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Building the Evidence Base for Effective  
Antislavery Governance

# Viet Nam Country Profile

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# About this report

This report was prepared by Dr Ana Valverde-Cano (Rights Lab Research Fellow in Antislavery Law and Policy), Dr Katarina Schwarz (Rights Lab Associate Director), and Dr Daniel Ogunniyi (Rights Lab Research Fellow).

The report is based primarily on research conducted from 2020-2021 and may not therefore consider more recent emerging evidence. Updates to the report to reflect new and emerging evidence are ongoing.

The authors welcome enquiries on the report and the project more broadly, which may be directed to Katarina Schwarz at [Katarina.Schwarz@nottingham.ac.uk](mailto:Katarina.Schwarz@nottingham.ac.uk)

# About the project

The report was produced to support the research project ‘Building the Evidence Base for Effective Antislavery Governance in the UK and the Top 20 UK Source Countries’, funded by the Modern Slavery and Human Rights Policy and Evidence Centre. The research team consisted of Dr Katarina Schwarz (Rights Lab, University of Nottingham), Dr Ana Valverde-Cano (Rights Lab), Dr Daniel Ogunniyi (Rights Lab), Alexandra Williams-Woods (CSIS, University of Liverpool), and Prof Jean Allain (Wilberforce Institute, University of Hull).

The **Rights Lab** is a University of Nottingham “Beacon of Excellence” and home to the world’s largest and leading group of modern slavery researchers. Through its five research programmes, impact team, and INSPIRE project, the Rights Lab is underpinning antislavery with an advanced research agenda, collaborating with civil society, business, and government, and elevating survivor-informed research as a key part of knowledge production to help end slavery.

The **Wilberforce Institute** at the University of Hull aims to advance fundamental knowledge of slavery and emancipation, informing policy, business practice and public debate at local, national and international levels. The Wilberforce Institute brings together experts in humanities, law and social sciences to help tackle this global problem head on.

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# 1. Overview of antislavery in Viet Nam

## 1.1. The Walk Free Foundation's Global Slavery Index<sup>1</sup>

	Vulnerability		Prevalence			Government response		
	Ranking <sup>2</sup>	Score <sup>3</sup>	Ranking <sup>4</sup>	Absolute <sup>5</sup>	/ 1000 <sup>6</sup>	Ranking <sup>7</sup>	Score	Rating <sup>8</sup>
<b>2013</b>	<b>76</b> /162	53.02	<b>64</b> /162	248,705	2.80	-	-	-
<b>2014</b>	<b>75</b> /167	54.3	<b>89</b> /167	322,200	3.59	<b>73</b> /167	39.6 /100	CC
<b>2016</b>	<b>127</b> /167	29.34	<b>47</b> /167	139,300	1.52	<b>60</b> /161	45.42 /100	B
<b>2018</b>	<b>108</b> /167	41.5	<b>77</b> /167	421,000	4.5	<b>57</b> /162	48.1 /100	B
<b>2019</b>	-	-	-	-	-	<b>76</b> /183	46.3 /100	5

2018 classification as 'net sending' or 'net receiving': **sending**

Although the nature of modern slavery makes measuring the phenomenon an inherently difficult task, the Walk Free Foundation's Global Slavery Index (GSI) aims to provide the 'best available data and information about the scale and regional distribution of modern slavery'.<sup>9</sup> This includes **national prevalence estimates** of the number of people experiencing modern slavery in each country, calculated on the basis of a predictive model that accounts for individual and country-level risk factors.

National prevalence estimates are analysed in the context of results of Walk Free's **Vulnerability Model**. This model uses 'statistical testing and processes to identify the factors that explain or predict the prevalence of modern slavery'.<sup>10</sup> The 2018 Vulnerability Model features five factors, made up of 23 distinct variables: governance issues, lack of basic needs, inequality, disenfranchised groups, and effects of conflict.

Walk Free also tracks **government responses** to modern slavery, tracking government efforts across five milestones: (1) survivors of slavery are identified and supported to exit and remain out of slavery; (2) criminal justice mechanisms function effectively to prevent modern slavery; (3) coordination occurs at the national and regional level, and governments are held to account

<sup>1</sup> Walk Free Foundation, 'The Global Slavery Index 2013' (2013), available [here](#); 'The Global Slavery Index 2014' (2014), available [here](#); 'The Global Slavery Index 2016' (2016), available [here](#); 'The Global Slavery Index 2018' (2018), available [here](#).

<sup>2</sup> Note: a higher ranking (closer to 1) indicates high vulnerability relative to other countries.

<sup>3</sup> Note: a higher score indicates increased vulnerability to modern slavery, with a median country score of 47.28 in 2018.

<sup>4</sup> Note: a higher ranking (closer to 1) indicates a high number of people experiencing modern slavery per 1000 in the overall population relative to other countries.

<sup>5</sup> Note: absolute prevalence measures the estimated number of people experiencing modern slavery in the country.

<sup>6</sup> Note: prevalence /1000 measures the number of people estimated to experience modern slavery per 1000 people in the overall population.

<sup>7</sup> Note: a higher ranking (closer to 1) indicates better government responses to modern slavery relative to other countries.

<sup>8</sup> Note: government response ratings are broken into scoring bands, with an A rating representing the strongest government response to modern slavery (with a score of 70-79.9), followed by BBB (60-69.9), BB (50-59.9), B (40-49.9), CCC (30-39.9), CC (20-29.9), C (10-19.9), and D (<0-9.9).

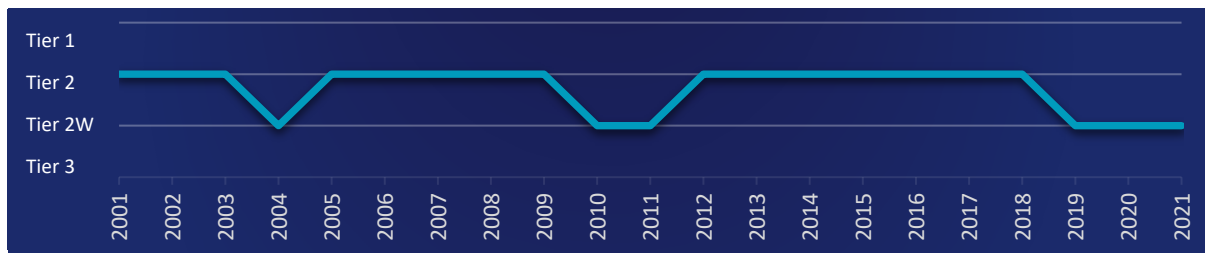
<sup>9</sup> Walk Free Foundation, 'Global Findings' (2018), available [here](#).

<sup>10</sup> Walk Free Foundation, 'Methodology: Vulnerability' (2018), available [here](#).

for their response; (4) risk factors such as attitudes, social systems, and institutions that enable modern slavery are addressed; and (5) government and business stop sourcing goods and services produced by forced labour.<sup>11</sup>

It should be noted that the scope, methodology, and sources underpinning GSI findings has changed over the years. This means that data between different reporting years is not directly comparable.

