No. 42/2012 (Viet Nam)

Communication addressed to the Government on 2 August 2012

Concerning Nguyen Hoang Quoc Hung, Do Thi Minh Hanh and Doan Huy Chuong

The Government replied to the communication on 28 September 2012.

The State is a party to the International Covenant on Civil and Political Rights.

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the former Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. The Human Rights Council assumed the mandate in its decision 2006/102 and extended it for a three-year period in its resolution 15/18 of 30 September 2010. In accordance with its methods of work (A/HRC/16/47, annex, and Corr.1), the Working Group transmitted the above-mentioned communication to the Government.

2. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to the detainee) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; or disability or other status, and which aims towards or can result in ignoring the equality of human rights (category V).

Submissions

Communication from the source

3. Nguyen Hoang Quoc Hung, born in 1981, a citizen of Viet Nam, is a computer technician and member of the Victims of Injustice Movement. Do Thi Minh Hanh, born in 1985, is a citizen of Viet Nam and member of the Victims of Injustice Movement. Doan Huy Chuong, born in 1985, a citizen of Viet Nam, is a founding member of the United Workers-Farmers Organization. All three petitioners are worker-rights activists.

4. The petitioners were arrested by the Security Forces of Viet Nam in February 2010. They were not presented with an arrest warrant.

5. Mr. Nguyen was placed in Trai A1 prison and later transferred to Trai giam Phuoc Hoa, Huyen Tan Phuc and Tinh Tien Giang. Ms. Do was taken to Trai giam Thu Duc Z30D and later transferred to Doi 20, Trai 6, Xa Tan Duc, Huyen Ham Tan and Tinh Binh Thuan. Mr. Duan was taken to Trai A1 and then transferred to Trai giam Phuoc Hoa, Huyen Tan Phuc and Tinh Tien Giang.

6. The petitioners were subsequently charged with disrupting security under article 89 of the Penal Code of Viet Nam. They are said to have received money from Tran Ngoc Thanh, chairman of the Warsaw-based Committee to Protect Vietnamese Workers, to print and distribute anti-Government leaflets and foment labour strikes. In particular, Mr. Nguyen, Ms. Do and Mr. Doan are accused of distributing leaflets and helping organize a strike of 10,000 workers at the My Phong shoe factory.

7. The Vietnamese authorities further accused the petitioners of being reactionary and trying to overthrow the Government. They are said to be members of a United States-based political party which advocates democracy. The source reports that the authorities have claimed that the “offender[s] crimes are very serious, operated and organized with the intention to destroy the country’s security, and need punishing”.

8. The petitioners were kept in pretrial detention for eight months in alleged contravention of article 14, paragraph 3 (c), of the International Covenant on Civil and Political Rights. During the period in pretrial detention, they were not allowed any visitations or legal assistance.

9. On 26 October 2010, in a one-day trial, Mr. Nguyen, Ms. Do and Mr. Doan were convicted of “disrupting security and order against the people’s administration” under article 89 of the Penal Code of Viet Nam. Mr. Nguyen was sentenced to nine years’ imprisonment. Ms. Do and Mr. Doan were each sentenced to seven years’ imprisonment. None of the petitioners had defence lawyers present at the trial, nor were they allowed to speak in their defence, in alleged violation of article 10 of the Universal Declaration of Human Rights and article 14, paragraph 3 (b) and (d), of the International Covenant on Civil and Political Rights.

10. According to the source, their sentence was posted on the Internet, by the State-run Cong An Nhan Dan, one day prior to the actual sentencing. In the source’s view, this

highlights the political nature of the trial that lacked independence and impartiality in alleged breach of articles 10 and 11 of the Universal Declaration and article 14, paragraphs 1 and 2, of the International Covenant.

11. The petitioners' families succeeded in hiring defence lawyers. However, as of 17 January 2011, the lawyers had not been granted access to the defendants, despite the fact that the appeal court was to hear the cases on 24 January 2011. On 18 January 2011, the families of the defendants submitted a joint complaint to various authorities, including the Minister of Public Affairs and the People's Procuracy of Tra Vinh province, asking the court to respect the defendants' right to legal representation and to postpone the appeal hearing. The court changed the appeal hearing date to 18 March 2011.

12. On 18 March 2011, the Appeal Court in Tra Vinh province upheld the sentences given in February 2010 to Mr. Nguyen, Ms. Do and Mr. Doan.

13. The source claims that the petitioners were simply trying to assert the rights of Vietnamese workers to peacefully organize, assembly and strike asking for improved pay and working conditions. The source further contests the conformity of the Vietnamese law with international standards, in that it prohibits workers to form independent unions of their own choosing. All unions are required to be registered and affiliated with the Viet Nam General Confederation of Labour, an official labour confederation controlled by the Communist Party. As the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted in his most recent report to the Human Rights Council, "associations should be free to choose their members and whether to be open to any membership. This aspect is particularly relevant for unions or political parties since a direct interference in their membership may jeopardize their independence" (A/HRC/20/27, para. 55).

14. The source points that Mr. Doan had been imprisoned on past occasions, namely in 2006 for 18 months on charges of "abusing democratic freedoms" relating to his activities as the founder of the United Workers-Farmers Organization (Hiep Hoi Doan Ket Cong Nong). The source submits that his ongoing detention is similarly linked to his peaceful exercise of the rights and freedoms guaranteed under international law.

15. It is the source's contention that Mr. Nguyen and Ms. Do were also detained directly as a result of their active participation in the activities of the Victims of Injustice Movement, which helps impoverished workers and landless farmers seek redress from the Government. Mr. Nguyen is also a member of Bloc 8406, an organization calling for democratic reforms in the country.

16. In the light of the foregoing, the source alleges that, by detaining the petitioners on charges directly linked to their peaceful exercise of the rights and freedoms guaranteed under international law, the Vietnamese authorities breached articles 19, 21 and 25 of the International Covenant on Civil and Political Rights and articles 19, 20 and 21 of the Universal Declaration of Human Rights.

