



Home Office

Country Policy and Information Note

Vietnam: Victims of trafficking

Version 3.0

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Preface

Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in [the basis of claim](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis of COI; and (2) COI. These are explained in more detail below.

Analysis

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment on whether, **in general**:

- A person is reasonably likely to face a real risk of persecution or serious harm
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- Claims are likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as ‘clearly unfounded’ under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case’s specific facts.

Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation’s (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI’s relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the ‘cut-off’ date in the country information section. Any event taking place or report/article published after this date is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion.

Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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Analysis

Updated: 17 September 2018

1. Introduction

1.1 Basis of claim

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

1.2 Points to note

- 1.2.1 Only trained specialists in the UK's designated competent authorities can decide whether or not there are reasonable grounds to accept the person as a victim of trafficking for the purpose of the Council of Europe Convention on Action against Trafficking in Human Beings. However, both Home Office decision makers and the court are able to take factual matters into account when making their findings in an asylum claim. If it has not already been done, decision makers dealing with the asylum claim must make an appropriate referral to the National Referral Mechanism (NRM). The case will then be routed to a 'competent authority' (see [Victims of human trafficking: competent authority guidance](#)).
- 1.2.2 The conclusive grounds decision will be included in any outstanding asylum decision made after that decision as a finding of fact on whether the person was a victim of human trafficking or modern slavery or not, unless information comes to light at a later date that would alter the finding on human trafficking or modern slavery.
- 1.2.3 The outcome of the reasonable or conclusive grounds decision is not indicative of the outcome of any asylum claim. A positive or negative reasonable or conclusive grounds decision on modern slavery does not automatically result in asylum being granted or refused. This is because the criteria used to grant asylum are not the same as the criteria used to assess whether a person is a victim of modern slavery.
- 1.2.4 When a Competent Authority has issued a positive conclusive grounds decision in a case where the person has also claimed asylum, this should be afforded appropriate weight when considering future risk of persecution. Further, where there has been a negative finding by a Competent Authority, considerable weight can be placed on this. In these scenarios, because the Competent Authority's findings are subject to a higher standard of proof and are findings as to past treatment, it remains open to asylum decision makers to make different findings for the purpose of the asylum claim and future risk.
- 1.2.5 Information for Home Office staff who are trained specialists to help them decide whether a person referred under the National Referral Mechanism (NRM) is a victim of trafficking is available in [Victims of modern slavery - competent authority guidance](#).

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2. Consideration of issues

2.1 Credibility

- 2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Convention reason

- 2.2.1 Victims of trafficking in Vietnam do not form a particular social group within the meaning of the 1951 UN Refugee Convention. This is because although they share an immutable (or innate) characteristic – having been a victim of trafficking – that cannot be changed, in view of their equality under the law and the general availability of state protection, they are not perceived as different and do not have a distinct identity in Vietnamese society.
- 2.2.2 In the absence of a link to one of the five Convention reasons necessary for the grant of refugee status, the question to be addressed in each case will be whether the particular person will face a real risk of serious harm sufficient to qualify for Humanitarian Protection (HP).
- 2.2.3 For further guidance on Convention reasons and particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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2.3 Exclusion

- 2.3.1 Decision makers must consider whether one (or more) of the exclusion clauses is applicable. Each case must nevertheless be considered on its individual facts and merits.
- 2.3.2 For further guidance on the exclusion clauses and restricted leave, see the [Asylum Instruction on Exclusion: Article 1F of the Refugee Convention](#) and the [Asylum Instruction on Restricted Leave](#).

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2.4 Assessment of risk

- 2.4.1 Trafficking in human beings is illegal in Vietnam, but it remains a problem. Human trafficking affects men, women and children, with persons trafficked for forced labour, sexual exploitation and marriage. In 2017 the government in Vietnam identified 670 victims of trafficking—a decrease from 1,128 in 2016. The National Referral Mechanism (NRM) statistics show that 70% (950) of all trafficking referrals in the UK between 2009 and 2016 were for labour exploitation such as cannabis production and work in nail bars. Of those referred between 2009 and 2016 65%(1040) were male with 39% (620) of those males being minors. Women and girls from rural areas are

also considered more susceptible to trafficking (see [Prevalence](#) and [Trafficking victims](#)).

- 2.4.2 In the reported case of [Nguyen \(Anti-Trafficking Convention: respondent's duties\) \[2015\] UKUT 170 \(IAC\)](#), heard on 19 September 2013 and 15 December 2014 and promulgated 25 March 2015, the Upper Tribunal held that: as Vietnam is a large country with a population of some 90 million people and a number of large cities in it, a victim of trafficking would be able to return without being of adverse interest to the government, and the chance of the person coming across their traffickers is very slight. (Paragraph 51)
- 2.4.3 The Upper Tribunal also held that there was no evidence to suggest that a woman returning with three very small children faced a real risk of being re-trafficked. To the contrary, the Upper Tribunal found that there was evidence to show that there is a sufficiency of protection provided by the authorities in Vietnam. (Paragraph 52)
- 2.4.4 There is some evidence to suggest that some returned victims of trafficking may be at risk of re-trafficking or reprisals. Each case will need to be considered on its merits. The onus is on the person to demonstrate that their profile and circumstances are such that on return they would be vulnerable to abuse or re-trafficking which would amount to serious harm.
- 2.4.5 Factors that may make the person face an increased risk of being abused or re-trafficked include, but are not limited to:
- The person having an outstanding debt to the traffickers
 - The absence of a supportive family willing to take the victim back into the family unit
 - The person having no other support network to assist them; no or little education or vocational skills; mental health conditions, which may well have been caused by experiences of abuse when originally trafficked; material and financial deprivation such as to mean that they will be living in poverty or in conditions of destitution
 - Factors that may lower the risk of being of being abused or re-trafficked include, but are not limited to, the availability of a supportive family willing to take the person back into the family unit
- 2.4.6 The risk of re-trafficking must be considered according to the facts of each individual case and their individual vulnerability to re-trafficking (see [Reintegration](#)).
- 2.4.7 For further guidance on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 Trafficking for sexual and labour exploitation is prohibited under the law. Articles 119 and 120 prescribe penalties for these offences ranging from two to 20 years, and three years to life imprisonment, respectively, and provides

for fines on traffickers ranging between five and 50 million Vietnamese dong (see [Prosecution](#)).

- 2.5.2 Vietnam has comprehensive anti-trafficking legislation and prosecutes those involved in trafficking. The government maintains a nationwide computer database to track trafficking cases although it's unclear to what extent this system is employed. In 2017 the government conducted initial judicial proceedings against 350 trafficking suspects leading to 244 convictions, of which the sentences ranged from two to 30 years imprisonment (see [Prosecution](#)).
- 2.5.3 Whilst legislation exists and prosecutions occur; a lack of coordination across provincial agencies and poor understanding of the relevant legislation reportedly resulted in uneven enforcement of the law. Budgetary constraints also precluded some local authorities from pursuing trafficking cases in isolated parts of the country. Government officials reportedly encourage trafficked women to assist in the prosecution of their captors although reports suggest that there is reluctance on the part of victims to assist in such prosecutions (see [Prevention](#) and [Protection](#)).
- 2.5.4 The government has maintained efforts to prevent trafficking and Hanoi has introduced a range of programmes to boost police capacity and connectivity to combat trafficking. Training for new recruits in the police included specific modules on trafficking. The government has also held workshops and tried to raise awareness within local communities in high risk areas. They have also produced adverts and broadcast media campaigns, however, implementation was sometimes hampered due to a lack of funding (see [Action to combat trafficking](#)).
- 2.5.5 The Ministry of Labour, Invalids and Social Affairs provides protection and reintegration support. They operate 400 social protection centres through local authorities, which provide services to a wide range of vulnerable groups, including trafficking victims. However, these centres are reported to be unevenly staffed and resourced and lack appropriately trained personnel to assist victims. There are no shelters designated exclusively for male or child victims, although existing shelters provide assistance to all victims as needed. There are also non-governmental organisations in Vietnam who can assist victims of trafficking (see [Provision of shelters](#) and [Support services](#)).