## 1.2. TIP Rankings 2001-2020<sup>12</sup>



The TIP Report ranks countries into one of four tiers, as mandated by the Victims of Trafficking and Violence Protection Act 2000 (TVPA). A country's ranking is based on an assessment of the government's efforts to address trafficking in persons, rather than on the extent of trafficking within the country and considers government action against the TVPA's minimum standards.<sup>13</sup>

**Tier 1:** countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking. To maintain a Tier 1 ranking, the country must continue to make progress in its anti-trafficking efforts each year.

**Tier 2:** countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

**Tier 2 Watch List:** countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

**Tier 3:** countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so. Countries ranked as Tier 3 may be subjected to restrictions on non-humanitarian, non-trade foreign assistance from the US. Impositions of such restrictions are determined by the President.<sup>14</sup>

<sup>11</sup> Walk Free Foundation, 'Methodology: Government Response' (2018), available [here](#).

<sup>12</sup> US Department of State, '2020 Trafficking in Persons Report' (2020), available [here](#); (2019) available [here](#); (2018), available [here](#); (2017), available [here](#); (2016), available [here](#); (2015), available [here](#); (2014), available [here](#); (2013), available [here](#); (2012), available [here](#); (2011), available [here](#); (2010), available [here](#); (2009), available [here](#); (2008), available [here](#); (2007), available [here](#); (2006), available [here](#); (2005), available [here](#); (2004), available [here](#); (2003), available [here](#); (2002), available [here](#); (2001), available [here](#).

<sup>13</sup> Minimum standards for the elimination of trafficking are found in section 108, Victims of Trafficking and Violence Protection Act 2000 (United States), available [here](#).

<sup>14</sup> See further Department of State (2020), above n **Error! Bookmark not defined.**, 40-41.

In the first year of TIP reporting, Viet Nam was rated Tier 2. Despite recognition of 'significant efforts to combat the problem' by the Government, Viet Nam was not considered to fully meet the minimum standards outlined in the TVPA. Issues of corruption were particularly emphasised, and some limitations in relevant legislation in relation to trafficking of men were noted.<sup>15</sup> Over the twenty years of TIP reporting, Viet Nam has generally maintained this Tier 2 rating, although falling to the Tier 2 Watch List for the first time in 2004 and again in 2010-2011 and 2019-2021. In 2004, this was a result of the 'government's failure to provide evidence of increasing efforts to combat severe forms of trafficking, particularly its inadequate control of two state-controlled labor companies that sent workers to American Samoa from 1999 to 2001.'<sup>16</sup> Weak labour export regulations, inadequate protection for labour trafficking victims, and the absence of a national action plan were also noted as key shortcomings.

In 2019, significant efforts of the Vietnamese Government to meet the TVPA minimum standards were noted, however a lack of overall increasing efforts compared to the previous reporting period, identification of fewer victims, delayed release of formal implementation guidelines for penal code provisions, a lack of coordination and awareness amongst officials, and reports of official complicity not being investigated resulted in the Tier 2 Watch List rating.<sup>17</sup> Likewise in 2020 and 2021, the lack of overall increasing efforts resulted in a Tier 2 Watch List rating, despite significant efforts on the part of the government to meet the TVPA minimum standards. In 2020, victim identification decreased on the previous year, identification and assistance measures were noted to be ineffective, and coordination limited.<sup>18</sup> Debt-based coercion for overseas workers was particularly highlighted as a concern, as was lack of investigation of official complicity in trafficking offences. New regulations to address brokerage fees and worker protections for contract-based Vietnamese overseas workers were reported in 2021, as was the reporting of comprehensive disaggregated data on trafficking cases for the first time.<sup>19</sup> However, lack of implementation of systematic victim identification procedures, particularly in relation to some vulnerable groups (such as women and children in commercial sex), penalisation of victims for acts committed as a result of their trafficking experience, and decline in investigations resulted in an overall assessment that the Government had not demonstrated increasing efforts. However, the devotion of sufficient resources to a written plan resulted in Viet Nam being granted a waiver from an otherwise required downgrade to Tier 3.

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<sup>15</sup> US Department of State, 'Trafficking in Persons Report' (2000), available [here](#).

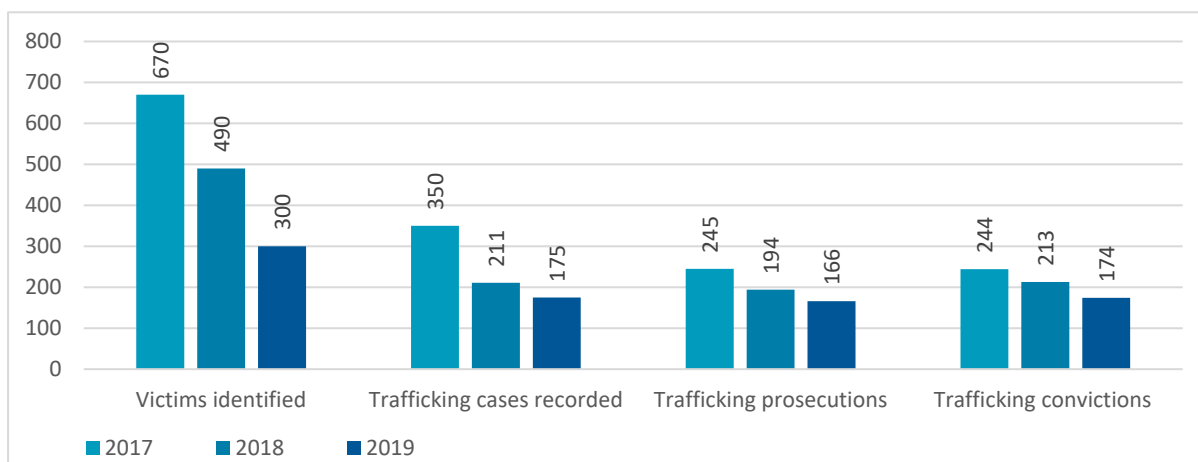
<sup>16</sup> US Department of State, 'Trafficking in Persons Report' (2004), available [here](#).

<sup>17</sup> US Department of State, 'Trafficking in Persons Report' (2019), available [here](#).

<sup>18</sup> US Department of State, 'Trafficking in Persons Report' (2020), available [here](#).

<sup>19</sup> US Department of State, 'Trafficking in Persons Report' (2021), available [here](#).

### 1.3. Quantitative measures on anti-trafficking governance (TIP Reports)<sup>20</sup>



Measure	Year	Qty	Source
Trafficking cases recorded	2019	175	[1]
Trafficking cases prosecuted	2019	166	[1]
Trafficking convictions	2019	174	[1]
Trafficking victims identified	2019	300	[1]
Trafficking cases recorded	2018	211	[1]
Trafficking cases prosecuted	2018	194	[1]
Trafficking convictions	2018	213	[1]
Police officers trained	2018	500	[2]
Trafficking victims identified	2018	490	[2]
Trafficking victims identified	2017	670	[2]
Trafficking cases recorded	2017	350	[1]
Trafficking cases prosecuted	2017	245	[1]
Trafficking convictions	2017	244	[1]
Trafficking cases recorded	2016	234	[2]
Trafficking cases identified	2014	469	[3]
Trafficking cases prosecuted	2014	389	[3]
Trafficking convictions	2014	306	[3]
Trafficking victims detected	2014	903	[3]
Trafficking cases identified	2013	507	[3]
Trafficking cases prosecuted	2013	416	[3]
Trafficking convictions	2013	295	[3]
Trafficking victims detected	2013	871	[3]

<sup>20</sup> Sources:

[1] US Department of State (2020), above n **Error! Bookmark not defined.**

[2] US Department of State (2019), above n **Error! Bookmark not defined.**

[3] UNODC, 'Country Profiles: East Asia and the Pacific' (United Nations, 2016), available [here](#).





