

Report of a Home Office fact-finding mission to Vietnam

Conducted between 23 February and 1st March 2019

Published: 9 September 2019

This project is part funded by the EU Asylum, Migration and Integration Fund. Making management of migration flows more efficient across the European Union.



Contents

Introduction	5
Aim of this report.....	5
Background	5
Purpose of the mission	5
Methodology	6
Research standards.....	6
Identification of sources	6
Arranging and conducting interviews	6
Notes of interviews/meetings.....	6
Structure of this report	7
List of abbreviations	8
Executive summary.....	9
Summary report	11
1. Police and security services.....	11
1.1 Effectiveness	11
1.2 Corruption.....	11
1.3 Arrests and detention	11
1.4 Avenue of redress	12
1.5 Witness protection.....	13
2. Judicial system	13
2.1 Trials.....	13
2.2 Death penalty	14
3. Prison and detention centre conditions	14
4. Freedom of movement	15
5. Trafficking	16
5.1 Profile of victims	16
5.2 Profile of traffickers.....	17
5.3 Legislation	18
5.4 Prevalence	18
5.5 Access to justice and legal aid	19

5.6 Sentencing	19
5.7 Protection mechanisms	20
5.8 Government run shelters and support	20
5.9 NGO run shelters	21
5.10 Support and reintegration	21
5.11 Social stigma	22
5.12 Re-trafficking risk	22
5.13 Returns	22
6. Moneylending	23
6.1 Types of moneylending	23
6.2 Legislation against illegal moneylending	23
6.3 Police protection	24
6.4 Repercussions on non-repayment of loans	24
7. Religious freedom	25
7.1 Overview	25
7.4 State treatment	27
7.5 Risks on return to Vietnam	28
8. Political opposition	28
8.1 Legal position	28
8.2 Formosa	29
8.3 Bloggers/activists	29
8.4 Censorship	30
8.5 Civil society	30
8.6 Returning activists	31
Annex A: Terms of reference (ToRs)	32
Annex B: List of sources	34
Annex C: FFM background explained to sources	35
Annex D: Notes of meetings w/ sources	36

Map of Vietnam



1

¹ Relief Web, undated, [url](#)

Introduction

Aim of this report

This document provides information obtained from the Home Office's fact-finding mission (FFM) to Vietnam. It does **not** provide advice on handling particular types of protection and human rights claims. For this, see the Vietnam country policy and information notes on the [Gov.uk website](#).

[Back to Contents](#)

Background

The FFM was conducted between 23 February and 1 March 2019 by 3 officials from the Country Policy and Information Team (CPIT), with support from the British Embassy in Hanoi and Consulate in Ho Chi Minh City.

This FFM report covers a wide brief, ranging from police, their procedures and effectiveness, prisons conditions, freedom of movement, moneylending, religious freedom, political opposition and people trafficking.

The team were based in Hanoi but also travelled to Ho Chi Minh City in the south of Vietnam.

Due to the specific knowledge of some of the sources spoken with during the trip the team were able to cover a few issues not originally included in the Terms of Reference (ToR) but discussed during pre-mission workshops with decision makers.

[Back to Contents](#)

Purpose of the mission

The purpose of the mission was to gather accurate and up-to-date information from a range of sources about trafficking of men, women and children, organised crime, state protection and the Buddhist Hoa Hao.

This information is to complement existing publicly available material.

A full Terms of Reference (ToR) is available at [Annex A](#).

[Back to Contents](#)

Methodology

Research standards

The FFM was undertaken with reference to the [EU \[European Union\] common guidelines on \(Joint\) Fact-Finding Missions: a practical tool to assist member states in organizing \(joint\) Fact-Finding Missions](#), November 2010 (EU Guidelines 2010), and the Home Office's internal guidelines for conducting FFMs.

[Back to Contents](#)

Identification of sources

The FFM team (FFT) sought to interview a wide range of informed sources, including government officials, international, national and local non-governmental organisations, foreign embassies and an interfaith group.

That a particular source was interviewed, and the notes of that interview have been included should not be considered as endorsement of that source or the information provided. Rather, all sources and information provided needs to be critically assessed and considered against other publicly available material.

Sources were identified by a review of existing documentary material on Vietnam, and consultations with the British Embassy

The sources contacted and interviewed are those that the FFT were able to identify as relevant to the mission. But, as with any FFM, factors including time constraints and availability of sources mean that the list of sources consulted, and information provided are not exhaustive. A list of sources interviewed is at [Annex B](#).

[Back to Contents](#)

Arranging and conducting interviews

The FFT met 44 people during 18 face to face interviews.

At the start of each interview the FFT explained the purpose of the mission, including that the notes of the interview may be published in a report and that the sources would be able to review the notes of their interview before publication.

A copy of the FFT's introductory note can be found at [Annex C](#).

[Back to Contents](#)

Notes of interviews/meetings

The FFT took notes at all the meetings with sources. These were subsequently sent by email, for review and approval.

Of the 18 sources, 12 approved the notes with a number making amendments to the original drafts. 2 sources did not want us to use the notes at all and the remaining 4 did not respond.

All sources were asked how they would prefer to be referenced. A number of sources requested varying degrees of anonymity to protect their professional privacy, ability to work unhindered and / or to protect their safety. We have not published the notes of the meeting with one source who has been completely anonymised. The notes of all other interviews with sources are available at [Annex D](#).

[Back to Contents](#)

Structure of this report

The report is split into:

- An introduction explaining the purpose of the mission and how it was planned and undertaken
- An executive summary
- A thematically arranged narrative, including some direct quotes from the sources interviewed
- Annexes

[Back to Contents](#)

List of abbreviations

AAT	Alliance Anti Traffic
ASEAN	Association of Southeast Asian Nations
BPSOS	Boat People SOS
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CPV	Communist Party of Vietnam
CrPC	Criminal Penal Code
DOLISA	Department of Labour and Social Affairs
FFM	Fact-Finding Mission
FFT	Fact-Finding Team
IOM	International Organization for Migration
IMM	Inter-ministerial meeting
LGBT	Lesbian, Gay, Bisexual & Transgender
MOLISA	Ministry and Labour and Social Affairs
MPS	Ministry of Public Security
NCA	National Crime Agency
NRM	National Referral Mechanism
NGO	Non-Government Organisation
SOM	Senior official meeting
TRM	Trans-national referral mechanism
UN	United Nations
UN-ACT	United Nations Action for Co-operation against Trafficking in Persons
UPR	Universal Periodic Review
VND	Vietnamese Dong
VoT	Victim of Trafficking
WTO	World Trade Organisation

[Back to Contents](#)

Executive summary

Vietnam is a one-party state led by the Communist Party of Vietnam (CPV). It became a unified country in 1975. In 1986 Vietnam began its economic reform programmes (Doi Moi) including reengagement with the world and the global economic community, joining the Association of Southeast Asian Nations (ASEAN) (1995) and the World Trade Organisation (WTO) (2007) as well as multiple regional trade groupings. In 2020 Vietnam will take over the ASEAN Chairmanship and become a non-permanent member of the UN Security Council.

Vietnam is a stable country, with military and police firmly under the control of the Ministry of National Defense and Ministry of Public Security (MPS) respectively. MPS is responsible for internal security. Local People's Committees control police forces at the local level.

Vietnam's constitution guarantees citizens freedom of movement within Vietnam, freedom to leave for overseas and return to Vietnam. For most Vietnamese these constitutional rights are upheld with increasing numbers of Vietnamese being able to afford to visit other parts of Vietnam and to travel abroad. Those moving to live in another part of Vietnam are generally able to apply for a temporary residence to access social services there. However, some human rights activists, former political prisoners, individuals and groups that local authorities judge to be a "threat" or "challenge" have had their movements restricted, preventing them from attending events and/or leaving Vietnam. There have also been reports of delays in the issuance of residence permits amongst some groups and individuals.

Trafficking of women and girls across the border to China is a big problem. The government of Vietnam is able to provide support and reintegration to persons who are officially recognised as victims of trafficking. In cases involving persons who left Vietnam willingly, and often legally, the Vietnamese authorities do not recognise them as victims of trafficking. There are, however, NGOs who are willing and able to offer support and shelter to all victims of trafficking if returned to Vietnam.

The constitution of Vietnam and national legislation protects the right to freedom of belief and religion. Members of officially recognised religions worship, for the most part, freely in Vietnam. Relations with the Catholic church are improving. However, certain unrecognised or unregistered religious organisations have faced obstruction and harassment, generally by provincial security forces. Religious leaders and groups who involve themselves in local grievances and politics or where there are powerful vested interests have also been targeted, though occurrences vary across the country. Although sometimes manifesting themselves in actions against a particular religious group, the causal reasons are usually more concerned with the perceived threat a group may pose to the interests of the local or state authorities, rather than religious issues as such.

The CPV does not tolerate political opposition and is nervous of mass gatherings, particularly where it fears these might escalate into anti-government protest. Political opposition parties are illegal. Action taken against demonstrations and gatherings varies according to the perceived threat or influence; whether it is in the provinces or in one of the larger cities, and on internal politics, including periods of particular sensitivity such as when the National Assembly is sitting. In most cases, it is those

who have organised the protests who will receive the harshest punishment, probably to dissuade others from similar activity/support.

[Back to Contents](#)

Summary report

1. Police and security services

1.1 Effectiveness

- 1.1.1 The role of the police in Vietnam is to maintain social order. They are overseen by the Ministry of Public Security (MPS). Vietnam has relatively low violent crime rates with very little gun or knife crime, though social factors impact on this as well as the effectiveness of the security services².
- 1.1.2 Diplomatic sources interviewed during the FFM noted that a lack of cross agency coordination within the police creates delays in dealing with cases. However, the same sources also noted that if the police do arrest a person and begin the investigation process, then the Vietnamese Criminal Code – whilst very bureaucratic – means that rules are applied to a criminal investigation and the police do follow this³.
- 1.1.3 All the sources asked confirmed that where the police are aware of a case involving victims of trafficking, they are able to afford the victims effective protection^{4 5}.

[Back to Contents](#)

1.2 Corruption

- 1.2.1 Diplomatic sources referred to Vietnam's rank of 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. This is 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 prosecutions⁶.

[Back to Contents](#)

1.3 Arrests and detention

- 1.3.1 The Ministry of Public Security (MPS) informed the FFT that there are 2 kinds of arrests:
 - a. Emergency custody - where there is evidence that the person will commit a serious offence if released. Here the relevant authorities have 12 hours to question the person and decide whether to issue a formal arrest warrant or release them.
 - b. Normal procedures - stipulated in the criminal procedure code (details of the relevant articles can be found in the translated version of the notes

² [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

³ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

⁴ [UN-ACT, 27 February 2019](#)

⁵ [NGO, 26 February 2019](#)

⁶ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

MPS provided). MPS also said that any citizen can arrest a criminal and escort them to a police station⁷.

- 1.3.2 Arrest procedures would appear to vary depending on the circumstances surrounding the initial arrest. An NGO who works with Victims of Trafficking (VoT) told the FFT:

‘In Vietnam those who are less than 12 years old are immune from any charge. Children from 14 to under 16 years old are only charged for extremely serious crimes. Children between 16 and 18 could be charged with serious crimes but they would receive lower sentences compared to adults and would not get the death penalty or life imprisonment.

‘Sometimes children who are arrested for violating the law, if they have a clear permanent residence and a guardian then they would not be detained. Only if they committed a very serious crime would they be detained for investigation or if there is a reason to hold them to gain evidence or if there is a chance they would run away or there is a reason to believe that if they are not being detained, they will cause harm to others. In Vietnam[s] ... Penal code there is a separate section that deals with children’.⁸

- 1.3.3 The same NGO confirmed that police adhere to the Penal Code in the way they deal with children⁹.
- 1.3.4 Diplomatic sources added that in other cases, such as where arrests follow on from demonstrations, the procedures will vary depending on circumstances, reasons for the arrest and the individuals involved, and numbers involved and the perceived threat, including political threat that the person arrested is deemed to pose. There have been numerous reports of activists and demonstrators arrested or detained without an arrest warrant, sometimes under broad interpretations of the emergency custody/security provisions. There are also reports of police frequently using excessive force when making an arrest¹⁰.

[Back to Contents](#)

1.4 Avenue of redress

- 1.4.1 The Bureau of Investigation of the Supreme People’s Procuracy investigates allegations of abuse by the security forces. There are no independent agencies in Vietnam who oversee the police¹¹. Two sources noted that where people wish to complain about their treatment and/or seek protection then they have to do so through international agencies and the international community^{12 13}.

[Back to Contents](#)

⁷ [MPS, 28 February 2019](#)

⁸ [NGO, 26 February 2019](#)

⁹ [NGO, 26 February 2019](#)

¹⁰ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹¹ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹² [Academic source \(1\), 25 February 2019](#)

¹³ Anonymised source

1.5 Witness protection

1.5.1 MPS provided details of the legislation concerning witness protection in a translated version of the notes received after our meeting:

‘Article 66 of the CrPC 2015 stipulates: A witness is a person who knows circumstances related to a crime and a case and is summoned by an authorized agency to testify.

‘Article 62 of the CrPC 2015 stipulates: A victim is a physical person suffering from direct damage to physical body, mentality and property, or an agency/organization whose property and reputation are impaired or threatened.

‘Protective measures against victims and witnesses are stipulated in chapter XXXIV (Article 484 to Article 490 CrPC). Accordingly, if the victims/witnesses or their relatives are threatened or coerced by any individuals, agencies or organizations, they may request authorized authorities to apply Protective measures as set out in Article 486 CrPC’.¹⁴

1.5.2 According to the information provided by MPS, protective measures for witnesses include: deploying personnel and utilizing weapons in order to provide protection, constraining their travel and interaction to maintain their safety, ensuring others maintain confidentiality in information related to that person; and moving them and changing their personal records with their consent¹⁵.

1.5.3 However, several of the other sources interviewed were not aware of a witness protection programme and one thought that while there is probably legislation in place it is probably not something which is implemented in practice^{16 17 18}.

[Back to Contents](#)

2. Judicial system

2.1 Trials

2.1.1 Diplomatic sources stated that the Constitution provides for a fair and public trial, but this is not always the case in practice, particularly in politically sensitive cases. Although there has been some progress made with the latest Penal Code (such as a right to silence, the right to a defence lawyer, the presumption of innocence and the right to cross-examine witnesses), the application of these rights is often limited. Defendants are often not provided with clear details of the charges against them; evidence may not be presented; witnesses not allowed to be cross-examined or brought before the court and cases carrying long prison sentences concluded in only a day. The judiciary are not independent, with judges usually being members of the

¹⁴ [MPS, 28 February 2019](#)

¹⁵ [MPS, 28 February 2019](#)

¹⁶ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹⁷ [UN-ACT, 27 February 2019](#)

¹⁸ [Academic source \(1\), 25 February 2019](#)

CPV and being screened by the CPV during selection. They serve for 5 years before being subject to review and reappointment by CPV officials¹⁹.

- 2.1.2 The same sources also told the FFT that there are only around 7,000 lawyers in Vietnam. There have been reports of lawyers being pressurised into not taking on sensitive cases, particularly those involving human rights/politics and of the risk of being disbarred or not having sufficient time to prepare cases²⁰.

[Back to Contents](#)

2.2 Death penalty

- 2.2.1 Diplomatic sources told us that Vietnam ranks fourth in the world for the number of executions, despite recently reducing the number of crimes that carry the death penalty. Vietnam has the death penalty for 15 crimes, including rape, murder, corruption and offenses involving drugs and national security. Executions are carried out by lethal injection²¹.

[Back to Contents](#)

3. Prison and detention centre conditions

- 3.1.1 Diplomatic sources stated that Vietnam has been active in passing legislation underpinning its penal system. The Law on Enforcement of Custody and Temporary Detention provides for the right to family visits and legal assistance, in particular during police investigations. The Criminal Code and the Criminal Procedure Code provide for the right to access to counsel at all stages of criminal proceedings and for video and audio recording of interrogations of accused. However, there is often a gap between legislation and implementation, as well as a lack of effective checks and balances, which makes it difficult to ensure that legislation and internal guidance is followed, particularly in provinces far from the capital, Hanoi²².
- 3.1.2 Diplomatic sources also considered that prison and detention conditions vary but are generally of a low standard, with poor quality food, lack of potable water, poor sanitation and medical facilities; and overcrowding. However, this is not particularly unusual compared to countries of a similar level of development. Women and men are generally kept separately, as are adults and children – though young children may stay with mothers until the age of three. Political prisoners are often held separately or in small groups separate from the general prison population²³.
- 3.1.3 Families are generally allowed to visit once a month, phone for five minutes a month, and bring in food and medicine up to 7kg. However, there have been reports of these rights being withdrawn by prison authorities, and of prisoners being transferred to prisons in other provinces without families being informed²⁴.

¹⁹ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

²⁰ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

²¹ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

²² [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

²³ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

²⁴ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

- 3.1.4 Diplomatic sources also noted there have been credible reports of torture and mistreatment of suspects and prisoners, including by medical personnel, particularly in respect of those charged/convicted under Vietnam's national security laws. Often the mistreatment is used as a method to try to extract confessions. Linked to this is a lack of oversight and a low incidence of investigations into allegations of ill-treatment including deaths in custody. Despite guidance from Vietnam's Supreme People's Court to charge police officers responsible for causing deaths in custody with murder, such crimes have often been dismissed as suicide or natural causes or, when action is taken, for those responsible to face lesser charges. Family members of those who have died in police custody have also reported harassment by local authorities when seeking redress/publicity. These concerns were reflected in the report on Vietnam by the UN Committee Against Torture Report in 2018 and raised by the UK in its Universal Periodic Review Recommendations (UPR) in 2019. The situation is not universal, varying between facilities, and provinces, categories of prisoner and those in charge of the detention centres²⁵.
- 3.1.5 Diplomatic sources noted that Amnesty International put the number of political prisoners at 128 in 2019, up from 97 the previous year. Higher numbers have been suggested by other organisations. Political prisoners tend to be treated differently from the normal prison population, often kept away from other prisoners, though treatment is inconsistent between facilities. There have been reports of political prisoners being treated more harshly than other prisoners from prison authorities and other inmates and denied rights and privileges including medical care, though some political prisoners well known to the international community have received better treatment or been allowed to migrate outside of Vietnam²⁶.

[Back to Contents](#)

4. Freedom of movement

- 4.1.1 The Ho Khau (household registration) system is related to social benefits, schooling and medical care and was referred to as 'permanent residence' by one of the sources interviewed²⁷. There are plans to remove the system in the future and this was confirmed by another source during the FFM²⁸.
- 4.1.2 Two sources noted that households are required to provide information on who lives in the house^{29 30}. The FFT was told that when people move area or region they are required to register in the new area and provide their name, age, occupation and relationships³¹. If a person moves to a new area and wants their children to go to school there they are required to register³².

²⁵ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

²⁶ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

²⁷ [Hagar, 26 February 2019](#)

²⁸ [Academic source \(1\), 25 February 2019](#)

²⁹ [Academic source \(1\), 25 February 2019](#)

³⁰ Anonymised source

³¹ Anonymised source

³² Anonymised source

³³, this can be done by acquiring temporary residence papers^{34 35 36} which according to an academic source, just involves attending the local police station which, although simple, can be a lengthy process and often puts people off. The FFT was told that it tends to only be families with children who go through this process³⁷. There is a cost involved in re-registering and the cost can vary³⁸.

- 4.1.3 According to an academic source, official registration could affect something like buying a car but over the years more and more services have removed the requirement to have an official ho khai registered in that area³⁹.
- 4.1.4 Both Hagar (a NGO working with survivors of abuse, slavery and trafficking) and an academic source confirmed to the FFT that ho khai registration is not a barrier to moving around the country and does not prevent free movement^{40 41}.
- 4.1.5 In respect of freedom of movement and activists, an academic source said that the government did not restrict their movements⁴² although another reported having to request permission from state authorities to travel overseas, refusals to issue passports and other restrictions, particularly during politically sensitive times such as the 2019 Trump-Kim Summit⁴³.

[Back to Contents](#)

5. Trafficking

5.1 Profile of victims

- 5.1.1 Trafficking is a big issue in Vietnam. Most of the cases involve young women and girls trafficked across the border into China for forced marriage and/or prostitution. Representatives from the government's Ministry of Labour and Social Affairs (MOLISA) stated that victims of trafficking can be all ages but the majority of them are aged between 15-30 years, 90% of those are women and at least 80% are from ethnic minority backgrounds. Most of the cases of trafficking occur near the northern border and most victims are trafficked to China⁴⁴. Representatives from the United Nations Action for Cooperation against Trafficking in Persons (UN-ACT) told the FFT that 85% of victims are women and girls who come from poor mountainous areas along the borders, Hagar also confirmed that victims tend to be from ethnic minorities in the north of Vietnam^{45 46}. UN-ACT also noted an increasing

³³ [Academic source \(1\), 25 February 2019](#)

³⁴ [Academic source \(1\), 25 February 2019](#)

³⁵ Anonymised source

³⁶ [Hagar, 26 February 2019](#)

³⁷ [Academic source \(1\), 25 February 2019](#)

³⁸ Anonymised source

³⁹ [Academic source \(1\), 25 February 2019](#)

⁴⁰ [Hagar, 26 February 2019](#)

⁴¹ [Academic source \(1\), 25 February 2019](#)

⁴² [Academic source \(1\), 25 February 2019](#)

⁴³ Anonymised source

⁴⁴ [MOLISA, 27 February 2019](#)

⁴⁵ [Hagar, 26 February 2019](#)

⁴⁶ [UN-ACT 27 February 2019](#)

trend in victims who are better educated and who have been lured into trafficking through social media⁴⁷.