In the reported case of [Nguyen \(Anti-Trafficking Convention: respondent's duties\) \[2015\] UKUT 170 \(IAC\)](#), the Upper Tribunal stated that there is, in general, sufficiency of protection provided by the authorities in Vietnam (paragraph 52). The evidence for these findings was largely based on the US State Department Trafficking in Persons Report on Vietnam of 2010 which stated that the Vietnamese government sustained 'some efforts to protect victims of transnational sex trafficking' though it 'did not make sufficient efforts during the year to protect or identify victims'. Current evidence shows that whilst efforts to protect victims has decreased from the previous year [2016], the Government of Vietnam has demonstrated increasing efforts to meet the minimum standards for the elimination of trafficking (see [Action to combat trafficking](#)).

- 2.5.6 In general, effective state protection is likely to be available but decision makers need to consider each case on its facts. The onus is on the person to demonstrate why they are unable to seek and obtain effective state protection.
- 2.5.7 For further guidance on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.6.2 Vietnam is a large country of some 96 million people with a number of large cities in it. Victims of trafficking may be able to internally relocate to escape a localised threat of re-trafficking and to avoid threats and/or stigma and discrimination from family members; depending on their particular circumstances, the nature of the threat and how far the threat would extend.
- 2.6.3 Women, especially single women with no support networks, may be particularly vulnerable and subject to destitution. Though the likelihood of single women facing destitution may be mitigated by the existence of shelters and assistance available from government and civil society organisations (see [Freedom of movement](#) and [Ho Khau registration](#)).
- 2.6.4 For further guidance on internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#)

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#)

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Country information

Updated: 11 September 2018

3. Law

3.1 General

- 3.1.1 Article 119 (Trafficking in women) of the [Penal Code](#) of 21 December 1999 states that, 'Those who traffic in women shall be sentenced to between two and seven years of imprisonment¹' (see also [Prosecution](#)).
- 3.1.2 The United States Department of State's Trafficking in Persons Report 2018, covering April 2017 to March 2018 (USSD TiP Report 2018), stated:
'The government increased law enforcement efforts. In January 2018, [penal code](#) amendments criminalizing all forms of labor trafficking and most forms of sex trafficking came into effect. Article 150 criminalized labor and sex trafficking of adults and prescribed penalties of five to 10 years imprisonment and fines of 20 million to 100 million Vietnamese dong (VND) (\$880 to \$4,400). Article 151 criminalized labor and sex trafficking of children under the age of 16 and prescribed penalties of seven to 12 years imprisonment and fines of 50 million to 200 million VND (\$2,200 to \$8,810). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with other serious crimes, such as rape.'²
- 3.1.3 The UN-ACT profile on Vietnam, stated 'The definition of trafficking in the country's trafficking in persons law does not fully correspond with international definitions, and may conflate smuggling and human trafficking in some instances. In addition, various bilateral agreements have been signed, but have not yet been fully implemented.'³
- 3.1.4 Vietnam is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified on 17 February 1982⁴.
- 3.1.5 The report on Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, by Associate Professor Thanh Van Trinh of the People's Police University, Vietnam, noted that:
'Vietnam has entered into forty agreements including Memorandum of Understanding with the Ministry of Public Security and the Ministry of Interior, as well as agreements with police forces of countries in the world and region. In addition, Vietnam also signed: 17 Mutual Legal Assistant Treaties to criminal matters and extradition with 16 countries and signed 01 Multilateral Legal Assistant Treaty with ASEAN [The Association of Southeast Asian Nations]. These agreements specify the focus on enhancing mutual cooperation in law enforcement and criminal procedures between the two related parties in suppressing the crime of trafficking in human; and given the regulations in the Trafficking in Persons as the only

¹ UN-ACT, Penal Code, 21 December 1999, [url](#).

² USSD, 'TiP 2018', 28 June 2018, [url](#).

³ UN-ACT, 'Viet Nam page', undated, [url](#).

⁴ OHCHR, 'Ratification Status for Viet Nam', undated, [url](#).

guideline on terminological issues. The cooperation in protection and assistance victims of trafficking, however, takes a humble place in agenda.⁵

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3.2 Children

3.2.1 Article 120 (Trading in, fraudulently exchanging or appropriating children) of the [Penal Code](#) of 21 December 1999 states that, ‘Those who trade in, fraudulently exchange or appropriate children in any form shall be sentenced to between three and ten years of imprisonment’⁶ (see also [Prosecution](#)).

3.2.2 The 2018 US State Department’s report, covering events in 2017 (the 2017 USSD report), observed that:

‘Sexual exploitation of children under age 16 is illegal. The law criminalizes all acts of sale or deprivation of liberty of children as well as all acts related to child prostitution and forced child labor. Sentences range from three years’ to life imprisonment, and fines range from five million to 50 million VND (\$220 to \$2,200). The law also specifies prison sentences for acts related to child prostitution, including harboring prostitution (12 to 20 years), brokering prostitution (seven to 15 years), and buying sex with minors (three to 15 years). The law similarly prohibits all acts of cruel treatment, humiliation, abduction, sale, and coercion of children into any activities harmful to their healthy development and provides for the protection and care of disadvantaged children.’⁷

3.2.3 The USSD TiP Report 2018 stated that ‘Inconsistent with international law, Article 150 required a demonstration of force, fraud, or coercion to constitute a sex trafficking offense involving children between the ages of 16 and 17 years old; it therefore did not criminalize all forms of child sex trafficking.’⁸

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4. Prevalence

4.1.1 The report on Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, by Associate Professor Thanh Van Trinh of the People’s Police University, Vietnam, noted that:

‘Vietnamese victims are trafficked for sexual and labour exploitation across the globe, including countries as Taiwan, Malaysia, South Korea, Laos, China, Thailand, Saudi Arabia, Libya, Indonesia, and the United Kingdom and so on. Vietnam is a source country for men and women who migrate abroad for work opportunities. Many of these migrants are processed through state-affiliated and private labour export companies. These companies reportedly coerce migrants to sign contracts in languages they cannot read, and charge fees in excess of those allowed by law, sometimes as much as \$10,000. Furthermore, some Vietnamese women are recruited through fraudulent marriages to move to China, Taiwan, Hong Kong, Macau,

⁵ IJHSSI, ‘Human trafficking report’ (p 58), April 2015, [url](#).

⁶ UN-ACT, Penal Code, 21 December 1999, [url](#).

⁷ USSD, ‘Country Report’, 20 April 2018, [url](#).

⁸ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

and increasingly to South Korea, and are subsequently subjected to conditions of forced labour (including as domestic servants), forced prostitution, or both.

