

Report to the UNCRC



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Minors Trafficked
in Vietnam's State-run Labor Export Program

Joint Submission to
the UN Committee on the Rights of the Child
Regarding Vietnam's Implementation
of the UN Convention on the Rights of the Child

May 12, 2022

This report is jointly submitted by:

1. Boat People SOS (BPSOS)
2. Coalition to Abolish Modern-day Slavery in Asia (CAMSA)

This report addresses the following items in the List of Issues:

12. Please provide information on the nature, scope and forms of trafficking of boys and girls and awareness-raising activities for parents and children on the dangers of trafficking.

18.(i) Child victims of trafficking, the number of investigations and prosecutions conducted, sentences handed down to perpetrators and reparations afforded to victims.

This report makes reference to the [Joint Allegation Letter](#) (JAL) that five UN Special Rapporteurs sent to the Vietnamese Government on October 25, 2021 (UA VNM 5/2021).¹ This JAL raises the case of Ms. Siu H’Xuân, who was trafficked under Vietnam’s state-run labor export program to Saudi Arabia at the age of 14 and died in Saudi Arabia before reaching 18. Other young girls, all coming from ethnic minorities, have been similarly trafficked.

In this report, all the children in these instances were girls under the age of 18 when they were contracted by VINACO International Labour Force Cooperation Joint Stock Company (VINACO) and Thanh Hoá Labour and Expert Export Service Joint Stock Company (LEESCO) to work in the Kingdom of Saudi Arabia and were later exploited.

These labor export companies, their related individuals, and the Vietnamese government used the deprivation of child education and hardship of livelihood to lure these children to work in Saudi Arabia with the promises of better wages to support their families and returning to Vietnam after the labor contract was finished.

¹

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Background

The Socialist Republic of Vietnam (Vietnamese government) ratified the UN Convention on the Rights of the Child (CRC) in 1990 and was the second country to do so.² Vietnam's National Assembly passed a Law on Child Protection, Care and Education to enshrine the rules of the Convention into national law.³ This report presents cases of minors, all from the Montagnard ethnicities in the Central Highlands of Vietnam, who were trafficked to Saudi Arabia. These cases highlight Vietnam's noncompliance with the following CRC articles.

- (a) Article 32: "States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development... States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article."
- (b) Article 36: "States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare."
- (c) Article 37: "States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment... (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action".
- (d) Article 39: "States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child."

The Vietnamese Government also failed to comply with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (the Palermo Protocol), which it signed in 2011. For the purposes of this protocol:

- (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or

² Convention on the Rights of the Child, G.A. res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force Sept. 2, 1990. Vietnam ratified the Convention on February 24, 1990.

³ LAW ON CHILD PROTECTION, CARE AND EDUCATION, No. 25/2004/QH11 (June 15, 2004) (Viet.)

other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

On October 25, 2021, five UN Special Rapporteurs sent to the Vietnamese Government a [Joint Allegation Letter](#) requesting specific information:

1. Please provide details, and where available the results, of any investigations, and other inquiries carried out in relation to the allegations.
2. Please indicate if any of the recruitment agencies have been sanctioned for their role in the trafficking and exploitation of women and girls, if so, please specify what sanctions have been applied to how many employers.
3. Please provide information on measures to strengthen cooperation with the Kingdom of Saudi Arabia judicial authorities and [Vietnam]'s Government in cross-border trafficking cases, including, in particular, in relation to the Vietnamese nationals based in the Kingdom of Saudi Arabia allegedly involved in trafficking rings.
4. Please indicate and elaborate on any further efforts to facilitate access to long term social protection for victims of trafficking, other forms of contemporary slavery or labour exploitation that is provided unconditionally, regardless of the victims' participation in the criminal proceedings.

Vietnam did not respond within 60 days per standard protocol. Only on March 4, 2022 did Vietnam reply but without any specifics.

Cases in Point

H'Xuân Siu

H'Xuân Siu (aka Mlô), born October 30, 2003, was of J'rai ethnicity and resident of To Yoa Village, Cu A Mung Commune, Ea Hleo District, Dak Lak Province, Vietnam. She came from a low-income family. Her family are members of the local Catholic Church. She was sent, at the age of 14, by VINACO to Saudi Arabia in October 2018. She was still under 18 years old when she passed away reportedly on July 17, 2021.

A woman named Ms. Lê Thị Toàn recruited H'Xuân for VINACO. Sometime in August 2018, Ms. Toan came to see H'Xuân's mother and took her to the village police station. Mrs. H Ger Siu, H'Xuân's mother, was told to sign the consent form for H'Xuân to join the labor export

program. As Mrs. H Ger hesitated -- she spoke little Vietnamese and was illiterate, a police officer took her hand and pressed her thumb for fingerprint in lieu of her signature on the VINACO form.

