

**Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on the human rights of migrants; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 44/4, 43/6, 42/10, 43/20 and 41/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **human rights abuses perpetrated against a group of Vietnamese women and girls victims of trafficking.**

According to the information received:

A number of Vietnamese women and girls were allegedly recruited by different labour recruitment agencies in Vietnam to work as domestic workers in the Kingdom of Saudi Arabia. Some of the companies even reportedly recruited underage girls, changing their age on their identity documents. Upon arriving in the Kingdom of Saudi Arabia, many of these women found themselves in exploitative situations. Some of the women were allegedly beaten, and subjected to torture and other forms of cruel, inhuman or degrading treatment. There are also reported allegations of sexual abuse and sexual violence. Some also were reportedly subjected to forced labour, denied food and access to medical treatment and not paid their wages or paid less than their contracts stipulated.

Some of the women tried to leave these abusive situations. Some of them were placed at SAKAN Social Services Centre in Riyadh by the police; others have escaped from their employers' houses and reached the centre. Allegedly, their identity documents have been confiscated by the centre as per its regulation. Women located at the centre cannot leave the compound unless escorted by Saudi authorities or officials of diplomatic mission of the residents' country of origin.

Some of the victims reportedly sought assistance from the companies that recruited them to work in the Kingdom of Saudi Arabia to help them to return to Viet Nam. However, for the most part, it was reported that the companies,

through their representatives in Riyadh, did not provide any assistance to the victims who reported the abuses to them. In some instances, victims who contacted representatives of the Vietnamese recruitment agencies were told to work hard and not complain or that they would face a large fine for breaking their employment contracts.

Moreover, information received suggests the existence of a trafficking ring, that involves Vietnamese nationals in the Kingdom of Saudi Arabia, who approach Vietnamese migrant workers, many of whom are already in vulnerable situations, with the promise of higher pay. Some of the women located at SAKAN Social Services Centre have reportedly been approached by a Vietnamese national, who has taken them out of the centre without their consent and trafficked them to new employers.

Between 3 September and 13 October 2021, 39 women alleged victims of trafficking were repatriated to Viet Nam.

Ms. **H'Thai Ayun**, was employed by a labour recruitment agency Thuan An DMC, based in Thanh Hoa province, in Vietnam. She travelled to the Kingdom of Saudi Arabia on 30 October 2018, where she started working as a domestic worker.

It is alleged that soon after starting work, she began to be mistreated by her employer. She reported being subjected to forced labour, and denied food.

She reached out to Thuan An DMC who recruited her for assistance but was allegedly told by Thuan An DMC that she would have to pay 130 -150 million VND for breaking her employment contract with her abusive employer. The recruitment agency reportedly provided her with no further assistance.

At the end of March 2021 she was transferred to the SAKAN Social Services Centre. On 11 April 2021 she appeared on social media with eight other women in similar situations requesting that the Vietnamese authorities assist with their repatriation back to Viet Nam. Reportedly, personnel at the Vietnamese Embassy in Riyadh threatened her with imprisonment upon her return to Viet Nam.

Ms. H'Thai Ayun was not part of the group of women that were repatriated in early September 2021 and she currently continues to reside at the centre. She fears that returning to Vietnam would entail a high risk of detention and imprisonment, as a result of her public appeal online in relation to her situation. She also fears to face pressure to find more work abroad through another recruitment agency if she returns to Viet Nam and may be at risk of further exploitation.

Ms. **Nguyen Thi Thuy**, was recruited by IMSTRACO, based in Ha Noi, to work as a domestic worker in the Kingdom of Saudi Arabia on a two-year contract. On 22 September 2019 she arrived in the Kingdom of Saudi Arabia.

It is alleged that she was beaten by her employer. Her employer reportedly kept her passport, clothing, personal belongings and her money. On 7 July 2021, she ran away from her employer and was arrested by Saudi police who brought her to SAKAN Social Services Centre. At the time of her arrest, she had bruises on her face and arms.

Ms. Nguyen Thi Thuy was part of the group of women that were repatriated in October 2021.

Ms. **Dinh Thi Ca**, was also recruited by Thuan An DMC. She travelled to the Kingdom of Saudi Arabia on 30 October 2018 and started working as a domestic worker.

