



**PERMANENT MISSION OF THE
SOCIALIST REPUBLIC OF VIET NAM**
TO THE UNITED NATIONS OFFICE,
WORLD TRADE ORGANIZATION AND
OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA

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The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations Office, the World Trade Organization and other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights. Further to its Note Verbale No. 30/VNM.22 dated 15 March 2022 which requests an extension of the deadline for providing a response to the Joint Urgent Appeal from the Special Procedures dated 18 January 2022 Ref. AU VNM 1/2022 concerning allegations of human rights abuses faced by a group of Vietnamese migrant workers in Serbia, the Mission has the honour to hereby transmit the reply of Viet Nam to the above-mentioned Joint Urgent Appeal.

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations Office, the World Trade Organization and other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration /



Special Procedures Branch
Office of the United Nations High Commissioner for Human Rights
GENEVA

**Reply of Viet Nam to the Joint Urgent Appeal from the Special
Procedures concerning allegations of human rights abuses faced by a group
of Vietnamese migrant workers in Serbia**

Ref. AU VNM 1/2022 (dated 18 January 2022)

I. Viet Nam's system of policies and laws regarding Vietnamese overseas workers

- Viet Nam's legal system has clear and complete provisions on the field of sending Vietnamese workers to work abroad under contracts in order to ensure fair, transparent and ethical recruitment that helps to prevent exploitation, forced labour and human trafficking. In particular, in 2020, Viet Nam promulgated the Law on Vietnamese workers working abroad under contracts (*this Law has many provisions to protect the rights and interests of migrant workers and rigidly prohibit taking advantage of recruiting workers to conduct human trafficking, exploitation of labour and forced labour*); Viet Nam's Government issued Decree No. 112/2021/ND-CP dated 10 December 2021 detailing a number of articles and measures to implement the Law on Vietnamese workers working abroad under contracts (*this Decree provides that operating licences of service enterprises will be revoked if they take advantage of sending Vietnamese workers to work abroad under contracts to conduct human trafficking, exploitation of labour and forced labour*). Most recently, Decree No. 12/2022/ND-CP dated 17 January 2022 of Viet Nam's Government on penalties for administrative violations against regulations on labour, social insurance, and Vietnamese workers working abroad under contracts *provides specific and aggravating penalties for the acts taking advantage of sending Vietnamese workers to work abroad in order to conduct exploitation of labour or forced labour which are not liable to criminal prosecution.*

In addition, Viet Nam also has the legal frameworks and polices regarding protecting rights of migrant workers and managing Vietnamese enterprises providing services relating to Vietnamese workers working abroad under contracts in order to avoid abuses of migrant workers, preventing human trafficking, which consist of the following documents: (i) Directive No. 01/CT-TTg dated 03 May 2018 of the Prime Minister on strengthening preventing and fighting against Vietnamese people illegally exiting, migrating, residing and working, breaking the law abroad in the current situations; (ii) Decision No. 402/QĐ-TTg dated March 20, 2020 of the Prime Minister on promulgating the

plan on implementation of the United Nations' Global Compact for Safe, Orderly and Regular Migration for the period of 2020-2030; (iii) Decision No.193/QĐ-TTg dated 09 February 2021 of the Prime Minister approving the Program on prevention and combat of human trafficking for the period of 2021-2025, with a vision to 2030.

- Viet Nam's Government always pays attention and implements many comprehensive measures to protect Vietnamese workers working abroad under contracts. Workers are entitled to implement their rights, including the rights to complain, accuse and file lawsuits against violations of regulations and laws in sending Vietnamese workers to work abroad under contracts, unilaterally terminate employment contracts if workers are abused, exploited by employers, facing life-threatening risks or sexual harassment during period of working abroad, and be advised, assisted in terms of employment and start-up after repatriating and access voluntary social psychological consulting service.

- According to Viet Nam's laws, Vietnamese citizens classified as victims of human trafficking enjoy six support regimes including support to meet essential needs and for 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 above-mentioned is to help human trafficking victims to overcome the trauma of human trafficking and reintegrate into the community.

- Viet Nam's laws do not punish trafficked persons for any unlawful activity carried out by trafficked persons as a direct consequence of their trafficking situations. Every legitimate rights and benefits of trafficked persons are respected and protected without differentiation and discrimination, and trafficked persons will receive the assistance for physical and mental recovery and reintegration.

II. The measures implemented by Viet Nam in order to assist Vietnamese workers in Serbia

Immediately upon receiving the information, Viet Nam promptly verified and clarified the case and took timely measures to protect the legitimate rights and interests of Vietnamese workers in Serbia:

- The Vietnamese Embassy in Romania concurrently with Serbia, sent its staff to Serbia to meet and listen to the aspirations of Vietnamese citizens, work with employers and local authorities, as well as contact with dispatching

companies to promote strict implementation of agreements in contracts with employees, quickly resolve problems and disagreements about living conditions in order to ensure safety and health for Vietnamese workers.

