

# Report to the Committee on the Elimination of all Discrimination Against Women (CEDAW)

A Joint Submission

January 2024



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## **Introduction**

This joint report is submitted in addition to the Government of Vietnam's 9th periodic report dated 31 May 2023 in advance of the meeting of the Pre-sessional Working Group (PSWG) for the 89<sup>th</sup> session of the Committee on the Elimination of Discrimination Against Women (CEDAW). This joint submission addresses the following concluding observations by the Committee from its third periodic review of Vietnam:

### Trafficking and exploitation of prostitution

20. The Committee notes with concern:

- (a) That the State party remains a source country for internal and cross-border trafficking in women and children for purposes of sexual and labour exploitation as well as fraudulent internationally brokered marriage;
- (b) The increase in the number of trafficked girls and reports of trafficking in newborns;
- (c) The very low conviction rates under the Law on Human Trafficking;
- (d) The stigmatization of and administrative penalties imposed on women and girls in prostitution;
- (e) The lack of effective national mechanisms for the referral of victims of trafficking to rehabilitation and reintegration assistance.

In the related issue of "Migrant women workers" the Committee notes that "migrant women who are victims of exploitation and violence face barriers in filing complaints and gaining access to justice" (30(d)).

### Violence against women

18(a). The Committee is concerned about the high prevalence of violence against women and girls, including dating violence, violence in public spaces and workplace sexual harassment, as well as against older women and women in prostitution.

Note: We have obtained the consent of victims whose full names are disclosed in this submission.

## Human Trafficking

The Socialist Republic of Vietnam (SRV) has dual policies in dealing with human trafficking. It is more willing to aid the victims and prosecute their traffickers in cases involving “privatized” forms of human trafficking such as child labor, commercial sexual exploitation, or gaming scams. On the other hand, the government finds every way to protect the traffickers operating in its state-run labor export program, which brings in some 12 billion US dollars per year, and silence the victims who speak out.

Under “Equality in Employment” the SRV reported: *“Since 2016, each year more than 100,000 Vietnamese people go to work abroad under contract, and about 35–40 per cent of them are women workers. Vietnamese people abroad work mainly in the following countries and territories: Taiwan, Malaysia, Republic of Korea, Japan and countries in the Middle East. This has contributed to job solutions, therefore improving the quality of the female human resources.”*

This statement skirted the fact that the said state-run labor export program has turned many women into victims of labor trafficking. Since April 2021, BPSOS and CAMSA, a coalition co-founded by BPSOS in 2008, have assisted in the rescue of 57 women and girls lured by recruitment agencies and sent by labor export companies to work as domestic servants in Saudi Arabia. Placing their trust in a program run by the government, many women and young girls coming mainly from disenfranchised indigenous communities found themselves exploited, sexually and physically abused, or kept in captivity for years. Their repeated calls for help were ignored by both the labor export companies that sent them to Saudi Arabia and the Vietnamese embassy in Riyadh. The former Labor Attaché at this embassy even picked up victims already rescued and placed with the local shelter (SAKAN Center) and re-trafficked them. Two agents of local Vietnamese-run trafficking rings operated at this shelter, threatening to harm or kill victims who spoke out against labor trafficking in Vietnam’s state-run labor export program.

A half dozen labor export companies in Vietnam were identified as being involved in trafficking activities; yet none of them has been criminally prosecuted despite repeated requests by victims for criminal investigation against them. A trafficking ring leader and two of her agents (the same two who operated in the said shelter) have returned to Vietnam to avoid investigation by the Saudi police; they were treated with impunity. One of them, Huỳnh Ngọc Tài, later went to Oman, where she continued her trafficking activities. She then returned to Vietnam in safety, then moved to Cambodia.

On the other hand, those victims who spoke out against their traffickers 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. The case of Ms. H’Thai Ayun illustrates the Vietnamese government’s efforts to punish victims of labor trafficking under its labor export program who stood up against their traffickers.<sup>1</sup>

Ms. H’Thai was recruited and sent to Saudi Arabia on October 30, 2018 by Thuận An DMC, a labor export company. Abused and exploited by her employer, she asked Thuận An DMC to bring her home and was told that she must pay 130 – 150 million VND (US

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<sup>1</sup> UA VNM 3/2022, 26 April, 2022, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27223>

