



Home Office

# Country Information and Guidance

## Vietnam: Trafficking

Version 1.0

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# Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

## Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

# Contents

<b>Guidance</b> .....	<b>4</b>
1. Introduction .....	4
1.1 Basis of Claim .....	4
1.2 Other points to note.....	4
2. Consideration of Issues .....	4
2.1 Credibility.....	4
2.2 Particular social group .....	4
2.3 Assessment of risk .....	4
2.4 Protection .....	5
2.5 Internal relocation .....	6
2.6 Certification .....	7
3. Policy summary .....	7
<b>Country Information</b> .....	<b>8</b>
4. Legal context .....	8
4.1 Legislation .....	8
4.2 Prosecutions.....	9
4.3 Other government initiatives.....	10
5. Nature and prevalence of trafficking .....	13
5.1 Nature of trafficking .....	13
5.2 Prevalence of trafficking .....	16
5.3 Support and Protection.....	19
5.4 Freedom of movement .....	23
<b>Version Control and Contacts</b> .....	<b>24</b>

# Guidance

Updated 23 May 2016

## 1. Introduction

### 1.1 Basis of Claim

1.1.1 Fear of persecution or serious harm by traffickers or other non-state actors because the person is a (potential) victim of trafficking or re-trafficking.

### 1.2 Other points to note

1.2.1 Only trained specialists in the UK's designated competent authorities can decide whether or not there are reasonable grounds to accept the person as a victim of trafficking. Therefore, if it has not already been done, decision makers dealing with the asylum claim must make an appropriate referral to the National Referral Mechanism (NRM). The case will then be routed to a 'competent authority'. For guidance on handling trafficking cases, see the [Victims of human trafficking: competent authority guidance](#).

[Back to Contents](#)

## 2. Consideration of Issues

### 2.1 Credibility

2.1.1 For further guidance on assessing credibility, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

[Back to Contents](#)

### 2.2 Particular social group

2.2.1 Victims of trafficking do not form a particular social group (PSG) in Vietnam as recognised within the meaning of the Refugee Convention, because they do not share a common characteristic that cannot be changed or have a distinct identity which is perceived as being different by the surrounding society.

2.2.2 For further guidance on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

### 2.3 Assessment of risk

2.3.1 Human trafficking is on the rise in Vietnam as a source country for men women and children trafficked for sexual exploitation, forced labour and marriage. The main destination countries being Cambodia and China. Vietnamese organized crime networks also recruit and transport Vietnamese nationals, especially children, to Europe - particularly the United Kingdom and Ireland. They are lured with promises of lucrative jobs and compelled

into servitude through debt bondage (see [Prevalence of trafficking](#) and [Nature of trafficking](#)).

- 2.3.2 In the UK and Ireland, victims of trafficking are often subjected to forced labour on cannabis farms.
- 2.3.3 Whether a person will be at risk of reprisal or being re-trafficked on return to Vietnam will depend on their individual circumstances, and the capability and degree of interest that their persecutor(s) has in pursuing them. Stigmatized by society and traumatized by their experience, they generally do not have the education and skills necessary for gainful employment and are at a high risk of being re-trafficked.
- 2.3.4 However, the Upper Tribunal in [Nguyen \(Anti-Trafficking Convention: respondent's duties\) \[2015\] UKUT 170 \(IAC\)](#) held, that as Vietnam is a large country with a population of some 90 million people and a number of large cities in it, a person would be able to return without being of adverse interest to the government, and the chance of coming across their traffickers is very slight (Paragraph 51). The person is more likely to be at risk of serious harm if they still have an outstanding debt to the traffickers. The UT also held that there was no evidence to suggest that a lone woman returning without her family faced a real risk of being re-trafficked (Paragraph 52).
- 2.3.5 The onus is on the person to demonstrate that they will be at risk of persecution or serious harm on return to Vietnam taking into account the above.
- 2.3.6 For further information on assessing risk, see section 6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 2.4 Protection

- 2.4.1 Vietnam has comprehensive anti-trafficking legislation and prosecutes those involved in trafficking (see [Legislation](#) and [Prosecutions](#)). Policy implementation and law enforcement remain weak and there is a very low conviction rate. It is reported that prostitution rings are often run by, or under the “umbrella” of corrupt Party cadres and local officials, who demand payment from the sex workers in return for their protection.
- 2.4.2 However, Government officials reportedly encourage trafficked women to assist in the prosecution of their captors. Although officials sometimes do not pursuing trafficking investigations, this is due to provincial budgetary constraints and very few women file prosecutions (see [Support and Protection](#)).
- 2.4.3 The government has taken active measures in recent years in provision of support of victims of trafficking through legislation, policies and the implementation of a National Plan of Action. The Ministry of Labour, Invalids, and Social Affairs (MOLISA) also provides protection and reintegration support to trafficking victims, however victim identification and referral mechanisms remained weak throughout the country (see [Other government initiatives](#)).

- 2.4.4 MOLISA provide protection for female victims of trafficking through their social protection centres, although these are often underfunded and lack trained staff. Donations from the Vietnam Women's Union, in partnership with Non-Governmental Organisations (NGOs) and foreign donors, are able to keep the shelters operating. Vietnam does not however have shelters or services specifically for assisting male or child victims. There is a lack of effective national mechanisms for the referral of victims of trafficking to rehabilitation and reintegration assistance (see [Support and Protection](#)). Returned victims of trafficking are unable to register children born overseas.
- 2.4.5 NGOs such as the Asia Foundation work with communities to promote awareness to the dangers of trafficking and who provide support to victims, including through the development of National Minimum Standards for Trafficking Victims' Support and Protection victims (see [Support and Protection](#)).
- 2.4.6 Applications from those who have been trafficked and who are able to demonstrate that the treatment they will face on return amounts to torture, inhuman or degrading treatment must be considered in the context of the individual circumstances of each claim.
- 2.4.7 The Upper Tribunal in [Nguyen \(Anti-Trafficking Convention: respondent's duties\) \[2015\] UKUT 170 \(IAC\)](#) held that there is a sufficiency of protection provided by the authorities in Vietnam.
- 2.4.8 However, in individual cases, where sufficiency of protection by the state authorities may not be available, and in such cases where internal relocation is also not possible, a grant of Humanitarian Protection may be appropriate. Where the fear of persecution is from a non state actor, including rogue state agents, protection is likely to be available, depending on the circumstances of the person and the nature of the threat from their persecutors. The onus is the person to demonstrate that the state is not willing and able to provide protection.
- 2.4.9 For further guidance on assessing the availability or not of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 2.5 Internal relocation