17. The source recalls that, in its previous findings, the Working Group found that broad criminal law provisions, which make "taking advantage of democratic freedoms and rights to abuse the interests of the State" are inherently inconsistent with any of the rights and freedoms guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Viet Nam is a party (opinions Nos. 1/2009 and No. 24/2011).¹

¹ Available from www.unwgadatabase.org/un/.

Response from the Government

18. In its response, the Government argues that the allegations came from “unofficial sources and lacks sound evidences”, are “incorrect, biased and misleading” and “carry ill political motivations aimed to defaming the judicial system of Viet Nam”.

19. According to the Government’s response, Viet Nam “has adopted and pursued consistent policy of respect, promotion and protection of human rights and freedoms, including the rights to freedom of association, expression and of opinion, as well as the rights to equal justice access”.

20. The Government reiterates the accusations that the petitioners “were founders and members of the illegal organisation - the “United Workers-Farmers Organisation. They were in collaboration and collusion with hostile forces and exile organizations and groups, both in Viet Nam and abroad, to instigate strikes and riots which caused social instability and public disorder. They prepared, printed and distributed anti-government leaflets with fabricated information on laws and policies of Viet Nam, aiming at inciting workers’ illegal strikes, vandalism and destruction of properties of My Phong Shoes Factory in Tra Vinh Province, with possible consequences leading to insecurity and social disorder.” The Government stressed that the petitioners’ activities “violated the current laws of Viet Nam and must therefore be met with justice to ensure the respect of the law and guarantee the rights of other people, common interests of the community, as well as peace, security and development of the society”.

21. As to the criminal proceedings against the petitioners, the Government merely states that “the proceedings against them was initiated under the accusation of disrupting social security” and the length of sentences imposed on them for “opposing the people’s administration by inciting, involving and gathering people to disrupt security, according to the Article 89 of the 2009 Penal Code”.

22. The Government asserts that “the custody, arrest, investigation, detention and proceedings were carried out in strict compliance with sequences and procedures stipulated in the current laws of Viet Nam and in conformity to international norms and practices on human rights”.

Further comments from the source

23. In its further comments, the source emphasised that “the whole dreadful story” began with the publication of a leaflet about worker’s right. This leaflet contains the reason why the strike started in the first place.

24. Mr. Doan, Ms. Doh and Mr. Nguyen were kept in detention for too long between their arrest and their trial, contrary to article 176 of the Vietnamese Criminal Procedure Code. The code provides that the maximum period during which a person may be detained before trial should be of 45 days for minor offences and 90 days for serious offences. In the present case, the workers were detained for approximately 300 days, which exceeds by far the aforementioned delays. This obvious violation of the Vietnamese Penal Code and international agreements on detention is admitted by the Government of Viet Nam in the last three paragraphs of its letter.

25. The source also enclosed information which describes the harsh and inhuman conditions in which the workers are held. In particular, according to the source, workers are forced to sleep next to prisoners infected with contagious diseases, which represents a serious threat to their health. One of the workers became deaf in one of her ears because she has been beaten repeatedly around the head by prison guards.

26. Finally, the source underlines the relevant dispositions of international law and standards that are directly violated by the above mentioned acts by the Government of Viet

Nam, namely articles 7, 9, 14, 19, and 22 of the International Covenant on Civil and Political Rights as well as article 8 of the International Covenant on Economic, Social and Cultural Rights.

Discussion

27. The Working Group recalls that the right to freedom of association and the right to take part in the conduct of public affairs are protected under articles 22 and 25 of the International Covenant on Civil and Political Rights, respectively. As the Government has not provided information on any violence involved in the petitioners' activities, the Working Group holds that their detention, based on the provisions contained in article 89 of the Vietnamese Penal Code, falls short of their rights and freedoms recognized under the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights.

28. Thus, the deprivation of liberty of the petitioners solely for their exercise of the right to freedom of association and the right to take part in the conduct of public affairs as provided for in 19, 21 and 25 of the International Covenant on Civil and Political Rights and articles 19, 20 and 21 of the Universal Declaration of Human Rights falls within category II of the arbitrary detention categories referred to by the Working Group when considering the cases submitted to it.

29. Regarding the alleged violation of national legislation referred to by the Government, namely article 89 of the Vietnamese Penal Code, the Working Group in its previous opinions No. 46/2011 (Viet Nam), No. 1/2009 (Viet Nam), and No. 1/2003 (Viet Nam),² reiterated that, in conformity with its mandate, it is required to ensure that national law is consistent with the relevant international provisions set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments to which the State concerned has acceded. Consequently, even if the detention is in conformity with national legislation, the Working Group must ensure that it is also consistent with the relevant provisions of international law.

30. In its response, the Government does not address the specific allegations of grave violations of the rights of the petitioners to effective defence as provided for in article 14, paragraph 3 (b) and (d), of the International Covenant on Civil and Political Rights and article 10 of the Universal Declaration of Human Rights. Further, the Government does not contest the allegation that petitioners were deprived of the right to communicate with counsel of their own choosing at the pretrial stage and the assigned counsel did not have access to the prosecution material to adequately prepare the defence. The Government also does not contest the allegation that the petitioners did not have defence lawyers present at the trial and were not allowed to speak in their defence.

31. The Working Group considers that the non-observance of the international norms relating to the right to a fair trial, as provided for in article 14 of the International Covenant on Civil and Political Rights and article 10 of the Universal Declaration of Human Rights, is of such gravity as to give the petitioners' deprivation of liberty an arbitrary character.

Disposition

32. In the light of the preceding, the Working Group on Arbitrary Detention renders the following opinion:

² Ibid.

The deprivation of liberty of Mr. Nguyen, Ms. Do and Mr. Doan is arbitrary, being in contravention of articles 9, 10, 20 and 21 of the Universal Declaration of Human Rights and articles 9, 14, 22 and 25 of the International Covenant on Civil and Political Rights, to which Viet Nam is a party, and falls within categories II and III of the arbitrary detention categories referred to by the Working Group when considering the cases submitted to it.

33. Consequent upon the opinion rendered, the Working Group requests the Government of Viet Nam to take the necessary steps to remedy the situation of Mr. Nguyen, Ms. Do and Mr. Doan, and to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

34. The Working Group is of the opinion that, taking into account all the circumstances of the case, the adequate remedy would be to release the above-mentioned individuals and to accord them an enforceable right to compensation, in accordance with article 9, paragraph 5, of the International Covenant on Civil and Political Rights.