'It is believed the actual number is considerably higher, as programme experience has shown that the majority of trafficked persons return without reporting they have been trafficked, and due to stigma and discrimination, often do not tell their families and friends.'⁹

- 4.1.2 The United Nations of Drugs and Crime (UNODC) Global report on trafficking in persons for 2016 gave figures for the detected victims of trafficking in persons, 2012-June 2015.¹⁰

Year	Detected victims
2012	1206
2013	871
2014	903
2015 (Jan-Jun)	449

- 4.1.3 In September 2016, IRIN News reported 'Human trafficking is on the rise in Vietnam, although poor crime statistics means the government doesn't know exactly by how much. Advocacy groups say victims are increasingly being lured on social media. [...] The true numbers are probably much higher, especially as traffickers capitalise on the growing use of social media among Vietnam's young people, say NGOs.'¹¹
- 4.1.4 Reporting on trafficking cases in 2016, the VnExpress International noted: 'The Vietnamese government has reported nearly a 13 percent increase in the number of human trafficking victims in 2016. The Ministry of Public Security said its forces detected 383 cases of human trafficking in 2016, which was down 6 percent from the previous year, but the victims involved was up a staggering 12.8 percent to 1,128. Police managed to rescue 600 victims last year and provide them with healthcare and legal and vocational support, according to a statement from the National Committee for AIDS, Drug and Prostitution Prevention. Most of the victims were uneducated women and children from poor areas, including many from ethnic minority groups in Vietnam's northern highlands.'¹²
- 4.1.5 A July 2017 report, published on Gov.UK by the British Embassy in Hanoi stated that 'Every year 1.2 million children are trafficked worldwide and the trafficking of women and children within and from South East Asia accounts for one third of global trafficking numbers. However, only tens of thousands of victims of trafficking are detected and reported every year. The actual

⁹ IJHSSI, 'Human trafficking report' (p55), April 2015 [url](#).

¹⁰ UNODC, 'Global report for trafficking in persons', December 2016, [url](#).

¹¹ IRIN, 'Vietnam wakes up to Trafficking article', 2 September 2016, [url](#).

¹² VN Express International, 'Trafficking victims rise', 6 January 2017, [url](#).

numbers of people trafficked or subjected to forced labour and slavery is likely to be much higher than reported estimates.’¹³

- 4.1.6 In September 2017, the Independent reported that ‘It revealed that the majority of Vietnamese trafficking victims are being forced into labour exploitation - most often in nail bars or cannabis farms across the UK. [...] Between 2009 and 2016, 1,747 Vietnamese nationals were reported as suspected trafficking victims - with the numbers increasing every year. A breakdown of the victims showed 65 per cent were male, the majority of them thought to be underage.’¹⁴
- 4.1.7 Trafficking in Vietnam continued to increase because it was difficult to control, reported Viet Nam News, in an article published on 4 November 2017. The article added:
- ‘The manager of a hotline to prevent human trafficking prevention, Nguyễn Thuận Hải, from the Department of Child Care and Protection, said that more information related to the issue was now available. The hotline received 1,250 calls in 2014. Last year, the number tripled. This year the number showed no sign of falling. More than 50 per cent of the calls are about child trafficking. Statistics from the Police General’s Department show that from 2011 until now, the country reported nearly 3,000 cases of human trafficking involving nearly 6,000 victims. The problem is more serious in provinces close to the border.’¹⁵
- 4.1.8 In February 2018 the BBC reported that ‘Government figures state that there were 300 trafficking cases between January and March 2017, while Child Helpline has received nearly 8,000 trafficking-related calls in the past three years alone.’¹⁶
- 4.1.9 Figures published by the UK National Crime Agency (NCA) in their report ‘National Referral Mechanism Statistics – End of Year Summary 2017’, indicated that in the UK there were a total of 739 Vietnamese trafficking referrals and of those referrals 362 were minors. The figures indicate that of the 739 referrals the majority (429) were for labour exploitation¹⁷.
- 4.1.10 On their website Anti Slavery.org stated that ‘The trafficking of vulnerable young people from Vietnam to the UK is on the rise, with the majority trafficked into cannabis production, nail bars and forced prostitution. Many of those who are trafficked are very young, sometimes children, and are extremely vulnerable to exploitation at the hands of their traffickers who offer false promises of attractive sounding jobs in Britain’.¹⁸
- 4.1.11 The USSD TiP Report 2018, stated:
- ‘As reported for the last five years, Vietnam is a source and, to a lesser extent, a destination country for men, women, and children subjected to sex trafficking and forced labor. Vietnamese men and women migrate abroad for work independently or through state-owned, private, or joint-stock labor

¹³ Gov.UK, The UK commits to supporting Vietnam’s fight against trafficking in persons, 28 July 17, [url](#)

¹⁴ The Independent, ‘Nail bar regulations needed to avoid trafficking article’, 12 September 2017, [url](#).

¹⁵ Viet Nam News, ‘Human trafficking on the rise’, 4 November 2017, [url](#).

¹⁶ BBC News, ‘Coping with daughter’s disappearance article’, 2 February 2018, [url](#).

¹⁷ NCA, ‘NRM Statistics’, 26 March 2018, [url](#).

¹⁸ Anti-slavery, ‘Trafficking from Vietnam to the UK’, undated, [url](#).

recruitment companies. Some recruitment companies are unresponsive to workers' requests for assistance in situations of exploitation, and some charge excessive fees that make workers vulnerable to debt bondage. Some victims are subjected to forced labor in construction, fishing, agriculture, mining, logging, and manufacturing, primarily in Taiwan, Malaysia, Republic of Korea, Laos, Angola, United Arab Emirates, and Japan; there are increasing reports of Vietnamese labor trafficking victims in the United Kingdom and Ireland (including on cannabis farms), continental Europe, the Middle East, and in Pacific maritime industries.

'The government decreased efforts to protect victims. In 2017, authorities reported identifying 670 victims—a decrease from 1,128 in 2016—but did not provide statistics disaggregating cases by type of trafficking, victim age or gender, source, or destination. Informally, MPS officials estimated the vast majority of identified cases involved transnational trafficking.'¹⁹

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5. Profiles of trafficked victims and traffickers

5.1 Trafficking victims

5.1.1 The United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), undated profile on Vietnam, stated:

'Men and women migrate abroad for work through predominantly state-affiliated and private labour export companies in the construction, fishing, agriculture, mining, logging, and manufacturing sectors. Vietnamese women and children subjected to forced prostitution throughout Asia are often misled by fraudulent labour opportunities and sold to brothels on the borders of Cambodia, China, and Lao PDR, with some victims transported to third destination countries, including Thailand and Malaysia...

'Women and girls are considered more susceptible to trafficking than men due to unequal gender relations and socio-economic positions, though both are at risk for different forms of exploitation. Trafficking has been reported of men, often from ethnic minorities, into situations of forced labour in brick factories, mines or sugarcane fields in China; and of women into China, Taiwan, South Korea and Singapore for sexual exploitation. These women may be sold to brothels, sold to other buyers, or forced to work in manufacturing. There is also an increasing demand for virgins and children in prostitution resulting in rising levels of child sex tourism.'²⁰

5.1.2 The International Business Times (IBTimes) reported in an article, dated 3 May 2016 that hundreds of Vietnamese children, some as young as 13 have been trafficked to China to marry Chinese men who 'can't find wives because of China's gender imbalance'. [...] Girls are tricked or drugged, then sneaked across the border by boat, motorbike or car. [...] Vietnamese brides can sell for \$3,000 (£2,040). They're considered particularly desirable because of their cultural similarities to the Chinese. In one case tracked by CNN [News] reporters, a 16-year-old girl was drugged and smuggled into

¹⁹ USSD, 'TiP 2018', 28 June 2018, [url](#).