- 5.1.2 With specific relation to the victims of trafficking to the UK, representatives from the International Organization for Migration (IOM) stated that they are predominantly men with an average age of 35; tend to have a basic education; and come from 5 areas in the central and northern provinces. They tend to suffer some economic difficulty, but do not come from abject poverty⁴⁸. This was also confirmed by the NGO Alliance Anti-Traffic (AAT)⁴⁹. AAT, who work in Vietnam to eliminate sexual exploitation and provide support to victims, also stated that adults coming to the UK are smuggled and want to come to the UK to work⁵⁰. Diplomatic sources noted that the Vietnamese authorities see many of those who end up in the UK as economic migrants as they are sending remittances back to Vietnam. There is even reportedly a website for Vietnamese nationals looking for jobs in the UK⁵¹.
- 5.1.3 According to IOM, victims of trafficking tend to borrow money from friends and family and/or mortgage property to fund migration to the UK. In a very few cases that IOM were aware of, they borrowed money from gangs. Asked whether this meant that families were complicit or aware of the trafficking, IOM stated that families are aware that their relative is travelling to the UK to access illegal work but that they view the migration as an investment opportunity as the migrant will be paying off any debt owed and then returning remittances in the following years. However, IOM did go on to state that some families did not realise that the illegal migrant could then end up in an exploitative situation⁵².
- 5.1.4 Representatives from MOLISA confirmed that a record of those identified as victims of trafficking is kept locally and whilst the information can be requested from local departments there is no central record of these cases⁵³. NGO Hagar confirmed that they keep their own record of victims of trafficking they have helped⁵⁴.

[Back to Contents](#)

5.2 Profile of traffickers

- 5.2.1 Hagar told the FFT that the information about traffickers mainly comes from the victims themselves and that it tends to involve a spurious relationship or the promise of an education or a job. In the majority of cases they travel to another country for a job and are then mistreated. The government do not recognise them as victims of trafficking as they went of their own accord⁵⁵.

⁴⁷ [UN-ACT 27 February 2019](#)

⁴⁸ [AAT, 1 March 2019](#)

⁴⁹ [IOM, 26 February 2019](#)

⁵⁰ [AAT, 1 March 2019](#)

⁵¹ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

⁵² [IOM, 26 February 2019](#)

⁵³ [MOLISA, 27 February 2019](#)

⁵⁴ [Hagar, 26 February 2019](#)

⁵⁵ [Hagar, 26 February 2019](#)

- 5.2.2 In relation to the victims of trafficking who end up in the UK, IOM confirmed that people smugglers provide a service for a fee to facilitate the irregular migration of persons to Europe and the UK⁵⁶. AAT confirmed that, typically, traffickers/smugglers are paid £30,000 to facilitate someone's passage into Europe. The victim tends to fly to Moscow where they are then transferred to Europe⁵⁷ this was also confirmed by IOM who stated that there are multiple routes for migration but the most common involves legal travel to Russia after which the smuggling network facilitates their illegal migration across Europe⁵⁸.

[Back to Contents](#)

5.3 Legislation

- 5.3.1 The articles related to victims of trafficking can be found in [the Criminal code](#).
- 5.3.2 Representatives from MOLISA told the FFT that the definition related to trafficking has been made clearer in the criminal code as it was not close to the international definition. The definition can be found in article 150 and 151 of the 2015 criminal code. MOLISA stated that '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'⁵⁹.
- 5.3.3 An NGO told the FFM that if you try to apply the definition in articles 150 and 151 to victims in the UK it will never apply to them as often they have agreed to go with the trafficker. The same source also noted that there are many gaps or problems where the victim is over 16 years old but under 18. If a person is under the age of 16 years the authorities will automatically assume that the person is a victim of trafficking, if they are over 16 but under 18 they have to prove that there are fraud or cheating elements involved in order for a prosecution to occur. The source noted one example in Vietnam where a trafficker could not be prosecuted because the victim went with them willingly and was not forced⁶⁰.

[Back to Contents](#)

5.4 Prevalence

- 5.4.1 Representatives from MPS stated that there are approximately 300-400 human trafficking cases a year⁶¹. MOLISA, who are responsible for providing support to victims of trafficking stated that in 2018, 500 victims of trafficking received support. They did acknowledge, however, that because identification of victims is difficult there may be more victims who did not receive support⁶². It is also worth noting that the number of victims is likely to be far higher as only those who are issued with a victim certificate are able

⁵⁶ [IOM, 26 February 2019](#)

⁵⁷ [AAT, 1 March 2019](#)

⁵⁸ [IOM, 26 February 2019](#)

⁵⁹ [MOLISA, 27 February 2019](#)

⁶⁰ [NGO, 26 February 2019](#)

⁶¹ [MPS, 28 February 2019](#)

⁶² [MOLISA, 27 February 2019](#)

to access state support through MOLISA. Victim certificates are issued to those victims of trafficking who are encountered at the border. The certificate is only issued when victims are 'handed' over at the border legally and 2 sources stated that most of the victims do not have a victim certificate^{63 64}.

[Back to Contents](#)

5.5 Access to justice and legal aid

- 5.5.1 In cases involving victims of trafficking, all the sources asked confirmed that where the police are aware of the case they are able to afford the victims effective protection^{65 66}.
- 5.5.2 Hagar told the FFT that they encourage victims of trafficking to register with the authorities, but they noted that this was often difficult as many victims do not want to report incidents due to concerns about being stigmatised and discriminated against⁶⁷.
- 5.5.3 NGOs Hagar and AAT both confirmed that where the Vietnamese authorities are involved in supporting victims of trafficking they are unable to get involved in their cases^{68 69}.
- 5.5.4 In order for the Vietnamese authorities to prosecute, the victims need to have been issued with a victim's certificate. For victims of trafficking encountered in the UK, the subsequent prosecution numbers in Vietnam are low due to the definition of the law⁷⁰.
- 5.5.5 According to representatives from IOM, the government of Vietnam has become increasingly focused on prosecuting cases of traffickers and have put more legislation in place in order to support this. IOM also told the FFT that with help from them, the UK Home Office and other organisations there have been efforts to increase the capacity of the judiciary, so they are able to better understand the factors involved in trafficking cases⁷¹.

[Back to Contents](#)

5.6 Sentencing

- 5.6.1 An NGO told the FFM stated that they have been involved with 42 court cases where 57 victims have been protected and 82 traffickers arrested and prosecuted. Sentences ranged from 4 to 30 years⁷².
- 5.6.2 UN-ACT told the FFT that there have been successful prosecutions of traffickers in Vietnam and where the cases involve several traffickers and multiple victims they broadcast the cases on television and highlight them in the media. When asked what kind of sentences the traffickers receive the

⁶³ [NGO, 26 February 2019](#)
⁶⁴ [Hagar, 26 February 2019](#)
⁶⁵ [UN-ACT, 27 February 2019](#)
⁶⁶ [NGO, 26 February 2019](#)
⁶⁷ [Hagar, 26 February 2019](#)
⁶⁸ [Hagar, 26 February 2019](#)
⁶⁹ [AAT, 1 March 2019](#)
⁷⁰ [NGO, 26 February 2019](#)
⁷¹ [IOM, 26 February 2019](#)
⁷² [NGO, 26 February 2019](#)

representative from UN-ACT stated that from the television they saw that some received 7 years, some 12 years, and with some cases that involved multiple victims a 20 year sentence. UN-ACT also noted that a report from prosecutors said there are still many cases which are not prosecuted and left open due to a lack of evidence and sometimes non co-operation from the victims⁷³.

[Back to Contents](#)

5.7 Protection mechanisms

- 5.7.1 For the most part protection seems to come from a prevention angle, with the government highlighting the risks of trafficking through documentaries aired nationally on television during primetimes. There is also a National Day against Trafficking in Persons (30th July) where the government organises campaigns on or around that day⁷⁴. International organisations are involved in awareness-raising campaigns at grassroot levels with UN-ACT informing the FFT that they distribute leaflets, books, videos and stories as widely as possible⁷⁵.
- 5.7.2 AAT stated that they have developed a prevention programme to educate children in schools on unsafe migration, human trafficking and sexual abuse and exploitation. They placed a lot of importance on educating people to identify human trafficking with one educated person able to protect 10 people if they know how to identify the risks. AAT stated that they have educated more than 120,000 children, parents and state officers on how to prevent trafficking. According to information provided by AAT subsequent to meeting the FFT, more than 80% of victims of trafficking stated they would not have been victims if they had been informed and educated before⁷⁶.
- 5.7.3 AAT also told the FFT that they air around 4 television programmes a year and have a anti trafficking show called "Talk Vietnam" where they talk about their work⁷⁷.

[Back to Contents](#)

5.8 Government run shelters and support

- 5.8.1 Representatives from MOLISA informed the FFT that there are no government run shelters specifically for victims of trafficking; all vulnerable people stay in one shelter. They told the FFT that there were 400 government run shelters for vulnerable people and there were not separate shelters for men, women or children. According to MOLISA, the law states that victims are allowed to stay in the shelter for a maximum of 60 days. Whilst there, they can receive health support, (including mental health support), legal support, accommodation and food. They can also get support to find jobs. All these services are free⁷⁸.

⁷³ [UN-ACT, 27 February 2019](#)

⁷⁴ [UN-ACT, 27 February 2019](#)

⁷⁵ [UN-ACT, 27 February 2019](#)

⁷⁶ [AAT, 1 March 2019](#)

⁷⁷ [AAT, 1 March 2019](#)

⁷⁸ [MOLISA, 27 February 2019](#)

- 5.8.2 MOLISA stated that victims of trafficking do not stay in shelters for very long and AAT stated that most victims do not want to stay in shelters – most want to return to their families^{79 80}.
- 5.8.3 Hagar noted that the law allows victims the right to safe accommodation and psychological support but there are not many shelters and there are not enough qualified counsellors. They went on to say that whilst victims are eligible for support, in reality they do not receive much⁸¹. A victim certificate allows the victims of trafficking to receive a support package of 50 US Dollars, but they cannot access this instantly due to delays in processing. It also requires victims to give confidential information which many are reluctant to do⁸².

[Back to Contents](#)

5.9 NGO run shelters

- 5.9.1 NGOs met during the FFM had capacity to house victims of trafficking. One NGO stated that they have 3 shelters for victims of trafficking, all of which are in Hanoi. They also confirmed that whilst they do have a shelter for boys this is mainly for street children. Every month they rescue 4-20 girls and can provide support in a short-term shelter where they have 3 rooms and a long-term shelter where normally not more than 10 girls are in one shelter⁸³. Hagar confirmed that, in Hanoi, they refer victims to a shelter run by one of their partners. In the north they can refer victims to Compassion House run by MOLISA. Information provided by Hagar after the meeting confirmed that there is also a shelter in Yen Bai province which Hagar set up along with the Women's Union. Hagar are also able to identify safe accommodation options for victims by referring victims to government-run shelters or boarding schools. They are also able to rent houses in communities to provide semi-independent accommodation for victims⁸⁴.

[Back to Contents](#)

5.10 Support and reintegration

- 5.10.1 MOLISA told the FFT that when victims leave the shelters they are provided with help with studying, jobs, and advice on financial borrowing should they wish to set up their own business⁸⁵.
- 5.10.2 Hagar are able to provide vocational training and provide victims with small loans to start up businesses and at any one time are able to support around 60 people, but this also includes victims of domestic violence, sexual abuse in addition to victims of trafficking and their dependants⁸⁶.

⁷⁹ [MOLISA, 27 February 2019](#)

⁸⁰ [AAT, 1 March 2019](#)

⁸¹ [Hagar, 26 February 2019](#)

⁸² [NGO, 26 February 2019](#)

⁸³ [NGO, 26 February 2019](#)

⁸⁴ [Hagar, 26 February 2019](#)

⁸⁵ [MOLISA, 27 February 2019](#)

⁸⁶ [Hagar, 26 February 2019](#)

- 5.10.3 IOM in Vietnam also provide financial support to returnees which is based on the returnees providing a plan detailing how they will use a loan for their reintegration. Support provided by IOM can also include access to physical and mental health support⁸⁷.
- 5.10.4 AAT told the FFT that they have developed a programme of community rehabilitation with a mobile team as they stated that 99.9% of victims do not want to go to shelters⁸⁸.

[Back to Contents](#)

5.11 Social stigma

- 5.11.1 When asked whether victims face any social stigma, Hagar told the FFT that they do. This is the same for victims of domestic violence as Vietnam has a victim blaming culture. Hagar also stated that victims tend to be suffering from trauma and it affects how they are able to function. They find it difficult to get a job or establish a business especially when they return after many years of being trafficked and are now past school age. Some women return, and their husbands have new wives and their children have forgotten them and they also find it difficult to get identity papers as they have been away for a number of years⁸⁹.
- 5.11.2 AAT and IOM both noted that returned victims of trafficking feel a sense of failure and shame for not having been able to provide for their family^{90 91}.

[Back to Contents](#)

5.12 Re-trafficking risk

- 5.12.1 When asked about the risk of re-trafficking one source noted that they had not seen any cases where victims have been re-trafficked⁹² and another stated that in specific relation to cases involving males who had travelled to the UK they were not aware of any re-trafficking occurring⁹³.

[Back to Contents](#)

5.13 Returns

- 5.13.1 The FFT asked Hagar whether they have dealt with victims of trafficking returned from the UK and were informed that they deal with about 5 cases a year from the UK who are referred to them by their partner in the UK, the Medaille Trust. Hagar mainly support these victims by giving them counselling through Skype. Hagar do not directly deal with repatriation, so they contact IOM if this is needed and then provide reintegration support once they are back in Vietnam⁹⁴.

⁸⁷ [IOM, 26 February 2019](#)

⁸⁸ [AAT, 1 March 2019](#)

⁸⁹ [Hagar, 26 February 2019](#)

⁹⁰ [IOM, 26 February 2019](#)

⁹¹ [AAT, 1 March 2019](#)

⁹² [Hagar, 26 February 2019](#)

⁹³ [IOM, 26 February 2019](#)

⁹⁴ [Hagar, 26 February 2019](#)

- 5.13.2 AAT told the FFT that the British Embassy gives them a list of those being returned, who are normally sheltered in UK Salvation Army centres prior to their return. The AAT have a moral contract with NCA and the British Embassy which makes them responsible if victims suffer negative pressure from the authorities in Vietnam as the authorities are not given the returnee's details because of European laws, which restrict the dissemination of information. AAT are able to organise training courses for those who have returned to support their reintegration and go back to check on the current situation of a number of victims who were returned from the UK⁹⁵.

[Back to Contents](#)

6. Moneylending

6.1 Types of moneylending

- 6.1.1 In additional information provided by MPS, they stated that they refer to illegal moneylending as 'black credit'. They stated that 'black credit' is a form of lending, borrowing or raising capital at an interest rate exceeding the interest rate prescribed by the law⁹⁶.
- 6.1.2 Lenders of 'black credit' include persons and groups who operate without permission or who hide their illegal moneylending behind pawnshops and financial businesses⁹⁷.

[Back to Contents](#)

6.2 Legislation against illegal moneylending

- 6.2.1 MPS provided notes which stated that the policy for illegal moneylending is based on the following legal documents:
- 'According to the Civil Code, the regulated interest rate cap is normally 20% unless otherwise stipulated by the law. Excessive interest rates will be disabled.
 - 'Moneylenders offering loans at an interest rate that is 5 times higher than the interest rate cap specified in the Civil Code or earning an illicit profit from VND 30,000,000 upwards or having been administratively sanctioned or sentenced for the same unspent offence shall be punished according to Article 201 of the Criminal Code with a maximum penalty of 3 years in prison.
 - 'Moneylenders offering loans required collaterals out of the extent of criminal punishment according to Article 201 of the Criminal Code with an interest rate exceeding 150% of the basic rate announced by the State Bank of Vietnam at the time of lending shall be administratively sanctioned in accordance with Decree No. 167/2013/ ND-CP with a maximum fine from VND 5,000,000 to VND 15,000,000. For the same act and interest rate mentioned above, however, without collaterals, no regulations on punishment are stipulated.

⁹⁵ [AAT, 1 March 2019](#)

⁹⁶ [MPS, 28 February 2019](#)

⁹⁷ [MPS, 28 February 2019](#)

- ‘Acts of debt collection such as cursing, throwing dirt or waste, causing urban landscape disturbance, etc., and so violating Decree No. 158/2013/ND-CP regarding the penalties for administrative violations in Culture, sports, tourism and advertising sectors will be subject to administrative sanctions.
- ‘Acts of debt collection made lives, health and property of debtors injured to the extent of criminal liability prosecution may be punished for related offenses such as: Murder, Intentional injury, Death threat, Unlawful arrest, Property deliberate damage, Property Seizing, Property Destruction, etc.’⁹⁸

[Back to Contents](#)

6.3 Police protection

- 6.3.1 MPS told the FFT that, due to the seriousness of the nature of the crime of ‘black credit’, and crimes related to it, the government has directed MPS to control the crime. MPS said ‘we recognise the loan shark is a source of crime, not only at MPS but at the entire branch of government.’⁹⁹
- 6.3.2 MPS stated that in order to circumvent the law and evade investigation, contracts for these high interest rate loans often stated that the rate was much lower, or the actual rate was actually shown in another document such as a loan note or a handwritten paper which was easier to destroy or change¹⁰⁰.
- 6.3.3 The same source also said that in 2018 the National Criminal Police force detected 3,810 business establishments operating in ‘black credit’. During the same period, police units and localities have dealt with more than 600 ‘black credit’ related cases. MPS also highlighted several localities which were particularly good at fighting this type of crime: Nghe An, Ha Noi, Thanh Hoa, Ho Chi Minh City, Nam Dinh, Hai Duong and Hung Yen¹⁰¹.

[Back to Contents](#)

6.4 Repercussions on non-repayment of loans

- 6.4.1 MPS informed the FFT that late payment of loans can result in the lenders hiring external ganglands to carry out debt collection. This can be done by using threats, psychological terrorization such as throwing dirt, sending funeral wreaths/coffins, destroying property, injury or humiliation and causing trouble at residences or the work place. These activities do not fall under the scope of criminal punishment but cause fear to the extent that people do not want to cooperate and provide evidence to the police. The ganglands that are hired by the creditors are often convicted criminals who are equipped with weapons and cause anxiety and insecurity for those who owe money¹⁰².

⁹⁸ [MPS, 28 February 2019](#)

⁹⁹ [MPS, 28 February 2019](#)

¹⁰⁰ [MPS, 28 February 2019](#)

¹⁰¹ [MPS, 28 February 2019](#)

¹⁰² [MPS, 28 February 2019](#)

- 6.4.2 Diplomatic sources told the FFT that where a loan is taken out it is in effect a loan for the whole family and there were anecdotal reports that where the loan is used to fund migration to the UK the family in Vietnam sometimes get harassed if no repayment is made¹⁰³. IOM told the FFT that it was possible that family members may face retribution for an unpaid debt¹⁰⁴.
- 6.4.3 The FFT asked an academic source whether someone could move around the country to escape criminal gangs and whether a person could be traced. They stated that the police could trace someone as police act at every level in society and local village police are aware of who lives in each area and who is registered there. They stated that the network of control is very close, and a criminal could find out by possibly persuading the police to let them have the relevant information¹⁰⁵.

[Back to Contents](#)

7. Religious freedom

7.1 Overview

- 7.1.1 Diplomatic sources informed us that historically, religious groups have been a powerful presence in Vietnam, often with foreign support. Although there is no ideological campaign against religion, the CPV is suspicious of any organised group that may challenge its authority. Vietnam's current approach is to allow space for religious worship but retain control through registration and oversight. Organisations and individuals that adhere to this, register and steer clear of politics are allowed to operate relatively unhindered whilst unregistered groups and individuals that become involved in politics, local activism and/or support local grievances are monitored and may be suppressed¹⁰⁶.
- 7.1.2 The Vietnamese Government recognises 39 religious organisations. Estimates are that more than 24 million (out of 95 million) Vietnamese are religious. Around 12% are Buddhist, 7% Catholic, 1.5% Hoa Hao Buddhist, 1.2% Cao Dai and 1% Protestant. The Constitution guarantees freedom of religion and belief and the 2018 Law on Religion and Belief regulates it. There is a vibrant religious community with festivals celebrated and marked, including by senior political leaders¹⁰⁷.
- 7.1.3 Diplomatic sources stated that in practice, the treatment of religious groups and individuals varies depending on whether they are registered or recognised or not; the area they are based including local issues and local authorities' attitudes and interests; historical factors and the level of perceived threat they present. The Law on Religion and Belief 2018, provides for significant government control, allowing religious activities to be restricted in the interests of "national security, public order and national

¹⁰³ [Diplomatic Sources, 25th February, 27th February and 1st March](#)

¹⁰⁴ [IOM, 26 February 2019](#)

¹⁰⁵ [Academic source \(1\), 25 February 2019](#)

¹⁰⁶ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹⁰⁷ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

solidarity.” Large cities such as Hanoi and Ho Chi Minh City also tend to be more open in allowing religious observance without official interference¹⁰⁸.