\$5,600 – \$6,500) in penalty. She had no choice but to remain in the exploitative environment. 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 at the center went on Facebook to beg the Vietnamese embassy to help bring them home. Three days later, Mr. NQK, the then Labor Attaché, arrived at the center with Ms. TTHa, who ran one of the three human trafficking rings in Saudi Arabia; Mr. NQK told H’Thai that she violated Vietnam’s and Saudi Arabia’s law and would be jailed upon repatriation. Despite the threat, H’Thai continued to speak out. On August 22, Mr. NQK came to SAKAN Center and accused H’Thai of passing information to overseas reactionary organizations. A week later, Mr. NQK returned and announced that H’Thai must go home on the first repatriation flight, scheduled for September 3. H’Thai explained to IOM and a staff of the Saudi Human Rights Council her fear of being arrested and imprisoned upon return. On the eve of the repatriation flight, Mr. NQK came to SAKAN Center. To protect H’Thai from being forcibly repatriated, a staff of the Saudi Human Rights Council kept H’Thai next to her until after Mr. NQK 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 investigated for “opposing the government.”

On December 1, Ms. HNT and Ms. PTNN, both agents of Vietnamese-run trafficking rings in Riyadh and very close to the Vietnamese Labor Attaché, ganged up against H’Thai in the presence of a Vietnamese embassy official. They stripped H’Thai of her mobile phone; the Vietnamese embassy official searched it for incriminating text messages. HNT informed him that her group would beat H’Thai later in her room. Early morning of December 17, HNT, with the support of several Vietnamese residents of SAKAN Center, entered H’Thai’s room and attempted to beat her with a fire extinguisher. Ngân held Tài back, which allowed H’Thai to run to the Administration Office of SAKAN Center and seek help. Alerted by IOM, the Saudi Human Rights Council immediately sent two officials to the center, who arranged for H’Thai and her roommate (Dương Thị Sái) to be transferred to another section of the shelter. On December 26, through the arrangement of IOM, Saudi authorities and BPSOS, H’Thai quietly left SAKAN Center for Thailand, where she sought protection from the UN High Commissioner for Refugees. In May 2022 she received refugee status recognition.

Her relatives in Vietnam continued to face threats and harassment. In June 2022, police officers from Dak Lak Province went to see her family and pressured them to sign a pledge to bring her back to Vietnam. On 1 July 2022, police officers went to see her uncle and threatened him, saying that if he didn’t find a way to bring her back, they would harm her in Thailand. That same day, a stranger was caught on a security camera searching her room in Bangkok. Fearing for her safety, H Thái Ayun has moved her residence several times in Bangkok.

In July 2022, police officers from Cur M'gar District, Dak Lak Province, visited her son's family and questioned them about her whereabouts, urging them to contact her and convince her to return to Vietnam. On 27 April 2023, police officers once again visited her family to gather information about her, questioning why she chose to seek asylum in Thailand instead of returning to Vietnam.

Under Objective 6 (To ensure gender equality in family life, gradually eliminating gender-based violence), the SRV further reported that: “According to the statistics of the Ministry of Public Security, there were 300 human trafficking victims who were rescued and handed over or returned by themselves in 2019. All of these victims received the support they required at different levels, such as support for essential needs, medical support, psychological counseling, legal aid, education, vocational training, support start-up difficulties and loans for production. In other words, target 3 was achieved as set in the Strategy.”

In its response to UA VNM 3/2022, the SRV explained 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.”<sup>2</sup>

This has not been the reality experienced by the women and young girls who returned to Vietnam after being rescued in other countries – in addition to the 57 in Saudi Arabia, BPSOS and CAMSA have since April 2021 rescued 31 victims, including 9 women, from Oman, Cambodia, and Myanmar. None of these victims has received any assistance from any government agency or compensation from the labor export companies or their recruiters. With the help of BPSOS’ team of legal experts, many of them have written to government agencies from local to central levels to request assistance only to be completely ignored by responsible authorities.

The case of Huỳnh Thị Gấm illustrates the reality faced by rescued victims after their repatriation.

Ms. Huỳnh Thị Gấm, married with a teenager son, was recruited and, in September 2019, sent to Saudi Arabia by HAVIMEC. She was picked up at the airport by Ms. TTH, 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, Gấm asked to be repatriated. Her mother in Vietnam paid HAVIMEC the equivalent of US \$4000 for airfare and fines for early termination of contract. HAVIMEC promised to bring Gấm home within 45 days. After receiving the money, HAVIMEC stopped picking up phone calls from Gấm’s mother. Meantime, Ms. TTH cycled Gấm through five additional employers, four of whom mistreated her as badly as the first employer. After leaving the third employer, Gấm

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<sup>2</sup> No. 25/VNM.22, 04 March, 2022, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36838>

came to the Vietnamese embassy asking for help. Mr. NQK, the Labor Attaché, sent her right back to Ms. TTH, who then passed Gam to the next employer. Between the fourth and the fifth employer, Gám was raped by a Saudi man who worked for a Saudi human resource agency, where Gám stayed temporarily. Ms. TTH still keeps 2,500 Rials in salary paid to Gám by the second employer. Thanks to the intervention of IOM, Gám was repatriated on October 28, 2021.