35. In accordance with article 33 (a) of its methods of work, the Working Group considers it appropriate to refer the allegations of torture or cruel, inhuman treatment to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment for appropriate action.

[Adopted on 14 November 2012]

EMBASSY
OF THE SOCIALIST REPUBLIC OF VIETNAM
IN MALAYSIA



Phone: 03-2148.4036
Fax : 03-2148.3270
Address: No. 4 Persiaran Stonor
50450, Kuala Lumpur, Malaysia

LIST OF THE REQUIRED DOCUMENTS
AND SAMPLE DOCUMENTS FOR ATTESTATION
BY THE EMBASSY OF THE S.R. OF VIETNAM
REGARDING THE RECRUITMENT OF VIETNAMESE WOKERS
TO BE EMPLOYED IN MALAYSIA
(subject to changes without prior notice)

Kuala Lumpur, May 2002



LIST OF THE REQUIRED DOCUMENTS
FOR ATTESTATION BY THE EMBASSY OF VIETNAM
REGARDING THE RECRUITMENT OF VIETNAMESE WORKERS

1. Letter addressed to the Embassy of S.R.Vietnam (printed on the Company Letterhead)
To: **Embassy of the S.R. of Vietnam**
No.4 Persiaran Stoner
50450 Malaysia
Attn: H.E. The Ambassador
2. Approval Letter from Kementerian Dalam Negeri (to be endorsed by the Consular Division, Ministry of Foreign Affairs, Malaysia).
3. English translation of the KDN Approval Letter (by Dewan Bahasa dan Pustaka/Court Interpreter) endorsed by the Consular Division, Ministry of Foreign Affairs, Malaysia.
4. Agency Agreement (printed on the Company Letterhead).
5. Power of Attorney (printed on the Company Letterhead).
6. Letter of Demand (every page printed on the Company Letterhead).
7. Employment Contract (every page printed on the Company Letterhead).
8. Affidavit/Sworn Statement (printed on the Company Letterhead).
9. Letter (printed on the Company Letterhead) addressed to
H.E. the Ambassador
Malaysian Embassy
16th Floor, Fortuna Tower
6B, Lang Ha Street
Hanoi, Vietnam.
(Or **Consul General of Malaysia**
Ho Chi Minh City
Vietnam)
10. Company Brochure and Profile
11. NRIC Photocopy of Director (to be certified by the Commissioner for Oaths) and Form 24, Form 49, M&A (to be certified by the Company Secretary).
12. Foreign Worker Pay Slip (Previous three months).
13. Photographs of working area hostel room, canteen.

Note:

1. One set of original documents for Vietnamese Labour Supplying Company
2. One set of photocopied documents for the Vietnamese Embassy's file.



EMPLOYMENT CONTRACT

This Employment Contract is made and entered into force on this day.....month of..... 2002 by and between...(Company's name, address, Registration Number, hereinafter called the Employer) on the one part and;

Mr/Ms....., the lawful citizen of the S.R. of Vietnam, Passport No:.....(hereinafter called the Employee) on the other;

In the presence of ... (the name of Vietnamese Labour Supplying Company) as the witness;

Both the Employer and the Employee hereby voluntarily agree to bind themselves to the following terms and conditions of the Contract:

Basic terms and conditions of the Contract

1. **Employee's duties:** The Employer shall brief and explain to the Employee with regard to the terms and conditions of employment, which include type of work, salary/wage, facilities provided and the standard regulation of the Company before commencement of employment.

2. **Employee's job title or position:** General/skilled worker
Age: from 21 to..... years old. Male/female

3. **Salary:**

3.1. Basic monthly salary:RM/day x 26 days = RM.....

3.2. Allowances:

- Attendance:RM.....
- Food:RM.....
- Transport:RM.....
- Shift:RM.....
- OthersRM.....

3.3. Overtime (compulsory..... hrs per day):.....RM.....

3.4. Minimum monthly income

(basic salary + allowances + OT):RM.....

3.5. Payment of salary shall be made at the end of each calendar month and not later than 7th of the following month.

3.6. The Employer shall commit to provide a minimum overtime working hours opportunity of hours per month or.... hours a day. However, the Employer may exercise the right to otherwise subjected that the gross pay must not be less than RM..... per month.



4. Working hours:

4.1. The employee shall perform 8 hours work day (48 hours per week).

4.2. Any additional work done beyond the normal working hours (overtime) shall be rewarded in accordance with the rate provided in the local Employment Act (i.e. 150% of salary for working days overtime, 200% for Sunday and 300% for public holidays).

4.3. Any overtime shall be performed as duly authorized by the Factory Manager or any other authorized personnel of the Company.

5. Duration of employment:

3.1. The employment contract shall be for a period of three (3) years from the date of arrival of worker.

3.2. This Contract may be extended for two (2) years by mutual agreement subject to the approval of relevant authorities.

3.3. The employee shall serve a probation period of three (3) months from the date of arrival.

6. Adequate work: Subject to the provision of the Employment Act, the Company shall be bound to provide the employee with sufficient work suitable to his capacity for the full duration of this Contract.

7. Accommodation:

7.1. The Employer shall provide the Employee with free accommodation complete with water and electricity supply, a kitchen with basic cooking utensils, such as gas stove, gas, rice cooker and others things.

7.2. The Employee shall be housed in a suitable accommodation shared with a reasonable number of employees.

7.3. The Employee is strictly not allowed to bring in friends or relatives to stay in the accommodation provided.

8. Food:

9. Medical benefit: Medical treatment will be provided free by the Employer, except for self-inflicted injuries and sexually transmitted diseases.

10. Yearly medical check: Yearly medical examination will be arranged as required by the Immigration Department of Malaysia and cost incurred will be borne by the Employer.

11. Annual leave, sick leave and public holidays:

11.1. The will be at least 8 days of annual leave for the 1st and 2nd years; 10 days for 3rd and 4th years; 12 days for 5th years onward. The Employee shall be entitled for paid annual leave in accordance with the Employment Act 1955. Any employee who wishes to take leave must obtain prior written approval by the Employer three (3) days in advance and ensure to report for duty on time.