- 2.5.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.5.2 Victims of trafficking may be able to internally relocate to escape localised threats from members of their family or by traffickers depending on their particular circumstances, the nature of the threat and how far the threat would extend. Women, especially single women with no support networks, may be particularly vulnerable and subject to destitution though this may be mitigated by the existence of shelters and assistance available from both government and civil society organisations (see [Freedom of movement](#))
- 2.5.3 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

[Back to Contents](#)

## 2.6 Certification

- 2.6.1 Where a claim falls to be refused, it is likely to be certifiable as “clearly unfounded” under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.6.2 For further guidance on certification, see the [Appeals Instruction on Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

[Back to Contents](#)

## 3. Policy summary

- 3.1.1 Men, women and children may be victims of trafficking (VofT) for forced labour and / or sexual exploitation and marriage. The main destination countries are China and Cambodia. However Vietnamese organized crime networks recruit and transport Vietnamese nationals, especially children, to Europe - particularly the United Kingdom and Ireland - and subject them to forced labour on cannabis farms; they are lured with promises of lucrative jobs and compelled into servitude through debt bondage.
- 3.1.2 Policy implementation and law enforcement remain weak, and officials sometimes did not pursue trafficking investigations due to provincial budgetary constraints and a lack of filing for prosecutions.
- 3.1.3 However, the Vietnamese Government has made efforts in recent years to fight human trafficking. It has comprehensive anti-trafficking legislation and prosecutes those involved in trafficking.
- 3.1.4 Vietnam is not only a signatory to a number of treaties but engages interior Ministries and has agreements with police forces of other countries to combat trafficking.
- 3.1.5 Support and protection from governmental and non-governmental sources in Vietnam are generally available to victims of trafficking.
- 3.1.6 In [Nguyen \(Anti-Trafficking Convention: respondent's duties\) \[2015\] UKUT 170 \(IAC\)](#), the Upper Tribunal held that: a person would be able to return without being of adverse interest to the government, the chance of coming across their traffickers is very slight and there is a sufficiency of protection provided by the authorities in Vietnam.
- 3.1.7 Internal relocation will often also be a viable option.
- 3.1.8 Where a claim falls to be refused, it is likely to be certifiable as “clearly unfounded” under section 94 of the Nationality, Immigration and Asylum Act 2002.

[Back to Contents](#)

# Country Information

Updated 19 May 2016

## 4. Legal context

### 4.1 Legislation

4.1.1 The amended and supplemented Article 119 of the [Penal Code](#) states:

“Article 119. Trafficking in humans

1. Those who traffic in humans shall be sentenced to between two and seven years of imprisonment.

2. Committing the crime in any of the following circumstances, offenders shall be sentenced to between five and twenty years of imprisonment: a/ For prostitution purposes; b/ In an organized manner;

c/ In a professional manner;

d/ For taking victims' bodily organs;

e/ For bringing abroad;

f/ Trafficking in more than one person;

g/ Committing the crime more than once.

3. Offenders may be imposed a fine of between five million and fifty million dong, subject to probation or residence ban for one to five years.”<sup>1</sup>

4.1.2 The UN Committee on the Elimination of Discrimination Against Women, joint report on discrimination against women (prejudices; practices; gender stereotypes; prostitution; education; employment; etc.), submitted by the NGOs Vietnamese Committee on Human Rights and International Federation of Human Rights, June 2015, stated:

‘Vietnam states that challenges in implementing CEDAW are “due to the fact that [Vietnam] is underdeveloped with limited resources”. But most of all, it is the political structure of the one-Party State, with its lack of transparency and political freedoms, and the pervasive control of the Communist Party of Vietnam (CPV) that impede the realization of women’s rights. There are no independent women’s civil society movements, no free trade unions, no free press, no independent judiciary nor any other mechanisms outside the CPV framework through which women may express their grievances and seek remedy. Vietnamese women’s only representative is the Vietnam Women’s Union, a para-governmental “mass organisation” whose mandate is to enforce Communist Party policies at a local level. Under Vietnam’s broadly-defined “national security” laws, acts perceived to “infringe upon the interests

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<sup>1</sup> The National Assembly, Socialist Republic of Vietnam, Amending and Supplementing a Number of Articles of the Penal Code (No. 37/2009/QH12), Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, 19 June 2009, [http://www.unodc.org/res/cld/document/penal-code-amendment-act\\_html/2014\\_update\\_on\\_Penal\\_Code.pdf](http://www.unodc.org/res/cld/document/penal-code-amendment-act_html/2014_update_on_Penal_Code.pdf), (Sourced through the United Nations Office on Drugs and Crime), date accessed 14 January 2016

of the State, organizations and citizens” carry heavy prison sentences. Women who are victims of abuses are therefore afraid to take action to prosecute State organs, or speak out publicly to defend their rights. As a result, very few women file prosecutions in Vietnam, despite existing mechanisms.’<sup>2</sup>

4.1.3 As reported by the United Nations Technical Working Group on Human Trafficking, undated, ‘Viet Nam’s first anti-trafficking in persons law, which came into effect on 1 January 2012, also recognises trafficking of men and boys. However, policy implementation and law enforcement remain weak.’<sup>3</sup>

4.1.4 The Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations (2015), welcomed the progress achieved since its consideration in 2006 of the State party’s combined fifth and sixth periodic reports in undertaking legislative reforms, in particular the adoption of the following legislation:

‘(a) Constitution, which recognizes gender equality and prohibits gender-based discrimination, in 2013;

‘(b) Amendment to the Law on Vietnamese Nationality, which facilitates the acquisition of Vietnamese nationality by refugee and stateless women and prevents statelessness, in 2014;

‘(c) Land Law, which provides for the issuance of land-use certificates in the name of both spouses, in 2013;

‘(d) Amendment to the Labour Code, which prohibits sexual harassment at work, in 2012;

‘(e) Law on Human Trafficking, which explicitly prohibits forced labour and sexual exploitation, in 2011.’<sup>4</sup>

[Back to Contents](#)

## 4.2 Prosecutions

4.2.1 The United States Department of State (USSD), Trafficking in Persons (TiP) Report 2015, Vietnam, published June 2015, stated:

‘In 2014, the government arrested 685 suspected traffickers, of which it prosecuted 472 (346 under Article 119 and 126 under Article 120) and

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<sup>2</sup> UN Committee on the Elimination of Discrimination Against Women, joint report on discrimination against women (prejudices; practices; gender stereotypes; prostitution; education; employment; etc.), submitted by the NGOs Vietnamese Committee on Human Rights and International Federation of Human Rights, (Introduction), June 2015, [http://www.ecoi.net/file\\_upload/1930\\_1436433609\\_int-cedaw-ngo-vnm-20853-e.pdf](http://www.ecoi.net/file_upload/1930_1436433609_int-cedaw-ngo-vnm-20853-e.pdf), (via ECOI.net) date accessed 18 January 2016