## 2. Treaty commitments<sup>21</sup>

Instrument	Ratification date
1926 Slavery Convention	14 August 1956
1953 Protocol to the Slavery Convention	N/A
1930 Forced Labour Convention	05 March 2007
2014 Protocol to the Forced Labour Convention	N/A
1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	N/A
1957 Abolition of Forced Labour Convention	N/A
1966 International Covenant on Civil and Political Rights (ICCPR)	24 September 1982
1966 Optional Protocol to the ICCPR	N/A
1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	N/A
1998 Rome Statute of the International Criminal Court	N/A
1999 Worst Forms of Child Labour Convention	19 December 2000
2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	8 June 2012
2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	20 December 2001
2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	20 December 2001
2011 Domestic Workers Convention	N/A
<b>Regional commitments</b>	
Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT)	
The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime	
<b>Key International Commitments</b>	
1948 Universal Declaration of Human Rights	
1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	
2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law	
2015 UN Sustainable Development Goals (5.3, 8.7)	
2017 Call to Action to End Forced Labour, Modern Slavery and Human Trafficking	N/A

<sup>21</sup> UN Treaty ratification info sourced from UN Treaty Collection available [here](#); ILO Convention ratifications available [here](#); Rome Statute ratification status available [here](#).

## 3. General country context

### 3.1. Constitutional structure

The Socialist Republic of Vietnam is an authoritarian state with a civil law system.<sup>22</sup> The country has a unicameral National Assembly or Quoc Hoi where members serve 5-year terms. The President of the country is indirectly elected by the National Assembly from among its members to serve a single 5-year term. The president, subject to the National Assembly's confirmation, further appoints the prime minister. The judicial arm is led by the Chief Justice, who is equally elected by the National Assembly upon the recommendation of the president for a 5-year renewable term. The highest court in Vietnam is the Supreme People's Court.<sup>23</sup> Article 70(14) of the Vietnamese Constitution suggests that treaties are not self-executing but have to be ratified by the country's National Assembly to become law.

### 3.2. Political context

Vietnam is an authoritarian one-party state led by the Communist Party.<sup>24</sup> It became a unified country in 1975, and later began a series of economic reform programmes including re-engagement with global and regional bodies such as the World Trade Organisation (WTO) and the Association of Southeast Asian Nations (ASEAN).<sup>25</sup> President Nguyen Phu TRONG, has been at the country's helm since 2018 following the death of President Tran Dai QUANG. The country's Prime Minister, Nguyen Xuan PHUC, has been in office since April 2016.<sup>26</sup>

Vietnam is a relatively stable country, with internal security maintained by the Vietnamese Ministry of Public Security.<sup>27</sup> Members of the police force and state officials reportedly act with impunity, with the government infrequently taking corrective actions such as prosecution of relevant officials.<sup>28</sup> The 2019 Democracy Index of the Economist Intelligence Unit ranks Vietnam 136 among 167 countries, suggesting that the country still lags behind other countries in its democratic processes.<sup>29</sup>

### 3.3. Migration profile

According to government estimates, migrants dominate 25 to 30% of Viet Nam's largest cities. In terms of international migration, an estimated three million Vietnamese nationals live abroad, while another 450,000 are temporary workers in foreign countries.<sup>30</sup> It is estimated that around 76,000 international migrants reside in the country.<sup>31</sup> The United States is the top destination for Vietnamese migrants (1.3 million), followed by Australia (with 238,000 Vietnamese immigrants), Canada (192,000), and France (128,000).<sup>32</sup>

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<sup>22</sup> Central Intelligence Agency, 'The World FactBook: Vietnam', available [here](#).

<sup>23</sup> Ibid.

<sup>24</sup> US Department of State, '2019 Country Reports on Human Rights Practices: Vietnam' (2019), available [here](#).

<sup>25</sup> UK Home Office, 'Report of a Home Office fact-finding mission to Vietnam' (2019) 9, available [here](#).

<sup>26</sup> Central Intelligence Agency, above n 22.

<sup>27</sup> UK Home Office, 'Report of a Home Office fact-finding mission to Vietnam', above n 25.

<sup>28</sup> US Department of State, above n 24.

<sup>29</sup> The Economist Intelligence Unit, 'Democracy Index 2019: A year of democratic setbacks and popular protest' (The Economist Intelligence Unit Limited, 2020).

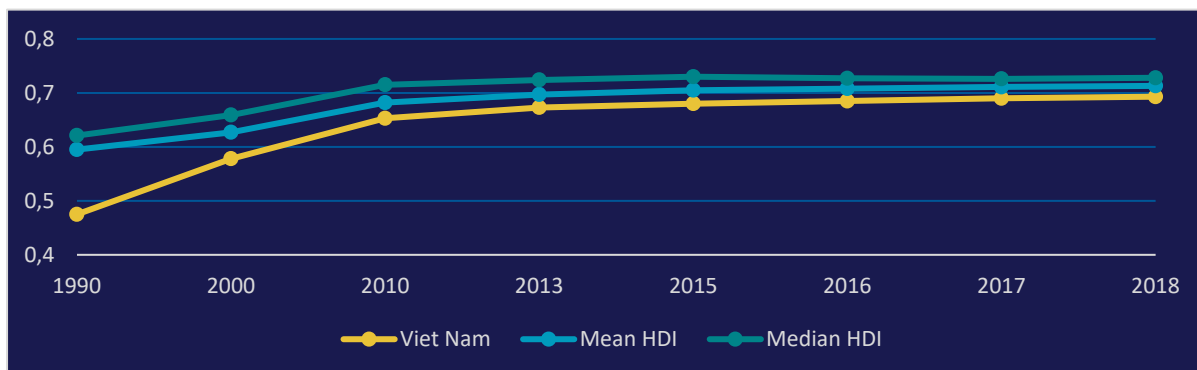
<sup>30</sup> IOM, 'Vietnam', available [here](#).

<sup>31</sup> Migration Data Portal (2020), available [here](#).

<sup>32</sup> Elijah Alperin and Jeanne Batalova, 'Vietnamese Immigrants in the United States' (2018), available [here](#).