11.2. There will be aggregate 14 days of sick leave and medical expenses will be limited to RM200.00 a year per employee. The Employee shall be entitled for paid sick leave if certified medically unfit to work by the Employer's doctor.

11.3. The Employee shall be entitled for to Public Holidays (12 days).

12. Insurance coverage and Security bond:

12.1. The Employer shall provide insurance coverage (free for the Employee) such as Workmen Compensation Scheme or Personal Accident Policy against accident during the course of employment. In case of a claim the Employer shall be responsible to help the concerned Employee to submit for the compensation, this coverage involves both temporary and permanent disability caused by injury and death.

12.2. The Security bond shall be borne by the Employer.

13. Government Levy and Immigration fee:

13.1. The Employer shall advance to the Employee a sum of RM as payment of levy which shall be subsequently deducted from the Employee's salary through 12 month installments. The Employer has the sole discretion to give the employee any subsidy of the levy.

13.2. The Immigration fee such as PLKS, Processing, Calling visa will be borne by the Employer.

14. Transportation: Whenever necessary the Employer shall provide free suitable transportation to and between work place and hostel.

15. Increment and bonus: Any increment and/or bonus given shall be at the sole discretion of the Employer. The Employer shall review the salary and have the sole discretion to decide for any increment after six (6) months of the employment period.

16. Deceased employee: In the case any employee dies in the course of his employment, the Employer shall be responsible to arrange for the body of the deceased to be repatriated to his next of kin in Vietnam and necessary repatriation cost shall be borne by the Employer.

17. Traveling expenses:

17.1. Air ticket for worker from Vietnam to Kuala Lumpur International Airport (KLIA) shall be borne by the Employee, and upon completion of the Employment contract the traveling expenses, including air ticket, from work place to Vietnam (Hanoi/Ho Chi Minh) shall be bore by the Employer.

17.2. In case of early termination of employment due to reasons as stated in the articles 19 bellow, the Employee will fully pay for his return air ticket from Malaysia to Vietnam.

18. Restrictions:



18.1. The Employee is not allowed to engage in any employment with other individual, organization or institution during the period of this Contract.

18.2. The Employee shall not be accompanied by his family or friends.

18.3. The Employee shall not conduct any misconduct and breach of any rules and regulation regarding discipline and work.

18.4. The Employee shall not commit crime during his stay in Malaysia.

18.5. The Employee shall not strike or being involved in any strike or industrial action as well as any political activities and activities of those related with Trade Union in Malaysia, or instigate others to commit such acts.

18.6. The Employee shall not collect any money from any fellow worker by force or coercion for whatever reason.

18.7. The Employee shall not engage in any romance relationship and/or marry and/or intent to marry any Malaysian in the period of this Contract.

18.8. The Employee shall strictly follow the Company's rules and regulations necessarily imposed by the management.

19. Termination of employment:

The Employer reserves the right to immediately terminate this Contract with Employee on occurrence of the following events:

19.1. If the Employee breaches any of the restrictions of Clause 16 mentioned above or is convicted of any offence under any law of Malaysia.

19.2. If the Employee's Employment Pass is withdrawn by the Malaysian Authorities for any reason whatsoever.

19.3. If the Employee is absent from work for more than two (2) consecutive working days without reasonable excuse.

19.4. If the Employee to be discovered under eighteen (18) years old.

19.5. If doctor certified the Employee medically unfit for employment.

20. Dispute settlement and application law:

Any and all disputes between the parties hereto arising from or relating to this Contract shall be settled amicably through mutual consultation and in accordance with local Employment Act and/or Industrial Act.

21. Due performance:

The failure of the Employer to require the performance of any item of this Contract or the waiver of the Employer of any breach of any term of this Contract by the Employee shall not prevent subsequent enforcement of such term, nor be construed as a waiver of any rights the Employer may have under any term of this Contract.

22. Other terms and conditions:

22.1. The Employer will pay the basic salary of due months, if workers are repatriated before completing the contractual period.

22.2. If any worker resigns willingly on his own free will from the service, then the resignation letter must be attested by the Embassy of Vietnam in Malaysia, and the air ticket for repatriation will be borne by the worker.



22.3. If the Employer terminates any worker from his service, he must have the termination letter attested by the Embassy of Vietnam in Malaysia.

22.4. If the Employer terminates the service of any worker before completing the contractual period but not due to the fault of worker, then he must compensate duly to the worker and the air ticket for his repatriation to Vietnam will be borne by the Employer.

23. Certification:

23.1. The Employer and the Employee shall read and fully understand this Employment Contract and certify that the terms and conditions together with the application constitute their entire agreement.

23.2. The Employer and the Employee understand that the terms and conditions favorable to the Employer and Employee, which are not mentioned in this Contract and are provided by the laws of the country of employment shall apply and be a part of the Contract.

IN WITNESS WHEREOF the parties hereto have voluntarily signed and caused this Contract to be executed on the date first above written.

Signed by the Employer

Full name
Designation
NRIC
Company's Seal

Signed by the Employee

Full name
Passport No.

Singed by the Witness (Vietnamese Labour Supplying Company)

Full name
Designation
Company's Seal

Certified and attested in the country of employment
by the **Embassy of the S.R. of Vietnam in Malaysia**

Full name
Designation and Seal
Date

Company Letter Head



Date:

Embassy of the SR of Vietnam
No.4 Persiran Stonor
50450 Kuala Lumpur
Malaysia

ATTENTION: H.E. the Ambassador

Your Excellency,

We have appointed(Vietnamese Labour Supplying Company's name)
..... as our true and lawful attorney/agent in Vietnam by virtue of Power of
Attorney, executed by us in their favour for processing and recruiting of our Demand Letter dated
..... under Approval No.....KDN.....
.....dated.....

We hereby authorize Mr/Ms.....(I/C No.....) as our Company's
....(Human Resource Manager/Labour Consultancy Agent, etc.) to do the attestation with and in
your present.

We request you to kindly endorse attestation on the documents submitted.

Yours sincerely,

.....