<sup>3</sup> United Nations Technical Working Group on Human Trafficking, [http://www.un.org.vn/en/publications/doc\\_view/192-factsheet-on-combating-human-trafficking.html](http://www.un.org.vn/en/publications/doc_view/192-factsheet-on-combating-human-trafficking.html), date accessed 11 February 2016

<sup>4</sup> The Committee on the Elimination of Discrimination against Women, Concluding observations (2015) CEDAW/C/VNM/CO/7-8, 24 July 2015 (B. Positive aspects, p. 1-2), <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/VNIndex.aspx>, date accessed 15 January 2016

convicted 413, with sentences ranging mostly from three to 15 years' imprisonment, a slight decrease from the 420 offenders convicted in 2013. Authorities did not report how many cases involved sex or labor trafficking or how many were for internal or transnational trafficking. Although the 2012 anti-trafficking amendments provide a criminal law basis to prosecute these crimes, officials primarily pursued labor trafficking cases as administrative violations under the country's labor laws, which do not provide criminal penalties.'<sup>5</sup>

#### 4.2.2 The TiP report added:

'Officials continued to participate in joint investigations and rescue operations in China, Cambodia, and Laos. A lack of coordination across provincial agencies impeded overall law enforcement progress in Vietnam, and officials sometimes did not pursue trafficking investigations due to provincial budgetary constraints. Contract disputes between workers and labor recruitment companies - for fraudulent recruitment and conditions indicative of forced labor - were left largely to companies to resolve. Although workers had the legal right to take cases to court, few had the resources to do so. The government reported an increased number of officials received anti-trafficking training. The Ministry of Public Security conducted 40 interagency trainings for 1,000 officials on anti-trafficking investigations. However, local officials had difficulties applying anti-trafficking legislation. Although trafficking-related corruption continues to occur, the government did not report any investigations, prosecutions, or convictions of officials complicit in human trafficking offenses.'<sup>6</sup>

#### 4.2.3 The United Nations Office on Drugs and Crime (UNODC), Assessment of the Situation of Women in the Criminal Justice System in Viet Nam, July 2013, stated: '... government officials reportedly encourage trafficking women to assist in the prosecution of their captors, they do not provide witness protection, so survivors may fear retaliation for reporting the crime.'<sup>7</sup>

[Back to Contents](#)

### 4.3 Other government initiatives

#### 4.3.1 The International Journal of Humanities and Social Science Invention, Volume 4 Issue 4 on Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, stated:

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<sup>5</sup> United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, published June 2015, (Vietnam: Tier 2, Prosecution, p. 363), <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>, date accessed 13 January 2016

<sup>6</sup> United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, published June 2015, (Vietnam: Tier 2, Prosecution, p. 364), <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>, date accessed 13 January 2016

<sup>7</sup> The United Nations Office on Drugs and Crime (UNODC), Assessment of the Situation of Women in the Criminal Justice System in Viet Nam, July 2013, (Reporting Incidents of Violence, p17), [https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women\\_in\\_Justice\\_English.pdf](https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf), date accessed 19 May 2016

'The Vietnamese government works with international organizations, non-governmental organisations ('NGOs') and foreign donors on the issue of human trafficking. Vietnam has signed and ratified the following international treaties: Convention on the elimination of all forms of discrimination against women; Convention on the rights of the child; Optional Protocol on the sale of children, child prostitution and child pornography; The United Nations convention against transnational organized crime and its Protocol; and Convention No 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labour.

'Vietnam has entered into forty agreements including Memorandum of Understanding with the Ministry of Public Security and the Ministry of Interior, as well as agreements with police forces of countries in the world and region. In addition, Vietnam also signed: 17 Mutual Legal Assistant Treaties to criminal matters and extradition with 16 countries and signed 01 Multilateral Legal Assistant Treaty with ASEAN [Association of South East Asian Nations]. These agreements specify the focus on enhancing mutual cooperation in law enforcement and criminal procedures between the two related parties in suppressing the crime of trafficking in human; and given the regulations in the Trafficking in Persons as the only guideline on terminological issues. The cooperation in protection and assistance victims of trafficking, however, takes a humble place in agenda.'<sup>8</sup>

4.3.2 The Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations (2015), welcomed the various efforts made by the State party to combat trafficking in women and girls, but notes with concern:

'(a) That the State party remains a source country for internal and cross-border trafficking in women and children for purposes of sexual and labour exploitation as well as fraudulent internationally brokered marriage;

'(b) The increase in the number of trafficked girls and reports of trafficking in newborns;

'(c) The very low conviction rates under the Law on Human Trafficking;

'(d) The stigmatization of and administrative penalties imposed on women and girls in prostitution;

'(e) The lack of effective national mechanisms for the referral of victims of trafficking to rehabilitation and reintegration assistance.'<sup>9</sup>

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<sup>8</sup> International Journal of Humanities and Social Science Invention, ISSN (Online), Volume 4 Issue 4, Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, (4. International and regional cooperation, p.58) by Associate Professor Thanh Van Trinh - People's Police University – Vietnam, [http://www.ijhssi.org/papers/v4\(4\)/Version-2/I0442055058.pdf](http://www.ijhssi.org/papers/v4(4)/Version-2/I0442055058.pdf), date accessed 18 January 2016

<sup>9</sup> The Committee on the Elimination of Discrimination against Women, Concluding observations (2015) CEDAW/C/VNM/CO/7-8, 24 July 2015, (Trafficking and exploitation of prostitution, p. 6), <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/VNIndex.aspx>, date accessed 15 January 2016

#### 4.3.3 The United Nations explained that:

'UN agencies in Viet Nam coordinate their counter-trafficking work through the Technical Working Group on Human Trafficking, a sub-group of the Programme Coordination Group on social protection. The International Organization for Migration (IOM) currently serves as the facilitator of this group. Other UN agencies active in counter-trafficking work in Viet Nam include ILO [International Labour Organization], UNESCO [United Nations Educational, Scientific and Cultural Organization], UNICEF and UNODC [United Nations Office on Drugs and Crime]. Agencies work via complementary national, bilateral and regional programmes and projects, including the United Nations Inter-Agency Project on Human Trafficking (UNIAP) for the Greater Mekong Sub-region.