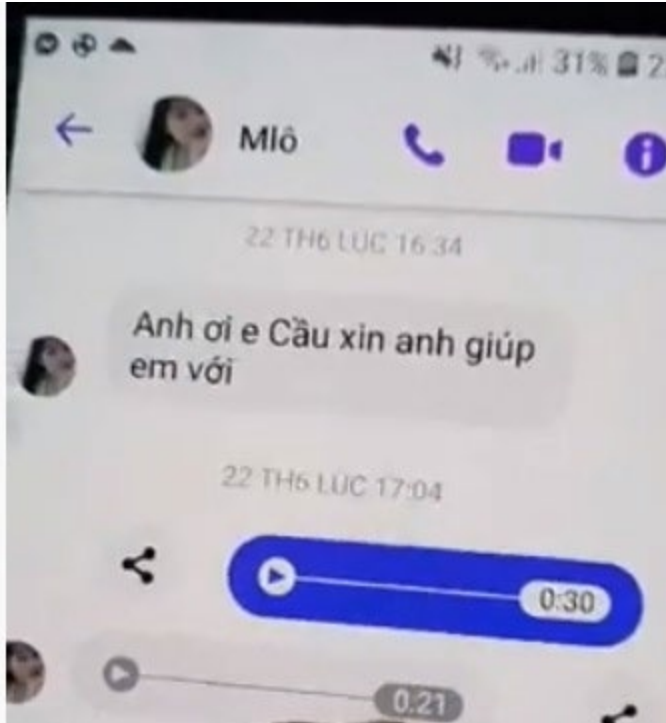
Ms. Toàn then filed H'Xuân's application for passport with the Police Department of Gia Lai Province even though H'Xuân was a resident of Dak Lak Province. She apparently conspired with officials at the police department of Gia Lai Province to change H'Xuân's year of birth from 2003 to 1996 on her passport to cover up the fact that she was a minor.

Shortly thereafter, Ms. Toàn asked H'Xuân to meet her at a location away from the latter's home. Her family did not hear from her for months. In October 2018, H Xuan called home to inform her mother and siblings that she was about to board the plane for Saudi Arabia. She cried, saying that she was not sure whether she would live to come back. Only then did Mrs. H'Ger learn that her 14-years old daughter would be sent off to Saudi Arabia by VINACO under Vietnam's labor export program. Mrs. H'Ger also learned that her daughter had expressed to VINACO her desire to go home instead of going to Saudi Arabia but was told by VINACO staff that she would have to first pay it 30 million VND (approximately US \$1,350) for the expenses it had incurred on her behalf. Unable to pay, H'Xuân had no choice but leave for Saudi Arabia.

Calling home, H'Xuân informed her mother and older sister, H'Soan Siu, that she was beaten not only by the lady of the house but also by her children. She once passed out after being hit at the back of her neck. She was often left hungry. Her belongings were trashed by her employer. H'Xuân repeatedly expressed her desire to go home.

By October 2020, H'Xuân's two-years employment contract expired. She asked to fly home. Her employer explained that there was no flight available due to the COVID-19 pandemic. They kept her working past her employment contract and continued to mistreat her. Then H Xuan's family completely lost contact with her on June 29, 2021.

From information that later surfaced, at least since June 21, 2021, H Xuan had made several calls to Mr. Nguyễn Duy Khánh, VINACO's representative in Saudi Arabia, and to Mrs. Nguyễn Thị Nhung, a VINACO employee based in Ha Noi, explaining to them that she could not bear it any longer and begging them to transfer her to another host. Both told her to work harder. In June, fearing that she would die of exhaustion, she asked Mr. Khánh to allow her to stay temporarily at his office while waiting for repatriation. He declined, explaining that it was already crowded with other workers and that her frail health would make her more vulnerable to COVID-19 infection. The next day, H'Xuân texted him: "Brother, I beg you to help me please."



A Facebook friend recorded the conversation she had with H'Xuân on July 16. H' Xuân reported that she called Mrs. Nhung, VINACO staff in Ha Noi, who offered no help, scolded her, and disapproved her request to go home. H'Xuân asked the Facebook friend if his employer would take her in for a month or two. H'Xuân stressed that she may not stay alive for long with the current employer. She reported being physically abused, mistreated, and forced to overwork by the lady of the house. H'Xuân reportedly suffered a persistent headache because of beatings to her head. She mentioned that a recent medical exam found no disease. Just before the call, she was reportedly whipped by her employer with a cord until she passed out. She begged Mrs. Nhung and Mr. Khánh to pick her up as she could not last a day longer. The recorded conversation (in J'Rai language with Vietnamese subtitle) is available at: <https://youtu.be/MajX6zcTmOQ>. The English translation is provided in Appendix 1.