²⁰ UN-ACT, 'Viet Nam page', undated, [url](#).

China, where she was pressured to marry. When she refused she was beaten and starved until she relented.’²¹

5.1.3 A news story by the Jakarta Post in October 2016, reported that:

‘Approximately 70 percent of Vietnamese trafficking victims are taken to China, according to the latest national police report.’ Adding: ‘In China the victims are sold into prostitution, forced labor or marriages with Chinese men who cannot find brides due to a severe shortage of women in the country.

‘The United Nation’s Action for Co-operation against Trafficking in Persons projects that China will have 30 to 40 million more men than women of marriage age by 2020. Deputy head of the Phó Bảng township border station, Capt. Đàm Đức Thuyền, told the Tiền Phong (Vanguard) newspaper that most of the trafficking victims were members of ethnic minority tribes.

“Human trafficking into prostitution is less common now. The women are more often bought by poor Chinese men to become their brides. But because they are sold to poor families, their labor is also heavily exploited,” he said.’²²

5.1.4 The Australian Government’s Department for Foreign Affairs and Trade’s (DFAT) ‘Country Report for 2017’ (the 2017 DFAT Report) noted that ‘Trafficking of people within Vietnam occurs frequently from poor rural areas to urban centres. In some cases, people relocate willingly and subsequently sold into forced labour or sexual exploitation. Most of the victims have little recourse due to lack of means and legal awareness.’²³

5.1.5 A July 2017 report, published on Gov.UK by the British Embassy in Hanoi, said that young women and girls who are poor and have limited access to information are particularly at risk of trafficking through forced marriage and subjection to deplorable abuse and labour exploitation:

‘To meet the demand for wives in foreign countries, traffickers prey upon girls and young women, often in remote, rural areas across the nation, and deceive them with promises of large houses and the opportunity to work for higher incomes. After being kidnapped or tricked into crossing neighbouring borders, these women and girls are then sold into forced sex work, or forced into marriages involving labour exploitation and other abuse. Human traffickers can be known to the victim and often include family or community members, or are members of larger, complex transnational criminal rings who flaunt their wealth to trick the vulnerable victim into trusting them. Traffickers stand to gain huge profits from the suffering of their victims.’²⁴

5.1.6 The Independent Anti-Slavery Commission noted in their report that:

‘Year on year labour exploitation has featured as the most common form of exploitation potentially experienced by Vietnamese nationals referred into the National Referral Mechanism (NRM); followed by sexual exploitation. The exploitation of Vietnamese nationals is a highly gendered phenomenon. Male potential victims make up 65% (1,040 of 1,599) of all Vietnamese

²¹ IB Times, ‘Vietnamese child brides trafficked article’, 3 May 2016, [url](#).

²² Jakarta Post, ‘Growing human trafficking to China article’, 24 October 2016, [url](#).

²³ DFAT, ‘Country report’, 21 June 2017, [url](#).

²⁴ Gov.UK, The UK commits to supporting Vietnam’s fight against trafficking in persons, 28 July 17, [url](#)

nationals referred to the NRM between 2009 and 20th October 2016; males potentially exploited as minors were the largest cohort (620 of 1,599 or 39% of all referrals). [...] Considering only those referrals where a type of exploitation is recorded, potential labour exploitation accounts for 70% of all referrals between 2009 and 2016 (950 of 1,353 referrals).'²⁵

- 5.1.7 In February 2018, the BBC published a picture news story depicting life in Vietnam for families of girls who have gone missing. The report stated that:

'In the remote north of Vietnam, girls are disappearing. These girls, some as young as 13, are victims of bride trafficking, having been kidnapped and taken to China to be sold into marriage. According to child rights organisation Plan International, this type of forced marriage has been growing slowly but steadily over the past decade. Exacerbated by a decades-long one-child policy, a preference for sons is deeply embedded within Chinese society, leading to a growing gender imbalance within the country.'²⁶

- 5.1.8 The USSD TiP Report 2018, stated:

'Vietnamese women and children are subjected to sex trafficking abroad; many are misled by fraudulent employment opportunities and sold to brothel operators on the borders of China, Cambodia, and Laos, and elsewhere in Asia, including Thailand, Malaysia, Republic of Korea, Taiwan, and Singapore. Some Vietnamese women who travel abroad for internationally brokered marriages or jobs in restaurants, massage parlors, and karaoke bars—including to China, Japan, Korea, Malaysia, Saudi Arabia, Singapore, and Taiwan—are subjected to domestic servitude or forced prostitution. Pronounced social stigma associated with prostitution, especially in Vietnam's rural areas, complicates protective service provision for female victims of sexual exploitation, and places them at higher risk of recidivism. False advertising, debt bondage, passport confiscation, and threats of deportation are tactics commonly used to compel Vietnamese victims into servitude.'²⁷

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5.2 Traffickers

- 5.2.1 The UN-ACT profile on Vietnam, stated:

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

²⁵ Independent Anti-Slavery Commission, 'Report', 2017, [url](#).

²⁶ BBC News, 'Coping with daughter's disappearance article', 2 February 2018, [url](#).

²⁷ USSD, 'TiP 2018', 28 June 2018, [url](#).

²⁸ UN-ACT, 'Viet Nam page', undated, [url](#).

- 5.2.2 In February 2018 the BBC reported that ‘... another tactic traffickers use is spending months getting to know a girl, pretending to be a new friend or boyfriend, before eventually telling them that they can help them get a job in China. With the belief that wages are higher and life is better there, many girls jump at the chance to help their families and go with them willingly, only to find out once they have crossed the border that they have been cruelly tricked.’²⁹
- 5.2.3 The USSD TiP Report 2018, added:
‘Traffickers increasingly use the internet, gaming sites, and particularly social media to lure potential victims into vulnerable situations; for example, men entice young women and girls with online dating relationships and persuade them to move abroad, then subject them to forced labor or sex trafficking. Vietnamese organized crime networks recruit Vietnamese adults and children under pretenses of lucrative job opportunities and transport them to Europe—particularly the United Kingdom—and subject them to forced labor on cannabis farms.’³⁰

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6. Action to combat trafficking

6.1 Prevention

- 6.1.1 The report on Human Trafficking in Vietnam: A Review of Patterns and Legal Framework, April 2015, by Associate Professor Thanh Van Trinh of the People’s Police University, Vietnam, noted that:

‘The Vietnamese Government has taken active measures to address the matter and support victims through various national policies and procedures. An NPA [National Action Plan] was developed and enacted to ensure that prevention, protection and prosecution activities, and support are implemented nationally.

‘The first NPA 2004 – 2010...focused explicitly on trafficking in women and children for prostitution, both internally and transnationally, and recognized the existence of trafficking under the guises of brokerage marriages and illegal adoptions.