'The UN's human trafficking work includes policy advice and support for prevention, protection and prosecution activities.'<sup>10</sup>

#### 4.3.4 The International Journal of Humanities and Social Science Invention, Volume 4 Issue 4 on Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, stated:

'A new NPA [National Plan of Action] for the period of 2011 – 2015 has a significant shift in the focus of anti-trafficking policies away from trafficking only in women and children to 'trafficking in persons'. However, the link between trafficking and labour migration discourses has not been recognized in this new NPA. The MPS [Ministry of Public Security] remains the central agency in the anti-trafficking framework, being responsible for the majority of anti-trafficking measures, including investigation and prosecution, reception and identification of victims, enhancing policy and improving international cooperation.'<sup>11</sup>

#### 4.3.5 The Asia Foundation works with schools and educators in the Mekong Delta to 'increase awareness of safe migration and labor and sexual exploitation'. As noted on its website, they 'work with government and CSOs [Civil society organisations] to improve the quality of support to victims including through the development of National Minimum Standards for Trafficking Victims' Support and Protection.'<sup>12</sup>

#### 4.3.6 In 2011 the Vietnamese government ordered a 'high-profile' crackdown on trafficking and the Public Security Ministry collaborated with its Chinese counterpart to fight human trafficking rings.<sup>13</sup>

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<sup>10</sup> United Nations, Vietnam: Unite to Fight Human Trafficking, undated, <http://www.un.org.vn/en/what-we-do-mainmenu-203/cross-cutting-themes-human-trafficking.html>, date accessed 20 January 2016

<sup>11</sup> International Journal of Humanities and Social Science Invention, ISSN (Online), Volume 4 Issue 4, Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, (3. National Plan of Action (NPA), p.57) by Associate Professor Thanh Van Trinh - People's Police University – Vietnam, [http://www.ijhssi.org/papers/v4\(4\)/Version-2/I0442055058.pdf](http://www.ijhssi.org/papers/v4(4)/Version-2/I0442055058.pdf), date accessed 18 January 2016

<sup>12</sup> The Asia Foundation, Vietnam, 23 January 2014, <https://asiafoundation.org/resources/pdfs/Vietnam.pdf>, date accessed 18 January 2016

<sup>13</sup> Voice of America (VOA), Vietnamese Trafficking Victim Reveals Heartbreaking Ordeal, 24 September 2015, <http://www.voanews.com/content/vietnamese-trafficking-victim-reveals->

4.3.7 UN-ACT (United Nations Action for Cooperation against Trafficking in Persons), reported on its website (undated), that:

‘Prevention activities are conducted sporadically, and focus on raising awareness rather than behaviour change. While the Ministry of Foreign Affairs maintained its online migration website providing prospective migrants with access to relevant information and resources, the government has not increased efforts to enforce regulations, and overall efforts to regulate recruitment companies and marriage brokers remain inadequate.’<sup>14</sup>

[Back to Contents](#)

## 5. Nature and prevalence of trafficking

### 5.1 Nature of trafficking

5.1.1 The United Nations Inter-Agency Project (UNIAP) on Human Trafficking, recorded:

‘Vietnam is primarily a source country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor, but also marriages. The main destination countries are China and Cambodia, but there are other destination countries within and GMS [Greater Mekong Subregion] as well. Vietnam is also a recipient country for trafficked persons from Cambodia and serves as a transit country for Chinese children to Cambodia. In addition, internal trafficking of women and children has become apparent, mainly from rural areas to urban areas.’<sup>15</sup>

5.1.2 The United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, Published June 2015, stated:

‘Vietnamese men and women migrate abroad for work independently or through state-owned, private, or joint-stock labor export recruitment companies. Some are subsequently subjected to forced labor in the construction, fishing, agricultural, mining, logging, and manufacturing sectors, primarily in Taiwan, Malaysia, South Korea, Laos, the United Arab Emirates, and Japan. Vietnamese women and children are subjected to sex trafficking abroad; many are misled by fraudulent labor opportunities and sold to brothel operators on the borders of China, Cambodia, and Laos, while others are subjected to sex trafficking in Thailand and Malaysia.’<sup>16</sup>

5.1.3 Vietnamese are being trafficked to China as UNIAP reported: ‘Women, children and newborn babies are trafficked for marriage, labor exploitation,

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[heartbreaking-ordeal/2977558.html](http://www.no-trafficking.org/vietnam_who.html), date accessed 14 January 2016

<sup>14</sup> UN-ACT (United Nations Action for Cooperation against Trafficking in Persons), Vietnam, <http://un-act.org/countries/vietnam/>, date accessed 14 January 2016

<sup>15</sup> United Nations Inter-Agency Project on Human Trafficking, UNIAP Vietnam: Who is being trafficked in Vietnam?, (Main Routes for Trafficking in Vietnam), [http://www.no-trafficking.org/vietnam\\_who.html](http://www.no-trafficking.org/vietnam_who.html), date accessed 19 January 2016

<sup>16</sup> United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, published June 2015, (Vietnam: Tier 2, p. 362), <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>, date accessed 13 January 2016

sex work and adoption. Wives from Vietnam are in demand, due to both demographic and economic factors, such as China's "female deficit" and bride prices. Social pressure for marriage and to have children are risk factors for rural women.'<sup>17</sup>

- 5.1.4 UNAIP also described that internal trafficking was thought to be closely linked to the rural-urban migration flows. Recording:

'Prostitution is prevalent in Hanoi, HCMC, Quang Ninh, Hue, Da Nang, Khanh Hoa, Ba Ria-Vung Tau, Hai Phong and Da Lat, which are said to be major destinations of internal trafficking. Trafficking in the form of labor exploitation also takes place in the domestic, agricultural and construction sectors, as well as in factories, sweatshops, karaoke bars etc. Poverty and indebtedness, lack of awareness/education, family breakdown and problems, individual nature, influence of friends are frequently cited vulnerability factors. Similarly, the vulnerability factors for children in prostitution, are largely listed and not analyzed (family poverty, indebtedness, social exclusion, low education, dysfunctional families and external influences, i.e., consumer values, peer pressure, and filial piety). Children in prostitution, enter either voluntarily or by force, sometimes under pressure from family members. Boys in prostitution appear to be rare, but vulnerabilities in relation to ethnicity are still debated.'<sup>18</sup>

- 5.1.5 The UN Committee on the Elimination of Discrimination Against Women, joint report on discrimination against women (prejudices; practices; gender stereotypes; prostitution; education; employment; etc.), submitted by the NGOs Vietnamese Committee on Human Rights and International Federation of Human Rights, June 2015, stated:

'Trafficking and sex rings in Vietnam are often run with the connivance of Communist Party officials, Security Police and the military, which are never brought to justice. Prostitutes and HIV/AIDS carriers are classified as perpetrators of "social evils" and stigmatised by the regime. Official power abuse and State confiscation of land has seriously penalized women, especially in the rural areas. In addition, accelerated economic liberalization under the policy of "đổi mới", or renovation launched in 1986, has negatively impacted the status of Vietnamese women, exposing them to increased violence, sweat-shop working conditions, lack of access to health and education and other forms of discrimination.'<sup>19</sup>

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<sup>17</sup> United Nations Inter-Agency Project on Human Trafficking, UNIAP Vietnam: Who is being trafficked in Vietnam?, (From Vietnam to China), [http://www.no-trafficking.org/vietnam\\_who.html](http://www.no-trafficking.org/vietnam_who.html), date accessed 19 January 2016

<sup>18</sup> United Nations Inter-Agency Project on Human Trafficking, UNIAP Vietnam: Who is being trafficked in Vietnam?, (Internal Trafficking), [http://www.no-trafficking.org/vietnam\\_who.html](http://www.no-trafficking.org/vietnam_who.html), date accessed 19 January 2016

<sup>19</sup> UN Committee on the Elimination of Discrimination Against Women, joint report on discrimination against women (prejudices; practices; gender stereotypes; prostitution; education; employment; etc.), submitted by the NGOs Vietnamese Committee on Human Rights and International Federation of Human Rights, (Introduction), June 2015, [http://www.ecoi.net/file\\_upload/1930\\_1436433609\\_int-cedaw-ngo-vnm-20853-e.pdf](http://www.ecoi.net/file_upload/1930_1436433609_int-cedaw-ngo-vnm-20853-e.pdf), (via ECOI.net) date accessed 18 January 2016

- 5.1.6 The US State Department's 2014 Country Report on Human Rights Practices (USSD Report 2014), Vietnam, published on 25 June 2015, noted that:

'Authorities and NGOs recorded higher numbers of human trafficking victims, possibly attributable to growing demand among neighboring countries as well as the country's decision in 2012 to improve its efforts to track and investigate cases. Men, women, and children were victims of human trafficking, but most victims were ethnic minority women and girls destined for China. Many victims migrated abroad for work and were subjected to sex trafficking or forced labor.'<sup>20</sup>

- 5.1.7 UN-ACT (United Nations Action for Cooperation against Trafficking in Persons), reported on its website (undated), that:

'Women and girls are considered more susceptible to trafficking than men due to unequal gender relations and socio-economic positions, though both are at risk for different forms of exploitation. Trafficking has been reported of men, often from ethnic minorities, into situations of forced labour in brick factories, mines or sugarcane fields in China; and of of [sic] women into China, Taiwan, South Korea and Singapore for sexual exploitation. These women may be sold to brothels, sold to other buyers, or forced to work in manufacturing. There is also an increasing demand for virgins and children in prostitution resulting in rising levels of child sex tourism.'<sup>21</sup>

- 5.1.8 The Department of State (USSD), Trafficking in Persons Report 2015 further noted that:

'Some Vietnamese women who travel abroad for internationally brokered marriages, mostly to China and increasingly Malaysia, are subsequently subjected to domestic servitude or forced prostitution. Debt bondage, passport confiscation, and threats of deportation are tactics commonly used to compel Vietnamese victims into servitude. An increasingly reported tactic is men using the internet to lure young women and girls into online dating relationships and persuading them to move abroad where they are subjected to forced labor or sex trafficking. Victims are often recruited by relatives or acquaintances, often with the knowledge, consent, or urging of close family members.'<sup>22</sup>

[Back to Contents](#)

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<sup>20</sup> US Department of State, Country Reports on Human Rights Practices for 2014: Vietnam, 25 June 2015, (Executive Summary), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236490> date accessed 18 January 2016

<sup>21</sup> UN-ACT (United Nations Action for Cooperation against Trafficking in Persons), Vietnam, <http://un-act.org/countries/vietnam/>, date accessed 14 January 2016

<sup>22</sup> United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, published June 2015, (Vietnam: Tier 2, p. 362-363), <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>, date accessed 13 January 2016

## 5.2 Prevalence of trafficking

5.2.1 The UN Committee on the Elimination of Discrimination Against Women, joint report on discrimination against women (prejudices; practices; gender stereotypes; prostitution; education; employment; etc.), submitted by the NGOs [Non-Governmental Organisations] Vietnamese Committee on Human Rights and International Federation of Human Rights, June 2015, stated:

‘Government statistics for 2014 show that each year, 5,000 women are trafficked as sex workers to Singapore and Malaysia alone. The real figures are believed to be much higher.’<sup>23</sup>

5.2.2 In April 2015 Thanh Nien News reported that:

‘Human trafficking is on the rise in Vietnam, with 3,862 victims having been trafficked for forced labor, prostitution and organ trade since 2011, officials told a conference in Ho Chi Minh City on Tuesday [14 April]. “Human trafficking is growing and related crimes have been reported in all 63 cities and provinces nationwide,” said Colonel Le Van Chuong, deputy director of the Advisory Department under the Ministry of Public Security. According to a report by the Central Government’s Anti-crime Steering Committee, the number of Vietnamese victims of human trafficking from 2011-2015 increased by 11 percent over the previous five years. Provinces with the highest numbers of cases are mostly in the north, including Lao Cai, Ha Giang, Lai Chau and Lang Son. Chuong said that the official number was based on reports from the police, local media and the victims. “The actual number is much higher,” he said. ... According to the Anti-crime Steering Committee, most of the victims of human trafficking were poor, unemployed and not highly educated. More than 85 percent of the victims from 2011-2015 were women and children.’<sup>24</sup>

5.2.3 In September 2015 Hong Kong police arrested eighteen members of a Vietnam trafficking ring, including two suspected Chinese kingpins. The Hong Kong Free Press reported that: ‘The group charged HK\$5,000 to HK\$10,000 for the “one-stop” service from Vietnam to Hong Kong, Apple Daily said citing marine police chief inspector Lee Chi-man.’<sup>25</sup>

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<sup>23</sup> UN Committee on the Elimination of Discrimination Against Women, joint report on discrimination against women (prejudices; practices; gender stereotypes; prostitution; education; employment; etc.), submitted by the NGOs Vietnamese Committee on Human Rights and International Federation of Human Rights, (Article 6: Suppressing all forms of Traffic and Exploitation of Women for Prostitution p.3), June 2015, [http://www.ecoi.net/file\\_upload/1930\\_1436433609\\_int-cedaw-ngo-vnm-20853-e.pdf](http://www.ecoi.net/file_upload/1930_1436433609_int-cedaw-ngo-vnm-20853-e.pdf), (via ECOI.net)