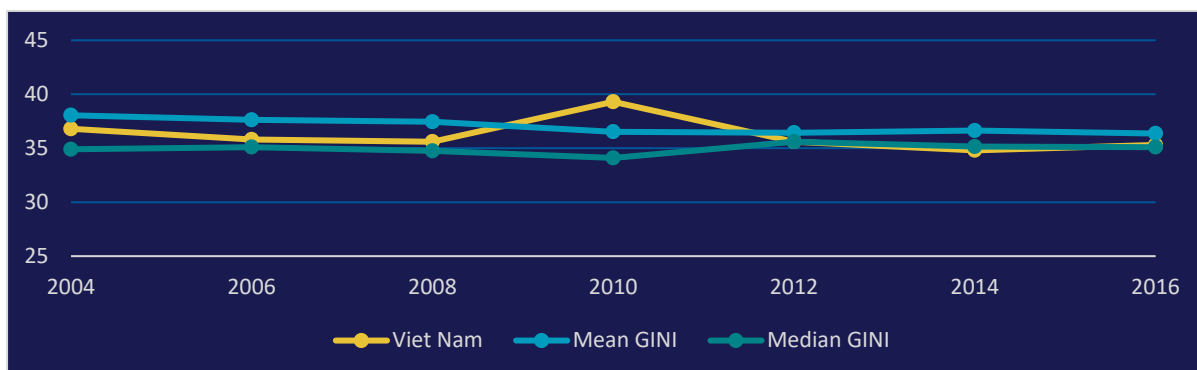
### 3.4. Development profile

#### 3.4.1. Human Development Index<sup>33</sup>



The Human Development Index (HDI) measures average life expectancy, level of education and income for each country in the world. Each country is given a score between 0 and 1 - the closer a country gets to 1, the more developed it is.<sup>34</sup>

#### 3.4.2. GINI Co-efficient<sup>35</sup>



Gini index measures the extent to which income distribution or consumption expenditure among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.<sup>36</sup>

#### 3.4.3. Viet Nam's achievement of the Sustainable Development Goals<sup>37</sup>

Year	Rank	Score
2020	49	73.8
2019	54	71.1
2018	57	69.7
2017	68	67.9
2016	88	57.6

The Sustainable Development Reports assess implementation of, and progress towards, the 2015 UN Sustainable Development Goals. The SDG Index and Dashboards summarise countries' current performance and trends across the 17 SDGs. All SDGs are weighted equally in the index. Changing indicators, data, and methodology

<sup>33</sup> UNDP, 'Human Development Indicators – Viet Nam' (2020), available [here](#).

<sup>34</sup> UNDP, 'Human Development Reports', available [here](#).

<sup>35</sup> World Bank, 'Gini index (World Bank estimate) -Vietnam' (2017), available [here](#).

<sup>36</sup> World Bank, 'Metadata Glossary', available [here](#).

<sup>37</sup> Sustainable Development Report (2020), available [here](#).



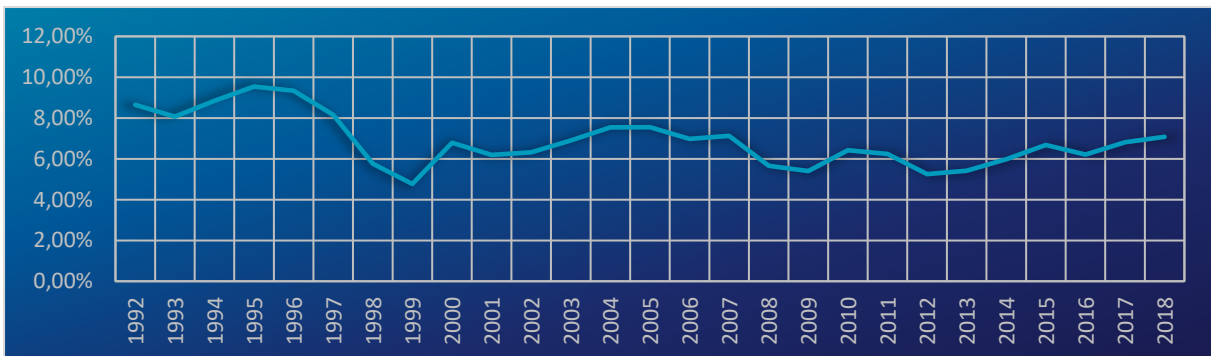
used to determine rankings and scores mean that SDG index results are not comparable over time.<sup>38</sup>

### 3.4.4. Viet Nam's GDP Rates

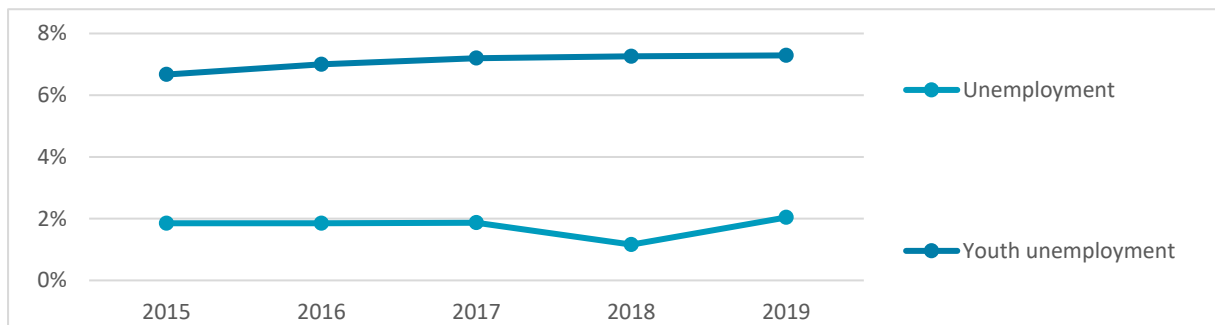
GDP per capita (Current international \$)<sup>39</sup>



GDP Growth Rate



### 3.4.5. 3.4.5 Other relevant indicators<sup>40</sup>



## 3.5. Vietnam's human rights record

Vietnam has been dealing with significant human rights issues in recent years. Human rights violations in the country include forced disappearance, unlawful killings by state agents, arbitrary arrests and detentions, restriction of free speech, child labour and trafficking in persons.<sup>41</sup> Passage of draconian laws by the authorities has further undermined freedom of

<sup>38</sup> Bertelsmann Stiftung and Sustainable Development Solutions Network, 'Sustainable Development Report 2019' (June 2019) 19.

<sup>39</sup> World Bank, 'GDP per capita, PPP (current international \$) - Vietnam, available [here](#).

<sup>40</sup> World Bank, 'Unemployment, total (% of total labor force) (national estimate) - Vietnam' (2020), available [here](#); Statista, 'Youth unemployment rate in Vietnam in 2020' (2020), available [here](#).

<sup>41</sup> US Department of State, above n 2424.

expression and other civil and political rights.<sup>42</sup> The Vietnamese Communist Party monopolises state power and controls all major political and social organisations across the country.<sup>43</sup>

As media outlets are largely state-controlled, there is limited space for independent or alternative views via radio, TVs and newspapers. There are also reports that rights activists questioning government policies or those attempting to defend land and resource rights face harassment and arbitrary detention.<sup>44</sup> Further, members of the police force widely subject dissidents to incommunicado detention for several months without access to legal representatives or family members. Vietnamese courts also operate with considerable interference from the communist party, especially in deciding criminal cases against government critics. Although practices such as torture, corporal punishment, degrading and inhuman treatments are prohibited under the constitution, the government reportedly engages in these practices. Also, despite legal prohibitions on physical abuse of detainees, reports of mistreatment and torture by the police remain a serious problem in Vietnam.<sup>45</sup>

### 3.6. Social support systems

Article 34 of the 2013 Constitution governs the provision of social support in Vietnam. The article unequivocally states that 'Citizens have the right to social security'. The Social Insurance Law 2014 further introduces mechanisms to protect workers during sickness, maternity, labour accident and occupational disease, as well as retirement (art. 4).<sup>46</sup> All employees with a labour contract of at least one month are required to participate in the policy.