Gám and her mother have reported HAVIMEC to the police in Vietnam multiple times. The police once called Mr. CCC, representative of HAVIMEC in HCMC, asking him to repay the amount he owed. Mr. CCC visited Gám'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 and did not investigate it as a labor trafficking case.

All in all, Gám and her mother have sent 38 written communications to different government entities, including seven denunciation letters with requests for criminal investigation of the companies and individuals responsible for trafficking her to Saudi Arabia. Mr. CCC still refuses to return the US \$4,000 to her mother; he even taunted her and challenged her to sue him.

Meanwhile, Ms. TTH 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.

In January 2023, a man from HAVIMEC company made a visit to Gám's house and said he wanted to negotiate. He then denied any relationship between CCC and HAVIMEC, JSC. He faulted Gám for demanding criminal investigation against his company, arguing that his company was also victim of CCC. CCC has not returned the money to Gám and still enjoys impunity; he challenged her to report him to the police.

Among the 57 women victims of labor trafficking returning from Saudi Arabia, at least 17 were forced to pay exorbitant airfare, about 4,000 USD for a one-way ticket, for government-chartered "rescue flights." Notably, 54 government officials, including high-ranking ones, were prosecuted for corruption in the "rescue flights" scheme, which significantly inflated airfare costs<sup>3</sup>. BPSOS' legal team helped five trafficked victims to write to authorities from local to central government levels to request repayment of the excess fare they had to pay to no avail so far.

Under the scrutiny of the US Trafficking in Persons Office, Vietnam's Ministry of Labor War Invalids and Social Affairs (MOLISA) reportedly imposed administrative fines against two labor export companies. One of these two companies was penalized but for the wrong reason: it dared to expose the said Vietnamese Labor Attaché in Riyadh for re-trafficking some of the workers it had recruited and sent to Saudi Arabia. Without exception, repatriated victims who requested investigation against their recruiters and labor export companies were visited by the

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<sup>3</sup> 54 defendants, including high-ranking officials, to be charged in repatriation flight case, Việt Nam News, April 4, 2023, available at: <https://vietnamnews.vn/politics-laws/1506278/54-defendants-including-high-ranking-officials-to-be-charged-in-repatriation-flight-case.html>

public security police, including those at the provincial and central levels. The police told the victims to stop communicating with reactionary organizations overseas, took away their mobile phones and at times threatened them with imprisonment. In the case of H'Thai Ayun, the public security officers announced their prosecution of her for denouncing the traffickers on Facebook. In another example, 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<sup>4</sup>.

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 and/or CAMSA – all Vietnamese-language media outlets in Vietnam are run or controlled by the state. The Vietnamese Women's Union has so far kept a deafening silence about the cases of women and girls trafficked under Vietnam's state-run labor export program.

Instead of pausing or slowing its state-run labor export program to give time for restructuring and reforms, the SRV has significantly stepped up labor export. In 2022, a total of 142,779 workers were sent to work overseas, or 158.64% above the government's objective.<sup>5</sup> The first quarter of 2023 witnessed an increase of 1500% compared to the same period in prior year<sup>6</sup>. By 20 December, the number of labor export workers reached 155,000 for 2023, setting an all-time record<sup>7</sup>. Increasing the number of exported workers without fundamental policy changes and structural reforms to the state-run labor export program, labor trafficking would only get worse.

#### Recommendations to CEDAW:

- (1) Ensure that the SRV revise the definition of a child in Vietnamese law to be below 18 years old, and amend the Penal Code to criminalize both labor and sex trafficking offenses involving 16- and 17-year-old children, consistent with international law;
- (2) Monitor whether and how the SRV prosecutes all forms of trafficking and punish convicted traffickers, including responsible government officials, labor export company executives, and recruiters in the state-run labor export program;
- (3) Assess the SRV's good faith in combating human trafficking based on how it ensures that all repatriated victims and, where appropriate, their families receive effective remedies, including proper assistance and full reparation, including rehabilitation and

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<sup>4</sup> UA VNM 3/2022, 25 October, 2021, available at:

