

From: [Rebecca Schleifer](#)
To: [Rigby, Rachel - ILAB](#)
Cc: [DeNap, Chandra - ILAB](#); [Elizabeth D. Wolkomir@omb.eop.gov](mailto:Elizabeth_D_Wolkomir@omb.eop.gov); [Pedersen, Austin M - ILAB](#); [Zollner, Anne - ILAB](#); [Heller, Sharon - ILAB](#); [Chung, Donna - ILAB](#); [Wheeler, Jeffrey - ILAB](#); [John Sifton](#); [Phil Robertson](#); [Daniel Wolfe](#); [Roxanne Saucier](#)
Subject: Follow up regarding Vietnam Cashews Question TVPRA
Date: Friday, October 19, 2012 11:43:30 AM
Importance: High

Dear Rachel,

Thank you for meeting with us last week to discuss the use of forced and child labor in cashew production in Vietnam. As discussed, additional sources corroborating HRW's documentation of the use of forced and child labor in cashew processing are attached and below. These include: 1) state media sources saying that cashews are produced in such centers; 2) government reports saying that cashews are produced for "vocational training"; 3) information from UN and NGO sources; and 4) independently produced video and photo features of cashew production in one of the centers.

Daniel Wolfe and Roxanne Saucier from the Open Society Foundation have spoken with former detainees about their cashew processing work in the centers. I am copying them on this email so you can be in touch directly.

In addition to sources corroborating forced and child labor in cashew production, I have also included background information showing the existence of forced and child labor in Vietnam's drug detention centers from the government of Vietnam and UN sources.

Please don't hesitate to contact me if you have any further questions or need further information from me.

Very best,

Rebecca

Sources corroborating forced and child labor in cashew production

Government of Vietnam

1. Ministry of Labor, "Assessment of effectiveness of treatment for drug addiction and preventative measures, care and treatment for HIV/AIDS at Centers for Treatment-Education-Social Labor in Vietnam," 2009, p. 159.

A 2009 Ministry of Labor assessment refers to "one-month vocational training courses" that are performed "in order to exploit the available potentials of the center in order to make products which are helpful for daily life of the residents." Cashew peeling is listed among the "vocational training courses" offered.

2. Dong Hung, "Post rehab individuals in HCM city: Experimenting with re-integrating into the community," Viet Bao, October 15, 2005, <http://vietbao.vn/Xa-hoi/Nguoi-sau-cai-nghien-tai-TP-HCM-Thi-diem-tai-hoa-nhapcong-dong/40103202/157/>

A 2005 Vietnamese media article shows a photo of detainees processing cashews, with an explanation that the cashew workshop in the photo was in the Binh Duc center (in Binh Phuoc province) and belonged to Son Long J.S.C.

3. "The need to closely monitor the local area and prevent social illness at an early time," Cong An Nhan Dan, April 28, 2008, <http://ca.cand.com.vn/News/PrintView.aspx?ID=126407>

An article from state-controlled media explains that detainees in the Thai Binh center "are given the chance to learn the skill of cashew nuts processing."

4. "O5-06 Center and the Resolution After Detox," June 16, 2008, <http://dalat.com.vn/NewsDetails.aspx?ID=8406>. An article from state-controlled media that mentions detainees of a center in Lam Dong working for a cashew company (Phuoc Toan) in the last paragraph.

Open Society Institute

5. Open Society Institute, At What Cost? HIV and Human Rights Consequences of the Global "War on Drugs," March 2009, p. 157.

"In focus group discussions, former drug users reported that they were made to do different kinds of tasks—from cracking cashew nuts and painting decorative animals to making bricks."

6. Daniel Wolfe and Roxanne Saucier from the Open Society Foundation have spoken with former detainees about their cashew processing work in the centers. I am copying them on this email so you can be in touch directly.

Photos documenting cashew production in a compulsory drug detention center

7. An independent journalist filmed cashew processing in one of the drug detention centers. The video of cashew production is here: <http://www.hrw.org/video/2011/10/04/rehab-archipelago-abuses-vietnam-drug-detention-centers>. The photos are here: <http://www.hrw.org/features/rehab-archipelago-abuses-vietnam-drug-detention-centers>

You can contact the journalist via arantxa@arantxacedillo.com.

US Government

8. US State Department, Vietnam Country Report on Human Rights Practices, 2011: reports information that detainees in social and educational rehabilitation centers engaged in shelling cashews.

Background information supporting the existence of forced and child labor in Vietnam's drug detention centers

Government of Vietnam

9. Work in the centers is not optional and center directors are authorized to punish detainees for refusing to obey center regulations, including the obligation to work.

Regarding the legal obligation of detainees to abide by center rules, the 2009 decree establishes that detainees have a responsibility "to actively participate in laboring and production [and] to complete the assigned target on volume and quality of work." Decree 94/2009/ND-CP, October 26, 2009, art. 34(1)(b); see also Decree 135/2004/ND-CP, June 10, 2004, arts. 30 and 32.