Article 32 of the Children Law 2016 further guarantees the right of every child to social security. It states: 'Children who are Vietnamese citizens shall have their social security benefits ensured as regulated by the law and in conformity with socioeconomic conditions of regions where they are living and capacity of their parent(s) or caregivers'. Generally, the Vietnamese social support system is comprised of three pillars: social assistance transfers, social care and emergency assistance.<sup>47</sup> The government's cash transfer programs are also part of the broader social security system, which includes Merits payment and social insurance transfers.<sup>48</sup>

In practice, the country's social security system has evolved to address certain specific areas, including risks related to old age, disability, unemployment, and childhood. Nonetheless, social assistance transfers have had minimal impact in reducing the national poverty rate by only 1.9%,<sup>49</sup> partly because Vietnam's investment in social support is lower than other middle-income countries. For instance, while Vietnam's overall social security investment in 2013 was around 2.6% of the country's GDP, countries such as Brazil and South Africa typically invest around 3% of their GDP in social transfers. Georgia, on its part, invests more than 6% of its GDP in social support.<sup>50</sup>

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<sup>42</sup> Ibid.

<sup>43</sup> Human Rights Watch, 'Events of 2018: Vietnam' (2019), available [here](#).

<sup>44</sup> Ibid.

<sup>45</sup> US Department of State, above n 2424.

<sup>46</sup> Social Insurance Law 2014 available [here](#).

<sup>47</sup> Children's Law 2016 available [here](#); Stephen Kidd et al., 'Social Assistance in Viet Nam: A Review and Proposals for Reform' (2016), available [here](#).

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.



## 4. National modern slavery context

### 4.1. Modern slavery profile

Modern slavery in its different forms remains a major challenge in Vietnam. Many Vietnamese men, women and children are subjected to forced labour, false marriages, and sexual exploitation within the country,<sup>51</sup> while others are trafficked to countries such as Cambodia, China, Hong Kong, Thailand, Macau, Malaysia, South Korea, Taiwan, and the United Kingdom for various exploitative purposes.<sup>52</sup> Many of the victims of domestic trafficking come from larger cities in the North as well as the South and Central Highland regions.<sup>53</sup> According to UN-ACT, foreigners trafficked to Vietnam primarily come from Cambodia.<sup>54</sup>

With regard to trafficking outflows, it is estimated that 75% of human trafficking cases relate to cross-border movement from Vietnam to China.<sup>55</sup> Traffickers also exploit a special relationship existing between Vietnam and Lao PDR in trafficking Vietnamese citizens for mineral extraction and forced marriage in Lao PDR.<sup>56</sup> Other victims end up in forced labour in factories and constructions sites or in cannabis farms in Europe.<sup>57</sup> Many Vietnamese citizens also migrate abroad through processes facilitated by state-owned and private labour export companies to work in the fishing, agriculture, and construction sectors.<sup>58</sup> Some private recruitment companies ignore victims' requests for assistance when exploited, while others charge excessive fees that trap workers in situations of debt bondage.<sup>59</sup>

Further, children from rural areas are often subjected to street hawking and forced begging.<sup>60</sup> Adults and children alike are exploited in the garment sector, where workers are forced to work under threats and intimidation.<sup>61</sup> There are reports that children as young as 6 are employed in privately owned companies to produce garments under forced labour conditions, while children as young as 12 work under confinement in rehabilitation centres operated by the government. Further, traffickers subject children to forced or bonded labour in brick kilns and in urban family homes, while children from ethnic minority groups in the northwest highlands are subjected to different forms of exploitation, including sex trafficking and domestic servitude.<sup>62</sup> Traffickers are also increasingly moving online luring victims on internet platforms. Government representatives have specifically noted that the majority of trafficking victims are aged between 15-30 years, of which 90% are women and 80% are members of ethnic minority groups.<sup>63</sup> Overall, modern slavery thrives in Vietnam partly because of widespread corruption, including at checkpoints and border crossings.<sup>64</sup>

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<sup>51</sup> IOM et al, 'Vulnerability to Human Trafficking: A Study of Viet Nam, Albania, Nigeria and the UK Report of Shared Learning Event held in Hanoi, Viet Nam' (2017) 29, available [here](#).

<sup>52</sup> Liberty Asia, 'Legal gap analysis of anti-trafficking legislation in Vietnam' (2018), available [here](#).

<sup>53</sup> IOM et al, above n 5151.

<sup>54</sup> UN-ACT, 'Vietnam', available [here](#).

<sup>55</sup> IOM et al, above n 51.

<sup>56</sup> Ibid.

<sup>57</sup> Liberty Asia, above n 52.

<sup>58</sup> UN-ACT, 'Vietnam', above n 54.

<sup>59</sup> US Department of State (2019), above n 12, 501.

<sup>60</sup> UN-ACT, 'Vietnam', above n 54.

<sup>61</sup> US Department of State (2019), above n 12, 501.

<sup>62</sup> Ibid.

<sup>63</sup> UK Home Office, above n 25.

<sup>64</sup> UN-ACT, 'Vietnam', above n 54.



## 4.2. Causes and drivers of modern slavery and transnational trafficking

The causes and drivers of modern slavery in Vietnam are varied and often overlapping. Some of the key determinants include poverty, low levels of education, cultural practices that enable forced marriage and limited options for legal migration.<sup>65</sup> Illiteracy, lack of awareness and sensitisation are other factors leading many to become victims of trafficking.<sup>66</sup> Further, inefficient management of certain public agencies including border guards, immigration, and weak processes of child adoption has created opportunities for traffickers.<sup>67</sup>

The direct and indirect involvement of the Communist Party and state officials in the sex industry also creates a climate of impunity, which increases the vulnerabilities of women and girls to exploitation. There is evidence that many prostitution rings in the country are run by corrupt public officials, who often demand payment from sex workers in return for protection.<sup>68</sup> Also, underlying poverty and beliefs that overseas jobs are more lucrative are driving poorer Vietnamese to seek alternative opportunities abroad.<sup>69</sup> Many of these victims borrow huge sums of money from lenders who are often associated with trafficking networks and then become trapped in debt bondage.<sup>70</sup> Also, social pressures at the community level are important drivers of modern slavery; as other members of the community usually follow existing patterns of migration unaware of the risks involved.<sup>71</sup>

## 4.3. Particularly vulnerable groups

The majority of trafficking victims in Vietnam are members of ethnic minority groups and individuals residing in poor mountainous areas along the border.<sup>72</sup> Men from ethnic minority groups are susceptible to different forms of trafficking, especially forced labour in brick factories and mines in China,<sup>73</sup> while women and girls from ethnic minority communities in the northwest highlands are often subjected to sex trafficking and domestic servitude.<sup>74</sup>

Women with no support networks may be particularly vulnerable to modern slavery.<sup>75</sup> Women and girls are usually susceptible to trafficking than men due to unequal power relations and socio-economic factors. These individuals are often trafficked for sexual exploitation abroad to countries like China, Singapore, and South Korea, while others are sold to brothels or forced to work in manufacturing sectors.<sup>76</sup> A growing demand for virgins and children in prostitution is also increasing the vulnerabilities of children, especially in sex tourism.<sup>77</sup>

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<sup>65</sup> IOM et al, above n 51, 6.

