

## **TIP Report Submission: Updates**

### **Submission of BPSOS – CAMSA**

Note: Since April 15, 2021, we have sent to the TIP Office case information on some 30 Vietnamese victims of labor trafficking in Saudi Arabia as they were identified, rescued and/or repatriated. This submission provides the latest updates on these cases, and Vietnam's (late) response to the Joint Allegation Letter of five UN Special Rapporteurs.

### **Country of focus: Vietnam**

The Vietnamese government failed to prosecute recruiters, labor export companies, and government officials involved in the trafficking of women and girls to Saudi Arabia. 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. 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.

Not a single recruiter or labor export company has been prosecuted for trafficking activities. Some Vietnamese traffickers who operated in Saudi Arabia have returned to Vietnam to avoid investigation by the Saudi police; none of them is under investigation by the Vietnamese authorities.

None of the identified victims who returned to Vietnam has received any assistance from any government agency. None of them has received any compensation from the labor export companies or their recruiters. A handful of victims have filed complaints and requests for investigation; government authorities have reportedly imposed administrative fines against two labor export companies without any criminal investigation, let alone prosecution. Actually, one of these two labor export companies was penalized for trying to protect victims from being trafficked by the Vietnamese Labor Attaché in Riyadh.

Authorities sought to silence victims who spoke out against the traffickers. In one case, public security officers announced their prosecution of a victim who spoke out on Facebook against the traffickers. In another case, family members of a trafficked minor who died at the age of 17 in Saudi Arabia were placed under police surveillance after they wrote to provincial and national authorities to demand investigation against the labor export company and collaborating government officials.

There has been no effort by the government, as a prevention measure, to inform the public of unscrupulous recruitment practices or labor export companies. Not a single Vietnamese-language media outlet in Vietnam covered any of the trafficking incidents exposed by BPSOS – all Vietnamese-language media outlets are owned or controlled by the state. On the other hand, responsible government officials summarily dismissed all allegations of human trafficking brought up by the victims, UN agencies or NGOs.

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.

See: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26748>

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

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36838>

The Vietnamese government failed to demonstrate its political will to fight human trafficking.

### **Prosecution**

The Vietnamese government has failed to prosecute recruiters, labor exporting companies, police officers and government officials involved in the labor trafficking of women and girls. Below are four cases in point.

H'Xuan Siu, a minor from Dak Lak Province: She was sent to Saudi Arabia by VINACO at the age of 14 and died in Saudi Arabia at the age of 17. On August 19, 2021, her mother H'Ger Siu sent a denunciation letter to the 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, 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'Xuan and the latter's employment contract with her Saudi employer.
3. H'Xuan'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'Xuan's passport in Gia Lai Province, which was not her province of residence (Dak Lak Province). VINACO took H'Xuan to Thanh Hoa 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'Xuan's death.

The government did not investigate the recruiter, Ms. Le Thi Toan, who also recruited another minor from the same village (H'Ngoc Nie). Both were sent to Saudi Arabia at around the same time. The

Government did not investigate, let alone prosecute, the police department of Gia Lai Province, which issued a passport for H'Xuan, a resident of Dak Lak Province, with her birth year changed from 2003 to 1996. MOLISA reportedly fined VINACO for mishandling the case of H'Xuan Siu but did not initiate criminal investigation against it for sending minors to work in Saudi Arabia and failing to respond to H'Xuan's repeated calls for help. Ms. Toan, the recruiter, called the family multiple times and insisted that they must drop their complaint. On November 11, 2021, the CEO of VINACO met with H'Xuan'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. The CEO handed them H'Xuan'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 interrogated them about their contacting BPSOS, IOM, the UN, and the US embassy. The police searched the phone of H'Xuan's older sister for all contacts and text messages. She has been placed under police surveillance.

Additional information is in Attachment A.

Huynh Thi Gam, a single mother in Long An Province: She was recruited and, in September 2019, sent to Saudi Arabia by HAVIMEC. She was picked up at the airport by Ms. Truong Thi Hien, a Vietnamese woman who managed a Saudi-owned human resource agency and represented two Vietnamese labor export companies: COLECTO and Nam Viet. Being severely mistreated by her employer, Gam asked to be repatriated. Her mother in Vietnam paid HAVIMEC the equivalent of US \$4000 for airfare and fines. HAVIMEC promised to bring Gam home within 45 days. After receiving the money, HAVIMEC stopped picking up phone calls from Gam's mother. Meantime, Ms. Hien cycled Gam through five additional employers, four of whom mistreated her as badly as the first employer. After leaving the third employer, Gam came to the Vietnamese embassy asking for help. Mr. Nguyen Quoc Khanh, the Labor Attaché, sent her right back to Ms. Hien, who then passed Gam to the next employer. Between the fourth and the fifth employer, Gam was raped by a Saudi man who worked for a Saudi human resource agency, where Gam stayed temporarily. Ms. Hien still keeps 2,500 Rials in salary paid to Gam by the second employer. Thanks to the intervention of IOM, Gam was repatriated on October 28, 2021.