On July 18, VINACO notified H'Xuân's mother that H'Xuân had passed away due to a heart failure. Later, another person from VINACO called to inform the family that she died of virus infection of the heart and lungs. This person said that H'Xuân was hospitalized on July 13 and was put on a ventilator. H'Xuân's recorded conversation of July 16 told a different story: after the medical examination found no serious sickness, she went home.

After learning of her daughter's death, Mrs. H'Ger pleaded with VINACO to bring H Xuan's remains home, reminding them of her daughter's past, unanswered pleas for help. There was no response from VINACO. Then, on July 21, Mrs. H'Ger was invited to the People's Committee Office, where she met Mr. Y Hanh Nie, an officer of the District Police He told her to sign the agreement for VINACO to cremate H'Xuân's remains in Saudi Arabia, which would destroy critical evidence needed by the Saudi police to conduct investigation. Mrs. H'Ger refused to sign the consent form.

On August 4, VINACO officially reported H'Xuân's death and its circumstance to the Department of Labor, War Invalids and Social Affairs (DOLISA) of Dak Lak Province. The report shows that H'Xuân was born on October, 30 1996, which differs from her real date of birth of October 30, 2003.

On August 8, Mrs. H'Ger and her eldest sister Ms. Siu H'Soan signed their consent for the UN, foreign embassies, and other international agencies to seek justice for H'Xuân. Among others, the family requested criminal investigation by both the Vietnamese and Saudi authorities into the trafficking and death of a minor. See Appendix 2.



H'Xuân's mother and older sister in front of their family's home (August 08, 2021)

On August 19, Mrs. H'Ger sent a demand letter to Department of Overseas Labor (DoLAB) at the Ministry of Labor, Invalids and Social Affairs (MOLISA), and the Public Security Departments of Dak Lak, Gia Lai and Thanh Hoa Provinces, the Director of the Foreign Affairs Department of Dak Lak Province. It demands investigation into the following matters:

1. VINACO sent a minor to Saudi Arabia without parental consent.
2. VINACO did not provide the family with a copy of its contract with H'Xuân and the latter's employment contract with her Saudi employer.
3. H'Xuân's passport was issued with the incorrect year of birth (1996 instead of 2003). The crime of labor trafficking of a minor involved all three provinces: VINACO applied for H'Xuân's passport in Gia Lai Province, which was not her province of residence (Dak Lak Province). VINACO took H'Xuân to Thanh Hoá Province, where this recruitment agency operates, for training before departure for Saudi Arabia.
4. Investigation into VINACO and its recruiters for acts of human trafficking.
5. Investigation into the causes of H'Xuân's death.

6. Repatriation of H'Xuân's remains for proper burial.

Responding to the intense coverage of this case in the international media, the Vietnamese government appeared to side with VINACO. On October 7, Ms. Lê Thị Thu Hằng, MOFA's spokesperson, announced that "on July 8, 2021, a Vietnamese female worker born in 1996, originally from Dak Lak Province, died while being treated at the North Medical Tower of Saudi Arabia."⁴ Besides giving the incorrect date of death, Ms. Thu Hằng, by insisting that H'Xuân was born in 1996, apparently sought to deny that a minor had been trafficked to a foreign country under Vietnam's state-run labor export program.

On October 25, five UN Special Rapporteurs sent a [joint allegation letter](#) to the governments of Vietnam and Saudi Arabia, citing the case of Siu H'Xuân.

H'Ngoc Nie

She was born on April 04, 2003 and was a neighbor of H'Xuân Siu in To Yoa Village, Cu A Mung Commune, Ea Hleo District, Dak Lak Province. In 2018, H'Ngoc was recruited by VINACO. She was brokered by a couple, Mrs. Lê Thị Toàn and her husband or companion Mr. Son, and their co-worker, Mr. Tùng. They came to her village for recruitment in June 2018 and told her that she would go to Saudi Arabia for only one year and work at the same place as H'Xuân. With such guarantee, H'Ngoc's mother consented to allow her to work in Saudi Arabia.

In July 2018, VINACO took H'Ngoc to Gia Lai Province to apply for a passport, which showed her being born in 1998 instead of 2003. H'Ngoc was taken to Thanh Hoa Province around the same time as H'Xuân and stayed there for two months to learn basic Arabic and how to do house chores. During this time, she learned that she would not work with H'Xuân, and she will have to stay in Saudi Arabia for two years. So, she changed her mind and requested to return home. However, VINACO demanded that she had to reimburse the costs of passport application and transportation. Because she did not have money, she had to continue the process. When she completed the basic training, the company paid her 5 million VND (~\$200) to buy clothes and shoes before boarding a plane to Saudi Arabia in November 2018.

