

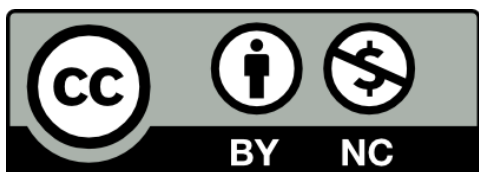


Vietnam: Returned victims of trafficking

Issues affecting the likelihood of re-trafficking

6 May 2020

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This report was produced with the kind support of the Paul Hamlyn Foundation.

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Explanatory Note

This report presents Country of Origin Information (COI) on the situation faced by Vietnamese victims of trafficking returned to Vietnam, with a particular focus on those returned from the UK.

The COI desk-based research for this report focused on a wide range of sources published between 16 December 2014 and 20 April 2020, whereby more recent sources of information were included to ensure the report is as current as possible. The report also includes information generated by interviewing a range of stakeholders between October 2019 and November 2019. In April 2020 the same interlocutors were asked to re-confirm their original transcripts or provide any addendum.

Legal representatives in the UK representing Vietnamese victims of trafficking identified this topic as a major gap in COI, in particular their treatment upon return and the associated risk of re-trafficking. The lack of relevant and current COI is recognised as one of the barriers for quality decision making for Vietnamese victims of trafficking claiming asylum in the UK.

Vietnamese nationals regularly form one of the top 10 largest groups of asylum seekers in the UK. In 2019 there were 1551 applications for asylum from Vietnamese nationals. Of these, 446 were from unaccompanied children. In 2019 there were 818 initial decisions on Vietnamese asylum applications; 340 were refused (42%), 111 (13%) cases were withdrawn and 367 (45%) were granted a form of leave. Of the total initial decisions, 266 (33%) were granted asylum, 54 (7%) humanitarian protection, 6 (1%) discretionary leave, 17 (2%) unaccompanied asylum seeking children leave, and 24 (3%) other grants of leave. In 2019 there were 351 Vietnamese appeals determined. Of these, 195 were allowed (55%), 125 (36%) dismissed and 30 (8%) withdrawn.¹ Vietnamese nationals in the UK “have consistently featured in the top three nationalities of victims referred to the NRM [National Referral Mechanism] and numbers have consistently increased over the past few years [...] The NRM, which records referrals of potential victims of trafficking, shows that between 2009-2018 there were 3,187 Vietnamese adults and children referred”.² In 2019 alone, Vietnamese nationals represented the second most common nationality of all referrals to the UK National Referral Mechanism, with 887 referrals³, 427 of which were children⁴. In 2018 there were 702 Vietnamese people referred to the UK NRM as potential victims of trafficking, 320 of which children.⁵

¹ All statistics taken from UK Home Office, [Asylum applications, decisions and resettlement](#), Last updated 27 February 2020

² ECPAT UK/Anti-Slavery/ Pacific Links Foundation, [Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe](#), 7 March 2019, United Kingdom, *The current profile*, p. 111

³ UK Home Office, [National Referral Mechanism statistics UK: End of year summary 2019: data tables](#), 2 April 2020, p. 4. Note that according to the report “A change to data recording means that as of 1 October 2019 the dual nationality of potential victims is reflected in NRM data” (p. 5).

⁴ UK Home Office, [National Referral Mechanism statistics UK: End of year summary 2019: data tables](#), 2 April 2020, p. 4

⁵ UK National Crime Agency (NCA), [National Referral Mechanism Statistics – End of Year Summary 2018](#), 20 March 2019, p. 7, 10 and 12

At the outset of this project, existing COI focused mainly on the migration route and experience en route or in the country of final destination rather than on the situation upon return in Vietnam for victims of trafficking. Tribunal guidance in the form of Country Guidance determinations on this issue is non-existent. When research for this report started, the guidance that existed for UK decision-makers for persons of this profile was the September 2018 *Country Policy and Information Note, Vietnam: Victims of trafficking* which assessed that “There is some evidence to suggest that some returned victims of trafficking may be at risk of re-trafficking or reprisals” and that “existing shelters provide assistance to all victims as needed”.⁶ This particular part of the guidance appeared to be based on limited specific COI included in sections 7.1 *Provision of shelters* and 8.4 *Risk of re-trafficking* of the policy note taken from the Asia Foundation (undated), The Australian Department of Foreign Affairs and Trade (June 2017), The Guardian (February 2018), The Independent Anti-Slavery Commissioner (2017), the U.S. Department of State (June 2018)⁷. The sources included did not seem to address the complexity of the issues involved; for example whether the Vietnamese government recognised returned victims of trafficking in order for these to access shelters and support services; information on the practical functioning of these shelters in relation to intake numbers, length of stay, support services offered, security at the shelters etc.; the specific factors that may increase the likelihood of re-trafficking such as debt bondage, societal and family discrimination and stigmatisation, and the difficulties of relocation due to the Ho Khau registration system. We therefore undertook to focus our research on these aspects in this report. In September 2019, the UK Home Office published a report following its fact-finding mission to Vietnam that took place between February and March 2019⁸, which was heavily cited in its updated April 2020 *Country Policy and Information Note, Vietnam: Victims of trafficking*⁹. This policy note includes the same assessments as those highlighted above in 2018 and further finds that “it is unlikely that a person would be re-trafficked once returned to Vietnam but a persons vulnerability may affect the likelihood of this happening [...]”.¹⁰

Asylos and ARC Foundation share a strong belief in the importance of the role of COI in refugee decision making and both have the desire to contribute to the fair and sound administration of asylum law. We hope to fill the gap in the COI literature about the situation of returned victims of trafficking to Vietnam and thus to contribute to a more informed and balanced debate about the situation. The report is also intended as a tool to assist legal practitioners and to help ensure that decision-makers consider all relevant material.

Please note that we are not legally accredited nor ‘experts’ in the matters we research and cannot be classified as expert witnesses. We compile primary and secondary information to address certain country-specific questions, but we do not provide an assessment or analysis of the data. Similarly, we do not provide legal advice.

⁶ See UK Home Office, [Country Policy and Information Note, Vietnam: Victims of trafficking](#), September 2018, paras. 2.4.4 and 2.5.5

⁷ See UK Home Office, [Country Policy and Information Note, Vietnam: Victims of trafficking](#), September 2018, 7.1 *Provision of shelters* and 8.4 *Risk of re-trafficking*

⁸ See UK Home Office, [Report of a Home Office fact-finding mission to Vietnam, Conducted between 23 February and 1st March 2019](#), 9 September 2019

⁹ See UK Home Office, [Country Policy and Information Note, Vietnam: Victims of trafficking](#), April 2020

¹⁰ See UK Home Office, [Country Policy and Information Note, Vietnam: Victims of trafficking](#), April 2020, paras. 2.4.6, 2.4.7 and 2.5.7

The report was researched, written and edited by Asylos' and ARC Foundation's project consultants who were supported by Asylos staff and its network of volunteer researchers. It combines publicly available sources and written or oral contributions by a range of interlocutors with specific expertise on trafficking in Vietnam. The COI presented is illustrative, but not exhaustive of the information available in the public domain, nor is it determinative of any individual human rights or asylum claim. All sources are publicly available and a direct hyperlink has been provided. A list of sources and databases consulted is also provided in this report, to enable users to conduct further research and to conduct source assessments. Excerpts from the transcripts (not the Home Office's own summaries) found in the UK Home Office fact-finding mission report were included as source material in this report.¹¹ Note that the COI included is mainly presented in reverse chronological order, but where deemed necessary was moved to provide a more consistent flow. Whilst we strive to be as comprehensive as possible, no amount of research can ever provide an exhaustive picture of the situation. It is therefore important to note that the absence of information should not be taken as evidence that an issue does not exist. For more information about our research methodology, please consult [Appendix A. Methodology](#) of this report.

This document is intended to be used as a tool to help to identify relevant COI and the COI referred to in this report can be considered by decision makers in assessing asylum applications and appeals. **This report is not a substitute for individualised case-specific research and therefore this document should not be submitted in isolation as evidence to refugee decision-making authorities.** Whilst every attempt has been made to ensure accuracy, the authors accept no responsibility for any errors included in this report.

Background on the research project

This report is the result of a joint three-year project by Asylos and ARC Foundation to publish a series of reports that present new and innovative forms of COI, generated by conducting interviews alongside existing sources. All planned reports cover topics related to young asylum seekers in the UK for whom an absence of country information forms a barrier to protection. Previous reports include:

- Asylos/ARC Foundation, [Albania: Trafficked Boys and Young Men](#), May 2019
- Pilot report: Asylos/ARC Foundation, ['Westernised' young males from Afghanistan](#), August 2017

Acknowledgements

We would like to thank the following external partners for their advice and support on this report:

- Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)
- Dutch Council for Refugees
- Julian Build, Solicitor, Anti Trafficking and Labour Exploitation Unit (ATLEU)
- Nikki Lee Clarke, Immigration Advisor, St. Augustine's Centre
- Carita Thomas, Solicitor, Anti Trafficking and Labour Exploitation Unit (ATLEU)

¹¹ Asylos and ARC Foundation consider it good practice for fact-finding mission reports to include the original transcripts with the actual questions posed, and to not provide a summary by the authors of the fact-finding mission reports of what has been said in order not to distort the original meaning during the interviews.

Their advice and support does not necessarily imply their formal endorsement of the final report, which is the full responsibility of Asylos and ARC Foundation.

We are immensely grateful for Paul Hamlyn Foundation's generous financial support of this project.

Feedback and Comments

Please help us track the impact of our work. It is our best reward and helps us align our work to your needs. If you have read this report, used any part of it to inform your case or decision and/or submitted it to court, whatever its outcome, please complete the feedback form found [here](#).

For general comments or inquiries about the project, or suggestions for future report topics, please email info@asylos.eu and info@asylumresearchcentre.org directly.

Who we are

Asylos is a global network of volunteers providing free-of-charge Country of Origin Information research for lawyers helping asylum seekers with their claim. Asylos works to ensure that asylum seekers and their legal counsel have access to crucial sources and data to substantiate their claim. Asylos volunteers use their research and language skills to access detailed information. More information can be found [here](#).

ARC Foundation is the charitable branch of Asylum Research Centre (ARC). ARC was set up in 2010 in order to raise standards in the refugee status determination (RSD) process, improve the realisation of asylum seekers' and refugees' rights and entitlements and to ensure that those in need of protection are recognised as such. It is staffed by human rights researchers and COI specialists and undertakes research, case-specific COI research, advocacy and training to improve the quality of RSD. More information on ARC Foundation and ARC can be found [here](#).

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Sources and Databases consulted

[Timeframe for research: 16 December 2014 – 20 April 2020; COI desk-based research conducted in July 2019 and updated in mid-April 2020]

Not all of the sources listed here have been consulted for each issue addressed in the report. Additional sources to those individually listed were consulted via database searches. This non-exhaustive list is intended to assist in further case-specific research. To find out more about an organisation, view the 'About Us' tab of a source's website.

Databases

[Asylos's Research Notes \[Subscription only\]](#)
[EASO COI Portal](#)
[European Country of Origin Information Network \(ECOI\)](#)
[Relief Web](#)
[UNHCR Refworld](#)

Media

[Al Jazeera](#) [English; Vietnam pages]
[Asia Times](#) [English; Vietnam page]
[Le Courrier du Vietnam](#) [French]
[Inter Press Service](#) [English]
[The New Humanitarian](#) [English; Vietnam page]
[Nhan Dan](#) [English – Communist Party daily]
[Radio Free Asia](#) [Vietnam page]
[Thomson Reuters Foundation News](#) [English]
[VietNam News](#) [English – state run]
[Vietnam+](#) [Vietnam Plus; English]
[The Voice of Vietnam](#) [English]

Other sources

[Amnesty International](#) [Vietnam page]
[Anti-Slavery International](#)
[The Asia Foundation](#)
Australian Government, Department of Foreign Affairs and Trade
• [Country Information Reports, Vietnam](#), 13 December 2019
[Asian Human Rights Commission](#)
[Asia Society](#) [Vietnam page]
[Blue Dragon](#)
[Caritas Vietnam](#)
[Centre for Women and Development \(CWD\)](#)
[Doctors Without Borders](#)/Medecins Sans Frontieres
[Eldis](#)
[Every Child Protected Against Trafficking \(ECPAT UK\)](#)
[Freedom House](#) [Vietnam page]
[Hagar International](#)

[Human Rights Watch](#) [Vietnam page]
[Human Trafficking Search](#)
[Immigration and Refugee Board of Canada – Responses to Information Requests](#)
[International Committee of the Red Cross \(ICRC\)](#)
[International Federation for Human Rights](#) [Vietnam page]
[International Organization for Migration \(IOM\) – Counter-Trafficking](#)
[Organisation for Economic Co-operation and Development \(OECD\) – Social Institutions and Gender Index \(SIGI\)](#)
[Global Alliance Against Traffic in Women \(GAATW\)](#)
[Overseas Development Institute \(ODI\)](#)
[Oxfam](#)
[Pacific Links Foundation](#)
[Plan International](#) [Vietnam page]
[Save the Children](#)
 UK Foreign and Commonwealth Office

- [Human Rights and Democracy Report 2018](#), 5 June 2019

[UK Independent Anti-Slavery Commissioner](#)
 U.S. Department of State

- [Trafficking in Persons Report 2019](#), 24 June 2019
- [Trafficking in Persons Report 2018](#), 28 June 2018
- [Trafficking in Persons Report 2017](#), 27 June 2017

[UN Action for Cooperation against Trafficking in Persons \(UN-ACT\)](#)
[UN Children’s Fund \(UNICEF\)](#)
[UN Committee on Economic, Social and Cultural Rights](#)
[UN Committee on the Elimination of Discrimination against Women](#)
[UN Committee on the Rights of the Child](#)
[UN Development Programme \(UNDP\) - Vietnam](#)
[UN High Commissioner for Refugees \(UNHCR\)](#)
[UN Human Rights Council](#)
[UN Human Settlements Programme \(UNHABITAT\)](#)
[UN Interregional Crime and Justice Research Institute \(UNICRI\)](#)
[UN News Centre](#)
[UN Office for the Coordination of Humanitarian Affairs \(UNOCHA\) - Vietnam](#)
[UN Office of the High Commissioner for Human Rights \(OHCHR\)](#)
[UN Office on Drugs and Crime \(UNODC\)](#)
 UN Office on Drugs and Crime (UNODC)

- [Global Report on Trafficking in Persons 2018](#), December 2018
- [Global Report on Trafficking in Persons 2016](#), December 2016

[UN Population Fund \(UNPFPA\)](#)
[UN Secretary General](#)
[UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context](#)
[UN Special Rapporteur on trafficking in persons, especially women and children](#)
[UN Special Rapporteur on violence against women, its causes and consequences](#)
[UN Women](#)
[Vietnam Committee on Human Rights & Que Me](#)
[Vietnam Human Rights Network](#)
[Vietnam Law & Legal Forum](#)

Interviewees

Asylos and ARC Foundation aimed to identify interviewees that have varied extensive professional experience or recently published credible research on the topic and those that have recently been in the country of research.

Interviewees were identified by reference to those cited in UK case law, those having published academic material on the issue in question, those recommended on the Refugee Legal Group, Electronic Immigration Network (EIN), the Refugee Rights in Exile Programme, and those cited in publications during the desk-based research phase of the project such as those cited in the September 2019 UK Home Office Country Policy and Information Team's Report of their Fact-Finding Mission to Vietnam.

Asylos and ARC Foundation also sought recommendations from their respective boards of trustees and networks of legal representatives and all individuals and organisations contacted were asked to recommend other potential stakeholders for interview.

For details on how the interviewees were instructed, please consult Appendix [A. Methodology](#) of this report.

Acronyms

AAT	Alliance Anti Traffic
CEOP	Child Exploitation and Online Protection
CEDAW	(United Nations) Committee on the Elimination of Discrimination Against Women
COMMIT	Coordinated Mekong Ministerial Initiative against Human Trafficking
CPIT	(UK) Country Policy and Information Team
CPV	Communist Party of Vietnam
CSAGA	Center for Studies and Applied Sciences in gender, Family, Women and Adolescents
DOLISA	Department of Labour Invalids and Social Affairs (same as MOLISA)
ECPAT	Every Child Protected Against Trafficking
HCMC	Ho Chi Minh City
ILO	International Labour Organisation
IOM	International Organisation for Migration
MOLISA	Ministry of Labour, Invalids and Social Affairs (same as DOLISA)
MoU	Memorandum of Understanding
MPS	Ministry of Public Security
PPSV	People's Public Security Forces of Vietnam
UN-ACT	United Nations Action for Cooperation Against Trafficking in Persons
UNICEF	United Nations Children's Fund
VoT	Victim of Trafficking

1. Profiles of victims of trafficking and traffickers

1.1. Gender and age of victims of trafficking: General information

For a detailed analysis of the “vulnerabilities and push factors” of migration from Vietnam see ECPAT UK/Anti-Slavery/Pacific Links Foundation, [*Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe*](#), 7 March 2019, Chapter 2, *Vulnerabilities and push factors*, p. 38-48.

The UK Home Office Fact-finding mission to Vietnam published notes that the Vietnamese Ministry of Public Security provided to the British Embassy about the number of human trafficking cases in Vietnam from 2010-2018 of women, men, children, and infants:

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

MPS provided the British Embassy with a copy of their notes from the meeting on 28 February 2019. An official translation was obtained by CPIT

CONTENT II: The status of human trafficking in both countries; related laws, policies and programs of Vietnam Government

I. The status of human trafficking

1. The status of human trafficking in Vietnam: *In Vietnam, according to reports of functional units and localities, from 2010 to the end of 2018, there were more than 3,200 human trafficking cases, of which more than 4,500 offenders tricked and sold nearly 7,000 victims. At an average of 300-400 cases per year, nearly 1,000 people fell victims to 500 human traffickers. Crimes of human trafficking have spread in 63 provinces and cities, their victims are not only women and children but also men, infants, foetuses, organs, hired births, etc. In which, there are many cases of selling infants and foetuses to China; buying and selling organs; buying, selling, fraudulently exchanging and kidnapping children. Nearly 85% of human trafficking cases was for foreign demands and mainly took place through the borderlines between Vietnam and Cambodia, Laos and China, of which, China accounts for 75% [...]*

Basic causes: For objective causes such as the world situation, the impact areas, super profits earned from human trafficking activities; gender imbalance; reverse impact from the market economy and international integration, the differentiation between rich and poor, underemployment and unawareness, a part of the population, especially women and children fell victims to human traffickers. Regarding subjective causes, that the State management and social management in some areas is still inadequate with loopholes become the favourable conditions so that criminals can easily take advantage of, especially in the following fields: foreigners, inhabitants, border, immigration, marriage and child adoption with foreign elements. [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 91-92)

The US State Department Trafficking in Persons report, covering 2018/2019, gave an overview of the trafficking profiles in Vietnam mentioning the increasing reports of Vietnamese labour trafficking victims in the United Kingdom:

[...] Vietnam: Tier 2 Watch List [...]

TRAFFICKING PROFILE

As reported for the last five years, human traffickers exploit domestic and foreign victims in Vietnam and traffickers exploit victims from Vietnam abroad.

Vietnamese men and women migrate abroad for work independently or through state-owned, private, or joint-stock labor recruitment companies. Some recruitment companies are unresponsive to workers' requests for assistance in situations of exploitation, and some charge excessive fees that trap workers in debt bondage. Traffickers subject victims to forced labor in construction, fishing, agriculture, mining, logging, and manufacturing, primarily in Angola, Japan, Laos, Malaysia, Republic of Korea, Taiwan, and the United Arab Emirates; there are increasing reports of Vietnamese labor trafficking victims in the United Kingdom and Ireland (including on cannabis farms), continental Europe, the Middle East, and in Pacific maritime industries. Large-scale Vietnamese infrastructure investment projects in neighboring countries such as Laos may exploit Vietnamese and foreign workers.

Traffickers exploit Vietnamese women and children in sex trafficking abroad; many are misled by fraudulent employment opportunities and sold to brothel operators on the borders of China, Cambodia, and Laos, and elsewhere in Asia, including Malaysia, Republic of Korea, Singapore, Taiwan, and Thailand.

Some Vietnamese women who travel abroad for internationally brokered marriages or jobs in restaurants, massage parlors, and karaoke bars—including to China, Cyprus, Japan, Korea, Malaysia, Saudi Arabia, Singapore, and Taiwan— are subjected to domestic servitude or sex trafficking.

Traffickers increasingly use the internet, gaming sites, and particularly social media to lure potential victims into vulnerable situations; men often entice young women and girls with online dating relationships and persuade them to move abroad, then subject them to forced labor or sex trafficking. Some traffickers pose as police officers on social media networks to gain victims' trust. During the migration process European gangs and traffickers often exploit Vietnamese victims in forced labor and sexual exploitation before they reach their final destination [...]

(Source: U.S Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 501)

Similarly, the United Nations Action for Cooperation against Trafficking in Persons (UN-ACT) report, published in 2018, described Vietnamese adults, young persons as well as children recruited by organised crime networks in the pretences of job opportunities in the UK to subject them to forced labour in cannabis farms and nail bars:

[...] HUMAN TRAFFICKING IN THE GREATER MEKONG SUB-REGION [...]

New patterns in the way traffickers lure potential victims into vulnerable situations and trafficking have been observed in Viet Nam, characterised by an increasing use of the internet, especially gaming sites and social media. For instance, traffickers entice young women and girls with online dating relationships to persuade them to move abroad, then subject them to forced labour/sexual work or forced marriage often involving labour/sexual exploitation and other abuses. As a result, the number of reported incidences of Vietnamese women being trafficked internally or across borders has risen in recent years. Vietnamese organized crime networks also recruit Vietnamese adults and children under pretences of lucrative job opportunities and transport them to Europe, particularly the United Kingdom, to subject them to forced labour in cannabis farms and nail bars [...]

(Source: United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), [Annual Progress Report 2017](#), 5 October 2018, p. 9)

According to the representative of the Vietnamese Ministry of Labour, Invalids and Social Affairs (MOLISA) interviewed by the UK Home Office fact-finding mission, most victims are in the age range of 15-30 years old, 90 per cent are females and 80 per cent or more are ethnic minorities:

[...] Annex D: Notes of meetings w/ sources

Ministry of Labour, Invalids and Social Affairs (MOLISA), 27 February 2019 [...]

What is the profile of victims i.e. demographic including typical age, gender, ethnicity where they are from?

Victims can be of all ages but the age range of 15-30 years old accounts for the most part. About 90% of them are female and about 80% or more are ethnic minorities. Cases occur mostly near the border, the northern border. About 75% of victims were trafficked to China [...]

Are you aware of male victims of trafficking?

Yes, there are male victims of trafficking but more than 90% are females.

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 80 and 81)

According to a UN-ACT representative, as interviewed by the UK Home Office fact-finding mission, the Vietnamese government does not hold a comprehensive database of demographics, age and gender of trafficking victims. The same source also noted that 85 per cent of victims of trafficking are women and girls, typically from poor backgrounds, but observed a new trend that traffickers are targeting more educated individuals:

[...] Annex D: Notes of meetings w/ sources

UN-ACT, 27 February 2019 [...]

Is there a profile of victims - Location, demographic, gender, age, background, prevalence in certain areas?

It is a pity Vietnam does not have that kind of database. The government report just shows number of victims rather than who they are. But the fact shows that 85 per cent are women and girls, from poor regions, mountainous areas along the borders of Vietnam with other countries. The new trend now is that the traffickers look for victims who are a little bit educated – schools, university, colleges, and not only from the mountainous poor areas. They use technology like social media and Facebook to look for victims. More educated youth from the cities have been lured into trafficking. The government is fully aware of this new trend.

Did you say the government held a database?

No. The government hold figures but not a comprehensive report of demographics, age or gender. They also do not have a database to show the data of different forms of human trafficking. We know that forced labour and sexual exploitation are the main trafficking reasons.

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 83)

1.1.1. Gender and age of victims of trafficking: Male

According to Caritas, although most victims are women and girls, even men are forced into sexual slavery and exploitation:

According to media reports, human trafficking now occurs in all 64 [sic] provinces of Vietnam. Most of the victims are women and girls, even men are forced into sexual slavery and exploitation. Due to unemployment, low education and lack of information on human trafficking, women and men in Vietnam migrate abroad or go to big cities to find jobs that will be easily deceptive and become a victim of human trafficking. The situation of poverty and lack of awareness is also the main cause of the increase of the problem. Many victims are seduced by their families, relatives and sold abroad. Male children are also a source of labor for fishing boat owners. Most of the victims were forced, exploited, labored, beaten, removed from organs and could result in death due to lack of medical care [...]

(Source: Caritas, [Safe Migration and Anti- human trafficking in Vietnam](#), 21 March 2019)

In an interview with the UK Home Office, the IOM said that victims of trafficking from Vietnam to the UK predominantly involve men of an average age of 35 with basic education and who face some economic difficulty:

[...] Annex D: Notes of meetings w/ sources

Representatives from International Organization for Migration (IOM), 26 February 2019 [...]

Do you think there's a profile for victims of trafficking for the UK?

Based on our experience in engaging with returnees and recent research, the profile appears to predominantly involve men of an average age of 35 with a background of basic education and some economic difficulty, but not abject poverty. The profile of those migrating irregularly to the UK and also for those who claim to have been trafficking in the UK also appears to apply particularly to five key provinces.

In terms of the process, these men generally gather or borrow the funds from family and friends to fund their travel/illegal migration to the UK, or by mortgaging property. In a minor number of cases (very few) some have borrowed funds from gangs.

Are families complicit in / aware of trafficking?

Families are very much involved in funding the illegal migration of their relative which they are aware is to access illegal work. The family view the opportunity as an investment whereby the migrant will in the future pay off the debt and return remittances over the subsequent years. The families also understand that other options can be available to the migrant in the event that they are caught by authorities in the destination country, including thwarting government attempts to return the migrant to Vietnam involuntarily by claiming to be a minor or a victim of trafficking or a refugee.

However, some families do not appear to realise that the family member they are sending is also at risk of falling into an exploitative situation [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019, 9 September 2019](#), p. 71-72)

1.1.2. Gender and age of victims of trafficking: Female

According to a local Vietnamese NGO, traffickers target particularly ethnic minority women and girls but also those from urban middle class backgrounds as well:

[...] Traffickers tend to target the poorest and most vulnerable young people, particularly ethnic minority women and girls who may not have many opportunities in their home communities, but victims we [Blue Dragon NGO] have assisted include people from urban middle class backgrounds as well [...]

(Source: Blue Dragon, [Human trafficking in Vietnam](#), 9 August 2019)

The Center for Sustainable Development in Mountainous Areas reported that women victims of trafficking are mainly ethnic minorities' women, who are widely marginalised:

[...] Prohibition of all forms of slavery

53. CSDM [The Center for Sustainable Development in Mountainous Areas, (Hanoi, Vietnam)] noted that the large majority of women victims of trafficking were ethnic minorities' women, who were widely marginalized [...]

(Source: United Nations Human Rights Council, [Summary of Stakeholders' submissions on Viet Nam; Report of the Office of the United Nations High Commissioner for Human Rights \[A/HRC/WG.6/32/VNM/3\]](#), 6 November 2018, p.7)

The Committee on the Elimination of Discrimination against Women stated in July 2015 that:

[...] Trafficking and exploitation of prostitution

20. The Committee welcomes 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 [...]

(Source: Convention on the Elimination of All forms of Discrimination Against Women, [Concluding observations on the combined seventh and eighth periodic reports of Viet Nam](#), 29 July 2015, p. 6)

1.1.3. Gender and age of victims of trafficking: Children

A November 2019 Al-Jazeera article reporting on the death of Vietnamese migrants found in a refrigerated container on a truck in the UK on October 23rd 2019 identified two of the bodies as 15-year- old boys:

Ten of the dead would-be migrants were teenagers, including two 15-year-olds [boys] [...] and 30 of the group came from Nghe An and Ha Tinh provinces [...] and Quang Binh [...]

The bodies of 31 men and eight women were discovered in a refrigerated container on a truck in an industrial state east of London on October 23 [...]

Most of the victims came from just a handful of central Vietnam provinces, which are among the poorest in the country and where well-entrenched networks of illegal brokers facilitate risky trips abroad [...]

(Source: Al-Jazeera, [First 16 victims of UK truck tragedy arrive back in Vietnam](#), 27 November 2019)

Coram International estimated in its June 2019 report that 5.6 per cent of Vietnamese children may have experienced trafficking:

[...] 4.2. Total estimated prevalence of children with indicators of trafficking [...]

Based on these calculations, the Coram Team estimated that a total of 5.6% of children in Vietnam may have experiences indicative of, or consistent with, child trafficking. This estimate appears high, particularly in light of official police figures on the numbers of children identified and recognised as victims of trafficking in Vietnam. Indeed, in the absence of further detail and context on the individual circumstances and contexts of each child's 'migration' journey, and experiences of exploitation, it is not possible to say that every child counted in this group would formally 'qualify' or satisfy legal definitions of trafficking. This methodology seeks to highlight, however, that a significant minority (perhaps as many 1 in 18) children in Vietnam have experiences of coercion or exploitation in the context of migration, which are similar to, or may look like, something akin to trafficking [...]

Child trafficking related experiences were found to affect both boys and girls. The survey data indicates that a slightly higher proportion of boys (6.8%) compared to girls (4.5%) have experiences related to child trafficking. This is likely a reflection of the fact that more boys than girls appear to have experiences of independent migration (chi-square, $p < .1$). However, the gender differences in rates of reporting of child trafficking related experiences in the young people's household survey were found to be too small to be statistically significant. [...]

The findings presented above suggest that child trafficking is not an isolated phenomenon in Vietnam. It affects children from across the country, though children from rural and deprived communities may be particularly at risk. They also demonstrate that known cases of trafficking are unlikely to reflect the reality of children's experiences of trafficking in Vietnam [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p. 25, 30)

The results of the same report indicated that half of respondents with indicators of child trafficking reported that the main reason why they left home was for employment/ earning opportunities:

[...] 5.1. Initiating trafficking: (False) promises of opportunity [...]

Both qualitative and quantitative findings suggest that, in the majority of cases, trafficking victims are not forcibly taken by recruiters, but make active decisions to migrate in pursuit of opportunity or survival and become victims of exploitation in the context of these pursuits, often due to their vulnerability. Indeed, of the respondents in the survey research who exhibited indicators of child trafficking, only 13.0% (around 1 in 8) reported having been 'taken against my will'. Respondents described numerous ways in which traffickers recruit children and young people,²⁸ but the vast majority of these involved (often false) promises of income, employment and, to a lesser extent, education and training. Indeed: over half (50.3%) of survey respondents with indicators of child trafficking reported that the main reason they left home was for employment/earning opportunities, whilst 23.7% reported that the main reason they left was for education. This finding is clearly reinforced by case studies from the qualitative research. Whilst in most cases victims' original reasons for migrating were multifaceted, they were almost always oriented towards earning income, or other economically motivated pursuits.[...]

[...] 5.4 Recruitment and vulnerability [...]

There is a strong consensus that children and young people from poor backgrounds are vulnerable to trafficking and other forms of exploitation. In addition, when asked which children are most likely to experience trafficking, key informants consistently emphasised that ethnic minorities are particularly vulnerable [...]

[...] 28 Or children are recruited into what becomes a trafficking situation [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p. 31, 45)

In an interview with the UK Home Office, Hagar International said in February 2019 that family and friends can promise job and education opportunities to children who end up being exploited:

[...] Annex D: Notes of meetings w/ sources

Hagar International in Vietnam, 26 February 2019 [...]

The children that are victims are the family complicit in it?

For some of the cases they have been kidnapped, sometimes they are promised a job or education by a friend or family member. [This additional information was provided after the meeting A few migrated for marriage, hoping for a better life.] [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 65)

The U.S Department of State 2019 Trafficking in Persons report documented that many children from impoverished rural areas, and a rising number from middle class and urban settings, were subjected to sex trafficking in 2018/2019:

[...] Vietnam: Tier 2 Watchlist[...]

Trafficking Profile [...]

Many children from impoverished rural areas, and a rising number from middle class and urban settings, are subjected to sex trafficking. Girls from ethnic minority communities in the northwest highlands are increasingly subjected to forced services, including sex slavery and domestic servitude, by traffickers channeling their criminal activities through the traditional practice of bride kidnapping [...]

(Source: U.S. Department of State, [*2019 Trafficking in Persons Report*](#), 20 June 2019, p.501) ¹²

According to a March 2019 joint report by ECPAT UK/Anti-Slavery and Pacific Links Foundation, other children vulnerable to being deceived by traffickers were street children with little support or education:

[...] Vietnamese children are generally taught cultural norms around respecting their elders and are therefore less likely to ask questions of adults they believe to be charged with their 'care'. This leaves children vulnerable to the harmful intentions of adults. There are also many street children in Vietnam, with little support or education, who are easily deceived by traffickers [...]

¹² The same was reported in the U.S. Department of State, [*2018 Trafficking in Persons Report*](#), June 2018

(Source: ECPAT UK/Anti-Slavery/Pacific Links Foundation, [*Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe*](#), 7 March 2019, p. 15)

UNICEF noted in March 2018 that adolescent girls were vulnerable to trafficking and exploitation via the internet and social media:

[...] Another risk posed by the internet and new social media environments is related to grooming, trafficking and exploitation of adolescent girls. There is “a high level of willingness amongst Vietnamese children to share personal information on the internet, including photos and information that could be used to physically locate them”. Traffickers increasingly use the internet, gaming sites, and in particular social media to recruit victims. They use methods, such as deception and befriending of girls, to lure them into vulnerable situations. For example, traffickers go online to find girls in debt, invite them shopping in border provinces, then traffic them across the Chinese border where they are subjected to forced marriage and/or sexual exploitation. Reliable statistics on trafficked girls who have become victims of forced marriage are not available, but there is growing evidence that cross-border trafficking for forced marriage is a pressing issue [...]

(Source: United Nations Children’s Fund (UNICEF), [*Ending Child Marriage, Empowering Girls: Understanding Child Marriage in Vietnam*](#), 21 March 2018, p. 11)

The Committee on the Elimination of Discrimination against Women stated in July 2015 that:

[...] Trafficking and exploitation of prostitution

20. The Committee welcomes 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 [...]

(Source: Convention on the Elimination of All forms of Discrimination Against Women, [*Concluding observations on the combined seventh and eighth periodic reports of Viet Nam*](#), 29 July 2015, p. 6)

1.2. Regions of origin of victims of trafficking

For a detailed analysis of the “vulnerabilities and push factors” of migration from Vietnam see ECPAT UK/Anti-Slavery/Pacific Links Foundation, [*Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe*](#), 7 March 2019, Chapter 2, Key province profiles, p. 34-37.

The following sources described that Vietnamese victims of trafficking trafficked to the UK came mainly from Ha Tinh, Hai Duong, Hai Phong, Hung Yen Nghe An, Quang Binh and Quang Ninh Provinces, but Blue Dragon, a Vietnamese NGO also stated that trafficking occurred in all provinces of Vietnam:

[...] Ten of the dead would-be migrants were teenagers, including two 15-year-olds [boys] [...] and 30 of the group came from Nghe An and Ha Tinh provinces [...] and Quang Binh [...]

The bodies of 31 men and eight women were discovered in a refrigerated container on a truck in an industrial state east of London on October 23 [...]

(Source: Al-Jazeera, [First 16 victims of UK truck tragedy arrive back in Vietnam](#), 27 November 2019)

[...] For historical reasons, in recent years the smuggling of people to more distant countries, especially the UK, has been from just five provinces: Hai Phong, Quang Ninh, Nghe An, Ha Tinh and Quang Binh. But trafficking of Vietnamese people occurs in all 63 provinces, according to authorities [...]

(Source: Blue Dragon, [39 – and how many more? Part 2](#), 3 November 2019)

[...] Nghệ An is a large province in North central Vietnam, bordering Laos and comprising sandy white coasts, rural villages and a sanctuary for endangered animals. In Nghệ An, incidents of human trafficking among young people are high - a significant portion of trafficked Vietnamese children hail from there [...]

(Source: ECPAT, [Raising awareness of child trafficking risks in Vietnam](#), 23 January 2018)

[...] During the last decade migration from Vietnam to the UK first originated from the key Northern provinces of Hai Phong as well as Quang Ninh (and to a lesser extent Hanoi) in the Red River Delta and the North Mountains and Midlands regions. More recently, these provinces have been supplemented by migration from provinces in the North Central Coast region including Nghe An, Quang Binh and Ha Tinh; Overlaps exist between these migration flows and the origins of modern slavery victims [...]

A recent site visit by a Vietnamese researcher confirmed that migration is ongoing from Hai Phong and that there are several migration agencies which freely advertise their services in regard to legally moving to the UK. They also offer more clandestine services to facilitate irregular entry to the UK [...]

Many workers come to Hanoi from other provinces, particularly the Northern Delta area. According to the FCO (2014: p22), illegal migrants who returned from the UK and 'were living in Hanoi [had] mostly originated from neighbour provinces like Hai Phong, Hai Duong, and Hung Yen'. [...]

A number of irregular migrants from Quang Binh, who returned from the UK, were found to be from districts such as Bo Trach, Quang Trach and Dong Hoi City, while in Nghe An, key areas from which migrants originate are Cửa Lò Town, Yên Thành District and Vinh City (FCO 2014) [...]

(Source: Independent Anti-Slavery Commission, [Combating modern slavery experienced by Vietnamese nationals en route to and within the UK](#), 2017, p. 8, p. 25, p. 26)

UNICEF also highlighted in November 2017 that Ho Chi Minh City was also a "source location, place of transition, and destination of child trafficking":

Executive Summary [...]

Every Child is Protected [...]

Research indicates that child prostitution among 12 -17 year olds is evident in Ho Chi Minh City. Both boys and girls were found to be victims of sexual exploitation, although girls' involvement in sex work was more visible. It is also hard to ascertain the nature and extent of the problem of child trafficking in Ho Chi Minh City due to lack of data, Ho Chi Minh City was found to be source locations, place of transition, and destination of child trafficking [...]

(Source: United Nations Children's Fund (UNICEF), [*Situation Analysis Of Children In Ho Chi Minh City Viet Nam 2017*](#), November 2017)

Statistics reported by the UK Independent Anti-Slavery Commissioner showed that Vietnamese victims of trafficking who were trafficked to the UK between 2008 and mid-2013 were from the majority Kinh group (56.3%) and ethnic minorities (43.7%):

[...] Migration Profile [...]

Ethnic minorities feature heavily in available statistics. For example, between 2008 and mid-2013, 56.3% of trafficking 'survivors' were from the majority Kinh group and 43.7% were from ethnic minorities. Between 2013 and 2017, 2,133 Vietnamese nationals were referred into the UK NRM as potential victims of trafficking. Viet Nam has long been recognized as a significant source country of trafficking in the UK. It is therefore striking that the UK does not feature as a destination country in the national statistics on victims of trafficking from Viet Nam [...]

(Source: Independent Anti-Slavery Commissioner, [*'Vulnerability' to Human Trafficking: A Study of Viet Nam, Albania, Nigeria and the UK*](#), September 2018, p. 22)

The Vietnamese National Steering Committee on Anti-human trafficking found that of the 7500 victims of trafficking rescued by national agencies between 2012 to 2017, 80 per cent were members of ethnic minorities:

[...] Report by the National Steering Committee on Anti-human trafficking indicated that there were about 7500 victims of trafficking rescued by the functioning agencies from 2012 to 2017. Roughly 90% of the victims are women and children while 80% of them are members of ethnic minorities [...]

(Source: International Organisation for Migration, [*Review workshop on reception and assistance policies for the survivors of trafficking co-hosted by IOM and the Department of Social Vice Prevention \(DSVP\)*](#), 11 September 2018)

1.3. Profiles of traffickers

The following is a Vietnamese governmental source that gave the UK Home Office fact-finding mission a detailed profile of human traffickers in Vietnam and provided an account of the process and nature of exploitation of Vietnamese when in the UK. It further noted that some victims of trafficking became involved in trafficking themselves when returned to Vietnam:

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

MPS provided the British Embassy with a copy of their notes from the meeting on 28 February 2019. An official translation was obtained by CPIT

CONTENT II: The status of human trafficking in both countries; related laws, policies and programs of Vietnam Government

I. The status of human trafficking [...]

Offenders: *Human traffickers* are mostly professional ruffians with criminal records and convictions for human trafficking (accounting for 22%); foreigners entering Vietnam through brokers in manners of sightseeing, tourism, business and then hook up, connect with Vietnamese bait, brokers to run the formation of transnational and international human trafficking lines. Some people, who have been trafficking victims or married foreigners, became the culprits to seduce and trick other women and children including their relatives when they returned to their homeland [...]

2. The status of human trafficking related to the United Kingdom

According to the UK authorities, there are about 10,000 victims of trafficking in the UK, originated from 102 countries, in which the number of Vietnamese victims is ranked second place (about 500 people in 2017). Most of the victims from the northern provinces of Vietnam with underprivileged conditions were seduced and sent to the UK by traffickers. They were forced to work in farms growing plants containing addictive substances (Cannabis plants, Urticaceae) or in nail salons scattered around cities and towns.

As the common tricks, these offenders usually take advantage of the open policies in the immigration procedures, the convenient granting of citizens' passports and cross-border travel permits and the visa-exemption applied for some countries, to form trafficking lines and send victims abroad in manners of tourism, relatives visits, illegal labour. After successful exits, they seize papers, passports of the victims, do not carry out residence procedures and force them to become unfree labourers and sexual slaves. Many Vietnamese victims have passed many different routes for illegal migration to the UK [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 92)

According to UN-ACT, speaking to the UK Home Office fact-finding mission in February 2019, those involved with arranging for people to go to the UK include brokers who operate in the central provinces in Vietnam and have links with brokers in the UK:

[...] Annex D: Notes of meetings w/ sources

UN-ACT, 27 February 2019 [...]

The central provinces are the hotspots for people going to the UK. They are mainly poor people and they borrow money from brokers and find ways to go to the UK. It is a network of brokers and the brokers make money that way. The brokers are not just Vietnamese nationals, it also includes people from other countries in Europe. In that network there is someone who lends money here, and there is one in the UK [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 82)

Respondents to a household survey instigated by Coram International explained how they knew their traffickers through personal networks, including friends and family who were themselves trafficked in the past:

[...] 5.2 The recruitment process [...]

Occasionally, respondents explained that victims are recruited through personal networks, including friends and family, who have themselves been trafficked in the past. For example: “In 2017, there were about 10 cases where Vietnamese women who were living in China - some of whom were themselves the victims of human trafficking - lured their relatives to [China] to see their children...”³⁵

[...] As many as 40.8% of respondents with indicators of child trafficking and over a quarter, 28.7%, of young people with indicators of force or exploitation in the context of migration in the survey research said that their travel had been arranged by a relative or family member [...]

[...] 35 Group interview, Deputy Head, Staff, Department of General Police, Hanoi, 24 October 2017 [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.33)

The Anti-Slavery International September 2018 report also highlighted how traffickers were themselves former victims of trafficking.

[...] We must also understand how the vicious cycle of exploitation that is connected to these root causes, for example the fact that approximately 60% of all traffickers arrested in Vietnam are former victims of trafficking (according to the Vietnamese Ministry for Public Security) [...]

(Source: Anti-Slavery International, [*Dangerous journeys: tackling Vietnamese trafficking*](#), 5 September 2018)

Al-Jazeera reported in November 2019 that “well-entrenched networks” of traffickers operated in central Vietnam provinces such as Nghe An, Ha Tinh and Quang Binh:

[...] The bodies of 31 men and eight women were discovered in a refrigerated container on a truck in an industrial state east of London on October 23 [...]

Most of the victims came from just a handful of central Vietnam provinces [Nghe An, Ha Tinh and Quang Binh provinces], which are among the poorest in the country and where well-entrenched networks of illegal brokers facilitate risky trips abroad [...]

(Source: Al-Jazeera, [*First 16 victims of UK truck tragedy arrive back in Vietnam*](#), 27 November 2019)

Blue Dragon noted in November 2019 that:

[...] More than 50% of traffickers come from the same district as their victims [...]

(Source: Blue Dragon, [*39 – and how many more? Part 2*](#), 3 November 2019)

In an interview with the UK Home Office in February 2019, representatives from the IOM described how both people smugglers and human traffickers are involved in the irregular migration to Europe, with a common route to the UK being through Russia:

[...] Annex D: Notes of meetings w/ sources

Representatives from International Organization for Migration (IOM), 26 February 2019 [...]

Are there operating procedures, that you have identified, of traffickers i.e. do they take passports, detain victims, travel with them, any sort of pattern?

It is important to note the different roles involved in this complex phenomenon. People smugglers provide a service, typically for a fee, to facilitate the irregular migration of the individual/s across borders, in this case to Europe and the United Kingdom. Human traffickers are involved in organising and or perpetrating the exploitation and abuse of people migrant. Based on recent IOM research, the process for irregular migration begins with an initial instalment being paid to the smuggling network focal point for which initial services are provided, including the preparation of travel documents. There are multiple known routes to the UK, however the most common route identified in IOM research involves regular migration to Russia, after which the smuggling network facilitate the irregular migration of the individual (or group) across the European continent to the UK.

Do they tend to travel in numbers?

The amount of time traversing Europe and the extent to which the involved migrants travel in groups, find work, or face risk and actual exploitation vary on a case by case basis [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 72 and 73)

The United Nations Office on Drugs and Crime described in its July 2018 report the structure of Vietnamese smuggling organisations:

[...] 4.7.2 Smuggling from Viet Nam to Europe

The smuggling of migrants from Viet Nam to Europe involves Vietnamese groups and non-Vietnamese networks that cooperate along the main smuggling routes. There are reported instances of collusion between these groups and outsourcing from one group to another, especially where local smuggling groups possess contacts.

The structure of many Vietnamese smuggling groups is reportedly fostered by underlying close relationships. In some smuggling groups, main members come from the same area and communicate in the same dialect.

Vietnamese smuggling organisations involve participants with designated roles and responsibilities. At the beginning of the journey, 'smuggling coordinators' are responsible for determining the initial conditions necessary for the venture. These coordinators tend to organise the operation at a general level and usually do not have insight into every individual stage of the smuggling operation. Other coordinators stationed along the smuggling route have responsibility for one or more legs of the smuggling journey. These local coordinators may operate independently, and usually have limited knowledge of other parts of the smuggling network. Coordination between smugglers, facilitators and others is generally managed through the use of mobile phones [...]

(Source: United Nations Office on Drugs and Crime, [*Migrant Smuggling in Asia and the Pacific: Current Trends and Challenges Volume II*](#), July 2018, p. 93)

According to an Anti-Slavery International article in September 2018, many traffickers deceive victims by posing as labour brokers:

[...] Driven by a belief that overseas jobs are the most lucrative, coupled with the desire to escape poverty in disadvantaged or rural areas, many Vietnamese job seekers take risks with labour brokers, who are in fact traffickers. It is common to borrow money – sometimes up to 30,000 US dollars – from lenders who are connected to trafficking networks and then become ensnared in debt bondage [...]

(Source: Anti-Slavery International, [Dangerous journeys: tackling Vietnamese trafficking](#), 5 September 2018)

Similarly, Blue Dragon noted in its November 2019 article that traffickers deceived parents to let their children work for them by offering false promises:

[...] Traffickers commonly offer vocational training for children to persuade their parents to let their sons and daughters work for them, but in reality, the children are enslaved in factories. Traffickers offer sweeteners to families, such as a \$50 advance to let their children go [...]

(Source: Blue Dragon, [39 – and how many more? Part 3](#), 5 November 2019)

In a household survey carried out by Coram International in 2019 on child trafficking victims it emerged how recruiters deceived their victims by giving them false information about the nature of their work:

[...] 5.1. Initiating trafficking: (False) promises of opportunity [...]

In many cases, victims explained that they had been deceived by recruiters, who gave them false information about payment, working conditions, or even the purpose of their recruitment and final destination. [...] Similarly, when speaking about how trafficking occurs in Vietnam, stakeholders consistently explained that traffickers may trick or deceive victims with promises of high wages and favourable working conditions. Close to half (44.2%) of respondents with indicators of child trafficking in the household survey said that they had not been paid what was originally agreed. In other cases, victims simply did not negotiate or agree terms, relying on a description of work, which later became exploitative or highly coercive. [...] Whilst the qualitative research did reveal cases where children were kidnapped, forcibly recruited or sold, in general the evidence suggests that in the vast majority of cases children and young people experience trafficking after, or in the context of, a decision to migrate [...]

(Source: Coram International, [Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam](#), June 2019, p. 32)

The U.S. Department of State annual trafficking report covering 2018/2019, the joint ECPAT UK/ Anti Trafficking International/ Pacific Links Foundation report, and UN-ACT, all reported how traffickers used the internet and social media to lure potential victims into vulnerable situations:

[...] Vietnam: Tier 2 Watchlist

[...] Trafficking profile

Traffickers increasingly use the internet, gaming sites, and particularly social media to lure potential victims into vulnerable situations; men often entice young women and girls with online dating relationships and persuade them to move abroad, then subject them to forced labor sex trafficking. Some traffickers pose as police officers on social media networks to gain victims' trust. During the migration process European gangs and traffickers often exploit Vietnamese victims in forced labor and sexual exploitation before they reach their final destination [...]

(Source: U.S Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 501)

[...] Organised crime networks also play a part in luring people to Europe under false pretences of lucrative job opportunities and subjecting them to forced labour instead. Debt-bondage, false promises and document confiscation are tactics and controls commonly used by traffickers, and social media is increasingly being used to deceive and lure potential victims into situations of exploitation and vulnerability [...]

(Source: ECPAT UK/Anti-Slavery/Pacific Links Foundation, Precarious Journeys: [Mapping vulnerabilities of victims of trafficking from Vietnam to Europe](#), 7 March 2019)

[...] New patterns in the way traffickers lure potential victims into vulnerable situations and trafficking have been observed in Viet Nam, characterised by an increasing use of the internet, especially gaming sites and social media. For instance, traffickers entice young women and girls with online dating relationships to persuade them to move abroad, then subject them to forced labour/sexual work or forced marriage often involving labour/sexual exploitation and other abuses. As a result, the number of reported incidences of Vietnamese women being trafficked internally or across borders has risen in recent years. Vietnamese organized crime networks also recruit Vietnamese adults and children under pretences of lucrative job opportunities and transport them to Europe, particularly the United Kingdom, to subject them to forced labour in cannabis farms and nail bars [...]

(Source: United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), [United Nations Action for Cooperation against Trafficking in Persons: Annual Progress Report 2017](#), 5 October 2018, p.2)

With regards to the ethnic and educational background of traffickers, IOM reported in August 2017 that most of those traffickers arrested between 2008 and mid-2013 were from the Kinh ethnicity and lowly educated:

[...] Out of 3,961 traffickers arrested between 2008 and mid-2013, 58.7 per cent were men and 84.7 per cent Kinh. Most traffickers were lowly educated, 13.3 per cent illiterate and 67.4 per cent had secondary education or lower. More than one third (37.7%) were farmers and 36.9 percent self employed or unskilled. Most were Vietnamese citizens (98.3%), and 85.2 per cent had no previous criminal record (Office 138/CP, 2013) [...]

(Source: International Organisation for Migration, [Viet Nam Migration Profile 2016](#), August 2017, p. 53)

2. Legal Framework

2.1. Anti-Trafficking legislation

The representative of the Vietnamese Department for Foreign Relations who was interviewed by the UK Home Office fact-finding mission summarised the government's commitment and involvement to combat trafficking as follows:

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

Human Trafficking

Policy and legislation – the law on anti-trafficking from 2011 having amended our criminal code of 2011 and 2015 which modified certain crimes related to human trafficking.

We participate in many international conventions on human trafficking. Have signed MOU with other countries also. We have a national programme on human trafficking. We mobilise our military and people to combat human trafficking. Every year we launch a campaign to combat human trafficking with the countries that border us – China, Laos, Cambodia and the Asian community [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 86)

International Instruments

As outlined by the below sources, the Vietnamese government has ratified the:

- [UN Convention against Transnational Organized Crime](#); and the
- [UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children](#)

The UN Committee on the Elimination of Discrimination against Women noted in its *Concluding Observations* of July 2015 that:

[...] B. Positive Aspects [...]

6. The Committee welcomes the fact that, in the period since the consideration of the previous reports, the State party has ratified or acceded to the following instruments: [...]

(d) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2012. [...]

(Source: UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined seventh and eighth periodic reports of Viet Nam](#), 29 July 2015, para. 6)

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

MPS provided the British Embassy with a copy of their notes from the meeting on 28 February 2019. An official translation was obtained by CPIT

CONTENT II: The status of human trafficking in both countries; related laws, policies and programs of Vietnam Government [...]

Related policies, laws and programs of Vietnam Government

Policies, laws and programs on human trafficking prevention and combat [...]

Having approved the Convention against Transnational Organized Crime (TOC Convention), Protocol to Prevent, Suppress and Punish Trafficking In Persons, especially Women and Children [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 93)

Regional Instruments

As outlined by the sources below, the Vietnamese government has ratified, joined, and actively participates in:

- [Association of Southeast Asian Nations \(ASEAN\) Convention against Trafficking in Persons, Especially Women and Children](#); and the
- [Bohol Trafficking in Persons Work Plan](#)
- [The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime](#)
- COMMIT Process for the Prevention and Suppression of Irregular Cross Border Migration

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

MPS provided the British Embassy with a copy of their notes from the meeting on 28 February 2019. An official translation was obtained by CPIT

CONTENT II: The status of human trafficking in both countries; related laws, policies and programs of Vietnam Government [...]

Related policies, laws and programs of Vietnam Government

Policies, laws and programs on human trafficking prevention and combat [...]