- 7.1.4 Diplomatic sources also pointed out that conversely, members of unregistered religious organisations that get involved in local political issues such as land or environmental protests, or that advocate democracy or are deemed to pose a threat for other reasons, have been subject to harassment, arrest and detention. Cases have mainly, though not exclusively, been in areas with large ethnic minorities in the Central and North West Highlands, and with organisations with large numbers of unregistered groups such as the Hoa Hao. However, they are not limited to individual religious sects, as the reasons for action are generally unconnected with the religious aspects of the group or individuals and more with the perceived threat they pose, though may manifest themselves in actions which appear targeted at the religious aspects of the group¹⁰⁹.

[Back to Contents](#)

7.2 Degar/ “Montagnards” and H’Mong

- 7.2.1 Diplomatic sources informed us that there have been reports of persecution of ethnic minorities residing in the Central and Northwest Highlands, known as Degar or Montagnards and the H’Mong. Two thirds of these are Protestant. They are viewed with suspicion by the authorities due to their perceived historical allegiances with anti-communists and the number of unregistered groups¹¹⁰.
- 7.2.2 Diplomatic sources also advised us that Boat People SOS (BPSOS) reports that many of both groups have fled to Thailand and Cambodia. It also reports provincial authorities not issuing Ho Khau and national ID documents to members of unrecognized religions or banned churches amongst these groups and estimates up to 2000 ethnic minority households, primarily H’Mong and Degar, 10,000 individuals, may lack registration document¹¹¹.

[Back to Contents](#)

7.3 Hoa Hao Buddhists

- 7.3.1 Hoa Hao Buddhism is the fourth largest religion in Vietnam after Buddhism, Catholicism and Cao Daism. Hoa Hao Buddhist managers told the FFT that there were 8m followers¹¹², although the official number is 1.3 million, with a more realistic unofficial estimate of around 2 million. Based in Vietnam’s Mekong Delta, it has historically had a difficult relationship with the CPV, siding against it prior to independence. It is now a recognised religion, but has a large number of followers who belong to unregistered groups. There have been numerous reports of persecution of individuals belonging to unregistered Hoa Hao groups, including sentencing of six Hoa Hao followers to up to six

¹⁰⁸ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹⁰⁹ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹¹⁰ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹¹¹ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹¹² [Hoa Hao, 1 March 2019](#)

years imprisonment for organising a demonstration against the authorities' suppression of religious freedom¹¹³.

- 7.3.2 Diplomatic sources noted that in 2004 the government in Vietnam allowed many religious groups, which previously operated underground, to register. Some groups decided to register and others opted not to resulting in some religions, including Hoa Hao and Cao Dai, having registered and unregistered sects. According to the same source, some fundamentally feel that as the constitution promotes freedom of religion they should not have to register and/or that registering brings with it more control and more potential restrictions¹¹⁴.

[Back to Contents](#)

7.4 State treatment

- 7.4.1 According to diplomatic sources in Vietnam, some Hoa Hao and the Cao Dai face more scrutiny from the government due to their political beliefs. The treatment of unregistered members of the Hoa Hao religion varies from locality to locality, depending on local relationships and attitudes of local authorities. Some Hoa Hao groups have found ways to cooperate with local governments and, where leaders do not get involved in political issues, they are generally able to practice freely, but those who take a more political stance are more likely to face harassment and or scrutiny¹¹⁵.
- 7.4.2 Hoa Hao members stated that when invitees try to attend gatherings they are stopped by police and they have their papers taken away. If they resist, then the police would confiscate their vehicle.¹¹⁶
- 7.4.3 This kind of religious gathering scenario was also confirmed by diplomatic sources in Vietnam. Quoting information from Radio Free Asia they told the FFT that the police may bring people into the police station to get details such as their names and relationships. They may be there for 3-4 hours and then released with some being issued a 'letter of invitation' to return for further questioning later¹¹⁷.
- 7.4.4 The FFT were told that there have been 18 followers who have been detained or imprisoned for a total term of 86 years. Those who have been released face a total of 31 years on probation and at the time of the meeting, the FFT were told that there were currently 67 people who were being held under house arrest¹¹⁸.
- 7.4.5 The FFT asked Hoa Hao Buddhist managers whether there were cases where people were detained and released multiple times, to which they stated that this did not happen; if you were arrested, you would be tried and convicted. They stated that usually the verdict will be premediated, and they are held temporarily awaiting trial for about three months. The sentencing they receive will range from three to 12 years. Asked to confirm whether there had

¹¹³ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹¹⁴ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹¹⁵ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹¹⁶ [Hoa Hao, 1 March 2019](#)

¹¹⁷ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹¹⁸ [Hoa Hao, 1 March 2019](#)

been any children (under the age of 18) charged with offences they stated they did not have any information on this¹¹⁹.

[Back to Contents](#)

7.5 Risks on return to Vietnam

- 7.5.1 The FFT asked the Hoa Hao managers whether in general Hoa Hao members outside of Vietnam would be at risk if they were returned and they stated that they probably would not. They went on to note that the 'government only targets those who are struggling for the legitimate interests of the pure sect' and that if the government thought a returnee would create a risk then they might not grant them entry into the country or they may grant them entry and then monitor them¹²⁰.

[Back to Contents](#)

8. Political opposition

8.1 Legal position

- 8.1.1 Diplomatic sources told the FFT that Vietnam does not permit political opposition in the form of allowing opposition parties to operate. Activists are arrested for social media posts with charges often coming under Vietnam's vague security provisions such as 'abusing democratic freedom' and 'making, storing, and spreading information, materials, and items for the purpose of opposing the state.' Sentencing is harsh¹²¹.
- 8.1.2 Although the Constitution provides for the right to freedom of assembly, Vietnam has yet to adopt a law on assembly/demonstrations. According to diplomatic sources there are no protest laws in Vietnam, but the police have the right to disperse protestors as a risk to social order¹²². There is a lively online protest movement but if it passes 'an unwritten red line' during sensitive periods or it calls for mass demonstrations then it could be cracked down on. Sometimes protests are allowed to go ahead but it can depend on the timing or subject of the demonstration. During sensitive periods, public security agents may be stationed outside of bloggers or activists' homes to prevent them from leaving in the fear that they might instigate mass protests/demonstrations¹²³. It is more likely the organisers of demonstrations will receive harsher sentences than participants to be made example of. It was also noted that if public opinion is behind a specific group/demonstration then it is sometimes difficult for the government not to support the protest. Over the last 10 years there have been improvements in certain rights and particularly LGBT rights have improved with the Pride marches or gatherings being allowed to go ahead without any issue despite not being registered¹²⁴.
- 8.1.3 Diplomatic sources stated that demonstrations on the street are not something you see every day and if there are protests it tends to be small

¹¹⁹ [Hoa Hao, 1 March 2019](#)

¹²⁰ [Hoa Hao, 1 March 2019](#)

¹²¹ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹²² [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹²³ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹²⁴ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

groups of people and not something they do all the time. Sometimes if people think there is a chance they could be arrested then they might not join in¹²⁵. An academic source stated that the number of demonstrations have reduced over the last 5 years with many people moving online to voice their opinion¹²⁶.

[Back to Contents](#)

8.2 Formosa

- 8.2.1 Various sources confirmed to the FFT that protests against the Formosa disaster are no longer happening^{127 128} though activists who had previously blogged on Formosa and organised protests and who may have moved to support other causes are still being imprisoned under Vietnam's Security Provisions¹²⁹.

[Back to Contents](#)

8.3 Bloggers/activists

- 8.3.1 Bloggers and activists mainly operate on social media^{130 131} and sometimes WordPress¹³². According to diplomatic sources their output varies with some speaking out against government policies and some able to post information from government sources that is not widely known among the majority of people in Vietnam. Facebook is their main medium with deep penetration throughout Vietnamese society¹³³.
- 8.3.2 The authorities are not afraid of individual activists but they are most wary of people making associations or organising themselves into a political party¹³⁴.
- 8.3.3 Diplomatic sources stated there are different groups that the government has a closer eye on and this includes those who have links to foreign NGOs and those who want democracy or are pro a multi-party system¹³⁵.
- 8.3.4 If the authorities become aware of someone on Facebook or social media calling for a demonstration on the street, then they may put someone outside of an activist's house¹³⁶. Activists may be watched both day and night and before any major event a check will be made to ensure they are at home and registration checked to verify who is in the house. If they leave home, they will be followed and sometimes they may be prevented from leaving¹³⁷.

¹²⁵ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹²⁶ [Academic source \(1\), 25 February 2019](#)

¹²⁷ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹²⁸ [Academic source \(1\), 25 February 2019](#)

¹²⁹ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹³⁰ [Diplomatic Sources, 25th February, 27th February and 1st March](#)

¹³¹ Anonymised source

¹³² [Diplomatic Sources, 25th February, 27th February and 1st March](#)

¹³³ [Diplomatic Sources, 25th February, 27th February and 1st March](#)

¹³⁴ [Diplomatic Sources, 25th February, 27th February and 1st March](#)

¹³⁵ [Diplomatic Sources, 25th February, 27th February and 1st March](#)

¹³⁶ Anonymised source

¹³⁷ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

- 8.3.5 Activists may have difficulty in getting a job as the authorities may threaten the company not to hire them. Threats may also be made against family members¹³⁸.

[Back to Contents](#)

8.4 Censorship

- 8.4.1 An academic source told the FFT that the government controls the official press and mainstream media. Members from the Ministry of Information and Communication and members from the agency of the CPV hold a meeting every Tuesday afternoon to discuss what topics can be reported on. Newspapers are then informed on what topics they can and cannot report on. If a newspaper reports on a topic against government advice then the government can ask the newspaper to take down the article, can replace the newspaper editor or withdraw the newspaper's licence. Individual journalists can also have their journalist licences terminated¹³⁹.
- 8.4.2 One of the objectives of the Cyber Security Law, which came into effect in 2019, was to control networks and social media and to prevent criticism of the government or top leaders without evidence¹⁴⁰.
- 8.4.3 Two sources also noted that the government have an online task force, Force 47, comprising of 10,000 staff, which is able to force material they deem to be offensive to be taken down and divert people from sensitive issues. Evidence suggests that social media has increased self-censorship since 2017, taking down more posts critical of the government¹⁴¹.

[Back to Contents](#)

8.5 Civil society

- 8.5.1 An academic source told the FFT that there is increased space for civil society and their organisation is part of a network of civil organisations and NGOs who have a television channel on Facebook devoted to the discussion of government policies. You can be critical of the government in a number of areas: issues around the environment, public health, human rights, education and law of the land. They stated that their civil organisation was able to criticise every new policy of the government¹⁴².
- 8.5.2 Diplomatic sources who spoke to the FFT noted that there is a decreasing space for civil society and there is a more hardened position on it with a definite difference between academics/intellectuals who do have some room to challenge the government and activists who do not¹⁴³.

[Back to Contents](#)

¹³⁸ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹³⁹ [Academic source \(1\), 25 February 2019](#)

¹⁴⁰ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹⁴¹ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

¹⁴² [Academic source \(2\), 25 February 2019](#)

¹⁴³ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

8.6 Returning activists

- 8.6.1 When asked whether activists who return to Vietnam (i.e. after seeking asylum overseas) would be interviewed/detained, diplomatic sources told the FFT that high-level activists will face more monitoring than low-level who will face less. There may be some people who are of particular interest and they might be required to have regular chats or 'catch ups' with officials so they can garner their views on particular issues. When asked to clarify whether anyone, particularly high-profile activists, would be of interest on return the same source stated that it would depend on information and what the person had done previously¹⁴⁴.

¹⁴⁴ [Diplomatic Sources, 25th February, 27th February, 1st March and additional information.](#)

Annex A: Terms of reference (ToRs)

- **Organised crime (illegal moneylenders/gangs)**
 - numbers
 - sphere of influence
 - judicial procedures
 - repercussions for non-payment
- **state protection**
 - sufficiency for trafficked victims/loan shark victims
 - police response to criminals
 - arrest procedures
 - ease of obtaining copies of warrants
 - police database
- **witness protection**
 - beneficiaries
 - eligibility
 - effectiveness
 - safe re-location
- **Trafficking**
 - profile of victims/ origin location
 - anti-trafficking programmes
 - protection programmes/ rehabilitation programmes
 - risk of re-trafficking
 - societal reactions to trafficking
 - migration routes from Vietnam
- **Unaccompanied Asylum-Seeking Children (UASC)**
 - reception facilities
 - orphan numbers and orphanages
 - ID documents
 - Detentions of minors

- **Hoa Hao**

- facts/celebrations/how it differs from state Buddhism
- state treatment- profile of those of interest
- prevalence of house churches
- arrests/detentions
- charges/sanctions under the law

[Back to Contents](#)

Annex B: List of sources

Diplomatic sources

Academic source (1)

Academic source (2)

Hagar International in Vietnam,

IOM

NGO

Ministry of Labour and Social Affairs (MOLISA)

UN-ACT

Ministry of Public Security (MPS)

AAT, Ho Chi Minh city

Hoa Hao Buddhism Managers

Anonymised source

[Back to Contents](#)

Annex C: FFM background explained to sources

Home Office Fact-Finding Mission

Officials from the United Kingdom (UK) are undertaking a fact-finding mission (FFM) to Vietnam. The team will be interviewing different people to obtain information about a number of topics including organised crime; trafficking; state protection, witness protection, bloggers and journalists, political activists.

The information you give to the FFM team may be quoted in a report which will be placed on the Home Office's website and made available to the public. It will be used to assist UK immigration officials and judges involved in the asylum and human rights decision-making process. However, the FFM team will only publish information you provide with your consent. They will also give you an opportunity to review the notes of the interview to ensure they are an accurate reflection of the conversation and ask if you are willing to be identified as the source of the information you may provide in an interview.

You may not wish to be publicly identified. If so, the FFM team will ask if you are willing to be identified in more general terms – for example, by the name of your organisation, or as 'an official of an international humanitarian organisation'. Alternatively, the FFM team will ask if you are content for the information to be used without naming you or your organisation, simply referring to you as 'a source'.

The FFM team would also find it helpful if you could provide some background to your organisation (where appropriate) and your role in the organisation. This will help them to understand the context of the information you provide.

The FFM team consists of three officials from the Home Office, the government department responsible for immigration and asylum.

More information about the Home Office can be found on our website:

<https://www.gov.uk/government/organisations/home-office>

Subjects for investigation

See [Annex A-Terms of Reference](#)

[Back to Contents](#)

Annex D: Notes of meetings w/ sources

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

Main human rights issues

Main concerns for us are freedom of expression including freedom of the media, it's not free here and that's both online and off. The new cyber security law allows Ministry of Public Security to look at all servers in Vietnam. Its only just been passed recently so it's a wait and see. There has been some action against Facebook. The media is not free. The BBC cannot report openly. BBC world has a 10-minute delay and is censored every so often. You can't get Vietnamese BBC service. BBC journalists don't currently have a press permit to operate here. They used to, someone did until December but that ran out. The Ministry of Public Security will look at visa requests from BBC journalists on a case by case basis.

Freedom of assembly is a problem. It varies but anything that is seen to embarrass the government or in a sensitive period such as when the assembly government it is sitting or when there is a large group of people. They crack down on and individuals are subject to lengthy sentences for protesting. Protesting about land, environmental issues, Chinese issues may all be subject to quite harsh treatment.

Prison conditions and police conditions, there have been 11 or 12 suicides in prison. There is an UNCAT report which goes in to detail.

On the positive side, social economic rights have improved over the last 10 years as have LGBT rights, the pride march went ahead this year without registration or crackdown. There are some areas where there are positive signs.

They have reduced the number of crimes where the death penalty applies but the number of death sentences has increased. They don't publish death penalties figures (they did, but then withdrew it).

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 stated 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. You feel pretty safe here. There's almost to no gun violence, its very rare, no guns or fighting on the street is hardly seen. Its rare to see fighting with weapon/knife crime. They do a good job in terms of that.

Generally dealing with Vietnamese people they don't want to get involved with law enforcement so have been effective with controlling guns. They are strict controls on guns and weapons. In terms of some anti-government figures since 2016 there has been a crackdown on bloggers and human rights activists. The Communist party has

a policy to focus more on social order which is why the Human Rights index has decreased. They arrest more people who are vocal against the government and able to mobilise people to take part in street demonstrations. We see more of the bloggers who are under the influence of 3rd country- they then flee Vietnam in a negotiation between states. (Mother mushroom is one example)

Its 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. Traffic police are liable to accepting bribes. I can't say necessarily that it the bribes that make them commit the crime as superiors will be issuing orders and they want to get confessions. It is seen as reasonably normal practice to exert violence. There are too many occasions where violence has been used for it to be one off, it seems to be systemic.

In the UNCAT report that was one of our recommendations in the UPR. Other ones were death row prisoners. We have one who is shackled 24 hrs, one is only eating food his family bring as thinks the authorities are poisoning him.

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.

Treatment by authorities

It depends on the individual police officer and what they had been instructed to do. It could be that they are detained for hours or could be for days. The family are supposed to be informed but are not always. They could be in a jail 100s of miles away and the family are still not informed.

Regarding treatment they would face interrogation. Usually the police are instructed to get some confession.

We tend to hear of worst case scenarios so it's hard to comment. Human rights reports report on violence, beatings, families not being informed, withdrawal of medication. We hear about the worst ones but that is the typical, the tip of the iceberg but there will be people warned off, or people roughed up a little, or arrests.

In other cases such as where arrests follow on from demonstrations, the procedures will vary depending on circumstances, reasons for the arrest and the individuals involved, and numbers involved and the perceived threat, including political threat that the person arrested is deemed to pose. There have been numerous reports of activists and demonstrators arrested or detained without an arrest warrant,

sometimes under broad interpretations of the emergency custody/security provisions. There are also reports of police frequently using excessive force when making an arrest.

Would they arrest/detain minors

The term 'arrested' is used liberally. In a religious scenario, a house church meeting for example, once the numbers are above 20-25 people they are seen as a group and the police get nervous about that. The police at local level may go and see what is happening and bring those 20 people in to the police station to get names, relationships, verbal harassment but not arrested as we know it. Could be there for 3-4 hours and released. Often with religious situations the police may give a 'letter of invitation' to go to the police station for questioning. The citizen has the right to refuse but is likely to face harassment.

If a minor is saying they have been arrested, the circumstances are important. It may be that they were just taken in for a few hours.

With political activists, concern rises if they are not released within 24 hours.

There are no probable cause rights in Vietnam. MPS can and will take and detain who they want. If they do investigate and arrest and go through that process (the investigation side) the Vietnamese criminal code is very documented and bureaucratic. They have a checklist. Rules apply once attached to a criminal investigation (they have 60 days), then they do follow it. There is a set time between interaction and formal process.

The religious freedom report provided an example in relation to a death anniversary gathering. Police came and stopped the gathering and detained people. Over the course of months different people were in and out of the police station for different questioning sessions. Ultimately six people were charged and sentenced for 'public disturbance' and 'traffic disruption' (low charges, not 'national security' reasons). The family believe because those people went in to the police station several times and cooperated they were only charged with the offences they were, it could have been a lot worse.

Who instructs police to get a confession?

It depends, local government, or state authorities, it depends on why they were arrested. If it's a big mass protest then you might get some of those arrested then held for a short period before being let go, the ring leaders may be held longer it depends. Treatment varies widely from good treatment to deaths in custody particularly if they are trying to extract a confession. They can also experience beatings and the withholding of medical treatment. Violence is not uncommon in the stations. There are also things like threats to family from local police to prevent them taking it further.

Do the threats [to families] amount to anything?

We have had examples of things in schools where children are excluded from lessons, bullied by teachers. I can't think of any specific examples of violence

against families. There was an incident when some activists were shot at, aimed at their car. The perpetrators were never caught so we are not sure what extent that was. Depends on local authorities, definitely threats.

Avenues of redress

The Bureau of Investigation of the Supreme People's Procuracy investigates allegations of abuse by the security forces. There are no independent agencies in Vietnam who oversee the police. Two sources noted that where people wish to complain about their treatment and/or seek protection then they have to do so through international agencies and the international community.

Fair trial

With the new 2015 penal code there is some progress they made with the right to silence, the right to a defence and the presumption of innocence. But this is not often upheld. None of the judges are independent, once arrested under these articles they already have their mind made up on what will happen. In some cases, we have heard that the defendants are intimidated. In some cases it is just a one day trial and it is just proforma that they turn up. We have also heard of intimidation of witnesses and lack of access to documents for defence lawyers.

