

# U.S. Department of State

## Diplomacy in Action

### Vietnam

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

[2018 Trafficking in Persons Report \(http://www.state.gov/j/tip/rls/tiprpt/2018/index.htm\)](http://www.state.gov/j/tip/rls/tiprpt/2018/index.htm)

Tier 2

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#### VIETNAM: Tier 2

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; therefore Vietnam remained on Tier 2. 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. However, the government did not meet the minimum standards in several key areas. It identified significantly fewer victims than in 2016, and authorities did not proceed with ongoing criminal cases in the absence of formal implementation guidelines on the new penal code amendments. Anti-trafficking efforts continued to suffer from a lack of interagency coordination, unfamiliarity among provincial officials with anti-trafficking legislation and victim identification procedures, and underdeveloped data collection. Despite continued reports of official complicity, the government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses.

#### RECOMMENDATIONS FOR VIETNAM

Develop and train officials on implementing guidelines for Articles 150 and 151 of the new penal code, with a focus on identifying and investigating forced labor and internal trafficking cases; vigorously prosecute all forms of trafficking and convict and punish traffickers, including in cases involving forced labor or complicit officials; strengthen efforts to monitor labor recruitment companies and enforce regulations prohibiting the imposition of recruitment fees; align and implement policies to identify and assist victims among vulnerable groups, such as migrant workers, individuals in prostitution, and child laborers, and train relevant officials on these procedures; amend the penal code to criminalize all forms of child sex trafficking consistent with international law; improve interagency cooperation to effectively implement the anti-trafficking national action plan, including by clarifying the roles of national and provincial-level government entities, fully integrating trafficking data collection into law enforcement efforts, and allocating sufficient resources to the national action plan; develop programs that reduce stigma and promote reintegration of trafficking returnees; in consultation with civil society, tailor awareness-raising campaigns to geographic- and sector-specific vulnerabilities and evaluate them to ensure maximum benefit to high-risk communities; allow independent verification that Vietnamese drug users are no longer subjected to forced labor in government-run rehabilitation centers; and expand training for consular officials on worker rights and international labor standards.

#### PROSECUTION

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. 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. The Ministry of Justice (MOJ) reported distributing updated legal documents on Articles 150 and 151 and training judges nationwide on their application. However, the government did not issue formal implementation circulars for the amendments; prosecutors cited this lack of guidance in failing to conclude eight trafficking cases initiated against as many as 14 suspected traffickers under disparate criminal code provisions. 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. During the reporting period, the government signed bilateral anti-trafficking agreements with Australia and continued similar negotiations with Malaysia and the United Kingdom.

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. 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. The Border Guard Command established a special anti-trafficking task force and conducted investigations in vulnerable border areas known for high prevalence of the crime, but statistics on the number of investigations or prosecutions initiated because of these efforts were unavailable. 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.

## PROTECTION

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. 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 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.

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

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.

## PREVENTION

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. 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 vulnerable geographic areas, and broadcast media campaigns. Observers noted many high-risk communities found it difficult to connect with the content of these awareness campaigns, indicating a need for improved localization. During the reporting period, the Ministry of Information and Communications directed state-run media to air more than 1,000 documentaries and news stories to raise public awareness on trafficking.

In 2017, the government entered into a Memorandum of Cooperation with the Government of Japan to improve protections for Vietnamese participants in Japan's Technical Intern Training Program (TITP). NGOs reported pre-departure fees and deposit requirements for Vietnamese migrant workers ranging from 6.5 million to 65 million VND (\$290 to \$2,860), increased their vulnerability to debt bondage overseas, especially under the auspices of the TITP in Japan. The government continued efforts to reduce the demand for commercial sex acts, including through its ongoing Prostitution Prevention and Combating Program (2016-2020). The program aimed to reduce demand through educational campaigns targeting consumers of commercial sex and income-generation opportunities for persons in prostitution. The government required anti-trafficking training for its diplomatic personnel prior to their departure to overseas posts.

## TRAFFICKING PROFILE

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 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. 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. Traffickers increasingly use the internet, gaming sites, and particularly social media to lure potential victims into vulnerable situations; men often entice young women and girls with online dating relationships and persuade them to move abroad, then subject them to forced labor or sex trafficking. Some traffickers pose as police officers on social media networks to gain victims' trust. 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.

Within the country, Vietnamese men, women, and children—including street children and children with disabilities—are subjected to forced labor, although little information is available on these cases. Adults are also reportedly subjected to trafficking for the purpose of organ removal. Children are subjected to forced street hawking and begging in major urban centers. Some children are subjected to forced and bonded labor in informal garment and brick factories, in urban family homes, and in privately run rural gold mines. Many children from impoverished rural areas, and a rising number from middle class and urban settings, are subjected to sex trafficking. Girls from ethnic minority communities in the northwest highlands are increasingly subjected to forced services, including sex slavery and domestic servitude, by traffickers channeling their criminal activities through the traditional practice of bride kidnapping. Child sex tourists, reportedly from elsewhere in Asia, the United Kingdom and other countries in Europe, Australia, Canada, and the United States, exploit children in Vietnam. A 2014 legal provision requires a judicial proceeding before detention of drug users in compulsory drug rehabilitation centers and restricts detainees' maximum workday to four hours. Although the government reports that it no longer subjects drug users to forced labor in rehabilitation centers, there has been no independent verification of these claims, and international organizations and media report that authorities continue the practice. Complicit Vietnamese officials, primarily at commune and village levels, facilitate trafficking or exploit victims by accepting bribes from traffickers, overlooking trafficking indicators, and extorting profit in exchange for reuniting victims with their families.

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