Having signed and implemented the ASEAN Convention on Preventing and Combating the Trafficking in Persons, especially Women and Children [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 93)

[...] III. Thematic analysis: the gender dimension of trafficking in persons in conflict and post-conflict settings and the importance of integrating a human rights-based approach to trafficking in persons into the women and peace and security agenda of the Security Council [...]

B. Human rights-based approach to trafficking [...]

16. In Asia, the South Asian Association for Regional Cooperation adopted the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, which, although framing trafficking as a human rights violation, is limited in scope to sexual exploitation. The Association of Southeast Asian Nations (ASEAN) Convention against Trafficking in Persons, Especially Women and Children entered into force in March 2017 and follows the criminal law approach taken in the Palermo Protocol.¹¹ [...]

[...] 11 The Convention entered into force upon ratification by six States members of ASEAN, namely, Cambodia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam [...]

(Source: United Nations General Assembly, [Trafficking in persons, especially women and children Note by the Secretary-General](#), 17 July 2018)

[...] II. New developments in the promotion and protection of human rights since the previous review [...]

E. Implementation of international commitments and international cooperation in human rights [...]

35. Viet Nam ratified the ASEAN Convention on the Prevention and Control of Human Trafficking, especially Women and Children in 2016, joined the Bohol Action Plan against Human Trafficking, and actively participates in the Bali Process and the COMMIT Process for the Prevention and Suppression of Irregular Cross Border Migration [...]

(Source: United Nations Human Rights Council, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Viet Nam](#), 14 November 2018)

National Legislation

The 2011 Vietnamese Law on *Human trafficking prevention and combat* prohibits the following acts:

1. Trafficking in persons under Articles 119 and 120 of the Penal Code.
2. Transferring or receiving persons for sexual exploitation, forced labor or removal of human organs or other inhuman purposes.
3. Recruiting, transporting or harboring persons for sexual exploitation, forced labor, removal of human organs or other inhuman purposes or for committing an act specified in Clause 1 or 2 of this Article.
4. Forcing others to commit an act specified in Clause 1. 2 or 3 of this Article.
5. Acting as a broker for others to commit an act specified in Clause 1.2 or 3 of this Article.
6. Taking revenge or threatening to take revenge on victims, witnesses, reporting persons, denunciators or their relatives or persons stopping the acts specified in this Article.
7. Taking advantage of human trafficking prevention and combat activities for self-seeking purposes or for committing unlawful acts.
8. Obstructing the reporting, denunciation and handling of the acts specified in this Article.
9. Stigmatizing or discriminating against victims.
10. Disclosing information on victims without their consent or their lawful representatives'. 3 / 35 Law No. 66/2011/QH12 on human trafficking prevention and combat
11. Impersonating victims.
12. Committing other violations of this Law [...]

(Source: [Law No. 66/2011/QH12 on human trafficking prevention and combat, 29 March 2011](#), Article 3. Prohibited Acts)

Important provisions were added to the amended 2015 Penal Code:

[...] Article 150.

Human trafficking

1. Any person who uses violence, threatens to use violence, deceives, or employs other tricks to commit any of the following acts shall face a penalty of 05 - 10 years' imprisonment: a) Transferring or receiving human people for transfer for money, property, or other financial interests; b) Transferring or receiving human people for sexual slavery, coercive labor, taking body parts, or for other inhuman purposes; c) Recruiting, transporting, harboring other people for the commission of any of the acts specified in Point a or Point b of this Clause.

2. This offence committed in any of the following cases shall carry a penalty of 08 - 15 years' imprisonment: a) The offence is committed by an organized group; b) The offence is committed by despicable motives; c) The victim suffers from 11% - 45% mental and behavioral disability because of the offence; d) The offence results in 31% physical disability or more of the victim, except for the case specified in Point b Clause 3 of this Article; dd) The victim is taken across the border out of Vietnam; e) The offence is committed against 02 - 05 people; g) The offence has been committed more than once.

3. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment: a) The offence is committed in a professional manner; b) The victim's body part has been taken; c) The victim suffers from 46% mental and behavioral disability or above because of the offence; d) The offence results in the death or suicide of the victim; dd) The offence is committed against 06 or more people; e) Dangerous recidivism;

4. The offender may also be liable to a fine of from VND 20,000,000 to VND 100,000,000 , be put under mandatory supervision, prohibited from residence for 01 - 05 years, or have all or part of his/her property confiscated.

Article 151.

Trafficking of a person under 16

1. A person who commits any of the following acts shall face a penalty of 07 - 12 years' imprisonment: a) Transferring or receiving a person under 16 for transfer for money, property, or other financial interests, except for humanitarian purposes; b) Transferring or receiving a person under 16 for sexual slavery, coercive labor, taking body parts, or for other inhuman purposes; c) Recruiting, transporting, harboring a person under 16 for the commission of any of the acts specified in Point a or Point b of this Clause.

2. This offence committed in any of the following cases shall carry a penalty of 12 - 20 years' imprisonment: b) The offence involves abuse of the offender's position or power; b) The offender commits the offence by taking advantage of child adoption; c) The offence is committed against 02 - 05 people; d) The offence is committed against a person for whom the offender is responsible for providing care; dd) The victim is taken across the border out of Vietnam; e) The offence has been committed more than once; g) The offence is committed by despicable motives; h) The victim suffers from 11% - 45% mental and behavioral disability because of the offence; i) The offence results in 31% physical disability or more of the victim, except for the case specified in Point d Clause 3 of this Article.

3. This offence committed in any of the following cases shall carry a penalty of 18 - 20 years' imprisonment or life imprisonment: a) The offence is committed by an organized group; b) The offence is committed in a professional manner; c) The victim suffers from 46% mental and behavioral disability or above because of the offence; d) The victim's body part has been taken; dd) The offence results in the death or suicide of the victim; e) The offence is committed against 06 or more people; g) Dangerous recidivism

4. The offender may also be liable to a fine of from VND 50,000,000 to VND 200,000,000, be prohibited from holding certain positions or doing certain works for 01 - 05 years, be put under mandatory supervision for 01 - 05 years, or have all or part of his/her property confiscated [...]

(Source: [*Amended 2015 Criminal Code of the Socialist Republic of Vietnam*](#))

[Note that these were previously listed as Article 119 and 120 in the 1999 Penal Code:

[...] Article 119

Trafficking in women

1. Those who traffic in women shall be sentenced to between two and seven years of imprisonment. 2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twenty years of imprisonment:

a) Trading in women for the purpose of prostitution; b) In an organized manner; c) Being of professional characters; d) For the purpose of sending them overseas; e) Trafficking in more than one person; f) Trafficking more than once.

3. The offenders may also be subject to a fine of between five million and fifty million dong, to probation or residence ban for one to five years.

Article 120.

Trading in, fraudulently exchanging or appropriating children

1. Those who trade in, fraudulently exchange or appropriate children in any form shall be sentenced to between three and ten years of imprisonment.

2. Committing such crimes in one of the following circumstances, the offenders shall be sentenced to between ten and twenty years of imprisonment or life imprisonment: a) In an organized manner; b) Being of professional character; c) For despicable motivation; d) Trading in, fraudulently exchanging or appropriating more than one child; e) For the purpose of sending them abroad; f) For use for inhumane purposes; g) For use for prostitution purposes; h) Dangerous recidivism; i) Causing serious consequences.

3. The offenders may also be subject to a fine of between five million and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years or subject to probation for one to five years [...]

(Source: [1999 Vietnamese Penal Code](#))

The U.S. Department of State annual report on trafficking covering 2018/2019 summarised the provisions of Article 150 and Article 151 of the 2015 Penal Code as follows:

[...] Vietnam: Tier 2 Watch List [...]

PROSECUTION [...]

Article 150 of the penal code criminalized labor trafficking and sex trafficking of adults and prescribed penalties of five to 10 years' imprisonment and fines of 20 million to 100 million Vietnamese dong (VND) (\$862 to \$4,310).

Article 151 criminalized labor trafficking and sex trafficking of children under the age of 16 and prescribed penalties of seven to 12 years' imprisonment and fines of 50 million to 200 million VND (\$2,160 to \$8,620) [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 499)

National policies/mechanisms

The following sources outlined Vietnam's policies and mechanisms to combat trafficking of persons over the years:

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

MPS provided the British Embassy with a copy of their notes from the meeting on 28 February 2019. An official translation was obtained by CPIT

CONTENT II: The status of human trafficking in both countries; related laws, policies and programs of Vietnam Government [...]

Related policies, laws and programs of Vietnam Government

Policies, laws and programs on human trafficking prevention and combat [...]

- The Government:

- + Having approved and directed the implementation of the National Program on Human Trafficking Prevention and Combat (Program 130/CP) in the periods of 2004- 2010, 2011-2015. Currently implementing the period of 2016-2020 focusing on the enactment of 05 projects: Project 1- "Communication on human trafficking prevention and combat" managed by the Ministry of Information and Communications; Project 3- "Receiving, verifying, protecting and supporting trafficked victims" presided over by the Ministry of Labour - Invalids and Social Affairs; the Ministry of Public Security shall supervise the followings: Project 2- "Fighting, preventing and combating human trafficking crimes"; Project 4- "Perfecting the law and monitoring the implementation of policies and laws on human trafficking prevention and combat"; Project 5- "International cooperation on human trafficking prevention and combat".
- + Having approved and organized the implementation of "Human Trafficking Prevention and Combat Day" on every 30/07. In 2018, a general meeting between Vietnam and Laos was held in Son La Province in response to the International Day and Human Trafficking Prevention and Combat Day;
- + From 2004 up to now, have been signing a Memorandum of Understanding, Joint Statement and acting as an active member in the Cooperation on Human Trafficking Prevention and Combat in the Greater Mekong Sub-region; Having signed and organized effective implementation of the Bilateral Cooperation Agreement in Preventing and Combating Human Trafficking between Vietnam and the following countries: China (2010), Laos (2010), Cambodia (2005 and revision in 2012), Thailand (2008).
- + Having worked closely with international organizations, non-governmental societies, especially traditional international organizations such as the United Nations Children's Fund (UNICEF), Save the Children UK (now known as Save the Children), International Organization for Migration (IOM), International Labour Organization (ILO), United Nations Office on Drugs and Crime (UNODC), recently with the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 93-94)

[...] Vietnam: Tier 2 Watch List [...]

PREVENTION [...]

During the reporting period, it continued to implement the third phase of the 2016-2020 National Anti-Trafficking Action Plan (NAP); however, civil society reported progress under the NAP slowed due to the MPS reorganization. The government continued a five-year assessment on NAP implementation benchmarks. Authorities did not allocate sufficient funding to carry out the plan for a fourth year and a lack of inter-ministerial cooperation generally hampered effective implementation [...]

(Source: U.S. Department of State, [*2019 Trafficking in Persons Report*](#), 20 June 2019, p. 500)

[...] Chapter 2: Vietnam [...]

National Action Plan

The Vietnamese Government implemented several National Plans of Action (NPA) on anti trafficking from 2004-2010, 2011-2015, and 2016-2020. These plans of action detail the government's policies and laws to combat trafficking through prevention, victim support and prosecution.⁶⁵ The 2011-2015 NPA had a more inclusive focus on "Trafficking in Persons" than the previous NPA which focused on trafficking in women and children.⁶⁶ However, it does not address the "link between trafficking and labour migration discourse".⁶⁷ The 2016-2018 NPA review made steps to criminalise all forms of trafficking for forced labour and most forms of trafficking for sexual exploitation, including the enactment of penal code amendments.⁶⁸ However, there are still many areas to be improved before Vietnam meets the minimum standards.⁶⁹ [...]

[...] 65 The Government of the Socialist Republic of Vietnam (2015). Human Trafficking Prevention & Combat Program for 2016 – 2020, See: http://www2.chinhphu.vn/portal/page/portal/chinhphu/noidungchuongtrinhquocgiakhac?_piref33_14737_33_14736_14736.strutsAction=ViewDetailAction.do&_piref33_14737_33_14736_14736.docid=4081&_piref33_14737_33_14736_14736.substract=&fbclid=IwAR1GxeQx7oYdE-XDUSx6At7lhEDIQVI8e9ch8W tZRap1L5CE1V8Lmhid4Ao

66 UK Home Office (2018). Country Policy and Information Note Vietnam: Victims of Trafficking, September 2018, Version 3.0. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741212/Vietnam_-_Trafficking_-_CPIN_-_v3.0__Sep_-2018_.pdf

67 Ibid.

68 US TIP report (2018). Vietnam. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282780.htm>

69 Ibid. [...]

(Source: ECPAT UK/Anti-Slavery/Pacific Links Foundation, [*Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe*](#), 7 March 2019)

[...] III. Achievements in promoting and protecting human rights in practice [...]

C. Protection of vulnerable groups and people in underprivileged areas [...]

Support for victims of human trafficking

84. Viet Nam has issued numerous policies and legal documents to prevent and combat human trafficking, for instance, the 2016-2020 Program for Preventing and Combating Human Trafficking aiming at reducing the risk and occurrences of human trafficking and effectively repatriating, protecting and supporting victims of trafficking³⁶.

Since 2016, the Government has approved July 30th as the "National Day against Human Trafficking" [...]

[...] 36 The 2015 Criminal Code has many provisions on trafficking related crimes, including Article 150 on trafficking crime, Article 151 on crime of trafficking persons aged under 16, Article 152 on crime of fraudulence of persons under 1 year of age, Article 153 on crime of appropriating persons aged under 16 [...]

(Source: UN Human Rights Council, [*National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Viet Nam*](#), 14 November 2018)

[...] The Prime Minister recently issued Decision No. 2546/QĐ-TTg, approving the Program on prevention and control of human trafficking during 2016-2020, with the overall goals of reducing human trafficking risk and crime, and effectively receiving, protecting and providing aid to human trafficking victims.

To implement its specific targets, the program proposes five component projects on anti-human trafficking communications; prevention and combat of human trafficking crimes; receipt, verification, protection and provision of aid to human trafficking victims; improvement of the legal system and monitoring the enforcement of anti-human trafficking policies and laws; and international cooperation in human trafficking prevention and combat. Major solutions and tasks set forth by the program include intensifying the management, direction and inspection by Party Committees at all level and local authorities in the human trafficking prevention and combat; enhancing the state management; improving anti-human trafficking regulations and incorporate anti-human trafficking policies in social development programs and plans; and formulating interdisciplinary cooperation mechanisms for effective implementation of policies and laws on human trafficking prevention and combat. The program will be launched nationwide and in other territories under Vietnamese law and international commitments that Vietnam has made, prioritizing strategic routes and localities, especially provinces bordering on Cambodia, Laos and China.- (VLLF) [...]

(Source: Vietnam Law & Legal Forum, [Anti-human trafficking program for 2016-2020 released](#), 22 January 2016)

The UN Committee on the Elimination of Discrimination against Women noted in its *Concluding Observations* of July 2015 that:

[...] B. Positive Aspects [...]

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following: [...]

(c) National Action Plan on Human Trafficking (2011-2015). [...]

(Source: UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined seventh and eighth periodic reports of Viet Nam](#), 29 July 2015, para. 5)

Bilateral anti-trafficking agreements

Some of the bi-lateral agreements Vietnam has signed with other countries have been found in the following sources consulted from the list of sources:

[...] Vietnam: Tier 2 Watch List [...]

PROSECUTION [...]

During the reporting period, the government signed a bilateral anti-trafficking agreement with the United Kingdom to improve law enforcement coordination, and with the Republic of Korea to enhance cooperation between judicial officials, including training Vietnamese prosecutors [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 499)

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

MPS provided the British Embassy with a copy of their notes from the meeting on 28 February 2019. An official translation was obtained by CPIT

CONTENT II: The status of human trafficking in both countries; related laws, policies and programs of Vietnam Government [...]

III. Cooperation with the UK authorities

In recent years, the authorities of both countries have actively cooperated in the field of human trafficking prevention and combat.

- After the Joint Statement (dated 30 July 2015) between the Prime Minister of Vietnam and the Prime Minister of the United Kingdom, both countries pledged to rapidly promote research, negotiation and signing of the Memorandum of Understanding on the cooperation in preventing and combating human trafficking. After more than three years of construction and negotiation, in the recent visit and work of the Ministry of Public Security to London on 21 November 2018, on the authority of Vietnam Government, the Senior Lieutenant General To Lam - Minister of Public Security finally signed with Sajid Javid - Home Secretary of the United Kingdom, the Memorandum of Understanding on the cooperation between the Government of the Socialist Republic of Vietnam and the Government of the United Kingdom of Great Britain and Northern Ireland in preventing and combating human trafficking.

The cooperation activities between the two countries in the framework of the recently signed MoU have been implemented as follows:

+ On 03 December 2018, the Criminal Police Department presided over and worked with the Chief Inspector of Police Scotland. At the meeting, the UK recommended one or two investigators specializing in human trafficking of the MPS of Vietnam to be appointed to Scotland from 6 to 12 months to coordinate with the officials of the Human Trafficking Prevention and Combat Agency to conduct an investigation, verification and questioning of Vietnamese victims allegedly trafficked to the United Kingdom. After reporting to the MPS's leadership, the Minister agreed to appoint 02 officials to work with Scotland in the period of 01 year. C02 shall cooperate with V02 and the Ministerial related units to review and compare the criteria for staff selection and report to the Ministry's leadership for consideration and decision.

+ On 14 January 2019, the Criminal Police Department presided over and worked with the International Organization for Migration (IOM) on the project "*Fighting against modern trafficking in persons and slaves: Interdisciplinary approach to behaviour change, support enhancement, laws access and reintegration for victims*". The project is funded by the UK Government and through IGM, the British Council, the World Vision organization has implemented this project with the aim of dealing with human trafficking and illegal migration from Vietnam to the UK. For implement, the project identifies 05 key localities and districts of Vietnam that are directly involved in human trafficking and illegal migration from Vietnam to the UK, including: Hai Phong, Quang Ninh, Nghe An, Ha Tinh, Quang Binh. Implementation time is 30 months.

Area 3 of this project is also related to the protection, assistance and reintegration for trafficked victims.

- Exchange of delegations between the two countries has been established for the purpose of sharing information and situation related to human trafficking crimes and legal policies of each country, informing and updating on the progress of the MoU conformation. Namely, (1) in October 2016, Vietnam sent a delegation of the General Department of Police to visit and work with the UK authorities; in November 2017, a delegation of the MPS went to the UK for cooperation in criminal investigation and identification of trafficked victims; (2) Vietnam welcomed and worked with the UK Embassy's Representative (07 March 2017); National Crime Agency (NCA, 10 May 2017); the UK Delegation (29 August 2017); Joint International Policing Hub (JIPH) (30 January 2018), etc.

- The United Kingdom cooperated with Vietnamese authorities to organize a seminar on introducing the Modern Slavery Act of the UK - Bilateral cooperation opportunities (held in Da Nang in March 2017), to support and advise Vietnamese authorities on technology and experience, partial funding for implementing some specific activities on human trafficking prevention and combat such as supporting the Standing Office of Program 130/CP in organizing 02 training courses on victim protection in the process of investigation, prosecution and trial of human trafficking suits in Quang Binh and Nghe An (April 2017); 03 Interdisciplinary consultation seminars on child trafficking prevention and combat held in 3 regions: the North, the Central and the South (October 2018); and the Symposium on child trafficking prevention and combat (21 November 2018, in Ha Noi) [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 94, 95 and 96)

[...] II. New developments in the promotion and protection of human rights since the previous review [...]

E. Implementation of international commitments and international cooperation in human rights [...]

35. Viet Nam ratified the ASEAN Convention on the Prevention and Control of Human Trafficking, especially Women and Children in 2016, joined the Bohol Action Plan against Human Trafficking, and actively participates in the Bali Process and the COMMIT Process for the Prevention and Suppression of Irregular Cross Border Migration. Additionally, Viet Nam has signed bilateral agreements with countries such as China, Thailand, Cambodia and Laos on the prevention of cross-border human trafficking [...]

(Source: UN Human Rights Council, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Viet Nam](#), 14 November 2018)

2.2. Child Protection legislation in relation to trafficking

National Legislation

For a list of key legislation pertaining to child protection see UNICEF, Situation [Analysis Of Children In Ho Chi Minh City Viet Nam 2017](#), November 2017, Table 5.4. Key legislation pertaining to child protection, p. 121, as well as the report by the government of Vietnam published by the United Nations: UN Committee on the Rights of the Child, [Combined fifth and sixth periodic reports submitted by Viet Nam under article 44 of the Convention, due in 2017](#), 3 March 2020.

The 2020 report by the government of Vietnam to the UN Committee on the Rights of the Child noted the following in relation to its laws prohibiting the trafficking of children:

[...] V. Violence against children (Article 19, Article 24, paragraph 3, Article 28, paragraph 2, Articles 34, 37 (a) and Article 39)

A. Abuse and neglect (Article 19)

60. The 2016 Law on Children prohibits abandonment, neglect, trafficking, kidnapping, fraudulent exchange, child abuse and sexual assault, violence, abuses, and exploitation of children.⁵¹ [...]

H. Trafficking and kidnapping

156. Viet Nam's laws prohibit trafficking, kidnapping and swapping of children.¹⁷⁷ [...]

I. Illicit transfer and non-return (art.11) [...]

98. [...] Trafficking in persons under the age of 16 and arrest and detention of persons under 16 are violations of the law.¹⁰¹ [...]

X. Content related to Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

A. Implementing recommendations of CRC Committee and improving legal framework and policy to perform Optional Protocol

169. The Penal Code 2015 (amended and supplemented in 2017) stipulate crimes directly relating to the sale of children, child prostitution and child pornography including: Human Trafficking, Trafficking of a person under 16 [...]

[...] 51 2016 Law on Children, Art. 6 [...]

100 2015 Criminal Code, Art. 153.

101 2015 Criminal Code, Art. 157 [...]

177 Law on Children in 2016, Article 6 [...]

(Source: UN Committee on the Rights of the Child, [*Combined fifth and sixth periodic reports submitted by Viet Nam under article 44 of the Convention, due in 2017*](#), 3 March 2020, paras. 60, 156, and 169)

Coram International provided the following overview about the definition of child trafficking in Vietnamese law:

[...] Definition of Human Trafficking in Vietnamese domestic law [...]

The definition of (child) trafficking in Vietnamese law is narrower than is provided for in the Palermo Protocol [UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime] as it appears to require a two-way exchange, involving the 'transfer' or 'receipt' of persons. This arguably fails to capture the broader criminalisation of 'recruitment', 'transportation' or 'harbouring' of persons contained within international law. Furthermore, in Vietnam, 'child trafficking' applies to under 16s only, and does not include those trafficked at the ages of 16 or 17 years [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.16)

Further opinions about in how far children are protected in Vietnamese law against trafficking have been raised by ECPAT U, Anti Slavery International, Pacific Links Foundation and the Vietnam Association for Protection of Child's Rights:

[...] Child specific vulnerabilities

On April 5, 2016, the Vietnam National Assembly passed legislation to revise the "Children Law" (formerly known as the "Child Protection, Care and Education Law"), but kept the age of majority at 16 years of age.¹⁵⁵ An amendment to raise the age of adulthood to 18 years of age was proposed but not passed; some legislators felt that this would encourage the exploitation of children as criminals because they would not be subjected to harsher punishment if caught.¹⁵⁶ [...]

The 2011 Law on Human Trafficking Prevention and Combat¹⁶¹ only references children in Articles 24 (3) and 26 (1b) and in a brief discussion on the management of child adoption.¹⁶² "Both Articles state that in the case of a child trafficking victim, the competent agency, which is dependent on whether the child is a domestic or a foreign national, must notify a relative to take the child or assign a guardian to the victim."¹⁶³ [...]

[...] 155 Socialist Republic of Vietnam (2016), Law on Children, Law No. No. 102/2016/QH13
 See: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103522/125796/F-1725767197/VNM103522%20Eng.pdf> (unofficial English translation).
 156 Thanh Nien News, 'Vietnamese Lawmakers Vote to Keep Age of Majority at 16', 5 April 2016.
 See: www.thanhniennews.com/education-youth/vietnamese-lawmakers-vote-to-keep-age-of-majority-at-16-60924.html [...]
 161 Socialist Republic of Vietnam (2011). Law on Human Trafficking Prevention and Combat, Law No. 66/2011/QH12.
 See: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91653/106409/F-1429920306/VNM91653%20Eng.pdf>
 162 International Centre for Missing & Exploited Children (2016). Global Missing Children Research Initiative.
 See: <https://www.icmec.org/wp-content/uploads/2017/05/Vietnam-July-2016.pdf>
 163 Ibid. [...]

(Source: ECPAT UK/Anti-Slavery/Pacific Links Foundation, [*Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe*](#), 7 March 2019)

[...] C. Implementation of international human rights obligations, taking into account applicable international humanitarian law [...]

4. Rights of specific persons or groups [...]

Children²³⁹

77. JS2 [Joint submission 2 submitted by: ECPAT International and Vietnam Association for Protection of Child's Rights, Bangkok, (Thailand)] indicated that Viet Nam enacted a new Criminal Code in January 2018, which strengthened child protection by criminalising a broader array of conducts related to sexual exploitation of children, and introducing more severe penalties for child marriage and trafficking.²⁴⁰ JS2 recommended taking legislative measures to raise the legal age of a child to 18, in compliance with the CRC, and amend all the relevant provisions, notably in the new Criminal Code, to protect all children under the age of 18 from sexual exploitation and trafficking.²⁴¹ JS19 [Joint submission 19 submitted by: Covenants Watch, Environmental Jurists Association, Taiwan Association for Human Rights, Vietnamese Migrant Workers and Brides Office, Taipei (China)] urged the Government to double its efforts regarding accepted recommendations of the previous UPR cycle on child trafficking.²⁴² [...]

[...] 239 For relevant recommendations see A/HRC/26/6/Add.1, paras.143.47-143.49, 143.54-143.56, 143.120 and 121.

240 JS2, para.22.

241 JS2, page 8.

242 JS19, para 14. [...]

(Source: UN Human Rights Council, [*Summary of Stakeholders' submissions on Viet Nam* Report of the Office of the United Nations High Commissioner for Human Rights \[A/HRC/WG.6/32/VNM/3\]*](#), 6 November 2018)

Regional initiatives/bilateral agreements

The 2020 report by the government of Vietnam to the UN Committee on the Rights of the Child noted the following in relation to its efforts to promote international co-operation and coordination in the prevention of human trafficking:

[...] F. Efforts to promote international co-operation and coordination in the prevention, detection, investigation, prosecution and punishment of the crimes set forth in the Optional Protocol

177. Viet Nam has signed 15 bilateral agreements and 13 judicial assistance agreements that include content on the prevention of human trafficking. Viet Nam has been actively involved in regional initiatives to prevent the trafficking of women and children, including: the Greater Mekong Sub-Region (GMS) and Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT); the Action Plan for the Lower Mekong River Basin Region on human trafficking prevention and combatting for the period 2015–2018; ASEAN Action Plan on Prevention and Suppression of Human Trafficking, especially for women and children; the Bali Ministerial Meeting on the prevention and combating of illegal crossborder migration, human trafficking and transnational crimes. Viet Nam has also ratified the ASEAN Convention on the Prevention and Suppression of Trafficking in Persons, especially Women and Children, and the Protocol on the Prevention of Illegal Migration by Road, Sea and Air.

178. The Plan for implementation of the Child Rights Commission's Recommendation 71, Plan for the Implementation of the Transnational Organized Crime Convention and the Protocol on Prevention, Punishment and Suppression of Trafficking in Persons, especially women and children, has been issued and implementation commenced.¹⁸⁷ This plan identifies required content and roadmap for the internalization of the provisions of the Convention on Transnational Organized Crime and the Protocol on Prevention, Punishment and Suppression of Trafficking in Persons, women and children, contributing to improving the institution, improving effectiveness and promoting international cooperation in the prevention and control of transnational organized crime. Viet Nam has also ratified the Palermo Protocol on the Prevention, Suppression and Punishment of Trafficking in Persons, especially Women and Children, in 2012. Recently, Viet Nam signed and is implementing a number of Bilateral treaties in human trafficking with neighboring countries in the region [...]

[...] 187 Decision No. 605/QĐ-TTg dated 18 April 2013 of Prime Minister [...]

(Source: UN Committee on the Rights of the Child, [*Combined fifth and sixth periodic reports submitted by Viet Nam under article 44 of the Convention, due in 2017*](#), 3 March 2020, paras. 177 and 178)

2.3. Anti-Trafficking laws in practice

2.3.1. Numbers of trafficking prosecutions and convictions

2014 - 2017

The Vietnamese government provided the following figures in relation to convictions rates for the time period 2014-2018:

[...] III. Achievements in promoting and protecting human rights in practice [...]

C. Protection of vulnerable groups and people in underprivileged areas [...]

Support for victims of human trafficking

85. From 2014 to the end of 2017, the People's Procuracy at all levels have prosecuted 829 cases and 1,539 defendants in human trafficking cases. From 2014 to July 2018, the People's Courts at all levels have undertaken 796 cases with 1,475 defendants accused of human trafficking-related crimes [...]

(Source: UN Human Rights Council, [National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21* Viet Nam](#), 14 November 2018)

2015

The UN Committee on the Elimination of Discrimination against Women noted in its *Concluding Observations* of July 2015 that:

[...] C. Principal areas of concern and recommendations [...]

Trafficking and exploitation of prostitution

20. The Committee welcomes the various efforts made by the State party to combat trafficking in women and girls, but notes with concern: [...]

(c) The very low conviction rates under the Law on Human Trafficking; [...]

(Source: UN Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined seventh and eighth periodic reports of Viet Nam](#), 29 July 2015, para. 20)

The U.S. Department of State provided the following prosecution and conviction rates for 2015:

[...] Vietnam Tier 2 [...]

PROSECUTION [...]

The government arrested 544 suspected traffickers. It prosecuted 442 and convicted 217 trafficking offenders (under anti-trafficking law articles 119 or 120), compared with 472 prosecutions and 413 convictions in 2014. Sentences ranged from probation to life in prison. Authorities did not report how many cases involved sex or labor trafficking or how many were for internal or transnational trafficking. Because the penal code does not specifically criminalize labor trafficking, officials lacked confidence in a legal basis to prosecute labor trafficking and treated such cases as administrative violations under the country's labor laws, which do not prescribe criminal penalties [...]

(Source: U.S. Department of State, [2016 Trafficking in Persons Report](#), June 2016, p. 399)

2016

The U.S. Department of State provided the following prosecution and conviction rates for 2016:

[...] Vietnam: Tier 2 [...]

PROSECUTION [...]

The Police and Border Guards reported investigating 234 cases and arresting 308 suspects, but did not report how many of these individuals were prosecuted. The government conducted initial judicial proceedings against 355 trafficking suspects under articles 119 and 120 of the penal code. Of these, the court system reported initiating the prosecution of 295 defendants for trafficking offenses, leading to 275 convictions, compared to 217 convictions in 2015 and 413 convictions in 2014; sentences ranged from two to 20 years imprisonment. Authorities did not disaggregate trafficking offenses from possible smuggling cases [...]

(Source: U.S. Department of State, [2017 Trafficking in Persons Report](#), June 2017, p. 426)

2017

The U.S. Department of State provided the following prosecution and conviction rates for 2017:

[...] Vietnam: Tier 2 [...]

PROSECUTION [...]

According to MFA, the Ministry of Public Security (MPS), Vietnam Border Guards (under Ministry of Defense), and Vietnamese diplomatic missions—often in cooperation with foreign partners—identified 350 trafficking cases involving more than 500 alleged offenders (234 and 308, respectively, in 2016). The procuracies reported initiating the prosecution of 245 defendants for trafficking offenses (295 in 2016) and the court system secured 244 convictions (275 in 2016); sentences ranged from less than three years to 30 years imprisonment [...]

(Source: U.S. Department of State, [2018 Trafficking in Persons Report](#), June 2018, p. 455)

2018

The U.S. Department of State provided the following prosecution and conviction rates for 2018 and provided its overall assessment in relation to Vietnam's efforts to prosecute traffickers and its preventative measures to combat trafficking:

[...] Vietnam: Tier 2 Watch List [...]

PROSECUTION [...]

For the seventh consecutive year, the government did not prosecute any suspected traffickers under labor trafficking provisions of the anti-trafficking law [...]

According to the Ministry of Foreign Affairs (MFA), the Ministry of Public Security (MPS) and Vietnam Border Guards (under Ministry of Defense)—often in cooperation with foreign partners—identified 211 trafficking cases (350 in 2017, 234 in 2016) involving 276 alleged offenders (over 500 in 2017, 308 in 2016).

The procuracies (prosecutor's office) reported initiating the prosecution of 194 defendants for trafficking offenses (245 in 2017, 295 in 2016, 442 in 2015, 472 in 2014) and the court system secured 213 convictions (244 in 2017, 275 in 2016); sentences ranged from less than three years to 20 years' imprisonment, however some prison sentences were suspended [...] PROTECTION [...]

The government encouraged trafficking victims to assist in judicial proceedings against traffickers and offered them some protection and compensation, including child-friendly courtrooms and not requiring victims to be present at trial; however, the government did not report the extent to which they applied these measures.

The law protected victims from prosecution for unlawful acts traffickers coerced them to commit, but NGOs reported victims were less likely to come forward about their abuses in a judicial setting due to fears they may face arrest or deportation, and returned victims were afraid of being arrested for crossing the border without documentation.

Civil society reported Vietnamese victims who migrated via irregular means, were involved in criminal activity as a result of their trafficking, or had criticized the Vietnamese government feared reprisals from Vietnamese government authorities, were less likely to seek support, and were vulnerable to re-trafficking.

International observers reported government officials often blamed Vietnamese citizens for their exploitative conditions abroad or suggested victims inflate abuses to avoid immigration violations [...]

PREVENTION [...]

Reports continued of poor migration management and poor regulation of the labor broker industry leading to debt bondage and exploitation of Vietnamese citizens abroad. ZAMBIA MoLISA conducted an inspection, in coordination with public security agencies, and discovered 91 cases related to violations in the recruitment of labor for overseas employment and found 55 organizations and individuals without relevant permits. Violators received administrative sanctions [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 499, 500, 501)

2010-2018

An article by Asia Times provided the following government figures for the time period 2010 to 2018:

[...] Government data from 2010 to the third quarter of last year [2018] shows that courts in Vietnam have had to deal with several thousand cases of people being trafficked out of the country. Some 4,500 traffickers were accused of trading almost 7,000 victims – usually women and children in poor and rural areas, most of who were sold to men seeking wives in China, Malaysia and South Korea, or used to bear children, or forced into sex work [...]

(Source: Asia Times, [Two men jailed for trafficking women to China](#), 9 May 2019)

2.3.2. Implementation and limitations of anti-trafficking laws and policies

This section should also be read with [3. State protection availability](#).

Diplomatic sources described to the UK Home Office fact-finding mission that in terms of effectiveness of the police, there is no cross-agency coordination and it is unconfirmed whether witness protection programmes are implemented. As for the government's efforts to protect victims of trafficking, progress is slow with advancements at provincial level but central government remains disorganised:

[...] Annex D: Notes of meetings w/ sources

Diplomatic sources met on 25 February, 27 February and 1 March 2019, plus information supplied subsequently [...]

Effectiveness of the police [...]

It's not a traditional law enforcement agency it's more similar to China. Their primary focus is on control for the CPV and maintaining public order. It is a bureaucratic organisation with too many mid-level decision makers. There is no cross-agency coordination and that is where there is the hold up. There is some work done in terms of traditional law and order but not as we know it as westerners. MPS is the largest in terms of power and man power [...]

Witness protection programme

There is probably legislation that protects but I would have thought implementation would be different. Never heard of that, highly doubt it, there might be NGO support but not able to confirm or deny [...]

Trafficking

Sufficiency of protection for VoT

It has made some improvements and addressed some concerns but there remains significant concern about the pace of progress. There have been advancements at provincial level, but central government is not as organised, central government and local does not always align. At provincial level, more assistance is being requested. They try in terms of protection, but victims do not tend to want to be identified due to social stigma. There is a big difference between northern and southern Vietnam. We do not border China in the south but have Cambodia, it varies locally and regionally. There were two foreign nationals arrested (child sexual abuse) so there are cases / trafficker arrested recently but was released due to lack of evidence [...]

(Source: UK Home Office, *Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*, 9 September 2019, p. 37 and 43)

With specific reference to witness protection programmes, the representative of UN-ACT interviewed by the UK Home Office fact-finding mission described the lack of an effective witness protection system:

[...] Annex D: Notes of meetings w/ sources

UN-ACT, 27 February 2019

UN-ACT - overview

Is there a Witness protection program to support if they inform on traffickers?

Yes, we have police here and a system. There is a hot line for people reporting on human trafficking cases. The hotline is at police and national level. The big problems are that the victims do not refer to those hotlines or to police for help, thus do not receive support as victims. Plus, when they come back to Vietnam they do not want people to know they are victims of human trafficking. They need to earn money in Vietnam and do not want people to know their stories. For example, those returning from Thailand and middle East are used for exploitation and never report to the police. Only in the cases where the police know about them can they protect them. The police and border guards cannot protect those who they do not know about.

I think even if they do, it is not what you are thinking of. The Criminal Justice system is not a very effective witness protection system.

In human trafficking cases the victims are the witnesses. Sometimes they do not cooperate as they do not believe that they are protected by the justice system or the police. It is difficult for courts and judges to bring a case to court as they cannot get cooperation from the victim [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 81, 82, and 83)

The IOM noted the Government of Vietnam's increased focus on prosecuting cases and aims to assist it to enhance its capacity to prosecute more in the future:

[...] Annex D: Notes of meetings w/ sources [...]

Representatives from International Organization for Migration (IOM), 26 February 2019 [...]

The Government of Vietnam appears to have been increasingly focused on prosecuting cases and have put more legislation in place to support this. IOM and other organisations in Vietnam, with Home Office support, will be increasing efforts to build the capacity of the judiciary to understand the vulnerabilities and various factors involved, ultimately to support an enhanced capacity to generate more prosecutions [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 74)

In an interview with the UK Home Office, an NGO pointed out that prosecutions for trafficking cases to the UK are low because of the definition of trafficking as Article 150 of the Penal Code only comes into force if someone was forced or threatened, which often does not apply to victims of trafficking from Vietnam to the UK because they tend to go of their own will with the trafficker. The NGO also highlighted that there is protection gap for those aged between 16 and 18 because Article 150 and 151 of the Penal Code cannot be applied:

[...] Annex D: Notes of meetings w/ sources [...]

NGO, 26 February 2019 [...]

You have mentioned working with the local police what is your view of their effectiveness in relation to trafficking? 'It depends on how you work with them and which approach you bring to them. We have worked with them for a long time in combatting trafficking. We have seen them being very active. I think because police understood the consequence of human trafficking when the victims have been separated from their loved ones [...]

How many girls would you have at one time? [...]

'One of the notable work we do with the victims is to help them to make a statement, so the police can arrest the traffickers. There have been 42 court cases where 57 victims have been protected their rights and legitimate interests and 82 traffickers have been arrested and prosecuted. The lowest sentence is 4 years and the highest was 30 years (children). [...]

Have you seen any prosecuted cases not relating to those people coming back from China? 'For the UK the number of prosecutions is low because of the definition of the law. Last year I sent resolution number 2 on how to address some human trafficking cases. Article 150 says that anyone who is forced or threatened, lured (tricks) to do an act will be considered as human trafficking. If you put that definition into terms with the victims from the UK it means that it will never apply to them as they agreed to go with the trafficker, so that means Article 150 will never be applied. If the victim is 16 years old and under 18 years old there are many gaps. With Article 151 in relation to trafficking, if a person is under 16 years old they do not use force or threaten to use force or lure (tricks), they automatically assume that those under 16 will be considered as human trafficking victims.

How about the person who is 16?

If they are over 16 but less than 18 the police cannot apply article 150 and 151 as article 150 you have to prove that there have been fraud or cheating elements involved - there are big loop holes. They don't have the capacity.

We have not dealt with victims who have been to the UK and returned. Last month (in Vietnam) a trafficker could not be prosecuted because the victim agreed to go with the trafficker and wasn't forced.'

So what you are saying is that the difference in definition of human trafficking in VNM being different from the international definition, causes problems?

'The definition of human trafficking is not different, it is the age (in Vietnam) that is different. You cannot prosecute anyone choosing to go to UK as it does not fit Vietnamese law [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 75, 76)

The U.S Department of State in its 2018/2019 annual report described similar gaps in protection: a lack of interagency co-ordination and a gap in legal protection for children between 16 and 18 whereby the law does not cover all forms of trafficking:

[...] Vietnam: Tier 2 Watch List

The Government of Vietnam does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included disseminating implementing guidelines for Articles 150 and 151 of the penal code, operating large-scale awareness campaigns in communities vulnerable to trafficking, and government facilitated trainings for Consular officers, police, and other relevant agencies to combat trafficking. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period [...]

Law enforcement efforts were impeded by the delayed release of formal implementation guidelines on Articles 150 and 151 of the penal code. A lack of interagency coordination and unfamiliarity among some provincial officials with antitrafficking law and victim protection continued to impede anti-trafficking efforts [...]

Therefore Vietnam was downgraded to the Tier 2 Watch List [...]

PRIORITIZED RECOMMENDATIONS:

Fully prohibit all worker-paid recruitment fees and predatory recruitment practices for workers migrating abroad or to Vietnam, including by strengthening efforts to monitor labor recruitment companies and third-party sub-brokers and prosecuting predatory or illegal sub-brokerage networks [...]

Amend the penal code to criminalize sex trafficking of 16- and 17-year-old children, consistent with international law.

Improve interagency cooperation to effectively implement the anti-trafficking national action plan, including by clarifying the roles of national and provincial-level government entities, fully integrating trafficking data collection into law enforcement efforts, and allocating sufficient resources to the national action plan.

Increase national funding available to provincial level authorities to provide services to reintegrated victims of trafficking [...]

PROSECUTION

The government decreased law enforcement efforts [...]

Article 150 of the penal code criminalized labor trafficking and sex trafficking of adults and prescribed penalties of five to 10 years' imprisonment and fines of 20 million to 100 million Vietnamese dong (VND) (\$862 to \$4,310).

Article 151 criminalized labor trafficking and sex trafficking of children under the age of 16 and prescribed penalties of seven to 12 years' imprisonment and fines of 50 million to 200 million VND (\$2,160 to \$8,620).

These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with other serious crimes, such as rape. Inconsistent with international law, Article 150 applies to children between the ages of 16 and 17 years old, and requires a demonstration of force, fraud, or coercion to constitute a sex trafficking offense; it therefore did not criminalize all forms of child sex trafficking.

Civil society reported that this led to confusion on how to treat cases involving 16- and 17-year-old children —especially for cases involving labor trafficking—and resulted in victims being treated as adults in nearly all cases.

In September 2018, the Supreme People's Court issued a circular detailing the trial procedures dealing with cases involving victims under the age of 18, designed to make court proceedings more child-friendly. Insufficient time has passed since the close of the reporting period to evaluate if the circular sufficiently addressed the legal discrepancy in the treatment of 16- and 17-year-old children in sex trafficking cases as adults.

While Articles 150 and 151 came into effect during the previous reporting period, the government did not circulate implementing guidelines until January 2019, which did not take effect until March 2019. Delays in issuing implementing guidelines may have contributed to fewer investigations and prosecutions of trafficking cases during the reporting period [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 498, 499)

The same issue of gap in protection for 16-18 year olds was also brought up by trafficking researcher Hong Thi Tran in an interview for this report in November 2019:

Just one context point is so your definition of children is the ones who's under 18, but the Vietnam law, it's 16. So there's a gap here between 16 and 17 that's mentioned in Article 151 [of the penal code]. We have two articles in human trafficking, and one article is specialised for the children that is not adolescent, let's say, for the one who's under 16. So yeah, Vietnam law is a little bit of gap with the international law and that's the same for identification. I think mostly for the prosecution and identification of the victim it's a different approach than the international approach.

(Source: Hong Thi Tran, interview record, 19 November 2019)

The US Department of State annual trafficking report covering 2018/2019 described the lack of coordination across provincial-level agencies:

[...] Vietnam: Tier 2 Watch List [...]

PROSECUTIONS [...]

A lack of coordination across provincial-level agencies, persistent budgetary constraints, poor understanding of the relevant legislation among local officials, and confusion about individual provinces' roles and responsibilities in the context of the national action plan continued to hamper effective law enforcement efforts.

The Vietnamese government commenced a large scale restructuring of the MPS, merging its Staff Department (C42) responsible for anti-trafficking policies and procedures with the Criminal Police Department (C45) responsible for trafficking operations. While the merging of these departments could potentially improve the flow of information and interagency coordination, civil society reported this reshuffle, coupled with extremely high turnover within the MPS, significantly slowed law enforcement efforts [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 498, 499)

UNICEF reported that the overall monitoring system on child protection is weak:

[...] Capacity gaps [...]

As mentioned, the overall monitoring system on child protection is weak. Child protection data is not collected and reported systematically. Even when data is available, it is not disaggregated. Many child protection indicators including child trafficking, child victims of sexual exploitation are not systematically monitored. There is a serious lack of in-depth research on child protection issues, including children in economic activities and child labour, child trafficking, the sexual exploitation of children in/for sex work and pornography. Lack of indicators and a data management system to assess impacts of localized or major disasters on children is an obstacle, for example, numbers of children without housing, left without parental care, lacking food, school drop-outs, injured and fatalities [...]

(Source: UNICEF, [Situation Analysis Of Children In Ho Chi Minh City Viet Nam 2017](#), November 2017)

Debbie Beadle from ECPAT UK interviewed for this report also highlighted the difficulty for victims of trafficking to go to the police:

[...] What we found that one of the problems is, in terms of protection, is that one, it's very hard for people to come forward, but also there seems to be this approach that they should go back to the area of their families and it should be dealt with there, and I think that was the real gap in the protection in Vietnam [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

In December 2019 Circular 46 came into effect, which codified a victim's right to a lawyer in criminal proceedings, which hadn't been the case up to then:

[...] because of shortcomings in Vietnamese law, which for years failed to clearly codify important legal protections for victims of crime. Without legal representation, a victim of human trafficking or sexual assault [...] already traumatized and with no knowledge of the law, often could find no clear path to justice [...]

Circular 46, codifying a victim's right to an attorney, officially went into effect in December 2019, and the flaw in the criminal code was finally mended. To date, Van has provided legal representation in 83 court cases, helping nearly 100 victims of human trafficking and sexual abuse.

"Ultimately, Vietnam's Criminal Procedure Code will need to be revised," says Van, "but for now, Circular 46 addresses this one shortcoming and highlights the needs and rights of crime victims for all in the justice system to see." [...]

(Source: The Asia Foundation, [Changing the Law to Protect Trafficking Victims in Vietnam](#), 15 April 2020)

The Vietnamese NGO Blue Dragon reported also on this reform to Vietnam's legal system as follows:

[...] Officially launched this week [mid-December 2019], a circular issued by the Ministry of Public Security on October 10, 2019 has closed a legal loophole by giving victims of crime the right to have a lawyer.

Until this reform, procedures regarding victims' access to legal representation were unclear and unregulated. This meant that the victim of a crime – such as human trafficking – was not always able to appoint a lawyer to help them report to police and represent them in court.

The accused, however, did have a clear right to legal representation [...]

Ultimately Vietnam's Criminal Procedure Code will need to be revised but for now Circular 46 addresses this one shortfall, and highlights the needs and rights of victims of crimes for all in the justice system to see.

Now any person in Vietnam who finds themselves the victim of a crime is assured of the right to appoint a legal representative to defend them.

(Source: Blue Dragon, [Circular 46](#), 19 December 2019)

2.4. Implementation and limitations of the identification process of victims of trafficking

The law in Vietnam establishes that in order to access services a trafficking victim must be officially recognised by either a border authority or law enforcement official:

[...] 7.4. Barriers to access: Limited recognition [...]

Research findings suggest that children and young people with experiences of trafficking face significant supply side barriers to accessing services. In particular, service providers explained that it can be difficult to obtain official recognition as a victim of trafficking, which is necessary to claim entitlements and access support. Chapter IV of Vietnam's anti-trafficking law, the Law on Human Trafficking Prevention and Combat [hereafter HT Law], states that identification and verification of victim status is required for access to services, safety, support and protection measures, including temporary shelter, financial support, legal aid and counselling and psychological support.¹⁰⁵ In order to be identified and verified as a victim, an individual must be given a certificate by a verifying agency. According to the Article 28 of the Human Trafficking Law, eligible documents include: 'certificates of police offices of rural districts, urban districts, towns and provincial cities; Rescue agencies under Article 25 of the HT Law, i.e. police office, border guard or marine police; Certificates of investigation agencies and agencies assigned to conduct investigation, the People's Procuracies and People's Courts; and Papers and documents proving victim status issued by foreign authorities which are legalized by overseas Vietnamese representative agencies or the Vietnamese Ministry of Foreign Affairs.'¹⁰⁶ In other words, the law in Vietnam establishes that in order to access services a trafficking victim must be officially recognised by either a border authority or law enforcement official [...]

Numerous service providers interviewed for the study, including those representing both NGOs and government, explained that necessary certificates can be difficult to obtain, particularly for victims whose return isn't supported or facilitated by government authorities. As a case-manager at an NGO explained, "for cases where they get a certificate from the border guard it is simple – there is no need for an investigation from the police. When they return by themselves they need the police to investigate in order to get a certificate [and access services]".¹⁰⁷ Similarly, when asked about the challenges he has experienced responding to trafficking cases, a DoLISA representative reported that: "there are a number of difficulties, especially for victims who returned themselves – it is difficult to prove they are victims....Providing supports to those who are not identified as victims of trafficking is very difficult."¹⁰⁸ Finally, a social worker in Bac Giang province emphasised: "victim verification is important, even for children. If they are verified as victims, they will be supported according to the policies. If not, we cannot do much for them – not only the adults but also the children".¹⁰⁹ [...]

[...] 105 Law No. 66/2011/QH12 on Human Trafficking Prevention and Combat.

106 Law No. 66/2011/QH12 on Human Trafficking Prevention and Combat

107 Individual interview, NGO case manager, Hanoi, 3 October 2017.

108 Individual interview, Department of Social Evils Prevention, Hue Province, 13 December 2017.

109 Individual interview, Social Worker, Bac Giang Province, 22 December 2017 [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.63/64)

[...] Annex D: Notes of meetings w/ sources

Hagar International in Vietnam, 26 February 2019 [...]

What is certification?

Victims have certificate to show they are a victim, so they are eligible for government support. If they get them at the border the authorities can provide a certificate (if there is enough information to conclude) to access services. If they come back by themselves, they don't have that and can't access support from the government.

What are Govt. support services and how do you differ from what you provide?

Normally safe accommodation and emergency support for clothes food and legal aid support. The law says victims have right to safe accommodation, but there are not many shelters around, and the victims have the right for psychology support but the government do not have enough qualified counsellors. They don't have enough budget.

The challenge is the support system, according to law they are eligible for support but in reality, they don't get much. Once they go back to Vietnam they are supposed to provide travel support to go back home once home they are supposed to get economic support. Some provinces state that some support is only offered to survivors who are from a poor household. They have to have the victim certificate for long term support and for some support, they need to be in poor household [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 69)

In an interview for this report trafficking researcher Hong Thi Tran explained the process in which a victim of trafficking is identified and then able to receive support services from the government. However, if the trafficking case cannot be proved, they may not be able to access the state services. According to Hong Thi Tran many victims do not want to be officially identified because the process is lengthy and due to the associated stigma:

[...] If someone is suspected as a victim of trafficking, they might be able to receive some initial assistance, but it still will start with the investigation by the police and sometimes involves the border force and normally the Department of Criminal Investigation. And sometimes it involves many organizations overseas if it involves cross border trafficking, police in the neighbouring country or the country of the destination country. And it could involve also the Foreign Affairs ministry and the government of the two countries. And once the investigation is done and the victim is officially recognized as a victim, then that person will be able to receive all support services from the government [...]

However, some victims might not be able to-- because the investigation might not have enough evidence to prove that that's the case of trafficking so that the victim might not be able to receive the services [...]

There's one government agency involved directly in the identification process but sometimes it also involves the Ministry of Social Affairs, called MOLISA in Vietnam and it also involves the border force and sometimes the Women's Union if that is the case. It involves different agencies throughout the prosecution process until that case, is officially recognised as human trafficking. But there's only one department, the Department of Criminal Investigations that specialises in the trafficking investigation process and a transfer on the documents to the judicial department like the Department of Justice. It's the whole process but I would say there's a lot of gaps in identification so sometimes the victim can't prove themselves. If they come back from China after many years they don't remember who trafficked them, where that trafficker comes from any more, then as a result would not be able to identify that it is a case of victim of trafficking [...]

It's a very lengthy process to identify victims by the government or from their wish that they don't want to be recognised because of the stigma that they might face. I think these are the two main reasons victims of trafficking don't want to be identified as such. And I think that's really-- it's quite difficult to get the different channels that really support the victims and encourage victims to report about cases. But in terms of mechanisms in place for the government to support the victims adequately and ensure protection, for example, protection of confidentiality is the problem. What media has been projecting on human trafficking seems to even victimise the victims and cause them more vulnerability [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

According to an INGO based in Vietnam interviewed for this report, once identified as a potential victim of trafficking, they can get initial assistance at a government run Social Protection Centre:

[...] Everything will be easy if they are certified as a victim of trafficking. But the difficulty is that it is difficult to get that certificate. It's not easy, they have to go through a long process to prove that they are trafficking victims. It is very difficult. If you have that certificate then it will be easy to get other documents like ho khai. People always focus on ho khai. This residential certificate is very important but it's not the most important. The most important thing is that they have to have an identity card.

[...] They will face many problems if they are not recognised as a victim of trafficking. Many risks, first of all having no legal papers. For example no passport or identity card. So if they have lost their identity card or passport, they have to stay in their old village for around a year and then after a year they can claim for another personal paper. If they do not have a personal paper they will face some limitations in travelling and access to job opportunities. They also face some difficulties in accessing education, etc, so many risks.

