

Document #2036389

## USDOS – US Department of State

## 2020 Trafficking in Persons Report: Vietnam

## 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 providing trafficking victims the affirmative right to legal representation in judicial proceedings; increasing the amount of time victims could remain in a shelter by one month and the amount of financial support provided to them for certain basic needs; continuing to operate large-scale awareness campaigns in communities vulnerable to trafficking, including workers migrating overseas; and training law enforcement officials. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. For the third consecutive year, the government identified significantly fewer victims than the previous year. Victim identification and assistance procedures remained cumbersome, slow, and ineffective. A lack of interagency coordination and unfamiliarity among some provincial officials with anti-trafficking law and victim protection roles and responsibilities continued to impede anti-trafficking efforts. Labor recruitment firms—most affiliated with state-owned enterprises—and unlicensed brokers reportedly charged workers seeking overseas employment higher fees than the law allows; those workers incurred high debts and were at heightened risk for forced labor, including through debt-based coercion. Despite reports of official complicity, the government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses. Therefore Vietnam remained on the Tier 2 Watch List for the second consecutive year.

## PRIORITIZED RECOMMENDATIONS:

Adopt a 2021-2025 national action plan that clarifies the roles of national and subnational entities across ministries; stipulates law enforcement, protection, and prevention actions; is informed by disaggregated trafficking data collection; and allocates sufficient resources to implementation. • Vigorously prosecute all forms of trafficking and convict and punish traffickers, including in cases involving forced labor or complicit officials. • Amend the penal code to criminalize all forms of sex trafficking of 16- and 17-year-old children, consistent with international law. • Continue to 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 those involving male victims. • In coordination with civil society, update implementing guidelines on victim identification to reduce bureaucratic obstacles preventing victim detection and train cross-sectoral officials on their usage. • Invite independent verification of the termination of forced labor within drug treatment centers and provide results of such verification. • Coordinate and effectively implement policies across government agencies to identify and assist victims among vulnerable groups, such as migrant workers, individuals in commercial sex, child laborers, and North Koreans and train relevant officials on these procedures. • Take steps to eliminate 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. • Expand training for social workers, first responders, and the judiciary on victim-centered approaches to working with victims of trafficking, including trauma-informed care. • Increase national funding available to provincial-level authorities to provide services to reintegrated victims of trafficking.

## PROSECUTION

The government decreased law enforcement efforts but improved its anti-trafficking training. 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) (\$860 to \$4,320). 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 \$8,630). 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 applied to children between the ages of 16 and 17 years old and

required a demonstration of force, fraud, or coercion to constitute a sex trafficking offense; therefore, it did not criminalize all forms of child sex trafficking. Civil society previously reported this led to confusion on how to treat cases involving 16- and 17-year-old children, especially for cases involving labor trafficking, resulting in victims being treated as adults. The government sought to address this issue administratively, but illustrative examples in specific cases were not known by the close of the reporting period.

For the third consecutive year, the government reported a decline in investigations, prosecutions, and convictions of trafficking cases during the reporting period. Because the government did not disaggregate its data by trafficking type, it did not report—for the eighth consecutive year—whether it prosecuted 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 the Ministry of Defense) identified 175 trafficking cases, a decrease from 211 in 2018 and 350 in 2017, involving 229 alleged traffickers, compared with 276 in 2018 and more than 500 in 2017. The *procuracies* (Prosecutor's Office) reported initiating the prosecution of 166 defendants for trafficking offenses, a decrease from 194 in 2018 and 245 in 2017, and the court system secured 174 convictions, a decrease from 213 in 2018 and 244 in 2017. Sentences ranged from less than three years' to 30 years' imprisonment. Disparate government bodies continued to report discrepant, overlapping, or incomplete data on anti-trafficking law enforcement and victim identification. Authorities did not provide comprehensive data on trafficking offenses disaggregated by type of trafficking, victim age or gender, source, or destination, making it difficult to distinguish anti-trafficking efforts from those for other crimes, including migrant smuggling cases. During the reporting period, the government's existing bilateral anti-trafficking agreements with Cambodia, China, Laos, Republic of Korea, Thailand, and the United Kingdom (UK) to improve law enforcement coordination remained in force. The agreements helped to facilitate law enforcement actions by subnational officials in this centrally managed country. Under the UK agreement, in April and August 2019 the government issued an action plan that assigned specific anti-trafficking responsibilities to various agencies and approved a UK-sponsored project to combat human trafficking. Following the October 2019 discovery of 39 deceased Vietnamese nationals, including three minors, in a refrigerated container truck in England, the Vietnamese government issued a resolution ordering relevant agencies and diplomatic personnel in the UK to strictly investigate the incident and curb migrant smuggling.