‘A new NPA for the period of 2011 – 2015 has a significant shift in the focus of anti-trafficking policies away from trafficking only in women and children to “trafficking in persons”. However, the link between trafficking and labour migration discourses has not been recognized in this new NPA. The MPS [Ministry of Public Security] remains the central agency in the anti-trafficking framework, being responsible for the majority of anti-trafficking measures, including investigation and prosecution, reception and identification of victims, enhancing policy and improving international cooperation.’³¹

- 6.1.2 As reported by VietnamPlus in June 2016: ‘Hanoi is implementing a range of programmes for 2016-2020 to boost police capacity and connectivity in

²⁹ BBC News, ‘Coping with daughter’s disappearance article’, 2 February 2018, [url](#).

³⁰ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

³¹ IJHSSI, ‘Human trafficking report’ (p57-58), April 2015 [url](#).

combating human trafficking. Hot spots including road and railway routes linking Hanoi to border provinces and international air routes have been constantly on the radar screen.’³²

- 6.1.3 In September 2016, IRIN News reported ‘In a push to raise public awareness, the government held its first National Day Against Trafficking in Persons on 30 July [2016]. Vietnam has also announced a 2016 to 2020 strategy to combat human trafficking, and the plan marked the first time authorities have acknowledged that men and boys are being trafficked.’³³

- 6.1.4 The United Nations reported:

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

‘The UN’s human trafficking work includes policy advice and support for prevention, protection and prosecution activities.’³⁴

- 6.1.5 The United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), reported on its website (undated), that ‘Prevention activities are conducted sporadically, and focus on raising awareness rather than behaviour change. While the Ministry of Foreign Affairs maintained its online migration website providing prospective migrants with access to relevant information and resources, the government has not increased efforts to enforce regulations, and overall efforts to regulate recruitment companies and marriage brokers remain inadequate.’³⁵

- 6.1.6 The International Organisation for Migration (IOM) also assists in the prevention of trafficking, by drawing:

‘... upon its experience in Viet Nam, to assist the Government in establishing a systematic and sustainable cross-border return and reintegration system for trafficked persons. One way in which IOM is demonstrating this, is the establishment of Assessment Centre models in border provinces of Viet Nam, where returned trafficked persons are able to stay in a safe and supportive environment and be assessed for reintegration by professional staff.’³⁶

- 6.1.7 The United Nations issued a joint statement in July 2017 announcing that ‘The Government of Viet Nam selected 30th July as the National Day against

³² VietnamPlus, ‘Crackdown on trafficking article’, 28 June 2016, [url](#).

³³ IRIN, ‘Vietnam wakes up to its human trafficking problem article’, 2 September 2016, [url](#).

³⁴ United Nations, ‘Vietnam: Unite to Fight Human Trafficking’, undated, [url](#).

³⁵ UN-ACT, ‘Vietnam’, undated [url](#).

³⁶ IOM, ‘Viet Nam overview’, undated, [url](#).

Trafficking in Persons in Viet Nam. This date coincides with the United Nations World Day against Trafficking in Persons that was established to raise awareness of the plight of trafficked victims, and to promote their rights.³⁷

- 6.1.8 The BBC reported in February 2018 that ‘Plan International is working in schools and communities in Ha Giang province to ensure that girls in particular are aware of the dangers of human trafficking and with local agencies to push the government to do more to find the missing girls and bring those responsible to justice.’³⁸

See [Plan International's](#) website for further information on their work in Vietnam.

- 6.1.9 The USSD TiP Report 2018, stated:

‘The Government of Vietnam does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period [...]. The government demonstrated increasing efforts by enacting penal code amendments, establishing a new task force to increase law enforcement efforts in vulnerable border areas, and initiating an assessment of the implementation of its national action plan.

‘The government maintained efforts to prevent trafficking. During the reporting period, it continued to implement the third phase of the 2016-2020 National Anti-Trafficking Action Plan (NAP) to address forced labor, improve victim services, and implement the revised anti-trafficking statute. It also initiated a five-year assessment on NAP implementation benchmarks. However, authorities did not allocate sufficient funding to carry out the plan for a third year; failure to issue implementing guidelines on new penal code statutes and a lack of inter-ministerial cooperation generally hampered effective implementation. The government was unable to complete some NAP activities absent the approval of implementation circulars’³⁹

- 6.1.10 The USSD TiP Report 2018, added:

‘The government conducted workshops and hosted community dialogues on vulnerabilities to labor trafficking, targeting areas with a high prevalence of agricultural labor, construction, and foreign contract labor recruitment - especially of women. Public awareness-raising activities included advertisements, interventions at schools in high-risk geographic areas, and broadcast media campaigns. During the reporting period, the Ministry of Information and Communications directed state-run media to air more than 1,300 documentaries and news stories to raise public awareness, compared to 570 radio and television programs in 2015.

‘The Border Guard Command established a special anti-trafficking task force and conducted investigations in vulnerable border areas known for high

³⁷ United Nations, ‘Joint Statement’, 27 July 2017, [url](#).

³⁸ BBC News, ‘Coping with daughter’s disappearance article’, 2 February 2018, [url](#).

³⁹ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

prevalence of the crime, but statistics on the number of investigations or prosecutions initiated because of these efforts were unavailable.’⁴⁰

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6.2 Police training

- 6.2.1 The USSD TiP Report 2018 noted that ‘Police continued efforts to mainstream trafficking content into the training curriculum for new recruits, and the MPS organized trainings for local police in several cities.’⁴¹

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6.3 Protection

- 6.3.1 The 2017 DFAT Report reported that:

‘A number of basic rights are not implemented or enforced in practice. The absence of a separation between the executive and the judiciary also places limits on the ability of judicial authorities to act with independence...

‘Courts at all levels are effectively controlled by the CPV [Communist Party of Vietnam], which has power over appointments. Judges tend to be CPV members chosen in part for their political views and affiliations. Varying quality of court processes lead to inconsistent interpretation and implementation, police investigations are opaque and abuse of process is reportedly widespread. Citizens can spend years in pre-trial detention. There are reports from credible sources that only 20-30 per cent of defendants had access to legal counsel, including in cases involving the death penalty or juveniles where the law theoretically required authorities to appoint a lawyer.’⁴²

- 6.3.2 The Freedom House Freedom in the World 2018 report, stated:

‘Vietnam’s judiciary is subservient to the CPV, which controls the courts at all levels. [...] Defendants have a constitutional right to counsel, but lawyers are scarce, and many are reluctant to take on human rights and other sensitive cases for fear of state harassment and retribution. Defense lawyers do not have the right to call witnesses, and often report insufficient time to meet with their clients. In national security cases, police can detain suspects for up to 20 months without access to counsel.’⁴³

- 6.3.3 The USSD TiP Report 2018 noted that:

‘The government maintained common victim identification criteria as part of the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT) and maintained its own formal procedure for victim identification, but did not proactively or widely employ either mechanism among such vulnerable groups as women arrested for prostitution, migrant workers returning from abroad, and child laborers. The government did not systematically refer victims to protective services due to inadequacies in its formal referral process, including some border guards’ unfamiliarity with trafficking crimes, a lack of inter-jurisdictional cooperation, and incomplete

⁴⁰ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

⁴¹ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

⁴² DFAT, ‘Country report’, 21 June 2017, [url](#).

⁴³ Freedom House, ‘Freedom in the World 2018’, 16 January 2018, [url](#).

data collection processes. NGO observers reported officials in the Mekong Delta Region deliberately ignored trafficking indicators or rescinded formal victim designations in order to downplay prevalence of the crime for political reasons, leading to fewer victim referrals to protection services. National authorities did not devote adequate funds for victim protection in 2017 and reportedly began encouraging provincial governments to use their own funds for trafficking programs to further decentralize this responsibility. The government did not report the status of the national survey it funded and conducted in 2016 on victim repatriation and reintegration. Foreign victims, including children, remained at high risk of deportation without screening or referral to protective services. Some officials continued to conflate trafficking with migrant smuggling, which precluded the identification of victims who voluntarily migrated abroad.