<sup>66</sup> Le Thi Hoa, 'Repatriation and Reintegration of Trafficked Victims: The Case of Vietnam' (2013) 48, available [here](#).

<sup>67</sup> Ibid.

<sup>68</sup> UK Home Office, 'Country Policy and Information Note Vietnam: Victims of trafficking' (2018) 22, available [here](#).

<sup>69</sup> Leah Davison, 'Dangerous journeys: tackling Vietnamese trafficking' (2018), available [here](#).

<sup>70</sup> Ibid.

<sup>71</sup> IOM et al, above n 51, 35.

<sup>72</sup> UK Home Office, 'Country Policy and Information Note Vietnam: Victims of trafficking' (2020) 16, available [here](#).

<sup>73</sup> UN-ACT, 'Vietnam', above n 54.

<sup>74</sup> US Department of State (2019), above n 12, 501.

<sup>75</sup> UK Home Office, 'Country Policy and Information Note Vietnam: Victims of trafficking', (2018), n 72, 10

<sup>76</sup> Ibid, 15

<sup>77</sup> Ibid.

## 5. Antislavery governance frameworks

### 5.1. Legislative measures

#### 5.1.1. Constitution of Vietnam<sup>78</sup>

The Vietnamese constitution guarantees the freedom of movement of every citizen and prohibits all forms of exploitative labour, including child labour and forced labour. Article 23 of the constitution specifically states that 'The citizen shall enjoy freedom of movement and of residence within the country; and can freely travel abroad and return home from abroad. The exercise of these rights shall be provided by the law'; while article 35(3) stipulates that 'Discrimination, forced labour and employment of workers under minimum age of labour are strictly prohibited.'

#### 5.1.2. Law on the Prevention of and Combat against Human Trafficking 2011<sup>79</sup>

The anti-trafficking legislation defines and prohibits three distinct forms of exploitation: sexual exploitation, sexual slavery, and forced labour. Article 3(2) of the law specifically prohibits 'Transferring or receiving persons for sexual exploitation, forced labour or removal of human organs or other inhuman purposes.' The core trafficking prohibition contained in the statute has however been repealed and superseded by the 2015 Criminal Code.

#### 5.1.3. Criminal Code 2015<sup>80</sup>

Articles 150 of the Criminal Code criminalises labour and sex trafficking with a penalty of 5 to 10 years imprisonment and fines ranging from VND 20,000,000 to VND 100,000,000. The penalty is 5 to 8 years imprisonment where the offence is committed by an organised group or where the victim suffers significant physical, mental or behavioural disability. Article 151 further prohibits trafficking of persons below the age of 16 years with a penalty of 7 to 12 years imprisonment and fines ranging from VND 50,000,000 to VND 200,000,000. The offense attracts 18 - 20 years or life imprisonment where it is committed by an organised criminal group or where it results in significant disability or death of the victim.

The content of article 150 is generally inconsistent with international law, as the provision seems to apply to children ages 16 and below 18. The article does not indicate that relevant means are not required to be proved for these categories of children.<sup>81</sup> The 2019 TIP report however notes that the Vietnamese Supreme People's Court has issued a circular highlighting the trial procedures for proceedings involving children below 18 years, in order to achieve child-friendly trials.<sup>82</sup>

#### 5.1.4. Labour Code 2019<sup>83</sup>

Article 8(6) of the Labour Code prohibits making false employment promises or advertisements in order to subject victims to human trafficking, forced labour or exploitation in overseas employment. The employment of children in illegal activities is further prohibited in article 8(7).

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<sup>78</sup> Constitution of Vietnam available [here](#).

<sup>79</sup> Law on the Prevention of and Combat against Human Trafficking 2011 available [here](#).

<sup>80</sup> Criminal Code available [here](#).

<sup>81</sup> US Department of State (2019), above n 12, 499.

<sup>82</sup> Ibid.

<sup>83</sup> Labour Code available [here](#).

### 5.1.5. Children's Law 2016<sup>84</sup>

The legislation protects children from sexual abuse, including sexual exploitation and use of children for pornographic performances (art.25). The law further prohibits labour exploitation, including the use of children to perform dangerous and harmful work (art. 26); and trafficking of children (art. 28). However, article 1 of the Children's Law incorrectly defines a child as anyone below the age of 16 years.

## 5.2. Prosecution

The Vietnamese government identified 211 trafficking cases in 2018 involving 276 suspected traffickers. During 2017, the government identified 350 cases involving over 500 suspects; and 234 cases in 2016 involving 308 suspected traffickers. The authorities reported prosecuting 194 defendants for trafficking offenses in 2018 while securing 213 convictions. Some 245 suspected traffickers were prosecuted in 2017 resulting in 244 convictions; 295 persons were prosecuted in 2016 with 275 convictions.<sup>85</sup>

Between 2012 to June 2015, the government recorded 1,663 human trafficking cases and prosecuted 1,456 persons under the criminal code, leading to 270 convictions on appeal.<sup>86</sup> During this period, some 3,429 trafficking victims were detected.<sup>87</sup> As earlier indicated, a new circular has been issued by the Supreme Court to avoid misclassification of children as adults and to achieve child-friendly proceedings. Nevertheless, there is evidence of interference from powerful politicians, which undercuts the independence of the judiciary. Bribery and corruption are other factors limiting the efficiency of the judicial system.<sup>88</sup> The 2019 US TIP report further notes that 'despite continued reports of official complicity, the government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses.'<sup>89</sup>

## 5.3. National policies and plans

The Vietnamese government has adopted a number of policies and action plans for combatting modern slavery with particular attention paid to trafficking in persons and child labour. Some of the action plans are briefly examined below.

### 5.3.1. The National Anti-Trafficking Action Plan (2016-2020) <sup>90</sup>

The action plan creates a framework for detecting, investigating and prosecuting trafficking offences; and has the broader objective of reducing human trafficking risks and crimes and achieving the safe and orderly return of victims. It further aims to create social awareness at individual and family levels on the risks of human trafficking, while attempting to achieve international cooperation on trafficking prevention. However, since its inception, the government has not allocated sufficient funding to carry out the plan; lack of inter-ministerial cooperation has also hindered effective implementation.<sup>91</sup>

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<sup>84</sup> Children's Law 2016 available [here](#).

<sup>85</sup> Ibid.

<sup>86</sup> UNODC Report, 'East Asia and the Pacific' (2018), available [here](#).

<sup>87</sup> Ibid.

<sup>88</sup> US Department of State, '2018 Country Reports on Human Rights Practices: Vietnam' (2018), available [here](#).

<sup>89</sup> US Department of State (2019), above n 12, 499.

<sup>90</sup> The National Anti-Trafficking Action Plan (2016-2020) available [here](#).

<sup>91</sup> Consistently reported in the TIP Reports 2017-2019.

### 5.3.2. Program for Prevention and Minimisation of Children's Labour (2016-2020)<sup>92</sup>

The program aims to prevent and reduce the labour exploitation of children in different sectors, and to ensure a timely intervention which could facilitate their re-integration into society and create opportunities for development. The program further aims to raise awareness at all levels, including within public and private sectors as well as households, on the risks of child labour. Also, the program seeks to encourage rural employers and those in the informal sector on ways to improve working conditions for children in conformity with relevant laws.