- The Ministry of Foreign Affairs of Viet Nam and the Ministry of Labour - War Invalids and Social Affairs of Viet Nam have increased the requirements of dispatching companies to strictly implement agreements with employees, regularly monitor and promptly solve problems arising between employees and employers in Serbia in order to promptly handle arising issues, protect the legitimate rights and interests of employees such as appointing representatives and appointing more management officers from Viet Nam; to increase dissemination to employees of knowledge on human trafficking prevention and combat and the risks of terminating contracts and working illegally; to request the employers to review and arrange suitable accommodation for Vietnamese workers; to implement strengthening measures in the selection, management and training of workers to work in Serbia in order to limit cases arising in the coming time; to implement periodical reports as prescribed strictly, and promptly report unexpected incidents to the Ministry of Labour - War Invalids and Social Affairs and the Vietnamese Embassy in Romania concurrently with Serbia for guidance and support to timely settle arising issues, protect the legitimate rights and interests of workers...

III. The information verified by Viet Nam

- A total of more than 400 Vietnamese workers came to Serbia to work at Tianjin Serbia company (their average income is 20-25 million VND/month). By February 21, 2022, only about 300 workers were present at the company, the rest ended their contracts ahead of time and bought tickets to return home.

- Regarding the work permit of Vietnamese workers working in Serbia, the Serbian authorities have checked 90% of the workers' files and found *that all of them have sufficient work papers, work legally, the workers all received their passports back* after the employer collected them for the procedures and vaccinations for the workers; the document check of the remaining workers is underway.

- *Vietnamese workers are not victims of human trafficking.* It is recommended that the Human Rights Council's Special Procedures refer to verified information from interested parties, and avoid drawing conclusions based on unverified sources.

- Regarding occupational safety, the recruitment company in Serbia *has fully met the regulations on occupational safety in accordance with Serbian laws* as well as provided enough money to pay insurance for Vietnamese workers. In addition, Vietnamese workers enjoy the right to be taken care of when they are sick or ill; do not have to work overtime; are free to move within Serbia without restrictions.

- The living conditions of workers are the general condition of the area and cooking of the workers in the room caused a power failure due to overload. At present, the workers have been moved to a new place by the employer with better conditions and the Vietnamese labor situation at the Linglong factory has basically stabilized.

IV. Viet Nam's international commitments on the rights of workers and efforts to protect the rights of migrant workers

- The Vietnamese Government consistently advocates that international labour cooperation should be consistent with the provisions of the International Labour Organization; respect and harmonize the lawful and legitimate rights and interests of employees and employers. Overseas representative missions of Viet Nam will take measures in accordance with international regulations and practices to protect the legitimate rights and interests of Vietnamese citizens abroad in case of necessity.

- In the prevention and combat of human trafficking across borders, international cooperation is very important to promptly prevent, investigate and handle human trafficking lines and protect and support victims of trafficking. Viet Nam has been cooperating closely with other countries, including Serbia, to prevent and deal with human trafficking cases involving Vietnamese citizens. Strengthening international cooperation is one of the key tasks of Viet Nam in the Program on prevention and combat of human trafficking for the period of 2021-2025, with a vision to 2030. In addition, the Ministry of Public Security of Viet Nam also has many measures to prevent and combat human trafficking, such as: Stepping up the propaganda and raising awareness for people about new methods and tricks of human trafficking crimes and related legal policies, to be vigilant against human trafficking and participate in criminal denunciations; establishment of specialized cases, dismantling criminal lines and gangs operating inter-provincially and transnationally, raising the rate of investigation and discovery, focusing on investigation, expanding, and handling thoroughly human trafficking and related crimes...

- In the activities of sending Vietnamese workers to work abroad under contracts, the management and protection of the legitimate rights and interests of workers are always concerned and focused by the Government of Viet Nam through the following work:

+ Appraising the contract conditions of labour supply contracts to work abroad of service enterprises to ensure that the working and living conditions of the workers are consistent with the regulations of Viet Nam and host countries.

+ Receiving complaints/complaints from employees and organizations and individuals about cases of workers facing difficulties and problems abroad in order to check, verify and take timely measures to protect legitimate rights and interests of workers.

+ Closely monitoring the activities of enterprises operating in the field of sending Vietnamese workers to work abroad to take measures to direct, correct and promptly handle cases where enterprises have not fully performed their responsibilities and obligations in accordance with the laws, including the duty to protect the legitimate rights and interests of workers while working abroad.

+ Currently, there are 06 Vietnamese Labor Management Boards under Vietnamese representative missions in countries and territories where Vietnamese workers are working. The Labor Management Boards have the task of protecting the legitimate rights and interests of Vietnamese workers working in the area.

+ Actively participating in the implementation of the plan on implementation of the United Nations' Global Compact for Safe, Orderly and Regular Migration, whereby the Ministry of Labour - War Invalids and Social Affairs will focus on reviewing and amending regulations related to labour migration; strengthening management solutions and improving the quality of activities of sending workers to work abroad; developing and expanding cooperation to promote legal migration channels./.