‘The government encouraged trafficking victims to assist in judicial proceedings against traffickers and offered them some protection and compensation; however, the extent to which these measures were applied remained unknown. The law protected victims from prosecution for crimes committed as a result of having been subjected to trafficking, but NGOs reported victims were less likely to come forward about their abuses in a judicial setting due to fears that they may face arrest or deportation. Endemic social stigma associated with victimhood and concerns over retribution in their local communities likely further discouraged many victims from seeking or benefiting from protection services. According to an international organization, the government repatriated approximately 20 Cambodian and Indonesian female victims with the assistance of their respective embassies; it was unclear how these victims were identified or whether the government provided other forms of assistance prior to their return. The government did not offer foreign victims legal alternatives to their removal to countries where they may face retribution or hardship.’⁴⁴

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6.4 Prosecution

- 6.4.1 The joint VCHR and FIDH report of 2015, noted ‘The involvement, directly or indirectly, of Communist Party and state officials in the sex trade is disturbing. Evidence suggests that prostitution rings are often run by, or under the “umbrella” of corrupt Party cadres and local officials, who demand payment from the sex workers in return for their protection.’⁴⁵
- 6.4.2 The United Nations of Drugs and Crime (UNODC) Global report on trafficking in persons for 2016 gave figures for the number of persons prosecuted for trafficking which showed a steady decrease. In 2012 there were 453 prosecutions, in 2013 there were 416, in 2014 there were 389 and between January to June 2015 there were 198 persons prosecuted for trafficking⁴⁶.
- 6.4.3 The USSD TiP Report 2018, stated:

⁴⁴ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

⁴⁵ VCHR and FIDH joint report, June 2015, [url](#).

⁴⁶ UNODC, ‘Global report for trafficking in persons’, December 2016, [url](#).

‘For the sixth consecutive year, the government did not prosecute any suspected traffickers under labor trafficking provisions of the 2012 anti-trafficking law. Authorities continued to develop a national database on trafficking statistics for the fourth year, but did not make demonstrable progress on bringing it closer to integration with law enforcement efforts or judicial proceedings. Disparate government bodies continued to report discrepant, overlapping, or incomplete data on anti-trafficking law enforcement and victim identification, and authorities often did not disaggregate trafficking offenses from possible migrant smuggling cases. According to MFA, the Ministry of Public Security (MPS), Vietnam Border Guards (under Ministry of Defense), and Vietnamese diplomatic missions—often in cooperation with foreign partners—identified 350 trafficking cases involving more than 500 alleged offenders (234 and 308, respectively, in 2016). The procuracies reported initiating the prosecution of 245 defendants for trafficking offenses (295 in 2016) and the court system secured 244 convictions (275 in 2016); sentences ranged from less than three years to 30 years imprisonment.’⁴⁷

6.4.4 For further information see [Legal status](#)

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6.5 Difficulties in enforcing the law

6.5.1 The USSD TiP Report 2018, noted:

‘A lack of coordination across provincial-level agencies, persistent budgetary constraints, poor understanding of the relevant legislation among local officials, and confusion about individual provinces’ roles and responsibilities in the context of the national action plan continued to hamper effective law enforcement efforts. Observers noted the authorities often prosecuted domestic trafficking under statutes pertaining to operation of an illegal business, kidnapping, or illegal detention, all of which carried lesser penalties. Provincial authorities often did not replicate central government coordination mechanisms and activities in accordance with the national action plan, and there was no mechanism for the MPS—which led interagency anti-trafficking efforts—to transfer necessary funds to other government bodies for anti-trafficking activities.

‘Some complicit officials, primarily at commune and village levels, reportedly accepted bribes from traffickers, overlooked trafficking indicators, and extorted profit in exchange for reuniting victims with their families. The government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses despite these trends.’⁴⁸

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7. Government and NGO assistance

7.1 Provision of shelters

7.1.1 The 2017 DFAT Report noted that

⁴⁷ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

⁴⁸ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

'The Ministry of Labor, Invalids, and Social Affairs (MoLISA) is responsible for operating approximately 400 social protection shelters that provide assistance to vulnerable groups, including victims of trafficking. The shelters are run by local authorities and the level of training and skill level varies depending on location. The Vietnam Women's Union, in partnership with foreign donors, operates one shelter in Hanoi that is devoted to female trafficking victims.'⁴⁹

7.1.2 The USSD TiP Report 2018, stated:

'There were no shelters designated exclusively for male or child victims, although existing shelters assisted all victims as needed. The Ministry of Labor, Invalids, and Social Affairs (MoLISA) maintained two rooms in a government-run shelter devoted to trafficking victims transiting through Ho Chi Minh City, where they could stay for up to two months. MoLISA and a government-affiliated women's union often referred victims to NGOs depending on their individual needs. MoLISA operated a 24-hour hotline for trafficking victims; authorities reported receiving approximately 2,700 calls to this hotline—over half of which were from children—and referring 65 cases to NGO services. MoLISA continued operating 400 social protection centers through local authorities to provide services to a wide range of vulnerable groups, including trafficking victims; these centers were unevenly staffed, under-resourced, and lacked appropriately trained personnel to assist victims. The women's unions, in partnership with NGOs and with foreign donor funding, continued to operate three shelters in urban cities, including one dedicated to trafficking victims. The unions reported assisting 14 victims in 2017 and helped to repatriate 35 Vietnamese women and children subjected to trafficking overseas. An NGO collaborated with border guard and social service officials to provide initial support to more than 100 returnees. An international organization reported providing return and reintegration assistance to 11 victims, including 10 Vietnamese fishermen formerly subjected to forced labor and one sex trafficking victim. However, due to insufficient recordkeeping, the total number of identified victims benefiting from government or NGO protection services was unclear. NGOs reported psycho-social services for victims remained underdeveloped and provincial-level government officials focused too heavily on poverty reduction in lieu of strengthening more urgently needed services for victims. Authorities did not report how many victims received government cash subsidies for food, clothing, and other essential needs.