Gam and her mother have reported HAVIMEC to the police in Vietnam multiple times. The police once called Mr. Cu Cao Cuong, representative of HAVIMEC in HCMC, asking him to repay the amount he owed. Mr. Cuong visited Gam's house twice and "gifted" the family a total of 8 million VND, but did not pay the US \$4000 (plus interest) that VINAMEC owed them. The police treated this case as one of civil dispute but did not investigate it as a labor trafficking case.

Ms. Hien returned to Vietnam in early March, 2022 probably to avoid investigation by Saudi authorities. Back in Vietnam, she immediately set up service to recruit workers to work in Taiwan. There has been no indication that the Vietnamese government investigates and prosecutes her.

Additional information is in Attachment B.

Nguyen Truc Ly, Pinang Thi Loanh and Mai Thi Nau: On January 21, 2021, all three were taken out of a shelter by Mr. Nguyen Quoc Khanh, the Vietnamese Labor Attaché, who came in the company of Ms. Thai Thi Ha. These women were told that they were going home. Instead, they were taken to Ms. Ha's home, who then sold them for 20,000 Rials to an employer in Najran. Mr. Khanh provided the Saudi driver who took them to Najran a pass issued by the Vietnamese embassy as the three victims were not legally permitted to move around in Saudi Arabia. In Najran, these victims were beaten when they

refused to sign a two-years contract with the new employer. Subdued by threats and violence, they had no choice but to work against their will. Ms. Pham Thi May, representative in Saudi Arabia of Thang Long OSC, the labor export company that sent Pinang Thi Loanh to Saudi Arabia, publicly exposed Ms. Ha and Mr. Khanh for taking Loanh out of the shelter without notifying Thang Long OSC and placing her with the employer in Najran without Thang Long OSC's consent. Thanks to IOM intervention, on September 19, 2021, all three were rescued by the Saudi police. Ms. Ly returned to Vietnam on October 28. The other two returned to Vietnam on January 22, 2022.

Additional information is in Attachment C.

Y Manh, a young Montagnard woman from Kontum Province, Vietnam: She was recruited and sent to Saudi Arabia by Thang Long OSC. After 17 months working without pay, Y Manh was arranged by Ms. Pham Thi May, the representative of Thang Long OSC in Saudi Arabia, to enter a shelter in mid 2019. On November 9, 2020, Mr. Khanh, the Vietnamese Labor Attaché, came to the shelter to take Y Manh to the airport for repatriation. However, instead of repatriation, Y Manh was delivered to Ms. Ha. Unable to locate Y Manh at the shelter, Ms. May sent out a red alert on the social media. About a month later, Y Manh was able to contact Ms. May and informed her of what happened. Ms. May publicly challenged Ms. Ha and Mr. Khanh for having illegally taken Y Manh out of the shelter. On March 5, 2021, Mr. Khanh took Y Manh to his home, where she was paid to babysit and do house chores. Faced with increasing public exposure, on September 30, 2021, Mr. Khanh took Y Manh to SAKAN Center. At this center, Y Manh was pressed to retract her past allegations against Mr. Khanh by two individuals who had close ties with the Vietnamese embassy and the Vietnamese-run trafficking rings: Ms. Huynh Ngoc Tai and Ms. Pham Thi Ngoc Ngan.

Mr. Khanh, the Labor Attaché, continues to enjoy impunity and have access to Vietnamese workers, including his victims. There has been no investigation of Ms. Ha. On the other hand, in November 2021, MOLISA fined Thang Long OSC 60 million VND for not properly handling the case of Y Manh. In early December, the police came to the home of Ms. May, who was recuperating from COVID-19 in Vietnam, to investigate her for having publicly challenged Mr. Khanh. She left Vietnam for Saudi Arabia a few days later. In other words, the labor export company that tried to do the right thing and its representative who challenged the traffickers were targeted for doing so.

On October 16, 2021, Mr. Doan Mau Diep, Deputy Minister of MOLISA, affirmed that there were close to 20,000 Vietnamese domestic workers in Saudi Arabia, and that MOLISA had worked with labor export companies to address the few problematic cases, and praised the Labor Attaché in Riyadh for his good work.

Not a single victim has received compensation from the recruiters and/or the labor export companies for financial, physical and/or psychological damages resulting from their trafficking experience.

Additional information is in Attachment D.

### **Protection**

There has been no effort by the Vietnamese government or its embassy in Riyadh to identify victim or collaborate with the Saudi authorities, IOM or NGOs to rescue those already identified.

H'Xuan Siu and H'Ngoc Nie were not the only minors trafficked to Saudi Arabia. BPSOS has identified two other minors who are still in Saudi Arabia: H'Chiu Siu (recruited by LEESCO) and Ro Mah H'Nguyet (recruited by VINACO). There has been no indication that the Vietnamese Government has made any effort to track down the whereabouts of these two trafficked minors.

Of the some 30 victims identified by BPSOS 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.