[...] For example there was one person who came back and they had no home and no money they wanted to go back. I want to share one fact that i heard about the victim came back to their hometown and he became a trafficker - tried to push someone else to come with them and he became the trafficker [...]

[...] If a victim is identified as human trafficking survivor so firstly he or she will be sent to the centre of social work [social protection centre], where they come from and then after three days that person has to work with the police. And when they work with the police they will be re-identified if they are victims of human trafficking. They will be provided with information related to the rights of human trafficking survivor. And they will be provided with information on support networks. And during the time they stay in the centre of social work, they will be provided food and basic things. And they also provide a small amount of money to use public transportation to go back home [...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

In written communication for this report, Georges Blanchard, Director of Alliance Anti Traffic, a NGO based in Vietnam, described a lack of enforcement of identification and protection laws for victims of trafficking:

[...] The law to protect victims exists but is neither respected nor enforced. Vietnamese police find alternatives to not recognize a victim as a victim, but a smuggled person. Like that, the law does not concern this category. NGOs continue to implement training for Vietnamese officials, that don't make any sense in today's context. NGOs continue to provide training for state officers, which is useless because they have been trained for 30 years and they could even train the trainers. . Moreover, the turnover is high. Every 2 or 3 years the officers change places and the work is lost.

The only problem here is people don't want to care for victims because they have not the state budget available. The only solution today is 1: NGOs stop to take in charge the problems of Vietnam that must be taken in charge by the country and 2: Economical risks can serve to put pressures on the government to force them to change [...]

European laws don't allow EU receiving countries to inform the country of origin if the victim has not requested it. When VoT return in Vietnam, no one knows their history.

In addition, Vietnam does not recognize smuggling as trafficking, as the UN definition. All these cases if they are known by the Vietnamese authorities, they will not be benefitting from any support. To the UK, 95% is smuggling cases. They must pay 30.000€ or they don't go. In trafficking cases, the travel will be covered by the traffickers and the victim will be exploited to reimburse the debt [...]

(Source: Georges Blanchard, written response, 21 November 2019)

Debbie Beadle from ECPAT UK interviewed for this report highlighted the lack of training to identify and support victims of trafficking:

[...] If it's an official identified case that has maybe been brought to attention and made public, then police will get in line and protect that victim, but I think in terms of identifying and supporting them, I don't think it's very effective because they're not necessarily trained to identify and support people who have been trafficked [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

An NGO speaking to the UK Home Office described that most victims of trafficking that are handed over at the border are issued with a 'Victim of Trafficking' certificate. For those returned from the UK they do not automatically receive this as the Vietnamese authorities may not recognise them as a victim of trafficking even though they were recognised as such in the UK:

[...] Annex D: Notes of meetings w/ sources [...]

NGO, 26 February 2019 [...]

When a victim is identified are they issued with a 'Victim of Trafficking' certificate? 'Not all. By law they will get a certificate which certifies they are a victim of trafficking. It can be granted by border officials or the migration office. It only happens when the person is handed over at the border legally. Eighty percent of victims rescue themselves and cross the border illegally and do not want to make any statement and don't want to go.'

The certificate allows them to receive a support package with 50 USD, but they cannot get this instantly due to procedures in processing. It takes time and they have to give confidential information, they have to wait and give confidential information and then everyone knows.

How do they return legally?

'The Chinese authorities hand over the victim of trafficking legally and the certificate is only issued at the border. This is the condition for police to prosecute and get higher sentences. For other cases they do not receive the certificate.'

If the UK returns someone and they are identified in the UK as a Victim of trafficking would they be given a certificate?

'This is where the definition of victim of trafficking is different. For example, the UK may recognise a person as a victim of trafficking but on return to Vietnam the government may not.' [...]

(Source: UK Home Office, [Report of a Home Office Fact Finding Mission to Vietnam](#), 9 September 2019, p. 77)

Similarly, in an interview for this report, trafficking specialist Hoa Nguyen explained that most victims of trafficking returned from the UK are not being identified as such by the Vietnamese authorities:

[...] When victims return to Vietnam, most of the victim identification at destination countries are not accepted in Vietnam, therefore, even victims are identified by the UK government, will have to be re-identified by the Vietnam authorities. The cannabis farm victims are not being identified as victims of trafficking in Vietnam. Most of the victims in this case do not cooperate with the authorities. The victims also avoid being identified as victims. Same with the case of returns from Russia. Many of these victims are not identified as victims of trafficking [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

This was also echoed by Georges Blanchard, Director of Alliance Anti Traffic:

[...] European laws don't allow EU receiving countries to inform the country of origin if the victim has not requested it. When VoT return in Vietnam, no one knows their history. In addition, Vietnam does not recognize smuggling as trafficking, as the UN definition. All these cases if they are known by the Vietnamese authorities, they will not be benefitting from any support. To the UK, 95% is smuggling cases. They must pay 30.000€ or they don't go. In trafficking cases, the travel will be covered by the traffickers and the victim will be exploited to reimburse the debt [...]

(Source: Georges Blanchard, written answers, 21 November 2019)

The following two sources - The Ministry of Labour, Invalids and Social Affairs (MOLISA) and UNICEF - reported on the existence of a free hotline to report child abuse and trafficking. Cases get followed up by a team that is comprised of MOLISA, Ministry of Public Security (MPS), Vietnam Women's Union and border guards. MOLISA also highlighted the difficulty in identifying victims of trafficking:

[...] Annex D: Notes of meetings w/ sources

Ministry of Labour, Invalids and Social Affairs (MOLISA), 27 February 2019

I would like to add information about action from the state.

At the moment we have a hotline (111) for reports on child abuse and child trafficking. It is free and run 24hours a day 7 day a week. We have a growing number of supporters within and outside the country. The operators speak Cambodian, Chinese, English, Vietnamese as well as training so we can get as much information about trafficking as possible. It is very important for the recipients of the information to identify the location of the case, so we can provide rescue. Team comprises of MOLISA, MPS and border guards. We get information and identify a location we have a plan to rescue, identify and once identified as a victim of trafficking, we can provide the support identified previously.

List of questions outlined –

How do you identify a victim of trafficking?

Previously it was identified in law, but it wasn't close to the international definition/ The definition has now been made clearer in articles 150 and 151 in 2015 criminal law. According to the law human trafficking means that a person or organisation use, or threaten to use force in order to trade, transfer or receive another person for material profit, sexual or labour abuse. More details can be found in these two articles.

How many victims of trafficking have you identified in the last year?

The statistics from the local authorities in 2018 is that 500 victims received support.

The identification of victims of human trafficking is quite difficult (worldwide not just in Vietnam) because of this, the victims that we support may not be as many as the number of cases there actually are. [...]

Do you have a record of those identified as victims of trafficking?

Yes of course we have a record. For those cases identified at the border, the border police make a record of that case and then send the record to district police or labour department of the area where the victim lives so they can claim support in the local area. We do not keep a central record but if we need information we can request it from a local department. In the record there will be information in respect of age, gender, ethnicity location. The border guard takes the information at the border to make the record [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 79 and 80)

[...] Reporting and Referral Relations

The child helpline has two core mandates – child protection and care, and addressing human trafficking. There are well-established cooperation agreements to refer human trafficking cases to relevant governmental agencies including the Ministry of Public Security (the Police forces), the Ministry of National Defense (the Border Guard Command), and the Viet Nam Women's Union [...]

(Source: United Nations Children's Fund (UNICEF), [*LEAP – Leadership in Empowering and Activating Child Helplines to Protect Children Online A new Reality: Child Helplines Report on Online Child Sexual Exploitation and Abuse from Around the World*](#), 3 January 2018, p. 69)

The U.S Department of State trafficking report covering 2018/2019 stated that the Vietnamese government identified fewer victims in 2018 than in previous years and highlighted incomplete data on anti-trafficking law enforcement and victim identification; conflation of trafficking with smuggling, which precluded the identification of victims who voluntarily migrated abroad, and an overly complicated victim identification process. Moreover, the government did not systematically refer victims to protective services:

[...] Vietnam: Tier 2 Watch List [...]

the government [...] identified significantly fewer victims than in previous years [...]

Therefore Vietnam was downgraded to the Tier 2 Watch List [...]

PRIORITIZED RECOMMENDATIONS:

Train officials on implementing guidelines for Articles 150 and 151 of the penal code, with a focus on identifying and investigating forced labor and internal trafficking cases, including cases involving male victims [...]

Coordinate and effectively implement policies across government agencies to identify and assist victims among vulnerable groups, such as migrant workers, individuals in prostitution, and child laborers, and train relevant officials on these procedures.

Expand training for social workers, first responders and the judiciary on victim-centered approaches to working with victims of trafficking, including trauma-informed care [...]

PROSECUTION [...]

Disparate government bodies continued to report discrepant, overlapping, or incomplete data on anti-trafficking law enforcement and victim identification, and authorities often did not disaggregate trafficking offenses from possible migrant smuggling cases [...]

PROTECTION

The government decreased efforts to protect victims [...]

Informally, MPS officials estimated the vast majority of identified cases involved transnational trafficking. Some officials cited an increase in forced labor and noted incomplete data collection and poor interagency cooperation led to low victim identification. Social protection officials demonstrated a lack of familiarity with migrant worker vulnerability to trafficking, often considering them simply illegal workers. Some officials continued to conflate trafficking with smuggling, which precluded the identification of victims who voluntarily migrated abroad.

The government maintained common victim identification criteria as part of the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT) and maintained its own formal procedure for victim identification, but it did not proactively or widely employ either mechanism among such vulnerable groups as women arrested for prostitution, migrant workers returning from abroad, and child laborers.

Local and provincial government officials at times did not demonstrate a clear understanding of victim identification, including in some cases by conflating it with the confirmation of official identity documents.

Foreign victims, including children, remained at high risk of deportation without screening or referral to protective services.

NGOs reported the victim identification process remained overly cumbersome and complex, requiring sign off from multiple ministries before victims could be formally identified and assisted.

The government did not systematically refer victims to protective services due to inadequacies in its formal referral process, including some border guards' unfamiliarity with trafficking crimes, a lack of inter-jurisdictional cooperation, and incomplete data collection processes [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 498, 499, 500)

The following sources provided data of the number of victims of trafficking that had been identified in Vietnam in recent years:

[...] According to the Vietnamese National Committee for Combatting and Preventing Human Trafficking, each year Vietnam rescues and identifies about 1,000 victims. More than 98% of them are trafficked abroad and up to 90% are trafficked to China for the purpose of sexual or labour exploitation [...]

(Source: Blue Dragon, [39 – and how many more? Part 2](#), 3 November 2019)

[...] Vietnam: Tier 2 Watch List [...]

the government [...] identified significantly fewer victims than in previous years [...]

Therefore Vietnam was downgraded to the Tier 2 Watch List [...]

PROTECTION

The government decreased efforts to protect victims.

In 2018, authorities reported identifying 490 victims of trafficking (670 victims in 2017, 1,128 victims in 2016). The government did not provide statistics disaggregating cases by type of trafficking, victim age or gender, source, or destination [...]

The law protected victims from prosecution for unlawful acts traffickers coerced them to commit, but NGOs reported victims were less likely to come forward about their abuses in a judicial setting due to fears they may face arrest or deportation, and returned victims were afraid of being arrested for crossing the border without documentation. Civil society reported Vietnamese victims who migrated via irregular means, were involved in criminal activity as a result of their trafficking, or had criticized the Vietnamese government feared reprisals from Vietnamese government authorities, were less likely to seek support, and were vulnerable to re-trafficking [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

[...] DETAILS OF THE ACHIEVEMENTS FOR UN-ACT'S FOUR OUTPUTS

Output 1: The COMMIT Process is strengthened to become sustainable and self-reliant [...]

Activity Result 1.3: Effective implementation of SPA IV [...]

In 2017, more than 600 victims of trafficking were identified and rescued, and all of the identified victims received initial support [...]

(Source: United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), [Annual Progress Report 2017](#), 5 October 2018, p. 2,3)

The following sources highlighted that some victims of trafficking were not keen to be identified as such for fear of facing legal procedural consequences:

[...] Treatment of Returnees

Exit and Entry procedures [...]

Vietnamese nationals who depart the country unlawfully, including without travel documents, may be subject to a fine upon return. Article 17 of the Decree on Sanctions of Administrative Violations in Social Security, Order and Safety, Prevention and Fighting of Social Evils, Fire, and Domestic Violence mandates a fine of between VND3 million (AUD187) and VND5 million (AUD310) for crossing a national border without undergoing official exit procedures; evading, organising or helping others to leave illegally; or departing using another person's travel documents (or permitting another person to use their documents). Fines of between VND5 million (AUD310) and VND10 million (AUD620) are mandated for the owners or operators or vehicles that transport people across the border illegally; and for the use of fraudulent travel documents or other identity documents. In practice, the implementation of this legislation varies depending on the person and the circumstances of the illegal departure [...]

Conditions for Returnees [...]

In-country sources report that all individuals involved in people smuggling operations, whether as organisers or travellers, are typically held by authorities for questioning to determine their involvement in operations. Sources have described cases where people have been detained for multiple days or recalled for further questioning. According to sources in Vietnam, any returnees with travel document concerns are questioned at interview rooms at airports. DFAT understands that would-be migrants who have employed the services of people smugglers typically only face an administrative fine, including in cases of multiple illegal departures [...]

(Source: Australian Government Department of Foreign Affairs and Trade, [Country Information Report Vietnam](#), 13 December 2019, p. 43, 44)

[...] We were told that returned Vietnamese get received by the IOM, but when we were down in Vietnam they were a bit cagey about how many people that they had supported and what happened to them. So I think that's really unclear to be honest. We haven't really ever gotten to the bottom of that. [...]

The other thing that we identified from our report is people have been trafficked and then have moved across borders through illegal means. Even though the government may have been complicit in that, if that had been identified—hence being identified in the UK with irregular status, then they also potentially face reprisal from the police or the state when they get back because they basically shamed the government by entering other countries illegally [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

[...] Demand side barriers to access [...]

Finally, given that cross-border trafficking nearly always occurs in the context of irregular migration, several respondents explained that trafficking survivors choose not to pursue support services because they fear facing legal repercussions for migrating illegally. As one stakeholder explained, "...our policies do not see them as victims...They were afraid of getting into trouble. They would just be seen as illegal migrants."¹¹⁹ Indeed, given the history of expansive regulation of migration in Vietnam, it is unsurprising that trafficking survivors would expect a punitive response from authorities. Furthermore, as noted by several commentators, the Vietnamese government's approach to trafficking and response prioritises criminalising practices that are damaging to social (moral) order over promoting individuals' rights and wellbeing, thus deterring individuals' from self-identifying as victims.¹²⁰ [...]

[...] 119 Individual interview, representative, UNACT Vietnam, Hanoi, 5 October 2017.

120 Vijayarasa, Ramona, "The State, the family and language of 'social evils': re-stigmatising victims of trafficking in Vietnam", *Culture, Health & Sexuality*, 12:1, 2010 [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.66)

[...] Vietnam : Tier 2 Watchlist

[...] Protection [...]

The law protected victims from prosecution for unlawful acts traffickers coerced them to commit, but NGOs reported victims were less likely to come forward about their abuses in a judicial setting due to fears they may face arrest or deportation, and returned victims were afraid of being arrested for crossing the border without documentation. Civil society reported Vietnamese victims who migrated via irregular means, were involved in criminal activity as a result of their trafficking, or had criticized the Vietnamese government feared reprisals from Vietnamese government authorities, were less likely to seek support, and were vulnerable to re-trafficking [...]

(Source: U.S. Department of State, [*2019 Trafficking in Persons Report*](#), 20 June 2019, p. 500)

3. State protection availability

3.1. State of the police: General information

The Australian Government Department of Foreign Affairs and Trade Country Information report on Vietnam provided the following overview of the structure and functioning of the police:

[...] Police

The MPS [Ministry of Public Security] manages the People's Public Security Forces of Vietnam (PPSFV), the country's main police and security force. [...] The PPSFV operates at national, provincial, district, and commune levels. Commune police often have lower salaries and fewer benefits than police at the district, provincial, and national levels and generally receive inadequate training in law and basic police procedures. Provincial and local police forces have a high degree of discretion in their activities. International observers report that corruption is highly prevalent within the ranks of the police. Sources have reported recent cases of organised crime groups bribing local police to not respond in specific situations, and instances in which police have not responded when citizens have called for help [...]

(Source: Australian Government Department of Foreign Affairs and Trade, [Country Information Report Vietnam](#), 13 December 2019, p. 40)

The following source provided a description of the role of the Ministry of Public Security (MPS):

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019

[These are notes made during the meeting with MPS]

Role of the MPS –

Or role is stipulated by regulation from the government.

MPS's responsibility is for national security, order society, developing the economy, diplomacy and to prevent and suppress crime including protecting national security. We also advise government on security policy for our country (available on MPS website).

There is a new MPS structure comprised of 4 levels:

- 1) Central authority including agency under ministerial.
- 2) Community police in the city (level 1)
- 3) Local police including district
- 4) Police in the ward, community and work centres.

Before October 2018 there were 8 general departments. Now we have a new structure and no general departments. The departments we have are under the ministry with 2 commanders (under regulation 01/2018). The new structures is more focused on principal and municipal police and also building capacity of the district police. The police work in the community to control the criminal situation [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 84 and 85)

The US Department of State annual trafficking report covering 2018/2019 described a recent restructuring of the MPS to merge two departments working on anti-trafficking:

[...] The Vietnamese government commenced a large scale restructuring of the MPS, merging its Staff Department (C42) responsible for anti-trafficking policies and procedures with the Criminal Police Department (C45) responsible for trafficking operations. While the merging of these departments could potentially improve the flow of information and interagency coordination, civil society reported this reshuffle, coupled with extremely high turnover within the MPS, significantly slowed law enforcement efforts. Police continued efforts to mainstream trafficking content into the training curriculum for new recruits; the MPS organized 12 trainings for 500 police officers, and in cooperation with an international donor, organized trainings on child sexual assault, including child sex trafficking [...]

(Source: United States Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 499)

When commenting on the effectiveness of the police, diplomatic sources told the UK Home Office fact-finding mission that there is no cross-agency coordination and that corruption permeates society despite a recent anti-corruption campaign being initiated:

[...] Annex D: Notes of meetings w/ sources

Diplomatic sources met on 25 February, 27 February and 1 March 2019, plus information supplied subsequently [...]

Effectiveness of the police

The effectiveness of police, the ministry of public security are one of the most powerful and are seen as guardians of regime with close links with the Communist Party of Vietnam (CPV). Recently there has been a massive restructure. We have seen 2 vice ministers stripped of their ranking. We've also seen the elimination of departments. From 2016 to now the ministry had been keeping some key functions in order to keep order. Lots of things are not going smoothly. After more than 2 years things seem to be more stable now. They have started to sign decrees to implement things. In Vietnam, the Ministry of Public Security have several functions- with ensuring social order they have been doing a good job but crime rates are low. [...]

It's not a traditional law enforcement agency its more similar to China. Their primary focus is on control for the CPV and maintaining public order. It is a bureaucratic organisation with too many mid-level decision makers. There is no cross-agency co- ordination and that is where there is the hold up. There is some work done in terms of traditional law and order but not as we know it as westerners. MPS is the largest in terms of power and man power.

Corruption- Are the local police open to bribery? Is that prominent?

Yes. It goes through all strata of society. [...] Vietnam ranked 117 out of 180 countries on Transparency International's 2018 Corruption Perceptions Index. Although the CPV has initiated an anti-corruption campaign, with some powerful figures being prosecuted, and amended Vietnam's anti-corruption legislation in 2019, corruption still permeates throughout society, in both the public and private sectors including in the police and judiciary. The lack of checks and balances hinders progress, though this should not suggest that corruption is present in the majority of arrests or prosecutions [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 36 and 37)

An Academic interviewed by the UK Home Office fact-finding mission described corruption within the police:

[...] Annex D: Notes of meetings w/ sources

Academic source (1), 25 February 2019 [...]

How prevalent is corruption within the police?

It's at every level. Bribery to the police on the road, to the Ho Khau official they can ask why you make Ho Khau. Even the police who investigate criminal cases can ask for bribes from the victim and/ or from the criminal too. A very serious situation here. In the last year there are many corruption cases related to the police here. There are no checks and balances, the power of the police is big and there is no control on them.

Do you think protection from the police is effective, if you were fearing criminal gangs or trafficking would you be able to get protection?

There are some small cases. The CPV knows it must maintain order and the confidence of the people. There is social pressure on police from local communities and people believe in police to maintain security and protect the people. I would rate around 6 or 7/10 for the police system. On one hand they use the police system for the power of the regime, but they also use it for social order and security of the people [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 58 and 59)

The U.S Department of State annual human rights report covering 2018 described corruption within the police force and how some police officers acted with impunity:

[...] Section 1. [...]

D. ARBITRARY ARREST OR DETENTION [...]

ROLE OF THE POLICE AND SECURITY APPARATUS [...]

Although the Supreme People's Procuracy had authority to investigate security force abuse, police organizations operated with little legal restraint or transparency, and no public oversight. Police officers sometimes acted with impunity. At the commune level, guard forces composed of residents or members of government-affiliated social organizations commonly assisted police and sometimes committed human rights abuses. [...]

Section 4. Corruption and Lack of Transparency in Government

[...] Corruption among police remained a significant problem at all levels as illustrated by the April 6 arrest of former MPS director general Phan Van Vinh on bribery charges, and police sometimes acted with impunity. Internal police oversight structures existed but were subject to political influence [...]

(Source: US Department of State, [2018 Country Report on Human Rights Practices: Vietnam](#), 13 March 2019)

In a meeting with the UK Home Office, the UN-ACT representative thought that police can provide effective protection to victims of trafficking as long as police are aware of them:

[...] Annex D: Notes of meetings w/ sources

UN-ACT, 27 February 2019 [...]

Would you say police protection is effective for victims of trafficking?

If the police are aware and the victim comes to them for protection, then it works. Police in Vietnam still have a certain kind of power. The point is sometimes they do not know the victims, so they cannot protect them [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 83)

A local NGO interviewed by the UK Home Office fact-finding mission mentioned its positive experience working with the police:

[...] You have mentioned working with the local police what is your view of their effectiveness in relation to trafficking?

It depends on how you work with them and which approach you bring to them. We have worked with them for a long time in combatting trafficking. We have seen them being very active. I think because police understood the consequence of human trafficking when the victims have been separated from their loved ones [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 75)

3.1.1. Urban setting

In an interview for this report Hoa Nguyen, trafficking specialist, described how the police who are able to identify victims of trafficking are mainly present in the cities. She also described how police stigmatise those who have been sexually exploited:

[...] Only a few police can identify the victims and they are only identified in big cities. Office 130 in the MPS is coordinating with other ministries to form this National Taskforce. MPS is the ministry of public security. Office 130 (C45) is the national anti-trafficking Taskforce [...]

Police and often service providers in many cases stigmatise the victims, especially the ones who are sexually exploited/ work in prostitution. Most of the police working on this are male. They have difficulties to empathise with the female and child victims. In rural areas the taskforce has low budget and capacity to reach victims and families. Most of the services for victims in urban and big cities, so it is difficult for victims from rural and remote areas to access these services [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

According to Georges Blanchard, Director of Alliance Anti Traffic who provided written responses for this report, the police are unable to provide protection for victims of trafficking in urban settings:

[...] No I don't consider that police in urban settings are able to provide effective protection for VoT, but if an NGO is working there, the NGO will provide services. The same in rural settings but an NGO in the province can help in villages of the province. Not including neighboring provinces. In general, there's no difference between rural and urban. The only difference between protection in urban and rural areas is if they have an NGO working in their area [...]

(Source: Georges Blanchard, written response, 21 November 2019)

3.1.2. Rural setting

In an interview for this report, Hong Thi Tran, trafficking researcher, commented that the availability of police training on trafficking was dependent on the prevalence of trafficking in a particular area and also highlighted that in areas where trafficking was more prevalent and NGOs were present their joint resources was enhanced:

[...] Police are more aware about trafficking if it is a big issue in their community. In some places the police get more training because more cases are reported there and they would be able to provide more effective protection. The police have received some training in trauma-informed care and reception of victims, but not all police.

It depends on the area where there are more or less prioritisations set out by locality to tackle the issues. It means some areas can receive more training than others. Not all urban organisations/agencies receive more training than the ones in rural area, if human trafficking is not prevalent in the area. But it also depends on the connection with the NGOs-- when they receive more support, they also have a connection with NGOs, they have more resources so that they can provide more resources and more network, so they could provide more support for the victims of trafficking. But you can't really rely with own resources and ability and capacity [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

According to the INGO interviewed for this report, less support and protection mechanisms were available for victims of trafficking in remote and poorer areas:

[...] Laws and policies related to the protection of victims of trafficking are effectively implemented. However, it depends on difference locations. For example in remote and poor areas, because the Local authorities lack the mechanisms and the equipment to support for the victims is is also very poor so it's different in terms of location [...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

3.1.3. Protection of children

George Blanchard, Director of the Alliance Anti Trafic and interviewed for this report stated that the police would provide better protection to children if the case is publicised through social media:

[...] Children sometimes have better protection, especially if the case is well known by the population to mention the case in social media [...]

(Source: Georges Blanchard, written response, 21 November 2019)

3.2. Security forces involvement in trafficking

The following two sources interviewed for this report provided opposing accounts of victims having experienced security forces' involvement in trafficking:

[...] I mean, I can only anecdotally say from the victim accounts that nearly every one of them says, "The police are in bed with organized crime." And I would say I get that in about 80% of the cases. So I would say corruption is endemic in Vietnam, and that presents a risk to the victims [...]

(Source: Bernie Gravett, interview records, 1 November 2019)

[...] No one of returnees or rescued mentioned about whether local police officers or immigration officials are involved or complicit in trafficking offences. If they are involved, I think that it is with smugglers and traffickers. Victims will never meet or know them. In addition, when we have evidence involving an official, we officially complain about. As for the racket of victim's families we identified 4 years ago. In conclusion of that case, the racketeering has stopped. The government asked me if I wanted to find out who was responsible, because in order to go any further, I needed the Prime Minister's authorization because the bank account belonged to a police official. I decided that no, as long as the racketeering has stopped, I am not looking for those responsible [...]

(Sources: Georges Blanchard, written response, 21 November 2019)

The US Department of State annual trafficking report covering 2018/2019 described the lack of investigations, prosecutions or convictions of officials complicit in trafficking offences despite reports of official complicity:

[...] Vietnam: Tier 2 Watch List [...]

Despite ongoing reports of official complicity, the government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses. Therefore Vietnam was downgraded to the Tier 2 Watch List [...]

PRIORITIZED RECOMMENDATIONS: [...]

Vigorously prosecute all forms of trafficking and convict and punish traffickers, including in cases involving forced labor or complicit officials [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 498)

The previous annual report on trafficking by the US Department of State covering 2017/2018 all reported on the complicity of government officials in trafficking¹³:

[...] Vietnam Tier 2 [...]

Trafficking profile [...]

Some complicit officials, primarily at commune and village levels, reportedly accepted bribes from traffickers, overlooked trafficking indicators, and extorted profit in exchange for reuniting victims with their families. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses despite these trends [...]

(Source: United States Department of State, [2018 Trafficking in Persons Report](#), 28 June 2018, p.457)

¹³ The same was reported in U.S. Department of State, [2017 Trafficking in Persons Report](#), June 2017 and U.S. Department of State, [2016 Trafficking in Persons Report](#), June 2016

4. Shelters

4.1. State provisions: Shelters: General information (non-gender or age specific)

This section should be read together with section [2.4. Implementation and limitations of the identification process of victims of trafficking.](#)

The following sources described how there are no specific government run shelters for victims of trafficking, but rather how victims of trafficking stay in the same shelters that support other vulnerable people: Social Protection Centres (also referred to as Social Welfare Centres). There is one government shelter run by the Women's Union specifically for vulnerable/abused and trafficked women, called 'Peace House', but there are no shelter specifically designated for male or child victims. Note also that only individuals recognised and identified as victims of trafficking would gain access to these government run Social Protection Centres.

[...] There are social welfare centres that provide initial reception place for the victim of trafficking. When they arrive, if they want to receive assistance or they are in the investigation process. That's the place where all kinds of people who have disadvantage can seek help and stay for a while. [...]

So it's based in all provinces for Vietnam. We have 63 provinces and each province also has at least one social welfare centre, and it's normally based in the quarter of the province so the capital or the main city. These centres are for the homeless, orphans or people with disabilities and for the victims of trafficking when they need to receive the protection or when they are under investigation, and it depends on the places but I think it's quite safe because I went to one place and there was this security guard. I think in terms of quality it depends on the province if they have a better welfare centre where province can invest more in terms of quality, the people might be able to receive better services [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

[...] Annex D: Notes of meetings w/ sources

Ministry of Labour, Invalids and Social Affairs (MOLISA), 27 February 2019

Could you explain the ministry's role in relation to human trafficking and the services offered?

The prevention and protecting in relation to trafficking, that role lies with Ministry of Public Security (MPS)

MOLISA's role lies in victim support.

The process for victim support is that once someone is identified and received, we provide them with support to recover and rehabilitate within society.

In the recovery stage, the victim can stay in the shelter. In the shelter we can provide a health and medical check, accommodation and food. If they want to go back to their home area, we can contact a person in their local area to help them return. [...]

How many government run shelters are there in Vietnam? [...]

There are not specific government run shelters for victims of trafficking in Vietnam. They will stay in the same shelters as other needy people. [...]

We do not have separate shelters for women / children / men. When they come in they will be assigned a room. Every year the government will assess and provide a report in order to improve the facilities [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 78 and 80)

[...] Vietnam: Tier 2 Watch List [...]
PROTECTION [...]

There were no government shelters designated exclusively for male or child victims, although existing shelters assisted all victims as needed [...]

The Ministry of Labor, Invalids, and Social Affairs (MoLISA) and government-affiliated Women's Unions often referred victims to NGOs depending on their individual needs [...]

(Source: U.S Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

[...] Many participants acknowledged the attention that the National Assembly and the Government have paid to the fight against human trafficking and the reception and assistance for returnee victims. (...) However, the reception and assistance for them have yet to meet expectations. (...) Notably, after returning, few victims reported their cases to police, leading to difficulties in the investigation and punishment of traffickers. Some victims left their places of residence because of the feeling of shame and the fear of revenge [...]

(Source: Vietnam Plus, [Workshop reviews assistance for returnee victims of trafficking](#), 11 September 2018)

Thomson Reuters Foundation News noted instead in January 2020 the existence of “nine government-run shelters that support survivors” and highlighted the growing number of traumatised victims who do not necessarily receive individualised care:

[...] The large spike in the number of victims uncovered by the authorities could put pressure on the nine government-run shelters that support survivors, lawyers and activists said [...]

(Source: Thomson Reuters Foundation News, [Record number of trafficking victims in Thailand raises concerns over care](#), 6 January 2020)

4.1.1. State provisions: Shelters: Quantity

The following sources described how there are 400 government run shelters (Social Protection Centres) for those in need across Vietnam, but none specifically designated for victims of trafficking:

[...] Annex D: Notes of meetings w/ sources

Ministry of Labour, Invalids and Social Affairs (MOLISA), 27 February 2019 [...]

How many government run shelters are there in Vietnam? [...]

There are not specific government run shelters for victims of trafficking in Vietnam. They will stay in the same shelters as other needy people [...]

There are around 400 government run shelters [...]

(Source: UK Home Office, *Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*, 9 September 2019, p. 80)

[...] Vietnam: Tier 2 Watch List [...]
PROTECTION [...]

There were no government shelters designated exclusively for male or child victims, although existing shelters assisted all victims as needed.

The Ho Chi Minh City Department of Labor, Invalids, and Social Affairs maintained two rooms in a government-run shelter devoted to trafficking victims transiting through Ho Chi Minh City, where they could stay for up to two months.

The Ministry of Labor, Invalids, and Social Affairs (MoLISA) and government-affiliated Women's Unions often referred victims to NGOs depending on their individual needs. MoLISA continued operating 400 social protection centers through local authorities to provide services to a wide range of vulnerable groups, including trafficking victims; these centers were unevenly staffed, under-resourced, and lacked appropriately trained personnel to assist victims [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

4.1.2. State provisions: Shelters: Location

According to the sources listed below, Social Protection Centres exist in every province. The Vietnamese Ministry of Labour, Invalids and Social Affairs (MOLISA) maintained two rooms in a government run centre in Ho Chi Minh City devoted to trafficking victims transiting through the city:

[...] There are social welfare centres that provide initial reception place for the victim of trafficking. When they arrive, if they want to receive assistance or they are in the investigation process. That's the place where all kinds of people who have disadvantage can seek help and stay for a while [...]

So it's based in all provinces for Vietnam. We have 63 provinces and each province also has at least one social welfare centre, and it's normally based in the quarter of the province so the capital or the main city. These centres are for the homeless, orphans or people with disabilities and for the victims of trafficking when they need to receive the protection or when they are under investigation, and it depends on the places but I think it's quite safe because I went to one place and there was this security guard. I think in terms of quality it depends on the province if they have a better welfare centre where province can invest more in terms of quality, the people might be able to receive better services [...]

(Source: Hong Thi Tran, interview record, 19 November)

[...] In Vietnam, there are social protection centres- they exist in every province. They're run by MOLISA. Police normally bring victims straight from border to this shelter- but this shelter is for everyone eg. handicapped, mentally ill, vulnerable children, vulnerable women. They are quite big, but problem is capacity- most of the staff don't understand about trafficking so they don't know how to help the victims [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] Annex D: Notes of meetings w/ sources

Ministry of Labour, Invalids and Social Affairs (MOLISA), 27 February 2019 [...]

We have 400 government run shelters and 3 more with the support for the British Embassy in Lao Cai, An Giang, Vinh City (Compassion House). We get facilities support from the British Embassy, finance for running is through Pacific NGO [interlocutor to clarify] [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 80)

[...] Vietnam: Tier 2 Watch List [...]
PROTECTION [...]

There were no government shelters designated exclusively for male or child victims, although existing shelters assisted all victims as needed.

The Ho Chi Minh City Department of Labor, Invalids, and Social Affairs maintained two rooms in a government-run shelter devoted to trafficking victims transiting through Ho Chi Minh City, where they could stay for up to two months. [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

4.1.3. State provisions: Shelters: Spaces

According to Hoa Nguyen, trafficking specialist, the Social Protection Centres are rather large but since they accommodate and cater for a range of vulnerable profiles the staff are not necessarily trained in how to assist the specific needs of victims of trafficking:

[...] In Vietnam, there are social protection centres- they exist in every province. They're run by MOLISA. Police normally bring victims straight from border to this shelter- but this shelter is for everyone eg. handicapped, mentally ill, vulnerable children, vulnerable women. They are quite big, but problem is capacity- most of the staff don't understand about trafficking so they don't know how to help the victims [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

4.1.4. State provisions: Shelters: Intake criteria

Victims of trafficking are entitled to support and find accommodation at the government shelters only if they have been issued a 'Victim of trafficking' certificate:

[...] So without having a Vietnamese identity card, you cannot access housing or any social support whatsoever. And one of the criticisms with returning victims is that they're not granted an identity card, so they're not allowed to move freely. They're not allowed to access state support, not that there's much anyway [...]

(Source: Bernie Gravett, interview record, 1 November 2019)

[...] The problem in Vietnam is that only the police can identify someone as a VoT. Sometimes I see amazing programmes available for VoT but when victims arrive in Vietnam they aren't being identified by police as VoT. So there are all these programmes but they can't access it. There are many cases like that [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] Annex D: Notes of meetings w/ sources

Ministry of Labour, Invalids and Social Affairs (MOLISA), 27 February 2019 [...]

People who have a certificate to show they are victims of trafficking, what does that entitle them to?

Yes, they need the certificate in order to get support. It is issued by the district police or local police where they live [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 80)

4.1.5. State provisions: Shelters: Length of stay

The following sources provided conflicting evidence of how long someone is entitled to stay at a government shelter. However, many victims of trafficking choose not to stay for a long time:

[...] Annex D: Notes of meetings w/ sources

Ministry of Labour, Invalids and Social Affairs (MOLISA), 27 February 2019 [...]

One characteristic is that they do not stay in shelters long. Usually only a few days before returning to their local place. [...]

According to the law the victim can stay for a maximum of 60 days in the shelter [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 80)

[...] Vietnam: Tier 2 Watch List [...]

PROTECTION [...]

Local and provincial government officials at times employed practices that could be re-traumatizing to victims of trafficking. Contrary to international best practices, a shelter confined victims for multiple years and limited residents' freedom of movement [...]

(Source: U.S Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

[...] The Ministry of Labour, Invalids and Social Affairs and the International Organisation for Migration held a workshop in Hanoi on September 11 to review policies and legal regulations on assistance for returnee victims of trafficking. (...) Deputy Minister of Labour, Invalids and Social Affairs Nguyen Thi Ha (...) She added that after being rescued or received by relevant agencies, all the victims were provided with psychological support, medical check-ups and legal aid. About half of them have also been helped to reintegrate into society.

Many participants acknowledged the attention that the National Assembly and the Government have paid to the fight against human trafficking and the reception and assistance for returnee victims [...] However, the reception and assistance for them have yet to meet expectations [...] Notably, after returning, few victims reported their cases to police, leading to difficulties in the investigation and punishment of traffickers. Some victims left their places of residence because of the feeling of shame and the fear of revenge [...]

(Source: Vietnam Plus, [Workshop reviews assistance for returnee victims of trafficking](#), 11 September 2018)

4.1.6. State provisions: Shelters: Support services offered

The following sources described the type of services that victims of trafficking are theoretically entitled to in government shelters including health, psychological and legal services, food, job orientation and reintegration support into the community such as financial help and travel money back home. However, according to the NGO Hagar International and reporting by the Thomson Reuters Foundation News, there is a problem of funding and in reality victims don't get much support:

[...] Annex D: Notes of meetings w/ sources

Ministry of Labour, Invalids and Social Affairs (MOLISA), 27 February 2019 [...]

They can receive support in terms of health, psychology, legal support, accommodation, food and they can get job orientation and consultancy. All these services are free.

When the victim of trafficking would like to return to the local community the shelter will send an officer to accompany them, and the travel cost is free, the government cover that. The victim will also be asked what type of help that would like i.e. in relation to study, job, advice on financial borrowing so they can set up their own business or example. Each victim can receive an initial support amount of a minimum of 1 million VND [...]

What is the capacity of the shelters?

The shelters are collective ones not just for victims of trafficking. Shelters cover all needs of victims of trafficking [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 80 and 81)

[...] Annex D: Notes of meetings w/ sources

Hagar International in Vietnam, 26 February 2019 [...]

What are Govt. support services and how do you differ from what you provide?

Normally safe accommodation and emergency support for clothes food and legal aid support. The law says victims have right to safe accommodation, but there are not many shelters around, and the victims have the right for psychology support but the government do not have enough qualified counsellors. They don't have enough budget.

The challenge is the support system, according to law they are eligible for support but in reality, they don't get much. Once they go back to Vietnam they are supposed to provide travel support to go back home once home they are supposed to get economic support. Some provinces state that some support is only offered to survivors who are from a poor household. They have to have the victim certificate for long term support and for some support, they need to be in poor household [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 69)

Thomson Reuters Foundation News noted instead in January 2020 the existence of "nine government-run shelters that support survivors" and highlighted the growing number of traumatised victims who do not necessarily receive individualised care:

[...] The large spike in the number of victims uncovered by the authorities could put pressure on the nine government-run shelters that support survivors, lawyers and activists said.

"This puts a strain on the budget (for victims) and affects the ability of staff ... to provide support ... especially when there is already a low amount of staff," said Papop Siamhan, an independent lawyer with expertise in human trafficking.

Those who are identified as trafficking victims can choose to receive help from the government, which includes staying at a shelter and being compensated through a state fund that provides living and rehabilitation expenses in addition to lost wages.

Victims are also entitled to legal aid and job opportunities while awaiting trial to give testimony, or being returned home.

Yet Chonticha Tangworamongkon of the Human Rights and Development Foundation, said she feared that a growing number of traumatised victims may struggle to receive individualised care.

"When a large group of people enter the shelter, it will be difficult to give them the rights they are entitled to, such as healthcare," said Tangworamongkon, whose organisation provides free legal aid to migrant workers and victims of trafficking [...]

(Source: Thomson Reuters Foundation News, [Record number of trafficking victims in Thailand raises concerns over care](#), 6 January 2020)

According to Hoa Nguyen, trafficking specialist, the Social Protection Centres are rather large but since they accommodate and cater for a range of vulnerable profiles the staff are not necessarily trained in how to assist the specific needs of victims of trafficking:

[...] In Vietnam, there are social protection centres- they exist in every province. They're run by MOLISA. Police normally bring victims straight from border to this shelter- but this shelter is for everyone eg. handicapped, mentally ill, vulnerable children, vulnerable women.

They are quite big, but problem is capacity- most of the staff don't understand about trafficking so they don't know how to help the victims [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

4.1.7. State provisions: Shelters: Security arrangements

In an interview for this report Hong Thi Tran, trafficking researcher, thought that the government run shelters are secure but the living environment may re-traumatise victims of trafficking:

[...] There are social welfare centres that provide initial reception place for the victim of trafficking. When they arrive, if they want to receive assistance or they are in the investigation process. That's the place where all kinds of people who have disadvantage can seek help and stay for a while [...]

So it's based in all provinces for Vietnam. We have 63 provinces and each province also has at least one social welfare centre, and it's normally based in the quarter of the province so the capital or the main city. These centres are for the homeless, orphans or people with disabilities and for the victims of trafficking when they need to receive the protection or when they are under investigation, and it depends on the places but I think it's quite safe because I went to one place and there was this security guard. I think in terms of quality it depends on the province if they have a better welfare centre where province can invest more in terms of quality, the people might be able to receive better services [...]

I don't think there's much discrimination or anything that stop people from accessing this accommodation, but I think mostly the quality of the place is not that good. Sometimes it could be bad for the privacy of the victim. The victim might not be able to stay in their own accommodation but they have to share with many of the others and so I would say affect more to the person who is a victim of trafficking's experience because they are living with many people. So more about the trauma that the victim might be re-traumatised by the experience of living in this kind of accommodation [...]

(Source: Hong Thi Tran, 19 November 2019)

4.1.8. State provisions: Shelters: Barriers to access

A barrier to access is the lack of willingness of victims to go to the shelters because of the associated stigma or wanting to return to their families rather than stay in a shelter:

[...] One of the barriers is the stigma that is attached to you when you're in the shelter, that some people might not want to go to the shelter because the community knows that they're shelters for victims of trafficking, and that's a problem [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

[...] Annex D: Notes of meetings w/ sources

Alliance Anti-Traffic (AAT), 1 March 2019 [...]

When victims come back. What is your role i.e. do you refer on to other services, shelters?

I do not really agree about shelters. 99.9 percent do not want to go to shelters as they miss their families. Most shelters more people victims of domestic violence.

There is a problem of motivation among the authorities, how many of them really care? The shelters in Hanoi are all full but not with human trafficking victims [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 106-107)

4.2. Non-state provisions: Shelters: General information (non-gender or age specific)

From desk-based research and from information gathered through interviews, this report identified the following NGOs that specifically assist victims of trafficking with the provision of shelters: Alliance Anti Traffic [though it appears that previous shelters have been shut down], Blue Dragon, Hagar International, Little Rose Shelter and Pacific Links Foundation. [Note that additional shelters and similar such arrangements may be offered by other NGOs not identified through this particular research]. It is the understanding of the authors of this report that victims of trafficking, whether formally recognised by Vietnamese authorities or those not identified or registered as victims of trafficking by the state, may access these shelters and the services provided there.

The Centre for Women's Development, a branch of the Women's Union, runs the state funded shelter 'Peace House' – more information can be found in section [4.4.1. State provisions: Shelters: Women: Quantity and location](#).

4.2.1. Non-state provisions: Shelters: Quantity

One (anonymous) NGO told the UK Home Office fact-finding mission that they have three shelters for victims of trafficking in Hanoi:

[...] Annex D: Notes of meetings w/ sources [...]

NGO, 26 February 2019 [...]

There are 3 shelters for victims of trafficking all in Hanoi (one emergency shelter and 2 homes). [...] We do have shelter for boys but mainly for street children. In Vietnam we don't recognise the term of domestic trafficking [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 74)

Alliance Anti Traffic told the UK Home Office fact-finding mission that up until 2013 they had two centres but due to a lack of funding these were shut down:

[...] Annex D: Notes of meetings w/ sources

Alliance Anti-Traffic (AAT), 1 March 2019

Overview

Until 2013, we had 2 centres with the capacity to welcome 30 people each but at end of 2013, when we ask the government to financially assist us in the functioning of the centers, about 30% of the total funding (As it is stipulated in the law on suppression of Human Trafficking of January 1st, 2012), they prefer to shut them down. [This additional information was provided after the meeting] - At this time, and since 2008, our centers were promoted "National Model" by the Ministry of Labour, Invalids and Social Affairs of Vietnam. In Ho Chi Minh City, the argument provided by the Popular Committee was that victims are not Ho Chi Minh City citizens and that they cannot stay in Ho Chi Minh City for a rehabilitation time as previously. In addition, we helped the Women's Union to open the Peace House center in Hanoi. We designed the project, train their staff and find for them the funds from the AECID (Spanish Cooperation)) [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 102, 103 and 104)

4.2.2. Non-state provisions: Shelters: Location

Hagar International reported that they had shelters in Hanoi and Yen Bai province:

[...] Annex D: Notes of meetings w/ sources

Hagar International in Vietnam, 26 February 2019 [...]

How many shelters are there?

In Hanoi we refer client who need safe accommodation to a shelter run by our partners. These include the women's union – the Peace House shelter. They have one for human trafficking and one for domestic violence. Blue Dragon has a shelter. There are no others in Hanoi. In the north we can refer clients to the Compassion House run by MOLISA (Lao Cai).

[This additional information was provided after the meeting- Additionally there is a shelter in Yen Bai province, which Hagar supported the Yen Bai Women's Union to establish and maintain. We used to have a shelter in Hanoi, but due to budget constraints, a decision was made in November 2017 to close the shelter. In many respects, the Hagar shelter differed from others – we placed no fixed timeframe on clients' stay. We are able to identify safe accommodation options for survivors by linking with government-run shelter, boarding schools. Additionally, we can rent a house in the community to provide accommodation for semi-independent clients (who is going to school or work after a period of intensive support from Hagar), as required]

Is that in areas where there is no shelter?

In the North we have some rented community houses. Those clients who live in our community house they are in transition period, when they first come back they might need more secure accommodation and then we would refer them to shelters but further along when they have support from HAGAR and are in education/going to work they may be in the community house [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 67)

Pacific Link Foundations' shelters are located in An Giang province and Lao Cai province:

[...] Reintegration shelters

About our Compassion Houses [...]

Opened in 2008, our first shelter, the Long Xuyen Open House, is located in An Giang province, near the Vietnam-Cambodia border. Based on its success and the ever-growing need for reintegration services, Pacific Links Foundation opened the Compassion House in Lao Cai Province along the Vietnam-China border in 2010. [...]

(Source: Pacific Links Foundation, [Reintegration shelters](#), 2018)

4.2.3. Non-state provisions: Shelters: Length of stay

An anonymous NGO told the UK Home Office fact-finding mission that it provided assistance on a case by case basis with some people staying for 2 days and others up to 6 years:

[...] Annex D: Notes of meetings w/ sources [...]

NGO, 26 February 2019 [...]

How long do you offer support for?

'It varies, some from 2 days some up to 6 years. We understand that when children are trafficked they are not the same as before. It is very hard for them to reintegrate back into normal life. There is social stigma and discrimination and they have trauma. If they live in their village and they need help with their trauma, they cannot access services. It would be an easy way to drop out of school and do something crazy that could cause them harm. What they have gone through, it takes years to recover. We respect their choice- if they need help we let them stay until they are ready to leave. It is one of the advantages of our organisation. We don't follow any set term. We are flexible, and we help on case by case basis. I have seen many cases where the victim cannot recover or turns to drugs or suicide, gets infected with HIV, or travels back to china for revenge.' [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 77)

4.2.4. Non-state provisions: Shelters: Support services offered

The same anonymous NGO told the UK Home Office fact-finding mission that it provided accommodation, food, clothing and counselling:

[...] Annex D: Notes of meetings w/ sources [...]

NGO, 26 February 2019 [...]

“We have eighty full time staff. We provide a direct service, food, accommodation, clothing and counselling. It is one stop [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019)

Pacific Links Foundation listed the following services at its shelters:

[...] Reintegration Shelters

[...] About our compassion houses [...]

[...] The Long Xuyen Open House and Lao Cai Compassion House offer a supportive environment for survivors when returning home is not yet a safe or viable option. The shelters play an instrumental role in helping the young women regain self-confidence and establish self-sufficiency. The young women, aged 11 and older, reside in the shelter until they finish their training. Some have stayed for over two years. Our services include:

Safe housing and emotional support

Vocational training or academic schooling

Health insurance and comprehensive care services

Life skills training: literacy, reproductive health awareness, etc.

Job placement assistance

Legal assistance

Support to family members [...]

(Source: Pacific Links Foundation, [Reintegration shelters](#), 2018)

The UK Independent Anti-Slavery Commissioner report of September 2018 listed the NGO Blue Dragon as providing shelters, emergency support, psychological, rescue and legal services:

[...] Organisations such as Blue Dragon have access to shelters, emergency support and staff trained to provide psychological advice to those who have experienced trafficking. The legal department provide rescue and legal services plus support in schools for children considered to be at high risk. The need for a safe environment for interviews and for people to feel safe and secure before they transfer to their families and integrate into local life is handled on a case-by-case basis given the complexities involved. The organisation support people formally recognised as having been trafficked as what was sometimes referred to as a “true victim”, but also those who need holistic support who may not have been formally recognised [...]

(Source: Independent Anti-Slavery Commissioner, [*'Vulnerability' to Human Trafficking: A Study of Viet Nam, Albania, Nigeria and the UK*](#), September 2018, p. 34)

4.2.5. Non-state provisions: Shelters: Funding situation

In an interview for this report Debbie Beadle from ECPAT UK raised the issue that the NGOs operating in Vietnam struggle with funding:

[...] One thing I would say from speaking to the shelters and some of the NGOs there [Vietnam], one of the biggest problems they face is actually receiving money. When they get money given to them as a Vietnamese organisation it often takes a long time, even 2 years to get to them. It will be 'tied up' in administration. The Government will often take a cut. This is why they often work with INGO's so that they can get the money direct from them as a consultant or project partner. Or they set up INGO's and have project activities in Vietnam [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

Trafficking specialist Hoa Nguyen told the authors of this report that the NGO shelters run when they have funding but that their funding situation is 'unpredictable':

[...] Two NGOs are active - AAT have one shelter in Ho Chi Minh city and Pacific Links have a shelter in An Giang and one in Lao Cai. Again with these shelters, I'm not really sure how much they can survive- when they have funding they are running, but when they don't they are closed. Totally unpredictable [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

Alliance Anti Traffic described to the UK Home Office fact-finding mission how they had to shut down two centres at the end of 2013 because of lack of funding:

[...] Annex D: Notes of meetings w/ sources

Alliance Anti-Traffic (AAT), 1 March 2019

Overview

Until 2013, we had 2 centres with the capacity to welcome 30 people each but at end of 2013, when we ask the government to financially assist us in the functioning of the centers, about 30% of the total funding (As it is stipulated in the law on suppression of Human Trafficking of January 1st, 2012), they prefer to shut them down [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 102)

4.2.6. Non-state provisions: Shelters: Barriers to access

Victims of trafficking do not need an official certificate to access non-state shelters and reintegration services:

[...] NGOs usually provide services for victims without the certificates and that's why more potential victims could receive assistance. Only DOLISA requests the certificate to provide support for victims [...]

(Source: Hong Thi Tran, interview record, 19 November)

Hoa Nguyen, trafficking specialist, interviewed for this report said that most victims of trafficking don't want to go to shelters because they want to go home to their families:

[...] Most victims are from remote areas so it's far for them to travel from the airport. NGOs ask if victims want to stay in shelter. But most don't want to. They see it as somebody else's house, and they just want to go home to their families. The problem is providing legal service, job opportunities etc. is hard because the victim can be far from the shelters which provide these services. Take up of services is low. Most victims go and disappear and that is problem of re-trafficking because we don't know where they go [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

Alliance Anti Traffic similarly described to the UK Home Office fact-finding mission how victims of trafficking did not want to stay long in their shelters because they wanted to return home to their families:

[...] Annex D: Notes of meetings w/ sources

Alliance Anti-Traffic (AAT), 1 March 2019

Overview

[...] During the period 2002- 2013 we supported more than 5000 persons, staying in our the centers (Mostly children), but also with rehabilitation programs in their communities [...]

We have assisted and provided support to 5579 Vietnam victims of human trafficking, women, men and children. However, 99.9 % of returnees do not want to go to shelters. [This additional information was provided after the meeting - But the shelters existing today looking as always full, because they welcome other cases as women victims of domestic violence and other distressing situations. Some children are also protected after sexual abuse or when they were involved in prostitution. When we have our centers specialized for VoT, the majority of our residents are not victims of trafficking. The victims do not want to stay in a centers after their long absence from their families. They want to go back home ASAP. That's why we developed a program of community rehabilitation with a mobile team, and we continue this activity today. As we can, because we are not funded for this work. Foundations like shelters, also when its not make sense [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 102, 103 and 104)

Another reason why victims of trafficking leave the shelters is because of shame and fear of revenge:

[...] Some victims left their places of residence because of the feeling of shame and the fear of revenge [...]