In relation to human rights, the right to a fair trial, the mechanism we do not follow the adversarial but follow the inquisitorial and the judgement is based on investigation results and the indictment issued by the prosecutors and not to debate in court. The party have noticed this and have issued a lot of guidance including resolution 48 and 49 to reform the legal and judicial system and try and build an adversarial system. Its difficult to apply such proceeding model in Vietnam.

Lots of cases are flawed, eye witnesses are not allowed to testify. Its hard to know percentages as we only hear about worst cases.

There is a gap between the law and implementation- The framework underlying the laws is not there or it is not independent. There is not really an independent judiciary. We are helping to train them but it's early days. Frequently trials will be agreed between police, lawyers and judges before the trial. The defendants often don't see their counsel before the trial, they may not speak English. Judges have cars and big rings compared to salary.

The Constitution provides for a fair and public trial but this is not always the case in practice, particularly in politically sensitive cases. Although there has been some progress made with the latest Penal Code, such as a right to silence, the right to a defence lawyer, the presumption of innocence and the right to cross-examine witnesses, the application of these rights is often limited. Defendants are often not provided with clear details of the charges against them; evidence may not be presented; witnesses not allowed to be cross-examined or brought before the court and cases carrying long prison sentences concluded in only a day. The judiciary are not independent, with judges usually being members of the CPV and being screened by the CPV during selection. They serve for 5 years before being subject to review and reappointment by CPV officials.

There are only around 7000 lawyers in Vietnam. There have been reports of lawyers

being pressurised into not taking on sensitive cases, particularly those involving human rights/politics and of the risk of being disbarred or not having sufficient time to prepare cases.

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.

Prison conditions

We were able to visit a few prisons although we have not publicly shared that we have had access. We had a few people of concern and we were able to meet with them. We did not have access to the cells or see the conditions, they [the prisoners] were brought out to meet us. We regularly meet with family members of people detained. I can only speak about political prisoners and political prisoners of conscience. Political prisoners get treated very differently, they are surrounded by prison guards when we see them, therefore they do not speak as freely. Prisoners of conscience are often held in some form of isolation with a cellmate. Maybe to keep an eye out for suicide, but also for harassment, they are paced with someone who has a violent criminal record, or who is known to be violent and where the prison authorities do not condemn or punish that inmate in the case he/she attacks the prisoner of conscience. That is a form of harassment they have to suffer. When I say isolation, I mean they are not in the regular part of the prison, so they cannot mix, however sometimes they are held in a ward with other political prisoners. This is a form of punishment but also, so they do not spread their ideas or way of thinking.

The cells themselves, the inmates have mentioned a lack of natural light and air. They are not able to go out and meet other people, maybe just in a courtyard with other prisoners of conscience. But they are not likely to see or meet the general population or eat with them.

Vietnam has been active in passing legislation underpinning its penal system. The Law on Enforcement of Custody and Temporary Detention provides for the right to family visits and legal assistance, in particular during police investigations. The Criminal Code and the Criminal Procedure Code provide for the right to access to counsel at all stages of criminal proceedings and for video and audio recording of interrogations of accused. However, there is often a gap between legislation and implementation, as well as a lack of effective checks and balances, which makes it difficult to ensure that legislation and internal guidance is followed, particularly in provinces far from the capital, Hanoi.

Prison and detention conditions vary but are generally of a low standard, with poor quality food, lack of potable water, poor sanitation and medical facilities and overcrowding. However, this is not particularly unusual compared to countries of a similar level of development. Women and men are generally kept separately, as are adults and children, though young children may stay with mothers until the age of three. Political prisoners are often held separately or in small groups separate from the general prison population.

Families are generally allowed to visit once a month, phone for five minutes a month, and bring in food and medicine up to 7kg. However, there have been reports of these rights being withdrawn by prison authorities, and of prisoners being transferred to prisons in other provinces without families being informed.

There have been credible reports of torture and mistreatment of suspects and prisoners, including by medical personnel, particularly in respect of those charged/convicted under Vietnam's national security laws. Often the mistreatment is used as a method to try to extract confessions. Linked to this is a lack of oversight and a low incidence of investigations into allegations of ill-treatment including deaths in custody. Despite guidance from Vietnam's Supreme People's Court to charge police officers responsible for causing deaths in custody with murder, such crimes have often been dismissed as suicide or natural causes or, when action is taken, for those responsible to face lesser charges. Family members of those who have died in police custody have also reported harassment by local authorities when seeking redress/publicity. These concerns were reflected in the report on Vietnam by the UN Committee Against Torture Report in 2018 and raised by the UK in its Universal Periodic Review Recommendations (UPR) in 2019. The situation is not universal, varying between facilities, and provinces, categories of prisoner and those in charge of the detention centres.

Amnesty International puts the number of political prisoners at 128 in 2019, up from 97 the previous year, though higher numbers have been suggested by other organisations. Political prisoners tend to be treated differently from the normal prison population, often kept away from other prisoners, though treatment is inconsistent between facilities. There have been reports of political prisoners being treated more harshly than other prisoners from prison authorities and other inmates and denied rights and privileges including medical care, though some political prisoners well known to the international community have received better treatment or been allowed to migrate outside of Vietnam.

Labour

Some have been exempt due to their physical conditions. One (inmate) said it was because he was a political prisoner.

Freedom of religion in prison

Some say they have access to religious texts, others say they do encounter harassment by prison guards when trying to exercise their religious freedom.

Medical records

Most individuals do not have access to their medical records. When their family send them medicine this is frequently withheld by prison authorities. When spoken to the prison authorities, they say it is given when needed. That is the same with packets that are sent by families (I think 7kg p/m) but that is opened by security and the prisoners do not know what is in there or if items have been removed or not.

Punitive transferral between prisoners

Sometimes they are suddenly moved hundreds of kilometres away from their actual home town, it is a stumbling block for family visits. Quite commonly the family members are not informed of the transfer either or the family visits are not upheld. According to Vietnamese law (they have the right to a once a month visit, a 5 min phone call and two letters a month. A lot of these rights are not respected. A lot depends on who the prison director / prison guards are, the situation can also depend on which prison it is. The prisons we visited were in north, south and central. We have visited 6 prisons.

Prisoners of conscience, what type of crimes are they in prison for?

There are three provisions on national security, 109 (previously 79) penal code – overthrowing the people's administration, article 117 (previously 88) on propaganda as well as 331 (previously 258), infringing on state interest. They are used quite arbitrarily, and they are vaguely drafted. Mostly they are used against people who have expressed criticism towards the state or have lobbied especially after Formosa, those that were vocal on that or people who want a multi-party system. They are activists, but they have not been violent. They are basically being arrested and charged under articles we find hard to comprehend. In Vietnam, they create laws to justify their actions (rule by law rather than rule of law)

Temporary detentions

there is no enforced disappearance, we call it temporary detention. It is for people who are critical, and it commonly starts with harassment then threats then attacks on the families (escalation) then pulled into police stations, detained, interrogated and then released. They disappear for a few hours and then turn up. In some cases, they are held and then charges are brought. This period has shortened and worsened over time (if you look at stats from 2018). It feels like it used to be over years but now it is like one warning and then you are arrested.

Cell size

I do not know. There have been reports of death row inmates being shackled.

What condition did the prisoners you saw appear in?

None of their appearances shocked me. They did not look particularly healthy, but we were not shocked so to say. There was one elderly prisoner who seemed to be in distress, he was presented as a trouble maker but that's not what we saw. Some are more vocal than others. They all say food is not well balanced and they do rely on the food packages the family send in to them. The impression that they gave is that the prison does not always take their conditions seriously but it would be difficult to say as we do not get access to their medical records.

Are prisoners fed?

They should be allowed food in. In order to extract confessions food can be withdrawn.

Is the treatment of the opposition worse than other types of prisoners in detention?

Yes. Those receiving worst treatment are political prisoners and death row. To extract confessions, they would be put in with violent prisoners, who use violence to get better treatment. Ill treatment from prison guards and other prisoners, medical treatment withheld, sometimes doctors are complicit, books are withheld, families are not told they have been moved or are not allowed to visit, if they do visit they not allowed to discuss issues. Lawyers are not allowed to visit with them.

Do you get many death cases?

There are a few prominent ones that look like miscarriage of justice, ie witnesses excluded evidence, forensic evidence lost, fingerprints of someone else, evidence of someone else being involved, local well-connected individuals being the perpetrators.

Death penalty

Vietnam ranks fourth in the world for the number of executions, despite recently reducing the number of crimes that carry the death penalty. Vietnam has the death penalty for 15 crimes, including rape, murder, corruption, and offenses involving drugs and national security. Executions are carried out by lethal injection.

When was the last death row execution?

They don't publish figures.

Are prisoners allowed to appeal?

Yes, they can. I think there are certain circumstances that they can or cannot.

Are many appeals successful?

I don't know. I haven't seen any data ever. We tend to get more info on individual cases rather than seeing the spectrum. We push on information on the death penalty, but it usually isn't forthcoming.

Would someone detained for political activism or religious practise be taken to a police station?

Yes

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 [see [this](#) as an example of case given post interview].

Vietnamese view of VoT from the UK

The Vietnamese see many of those Vietnamese nationals that go to the UK and remain there illegally as being economic migrants. They are sending remittances back to Vietnam and fuelling the economy. There is a special website in the UK for Vietnamese to find jobs. Why is the UK so desirable? There is a big diaspora in UK, they know UK authorities treat them nicely, they know the UK doesn't detain minors, and it will be easy to get a job. In some of the provinces it appears that travelling to UK and abroad is similar to a rite of passage. In many cases where Vietnamese are encountered by authorities and believed to be potential victims of trafficking, they will have entered the UK clandestinely.

Capacity building for trafficking

There are lots of different NGOs based in Vietnam doing training and assisting victims. In Vietnam it is necessary to obtain permission from the authorities to undertake any such activities.

Moneylending

Do the police crackdown on illegal moneylending?

If they take out a loan it is a loan for the family. We do occasionally receive anecdotal reports where someone does something in the UK and the family here get harassed. Although trust in the Vietnamese banking system is improving, there are still many people who do not have bank accounts

Credibility/fraud

In general, the Vietnamese are good at working out what works in terms of fraudulent immigration trends. They change and adapt their strategies. Fraud trend from Germany is that if they can't get on a flight from Europe they destroy their passport (coached to do so) and hang out before passport control.

Religious freedom

Overview

Historically, religious groups have been a powerful presence in Vietnam, often with foreign support. Although there is no ideological campaign against religion, the CPV is suspicious of any organised group that may challenge its authority. Vietnam's current approach is to allow space for religious worship, but retain control through registration and oversight. Organisations and individuals that adhere to this, register and steer clear of politics are allowed to operate relatively unhindered whilst unregistered groups and individuals that become involved in politics, local activism and/or support local grievances are monitored and may be suppressed.

The Vietnamese Government recognises 39 religious organisations. Estimates are that more than 24 million (out of 95 million) Vietnamese are religious. Around 12% are Buddhist, 7% Catholic, 1.5% Hoa Hao Buddhist, 1.2% Cao Dai and 1% Protestant. The Constitution guarantees freedom of religion and belief and the 2018 Law on Religion and Belief regulates it. There is a vibrant religious community with festivals celebrated and marked, including by senior political leaders.

In practice, the treatment of religious groups and individuals varies depending on whether they are registered or recognised or not; the area they are based including local issues and local authorities' attitudes and interests; historical factors and the level of perceived threat they present. The Law on Religion and Belief 2018, provides for significant government control, allowing religious activities to be restricted in the interests of "national security, public order and national solidarity." Large cities such as Hanoi and Ho Chi Minh City also tend to be more open in allowing religious observance without official interference.

Conversely, members of unregistered religious organisations that get involved in local political issues such as land or environmental protests, or that advocate democracy or are deemed to pose a threat for other reasons, have been subject to harassment, arrest and detention. Cases have mainly, though not exclusively, been in areas with large ethnic minorities in the Central and North West Highlands, and with organisations with large numbers of unregistered groups such as the Hoa Hao. However, they are not limited to individual religious sects, as the reasons for action are generally unconnected with the religious aspects of the group or individuals and more with the perceived threat they pose, though may manifest themselves in actions which appear targeted at the religious aspects of the group.

Degar/Montagnads and H'Mong

There have been reports of persecution of ethnic minorities residing in the Central and Northwest Highlands, known as Degar or Montagnards and the H'Mong. Two thirds of these are Protestant. They are viewed with suspicion by the authorities due to their perceived historical allegiances with anti-communists and the number of unregistered groups. Boat People SOS (BPSOS) reports that many of both groups have fled to Thailand and Cambodia. It also reports provincial authorities not issuing Ho Khau and national ID documents to members of unrecognized religions or banned churches amongst these groups and estimates up to 2000 ethnic minority households, primarily H'Mong and Degar, 10,000 individuals, may lack registration document.

Hoa Hao Buddhists

Hoa Hao Buddhism is the fourth largest religion in Vietnam after Buddhism, Catholicism, Cao Daism, officially numbering 1.3 million but unofficially said to number over 2 million followers. Based in Vietnam's Mekong Delta, it has historically had a difficult relationship with the CPV, siding against it prior to independence. It is now a recognised religion, but has a large number of followers who belong to unregistered groups. There have been numerous reports of persecution of individuals belonging to unregistered Hoa Hao groups, including sentencing of six Hoa Hao followers to up to six years imprisonment for organising a demonstration against the authorities' suppression of religious freedom.

Religious freedom is another area. The Catholic situation is improving, there are now diplomatic ties between the Vatican and Vietnam. There is acceptance of religious organisations which are registered but there is non-acceptance of those who are not registered. Registration tends to be Catholic and some of the Buddhists churches. There are crack downs on individual priests who are involved in land rights issues for example. They are straying from being religious and are getting in to politics and are likely to face crackdown. The State does not recognise non-state ownership so there are tensions about that. Lots of tensions in the central highlands. Quite heavy religious groups in that area, a lot of ethnic minorities, which links up with religious freedoms, migrants coming across the border, landgrab issues. There are a whole host of different issues coming together.

There is also fear around the central agencies, as during the war lots of religious organisations had their own armies. The Montagnard's fought on the side of the Americans.

Is discrimination of non-registered Hoa Hao different from state sanctioned.

I am aware of recent arrests of a group of Hoa Hao who were convicted. They live remotely, and it is difficult to get access to them. It is hard to identify how many there are, how they communicate amongst each other or if they have a network between them. They are often in very remote areas, they do not have many economic opportunities. There are specific problems with ethnic minorities and women in terms of lack of education and access. I do believe it is also pocketed where some face more discrimination than others. Those who belong to Hoa Hao do face discrimination, but it is difficult to define. The state tolerates some sort of religions such as Buddhism.

It is difficult for a religious group to register. It is also linked to land. All the land belongs to Vietnam (it happened) when it became the social republic of Vietnam. The Catholic church had a lot of land and so there is a lot of tension about that. Especially in urban areas like Ho Chi Minh, there are problems when the state wants the land. With land issues the state would say they want it for urban development and then sell it to business for a higher price, people are not receiving the market price and suffer hardship.

With the Formosa protests we saw that the catholic church did not receive any compensation or adequate compensation for Formosa. That was discrimination.

Do you think the treatment is different for Hoa Hao as opposed to other minority religious groups?

I am not sure.

In 2004 Vietnam allowed religions to register with the state (except Catholics who did not need to). Prior to that lots operated underground. The Vietnamese Buddhist Sanga who registered and CPV approved. The Unified Buddhist Church of Vietnam (UBCV) opted not to register. The Hoa Hao and Cao Dai religions ended up splitting as one sect wanted to register and the other didn't. It comes down to what their beliefs are. Some fundamentally believe that as the constitution promotes freedom of religion they should not have to register. These groups are never going to register.

Small churches such as Hoa Hao, Cao Dai and UBCV have found different ways to co-operate with the local government. Some leaders take a more political stance and face harassment. Some leaders don't talk politics and, in some local areas, then they are ignored. Some highlight government abuses and then there is tension as they are seen as rebels.

The groups are concentrated in a specific area. The Cao Dai registered "Holy See" is in Tay Ninh Province- 1 ½ from Ho Chi Minh near the border with Cambodia. Registered and unregistered Cao Dai are throughout southern Vietnam and central Vietnam to a lesser extent. The Hoa Hao are almost exclusively concentrated in the Mekong Delta. There are also a very small number of indigenous Muslims.

Hoa Hao and Cao Dai face more scrutiny as they formed their own army before 1975, eventually forging allegiance with former Southern Vietnamese government, that is where some of the tension comes from.

There are 3 Hoa Hao sects but also people who do not to be part of any organised sects and just follow. The unregistered group are a very small number.

Treatment of unregistered Hoa Hao varies from locality to locality, depending on local relationships.

State treatment

Police may bring people into the police station to get details such as their names and relationships. They may be there for 3-4 hours and then released with some being issued a 'letter of invitation' to return for further questioning later.

<https://www.rfa.org/english/news/vietnam/prison-02092018171208.html> (link provided by diplomatic source)

Political opposition

Vietnam does not permit political opposition in the form of allowing opposition parties to operate. Activists are arrested for social media posts with charges often coming under Vietnam's vague security provisions such as "abusing democratic freedom" and "making, storing, and spreading information, materials, and items for the purpose of opposing the state." Sentencing is harsh.

Although the Constitution provides for the right to freedom of assembly, Vietnam has yet to adopt a law on assembly/demonstrations. According to diplomatic sources there are no protest laws in Vietnam, but the police have the right to disperse

protestors as a risk to social order. There is a lively online protest movement but if it passes 'an unwritten red line' during sensitive periods or it calls for mass demonstrations then it could be cracked down on. Sometimes protests are allowed to go ahead but it can depend on the timing or subject of the demonstration. During sensitive periods, public security agents may be stationed outside of bloggers or activist's homes to prevent them from leaving in the fear that they might instigate mass protests/demonstrations. It is more likely the organisers of demonstrations will receive harsher sentences than participants to be made example of.' It was also noted that if public opinion is behind a specific group/demonstration then it is sometimes difficult for the government not to support the protest. Over the last 10 years there have been improvements in certain rights and particularly LGBT rights have improved with the Pride marches or gatherings being allowed to go ahead without any issue despite not being registered.

Freedom of expression

There is quite a lively protest movement particularly online. If it passes an unwritten red line, ie in a sensitive period, embarrass the government or provincial government or calls for mass protest or is linked up with something else or supported by religious groups, it is in danger of being cracked down on. Can be in the form of an individual being locked up for a number of years. If it manifests as a protest in the street it may be allowed to go ahead and then cracked down by MPS. It depends if it is seen as a threat and that threat could be embarrassment or challenging vested interests. Sometimes they are allowed to go ahead, again it just depends what the interests of the government are at the time. It may be in the government interests to allow a small protest. It may be in the interest of one faction, one faction may see it as positive to promote some form of protests whereas another one may seek to crush. It is always difficult to know if it's a grass roots creating this or whether it is from above, it is difficult to know.

What is the law in place in relation to freedom of expression

It's the Law on access to information effective from July last year and it provides for the duties of government agencies. Over the last 6 months we have not experienced such requests. They are not clear on the guidance how they are going to do that. We have law but there is a gap between the law and the enforcement.

Which laws are used to detain people who speak out or criticise the government?

The Penal code, chapter 13 grounds relating to national security and normally based on articles in that chapter.

There are 3 or 4 clauses but normally its a threat to the government, spreading false rumours. In the UPR there are quite a few countries who have requested a reform or repeal of the worst offending articles that can be applied against anything. The sentencing is hard 14-20 years for a blogger on environmental issues or calling for democracy, as opposed to 3-6 years for a police man who is responsible for a death in custody.

Vietnam has no protest law but protests are seen as disrupting social order so police

have the right to disperse the protestors as a risk to the social order but its up to the will of the police if they think they are going too far. Most of the time they monitor the heat of the protest if they think that it will spread then they divide up the protest. Sometimes they put them on a bus and take them to another location to disperse them.

Profile of activists

They mostly operate on social media and sometimes wordpress. Their output varies but they could be posting information that not many common people know about-maybe from a source in government, or they speak against some kind of policy of government (ie the environment disaster/speak against cyber security law which is very restrictive). Demonstrations on the street are not something you see every day here. They tend to be small groups of protestors and not something they do all the time. If they think they could get arrested, then they might not join.

The June (2018) protests shook the government. They were not expecting it. It was a case of get them away and scare them off. Usually people who are targeted are for example good speakers, eloquent. That said, the ones I met, none used violent methods.

The June protests was a movement on social media where people called on each other. Not one specific person initiated this. There are different groups that the Vietnamese government has a closer eye on - Those who have links to foreign NGOs, want democracy or a pro-multi-party system. There is an online taskforce to harass people online and take down offensive material to bully or discredit people. The cyber security law entered in to force in January 2019, but the implementing decree is not adopted. It will aid their cyber surveillance.

How do bloggers function?