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

<sup>5</sup> “Xuất khẩu lao động năm 2022 tăng cao nhất trong 3 năm trở lại đây”, Thanh Niên, 1 June, 2023, available at: <https://thanhnien.vn/xuat-khau-lao-dong-nam-2022-tang-cao-nhat-trong-3-nam-tro-lai-day-1851539592.htm>

<sup>6</sup> “Quý 1-2023: Xuất khẩu lao động tăng hơn 15 lần Quý 1-2023: Xuất khẩu lao động tăng hơn 15 lần”, VnEconomy, 13 April, 2023, available at: <https://vneconomy.vn/quy-1-2023-xuat-khau-lao-dong-tang-hon-15-lan.htm>

<sup>7</sup> “Xuất khẩu lao động tăng kỷ lục”, RFA, 29 December, 2023, available at:

<https://www.rfa.org/vietnamese/news/vietnamnews/exported-laborers-increase-to-record-high-12292023084317.html>



adequate compensation, including repayment of the exorbitant airfares they paid for the “rescue flights”;

- (4) Encourage the SRV to intensify efforts to prevent, suppress and punish trafficking in persons (from Concluding Observations of the UN Human Rights Committee of the 2019 ICCPR review of Vietnam);
- (5) Encourage the Vietnamese Women’s Union to provide aid and support to as well as advocacy for women and girls trafficked under Vietnam’s state-run labor export program;
- (6) Work with the UN Special Rapporteur on trafficking in persons, especially women and children to seek answers from the SRV on each and every case of victims repatriated from Saudi Arabia over the past three years who requested reintegration assistance and demanded criminal investigation against their traffickers.<sup>8</sup>

## **Violence against women**

### Responsible authorities treating perpetrators with immunity

Law enforcement has avoided prosecution of perpetrators who committed violence against women and girls if they are government officials or members of protected non-state actors. Following are two illustrative examples that establish a pattern pointing to an unstated policy of “circling the wagon” to ensure immunity for the perpetrators. The first example was already reported to the Committee for its second review of Vietnam.

On December 17, 2017, a group of government employees and police officers of Hung Tây Commune, Hung Nguyên District, Nghệ An Province showed up to threaten women members of Kẽ Gai Parish who were working on an irrigation project on the croplands that their families had donated to their church. The government ordered a halt to the work. The women refused to comply with the absurd order. Shortly thereafter, more than 100 men descended from buses or arrived on motorbikes, all with red flags draped around them, and proceeded to attack the women in full view of the local officials and policemen. Under the direction of Hung Tay Commune’s chairman and police chief, the group beat up and injured several victims. A few male parishioners who attempted to protect the women were beaten until they passed out. Rev. Nguyen Duc Nhan, priest of Ke Gai Parish, requested the government representatives to explain the reason for the incident and to prepare an incident report. The priest also asked the parishioners to disperse so as to avoid a bloody crackdown as some 1,000 or more rapid-response policemen with riot control gear, weapons, and police dogs arrived and were poised to attack.<sup>9</sup> One male parishioner who witnessed the violent assault and agreed to write an affidavit in support of his Parish Priest was targeted for criminal prosecution; he had to

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<sup>8</sup> BPSOS and CAMSA will provide a list of such cases along with background information upon request by the Committee.

<sup>9</sup> Red Flag Associations: An emerging threat to Catholic communities in Vietnam, BPSOS, 27 March, 2018, available at: <https://dvv.org/wp-content/uploads/2018/03/BPSOS-Report-on-Red-Flag-Associations-03-27-18.pdf>

flee to Thailand to be followed by his wife and two daughters later. All four have been recognized as refugees by the UNHCR in Thailand; yet, the witness continues to be under the Search and Arrest Warrant of the Ministry of Public Security. This case, where the government targets the witness instead while treating the perpetrators with absolute immunity, has been reported in the UN Secretary General's annual report on intimidation and reprisals.<sup>10</sup>

Despite the many gross human rights violations committed by Red Flag Association members and concerns raised by UN human rights mechanisms, not a single perpetrator has been investigated let alone criminally prosecuted by the Vietnamese authorities. When questioned by CERD during its recent review of Vietnam, the Vietnamese delegation characterized Red Flag Associations as “patriotic groups”:

*“The Government did not interfere in the establishment of associations; the Red Flag Associations were patriotic groups established in Nghe An Province to act against extremist Catholic priests who often distorted information and insulted the President. While those Associations had been involved in clashes, they had not yet been criminalized, and no related cases had been handled by the courts.”*<sup>11</sup>