(Source: Vietnam Plus, [*Workshop reviews assistance for returnee victims of trafficking*](#), 11 September 2018)

4.3. Shelters: Men

4.3.1. State provisions: Shelters: Men

This section should be read together with section [2.4. Implementation and limitations of the identification process of victims of trafficking](#) and section [4.1. State provisions: Shelters: General information \(non-gender or age specific\)](#).

The following sources stated that no government shelters exist specifically for male victims of trafficking and instead could access the government-run Social Protection Centres:

[...] I cannot completely confirm that, but according to my latest knowledge, no government shelters, nothing exists for males VoTs [...]

(Source: Georges Blanchard, written response, 21 November 2019)

[...] There are social welfare centres that provide initial reception place for the victim of trafficking. When they arrive, if they want to receive assistance or they are in the investigation process. That's the place where all kinds of people who have disadvantage can seek help and stay for a while [...]

So it's based in all provinces for Vietnam. We have 63 provinces and each province also has at least one social welfare centre, and it's normally based in the quarter of the province so the capital or the main city. These centres are for the homeless, orphans or people with disabilities and for the victims of trafficking when they need to receive the protection or when they are under investigation, and it depends on the places but I think it's quite safe because I went to one place and there was this security guard. I think in terms of quality it depends on the province if they have a better welfare centre where province can invest more in terms of quality, the people might be able to receive better services [...]

(Source: Hong Thi Tran, interview record, 19 November)

[...] 39. The Committee is concerned that victim support facilities and social protection centres for vulnerable groups, including victims of trafficking, may be underresourced and that shelters exclusively for male and child victims are absent [...]

(Source: United Nations Human Rights Committee, [Concluding observations on the third periodic report of Viet Nam](#), 29 August 2019)

[...] Vietnam: Tier 2 Watch List [...]

PROTECTION [...]

There were no government shelters designated exclusively for male or child victims, although existing shelters assisted all victims as needed.¹⁴

The Ho Chi Minh City Department of Labor, Invalids, and Social Affairs maintained two rooms in a government-run shelter devoted to trafficking victims transiting through Ho Chi Minh City, where they could stay for up to two months.

¹⁴ The same was reported in U.S. Department of State, [2016 Trafficking in Persons Report](#), June 2016, U.S. Department of State, [2017 Trafficking in Persons Report](#), June 2017, U.S. Department of State, [2018 Trafficking in Persons Report](#), June 2018

The Ministry of Labor, Invalids, and Social Affairs (MoLISA) and government-affiliated Women's Unions often referred victims to NGOs depending on their individual needs. MoLISA continued operating 400 social protection centers through local authorities to provide services to a wide range of vulnerable groups, including trafficking victims; these centers were unevenly staffed, under-resourced, and lacked appropriately trained personnel to assist victims [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

4.3.2. Non-state provisions: Shelters: Men

This section should be read together with section [4.2. Non-state provisions: Shelters: general information \(non-gender or age specific\)](#).

In a meeting with the UK Home Office, Hagar International mentioned Blue Dragon as an NGO that support boys but didn't know of any others which supported men:

[...] Annex D: Notes of meetings w/ sources
Hagar International in Vietnam, 26 February 2019 [...]
Do you know of support services for men?
No, actually Blue Dragon support mainly boys. We don't know of any for men. We did get a referral for man but after initial assessment he didn't have any needs. He came back having spent lots of time in UK he asked for shelter support so no shelters for men
No shelters you're aware of for men?
No [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 70)

Hoa Nguyen, trafficking specialist interviewed for this report stated that other NGOs providing shelters for men who are not necessarily victims of trafficking can accommodate male victims of trafficking:

[...] Some NGOs provide shelter for men, for example for street children but also accommodate young men but none specifically for victims of trafficking. Some shelters are for males who recover from drug use, and males who take ARV for HIV run by NGOs. But trafficking victims often don't want to stay there [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

According to an article published in July 2019 assistance to male victims of trafficking focused on return and basic needs rather than long term reintegration:

[...] Research is particularly scarce on trafficking of male children and adolescents and on labor exploitation compared to sexual exploitation. [...] This is also reflected in the restricted availability of post-trafficking services for male victims of human trafficking and labor exploitation. In many cases, assistance to men and boys focuses on return and basic needs (such as transportation and brief shelter stays) rather than long term (re)integration [...]

(Source: Nodzenski. M. et al, [*Post-trafficking stressors: The influence of hopes, fears and expectations on the mental health of young trafficking survivors in the Greater Mekong Sub-region*](#), 1 July 2019)

4.4. Shelters: Women

This section should be read together with section [2.4. Implementation and limitations of the identification process of victims of trafficking](#) and section [4.1. State provisions: Shelters: General information \(non-gender or age specific\)](#).

4.4.1. State provisions: Shelters: Women: Quantity and location

There appears to be conflicting information about the exact name and number of government shelters that specifically accommodate female victims of trafficking. The following names and locations are referred to in the sources below:

- 1-2 x 'Peace Houses' (under the Peace House Shelter Project) run/funded by the Centre for Women and Development and Women's Union in Hanoi
- 1 x shelter (under the Peace House Shelter Project) run/funded by the Centre for Women and Development and Women's Union in Can Tho
- 2 x 'Compassion Houses', one (called simply 'Compassion House') run/funded by Pacific Links Foundation and the Office of Social Lives Prevention of Lao Cai in Lao Cai and the other compassion house (called 'Long Xuyen Open House') run by Pacific Links Foundation in An Giang province

[...] Reintegration Shelters

About our Compassion Houses [...]

Pacific Links Foundation operates two shelters for trafficking survivors during their critical period of reintegration. Opened in 2008, our first shelter, the Long Xuyen Open House, is located in An Giang province, near the Vietnam-Cambodia border. Based on its success and the ever-growing need for reintegration services, Pacific Links Foundation opened the Compassion House in Lao Cai Province along the Vietnam-China border in 2010. [...]

(Source: Pacific Links Foundation, [Reintegration Shelters](#), Undated [Last accessed: 22 April 2020])

[...] The Central Vietnamese Women's Union (CVWU) is a government funded organization that works from commune to national levels and, in respect of human trafficking, is in charge of raising awareness (Van Trinh, 2015). The CVWU also run shelter/shelters for females who have experienced trafficking [...]

(Source: Independent Anti-Slavery Commissioner, ['Vulnerability' to Human Trafficking: A Study of Viet Nam, Albania, Nigeria and the UK](#), September 2018, p. 21)

[...] The 'Peace House Shelter Project' of the Centre for Women and Development, for example, has proven effective in supporting trafficked women and children. Starting in 2007, the project has provided support to more than 350 human trafficking victims by supplying accommodation, medical and psychological care, education and job opportunities [...]

(Source: Vietnam News, [Survivors of human trafficking need more support](#), 13 Dec. 2018)

[...] Vietnam: Tier 2 Watch List [...]

PROTECTION [...]

The Women's Union, in partnership with NGOs and with foreign donor funding, continued to operate three shelters in urban cities, including one dedicated to trafficking victims [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

[...] Flinders University's Gender Consortium, which works extensively to foster gender equity programs throughout South-East Asia and the Pacific, is delighted that a new Peace House Shelter, providing emergency help for domestic violence and trafficking victims, has been completed in Can Tho, Vietnam. This new women's shelter is one of only three women's shelters in Vietnam to be funded under the Government of Vietnam's national budget. The other two shelters are based in the northern capital city of Hanoi, making the inclusion of a new facility in the southern city of Can Tho an especially valuable addition [...]

(Source: Flinders University, [Peaceful solutions for women in Vietnam](#), 27 November 2018)

[...] Most of the victims when identified by the government, are put in the social protection centres. They have one specialised for Trafficking victims called Peace House run by Women's Union located in Hanoi. This shelter provides for women and children only [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] Peace House based in Hanoi and Can Tho, one of the cities in the south. So in Vietnam, there are two shelters for female victims in the north and in the south. But also there is one Compassion House. It's a joint initiative and funded by the Pacific Links Foundation and provided by the Office of Social Lives Prevention by Lao Cai. It's over in the north but close to the border of China [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

[...] Only one government shelter in Hanoi. The Peace House run by Women's Union. Another one is mentioned in HCMC, but that is not clear. Anyway, the Women Union's plan is to open one more in Can Gio, 40 km from HCMC [...]

(Source: Georges Blanchard, written responses, 21 November 2019)

[...] Women [...]

The Center for Women and Development runs three shelters for female victims of domestic violence and trafficking – two in Hanoi known as 'Peace House', and one in Can Tho. Women typically learn of these services through the centres' Facebook pages or websites (though the addresses of the two houses in Hanoi are not publicly advertised), or from referrals from the police, courts or hospitals [...]

(Source: Australian Government Department of Foreign Affairs and Trade, [Country Information Report Vietnam](#), 13 December 2019, p. 31)

[...] Lào Cai Province, located on the border with China, is a hot spot for human trafficking.

Between 2015 and October 2019, the province welcomed home 436 trafficking victims from China [...]

Their refuge, the Compassion House, is supported by the Pacific Links Foundation, and offers reintegration services, vocational training, academic schooling, literacy and reproductive health awareness for female human trafficking victims [...]

(Source: Vietnam News, [Reintegration shelter for human trafficking victims in Lào Cai](#), 28 December 2019)

4.4.1.1. State provisions: Shelters: Women: Spaces

According to the sources listed below the capacity of the 'Peace Houses' and 'Compassion House' are each around 20-30 spaces:

[...] I believe that in Peace House in Hanoi they could provide for 30 people and the Compassion House is in Lao Cai. They do the same and just as much room, I think. It's not that big but they receive very few victims per month [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

[...] Most of the victims when identified by the government, are put in the social protection centres. They have one specialised for Trafficking victims called Peace House run by Women's Union located in Hanoi. Only severe cases, very traumatised and have no place to go, they stay here. General victims want to go back to their hometowns. It accommodates maximum 20-30 victims [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] CWD (Centre for Women and Development) run one center for victims of human trafficking and one crisis center for female victims of violence. Both centers are called Peace House. The crisis center is located in Hanoi and was founded in 2007, as the first crisis center in Vietnam. [...] The house has a maximum capacity of 37 women with accompanying children [...].¹⁵

(Source: Landinfo, [Vietnam: Familievold mot kvinner](#), 25 February 2016)

[Quotation in original language:

"CWD driver ett senter for ofre for menneskehandel og ett krisesenter for voldsutsatte kvinner. Begge kalles Peace House. Krisesenteret ligger i Hanoi og ble opprettet i 2007, da som Vietnams første krisesenter. [...] Huset har en maksimumskapasitet på 37 kvinner med medfølgende barn."

(Source: Landinfo, [Vietnam: Familievold mot kvinner](#), 25 February 2016)]

An article published in Viet Nam News, a "national English language daily", reported that since 2007 the Compassion House in Lao Cai it had assisted 220 victims, some of them 10 years old:

¹⁵ Original source in Norwegian, unofficial translation provided by a COI researcher for this report

[...] Nguyễn Tường Long, head of the Compassion House's management board [...] Long, also the founder of the Compassion House, said [...] In 2007, when he was head of the provincial Department of Social Evil Prevention, he opened the Compassion House. Since then, more than 220 victims have received assistance, some of them as young as 10 years old [...]

(Source: Viet Nam News, [Reintegration shelter for human trafficking victims in Lao Cai](#), 28 December 2019)

4.4.1.2. State provisions: Shelters: Women: Length of stay

According to information provided in 2015/2016 at the 'Peace Houses shelter in Hanoi, female victims of trafficking can stay there for up to six months:

[...] CWD (Centre for Women and Development) run one center for victims of human trafficking and one crisis center for female victims of violence. Both centers are called Peace House. The crisis center is located in Hanoi and was founded in 2007, as the first crisis center in Vietnam. [...] The women who seek shelter in the Peace House in Hanoi can stay there for up to three months (six months for victims of human trafficking) [...].¹⁶

(Source: Landinfo, [Vietnam: Familievold mot kvinner](#), 25 February 2016)

[Quotation in original language:

"CWD driver ett senter for ofre for menneskehandel og ett krisesenter for voldsutsatte kvinner. Begge kalles Peace House. Krisesenteret ligger i Hanoi og ble opprettet i 2007, da som Vietnams første krisesenter. [...] Kvinnene som søker tilflukt i Peace House i Hanoi kan bli der i opptil tre måneder (seks måneder i senteret for ofre for menneskehandel)."

(Source: Landinfo, Vietnam: [Familievold mot kvinner](#), 25 February 2016)]

[...] Reintegration Shelters

About our Compassion Houses [...]

Pacific Links Foundation operates two shelters for trafficking survivors during their critical period of reintegration. Opened in 2008, our first shelter, the Long Xuyen Open House, is located in An Giang province, near the Vietnam-Cambodia border. Based on its success and the ever-growing need for reintegration services, Pacific Links Foundation opened the Compassion House in Lao Cai Province along the Vietnam-China border in 2010. [...]

The Long Xuyen Open House and Lao Cai Compassion House offer a supportive environment for survivors when returning home is not yet a safe or viable option [...] The young women, aged 11 and older, reside in the shelter until they finish their training. Some have stayed for over two years [...]

(Source: Pacific Links Foundation, [Reintegration Shelters](#), Undated [Last accessed: 22 April 2020])

¹⁶ Original source in Norwegian, unofficial translation provided by a COI researcher for this report

4.4.1.3. State provisions: Shelters: Women: Support services offered

The following sources described the services offered at 'Peace Houses' in Hanoi and 'Compassion House' in Lao Cai to include: accommodation, therapeutic services, recreational activities, health care, vocational training, legal aid and employment:

[...] Reintegration Shelters

About our Compassion Houses [...]

Pacific Links Foundation operates two shelters for trafficking survivors during their critical period of reintegration. Opened in 2008, our first shelter, the Long Xuyen Open House, is located in An Giang province, near the Vietnam-Cambodia border. Based on its success and the ever-growing need for reintegration services, Pacific Links Foundation opened the Compassion House in Lao Cai Province along the Vietnam-China border in 2010. [...]

The Long Xuyen Open House and Lao Cai Compassion House offer a supportive environment for survivors when returning home is not yet a safe or viable option [...]

Our services include:

- Safe housing and emotional support
- Vocational training or academic schooling
- Health insurance and comprehensive care services
- Life skills training: literacy, reproductive health awareness, etc.
- Job placement assistance
- Legal assistance
- Support to family members

(Source: Pacific Links Foundation, [Reintegration Shelters](#), Undated [Last accessed: 22 April 2020])

[...] The Peace House shelter, they also receive some funding from the NGOs or International Organisations. So they do provide quite good services, including therapeutic activities and recreational activities for the victims and the health care. It's the same also with the Compassion House, I should mention that they also provide very good qualities, including also the employment vocational training. The Compassion House is providing support for the victims, even their arrival and even for the education and vocational training and employment. So it's quite holistic services provided by these organizations. So there's not many but they provide quite good quality support for the female victims of trafficking in Vietnam [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

[...] At the [Peace House] shelter [...] They offer accommodation, vocational training, legal aid, job opportunities and medical help, counselling [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] The Peace House Shelter delivers a network of services such as medical support, vocational education, cultural education, employment, legal advice, mental support, etc. In order to strengthen its comprehensive support service, Peace House Shelter collaborates with agencies such as the Drug Prevention and Crime Department (Border Guard Command), the Police Department – C45, Department of Security, Immigration Department (Ministry of Public Security) and Provincial centers of Social Protection. Its supporting program employs a client-based approach, which locates the rights of women and children as fundamental. The motto is: “The safety of women and children is the priority; the perpetrator must face responsibility and the case will be handled with a multidisciplinary, multi-faceted approach [...]

(Source: Centre for Women and Development, [Peace House Project](#), no date)

[...] CWD (Centre for Women and Development) run one center for victims of human trafficking and one crisis center for female victims of violence. Both centers are called Peace House. The crisis center is located in Hanoi and was founded in 2007, as the first crisis center in Vietnam. [...] The women are offered health services, psychological help, so-called life skills advice, legal advice, and vocational training. Their children are put in kindergarten or school, and the women get access to CWD’s information center with a library [...].¹⁷

(Source: Landinfo, [Vietnam: Familievold mot kvinner](#), 25 February 2016)

[Quotation in original language:

“CWD driver ett senter for ofre for menneskehandel og ett krisesenter for voldsutsatte kvinner. Begge kalles Peace House. Krisesenteret ligger i Hanoi og ble opprettet i 2007, da som Vietnams første krisesenter. [...] Kvinnene tilbys helsetjenester, psykologisk hjelp, såkalt life skills-rådgiving, juridisk bistand og yrkesfaglig opplæring. Barna deres får plass i barnehage eller på skole, og kvinnene får tilgang til CWDs informasjonssenter med tilhørende bibliotek.”

(Source: Landinfo, Vietnam: [Familievold mot kvinner](#), 25 February 2016)]

4.4.1.4. State provisions: Shelters: Women: Security arrangements

In an interview for this report, Hoa Nguyen, trafficking specialist stated that there was 24 hour security at ‘Peace Houses’ shelter, and are more safe than social protection centres, which are the government-run shelters for vulnerable Vietnamese irrespective of their profile and gender:

[...] At the [Peace House] shelter their identity is protected, there is security 24/7- better than protection centres. Some victims are sad where they feel locked up again. They don’t feel free and have programmes where they can recover from their trauma [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

¹⁷ Original source in Norwegian, unofficial translation provided by a COI researcher for this report

4.4.2. Non-state provisions: Shelters: Women: Availability of spaces, location and services provided

This section should be read together with section [4.2. Non-state provisions: Shelters: general information \(non-gender or age specific\)](#).

An international NGO interviewed for this report stated that it operates one open shelter where it can accommodate four female victims of trafficking:

[... Right now we [...] only have one shelter, we call it an open shelter. This is where the victims are living by themselves [...] Actually this house it is flexible because the current house we can only have 4 victims. Right now we don't have many victims who want to stay in the shelter, we only have 1 victim staying. But if we have more victims we can extend the size of the shelter [...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

Pacific Links Foundation, in addition to 'Compassion House' which it runs with the Office of Social Lives Prevention of Lao Cai in Lao Cai, seems to operate a further non-state shelter 'Long Xuyen Open House' in An Giang province:

[...] Pacific Links Foundation operates two shelters for trafficking survivors during their critical period of reintegration. Opened in 2008, our first shelter, the Long Xuyen Open House, is located in An Giang province, near the Vietnam-Cambodia border. Based on its success and the ever-growing need for reintegration services, Pacific Links Foundation opened the Compassion House in Lao Cai Province along the Vietnam-China border in 2010.

The Long Xuyen Open House and Lao Cai Compassion House offer a supportive environment for survivors when returning home is not yet a safe or viable option. The shelters play an instrumental role in helping the young women regain self-confidence and establish self-sufficiency. The young women, aged 11 and older, reside in the shelter until they finish their training. Some have stayed for over two years. Our services include:

Safe housing and emotional support

Vocational training or academic schooling

Health insurance and comprehensive care services

Life skills training: literacy, reproductive health awareness, etc.

Job placement assistance

Legal assistance

Support to family members [...]

(Source: Pacific Links Foundation, [Reintegration Shelters](#), 2018)

An anonymous NGO interviewed by the UK Home Office fact-finding mission stated that it supported up to 20 women living in their shelters:

[...] "What is the capacity at your shelter?

'We have a team of Psychologists (3), Social Workers (5) and Carers (4) who support up to 20 girls living in our shelters, as well as supporting women living independently in the community or who have returned to their hometown.

Our shelter gives a lot of freedom to the girls it's a place to stay while they go to school. If they feel they have recovered and are ready to go back to a normal life, then we support them to go back by renting a house.'

How many girls would you have at one time?

'A shelter is a place to they can stay and receive support until they are ready to go back into society. Every month we rescue 4-20 girls. We have two types of shelter - one for short term and one for long term. The number of women and girls staying can go up or down. In the short term shelter we have 3 rooms and the long term normally not more than 10 girls in one shelter. Families can visit in the short-term ones.'

How long do you offer support for?

'It varies, some from 2 days some up to 6 years. We understand that when children are trafficked they are not the same as before. It is very hard for them to reintegrate back into normal life. There is social stigma and discrimination and they have trauma. If they live in their village and they need help with their trauma, they cannot access services. It would be an easy way to drop out of school and do something crazy that could cause them harm. What they have gone through, it takes years to recover. We respect their choice- if they need help we let them stay until they are ready to leave. It is one of the advantages of our organisation. We don't follow any set term. We are flexible, and we help on case by case basis. I have seen many cases where the victim cannot recover or turns to drugs or suicide, gets infected with HIV, or travels back to china for revenge.' [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p.76-77)

4.4.2.1. Non-state provisions: Shelters: Women: Security arrangements

Hoa Nguyen, trafficking specialist interviewed for this report raised his doubt about security arrangements in place at non-state shelter provisions:

[...] With NGOs they run like a family, you don't know how effective they are- they are not run by ethical standards by UN or ILO/ UNODC so you totally don't know, it's just behind their closed doors. There is a lack of transparency and staff capacity to work with victims of trafficking. I have put a few girls into their shelters and actually after I returned there was no information about the girl at all. I want to check how things are going and it's like they disappear into blackhole so it's very worrying [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

4.5. Shelters: Children

This section should be read together with section [2.4. Implementation and limitations of the identification process of victims of trafficking](#) and section [4.1. State provisions: Shelters: General information \(non-gender or age specific\)](#).

4.5.1. State provisions: Shelters: Children

A variety of sources indicated how there are no government shelters that are exclusively for child victims of trafficking:

[...] There aren't shelters for children right now, there is only Peace house for everyone. But not for children only [...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

[...] 39. The Committee is concerned that victim support facilities and social protection centres for vulnerable groups, including victims of trafficking, may be underresourced and that shelters exclusively for male and child victims are absent [...]

(Source: UN Human Rights Committee, [Concluding observations on the third periodic report of Viet Nam](#), 29 August 2019)

[...] Child specific vulnerabilities [...]

A social worker responsible for managing a shelter for at risk children in Ho Chi Minh City confirmed that vulnerable street children in Vietnam are only entitled to stay at shelters if they have no other option,¹⁶⁴ for example if they have no family or relatives to care for them. If there were family members who could provide care, they will be sent back to their family. This posed a risk for the child as there could be repercussions for them if they were sent to earn money or they ran away. No risk assessment was carried out to see if this was a safe place for the child to go. Shelters for street children across Vietnam are underfunded and cannot respond to demand [...]

[...] 164 Data collection, Vietnam, March 2018 [...]

(Source: ECPAT UK/Anti-Slavery/Pacific Links Foundation, [Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe](#), 7 March 2019)

[...] So for the children they have many social welfare centres and places for children and they don't have ones that distinguish just for the victims of trafficking. So if any disadvantaged children could come to that place for help, but mostly the social welfare centre. Sometimes they have children's village. SOS village they also provide a section for children. There is no kind of one kind of shelter for only the victims of trafficking. It could be the shelter for the victims of domestic violence, for the homeless children, other things. [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

[...] Vietnam: Tier 2 Watch List [...]

PROTECTION [...]

There were no government shelters designated exclusively for male or child victims, although existing shelters assisted all victims as needed [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

4.5.1.1. State provisions: Shelters: Children Support services offered

A survey on child and youth trafficking in Vietnam by Coram International reported that government shelters offered emotional/ psychological support, legal advice, basic education and vocational training but failed in their long-term care plan to address “risks of re-victimisation, stigma and marginalisation”:

[...] 7.6. Experiences of services [...]

[...] In addition to providing accommodation, and meeting survivors’ basic needs, shelters often offered beneficiaries emotional/psychological support, including counselling; legal advice or representation; basic education; vocational training and referrals to specialised medical and psychological services. By contrast, community-based services were found to be much less available. Whilst the majority of service providers at shelters did report that beneficiaries’ needs are assessed, often with a focus on determining prospects for reintegration, in the majority of cases a long-term personalised care plan which addresses risks of re-victimisation, stigma and marginalisation does not appear to be developed. Rather, where follow up support is provided, shelter-based services tend to refer beneficiaries to available community-based support services when their stay in the institution has ended [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p. 67)

According to an article published in July 2019 assistance to male victims of trafficking focused on return and basic needs rather than long term reintegration:

[...] Research is particularly scarce on trafficking of male children and adolescents and on labor exploitation compared to sexual exploitation. [...] This is also reflected in the restricted availability of post-trafficking services for male victims of human trafficking and labor exploitation. In many cases, assistance to men and boys focuses on return and basic needs (such as transportation and brief shelter stays) rather than long term (re)integration [...]

(Source: Nodzinski. M. et al, [*Post-trafficking stressors: The influence of hopes, fears and expectations on the mental health of young trafficking survivors in the Greater Mekong Sub-region*](#), 1 July 2019)

4.5.2. Non-state provisions: Shelters: Children: Location, length of stay, and services provided

This section should be read together with section [4.2. Non-state provisions: Shelters: general information \(non-gender or age specific\)](#).

According to Georges Blanchard, Director of Alliance Anti Traffic, children can access NGO shelters run for women, whilst Hagar International told the UK Home Office fact-finding mission that the NGO Blue Dragon NGO supported boys:

[...] Most of the time, children and women are put in the same place [...]

(Source: Georges Blanchard, written response, 21 November 2019)

[...] Annex D: Notes of meetings w/ sources
Hagar International in Vietnam, 26 February 2019 [...]
Do you know of support services for men?

No, actually Blue Dragon support mainly boys. We don't know of any for men. We did get a referral for man but after initial assessment he didn't have any needs. He came back having spent lots of time in UK he asked for shelter support so no shelters for men [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 70)

[...] Annex D: Notes of meetings w/ sources [...]

NGO, 26 February 2019 [...]

There are 3 shelters for victims of trafficking all in Hanoi (one emergency shelter and 2 homes). [...] We do have shelter for boys but mainly for street children. In Vietnam we don't recognise the term of domestic trafficking [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 74)

In April 2020 the Vietnamese NGO Blue Dragon reported that it operated shelters for child victims of trafficking – no further information was provided as to current capacity; criteria for intake; length of stay etc.:

[...] Blue Dragon operates four shelters for street children and human trafficking survivors. These are continuing to operate, caring for a total of 20 boys and 16 girls [...]

(Source: Blue Dragon, [*How is Blue Dragon responding to COVID-19?*](#), 14 April 2020)

According to UNICEF's 2017 report, Little Rose Shelter provided shelter for vulnerable children, including children victims of trafficking [Note, however, that when the authors of this report contacted Little Rose Shelter directly in October 2019, they were told by the Director of the shelter that they were not currently assisting any child victims of trafficking]:

[...] Capacity Gap Analysis

Child Protection Structure [...]

Examples of NGOs/CSOs' programmes for child protection, include seven shelters for vulnerable children managed by the Ho Chi Minh City Women's Charity Association, Little Rose Shelter, a Ho Chi Minh City Child Welfare Foundation project supporting young girls sexually abused or trafficked for labour or sexual exploitation [...]

(Source: UNICEF, [*Situation Analysis Of Children In Ho Chi Minh City Viet Nam 2017*](#), November 2017)

An anonymous NGO interviewed by the UK Home Office fact-finding mission stated that they had children stay at their shelter between 2 days and up to 6 years:

[...] Annex D: Notes of meetings w/ sources [...]

NGO, 26 February 2019 [...]

How long do you offer support for?

‘It varies, some from 2 days some up to 6 years. We understand that when children are trafficked they are not the same as before. It is very hard for them to reintegrate back into normal life. There is social stigma and discrimination and they have trauma. If they live in their village and they need help with their trauma, they cannot access services. It would be an easy way to drop out of school and do something crazy that could cause them harm. What they have gone through, it takes years to recover. We respect their choice- if they need help we let them stay until they are ready to leave. It is one of the advantages of our organisation. We don’t follow any set term. We are flexible, and we help on case by case basis. I have seen many cases where the victim cannot recover or turns to drugs or suicide, gets infected with HIV, or travels back to china for revenge.’ [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 77)

5. Rehabilitation and Reintegration Programmes

5.1. State provisions: Rehabilitation and Reintegration Programmes: General information (non-gender or age specific)

This section should be read together with section [2.4. Implementation and limitations of the identification process of victims of trafficking](#).

According to the U.S Department of State annual trafficking report, in 2018 the Vietnamese government reported providing an unspecified number of victims with reintegration assistance, including small business loans, and all identified victims with some form of rehabilitation assistance, but equally the report noted that insufficient funds were allocated for ‘victim protection’ and the state relied heavily on civil society to provide services:

[...] Vietnam: Tier 2 Watch List [...]
PROTECTION [...]

The government did not systematically refer victims to protective services due to inadequacies in its formal referral process, including some border guards’ unfamiliarity with trafficking crimes, a lack of inter-jurisdictional cooperation, and incomplete data collection processes. National authorities did not devote adequate funds for victim protection, encouraging provincial governments to use their own funds for trafficking programs to further decentralize this responsibility, and relied heavily on civil society to provide protection services with limited in kind support.

In 2018, the government reported assisting all 490 identified victims (500 in 2017, 600 in 2016) with initial psychological counselling, healthcare consultations, and legal and financial assistance; the government reported providing an unspecified number of victims with reintegration assistance, including small business loans [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

The following sources commented on the importance of being issued certification to be recognised as a victim of trafficking in order to be able to access government support. Those victims who are returned without assistance or don’t apply to be recognised as a victim of trafficking do not receive the certification:

Everything will be easy if they are certified as a victim of trafficking. But the difficulty is that it is difficult to get that certificate. It's not easy, they have to go through a long process to prove that they are trafficking victims. It is very difficult. If you have that certificate then it will be easy to get other documents like ho khau. People always focus on ho khau. This residential certificate is very important but it's not the most important. The most important thing is that they have to have an identity card [...] It is hard for them to be recognised as a victim of trafficking. They face many risks, first of all having no legal papers. For example no passport or identity card. So if they have lost their identity card or passport, they have to stay in their old village for around a year and then after a year they can claim for another personal paper. If they do not have a personal paper they will face some limitations in travelling and access to job opportunities. They also face some difficulties in accessing education, etc, so many risks [...]

For example there was one person who came back and they had no home and no money they wanted to go back. I want to share one fact that i heard about the victim came back to their hometown and he became a trafficker - tried to push someone else to come with them and he became the trafficker [...]

(Source: INGO based in Vietnam , interview record, 18 October 2019)

[...] I mentioned that that was hard for migrants if they are not able to prove themselves that they belong to the household system, to prove themselves to obtain their ID card, and social insurance number for example. So I think that's a very direct consequences that effects the children's registration for schooling. So some people might not be able to have their own ID card so socially they don't really exist in the community that they've been born [...]

(Hong Thi Tran, interview record, 19 November 2019)

[...] Annex D: Notes of meetings w/ sources
Hagar International in Vietnam, 26 February 2019 [...]

What is certification?

Victims have certificate to show they are a victim, so they are eligible for government support. If they get them at the border the authorities can provide a certificate (if there is enough information to conclude) to access services. If they come back by themselves, they don't have that and can't access support from the government.

What are Govt. support services and how do you differ from what you provide?

Normally safe accommodation and emergency support for clothes food and legal aid support. The law says victims have right to safe accommodation, but there are not many shelters around, and the victims have the right for psychology support but the government do not have enough qualified counsellors. They don't have enough budget.

The challenge is the support system, according to law they are eligible for support but in reality, they don't get much. Once they go back to Vietnam they are supposed to provide travel support to go back home once home they are supposed to get economic support. Some provinces state that some support is only offered to survivors who are from a poor household. They have to have the victim certificate for long term support and for some support, they need to be in poor household [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 69)

[...] 7.4. Barriers to access: Limited recognition [...]

Numerous service providers interviewed for the study, including those representing both NGOs and government, explained that necessary certificates can be difficult to obtain, particularly for victims whose return isn't supported or facilitated by government authorities. As a case-manager at an NGO explained, "for cases where they get a certificate from the border guard it is simple – there is no need for an investigation from the police. When they return by themselves they need the police to investigate in order to get a certificate [and access services]".¹⁰⁷ Similarly, when asked about the challenges he has experienced responding to trafficking cases, a DoLISA representative reported that: "there are a number of difficulties, especially for victims who returned themselves – it is difficult to prove they are victims....Providing supports to those who are not identified as victims of trafficking is very difficult."¹⁰⁸ Finally, a social worker in Bac Giang province emphasised: "victim verification is important, even for children. If they are verified as victims, they will be supported according to the policies. If not, we cannot do much for them – not only the adults but also the children".¹⁰⁹ [...]

[...] 107 Individual interview, NGO case manager, Hanoi, 3 October 2017.

108 Individual interview, Department of Social Evils Prevention, Hue Province, 13 December 2017.

109 Individual interview, Social Worker, Bac Giang Province, 22 December 2017 [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.64)

5.1.1. State provisions: Rehabilitation and Reintegration Programmes: Type of programmes

The following sources reported that the government offered the following rehabilitation programmes for registered victims of trafficking: financial loans, assistance to replace identity documents, medical assistance, psychological support, legal aid and educational support and vocational training:

[...] The government has reintegration programme but its for men, women and children. So the programme doesn't focus only on just women or men. There's a kind of financial support programme. If the victim goes back to their home the government will provide some money like travel fee and they will give money to start a new business in their hometown. And programme to have an identity card and get documents that they need [...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

[...] Annex D: Notes of meetings w/ sources

Ministry of Labour, Invalids and Social Affairs (MOLISA), 27 February 2019

Could you explain the ministry's role in relation to human trafficking and the services offered?

The prevention and protecting in relation to trafficking, that role lies with Ministry of Public Security (MPS) MOLISA's role lies in victim support.

The process for victim support is that once someone is identified and received, we provide them with support to recover and rehabilitate within society.

In the recovery stage, the victim can stay in the shelter. In the shelter we can provide a health and medical check, accommodation and food. If they want to go back to their home area, we can contact a person in their local area to help them return.

The next stage is rehabilitation. We contact them to see if they wish to study or work and then provide them with contacts to do so [...]

People who have a certificate to show they are victims of trafficking, what does that entitle them to?

Yes, they need the certificate in order to get support. It is issued by the district police or local police where they live.” [...]

Do you provide any other support other than shelters?

When the victim returns to their local place they can get legal support, for example when trafficked they may have lost their ID card so we can support them to get a new card. They can be supported in terms of financial borrowing to set up their own business.

We have a number of other support models with the help of international organisations. The self-support group model where the members are victims of trafficking. They get together and get money lent from organisations in order to collectively buy livestock. They get money and can support each other [...]

(Source: UK Home Office, [Report of a Home Office Fact Finding Mission to Vietnam](#), 9 September 2019, p. 78, 80 and 81)

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

MPS provided the British Embassy with a copy of their notes from the meeting on 28 February 2019. An official translation was obtained by CPIT

CONTENT II: The status of human trafficking in both countries; related laws, policies and programs of Vietnam Government [...]

Related policies, laws and programs of Vietnam Government [...]

2. Protection and assistance for trafficked victims

In the course of preventing and combating human trafficking, the Government of Vietnam always considers trafficked victims as the centre, therefore setting targets in the implementation of the Program and Project 3 as “Receiving, verifying, protecting and supporting victims of human trafficking” supervised by the Ministry of Labour- Invalids and Social Affairs. Accordingly, 100% of cases to be received have to undergo verification procedures, victims’ identification and support according to provisions of the law; 100% of victims shall be assisted upon their requirements; 100% of victims and their relatives shall be protected at their requests.

At the same time, assigning following Ministries: Ministry of Public Security to oversee Sub-project 1: “Receiving, verifying and protecting victims”; Ministry of Labour - Invalids and Social Affairs to oversee Sub-project 2: “Assisting trafficked victims in returning homeland”.

Eligible beneficiaries: Vietnamese citizens, non-stateless people residing in Vietnam, foreigners and juveniles accompanying victims.

The assistance regimes for victims include: (1) Support for essential needs and travel expenses; (2) Medical assistance; (3) Psychological support; (4) Legal aid; (5) Educational support and vocational training; (6) Initial living allowance, loan support [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 94)

According to IOM, the Vietnamese Ministry of Labour, Invalids and Social Affairs provided support to victims of trafficking as long as these were formally identified as such:

[...] Annex D: Notes of meetings w/ sources

Representatives from International Organization for Migration (IOM), 26 February 2019 [...]

Is there healthcare or psychiatric support available for men?

The Vietnam Government Ministry of Labour Invalids and Social Affairs (MoLISA) also has a system to support for victims, provided the individual has been identified as a victim of trafficking [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 72)

[...] Viet Nam had criminalized human trafficking and taken steps to combat that crime and to rescue and assist the reintegration of victims through medical and psychological treatment, vocational training and credit assistance [...]

(Source: United Nations Human Rights Council, [Report of the Working Group on the Universal Periodic Review* Viet Nam](#), 28 March 2019)

[...] Vietnam: Tier 2 Watch List [...]
Prevention [...]

In 2018, the government reported assisting all 490 identified victims (500 in 2017, 600 in 2016) with initial psychological counseling, healthcare consultations, and legal and financial assistance; the government reported providing an unspecified number of victims with reintegration assistance, including small business loans.

MoLISA operated a 24-hour hotline for trafficking victims; authorities reported receiving approximately 2,010 calls to this hotline (2700 in 2017) and referring 30 cases to NGO and government services (65 cases referred in 2017). The government continued to support more ethnic minority's languages on the hotline including English. However, civil society reported callers have difficulty when speaking with an operator with a different regional dialect [...]

(Source: U.S Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

[...] From 2016 to the first quarter of 2018, Vietnamese authorities have verified, rescued, and received 4,000 cases (in which 1214 victims were identified as victims of trafficking); 100% of identified victims of human trafficking who so required have received initial support, psychological counseling, medical examinations and legal aid. Many victims received support, vocational training and stable employment for community rehabilitation [...]

(Source: UN Human Rights Council, [Summary of Stakeholders' submissions on Viet Nam* Report of the Office of the United Nations High Commissioner for Human Rights \[A/HRC/WG.6/32/VNM/3\]](#), 6 November 2018)

[...] Vietnam: Tier 2 [...]
Protection [...]

In 2016, the government reported assisting approximately 600 victims—a slight decrease from 650 in 2015 and 668 in 2014. Victims could request initial psychological counseling, healthcare consultations, and legal and financial assistance; the government reported providing many victims with vocational training, employment opportunities, and lines of credit at a reduced interest rate. The Ministry of Labor, Invalids, and Social Affairs (MOLISA) and a government-affiliated women's union often referred victims to NGOs depending on their individual needs. However, due to insufficient recordkeeping, it was unclear how many of the aforementioned identified victims benefitted from government or NGO protection services. Authorities did not report how many victims received the one-time government cash subsidy of up to 21.5 million dong (\$944) [...]

(Source: United States Department of State, [2017 Trafficking in Persons Report](#), 27 June 2017, p.427)

[...] Vietnam: Tier 2 [...]

Protection [...]

In 2015, the Ministry of Labor, Invalids, and Social Affairs (MOLISA) provided protection, repatriation, and reintegration support to 650 trafficking victims, compared with 668 the previous year. Although protection services remained variable by location, the majority of victims received vocational training, healthcare, legal aid, shelter, counseling, and financial allowances. Authorities did not report how many victims used the one-time government cash subsidy—up to 1.5 million dong (\$65) [...]

(Source: United States Department of State, [2016 Trafficking in Persons Report](#), June 2016, p.400)

5.1.2. State provisions: Rehabilitation and Reintegration Programmes: Barriers to access

This section should be read together with section [2.4. Implementation and limitations of the identification process of victims of trafficking.](#)

As the following sources outline, in order for victims of trafficking to be able to access government shelters and rehabilitation/reintegration programmes, the police need to identify them formally as victims of trafficking and issue them with a certificate. Additional barriers observed by the sources was a reluctance by the victims themselves to be formally classified as victims of trafficking for fear of stigmatisation or fear of legal repercussions for leaving the country illegally:

[...] The problem in Vietnam is that only the police can identify someone as a VoT. Sometimes I see amazing programmes available for VoT but when victims arrive in Vietnam they aren't being identified by police as VoT. So there are all these programmes but they can't access it. There are many cases like that. Many victims told me that they have to follow many rules and conditions to access the services, they also have difficulty in trusting the service providers [...] Victims have to be identified by special police task force first. Most victims don't get recognised. Services include- accommodation, if case goes to the court they can get compensation. Rarely see any case being prosecuted, because often it's related to their family and none of the VoT want to prosecute a family member. Ends up some cases being re-trafficked because of this. They do get legal aid. Again reintegration service in Vietnam is extremely stigmatised. When police identify and interview you it's a very humiliating process. This was shared by many victims, they are afraid of the authorities and in their trafficking experiences, it was difficulty to trust the police and they are traumatised by the authorities and service providers. They need to be aware of how to communicate and empathise with victims [...]

Under Vietnam Anti-trafficking law, the identified victims will get financial support as well as other services such as job, vocational training, health care, legal aids...however, I have not seen any case get through the procedure to claim this support due to many obstacles such as no transport, long distance, communication issues, stigma, personal and family issues."

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] First I want to say 3 things. First the victims don't know their rights and responsibility. Their responsibility is to report to the government but they don't know about that. Second is that they think it won't bring them any benefits if they report. The third is that they think the procedure will be very complicated to report everything to the government. They would prefer to do something easy to be comfortable. They feel it is very complicated. A lot of victims think that it's their mistake. And if they report to the police maybe they are the person who are fined by the government so then they will not report it [...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

[...] I think we have quite enough laws and policies in place. But effectively implemented? I would not say so. For example, the support in those systems for victims are very rigid. Mainly only for the victim with official papers that are recognised as a victim of trafficking. So many potential victims could be left behind and not be able to access any services including protection service. The support is so little that sometimes the victims don't want to even show up and report the cases, because they know that even through the system they get just so little, with also a lot of administrative procedure and sometimes they have to travel very far to get themselves recognised, to be able to get through the investigation process for prosecution. They find no benefit to standing up to get protected. Not all of them, but sometimes they've been trafficked for many years, and then they come back, they feel safe already, and actually they want to get more reintegration services. It's part of the protection component anyway, but they would not show up and involve themselves with the prosecution to be recognized as a victim because they know that it's complicated. It's lengthy and it would not help them. And it might bring their story to the public maybe or generate some stigma at that stage. So I would not say that it's effectively implemented [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

[...] 7.5. Demand side barriers to access [...]

[...] Many respondents emphasised that survivors and their families are disinterested in or even resistant to pursuing support. In particular, findings suggest that stigma around trafficking serves to discourage victims from telling their stories, identifying as 'victims' and, ultimately, accessing services [...]

Indeed, stigma around trafficking was identified as an important barrier to accessing services by a number of key informants: "At the beginning they have difficulties - they will not agree to meet us. They are scared of the social commentary. They feel guilty so they do not contact us."¹¹³ [...]

Finally, given that cross-border trafficking nearly always occurs in the context of irregular migration, several respondents explained that trafficking survivors choose not to pursue support services because they fear facing legal repercussions for migrating illegally. As one stakeholder explained, "...our policies do not see them as victims...They were afraid of getting into trouble. They would just be seen as illegal migrants."¹¹⁹ Indeed, given the history of expansive regulation of migration in Vietnam, it is unsurprising that trafficking survivors would expect a punitive response from authorities. Furthermore, as noted by several commentators, the Vietnamese government's approach to trafficking and response prioritises criminalising practices that are damaging to social (moral) order over promoting individuals' rights and wellbeing, thus deterring individuals' from self-identifying as victims.¹²⁰ [...]

[...] 113 Individual interview, Women's Union Representative, Tay Ninh Province, 20 March 2018.

119 Individual interview, representative, UNACT Vietnam, Hanoi, 5 October 2017.

120 Vijeyarasa, Ramona, "The State, the family and language of 'social evils': re-stigmatising victims of trafficking in Vietnam", *Culture, Health & Sexuality*, 12:1, 2010 [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.65, 66)

5.1.3. State provisions: Rehabilitation and Reintegration Programmes: Effectiveness

Georges Blanchard, Director of Alliance Anti Traffic who provided written responses for this report criticised rehabilitation centres/ shelters for not being integrated within the community:

[...] Another risk with the centres is that beneficiaries are separated from the outside and placed in an institution that may discriminate against them from the population. A good centre facilitating reintegration should use the centre only for accommodation and do all its activities outside with the population. This is what we call community reintegration. A girl who comes out of a centre after being locked up for 1 or 2 years is completely lost and will have psychological difficulties [...]

(Source: Georges Blanchard, written response, 21 November 2019)

According to Coram International's report, less than "1 in 10 (9.48%) household survey respondents who were trafficked or labour exploited reported that they had received some form of support" and the report further found that services were focussed on a particular profile of trafficking victim:

[...] 8.1 Key findings and conclusions [...]

[...] The majority of trafficking survivors never access support services [...]

Evidence suggests that access to services is limited in Vietnam, and that a considerable majority of children and young people who are victims of trafficking never access support services: less than 1 in 10 (9.48%) household survey respondents who were trafficked or labour exploited reported that they had received some form of support. Furthermore, services were found to be focussed on a particular profile of trafficking victim: typically, female victims of sex or marriage trafficking, who were trafficked across borders. Other at-risk populations, such as male workers in the construction, services and fishing industries, and those trafficked internally, have received far less attention [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.71)

A news article by Vietnam+ reported at the end of November 2019 that at a conference held in Ho Chi Minh City in November 2019 participants criticised the assistance offered:

[...] From 2013 to June this year, 2,960 victims had received assistance from the State and social organisations in the forms of medical, psychological, legal and cultural support as well as vocational training. However, many participants at the conference said some sectors and local authorities have failed to pay due attention to human trafficking prevention and combat, as well as support for victims after they are rescued in some localities. They proposed that there should be clear regulations relating to the verification of trafficking victims and care for them. Close coordination between agencies in receiving victims back and providing support for them is needed. It is necessary to have staff with professional skills to help the victims stabilise their lives as soon as possible, said the participants [...]

(Source: Vietnam Plus, [Nearly 3,500 Vietnamese trafficked over past six years](#), 30 November 2019)

In a meeting with the UK Home Office, a representative of UN-ACT stated that the current level of support offered did not meet the needs of victims of trafficking:

[...] Annex D: Notes of meetings w/ sources

UN-ACT, 27 February 2019 [...]

Do you have any information about the support and reintegration of victims of trafficking?

MOLISA is responsible for providing that support to victims. It is specified in our law, clearly. The cost of the support is far below the needs of the victims. In the coming year that regulation needs to be updated to meet the needs of victims. We have the legal framework and legislation to support victims on return but because of the low funding and low cost norm, it cannot meet the needs of the victim when they are back home. We have the facilities set up by the ministry of labour, everything is ready but there is not the funding because of the limited resources of the government the support cannot be increased. Victims of trafficking are just one group of vulnerable people. You cannot improve the services for victims of trafficking while keeping the other vulnerable groups the same [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 84)

The UN Human Rights Committee concluded in its observations, published in August 2019, on the third periodic report of Viet Nam in relation to 'Human trafficking' that:

[...] 39. The Committee is concerned that victim support facilities and social protection centres for vulnerable groups, including victims of trafficking, may be underresourced and that shelters exclusively for male and child victims are absent. It is also concerned about the limited access of victims of human trafficking to social services, particularly in the absence of household registration [...]

(Source: UN Human Rights Committee, [Concluding observations on the third periodic report of Viet Nam](#), 29 August 2019)

The U.S Department of State annual trafficking report covering 2018/2019 assessed that psycho-social services for victims of trafficking "remained underdeveloped":

[...] Vietnam: Tier 2 Watchlist [...]

Protection [...]

Local and provincial government officials at times employed practices that could be retraumatizing to victims of trafficking. Contrary to international best practices, a shelter confined victims for multiple years and limited residents' freedom of movement. Psycho-social services for victims remained underdeveloped, with training needed on trauma-informed approaches for all actors engaging with victims, including social workers, front-line officers, and the judiciary [...]

(Source: U.S Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

At a workshop co-hosted by the IOM and the Vietnamese Department of Social Vice Prevention in 2018, the low support allowance was criticised for hindering victim's reintegration:

[...] Despite concerted endeavours of the government, the reception and assistance for victims of human trafficking in reality has fallen short of targets due to the limitations of the existing victim assistance policies and gaps from the implementation at localities [...] In particular, the issues revolve around the shortages of facilities for the victim accommodation at border guard stations, the low support allowance which can barely help the victims recover or reintegrate and bureaucratic procedures that hinder the victim's access to assistances such as medical treatment, legal consultation or preferential bank loans [...]

(Source: International Organisation for Migration, [Review workshop on reception and assistance policies for the survivors of trafficking co-hosted by IOM and the Department of Social Vice Prevention \(DSVP\)](#), 11 September 2018)

Vietnam Plus reported in December 2018 that the shortage of social workers and limited numbers of social support services and models have hindered the work of reintegrating victims of trafficking:

[...] Nearly 7,500 victims of human trafficking were rescued by competent agencies between 2012 and 2017, and all of them have received support to reintegrate into the community, heard a workshop in Hanoi on December 12. Le Duc Hien, deputy head of the Department of Social Vices Prevention and Combat under the Ministry of Labour, Invalids and Social Affairs (MoLISA), said most of the victims bore mental and physical scars as they were subjected to exploitation, torture and sex abuse. [...] Many models have been formed in localities to assist the returnee victims, he said, adding that the MoLISA has also set up anti-human trafficking hotlines in the border provinces of An Giang and Ha Giang, which are connected with the switchboard hotline 1800 1567/111 in Hanoi. [...] However, there remain various difficulties in the work as most of the victims have disadvantaged backgrounds and low levels of education, making it hard for social workers in giving consultation and vocational training. The shortage of social workers in this field and the limited numbers of social support services and models have also hindered the work [...]

(Source: Vietnam Plus, [Returnee victims of human trafficking get support](#), 12 Dec 2018)

The U.S Department of State annual trafficking report covering 2017/2018 cited NGOs who reported psycho-social services for victims remained underdeveloped:

[...] Vietnam: Tier 2 [...]
Protection [...]

In 2017, the government reported assisting approximately 500 victims—a decrease from 600 in 2016—with initial psychological counseling, health care consultations, and legal and financial assistance; the government reported providing an unspecified number of victims with vocational training, employment opportunities, and lines of credit at a reduced interest rate.

NGOs reported psycho-social services for victims remained underdeveloped and provincial-level government officials focused too heavily on poverty reduction in lieu of strengthening more urgently needed services for victims. Authorities did not report how many victims received government cash subsidies for food, clothing, and other essential needs [...]

(Source: United States Department of State, [2018 Trafficking in Persons Report](#), 28 June 2018, p. 456)

5.2. Non-state provisions: Rehabilitation and Reintegration Programmes: General information (non-gender or age specific)

[Note that this section only includes general information on non-state rehabilitation and reintegration programmes offered to victims of trafficking and does not include information about specific projects or programmes offered by NGOs.]

Debbie Beadle from ECPAT UK interviewed for this report highlighted the lack of NGO presence in Vietnam:

[...] There is a real lack of NGO presence in Vietnam. It's quite hard to run an NGO. And there were a few NGOs that were trying to kind of integrate and provide support, but it's actually quite challenging, so there's very little support or places where people can go to, to find support. And I think that's a real issue aligned with what we were saying is a lack of government support and institutions in place [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

5.2.1. Non-state provisions: Rehabilitation and Reintegration Programmes: Barriers to access

According to Hong Thi Tran, trafficking researcher interviewed for this report, victims of trafficking do not need an official certificate to access non-state shelters and reintegration services:

[...] NGOs usually provide services for victims without the certificates and that's why more potential victims could receive assistance. Only DOLISA requests the certificate to provide support for victims [...]

(Source: Hong Thi Tran, interview record, 19 November)

The INGO based in Vietnam interviewed for this report and the UK Independent Anti-Slavery Commissioner highlighted a number of barriers victims of trafficking may face accessing reintegration programmes:

[...] It's the same like the issues of barriers to access state programmes. The location of the shelter, and the location of the NGO. It's difficult with different languages and cultures. Those are the main difficulties [...] The first difficulty is that we don't have many shelters in Vietnam. Most of the shelters are located in Hanoi. It is difficult for a VoT to come back to Vietnam and access the shelter in Hanoi because it is too far. So the victims are from a minority ethnic group and most of the staff working in the shelters are speaking Vietnamese so its difficult to speak a different language and have a different culture. Another difficulty is the psychology of the victims when they come back to Vietnam- they want to go back to their hometown to see their family , it is very difficult to keep them in the shelter, they try to escape [...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

[...] The issue of social stigma and discrimination are complex in Viet Nam with some people rejecting the support of NGOs such as Blue Dragon because they do not want to be seen as people who are accessing support provided to victims of trafficking. Organisations such as Blue Dragon have access to shelters, emergency support and staff trained to provide psychological advice to those who have experienced trafficking. The legal department provide rescue and legal services plus support in schools for children considered to be at high risk. The need for a safe environment for interviews and for people to feel safe and secure before they transfer to their families and integrate into local life is handled on a case-by-case basis given the complexities involved [...]

(Source: Independent Anti-Slavery Commissioner, [*'Vulnerability' to Human Trafficking: A Study of Viet Nam, Albania, Nigeria and the UK*](#), September 2018, p.34)

5.2.2. Non-state provisions: Rehabilitation and Reintegration Programmes: Effectiveness

Georges Blanchard, Director of Alliance Anti Traffic, in his written response for this report , expressed the opinion that shelters are less effective nowadays because few victims of trafficking want to stay in them and instead focus on reintegration programmes in the community:

[...] The centres have no reason to exist today, except in extreme cases. Twenty or more years ago, a centre was useful, but in the last ten years or so, nobody wants to stay in a centre. So we have to develop rehabilitation in the community. According to human rights law, in order to stay in a centre, a person must sign a voluntary act, otherwise he or she is incarcerated. But for about 10 years now, among about 1000 victims, none of them have wished to stay in a centre. In the north with the ethnic minorities it is different, but it is not representative of the situation in Vietnam [...]