Despite some reports of official complicity, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity, especially with respect to labor export enterprises, remained significant concerns, inhibiting law enforcement action during the year. The lack of an extradition treaty with China impeded prosecutions of traffickers, and officials and NGOs cited China's poor cooperation despite other formal bilateral agreements. The government did not report extradition data.

A lack of coordination across agencies at provincial levels, 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 government did not report how the 2018 restructuring of the MPS, in which the MPS Staff Department responsible for anti-trafficking policies and procedures merged with the Criminal Police Department responsible for trafficking operations, improved the flow of information and interagency coordination or law enforcement efforts during the reporting period. Police and other officials from at least one province collaborated with an NGO to identify Vietnamese victims in China and launch trafficking investigations, although temporary border closures in January 2020 significantly hampered those efforts. The government reported training, at times in coordination with international organizations, 153 law enforcement officials on Articles 150 and 151; 136 border guards and Women's Union officials; 128 interagency officials on combating child trafficking; 410 interagency officials on Vietnamese anti-trafficking regulations; and nearly 300 diplomatic and consular officers. Additionally, the Women's Union and officials from many provinces, districts, and communes organized multiple trainings, including on prevention and victim assistance.

## PROTECTION

The government maintained efforts to protect victims but identified and provided services to fewer of them. In 2019, authorities reported identifying, at times in cooperation with NGOs, 300 victims of trafficking—a decrease from 490 in 2018 and 670 in 2017; however, for some victims the form of exploitation was unclear. The government did not provide comprehensive statistics disaggregating cases by type of trafficking, victim age or gender, source, or destination. The government had common victim identification criteria as part of the Coordinated Mekong Ministerial Initiative against Human Trafficking and its own 2014 procedure for victim identification; however, neither the criteria nor the procedures were reported to be proactively or widely employed, including among women arrested for commercial sex acts, migrant workers returning from abroad, and child laborers. Foreign victims, including children, remained at high risk of deportation without screening or referral to protective services. The victim identification process remained overly cumbersome and complex,

requiring sign-off from multiple ministries before victims could be formally identified and assisted. Some local officials and NGOs reported the central government had not provided sufficient resources or implementing guidelines on the new penal code or revised guidelines on identifying victims, all of which prevented border guards, law enforcement, and other officials from fully detecting and assisting victims.

The government reported 269 of the 300 victims requested and received assistance, compared with 490 in 2018 and 500 in 2017. The victims received assistance in essential needs, medical support, mental health consultation, legal support, education, and vocational training. The government referred 110 victims to shelters. 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. The government's 2019 budget for victim assistance was 7.12 billion VND (\$307,280), excluding amounts provided by international organizations, NGOs, and donors. The government did not report how it allocated these funds. Observers previously reported national authorities did not devote adequate funds for victim protection, encouraging provincial governments to use their own funds for trafficking programs to decentralize further this responsibility, and relied heavily on civil society to provide protection services with limited in-kind support. In December 2019, the government affirmatively provided victims the right to legal representation, and in January 2020, it significantly enhanced victim assistance by extending from two to three months the authorized length of a victim's stay at support facilities and increasing the amount of financial support for certain basic needs. The government continued to operate 94 social protection or social service centers, some funded by NGOs, to assist victims nationwide, but none provided services to male or child victims exclusively. The government did not report if it addressed previous reports of local and provincial government officials employing practices that could be re-traumatizing to victims, including limiting shelter residents' freedom of movement.

In November 2019, the Supreme People's Court issued additional guidance on trial procedures for cases involving sexual assault victims under the age of 18, including trafficking victims. The new protective measures included assigning experienced judges to cases and limiting the use of victims' live testimonies, among other measures. In December 2019, guidance implementing the 2015 Criminal Procedure Code took effect and newly guaranteed victims of trafficking the right to legal representation. The law provided compensation for victims, and the government reported victims received compensation in 16 of 20 of the publicly reported trafficking cases during the year.