GM/ MD/ Authorized signatory
Name:

Company's Seal

Attested in the country of Employment by:

Embassy of the SR of Vietnam in Malaysia



(Optional, as per agreement between parties concerned)

IRREVOCABLE INSTRUCTION
OF REMITTANCE OF 10% OF MONTHLY BASIC SALARY
AS THE VIETNAMESE GOVERNMENT TAX

I, ...(full name of worker).....Passport No....., being the lawful citizen of the S.R. of Vietnam, hereby willingly and irrevocably instruct my Malaysian Employer.....(full name, Company, address), being my lawfull employer in Malaysia, to remit every month 10% (ten percent) of my monthly basic salary as Tax to the Government of the S.R. of Vietnam to the dedicated bank account of (*number of bank account, name of the Bank, name of the Company* to which deposit is to be made) in Vietnam. I fully understand that these remittances are for the purpose of abiding by the law and regulation of the S.R. of Vietnam.

I will not change this instruction without prior consent from the Employer and the written consent from the Embassy of the S.R. of Vietnam in Malaysia and agree that this instruction shall be in force as long as the Employment Contract between myself and the Employer is valid and it will be automatically executed.

This instruction shall be terminated prior to the termination of the Employment Contract.

Irrevocably instructed by
.....

Worker's Signature
Full name of the worker
Date:

Certified and agreed to perform by
.....

Employer's Signature
Full name of the Employer
Date
Company's seal

Attestation in the country of employment by

Embassy of the S.R. of Vietnam in Malaysia

SAMPLE ACT-

Changes

- 3.5 payment NOT later than on the day of following with
6. adequate work
- 7.2 suitable accomod. shared w. reasonable number of employees.
9. medical benefit ~~to~~ free
11. Annual leave: 8 days - 1st & 2nd yrs.
(pd.)
- 11.3 entitled to public holidays (12)
- 12 Employer shall be responsible to help Employee submit claim f. compens.
- 18.8 shall follow Comp.'s rules & regul^{ns} w^{ch} are ^{by} imposed
(Don Metall)
f
- 22.4 compens. to worker & air ticket
if comp. terminates NOT due to FAULT
of worker
↓
Conflict = 17.2
- Trade union - cannot form but can join, if allowed

Isa 3.118

Company Letterhead



Date:

- **H.E. the Ambassador**
Embassy of Malaysia
16th Floor, Fortuna Tower
6B, Lang Ha Street
Hanoi, Vietnam.
- **The Hon'ble Consul General**
Consulate General of Malaysia
Ho Chi Minh City
Vietnam

Your Excellency,

We have appointed(Vietnamese Labour Supplying Company's name)..... as
our true and lawful attorney/agent in Vietnam by virtue of Power of Attorney executed by us in its
favour for processing and recruiting of our Demand Letter dated under Approval
No... KDN.....dated.....

We request you to kindly grant visas for the Vietnamese workers to enter Malaysia.

Yours sincerely,

.....
GM/ MD/ Authorized signatory
Name

Company's Seal

Attested in the country of Employment by

Embassy of the SR of Vietnam in Malaysia

Company Letter Head



Date:

Embassy of the SR of Vietnam
No.4 Persiran Stonor
50450 Kuala Lumpur
Malaysia

ATTENTION: H.E. the Ambassador

Your Excellency,

We have appointed(Vietnamese Labour Supplying Company's name)
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Attorney, executed by us in their favour for processing and recruiting of our Demand Letter dated
..... under Approval No.....KDN.....
.....dated.....

We hereby authorize Mr/Ms.....(I/C No.....) as our Company's
....(Human Resource Manager/Labour Consultancy Agent, etc.) to do the attestation with and in
your present.

We request you to kindly endorse attestation on the documents submitted.

Yours sincerely,

.....

GM/ MD/ Authorized signatory
Name:

Company's Seal

Attested in the country of Employment by:

Embassy of the SR of Vietnam in Malaysia

Company Letter Head



Date:

Embassy of the SR of Vietnam
No.4 Persiran Stonor
50450 Kuala Lumpur
Malaysia

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We hereby authorize Mr/Ms.....(I/C No.....) as our Company's
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your present.

We request you to kindly endorse attestation on the documents submitted.

Yours sincerely,

.....

GM/ MD/ Authorized signatory
Name:

Company's Seal

Attested in the country of Employment by:

Embassy of the SR of Vietnam in Malaysia



AFFIDAVIT / SWORN STATEMENT

I, the Employer, do hereby declare the following with respect to the recruitment of workers from Vietnam for my organization:

1. I would pay levy of the workers to the Immigration Department in advance and deduct the same from the salaries of the workers by twelve equal monthly installments.
2. I will not engage any agent to renew the passports / work permits of the Employees. I myself or an authorized officer of my organization will undertake all necessary steps for this purpose.
3. We will receive all the Vietnam workers recruited for our organization on their arrival at the Kuala Lumpur International Airport (KLIA).
4. I will pay salaries of the workers for the rest of the contractual period if their jobs are terminated prior to the end of the contractual period for any reason other than on health and disciplinary grounds.
5. I guarantee that I will not apply and cancel the work permit of any worker if he lodges any complaint with the relevant Malaysian authorities pertaining to his rights and privileges until the authorities concerned settle the matter.
6. I will not make any deduction from wages of the workers contravening the Employment Act of Malaysia, except the case that the workers request to deduct every month 10% of their monthly basic salary to transfer as a tax to the Government of Vietnam through the bank account of the Vietnamese Labour Supplying Company.
7. I will ensure security of the workers in their workplace and the hostel, and I will accede to the request of the Embassy officials to visit the work place and workers hostel with prior information to the Company and in consultation with the Ministry of Human Resources to look into the welfare of the Vietnamese workers.
8. If any Employee is terminated on the health grounds, he will be repatriated at the expense of the Employer and if the Employee is terminated on disciplinary grounds, he will be repatriated at his own cost.
9. I will ensure repatriation of sick/disabled workers whatsoever may be the cause of the sickness/disability at the expense of our organization.
10. If any worker dies in harness, I will arrange repatriation and will pay compensation as laid down in the Foreign Workers Compensation Scheme.
11. I hereby agree and understand the terms and conditions in the Attestation Documents and I will not under any circumstances whatsoever alter or amend the terms and conditions in the Attestation Documents in any way whatsoever and if I do so I agree to accept all liabilities whatsoever arising from my action to vary the terms and conditions stipulated therein.