80% of supported male will be able to succeed in their reintegration. For women, only 45%. There was no public report to publish these statistics because these assessments were funded by our Vietnamese state partners. But roughly 70% of the people are fairly stabilized, with a modest life and 30% survive as best they can, without being able to stabilize. None of the people have been re trafficked. I think the women keep in mind that they are women and that prostitution is an alternative. I remind you that the cases of trafficking followed by AAT are cases of trafficking for sexual exploitation as a priority and not for work abroad. We did so because no one was handling these cases, but that's not our job [...]

(Source: Georges Blanchard, written response, 21 November 2019)

5.3. Rehabilitation and Reintegration Programmes: Men

5.3.1. State provisions: Rehabilitation and Reintegration Programmes: Men

This section should be read together with section [2.4. Implementation and limitations of the identification process of victims of trafficking](#) and section [5.1. State provisions: Rehabilitation and Reintegration Programmes: General information \(non-gender or age specific\)](#).

5.3.1.1. State provisions: Rehabilitation and Reintegration Programmes: Men: Type of programmes

This section should be read together with section [2.4. Implementation and limitations of the identification process of victims of trafficking](#) and section [5.1. State provisions: Rehabilitation and Reintegration Programmes: General information \(non-gender or age specific\)](#).

According to Hong Thi Tran, trafficking researcher interviewed for this report, there were no specialised reintegration services for male victims of trafficking and the government tended to focus on female victims of trafficking:

[...] Let me reiterate that there is no distinguish of the male or female victims by the state or in terms of reintegration program so far as I know. Unfortunately, the Vietnamese government just really focus on the female victims of trafficking. So the reintegration program-- we have the kind of decree, from the government, decree number nine, mostly on how to provide the better reintegration for the victims. It's not specific. It's not how to provide the reintegration for the victim of trafficking-- and it involves, into the childcare, psychological support and the vocational training that is very arranged by. And it also states how much the victim receives in terms of health care, in terms of vocational training [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

According to Georges Blanchard, Director of Alliance Anti Traffic, none of the male victims of trafficking that he knows of received any help from the state:

[...] In fact, NONE of the male victims have received any help from the state and often from NGOs. I think AAT is one of the few NGOs that have helped men as much as women. The same law should be applied to all, but it isn't at this stage of Vietnam's development. Elsewhere, international organizations are riding the funding wave and men are hardly included because donors do not give [...]

(Source: Georges Blanchard, written response, 21 November 2019)

According to an article published in July 2019 assistance to male victims of trafficking tended to focus on return and basic needs rather than long term reintegration:

[...] Research is particularly scarce on trafficking of male children and adolescents and on labor exploitation compared to sexual exploitation. (...) This is also reflected in the restricted availability of post-trafficking services for male victims of human trafficking and labor exploitation. In many cases, assistance to men and boys focuses on return and basic needs (such as transportation and brief shelter stays) rather than long term (re)integration [...]

(Source: Nodzinski. M. et al, [*Post-trafficking stressors: The influence of hopes, fears and expectations on the mental health of young trafficking survivors in the Greater Mekong Sub-region*](#), 1 July 2019)

5.3.1.2. State provisions: Rehabilitation and Reintegration Programmes: Men: Barriers to access

According to Hoa Nguyen, trafficking specialist interviewed for this report, there are no government specific reintegration programmes for male victims of trafficking apart from what is offered at Social Protection Centres, and men don't tend to be acknowledged as trafficking victims:

[...] In the law, only women can go to the Women's Union but it's not acknowledged that males can be victims or even sexually abused/ exploited- nobody talks about that and it is not addressed. [...] I haven't seen any specific reintegration programmes for men but in the law it says men who are trafficked are able to access victim's assistance from social protection centre. Social protection centre will provide services like basic needs, medical and legal assistance. Vocational training and job placement for the victims. First they have to get victim identification by the special police in Vietnam to be able to access the programme. I have helped some male VoT but when they come back to Vietnam they aren't recognised as victim and they don't want to seek help and I've seen them go back again to Malaysia [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

Coram International described in its July 2019 report that due to dominant gender norms which reject notions of male vulnerability, men can resist identifying as a 'victim' or accessing support services:

[...] 7.5. Demand side barriers to access [...]

[...] The impulse to resist identifying as a 'victim' or accessing support services may be particularly strong for men, in light of dominant gender norms which expect men to project strength, success and self-sufficiency and reject notions of male vulnerability. These dynamics are recognised by a number of studies on trafficking victims' access to services, which identify masculinities as an important barrier to male victims' receiving support.¹¹⁸ [...]

[...] 118 See, for example: Surtees, R., 'Trafficking of men – a trend less considered: The case of Belarus and Ukraine', International Organisation for Migration (IOM), 2008 [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.66)

Similarly, Georges Blanchard, Director of Alliance Anti Traffic stated in his written response for this report:

[...] In fact, NONE of the male victims have received any help from the state and often from NGOs. I think AAT is one of the few NGOs that have helped men as much as women. The same law should be applied to all, but it isn't at this stage of Vietnam's development. Elsewhere, international organizations are riding the funding wave and men are hardly included because donors do not give [...]

(Source: Georges Blanchard, written response, 21 November 2019)

5.4. Rehabilitation and Reintegration Programmes: Women

5.4.1. State provisions: Rehabilitation and Reintegration Programmes: Women

Please read the information included in section [2.4. Implementation and limitations of the identification process of victims of trafficking](#) and section [5.1. State provisions: Rehabilitation and Reintegration Programmes: General information \(non-gender or age specific\)](#).

No additional specific information was found within the timeframe of this report and among the list of sources consulted.

5.4.2. Non-state provisions: Rehabilitation and Reintegration Programmes: Women

This section should be read together with section [5.2. Non-state provisions: Rehabilitation and Reintegration Programmes: General information \(non-gender or age specific\)](#).

5.4.2.1. Non-state provisions: Rehabilitation and Reintegration Programmes: Women: Effectiveness

According to trafficking specialist Hoa Nguyen interviewed for this report, the quality of the support services provided by NGOs can be poor and staff turnover quick:

[...] NGOs try their best to be like social workers. They communicate well, receive the victims, sometimes they buy tickets for them. But when victims stay in shelter- they try to provide education, counselling, vocational training, psychosocial support, but again the quality of the service is poor in terms of training and staff turnover is very quick. Follow up is a big issue , according to the UN the rule is that victims should be followed up for 3 years after returned, but none of the NGOs do proper follow up for 3 years. Most of the shelter programs and services for victims are designed by service providers which are in many cases not based on the victims' needs or evidence from trafficking experience. [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

Hagar International told the UK Home Office fact-finding mission that from the beneficiaries they had supported, they had not seen any re-trafficked cases:

[...] Annex D: Notes of meetings w/ sources

Hagar International in Vietnam, 26 February 2019 [...]

Currently 31 clients are receiving economic empowerment support. We provide services based on individual needs and every 3 months we assess the situation and economic empowerment needs might then arise. Clients come from rural areas and in those areas not many services, including financial and counselling. If they need to access services (more choices in vocational training for example), they need to move to Hanoi- sometimes they have needs but the services are not really available. [...]

Have you been successful in your support to victims, have they reintegrated?

We haven't seen any re-trafficked cases

This is 10th year working in Vietnam. We need to go back and see how people who have graduated long ago are doing but in general they are reintegrating pretty well. We have seen many successful cases where they are living in happy families and are able to earn income independently [...]

(Source: UK Home Office, [Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019](#), 9 September 2019, p. 65, 67)

5.5. Rehabilitation and Reintegration Programmes: Children

This section should be read together with section [2.4. Implementation and limitations of the identification process of victims of trafficking](#) and section [5.1. State provisions: Rehabilitation and Reintegration Programmes: General information \(non-gender or age specific\)](#).

5.5.1. State provisions: Rehabilitation and Reintegration Programmes: Children

According to Georges Blanchard, Director of Alliance Anti Traffic, no state reintegration programmes exist specifically for children:

[...] No data or information, but sure, no state program exist especially for Children VoT. They're integrated into other project because they will be the minority [...]

(Source: Georges Blanchard, written response, 21 November 2019)

In a household survey carried out by Coram International in 2019 respondents reported receiving legal and emotional support and a smaller proportion received education and vocational training. The survey did not distinguish whether the support was provided by the state or NGOs:

[...] 7.6. Experiences of services [...]

[...] Perception of services [...]

[...] Beneficiaries' feedback does indicate that some services are stronger than others, however. Overall, respondents reported to value legal and emotional support the most and were less satisfied with educational and vocational support. This is likely due to the fact that legal and counselling services are prioritised by service providers and are thus more developed: 88.4% of all respondents in the beneficiary survey received counselling support and 69.77% received legal support, whilst 26.2% received education support and 30.2% received vocational training [...]

(Source: Coram International, [Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam](#), June 2019, p.68)

The 2020 report by the government of Vietnam to the UN Committee on the Rights of the Child noted that its laws required it to provide child victims of trafficking with counselling, psychotherapy and other services:

[...] E. Measures to promote physical and mental rehabilitation and social reintegration for child victims (Article 39) [...]

73. For children in special circumstances – victims of violence, child abuse, sexual abuse, trafficking – Viet Nam's laws require that children be supported with counselling, psychotherapy and other child protection services [...]

75. Most children who are victims of abuse, violence or trafficking are provided with timely psychological and physical support, counselling, psychotherapy and temporary respite and rehabilitation, and are given opportunities for reunion with families or are provided alternative family care in the community.

76. Support for victims of child trafficking and prostitution is provided through community integration services, psychological counselling, legal counselling, vocational training, grants, loans, and job creation to better integrate victims into the community. With the implementation of the National Program on Development of Social Work as a Profession, 2010–2020, over 40 social work centers have been established at district and provincial levels. These centers provide counselling and psychological support to children who are victims of child crime and abuse. The social work centers also coordinate with local authorities and service providers to develop and implement plans to improve the living environment, support abuse and violence prevention and promote community reintegration.

(Source: UN Committee on the Rights of the Child, [*Combined fifth and sixth periodic reports submitted by Viet Nam under article 44 of the Convention, due in 2017*](#), 3 March 2020, paras. 73, 75 and 76)

The law in Vietnam establishes that in order to access services a trafficking victim must be officially recognised by either a border authority or law enforcement official:

[...] 7.4. Barriers to access: Limited recognition [...]

Research findings suggest that children and young people with experiences of trafficking face significant supply side barriers to accessing services. In particular, service providers explained that it can be difficult to obtain official recognition as a victim of trafficking, which is necessary to claim entitlements and access support. Chapter IV of Vietnam's anti-trafficking law, the Law on Human Trafficking Prevention and Combat [hereafter HT Law], states that identification and verification of victim status is required for access to services, safety, support and protection measures, including temporary shelter, financial support, legal aid and counselling and psychological support.¹⁰⁵ In order to be identified and verified as a victim, an individual must be given a certificate by a verifying agency. According to the Article 28 of the Human Trafficking Law, eligible documents include: 'certificates of police offices of rural districts, urban districts, towns and provincial cities; Rescue agencies under Article 25 of the HT Law, i.e. police office, border guard or marine police; Certificates of investigation agencies and agencies assigned to conduct investigation, the People's Procuracies and People's Courts; and Papers and documents proving victim status issued by foreign authorities which are legalized by overseas Vietnamese representative agencies or the Vietnamese Ministry of Foreign Affairs.'¹⁰⁶

In other words, the law in Vietnam establishes that in order to access services a trafficking victim must be officially recognised by either a border authority or law enforcement official [...]

[...] 105 Law No. 66/2011/QH12 on Human Trafficking Prevention and Combat.

106 Law No. 66/2011/QH12 on Human Trafficking Prevention and Combat [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.63)

5.5.1.2. State provisions: Rehabilitation and Reintegration Programmes: Children Effectiveness

Community-based services are less available than support services offered in shelters.

[...] 7.6 Experience of services [...]

[...] By contrast, community-based services were found to be much less available [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.67)

5.5.2. Non-state provisions: Rehabilitation and Reintegration Programmes: Children

Please read the information included in section [5.2. Non-state provisions: Rehabilitation and Reintegration Programmes: General information \(non-gender or age specific\)](#).

No additional specific information was found within the timeframe of this report and among the list of sources consulted.

6. Internal relocation

6.1. Freedom of movement

The following sources described how freedom of movement is protected by the law, but that residency rules can limit access to services, especially for children accessing education:

[...] Yes, most of Vietnamese move. They can stay in another place, but their administration will stay at their village of origin. This is a lot more complicated about the school for children as they do not automatically welcome children from outside. But, with some money, the situation can be easily solved [...]

(Source: Georges Blanchard, written responses, 21 November 2019)

[...] Although freedom of movement is protected by law, residency rules limit access to services for those who migrate within the country without permission, and authorities have restricted the movement of political dissidents and ethnic minorities on other grounds. Vietnamese citizens who are repatriated after attempting to seek asylum abroad can face harassment or imprisonment under the penal code [...]

(Source: Freedom House, [*Freedom in the World 2019: Vietnam*](#), 2019)

[...] D. FREEDOM OF MOVEMENT, INTERNALLY DISPLACED PERSONS, PROTECTION OF REFUGEES, AND STATELESS PERSONS [...]

Authorities did not strictly enforce residency laws for the general population, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons from obtaining legal residence permits, public education, and health-care benefits [...]

(Source: U.S. Department of State, [2018 Country Report on Human Rights Practices: Vietnam](#), 19 September 2018)

6.2. Household Registration System

6.2.1. Household Registration System: General information (non-gender or age specific)

The following sources describe the Household Registration System, also referred to as 'Ho Khau', to which citizens need to be registered with in order to access social services:

[...] Conditions for returnees [...]

Returnees, including failed asylum seekers, labour migrants and trafficking victims, typically face a range of difficulties upon return. These include unemployment or underemployment, and challenges accessing social services, particularly in cases where household registration has ceased [...]

(Source: Australian Government Department of Foreign Affairs and Trade, [Country Information Report Vietnam](#), 13 December 2019, p.44)

[...] Of course yes people face difficulties registering for Ho Khau, but most people are able to make the KT3. This is an alternative to the Ho Khau the government deliver for short period. But if the owner of the home you stay cannot want to help, you cannot have it. The KT3 permit you to make passport and some other documents without the need to go back to your province and it justify your accomodation outside your place of origin. One more time, the law is not respected for this document and many Vietnamese don't have it. The Ho Khau stay at the village of origin. But, if we buy a house where we stay, we can ask to change the domiciliation. In anyway, you must own a house. That's not accessible to all! [...]

I want to say that the problem is exactly the same for men women and children concerning ho khau and KT3 [type of registration needed to move across provincial borders]. VN don't make any difference and if a child meet difficulties as for the school because the family have not the KT3, this is the problem of the family only, and the state will not help. I want say that Vietnam is making progress but very slowly.

This is still complicated for Vietnamese to move inside the country. Vietnam is more a United State of Vietnam, because each province is different and independant. For example, Ho Chi Minh city does not allow the opening of center for victims because victims are from other provinces and HCMC not agree to welcome them [...]

(Source: Georges Blanchard, written response, 21 November 2019)

[...] 39. The Committee is concerned [...] about the limited access of victims of human trafficking to social services, particularly in the absence of household registration [...]

(Source: UN Human Rights Committee, [Concluding observations on the third periodic report of Viet Nam](#), 29 August 2019)

[...] Annex D: Notes of meetings w/ sources

Academic source (1), 25 February 2019 [...]

How does the Ho Khau system work, if you move do you have to register in another area?

The Ho Khau system is related to social benefits, access to public school or medical care. But it doesn't have any barrier for travel around the country.

This year the government has a plan to remove the Ho Khau system.

Does that mean people who have children and move to a different area, will they have an automatic right to access medical and education?

My Ho Khau is registered in my home land. If my son wants to go to school I need Ho Khau here. If I don't, I have to send to have private school.

So that won't be a problem once Ho Khau is removed?

No, as they still have another kind of registration. If you want to go to public school, you need a temporary residence permit. There are 3 years ones or 1 or 3 months. I think it causes problems, but it does not prevent freedom of movement, people can freely move everywhere. How easy is it to get the temporary permits?

You just go to the local police station to get, it is simple to get but it can take time, it can take time and people are too lazy. Normally only the family who have children would do so as it is related to the public school or medical care.

Is there an official list of where people are registered (Ho Khau)?

Yes of course. Every household is provided with a book with information on them. Sometimes besides social benefit the official registration affects something like buying a car i.e.: asking someone to buy a car in their name. 3 or 4 years ago, to get the internet you had to have official Ho Khau, but now they have removed it. Also with water and electricity it has been removed. More and more services have been removed from requiring Ho Khau [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 57 and 58)

[...] Annex D: Notes of meetings w/ sources

Hagar International in Vietnam, 26 February 2019 [...]

With the Ho Khau system - how easy is it to relocate?

We call it permanent residence, it's not really a problem because as long as you have a permanent residence, you can get temporary residency papers if you want to live in other provinces [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 66)

[...] In Vietnam, the housing registration (ho khau) is important to what social benefits a person has access to. Generally speaking, one has access to these benefits the place where one is registered, but not in other places in the country. For internal migrants and their children, this means that e.g. school, health services, housing, water, and electricity can be difficult to get access to in the area where they have migrated to, because they would have to pay for these services and often more what they can afford (UNFPA 2010; Dang 2006 in Coxhead et al. 2015). The normal Vietnamese health insurance is not mobile, which means that it is only valid in the area where the insured is registered. This is a problem for many migrants and their children, because they are not in fact insured where they live (source: WHO, meeting in Hanoi 2015) [...].¹⁸

(Source: Landinfo, [*Vietnam: Tilhøva for barn og unge*](#), 30 March 2017)

¹⁸ Original source in Norwegian, unofficial translation provided by a COI researcher for this report

[Quotation in original language:

“I Vietnam er bustadsregistreringa (ho khau) viktig for kva sosiale godar ein person har tilgang til. Grovt sett har ein rett til desse godane der ein er bustadsregistrert, men inga eller avgrensa rett til slike godar andre stader i landet. For interne migrantar og barna deira, tyder dette at til dømes skule og helsetenester, samt hus, vatn og straum, kan vere vanskeleg tilgjengeleg dit dei flyttar fordi dei vil måtte betale for desse tenestene og ofte meir enn dei har råd til (UNFPA 2010; Dang 2006 i Coxhead et al. 2015). Den vanlege vietnamesiske helseforsikringa er ikkje mobil, det vil seie at ho berre er gyldig der innehavaren er bustadsregistrert. Dette er eit problem for mange migrantar og barna deira, ettersom dei dermed ikkje er forsikra der dei faktisk bur (WHO, møte i Hanoi 2015)

(Source: Landinfo, [Vietnam: Tilhøva for barn og unge](#), 30 March 2017)]

[...] In order to control strains on physical and social infrastructure, the Government uses a national household registration system (ho khau) to manage the population distribution. Registration ties a person to his or her place of residence and prepares investment plans on infrastructure to serve people with urban services. Each household has a household registration booklet which records the name, sex, date of birth, marital status and occupation of all household members and their relationship to the household head. The system was introduced in 1955 in the urban areas and extended throughout the country in 1960. If they are not registered locally, migrants may not be included in official population censuses, resulting in a gap in population data, with implications for an understanding of the migration processes and its role in socio-economic development, and for an effective management of urban areas. An undercount of rural-urban migrants may lead to under-investment in urban development and an underestimate of the extent of urban poverty [...]

(Source: The Socialist Republic of Viet Nam, [National Report for United Nation Conference on Housing and Sustainable Urban Development \(Habitat III\)](#), August 2016)

6.2.2. Household Registration System: Children including child victims of trafficking or those returned with their trafficked mothers

The following three individuals interviewed for this report all confirmed the consequences for children should they not be registered with the Household Registration system, which mainly could affect their schooling:

[...] I haven't seen a case where children have difficulties to access medical or health care, but education yes. In Vietnam the system is that if you are born in province you have to study in province. Children staying in social protection centre, they have to go to special school not normal school so difficult to reintegrate into normal society again. Unless they have money to pay for private school [...] For children, it is difficult to get to school. Parents have to pay a huge amount to get a different kind of paper to get into school. For parents difficult to access social security - social services, medical services, housing support in that location. Stigma of local authority to community they could not engage them in activity - or give them a hard time to pay higher rent/ electricity [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] When they come back they might not have an id card any more. For example, if they've been trafficked for many years so that the government can't recognize where they come from, from which city, for example, or village that they come from so that involves the identification of a person. To obtain the citizenship, like ID card and household book. And some people can't really prove themselves that they used to live in that area, and that effects the child's education and social insurance and other issues [...]

I mentioned that that was hard for migrants if they are not able to prove themselves that they belong to the household system, to prove themselves to obtain their ID card, and social insurance number for example. So I think that's a very direct consequences that effects the children's registration for schooling. So some people might not be able to have their own ID card so socially they don't really exist in the community that they've been born [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

[...] Yes, most of Vietnamese move. They can stay in another place, but their administration will stay at their village of origin. This is a lot more complicated about the school for children as they do not automatically welcome children from outside. But, with some money, the situation can be easily solved [...]

(Source: Georges Blanchard, written responses, 21 November 2019)

[...] Gender inequality in Vietnam, the report reveals, is exacerbated by government control mechanisms such as the household registration permit or *hộ khẩu*. This compulsory permit is a prerequisite for all administrative demarches, such as enrolling children in school, gaining access to health care and other public services, and without it, people are virtually illegal citizens. Because local Communist Party cadres have full powers to issue or withdraw the *hộ khẩu*, power abuse and corruption is widespread. Rural-to-urban migrants, 70% of whom are women, do not have *hộ khẩu*. They must pay higher prices for water and electricity, and are excluded from government aid and public services. Children born overseas to women who are victims of trafficking for sexual exploitation or labour are denied *hộ khẩu* and citizenship rights on returning to Vietnam [...]

(Source: Vietnam Committee on Human Rights & Quê Me, [*Vietnam Committee Report to the UN reveals grave violations of women's rights in Vietnam*](#), 9 July 2015)

[...] 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 [...]

(Source: FIDH & Vietnam Committee on Human Rights, [*Violations of the Rights of Women in the Socialist Republic of Vietnam, Alternative Report to the Committee on the Elimination of Discrimination against Women \(CEDAW\) on the combined seventh and eighth periodic reports of Vietnam*](#), June 2015)

7. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals

7.1. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: General information (gender-neutral)

The following sources highlight the issues that increase the possibility of re-trafficking, namely economic, social and psychological problems on return, as well as not accessing support upon return:

[...] So the victims always face a risk of being re-trafficked because we need to understand why they were trafficked. For example, were they looking for a job, an opportunity and they got returned? Normally the victims do face a lot of economical, and social, and psychological issues when they are returned. So being re-trafficked so the exploitation can happen, or even become a trafficker. This is the context for many Vietnamese victims trafficked to China. Often many return and become a trafficker themselves so that's also the danger also to the society that is a vicious circle that also impact and affects many people [...]

But the risk of re-trafficking is quite prevalent when a victim returns and can't receive or is unable to receive the support and end up facing a lot of mostly, economic difficulties. Upon return, VoTs usually feel low self-esteem, due to shortage of economic, financial, family support...They are therefore very vulnerable for any fraudulent promises to help. And discrimination, of course, is one of the sources that puts the victim into isolation and they're unable to receive the support [...]

(Source: Hong Thi Tran, interview record, 20 November 2019)

[...] For children in Vietnam, we have one of the departments on child protection in MOLISA that is very big and only works on children. They return well but problem is that in Vietnam they don't take seriously sexual abuse of children. There's no specialised service for recovery for children. You see children come back to their perpetrator and are vulnerable to being trafficked again [...]

When victims go home they often don't go through the government system and then they get re-trafficked. Some cases we know are re-trafficked straight away when they get back to the airport in Vietnam or back to their families. Protection is loose and not strong. Many victims become traffickers and they come back and bring more victims for the traffickers [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] Vietnam: Tier 2 Watch List [...]

PROTECTION [...]

Civil society reported Vietnamese victims who migrated via irregular means, were involved in criminal activity as a result of their trafficking, or had criticized the Vietnamese government feared reprisals from Vietnamese government authorities, were less likely to seek support, and were vulnerable to re-trafficking [...]

(Source: U.S. Department of State, [2019 Trafficking in Persons Report](#), 20 June 2019, p. 500)

[...] 7.2. Challenges with reintegration [...]

[...] Finally, the challenges faced by survivors in reintegrating into their communities were often compounded by the factors such as poverty and lack of economic opportunity that made them vulnerable to trafficking in the first place. Stakeholders explained that reintegration is unlikely to succeed when underlying vulnerabilities are not addressed, and that this may lead to re-trafficking in some cases [...]

(Source: Coram International, [Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam](#), June 2019, p.61)

[...] Vietnamese adults and children who are trafficked to Europe and then returned to Vietnam are at risk of re-trafficking and reprisals. If a Vietnamese national leaves Vietnam via irregular means, is involved in criminal activity or has criticised the Vietnamese Government, there is significant risk to their safety upon return to Vietnam. If victims have spoken to the police and/or still owe a debt to their traffickers, they are likely to be at risk of re-trafficking or reprisals from their traffickers and/or the Vietnamese authorities. There is limited support available in Vietnam for returned victims; leaving them at risk of being re-trafficked or even becoming a trafficker themselves [...]

(Source: ECPAT UK/Anti-Slavery/Pacific Links Foundation, [*Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe*](#), 7 March 2019)

7.1.1 Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: General information: Evidence of re-trafficking

Sources interviewed for this report all noted that no official statistics or data is kept on victims of trafficking who are re-trafficked. However, individual cases are known of:

[...] I can tell you now, there are no statistics. The challenge is that if someone does go back, and they are re-trafficked, they could be re-trafficked to any one of 100 countries because we know there's significant trafficking from Vietnam into Russia. There's significant trafficking in every country of Europe's 28 member states. And I know of no data that we could say around the numbers of being re-trafficked and then even breaking it down. What we do know is that-- and these are from case studies, and again, people like ECPAT and the Salvation Army and Unseen, who are the three main NGOs in the UK that receive notifications of victims if the re-trafficking occurs in the UK. Many victims I've dealt with, many, where they've been encountered by law enforcement. They've been released and only to be found-- so they've been arrested in a cannabis farm, they've been released on bail pending an asylum decision and then they've been discovered six months later being exploited in a nail bar. So if re-trafficking occurs here, then it will undoubtedly occur back in Vietnam. But you will find no data set that will qualify to the detail that you want because who's collecting that data? [...]

(Source: Bernie Gravett, interview record, 1 November 2019)

[...] We don't have numbers, actually. There's a huge gap in data I mean, the government reports very few cases. For example, more than 1,000 cases per year. So there's no even single data about how many are women, how many are children, or just a general estimation of the victims [...]

(Source: Hong Thi Tran, interview record, 20 November 2019)

[...] we don't have any re-trafficking victims. However there are some risks that when victims come back to Vietnam and their families still have a debt and they don't have no home to stay in, they have nothing. At that time they only think about going back to the place where they were trafficked. I saw that in some cases. I think poverty is a threat. If they have money, they could start something in Vietnam, but if they have no money, they don't want to stay [...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

[...] There was also a case in which a boy that was identified in Poland, and he had been trafficked from Vietnam twice, once to China, and then once to Laos for sex exploitation. He'd actually been sent back to Vietnam, and then was trafficked again, and was found in Poland. And it was an interpreter that was speaking to him, he was saying at first didn't believe his story. Then afterwards it turned out it was true. And he had been trafficked for sex exploitation twice and had been sent back, trafficked again [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

In contrast, both Hagar International and the IOM told the UK Home Office fact-finding mission that their organisations had not dealt with any cases of victims who had been re-trafficked:

[...] Annex D: Notes of meetings w/ sources

Hagar International in Vietnam, 26 February 2019 [...]

Are you aware of any/many cases where people have been re-trafficked?

We have not seen any cases. We know cases where they have come back from China, they then go back to China for work opportunities, but we make sure they are aware of safe work and we continue to support them while in China.

How long do you keep in contact with them?

Its not forever, we have 6 months to year for follow-up then we may close the case. Even after we close the case if client has needs again that we can support, we will do assessment and re-open the case if appropriate [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 66)

[...] Annex D: Notes of meetings w/ sources

Representatives from International Organization for Migration (IOM), 26 February 2019 [...]

Are they generally reintegrating?

The degree of reintegration varies on a case by case basis. We have noted that returnees feel a sense of failure and shame for having not succeeded in working (because they are apprehended by the authorities) and have therefore not met their family's expectations for returning substantial remittances.

On that point are you aware of people being Re-trafficked?

In the case of Vietnamese males travelling to the UK, we are not aware of cases of people being re-trafficked [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 73)

7.1.2. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: General information: Risk of re-trafficking or further exploitation in place of origin

Debbie Beadle, from ECPAT UK, told the authors of this report that during ECPAT UK's research in Vietnam it was observed that when victims of trafficking returned to Vietnam it was difficult for them to move to another province, which 'left them at risk', implying that they could more easily be found by their original traffickers:

[...] The other thing we identified as well that it's really difficult if you come from one province to go back to another province. You have to go back to the province where you were born. So that was obviously a danger, in terms of point of return, if they get back to a place where they were originally trafficked from, that leaves them at risk [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

Asia Times, interviewing an independent trafficking expert, reported in mid-October 2019:

[...] Hundreds of other children have been identified as potential trafficking victims by the Home Office. Some are back in Vietnam in debt and at serious risk of being re-trafficked in what amounts to a “merry-go-round” of crime and poverty, according to independent trafficking expert Mimi Vu [...]

(Source: Asia Times, [Vietnamese dope growers getting Brits high](#), 19 October 2019)

At the end of July 2019 the same independent trafficking expert, Mimi Vu, interviewed by the Thomson Reuters Foundation, stated:

[...] The Vietnamese will continue to be exploited ... without a comprehensive, long-term reintegration program that provides a legitimate way to repay their debts and support their families," said Mimi Vu, an independent Vietnam-based trafficking analyst [...]

(Source: Thomson Reuters Foundation, [Hundreds of trafficking victims denied right to remain in Britain](#), 30 July 2019)

7.1.3. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: General information: Reach and extent of criminal networks: Possibility of being traced and tracked down by traffickers

Georges Blanchard, Director of Alliance Anti Traffic and providing a written response for this report, described how victims of trafficking stayed in touch with their traffickers and in turn became traffickers themselves:

[...] Many of the cases contacted their traffickers whose phone numbers they kept so they could return to prostitution. A lot of them also become traffickers after they've been victimized [...]

(Source: Georges Blanchard, written response, 21 November 2019)

An article on Blue Dragon's website stated that 50 per cent of traffickers came from the same district as their victim:

[...] More than 50% of traffickers come from the same district as their victims [...] Human traffickers in Vietnam also can be anyone: a family friend, a kind neighbour, a boyfriend or even a mother who sells her child out of desperation. They appear otherwise as ordinary people [...]

(Source: Blue Dragon, [39 – and how many more? Part 2](#), 3 November 2019)

An Academic source told the UK Home Office fact-finding mission that police could keep track in which area someone is registered and that it would be possible for a member of a criminal gang to persuade the police to provide such information:

[...] Annex D: Notes of meetings w/ sources

Academic source (1), 25 February 2019 [...]

If someone is moving around the country to escape crime gangs for example is there any way they can be traced i.e. which area they have registered in?

The police can do that. The police act at village level, every village has a police officer who knows who lives there, who arrives there and registers there. He easily knows who lives there. Here in Hanoi every village has it's own police, he knows exactly who / where you are. The network of control is very close. A criminal would know.

So a member of a criminal gang, would they have to persuade the police to provide that information?

Yes, it's possible. Recently the government are becoming more digitised and more effective in monitoring people and monitoring criminal activity too.

How prevalent is corruption within the police?

It's at every level. Bribery to the police on the road, to the Ho Khau official they can ask why you make Ho Khau. Even the police who investigate criminal cases can ask for bribes from the victim and/ or from the criminal too. A very serious situation here. In the last year there are many corruption cases related to the police here. There are no checks and balances, the power of the police is big and there is no control on them [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 58 and 59)

This 2017 study on trafficking of Vietnamese women and girls for marriage to China found that the fear of being found by their traffickers was one of the women's main concerns:

[...] Abstract [...]

Methods [...]

This study describes the experiences of 51 Vietnamese women and girls as young as 14 in post-trafficking services who were sold into marriage in China [...]

Results [...]

Once in post-trafficking care 52.9% (n = 27) reported probable depression, anxiety or post-traumatic stress disorders (PTSD), two women (4%) attempted suicide in the past month and 38 (75%) remained afraid of their trafficker [...]

Escaping and end of the trafficking situation [...]

Eight women indicated that they did not try to escape, explaining they were: afraid of being killed (n = 5); feared revenge and violence (n = 4); feared arrest (n = 3); did not know the language (n = 3); and were afraid of getting lost (n = 3). Two women reported that they were harmed when they tried to leave previously, two did not have identity documents and three were prevented from leaving the compound because they were locked in a room or confined. Two women were also deterred because they had no money or prospect of livelihood upon return (n = 2), one feared harm to her families if she left (n = 1) and another feared she would be kidnapped to become a sex worker (n = 1). One woman did not want to leave her Chinese children behind [...]

Future plans and concerns [...]

The fear of their traffickers and their associates (n = 38, 75%) was one of women's main concerns, stating, for instance "“Fearing the trafficker come back to retaliate against me”. Fear was followed by feelings of guilt or shame (24%, n = 12); worries about earning money and having a job to pay debts (n = 11, 22%); their own mental health (n = 11, 22%); and their physical health (n = 8, 16%) [...]

(Source: Stöckl, H. et al. [Trafficking of Vietnamese women and girls for marriage in China](#), 9 October 2017)

7.1.3.1. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: General information: Reach and extent of criminal networks: Connections amongst traffickers/trafficking networks

Bernie Gravett, Anti Trafficking Expert Specialist Policing Consultancy and interviewed for this report, described the system of money lending and the presence of organised crime and corruption in Vietnam as follows:

[...] There's a group in Vietnam called Black Society. It's a general term for the money lenders and they are the people that approach the families and start the negotiation with the traffickers. And the fee for going to Russia is \$5,000 US. The fee to the UK is \$20,000 US, which obviously these people don't have. So the money lenders offer to lend to them but it's so organized that the debt can be transferred. So originally when people had land, they would mortgage their land. And that's a very general term because it's not a mortgage because this is by illegal money lenders. But they would even enter into a written agreement to mortgage their land to pay the cost of the trafficking. Now one of the dynamics that seems to be changing is that some families don't have land to mortgage anymore. It's already been stolen from them [...]

But of late, one of the reasons that people are fleeing is local government officials are seizing that land and not compensating the families. And I've had two cases in the last six months who, when I've spoken to them, have given the account that they were struggling in the first place and they're saying it's organised crime and corruption: people are taking their land with the assistance of state officials and then they're put in an even more insidious position. And that is the reason why they sought to move [...]

So you've got the Black Society. And you've also got Vietnamese Mafia who quite often call themselves Snakes. I think they're stealing that from the Snake Age which are the triads in China. So they ended up getting their name XI HOI DEN. And that's generally what Vietnamese gangs are called. And other people simply call them the mafia. This whole gang structure is that there's hundreds of them [...]

(Source: Bernie Gravett, interview record, 1 November 2019)

Similarly, the UK Home Office Fact-finding mission to Vietnam published notes that the Vietnamese Ministry of Public Security provided to the British Embassy about illegal moneylending also known as 'Black Credit':

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

MPS provided the British Embassy with a copy of their notes from the meeting on 28 February 2019. An official translation was obtained by CPIT [...]

Content I: The status of Crimes related to “Black Credit” [illegal moneylending], the struggle and management of Vietnamese law enforcement agencies (LEA) against these types of crime
I. The status of Crimes related to “Black Credit” [illegal moneylending]

“Black Credit” is a form of lending, borrowing or raising capital at an interest rate exceeding the interest rate prescribed by the law, which is carried out by individuals, groups or financial services business organizations in alliance with acts of illegal debt collection and appropriation of debtors’ property. Creditors often hire criminal gangs, who have committed criminal convictions and equipped with dangerous weapons, to carry out certain crimes of infringing upon debtors’ lives, health, prestige, honour and dignity, harming their spirit and appropriating, destroying their properties, and accordingly causing anxiety and insecurity for people [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 88)

The same source further highlighted the implications of late repayment as follows:

[...] Annex D: Notes of meetings w/ sources

Department for Foreign Relations, Ministry of Public Security, 28 February 2019 [...]

MPS provided the British Embassy with a copy of their notes from the meeting on 28 February 2019. An official translation was obtained by CPIT [...]

Content I: The status of Crimes related to “Black Credit” [illegal moneylending], the struggle and management of Vietnamese law enforcement agencies (LEA) against these types of crime
I. The status of Crimes related to “Black Credit” [illegal moneylending] [...]

Upon late repayment of debtors, these lenders certainly call their employees or hire external ganglands to carry out the debt collection in illegal manners like threats, psychological terrorization such as throwing dirt, placing funeral wreaths, coffins, using free SIM cards to threaten the debtors; destroying the debtors’ property, intentionally injuring, humiliating the debtors, causing troubles at their residence place, business place, etc. These activities do not in the scope of the criminal punishment but cause fear, confusion, economic damage, loss of victims’ credibility and produce pressing matters for the masses around them. Many victims were controlled and threatened by these wrongdoers, so they daren’t denounce and cooperate in providing evidence to the police. Particularly, to legalize debt collection in sophisticated way, they also set up State-authorized debt collection companies in which a gang of criminals, scoundrel men are hidden in the shade of a company [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 89)

A 2018 report from the United Nations Office on Drugs and Crime described the structure of Vietnamese smuggling groups:

[...] 4.7.2 Smuggling from Viet Nam to Europe

The smuggling of migrants from Viet Nam to Europe involves Vietnamese groups and non-Vietnamese networks that cooperate along the main smuggling routes. There are reported instances of collusion between these groups and outsourcing from one group to another, especially where local smuggling groups possess contacts. The structure of many Vietnamese smuggling groups is reportedly fostered by underlying close relationships. In some smuggling groups, main members come from the same area and communicate in the same dialect [...]

(Source: United Nations Office on Drugs and Crime, [Migrant Smuggling in Asia and the Pacific: Current Trends and Challenges Volume II](#), July 2018)

7.1.4. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: General information: Situation and treatment if have unpaid debt (e.g. debt bondage of individual or family members)

The following BBC News article from January 2020 tells the story of a young boy trafficked to the UK and his fears of being re-trafficked if returned to Vietnam. The article quotes a Vietnamese trafficking expert who describes the risk of re-trafficking especially if a returnee owes money to the trafficker:

[...] Ba believes it was a Chinese gang that trafficked him to the UK. He was kidnapped off the streets of Ho Chi Minh City, where he was a street child, an orphan who slept in the bend of a sewage pipe. He sold lottery tickets for money, although older men sometimes beat him and grabbed his takings [...]

Ba doesn't know whether he'll be allowed to stay in the UK. His last meeting at the Home Office to discuss his application for asylum didn't go well. The official tried to persuade him that if he returned to Vietnam he'd be helped by the authorities, which Ba finds impossible to believe.

He is sure that if he is sent back, he will be trafficked again. That's a worry shared by Vietnamese trafficking expert Mimi Vu, who says that people who have been trafficked and returned *are at serious risk of being re-trafficked*, especially if their traffickers claim they owe them money [...]

(Source: BBC News, [How a boy from Vietnam became a slave on a UK cannabis farm](#), 21 January 2020)

The Australian Government Department of Foreign Affairs and Trade Country Information Report on Vietnam, published in December 2019, described how many returnees had high levels of debt from funding their travel out of Vietnam and are followed up by moneylenders when returned:

[...] Conditions for returnees [...]

Returnees, including failed asylum seekers, labour migrants and trafficking victims, typically face a range of difficulties upon return. These include unemployment or underemployment, and challenges accessing social services, particularly in cases where household registration has ceased. In addition, trafficking victims face social stigma and discrimination, and may experience difficulty in accessing appropriate trauma counselling services outside of large cities. Many returnees have high levels of debt from funding their travel out of Vietnam. Sources in Vietnam have reported cases of moneylenders taking borrowers' houses or land as repayment, or borrowers having to flee loan sharks when they are unable to repay their loans (see Security Situation). Anecdotally, indebtedness is reportedly lower among people living in irregular migration hotspots (such as Nghe An and Ha Tinh Provinces), as low or no-interest loans are generally organised within the community. Those who travel from outside of these provinces typically have fewer connections and thus tend to borrow from external lending groups who generally demand high interest rates.

[...] Security Situation [...]

2.49 Illegal moneylending is widespread in Vietnam, largely due to the complicated nature of accessing bank loans. Interest rates are often extortionate. A 2018 UK Home Office report found that some borrowers unable to repay loans, or their families, had been trafficked or forced into labour or prostitution. Police investigations into illegal moneylenders have reportedly increased, including through the establishment of dedicated police units in some provinces. As the high interest rates are typically not written on loan papers police face difficulties in convicting illegal moneylenders [...]

(Source: Australian Government Department of Foreign Affairs and Trade, [Country Information Report Vietnam](#), 13 December 2019, p. 16 and 44)

Bernie Gravett, Anti Trafficking Expert Specialist Policing Consultancy interviewed for this report, explained how the situation of victims of trafficking returned to Vietnam with a debt increased their risk of being re-trafficked:

[...] If they're [VoT] carrying a debt, and the majority are. They are carrying the debt of that 20,000 US dollars to come to the UK, then that debt still exists. And the Black society, or their traffickers, will hunt them down and they've still got to pay off that debt. So how do they do that? They still haven't got a farm. They still are struggling to get housing. They can't access work because you can't get work without a national identity card. So they're ripe for being re-trafficked [...]

(Source: Bernie Gravett, interview record, 1 November 2019)

Debbie Beadle from ECPAT UK, interviewed for this report, described how either the victim of trafficking or their family would have to pay off the debt increasing the risk for re-trafficking:

[...] There is a real risk of re trafficking because they-- as in many of these cases, they have got a debt to pay. So I think if you look at the news reports in a recent case one of the males interviewed from Vietnam was like, "I've tried quite a few times to come to the UK." And we know that lots of trafficking rings are quite organized, and so they're fearful to go back to the country to be re-trafficked [...]

The main risk is risk of re-trafficking and the exploitation, and they will have to pay off that debt, or their family will have to. So I think what we've identified is that there is a little pressure from their family as well to pay off that debt. So if they went back to family, that would be something of concern and shame if they hadn't paid off the debt. So I think it's worse for people in Vietnam, this is one of the strongest risks because most of them have a debt that they have to pay off [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

The IOM representative in talking to the UK Home Office fact-finding mission expressed the opinion that:

[...] Annex D: Notes of meetings w/ sources

Representatives from International Organization for Migration (IOM), 26 February 2019 [...]

If someone owes a debt, is there retribution against the victim's family?

All cases are individual. Depending on the circumstances, it is certainly possible that retribution could be sought for an unpaid debt [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 72)

A UN-ACT representative explained to the UK Home Office fact-finding mission the system and network of moneylenders:

[...] Annex D: Notes of meetings w/ sources

UN-ACT, 27 February 2019 [...]

What kind of moneylending occurs? We have had cases in the UK where people claim to fear return due to loan sharks, is this something you are aware of?

The central provinces are the hotspots for people going to the UK. They are mainly poor people and they borrow money from brokers and find ways to go to the UK. It is a network of brokers and the brokers make money that way. The brokers are not just Vietnamese nationals, it also includes people from other countries in Europe. In that network there is someone who lends money here, and there is one in the UK.

I have never heard of people being threatened here. There is a network of brokers, so they know where they are?

No, it's a network, they are exploited and tortured there (in the UK).

Do you know if the police crackdown on that network of brokers?

We know that it exists, but they are not just Vietnamese people, it also includes local people, British nationals and other nationalities.

People do not leave Vietnam without knowing where they are going. They have friends and family in the villages who are aware. Families here are only threatened if the brokers do not know where they are in the country they are in. Even the victims in the UK face a lot of risk, including threats. There is a strong network of mafia including Vietnamese and foreigners [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 82)

In the case of child trafficking, the child and/ or their family may fear reprisals from organised crime groups if the child is still bound by debt bondage reported the joint ECPAT UK, Anti Slavery International and Pacific Links Foundation report of July 2019:

[...] The manager of one shelter reported that if returned children have family in Vietnam, the authorities would routinely return children to them instead of referring them to the care of a specialist shelter. This constitutes a risk to the child if the child or their family is still bound by significant debt bondage. The child and/or their family may fear reprisals from the Vietnamese organised crime groups and/or the Vietnamese authorities; this could be due to having been involved in illegal activity or having spoken to the police, but also due to having spoken out against the Vietnamese authorities [...]

(Source: ECPAT UK/Anti-Slavery/Pacific Links Foundation, [*Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe*](#), 7 March 2019)

A report from 2017 about migration routes from Vietnam to the UK distinguished that those that went to the UK owed money to money lenders including members of their family and it was therefore the burden of debt and family pressure that placed them in a situation of vulnerability upon their return:

[...] In the case of the Vietnamese migrants heading to the United Kingdom, it is not a matter of debt bondage as it is not linked to smugglers or criminal networks involved in cannabis. The situation is more complex as the migrants owe money to members of their family and to debtors (banks, informal credit lenders, usurers). It is the burden of debt and family pressure which places the Vietnamese migrants in a situation of vulnerability. They are willing to take all the risks and to accept all forms of exploitation to pay off this debt as a default in payment would put their family in danger in physical and material terms [...]

(Source: IRASEC and France Terre d'Asile, [En route to the UK: A field study of Vietnamese migrants](#), March 2017)

7.1.5. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: General information: Stigma and discrimination by the family

According to Georges Blanchard, Director of Alliance Anti Traffic:

[...] No children VoTs don't tend to face any stigma or discrimination from their families but it can be when the family has to sell their children in trafficking to absorb their debts. In the case of a returned child VoT, the child has failed to help the family [...]

(Source: Georges Blanchard, written response, 21 November 2019)

A household survey carried out in 2019 by Coram International evidenced child victims of trafficking's experience of rejection by members of their own families when they returned:

[...] 7.2. [...] Challenges with reintegration [...]

[...] In some cases, respondents described being rejected by members of their own families: "From the moment I returned home I felt my father was distant from me – that he didn't love me the way he did before."⁹⁷ ... "When I was in China, I was afraid I would never have the chance to meet my parents again... I just wanted to see my parents. But when I came back and saw my parents' attitude toward me, I thought – if I knew they would be like that I would rather have stayed in China. My father's attitude changed and because of that I am very sad."⁹⁸ A stakeholder from Dak Lak province explained that this is not a unique experience: "When trafficked children return home, their families often scold and curse them, blame the victims... I witnessed a girl crying and running to hug her mother, but the mother pushed her, and scolded her."⁹⁹ Indeed, several respondents emphasised that whilst significant effort has been devoted to sensitising communities about the risks associated with trafficking, there is a need for sensitisation and awareness raising with families and communities to promote victims' successful reintegration [...]

[...] 97 Individual interview, young woman with child trafficking experiences, Lao Cai Province, 29 November 2017.

98 Individual interview, young woman with child trafficking experiences, Lao Cai Province, 28 November 2017.

99 Individual interview, Department of Social Evils Prevention, Dak Lak Province, 7 January 2018 [...]

(Source: Coram International, [Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam](#), June 2019, p.60)

7.1.6. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals:

General information: Stigma and discrimination by society

Hoa Nguyen, trafficking specialist interviewed for this report, described the stigmatisation of victims of trafficking in Vietnamese society:

[...] The word alone “victim of trafficking” in Vietnamese it describes someone who has been cheated, it’s a very disempowering term, and stigmatising. The media describes VoT as people who are stupid. If they are married and returned, their spouse divorces them. Even people who provide service to them stigmatise them. They lack information, they think VoT is a criminal, so VoTs are scared to admit it so they hide it [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

Debbie Beadle from ECPAT UK who was also interviewed for this report said that there was stigma attached on a returned victim of trafficking as a ‘failed migrant’:

[...] So when we went to one area in the Nghe An region, then at school, we asked how many of the children had family members that had gone to work in Europe, and almost all of them put their hands up. And when we asked them what they wanted to do, they were like, "Oh, I want to follow. I want to go to Europe and find work." So lots don't even know what they're going to face on the journey or that they may be exploited, but they're prepared to do it. They won't necessarily see it as trafficking or exploiting. They'll say, "This is what I chose to do." And a lot of it's not understanding their rights, not understanding the laws in the UK, for instance. And so that's what the challenge is. They don't necessarily see it as that. And so then they'll just be seen as a failed Vietnamese person that's meant to have gone and found work and has failed. So it's not necessarily they've been exploited. The blame would be on them rather than on the fact that they've been a victim of trafficking [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

Hong Thi Tran, trafficking researcher interviewed for this report similarly noted that victims of trafficking don’t want to be officially recognised because of the stigma attached:

[...] It's a very lengthy process to identify victims by the government or from their wish that they don't want to be recognised because of the stigma that they might face. I think these are the two main reasons victims of trafficking don’t want to be identified as such. And I think that's really-- it's quite difficult to get the different channels that really support the victims and encourage victims to report about cases. But in terms of mechanisms in place for the government to support the victims adequately and ensure protection, for example, protection of confidentiality is the problem. What media has been projecting on human trafficking seems to even victimise the victims-- to victimise them and cause them more vulnerability [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

The UN Human Rights Committee concluded in its observations, published in August 2019, on the third periodic report of Viet Nam in relation to ‘Human trafficking’ that:

[...] 39. The Committee is concerned [...] about the limited access of victims of human trafficking to social services, particularly in the absence of household registration, and that stigmatization and retribution in local communities may discourage victims from seeking such services (arts. 2–3, 8 and 24) [...]

(Source: UN Human Rights Committee, [*Concluding observations on the third periodic report of Viet Nam*](#), 29 August 2019)

Research from Coram International identified the stigma felt by child victims of trafficking when returned to Vietnam:

[...] 7.2. Challenges with reintegration [...]

Children with experiences of trafficking often struggle to reintegrate into their communities, as a result of both their reduced wellbeing, and external factors such as stigma, which contribute to an unwelcoming environment.⁹¹ Research findings indicate that both the social and economic reintegration of trafficking survivors are a significant challenge. Survey respondents with child trafficking indicators were significantly less likely to say that they felt accepted by the community when compared to the general population (ordered logit, $p < .005$).

[...] Stigma around trafficking was identified as a barrier to reintegration by respondents in a number of the research sites included in the study, undermining their ability to reintegrate into their communities and further compromising mental and emotional wellbeing. A social worker at a shelter in Lao Cai province explained, “when they return to their community, people often start gossiping about them, which makes them uncomfortable.”⁹⁴ Several survivors described their experiences of judgment and social exclusion: “The friends I used to have, they no longer want to be my friends, so I don’t share my story with anyone.”⁹⁵ ... “Sometimes I just want to commit suicide...because I went to China. My neighbours know, so they will say bad things about me.”⁹⁶ [...]

[...] 91 For a more detailed presentation of research on victims experiences of reintegration in the Greater Mekong Sub-region, see: Surtees, R. (2013). *After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region*. Summary Report. Bangkok: UNIAP/NEXUS Institute [...]

94 Individual interview, social worker at government shelter, Lao Cai Province, 28 November 2017.

95 Individual interview, young woman with child trafficking experiences, Dak Lak Province, 8 January 2018.

96 Individual interview, girl with child trafficking experiences, Social Protection Centre, Lao Cai Province, 27 November 2017 [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.59)

Research from July 2019 reported that stigma may lead to future victimisation and relapse into the trafficking cycle:

[...] Financial obligations, feelings of disappointment or stigma upon return all contribute to poor mental health outcomes and, without adequate intervention, these may lead to future victimization and relapse into the trafficking cycle. The analysis of data from the International Organization for Migration (IOM) indicate that children and young adults are the groups most vulnerable to re-trafficking , especially in circumstances where family support is absent or there are difficulties or abuse at home. Psychological or psychosocial problems resulting from children's trafficking experiences may exacerbate this risk [...]

(Source: Nodzenski. M. et al, [Post-trafficking stressors: The influence of hopes, fears and expectations on the mental health of young trafficking survivors in the Greater Mekong Sub-region](#), 1 July 2019)

Vietnam Plus, reporting on a workshop held by the Vietnamese Ministry of Labour, Invalids and Social Affairs and the IOM in September 2018, relaid discussion about how some victims of trafficking left their places of residence because they felt shame and feared revenge:

[...] The Ministry of Labour, Invalids and Social Affairs and the International Organisation for Migration held a workshop in Hanoi on September 11 to review policies and legal regulations on assistance for returnee victims of trafficking. (...) Deputy Minister of Labour, Invalids and Social Affairs Nguyen Thi Ha [...] She added that after being rescued or received by relevant agencies, all the victims were provided with psychological support, medical check-ups and legal aid. About half of them have also been helped to reintegrate into society. Many participants acknowledged the attention that the National Assembly and the Government have paid to the fight against human trafficking and the reception and assistance for returnee victims [...] However, the reception and assistance for them have yet to meet expectations [...] Notably, after returning, few victims reported their cases to police, leading to difficulties in the investigation and punishment of traffickers. Some victims left their places of residence because of the feeling of shame and the fear of revenge [...]

(Source: Vietnam Plus, [Workshop reviews assistance for returnee victims of trafficking](#), 11 Sept. 2018)

The U.S Department of State annual trafficking report covering 2018/2019 documented social stigma associated with victimhood:

[...] Vietnam: Tier 2 [...]
Protection [...]

