



# Boat People SOS, Inc.

## Ủy Ban Cứu Người Vượt Biển

*"Meeting Urgent Needs Today, Empowering Communities for Tomorrow"*



June 10, 2008

The Honorable Michael Michalak  
Ambassador to Viet Nam  
US Embassy  
Ha Noi, Viet Nam

Dear Ambassador Michalak,

I regret for not being present at today's reception in your honor and am asking Ms. An-Phong Vo, our staff attorney in Houston, to send you my best regards.

In our brief conversation last year before you departed for your new post in Vietnam, we discussed the need to expedite the processing of Priority One applications. This remains a concern. Today, I would like to bring to your attention two additional issues: labor trafficking and religious freedom.

### Human Trafficking

Vietnam is a major source of labor trafficking, an outgrowth of the government's policy to "eradicate hunger and reduce poverty." Over the years I have brought to the attention of the State Department several high-profile cases, which have remained unresolved. I have personally worked on these cases and would like to request your attention and actions as follows:

- 1) Ensure that Vietnam complies with the 2001 ruling of the High Court of the American Samoa and pay US \$3.6M plus interests to some 250 trafficking victims and their legal counsels (see attached letter from Atty. Virginia Lynn Sudbury). Note that this case remains the largest trafficking case ever prosecuted by our federal government;
- 2) Ensure that the labor export companies fully return the fees and deposits to the 156 workers, all women, repatriated to Vietnam from Jordan. These companies charged the workers US \$1,600 on the average in fees and deposits. According to the 2008 Trafficking In Persons Report just released by the State Department, in Jordan "their employer forced them to work 14-18 hours per day, withheld their passports, and did not give them their promised wages." Also according to the report, they were "allegedly subjected to conditions of fraudulent recruitment, debt bondage, unlawful confiscation of travel documents, confinement, and manipulation of employment terms for the purpose of forced labor at their worksite." Now back in Vietnam, these workers face the imminent loss of their homes and farm lands, which they had mortgaged to state-owned banks to cover the fees and deposits required by the labor export companies. For breach of contract through deception, these companies should return in full all fees and deposits to the workers. As a

start, the US TIP officer in Vietnam should meet with these workers to document their stories and their present circumstances. At the same time the US embassy should see to it that International Organization for Migration (IOM), which gets significant funding from US government, gain access to these workers and provide them re-integration assistance. Finally, the Vietnamese government should be asked to launch a criminal investigation against the labor export companies and protect the victims from losing their meager family assets and livelihood;

- 3) Ensure that the labor export company returns all fees and deposits to the 85 former workers of Esquel Malaysia. They were among the 1,300 Vietnamese laborers, which according to the 2008 TIP report, were “subjected to debt bondage, contract switching, confiscation of travel documents, confinement, threats of deportation at a Hong Kong-owned apparel factory in Penang.” Identified as strike leaders, these 85 workers were deported late last year. As a result of our intervention, their employer had agreed to compensate them. The labor export company Chau Hung (Cong Ty Co Phan Thuong Mai Chau Hung) has extorted \$100 from each worker from that compensation. For having engaged in contract switching, this company should return in full all fees and deposits, totaling US \$1,000 on the average per worker. We again request that the US TIP officer in Vietnam looks into this matter and convinces the Vietnamese government to investigate Chau Hung and secure full reimbursement to the workers.

How the Vietnamese government handles these three high-profile cases will be a good indicator of its will and intent to combat human trafficking.

### Religious Freedom

One litmus test of Vietnam’s good faith in the implementation of its new legal framework regarding religious freedom is to apply Article IV, Provision 20 of the Decree on Implementing the Ordinance on Belief and Religion to the 671 affiliates of the Evangelical Church of Vietnam – North. These affiliates, composed of ethnic minority Christians in the Northwest Highlands, should have been in full operation since last year according to the new legal framework.

Article IV, Provision 20 of the Decree specifies that affiliates of legally recognized churches (ECVN-North is one such church) only need to inform their local People’s Committees by October 15 each year of planned activities for the following year. If the People’s Committees do not issue a written objection within 30 days, the planned activities are automatically deemed to have been approved and the affiliates may proceed with their religious activities. The above 671 ECVN-North affiliates followed this procedure but, except for 30-40 of them, have not been allowed to conduct religious operation even though there was no written objection from the local People’s Committee within the 30-day timeframe. ECVN-North leaders are prohibited from visiting these affiliates.

The 30-40 affiliates that constitute the exception received notification from the local authorities approving their religious activities. Even this is not part of the Decree. The Decree does not condition approval on written notification but considers as approval the absence of written objection.

The USCIRF delegation visiting Vietnam late last year brought up these 671 ECVN-North affiliates with Vietnam’s Bureau on Religious Affairs, but so far nothing has been done to correct

the situation. Worse yet, in April of last year Vietnam suspended the application of Article IV, Provision 20 to ECVN-North affiliates, declaring the implementation of the Ordinance on Belief and Religion in the Northwest Highlands a pilot project that needs further study. The State Department's latest report on religious freedom mentioned this suspension without elaboration or explanation.

I therefore request your special intervention on behalf of these ECVN-North affiliates, the list of which is enclosed.

Finally, I would like to share with you a copy of our Vietnam Country Report, which may provide information beyond what is available in the State Department's latest human rights country report. It would be most helpful if your embassy could confirm or dispute the findings in our report. Meanwhile, I remain

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'Nguyen Dinh Thang', with a long horizontal flourish extending to the right.

Nguyen Dinh Thang, PhD  
Executive Director

Enclosures:

- 1) Letter of Atty. Virginia Lynn Sudburry regarding the American Samoa case
- 2) Affiliates of ECVN-North in the Northwest Highlands
- 3) Vietnam Country Report