Regarding the director's authority to punish detainees, see Decree 135/2004/ND-CP, June 10, 2004, art. 57(1) and Decree 94/2009/ND-CP, October 26, 2009, art. 43(1).

According to government decrees, such punishments may take the form of reprimands, warnings, or "education in a disciplinary room." See Decree 135/2004/ND-CP, June 10, 2004, art. 70(3) ; Decree 94/2009/ND-CP, October 26, 2009, art. 31(2).

10. Letter from Deputy Director, Department of Social Evils Prevention to Human Rights Watch, September 5, 2011, stating that labor in the centers is "curative."

11. The UN Committee on the Rights of the Child reviewed Vietnam's compliance with the Convention on the Rights of the Child in 2012. The Government of Vietnam's submission to the Committee on the Rights of the Child, May 24, 2012 confirmed that children in drug detention centers perform "therapeutic labor." See paragraphs 114-116.

http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC_C_VNM_Q_3-4_Add1.pdf

United Nations

12. The Committee on the Right of the Child's Concluding Observations on Vietnam, June 15, 2012, expressed concern that "child inmates in drug detention centers are obliged to work and thus subject to forced labour," and recommended that Vietnam take immediate and effective measures to end this practice. See http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_VNM_CO_3-4.pdf, paras. 68 and 69.

In fact, the Government of Vietnam acknowledged that children must perform "therapeutic labor" in their written response to the Committee (see no. 11, above).

U.S. government

13. The White House Office of National Drug Control Policy and the National Institute on Drug Abuse response to the Vietnamese government's claim that their drug treatment centers are in line with NIDA principles:

"A recent [Human Rights Watch report](#) asserts that there may be over one hundred facilities in Vietnam subjecting thousands of addicted individuals to inhumane labor conditions under the pretense of providing drug treatment. Furthermore, there are indications that the Government of Vietnam may erroneously believe that these practices comply with NIDA's [Principles of Effective Treatment](#).... This joint letter from NIDA and ONDCP sets the record straight. The United States does not in any way condone the forced labor or inhumane conditions described in Human Rights Watch's

report on drug rehabilitation facilities in Vietnam."

The full statement (and link to their letter to Human Rights Watch) is on their website:
<http://www.whitehouse.gov/blog/2011/12/08/ondcp-and-nida-voice-concerns-over-vietnams-approach-drug-treatment>

ONDCP has also shared their statement with UNODC, the USG Mission in Vienna, State/INL (for them to forward to the US embassy in Vietnam and then the Vietnamese government).

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On 2/10/2012, at 12:25, Rigby, Rachel - ILAB wrote:

Dear Rebecca,

My colleague Chandra forwarded your e-mail, and as the coordinator of the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* report, I wanted to respond personally. First, let me thank you and your colleagues for providing "Rehab Archipelago." Recent and credible information from civil society and other sources forms the basis of our entire report, and we could not publish this report without the research that is carried out by groups like Human Rights Watch!

Both Chandra and I read "Rehab Archipelago" with interest. It is clearly a reliable piece of research documenting real events. As such, it meets a number of the criteria spelled out in our TVPRA List Procedural Guidelines (<http://webapps.dol.gov/FederalRegister//PdfDisplay.aspx?DocId=20376>) for review and evaluation of sources. Unfortunately, since it is the only source we had on forced labor in cashew production in Vietnam, we were not able to meet the criterion of "corroboration" called for in the Procedural Guidelines. In order to add a good to our List, we need more than one source – the only exception is in cases of nationally-representative statistical surveys, which we would rely upon as a single source. For this reason, we were not able to list cashews. As you'll notice, the other additions this year for Vietnam – bricks and garments – are supported by a number of corroborating sources.

We encourage you to continue to provide information for the List, on cashews and any other good – and again, thank you for doing so, and for your interest in these publications.

Best wishes,
Rachel

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From: Rebecca Schleifer [<mailto:schleir@hrw.org>]
Sent: Friday, September 28, 2012 12:13 PM
To: DeNap, Chandra - ILAB
Cc: Richard Pearshouse
Subject:

Dear Chandra,

I hope you are well.

We saw that DoL added Vietnam to their list of forced labor goods (bricks, clothing) but not cashews:

<http://www.dol.gov/ilab/programs/ocft/news.htm>.

We also noticed that DoL included "Rehab Archipelago" in its bibliography to support inclusion of garments from Vietnam on the 13126 list, <http://www.dol.gov/ilab/programs/ocft/EO2011-2012Bibliography.pdf>.

We're puzzled that cashews were not included, however. Can you explain why cashews were not added in either list and what further information or support you need to add them?

I've attached our correspondence from last year on this issue.

Thanks and best,
Rebecca

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