I hereby agree that in the event of failure to comply with the above, the aggrieved worker may seek redress from the relevant authorities in Malaysia.

Signature of Employer _____

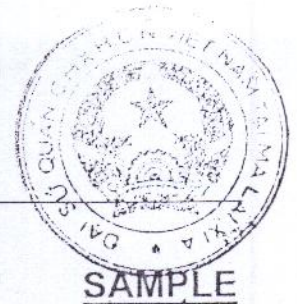
Name

Designation

NIRC No.

Company's Seal

Company Letter Head



Date:

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENT that, we...(Company's name, Address, Registration No.....), do hereby appoint(Vietnamese Labour Supplying Company's name, Address)..... of Vietnam, holding License No.....granted by the Ministry of Labour, Invalids and Social Affairs of Vietnam, as our true and lawful attorney to do or execute on behalf of our Company on all matters related to the recruitment and supply of workers to be employed in Malaysia as mentioned hereinafter:

1. To recruit and supply of ...(number of male/female workers) based on the Approval No., dated..... granted by the Ministry of Home Affairs of Malaysia as well as the terms and conditions mentioned in the Employment Contract;
2. To sign all necessary documents pertaining to recruitment and supply of personnel referred to paragraph (1) above before the Vietnamese authorities concerned inconformity with the laws and regulations of the S.R. of Vietnam;
3. To submit all the selected employees' passports and relevant documents for visa endorsement with the Embassy/Consulate General of Malaysia in Vietnam; and
4. To make all necessary and lawful arrangements for the workers' passage to the job sites in Malaysia.

The power of Attorney shall remain valid until the workers arrive at our factory in Malaysia and this Power of Attorney is non-transferable and irrevocable.

IN WITNESS WHEREOF, we have executed this document on... (date/month/year).....

Employer's Signature:

Name:

Designation:

Company's Seal:

Attested in the country of employment by:

Embassy of the SR of Vietnam in Malaysia

Company Letterhead



11. Transportation from hostel to work place: Provided free by Employer.
12. Government Levy: RM, advanced by the Employer and subsequently deducted from the Employee's monthly salary through 12 month installments.
13. Immigration fee (PLKS, Processing, Calling visa): will be borne by the Employer.
14. Annual leave: days
Sick Leave : days
Public Holidays: days
15. Air tickets for workers to come to Malaysia and back home:
 - From Vietnam to Kuala Lumpur International Airport:
 - Travel expenses from work place to Vietnam after the completion of Employment Contract.
16. Yearly Medical: The cost shall be borne by the Employer.
17. Insurance and Security bond: to be borne by the Employer

Confirmation of workers will be left to the sole discretion of the Employer. All other terms and conditions shall be in accordance to the Employment Contract. Kindly arrange to recruit the above-mentioned workers at the earliest.

Thank you,

Yours truly,

GM/ MD/ Authorized Signatory

Name:

Company's Seal

Attested in the country of employment by

Embassy of the S.R. of Vietnam in Malaysia

Company Letterhead (every page be printed on Company Letterhead)



SAMPLE

Date:

To: *Name & Address of the*

Vietnamese Labour Supplying Company

Recruitment License No:

Dept. of Industry License. No.

Dear Sir,

Re:

**DEMAND LETTER
FOR RECRUITMENT OF WORKERS FROM VIETNAM**

Based on the Approval No..... dated..... granted by the Ministry of Home Affairs of Malaysia, we hereby appoint your company to recruit Vietnamese workers for employment with our company and liaise with relevant authorities concerning recruitment. The Recruitment is subject to the approval of valid calling visas and work permits by the Malaysian authorities concerned.

Our recruitment terms and conditions are as follows:

1. Number of workers: (Male/female?)
2. Job category: (General workers/Skilled workers...)
3. Age: 21 to.... years old
4. Contract period: 3 years or 36 months
5. Monthly basic salary: RM.....
 - Allowances:
 - Attendance: RM.....
 - Food: RM.....
 - Transport: RM.....
 - Shift: RM.....
 - Overtime (compulsory ... hours/per day): RM.....
 - Others: RM.....
 - Total (minimum monthly income): RM.....
6. Working days: Monday to Saturday
7. Working hours: 8 hours per day 48 hours per week
8. Overtime payment: 150% of basic salary for daily overtime
200% ----- for Sunday
300% ----- for Public holidays
9. Workmen Compensation: According to Malaysian Labour Law
10. Accommodation: Provided free by Employer, including kitchen with cooking utensils.



AGENCY AGREEMENT

This Agreement is made between (*Company name and Address*).....
(hereinafter called the First Party) and (*Vietnamese Labour Supplying Company
and address*).....(hereinafter called
the Second Party) under the following terms and conditions:

1. This Agreement will be valid for three (3) years from the date of signing between the two Parties.
2. The Second Party will send the medical certificate, photos (4 copies) and Passport photocopies to the First Party within maximum ofdays from the date of agreement. The First Party will send the Original Calling Visas to the Second Party within maximum of days from the date of getting medical certificate, photos (4 copies) and Passport photocopies. The Second Party will send the workers within days from the date of getting Original Calling Visas.
3. The Second Party will send the workers to the First Party as per conditions of Demand Letter dated.....(License No.....) only.
4. The Levy will be paid by the First Party in advance to Immigration Department, which will be deducted from workers' monthly salary.
5. All expenses relating to procedures and recruitment of workers incurred in Vietnam will be borne by the Second Party. The First Party will pay for PLKS, Processing and Calling Visa Fees to Immigration Department of Malaysia and will not deduct from the workers' salary.
6. The First Party will take responsibility to deduct every month 10% of monthly basic salary of the worker and send it to bank account of the Second Party for remitting to Vietnam as the Government Tax.
7. The Second Party will send the workers to the first Party in accordance with the above mentioned. The First Party will meet the workers at the KLIA upon their arrival and bring them to the hostel.
8. The First Party must provide the Second Party with necessary attested documents as required by the Embassy of Vietnam in Malaysia, including Demand Letter, Approval by KDN (photocopy of the original and translation must be attested by the Consular Section, Ministry of Foreign Affairs of Malaysia), Employment Contract, Power of Attorney.
9. The First Party must and will bear full responsibility for the workers while they are working with or under him.
10. All other terms and conditions between the two Parties are as per Malaysian Labour Law.