Up to that point, she had neither seen the contract nor signed any documents with the company or with the Arab employer. The pressure from the employer and her physical condition made her want to return to Vietnam. She was cycled through three employers. When she called Mr. Khánh, VINACO representative in Saudi Arabia, and Mrs. Nhung, VINACO staff in Vietnam, they replied: "If you want to go back, ask the owner yourself."

After obtaining permission to leave from the third employer, H'Ngoc had to pay VINACO 36 million VND (~ US\$1,586) in fines for bringing the contract to an early end.

She stayed at the VINACO's representative office in Riyadh to wait for repatriation flight to Vietnam. Unfortunately, because of the COVID-19 pandemic, there was no flight from Saudi

⁴ "Bộ Ngoại giao làm rõ vụ việc nữ lao động Việt Nam tử vong ở Saudi Arabia" (Minister of Foreign Affairs clarifies the incident where a female worker died in Saudi Arabia), Báo Lao Đông, October 7, 2021, available at: <https://laodong.vn/thoi-su/bo-ngoai-giao-lam-ro-vu-viec-nu-lao-dong-viet-nam-tu-vong-o-saudi-arabia-961258.lido>

Arabia to Vietnam. Consequently, the company introduced her to the fourth employer. Eventually, she returned home in September 2020 after more than two years in Saudi Arabia.

H'Ngọc did not get reimbursed for the 36 million VND in fines even though VINACO extended her employment beyond the original term of her contract, instead of ending it early. In addition, H'Ngọc had to pay the VINACO 28 million VND (~\$1,233) for the repatriation plane ticket. It is unclear whether H'Ngọc and other returning workers like her would be compensated for being overcharged for the repatriation flight, which the labor export company and/or the employer must have covered.

The police of Ea Hleo District have seized H'Ngọc's passport, most likely to get rid of evidence of wrongdoing by the police of Dak Lak Province as they falsified H'Ngọc's year of birth to hide the fact that she was underaged.

Ro Mah H'Nguyet

Ro Mah H'Nguyet, a resident of Ia Pnon Commune, Duc Co District, Gia Lai Province, Vietnam, was born on December 10, 2000, and was issued citizenship ID No: 231226880. In October 2018, a group of three individuals from VINACO came to the office of the People's Committee of her village to recruit people to go to Saudi Arabia. Ms. Pham Thi, a recruiter affiliated with VINACO, facilitated Nguyet's enrollment with the company. H'Nguyet was taken to Ha Noi for 3 months of training. VINACO took care of applying for the passport, citizenship ID, and other paperwork on her behalf, but took the liberty to change her date of birth to April 2, 1996.

H'Nguyet departed Vietnam and arrived in Saudi Arabia on January 9, 2019. When her contract was finished on January 10, 2021, Ms. Phạm Thị Thi proposed that H'Nguyet renew the contract for another two years, but H'Nguyet disagreed and asked to go home. In June 2021, Ms. Phạm Thị Thi contacted H'Nguyet to tell her that VINACO had registered her with the Vietnamese embassy in Saudi Arabia for repatriation. However, she must pay 100 million VND (~ US\$4500) in repatriation costs. As H'Nguyet could not afford that money, she saw no point in contacting the Vietnamese embassy to follow up.

H'Nguyet was a Facebook friend of H'Xuân and had information about her mistreatment.

Siu H'Chiu

Siu H'Chiu, a resident of Ba Village, Ia Pnon Commune, Duc Co District, Gia Lai Province, Vietnam, was born on August 5, 2003. She was recruited by Ms. Phạm Thị Thi, believed to be the same who recruited Ro Mah H'Nguyệt, and Mr. Lê Xuân Hoà. From her Facebook page, Ms. Phạm Thị Thi claims to work at LEESCO – Thanh Hoá.

H'Chiu was taken from her home to Thanh Hoá Province on October 8, 2018. On October 11, she was taken to Ha Noi. On December 14, 2018, she departed for Saudi Arabia. At the time she was only 15 years old. Her employment contract ended on December 13, 2018. She has been kept by her employer without her consent.

We have lost communication with both H'Nguyệt and H'Chiu after the case of Siu H'Xuân was featured in the news by VOA and RFA.

The four (4) minors, all coming from the Montagnard communities in the Central Highlands, were among over 30 cases of Vietnamese trafficked to Saudi Arabia that we identified in the period of April – December 2021. There might be more cases of minors that are unknown to us.