The main ones are out of the country.

Facebook is their main medium with deep penetration through Vietnamese society.

Authorities are not afraid of individual activists but they are most wary of people making associations or organising themselves into a political party.

At what point does it become a problem?

There is no set level. Depends on circumstances at the time. Sensitive periods when the national assembly are sitting or about to sit, sensitive periods like now with the Trump visit so one would imagine there will be public security agents outside bloggers or activists' houses keeping them inside their house and in worst case they may be taken to the local police station until it's all over. It does go in waves and it is not always obvious who is instigating or why. The anti-corruption drive is to improve the understanding of the CPV party but is also a means to get rid of opponents and opposition supporters.

If the authorities become aware of someone on Facebook or social media calling for a demonstration on the street, then they will put someone outside of activist's house. It also happens during sensitive periods. Activists may be watched both day and

night and before any major event check that ensure they are at home and registration checked to verify who is in the house. If they leave the house, they will be followed. Sometimes they will be prevented from leaving.

Activists may have difficulty in getting a job as the authorities may threaten the company to not hire him. Threats may also be made against family members.

Treatment of protesters

They can be subject to house arrest, they may be threatened, police may just come in and beat them up. They may be able to just make their protest. There is a whole variety of actions that may occur depending on the timing and sensitivities involved.

There would be a blacklist of known activists and they would be monitored. In a sensitive period, it may be stepped up. They may look at blogs and sensitive blogs they then may be brought in. It's a flexible area with no visible red line. If there is a change of government, there may be a difference. Civil society space is decreasing. If you look over the longer time, 10-15 years period things have improved since then.

I don't know how they deal with all the protestors. Some say they were interviewed some say beaten by police.

attendees do get cracked down on. It is more likely the organisers will receive the harsher sentence to be made example of.

High profile more at risk- Yes.

If they are low level then the monitoring will be less than high level. There may be some particular figures of interest. They might have to have regular catch ups and 'have a chat' to discuss what their thinking is of particular policy. It could be quite aggressive and not very nice but is used to keep an eye on them.

House arrest, beatings, prison sentences, police coming in and breaking it up, stand offs, it depends. Sometimes you'll get public opinion going behind a group and then it is difficult for the government to not support a protest but is difficult to know what will happen. There are some in the government who would be pro demo and would see more freedom of expression but perhaps the older guard within would see it as more of a threat. The younger generation, educated in the west are likely to be more open but the older, educated in perhaps Russia are less likely.

The June 2018 protests – when they dispersed people did they put them on buses?

I heard that they took them into detention and in some cases warehouses or a stadium (based on rumours and accounts). There was a lot of temporary detention and harassment to deter people from protesting again. They detained them and then let go. I heard they arrested 47 from local press. NGOs etc would have it at 80 plus.

Would they monitor those involved in protests?

I don't think they monitor them all. The more they see of that person at different protests the more interest they have

Is there a watchlist?

There must be some kind of document in MPS, I can guess key topics they don't want people to talk about.

If someone is active on social media is it local or state authority who have an interest in them?

There's no difference, in MPS there is an intelligence department. No clear distinction between local and state - they work internally pretty well.

Must be cooperation between state and the local police in the district. Intelligence agents may have tasks they would share with local stations.

Would someone be detained locally?

Its more local. Intelligence issue the warrant and then they are detained locally. MPS would issue warrant and local police would detain.

Is there any redress for someone who has been treated badly?

I'm not aware of any cases. There was a blogger who went missing in Thailand but don't know much about that. Protestors may be detained after protests and may be beaten or interrogated. In terms of arresting someone harshly I'm not aware of any.

How do the public perceive beatings?

There are always two groups - those who support democracy and those who support the regime who see it as ok. Vietnam has online police who try to divert people away from sensitive issues. Force 47 belongs to MPS and police and their job is to divert public opinion online. Its common knowledge about force 47- bloggers can't tell who is normal person and who is force 47. Force 47 reportedly has 10 000 Facebook accounts.

Formosa protests

Its gone off public attention for now. Not much on social media - its not top story.

There are still people who have been locked up for 14 -15 years for that. It has been a while since that happened. It was a big issue that wasn't handled well by the government. A lot of activists were cracked down on and there was some harsh sentencing

Did victims get compensation?

Some did. But most of them were not satisfied with small amount of compensation. In general proceedings, victims get compensation only when the court admits it issued the wrong judgement. But it's hardly the case they receive compensation.

Did the money for compensation go missing?

Yes, it didn't go to the people who needed it.

Were peaceful protesters affected?

There were specific activists who received harsh sentences mostly activists.

No, they were. Normally arrested and interrogated for a few days and released.

those such as bloggers, prominent catholic priests. Mother Mushroom was a prominent blogger who was released to US after 2 years of lobbying. A few prominent bloggers have been released but usually on the condition that they leave the country.

There were bloggers and grass root activists. One of the other things is getting confessions from activists. There are a lot of bad practises to get activists to confess their wrong doings they use police, prison guards, prisoners in the same cells, withdrawal of medical treatment, doctors being involved, poisoning, poor food but this is against the background of poor conditions in prisons anyway, but these are worse.

Activists who had previously blogged on Formosa and organised protests and who may have moved to support other causes are still being imprisoned under Vietnam's Security Provisions.

Risk on return for Formosa protesters

They would be subject to surveillance. It would depend on why they were coming back. It depends on the authorities, how long ago the protest was, if they are coming in to see family. It depends. Some people who are banned are now allowed back in because their reports are now positive. People have been allowed back in, things change within the government.

Vietnam has fallen on corruption perceptions index, its fallen on all fronts despite the anti-corruption law. The crackdown on individuals is more politically motivated rather than tackling corruption. Corruption goes to all levels of society from right to the top to teachers getting envelopes of money to improve their teaching in the afternoons, then handing over to the principals and traffic cops asking for licence and then people handing over money for a minor violation.

It would depend on information on what the person has done. They may face some trouble. If they bring back documents or have done something regarded as "illegal" (mostly relating to disrupting social order or being harmful to the regime), even though the actions could be done outside of the country.

Censorship

One of the objectives of the Cyber Security Law, which came into effect in 2019, was to control networks and social media and to prevent criticism of the government or top leaders without evidence.

The government have an online task force, Force 47, comprising of 10,000 staff, which is able to force material they deem to be offensive to be taken down and divert people from sensitive issues. Evidence suggests that social media has increased self-censorship since 2017, taking down more posts critical of the government.

Civil society

Are you able to challenge government policy?

Depends on the person and what they are criticising. There is a difference between academics / intellectuals who have some room to challenge, and activists who do not. Activists do not have same leverage as academics. The room that these people have is shrinking. When it comes to being more critical and with civic rights it is a barrier. I think we are seeing a hardened position on civil society.

The Vietnamese government don't like the term civil society. The EU have problems with their human rights dialogue. NGOs who are registered with the government are allowed to operate. The Vietnamese do not allow any mention of the term civil society in official publications. They have been good on the legislative side, discussions have been good and open and some positive signs with some organisations invited to discussions on legislative changes, which they haven't before but there is gap between legislation and practice.

Returning activists

Low-level activists on return would face less than high-level activists who will face more monitoring. There may be some people who are of particular interest and they might be required to have regular chats or 'catch ups' with officials so they can garner their views on particular issues. When asked to clarify whether anyone, particularly high-profile activists, would be of interest on return the same source stated that it would depend on information and what the person had done previously

[Back to Contents](#)

Academic source (1), 25 February 2019

Protests

Are you able to give us any information on protests, are you free to protest if you have views against the government?

With political protesting, it is very hard. Here sometimes the government are tolerant i.e. anti-china or environment but if you want to challenge the power of the CPV it is very hard. Sometimes people go to the street to protest mostly about china. For the last year the biggest protest happened in the Nihtsaun, central province in 2018. There was a large amount of violence and the government tried to crack down. It is not easy. We do not have official legislation for protests. Sometimes there are protests on environment issue, but the government block them.

If you want to text message, they block your message. I have some friend who are activists here who now mostly use Facebook online to organise campaigns.

Do they monitor Facebook?

Yes, they have organisations to monitor Facebook. The government have two agencies one from public security department and one from the civil agency to monitor Facebook. They have software that is able to scan opinion in social media.

Do you know if people are arrested or detained just for protesting or do they need to be organising (higher up)?

When people come out on the street the police usually catch them and put them on a bus to take them to temporary custody to prevent the demonstration happening. They harass people who express political ideas online. Mushroom Masa is one example.

There were 5 cases where they arrested the activist, but they had some online activity that was anti the government.

The number of demonstrations has reduced over the last 5 years but they have moved online. The government cannot prevent expression of people on Facebook that is why freedom of expression has moved online.

Do people who go online under social media platforms, do they use their own names, or do they use pseudonym?

Most people actually just use their own name. There are not that many online, they are only a small number. They are easily recognised, because they are already known. It makes no difference if they use their own name or a false name.

You mentioned your friends who are activists on Facebook, have they come under scrutiny from the government?

Some of them have had difficulty when going to attend a conference or workshop or the government causes difficulty in getting visas or at the airport. The police cause difficulty.

Are the police interested in people who are critical of the government or religious groups, or anything?

The connection between religion and dissidents is quite close. The Christians are quite tough with the government. There are many conflicts, not only the expression of the people but also the land issue. Normally they oppose the government and the tension between the government and Christians is very strong. In the last 5-10 years in Hanoi there has been conflict with Formosa because the church can organise people. There are definitely connections between dissidents and church groups. After the 2016 Formosa scandal, tension still remains between the government and the church.

Do you know what happens when people are arrested for protesting, are they arrested and charged or just detained?

Some arrested and released without trial. The serious crimes go to trial. Some detentions last 1,2 days or 2 weeks. The official ones go to trial. We do not have any official numbers for those that are arrested and released. The government don't use the police but hire criminals. There is evidence about that. They hire gangsters to attack the dissidents. They not only attack the dissidents, but they attack the family of the dissident too. [interlocutor to clarify whether he meant physical harm] The culture of the Vietnamese is a strong social relationship with the family. The government use the family and friends of the dissident and even give fake news and threaten the family. The family have pressure upon them.

Does anything happen to the families or is it just threats?

They never physically attack but they are threatened.

The dissidents you mention, what type of activities are they doing?

Political leaders and those challenging the power of the CPV.

Do people need a permit to protest. Do they need to ask permission? Officially are you allowed to protest?

No

If people have been badly treated by the police are they able to complain?

Dissidents contact foreign agencies, or human rights organisations. Protection is from international agencies rather than the government. In this system there are no independent agencies, all are under control of the CPV. All agencies work together. You can't go to the police and ask the police to protect you.

Is there any witness protection programme for political opposition or anyone that speaks out against criminals?

No. The dissidents have a network and they work together to protect themselves. Normally when a case happens if its a physical attack by the government they bring the information to the online forum and use the pressure of the public to help them. Among the dissidents they have some connection with each other so when someone is attacked they will ask for support. If someone is detained the community get together and visit the police and try to influence them to let the person go free.

One of my friends who got back from outside and was attended by the police, he told all his friends and they went to the police station and they went to ask him to be released.

They use social media and put it online and the government are a little bit fearful of that.

I have observed the situation and I think that the number of opinion expressed has moved to social media rather than on the street. People use the internet and the government cannot control Facebook.

As a policy analyst, one of my concerns is around misinformation. There are many political dissidents who provide fake news. The public security also provides fake news.

Do the government censor the internet? Shut blog posts down?

They control the official press and mainstream media and can easily sanction them. Every Tuesday afternoon the government agency has a meeting as to what should be talked about and what is not talked about. They use it to sanction the official media, but they cannot control the social media.

Who gets together?

The ministry of information and communication and the second is the agency of the CPV. Every editor at the newspaper is appointed by the government. If you oppose the government, they can withdraw your licence. We don't have official private press here.

The people that monitor the newspapers, do they have to see the stories before they are published?

No, they don't have pre-review, but they are told what they can and are not permitted to write about. They advise on what topics are sensitive. Some newspapers cross the line and they ask the newspaper to take it down.

What happens if someone publishes something that is not liked?

If online, it would be told to take down immediately. Normally

If they violate then they are closed down. Happened to the biggest newspaper online 6 months ago that was closed down for 3 months. The printed newspaper was allowed to continue. They can sometimes bring another guy to replace the editor. Journalists if they express their opinion online they can withdraw, they can terminate the business license of the journalist too.

In relation to the Formosa protests, they are now over, would the government be likely to be interested in people who were involved in those protests now?

Yes. They have a blacklist and there would be surveillance and monitoring of those people who attended the protests. They use surveillance of the organiser of the protests. Many years ago, the government could tap in on any phone number. Now people use WhatsApp so the government cannot attack. Actually, social media allows activists safer channels to communicate.

If someone involved in the Formosa protests was returned to Vietnam, would they be detained at the airport? Would they be detained and charged?

Normally they would be detained and released. I do not know if they are detained immediately from the foreign country. Normally they are detained for one day then released. I want to mention the case of a journalist- recently he was prosecuted by the government and charged with 3 years and released and he was involved in corruption of the government and was in Thailand, but many people say he was kidnapped in Thailand. But there is evidence he was related to some corruption official of the government so there is some sort of corruption within the system rather than a dissident of the government. Not all dissidents are the same and not all work for the good of Vietnam. They can take part in illegal activity. Some international human rights organisations protect the journalists, but he actually had taken part in illegal activity. He fled to Thailand for asylum.

They try to protect all dissidents but sometimes they do an illegal thing here and the government are right to prosecute. Not all cases are anti-government.

When someone is given a prison sentence do they generally serve the whole sentence or are they released early?

The most prominent cases are released sooner but that is because there is influence from the international community. They are released and they move to a foreign country. Sometimes the government use the dissidents to trade with the international community, normally the political career of the people released ends. They need to build a community here to have some influence. The authorities are happy as they do not have to deal with the risk of the dissidents inside the country if they are released to another country.

Do the government put travel restrictions on political activists or religious groups internally or internationally?

No, I don't think they do that.

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.

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.

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.

Would pressure from the people mean someone was released or would it mean someone was arrested due to pressure?

There is an incapacity to investigate crime. The media, are challenging the power of the CPV and have room to criticise or challenge. There is corruption, but the police system in general still works to protect the safety of the community. The government only censor the political issues.

Do the same laws apply to students?

Yes, they are treated equally. If they find a line was crossed, then they will deal with it. They do not treat separately. The only criteria is how dangerous are you to the regime.

Students can be quite critical worried about attacks from China, land grab (quite serious) and those affected by the environment.

[Back to Contents](#)

Academic source (2) 25 February 2019

Main areas of interest and background information

My main areas of interest are freedom of expression and freedom of journalism, I care about the right to access information. The responsibility of the state in terms of providing information for journalism and also about the activities of Vietnamese journalism and their responsibility and efficiency. Also, the activities of the non-state for example- Social Media and other organisations.

I would like to talk about the right to access information for Vietnamese journalism as well as the people of Vietnam.

About 3 years ago the Vietnamese National Assembly issued two laws that relate to the right to access information: the law of journalism and law for accessing information. In the first law it has been clarified in the law and in terms of responsibility of the government to provide information to the journalists. Regarding this responsibility it is the responsibility of the government officials to provide information and to assure journalists have the right to assess information. Also, the Government issued a decree in terms of providing information to the press. This one was existing in the legal system but the law in 2016 has been defined more clearly. You can see that the law has made very clear about the responsibility for providing information. The government officials (spokespersons) often act very limitedly in this area. 9 years ago, in 2010, the UK embassy helped us in organising 2 training courses to train skills for spokespersons. The total number of participants in 2

courses were 40. As one of the persons in the organising committee in those 2 courses I knew the training contents. So then over the past 9 years, based on contents, I myself conducted training courses for local officials. I have provided training to 10,000 local and grassroots spokespersons in Vietnam.

At the moment in Vietnam there are 11,000 villages, 700 districts and 63 provinces/cities. Participants in the training course has been about 10,000 persons. So compared to 10 years ago the responsibility and skills of the spokespersons in those authorities have been improved quite a lot.

Can you explain the role of the spokesperson?

The Head of government office, according to the law in Vietnam, has responsibility to provide information to journalists.

The spokespersons have to give information to journalists when they are asked. According to the law, the spokesperson must provide information within 24 hrs but in reality, very few respond in that time.

For example- there was a journalist in Ho Chi Minh City who had to make a request 33 times before she could interview the Director General of the construction department. One of the greatest challenges for journalists is to get access to information from spokespersons. I mention this in order to show you that in the past 10 years there has been a great improvement in this area. I retired 2 years ago but I still work to provide training for spokespersons. Last year I conducted 100 sessions (half a day) in training courses. The authority is in need of this kind of training, so I feel glad they are concerned in developing skills for spokesperson. Also there is one reality that the government authorities are afraid of journalists but still have to meet journalists upon request.

Last year I published a book on spokespersons skills and it is very well sold. However, the government spokesperson has not reached the level we require but we have seen improvements. The responsibility of local authorities is higher than before.

Second point - The role of Vietnamese journalists. In Vietnam the role of journalism is important. According to the law of journalism, Vietnamese press has 3 roles- to spread policy of government, the second is to act as a forum to raise debate in terms of government policy and the third, to participate in monitoring the Government activities and criticising the Government policy. But for such a long time, the journalism of Vietnam only conducted the 1st role- PR tool. I worked for 25 years as a journalist at a big newspaper. But now the press are also doing the 2nd and 3rd roles, they act as a forum for people expressing their opinion and take part in monitoring activities and criticising policies of the government. The 2nd and 3rd role is being conducted well by some news organisations and journalists. By law the press has got the right to publish information. The chief editor has the right to publish the news without being censored. Journalism has the right to criticise government officers. In general, at the moment, from ministers down to the head of provinces can get criticism from journalists at any time. However, at higher level than the ministry they may not- such as top party and government leaders.

So you can't criticise the government at all?

No

2 days ago in Vietnam 2 former ministers were prosecuted. Before they were prosecuted, newspapers criticised them, they published lots of stories about these ministers.

So, we have mentioned who journalists can criticise. There are still sensitive areas they can't discuss. For example, the important secret documents of the party and government. The sensitive issues in relations between Vietnam and China and related to top leaders. This is to show you that the freedom of speech for journalism still has limitations. But this has been a great leap compared to the past.

The 3rd Point about social media- over the past few years there has been a strong rise of the social network especially Facebook. The Vietnamese really like Facebook because it gives the people a big right to freedom of speech. And it is estimated that about 60 million Vietnamese are Facebook users. Lots of people are using Facebook for playing games and chatting, lots of people use it for reading news and exchanging information. They feel free to express their opinion. Facebook is a great place for people to have freedom of speech. They can find a lot of new information as well as pictures and photos and images. We call well-known persons on Facebook hot Facebookers, a lot of them are journalists. They may well have 100,00 followers and their Facebook page may have more power than a real newspaper. Many newspapers in Vietnam take information from social network. A lot of pieces of news originate from Facebook. The link between Facebook and newspapers is creating more power for both.

Are there restrictions on what people can discuss/post on Facebook?

Later.

I can tell you that some authorities want to limit the power of Facebook and social media. And now the government officers are being supervised on Facebook, they want to limit the influence of the social network. The chance is very low- they don't have much chance or ability to limit the power of social media. In 2018 we have got the cyber security law- which started to take effect at the beginning of 2019. One of the objectives of the cyber security law is to find out ways to control the network and social media. In the law they mention the 20 acts that are forbidden. And among these 20 acts that are prohibited there is one that says about criticising the government especially criticising the top leaders without evidence. They cannot criticise the top leaders without evidence.

Has the act been used?

This is applicable to anyone who writes on Facebook or social media. It means that people who want to make criticism online need to be more careful. When they decide to criticise the government, they need to have the evidence. If they have evidence, they don't need to worry.

Has the act been used in practise against journalists?

Since it has been in effect no journalist has been punished by the law but there have been 2 cases of normal people who made libel accusation and fake news. The police fined them 5 million, the other case 10 million. The case of the 10 million fine the person made false news.

Was that false news against the government?

Not against the government.

I'd like to move to the 4th point- role of civil society and organisations. In Vietnam civil organisations are quite new. Previously we did not have these organisations. Now civil organisations are established to lobby the government's policies. My institute is one of those civil organisations. The main role of these organisations is to research and inform about government policy and also to find ways and methods to supervise and criticise these policies. This role is very important. This kind of role is very important because for a long time there are quite a few risks with government policy- they are low quality and are being influenced by groups of interest and therefore some government policies are not really effective. One of the reasons for that is when the government prepared for the policy it is not transparent and there is no task force to criticise policy in planning process. Now we have quite a few civil organisations for that, mine is one of those organisations and we analyse and criticise government policies. One role for journalism is to criticise government policy but it has not been strong enough. You can see that civil organisations are important- they are doing part of the tasks and jobs that are being left out by the press. In order to complete their task, the civil organisations will need their communication channel. They do use the press but more importantly they rely on social network. We have a network of civil organisations and NGO's and we have got a TV channel on Facebook which is GTV- with 100,000 members. In the last year we made 50 tv programmes. And there have been dozens of civil organisations who make these programs and channel it on GTV. On GTV we have organised a weekly talk show, each talk show lasts about 60 minutes. The needs are great.