The second illustrative example highlights how action directed at the repeated sexual abuses of 5 young girls by a then 63-year old man has been stalled for the past 19 years, due to his being a cleric of the Cao Dai Sect that the government created in 1997 (hereinafter referred to as the “1997 Sect”) after it abolished the Governing Council of the original Cao Dai Religion. After the father of one victim denounced the perpetrator, all five young victims had to flee and stay in hiding in unknown places to this day. BPSOS has stayed in touch with the victim whose late father spoke out – she is now a wife and a mother but continues to suffer the trauma of not only the repeated sexual abuses but also her father's and her failure to seek justice. This case was brought up in a joint submission for the latest ICCPR review of Vietnam.<sup>12</sup>

All five victims, aged 9-12 at the time, were students at Sở Đồng Nhi, a school for orphaned girls and those from poor families. Located in the inner quarters of the Cao Dai Religion's Tay Ninh Holy See, which since 1997 has been occupied by the 1997 Sect, this school offers free education in exchange for the student's vow of chastity, with the option for grown-up students to become priests.

In September 2005, Mrs. TTH, a Cao Dai clergy member who volunteered at the school's sewing class, found blood dripping from the pants of “A”, a nine-year old student, when she came to her asking to use the telephone to call home. Upon talking to A, Mrs. TTH realized that the young girl had been raped by Mr. Tran Van Th., a 63-years old cleric of the Pious rank who oversaw security at Gate No. 12 of the Tay Ninh

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<sup>10</sup> A/HRC/42/30, 9 September, 2019

<sup>11</sup> CERD/C/SR.3035, Summary Record of the Committee on the Elimination of Racial Discrimination, 111th session, 29 November 2023, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSR.3035&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSR.3035&Lang=en)

<sup>12</sup> Joint submission to the UN Human Rights Committee for ICCPR Review of Vietnam, March 2019: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fVNM%2f33746&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fVNM%2f33746&Lang=en)

Holy See. From A's account, Mrs. Hanh found out that four other students of Đồng Nhi School had also been repeatedly raped by the same man. Th. lured each of them home one at a time, gagged their mouth, undressed them, drugged them with a white powder, and used a device to pry open their vagina before having intercourse with them. He did this repeatedly to these young girls. When Mrs. Hanh talked to A, this young girl had already been through the horrifying experience the third time.

Đồng Nhi School's headmaster reported this matter to the Governing Council of the 1997 Sect. On behalf of A and the other four victims (all orphans), A's father also sent the Governing Council a request to investigate Th. As the Governing Council ignored both the internal report and the victims' request for investigation, A's father retained a lawyer to file a complaint with the Police Department and the People's Procuracy of Tay Ninh Province. He even traveled to Ha Noi to seek intervention from the office of the Prime Minister. In late 2005, the Police of Tay Ninh Province arrested Th. However, he was released three days later, reportedly thanks to the intervention of Mr. Nguyen Thanh Tam, Chair of the Governing Council of the 1997 Sect and, at the time, also a member of the National Assembly.<sup>13</sup>

With the help of the lawyer, in early 2006 at least 13 newspapers covered the case. However, on November 29, 2006, the Police Department of Tay Ninh Province issued a decision to cease prosecution against Tran Van Th. (Criminal Case No. 137); the reason given was "insufficient evidence." The five young girls were evicted from the Đồng Nhi School on the basis that they had lost their virginity and therefore would be unfit to become priests. A's family received threats from people close to the Governing Council. The media no longer covered the case. All efforts by A's father to seek justice led to dead ends. After a key supporter of his pursuit for justice died after being suspiciously hit by a car that ran over the pavement, a group of sympathetic Cao Dai followers secretly made arrangements to hide all five victims in safe places outside of Tay Ninh Province. A's father continued to pursue justice until he died of ill health in 2012. The victims continue to be on the run and still dare not return to Tay Ninh Province. The perpetrator, Th., if still alive, continues to live in Tay Ninh as a free man.

### Violence committed by the police

The Vietnamese police have ostensibly violated and humiliated female members of religious communities that resist government control, probably as part of the government's ploy to cause shame and fear not only to the victims but also to their family members and co-religionists. The following three examples should establish the pattern and the underlying policy.