Analysis

In its [March 4, 2022 response](#) to the JAL, the Vietnamese Government mainly cited its laws, regulations and policies without addressing the specific cases or answering the specific questions posed in the JAL. In the few cases where specifics were discussed, the information is incorrect or misleading.

Protection

In its response to the JAL, the Vietnamese Government claims that:

“Viet Nam is very interested in the issues mentioned in the Joint Urgent Appeal and is continuing to verify. Viet Nam’s competent authorities, including Viet Nam’s Embassy and Labour Management Unit in Saudi Arabia, has coordinated with the authorities of Saudi Arabia and labour supply enterprises to collect the information on executing labour contracts, working conditions, salary, health and workers’ aspiration and, to find the solutions to disputes with employers, and to guarantee the safety and legitimate rights for Vietnamese workers in Saudi Arabia, particularly workers in vulnerable groups such as female workers.”

In reality, there has been no effort by the Vietnamese government or its embassy in Riyadh to identify victims or collaborate with the Saudi authorities, IOM or NGOs to identify other minors who might have been trafficked to Saudi Arabia by VINACO and LEESCO. These two labor export companies appeared to rely on a network of brokers who specifically targeted minors among Montagnard communities in the Central Highlands of Vietnam. They appeared to have struck a deal with corrupt police officers to systematically falsify information on the victims’

passports and to use monetary incentive (of around 5 million VND) to trap their young victims and force them to join the state-run labor export program against their will. The labor export companies, possibly unaware of the true ages of these minors at first, became complicit in human trafficking of minors for not responding to the victims' call for help. They, instead, forced these minors to continue to stay in the slavery-like conditions, threatening them with heavy fines otherwise.

Vietnam's MOLISA could have ordered the labor export companies to immediately extract identified minors from their employers, take them to Saudi shelters, and return them to their parents. It did not do so. There has been no indication that the Vietnamese Government has made any effort to track down the whereabouts of these two trafficked minors. MOLISA should also investigate all cases of workers recruited in the Central Highlands by VINACO and LEESCO to identify those who might be underaged for intervention. It did not do so.

Of over 30 trafficked victims, including the above four minors, identified by BPSOS in Saudi Arabia since April 2021, the Vietnamese embassy in Riyadh was not involved in a single rescue effort. Many of these victims have sought help from the Vietnamese embassy. Their calls for help were either ignored or they were told to work harder, behave better, or resolve their issues with the labor export companies. In the rare cases where victims managed to come to the Vietnamese embassy, they were consistently sent back to the traffickers. See Appendices 2 and 3.

Some of the rescued victims reported being aware of other victims in the same situation. For example, Ro Mah H'Nguyễn reported to BPSOS that she was aware of many other trafficked minors. The Vietnamese government did not make any effort to identify minors among the twenty thousand Vietnamese women sent under its state-run labor export program to work as maids in Saudi Arabia.⁵

The Vietnamese Government further claims that:

“In the context of complicated developments of the Covid-19 pandemic, from September to December 2021, Viet Nam organized flights to bring more than one thousand Vietnamese workers who wish to come back to Viet Nam and face difficulties back to Viet Nam, including Vietnamese workers mentioned in the Joint Urgent Appeal.”

In reality, these returnees were financially exploited as they had to pay exorbitantly pricey airfare for repatriation. They were required to first obtain the approval of the Consular Department of the Ministry of Foreign Affairs and, if approved, must buy tickets from government-designated airlines. Their tickets were three times more expensive than commercially available. For example, H'Ngoc Nie had to pay the equivalent of US \$1,233 for her repatriation ticket. In late 2021, business owners in the tourist industry, academicians, intellectuals, and certain mid-ranking government officials started to question the exorbitant fare of chartered flights. The ensuing public uproar exerted increasing pressure on the government to respond. On January 28,

⁵ In an interview with the media on October 16, 2021, Mr. Doãn Mậu Hiệp, Deputy Minister of MOLISA, affirmed that there were close to 20,000 Vietnamese domestic workers in Saudi Arabia. Available at: <https://www.youtube.com/watch?v=Sxqd4Cfx-RU>

2022, the Investigation Security Agency of the Ministry of Public Security arrested the top four officials of the Ministry of Foreign Affairs' Consular Department for "taking bribes".⁶ The investigation was later expanded to target certain officials at the Transport Ministry.⁷ Two and a half months later, Deputy Foreign Minister Tô Anh Dũng was arrested.⁸

What H'Ngoc Nie paid was the lower limit. Other workers had to pay up to the equivalent of US\$2,800. Most workers could not sign up with the Vietnamese embassy in Riyadh for repatriation. They had to pay Vietnamese brokers, most of whom were human traffickers (such as Ms. Trương Thị Hiền, Ms. Thái Thị Hà, Ms. Phạm Thị Ngọc Ngân...) with close ties to the Labor Attaché at the Vietnamese embassy (see Appendices 2 and 3). These brokers charged different levels of commission.