Are you saying there is an increased space for civil society?

Yes.

How critical are you able to be of government policies?

You can be critical of government policies in following areas - environment, public health and human rights and other areas as well such as education and about the law of land. We find there are a lot of things which are not logical in the law of land. There have been so many cases and complaints.

We have information that land issues and those that protest land issues then may face harassment or ill treatment yet you are saying you can raise these issues, is that the case?

Two things which are illogical with the law of land, the first illogical point is the government have 2 policies about land - the market price and government price, the government price normally much lower. When the government want to take land they pay the people at the government price which is only 10/20% of market price. The second illogical point is the government allow themselves the right to take land and transfer it to land developers. The principle should be there is direct transaction. The government take land from land owners which is cheap and transfer it to land developers they then sell for market price.

So you are able to challenge this policy?

We raise our voice. We want to change the illogical points in the law of land.

So how are you able to challenge this policy when those who protest against it suffer from what we have been told is harassment or ill treatment?

In terms of law of land, I find it a head ache because of the two illogical points. To make it clearer it's hard because it is related to the huge benefit of corrupted officials. The group interest is high- they keep the policy because it is a huge benefit.

The communications channel for civil organisations is very new but people in society are very interested in it. It speaks the peoples voices and protects their rights. For bigger issues like law of land it has been not as effective, but at least it helps people to be more aware of the issue. We can criticise every new policy of the government.

Last year's cyber security law has two parts- one part is positive- to protect the cyber space from hackers, ensure safety for all users, and the second part is to manage the acts of people on cyber space, but it may control the speech, and it gives too much power to public security. Public security may abuse power. They are going to publish supplementary law documents. We have highlighted some of the illogical issues. The public security ministry has listened and have made changes, but we are still struggling. When the new draft comes out, we will analyse the new document on the tv programme. The Vietnamese press have published articles on the cyber security law. But some critical stories were taken out.

Have you experienced any ill treatment because of your outspoken views?

We have articles on cyber security law. We have published articles on newspapers about the cyber security law but one critical article was taken down. But we still have it on the social media channel.

This is a tough struggle.

No, I understand myself and I understand the way to approach it but it's a tough struggle.

What we say about draft law is that it gives too much power to public security, so they have to listen. In a draft of sub law document, they have the power to decide

who is criminal and who is not- the power is given to public security rather than the court.

The 2016 information access law came into effect in July 2018, 9 months have passed, and it is not effective. Many government offices have not followed this law. The law is good- it stipulates 46 kinds of documents to be made public; it's very clear for all government offices. Up to now, the people of Vietnam have limited access to government documents, it should be more transparent.

[Back to Contents](#)

Hagar International in Vietnam, 26 February 2019

Brief overview

Hagar an organization established in Cambodia 1994. In 2009 they were established in Vietnam. They provide support and access to social services for women and children traumatized through their experience of human trafficking, modern slavery¹⁴⁵, and abuse. They provide direct care and strengthen systems, by building the capacity of government and government-affiliated officials, like-minded agencies, and frontline responders to respond to the needs of survivors in their own community. Hagar focuses upon northern provinces.

Can you give any information on location/demographic/gender/age etc. of victims you support?

In 2018, 21% were primarily referred as trafficking victims, about 65% are from Kinh ethnic group and the rest from around 10 different ethnic minorities

Within Vietnam clients mainly come from the north, we only have an office in the north. Our previous national focus means we have clients living in the central and southern provinces of Vietnam. In 2018, Hagar's client base came mainly from 30 different provinces.

Do you deal with male trafficking victims?

We mainly work with women and children, we sometimes receive trafficking cases who are Vietnamese men based in the UK. Our role in providing support for trafficking victims in the UK is mainly providing counselling and psycho-social support, while they are in the UK, and/or before they come home. **[This additional information was provided after the meeting]** If requested we will support them in their return to Vietnam from the UK.]

How many people can you support and how many are you supporting at the moment?

At any one time, around 60 people but that includes victims of domestic violence, sexual abuse, trafficking and their dependent children. 21% are victims of trafficking.

¹⁴⁵ Please note, this terminology is Hagar International. It is not used by the national Government of Vietnam

[This additional information was provided after the meeting Annually we provide direct client-based care and support to around 140 clients, and dependent children.]

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.]

What happens when they arrive- how are they processed?

When they arrive, we have a 1st person they contact **[This additional information was provided after the meeting** Intake and Client-Management System Officer], we have a hotline number where we collect all the necessary information and make a decision on whether they fit with programme and whether we have the capacity and if they do, they are assigned a case manager. The case manager coordinates all access to services, and we have 2 psychologists who can provide counselling. For other services if we don't have them in-house we refer out or work with other agencies to co-support the clients. So, for health we would work with doctors and hospitals and for legal aid we would find and work with lawyers to support the client. **[This additional information was provided after the meeting** In 2018 we referred a further 28 clients to other agencies, after providing them with initial support, emergency response, and counselling.]

How many people are helped in the economic empowerment project work- how do you apply? What kind of assistance are you able to provide?

We support them to receive vocational training and link in with social enterprises and businesses such as hotel, hair salon, etc. for job placement, as relevant. The second choice for those who do not want to move out of their village is we provide support to them to enable them to stay in their own community, or another community where they choose to live. We do this by providing financial support such as small loans.

[This additional information was provided after the meeting Sometimes we provide them free investment packages, and technical skills (predominately agriculture, animal husbandry, or aquaculture) by partnering with Women's Union representatives who facilitate technical specialists from government departments to conduct community-based training. The result is that survivors are able to start their own business. Additionally, we encourage the Women's Union to include survivors of human trafficking in community-based savings and loans groups or nominate them to be accepted in vocational training supported by sub-national authorities.]

Is that loan funded by project?

Its usually a project funded by Hagar. If they need a small amount of money to start a business, we can offer a loan or investment capital, depending upon opportunities.

How many people helped in economic empowerment project?

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.

[This additional information was provided after the meeting- Additionally, Hagar may be required to move a client from one workplace to another, and/or provide them with career counselling and/or life skills such as negotiation, so that they can establish and maintain positive work relationships.]

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?

It's 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.

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.

Do you have a record/database of victims of trafficking

We have heard the government has a national database system, but it is not shared with external agencies. In Hagar we have a client management system (CMS) and we record data of all those we work with, and the support and services they receive from Hagar.

Do you provide mental health provisions

Once clients attend our programme, we offer for them to work with our psychologists, we may refer to them hospital if there are further problems. If they have no money to pay we can cover the costs and support them.

In terms of UK victims how many do you see and how referred?

We deal with around 5 cases of trafficking from UK a year and they are referred by our local partner in UK, the Medaille trust. Anytime they receive a Vietnamese case in their safe house, we support them mainly with counselling, we can do counselling through Skype.

Do you get mothers with young children and are you able to keep them together?

Yes

How many shelter 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.

Would you say you face any restrictions or monitoring as a registered NGO, do you face interference from the government?

No

What are some of the challenges faced by victims of trafficking for example- stigma?

They do face stigma, not only for trafficking victims but also domestic violence there is a victim blaming culture. Normally people say it is the victim's fault. The second challenge is services- they rarely have access to services. The third one is the trauma and the way it affects how they function. Many family members and community members don't understand once they come back. The fourth is when

they come back they need a job and to take care of themselves its not very easy in the community. In the beginning they come from a very poor community and there are not many opportunities to get a job or make a business.

Some cases that return back to Vietnam after many years of being trafficked, they have a challenge as they are past school age so returning to school is difficult and getting them a job is also difficult.

Many women when they come back they find their husband have another wife and their children have forgotten them, they refused/rejected by their husband.

Getting identity papers can be difficult if they have been away for a number of years. The local authority can remove you from local registration if you go missing for a number of years.

Do people return to own village or do they relocate to a new area? What is the pattern?

For HAGAR clients they move to big city if not they relocate in their home province. If they are still of school age they agree to move to a big city for school.

Is there repatriation?

HAGAR do not support repatriation, if we see cases by UK partner, we try to contact IOM so IOM would help repatriate people then once they are back home HAGAR provide reintegration support to them.

Do you work with the local police?

Yes, we do not really work with the police, **[This additional information was provided after the meeting-** unless we are referred a client from them. We do encourage survivors to register with authorities, which would include the police, however it is difficult to get survivors to report trafficking incidents, due to concerns about being stigmatised and discriminated against.] In Vietnam social workers don't really have a status to working with local authorities. Normally we have to ask for help from them and coordinate to work with them. The peoples committee then agree to work with the case and then we may contact the police to get some information.

Cases from the UK with victims who have been involved with drugs would they be in trouble in Vietnam?

We haven't seen any of those.

What is your view of the effectiveness of the police in dealing with Trafficking?

Its hard to say as we don't rescue so we don't work with police in that way and are unable to evaluate their performance. Being an NGO, we have limited access to police information. If the police are involved, we can't get involved much. We can only support the police to get information from survivors.

Your website states you offer legal advocacy to children- how successful are prosecutions?

We help clients in litigation but not in Human Trafficking cases. We do a lot of work with sexual abuse cases. With Human Trafficking most cases are where clients have come back after a long time so it's difficult to do prosecutions, there is not enough evidence, some don't want to work with police or have that label as a victim. Sometimes it's very difficult to show evidence. Hagar clients don't have victim's certification to show that they are Human Trafficking victims

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.

What ranking?

Poor household and near poor

Are you able to give any information about operating procedures of traffickers, how they work and how they get people?

Most information about traffickers comes from clients and they say mostly that it involves someone asking them to go out or they promise them an education or job and they just follow. In some cases, they are in a difficult situation in one case their marriage was arranged and she was unhappy a friend asked them to go for a job and they weren't aware until they reached china. In most cases they go to another country for a job and then receive very bad treatment. When they come back the government says they are not a victim of human trafficking because they went there by themselves.

Most clients when they return have serious health issues- HIV. They have broken legs or arms. They have mental health issues and are forced to use drugs.

Are you aware of retribution against victims/families when they come back?

No, we haven't seen any.

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.

How many staff do you have?

16 people including the cleaner.

Do all the staff have different roles?

We have 4 case managers, 1 intake and CMS officer, 2 psychologists. **[This additional information was provided after the meeting-** Other staff that support those working with clients include project officers who support Hagar to scale-up and replicate its model to other agencies (including government, government-affiliated and non-government organisations), clients and the programme. All project staff are supported by Hagar International in Vietnam's Programme Manager, Quality Assurance Manager, Trauma-Informed Care Team Leader, and Executive Director]

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

How are you funded?

Funded by a range of organisations and foundations. We have support offices in 6 countries and it's their job to raise awareness in their country and raise funding from support officers, funding comes from donors, and private organisation.

Is there any government funding?

[This additional information was provided after the meeting- There is significant funding through different multi-lateral and bilateral agencies. These include Australia, Korea, GFEMS, United Kingdom, United Nations, and US State Government.] This year Hagar has received government funding from Australia (DFAT) for survivors of human trafficking and gender-based violence. We received funding support from the British Embassy in 2016.

[Back to Contents](#)

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

What role does IOM play in relation to addressing trafficking and unaccompanied asylum-seeking children (UASC)?

With the support of the Vietnamese government and donor states, IOM Vietnam delivers projects that seek to prevent, protect and prosecute cases of trafficking, including of minors. IOM Vietnam projects also aim to reduce flows of irregular migration from Vietnam and to enhance awareness of safe migration options

IOM Vietnam is not involved in the involuntary return of minors and is not involved in regard to unaccompanied asylum-seeking children.

IOM Vietnam undertakes research to better understand and identify the push and pull forces that lead people to take up the services of people smugglers and which also make them vulnerable to human traffickers. IOM Vietnam achieves this through interviewing Vietnamese migrants who have a history of irregular migration and some of whom have demonstrated indicators of trafficking but may not necessarily be identified officially as victims of trafficking.

IOM Vietnam also have a lead role in co-chairing the Vietnam Counter Trafficking Network which is attended by officials from multiple Embassies and leading Civil Society organisations. In short, the CTN is a valuable forum where participants discuss who is doing what, where and why in regard to combatting human trafficking.

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 exploitive situation.

Is there a record kept of victims of trafficking in VNM?

Yes.

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.

Do you get many male victims of trafficking?

IOM Vietnam is involved in providing reintegration support for returned men who may have been identified a victim of trafficking. IOM Vietnam does not receive many cases of men who are officially identified as victims of trafficking.

When you get male victims of trafficking, are there shelters to support?

There may be some Vietnamese Government funded shelters available for male victims of trafficking. However IOM Vietnam is not involved in their operation.

Is there healthcare or psychiatric support available for men?

As part of the reintegration support IOM Vietnam provides, this can include access to physical and mental health support as provided by trained health professionals.

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.

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.

Services and reintegration – which services do you provide?

IOM Vietnam predominantly provides financial support to returnees which is based upon the returnee providing a plan that details what they need and how they will use it for their sustainable reintegration. IOM Vietnam also arrange for the purchase of resources (such as livestock or a motor bike) to support the returnee in getting back up on their feet. IOM Vietnam also conducts follow up assessments to verify the use and impact of the support.

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.

Minors – When minors are returned, what happens?

Please note IOM is not involved in the in-voluntary return of minors.

When minors return to Vietnam they are reunited with their families. In cases where they have no parents or guardians, then it is more complicated and a guardian needs to be found. IOM Vietnam has not encountered any cases where a minor has required a guardian to be identified.

You said earlier that with the support of the Vietnamese government you 'deliver projects that seek to prevent, protect and prosecute cases of trafficking' can you tell us more about prosecutions?

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.

[Back to Contents](#)

NGO, 26 February 2019

What are the numbers of people you have helped back from China?

'We have helped people that come from China to Vietnam. I have worked in this field for 11 years and have rescued over 833 victims. 433 out of the numbers are women and girls who returned from China. The rest are 403 victims of domestic labour exploitation. Additionally, we also provide repatriation and reintegration support for another 220 victims of sex trafficking after they have been rescued by authorities. Prosecutions of traffickers depends on the evidence given by the victim. Basically we respond to call for help from victims, their families and receive referral from police, border guards and the Hotline.

How are you funded?

'We are funded by individual sources and includes contributions from the UK government and US government and from various overseas private charity foundations.'

How many people are working for you?

'We have eighty full time staff. We provide a direct service, food, accommodation, clothing and counselling. It is one stop.'

How many shelters do you have?

'There are 3 shelters for victims of trafficking all in Hanoi (one emergency shelter and 2 homes)'

Do you have any shelters for men?

'We do have shelter for boys but mainly for street children. In Vietnam we don't recognise the term of domestic trafficking.'

Explains about sexual exploitation of boys -

'In 2012 we received information from street children saying that they were being abused, which we didn't believe at first, so we worked with the police to investigate

these allegations. The police didn't believe it at first either. We had to make an appeal by letter to the police requesting them to investigate it. We identified a big loop hole because the in the penal code the Vietnamese law doesn't recognise sexual intercourse between a man and a boy. That is why the actions by the paedophile did not constitute sexual intercourse and police only investigated in relation to child obscenity (a minor crime). So, under our advice they started to arrest paedophiles they have arrested 6 Vietnamese paedophiles and 3 foreign paedophiles. We also work with the police academy, national assembly and media to advocate to change the law. In 2015, they accepted our opinions and revised the penal code. The Penal Code was changed and recognises 'child obscenity', having sex with a child which allowed police to prosecute a paedophile easier. Three months ago, a Slovakian suspect was successfully prosecuted under the new law. If a boy of 16 consents to have sex with a man, then it is not illegal, it's the same for girls.'

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.

'In the UK the victim was maybe forced into a cannabis farm or domestic servitude. It is unacceptable but compared with what happens in china that is much more uncomfortable. China victims are sold for prostitution in a brothel, they have no right to say no. They have no condoms and sometimes receive up to 40 men a day. If they run-away, they may be beaten or sold. There is no way to get freedom. The second level of exploitation is women being subject to forced marriage. Chinese men spend a lot of money on a wife. A man can lock his wife in a room and force her to have baby and if the wife goes to see a neighbour, she would be under the watchful eye of husband or neighbour.

'If she keeps having a girl then she would be sold again. Sometimes she is raped by the father of the husband. She could be used for paying s debt for the husband. One victim whose child was 2 when she was trafficked to China returned to Vietnam and the child was 15 years old. If a relative goes missing you have no idea where they have gone. It causes trauma for the victim and the family.'

'Sometimes men are trafficked to china and they are forced to work in terrible situations. They have to work in terrible situations in unregistered factories. They work and then when the police come they don't have to pay their wages because they are being deported back to Vietnam for illegal migrant workers.

'In Vietnam a parent would have to pay for their child to go to UK for a better life. In China it is different, the trafficker can be the boyfriend, relative or close friend who tricks them. They are forced in to brothels, forced marriage or returning by river way (killed and dumped in the river). They are easy to lure as it is easy to cross the border. The border is heavily guarded by border guards. There is no way they can kidnap a person and cross the border, but they can get in by saying they are they are the boyfriend (by tricking vulnerable girls).'

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.'

'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.'

Have you ever dealt with any victims who have returned from the UK?

'Unfortunately, we have not. We have not had victims that have returned and who wanted our help, plus as a small organisation we have to prioritise our resources to the most needed person.'

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.'

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.'

Do the police detain minors? Would they detain them without family knowledge?

'In Vietnam those who are less than 12 years old are immune from any charge. Children from 14- under 16 years old are only charged for extremely serious crimes. Children between 16-18 could be charged with serious crimes but they would receive lower sentences compared to adults and would not get the death penalty or life imprisonment.'

Although they cannot be charged are minors arrested or detained?

'Sometimes children who are arrested for violating the law, if they have a clear permanent residence and a guardian then they would not be detained. Only if they committed a very serious crime would they be detained for investigation or if there is a reason to hold them to gain evidence or if there is a chance they would run away or there is a reason to believe that if they are not being detained, they will cause harm to others. In Vietnam the Penal code there is a separate section that deals with children.'

Do the police adhere to the penal code in that section in the way they deal with children?

'Yes, they do. At the moment we are working with the Ministry of Public Security and the courts to try and revise some law in relation to trafficking with persons.'

[Back to Contents](#)

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

[Questions outlined and MOLISA stated they would try and answer them but the responsibility to provide that information spanned several departments]

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.

There is also financial support which is documented in law and can be seen on the website and cited.

Does the law give the financial values of support?

The law will be quite general, but the decrees will provide information and the ordinations that specify amounts etc.

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.

Are traffickers prosecuted and if so, do you have information on the numbers and penalties?

Court can provide statistics.

Do you have specially trained police?

Yes of course. We have the inter-ministry team with members from MOLISA, MPS and border guards so police get trained. When police organise a training course they can invite MOLISA and vice versa. In 2018 with support from international organisations MPS published a handbook for support for victims of trafficking.

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.

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.

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

There are around 400 government run shelters. 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.

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

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]

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.

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.

Are you aware of male victims of trafficking?

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

[Back to Contents](#)

UN-ACT, 27 February 2019

UN-ACT - overview

UN-ACT is the Secretariat for the COMMIT process, involving six governments in the Mekong region. We build capacity for the government and strengthen the government and the COMMIT process and are active in 6 countries (The COMMIT countries are Cambodia, China, Laos, Myanmar, Vietnam and Thailand). We support the cooperation among COMMIT countries and between COMMIT and non-COMMIT countries. We strengthen the evidence base to aid decision making for the government. We provide support to CSOs and the private sector in relation to trafficking. We build capacity in the government through training, visits and support to raise awareness of human trafficking and illegal migration through campaigns. We are currently funded by the Sweden, the UK, and a Family Foundation. At national level we work with different ministries such as- MPS [Ministry of Public Security], MoJ [Ministry of Justice], Women's union, MOLISA and Ministry of Foreign Affairs. The local governments at grass roots level are also our partners, we work in the provincial or commune and district level and even the villages.

In terms of technical things, besides building capacity we support the government to revise the Penal Code, law, decrees etc related to trafficking. We are supporting the government to revise the national referral mechanism (NRM) as well as trans-national referral mechanism (TRM) for the COMMIT countries. There is a COMMIT process in each country. There is a taskforce with 16 representatives from 12 different government agencies. The taskforce has one regional meeting every year. At least one at the national level every year. Every year we have a senior official meeting (SOM). Every three or four years there is an inter-ministerial meeting (IMM).

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.

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.

In terms of minors in Vietnam, do you know if the police would arrest a minor?

I have not heard. I have not heard of any detention of cases of minors by the police. For human trafficking, I have not heard that either. We see a lot of minors, but they are victims and if they keep them it is for protection. The border guards and police rescue them from the places where they are exploited. They know it is not for detention but to keep them safe. For Vietnam, children are those who are under 16, not 18 (years old) like the international standard.

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.

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.

What kind of things are you doing to raise awareness of trafficking in Vietnam, especially in the regional areas?