The development of a pilot model to reduce child labour and enhance the skills of vulnerable children is also envisaged in the program. Broader support for children will take the form of vocational training and education, while assisting the child's family in a way that would create stability and sustainable income.

National anti-trafficking efforts are also guided by the regional 'Coordinated Mekong Ministerial Initiative against Trafficking' (COMMIT), a high-level policy dialogue in the Greater Mekong Sub-region, which officially launched 2005 in recognition that countries cannot effectively combat human trafficking on a unilateral basis. Among other things, member states aim to join forces to prevent trafficking, prosecute perpetrators as well as protect victims from exploitation.<sup>93</sup> COMMIT membership is composed of Cambodia, China, Laos, Myanmar, Thailand and Vietnam.<sup>94</sup>

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime is another regional initiative, which influences anti-trafficking responses at the national level. The Bali Process is a 49-member body established in 2002 to raise national and regional awareness on the risks of people smuggling and trafficking.<sup>95</sup>

## 5.4. National institutions and inter-departmental coordination

Article 41(2) of the 2011 anti-trafficking law mandates the Ministry of Public Security to lead anti-trafficking efforts in Vietnam. The Ministry is tasked with coordinating with other bodies listed in article 41(3), including the Ministry of National Defence, the Ministry of Labour, Invalids and Social Affairs, the Ministry of Health, and the Ministry of Foreign Affairs. Others include the Ministry of Justice, the Ministry of Culture, Sports and Tourism, the Ministry of Education and Training, the Ministry of Information and Communications and other ministries and ministerial-level agencies.

The specific roles of the ministries are spelt out in chapter V of the 2011 law. The specific roles of the Ministry of Public Security include proposing effective anti-trafficking laws, supervising relevant action plans, coordinating with other ministries, and developing efficient strategies for international cooperation.<sup>96</sup> On its part, the Ministry of Labour, Invalids and Social Affairs is mandated to formulate coherent victim support policies for the country, adopt poverty reduction measures and address issues related to gender inequality. The Ministry is further

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<sup>92</sup> Program for Prevention and Minimisation of Children's Labour (2016-2020) available [here](#).

<sup>93</sup> IOM, 'Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT Process)', available [here](#).

<sup>94</sup> Ibid.

<sup>95</sup> The Bali Process, available [here](#).

<sup>96</sup> Article 42 2011 Anti-trafficking law.

mandated to set up strategies to protect Vietnamese workers abroad and guide the recruitment of foreign workers in Vietnam to prevent human trafficking.<sup>97</sup>

Beyond the existence of statutory bodies, the 2019 US TIP report however notes that a 'lack of interagency coordination and unfamiliarity among some provincial officials with anti-trafficking law and victim protection continued to impede anti-trafficking efforts.'<sup>98</sup> Poor interagency coordination is reportedly leading to low identification of victims.<sup>99</sup> Also, a lack of coordination across provincial-level agencies, underfunding, and confusion about the roles and responsibilities of relevant provinces hinder effective law enforcement efforts.<sup>100</sup>

## 5.5. Victim support and assistance frameworks

The 2011 anti-trafficking law provides a framework for supporting and assisting trafficking victims in Vietnam. Article 4 of the law states that, rescuing, protecting, receiving, verifying and supporting victims promptly forms part of the principles of prevention and combat of human trafficking. Article 24(1) of the law provides that trafficking victims or their representatives may lodge a trafficking report with the commune-level People's Committee. The commune-level People's Committee is required to promptly report the incident to the district-level Labour, War Invalids and Social Affairs Division. Article 24(2) further mandates district-level Labour, War Invalids and Social Affairs Divisions to receive and assist relevant victims and coordinate with the police within 3 days of receiving a complaint.

Vietnamese diplomatic missions abroad are tasked with receiving and processing information and documents on Vietnamese trafficking victims while working in concert with the Ministry of Public Security to verify their status and process their repatriation. On their return to Vietnam, the Ministry of Public Security or the Ministry of National Defence is mandated to receive the victim and provide guidance on how to access support and assistance in accordance with the law (art. 26). Vietnamese victims as well as stateless persons residing permanently in Vietnam are entitled to a range of support including medical and psychological support, legal aid, education and vocational training, difficulty allowance as well as loan support (art. 32).

In practice, the Ministry of Labour, Invalids and Social Affairs provides protection and reintegration support to victims and operates around 400 social protection centres across the country.<sup>101</sup> Many of the centres are however, understaffed and underfunded while others lack well-trained personnel to assist victims. Also, there are no separate shelters for children, female or male victims.<sup>102</sup> Further, the shelters do not specifically cater to trafficking victims but are designed to attend to all vulnerable individuals in general.<sup>103</sup> Although victims are legally allowed to stay in the shelters for up to 60 days, there is evidence that most do not stay in the shelters for long but prefer to return to their families.<sup>104</sup> Victims leaving the shelters are usually assisted with information on finding jobs, studying and avenues for accessing credit facilities

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<sup>97</sup> Article 44 2011 Anti-trafficking law

<sup>98</sup> US Department of State (2019), above n 12, 498

<sup>99</sup> Ibid 499

<sup>100</sup> Ibid

<sup>101</sup> Ibid 500.

<sup>102</sup> Ibid

<sup>103</sup> UK Home Office, above n 2525, 20.

<sup>104</sup> Ibid 21

should they wish to start up a business.<sup>105</sup> The 2019 US TIP Report similarly notes that the Vietnamese government provided assistance to all 490 victims identified in 2018. The assistance offered included counselling, medical consultations, legal aid, as well as financial assistance.<sup>106</sup>

Further, the Ministry of Labour, Invalids and Social Affairs provides a 24-hour hotline service for trafficking victims, which reportedly received 2,010 calls in 2018 and 2700 in 2017. This resulted in the referral of 30 cases to relevant government agencies and NGOs in 2018 (65 cases referred in 2017). The government also provides hotline services in ethnic minority languages including English, to support the most vulnerable individuals.<sup>107</sup> From 2011 to 2015, the government assisted with the reintegration of 2213 victims back into their communities.<sup>108</sup> Apart from government support, organisations such as IOM also provide financial assistance as well as physical and mental health support to repatriated victims of trafficking.<sup>109</sup>

## 5.6. Training and capacity-building for responders

The government is making efforts to prevent trafficking in persons by introducing a range of capacity building programmes for members of the police force and other public officials. Newly recruited police generally take anti-trafficking modules to enhance their capacity.<sup>110</sup> The Ministry of Public Security organised 12 trainings for 500 police officers in 2018.<sup>111</sup> Also, the government organised trainings for embassy officers prior to their departure for foreign missions.<sup>112</sup> The Ministry of Foreign Affairs also organised workshops on international migration and human trafficking prevention to improve the capacity of its officials and other relevant actors in the country.<sup>113</sup> Nevertheless, the 2019 TIP report notes that 'some diplomatic personnel reportedly lacked sufficient training to adequately assist victims.'