These overly high fares constituted a barrier for victims to escape the exploitative working conditions or doomed them to stay in shelters indefinitely. In many instances, employers refused to pay the airfare or to pay it in full; the workers, many already carrying huge debts, could not afford the amount. MOLISA should have ordered the labor export companies to cover the airfare or, better, should have covered the airfare from the Government's Fund for Overseas Employment, which all labor export workers must contribute to. In its response to the JAL, the Vietnamese Government mentions the availability of this fund; in reality, we are not aware of any repatriated victim receiving assistance from it.

Victims already at the SAKAN Center in Riyadh were controlled by two individuals, Huỳnh Ngọc Tài and Phạm Thị Ngọc Ngân, who were closely associated with the Vietnamese embassy and with the heads of two Vietnamese-run trafficking rings in Saudi Arabia: Thái Thị Hà and Trương Thị Hiền. Tài and Ngân used the social media to verbally attack and defame any victims who complained about being mistreated by their employers. They monitored all Vietnamese residents' movements and contacts to report to the Vietnamese embassy. Tài physically assaulted several other residents at SAKAN Center while Ngân organized a sex trafficking ring from within SAKAN Center; she was designated by the Vietnamese embassy to be the leader of all Vietnamese residents at SAKAN Center and had full access to their personal information. All Vietnamese residents wishing to repatriate must register with the Vietnamese embassy through her. Both Tài and Ngân returned to Vietnam on January 22, 2022. There has been no indication that either of them has been investigated for criminal activities while in Saudi Arabia.

The Vietnamese government, through its embassy in Riyadh, failed to take appropriate action to protect and assist trafficked minors after they had been identified by BPSOS, IOM, and the international media. The Vietnamese embassy in Riyadh did not insist that responsible labor

⁶ "Consular department's head and subordinates detained in bribery case involving repatriation flights," Vietnam News, January 28, 2022, available at: <https://vietnamnews.vn/politics-laws/1130898/consular-departments-head-and-subordinates-detained-in-bribery-case-involving-repatriation-flights.html>

⁷ "Transport Ministry shows coordination in investigation of repatriation flight-related bribery case," Vietnam Plus, February 20, 2022, available at: <https://en.vietnamplus.vn/transport-ministry-shows-coordination-in-investigation-of-repatriation-flightrelated-bribery-case/222351.vnp>

⁸ "Vietnam arrests deputy foreign minister in bribery case," Reuters, April 14, 2022, available at: <https://www.reuters.com/world/asia-pacific/vietnam-arrests-deputy-foreign-minister-bribery-case-2022-04-14/>

export companies immediately extract the minors from their exploitative conditions and take them to a safe place. In the case of Siu H’Xuân, she repeatedly begged Mr. Nguyễn Duy Khánh, VINACO’s representative in Saudi Arabia, to let her stay temporarily at the agency’s office. She was told there was no more space for her. He could have placed her at a hotel or taken her to a shelter for at-risk immigrants, such as SAKAN Center.

In its response to the JAL, the government claims that:

“According to Viet Nam’s laws, Vietnamese citizens classified as victims of human trafficking enjoy six support regimes including support of essential needs and travel expenses; medical support: psychological support; legal aid; support in general education and vocational training: initial difficulty allowance, support in loan borrowing. The purpose of the support regimes abovementioned is to help human trafficking victims to overcome the trauma of human trafficking and reintegrate into the community without requesting them to cooperate during the legal proceedings.”

The response should have pointed out how many victims repatriated from Saudi Arabia had benefited from which type(s) of support regimes. In reality, none of the some 30 victims identified by BPSOS/CAMSA who returned to Vietnam has received any assistance from any government agency.

Victims who speak out against the traffickers have been intimidated and threatened by government officials, representatives of labor export companies, traffickers or thugs affiliated with the traffickers. The case of H’Xuân Siu is one example – her older sister, who contacted the international community for help, has been interrogated and placed under surveillance by the police.

Prosecution

The Vietnamese government failed to prosecute recruiters/brokers, labor export companies, and government officials involved in the trafficking of women and girls to Saudi Arabia. The Labor Attaché at the Vietnamese embassy has been deeply involved in trafficking activities: he extracted workers from different shelters in Saudi Arabia and delivered them to local trafficking rings. Despite mounting evidence against this official, he still has full access to workers and is listed as the go-to person for victims who seek help from the Vietnamese embassy.