The law protected victims from prosecution for crimes committed as a result of having been subjected to trafficking, but NGOs reported victims were less likely to come forward about their abuses in a judicial setting due to fears that they may face arrest or deportation. Endemic social stigma associated with victimhood and concerns over retribution in their local communities likely further discouraged many victims from seeking or benefiting from protection services [...].¹⁹

(Source: United States Department of State, [2018 Trafficking in Persons Report](#), 28 June 2018, p.455)

7.1.7. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: General information: Other difficulties a victim of trafficking may face on return

¹⁹ U.S. Department of State, [2017 Trafficking in Persons Report](#), June 2017

The following sources described the psychological effect on victims of traffickers when returned to Vietnam as a result of their experience of exploitation:

[...] And when you think of victims who have left the country, under debt bondage to organised crime, they've had a journey across anywhere-- I mean, some of my cases are 15 countries in the backs of lorries. They've been beaten. They've been kept in atrocious conditions. They do go back psychologically damaged. I mean, I've had reports on some of the victims I've dealt with here in the UK where they've got PTSD. [...]

(Source: Bernie Gravett, interview record, 1 November 2019)

[...] Return and Risk of Re-trafficking [...]

An organisation in Vietnam providing therapeutic support for victims of trafficking in the UK and other European countries over Skype, stated that victims from UK are among the most traumatised that they work with. The charity cited the stressful experience of the UK legal systems as a cause of this trauma. This unresolved trauma may leave victims vulnerable to manipulation and exploitation upon return to Vietnam. The burden of debt and the shame of their perceived failure to achieve success in Europe or the UK, combined with lack of support for viable economic pathways, leads to the 'merry-go-round' effect in which victims of trafficking make multiple attempts to migrate abroad [...]

(Source: ECPAT UK/Anti-Slavery/Pacific Links Foundation, [*Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe*](#), 7 March 2019, p. 123)

[...] A significant proportion of boys (40.19%) and girls (57.32%) worry about how people might treat them when they return home [...] and fear of traffickers was also prevalent among both groups (29.91% of boys and 39.02% of girls) [...] The most pressing concerns for boys were related to money-earning abilities (27.10%), money-related problems in the family (42.99%), health-related problems in the family (43.93%) and finally their own physical health (19.63%) [...] Girls were also concerned with money-earning capabilities (33.66%), money-related problems in the family (42.20%) and health-related problems in the family (57.80%). Finally, girls (57.32%) were more frequently concerned about guilt or shame than boys (31.78%) [...]

Worrying about maltreatment upon return was associated with all three outcomes after adjustment, with children and adolescents stating this worry almost tripling the odds of being symptomatic of depression [...] Concerns about mental health, religious or spiritual concerns and concerns about long-term housing were also significantly associated with all three outcomes. Concerns about guilt or shame [...] about short-term housing (...) and about physical health [...] were other predictors of being symptomatic of depression [...]

Findings from our study indicate that post-trafficking expectations among young survivors and youth's uncertainties about their future—or their feelings of 'anticipatory stress'—are associated with poor mental health outcomes among young male and female trafficking survivors—independent of the severity of the abuses experienced during trafficking [...] Our analysis pointed to the effects of worrying about, and the actual risks of, maltreatment by others upon return on young people's mental well-being, as well as the impact of guilt or shame [...]

(Source: Nodzenski. M. et al, [*Post-trafficking stressors: The influence of hopes, fears and expectations on the mental health of young trafficking survivors in the Greater Mekong Sub-region*](#), 1 July 2019)

[...] Ligia Kiss of the London School of Hygiene & Tropical Medicine led a team that investigated the psychological effects on children of trafficking in the region. "We were shocked by the numbers," she told IRIN. While such effects have been well-documented over the years, few, if any, previous studies have delivered such quantitative detail with regard to children and adolescents. More than half of the 387 people interviewed showed symptoms of depression; 12 percent reported that they had tried to harm or kill themselves in the month before the interview; and nearly 16 percent reported suicidal thoughts, according to the team's report. The interviewees had recently arrived in various institutions set up to help people freed or who escaped from trafficking in Cambodia, Vietnam and Thailand [...] The oldest was 17 and the youngest just 10 years old [...]

Even though the interviewees were now in a safe place, with the prospect of returning to their families, they expressed great anxiety. Just over half said they were worried about how they would be treated when they returned home, a similar number said they felt shame or guilt, and a third were still fearful of their traffickers [...]

The research also casts doubt on the assumption that return to their families is automatically the right solution for these young people. "They are getting sent back to the same situation they left in the first place," said Kiss. "Other research and the experience of the service providers show that a lot will migrate again. They may perhaps have more information now to help them avoid some of the traps, but they will still face the same risks as in the past [...]"

(Source: The New Humanitarian, [How anxiety and despair haunt trafficked children](#), 9 Sept. 2015)

7.2. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Men

Bernie Gravett, Anti Trafficking Expert Specialist Policing Consultant, interviewed for this report, stated the particular risk of re-trafficking for men:

[...] So there is a huge incentive for Vietnamese victims of trafficking to be party to their own re-trafficking, to reconnect - if they've been arrested, detained - to reconnect with their actual people they owe the money to, which are their traffickers in the first place. So there is-- in the cases I've dealt with, mostly men and young boys, there is a high degree of re-trafficking within the U.K., so I would suggest that that's even worse in Vietnam, if they're repatriated [...]

(Source: Bernie Gravett, interview record, 1 November 2019)

The following two sources provided case studies of male victims of trafficking being traced down by their traffickers because they had unpaid debt:

[...] I've dealt with 40, 45-year-old men who can't read or write Vietnamese. Can't read or write English. They go into the immigration detention center, and then are removed from the UK. They go back as an undocumented Vietnamese citizen who has brought dishonor onto the country, still in debt, can't get housing, can't get a job. Then, all those circumstances that led to them traveling in the first place still exists. All the Black Society, all the traffickers will approach them again, either through their families because that's who they went through in the first place. And they will say, "You still owe us." So they'll end up in Russia or another country [...]

(Source: Bernie Gravett, interview record, 1 November 2019)

[...] A victim of trafficking I interviewed was traced down by the the same traffickers, because he returned without success. And so that means that before he left, he had a big debt and the trafficking ring arranged for him to go to the UK-- and he worked in a cannabis farm and then returned. When he was later raided by police, in prison and then returned and tried to run away from the trafficker because he couldn't work and earn enough money to pay off the debt. So it happens, that they can be traced down by their original traffickers [...]

(Source: hong Thi Tran, interview record, 19 November 2019)

7.2.1. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Men: Stigma and discrimination by the family

According to the following sources, male victims of trafficking faced stigma of being a 'failed migrant on return to Vietnam:

[...] So 80% of the cases of victims of trafficking in Vietnam are women, while male account for much less. My understanding is that the male victims, usually they were trafficked mostly because of economic reasons. So sometimes when they're returned they'd say the kind of stigma of failed migrants who couldn't help the family, come back, because some failure of not being successful. I haven't seen so much discrimination of the victims., but they face the stigma of being a failed migrant, not as much as a returned female victim [...]

Source: Hong Thi Tran, interview record, 20 November 2019)

[...] Annex D: Notes of meetings w/ sources

Representatives from International Organization for Migration (IOM), 26 February 2019 [...]

The degree of reintegration varies on a case by case basis. We have noted that returnees feel a sense of failure and shame for having not succeeded in working (because they are apprehended by the authorities) and have therefore not met their family's expectations for returning substantial remittances [...]

(Source: UK Home Office, [*Report of a Home Office fact-finding mission to Vietnam Conducted between 23 February and 1st March 2019*](#), 9 September 2019, p. 72 and 73)

7.2.2. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Men: Stigma and discrimination by society

When asked about stigma and discrimination by society that male victims of trafficking may face a representative of an INGO in Vietnam interviewed for this report described:

[...] Stigma or discrimination depends on the community where they live. It also depends on the disclosed information. And it depends on the culture of different regions. It also depends on different communities, for example one community where there are many victims would be different to a community where there are less victims.[...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

7.3. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Women

Georges Blanchard, Director of Alliance Anti Traffic who provided written responses for this report explained:

[...] Many of the cases contacted their traffickers whose phone numbers they kept so they could return to prostitution. A lot of them also become traffickers after they've been victimized [...]

(Source: Georges Blanchard, written response, 21 November 2019)

7.3.1. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Women: Stigma and discrimination by the family: Female victims of trafficking

The following sources described the type of stigma and discrimination by the family that female victims of trafficking may face upon return:

[...] The risk to be discriminated will be higher for female victims, especially for those who are already married. Normally the discrimination would come from the husband's family [...]

(Source: INGO based in Vietnam, interview record, 18 October 2019)

[...] A lot of female victims they relocate to other locations because of the stigma. If they come back to their hometown and they don't feel comfortable, they end up moving to the city. Again even moving location, faced with huge stigma from their family. If you tell a work place you are a trafficking victim many won't take you [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] However, if a woman has been forced into prostitution there will undoubtedly be stigma. When the traffickers do their tricks and their practice of deceptions, they talk about young girls going into work in hotels, restaurants, nail bars. [...] The knowledge we have here in the UK is that what they promise you as a job is not always the case [...] So we do suspect that women who are working in nail bars are also being forced into prostitution, as well. Now, if that comes out, then like any young woman whose family has supported her and sent her abroad, we know from victims from any country, when they've been raped and forced into prostitution, they will not want that known back home. So then if that does come out as part of-- and this is why we struggle to get victims to give evidence in court here. If that comes out as part of any trial process or any documentation process it could be reported in the media here. And then obviously back home, they're going to have-- carry a great deal of stigma [...]

(Source: Bernie Gravett, interview record, 1 November 2019)

[...] So in our society, the female victims face more stigma by even the family, even the community, because of sexual exploitation experiences when they were trafficked. So yes, quite many victims, female victims, they face all of those issues in their own families and communities but it depends. So now there are more communities in Vietnam aware of the risks of trafficking and they understand the issues and some are very accepting. And that helps the victims a lot to recover but it will depend on the community [...]

(Source: Hong Thi Tran, interview record, 20 November 2019)

[...] “Nhu” grew up in an impoverished family. Both of her parents struggled with mental health issues and often couldn’t look after Nhu. With no support from her relatives, Nhu dropped out of Grade 4 and started working in menial jobs. At the age of 13, Nhu was approached by a trafficker who tricked her with the promise of a well-paying job, and instead sold her into a brothel. Over the next four years she was sold multiple times to brothels around Vietnam. At the age of 17 she was sold into China, working as a sex slave until Blue Dragon rescued her, four years later in 2018. When Nhu arrived at Blue Dragon it took her months to open up. With such severe trauma, she didn’t know where to begin. She spent every day in the Blue Dragon learning centre learning how to read and write. Having left school at such an early age, Nhu was basically illiterate [...] To help with her communication, Blue Dragon staff suggested she help out in the kitchen. Here, Nhu learnt how to interact and work with others while communicating in Vietnamese. After a few months, Nhu started to enjoy the process of cooking and decided to enrol in a chef training course. Three months into the training Nhu is enjoying her new career path, and is slowly rebuilding her life. Nhu cannot return to her community due to the stigma, and with no other place to go, Blue Dragon has become her family [...]

(Source: Blue Dragon, [Learning to be human again](#), 28 June 2019)

7.3.1.1. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Women: Stigma and discrimination by the family: Single/lone mothers

Hong Thi Tran, trafficking researcher interviewed for this report noted that single mothers victims of trafficking could face an increased ‘risk of stigma’:

[...] I think the enhanced risk of stigma could happen to the single mother. It could also affect the child if they returned with the baby. They face difficulties in the administrative procedure for the childbirth certificate, for example in registering the child. And maybe the stigma from society being a mixed-race child for example [...]

(Source: Hong Thi Tran, interview record, 19 November 2019)

7.3.2. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Women: Stigma and discrimination by society: Female victims of trafficking

The following sources reported that female victims of trafficking may face stigma particularly in relation to prostitution and sex exploitation:

[...] We work with young people that have been exploited through sex exploitation, cannabis cultivation or nail bars and one young female was who was used for sex exploitation, she was saying that one of her fears of going back would be the stigma that she would face if they had known what she had been doing. So there's definitely a stigma around sex exploitation [...]

(Source: Debbie Beadle, interview record, 20 November 2019)

[...] 7.2. Challenges with reintegration [...]

[...] Research findings suggest that stigma experienced by trafficking survivors is heavily gendered, with women and girls facing greater stigma than men and boys due to social expectations that women should stay in the home and that their sexuality must be controlled [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.60)

[...] Vietnam: Tier 2 [...]

TRAFFICKING PROFILE [...]

Pronounced social stigma associated with prostitution, especially in Vietnam's rural areas, complicates protective service provision for female victims of sexual exploitation, and places them at higher risk of recidivism. False advertising, debt bondage, passport confiscation, and threats of deportation are tactics commonly used to compel Vietnamese victims into servitude [...]

(Source: U.S. Department of State, [*2018 Trafficking in Persons Report*](#), 28 June 2018, p. 457)

[...] The Committee welcomes the various efforts made by the State party to combat trafficking in women and girls, but notes with concern: [...] (d) The stigmatization of and administrative penalties imposed on women and girls in prostitution [...]

(Source: Convention on the Elimination of All Forms of Discrimination against Women, [*Concluding observations on the combined seventh and eighth periodic reports of Viet Nam*](#)*, 29 July 2015)

7.3.2.1. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Women: Stigma and discrimination by society: Single/lone women

Georges Blanchard, Director of Alliance Anti Traffic who provided written responses for this report described how families of female victims of trafficking would experience discrimination from society:

[...] No, but a girl who was sexually exploited face more discrimination, for her and all the family. That's why most of the time the families will hide the real story. Victims and their families will look for a story to tell the community so that they don't lose face. Lying is also a cultural practice in Vietnam and telling a false story is not a problem. There is no doubt that it is politics that forced the Vietnamese to know how to lie in order not to be re-educated in the camp. So for all our victims, it was never a problem to tell a false story and they asked us to tell the same story, which we did. The discrimination will be for all the family, but, as in any villages on the world I think. After some times, that will be better. Sometimes, the family chooses to leave their village for another where no one knows them, but this is very rare and more often 20 years ago. Today people are more educated and understand the situation [...]

(Source: Georges Blanchard, written response, 21 November 2019)

A victim of trafficking returned to Vietnam told her story to Pacific Links Foundation about the discrimination she felt from her community and family members when she returned:

[...] A year passed before I finally found my way back to my village. I was in a state of shock and disbelief when I was greeted with disdain from my own community. Rumors had spread in my absence that I had been working as a prostitute in China. The old wounds were still healing when family members and neighbors lacerated me with new cuts filled with discrimination and scorn. Though I dreamt of taking my own life, I woke up when I thought about my younger sisters and how much they needed me [...]

(Source: Pacific Links, [Planting the Seed](#), 2 April 2015)

7.3.2.2. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Women: Stigma and discrimination by society: Single/lone mothers

The children of female victims of trafficking may face discrimination for not being entitled to registering for Ho Khau:

[...] 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 [...]

(Source: UN Committee on the Elimination of Discrimination Against Women, *Violations of the Rights of Women in the Socialist Republic of Vietnam*, June 2015)

7.3.3. Issues affecting the likelihood of re-trafficking and/or being subjected to reprisals: Women: Other difficulties a returned female victim of trafficking may face

The following sources described the psychological effect and lack of wellbeing that women and girls in particular faced as returned victims of trafficking:

[...] Sometimes it's also complicated, victims when they stay with their traffickers, they get attachments such as Stockholm syndrome in some cases. Particularly children are loyal to the traffickers, and especially females. When they come back they are even more loyal to the traffickers. I see that victims are more dependent on traffickers. I have a lot of cases now that traffickers are using many methods to control the victims, such as traffickers send victim once a week card or flowers, buy victims new clothes and even give them new smart phones. I had a victim who made a list of “friends” including their traffickers and they are often are terrified and hate the law enforcement. Depends how manipulated they have been by the traffickers. If they have been manipulated then we have little chance to reintegrate them [...]

(Source: Hoa Nguyen, interview record, 21 October 2019)

[...] 8.1 Key findings and Conclusions [...]

[...] Trafficking survivors experience compromised well-being and struggle to reintegrate [...] Evidence from the study confirms the harmful effects of trafficking on survivors' wellbeing. Reduced wellbeing contributed to survivors' challenges reintegrating into their communities, which were exacerbated considerably by stigma, particularly for women and girls. Survivors' challenges reintegrating into their communities were often compounded by the factors such as poverty and lack of economic opportunity that made them vulnerable to trafficking in the first place [...]

(Source: Coram International, [*Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*](#), June 2019, p.70)

[...] This study describes the experiences of 51 Vietnamese women and girls as young as 14 in post-trafficking services who were sold into marriage in China [...] Once in post-trafficking care 52.9% (n = 27) reported probable depression, anxiety or post-traumatic stress disorders (PTSD), two women (4%) attempted suicide in the past month and 38 (75%) remained afraid of their trafficker [...]

(Source: Stöckl, H. et al. [*Trafficking of Vietnamese women and girls for marriage in China*](#), 9 October 2017)

[...] Among the 387 children and adolescent study participants, most (82%) were female. Twelve percent had tried to harm or kill themselves in the month before the interview. Fifty-six percent screened positive for depression, 33% for an anxiety disorder, and 26% for posttraumatic stress disorder. Abuse at home was reported by 20%. (...) Children (54%) worried about how they would be treated on return home and reported feelings of guilt or shame (55.8%). One in 3 (34.1%) were still afraid of the trafficker or his or her associates [...]

(Source: Kiss, L. et al, [*Exploitation, Violence, and Suicide Risk Among Child and Adolescent Survivors of Human Trafficking in the Greater Mekong Subregion*](#), 8 September 2015)

Appendices

A. Methodology

Step 1: Scoping for research topics

The scoping phase will identify what the most pressing COI gaps are for UK asylum applicants and therefore which topics of Strategic COI reports have the potential to benefit both a large number of applicants and those most vulnerable to poor decision making.

To identify the most pressing topics for our research reports, ARC Foundation and Asylos will both:

- regularly consult their networks of legal representatives and refugee community organisations that support asylum seekers in the RSD procedure (asking partners to specify why exactly the topic is so important, asking them to point to Home Office country specific asylum policy known as Country Policy and Information Notes (CPINs) and Reasons for Refusal Letters (RFRs) where appropriate)
- launch an open call for topic suggestions and disseminate it to its respective lists of subscribers.

In addition, Asylos will:

- monitor such forums as the Refugee Legal Group and the Refugee and Migrant Children's Consortium on an ongoing basis
- monitor the requests it receives for research assistance on individual cases
- record the statistics for common themes in the reports it produces for individual cases
- invite suggestions from partners who have requested our services as part of the ongoing feedback collection.

ARC Foundation and Asylos will assess which topics to select on the basis of greatest potential impact, with reference to analysis of:

- the number of asylum seekers generated by nationality (UK asylum statistics are not published on convention ground/profile)
- Appeal success rates by nationality
- any existing upcoming Country Guidance (CG) cases that the Tribunal is to hear [to avoid duplication]
- A need for an evidence base to challenge existing CPINs [e.g. where it relies on outdated or uncorroborated COI].

Throughout the scoping exercise, we will approach actors that represent groups, particularly vulnerable, to information gaps and thus poor quality decision-making, such as women, children and young people.

In addition, ARC Foundation and Asylos will set up a project review committee who will assist in the selection and prioritisation of strategic research report topics, as well as manage any risks arising from the project. Members of the committee will be approached at least once during the early project phase in order to review and comment on the planned methods and execution. The review committee consists of the following members: Colin Yeo, immigration barrister (and Asylos Trustee) and Christel Querton, PhD candidate and barrister (and ARC Foundation trustee).

Step 2: Identifying preliminary Terms of Reference (ToR)

Once a research topic has been chosen, the following steps will be taken in order to identify the preliminary research headings (i.e. draft ToR):

- Read relevant Country Guidance (CG) cases from tribunal (identifying which evidence is outdated)
- Read relevant Home Office Country Policy and Information Notes (CPINs)
- Reference other COI guidance/policy publications from international organisations such as EASO, UNHCR as well as sources from media, human rights organisations and academic research
- Include input from other stakeholders (project partners).

The draft ToR will be drawn up jointly by ARC Foundation and Asylos, each providing input from their topic scoping activities.

Step 3: Training session for Asylos volunteers

Asylos will source from its volunteer network a group of volunteer researchers for each report to conduct the COI desk research and to assist with interviewing stakeholders.

Volunteer researchers will be fully briefed on the project purpose, design and research methodology. They will then be required to attend a Skype training session facilitated by ARC Foundation which will cover the following:

- Advanced COI research techniques
- Conducting stakeholder interviews
- The nature and scope of the research gap that the report aims to address
- Any Home Office guidance and policy related to the topic
- How experts are instructed in the UK, including how to ensure experts are aware of guidelines for expert testimony in a UK court

Step 4: COI Desk Research

For each report, we will undertake a review of the publicly available COI. This desk research will be coordinated by Asylos's UK Project Coordinator(s), working with a team of volunteers.

Before the research begins, Asylos and ARC Foundation will devise and commit to consulting an agreed list of sources from an agreed period of time. This list will be divided among the volunteers to consult and to submit any relevant findings which will be included in the final report. When any additional sources are identified in the desk research volunteers will record them alongside the initial list, and submit any relevant information.

Once this list has been exhausted, each volunteer will also be designated several of the ToR and asked to do some final research on those topics to ensure that any further sources are identified and included.

Research will be conducted in line with Asylos's internal COI research [training](#) and [handbook](#) and adhering to accepted COI research standards, including elements of the [EASO country of origin information report methodology \(EASO, 2012\)](#), the [ACCORD COI training manual \(ACCORD, 2013\)](#) and the [Common EU Guidelines for Processing COI \(European Union, 2008\)](#). Researchers should consult these documents throughout the research process and training sessions with volunteers will reflect these standards.

To support the collection of research data, researchers will submit their sources using Ultradox (an online template engine).

Step 5: Finalising ToR and drafting interview questions

Once the researchers have submitted all of their sources, Asylos's UK Project Coordinator(s) will generate a report using ultradox. Whilst editing the report, the coordinator will finalise the ToR and arrange the findings according to the headings that were identified. Whilst doing so, the coordinator should assess which topics do not seem to be adequately covered in existing COI and consider where expert evidence would be particularly helpful in order to fill these gaps, for example where there is a total absence of COI, a lack of corroborative COI or where there is contradictory COI.

Once the gaps have been identified, Asylos's UK Project Coordinator(s) will draft a list of interview questions for stakeholders to send to ARC Foundation alongside the ToR for review. The interview questions will address the gaps identified and will be carefully phrased to generate the most accurate and useful answers. These will be approved by the project review committee.

Step 6: Identifying interviewees / stakeholders

The aim is to identify stakeholders that have extensive professional experience or recently published credible research on the topic and those that have recently been in the country of research.

The [EU Common Guidelines on \(Joint\) Fact Finding missions](#) suggest that:

- Possible sources may include academics, research institutes and think tanks, NGOs, INGOs, UN agencies, experienced news reporters and journalists, community leaders or other representatives, religious authorities, or political parties, government representatives
- It is important that a variety of sources are identified and interviewed so that information can be cross checked
- The guidelines state "try to avoid sources with too similar agendas, standpoints, backgrounds and interests, which can be a challenge – especially when using the 'Snowballing'. It is generally useful to consult at least three different sources that are independent of each other on each main topic of the ToR"
- It also suggests that interviewing mid-level staff, rather than those in more senior roles, may be more helpful as they are likely to have more experience working on the ground / in the field.

Asylos and ARC Foundation will source relevant stakeholders by reference to those cited in UK case law, those having published academic material on the issue in question (e.g. JSTOR search), those recommended on the Refugee Legal Group, Electronic Immigration Network (EIN), and the Refugee Rights in Exile Programme.

Relevant organisations will be sourced and relevant representatives from these identified by reference to human rights material or media sources, for example published on COI databases such as the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD) ecoi.net, UNHCR's Refworld or Reliefweb.

Asylos and ARC Foundation will also seek recommendations from their respective boards of trustees and networks of legal representatives.

To broaden the radar as much as possible, Asylos' project coordinators will in addition seek the input of the Dutch Council of Refugees (DCR) and ACCORD, who have agreed to participate in the project pro bono to help identify stakeholders. Other project partners with relevant specialist knowledge may also be consulted.

All individuals and organisations contacted will be asked to recommend other potential stakeholders for interview.

We will include in the final report a list of all places in which we looked for stakeholders. All researchers will be required to keep a record of any websites, organisations or other sources consulted when identifying stakeholders.

In order to assess the validity of individuals and organisations as a potential source, the following questions will be considered:

- Who is the source and do they have specific knowledge / experience which makes them have expertise on the topic?
- What context do they work in and to what extent might this context influence them or create any bias?
- How does the source formulate any information they present? Is it presented in an objective, neutral and transparent way?

It is anticipated that all stakeholders with the relevant knowledge/experience in question may be contacted for interview unless there are compelling reasons not to do so. It is our aim to conduct at least 5 interviews per report, from a range of different disciplines. Given that not all stakeholders will respond, a maximum of 15 will be initially contacted by email requesting interview. ARC Foundation and Asylos will aim at ensuring that represented in this 15 is a balance between those who are academics, professionals on the ground and government representatives.

Step 7: Instructing interviewees

Once a list of potential interviewees to contact has been agreed, Asylos's UK Project Coordinator(s) will send an initial email introducing the project and asking if they would consider contributing their expertise. They may ask project partners for support in making first contact with potential interviewees where their connections may increase the chance of a positive response. Where the coordinator does not receive a response from potential interviewees, she will follow up with them by email and/or phone.

If a stakeholder provisionally agrees to take part, the coordinator sends a follow-up email attaching the following documents:

- an edited version of the [‘Asylos and ARC Foundation information sheet for interviewees’](#) [which explains how responses will be used and how the preferred level of anonymity and confidentiality will be guaranteed]
- a copy of the ToR and the interview questions.

The coordinator will also ensure that they are aware that the following can be made available to them on request:

- the COI desk research report
- The Strategic COI Report Methodology.

Once a stakeholder has had sight of this further information and confirms their willingness to take part, arrangements will be made for how they will submit their answers. The information sheet asks the stakeholder to indicate if they would prefer to submit their contribution in written form or through an oral interview. If possible, the coordinator will encourage each participant to agree to an interview (unless interviewees are very experienced in providing written expert testimony for RSD procedures) as we have found that interviews are more likely to wield useable information. Once these arrangements have been made, each participant is asked to provide a short bio, or link to their CV, which will be published alongside the final report.

Step 8: Interviewing stakeholders

Interviews will primarily be conducted by Asylos’s UK Project Coordinator(s) with assistance from ARC Foundation and Asylos volunteers where appropriate. Each interview should be recorded, unless interviewees have indicated that they do not wish for this to happen. In this case interviewers should take notes while conducting the interview. Volunteers conducting the interviews are asked to stick to the following guidelines:

At the beginning of each interview, the interviewer should start by introducing themselves, thanking the interviewee for taking part, and asking for permission to record the interview. Once this has been agreed they should check that the interviewees have received, and have reference to, the report containing our findings from the desk research and have read and understood [‘Asylos and ARC Foundation information sheet for interviewees’](#) (contained in appendix 2) which sets out our recommendations for supplying their evidence. All interviewees have received these guidelines but should be reminded of following key points during the introduction:

- Interviewees should not attempt to answer any questions which fall outside of their expertise or about which they have insufficient information
- Interviewees should make clear if the information they are providing is based on direct experience or other evidence throughout the interview
- If interviewees have obtained the information from other sources they should make sure they confirm where they obtained that information
- Interviewees should not withhold any information on the basis it may detract from their view, rather if interviewees are aware of information conflicting with their views, they should be asked to acknowledge it and explain why their opinion departs from this information.

Before launching into the questions, the interviewer should double check how the source wants to be referenced in the final report and whether or not they would prefer to be anonymous. The interviewee will have already indicated this in their Confidentiality and Anonymity agreement, so this serves to ensure that interviewees are still in agreement with what they initially indicated.

Once the introduction is over the interviewer may commence asking questions, working through the questions in a structured and methodical way. Whilst doing so, volunteers are asked to pay attention to the following points on interview techniques:

- Ensure that your manner remains impartial at all times. Do not use 'leading questions'
- Be mindful that certain topics might be sensitive to ask
- Do not be afraid to interrupt! This may mean asking for clarification or politely suggesting to move on to the next question if the interviewee goes off topic or it becomes apparent they do not have the appropriate expertise or sufficient information to speak authoritatively on the topic
- If it is unclear what information the interviewee is basing their statements on, seek clarification

The EU common guidelines states -

"Additionally, it may also be useful to ask a respondent to clarify or give more factual background to support a statement. This will often be the case where a declaratory statement or Policy position has been given on a particular topic. Requesting additional factual information to back up a statement or position will help give a clearer perspective or a rationale to what has been said, and may also remind the respondent why they have a particular viewpoint. In some instances it may challenge their own assumptions or bring out any potential bias or advocacy on the part of the respondent in a neutral, non-confrontational way." (Pg 20-21)

In the interest of source validation, ask the interviewees to identify where any information they rely on can be found by our researchers after the interview.

Step 9: Citing the interviews and writing up the full report

After each interview, the interviewer will transcribe the recording in full and verbatim, with only very minor adaptations being made to enhance comprehensibility. Interview transcripts will be saved under a unique reference number, rather than using interviewees' names if requested. The document which links interviewees' names to each unique reference number will be password protected and only accessible to project staff. This transcript will then be returned to the interlocutor, giving them 14 days to sign it off. This transcript should then be sent to the project coordinator which will be appended in full in the report. If the interviewee wishes certain excerpts to be made anonymous, they will be cited as such in the body of the report and not included in the appended full transcripts.

The report drafters will select relevant excerpts from the interviews and present these under the corresponding research headings in the report alongside the findings from the desk review. The coordinator should use this opportunity to add any additional COI that was mentioned in interviews and then make any further edits to the report, ensuring that the following points have been addressed:

- General formatting should be in line with Asylos's 'research handbook'
- Each source should be introduced separately with a concise summary identifying any patterns in convergence or disagreement in the sources consulted, rather than summarising the content of the sources
- Ensure the list of sources consulted is complete, with access links and information about when the sources were accessed (this is crucial for the user of the report to trace back the original source)

- To further aid transparency it is crucial to provide page numbers for each excerpts to facilitate access to the original source
- The final report should include a note on who instructed the interviewees and when (month and year), and a list of the documents the interviewees were provided with
- A full transcript of each interview should be included as an appendix at the end of the report, excluding any excerpts that the interviewee wished to keep anonymous
- Fully anonymous interviews are included as an appendix without any further identifying information

Following final edits, the report will be sent to ARC Foundation for review. ARC Foundation will use this opportunity to revise and update the findings from the desk based research. Once ARC Foundation have made their edits, the full report will be sent to each stakeholder detailing how they have been cited, with a copy of their interview transcript / written submissions, to sign off. Stakeholders should be given a 14 day deadline for this, after which we will assume that they are satisfied.

Once the report is published, interviewees can no longer withdraw but we will be able to make additions by issuing addendums, should they wish to provide more up to date sources or information which was not previously available to them.

Step 10: Dissemination

Once the report has been signed off, the UK Project Coordinator will be responsible for publishing it on Asylos's and ARC Foundation's website, ecoi.net, Refworld and EIN (Electronic Immigration Network). Efforts should also be made to promote the report through sharing the report via the RLG mailing list and other platforms such as the RMCC (Refugee and Migrant Children's Consortium). The coordinator may also consider promoting it through written blogs on websites such as Free Movement and EIN.

Step 11: Evaluation of impact

This information will be made publicly available to all, so that it can be reviewed and used by asylum seekers, Home Office case workers, legal representatives and appeal court immigration judges alike. The reports will be accessible internationally, meaning they will also be used by and influence institutions like the UNHCR and European Asylum Support Office, as well as decision makers in other countries' asylum determination systems.

Asylos will track progress and impact throughout the project cycle by:

- Recording the number of downloads from its website and asking ACCORD for data from ecoi.net
- Collecting feedback from Asylos' networks of legal representatives to review how well the report met the information need we identified, as well as how the report has been used.

ARC Foundation will be responsible for measuring impact by:

- Recording the number of downloads from its own website
- Consulting members of the international [COI Forum](#) which it moderates and its [COI Update](#) subscribers to review how well the report met the information need we identified, as well as how the report has been used
- Tracking how the reports have been used by decision makers (e.g. in Home Office policy documents, UK case law, EASO reports).

Learning will be fed back into the project on an ongoing basis and an evaluation of its overall impact will be shared with interested stakeholders on its completion.

Further reading:

- [Tribunal's Practice Directions on instructing experts from the outset](#) (Section 10)
- [Best Practice Guide on expert country evidence in asylum procedures](#)
- [EU Common Guidelines on Joint Fact Finding Missions](#)
- [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#)
- [European Asylum Support Office's research guidelines, Country of Origin Information report methodology](#) (note that a revised methodology is due to be published soon)
- [ACCORD COI Training Manual](#)

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5. Interviews

Hoa Nguyen, trafficking specialist, 21 October 2019

Anonymous INGO [International NGO], 18 October 2019

Bernie Gravett, Anti Trafficking Expert Specialist Policing Consultancy, 1 November 2019

Hong Thi Tran, trafficking researcher, 16 November 2019

Debbie Beadle, ECPAT UK, 20 November 2019

Georges Blanchard, Director of Alliance Anti Traffic, 21 November 2019

To view interviewee biographies and transcripts see Appendix [C. Interviewee Biographies and Transcripts](#).

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C. Interviewee Biographies and Transcripts

Disclaimer: Please note that all interviewees have provided their own biography details. These have not been authored by Asylos / ARC Foundation and, as a result, they do not follow a standard format and we are unable to take responsibility for any errors or inaccuracies.

C.1. Biographies

Hoa Nguyen

Hoa Nguyen-Adam is an International Development and Anti-Human Trafficking Specialist with almost 20 years of professional experience in migration and mental health issues. Hoa has worked with various Anti-human trafficking programs and in international development, working in more than 10 countries since 2000.

Hoa specialises in assessment of manufacturing supply chains' exposure to slavery and forced labour, business & human rights, and responsible sourcing in global supply chains, survivor empowerment, capacity building, anti-slavery research and mental health issues in Africa and Asia. Hoa is a United Nations certified stress counsellor in international development and community-based development programs having worked as a mental health consultant for several UN-bodies, MSF, international organisations and businesses.

Hoa has been consultant and advisor to The Global Fund to End Modern Slavery (GFEMS), IOM, UNODC and ISSARA, an organisation tackling issues of human trafficking and forced labour in global supply chains through data, technology, partnership, and innovation. Her work has taken her to many countries, including Zambia, Ethiopia, Qatar, Myanmar, Indonesia, Thailand, Malaysia, Vietnam, Laos, Cambodia and China. Hoa also worked as victim protection consultant for United Nations Inter-Agency Project on Human Trafficking (UNIAP) from 2008 to 2013. Hoa worked with Medicines Sans Frontieres (MSF) as the mental health consultant for HIV/AIDs programs in Zambia and was responsible for setting up the mental health/victim support program for survivors of the 2004 Tsunami in Banda Aceh, Indonesia.

Hoa has authored some international publications on human trafficking and gender-based violence and holds an MSc degree in Social Work with United Nations certification as a stress counsellor. With her considerable geographical experience in dealing with mental health, human rights and slavery issues in Africa and Asia, Hoa offers NGOs, businesses and International Organisations a highly personalised, sensitive consulting and advisory service.

Anonymous INGO

A representative of an INGO with offices based in Vietnam that supports women and children who have fled domestic violence and human trafficking.

Bernie Gravett

Bernie Gravett is a retired Superintendent from the Metropolitan Police. He completed 31 years in the police service in April 2011. He is a Senior EU Expert in combatting transnational organised crime, child sexual exploitation and trafficking in human beings.

Bernie is also an expert on the Europol AWF Intelligence system and an accredited Eurojust expert on Joint Investigation Teams and Mutual Legal Assistance.

Bernie has advised the Home Office, the Foreign & Commonwealth Office on international organised crime, and trafficking of human beings. He has presented at the International Crime Symposium at Cambridge University and at a number of NGO forums across the UK. He has developed training and capacity building for law enforcement agencies across a wide range of subjects that has been delivered to the UK Serious Organised Crime Agency, UK Police forces, CEPOL, Europol, Interpol, Eurojust, IOM, ICMPD, OSCE, the UNODC and TADOC. He is a contributing author of 3 books on human trafficking and international organised crime.

Bernie has personally developed and delivered capacity building and training in a wide variety of locations including Azerbaijan, Belgium, Bosnia Hercegovina, Bulgaria, Holland, Laos, Moldova, Oman, Romania, Spain, Syria, Thailand, Turkey, Uzbekistan and Ukraine.

He provides expert witness evidence to the courts on behalf of criminalised victims of human trafficking, both in the UK at through to the European Court of Human Rights.

Bernie has been a contributing author to three books focussing on combatting organised crime and human trafficking. These are “The Human Trafficking Handbook” (ISBN 978-1-4057-6559-6. Butterworths 2011), “Using Open Data to Detect Organized Crime Threats – Factors Driving Future Crime” (ISBN 978-3-319-52702-4. Springer International Publishing 2017), and “Human Trafficking and Modern Slavery Law and Practice (ISBN 978-1-78451-993-9. Bloomsbury Professional publishing 2018).

Hong Thi Tran

Hong is a junior-level migration expert and researcher with more than six years’ experience working with different international organisations. She holds a broad range of thematic and programmatic background including in the fields of migration, human trafficking, and development.

Debbie Beadle

Debbie Beadle is Director of Programmes at ECPAT UK. Debbie’s work life for over 15 years has been dedicated to child protection and youth participation and has worked both in the UK and Internationally. Debbie initiated and leads ECPAT UK’s award-winning youth programme for trafficked children and young people where she has supported victims since 2009. She has also produced leading research into child trafficking in the UK and has developed training for professionals in how to safeguard vulnerable and exploited children. Debbie is a qualified child therapist and consultant on creative projects with vulnerable children. Debbie has recently completed research with children living in refugee camps across the world about the effectiveness of education and also research on the vulnerability of people trafficked from Vietnam to Europe.

Georges Blanchard

Georges Blanchard is the director of the Vietnam-based NGO, Alliance Anti Traffic. He co-founded this organisation in 2001 who work with victims of trafficking, sexual exploitation and sexual abuse. Please see the [website](#) for his biography.

C. 2. Interview transcripts

Interview with Hoa Nguyen, trafficking specialist, 21 October 2019

Laws in practice

How is someone identified as a victim of trafficking, so as to be able to access shelters/programmes, etc. for victims?

So in Vietnam according to law 66 (2011) / qh12, the law identifies the VoT when they have been transported for purposes of sexual exploitation, slavery and forced labour. This law is under the civil code.

Are the existing set of laws and policies in relation to the identification of victims of trafficking effectively implemented? Please specifically state which law or policy you are commenting on.

The problem in Vietnam is that only the police can identify someone as a VoT. Sometimes I see amazing programmes available for VoT but when victims arrive in Vietnam they aren't being identified by police as VoT. So there are all these programmes but they can't access it. There are many cases like that. Under Vietnam Anti-trafficking law, the identified victims will get financial support as well as other services such as job, vocational training, health care, legal aids... however, I have not seen any case get through the procedure to claim this support due to many obstacles such as no transport, long distance, communication issues, stigma, personal and family issues.

Only a few police can identify the victims and they are only identified in big cities. Office 130 in the MPS is coordinating with other ministries to form this National Taskforce. MPS is the ministry of public security. Office 130 (C45) is the national anti-trafficking Taskforce. Then this leads to re-trafficking. Traffickers come back to the village and come take the victim again. NGOs have very little authority to do anything about this. Even if NGOs have connection with the Women's Union and with people working with MOLISA. You see the numbers identified as VoT is a very small number.

Do you think there is a different approach in implementing these laws and policies with regards to identification in relation to:

Female victims of trafficking

Male victims of trafficking

Children victims of trafficking

First for the UK programme, the government has good relation with Vietnamese govt. They should make sure all victims identified. When victims come back from UK they should be assessed as VoT. But at the moment i dont see this happening. There is a poorly addressed approach for male VoTs.

Are the existing set of laws and policies in relation to the protection of victims of trafficking effectively implemented? Please specifically state which law or policy you are commenting on.

The government doesn't have the budget to implement services. Some victims being identified by the Malaysian government, when it comes to repatriation, the Vietnamese government doesn't have an embassy here, or the funds. The Malaysian government doesn't have money to pay for the victims to go home. NGOs have to pay. When victims go home they often don't go through the government system and then they get re-trafficked. Some cases we know are re-trafficked straight away when they get back to the airport in Vietnam or back to their families. Protection is loose and not strong. Many victims become traffickers and they come back and bring more victims for the traffickers. I've been working for years with the Vietnamese government and there is always staff turnover.

Recently in the last few years we brought victims back through AAT and Pacific Links and recently they have run out of funding and they can't help return the victims from abroad such as those trafficked to Malaysia.

Do you think there is a different approach in implementing these laws and policies with regards to protection in relation to:

Female victims of trafficking

Male victims of trafficking

Children victims of trafficking

In Vietnam it's still all about females. First law, only female is VoT. Only focus on sexual exploitation. But now they started to revise and that forced labour can be trafficking victims. Most of the shelters are for female victims, I haven't seen any male shelters.

State protection

Do you consider the police in urban settings (i.e. cities) to be able to provide effective protection to victims of trafficking?

Police are very important, they can identify the victims and give them a paper to be able to access services and protection (even children and family). Police have good connection with nationwide shelters. One letter from the police to the Women's union can make access to protection very effective. Police in Vietnam have a very important voice.

Do you consider the police in rural settings (i.e. villages) to be able to provide effective protection to victims of trafficking?

You have to contact the right police, the police on anti trafficking know where to refer and have the authority. Police managed to bring a victim home and make sure she is protected in village. Found another relative to keep her safe, with village leader to help her settle down and keep eyes on her. Her family were the ones who trafficked her. Many families have no idea they are selling family member into trafficking.

Police will educate families about trafficking and they don't prosecute the families in many cases.

Is there a different approach by the police in how they provide protection to:

Female victims of trafficking

Urban vs rural

Male victims of trafficking
Urban vs rural

Children victims of trafficking
Urban vs rural

Returned victims of trafficking

Police and often service providers in many cases stigmatise the victims, especially the ones who are sexually exploited/ work in prostitution. Most of the police working on this are male. They have difficulties to empathise with the female and child victims. In rural areas the taskforce has low budget and capacity to reach to victims and families. Most of the services for victims in urban and big cities, so it is difficult for victims from rural and remote areas to access these service. Many victims told me that they have to follow many rules and conditions to access the services, they also have difficulty to trust the service providers.

From our desk-based research we understand that government officials are complicit in trafficking offences. To what extent are local police officers and airport/immigration officials involved or complicit? If possible, please detail their specific role in any involvement.

I haven't seen police officer in this. But i have seen diplomat involved in this. I was helping a girl to come back. A Vietnamese diplomat promised to buy tickets back for her but her money was taken and ticket never bought. Referred to police task force, then police investigated and diplomat sent back home to Vietnam.

Point of return

We want to better understand what happens once recognised victims of trafficking by the UK National Referral Mechanism (NRM) are returned to Vietnam.

Are victims of trafficking as identified by the UK NRM automatically accepted as victims of trafficking by the Vietnamese authorities?

If yes, what happens next? Can you guide us through the process once a recognised victim of trafficking from the UK is handed over to Vietnamese authorities at the airport [e.g. Who are they handed over to? Do airport police/immigration officers know these are victims of trafficking?, Where are they brought to after the airport? Are they provided with any form of financial support at that point?]

If not, what is the process by which a UK recognised victim of trafficking but returned as a normal migrant be able to access shelters/programmes, etc. for victims of trafficking? [e.g. Are they provided with any form of financial support or emergency/temporary form of accommodation?]

When victims return to Vietnam, most of the victim identification at destinations are not accepted in Vietnam, therefore, even victims are identified by the UK government will have to be re-identified by the Vietnam authorities. The cannabis farm victims are not being identified as VoT in Vietnam. Most of the victims in this case do not cooperate with the authorities. The victims also avoid being identified as victims. Same with the case of returns from Russia. All these victims are not identified as VoT. What I noticed is that, shelters are for women and vulnerable children. The last few cases, end of last year, these cases because high numbers suddenly arrived and the shelters were overloaded, they found cheap hotels for victims to stay. Most victims are from remote areas so it's far for them to travel from the airport. NGOs ask if victims want to stay in shelter. But most don't want to. They see it as somebody else's house, and they just want to go home to their families. The problem is providing legal service, job opportunities etc. is hard because the victim can be far from the shelters which provide these services. Take up of services is low. Most victims go and disappear and that is problem of re-trafficking because we don't know where they go.

If they are not automatically accepted as victims of trafficking by the Vietnamese authorities, what are the risks involved of being re-trafficked or facing further exploitation on return? What is the likelihood?

If they are not recognised as victims of trafficking, the first thing is that they are at risk of not receiving services. They also don't get educated about what happened to them. It is a huge risk, don't forget the people who trafficked them, 70 per cent of people know them - family members or friends. Trafficking is voluntary or forced - voluntary they think it's a favour. A girl that I helped said: "My husband take me to sell sex and he loves me very much". "My husband takes me to sex shop to sell sex but he came back to get me and he still loves me". It takes a long time to educate victims.

Returning to place of origin

Do returned male victims of trafficking face any

Stigma or discrimination by their families?

Stigma or discrimination by their community and wider society?

Male yes-most of them. We have a few tv programmes about people who return- because of forced labour. Some of them are trafficked but they won't even accept they are trafficked, they say "no I earned some money".

People who return to their village claim they are successful even if it's not the case because of the stigma. Their family could try to not say anything about how they have to pay off the loan and are indebted. And try and sell off their house to pay for the debt without asking for help.

In the law, only women can go to the Women's Union but it's not acknowledged that males can be victims or even sexually abused/ exploited- nobody talks about that and it is not addressed.

Do returned female victims of trafficking face any:

Stigma or discrimination by their families?

Stigma or discrimination by their community and wider society?

Is there an enhanced risk of stigma or discrimination by their families if they are returning as single/lone mothers?

Is there an enhanced risk of stigma or discrimination by their community and wider society if they are returning as single/lone mothers?

Any victim that has come home are stigmatised because they have been sexually abused and lost their virginity. I have victim returned by IOM, she was successful back in Vietnam and earned money but one day she went back to her trafficker. She said "I have money but I don't have a boyfriend in Vietnam so I want to go back to where people love me and value me."

Do returned children victims of trafficking face any:

Stigma or discrimination by their families?

Stigma or discrimination by their community and wider society?

Children in Vietnam, we have one of the departments in MOLISA is very big that only works on children. They return well but problem is that in Vietnam they don't take seriously sexual abuse of children. No specialised service for recovery for abused children. See children come back to their perpetrator and are vulnerable to being trafficked again.

Cases in the UK you see 3 generations going all together. Easy to convince whole family to go. People who go they sell their entire house to go - £5000 for one person to get there.

Shelters offered by the state for male victims of trafficking

We understand from our desk-based research that no government shelters exist for male victims of trafficking. Can you confirm whether that is correct?

Yes up until now- i haven't seen any male shelters.

If there are no shelters for men, are there any alternative accommodation provided by the state?

In Vietnam, there are social protection centres- they exist in every province. They're run by MOLISA. Police normally bring victims straight from border to this shelter- but this shelter is for everyone eg. handicapped, mentally ill, vulnerable children, vulnerable women.

They are quite big, but problem is capacity- most of the staff don't understand about trafficking so they don't know how to help the victims.

If such government shelters or alternative accommodations do exist, do you know:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact?[i.e. can it cover the demand]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

In law they can stay until they can return to hometown. They provide accommodation and medical care. Women's Union provide counselling. But these shelters don't connect and work with NGOs. I met the shelter manager at border of Vietnam and China and used to call victim 'prostitute' in a derogatory slang term. He was blaming the victims - lots of staff don't have the training and stigmatise the victims.

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Not very secure, when we enter they just open the gate for you, they don't ask if you have an appointment. The shelter is huge they sometimes accommodate 1000 people.

Are there any known barriers to accessing this accommodation?

Shelters offered by NGOs for male victims of trafficking

If your organisation provides shelters for men, can you please elaborate on:

Some NGOs provide shelter for men, for example for street children but also accommodate young men but none specifically for victims of trafficking. Some shelters are for males who recover from drug use, and males who take ARV for HIV run by NGOs. But trafficking victims often don't want to stay there. For many victims, go home to Vietnam and stay in shelter means that you have a problem and everyone can see it, this hits their self-esteem, especially for men... these shelters don't have specialities to assist male victims appropriately.

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. can you cover the demand]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do you face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

If your organisation does not provide shelters do you know about other shelters offered by NGOs for men and if so:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. is the demand covered]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do they face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

Shelters offered by the state for female victims of trafficking

We understand from our desk based research that government shelters exist for female victims of trafficking. If that is the case, do you know about:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. can it cover the demand]?

What the intake criteria are?

How long the individuals can stay on paper and for real?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

Most of the victims when identified by the government, are put in the social protection centres. They have one specialised for Trafficking victims called Peace House run by Women's Union located in Hanoi. This shelter provides for women and children only. Only severe cases, very traumatised and have no place to go, they stay here. General victims want to go back to their hometowns. Maximum accommodate 20-30 victims. A lot of problems in terms of capacity and capacity of staff. The Women's Union don't have much capacity for case management and to deal with trauma. A lot of Vietnamese trafficked victims are sold for forced marriage and many cases before Women's Union were involved.

At the shelter their identity is protected, there is security 24/7- better than protection centres. Some victims are sad where they feel locked up again. They don't feel free and have programmes where they can recover from their trauma. They offer accommodation, vocational training, legal aid, job opportunities and medical help, counselling.

Shelters offered by NGOs for female victims of trafficking

If your organisation provides shelters for women, can you please elaborate on:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. can you cover the demand]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do you face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

2 NGOs are active- AAT they have one shelter in Ho Chi Minh city and Pacific Links have shelter in An Giang and one in Lao Cai. Again with these shelters, I'm not really sure how much they can survive- when they have funding they are running, but when they don't they are closed. Totally unpredictable. With NGOs they run like a family, you don't know how effective they are- they are not run by ethical standards by UN or ILO/ UNODC so you totally don't know, it's just behind their closed doors. There is lack of transparency and staff capacity to work with VoTs. I have put a few girls into their shelters and actually after I returned there was no information about the girl at all. I want to check how things are going and it's like they disappear into blackhole so it's very worrying.

If your organisation does not provide shelters do you know about other shelters offered by NGOs for women and if so:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. is the demand covered]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do they face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

Shelters offered by the state for children victims of trafficking

We understand from our desk-based research that no government shelters exist for children victims of trafficking. Can you confirm whether that is correct?

Children are normally put with women in social protection centre. Children of trafficking victims would stay there. Peace house also protect children.

If there is no such shelter is there any alternative accommodation provided by the state?

If such government shelters or alternative accommodations do exist, do you know

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. can it cover the demand]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

Are these shelters adequate for the specific needs of children?

Shelters offered by NGOs for children victims of trafficking

Little Rose Shelter they protect trafficked children.

If your organisation provides shelters for children, can you please elaborate on:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. can you cover the demand]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do you face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

If your organisation does not provide shelters do you know about other shelters offered by NGOs for children and if so:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. is the demand covered]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do they face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

Reintegration Programmes offered by the state for male victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by the state for men outside of shelters?

I haven't seen any specific reintegration programmes for men but in the law it says men who are trafficked are able to access victim's assistance from social protection centre. Social protection centre will provide services like basic needs, medical and legal assistance. Vocational training and job placement for the victims. First they have to get victim identification by the special police in Vietnam to be able to access the programme. I have helped some male VoT but when they come back to Vietnam they aren't recognised as victim and they don't want to seek help and I've seen them go back again to Malaysia.

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Reintegration Programmes offered by NGOs for male victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by NGOs for men outside of shelters?

AAT and Pacific Links, Blue Dragon do a lot of awareness raising. One Vision, ILO and IOM. Everyone in this network try to do it. All these real cases, coming back they don't say about their real problem of going overseas. NGOs are people from city, you go to highlands and don't speak dialect and all these programmes don't go to the right people in the highlands which is where most people get trafficked.

Pacific Links gets lots of money on raising awareness but a lot of people meet their traffickers on social media- Wechat, Whatsapp, Facebook. I never see any NGO or govt official interview victims about how they got trafficked.

The government have statistics but don't want to publish it because they are afraid that it makes the state look bad.

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

Funding situation

What happens once the end of the service provision has been reached?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Reintegration Programmes offered by the state for female victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by the state for women outside of shelters?

Victims have to be identified by special police task force first. Most victims don't get recognised. Services include- accommodation, if case goes to the court they can get compensation. Rarely see any case being prosecuted, because often it's related to their family and none of the VoT want to prosecute a family member. Ends up some cases being re-trafficked because of this. They do get legal aid. Again reintegration service in Vietnam is extremely stigmatised. When police identify and interview you it's a very humiliating process. This is shared by many victims, they are afraid of the authorities and in their trafficking experiences, it was difficult to trust the police and they are traumatised by the authorities and service providers. They need to be aware of how to communicate and empathise with victims

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

What happens once the end of the service provision has been reached?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Reintegration Programmes offered by NGOs for female victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by NGOs for women outside of shelters?

NGOs try their best to be like social workers. They communicate well, receive the victims, sometimes they buy tickets for them. But when victims stay in shelter- they try to provide education, counselling, vocational training, psychosocial support, but again the quality of the service is poor in terms of training and staff turnover is very quick. Follow up is a big issue , according to the UN the rule is that victims should be followed up for 3 years after returned, but none of the NGOs do proper follow up for 3 years. Most of the shelter programs and services for victims are designed by service providers which in many cases are not based on the victims' needs or evidence from trafficking experiences.