For the government, they do so through the media and sometimes they have campaigns. Vietnam now has the National Day against Trafficking in Persons (30 July) so the government organize campaign on that day or in July. There was a documentary that was broadcast nationally at primetime with trafficking cases, convictions and sentences. There has been a series of investigative films on trafficking cases. The second way is through the support of international organisations. They have awareness raising campaigns working with communities and villages and agencies at grassroot levels. The campaigns involve local community people a lot. This is how we raise awareness on human trafficking. We have communication products- leaflets, books, photos, videos, stories and we can distribute them as widely as possible.

Do you find these campaigns have had a positive effect?

Yes. Ordinary people learn through it, even those people who are educated have learnt a lot of things through these campaigns and tv.

You said they air prosecutions on television, do you have any more information on number of prosecutions for trafficking offences?

There have been successful prosecutions in Vietnam. For the big cases that involve some traffickers and many victims, those cases tend to be broadcasted and in the media.

Do you know what kind of sentences they receive?

From the TV I know seven years, some 12 years if the cases involve many victims then sometimes 20 years. If there are many victims, then the sentence is bigger. The report from the prosecutors say there are still many that are not prosecuted, they are left open forever, there are many cases like that, and the main reason is they lack of evidence to convict traffickers including little cooperation from victims' side.

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.

[Back to Contents](#)

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.

Loan sharks and illegal money lenders

Penal code article 201 stipulates the position in relation illegal money lenders.

Normally, illegal money lending is related to other crime to ensure they get back the money.

The definition of a loan shark - to loan or mobilise money at the stipulated government interest rate and implemented by the individual group or organisation. Loan sharks normally ally with organised crime. It's related to other crime, so we have structures to control the system.

Besides illegal money transactions – as legal / banking system is covered by legislation. Money transactions would be legal within the banking system if they obey legislation, when you loan money with interest rates below 20% per year (according to civil law and penal code).

Moneylenders offering loans which illicit profits in excess of 30m VND will be punished according to the criminal code with a maximum of 3 years prison sentence.

Loan sharks aligned with organised crime. For example, to access property, they threaten or intentionally harm people or family when they collect debt. It is one of the reasons why MPS struggle and concentrate on controlling this crime.

Crimes relating to loan sharks, there are many cases. The stats are, in nearly 4 years from 2013 – 2018 in VNM there are more than 7600 cases.

- 60 cases in relation to murder
- 400 cases in relation to intentional harm
- 600 related to robbery
- 800 related to forceful taking of property
- 1800 related to fraud
- 3500 related to taking advantage of trust and credits to take properties

Because of the serious nature of this crime the government directs MPS to control this crime and others relating to it. We recognise the loan shark is a source if crime, not only at MPS but at the entire branch of government.

Procedure in relation to search and arrest

Stipulated in the criminal procedure code 2015 (amended from 1999).

Emergency search warrant – within 24 hours of completing the search the warrant issuer must notify in writing the procuracy to exercise the prosecution right, inspect and investigate the case.

Search warrants to be implemented before 10pm except in serious crimes.

The investigator must notify the Procuracy about the search, then they can complete the search.

Emergency search in specific cases to prevent the criminal escaping or destroying evidence.

With arresting people, we have 2 kinds.

Emergency arrest – where people commit serious crimes and we have evidence they will try to escape commit a crime. To arrest this person within 12 hrs we must get ratification from people procuracy (by head / deputy head of regulated agencies)

The second, we arrest through normal procedure (as stipulated in criminal procedure).

Any citizen can arrest. People who witness a crime can arrest and escort them to the police.

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.

We cooperate with UN organisations and NGOs to recognise human trafficking victims and to combat human trafficking. We cooperate with UNICEF, CEOP, IOM, ILO and other organisations.

Every year we have 400 cases related to human trafficking. 1000 victims trafficked to another country, 75% trafficked to China and the rest to Asian and European countries.

Victims of human trafficking are sexually exploited, used for forced labour, slavery and prostitution.

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

MINISTRY OF PUBLIC SECURITY (MPS)
SOCIALIST REPUBLIC OF VIETNAM
DEPARTMENT OF FOREIGN RELATIONS

No. 1584/BCA(DN)

First of all, Department of Foreign Relations under the Ministry of Public Security of the Socialist Republic of Vietnam would like to send our respectful greetings to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Hanoi. Regarding the meeting with the Information and Policy Agency of the UK Home Office held on 28 February 2019, we herein have some information for exchange.

The Ministry of Public Security hereby attaches the information requested by the Agency at the meeting as follows:

1. The status of Crimes related to “Black Credit” [illegal moneylending], the struggle and management of Vietnamese LEA (law enforcement agencies) against these types of crime.
2. The status of Human trafficking in Vietnam, Vietnam's policies and programs on human trafficking prevention and combat, and protection of trafficked victims.
3. The order and procedures of Vietnamese LEA in order to search and arrest criminals.

On this occasion, the Department of Foreign Relations under the Ministry of Public Security of the Socialist Republic of Vietnam, would like to send the best wishes to the United Kingdom of Great Britain and Northern Ireland and specially thank for your supports./.

Hanoi, 26 March 2019

Respectfully to: Embassy of the United Kingdom of Great Britain and Northern Ireland

In the Socialist Republic of Vietnam

No. 31, Hai Ba Trung, Ha Noi.

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.

“Black Credit” lenders include individuals, groups of people operating without permission or hiding their illegal operation in the form of pawnshops, financial businesses, leasing of licensed properties. Borrowers may include various objects such as students, government officials, prostitutes, gamblers, lottery players, football betters, smugglers, traders of forbidden goods, real estate decoys, urgent money seekers, etc. Also, there are many unprofessional lenders who, due to high interest rates, borrowed from their relatives and “Black Credit” lenders to do sub-lending and seeking for profit in different interest rates, unfortunately, if the debtors are insolvent or run away, these intermediaries become debtors and shall be foreclosed by black creditors.

To smoothen the “Black credit”, these lenders usually play some certain tricks like leaflets, websites, social networks, advertisements of giving loans without direct meeting, without mortgage, simple procedures, immediate disbursement for a loan amount from 1 million to several tens of million dong. They also use high technology to organize the “Black Credit” activities through the Internet in the form of online lending, peer-to-peer lending at high interest rates. In order to circumvent the law and evade the investigation and evidence collection of police agencies, high-interest loans are often masked by disguised contracts of which interest rates are intentionally showed in the contract much lower than in the reality, or revealed in another paper (such as a loan note, handwritten paper to be able to destroy or change easily). Alternatively, these lenders can request the victims to write a sale agreement of their property and then ask them to rent it back. If the victims fail to repay on time, these lenders shall use such an agreement as the evidence to denounce to the police that the debtors have appropriated the property. To deal with competent authorities, these lenders often gather and live in one place but operating in other localities, after implementing lending, any related documents and contracts shall be hidden in another location or often destroyed to avoid detection and evidence collection of the police. Repayment and receipt of “Black credit” amounts

shall be implemented through face-to-face meeting without bank transfer to avoid leaving a trace.

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.

Types of crime and violation related to "Black Credit" are often: high-interest rate loans in civil transactions, Intentional injury, Unlawful arrest, Public order disturbance, Property Seizing, Property Destruction, Breach of Trust to appropriate property, Property Fraud, etc.

For complicated developments in the "Black Credit" - related crimes, the MPS's Criminal Police Department has implemented urgent measures to grasp the situation and make plans for basic investigation and distribution of repression attack peaks aimed at "Black Credit"-related crimes. Most recently is the Repression Attack Peak against crimes and violations to the Law on protecting Lunar New Year 2019.

According to incomplete local statistics, the National Criminal Police force has reviewed and detected 3,810 business establishments operating in "Black Credit" in 2018 (including peak periods). Police units and localities have handled more than 600 "Black Credit"-related cases, of which 34 suits, 66 arrestees were prosecuted on the crime of High-interest rates lending in civil transactions under Article 201 of the Criminal Code, 159 other related cases were put on trial. Some localities have a good performance in fighting this kind of crime, typically Nghe An, Ha Noi, Thanh Hoa, Ho Chi Minh City, Nam Dinh, Hai Duong, Hung Yen, etc.

II. Management of Vietnamese LEA against this type of crime

Currently, the legal policy for this type of crime is based on the following legal documents:

- According to the Civil Code, the regulated interest rate cap is normally 20% unless otherwise stipulated by the law. Excessive interest rates will be disabled.
- Moneylenders offering loans at an interest rate that is 5 times higher than the

interest rate cap specified in the Civil Code or earning an illicit profits from VND 30,000,000 upwards, or having been administratively sanctioned or sentenced for the same unspent offence shall be punished according to Article 201 of the Criminal Code with a maximum penalty of 3 years in prison.

Moneylenders offering loans required collaterals out of the extent of criminal punishment according to Article 201 of the Criminal Code with an interest rate exceeding 150% of the basic rate announced by the State Bank of Vietnam at the time of lending shall be administratively sanctioned in accordance with Decree No. 167/2013/ ND-CP with a maximum fine from VND 5,000,000 to VND 15,000,000. For the same act and interest rate mentioned above, however, without collaterals, no regulations on punishment are stipulated.

- Acts of debt collection such as cursing, throwing dirt or waste, causing urban landscape disturbance, etc., and so violating Decree No. 158/2013/ND-CP regarding the penalties for administrative violations in Culture, sports, tourism and advertising sectors will be subject to administrative sanctions.

- Acts of debt collection made lives, health and property of debtors injured to the extent of criminal liability prosecution may be punished for related offenses such as: Murder, Intentional injury, Death threat, Unlawful arrest, Property deliberate damage, Property Seizing, Property Destruction, etc.

III. The State management over industries and trades related to this type of crime

Currently, “Black Credit” is intermingled among credit activities, business activities and criminal organization activities, and so closely attached with the management of many ministries and agencies herein. In particular, the Ministry of Public Security shall manage criminal gangs committed offences on security and order laws; The State Bank controls credit institutions and financial companies; The Ministry of Planning and Investment is in charge of granting and revoking business registration licenses operating under the Enterprise Law; The Ministry of Finance licenses and manages debt collection service enterprises; The Ministry of Information and Communications supervises the information technology and online advertising activities in telecommunications environment; The Ministry of Culture, Sports and Tourism shall govern outdoor advertising, handle violations on outdoor advertising, uncouth debts collection and urban landscape disturbance; Local People's Committees shall perform the general management in their jurisdiction; the investigation, prosecution and trial of criminal acts are related to Investigation Agencies, People's Procuracies and People's Courts. In addition, there are many areas out of the regulatory system and deprived of the management of State agencies such as Peer-to-Peer lending, online lending, consulting business services and private financial support, etc. Therefore, in the process of putting the State management on “Black Credit” activities, the lack of synchronous and unified

participation among ministries, branches and localities obviously leads to many shortcomings in the State management. Besides, the current system of legal documents relating to business lines management is still inadequate. Namely, Decree No. 96/ND-CP on business lines subject to conditions of security and order is not yet promptly supplemented and updated for newly arising business lines (financial support and business, peer-to-peer lending, unsecured loan, etc.), Decree No. 104/ND-CP on debt collection services business has not prescribed the responsibilities and sanctioning competence of the Ministry of Public Security, etc.

IV. The struggle of the Ministry of Public Security

The struggle against this type of crime is implemented through many synchronous solutions including:

- Organizing the Basic Survey across the country on individuals, establishments, businesses dealing in related services such as pawn, lending, debt collection or other services but actually operating in high-interest rates lending activities; making lists, grasping the situation, thereby identifying, classifying and applying policies to manage, fight and handle.

- Coordinating with other functional forces to establish interdisciplinary teams for administrative inspection against establishments having signs of “Black Credit” activities to detect violations and record in documents. If there are signs of offense, proceed with prosecution, investigation and punishment.

- Proposing local People's Committees to mobilize personnel to propagate, disseminate and instruct laws, criminal methods and tricks of wrongdoers so that people can raise their awareness of prevention and commit not participating in “Black Credit” activities, strictly abide by the law, increase knowledge of legal provisions on borrowing/lending and capital mobilization activities.

- Activating movements of detecting and denouncing criminals and violations related to “Black Credit”, movements of removing leaflets and billboards related to “Black Credit”. Proposing the Ministry of Information and Communications and related ministries to prevent applications, messages, articles, advertisements and marketing news related to “Black Credit”.

Proposing the Government to direct ministries, branches and localities to review legal documents related to the State management, crimes and violations of “Black Credit” laws of which problems and shortcomings still exist, then propose competent agencies to amend and supplement in accordance with reality.

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, fetuses, organs, hired births, etc. In which, there are many cases of selling infants and fetuses 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%.

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.

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.

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.

II. Related policies, laws and programs of Vietnam Government

1. Policies, laws and programs on human trafficking prevention and combat

- The National Assembly: Having approved the Law on Prevention and Combat against Human Trafficking in 2011 with effect from 01 January 2012; Having amended and supplemented the Criminal Code of 2011 and 2015, in which fundamentally modified certain crimes related to human trafficking towards approaching the human trafficking concept of the United Nations; Having approved the Convention against Transnational Organized Crime (TOC Convention), Protocol to Prevent, Suppress and Punish Trafficking In Persons, especially Women and Children; Having signed and implemented the ASBAN Convention on Preventing and Combating the Trafficking in Persons, especially Women and Children.

- 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).

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.

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).

CONTENT III: The order and procedures of Vietnamese LEA in order to search and arrest criminals

I. The search order

The order and procedures for issuing search warrants and conducting searches are specified in Chapter XIII of the Criminal Procedure Code (CrPC) 2015, covering the following cases: search of persons, residence places, workplaces, locations, vehicles, documents, objects, letters, telegrams, parcels, postal items, electronic data.

1. *Grounds for a search*

A search can be conducted when a person, residence place, workplace, location, vehicle is believed to contain tools, means of committing an offense, documents, objects, property resulted from committing an offense, or objects, electronic data, other documents related to a case, or when it is necessary to detect a wanted, track down and rescue victims. Or a letter, telegram, parcel, postal item, electronic data is believed to contain tools, means of committing an offense, documents, objects and property related to a case.

2. *Authorities issuing a search warrant*

- a) Heads and deputy heads of investigation agencies at all levels. In this case, a search warrant must be approved by the Procuracy of the same level before execution;

- b) Directors, Deputy Directors of People's Procuracies; Directors and Deputy Directors of Military Procuracies of all levels;

- c) Chief Justice, Deputy Chief Justice of People's Courts; Chief Judge, Deputy

Chief Judge of Military Courts at all levels; The Juries and those stipulated in Clause 2, Article 35 and Point a, Clause 1, Article 113 of CrPC 2015. The search warrant must be approved by an authorized Procuracy before execution.

* In case of emergency, the authorized persons defined in Clause 2, Article 110 CrPC have the right to issue a search warrant. Within 24 hours after completing the search, the warrant issuer must notify in writing the Procuracy of the same level or the authorized Procuracy to exercise the prosecution right, inspect and investigate the case.

3. *Order and procedure of a search*

- Before conducting a search, the Investigator must notify the Procuracy of the same level of the time and place of the search to ensure a Prosecutor shall be present and supervise the search, except for emergent searches. The Procurator's absence, if any, must be recorded in a search report.

- The Investigator announces the search warrant in front of the person being searched, representatives of the local authority, witnesses and other ones as prescribed by law. Then give it to the person being searched to read it; explain to him and those who are present to know their rights and obligations, finally conduct the search according to the law.

- Documents and objects discovered and temporarily seized during the search process are fully described in the minutes as prescribed in Article 133 CrPC and preserved according to the provisions of the law.

- All cases of search shall be recorded in accordance with Article 178 CrPC and included in cases files.

When conducting searching a place of residence, place of work, location or vehicle, people present shall not leave the search site, not contact or communicate with each other or with others until the search is finished.

II. Victims and witness's protection programs

Article 66 of the CrPC 2015 stipulates: A witness is a person who knows circumstances related to a crime and a case, and is summoned by an authorized agency to testify.

Article 62 of the CrPC 2015 stipulates: A victim is a physical person suffering from direct damage to physical body, mentality and property, or an agency/organization whose property and reputation are impaired or threatened.

Protective measures against victims and witnesses are stipulated in chapter XXXIV (Article 484 to Article 490 CrPC). Accordingly, if the victims/witnesses or their relatives are threatened or coerced by any individuals, agencies or organizations, they may request authorized authorities to apply Protective measures as set out in Article 486 CrPC.

* *Protective measures specified in Article 486 include:*

1. Deploy personnel, implement professional measures, utilize weapons, support equipment and other means for guard and protection;
2. Constrain the protected persons' travel and interaction for their safety;
3. Maintain and request other people to maintain the confidentiality of information related to the protected persons;
4. Displace protected persons, encase information of their residential place, workplace or educational facility; change their whereabouts, personal records and identities, with their consent;
5. Deter, warn or attenuate intrusive actions against the protected persons; hinder and resolve intrusive actions in timely manner according to the law;
6. Other measures prescribed by the law

* **The protection order and procedures:** If the victims/witnesses request protective measures via a request letter, the request's content must comply with the provisions of Article 487 CrPC. In emergent events, the protected persons can state their requests for protective measures to competent authorities in direct manner or through means of communication; however, such requests must later be submitted in writing.

After that, Investigation authorities must inspect grounds and authenticity of the petition or request for protection. If protective measures are deemed not necessary, relevant reasons must be clearly explained to the petitioner or requester.

* **Protection time:** The time of protection shall start upon the implementation of such measures and end upon the decision to terminate protective measures.

* **Authorities implementing protective measures against the victims and witnesses:** Investigation agencies of the People's Police and the People's Army have the right to apply protective measures or at the request of the People's Procuracy, People's Courts of the same level or at proposal of the Supreme People's Procuracy.

* **Protection-related documents**

- a) The petition or written request for protective measures; written records of such petition or request;
- b) Results of the verification of detriments or menaces against the life, health, property, honour and dignity of the protected person;
- c) Documents on consequential damage that occurred (if any) and competent authorities' solutions;
- d) The petition or written request for alteration, addition or termination of protective measures;
- e) The decisions to implement, alter, add or terminate protective measures;
- f) Documents on the progress of protective measures implemented;

- g) The written proposition or request for the cooperation from authorities and entities in protection-related tasks;
- h) Reports on the implementation of protective measures;
- i) The decision on termination of protective measures;
- j) Other protection-related documents.

<u>Content</u>	Emergent custody (clauses 4,5,6 Article 110)	Arrest of perpetrators of crimes in flagrante delicto (Article 111)	Apprehension of wanted persons (Article 112)	Apprehension of suspects and defendants for detention (Article 113)	Detention of persons whose extradition is requested (Article 503)
<i>Arrests</i>	Emergent custody shall be applied against a person who is going to commit a horrific or extremely severe felony in order to prevent his offense, or a person who escape after committing a crime or cause an obstruction on the investigation.	“In flagrante delicto arrest” shall be applied against a person who is caught in or discovered and chased immediately after the act of committing a crime.	Apprehension of wanted persons is applied against a person who is wanted by competent authorities.	It is the arrest of a person who has been criminally prosecuted or has been put on trial by the Court for detention in order to prevent him from committing a crime and create favourable conditions for the lawsuit.	Extradition is a mutual legal assistance between countries. Accordingly, the requested country will arrest and deliver a person who committed a crime or has been convicted via a legally enforceable sentence by the requesting country’s Court so that the requesting country can prosecute him for criminal liability or enforce punishment upon him.
<i>Authorities and persons assigned to make arrest</i>	Investigation agencies, procuracies and agencies authorized in conducting some investigation activities	Everyone	Everyone	- Heads and vice heads of investigation authorities. - Head and Vice Heads of a People’s Procuracy; Head and Vice Heads of a Military Procuracy; - Chief Judges, Vice Chief Judges of People’s Courts and Courts-martial; Juries.	Provincial People’s Courts, higher People’s Courts, competent authorities assigned in litigation

Procedures	- Upon arresting a person, competent authorities must take his statements promptly within 12 hours, then decide to implement: + Arrest Warrant + Temporary Detention Order + Immediate release * The arrest warrant must be sent to the Procuracy of the same level or an authorized Procuracy for approval consideration. For non-approval case, immediately release the detainee.	- Upon arresting a person, immediately deliver him to the nearest Police station, Procuracy or People's Committee. These agencies must make a written record of the incident and deliver by force the detainee or report to competent investigation authorities in prompt manner - Immediately after receiving the detainee, the assigned Investigation Authority must conduct a number of investigative activities, take the detainee's statements promptly within 12 hours. After that, decide on detention or release of the detainee.	- Upon arresting a person, immediately deliver him to the nearest Police station, Procuracy or People's Committee. These agencies must make a written record of the incident and deliver by force the detainee or report to competent investigation authorities in prompt manner - Immediately after receiving the detainee, the assigned Investigation Authority must conduct a number of investigative activities, take the detainee's statements promptly within 12 hours. After that, decide on detention or release of the detainee.	- The arrest warrant and its written approval must specify full name and address of the arrestee, reasons and other details as per Point 2, Article 132 of this Law. - Enforcers of an arrest warrant must read out the warrant, explain its content, arrestee's duties and rights, make written record of the arrest, and give the warrant to the arrestee. - The apprehension of a person at his residence place must be witnessed by a representative of communal, ward or town authorities and other individuals. The apprehension of a person at his place of work or learning must be witnessed by a representative of such place. - The apprehension of a person at other places must be witnessed by a representative of communal, ward or town authorities. - Apprehension must not perform at night, except for criminals in flagrante delicto or wanted persons.	- The capture of a person, whose extradition is requested for detention or execution of extradition, shall conform to Article 133 of this Law. - The detention duration for considering an extradition request shall not exceed the length of time of the arrest warrant caused by competent authorities of the requesting country. Moreover, the detention duration shall not exceed the [full or remaining] enforcement time limits of the criminal sentences and rulings made by a Court of the requesting country. - In essential circumstances, a provincial People's Court or higher People's Court can request in writing, via the Ministry of Public Security, competent authorities of the requesting country to issue orders or decisions on detention or extended detention of the person whose extradition is requested to enable the consideration of extradition requests.
--------------------------	---	---	---	--	---

[Back to Contents](#)

[Back to Contents](#)

Alliance Anti-Traffic (AAT), 1 March 2019

Overview

I am the first person working [in Vietnam] in the field of human trafficking. I started in 1992 in the field of exploitation of street children and opened my first activity against sex exploitation of children in 1995. I opened the first centre in 1998. With AFESIP Cambodia organization, we make the first rescue of children involved in prostitution networks in 1998 in Cambodia. First official rescues and repatriations of Vietnamese began in 2004, in Laos, Malaysia, Thailand and Singapore, after taking a government delegation to meet their foreign counterparts to open cooperation (Before the existence of the COMMIT) At the same time, we created the first regional taskforce group with Thing Center (Singapore), Tenaganita (Malaysia) IJM US based in Thailand, Save The Children (UK based in Thailand) Save our Daughters (Thailand) and AAT Thailand. Until 2008 I was the only NGO allowed to work directly with victims in Vietnam.