The First Party
Signature:
Name & Designation:
Company's Seal

The Second Party
Signature:
Name & Designation:
Date:

No	Labor Export Company	Address	Tel No.	Fax No.	Case	Violations of the Laws and Contracts
1	Công Ty Cổ Phần SIMCO Sông Đà	Khu B, Nhà G10 - Thanh Xuân Nam, Thanh Xuân, Hà Nội	0084-04-5520402	0084-04-5520401	Coas to Coast - USA	1) Did not assist workers when they were exploited by their employer 2) Reported victims to Vietnamese police
2	Công Ty Cổ Phần Xuất Khẩu Lao Động, Thương Mại và Du Lịch (TTLC-VINAMOTOR)	Số 160, Lê Trọng tấn, Thanh Xuân, Hà Nội	0084-04-5659014/5659015	0084-04-5659068	SONY - Malaysia	1) Did not assist workers when they were jobless and when they were moved to different work places by the local agent; 2) Forced workers to sign employment contracts just moments before they departed from the airport in Vietnam; 3) Threateaned workers when they sought help from local NGOs.
3	Công Ty Cổ Phần Cơ Khí và XKLD Thừa Thiên Huế (ENLEXCO)	Số 252 đường Nguyễn Sinh Cung - Tp. Huế - tỉnh Thừa Thiên Huế - Việt Nam	0084-54-823590	0084-54-846772		
4	Công ty cổ phần Cung ứng lao động và Thương mại Hải Phòng (HALASUCO)	Số 21 đường Lương Khánh Thiện - Quận Ngô Quyền - Tp. Hải Phòng	0084-0313 921 227	0084-0313 921 897		
5	Công ty Kinh doanh và Xuất nhập khẩu (VIGLACERA)	Số 2 Hoàng Quốc Việt - Quận Cầu Giấy - Tp. Hà Nội - Việt Nam	0084-04-7612671	0084-4-7612672		
6	Công Ty Xây Dựng Hà Nội (HACCO)	Số 57 Quang Trung, Hai Bà Trưng, Hà Nội			Spektra Alucast - Malaysia	1) Did not assist workers when the employer withheld their passports, wages, failed to renew their work permits and when they were wrongfully dismissed; 2) Forced workers to sign their employment contracts moment before departing from the airport in Veitnam; 3) Supported the employer in their efforts to exploit the workers.
7	Công Ty Hợp Tác Kinh Tế (COECCO)	Số 187 Nguyễn Du, Thành Phố Vinh, Nghệ An	0084-038-558558	0084-038-558888		
8	Công Ty Cổ Phần Xuất Nhập Khẩu Sơn La	Số 12D/8 Bắc Thanh Xuân, Quận Thanh Xuân, Hà Nội				
9	Công Ty Cổ Phần Đầu Tư XNK Quảng Ninh-Chỉ nhánh tại Hà Nội	Số 29 Lê Đại Hành, Hai Bà Trưng, Hà Nội	0084-04-8216158	0084-04-8216158	Silver Plus - Malaysia	1) Did not assist workers when their employment contracts was ended.
10	Công Ty Nhân Lực và Thương Mại Quốc Tế (INTRACO)	Số 158 Nguyễn Văn Cừ, Long Biên, Hà Nội	0084-04-8723511	0084-04-8722839	Polar Twin Advance - Malaysia	Did not provide assistance or intervention when workers were unfairly and unlawfully dismissed by their employer.
11	Công ty Cổ phần Sao Thái Dương (SUNSTAR JOINT STOCK COMPANY)					1) Failed to provide workers with orientation and language classes eventhough the workers paid for those classes; 2) Forced workers to sign their employment contracts moment before departing from the airport in