It is alleged that she was beaten by her employer. As a result of the beatings, she lost sight in one eye, hearing in one ear and suffers constant headaches. She also reported being subjected to forced labour, sexual abuse and denied access to medical treatment by her employer. On 15 September 2020, Ms. Dinh Thi ca allegedly escaped from her employer and reported the abuses suffered to the police. She was brought to the SAKAN Social Services Centre.

She was part of a group of women who were repatriated to Vietnam through the intervention of the Vietnamese Embassy in Riyadh. She was asked to withdraw the administrative complaint lodged in 2020 against her former employer by Vietnamese authorities at the Embassy in Riyadh before taking the flight back to her home country. Reportedly, there was not investigation into the physical abuses committed by her employer.

**Siu H Xuan** was recruited by VINACO, a labour recruitment company based in Viet Nam, to be a domestic worker in Saudi Arabia when she was 15 years old. In August 2018, she was obliged to sign a consent form at the village police station to join the labour recruitment programme. She underwent an intensive training of two months of Arabic Language in Viet Nam. During this time, she reportedly told the company that she had changed her mind and did not want to travel to Saudi Arabia. Nevertheless, in October 2018, she arrived in the Kingdom of Saudi Arabia. It is reported that the labour recruitment company falsified her personal documents changing her year of birth to conceal the fact that she was a minor.

It is alleged that she was repeatedly beaten and mistreated by her employer, was subjected to forced labour, and was denied access to food and medical treatment. She reportedly had chronic headaches due to beatings to her head. In October 2020, after her two years' employment contract expired, she reached out to VINACO representatives in the Kingdom of Saudi Arabia and in Viet Nam and expressed her wish to return to Viet Nam or to transfer her to another employer. The representatives of the company told her to stay with her employer and work harder. She wrote to her friends through social media where she commented that she may not stay alive for long. She also contacted the VINACO representative stating that she did not think she would survive.

When a flight home for her had reportedly been arranged she fell ill and died prior on 18 July 2021. She was a minor at the time of her death. Reportedly, her family was given different reasons of her death by VINACO.

We are concerned about the reported abuses committed against this group of women and girls by their employers, in particular the allegations that they were trafficked from Viet Nam, subjected to forced labour, denied food and access to medical treatment while they were working for their employers. If confirmed, these allegations would amount to acts of torture or other cruel, inhuman or degrading treatment or punishment perpetrated by private actors, and any perpetration, attempt, participation or complicity in such acts, as well as any instigation, consent or acquiescence by state officials, must be prevented, investigated and prosecuted in accordance with articles 2, 4, and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which the Kingdom of Saudi Arabia acceded to on 23 September 1997.

The Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on 10 December, 1948, further contributes to international standards regarding the elimination of all forms of slavery. Article 4 states that "no one shall be subjected to slavery or servitude, slavery and slave trade are prohibited in all its forms."

Forced or compulsory labour is defined in the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), ratified by the Kingdom of Saudi Arabia on 15 June 1987. As per Article 2, paragraph 1, 'term forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'.

Protocol of 2014 to the Forced Labour Convention, 1930 (No.29), ratified by the Kingdom of Saudi Arabia on 26 May 2021 reaffirms that measures of prevention, protection and remedies, such as a compensation, rehabilitation, are necessary to achieve effective and sustained suppression of forced and compulsory labour.

We refer to the Observation of the ILO Committee of Experts (CEACR), adopted 2020, published 109th ILC session (2021), under the Forced Labour Convention, 1930 (No. 29). Specifically concerning migrant domestic workers, CEACR urged the Government to strengthen the measures taken to ensure that, "in practice, migrant domestic workers can approach the competent authorities and seek redress in the event of a violation of their rights or abuses, without fear of retaliation."

We refer also to the Direct Request of the ILO Committee of Experts to your Excellency's Government to strengthen efforts with regard to the identification of victims of trafficking for the purpose of both sexual and labour exploitation, and to ensure that appropriate protection and assistance is provided to such victims, as well as to ensure that adequate and dissuasive sanctions are imposed on persons convicted for forced labour or trafficking offences, in accordance with Article 25 of the Forced Labour Convention, 1930 (No.29)

We would like to draw your Excellency's Government's attention to the obligations set out in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime, which your Excellency's Government ratified in 2007, in particular articles 6 and 9 which sets out the obligations on State Parties to protect and prevent trafficking in persons, and to assist victims of trafficking.