Before 2003 the authorities didn't recognise the problem. We successfully pushed the government to change their position thanks to a video made by IJM in a brothel of Vietnamese children. (Link to the movie made by IJM:

https://youtu.be/hmu4_kdwcug

As the authorities didn't recognise the problem, when we opened the first centre in Vung Tau in 1998 it was called a training centre for women. In 2001 I opened 2 more centers, one in Can Tho and one in Ho Chi Minh City but, at this time, the government did not yet recognize the problem and the police raided my office three times and there was a big fight. In 2003 I wrote a letter to the police to inform them that if they did not give us the permit to run our centers, we will shut them down and we will shut down the center specially open for the Vietnamese in Cambodia, because we cannot repatriate them to Vietnam.

In this letter, I informed them that we shut down our centers and that in September I travelled to Cambodia to help the government to arrest 200 illegal Vietnamese children forced to prostitution. I told them that in December we would bring this group to the Vietnamese border to see what Vietnam are doing now with these children, in the presence of the international media. This letter and the movie mentioned above are the two main elements that have caused changes in the government's position about human trafficking. Immediately, at end of 2003, the government sent us a national TV delegation to make the first ever documentary that would inform the public about the existence of human trafficking. (Link to this documentary;)

<https://youtu.be/q8CoFpy7xFs>

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 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)]

Since 2007 I want to focus on the cause of trafficking and I start to develop prevention education in schools in Ho Chi Minh City, to prevent unsafe migration, human trafficking, but also sexual abuse and exploitation. 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. As the programme we developed with UK 2011-2014 in Nghe An, Thanh Hoa and Quang Binh. I am a social worker which is my real job. For 5 years, we train civil servants and the police in all of the 63 provinces of the country, with one training by province and by year (Program in cooperation with the MOLISA and UNIAP). I think that the Vietnamese civil servants are well aware about the problem and they know enough in order train other people if they want it. In addition, the VN police cooperate and learn from the Thai police since 35 years already.

Most of the provinces we target in the North of Vietnam with our prevention education at schools and in communities are provinces that are mainly involved with people smuggled to the UK. In 2014, from May 12 to May15, the UK Embassy sent a delegation of 5 Government members and me, to visit the Ministry of Foreign affairs and Commonwealth and the Home Office. In addition we visited the Salvation Army in the United Kingdom, IOM UK and we have a meeting and a presentation of the migration of Vietnamese in UK by the NCA. Mr Nguyen Trong Dam - Minister, Ministry of Labour, War Invalids, and Social Affairs (MOLISA), was the head of this delegation.

It is important to educate people, so they can identify human trafficking themselves, they can protect themselves and the others thanks to the education on community watch. One person educated can protect 10 if they know about risks and how to avoid it. They can inform their family, friends, the local authorities, their teachers and they can request the assistance of organizations such as AAT.

In Ho Chi Min City before our prevention programme was applied the schools recorded about 15 pregnancies in middle school per school and per year and now there are no more teenage pregnancies in schools where we applied our program. Following Ms Le Thi Ha, Deputy Director of Social Vices Prevention Department (DSVP), MOLISA ,So far this is the most developed program for the protection of Vietnamese children. We have educated, on prevention, more than 120,000 children, parents and state officers, including provinces where people are mainly trafficked in UK (Thanh Hoa and Quang Ninh). Now I am more focused on prevention because we cannot only be waiting for people to become victims to care for them. **[This additional information was provided after the meeting-** This is a very non expensive project that preserve people from the hell and allowing Vietnam to build a sustainable future. Prevention is better than a cure. Following our investigation with victims (Of trafficking and of sexual exploitation), 80% of them said that they would

not have been victims if they had been informed and educated before. That is why, in order to stop these problems, we are very motivated for preventive action, although very few foundations wish to support this kind of program. The provincial authorities are also very motivated to maintain the prevention program without our support: In Hue, at their initiative, the Popular Committee of the province forced all children of civil servants to follow training about our prevention program. The course was applied directly by the DOLISA of Hue. In addition, they applied the program to street children and centers for disadvantaged children. In Thanh Hoa, Education services put their stamp on our book in order that the children return our booklet to the school at the end of the year, to pass it to the following students. In Quang Ninh, The Education services asking us for authorisation to develop the program in more schools, by themselves and with their own funds.】

With around 4 TV programmes per year, we have had and we continue to have a very good support from the Vietnamese media. We have an anti-trafficking show call “Talk Vietnam”, it is a 40 minutes documentary about our work. Another one of 50 minutes, will be broadcasted in October 2019. We do not work with foreign media and most of foreigners ignore our existence. We never thinking to spend money to communicate in foreign countries. **【This additional information was provided after the meeting** - We imagined that the communication inside Vietnam is important, because this is a part of the prevention strategy and that our mediatization in Vietnam will automatically make foreigners, especially embassies based in Vietnam, aware about our work. But that was unfortunately not the case.】

In action against human trafficking there are other NGOs involved, such as HAGAR based in the north. They are around 17 organizations in the north of Vietnam and, In The South of Vietnam, it exists only AAT for all southern provinces, and Pacific Link, working in An Giang province only. IOM also have an office in Ho Chi Minh City.

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.

Since 2015, we have a new special program to protect 29 children girls, daughters and sisters of victims of sex exploitation and of human trafficking for sex slavery for some. These girls, aged 7 to 18 are identified to have an important risk of being forced to prostitution or human trafficking before they’re 18 years old.

We can open a specialized center for them, but we chose to take on the challenge of protecting them at home while educating their families and being able to ensure their protection in the future. In 4 years, 15 mothers have left prostitution and found another job. 4 very young women, family members of the children, also prostitutes, are currently supported by us for training in a formal vocational training school. It is

important to have projects with women involved in prostitution, because all reports in the world demonstrate the relationship between prostitution and human trafficking.】

We have helped repatriation from 22 countries and we have a cooperation network in 17 countries including UK. In UK, we have good connections with the National Crime Agency (NCA). When I contact them, they all times answer immediately. Sometime, it is them to have questions about Vietnam and they contact us. If I have information about Vietnamese in UK, I will immediately send my information to the NCA in priority.

Have you dealt with UK victims?

Hundreds. We were chosen by the UK Embassy to run a pilot program of community reintegration and rehabilitation for the victims returnees from UK. We are the first NGO in Vietnam to do so and we received delegation from the UK embassies in China and in Bangladesh, to study our pilot program. We have a moral contract with NCA and the UK embassy making us responsible if these victims suffer negative pressure by the Vietnamese authorities. Because, the European laws do not allow receiving countries to inform sending countries authorities about the identity of the victims. Thus, if the government knows the victims, it is because we, AAT, informed them. That's why we are the responsible. The UK Embassy give us the list. With the list we can contact hundreds of them. Not all benefit from the program but we have used them for the research report sent to the UK embassy in March 2014. One of the first report about trafficking in UK. The provinces targeted are Nghe an, Thanh Hoa, Quang Binh and we supported around 200 victims. Recently, in December 2018, we organized another training in Thanh Hoa for 45 victims repatriated from the UK 5 years ago. So we had the opportunity to evaluate their situation and the quality of their reintegration 5 years after their returns and after to receive our support. The situation for the majority was not too bad, we do keep in contact. Last year we did the same evaluation in Bac Giang and Nghe An. I do not care about how many victims we help, I just care about the quality of their reintegration. **[This additional information was provided after the meeting** - In addition, I like to say that all of them becoming activists in their communities, to disseminate information about risks of human trafficking. They are often contacted by the Vietnamese TV to share their experience in documentaries they make for us. (Their identity is masked)]

How do you help those repatriated UK victims to integrate?

They stay in salvation army centres in UK, shelters. It is not a repatriation as that means co-operation between the two countries. It involves official transferal, but it is not that. They are not expelled - they are 'returned'. Sometimes they go.

Most migrants are very sad to be back in Vietnam. Often their exploited life was better than the life they had before. Most of them, especially men, find solutions to go back. They mention to us that they have no faith in the future here. The best chance for Vietnamese is to use the mafia or money lenders.

What is your role when the UK victims return?

They do not have health concerns they just have a feeling of failure and because they have lost a lot of money. They have paid a lot of money. They are in debt, they have to sell houses or land. They did not bring money from UK. But they are Vietnamese and in regard of their history, they have developed some capacity to survive anything. I'm surprised with the force of the women especially- we have lots of stories about them running away and fighting their traffickers. They are the real heroes who are never mentioned.

When the victims are returned they reconstruct their lives. In Thanh Hoa province and Nghe An- 20% of those returned have their own companies now.

They go to UK not because they are poor but because they want more money. They cannot be poor to get to the UK. There are not low educated people, but most of the women are more uneducated. To go in UK, they must pay traffickers 30.000 pounds. They usually fly to Moscow before they are transferred in Europe.

We have group leaders in each of the provinces; Twelve people altogether.

[Would you say that most victims from the UK are male victims?](#)

We say that the use of "victims of trafficking" for people going in UK is generic. In reality no. The adults- All are smuggled. About the children, they are victims of Trafficking. The adults want to go, they want to work and they do not feel like exploited victims when they work in UK. They cry because they are back here.

[The leaflet you have provided in relation to the paragraph about support and services for women of trafficking – 5543 women, children and men 2001-2017 Can you give additional information about the support and services provided?](#)

In terms of support we assist with repatriation mainly from Singapore, Thailand and Malaysia. But seventeen countries overall. ALL of the time there is a partner in the country to assist rescue (we never do it by ourselves). If you make the rescue yourself, you cannot justify that the person is a victim. Someone with the right to identify them as victims- it can be the police, a state officer, a lawyer, etc. **[This additional information was provided after the meeting -** We only bring information for the rescue and we go in the place for the police to transfer victims to us for their protection, but after that, we bring them to a detention center for the victim identification. All people arrested are usually not only victims and we need to identify those who are the victims before we organize a repatriation with their embassies. Usually, the non-identified victims will be sentenced and incarcerated in the country they committed their crimes in.]

[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.

Do you refer victims to shelters?

NGO's don't have the right to work by themselves as they like, you have to refer to MOLISA offices in provinces (DOLISA) and some time to the C45 agencies. DOLISA do work as have long experience together. We pay for the support if the victim or the officers of the DOLISA request our help for a clear need as medical intervention, vocational training, micro credit for a small business or legal intervention. But, in any case we need to cross the local authorities, and, in many provinces, they simply don't care if we not pay them more than the support for the victim. The authorities can find the solution if they want- they have the solution.

Would you say that attitude hinders support for victims?

Yes, because when I refer victims in the provinces they say they will apply the law, that the victim has the right for indemnity, the right to work, training, now that is a big problem.

Now the big problem is relatives in Vietnam hide the victim. IOM in the south report that they have repatriated only 6 victims in 2 years. The director of IOM Ho Chi Minh City says that this number is stupidly low and it does not make sense. All victims now, when they return from Malaysia with a victim certificate, delivered by the courts of justice, it is destroyed at their arrival. We don't expect any change and the situation since 2014 is getting worse. Since all projects and funding were stopped in the south to focus only Hanoi. Now we have all the media of Vietnam with us. They know the situation, but they are not authorized to mention it, everything that was developed in the south since 2002 has stopped. Until December 2013, An Giang, Hau Giang and Can Tho are the most trafficked provinces in Vietnam.

[This additional information was provided after the meeting - In January 2014, not anymore. In opposition, all the victims since 2014 are from the north and being trafficked only in China!! (Following the international media) The traffic (or smuggling) of people in UK is not aware by the Vietnamese and, as I remember, never mentioned by the local media.]

[Back to Contents](#)

Hoa Hao Buddhist Managers, 1 March 2019

Current Leaders of Hoa Hao:

Mr Nguyen Van Dien - head of the administrative committee- Hao Hoa based in the Dong Thap province.

'We publish with permission from the government and are circulated between the Buddhism association.'

Can you tell us about the religion?

'The principle has four gratitude's: You must be grateful to your ancestors, towards your country, towards Buddhism and Buddhists and, respectful towards humanity in general. You learn from the Buddha and practise yourself, about your life. We follow the teachings of Grand Master (Virtuous Master) Huynh Phu So, to avoid evils and to do good deeds and to purify your heart. One of the main criteria to become a follower is that you must step up against dictatorship in any means.'

How do followers practice the faith?

'We practise our religion at home. Domestically and we have to pray two times a day, one in the morning one in the afternoon. We worship Buddha at home. They [followers] do not have to be full time vegans but the rule is that they have to be vegans for four days a month. But it is encouraged that we do that full time. The religion says that when we practise the religion we have to wear a uniform in beige colour, but it is also said that we have to adapt to the surrounding areas so if we go to other areas or events we adapt our clothes for that occasion for example plain clothes.'

Are there any special festivals or dates?

'There are three days of festivals / occasion when we have to worship per lunar year. 1st is on 18 may, this is the date of the formation of the religion. On 25 November which is the birthday of the grandmaster and on 25 February which is the day that the grandmaster disappeared.'

Who is the grandmaster and what is the background to that part of the faith?

'The Virtuous master was born on 15 Jan 1920. During his childhood he was ill all the time until he was 19-20 years old when his health improved. At 19 he was suddenly enlightened, and he began writing his teachings and preaching and curing diseases by using oriental medicine technics. In 1939 he officially formed the religion by placing the shrine in the mountain and prayed to the Buddha and other gods. He was so famous for his curing techniques that people came to him to cure disease and to listen to his teachings. By 1942 he had two million adherents / followers. The Virtuous master was the son of Mr Huynh Cong Bo who was an official at the time. What he did is write the teachings, he preached his teachings and he cured diseases. It is for human good. That's basically how he began. The Virtuous was the son of Mr Huynh Cong Bo who was the one of the officials of the area.'

Is there an official state sanctioned version of Hoa Hao Buddhism or do you practise in a different form?

'There are three sects of Hoa Hao. The first is pure Hoa Hao Buddhism (the group here), the second is neutral Hoa Hao Buddhism and the third is state sponsored or state recognised. The way these three sects practise is the same. The only reason that the current govt does not recognise the pure Hoa Hao Buddhism is because of its principle is to stand up against dictatorship.'

How many Hoa Hao followers are there?

'There are eight million followers and of those who follow the state recognised sect there are less than 400 followers, most of them are public officials. This sect was founded in 1999. For the pure sect, which was founded in 1972, before the fall of Saigon, there used to be a lot of followers but now the number is around 400. The

majority of followers associate themselves with the neutral sect because they do not want trouble with the government even though they support the pure sect.'

You said the government doesn't recognise the pure sect, why do people choose to follow the pure sect over the others?

'The followers of the pure sect they are fully devoted to the teachings of the virtuous master and want to struggle to regain their legitimate interest. In 1975 after the fall of Saigon, the govt confiscated all the property of Hoa Hao and since then many people have been imprisoned. Two people have practised self-immolation which promoted the government to establish the state recognised sect in 1999. But the govt has not returned the confiscated property. All of the leaders of the state recognised sect are actually CPV members.'

There are reports about followers who have been detained and ill-treated, can you tell us anything about this?

'I was in prison for 7 years. There have been 18 followers who have been detained or imprisoned for a total term for them 86 years. Of those released all of them in total face 31 years in probation. There are currently 67 people who are being held under house arrest. The reason for these people to be arrested was because in their neighbourhood there may have been parties i.e. weddings or funerals and the families invited the core followers - those who shared the same beliefs, to come to the party to pray. The government thought they would start to talk about politics, so they banned the families from inviting any other people to the parties. The families reacted by calling these actions the violation of the freedom of religion and the government said that such a statement was offensive, and the authorities charged them with disturbing the peace. There are two current prisoners, one (Mr Vuong Van Tha) has been in since 2017 for 12 years and he was charged with Art 88 (propaganda against the state) the other person (Bui Van Trung), he was charged for six and a half years imprisonment for fighting against the constabulary. It has been 6 months since the family could meet him. No one knows his situation.'

What was the family reaction to being told they could not hold the gathering?

'The normal situation would be like this. When the invitees tried to make their way to the party they would be stopped by the police and would have their papers taken. If they resist their vehicle would be confiscated. The family would come to try and argue with the police. The police viewed that as an action of urging the people and inciting a disturbance, so the police began making arrests. Other family members may choose to argue/fight back to rescue the family members and the police would charge them too.'

Have there been any children charged with anything, under 18?

We do not have any information about this.

If someone is detained without being charged, how long are they normally detained for?

'Usually they will be detained and charged. The verdict will be premeditated/decided. Usually they will be held temporarily while awaiting trial for about 3 months. The prison terms range from 3 to 12 years.'

Are there cases where people are detained and released numerous times or is it that they are charged straight away?

'No. When you are detained you will be tried and convicted.'

How were you treated while you were held in detention?

'It was the way they arrested me which was cruel. I was staying at home when they came, they strapped me up threw me into a three-wheeled vehicle and transported me to the national highway where I was chained and thrown in to the prison car. They would refuse bail, I was put in solitary confinement, it was a very small room which was 3m² including the toilet area. Another inmate was in the same room with me and I believe he was working for the authorities. That person was responsible for reporting to the police when I wanted to commit suicide / inflict self-harm. They would rotate that person once a month. I was not able to wear any clothes. In my case I was in solitary confinement for three months and after that period when the police had enough evidence against me I was transferred to a normal detention area for another 6 months before I could stand trial. A week after the verdict I was sent to prison.'

Is this the normal type of treatment someone from the Hoa Hao faith would receive or was this specific to your case?

'Pretty much specific to me but that kind of treatment is standard for those that have heightened spirit. For other people it should be around one to two months before being sent to another prison. They would be better treated but the government used that method to intimidate other inmates.'

Do you think generally that Hoa Hao outside the country would be at risk from the police when they returned?

'Probably not. The government only targets those who are struggling for the legitimate interests of the Pure sect. If the government thinks that the person returning may cause a risk, they may not grant entry or deny entry. The government may grant entry and monitor the person and escalate [issues] later.'

The government only targets those who are struggling for the legitimate interests' by that do you mean specifically the 'pure' sect?

'It doesn't matter that you are associated with the Pure sect as long as you are struggling for the legitimate interests. Other sects of Hoa Hao too, but the majority of those that struggle for legitimate interests are in the pure sect.'

General life – are you treated differently to other members of the population due to being Hoa Hao Buddhists (both as the pure sect and others)? If so, what kind of treatment do you receive?

‘Previously we believe that the government were trying to eliminate our religion, they confiscated the property of the whole religion and forbid us from showing a portrait of the Grandmaster.

‘Now it is more relaxed for the neutral sect, but for the pure sect, we continue facing harassment economically and politically. They may refuse granting us with papers or restrict our movements. For example, whenever I go out there are usually four people following me. I noticed that there is a change in the way they follow. In the past the people following me tried to prevent me from doing something that was viewed as illegal. Now the police just want to find an excuse or justification to arrest us. If I go to someone’s house they will let me go there but when I go home the police will go to that person’s house and tell that person not to associate with me anymore because I am a criminal, a counter revolutionary.’

[Back to Contents](#)