'The government maintained labor representatives at diplomatic missions in countries with large numbers of documented Vietnamese migrant workers. These missions could provide basic provisions, transportation, and health care to Vietnamese citizens subjected to trafficking abroad. The government reported repatriating 138 Vietnamese victims identified in China and three from Cambodia, and providing other forms of assistance to five Vietnamese victims identified in Thailand and one in France. However, some diplomatic personnel reportedly lacked sufficient training to adequately assist victims, and NGOs reported some overseas missions were unresponsive to foreign

⁴⁹ DFAT, 'Country report', 21 June 2017, [url](#).

countries' attempts to connect them with Vietnamese victims—especially in Malaysia.⁵⁰

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7.2 Support services

7.2.1 Support services in Vietnam include:

- Peace House <http://www.ta.ngoinhabinhvien.vn/> in Hanoi is managed by the Centre for Women and Development. They mainly help children and women who are affected by domestic violence and are victims of people trafficking. They can provide shelter.⁵¹
- Pacific Links Foundation <http://www.pacificlinks.org/> and Hagar Vietnam <https://www.hagarinternational.org/international/our-work/where-we-work/vietnam/> are international NGOs [Non-Governmental Organisations] in Vietnam which provide support to children and women in Hanoi and in some other provinces.⁵²

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8. Reintegration

8.1 Victims of trafficking

- 8.1.1 The joint VCHR and FIDH report of 2015, noted 'Victims of trafficking who escape and return to Vietnam have no legal protection. Many rural women find that their land has been confiscated during their absence. If they have children born overseas, the children are not entitled to the obligatory residence permit, or "hộ khẩu", and become illegal citizens, deprived of the right to education and health care.'⁵³
- 8.1.2 The 2017 DFAT Report stated that 'DFAT is aware of some assistance provided to victims of sex trafficking by the Government in the form of a one-off cash payment of up to VND1.5 million, healthcare, training, legal aid and counselling. However, staffing levels and effectiveness of assistance reportedly varies by location and many victims are reluctant to return and accept assistance for fear of being stigmatised by authorities, their family and community.'⁵⁴
- 8.1.3 The USSD TiP Report 2018, stated 'In 2017, the government reported assisting approximately 500 victims—a decrease from 600 in 2016—with initial psychological counseling, health care consultations, and legal and financial assistance; the government reported providing an unspecified number of victims with vocational training, employment opportunities, and lines of credit at a reduced interest rate.'⁵⁵

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⁵⁰ USSD, 'TiP 2018', 28 June 2018, [url](#).

⁵¹ Peace House, [url](#).

⁵² Pacific Links, [url](#). Hagar Vietnam, [url](#).

⁵³ VCHR and FIDH joint report, (pg 3), June 2015, [url](#).

⁵⁴ DFAT, 'Country report', 21 June 2017, [url](#).

⁵⁵ USSD, 'TiP 2018', 28 June 2018, [url](#).

8.2 Position of women in general

8.2.1 A joint report by the Vietnam Committee on Human Rights (VCHR) and International Federation of Human Rights (FIDH), on Violations of the Rights of Women in the Socialist Republic of Vietnam, June 2015, stated:

‘Vietnam states that challenges in implementing CEDAW are “due to the fact that [Vietnam] is underdeveloped with limited resources”. But most of all, it is the political structure of the one-Party State, with its lack of transparency and political freedoms, and the pervasive control of the Communist Party of Vietnam (CPV) that impede the realization of women’s rights. There are no independent women’s civil society movements, no free trade unions, no free press, no independent judiciary nor any other mechanisms outside the CPV framework through which women may express their grievances and seek remedy. Vietnamese women’s only representative is the Vietnam Women’s Union, a para-governmental “mass organisation” whose mandate is to enforce Communist Party policies at a local level. Under Vietnam’s broadly-defined “national security” laws, acts perceived to “infringe upon the interests of the State, organizations and citizens” carry heavy prison sentences. Women who are victims of abuses are therefore afraid to take action to prosecute State organs, or speak out publicly to defend their rights. As a result, very few women file prosecutions in Vietnam, despite existing mechanisms.’⁵⁶

8.2.2 In July 2015, FIDH reported:

‘UN [United Nations] committee experts expressed serious concern over persisting gender inequality and the widespread abuse of women’s rights in Vietnam at the conclusion of their review of the country’s implementation of the UN Convention on the Elimination of Discrimination against Women (CEDAW) in Geneva on 9-10 July.

“Vietnam has made extensive legal commitments to guarantee women’s rights on paper but has taken no steps to enforce or protect them in practice. Thirty-three years after Vietnam’s ratification of CEDAW, Vietnamese women and girls are still relegated to the status of second class human beings,” said FIDH President Karim Lahidji.

‘In its concluding observations released on 27 July, the CEDAW committee criticized Vietnam for the failure of its policy-makers and government officials to grasp the “concept of substantive gender equality.” The committee expressed concern over the persistence of patriarchal attitudes and gender stereotypes regarding the roles and responsibilities of women in the family and in society. It noted that discriminatory gender bias and stereotypes were perpetuated in educational materials and in the media. The strong preference for male offspring had resulted in the sex selection of fetuses and an imbalance of the sex ratio at birth, the committee added. The committee voiced its concern over the “high prevalence” of violence against women and girls and recommended Vietnam amend its legislation with a clear resolve to criminalize all forms of violence against women, including marital rape and sexual harassment. [...] Throughout the review, the Vietnamese government

⁵⁶ VCHR and FIDH, ‘Report’ (Introduction), June 2015, [url](#).

delegation frequently responded to the questions posed by the committee experts in vague, evasive, and even contradictory ways.’⁵⁷

8.2.3 The 2017 DFAT Report notes that:

‘Article 26 of the Constitution guarantees male and female citizens equal rights in all fields, explicitly bans all forms of discrimination against women, and states that ‘men and women shall receive equal pay for equal work’. The National Assembly has also passed a range of domestic legislation including the Law on Gender Equality (2006) and amendments to the 2014 Law on Land (effective 1 July 2014) and the 2014 Law on Marriage and Family (effective 1 January 2015) that improve the property rights of women in families.’⁵⁸

8.2.4 The 2017 USSD report noted that ‘The law provides for gender equality, but women continued to face societal discrimination. Despite the large body of law and regulation devoted to the protection of women’s rights in marriage and the workplace, as well as provisions that call for preferential treatment, women did not always receive equal treatment in employment, education, or housing, particularly in rural areas.’⁵⁹

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8.3 Women living alone

8.3.1 In February 2013, the New York Times reported on a group of women who decided to have children without husbands in Loi following the ‘American war’. The source noted:

‘Outside of Loi, many women across Vietnam had made the same decision. The growing number of single mothers, especially those who had fought for the revolution, at length caught the attention of the Women’s Union, the government agency that oversees programs for women.

“Many women gave everything in the war, and it was important to recognize their sacrifice,” said Tran Thi Ngoi, head of the Women’s Union in the Soc Son district of Hanoi.

‘Although the plight of the war generation single mothers was only one factor, in 1986 the government passed the Marriage and Family Law, which for the first time recognized single mothers and their children as legally legitimate. It was a victory for the mothers in Loi, and for others like them.

“Every woman has the right to be a wife and a mother, and if she cannot find a husband, she should still have the right to her own child,” Ms. Ngoi said.

‘Since then, the government, working with international organizations, has continued to push for equal rights for women and to improve their health and education. Today single mothers in the countryside still face hardship, discrimination and shame, but benefit from government initiatives that started with the older generation.’⁶⁰

⁵⁷ FIDH, ‘Report’, 29 July 2015, [url](#).

⁵⁸ DFAT, ‘Country report’, 21 June 2017, [url](#).

⁵⁹ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

⁶⁰ New York Times (NYT), ‘Single mothers article’, 14 February 2013, [url](#).