The government maintained labor representatives at diplomatic missions in countries that host large numbers of documented Vietnamese migrant workers such as Japan, Malaysia, Saudi Arabia, South Korea, Taiwan, and the United Arab Emirates (UAE). These missions could provide basic provisions, transportation, and health care to Vietnamese citizens subjected to trafficking abroad. The government reported repatriating 51 victims to Vietnam and assisting an additional 331 victims overseas, compared with 386 Vietnamese victims in 2018 and 138 in 2017. Some diplomatic personnel previously reportedly lacked sufficient training to adequately assist victims, and NGOs abroad previously reported some overseas missions were unresponsive to foreign government and NGO attempts to refer Vietnamese victims to them. The government encouraged trafficking victims to assist in judicial proceedings against traffickers and offered victims some protection and compensation. The law protected victims from prosecution for unlawful acts traffickers coerced them to commit, but NGOs previously reported victims were less likely to come forward about their abuses in a judicial setting due to fears they may face arrest or deportation for crossing the border without documentation. Civil society previously 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 authorities. These victims were less likely to seek support and were vulnerable to re-trafficking. International observers previously reported government officials often blamed Vietnamese citizens for their exploitative conditions abroad or suggested victims inflate abuses to avoid immigration violations. The government did not report offering foreign victims legal alternatives to their removal to countries where they may face retribution or hardship.

## PREVENTION

The government increased efforts to prevent trafficking. A steering committee chaired by a deputy prime minister, with the minister and a vice minister of public security as deputy chairs, continued to direct Vietnam's anti-trafficking efforts. During the reporting period, the government continued to implement the third phase of the 2016-2020 national action plan, continued a five-year assessment of action plan implementation benchmarks, including by consulting with select civil society groups, and began formulating the next action plan for 2021-2025. The government did not share assessments with the public. A lack of inter-ministerial cooperation generally hampered effective implementation. The MFA organized trainings for nearly 300 diplomatic and consular officials on prevention and protection, including among migrant workers. The Ministry of Information and Communication and the Women's Union, along with several provincial, district, and commune-level officials, continued to organize several large-scale public awareness campaigns, reflecting the

importance of awareness in the national action plan. Some efforts focused on high-risk groups, such as female migrant and agricultural workers, construction workers, communities sending migrant labor abroad, and schools in high-risk communities. Other efforts to raise awareness were more general in nature and composed of thousands of printed bulletins, articles, and reports, as well as several television reports and documentaries. Provincial- and municipal-level awareness efforts were significant, including 17,890 public information sessions attended by almost 2.5 million people; topics included preventing trafficking among students, women migrating for marriage abroad, and children using the internet, among others. The Ministry of Labor, Invalids, and Social Affairs (MOLISA), with donor funding, operated a 24-hour hotline for trafficking victims and victims of other crimes; authorities reported receiving approximately 2,520 calls in 2019, compared with 2,010 calls in 2018 and 2,700 in 2017. They also referred 35 cases to NGO and government services, compared with 30 cases in 2018 and 65 in 2017. These referrals led to the identification of 12 trafficking victims. The government continued to support English and some ethnic minority languages on the hotline.

The National Assembly adopted revisions to the labor code in November 2019 that will take effect in January 2021 and provide for the formation of independent trade unions and extend legal protections to workers without employment contracts. With assistance from an international organization, the government submitted to the National Assembly a revised law governing contract-based Vietnamese overseas workers; the law remained pending at the close of the reporting period. Labor recruitment firms, most affiliated with state-owned enterprises, and unlicensed brokers reportedly charged workers seeking overseas employment higher fees than the law allows. Many workers incurred high debts and were more at risk for forced labor, including debt-based coercion. In 2019, MOLISA inspected 55 enterprises sending workers abroad, fined 21 of them nearly 1.5 billion VND (\$64,740), revoked two licenses, and resolved 120 civil complaints, all related to labor migration, compared with 91 violations in 2018. Despite these efforts, and aided by cultural norms or stigmatization that may deter victims from self-identifying, reports of migrant workers' vulnerability to debt-based coercion continued. The coercion was facilitated by required payment of recruitment and related fees and use of irregular migration schemes, including for work on Taiwanese fishing vessels or on UK cannabis farms. MOLISA distributed thousands of handbooks on legal rights and frameworks protecting migrant workers. It also signed nine labor migration agreements aimed at preventing trafficking during the reporting period, eight with the Government of Japan for skilled and technical workers and interns and one with the Government of the UAE for domestic workers. This followed the government's 2017 Memorandum of Cooperation with the Government of Japan to improve protections for Vietnamese participants in Japan's Technical Intern Training Program (TITP) amid continued reports of severe exploitation of Vietnamese workers. NGOs and the media in Japan previously reported Vietnamese workers paid \$7,000 to third-party brokers in Vietnam before entering the TITP program and then often had to pay \$4,000 to \$5,000 if they broke their contracts, trapping them in forced labor. The government continued efforts to reduce the demand for commercial sex acts. Civil society reported prosecutions for child sex tourism were rare. The government did not take steps to deny entry of known U.S. sex offenders.