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<sup>13</sup> On 16 August 2023, the District Court for Dallas County, Texas, ruled that the 1997 Sect and its leader, Mr. Nguyen Thanh Tam, engaged in racketeering activities in violation of 18 U.S.C. § 1962(c), the Racketeer Influenced and Corrupt Organizations (RICO) Act, which targets criminal enterprises, and must pay for damages caused to two Cao Dai followers and a Cao Dai Temple in Dallas, Texas. More background information on the 1997 Sect is available at: <https://dvov.org/the-real-cao-dai/>

Ms. Nguyen Xuan Mai is the elected Chairperson of the Executive Committee of the Cao Dai Parish in the Town District of Gò Công, Tiền Giang Province. She is a vocal advocate for religious freedom for Caodaists in Vietnam whose headquarters (the Tay Ninh Holy See) and numerous temples had been confiscated by the Vietnamese Communist government and turned over to the 1997 Sect. In 2015, she was among the group of some 15 Cao Dai followers who attended the first Southeast Asia Freedom of Religion or Belief (SEAFORB) Conference co-organized by the office of the then UNSR-FORB Heiner Bielefeldt and three CSOs, including BPSOS, FORUM-Asia and International Commission of Jurists (ICJ). She has since contributed to numerous violations reports submitted to different UN Special Rapporteurs and Treaty Bodies.

On 25, 30, and 31 March 2023, she was interrogated by the police at the management office of Vĩnh Long City Market where she has a retail stall. They showed her a Decision to Fine her 7 million VND for her practicing her religion independently from the 1997 Sect.

She attended the International Religious Freedom Summit in late June 2022 in Washington, DC, USA, where she exposed the crimes committed by the 1997 Sect against Cao Dai followers, including beating, abduction, attempted murder, trespassing, interfering with religious services, expropriating property, demolishing graves, blocking funerals, etc. On her return trip, when the plane landed at Tân Sơn Nhất Airport on 23 July, 2022, security police ordered her to undress, searched her body and luggage, confiscated documents, and deleted her Facebook account after printing personal information of her contacts and many documents about religion and religious freedom they found from her cell phone, and they questioned Ms. Mai until 2:30 a.m. On 6 August 2022, Ms. Mai wrote a complaint asking the Ministry of Public Security to respond pursuant to Vietnam's Law on Handling Citizens' Requests and investigate its agents' violations of her dignity as a person and as a religious dignitary and of her religious freedom. No reply to date. She has since been placed on a travel ban, an act of reprisal that prompted the mandates of the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the situation of human rights defenders to write to the Vietnamese government.<sup>14</sup> Ms. Mai was also featured in the UN Secretary General's 2019 Intimidation and Reprisals Report.

On 21 December 2023, she was tricked to come to the office of the market where she had a stall to discuss her lease only to find herself surrounded by five police officers, one coming from Ha Noi and four from the Provincial Police Department. They asked her about her communications with her fellow Cao Dai followers overseas, with UN agencies, and with the US Department of State as well as the US Commission on International Religious Freedom (USCIRF). They instructed her to stop reporting incidents of violations and attending human rights training offered by BPSOS. After

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<sup>14</sup> “Ms. Nguyen Xuan Mai, Mr. Pham Tan Hoang Hai, Mr. Nguyen Van Thiet, Mr. Tran Ngoc Suong and Ms. Luong Thi No participated in the previous conferences. Between 28 October 2019 and 1 November 2019, they were individually banned from travelling to the conference in Bangkok either under the order of the Ministry of Public Security of Viet Nam or local police authorities. Mr. Nguyen Anh Phung (independent member of the Cao Dai religious group), who had initially planned to attend the conference, was interrogated at home for additional information on the conference even though he ultimately did not attend.” (VNM 2/2020)

confiscating her cell phone, the police released her at 7:40pm but threatened that they would call her in for future “work sessions”.

The case of Ms. Nguyễn Hồng Phương, another Cao Dai follower also from Tiền Giang Province, illustrates how the government has used the COVID-19 pandemic to practically abduct a woman in broad daylight.

On 17 September 2021, Ms. Phương was intercepted as she was leaving the government center’s COVID testing site and forcibly taken in by undercover police officers disguised as medical workers. She had come for the test without knowing that the commune government used COVID-19 testing as the pretext to lure her to the government center where security officers wearing medical coats were ready to kidnap her as soon as the test was completed. She was taken to an interrogation room where a dozen security officers claiming to be from the Ministry of Public Security in Hanoi questioned her about her religious practice independent of the 1997 Sect and about her being at the 5th SEAFORB Conference in Thailand in 2019. Clearly to inflict humiliation, they ordered her to remove her clothes, leaving only her underwear on her. They also demanded the password to her phone. When she resisted, an interrogator slapped her twice in the face. The police used special software to unlock her phone, then printed documents they found. They interrogated her for 12 hours. Her formal complaints sent to the Ministry of Public Security in Hanoi and various local police agencies have been completely ignored. On 14 December 2021, she submitted a report to SR-FoRB on additional violations by the security police to stop her from attending the 7th SEAFORB Conference to be held in Thailand.<sup>15</sup>

Zen Hermitage at the Edge of the Universe (Thiền Am Bên Bờ Vũ Trụ) highlights how the police collaborated with the government-created Buddhist Church of Vietnam (BCV) and thugs to attack a small Buddhist group of 29 members not associated with BCV. Besides imprisoning its male members, the police humiliated its female members and child monks. It all started after this Buddhist group gave shelter to a young woman running away from sexual abuses by her own father.