<sup>24</sup> Thanh Nien News, Kidneys, newborns, wives for sale: Human trafficking on the rise in Vietnam, 21 April 2015, <http://www.thanhniennews.com/society/kidneys-newborns-wives-for-sale-human-trafficking-on-the-rise-in-vietnam-42430.html>, date accessed 20 January 2016

<sup>25</sup> Hong Kong Free Press, Hong Kong-Vietnam human trafficking ring busted, 18 arrested, 11 September 2015, <https://www.hongkongfp.com/2015/09/11/hong-kong-vietnam-human-trafficking-ring-busted-18-arrested/>, date accessed 20 January 2016

5.2.4 The United Nations Inter-Agency Project on Human Trafficking state:

‘Due to Vietnam’s recent history, large numbers of Vietnamese have migrated to Cambodia, whose children remain largely stateless and more vulnerable to exploitation. Vietnamese are often perceived as more diligent and beautiful by Cambodian society, fuelling the demand for Vietnamese migrants and, more specifically Vietnamese prostitutes. Studies indicate that 15–32% of sex workers in Cambodia are of Vietnamese origin. Individuals enter prostitution either voluntarily or by force, however, debt bondage is particularly prominent among Vietnamese sex workers in Cambodia. Around 50% of the trafficked persons of Vietnamese origin identified in Cambodia come from An Giang province. They come through three main routes: the border checkpoints at Toanlaop, Bavet, or Kansang in Cambodia; by plane to Phnom Penh; and, by river via three river checkpoints: Chery Thom and K’om Samnor in Kandal province, and Bak Dey in Takeo province in Cambodia.’<sup>26</sup>

5.2.5 The International Journal of Humanities and Social Science Invention, Volume 4 Issue 4 on Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, stated:

‘According to statistics from the Ministry of Public Security, there were 3,046 cases and 6,628 victims of human trafficking during the period between 2007 and 2014. It is believed the actual number is considerably higher, as programme experience has shown that the majority of trafficked persons return without reporting they have been trafficked, and due to stigma and discrimination, often do not tell their families and friends.’<sup>27</sup>

5.2.6 UN-ACT added:

‘Traffickers come from a variety of backgrounds, ranging from recruitment agency staff to victim family members. Vietnamese labour export companies and unlicensed intermediary brokers have been known to operate illegally, exploiting vulnerable and desperate migrants. More organized crime groups are involved in trafficking further overseas, such as in the forced labour of Vietnamese children on cannabis farms in the UK. Traffickers are also increasingly using the internet as a channel to lure victims. Such crimes are further facilitated by corruption, including at border crossings and checkpoints.’<sup>28</sup>

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<sup>26</sup> United Nations Inter-Agency Project on Human Trafficking, UNIAP Vietnam: Who is being trafficked in Vietnam?, (From Vietnam to Cambodia), undated [http://www.no-trafficking.org/vietnam\\_who.html](http://www.no-trafficking.org/vietnam_who.html), date accessed 19 January 2016

<sup>27</sup> International Journal of Humanities and Social Science Invention, ISSN (Online), Volume 4 Issue 4, Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, (p.55) by Associate Professor Thanh Van Trinh - People’s Police University – Vietnam [http://www.ijhssi.org/papers/v4\(4\)/Version-2/I0442055058.pdf](http://www.ijhssi.org/papers/v4(4)/Version-2/I0442055058.pdf), date accessed 18 January 2016

<sup>28</sup> UN-ACT (United Nations Action for Cooperation against Trafficking in Persons), Vietnam, <http://un-act.org/countries/vietnam/>, date accessed 14 January 2016

### 5.2.7 The TiP report further added:

'Vietnamese organized crime networks recruit and transport Vietnamese nationals, especially children, to Europe - particularly the United Kingdom and Ireland - and subject them to forced labor on cannabis farms; they are lured with promises of lucrative jobs and compelled into servitude through debt bondage. Vietnam's labor export companies - many affiliated with state-owned enterprises - sometimes charge fees in excess of the law for work abroad, leaving workers with exorbitant debts and vulnerable to forced labor and debt bondage. Upon arrival in destination countries, some workers find themselves compelled to work in substandard conditions for little or no pay, with large debts and no credible avenues of legal recourse. Recruitment companies are sometimes unresponsive to workers' requests for assistance in situations of exploitation.'

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### 5.2.8 Traffickers in Vietnam tend to recruit extensively in rural areas, according to a 2014 report by the NGO Anti-Slavery International. The report also noted that:

'Despite Vietnam's recent rapid economic growth, the distribution of this wealth has been skewed towards urban areas. This has resulted in rising unemployment in rural areas. Attempts by the Vietnamese Government to address rural unemployment have resulted in people being encouraged to seek employment in overseas labour schemes. While these can bring great benefits to individuals and the Vietnamese economy, they are often poorly regulated and can create an opportunity for organised criminal networks to traffic individuals. Poor access to education is also a contributing factor; with 40-50% of rural children not continuing education beyond the age of 14. Save the Children found that 93.5% of returned child victims of trafficking had a low education levels. Rural areas also have comparatively large ethnic minorities, who are often vulnerable to discrimination and generally fare badly in a variety of social welfare indicators, including impoverishment and access to education. This further exacerbates their vulnerability to human traffickers.

'In recognition of the large number of people being trafficked from and within Vietnam (over 40,000 women and children were recorded as being missing and unaccounted for between 2005 and 2009), the Vietnamese Government introduced a cross-cutting anti-trafficking initiative called Programme 130. However, the reach of such initiatives is limited in those remote and rural areas in which children are most vulnerable. Furthermore, it should be noted that preventative efforts in Vietnam have traditionally focused on women and girls. This leaves boys vulnerable, and is an issue that has to be tackled since the available data shows that the majority of Vietnamese children being trafficked into countries such as the UK are male.'

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<sup>29</sup> United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, published June 2015, (Vietnam: Tier 2, p. 362-363), <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>, date accessed 13 January 2016

<sup>30</sup> AntiSlavery International, Trafficking for Forced Criminal Activities and Begging in Europe (Trafficking risk factors in Vietnam, p. 13-14), September 2014,

5.2.9 Figures published by the [UK National Crime Agency \(NCA\) Human Trafficking: National Referral Mechanism Statistics April – June 2015](#), indicated there were 56 adult referrals from Vietnam during this period, including 15 negative reasonable grounds decisions and 37 positive reasonable grounds decisions of which 28 are awaiting conclusive decisions, 4 received a negative conclusion and 1 a positive conclusion, confirming trafficked status.