The International Convention on the Elimination of All Forms of Discrimination against Women (ICEDAW), which your Excellency's Government ratified in 2020, recognizes that trafficking constitutes a violation of human rights and establishes State obligations in this regard (art. 6). This is further elaborated in the CEDAW General Recommendation No.38 on trafficking in women and girls in the context of global migration, specifically paragraphs 31, 38 – 41 and 100-101.

We would also like to bring to the attention of your Excellency's Government, the Report of the Special Rapporteur on trafficking in persons, especially women and children, (A/HRC/47/34). The obligation of non-discrimination in international human rights law is critical to the principle of non-punishment and to its application across all anti-trafficking measures, including in the exercise of prosecutorial discretion. The report also highlights that the principle of non-punishment must be applied without discrimination to all trafficked persons, including to trafficked persons seeking asylum or other forms of international protection.

We would also like to bring to the attention of your Excellency's Government article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. In this context, we recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation No. 19 (1992), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women whether perpetrated by a State official or a private citizen, in public or private life. We would also like to refer to CEDAW General Recommendation No. 35 -- on gender-based violence against women, updating general recommendation No. 19, and particularly where it sets out States' obligations on reparations.

We also refer to the 2018 Concluding Observations of the CEDAW, which express concern about the limited enforcement of the Anti-Trafficking Law, as reflected by the low rates of prosecution and convictions in cases of trafficking in women and girls (CEDAW/C/C/SAU/CO/3-4, paragraph 35(a)). CEDAW also expressed concern about the lack of adequate mechanisms to identify and refer to the appropriate social services victims of trafficking, noting that victims are reportedly sometimes arrested, detained and deported for acts committed as a consequence of having been trafficked. See: CEDAW/C/C/SAU/CO/3-4, paragraph 35(c).

We wish to refer to Articles 1, 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) acceded by your Excellency's Government in 1997, and CERD General Recommendation XXX on discrimination against non-citizens, and the Convention on the Rights of the Child acceded by your Excellency's Government in 1996.

According to the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, States have an international obligation not only to identify traffickers but also to identify victims of trafficking. It is highlighted that a failure to identify a trafficked person correctly is likely to result in a further denial of that person's rights. We also would like to refer to Principle 13 of these Recommended Principles and Guidelines, which provide that "States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors".

We would also like to bring to your attention the report by the Special Rapporteur on trafficking in persons, especially women and children to the Human Rights Council in 2019 (A/HRC/41/46) on innovative and transformative models of social inclusion of survivors of trafficking in persons into societies.

We would like to recall the Principles and Guidelines on the human rights protection of migrants in vulnerable situations, particularly, Principle 3 on access to justice, and Principle 7 on the protection from violence and exploitation.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide details, and where available the results, of any investigations, and other inquiries carried out in relation to the allegations. Please indicate if any employers have been penalized for the non-payment of wages and if so, please specify what sanctions have been applied to how many employers.
2. Please provide information on measures taken to strengthen cooperation between Vietnamese judicial authorities and your Excellency's Government in cross-border trafficking cases, including, in particular, in relation to the alleged victims who returned to Viet Nam.
3. Please indicate what measures are taken to ensure that returns of victims of trafficking were safe, voluntary, and in accordance with the principle of *non-refoulement*.

4. Please indicate and elaborate on any further efforts to facilitate access to long term social protection for survivors of trafficking, other forms of contemporary slavery or labour exploitation that is provided unconditionally, regardless of the victims' participation in the criminal proceedings.
5. Please elaborate on measures taken to ensure the application of the non-punishment principle for victims of trafficking in persons for any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation.
6. Please elaborate on the measures being taken to strengthen the welfare services and assistance provided to women migrant domestic workers who are victims of abuse and exploitation, including legal assistance, medical and psychosocial care and adequate shelters, and ensure that such services and assistance are gender-responsive and accessible to all women migrant domestic workers, including those who are undocumented.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

A communication regarding the concerns raised will be sent in parallel to the Government of Vietnam.

Please accept, Excellency, the assurances of our highest consideration.

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