On 28 September 2019, Ms. VTDM (born 1999) came to Thiền Am asking for refuge from her father whom she alleged to have sexually abused her with the collusion of her mother, allegedly herself a victim of ongoing domestic violence. She later decided to become a female monk and was given the religious name Chơn Ngọc Tiên.

On 13 October 2019, VTDM’s parents came to Thiền Am to look for her, but she was not there. Her father returned on October 24 with some 50 thugs who ransacked Thiền Am’s facility, beat up group members, and stole their collective life savings totaling 305 million VND (13,000 USD). One young monk, Lê Thanh Nhị Nguyễn, was hacked with a machete and suffered severe injuries. However, Ms. VTDM had already relocated to a Buddhist temple in Bà Rịa – Vũng Tàu Province. Thiền Am reported the incident to the Đức Hoà District public security police, which conducted a superficial investigation. On 15 April 2021, the People’s Court of Đức Hoà District sentenced only one female mob

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<sup>15</sup> Incident report to the UNSR-FORB: [https://dvov.org/wp-content/uploads/2023/12/CaoD-Nguyen-Hong-Phuong\\_En-Event-2021-Nov.pdf](https://dvov.org/wp-content/uploads/2023/12/CaoD-Nguyen-Hong-Phuong_En-Event-2021-Nov.pdf)

member, Ms. Châu Vinh Hoá, to 2 years in prison and ordered that she pay 8.93 million VND (approximately 382 USD) to Lê Thanh Nhị Nguyên. No other perpetrator was held accountable, including Ms. VTDM's father who planned and led the mob attack, for trespassing, conspiracy, destruction of property, or robbery. On 12 September 2021, the appeals court commuted Ms. Hoá's prison sentence to a suspended one. Reflecting on this ruling, a young monk of Thiên Am opinionated on YouTube that there was either negligence or cover-up by the responsible authorities. The police later cited his statement as justification to prosecute Thiên Am under Article 331 - "abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens."

Upon learning of the violent attack, Ms. VTDM returned to Thiên Am to clear its name from her father's false accusations. The police invited her to their station purportedly for their investigation into the violent attack. On 12 December 2019, when Ms. VTDM, escorted by Thiên Am member Ms. Cao Thị Cúc, came to the police station, she was separated from the latter and delivered her back to her parents against her will. In a video posted on YouTube on 31 October 2020, Ms. VTDM described in detail how she was abducted: the police officers grabbed her, holding tight her arms and legs and muzzling her mouth; they shoved her into an ambulance car waiting outside and under guard by scores of public security police officers.

Not seeing Ms. VTDM coming out after a long while, Ms. Cúc and other Thiên Am members waiting outside the police station sounded the alarm. They felt responsible for her safety. Additionally, Mr. Lê Tùng Vân expressed concern that her father would blame Thiên Am for her disappearance as pretext to launch another brutal attack. Some Thiên Am members expressed concern on Facebook livestream that Ms. VTDM might have been abducted by the police. The police later used this statement to prosecute the Thiên Am group.

Back at her parents' home, Ms. VTDM was again sexually abused by her father. About eight months later, she successfully fled from home and went into hiding. In a video subsequently posted on YouTube, she disclosed that the police of Đức Hoà District and state media came to her parents' home, staged a television interview, and coerced her to admit that she was not abducted by the police. Defiant, she reaffirmed her abduction by the police and asked to be rescued from her abusive father. The interview was never aired.

In the said video, VTDM also disclosed that she had sent a letter dated 15 December 2020 to then Prime Minister Nguyễn Xuân Phúc, Minister of Public Security Tô Lâm and the Vietnam Women's Union, among others. The letter was titled "Denunciation and Request for Urgent Help" – *Denouncing the Public Security of Đức Hoà District, Long An Province for having abducted me (with 10 pieces of specific evidence) and delivering me to my mother and father, who detained me, abused me, and raped me for eight straight months*. Only the Vietnam Women's Union acknowledged receipt of her letter but did not take any action.