During the same period, the NCA recorded 48 minor referrals, which resulted in 39 positive reasonable grounds decisions and 5 positive conclusive decisions.<sup>31</sup>

Vietnam's 56 adult referrals ranked 2<sup>nd</sup> (of the adult referrals) and its 6 minor referrals ranked 1<sup>st</sup> (of the minor referrals) out of the total 757 referrals made to the National Referral Mechanism (NRM) from 61 countries between April and June 2015.<sup>32</sup>

**Note:** The NCS publication states that these figures are not to be used in legal proceedings and are for information only.

[Back to Contents](#)

### 5.3 Support and Protection

5.3.1 The UN Committee on the Elimination of Discrimination Against Women, joint report on discrimination against women (prejudices; practices; gender stereotypes; prostitution; education; employment; etc.), submitted by the NGOs [Non-Governmental Organisations] Vietnamese Committee on Human Rights and International Federation of Human Rights, June 2015, stated:

'Victims of trafficking who escape and return to Vietnam have no legal protection. Many rural women find that their land has been confiscated during their absence. If they have children born overseas, the children are not entitled to the obligatory residence permit, or "hộ khẩu", and become illegal citizens, deprived of the right to education and health care.

'The involvement, directly or indirectly, of Communist Party and state officials in the sex trade is disturbing. Evidence suggests that prostitution rings are often run by, or under the "umbrella" of corrupt Party cadres and local

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[http://www.antislavery.org/includes/documents/cm\\_docs/2014/t/trafficking\\_for\\_forced\\_criminal\\_activities\\_and\\_begging\\_in\\_europe.pdf](http://www.antislavery.org/includes/documents/cm_docs/2014/t/trafficking_for_forced_criminal_activities_and_begging_in_europe.pdf), date accessed 18 January 2016

<sup>31</sup> National Crime Agency (NCA), Human Trafficking: National Referral Mechanism Statistics – April to June 2015, (Table 2 & Table 6), <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/655-human-trafficking-national-referral-mechanism-statistics-april-to-june-2015/file>, date accessed 14 January 2016

<sup>32</sup> National Crime Agency (NCA), Human Trafficking: National Referral Mechanism Statistics – April to June 2015, <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/655-human-trafficking-national-referral-mechanism-statistics-april-to-june-2015/file>, date accessed 14 January 2016

officials, who demand payment from the sex workers in return for their protection.’<sup>33</sup>

- 5.3.2 The International Journal of Humanities and Social Science Invention, Volume 4 Issue 4 on Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, stated: ‘The Vietnamese Government has taken active measures to address the matter and support victims through various national policies and procedures. An NPA [National Plan of Action] was developed and enacted to ensure that prevention, protection and prosecution activities, and support are implemented nationally.’<sup>34</sup>
- 5.3.3 The United States Department of State (USSD), Trafficking in Persons Report 2015, stated: ‘The government demonstrated modest efforts to protect victims. In 2014, authorities identified 1,031 potential trafficking victims but did not report how many were exploited in sex or labor trafficking, how many were adults or children, or how many were exploited in Vietnam or abroad. In comparison, authorities certified 982 trafficking victims in 2013. Victim identification and referral mechanisms remained weak throughout the country.’<sup>35</sup>
- 5.3.4 The TiP report further added:  
‘Protection services varied by location but generally included legal aid, counseling, shelter, vocational training, healthcare, and financial allowances. Authorities did not report the number of victims who used the one-time government cash subsidy—up to one million dong (\$50). MOLISA’s social protection centers, which provided services to a wide range of vulnerable groups, sometimes housed trafficking victims; these centers are often underfunded and lack appropriately trained personnel to assist victims. The Vietnam Women’s Union, in partnership with NGOs and with foreign donor funding, continued to operate three shelters in urban areas, one of which was trafficking-specific. Vietnam had no shelters or services specifically for assisting male or child victims and none devoted specifically to victims of labor trafficking.’<sup>36</sup>

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<sup>33</sup> UN Committee on the Elimination of Discrimination Against Women, joint report on discrimination against women (prejudices; practices; gender stereotypes; prostitution; education; employment; etc.), submitted by the NGOs Vietnamese Committee on Human Rights and International Federation of Human Rights, (Article 6: Suppressing all forms of Traffic and Exploitation of Women for Prostitution p.3), June 2015, [http://www.ecoi.net/file\\_upload/1930\\_1436433609\\_int-cedaw-ngo-vnm-20853-e.pdf](http://www.ecoi.net/file_upload/1930_1436433609_int-cedaw-ngo-vnm-20853-e.pdf), (via ECOI.net)

<sup>34</sup> International Journal of Humanities and Social Science Invention, ISSN (Online), Volume 4 Issue 4, Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, (3. National Plan of Action (NPA), p.57) by Associate Professor Thanh Van Trinh - People’s Police University – Vietnam, [http://www.ijhssi.org/papers/v4\(4\)/Version-2/I0442055058.pdf](http://www.ijhssi.org/papers/v4(4)/Version-2/I0442055058.pdf) date accessed 18 January 2016

<sup>35</sup> United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, published June 2015, (Protection, p. 364), <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>, date accessed 13 January 2016

<sup>36</sup> United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, published June 2015, (Protection, p. 364), <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>, date accessed 13 January 2016

- 5.3.5 The TiP report further added: 'In 2014, the Ministry of Labor, Invalids, and Social Affairs (MOLISA) provided protection and reintegration support to 668 trafficking victims, of which the government repatriated over half... In some repatriation cases, Vietnamese diplomatic missions provided basic provisions, transportation, and healthcare to Vietnamese victims subjected to trafficking abroad.'<sup>37</sup>
- 5.3.6 Further reporting that:  
'The government reportedly encouraged trafficking victims to assist in judicial proceedings against traffickers and offered some protection and compensation to victims, yet victims expressed trepidation to use them given the endemic social stigma attached to being a victim, fear of retribution in their local communities, and fear of punishment for illegal acts committed in the course of being subjected to trafficking. Vietnamese law protects victims from being prosecuted for actions taken as a consequence of being subjected to trafficking; however, officials are not properly trained in identification of trafficking victims, which may have led to the treatment of some victims as criminals.'<sup>38</sup>
- 5.3.7 The UNODC observed in its 2013 report that Vietnam has 'nine shelters and reception centres for trafficking women that provide food, accommodation, medical care, counselling, vocational training and legal aid.'<sup>39</sup>
- 5.3.8 The Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations (2015), expressed concern 'that women's access to legal aid remains low and, under the Legal Aid Law (2006), legal aid is not free of charge for women whose household income is above the poverty line, even if they lack access to household income and/or are survivors of domestic violence.'<sup>40</sup>
- 5.3.9 To support victims of trafficking in An Giang, Quang Ninh, and Can Tho Provinces, the Asia Foundation established community monitoring and support groups in those two communes to increase community awareness and provide legal assistance to the victims in partnership with the National Legal Aid Agency of the Vietnamese Ministry of Justice.<sup>41</sup>

