

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 and the Special Rapporteur on violence against women, its causes and consequences

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(Please use this reference in your reply)

26 April 2022

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 and Special Rapporteur on violence against women, its causes and consequences, pursuant to Human Rights Council resolutions 44/4, 43/6, 42/10 and 41/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **alleged acts of intimidation and reprisals for cooperation with the UN against Ms. H'Thai Ayun and a group of women, victims of trafficking, who were repatriated from Saudi Arabia to Viet Nam, as well as their relatives**. It is reported that such acts of reprisals are linked to the sharing of information and testimony about their situation with several mandate holders who addressed allegations with, and requested specific information from, your Excellency's Government.

Special procedures mandate holders sent a communication to your Excellency's Government on 25 October 2021, expressing concerns about reported **human rights abuses perpetrated against a group of Vietnamese women and girls victims of trafficking** (VNM 5/2021). A communication regarding the concerns raised was also sent in parallel to the Kingdom of Saudi Arabia. A number of Vietnamese women and girls were allegedly recruited by different labour recruitment agencies in Viet Nam to work as domestic workers in the Kingdom of Saudi Arabia. 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 were also reported allegations of sexual abuse and gender-based and sexual violence. Some women were also reportedly subjected to forced labour, denied food and medical treatment and unpaid wages or they were paid less than their contracts stipulated. Moreover, information received suggested the existence of a trafficking ring involving 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 repatriated to Viet Nam.

We would like to thank your Excellency's Government for the reply received to this communication on 5 March 2022. However, we regret that some of the questions were not addressed in your reply, specifically in relation to the

investigation, prosecution and sanctions imposed on the perpetrators for their role in the trafficking of women and girls. Furthermore, we have received new allegations regarding the situation of some of the women affected that is of very serious concern.

According to the information received:

Following the issuance of a Joint Allegation Letter from several special procedures mandates addressed to your Excellency's Government and to the Kingdom of Saudi Arabia on 25 October 2021, the victims of trafficking, including some of those repatriated to Viet Nam and their relatives, have been living in an atmosphere of continuous fear and have reportedly been threatened by Vietnamese Government officials, representatives of labour export companies, traffickers or thugs affiliated with the traffickers. Furthermore, coinciding with the publication of the abovementioned special procedures communication to the Government on 25 October and the press release issued on 4 November 2021¹, it is alleged that there has been an escalation of acts of intimidation against repatriated victims of trafficking victims and their families. These allegations include allegations of threats, pressure being placed on victims and families to cease their complaints and communication to foreign organizations, as well as police surveillance of several of the victims.

The case of Ms. **H'Thai Ayun** is illustrative of the aggravated targeting of some of the women victims of trafficking following the intervention by mandate-holders. Ms. H'Thai Ayun was very vocal in denouncing the situation, including on social media, and requested the protection from relevant authorities. It is reported that during her stay in the SAKAN Social Services Centre, she was accused of passing information to organizations overseas and threatened with physical violence. Many of the Vietnamese residents of SAKAN Centre who returned to Viet Nam were allegedly questioned by the police about her activities and contacts in Saudi Arabia. In parallel, her relatives were reportedly informed by the police of criminal prosecution against her. In December 2021, given the deterioration of her situation in the SAKAN Centre and credible and well-founded fears for her safety if returned to Viet Nam, Ms. H'Thai Ayun was relocated to a third country and her case is being closely followed by relevant UN agencies.

We express deep concerns regarding these allegations of an environment of fear and acts of intimidation and reprisals, especially given that they appear to be consequential to the victims' sharing of their testimonies with, and availing themselves of, procedures established under the auspices of the UN for the protection of human rights and fundamental freedom, specifically the special procedures of the Human Rights Council. These acts may indeed amount to reprisals against a group of women, victims of trafficking, who were repatriated from Saudi Arabia and their family members and others assisting them for their cooperation with a special procedure mandate of the UN Human Rights Council. If confirmed, such acts not only aim to silence those concerns, but also lead to self-censorship and send a chilling

¹ [Viet Nam and Saudi Arabia: UN experts call for protection of trafficked workers | OHCHR](#)

message, potentially dissuading others from sharing testimony and information with the UN in the field of human rights. We note that concerns about acts of intimidation and reprisals for cooperation or attempted cooperation with the UN have been raised repeatedly by multiple UN actors over the past few years, as reported by the Secretary-General in his annual reports on cooperation with the UN, its representatives and mechanisms in the field of human rights².

We would like to draw the attention of your Excellency's Government to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), ratified by your Excellency's Government in 2003, through which your Excellency's Government is obliged to refrain from acts which would defeat or undermine the Protocol's objectives and purposes, which include to prevent and combat trafficking in persons, to ensure assistance to victims, to provide effective remedies and to prosecute those responsible.

Regarding allegations indicating that the violations could be an act of intimidation and reprisals against those who cooperate with the UN in the field of human rights, we would like to refer to Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28 and 48/17 reaffirming the right of everyone, individually or in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. In these resolutions, the Human Rights Council urges States to refrain from all acts of intimidation or reprisals, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies, as well as the issuance of appropriate guidance to national authorities, in order to promote a safe and enabling environment for engagement with the United Nations on human rights, and to effectively protect those who cooperate with the United Nations. The Council also urges States to ensure accountability for reprisals by providing access to remedies for victims, and preventing any recurrence. It calls on States to combat impunity by conducting prompt, impartial and independent investigations, pursuing accountability, and publicly condemning all such acts.

Furthermore, we wish to refer to Human Rights Council resolution 22/6, which provides for the right to "unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and the treaty bodies, as well as regional human rights mechanisms".

The full texts of the human rights instruments and standards recalled above are available on 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

² A/HRC/48/28, paras. 129-133, Annex I paras. 123-129; A/HRC/45/36, paras. 122-125, Annex I paras. 142-154, Annex II paras. 142-148 ; A/HRC/42/30, paras. 83-84, Annex I paras. 118-123, Annex I paras. 110-113.

above-mentioned persons 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 any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information about the measures in place, legally and institutionally, protecting individuals when communicating with United Nations entities to provide information, including to file complaints about alleged violations of their human rights. If no such measures exist, what prevents Vietnamese nationals from communicating with UN institutions? Should such communications be prohibited under domestic law, please explain the grounds for such prohibition, and how this is compatible with Viet Nam's international human rights obligations under the Universal Declaration for Human Rights and the International Covenant on Civil and Political Rights.
3. Please provide detailed information about the steps taken to investigate the allegations that the victims of trafficking and their relatives have been subjected to ongoing reprisals by government officials, representatives of labor export companies, traffickers and individuals affiliated with the traffickers accusing them of having communicated their human rights abuses to the United Nations special procedures.

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.

In light of the allegations of reprisals for cooperation with the United Nations on human rights, we reserve the right to share this communication – and any response received from Your Excellency's Government - with other UN bodies or representatives addressing intimidation and reprisals for cooperation with the UN in the field of human rights, in particular the senior United Nations official designated by the Secretary General to lead the efforts within the United Nations system to address this issue.

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.

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

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