In its response to the JAL, the Vietnamese Government claims that:

“Regarding the case of Siu H Xuan who died, through initial verification, she died because of her severe illness although she received the whole-hearted care. Her death is regrettable and unwanted. Viet Nam’s competent authorities is continuing to coordinate with the authorities of Saudi Arabia to investigate in order to clarify the cause of her death and make relevant arrangements regarding her death in compliance with the laws and culture of Viet Nam and Saudi Arabia. Viet Nam’s competent authorities are investigating and verifying the information in her personal documents. In case any violation is found, Viet Nam will deal with strictly in accordance with legal provisions to ensure her legitimate rights and benefits.”

The investigation should have started in Vietnam. Indeed, on August 19, 2021, Mrs. H'Ger Siu, the mother of H'Xuân Siu, sent a denunciation letter to the Department of Overseas Labor (DoLAB) at the Ministry of Labor, Invalids and Social Affairs (MOLISA); the Public Security Departments of Dak Lak, Gia Lai and Thanh Hoa Provinces; and the Director of the Foreign Affairs Department of Dak Lak Province. The letter requested investigation into the following issues:

1. VINACO recruited and sent a minor to Saudi Arabia without parental consent.
2. VINACO did not provide the family with a copy of its contract with H'Xuân and the latter's employment contract with her Saudi employer.
3. H'Xuân's passport was issued with the incorrect year of birth (1996 instead of 2003). The crime of labor trafficking of a minor involved all three provinces: VINACO's recruiter recruited H'Xuân in Dak Lak Province; VINACO applied for H'Xuân's passport in Gia Lai Province, which was not her province of residence; and VINACO took H'Xuân to Thanh Hoá Province for training before departure for Saudi Arabia.
4. Investigation into VINACO and its recruiters for acts of human trafficking.
5. Investigation into the causes of H'Xuân's death.

The Government did not investigate, let alone prosecute, the police department of Gia Lai Province, which falsified H'Xuân's year of birth. The government did not investigate the recruiter, Ms. Lê Thị Toàn, VINACO's recruiter who recruited H'Xuân and also H'Ngọc Nie. MOLISA reportedly fined VINACO for mishandling the case of H'Xuân Siu but did not initiate criminal investigation against it, in accordance with Vietnam's own law and in compliance with the Palermo Protocol, for sending minors to work in Saudi Arabia and failing to respond to H'Xuân's repeated calls for help. On November 11, 2021, Mr. Nguyễn Luyến, the CEO of VINACO met with H'Xuân's mother and older sister at their home in the company of officials from the police, the district's Labor Office, and the People's Committee. VINACO's CEO handed them H'Xuân's 18 months of backpay, promised a bonus of 20 million VND to be offered at a later date, and instructed them not to talk to anyone. Then government authorities questioned H'Xuân's older sister, who was the only one in the house speaking fluent Vietnamese, about their contacting BPSOS, IOM, the UN, and the US embassy. The police searched her phone for all contacts and text messages and placed her under surveillance. Coming along with Mr. Nguyễn Luyến, VINACO's CEO, was Ms. Phạm Thị Thi, believed to be the same one who recruited the two minor victims Ro Mah H'Nguyệt and Siu H'Chiu.

In its response to the JAL, the Vietnamese Government claims that:

“Any violation will be dealt with according to legal provisions. In 2020, 32 out of 86 enterprises were examined, inspected and penalized for administrative violations, and operating licenses of 06 enterprises were revoked.”

The Vietnamese Government did not specify how many of the 29 enterprises (labor export companies) sending Vietnamese women to Saudi Arabia were among the 32 examined, inspected and penalized and/or among the 6 with operating licenses revoked. As far as we know, no labor export company has been criminally prosecuted for trafficking activities. VINACO is no

exception; it was only fined for administrative violations. According to our information, in November 2021, Thăng Long OSC was fined 60,000,000 VND (~ US \$2,600) for not properly handling the cases of two trafficked victims in Saudi Arabia; ironically, this company sent out a public alert when two of its recruits disappeared from their respective shelters: Pinang Thi Loanh and Y Manh. Both were extracted from the shelters and delivered to a Vietnamese-run trafficking ring in Saudi Arabia by Mr. Nguyễn Quốc Khánh, the Vietnamese Labor Attaché. It appears that Thăng Long OSC was fined for exposing trafficking activities.

Mr. Khánh, despite being reported by numerous victims and by the representative in Saudi Arabia of Thăng Long OSC, continues to enjoy impunity and have access to Vietnamese workers, including his victims. In an interview with the state-run media on October 16, 2021, Mr. Doãn Mậu Diệp, Deputy Minister of MOLISA, stated that MOLISA was working with labor export companies to address the few problematic cases among the close to 20,000 Vietnamese domestic workers in Saudi Arabia and praised the Labor Attaché in Riyadh for his good work.