Some of the rescued victims reported being aware of other victims in the same situation. For example, victims who were taken out of their respective shelters by Mr. Khanh, the Labor Attaché, reported that at least nine other victims were also extracted with them by Mr. Khanh. The Vietnamese authorities have done nothing to track down these victims (with Mr. Khanh's cooperation) and pass their information to the Saudi police to rescue them.

Victims who were already at the shelters were demanded to pay (or ask their employers to pay) exorbitantly high airfare for repatriation, ranging from US \$1,200 to \$2,800. The lower limit was set by the Vietnamese embassy. Brokers (including Ms. Truong Thi Hien, Ms. Thai Thi Ha, Ms. Pham Thi Ngoc Ngan...) 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. (In late January 2022, the top four officials at the Ministry of Foreign Affairs' Department of Consular Affairs were arrested on charges of scheming to overcharge overseas Vietnamese for repatriation airfare.) 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.

Victims already at the SAKAN Center in Riyadh were controlled by two individuals, Huynh Ngoc Tai and Pham Thi Ngoc Ngan, who were closely associated with the Vietnamese embassy and Ms. Ha and Ms. Hien, two known leaders of Vietnamese-run trafficking rings in Saudi Arabia. Tai and Ngan 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. Tai physically assaulted several co-residents while Ngan organized a sex trafficking ring from within SAKAN Center; she was designated by the Vietnamese embassy to be the leader of all Vietnamese residents of 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 Tai and Ngan 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.

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'Xuan Siu is one example – her older sister, who contacted the international community for help, has been interrogated and placed under police surveillance. The case of H'Thai Ayun is another.

H’Thai Ayun, a single mother of three children aged 5 to 19 from Dak Lak Province. She was recruited and sent to Saudi Arabia by Thuan An DMC, a labor export company. Abused and exploited by her employer, she asked Thuan An DMC to bring her home and was told that she must pay 130 – 150 million VND (US \$5,600 – R6,500) in penalty. After completing her contract with the Saudi employer, she entered SAKAN Center in March 2021. On April 11, 2021, she and eight other Vietnamese residents of the center went on Facebook to beg the Vietnamese embassy to help bring them home. Three days later, Mr. Nguyen Quoc Khanh, the Labor Attaché, arrived at the center with Ms. Thai Thi Ha, who ran a human trafficking ring in Saudi Arabia; Mr. Khanh told H’Thai that she violated Vietnam’s and Saudi Arabia’s law and would be jailed upon repatriation. On August 22, Mr. Khanh came to SAKAN Center and accused H’Thai of passing information to overseas reactionary organizations. A week later, Mr. Khanh came to the SAKAN Center and announced that H’Thai must go home on the first repatriation flight, scheduled for September 3. H’Thai explained to IOM and Ms. Mona, a staff of the Saudi Human Rights Council, her fear of being arrested and prosecuted upon return. On the eve of the repatriation flight, Mr. Khanh came to SAKAN Center. To protect H’Thai from being forcibly repatriated, Ms. Mona kept H’Thai next to her in her office until after Mr. Khanh had left SAKAN Center. Many of the Vietnamese residents of SAKAN Center who returned to Vietnam were questioned by the police about H’Thai’s activities and contacts in Saudi Arabia. At the same time, the police came to H’Thai’s home in Dak Lak to inform her mother that H’Thai was being prosecuted for “opposing the government.”

On December 1, Ms. Huynh Ngoc Tai and Ms. Pham Thi Ngoc Ngan ganged up against H’Thai in the presence of a Vietnamese embassy official, Mr. Ho An. They stripped H’Thai of her mobile phone; Mr. Ho An searched it for incriminating text messages. Tai informed Mr. Ho An that her group would beat H’Thai when she returned to her room. Early morning of December 17, Tai, with the support of several Vietnamese residents of SAKAN Center, entered H’Thai’s room and attempted to beat her with a fire extinguisher. Ngan stopped Tai. H’Thai ran to the Administration Office of SAKAN Center to seek help. IOM alerted the Saudi Human Rights Council, which immediately sent two officials to the center; they arranged for H’Thai and her roommate (Duong Thi Sai) to be transferred to another section of SAKAN Center. On December 26, through the arrangement of IOM, Saudi authorities and BPSOS, H’Thai quietly left SAKAN Center and flew to Thailand, where she seeks protection from the UN High Commissioner for Refugees.

None of the victims identified by BPSOS has received any service or care from any government agency or NGOs upon return to Vietnam. BPSOS has referred a dozen of them to IOM – Vietnam and about ten have received financial assistance.

See Attachments E and F.

### **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 interviewed by 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 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.

*Boat People SOS (BPSOS) was founded in 1980 by former Vietnamese refugees. The organization operates in many U.S. cities and in Southeast Asia. In 2008, BPSOS launched Coalition to Abolish Modern-day Slavery (CAMSA), which has since rescued some 5,000 victims of sex and labor trafficking in 24 countries and aided in the rescue of 6,000 labor trafficking victims in Russia. Website: <https://www.bpsos.org/>. Email: [camsa@bpsos.org](mailto:camsa@bpsos.org) or [bpsos@bpsos.org](mailto:bpsos@bpsos.org)*