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

Funding situation

What happens once the end of the service provision has been reached?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Reintegration Programmes offered by the state for children victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by the state for children outside of shelters?

Department of child protection, in MOLISA, they follow government procedure. They provide education so children victims get more protection and service than adults. In social protection centre they provide good service for children - but don't specialise in trafficked children- they don't empower them, and don't follow up the case and try to prosecute the trafficker. In vietnam huge issue, 70 per cent of trafficked people are trafficked by a family member or friend.

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

What happens once the end of the service provision has been reached?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Reintegration Programmes offered by NGOs for children victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by NGOs for women outside of shelters?

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

Funding situation

What happens once the end of the service provision has been reached?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Internal relocation

Place of suggested internal relocation

We want to find out more about the concept of 'freedom of movement within Vietnam' - Can one person move away from its region of origin to live and work in another region?

Yes they can but for children but there needs to be consent by family or guardian.

Are there any difficulties a Vietnamese male victim of trafficking may face if attempting to relocate and settle into a different area? Especially in relation to:

Securing accommodation?

Finding employment?

Accessing health care?

Registering for the household registration system ('Ho Khau')?

Are there additional barriers to the above if the male victim of trafficking returns without family support or networks?

Stigma or discrimination by community and wider society?

Victim doesn't want to stay in shelter, and if they want to stay in another location, they cannot access the location. I don't think they have much choice in the location. They can leave but won't get access to services.

Are there any difficulties a Vietnamese female victim of trafficking may face if attempting to relocate and settle into a different area? Especially in relation to:

Securing accommodation?

Finding employment?

Accessing health care?

Registering for the household registration system ('Ho Khau')?

Are there additional barriers to the above if the female victim of trafficking returns as a single/lone mother?

Are there additional barriers to the above if the female victim of trafficking returns without family support or networks?

Stigma or discrimination by community and wider society?

A lot of female victims they relocate to other locations because of the stigma. If they come back to their hometown and they don't feel comfortable, they end up moving to the city. Again even moving location, faced with huge stigma from their family. If you tell a work place you are a trafficking victim many won't take you.

Are there any difficulties a Vietnamese child victim of trafficking may face if attempting to relocate and settle into a different area? Especially in relation to:

Accessing accommodation (e.g. orphanages, children's homes)?

Accessing education facilities?

Accessing health care?

Registering for the household registration system?

Stigma or discrimination by community and wider society?

I haven't seen a case where children have difficulties to access medical or health care, but education yes. In Vietnam the system is that if you are born in province you have to study in province. Children staying in social protection centre, they have to go to special school not normal school so difficult to reintegrate into normal society again. Unless they have money to pay for private school.

We found some older sources documenting the difficulties a person might face if moving to a new area but is not registered with the Household Registration System. What are the current consequences for not registering with the Household Registration System?

Does this differ for:

Men

Women

Children

For children, it is difficult to get to school. Parents have to pay a huge amount to get a different kind of paper to get into school. For parents difficult to access social security- social services, medical services, housing support in that location. Stigma of local authority to community they could not engage them in activity - or give them a hard time to pay higher rent/ electricity.

UNFPA have good report on internal migrants in Vietnam.

Re-trafficking

Place of origin

What is the risk of re-trafficking or further exploitation on return to their place of origin for victims of trafficking? Are you able to tell us about any case studies or know of actual numbers?

Does this differ for:

Male victims of trafficking

Female victims of trafficking

Children victims of trafficking

I don't see statistics in re-trafficking. Very few reports talking about this. Myself I have seen some cases of re-trafficking. Another girl came back and I sent her to AAT and she was re-trafficked here in Malaysia and after 3 months I saw her come back she said "I have a lot of savings but in Vietnam there is nothing in my village, but in Malaysia I have more here." I am sure the number is huge, and reintegration there is a huge stigma and poor capacity of reintegration. Hard for people to access services and easy for people to be re-trafficked again.

How likely is it that returned victims of trafficking will be traced down by their original traffickers if they return to their place of origin?

Here in Malaysia it is very high, female are trafficked for sex work. Trafficker are willing to pay huge amounts of money for them to come back to work.

I heard that when they come back, they are normally sent by some agent and they are afraid because they have connection with trafficker. They face problem of having to come back and pay for debt.

Place of suggested internal relocation

If a victim of trafficking were to internally relocate away from the area in which they were originally trafficked, do you think they could still be at risk of re-trafficking? Are you able to tell us about any case studies or know of actual numbers?

Does this differ for:

Male victims of trafficking

Female victims of trafficking

Children victims of trafficking

Yes even being returned to the airport, they are at risk. Corruption in Vietnam very high, so even at risk from people who return them.

How likely is it that returned victims of trafficking will be traced down by their original traffickers if they relocate to a new place?

Sometimes it's also complicated, victims when they stay with their traffickers they get attachments such as Stockholm syndrome in some cases. Particularly children are loyal to the traffickers, and especially females. When they come back they are even more loyal to the traffickers. I see that victims are more dependent on traffickers. I have a lot of cases now that traffickers are using many methods to control the victims, such as traffickers send victim once a week card or flowers, buy victims new clothes and even give them new smart phones. I had a victim who made a list of "friends" including their traffickers and they have been terrified by and hate the law enforcement. Depends how manipulated they have been by the traffickers. If they have been manipulated then we have little chance to reintegrate them.

Likelihood of re-trafficking

What factors do you believe make a victim of trafficking vulnerable to being re-trafficked on return?

Lack of Information and awareness, lack of education, their recovery. Eg if they are sex trafficked and have stockholm syndrome it will take years for them to recover from this.

Do you think these risk factors may apply to returnees who have not previously been trafficked?

Yes if they are not educated and poor. I ask girl what do you need to be happy and stable at home, she said just education for my kid.

What might happen to returned victims of trafficking if they have unpaid debts to their traffickers?

Does this differ for:

Male victims of trafficking

Female victims of trafficking

Children victims of trafficking

Normally the traffickers will go ask the family to pay back the debt. When victim goes abroad and come back, traffickers threaten the family. We have to inform the police and we have to work with local authority for the police to provide protection.

Trafficking networks

Are there well-known established criminal networks traffickers operate in or trafficking gangs?

If so,

How many are there?

What is their reach and extent?

What means do they have at their disposal?

What is their strategy/modus operandi of tracing an individual?

How well interconnected with other criminal networks are they?

How well connected with the police are they?

What would they do once they've located an individual?

Over the years I have seen small companies, and a few individuals. I don't know the numbers of traffickers. They make use of their network in Vietnam and network of people who they manipulate. They say I will pay for your tickets for you to go back to Vietnam and you bring back more family members. If they don't cooperate they will say fine we will send you back to Vietnam but you have to send over more people.

Zalo is like Whatsapp , v popular in Vietnam- they even sell their picture on these groups. Traffickers are so fast now, if victims agree to come to Malaysia, they just give them three days for somebody in their village to make a passport, and then traffickers then buys tickets and they are in Malaysia on 4th day.

Are there known cases where traffickers have had access to records stored in the household registration system or have had access to records held by the Ministry of Labour and Social Affairs (MOLISA) - the authority responsible for holding records of those identified as victims of trafficking?

No not in Vietnam, but I have heard traffickers have list of young girls in Vietnam of which girls turn 18 and go there and recruit the girls. How do they get these lists? Must be from the authority. Normally village chief/ local authority would have a list of residents with ages .

Are there any other risks or difficulties that Vietnamese men, women or children victims of trafficking may face when attempting to reintegrate on return to their home areas?

The key is that they have difficulties to access the services that government has written in the law. Not only because of stigma but because of system. It might be 500km distance to go to city to get a paper to be able to work again, they might not have money to travel that far. Big stigma between rural vs city - rural people are stigmatised when they come to city to get papers. Local authorities or government authorities just laugh at them - they have different dialect and in Vietnam we have 61 ethnic minority. People from minority they are not Khin but other Hmong, Tsao they speak different dialects and look different and they are often discriminated against.

General

Sources report that some victims of trafficking do not want to be identified as victims of trafficking by the state or be recognised as such by their family/community. Can you provide your opinion as to the various reasons behind this?

It's a huge issue, most of the cases that I help and come to see them in their community they always try to say "you are my teacher" don't say that you helped me because I am a victim of trafficking. The word alone "victim of trafficking" in Vietnamese it describes someone who has been cheated, it's a very disempowering term, and stigmatising. The media describes VoT as people who are stupid. If they are married and returned, their spouse divorces them. Even people who provide service to them stigmatise them. They lack information, they think VoT is a criminal, so VoTs are scared to admit it so they hide it.

Is there anything else you would like to cover or add which has not been covered by these questions?

Make sure that UK cooperate more with Vietnamese government to reintegrate. They don't really facilitate with specific cases. They hand over to NGOs. If you refer the case, how do you ensure the quality and the service and recovery of the victim, this is key.

Interview with a representative of an International NGO, 18 October 2019

[Note that this interview was conducted through simultaneous translation by a colleague of the representative on: 18/10/19]

Laws in Practice

So the first section is about the laws that exist around trafficking in Vietnam and how they work in practice.

First the agency of Vietnam apply the trafficking law is very good in practice. First they have to identify the real returned victims. If victim is identified and recognised as human trafficking victims the following steps can be applied very strictly and effectively.

How is someone identified as a VoT so they are able to access shelters or programmes for victims?

For example they first have to, the victims will receive a certified paper from a rescuer or police border to local authorities.

Are the existing set of laws and policies in relation to identifying victims of trafficking, are they implemented effectively?

Yes the law apply rather effectively.

In what way?

For example, the survivors or the victims can access the shelters and basic services and also can be keep some confidentiality. And also can be provided some economic empowerment opportunity, job opportunity. If they have the need, when they return their local authority or sometimes they are supported to claim some personal papers if they have lost those papers.

Do you think there is a different approach in how these laws are implemented with regards to female VoT, male VoT and children VoT? Do you think there's a different approach?

There are some differences. There are some different approaches in relation to male, female or children. For example the authorities who work on these sectors they are trained in terms of gender and children's law. So they [local authorities and state service providers - "Many like police borders of centres of social work. Provincial centres of social work. Police, local authorities at the local commune or village level"] apply, for example male or female that are received in different shelters, or the children victims will be applied according to the children's law, something like that.

And the way they work, the way they get information or questions to the victims, those three groups are also different so they can avoid re-traumatisation.

And they also provide some different information for different groups related to male, female, or children and they can connect them with different networks appropriately to support the three groups differently.

Do you think the existing sets of laws and policies related to the protection of victims of trafficking are effectively implemented?

Laws and policies related to the protection of victims of trafficking are effectively implemented. However, it depends on different locations. For example in remote and poor areas, because the Local authorities lack the mechanisms and the equipment to support for the victims is also very poor so it's different in terms of location.

State Protection

Do you consider the police in urban settings able to provide effective protection to victims of trafficking?

Yes, the police in urban settings can provide more effective protection rather than in rural settings.

Do you consider the police in rural settings able to provide effective protection to victims of trafficking?

Yes they still protect and can provide effective protection to the victims even if in poorer areas it might be more difficult but still effective.

Is there a difference in the approach by the police in how they provide protection to female victims of trafficking in the urban areas compared to rural areas?

Yes , because what she said that for Vietnamese we have the same law applied across the country, which means that in urban and rural, the mechanisms would be applied the same.

She said in the rural areas , it is very poor and difficult but they also have some satellite networks for the village leader and also the network of unions who can support the police to protect the victims.

Point of return

From our desk-based research we have read in reports that government officials can be complicit in trafficking offences. To what extent are local police officers or immigration officials involved or complicit in trafficking. If possible, please details their specific role in any involvement.

From so far, since her work until now she has never seen any case. So that the government official are complicit with the offender. She cannot provide any information on that.

Have you worked with anyone who has been returned from the UK?

Yes, X used to work with survivors from UK.

Are VoT that are identified in the UK automatically recognised as a VoT by the Vietnamese authorities?

Ok if a victim is identified as human trafficking survivor so firstly he or she will be sent to the centre of social work [social protection centre], where they come from and then after three days that person has to work with the police. And when they work with the police they will be re-identified if they are victims of human trafficking. They will be provided with information related to the rights of human trafficking survivor. And they will be provided with information on support networks. And during the time they stay in the centre of social work, they will be provided food and basic things. And they also provide a small amount of money to use public transportation to go back home.

How much money?

She doesn't remember how much money but usually enough to use the public transportation.

Transport to go back to their place of origin?

Yes

And if they are not accepted as VoT by the Vietnamese police, what are the risks involved of being re-trafficked or facing further exploitation on return?

They will not receive any support as human trafficking victims. Because they are just normal migrants.

So do you think that there are risks of being re-trafficked or facing exploitation on return if they are not recognised as VoT

HD: They will face many problems if they are not recognised as a victim of trafficking. Many risks, first of all having no legal papers. For example no passport or identity card. So if they have lost their identity card or passport, they have to stay in their old village for around a year and then after a year they can claim for another personal paper. If they do not have a personal paper they will face some limitations in travelling and access to job opportunities. They also face some difficulties in accessing education, etc, so many risks.

Returning to place of origin

Do returned male VoT face any stigma or discrimination by their families or by the community and wider society?

Stigma or discrimination depends on the community where they live. It also depends on the disclosed information. And it depends on the culture of different regions. It also depends on different communities, for example one community where there are many victims would be different to a community where there are less victims. However, Vietnamese generally are very generous and tolerant to the survivors.

So to clarify, would there be less discrimination and stigma in places where there are more victims of trafficking compared to a place where there are less victims of trafficking?

In fact, the risk to be more discriminated in the community with less victims.

So the same question applies to a female VoT, are there any enhanced risks of being a female or a single or lone mother?

Risk to be discriminated will be higher for female victims, especially for those who are already married. Normally the discrimination would come from the husband's family.

How about returned children VoT, do they face stigma or discrimination from their families or wider society?

Normally for children, no discrimination.

Shelters offered by the state for male victims of trafficking

A: We understand from the research that we have done that no government shelters exist for male VoT. Can you confirm whether that is correct?

So we have one shelter for male victims , but in fact she doesn't know if its working or not. Before it was a shelter for only for women and girls and now it belongs to the government and she doesn't know if it's open now. We only had one in the past

And that was run by the state?

Yes

Is there any alternative accommodation provided by the State for male VoT? If such government exist, could you tell me how many there are, their location, how many places there are available, etc.

She doesn't know about information about the shelter, neither about other shelter for male victims

Shelters offered by NGOs for male victims of trafficking

What about shelters offered by NGOs for male victims? Can you tell me if they exist, who run them, how many there are, their locations, any details about that please?

So she said that she knows one shelter for male victims that was located in Lao Cai province and she says that it contains 20 male victims in that house. That was a collaboration between one NGo and authorities in Lao Cai.

Do you know what kind of support services are offered at the shelter?

So she said that she is sure that there is a boy victim, but not sure if there are adult male in that house. But of course there is education and vocational training support for the victims.

Shelters offered by the state for female victims of trafficking

Now we will move onto government shelters for female VoT. Can you tell me about how many there are, what their location is, how many places are available, and what kind of services are offered.

The well known shelter for female victims is Peace House which is located in Hanoi. Besides we have the shelter in Lao Cai is also for women. So besides we have many place, they are not the shelter, they are the local place for the women who are victims. We are now starting build a house for the women in Kwaming province. That belongs to the government, and Kwa ming authorities are building a new shelter. She knows some place that we have the shelter, but she doesn't know in each of the 64 [sic] provinces in Vietnam. In each province they will have one or two shelters [social protection centres] provided by the government but it is not well known.

And the VoT go there rather than a separate shelter for VoT?

It depends on the law, when they are rescued from the trafficking the government will bring them to the social protection centre. They will have to be there, they have no choice, and they will try to find out their family and their home and they have to stay for 7-10 days there. So after the authorities have detailed information about the victims the government will send them to another specific shelter for only trafficking victims , like Hagar, like Peace House. So besides Blue Dragon, they have two shelters for VoT. They will not go through the procedure where they have to go to the province first but they will bring the victim directly to the shelters. The staff of the Blue Dragon will help them file the case and do the procedure later. The process is different.

So are you saying that the procedure is different if the VoT goes to a state shelter compared to a NGO shelter?

It depends who is the person bringing the VoT from another country. If the person is a staff of an NGO and so they will bring them directly to another NGO but if they are person like government staff or authorities they will take them to the province.

Do you know if there are any barriers to accessing this accommodation that is provided for women VoT by NGOs?

HD: The first difficulty is that we don't have many shelters in Vietnam. Most of the shelters are located in Hanoi. It is difficult for a VoT to come back to Vietnam and access the shelter in Hanoi because it is too far. So the victims are from a minority ethnic group and most of the staff working in the shelters are speaking Vietnamese so its difficult to speak a different language and have a different culture. Another difficulty is the psychology of the victims when they come back to Vietnam- they want to go back to their hometown to see their family , it is very difficult to keep them in the shelter, they try to escape.

Does X as an NGO have any shelters for VoT?

HD: Right now we only have one shelter, we call it an open shelter. This is where the victims are living by themselves without any staff to support them. We just support them elsewhere but there isn't someone to take care of them there, no guard or anything.

How many people can it accommodate?

Actually this house it is flexible because the current house we can only have 4 victims. Right now we don't have many victims who want to stay in the shelter, we only have 1 victim staying. But if we have more victims we can extend the size of the shelter.

Shelters offered by the state for children victims of trafficking

We found in our desk based research, there aren't any shelters offered by the government available for children VoT, can you confirm whether that is correct?

There aren't shelters for children right now, there is only Peace house for everyone. But not for children only.

So do children tend to go where there are shelters for women.

Yes the children, we have that place and anyone can come.

Are there any NGOs that offer shelters for children VoT?

We have everyone, not specifically for children.

Reintegration Programmes offered by the state for male victims of trafficking

Are you aware of any reintegration programmes offered by the state for male VoT?

The government has reintegration programme but its for men, women and children. So the programme doesn't focus only on men.

There's a kind of financial support programme. If the victim goes back to their home the government will provide some money like travel fee and they will give money to start a new business in their hometown. And programme to have an identity card and get documents that they need.

Do you know how much money is offered by the government?

It depends on the person and which province they come from but it's about \$120 per person.

Reintegration programmes offered by NGOs

What about integration programmes offered by NGOs. Are they different for male, female and children? Can you tell me about the kind of programmes that exist.

The NGO will help the victim write some report and they will help them on behalf of the victim and be the voice. They will help them access their right to education and work. Another thing is in each NGOS we will have a different kind of programme for the victim. In Hagar we have programmes for regional training for people to get the training before they go back to their home province. And like the government we don't have programme for one specific category of victim, we have for everyone.

Are you able to comment on the effectiveness and the success of the rehabilitation programme at your organisation?

At X we help individuals. We focus on comprehensive reintegration - all the services will be linked to each other. We don't only focus on education or training, but we focus on everything. The goal is to have them come back and have everything psychology or finance and everything they need to have and we help them one by one.

Do you know of any barriers to accessing the NGO programmes?

It's the same like the issues of barriers to access state programmes. The location of the shelter, and the location of the NGO. It's difficult with different languages and cultures. Those are the main difficulties. The connection between the government and the NGO - I give you the example of Hotline 111. Anytime they have client if they feel, sometime they will. They ask our help to support that client. So it's a cooperation between the NGO and the government. So Hagar is well known by many province in Vietnam, if the authorities have VoT they will ask Hagar to visit their place in their province. We don't tell them to come to Hanoi, we go there and help them there.

Internal relocation

Can one person move away from their region of origin to live and work in another region?

It's not difficult to move from their place of origin to another place. The government tries to help them because they are a VoT. She wants to say that the difficulty is inside the victim. They are not able to work from their original place to another place. So the difficulty is from inside and not from other factors like the government.

Sorry could you explain that a bit more, what do you mean the difficulty is from the inside?

I will give you an example of one client of our programme. She moved to Hanoi when she joined one vocation training class she studied hairdressing. When she went back to her hometown she cannot practice, and she cannot work and earn money with that, because the people of her hometown don't want to use that service. And also the difficulty of the language in the country.

So we have two clients, and one client has gone back to her hometown with hairdressing and she has no job. And another client she has positive feedback that right now she is working in the centre of that province and a lot of people are going to her shop. So it will be different by province and by person the success.

Would there be any difficulties for a VoT, when they relocate and settle in a different area to find accommodation? And registering for the household registration system - ho khau?

Everything will be easy if they are certified as victim of trafficking. But the difficulty is that it is difficult to get that certificate. Its not easy, they have to go through a long process to prove that they are trafficking victims. It is very difficult. If you have that certificate then it will be easy to get other documents like ho khau.

So if someone isn't recognised as a VoT to get registered with ho khau is more difficult.

Yes everything is more difficult if they are not recognised as a VoT. Even the identity card.

In terms of relocating and settling into a different area, do VoT - male , female and children, experience any stigma or discrimination by the community or wider society?

In my experience working in this field I don't see any discrimination from the community. They try to help the people, especially the people living in the countryside. They try to support each other. If they know they are a victim of trafficking they will try to help.

What are the consequences if someone is not able to register with ho khau?

HD: In case they are not recognised victims they have to stay in their hometown for one year and during that one year their local authority will follow them to make sure they don't do any crime and that they stay there to work. Then they will be provided the ho khau.

People always focus on ho khau. This residential certificate is very important but it's not the most important. The most important thing is that they have to have an identity card.

How easy is it to get an id card if they are not recognised as a VoT?

They have to stay one year and then the authorities will provide.

In terms of not having an id card, or not registering with ho khau. Is there a difference for men, women and children?

It's not much different between them. Children are priority , it will be easier for them to have the documents.

Re-trafficking

A: What is the risk of re-trafficking or further exploitation on return to their place of origin for VoT. Can you tell us any case studies or know of actual numbers. Does this differ for male, female and children victims of trafficking?

In my time working in X we don't have any re-trafficking victims. We can see some cases when they come back to Vietnam and their families still have a debt and they don't have no home to stay in, they have nothing. At that time they only think about going back to the place where they were trafficked. I can see that in some cases. I think the economy decides, if they have no money, if they have money they could start something in Vietnam, but if they have no money they don't want to stay.

How likely is that a returned VoT is found by their original traffickers?

I think safety is priority. The victim will come back and the NGO and government will try to protect them from original traffickers. The police will do some investigation to find out who the traffickers are. I think the victims are safe.

What factors do you think make a VoT vulnerable to being re-trafficked on return. You just mentioned previously economic factors, but are there other factors?

I think the sense of belonging will affect their decision. If they feel that they belonged to the place where they were trafficked. For example there was one person who came back and they had no home and no money they wanted to go back. I want to share one fact that i heard about the victim came back to their hometown and he became a trafficker - tried to push someone else to come with them and he became the trafficker.

Is it because they are under pressure from the original traffickers who say ‘ now you become a trafficker too’?

I don't think so

So its out of their own choice to become a trafficker.

Yes for the money.

What might happen to a returned VoT if they have unpaid debt to their traffickers?

I want to emphasise they are victims so they are protected by government and by law. They don't need to pay a debt or anything. It is not called debt because they are victims. If the police, after taking the investigation and if they find out who is the trafficker they will have to pay the fine to the victims.

That would be the case if they are recognised as a victim of trafficking. But are there cases where some people are returned, they aren't recognised as VoT but they still have debts to pay to their traffickers or maybe their family has debts to pay to their traffickers?

If they are not recognised victims - everything depends on how they pay the debt, do they want to pay. The government does nothing. But if the victim reports that they are the victim, they don't need to pay the debt and they have to wait for the police to make that investigation.

Are there well known established criminal networks of traffickers that operate?

It's the responsibility of the government and they have to find out which trafficking network exist. If one individual or NGO group know about the network they have the responsibility of the group to report to the police. So right now we don't have any well known criminal trafficking networks.

Are there any other risks or difficulties that VoT, men , women or children face when attempting to reintegrate in their home areas?

The difficulty depends on themselves, its individual. After they get the support from other people it will be easier to reintegrate . But it depends on their education, depends on their sense of belonging, depends on how long they were trafficked in another country.

General

Some sources report that some VoT do not want to be identified as a VoT by the state or be recognised as such by their family/community. Can you provide your opinion as to the various reasons behind this?

First I want to say three things. First the victims don't know their rights and responsibility. Their responsibility is to report to the government but they don't know about that. Second is that they think it won't bring them any benefits if they report. The third is that they think the procedure will be very complicated to report everything to the government. They would prefer to do something easy to be comfortable. They feel it is very complicated.

A lot of victims think that it's their mistake. And if they report to the police maybe they are the person who are fined by the government so then they will not report it.

Interview with Bernie Gravett, Anti Trafficking Expert Specialist Policing Consultancy, 1 November 2019

Laws in practice

In Vietnam, how is someone identified as a victim of trafficking?

Okay, well, they're not being identified in Vietnam and obviously victims are generally identified of human trafficking and modern slavery are generally identified in the country of destination where they've been exploited. And then the return process if they have not been criminalized, and that's a very hard thing to talk about because, by definition, someone who's been trafficked into a state such as the UK, from Vietnam, they're almost certainly going to be an illegal immigrant and in breach of one law or another. And that's where we do have big problems, because if they're recovered out of the back of the lorry, then they will be treated as an illegal immigrant by the immigration service. And they'll be subject to penalty in terms of illegal entry to the country perhaps but not often carrying false documents.

They rarely have documents on arrival. And then, they go through an immigration criminal process. So the majority of potential victims are then put into an immigration center pending an immigration tribunal, which will decide their fate. And their return... it's a language we got to be careful of. It is a return, not their repatriation. It is a return to their home country being, Vietnam. And they will be returned not as a victim of trafficking but as a criminal, which is very important because when they are returned to Vietnam they are not afforded any protection. And I am aware of cases where the suspicion is that they've been criminalized on because they've broken a number of laws within Vietnam while they've been trafficked. If somebody's identified as a victim of trafficking then you're probably better off talking to the NGO ECPATUK who managed some child victims from Vietnam, and supported them through the return process. They would have case studies for you. One aspect of my work is I am engaged by immigration lawyers to try and prevent a return to Vietnam because of our fears that the victims will simply be re-trafficked. I know we got questions later on that, so we'll talk about that. So in terms of how is someone identified, normally, they're not identified in Vietnam at all. They'll be identified by a third-party state. And even then, as I say, that's challenging because most often we criminalize potential victims.

Are the existing set of laws and policies in relation to the protection of victims of trafficking effectively implemented? Please specifically state which law or policy you are commenting on. Do you think there is a different approach in implementing these laws and policies with regards to protection in relation to female , male and children victims of trafficking?

I can give you a bit of an answer. So in terms of the Vietnamese penal code, these articles 150 and 151. So Vietnam is a civil law country, so they operate on a penal code. And penal code is effectively an A to Z of all laws whereas, we're slightly different. We do acts of parliament specific to a law. In several countries, the laws are implemented by the state. And it's 150 is trafficking for sexual exploitation. I'm sorry, labour trafficking if I have it right. And then 151 is the penal code for sex trafficking. They do not have a code for trafficking for criminal exploitation, which we have in the UK. So that's their legislation. But they don't use it very much. They're criticized because of a lack of action, and they don't put a lot of effort into it is the best way to say it.

And do you know about the sort of set of laws and policies in relation to the protection of victims of trafficking and whether they're effectively implemented?

So without having a Vietnamese identity card, you cannot access housing or any social support whatsoever. And one of the criticisms with returning victims is that they're not granted an identity card, so they're not allowed to move freely. They're not allowed to access state support, not that there's much anyway. For instance, there's a lack of shelters in Vietnam, even if you are identified as a victim of trafficking. But they're run by NGOs, so. One group I've dealt with is the Women's Union, but like most NGOs, they're not national groups. So the Women's Union is predominately around Ho Chi Minh City, but it's very sporadic and thin over there. I mean, in the UK, we've got hundreds of NGOs working on human trafficking. There you've probably got half a dozen who are poorly funded, and the shelter programmes are very, very limited.

So whereas in the UK, a victim of trafficking would be supported with psychological services, obviously medical, and then welfare support. And that doesn't exist in Vietnam. And when you think of victims who have left the country, under debt bondage to organised crime, they've had a journey across anywhere-- I mean, some of my cases are 15 countries in the backs of lorries. They've been beaten. They've been kept in atrocious conditions. They do go back psychologically damaged. I mean, I've had reports on some of the victims I've dealt with here in the UK where they've got PTSD. One of the sort of push factors-- one of the indicators for the Vietnamese that we do recover in the UK are low education standards. So in Vietnam, free education is only granted at primary level. Beyond that, you have to pay for it, and in some regions, 60% of children do not go on to secondary school. And there's a culture of putting them to work on the land of the families and stuff like that. And this is generally the pool of victims that we-- the pool that our victims come from, so on top of the psychological and physical abuse, we're having to deal with people of low education who cannot independently access help here, let alone back in Vietnam. So the easy answer is that there's a lack of group support back in Vietnam.

State Protection

I want to talk about state protection next and about the policing in urban settings and rural settings, and how they provide protection to female victims, male victims, and child victims. Can you give a comment about that?

Well, one of the problems, the last victim I interviewed gave a story that was actually quite new to us and it involves local corruption. So the majority of victims come from a central band across Vietnam, sort of roughly halfway between Ho Chi Min City and Hanoi. And they're very rural. It's always in the agricultural centre. Now when communism started, all families were given a small plot of land to farm and raise their own food and be self-supporting in a very communist fashion. But of late, one of the reasons that people are fleeing is local government officials are seizing that land and not compensating the families. And I've had two cases in the last six months who, when I've spoken to them, have given the account that they were struggling in the first place and they're saying it's organised crime and corruption: people are taking their land with the assistance of state officials and then they're put in an even more insidious position. At that is the reason why they sought to move. So one problem is local corruption. And the fact that, if I can find the reference, the president, I had the interview open earlier. There's a group in Vietnam called Black Society. It's a general term for the money lenders and they are the people that approach the families and start the negotiation with the traffickers. And the fee for going to Russia is \$5,000 US. The fee to the UK is \$20,000 US, which obviously these people don't have. So the money lenders offer to lend to them but it's so organized that the debt can be transferred. So originally when people had land, they would mortgage their land. And that's a very general term because it's not a mortgage because this is by illegal money lenders. But they would even enter into a written agreement to mortgage their land to pay the cost of the trafficking. Now one of the dynamics that seems to be changing is that some families don't have land to mortgage anymore. It's already been stolen from them.

But a couple of years ago the President of Vietnam openly said that the government has got to get rid of black society because it's inserted itself into all levels of government, and it's just a natural way in a poor country when people offer you money. So this is where the debt bondage comes with the victims.

We found in our research as well that government officials can be complicit in trafficking offences. So to what extent are local police officers and immigration officials involved or complicit in trafficking?

*I mean, I can only anecdotally say from the victim accounts that nearly every one of them says, "The police are in bed with organized crime." And I would say I get that in about 80% of the cases. So I would say corruption is endemic in Vietnam, and that presents a risk to the victims. And I think I've found this statement. Okay. Right. So this is an extract from one of the statements I've done. So the black society is called *Hắc là dân xã hội đen* and that translates as "he's a member of the Underworld". And it comes historically from the Hong Kong film industry that was controlling stuff in Vietnam a long time ago. But the research I've done is it's almost like our gangs in the UK. So they're referred to the lowest level as siblings, hammer or bear's head, or the hound of the hound, and they're very much like the mafia. So there's various studies go into this and the current Prime Minister, Nguyen Xuan Phuc did a big speech to the Fatherland Front and was asking help to remove black society gangs in the economy. So if you got the Prime Minister making public statements in a country like Vietnam, of the negative impact of these groups, it clearly shows that there's a challenge for someone who comes from an agricultural, rural area that is struggling to one, fund their journey, but equally, if they're repatriated they still carry the debt. So this is where we come onto the risks of re-trafficking and all that sort of stuff.*

Point of return

Could you take us step-by-step through what happens once a recognized victim of trafficking in the UK that's been referred to the National Referral Mechanism. They've been recognized in the UK, but then they're returned to Vietnam. Are the victims of trafficking, automatically accepted the victims of trafficking by getting these are authorities and we've understood that it doesn't happen. And then, so, if it doesn't happen then so what would actually happen to someone with, let's say that they're taken on a plane, and then the plane puts them back in Vietnam, what happens from there?

I think again, contrary to a lot of-- if you went to a government, we have to come back to whether they're being repatriated with NGO assistance as a true victim or they're being deported by UK immigration, for a decision via court, whether that'd be a deportation following convictions for criminality. So, in UK law, if you get sentenced to a year or more in prison as a foreign national, then a deportation order automatically follow. So you're being deported as a convicted criminal. And that could equally apply-- when the judge in the case could say-- that the judge in the case could say, "I know you were not the ringleader. I know there were others above you." But he sentences you to 18 months to three years in prison for cultivating cannabis. So I think it's a-- not a rhetorical question. But the majority of people being repatriated from the UK to Vietnam are being deported. And that's a great difference because they will be going onto a plane in handcuffs. And they will be taken off the plane in Vietnam by the police. They won't be met by an NGO-- if they can get in touch with an NGO, the Salvation Army who manage them here or ECPAT helped supported them here, they'll be gone back as a criminal and they'll be arrested on landing. So I think it's-- one of the things I'm saying is we have to clearly differentiate between two groups. Now, I've never been involved in a repatriation. That's the world of the NGO's. If they've supported someone as a true victim of trafficking. I end up dealing with the other side of the coin, which is those been through the UK court system and are being removed or deported.

If they are not automatically accepted as victims of trafficking by the Vietnamese authorities, what are the risks involved to being re-trafficked or facing further exploitation on return and what is the likelihood?

Well, it's highly likely. If they're carrying a debt, and the majority are. They are carrying the debt of that 20,000 US dollars to come to the UK, then that debt still exists. And the Black society, or their traffickers, will hunt them down and they've still got to pay off that debt. So how do they do that? They still haven't got a home. They still are struggling to get housing. They can't access work because you can't get work without a national identity card. So they're ripe for being re-trafficked.

Returning to place of origin

Do you know whether any returned male, female, or children victims of trafficking faced stigma and discrimination by their families, or the community and wider society?

Generally not, because in many of the cases I've dealt with, the family have been party to their going in the first place. I mean, if we look at the Essex tragedy that recently unfolded, in the media statements sources in Vietnam said that they clubbed together to pay for VIP trips, VIP treatment, which obviously was a lie on behalf of the traffickers. Family's a part of it. So in general, no. There might be some shame that they didn't work hard enough, that they got caught and stuff like that. And again, this is where re-trafficking, particularly from Vietnam, is a problem, because they will send them again. For two reasons. One, they sent them away in the first place in order for them to send money back to support the family or the village. But secondly, that debt still exists. And a Black society transfer debts. So a Black society will transfer debts on from gang to gang. This is the business of money lending. And that's the threat against the families. So I think that no stigma there.

However, if a woman has been forced into prostitution there will undoubtedly be stigma. When the traffickers do their tricks and they practice of deceptions, they talk about young girls going into work in hotels, restaurants, nail bars. And again, I refer back to the tragedy in Essex. One of the family has said that the girl, the 26-year-old young woman they suspect is a victim, I'm not sure yet, but they said that she trained as a nail bar technician in Vietnam. The knowledge we have here in the UK is that what they promise you as a job is not always the case. And the images of the young lady uploaded from her media profile, she's very attractive, and organized crime are looking to make the most money out of you that they can. So we do suspect that women who are working in nail bars are also being forced into prostitution, as well. Now, if that comes out, then like any young woman whose family has supported her and sent her abroad, we know from victims from any country, when they've been raped and forced into prostitution, they will not want that known back home. So then if that does come out as part of-- and this is why we struggle to get victims to give evidence in court here. If that comes out as part of any trial process or any documentation process it could be reported in the media here. And then obviously back home, they're going to have-- carry a great deal of stigma.

Shelters

The next section is about shelters offered by the state and by NGOs and the different sections relate to male, female and child victims of trafficking. Would you feel comfortable to go through all the questions one at a time or would you prefer to give a sort of general statement on the availability and effectiveness of these shelters?

No, I think my knowledge is there is a lack of facilities across all aspects of that. I mean, that's probably the most accurate picture. I've been involved in TIP reports. So I've been interviewed by TIP about the UK's human trafficking. They're pretty detailed. They talked to the NGOs and everything. And so I would say that's not my area of expertise beyond a general knowledge of working in this field that victims cannot expect a great deal of support when they go back.

Re-trafficking

A: What is the risk of re-trafficking or further exploitation on return to the place of origin for victims of trafficking? Can you tell us about any case studies or do you know of actual numbers? And does this differ for male, female and child victims of trafficking?

I can tell you now, there are no statistics. The challenge is that if someone does go back, and they are re-trafficked, they could be re-trafficked to any one of 100 countries because we know there's significant trafficking from Vietnam into Russia. There's significant trafficking in every country of Europe's to 28 member states. And I know of no data that we could say around the numbers of being re-trafficked and then even breaking it down. What we do know is that-- and these are from case studies, and again, people like ECPAT and the Salvation Army and Unseen, who are the three main NGOs in the UK that receive notifications of victims if the re-trafficking occurs in the UK. Many victims I've dealt with, many, where they've been encountered by law enforcement. They've been released and only to be found-- so they've been arrested in a cannabis farm, they've been released on bail pending an asylum decision and then they've been discovered six months later being exploited in a nail bar.

So if re-trafficking occurs here, then it will undoubtedly occur back in Vietnam. But you will find no data set that will qualify to the detail that you want because who's collecting that data?

I primarily deal with victims who are criminalised, so that generally is in and around the cannabis farms but because, you know-- and I've been doing that for five years now. And generally, they are men and boys. However, you know, young women, children, young women, and women are trafficked into the U.K. to work in prostitution and nail bars. And again, I would probably suggest the NGOs are the best source of material for those, because I rarely come into contact with them.

If a victim of trafficking were to internally relocate away from the area in which they were originally trafficked, do you think they still could be at risk of re-trafficking? And do you know of any case studies?

I mean, my policy has always been to-- we recover, and-- we don't rescue victims. I get stropky about that, 'cause most NGOs are faith-based organisations and talk about rescue, we don't. We make their lives harder. If we recover a victim, my policy in all of the trafficking cases as a police officer that I investigated were, we'll need to house them out of the area from where they were exploited. That does present a challenge, because you've gotta think at the victim level.

So we know that Vietnamese victims have phone numbers etched inside their trouser belts or on pieces of paper inside the trouser belts where they just have slit in the leather, and cops rarely search to that degree, and immigration officers don't. So what you've gotta remember with Vietnamese victims, they still owe \$20,000.

So there is a huge incentive for Vietnamese victims of trafficking to be party to their own re-trafficking, to reconnect - if they've been arrested, detained - to reconnect with their actual people they owe the money to, which are their traffickers in the first place. So there is-- in the cases I've dealt with, mostly men and young boys, there is a high degree of re-trafficking within the U.K., so I would suggest that that's even worse in Vietnam, if they're repatriated.

What factors do you believe make a victim of trafficking vulnerable to being re-trafficked on return?

Well, all the same-- the reality is all the same conditions exist that made them be a victim in the first place. Unless they've been here for a while, unless they've been given access to a level of education that would enable them to survive better. But sticking them in an immigration detention center, they get a little of that. And again, it's how long we have them in our care. So, oddly enough, I would suggest the child victims are probably got a stronger case because the care package wrapped around them would include education, which will benefit them. But I've dealt with 40, 45-year-old men who don't-- can't read or write Vietnamese. Can't read or write English. They go into the immigration detention center, and then are removed from the UK. They go back as an undocumented Vietnamese citizen who has brought dishonor onto the country, still in debt, can't get housing, can't get a job. Then, all those circumstances that led to them traveling in the first place still exists. All the black society, all the traffickers will approach them again, either through their families because that's who they went through in the first place. And they will say, "You still owe us." So they'll end up in Russia or another country.

You mentioned previously the Black Society. Are there other well-known established criminal networks of traffickers that operate in Vietnam?

Yeah, there's many of-- originally, they were linked to the triads from China because they modelled themselves on that. Now, one of the things that came out of the Vietnam War, apart from that's where they learn to grow the cannabis for the American troops, was that organized crime from China was heavily involved in Vietnam during that period of the war because China used to buy the Communist Vietnamese with weapons and training. So they were Chinese groups called Tongami, T-O-N-G-A-M-I, who were active across China all the way through to America. And then the Vietnamese groups... K-I-T-A-I-S-K-O. And then, the Chinese Green Dragons. So these were all groups that were milling around Vietnam and were already connected worldwide. So you've got the Black Society. And you've also got Vietnamese Mafia who quite often call themselves Snakes. I think they're stealing that from the Snake Age which

are the triads in China. So they ended up getting their name XI HOI DEN. And that's generally what Vietnamese gangs are called. And other people simply call them the mafia. This whole gang structure is that there's hundreds of them.

So they're just various different small operating groups?

Yeah. I mean, all trafficking gangs will be set for organised crime groups and sometimes they will collaborate because they need transport from A to B across someone else's territory. Again, we go back to the Essex tragedy. If they were Vietnamese in that truck, they went one of two ways. They went to Russia and then what we call the northern route, which would be: they were put on trucks from Ukraine, into the EU in Poland, Czech Republic and across the EU in an EU registered vehicle. And then they would try and get across the Channel at Calais to Dover. This group seems to have come through the Balkan route, which is travelling across Asia and then across the Stans, so Afghanistan, Iran, Kazakhstan. And then they would have gone through Turkey and come in to what we call the Balkan route where they would have been put on trucks in Bulgaria on an EU registered vehicle and then brought to the UK.

And the case in Essex is very clear that the Irish group that provided the transport from Bulgaria through to the UK had Bulgarian registered vehicles, Belgian registered vehicles and UK registered vehicles. So the Irish group was simply providing a service to Vietnamese or Chinese organised crime who arranged that whole journey.

Are there any other risks or difficulties that Vietnamese men, women or children, victims of trafficking, may face when attempting to reintegrate or return to their home areas?

BG: I would say, definitely, yes. Because, well, they don't return to their home areas. We come back to the fact that-- and I'll find the right word. I might have a look in this statement. There is a document that a Vietnamese national has to have in order to live somewhere.

Yeah. The Ho Khau.

That's it. So if they are not granted that, they can't even go and live with their family back where they came from. And that presents a huge level of difficulty for them. First off, you've got to say they have to be reunited with their family. Would they have the time to? Or would the gang get to them first and say, "You still owe us money. You're on the next flight out?" It's quite strange. One of the things that Vietnam could do is-- a lot of victims fly from Hanoi to Russia, to Moscow. So an intervention could be brought in there. I'm going to get a bit Brexit now. There is an organisation called Frontex which is a European institution similar to Europol but it's the EU border guards.

And they should be doing a little more on the borders-- the external borders of Europe because all of these victims are coming in lorries through those routes. So I think a bit more can be done there. But we end up-- your study is about in Vietnam, what's happened is when they are returned or repatriated and I think it's a-- they're not returned to a good place in life, they still got all their challenges.

General

You've spoken to victims of trafficking that don't want to be identified as victims of trafficking by the state or recognised as such by their community. And we've touched on it before but can you provide your opinion as to the various reasons behind this?

Well, it sort of comes back to we don't rescue, we recover. So, if you've been trafficked, one of the control mechanisms that a trafficking gang would use, is they would allow you some money or if they don't pay you directly, they will be paying return back to the family. Otherwise, a whole system of recruitment collapses. So when someone-- even if they're working in the UK for no money, they are assured that their family is getting money back home, which is why they made the journey in the first place. When we recover them that stops, we can-- and I'll give you an example from prostitution in a minute, but when we recover them, we will put them in a hostel or they might go to an immigration centre and get nothing. But even if they're free, they'll be put in a hostel, and they'll only be granted £60 a month. Sorry, £60 a week to live on. Now let's look at sexual exploitation of which Vietnamese young women face a huge problem. If you work in the UK brothel, generally and it is slightly different to the Asian Gangs, but generally you will be allowed as a sex worker to keep some of the money from every time. The European gangs, the Lithuanians and Romanians, generally the women are allowed to keep 50%. So if the act of sex costs £50 they're allowed to keep £25. They then have to pay the maid, who looks after the ladies answering the phones have to pay for the condoms, and the oil. But generally, they keep about £15 per client. And if they're having to have sex with 10, 15, 20 clients a day, then they're actually keeping a reasonable amount of money which they can use for themselves, or to send back home. We recover them and that income stream stops. Whether you work in a cannabis farm and the gang are paying your family, or whether you're working as a prostitute you're allowed to keep some money to send home. We stop that income. So we've immediately made your life more difficult. And then you have to face as a Vietnamese national a whole immigration asylum application, and possibly being put into an immigration centre. So we are making their lives harder. So we get-- one of the things I've been critical of, you obviously know about the national referral mechanism?

You have to agree to be referred into that mechanism. So we actually currently don't know how many victims have been recovered from any nationality who have not agreed to go into the NRM because they don't want to be disclosed. They simply want to be let go and go back to doing what they were doing and paying off their debts. So the government has recently changed that policy in April. So that now a first responder is duty-bound to give notice, albeit anonymized of a victim coming forward or being encountered. Now, that's not been tested yet. And that change was because of people like me complaining that the NGOs of the UK could be dealing with hundreds more, thousands more victims. So because they don't want to-- and again, you've got to remember the NRM, a condition of the NRM is to support prosecution against traffickers. You will not get your reflection period, you will not get financial support, and you will be deported if you do not agree to support a police investigation. And that puts a huge pressure on victims. Because the traffickers kill you. I've uncovered AK-47s, handguns, weapons from traffickers. These are not travel agents, they're organized crime. And they will kill you or your family if you cross them. So it's not a wonder that many victims don't want to be identified as such. So they just want to go back to doing what they were doing in the conditions that they were kept in, because they see it's the only way to get these guys off their back.

And on top of that we have some NGOs that do not have a good relationship with the police. And that's for good reason. The police have been pretty crap at this over the years. How can I say it? There is an NGO in the North and Central England who are, if you read their website, are dealing with victims every day. And they've got a lot of government funding. And last year they only referred two people into the NRM. Because, they don't want the state looking at-- they see the victims of trafficking as facing an uphill struggle through all the stuff I'm talking about, deportation and then re-trafficking. So they actually prefer not to tell the police and that my suspicion is that they actively tell their victims that they engage with not to engage with the police. Because they don't want them deported, they want them here. The trouble is that they're here now in one part of the country, they might be moved around the country, and then they'll get arrested and they'll face that anyway. But there are many NGOs who are not reporting people into the NRM when perhaps they should be.

Is there anything else you'd like to cover or add which hasn't been covered by these questions?

Well, I think the bit I said is about-- and I know you're looking at Vietnam. But we're not going to counter human trafficking until we lock up the traffickers or we disrupt their businesses. What never happens, there are no joint investigations between the UK and Vietnam where we could say we've significantly arrested loads of suspects in Vietnam and convicted them because it simply doesn't happen. Vietnam are not convicting human traffickers that they identify. So I'm just trying to look up the stats. I'm just trying to see convictions, okay. So I pulled into the TIP report. In 2016 they convicted 275 people for trafficking. Though that's a bit lower last year, 213. They're better than us then because we only did 146 so there you go.

Then also in Vietnam there's the issue of trafficking to so many different countries. There's to China, to the other Southeast Asian countries so in terms of numbers that's a lot higher than to Europe.

Definitely. Russia, again, many of the victims I've dealt with have gone to Russia for whether it's for three to six months and then moved onwards. I've got, just reviewing a case today of a young boy, we don't know his age because he didn't know his age, somewhere between eight and 13, he and his mother was trafficked to Poland where she worked in a garment factory, kept in by armed guards, and he was just used as forced labour to be carrying the materials and the clothing about for packaging once his mum had finished. She simply disappeared and he was left on his own so another man and woman who were victims of the same circumstance took him in but then they used him as forced labour, not giving him any money or anything. They beat him. So he ran away and he found haven in a Vietnamese restaurant in Poland where he was happily working and being fed but not being paid so he was being exploited again but they were pretty nice people. But then he was approached by traffickers, presumably the restaurant owner had called them. That's the implication, and they encouraged him to come to the UK, obviously levying a charge against him, and then he's one of the cases where he was recovered in a cannabis farm but because he was a juvenile he was released into the care of children's services. He ran away and ended up in a nail bar because he still has his debt to pay. So this is the life of the majority of Vietnamese victims.

Interview with Hong Thi Tran, trafficking researcher, 16 November 2019

Laws in practice

How is someone identified as a victim of trafficking so as to be able to access shelters and programs for victims?

Normally, here, in this case, we usually talk about the cross border trafficking and normally, it involves the investigation process. So only once the victim is officially identified as a victim of trafficking, they can be able to receive the full services of shelter and programs. However, if someone is suspected as a victim of trafficking, they might be able to receive some initial assistance, but it still will start with the investigation by the police and sometimes involves the border force and normally the Department of Criminal Investigation. And sometimes it involves many organizations overseas if it involves cross border trafficking, police in the neighbouring country or the country of the destination country. And it could involve also the Foreign Affairs ministry and the government of the two countries. And once the investigation is done and the victim is officially recognized as a victim, then that person will be able to receive all support services from the government.

So in Vietnam, officially, the process of the government is to identify the victim so to be able to receive all the services. However, some victims might not be able to-- because the investigation might not have enough evidence to prove that that's the case of trafficking so that the victim might not be able to receive the services. However, the NGOs can still support them if they have enough indicators based on the Palermo protocol, but the investigation really needs the evidence. So now for the law of Vietnam also follows the Palermo protocol. However, to identify and investigate, it's more complicated and sometimes the prosecution can't really prove that's the case of human trafficking.

I spoke to someone else and they said that it's only a special police task force that focuses on trafficking that are able to identify a victim of trafficking and it's them that's responsible for the whole process. Can you comment on that, please

So there's one government agency involved directly in the identification process but sometimes it also involves the Ministry of Social Affairs, called MOLISA in Vietnam and it also involves the border force and sometimes the Women's Union if that is the case. It involves different agencies throughout the prosecution process until that case, is officially recognised as human trafficking. But there's only one department, the Department of Criminal Investigations that specialises in the trafficking investigation process and a transfer on the documents to the judicial department like Department of Justice. It's the whole process but I would say there's a lot of gaps in identification so sometimes the victim can't prove themselves. If they come back from China after many years they don't remember who trafficked them, where that trafficker comes from any more, then as a result would not be able to identify that it is a case of victim of trafficking.

Do you think the existing set of laws and policies in relation to that identification of victims of trafficking are effectively implemented? And do you think there are different approaches in implementing these laws with regards to the identification of female victims, male victims and children victims of trafficking?

I think not really. I think the government is using the same approach but they also welcoming the NGOs in the process of identification. For example, like there's one NGO called Blue Dragon and their lawyer also is devoted to the rescuing of the victim and prosecution of the trafficker. So I think the government is trying to improve the prosecution and the investigation into the identification of the victim. However, I don't think there's different approaches with the female or male or children victims. Just one context point is so your definition of children is the ones who's under 18, but the Vietnam law, it's 16. So there's a gap here between 16 and 17 that's mentioned in Article 151 [of the penal code]. We have two articles in human trafficking, and one article is specialised for the children that is not adolescent, let's say, for the one who's under 16. So yeah, Vietnam law is a little bit of gap with the international law and that's the same for identification. I think mostly for the prosecution and identification of the victim it's a different approach than the international approach.

What about the existing set of laws and policies in relation to the protection of victims of trafficking? Are those effectively implemented?

I think we have quite enough laws and policies in place. But effectively implemented? I would not say so. For example, the support in those systems for victims are very rigid. Mainly only for the victim with official papers that are recognised as a victim of trafficking. So many potential victims could be left behind and not be able to access any services including protection service. The support is so little that sometimes the victims don't want to even show up and report the cases, because they know that even through the system they get just so little, with also a lot of administrative procedure and sometimes they have to travel very far to get themselves recognised, to be able to get through the investigation process for prosecution. They find no benefit to standing up to get protected. Not all of them, but sometimes they've been trafficked for many years, and then they come back, they feel safe already, and actually they want to get more reintegration services. It's part of the protection component anyway, but they would not show up and involve themselves with the prosecution to be recognized as a victim because they know that it's complicated. It's lengthy and it would not help them. And it might bring their story to the public maybe or generate some stigma at that stage. So I would not say that it's effectively implemented.

State protection

Do you consider the police in urban settings to be able to provide effective protection to victims of trafficking? Do you also consider the police in rural settings to be able to provide effective protection to victims of trafficking?

I personally think that it depends on the awareness of the police. Police are more aware about trafficking if it is a big issue in their community. In some places the police get more training because more cases are reported there and they would be able to provide more effective protection. The police have received some training in trauma-informed care and reception of victims, but not all police.

It depends on the area where there are more or less prioritisations set out by locality to tackle the issues. It means some areas can receive more training than the others. Not all urban organisations/agencies receive more training than the ones in rural area, if human trafficking is not prevalent in the area. But it also depends on the connection with the NGOs-- when they receive more support, they also have a connection with NGOs, they have more resources so that they can provide more resources and more network, so they could provide more support for the victims of trafficking. But you can't really rely with own resources and ability and capacity.

Is there a different approach by the police in how they provide protection to female victims of trafficking compared to male victims of trafficking compared to children victims of trafficking?

Sorry, I don't think I have information about this. I'm not sure that even the urban area police could provide that type of protection. Also I heard very few cases about male victims. So they might not be ready to provide protection or they have not have even adequate information and knowledge for the protection of the male victims.

From our desk-based research, we understand that government officials are sometimes complicit in trafficking offences. To what extent are local police officers or immigration officials involved or complicit? Please, could you detail any specific role in any involvement?

I'm not so confident in this area because it's trafficking. It could relate to mostly smuggling rather than trafficking, so I don't have much information on it. Sorry.