There has been no investigation of any of Mr. Khánh's collaborators including Ms. Thái Thị Hà, Ms. Trương Thị Hiền or Ms. Nguyễn Thị Hoa. Each of these women ran a separate human trafficking ring in Saudi Arabia. In the first week of March 2022, Trương Thị Hiền quietly returned to Vietnam. We are not aware of her being investigated.

The said Vietnamese-run trafficking rings in Saudi Arabia had two operatives working from inside the SAKAN Center, a shelter for at-risk immigrants where many victims stayed while waiting for repatriation: Ms. Huỳnh Ngọc Tài and Ms. Phạm Thị Ngọc Ngân. Both maintained frequent communication with Mr. Khánh and other Vietnamese embassy staff as well as with Ms. Thái Thị Hà and Ms. Trương Thị Hiền. These two controlled all the Vietnamese residents of SAKAN Center and threatened physical harm against those who spoke out. Both returned to Vietnam on January 22, 2022. We are not aware of their being under investigation by the Vietnamese authorities.

On the other hand, those victims who spoke out against these perpetrators were attacked in the social media and labeled as “traitors”, “reactionaries” and/or “opposing the government” by government officials, labor export company representatives, and/or trafficking ring operatives. Victims who came to the Vietnamese embassy in Riyadh to seek protection were sent right back to the traffickers.

We are not aware of any collaboration between the Vietnamese embassy in Riyadh with the Saudi authorities to investigate Ms. Thái Thị Hà, who has trafficked at least a score of victims that Mr. Khánh extracted from the different shelters, or Ms. Nguyễn Thị Hoa, who runs a notorious commercial sex trafficking ring.

None of the victims we have identified has received any compensation from the labor export companies or their recruiters/brokers.

Prevention

The Vietnamese government has not implemented any meaningful measures to prevent future labor export recruits from falling victim to labor trafficking. Some such measures include:

1. Mobilize the large number of state-run media organizations to widely publicize cases of identified victims, especially those who have been featured by the foreign media.
2. Investigate all recruiters and labor export companies involved in such cases and publicly announce the proceedings as well as results of the investigations.
3. Prosecute and close down all labor export companies found to be involved in labor trafficking.
4. Distribute contact information of anti-trafficking NGOs, including BPSOS' CAMSA program and IOM, for workers in trafficking situations and/or their families in Vietnam to seek help from.
5. Eliminate the law provision allowing labor export companies to impose the “anti-escape” deposit on recruits or to collect penalty fee for early termination of employment contract in cases involving trafficking.
6. Bar labor export companies and recruiters from demanding the reimbursement of the financial incentive (ranging from 5 million to 45 million VND) offered to prospective recruits.

The case of H' Xuân Siu was well covered by prominent international Vietnamese-language media outlets, including Radio Free Asia, Voice of America, and Special Broadcasting Service (Australia). In Vietnam, where only state-run media are allowed to operate, news coverage of this case was limited to the October 7, 2021 [press conference](#) of the Ministry of Foreign Affairs, where its spokesperson, Ms. Lê Thị Thu Hằng, stated that: “On July 8, 2021, a female Vietnamese worker born in 1996, from Dak Lak Province, died while being treated at the North Medical Tower hospital in Saudi Arabia.” She explained, in general terms, that MOFA was working with its embassy in Saudi Arabia, the Saudi authorities, and the labor export company to look into the case and ensure that rights and interests of citizens. The Vietnamese Government failed to even recognize that H' Xuân Siu was born in 2003 and therefore still a minor by the time of her death. There was no mention of the mistreatment and physical abuses inflicted by her Saudi employer or the failure of VINACO to respond to the victim's repeated calls for help.

Recommendations

We recommend that the UN Committee on the Rights of the Child:

1. Prominently raise the issue of human trafficking of minors with the Vietnamese Government at the upcoming review of its implementation of the CRC;
2. Collaborate closely with UN Special Rapporteurs co-signing the Joint Allegation Letter to seek appropriate answers from the Vietnamese Government to the specific questions posed in the JAL;
3. Seek the support of UNICEF – Vietnam and IOM – Vietnam to study and combat labor trafficking of minors under Vietnam's state-run labor export programs;
4. Share information and work with the Trafficking in Persons Office at the U.S. Department of State to develop strategies to combat the exploitation and trafficking of minors;

5. Encourage all organizations working on the rights of children in Vietnam, including the Child Rights Working Group coordinated by Save the Children, to give due attention to the plight of children of Hmong and Montagnard families that have been rendered undocumented because of their Christian faith and labor trafficking of minors.