- 8.3.2 An article published by Tuoi Tre News in September 2014, reported:
'As more women in Vietnam become single mothers for different reasons, several groups have been launched online to help them overcome financial difficulties, provide them with access to better child care, and stand firm against social stigmas. One such group in Ho Chi Minh City is "Hoi Nhung Ba Me Nuoi Con bang Doi Tay va Nuoc Mat" (Association of Single Mothers Raising Their Children with their Hands and Tears). Membership to the group is exclusive to single mothers only. According to its management, the group now has almost 2,000 members. Many members from other provinces also take part in the occasional offline meetings. Several other online groups, exclusive or not, also gather single mothers together.' ⁶¹
- 8.3.3 Reporting on single women in Vietnam, Xinhua noted in an article in April 2017, that:
'Vietnam has seen a rising number of women who delay or even reject completely the idea of marriage regardless of social or biological factors, especially in major cities. "More and more of my female friends are choosing to live alone these days," Khuc Hong Thien, a 36-year-old man from Hanoi told Xinhua... Thien said of his single female friends that they were "free, independent and open-minded." Viewing the trend as no surprise in a more developed society, Vietnamese experts have surmised that equal access to education and employment are the key reasons behind Vietnamese women's improving financial independence, which can drive them towards a single lifestyle.'
'The right to motherhood of single women had been officially recognized by the Vietnamese government since 2003, by allowing them to receive sperm donations and have a baby through In vitro fertilization.'⁶²
- 8.3.4 The Freedom House report, Freedom in the World 2018: Vietnam stated:
'Women generally have equal access to education, and men and women receive similar treatment in the legal system. Although economic opportunities have grown for women, they continue to face discrimination in wages and promotion.'⁶³
- 8.3.5 Information on the citizenship rights of children born to Vietnamese nationals outside of Vietnam can be found on the [Socialist Republic of Vietnam's Ministry of Justice page](#).

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8.4 Risk of re-trafficking

8.4.1 The Asia Foundation noted that:

'Even when these victims manage to return to Vietnam, they face tremendous difficulty in reintegrating into their communities. Stigmatized by society and traumatized by their experience, they generally do not have the education and skills necessary for gainful employment. These women are at a high risk of being re-trafficked. [...] Because many trafficking victims

⁶¹ Tuoi Tre News, 'We, Vietnam single moms', 8 September 2014, [url](#).

⁶² Xinhuanet, 'Single women enjoying independence article', 28 April 2017, [url](#).

⁶³ Freedom House, 'Freedom in the World 2018', 16 January 2018, [url](#).

actually know their traffickers, the need for communities to reach out to their members is critical. [...] Because of official condemnation of illegal prostitution as well as a prohibition on emigrating without notifying authorities, many survivors of trafficking are left with few avenues to receive assistance. Often, they are reluctant to seek help for fear of further abuse by traffickers, debt bondage, punishment from government authorities for illegal border crossing, or stigma from being labeled a prostitute. This isolation and fear leaves them vulnerable to re-trafficking.’⁶⁴

- 8.4.2 The Independent Anti-Slavery Commission noted in their report that Vietnamese minors are at a high risk of being re-trafficked from within the UK. The report notes that ‘It is an inescapable fact that many Vietnamese children are at risk of being re-trafficked, even after identification as a potential victim of modern slavery. Research from ECPAT UK, for example, highlights that frontline professionals found: “Vietnamese children were more likely to go missing than unaccompanied children of other nationalities”’.⁶⁵
- 8.4.3 The Guardian reported in February 2018 that ‘Mimi Vu, director of advocacy at Pacific Links, a Vietnamese anti-trafficking charity, said: “Because of a lack of resources there are no specialised long-term support services for male victims of trafficking returned to Vietnam. These all create the conditions for re-trafficking because the factors that led [victims] to be trafficked in the first place still exist and are even enhanced by what [they’ve] gone through.”’⁶⁶
- 8.4.4 The USSD TiP Report 2018 noted that ‘Endemic social stigma associated with victimhood and concerns over retribution in their local communities likely further discouraged many victims from seeking or benefiting from protection services.’⁶⁷

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⁶⁴ The Asia Foundation, ‘Combating Trafficking of Women & Children in Vietnam’, undated, [url](#).

⁶⁵ Independent Anti-Slavery Commission, ‘Report’, 2017, [url](#).

⁶⁶ The Guardian, ‘UK accused of failing trafficked children article’, 7 February 2018, [url](#).

⁶⁷ USSD, ‘TiP 2018’, 28 June 2018, [url](#).

9. Freedom of movement

9.1.1 The 2017 DFAT Report noted that:

‘Internal relocation is common, with large scale urbanisation occurring in recent decades alongside other migration for economic purposes. [...] Police require citizens and foreigners to register when staying overnight in a location outside of their own homes. This is enforced more strictly in some areas, such as Central and Northern Highlands districts. Moving without formal approval from the authorities can restrict access to legal residence permits, public education and healthcare benefits.’⁶⁸

9.1.2 The 2017 USSD report stated that:

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

‘Local police required citizens to register when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts.

‘In general, authorities did not strictly enforce residency laws, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons from seeking legal residence permits, public education, and health-care benefits.’⁶⁹

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9.2 Ho Khau registration

9.2.1 The 2017 DFAT Report stated that:

‘Ho Khau registration is initially obtained through the registration of a person’s birth with the village or provincial administrators. Officials use the registration system to determine the levels of services provided to villages and provinces, linking a person’s right to access government healthcare, education and other services to their place of residence. Ho Khau registration is also essential for obtaining employment with the government or in state-owned enterprises. Although health care facilities can be accessed anywhere in Vietnam in emergency cases, public facilities may turn away non-life-threatening cases where the person is not properly registered. Access to schools is determined by Ho Khau registration and administration fees may apply to children not registered in an area zoned for a particular school. For members of minority groups, Ho Khau registration is essential to access development-related entitlements in rural and regional centres. This may include additional language training or employment related training.’⁷⁰

⁶⁸ DFAT, ‘Country report’, 21 June 2017, [url](#).

⁶⁹ USSD, ‘Country Report’, 20 April 2018, [url](#).

⁷⁰ DFAT, ‘Country report’, 21 June 2017, [url](#).

9.2.2 On 25 January 2018 the Vietnam Law and Legal Reform Magazine reported that the Ho Khau is set to be scrapped in 2020 and ‘Vietnamese citizens will be managed solely through their identification numbers on a new online national database’. The report went on to note that:

‘Under Government Resolution No. 112/NQ-CP issued on October 30 [2017], Vietnamese citizens will be managed solely through their identification numbers on a new online national database. Personal transactions will be performed only through the national identification (NI) number and all changes of personal information will be updated on the national database and recorded in each person’s NI number.

‘With the abolishment of the household registration book, many time-consuming administrative procedures will be scrapped, including formalities to change persons named in the book, obtain a new book when moving houses, deregister permanent residence or extend temporary residence. The procedures to declare temporary residence to the commune-level police will also be abolished. Papers proving family relationship or birth certificates to register permanent residence for children will not be needed either.’

‘To prepare for this, the Ministry of Public Security is striving to complete gathering personal information of all citizens by early 2019, and by 2020, every citizen is expected to have a new ID card with NI number.’⁷¹

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⁷¹ Vietnam Law and Legal Reform Magazine, ‘Household registration article’, 25 January 2018, [url](#).

Terms of reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal status
 - Legislation
 - Children
 - Law in practice
- Prevalence
- Profiles of victims of trafficking
 - Men and women
 - Children
 - Traffickers
- Action to combat trafficking
 - Protection
 - Shelters
 - Prosecution
 - Prevention
 - Prosecution
- Children
 - Support services
- Lone/single women
 - Legal status
 - Discrimination of lone/single women
- Single mothers
 - Life for single mothers
 - Support services for single mothers

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Version control

Clearance

Below is information on when this note was cleared:

- version **3.0**
- valid from **17 September 2018**

Changes from last version of this note

Updated country information

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