## 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 informally or through state-owned or state-regulated labor recruitment enterprises. 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, maritime industries, logging, and manufacturing, primarily in Taiwan, Malaysia, Republic of Korea, Laos, Japan, and to a lesser extent, some parts of Europe and the UK (including in nail salons and on cannabis farms). There are increasing reports of Vietnamese labor trafficking victims in continental Europe, the Middle East, and in Pacific maritime industries. Large-scale Vietnamese and Chinese 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 victims are misled by fraudulent employment opportunities and sold to brothel operators on the borders of China, Cambodia, Laos, and elsewhere in Asia. Some Vietnamese women who travel abroad for internationally brokered marriages or jobs in restaurants, massage parlors, and karaoke bars—including to China, Japan, South Korea, Malaysia, Saudi Arabia, Singapore, and Taiwan—are subjected to forced labor in domestic service or sex trafficking. Traffickers increasingly use the internet, gaming sites, and particularly social media to lure victims, proliferate trafficking operations, and control victims by restricting their social media access, impersonating them, and spreading disinformation online. Men often entice young women and girls with online dating relationships, 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 sex trafficking before they reach their final destination.

Within the country, traffickers are sometimes parents, family members, or small-scale networks exploiting Vietnamese men, women, and children—including street children and children with disabilities—in forced labor, although little information is available on these cases. One study suggests 5.6 percent of children in Vietnam may experience coercion or exploitation indicative of trafficking or in the context of migration, with children from rural and deprived communities particularly at risk. Traffickers exploit children and adults in forced labor in the garment sector, where workers are coerced to work through threats and intimidation. There were reports of children as young as six producing garments under conditions of forced labor in small privately owned garment factories and informal workshops, and that children as young as 12 worked while confined in government-run rehabilitation centers. Traffickers force children into street hawking and begging in major urban centers. Traffickers subject some children to forced or bonded labor in brick factories, urban family homes, and privately run rural gold mines. Sex traffickers target many children from impoverished rural areas and a rising number of women from middle class and urban settings. Traffickers increasingly exploit girls from ethnic minority communities in the northwest highlands, including in sex trafficking and forced labor in domestic service, by channeling their criminal activities through the traditional practice of bride kidnapping. Child sex tourists, reportedly from elsewhere in Asia, the UK and other countries in Europe, Australia, Canada, and the United States exploit children in Vietnam. The North Korean government may have forced North Koreans to work in Vietnam.

In 2019, the government reported it had ceased the practice of subjecting drug users to forced labor in its 105 rehabilitation centers. A 2014 legal provision requires a judicial proceeding before detention of drug users in compulsory drug rehabilitation centers and restricts detainees' maximum workday to four hours. There were prior reports that prisoners, including political and religious dissidents, had been forced to work in agriculture, manufacturing, and hazardous industries, such as cashew processing.

Complicit Vietnamese officials, primarily at commune and village levels, allegedly facilitate trafficking or exploit victims by accepting bribes from traffickers, overlooking trafficking indicators and extorting money in exchange for reuniting victims with their families.

**ecoi.net summary:**



Annual report on  
trafficking in persons (covering  
April 2019 to March 2020)

**Country:**

Vietnam

**Source:**

[USDOS – US Department of  
State](#)

**Original link:**

[https://www.state.gov/reports/2020-  
trafficking-in-persons-  
report/vietnam/](https://www.state.gov/reports/2020-trafficking-in-persons-report/vietnam/)

**Document type:**

Periodical Report

**Language:**

English

**Published:**

25 June 2020

**Document ID:**

2036389

|                                                                                                                      |                                                                                                                                                                                                                 |                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Austrian Red Cross</b><br>Austrian Centre for Country of Origin and<br>Asylum Research and Documentation (ACCORD) | Wiedner Hauptstraße 32, 1041 Wien<br><a href="tel:+43158900583">T (Telefon)</a> +43 1 589 00 583<br><a href="tel:+43158900583">F (Fax)</a> +43 1 589 00 589<br><a href="mailto:info@ecoi.net">info@ecoi.net</a> | <a href="#">Contact</a><br><a href="#">Imprint &amp; Disclaimer</a><br><a href="#">F.A.Q.</a><br><a href="#">Data Protection Notice</a> |
|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