Point of return

We want to better understand what happens once a recognized victim of trafficking by the UK, and they are recognized in our system called The National Referral Mechanism, are then returned to Vietnam. Are the victims of trafficking, as identified by the UK, automatically accepted as victims of trafficking by the Vietnamese authorities? If yes, then what happens next? And if not, similarly, what would happen to a person when they were returned?

I think it's a no in this case.

Returning to the place of origin

So as they're not automatically accepted as victims of trafficking by the Vietnamese authorities, what are the risks involved of being re-trafficked or facing further exploitation on return and what is the likelihood?

So the victims always face a risk of being re-trafficked because we need to understand why they were trafficked. For example, were they looking for a job, an opportunity and they got returned? Normally the victims do face a lot of economical, and social, and psychological issues when they are returned. So being re-trafficked so the exploitation can happen, or even become a trafficker. This is the context for many Vietnamese victims trafficked to China. Often many return and become a trafficker themselves so that's also the danger also to the society that is a vicious circle that also impact and affects many people.

Do returned male victims of trafficking face stigma or discrimination by their families or by the community and wider society?

So 80% of the cases of victims of trafficking in Vietnam are women, while male account for much less. My understanding is that the male victims, usually they were trafficked mostly because of economic reasons. So sometimes when they're returned they'd say the kind of stigma of failed migrants who couldn't help the family, come back, because some failure of not being successful. I haven't seen so much discrimination of the victims., but they face the stigma of being a failed migrant, not as much as a returned female victim.

And what about the situation for returned female victims of that in terms of stigma and discrimination from their families, wider community? And is there also any enhanced stigma if they return as single mothers?

Yes. So normally because it's the female victims that have experienced sexual exploitation and forced marriage. So in our society, the female victims face more stigma by even the family, even the community, because of sexual exploitation experiences when they were trafficked. So yes, quite many victims, female victims, they face all of those issues in their own families and communities but it depends. So now there are more communities in Vietnam aware of the risks of trafficking and they understand the issues and some are very accepting. And that helps the victims a lot to recover but it will depend on the community.

I think the enhanced risk of stigma could happen to the single mother. It could also affect the child if they returned with the baby. They face difficulties in the administrative procedure for the childbirth certificate, for example in registering the child. And maybe the stigma from society being a mixed-race child for example.

When they will come back they might not have an id card any more. For example, if they've been trafficked for many years so that the government can't recognize where they come from, from which city, for example, or village that they come from so that involves the identification of a person. To obtain the citizenship, like ID card and household book. And some people can't really prove themselves that they used to live in that area, and that effects the child's education and social insurance and other issues.

Shelters offered by the state for male victims of trafficking

We understand from our desk- based research that no government shelters exist for male

victims of trafficking. Can you confirm whether this is correct?

It's mostly correct but there's NGO who has been providing the shelter for the male children.

So if there is no shelter for men, is there any alternative accommodation provided by the state?

Yes. So far they are social welfare centres that provide initial reception place for the victim of trafficking. When they arrive, if they want to receive assistance or they are in the investigation process. That's the place where all kinds of people who have disadvantage can seek help and stay for a while.

And these social welfare centres, how many are there? What are their locations? Do they have criteria in terms of who they take and how long can someone stay?

So it's based in all provinces for Vietnam. We have 63 provinces and each province also has at least one social welfare centre, and it's normally based in the quarter of the province so the capital or the main city. These centres are for the homeless, orphans or people with disabilities and for the victims of trafficking when they need to receive the protection or when they are under investigation, and it depends on the places but I think it's quite safe because I went to one place and there was this security guard. I think in terms of quality it depends on the province if they have a better welfare centre where province can invest more in terms of quality, the people might be able to receive better services.

Are there any known barriers to accessing this accommodation?

Again, it depends on the government so it could be easy but it could be also difficult to receive the support from this centre. I don't think there's much discrimination or anything that stop people from accessing this accommodation, but I think mostly the quality of the place is not that good. Sometimes it could be bad for the privacy of the victim. The victim might not be able to stay in their own accommodation but they have to share with many of the others and so I would say affect more to the person who is a victim of trafficking's experience because they are living with many people. So more about the trauma that the victim might be re-traumatised by the experience living in this kind of accommodation.

Shelters offered by NGOs for male victims of trafficking

And which NGOs provide shelters for male victims of trafficking?

Yes. But I have never been there. The address, of course, is different but this NGO has been providing, as I know, not for all male but for the male children only. For the boys.

I can't comment about it, but I heard that it's quite a good place and a little secret but still many potential victims can approach and they have to receive better services, but it's only located in Hanoi. I'm not sure about the other places.

If it's kind of secret, how would the victims of trafficking know about it?

I don't think they are known. There's no information shared broadly but mostly when the victims-- normally it's all just organisation provides the support when they receive the referral. Mostly from the national hotline or the people involved go directly to the social media when they've been doing a lot of rescue and so it's more about the word of mouth and social media about-- could be a referral from the national hotline. But it's not that outstanding so I'm not sure I have enough information about it.

Shelters offered by the state for female victims of trafficking

What about shelters offered by the state for female victims of trafficking? Could you tell us more about the quantity, the location, how many places are available? I understand from other interviews that there is only one called Peace House. Is that right?

Yes, Peace House based in Hanoi and Bien Hoa, one of the cities in the south. So in Vietnam, there are two shelters for female victims in the north and in the south. But also there is one Compassion House. It's a joint initiative and funded by the Pacific Links Foundation and provided by the Office of Social Lives Prevention by Lao Cai. It's over in the north but close to the border of China. And also this Alliance Anti Trafic, I think they also have the shelter. I'm not sure if they also provide support for the male victims but support for the female it's quite everywhere.

And as I said, social welfare centres also provide the shelter accommodation for the victims of trafficking. So either male or female can access those. The Peace House shelter, they also receive some funding from the NGOs or International Organisations. So they do provide quite good services, including therapeutic activities and recreational activities for the victims and the health care. It's the same also with the Compassion House, I should mention that they also provide very good qualities, including also the employment vocational training. The Compassion House is providing support for the victims, even their arrival and even for the education and vocational training and employment. So it's quite holistic services provided by these organizations. So there's not many but they provide quite good quality support for the female victims of trafficking in Vietnam.

How many spaces are there for victims of trafficking in these shelters. What's their capacity?

I think maybe you can look up the Peace House shelter but I'm not sure about the number that they can provide. I believe that in Peace House in Hanoi they could provide for 30 people and the Compassion House is in Lao Cai. They do the same and just as much room, I think. It's not that big but they receive very few victims per month.

Shelters offered by the state for children victims of trafficking

What about shelters offered by the state for children victims of trafficking? We understand from our desk based research that there are no government shelters that exist specifically for children victims of trafficking. Can you confirm whether that is correct?

I think there's very few shelters for the male victims but for females and children they do. It's the same shelters like I just mentioned. The Peace House and the other NGOs, they do provide the shelters for female and children victims in one place or in different houses, but they do provide.

So the children would go to Peace House.

Yes. And NGOs, of course.

And would the children ever go to the social protection centres?

Yes.

Shelters offered by NGOs for children victims of trafficking

And which are the NGOs that offer children victims of trafficking shelters?

As I said, it's the same with the one that I just, for example, Blue Dragon and another called HSCA. I'm not sure about the name. Humanitarian Social. I just remember the abbreviation HSCA. So for the children they have many social welfare centres and places for children and they don't have ones that distinguish just for the victims of trafficking. So if any disadvantaged children could come to that place for help, but mostly the social welfare centre. Sometimes they have children's village. SOS village they also provide a section for children. There is no kind of one kind of shelter for only the victims of trafficking. It could be the shelter for the victims of domestic violence, for the homeless children, other things.

Reintegration programmes offered by the state for male victims of trafficking

Are you aware of any reintegration or rehabilitation programs offered by the state for male victims of trafficking?

Let me reiterate that there is no distinguish of the male or female victims by the state or in terms of reintegration program so far as I know. Unfortunately, the Vietnamese government just really focus on the female victims of trafficking. So the reintegration program-- we have the kind of decree, from the government, decree number nine, mostly on how to provide the better reintegration for the victims. It's not specific. It's not how to provide the reintegration for the victim of trafficking-- and it involves, into the childcare, psychological support and the vocational training that is very arranged by. And it also states how much the victim receives in terms of health care, in terms of vocational training.

Reintegration programmes offered by NGOS for male victims of trafficking

Okay. And as there aren't any specifically provided by the state for male victims of trafficking, how about the NGOs programs offered for male victims of trafficking? Or do the NGOs also mainly focus on female?

Some NGOs really focus on females, like the Peace House Shelter because it's run by Women's Union. It's more focussed on female. While other NGOs provide more support for example, One Vision in Vietnam, they provide support for all types of victims of trafficking. But based on their experience they mostly work with females but their reintegration programs do not exclude the male victims. So mostly it's also employment, vocational training and also psychological support and other types of services.

Okay. And can you tell me about the spaces available, what the funding situation is and whether they're any known barriers to accessing these programs?

I think they have limited funding, mostly the NGOs in Vietnam are facing very limited funding. But we're counting the victims, the potential victims from the UK, I don't think they have-- I'm not sure if they have ever supported one. On many cases when I used to work for this organisation two years ago, we received one case in the UK, and that person just only needed airport pick up and disappeared. And we didn't really have the flexibility to support that victim because he was a male. It's a male and we didn't have anything in place to get ready for the male victim of trafficking. And limited funding and also mostly on the nature of this trafficking of the male victim. I think for the ones returning from the UK, for the ones that we already-- all potential victims, all returnees that I have some experience in working with, they have a very huge need of economic support rather than psychological or another type of support. And sometimes their needs are because they are facing a big debt, huge like even \$10,000 that we can't really support. And yes, some people have really practical needs regarding the financial issues that they don't care about even psychological support. They are not willing to receive it and they don't. Yeah, so I think it's not just a matter of NGOs itself but also the experiences of working with the male victims, very limited.

Reintegration programmes offered by the state for children victim of trafficking

What about reintegration programmes offered by the state and NGOs for children victims of trafficking? So what kind of programmes are available?

The government doesn't distinguish and have a special programme for that. Everything is for female and children and that's it.

Internal relocation

We want to find out more about the concept of freedom of movement within Vietnam. Can one person move away from their region of origin to live and work in another region?

Of course.

Are there any difficulties Vietnamese male victims of trafficking may face if they attempt to relocate into a different area in relation to securing accommodation, finding employment, accessing healthcare and registering for the household registration system?

I think it's more broadly about the migrants. I think it's more about a migrant's difficulty to relocate, etc. I think it happens to not only the victims of trafficking but also to all the migrants. They face certain types of difficulties. For example, accommodation or even employment regarding to if they have experience or not and regarding to the gender. It's about the household registration systems. For now, the government is very open, so you don't really need that household registration system, that you still can be able to relocate and live and work. But sometimes it's related to your social security.

If they don't have a job in the formal sector, then they might not be able to have the health insurance. And if they don't have the health insurance, they have to attend the private health facility that is not covered by the health insurance

So with the Ho Khau, you can't really register for the children to go to study because some schools in some areas, they only allow for the residents in that area. But now it's not manageable anymore. In some industrial zones, they accept everyone. So I think this is no different with the migrants in general.

Stigma and discrimination? It depends. If someone's story is not published, that this person did not tell that they are a victim of trafficking, I don't think they are facing any problems with discrimination or stigma. Sometimes it happens-- it's the right community, their own community. So migrants really choose to relocate and go to another places that they don't really have to face with that issue. So this is the same even with female and male victims.

What if they return, a victim of trafficking returns, without any family support or networks? Do they face additional barriers?

Yes. Normally Vietnamese-- this is very much a sentimental answer for me. I think the community really-- we living in a society that we need a lot of support from the community So the support from family in communities is very important. The Women's Union is one of the organisations that really pay attention to different cases and provide a lot of support.

What kind of difficulty would the person face if they moved to a new area but they weren't registered with the Ho Khau? And what are the consequences for not registering?

I mentioned that that was hard for migrants if they are not able to prove themselves that they belong to the household system, to prove themselves to obtain their ID card, and social insurance number for example. So I think that's a very direct consequence that effects the children's registration for schooling. So some people might not be able to have their own ID card so socially they don't really exist in the community that they've been born.

But now we're moving to the new system. We use another identification process. However, for the Vietnamese people, household registration system is very much important and it's technically managed on paper. So, it's not electrically managed so it's lengthy to really prove and find out if-- to trace back the history of the person in the household register that you're trying to trace.

Re-trafficking

What is the risk of re-trafficking or further exploitation on return to their place of origin for victims of trafficking? Are you able to tell us about any case studies or know of actual numbers?

We don't have numbers, actually. There's a huge gap in data I mean, the government reports very few cases. For example, more than 1,000 cases per year. So there's no even single data about how many are women, how many are children, or just a general estimation of the victims. But the risk of re-trafficking is quite prevalent when a victim returns and can't receive or is unable to receive the support and end up facing a lot of mostly, economic difficulties. Upon return, VoTs usually feel low self-esteem, due to shortage of economic, financial, family support...They are therefore very vulnerable for any fraudulent promises to help. And discrimination, of course, is one of the sources that puts the victim into isolation and they're unable to receive the support.

For the case study, I just heard that many victims came back, didn't receive the support-- no welcoming from the community and again disappeared. I'm not sure if they were trafficked -- I have never had any personal experience directly linked to one case, that I know.

And how likely is it that a returned victim of trafficking will be traced down by their original traffickers if they're returned to their place of origin?

I think it could happen if the victims report the trafficker. So it happens in the small scale. But I focus much on the victim returning from China or neighbouring countries because there's no such case from the UK. So I'm not sure I have experiences. But to other ones that I interview, they have this potential. A victim of trafficking I interviewed was traced down by the the same traffickers, because he returned without success. And so that means that before he left, he had a big debt and the trafficking ring arranged for him to go to the UK-- and he worked in a cannabis farm and then returned. When he was later raided by police, in prison and then returned and tried to run away from the trafficker because he couldn't work and earn enough money to pay off the debt. So it happens, that they can be traced down by their original traffickers.

If a victim of trafficking were to internally relocate away from the area in which they were originally trafficked, do you think they could still be at risk of re-trafficking?

I think, yes, because if that person can't be able to access the services and support of the community or from the government. So I think it is very much linked to the personal resources. Let's say the social capital of that person or even the education. So there's always a risk when that person does not know where to reach out and how to access the services and how the government-- because sometimes they don't show up and tell their story. And for the cases that the government's already aware of, they are very much confident about that person and then they really provide-- show the confidence, but for other ones who we don't know-- like the government do not know, the police do not know, and there's no report about the cases, then it's very difficult for them to-- for the victims to even relocate. They still face the same issues if they don't reach out. So this is a two-way process, not only themselves. Not only the victims learn from the government. So there needs to be a channel that the victim be able to report their case and they'll receive the support.

And what factors do you believe make a victim of trafficking vulnerable to being re-trafficked on return?

The fear, if they have experienced being exploited, where they were trafficked. Maybe they are likely to be further exposed to risk. It is more a psychological issue that someone who is prone to false promises. Like someone who showed them kindness, for example. There is a shortage of resources. And trauma. Yeah, so more psychological issues and the debt, if they have, could be do they need to, for example, pay off the debt. That also makes them very vulnerable to being re-trafficked and believe false promises. And anyone, not only the victim for trafficking, I believe that if they don't have, for example, enough resources, then support from the community, and also there are other factors, like awareness. Maybe they might not be able to recognise that they were trafficked, for example.

So they don't realise their own vulnerability. And do you think these risk factors apply to returnees who've not been previously trafficked?

I do think but to a lesser extent for the ones who returns. So the returnees, I'm-- also for the cases of the returns from the UK, mostly the people have resources, at least financially, so that it two different stories here. Most of the cases of victims of trafficking in Vietnam reported- they don't have enough. Even can't support their living. And they end up accepting any kind of job. But for the one who's trafficked or brought to the UK, mostly they already have some type of resources, money from the family for example. And that's a lot of money. So they can mobilise resources, so they have a level of understanding and awareness of the risks that they face. But of course not much information about the journey.

What might happen to returned victims of trafficking if they have unpaid debts to their traffickers?

It depends on where the trafficker comes from. If the trafficker needs money or threatened, for sure, and may have affected the families of victims. A lot of pressure on the families and of course for the victims themselves. So, be a threat, even death.

A: Do you know of case studies where that has resulted in death?

Not yet. No. But I think it could be because if the money is arranged by the gangster linked to the trafficker, the victim could end up being beaten or hit. It happens quite a lot in Vietnam if you borrow a huge amount of money and you can't pay it off and then they have someone to come and really hit you and if they kill you to get the money back. Or threaten the family so that they do more threats to pay off the debt.

Are there well-known, established criminal networks of traffickers that operate?

I can't really comment on this. As I said in the beginning, we need to distinguish in Vietnam laws. Mostly the traffickers are acting, let's say in the Vietnam law, the traffickers are acting individually because they want their own profit, like for the cases to China. But I'm not sure about the cases to the UK. They are smuggling and they're different of what they're organised but it's not trafficking there, I would say, at least in the Vietnam context. But I believe that it is smuggling-- is very well published and organised and the local people are aware of them because the local people-- you go into the process and family network go into that so that they can get to the smugglers.

Are there any other risks of difficulties that Vietnamese men, women or children, victims of trafficking, may face when attempting to reintegrate or return to their home areas?

I think I mentioned a lot. Mostly being re-trafficked. Stigma. Issues to access social services. Psychological problems.

General

Some sources report that some victims of trafficking do not want to be identified as a victim of trafficking by the state, or recognised as such by their family or community. Can you provide your opinion as to the various reasons behind this?

Yeah, so as I mentioned a bit earlier, that it's a very lengthy process to identify victims by the government or from their wish that they don't want to be recognised because of the stigma that they might face. I think these are the two main reasons victims of trafficking don't want to be identified as such. And I think that's really-- it's quite difficult to get the different channels that really support the victims and encourage victims to report about cases. But in terms of mechanisms in place for the government to support the victims adequately and ensure protection, for example, protection of confidentiality is the problem. What media has been projecting on human trafficking seems to even victimise the victims-- to victimise them and cause them more vulnerability.

Is there anything else you would like to cover or add which has not been covered by these questions.

Well, sure. I just want to say that, the questions here are quite broad. And the Vietnam context, we have very distinguished cases if you talk about trafficking in Vietnam and trafficking from Vietnam to UK or-- so we have never recognised by, I think, the government--officially recognised a case of trafficking from the UK to Vietnam. So it's very difficult to convince the government about trafficking. I mean, now with a recent incident of certain victims, that it's still smuggling and-- because, let's say, they voluntarily smuggle themselves to other countries to find a job, for example. And voluntarily is the factor that affects to the prosecution of the victim. And it also leaves a lot to the discussion of whether it's trafficking or not. And also, internal trafficking in Vietnam has not been brought to attention. Mostly because there's still a lot of arguments about not-- I don't think that there's clear guidance on how to prosecute a case of victim of trafficking when we have a new law-- a mandate in 2017. And this guidance is not comprehensive enough. And the judges really face difficulty in prosecuting cases.

Just to touch on what you mentioned previously. So, you think it may even be harder, let's say, for someone who was returned from the UK to then even be recognised as a victim of trafficking because they left-- voluntarily smuggled.

Yeah, so the voluntary is still an argument. So it's very difficult.

Interview with Debbie Beadle from ECPAT UK, 20 November 2019

Laws in Practice

How is someone identified as a victim of trafficking so as to be able to access shelters and programs for victims?

So obviously, I'm not working in Vietnam on this issue but from our research what we heard was mainly it was a police response. So the police had to identify them. And there was also some NGO's working-- so you have probably spoken to Blue Dragon and Pacific Links that would also identify and provide support through their program. But mainly it's police that identify. I'm just thinking on this, I think we did a comparative study actually on legislation and if you want, I can forward that document that you can use.

It's similar to the Modern Slavery Act in UK which is a specific law it cuts across lots of their laws. And one of the problems in Vietnam that we identified was in terms of how they identified children. So in Vietnam, they identify a child as anyone under 16 which obviously doesn't marry up with lots of the rest of the world being 18 and under and that being a problem we saw.

Do you think that the existing set of laws and policies in relation to identification of victims are effectively implemented? And you mentioned that there is a different approach in regards to identification of female, male, and children victims of trafficking?

Well, what we did find when we were there was that there was actually no identification of trafficking and what was more being talked about was domestic abuse type of situation. So where they potentially could have identified it, they saw it more as domestic abuse, especially when we talk about children. So they are in Vietnam they were quite strong on promoting a lot of domestic abuse cases are not necessarily identification of victims and for instance, in a lot of places we went to, we were hearing from lots of people, again, lots of official government or sanctioning bodies were saying that there was no street-children for instance. They didn't have a problem with street children. When actually, we would then go to shelters and see that they were very blatantly working with street children. They would just feel sort of a disconnect between what was necessarily happening on the ground and what was officially being recorded or identified.

And then what about the existing set of laws and policies in relation to the protection of victims of trafficking? Are they effectively implemented and is there a different approach in regards to female, male and children victims of trafficking.

So yeah. So in terms of-- again, it would depend on the different review of male, or female, or child, in terms that they have these government shelters for children, but they were kind of-- when you go into one of those, it's quite almost like a prison, basically. It's hard for them to leave, and it's very restrictive. What we found that one of the problems is, in terms of protection, is that one, it's very hard for people to come forward, but also there seems to be this approach that they should go back to the area of their families and it should be dealt with there, and I think that was the real gap in the protection in Vietnam.

A gap in the sense that there's different levels of provision in different areas?

Yeah, and also just understanding what protection is and what protection might need. So like I said, it wasn't easy for someone to come forward, and there isn't really that many resources for people that do come forward, and a real pressure for them to kind of go back to their families, or go back to essentially the people that were involved in their trafficking in the first place.

State protection

Do you consider the police in urban settings able to provide effective protection for victims of trafficking? And the same question applies to police in rural settings, and is there a difference? And especially in terms of approach.

The young people actually that had been trafficked here, from Vietnam, a lot of them are quite fearsome of the police, and were saying... For example, one boy who was living on the streets and he was being forced to work and steal and things like that. And rather than, even though he told the police what happened to him, he was constantly beaten up by the police, or arrested, so not effective at all in that instance. And I think in terms of those-- if it's an official identified case that has maybe been brought to attention and made public, then police will get in line and protect that victim, but I think in terms of identifying and supporting them, I don't think it's very effective because they're not necessarily trained to identify and support people who have been trafficked.

And do you think there is a different approach in how they provide protection to male, female, and children victims?

I don't know. Yeah, I don't know if I can answer that because we focus a lot on children, so I don't know. I would just say that in general the police-- it wasn't one of their priorities. And as I said they would be seen more as criminals than the trafficking victims.

From a bit of our desk-based research, we understood that government officials can be complicit in trafficking offenses, and so to what extent are local police officers or immigration officials involved or complicit?

Well, what we identified in our research a bit there was quite a lot of state owned labour brokers, and these labour brokers are basically encouraging people to migrate to find work, and a lot of this then turned into trafficking. So they really didn't have any clear example, as it was clear that we're highly suspicious that this was known from the start, that some of these children are being put into a trafficking situation.

They're basically sponsoring this migration abroad. But knowing that you got people leaving through illegal means then they're making themselves quite vulnerable.

So it's quite important for the Vietnamese government that people go abroad and bring money back.

Point of return

We want to better understand what happens once a recognized victim of trafficking by the UK through the NRM are returned to Vietnam. Because we understand that sometimes they're recognized by the NRM, but then they don't necessarily get asylum, and then they're returned. What happens to them? Are they automatically accepted as victims of trafficking by the Vietnamese authorities? If not, what is the process and what happens next?

Yeah. So to be honest this is also a question that we had. So I can say that lots of victims are identified in the UK even though they're officially identified in the NRM. They won't necessarily get asylum here. They'll get a letter saying, "You're a victim of trafficking, but you can go back to Vietnam." I don't know what you heard recently about the MoU that was signed between the UK and Vietnam that was signed last year. And we haven't actually seen the MoU. I don't know if you'd be able to get a hold of it. But they're a bit cagey about releasing it. And one of our concerns - I don't know this for a fact - but one of our concerns is that this is what they're concentrating on is returns of victims. Now in our report, we had heard that the government was contacting certain shelters. So they went out and visit the shelters, they were like-- They wouldn't-- They've never received anyone from the UK and probably wouldn't do. So that was just a bit of a disconnect, that we were told that they were going to be shelters but there weren't when we got there. We also spoke to the IOM.

We were told that returned Vietnamese get received by the IOM, but when we were down in Vietnam they were a bit cagey about how many people that they had supported and what happened to them. So I think that's really unclear to be honest. We haven't really ever gotten to the bottom of that.

The other thing we identified as well that it's really difficult if you come from one province to go back to another province. You have to go back to the province where you were born. So that was obviously a danger, in terms of point of return, if they get back to a place where they were originally trafficked from, that leaves them at risk.

Returning to place of origin

So these questions are more about stigma and discrimination by families and their community when they're returned to their place of origin. Does this happen for male victims, and how is it different for male victims compared to female victims compared to children?

Yeah. So again, one of the things that-- so we work with young people that have been exploited through sex exploitation, cannabis cultivation or nail bars and one young female was who was used for sex exploitation, she was saying that one of her fears of going back would be the stigma that she would face if they had known what she had been doing. So there's definitely a stigma around sex exploitation. The other thing that we identified from our report is people have been trafficked and then have moved across borders through illegal means. Even though the government may have been complicit in that, if that had been identified—hence being identified in the UK with irregular status, then they also potentially face reprisal from the police or the state when they get back because they basically shamed the government by entering other countries illegally. So that is another thing which people face. And the other thing obviously, if their family has been involved, or have been borrowing money to send them to help pay for them to come abroad, they're also scared that they haven't paid off this debt. And even, and did you see the 39 who died in the lorry. You know like even that girl that text message saying, "I'm sorry I haven't made it." That sort of the pressure that they have to come to the UK and have to pay off this debt or send money back home, that if they haven't managed to do that or they're returned is something that they feel very fearful of.

Shelters offered by the state for male NGOs

So we understand from our desk-based research that no government shelters exist for males victims of trafficking. Can you confirm whether this is correct?

Yeah. We didn't find any shelters. We just found-- we went to two shelters. One that was for young women, and one that takes young males, it was an NGO. And that was mainly street children, so not men, it would be like children, young people.

So we visited a shelter run by Pacific Links. That's for young females that they've rescued that come from China and have been brought back from China. And they provide accommodation, but then also an education and employment pathway for them to try and get them back on their feet. And they also provide negotiations to get back to their families. Like I said, some of them have been sold into sex exploitation, so it's all kind of reintegrating a relationship with the family. They also kind of mediate that, because one of the problems as well that they identified was that again, it goes back to pressure of these families for that young girl to be earning money. So they were put into an education program, but the families were kind of saying you haven't got time for an education, you need to be working. And that was a constant pressure. So that's why they accommodate and kind of provide them financial assistance until they've finished their employment. So that was quite an advanced shelter. And then we visited two that were in Ho Chi Minh City, I think they were-- I don't know, yeah, Ho Chi Minh City. And again, one of those was set up for street children, just to identify street children males around the city. And the other one was for young females. And again some of them had been children they picked up on the street, other ones had been identified as victims trafficking and were living in that shelter. And they could stay there from months to years, depending on what their situation is. But they relied on volunteers and funding from other people.

Shelters offered by the state for female victims of trafficking

And do you know about any shelters offered by the state for female victims of trafficking?

No, I don't think-- actually, I can look-- again, it's helpful if I can look through some of my notes of what we identified when we went there but I don't remember any off the top of my head.

One thing I would say from speaking to the shelters and some of the NGOs there, one of the biggest problems they face is actually receiving money. When they get money given to them as a Vietnamese organisation it often takes a long time, even 2 years to get to them. It will be 'tied up' in administration. The Government will often take a cut. This is why they often work with INGO's so that they can get the money direct from them as a consultant or project partner. Or they set up INGO's and have project activities in Vietnam.

Do you know about any barriers there are in accessing the shelters, either the NGO shelters or the state shelters?

Yeah, so I think that one of the problems which we saw in Vietnam is one, again when you talk about stigma, in terms of stigma of children or young people who had been trafficked and people knowing what it was for, in terms of the community. And again that's why as well at Pacific Links, that's why they did quite a lot of work with the community to try and integrate these young people back into the community. And also I think one of the barriers is the stigma that is attached to when you're in the shelter, that some people might not want to go to the shelter because the community knows that they're shelters for victims of trafficking, and that's a problem. And that's why the organization that we worked for has one, kept its secret hidden, and worked with their community to make sure they can integrate them and try to kind of approach, like tackle that stigma that they face by also getting them an education and getting them a good job so they could go back to good employment. The other thing is financing obviously, and also, just the fact that generally people aren't identified as victims. So you know, they're not going to be referred to those shelters, and like you said, they're kind of put in those general government shelters for everybody, and it's not really suitable for these young people.

So at Pacific Links they do different programs. So they have worked with people that have come back from the UK actually, and what they normally offer them is a loan to start a business and then support a business plan, and they will also help support going back to their families and talking to them. We do that for people back from Vietnam, but I know also they have a shelter for young people that are trafficked, young women that are trafficked in Vietnam and to China. And like I said, in there, they teach them cooking skills, they give them an education, they give skills like working with international people, so they get their skills in how to talk to different people, language skills, as I said, Pacific Links can tell you more about their work. And then the IOM, the IOM and the British embassy had just received funding from the UK government. I don't know if you had heard that as well, but like 3 million pounds to work on the project of re-integration: skills based training, employment, and help with re-integration back into the community. So that started actually, I think it might be in its second year now, but they were having a bit of a problem getting off the ground. But yeah, I think that's as much as I know I think on that.

Internal relocation

So we want to find out more about the concept of freedom of movement within Vietnam. Can one person move away from their region of origin to live in another region?

No. That is difficult . So, again, there's different opinions on this, but when we were there, even to be NGOs to work. So, for instance, for one NGO to work in another province, they have to get a license, special license for that province. And then it's the same for people moving. So it's actually quite difficult to go and live and work in another province. You have to get permission to be able to do that. The women that we spoke to in the shelters were saying the people from UK wouldn't be sent to her shelter because the first thing that would happen is that they would see which province they were from and send them back to that province. So, actually, it's quite challenging.

I see. And so would that result in difficulties that a victim of trafficking may face if attempting to relocate and settle in a different area to secure accommodation or find employment, or access healthcare, and is that also related to the household registration system?

Basically, they would have to get sign-off from the government for all of these things, to get their card, to be able to get that card to be able to work and get a house. And they say that's often restricted to the province where you're from. And what we discovered when we were there and what people were saying to us is that you can ask the permission but, actually, it can take a very long time. And that's what causes a lot of problems for people.

And are there any difficulties or differences in difficulties faced by male victims, female victims, and child victims?

Ah, I actually don't know if I can answer that question. No, I don't really know

Do you know what are the consequences for not registering with the household registration system?

No, I don't know. I don't think I'm equipped to answer that completely

Re-trafficking

What is the risk of re-trafficking or further exploitation on return to their place of origin for victims of trafficking? Are you able to tell us about any case studies or know of actual numbers?

Yeah. I haven't got actual numbers because it's not really recorded. There is a real risk of re trafficking because they-- as in many of these cases, have got a debt to pay. So I think if you look at the news reports in a recent case one of the males interviewed from Vietnam was like, "I've tried quite a few times to come to the UK." And we know that lots of trafficking rings are quite organized, and so they're fearful to go back to the country to be re-trafficked. There was also a case in which a boy that was identified in Poland, and he had been trafficked from Vietnam twice, once to China, and then once to Laos for sex exploitation. He'd actually been sent back to Vietnam, and then was trafficked again, and was found in Poland. And it was an interpreter that was speaking to him, he was saying at first didn't believe his story. Then afterwards it turned out it was true. And he had been trafficked for sex exploitation twice and had been sent back, trafficked again.

How likely is that a returned victim would be traced down by their original traffickers if they returned to their place of origin?

I think a lot of that in this situation would depend on if they owe money. If the trafficker feels like they are owed money, then they would go after them for that money. I think the thing in this situation is trafficking is not so clear cut, lots of times you can see that people have travelled to find work. And then that is then exploitative, but then potentially they paid off their debt. And in which case-- I can't say for sure. This is just from my understanding of it that eventually if they had paid off all their debt and they would be free to travel at their own will or sort something out. However, in my experience, the debt never ends. And what we're seeing is for instance, young people are trafficked here, and then they're working in a nail bar kind of a situation, they're identified, and they're in the system and supported. And then once they get status in this country, traffickers are re-approaching them, and basically then exploiting them again but through legal means because they're allowed to work, but that money will be going back to the trafficker.

If a victim of trafficking were to internally relocate away from the area where they were originally trafficked, do you think they could still be at risk of re-trafficking? And do you know about any case studies?

So I don't have case studies, but I think that the reason they'd be at risk is like what I was saying that potentially the government involvement in it. And if that local province or the police because were aware of them, I mean, because they'd obviously have to find a place to live and they'd have to work, but potentially they would identify the information be shared about them. And so it was a government involvement tool, then the information could easily be shared, and I think, for me, that would be a risk.

And what factors do you believe makes a victim of trafficking vulnerable to being re-trafficked on return. You mentioned about the debt, are there any other factors?

Yeah, the debt is a big, big one. The limited freedoms that they have in terms of travel and not being able to go to another province. We talked about the stigma did mean that actually could prevent them from potentially getting employment or reintegrating into a community. But I would also say just this pressure, from what we identify from people, to go abroad to earn money to send back home. I think the pressure is really real, and quite strong, and that's why people will continue to try and move. And so it'd be easy to be vulnerable to someone offering them an opportunity in another country.

I don't know whether you've come across this as well that sometimes when people are returned, they may even become a trafficker themselves.

Oh, definitely. Yeah. Yeah. To earn money, because they see the money that you can make.

And that's what's happening here, is the traffickers are basically approaching young people who have been trafficked to say, "Look, I'm going to give you a loan to set up your own nail bar, and then you will basically employ this person and that person." You become basically part of that trafficking cycle yourself, so you are basically the victim and the perpetrator.

And so the risk factors that you mentioned, do you think these may apply to returnees who have

not previously been trafficked?

Yeah. I think so. And also, so we've identified in our report there's environmental reasons as well in terms of what's causing people to migrate. There's disparity in wealth in Vietnam, so some areas have real poverty, and other areas is where all the wealth is going to, and that's where people are then migrating to try and find work. And then that's something making them vulnerable to exploitation. Especially that we're saying that they haven't got permission or they're having to work through illegal means, that leaves them very vulnerable to being trafficked.

What might happen to a return victim of trafficking if they did have unpaid debts to their traffickers?

Well, I think obviously the main risk is risk of re-trafficking and the exploitation, and they will have to pay off that debt, or their family will have to. So I think what we've identified is that there is a little pressure from their family as well to pay off that debt. So if they went back to family, that would be something of concern and shame if they hadn't paid off the debt. So I think it's worse for people in Vietnam, this is one of the strongest risks because most of them have a debt that they have to pay off.

I think that what we identified is that when they're coming to the UK, they were told, "You're going to earn 3,000 pounds a months, and you only need 500 pounds to live." So the expectations are very different, and then when they realize it actually takes a lot longer to pay off that debt, then that's when they start getting into problems.

Do you know if there are well known and established criminal networks of traffickers that operate in Vietnam?

No. I don't know enough on that to be able to answer for me.

Are there any other risks or difficulties that Vietnamese men, women, or children, victims of trafficking, may face when attempting to reintegrate on return to their home?

Only like what we've already said. So the stigma, finding work, if they've got a debt to pay, the pressure to pay off that from family members. If they've been sold into sex exploitation, then that's often so difficult for them, especially for women, then to go and find a partner and to be able to settle down with a family. We also heard from young women that had been trafficked to China and Korea as wives and then had faced a lot of domestic violence along with that, and then managed to escape their homes but left children there, and how difficult that is to kind of reintegrate that nine-year-old child who's in China. That was a real issue for lots of the organizations that we were working with. The women that they were working with.

And how about kind of the psychological impact of that and if there's any kind of provision to support victims in that sense?

DB: Pacific Links have a bit of support. We also visited an organization called Hagar International.

So they also provided counselling and assistance for victims, but it was really difficult. There wasn't much, as in the UK there's not much either.

What other kind of reasons do you think there may be behind is?

Well, a lot of them, when they knew it was trafficking-- they will just say, "Well, this is just what we do. This is what I'm doing to get a better life. And this is just what Vietnamese people do." That's what they'll say. So when we went to one area in the Nghe An region, then at school, we asked how many of the children had family members that had gone to work in Europe, and almost all of them put their hands up. And when we asked them what they wanted to do, they were like, "Oh, I want to follow. I want to go to Europe and find work." So lots don't even know what they're going to face on the journey or that they may be exploited, but they're prepared to do it. They won't necessarily see it as trafficking or exploiting. They'll say, "This is what I chose to do." And a lot of it's not understanding their rights, not understanding the laws in the UK, for instance. And so that's what the challenge is. They don't necessarily see it as that. And so then they'll just be seen as a failed Vietnamese person that's meant to have gone and found work and has failed. So it's not necessarily they've been exploited. The blame would be on them rather than on the fact that they've been a victim of trafficking.

General

Is there anything else that you'd like to cover or add that hasn't been covered by these questions?

No. I don't think so. Only that there is a real lack of NGO presence in Vietnam. It's quite hard to run an NGO. And there were a few NGOs that were trying to kind of integrate and provide support, but it's actually quite challenging, so there's very little support or places where people can go to, to find support. And I think that's a real issue aligned with what we were saying is a lack of government support and institutions in place.

Written answers provided by Georges Blanchard, Director of Alliance Anti Traffic, 21 November 2019

Laws in practice

How is someone identified as a victim of trafficking, so as to be able to access shelters/programmes, etc. for victims?

Are the existing set of laws and policies in relation to the identification of victims of trafficking effectively implemented? Please specifically state which law or policy you are commenting on.

Do you think there is a different approach in implementing these laws and policies with regards to identification in relation to:

Female victims of trafficking YES

Male victims of trafficking NO

Children victims of trafficking YES

It is discrimination based on cultural behaviour. Children emote the most, then women and then men. In fact, NONE of the male victims have received any help from the state and often from NGOs. I think AAT is one of the few NGOs that have helped men as much as women. The same law should be applied to all, but it isn't at this stage of Vietnam's development. Elsewhere, international organizations are riding the funding wave and men are hardly included because donors do not give.

Are the existing set of laws and policies in relation to the protection of victims of trafficking effectively implemented? Please specifically state which law or policy you are commenting on.

Do you think there is a different approach in implementing these laws and policies with regards to protection in relation to:

Female victims of trafficking

Male victims of trafficking

Children victims of trafficking

The law to protect victims exists but is neither respected nor enforced. Vietnamese police find alternatives to not recognize a victim as a victim, but a smuggled person. Like that, the law does not concern this category. NGOs continue to implement training for Vietnamese officials, that don't make any sense in today's context. NGOs continue to provide training for state officers, which is useless because they have been trained for 30 years and they could even train the trainers. Moreover, the turnover is high. Every 2 or 3 years the officers change places and the work is lost.

The only problem here people don't want to care for victims because they have not the state budget available. The only solution today is 1: NGOs stop to take in charge the problems of Vietnam that must be taken in charge by the country and 2: Economical risks can serve to put pressures on the government to force them to change. We doing that perfectly until 2013, after that, new organizations with a lot of money completely destabilized the progresses made and more than that, they implemented corruption into their frame of work as a normal practice.

State protection

Do you consider the police in urban settings (i.e. cities) to be able to provide effective protection to victims of trafficking?

No I don't consider that police in urban settings are able to provide effective protection for VoT, but if an NGO working there, the NGO will provide services.

Do you consider the police in rural settings (i.e. villages) to be able to provide effective protection to victims of trafficking?

The same in rural settings but an NGO in the province can help in villages of the province. Not including neighbouring provinces.

Is there a different approach by the police in how they provide protection to:

In general, no difference between rural and urban. The only difference between protection in urban and rural areas is if they have an NGO working in their area.

Female victims of trafficking
Urban vs rural

Not really, but can be better

Male victims of trafficking
Urban vs rural

Not really, as most of NGO not working with male

Children victims of trafficking
Urban vs rural

Children sometimes have better protection, especially if the case is well known by the population to mention the case in social media

Returned victims of trafficking.

Not specially.

From our desk-based research we understand that government officials are complicit in trafficking offences. To what extent are local police officers and airport/immigration officials involved or complicit? If possible, please detail their specific role in any involvement.

In absence of evidences, it is impossible to mention that. No one of returnees or rescued mentioned about whether local police officers or immigration officials are involved or complicit in trafficking offences. If they are involved, I think that it is with smugglers and traffickers. Victims will never meet or know them. In addition, when we have evidences involving an official, we officially complain about. As for the racket of victim's families we identified 4 years ago.

In conclusion of that case, the racketeering has stopped. The government asked me if I wanted to find out who was responsible, because in order to go any further, I needed the Prime Minister's authorization because the bank account belonged to a police official. I decided that no, as long as the racketeering has stopped, I am not looking for those responsible.

Point of return

We want to better understand what happens once recognised victims of trafficking by the UK National Referral Mechanism (NRM) are returned to Vietnam.

Are victims of trafficking as identified by the UK NRM automatically accepted as victims of trafficking by the Vietnamese authorities?

If yes, what happens next? Can you guide us through the process once a recognised victim of trafficking from the UK is handed over to Vietnamese authorities at the airport [e.g. Who are they handed over to? Do airport police/immigration officers know these are victims of trafficking?, Where are they brought to after the airport? Are they provided with any form of financial support at that point?]

If not, what is the process by which a UK recognised victim of trafficking but returned as a normal migrant be able to access shelters/programmes, etc. for victims of trafficking? [e.g. Are they provided with any form of financial support or emergency/temporary form of accommodation?]

NO. European laws don't allow EU receiving countries to inform the country of origin if the victim has not requested it. When VoT return in Vietnam, no one knows their history. In addition, Vietnam not recognize smuggling as trafficking, as the UN definition. All these cases if they are known by the Vietnamese authorities, they will not be benefitting from any support. To the UK, 95% is smuggling cases. They must pay 30.000€ or they don't go. In trafficking cases, the travel will be covered by the traffickers and the victim will be exploited to reimburse the debt.

If they are not automatically accepted as victims of trafficking by the Vietnamese authorities, what are the risks involved of being re-trafficked or facing further exploitation on return? What is the likelihood?

Most of returnees just expect to go again when they will have the opportunity. No one trust on his future if they stay in Vietnam.

Returning to place of origin

Do returned male victims of trafficking face any

Stigma or discrimination by their families? *No*

Stigma or discrimination by their community and wider society? *No*

Do returned female victims of trafficking face any

Stigma or discrimination by their families?

I never see that

Stigma or discrimination by their community and wider society?

No, but a girl who was sexually exploited face more discrimination, for her and all the family. That why most of the time the families will hide the real story

Is there an enhanced risk of stigma or discrimination by their families if they are returning as single/lone mothers?

For few days, until they find a story to stay with their community. Victims and their families will look for a story to tell the community so that they don't lose face. Lying is also a cultural practice in Vietnam and telling a false story is not a problem. There is no doubt that it is politics that forced the Vietnamese to know how to lie in order not to be re-educated in the camp. So for all our victims, it was never a problem to tell a false story and they asked us to tell the same story, which we did.

Is there an enhanced risk of stigma or discrimination by their community and wider society if they are returning as single/lone mothers?

As mentioned above. The discrimination will be for all the family, but, as in any villages on the world I think. After some times, that will be better. Sometime, the family chooses to leave their village for another where no one knows them, but this is very rare and more often 20 years ago. Today people are more educated and understand the situation.

Do returned children victims of trafficking face any Stigma or discrimination by their families?

No children VoTs don't tend to face any stigma or discrimination from their families but it can be when the family has to sell their children in trafficking to absorb their debts. In the case of a returned child VoT, the child has failed to help the family.

Stigma or discrimination by their community and wider society?

Children's cases are very hidden from the community. Not the children, but his story.

Shelters offered by the state for male victims of trafficking

We understand from our desk-based research that no government shelters exist for male victims of trafficking. Can you confirm whether that is correct?

I cannot completely confirm that, but according to my latest knowledge, no government shelters, nothing exists for males VoTs.

If there is no shelter for men is there any alternative accommodation provided by the state? 0

No, re-education camps are closed now, since 10 years.

If such government shelters or alternative accommodations do exist, do you know

Quantity?

3 or 4. I listen about 7, but I never find information to confirm that.

Location (e.g. city/town/state)?

Hanoi, Lao Cai, An Giang

How many places are available theoretically and in actual fact?[i.e. can it cover the demand]?

More or less 25 places each. Most of them have not victims of trafficking inside because victims want to go back home

What the intake criteria are?

Victims must be volunteer to stay. If victims are forced to stay, that is incarceration.

How long the individuals can stay theoretically and in actual fact? ?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Yes, most of the time

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]?

Yes, but victims are often not staying in shelters.

Are there any known barriers to accessing this accommodation?

Not especially

Shelters offered by NGOs for male victims of trafficking

About below, we not provide shelter. We have opened the first one shelter in Vietnam, but that not help victims that want to go back home and that's not the right solution in VN communities. Only useful if a girl or a child is in danger if they go back home. The other risk with shelters that not let their beneficiaries open with the outside is to make them more discriminated in regard of the communities; , instead, we developed community reintegration since 2013. Shelter is not a sustainable solution or a solution.

Another risk with the centres is that beneficiaries are separated from the outside and placed in an institution that may discriminate against them from the population. A good centre facilitating reintegration should use the centre only for accommodation and do all its activities outside with the population. This is what we call community reintegration. A girl who comes out of a centre after being locked up for 1 or 2 years is completely lost and will have psychological difficulties.

If your organisation provides shelters for men, can you please elaborate on:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. can you cover the demand]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do you face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]??

Are there any known barriers to accessing this accommodation?

If your organisation does not provide shelters do you know about other shelters offered by NGOs for men and if so:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. is the demand covered]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do they face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]??

Are there any known barriers to accessing this accommodation?

Shelters offered by the state for female victims of trafficking

We understand from our desk based research that government shelters exist for female victims of trafficking. If that is the case, do you know about:

Quantity?

1 only is government shelter in Hanoi. The Peace House. Women Union. Another one is mentioned in HCMC, but that is not clear. Anyway, the women union plan to open one more in Can Gio, 40 km far from HCMC.

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. can it cover the demand]?

What the intake criteria are?

How long the individuals can stay on paper and for real?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]??

Are there any known barriers to accessing this accommodation?

Shelters offered by NGOs for female victims of trafficking

If your organisation provides shelters for women, can you please elaborate on:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. can you cover the demand]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do you face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]?

Are there any known barriers to accessing this accommodation?

If your organisation does not provide shelters do you know about other shelters offered by NGOs for women and if so:

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. is the demand covered]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do they face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]?

Are there any known barriers to accessing this accommodation?

Shelters offered by the state for children victims of trafficking

We understand from our desk-based research that no government shelters exist for children victims of trafficking. Can you confirm whether that is correct?

If there is no such shelter is there any alternative accommodation provided by the state?

If such government shelters or alternative accommodations do exist, do you know

Quantity?

That's not shelter for VoT. But shelter for children. As orphan centers, where they can accommodate a victim, but I never see that. We temporarily use one for boys when we rescued children from Dien Bien, trafficked in HCMC .

Location (e.g. city/town/state)?

Many around the country

How many places are available theoretically and in actual fact [i.e. can it cover the demand]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

Are these shelters adequate for the specific needs of children?

Shelters offered by NGOs for children victims of trafficking

If your organisation provides shelters for children, can you please elaborate on:

Quantity? As above Most of the time, children and women are put in the same place.

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. can you cover the demand]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do you face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known to traffickers?]

Are there any known barriers to accessing this accommodation?

If your organisation does not provide shelters do you know about other shelters offered by NGOs for children and if so: Yes, we have solution, but we never need despite the 5573 victims we working on. 20 years ago, that is a necessity, today no.

The centres have no reason to exist today, except in extreme cases. Twenty or more years ago, a centre was useful, but in the last ten years or so, nobody wants to stay in a centre. So we have to develop rehabilitation in the community. According to human rights law, in order to stay in a centre, a person must sign a voluntary act, otherwise he or she is incarcerated. But for about 10 years now, among about 1000 victims, none of them have wished to stay in a centre. In the north with the ethnic minorities it is different, but it is not representative of the situation in Vietnam.

Quantity?

Location (e.g. city/town/state)?

How many places are available theoretically and in actual fact [i.e. is the demand covered]?

What the intake criteria are?

How long the individuals can stay theoretically and in actual fact?

What kind of support services are offered (e.g. skills based training, employment workshops, mental health services, other forms of therapies)?

Funding situation?

Do they face any obstacles by the government to set-up and operate this/these shelter(s)?

Security arrangements [i.e. what are the safeguards in place to ensure the location is not known

to traffickers?]]?

Are there any known barriers to accessing this accommodation?

Reintegration Programmes offered by the state for male victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by the state for men outside of shelters?

No

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Reintegration Programmes offered by NGOs for male victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by NGOs for men outside of shelters?

Apart my NGO, I never know about another NGO offering services for male.

If so, can you tell us more about:

Type of programmes?

All basic services + micro credits, vocational training

Location?

All the country

Length of services?

Its depend we work case by case. Usually one year or less

Eligibility criteria?

Case by case.

Spaces?

Funding situation?

We are not funded for this work; we try to take funds from other programs. What happens once the end of the service provision has been reached? We continue to keep contact for years. As recently, we evaluate the impact of our support 5 years after the support. Our challenge is to motivate them to be activist against human trafficking in their communities. But, more women doing that.

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

80% of supported male will be able to success their reintegration. For women, only 45%.

There was no public report to publish these statistics because these assessments were funded by our Vietnamese state partners. But roughly 70% of the people are fairly stabilized, with a modest life and 30% survive as best they can, without being able to stabilize. None of the people have been re trafficked.

I think the women keep in mind that they are women and that prostitution is an alternative. I remind you that the cases of trafficking followed by AAT are cases of trafficking for sexual exploitation as a priority and not for work abroad. We did so because no one was handling these cases, but that's not our job.

Many of the cases contacted their traffickers whose phone numbers they kept so they could return to prostitution. A lot of them also become traffickers after they've been victimized.

Reintegration Programmes offered by the state for female victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by the state for women outside of shelters?

Not really.

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

What happens once the end of the service provision has been reached?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Reintegration Programmes offered by NGOs for female victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by NGOs for women outside of shelters?

As already mentioned above, and, in addition, most of programs are not especially for VoT.

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

Funding situation

What happens once the end of the service provision has been reached?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Reintegration Programmes offered by the state for children victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by the state for children outside of shelters?

No data or information, but sure, no state program exist especially for Children VoT. Their integrated them into other project because they will be the minority.

If so, can you tell us more about:

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

What happens once the end of the service provision has been reached?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Reintegration Programmes offered by NGOs for children victims of trafficking

Are you aware of any reintegration/rehabilitation programmes offered by NGOs for children outside of shelters?

If so, can you tell us more about: Same as mentioned above

Type of programmes?

Location?

Length of services?

Eligibility criteria?

Spaces?

Funding situation

What happens once the end of the service provision has been reached?

Are there any known barriers to access these programmes?

Are you able to comment on the effectiveness/success of these programmes?

Internal relocation

Place of suggested internal relocation

We want to find out more about the concept of 'freedom of movement within Vietnam' - Can one person move away from its region of origin to live and work in another region?

Yes, most of Vietnamese move. They can stay in another place, but their administration will stay at their village of origin. This is a lot more complicated about the school for children as they do not automatically welcome children from outside. But, with some money, the situation can be easily solved.

Are there any difficulties a Vietnamese male victim of trafficking may face if attempting to relocate and settle into a different area? Especially in relation to:

Securing accommodation?

Not especially

Finding employment?

yes

The country not provide employment for 100 million citizens. The land is too small and exploitable resources are limited. After 1975, most resources; forest and animals was devastated.

Accessing health care?

Yes, but that is the case of 80% of Vietnamese

Registering for the household registration system ('Ho Khau')?

Of course yes people face difficulties registering for Ho Khau, but most of people are able to make the KT3. This is an alternative to the Ho Khau the government deliver for short period. But if the owner of the home you stay cannot want to help, you cannot have it. The KT3 permit you to make passport and some other documents without the need to go back to your province and it justify your accomodation outside your place of origin. One more time, the law is not respected for this document and many Vietnamese don't have it. The Ho Khau stay at the village of origin. But, if we buy a house where we stay, we can ask to change the domiciliation. In anyway, you must own a house. That not accessible to all!

Are there additional barriers to the above if the male victim of trafficking returns without family support or networks?

No

Stigma or discrimination by community and wider society?

No

Are there any difficulties a Vietnamese female victim of trafficking may face if attempting to relocate and settle into a different area? Especially in relation to:

The answer is the same as above. No difference between gender.

Securing accommodation?

Finding employment?

Accessing health care?

Registering for the household registration system ('Ho Khau')?

Are there additional barriers to the above if the female victim of trafficking returns as a single/lone mother?

Are there additional barriers to the above if the female victim of trafficking returns without family support or networks?

Stigma or discrimination by community and wider society?

Are there any difficulties a Vietnamese child victim of trafficking may face if attempting to relocate and settle into a different area? Especially in relation to:

No one will know the story of the child.

Accessing accommodation (e.g. orphanages, children's homes)?

Accessing education facilities?

Accessing health care?

Registering for the household registration system?

Stigma or discrimination by community and wider society?

We found some older sources documenting the difficulties a person might face if moving to a new area but is not registered with the Household Registration System. What are the current consequences for not registering with the Household Registration System?

Does this differ for:

Men

Women

Children