Instead, in late 2021 the police department of Đức Hoà District, Long An Province announced its decision to prosecute key members of Thiên Am on charges of incest – the police accused that the ten child monks and child nuns at Thiên Am were not orphans but

birthed by the nuns who were themselves fathered by its 90-years old founder, appropriation of others' property through fraud, and violation of Article 331.

On 4 January 2022, the police raided Thiên Am and announced its prosecution decision. Two days later, a police investigator forcibly took Ms. BNT (born 1997), a young Buddhist nun who took care of the child monks, to gynecological examination at Xuyên Á Hospital (located in Đức Hoà District). She was ordered to take off her clothes, and a medical staff poked an equipment into her vagina reportedly to test her claimed virginity. After the incident, she filed a complaint. The police invited Ms. BNT to an investigation interview but the investigator turned out to be the same police officer who forcibly took her to the gynecological examination. Ms. BNT refused to talk to him. The police investigation never took place.

The incest charge was dropped because four rounds of forced DNA tests did not turn up any evidence of incestual relationship among Thiên Am members. The misappropriation of property charge was also dropped because no one stepped forth to claim harm or loss of property. On 20 July 2022, the group's 90-years old founder and five young monks were tried for defaming the Public Security Office of Duc Hoa District, Buddha and Buddhism, and a prominent member of the BCV; and of distorting Buddha's teachings. They were sentenced to a total of 23.5 years in prison.<sup>16</sup>

In July 2023, three of the five lawyers who defended the victims had to seek asylum in the US after the government started to prosecute them because they had revealed numerous unlawful activities by the Vietnamese government, police, and judiciary in this case. Before they fled, the UN had sent a communication to Vietnam from three special rapporteurs, including the Special Rapporteur on the independence of judges and lawyers.<sup>17</sup>

Female members of Thiên Am continue to live in constant fear and shame. They have been humiliated by accusations of incest – the police never disclosed the DNA test results, which might clear their names. As a Buddhist nun who took the vow of virginity, Ms. Trâm feels violated by the police, which made a mockery of her complaint by assigning the accused perpetrator to conduct the investigation. At least one other group member, an old woman with terminal cancer, is under prosecution. Since practically all the able-bodied male monks are in prison and the group's collective savings had been stolen, the young nuns of Thiên Am now must take care of the ten child monks and child nuns with very little resources while carrying multiple devastating stigmas. Ironically, the reason they were persecuted was because they tried to save a young woman from ongoing incestual advances by her own biological father, who is well connected with the police, the BCV, and the thugs.<sup>18</sup>

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<sup>16</sup> IRFBA Chair's Statement on Vietnamese Religious Prisoners of Conscience: Lê Tùng Vân, Lê Thanh Trùng Dương, Lê Thanh Hoàn Nguyên, Lê Thanh Nhất Nguyên, Cao Thị Cúc, and Lê Thanh Nhị Nguyên, September 3, 2023, available at: <https://www.state.gov/irfba-chairs-statement-on-vietnamese-religious-prisoners-of-conscience/>

<sup>17</sup> AL VNM 1/2023, available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27938>

<sup>18</sup> Negative Impacts of Religious Persecution on Ten Child Monks at Thiên Am Bên Bờ Vũ Trụ (TABBV), BPSOS' Joint Submission to the UN Committee on the Rights of the Child, August 15, 2022, available at: <https://dvov.org/wp-content/uploads/2022/08/BPSOS-UNCRC-report-on-TABBV-for-public-release.pdf>

In summary, the Vietnamese police not only protected the perpetrators of violence, including rape and sexual abuses, committed by third parties against women and young girls but also inflicted violence on women and girls, particularly those belonging to religious groups that resist control by the government.

Recommendations to CEDAW:

- (1) Ensure that the SRV not only makes statements about policy but demonstrates its commitment through proper actions with regard to the above cited cases, including carrying out prompt, impartial, independent and effective investigation into the allegations of violence and other ill-treatments made by the victims, bring any identified perpetrators to justice via fair trials, and provide reparations to the victims in accordance with Vietnam's obligations under the ICCPR, CRC and CEDAW;
- (2) Request that the SRV facilitate the assessment of the health, wellbeing and overall conditions of the victims listed in the cited cases by independent, respectable health and mental health professionals, including those recommended or assigned by CEDAW and CRC;
- (3) Work with relevant Special Rapporteurs to ensure that the stigmatizing implications of being accused of being in or born out of incestual relationships be fully addressed and resolved. Unless there is conclusive evidence, false allegations disseminated in the state-run media and social media, and accusations made by BCV clerics shall be formally cleared by competent authorities.