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<sup>37</sup> United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, published June 2015, (Protection, p. 364), <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>, date accessed 13 January 2016

<sup>38</sup> United States Department of State (USSD), Trafficking in Persons Report 2015, Vietnam, published June 2015, (Protection, p. 364), <http://www.state.gov/j/tip/rls/tiprpt/2015/index.htm>, date accessed 13 January 2016

<sup>39</sup> The United Nations Office on Drugs and Crime (UNODC), Assessment of the Situation of Women in the Criminal Justice System in Viet Nam, July 2013, (Shelters, p31), [https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women\\_in\\_Justice\\_English.pdf](https://www.unodc.org/documents/southeastasiaandpacific/vietnam/publication/2014/Women_in_Justice_English.pdf), date accessed 19 May 2016

<sup>40</sup> The Committee on the Elimination of Discrimination against Women, Concluding observations (2015) CEDAW/C/VNM/CO/7-8, 24 July 2015 (Legal aid and access to justice, para 10), <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/VNIndex.aspx>, date accessed 15 January 2016

<sup>41</sup> The Asia Foundation, Combating Trafficking of Women & Children in Vietnam, undated, <https://asiafoundation.org/resources/pdfs/VNtrafficking.pdf>, date accessed 18 January 2016

### 5.3.10 The Asia Foundation considered that:

‘Even when these victims manage to return to Vietnam, they face tremendous difficulty in reintegrating into their communities. Stigmatized by society and traumatized by their experience, they generally do not have the education and skills necessary for gainful employment. These women are at a high risk of being re-trafficked. ... Because of official condemnation of illegal prostitution as well as a prohibition on emigrating without notifying authorities, many survivors of trafficking are left with few avenues to receive assistance. Often, they are reluctant to seek help for fear of further abuse by traffickers, debt bondage, punishment from government authorities for illegal border crossing, or stigma from being labeled a prostitute. This isolation and fear leaves them vulnerable to re-trafficking.’<sup>42</sup>

### 5.3.11 The IOM concluded in a 2012 assessment report on ‘reintegration support models for victims of trafficking in Viet Nam’ which examined assessment centres and self-help groups for trafficked women in An Giang, Bac Giang and Lao Cai that:

‘Confidentiality remains a concern related to victim-centred, rights-based approaches, especially as local Women’s Union, police and People’s Committees are informed of details about trafficked persons. ... Referral and follow-up for trafficked persons from other provinces are not in place and the majority of trafficked women cannot access services under current policies and funding mechanisms.’<sup>43</sup>

### 5.3.12 Anti Slavery International reporting on ‘Trafficking for forced labour in cannabis cultivation’ in the UK noted in a 2014 report that:

‘Debt bondage is a common means of controlling trafficking victims from Vietnam. They are told that they have developed significant debts as a result of being transported to the UK, which they must pay off through work in a cannabis farms. The debts are often set at an inflated rate, in recorded cases the level of debt was £17,000 and £20,000, and may take several years to work off. Responsibility for a proportion of the debt may also be placed on their family. Unable to borrow money from banks, they may turn to money lenders who are often connected to the trafficking networks. This provides an extra mechanism to control and subsequently exploit a vulnerable victim and their family.’<sup>44</sup>

[Back to Contents](#)

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<sup>42</sup> The Asia Foundation, Combating Trafficking of Women & Children in Vietnam, undated, <https://asiafoundation.org/resources/pdfs/VNtrafficking.pdf>, date accessed 18 January 2016

<sup>43</sup> IOM, Assessment Report on reintegration support models for victims of trafficking in Viet Nam, 1 March 2012, Summary p.14

[http://www.un.org.vn/en/publications/publications-by-agency/doc\\_download/385-assessment-report-on-reintegration-support-models-for-victims-of-trafficking-in-viet-nam.html](http://www.un.org.vn/en/publications/publications-by-agency/doc_download/385-assessment-report-on-reintegration-support-models-for-victims-of-trafficking-in-viet-nam.html), Date accessed: 25 February 2016

<sup>44</sup> AntiSlavery International, Trafficking for Forced Criminal Activities and Begging in Europe (Trafficking for forced labour in cannabis cultivation, p.15), September 2014, [http://www.antislavery.org/includes/documents/cm\\_docs/2014/t/trafficking\\_for\\_forced\\_criminal\\_activities\\_and\\_begging\\_in\\_europe.pdf](http://www.antislavery.org/includes/documents/cm_docs/2014/t/trafficking_for_forced_criminal_activities_and_begging_in_europe.pdf), date accessed 18 January 2016

## 5.4 Freedom of movement

### 5.4.1 The US State Department's 2014 Country Report on Human Rights Practices (USSD Report 2014), Vietnam, published on 25 June 2015, noted that:

'The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the movement of certain individuals, especially those convicted under national security or related charges or those outspoken in their criticism of the government...

'A government restriction regarding travel to certain areas required citizens and resident foreigners to obtain a permit to visit border areas, defense facilities, industrial zones involved in national defense, areas of "national strategic storage," and "works of extreme importance for political, economic, cultural, and social purposes."

'Local police required citizens to register when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts. Foreign passport holders must also register to stay in private homes, although there were no known cases of local authorities refusing to allow foreign visitors to stay with friends and family.

'Authorities did not strictly implement residency laws, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons seeking legal residence permits, public education, and health-care benefits.'<sup>45</sup>

### 5.4.2 The Committee on the Elimination of Discrimination against Women (CEDAW), Concluding observations (2015), expressed concern, 'That internal migrant workers, including women and girls, face barriers in gaining access to basic social services guaranteed to all Vietnamese citizens; That migrant women and girls, especially women domestic workers, are at a high risk of sexual and labour exploitation; That migrant women who are victims of exploitation and violence face barriers in filing complaints and gaining access to justice.'<sup>46</sup>

[Back to Contents](#)

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<sup>45</sup> US Department of State, Country Reports on Human Rights Practices for 2014: Vietnam, 25 June 2015, (d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236490> date accessed 18 January 2016

<sup>46</sup> The Committee on the Elimination of Discrimination against Women, Concluding observations (2015) CEDAW/C/VNM/CO/7-8, 24 July 2015 (Migrant women workers, para 30), <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/VNIndex.aspx>, date accessed 15 January 2016

# Version Control and Contacts

## Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

## Clearance

Below is information on when this version of the guidance was cleared:

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[Back to Contents](#)