11	Công Ty Cổ Phần Phát Triển Quốc Tế	Số 75 Au Co, Quan Tay Ho, TP Hanoi	0084-04-7194488	0084-04-7194499	Perabut Mei-Wah - Malaysia	Veitnam; 3) Failed to support the workers to resolve disputes between workers and the employer; 4) Failed to refund the deposit fee to workers.
12	Công Ty Cung Ứng Nhân Lực Quốc Tế và Thương Mại (SONA)	Số 3 Dai Co Viet, Hai Ba Trung, Hanoi	0084-04-9762097	0084-04-9740276	Winbond - Malaysia	1) Failed to assit workers who were exploited and physically abused by the Malaysian broker; 2) Hired, through agents in Malaysia, RELA to repatriate workers who filed complaints against Malaysian broker; 3) Threatened and verbally abused the workers; 4) Mobilzed the Vietnamese police to threaten family members of the workers.
13	Công Ty Cổ Phần Cung Ứng Lao Động và Thương Mại Hải Phòng	Số 2, Ngõ Tuổi Trẻ, Đường Hoàng Quốc Việt, Hà Nội			SONY - Malaysia	1) Failed to seek and obtain compensation for workers who were unfairly dismissed.
14	Trung Tâm Hợp Tác Lao Động Quốc Tế (VILEXIM)	Số 139 Lò Đúc, Hai Bà Trưng, Hà Nội			Hong Nam - Malaysia	1) Failed to refund the deposit to workers when their employment was was ended prematurely due to economic recession.
15	Trung Tâm Phát Triển Lao Động Toàn Cầu thuộc Công Ty Đầu Tư và Xây Dựng Giao Thông	Số 18 Đường Giải Phóng, Quận Đống Đa, Hà Nội	0084-04-5743158	0084-04-5743205		1) Failed to compensate the worker when she was sexual harassed and then prematurely dismissed by her employer; 2) Failed to refund her deposit; 3) Wrongfully accused the worker of collaborating with anti-government forces when she contacted local and international NGOs for help.
16	Công Ty TNHH - Một thành viên hợp tác lao động nước ngoài phía nam (Southern LOD)	Số 10 Đường Sông Đà, Phường 2, Quận Tân Bình, TP. HCM	0084-08-8485309	0084-08-8485700	Lam Quoc Thai - Malaysia	1) Failed to provide assistance to the worker who suffered workplace injuries and failed to obtain proper compensation according to the law.
					Sajo Industries Company Ltd - South Korea	1) Forced workers to sign their employment contracts moment before departing from the airport in Veitnam; Workers were not given a copy of the contract; 2) Collected deposit monies from workers before signing a contract; 3) Unlawfully withheld 3 months of workers wasges; 4) Accused workers of violating the contract and wrongfully deducted money from the deposit made by workers.
17	Trung Tâm Phát Triển Việc Làm Phía Nam (HITECO)	Số 4A, Đồng Xoài, Phường 13, Quận Tân Bình, TP HCM	0084-08-8121005	0084-08-8102450	SINWINCO - Malaysia	1) Failed to provide assistance or intervention to workers who were prematurely and wrongfully dismissed by employer.
18	Công Ty Cổ Phần Xuất Nhập Khẩu Tổng Hợp - Chi nhánh tại Hà Nội (GENERALIMEX)	16 Ngõ Huế, Hai Bà Trưng-Hà Nội	0084-04-9764827	0084-04-9764865	Eko Metal Sdn Bhd - Malaysia	1) Defrauded workers in labor export contract; 2) Failed to intervene when worker was beaten by the employer.
19	Công Ty Xuất Khẩu Lao Động, Thương Mại và Du Lịch (SOVILACO)	Số 297 Đường Điện Biên Phủ, Phường 7, Quận 3, TP.HCM	0084-04-39764827	0084-04-39764865		
20	CARASUCO					
21	Công Ty Cổ Phần Thương Mại Châu Hưng	Thôn Như Quỳnh - Thị trấn Như Quỳnh - huyện Văn Lâm - tỉnh Hưng Yên - Việt Nam.	0084-04-39764827	0084-04-39764865	Esquel - Malaysia	1) Failed to provide workers with orientation and language classes eventhough the workers paid for those classes; 2) Forced workers to sign their employment contracts moment before departing from the airport in Veitnam; 3) Failed to protect and assist workers when dispute arose between workers and companies; 4) Threatened and verbally abused the workers; 5) Unilaterally canceled contract with workers who were repatriated, without compensation; 6) Wrongfully took money from the workers' compensation paid by Esquel.

					Eko Metal Sdn Bhd - Malaysia	1) Defrauded workers in labor export contract; 2) Did not intervene when workers were beaten by employer
22	Công Ty Cổ Phần Nguồn Nhân Lực Toàn Cầu				Green River Wood & Lumper Mfg Sdn Bhd - Malaysia	1) Forced workers to sign their employment contracts moment before departing from the airport in Veitnam 2) Wrongfully and fraudulently allowed workers to apply for work permits even though workers failed medical check-ups 3) Failed to assist workers when they were exploited.
23	Công Ty Cổ Phần Thương Mại Tỉnh Bà Rịa Vũng Tàu	Số 399 Nguyễn An Ninh, Phường 9, TP Vũng Tàu	0084-04-64-852315	0084-04-64852647		
24	Công Ty Cổ Phần Nhân Lực Quốc Tế Việt (VILACO)	Xóm 6, Xã Quỳnh Giang, Huyện Quỳnh Lưu, Tỉnh Nghệ An	0084-388-904990	0084-388-904990		
25	Công Ty Cổ Phần Da Giầy Việt Nam (LEAPRODEXIM VIETNAM)	Số 1/ A11 Đầm Trấu - Phường Bạch Đằng - Quận Hai Bà Trưng - Hà Nội	0084-04 - 8 255 780	0084-04 - 8 259 216	W&D Apparel - Jordan	1) Forced workers to sign their employment contracts moment before departing from the airport in Veitnam; 2) Used police to threaten the workers.
26	Công Ty Cổ Phần Than Ong Việt (V-COALIMEX)	Số 116 Ngõ 88 Đường Võ Thị Sáu - Quận Hai Bà Trưng - Hà Nội				
27	Công Ty Letco Thuộc Trường Đại Học Công Nghiệp Hà Nội	Huyện Từ Liêm - Hà Nội				
28	Công Ty Xuất Nhập Khẩu và Hợp Tác Đầu Tư (TRACIMEXCO)	Số 22 Phan Đình Giót, phường 2, Quận Tân Bình, TP. HCM	0084-8-8442247	0084-08-8445240	Hung Jie Wei - Taiwan	1) Forced workers to sign their employment contracts moment before departing from the airport in Veitnam; 3) Fraudulently back-dated the worker's signatures in the contract; 3) Refused assistance to victims but insistent upon their completion of their 3-year contract.
29	Sở Kế Hoạch và Đầu Tư Tỉnh Hòa Bình	Số 3 Trần Hưng Đạo, Thành phố Hòa Bình, Tỉnh Hòa Bình	0084-0218-3852111	0084-0218-3853152	Chiang Jiang Frozen Food Company, LLC - Pingtung, Taiwan	1) Wrongfully collected service fee higher than is allowed by law 2) Coerced workers to sign two different sets of contract with different terms; 3) Failed to provide receipts for monies received 4) Forced workers to deposit a large amounts of money to prevent them from running away; 5) Failed to provide workers assistnace from exploitation.
30	Công Ty Cổ Phần Xuất Nhập Khẩu 3 Tháng 2 Hoà Bình	Số 14, Đường An Dương Vương, Phường Chăm Mát, Thành Phố Hoà Bình, Tỉnh Hoà Bình	0084-018-858165			
31	Tổng Công Ty Cổ Phần Thương Mại Xây Dựng –Xuất Khẩu Lao Động Hoàng Long (VIETRACIMEX) (VIETRACIMEX)	Lô 22, Khu Biệt thự Quang Minh, Huyện Mê Linh, Hà Nội	0084-04-38389273			
32	Công Ty Nhân Lực Sóng Thần	Số 201 Đinh Công Thuring, Quận Hoàng Mai, Hà Nội	0084-04-22463388			