## 5.7. Public awareness raising

The Vietnamese authorities employ different channels to raise awareness on the risks of modern slavery. In 2018, the Women's Union and the Ministry of Information and Communication jointly organised anti-trafficking awareness campaigns targeting high-risk groups such as agricultural workers, female migrants, and construction workers. The authorities further distributed 25,000 leaflets and awareness materials in border locations as well as 900 handbooks in communities particularly vulnerable to trafficking.<sup>114</sup> Further, the authorities have organised a series of workshops and produced adverts and media campaigns specifically targeting individuals susceptible to modern slavery across the country.<sup>115</sup> During

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<sup>105</sup> Ibid.

<sup>106</sup> US Department of State (2019), above n 12, 500.

<sup>107</sup> Ibid.

<sup>108</sup> Tien Hoang Le et al., 'Inter-Agency Cooperation to Raise Awareness on Human Trafficking in Vietnam: Good Practices and Challenges' (2018) 13 *Asian Journal of Criminology* 266.

<sup>109</sup> UK Home Office, above n 2525, 22

<sup>110</sup> Ibid, 96.

<sup>111</sup> US Department of State (2019), above n 12, 499.

<sup>112</sup> Ibid, 498.

<sup>113</sup> Ibid, 500.

<sup>114</sup> Ibid.

<sup>115</sup> UK Home Office, above n 2525, 9.

2018, the Ministry of Information and Communications aired over 700 documentaries and news items on trafficking risks.<sup>116</sup>

Nevertheless, awareness-raising efforts are sometimes limited by funding constraints.<sup>117</sup> Some CSOs in the country have further noted that while efforts are made to translate campaign materials into local languages, many vulnerable populations find the information difficult to comprehend.<sup>118</sup>

## 5.8. Efforts to address vulnerabilities and drivers

The government is taking steps to address the drivers of modern slavery in Vietnam. The 2016-2020 anti-trafficking action plan, for instance, engage with issues such as poverty alleviation and the need for awareness creation to mitigate the risks of exploitation. The prosecution of suspected traffickers is another strategy highlighted in the action plan, which could discourage potential traffickers if well implemented.

Further, the government's Merits payment and social insurance transfer programs aims to respond to widespread poverty, which is one of the key drivers of modern slavery. However, complicity by government officials both in running trafficking rings or influencing judicial decisions seem to be undermining broader efforts to address modern slavery drivers.

## 5.9. Frameworks for international coordination

The Vietnamese government has concluded a number of bilateral and multilateral agreements for preventing trafficking and protecting victims. In 2018, the government concluded an agreement with the United Kingdom to improve law enforcement coordination, and another with the Republic of Korea to enhance cooperation between judicial officials, including training of Vietnamese officials.<sup>119</sup> At the regional level, the 'MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region', encourage member states to strengthen anti-trafficking work, by adopting a definition of trafficking consistent with the Palermo Protocol and strengthening institutional mechanisms within each country. The multilateral framework also encourage members to create mechanisms to advance regional coordination and information sharing on human trafficking.<sup>120</sup>

In 2010, the government concluded an MOU with China: 'Agreement between the Government of the Socialist Republic of Vietnam and the Government of the People's Republic of China on Strengthening Cooperation on Preventing and Combating Human Trafficking'.<sup>121</sup> The agreement, *inter alia*, seeks to strengthen coordination between the Vietnamese and Chinese governments in the areas of crime prevention, information sharing, formulation of a coherent strategy to identify victims of transnational human trafficking, and joint training of officials. Protection of trafficking victims and safe repatriation to origin country is also a key aspect of the MOU.<sup>122</sup>

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<sup>116</sup> US Department of State (2019), above n 12, 500.

<sup>117</sup> UK Home Office, above n 2525, 9.

<sup>118</sup> US Department of State (2019), above n 12, 500.

<sup>119</sup> *Ibid*, 499.

<sup>120</sup> MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region, available [here](#).

<sup>121</sup> Agreement between the Government of the Socialist Republic of Vietnam and the Government of the People's Republic of China on Strengthening Cooperation on Preventing and Combating Human Trafficking, available [here](#).

<sup>122</sup> *Ibid*.



Vietnam has also concluded bilateral agreements with neighbouring countries to prevent human trafficking and other transnational crimes. Examples include Agreement between the Government of the Socialist Republic of Viet Nam and the Government of Malaysia on the Co-operation in Preventing and Combating Transnational Crimes; Cooperation Agreement Between the Government of the Kingdom of Cambodia and the Government of the Socialist Republic of Vietnam on Standard Operating Procedures (SOPs) for the Identification and Repatriation of Trafficked Victims (2009). Other bilateral documents include, Agreement between The Royal Government of Cambodia and the Government of The Socialist Republic of Vietnam on Bilateral Cooperation Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005); Agreement between Cambodian and Vietnamese Police (2007).<sup>123</sup>

Over time, the government has sent its official delegation to participate in joint investigations in Poland, Kazakhstan, Russia, Thailand, Singapore and the United Kingdom. It has also routinely sent delegations to Cambodia, China, and Laos for rescue operations.<sup>124</sup> In 2017, the United Kingdom cooperated with Vietnamese authorities to organise a seminar introducing the UK Modern Slavery Act to support and advise Vietnamese authorities on technology and experience.<sup>125</sup> Despite the many bilateral agreements concluded, full implementation however appears to be an ongoing challenge.<sup>126</sup>

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<sup>123</sup> For a list of international agreements between Vietnam and other countries, see: <<http://un-act.org/laws-agreements-download/>> accessed 17 June 2020.

<sup>124</sup> US Department of State, '2017 Trafficking in Persons Report' (*US Department of State*, 2017), <<https://www.state.gov/wp-content/uploads/2019/02/271339.pdf>> accessed 13 July 2020, 426.

<sup>125</sup> UK Home Office, 'Report of a Home Office fact-finding mission to Vietnam', above n 25, 96.

<sup>126</sup> UN-ACT, 'Vietnam', above n 54.

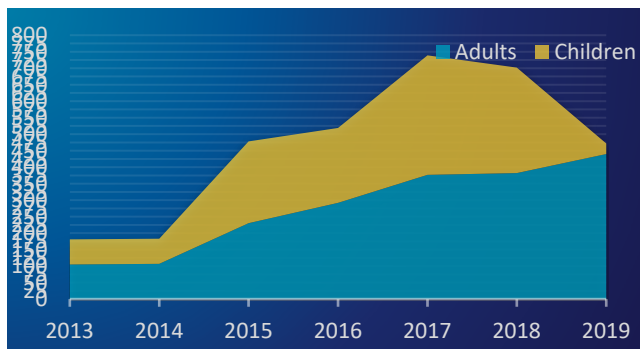


## 6. Experiences of modern slavery of Vietnamese nationals in the UK

### 6.1. Vietnamese nationals in the UK National Referral Mechanism

Vietnamese nationals have consistently been in the top twenty nationalities represented in National Referral Mechanism referrals, typically represented more than 10% of all referrals. The number of Vietnamese nationals referred into the NRM has varied from 181 potential victims referred in 2013, up to 887 referrals in 2019. Adults have usually made up the majority of Vietnamese nationals referred into the NRM, although children are referred in a relatively high proportion, with between 76 (2013 and 2014) and

Number of Vietnamese nationals referred into the NRM by age at time of exploitation

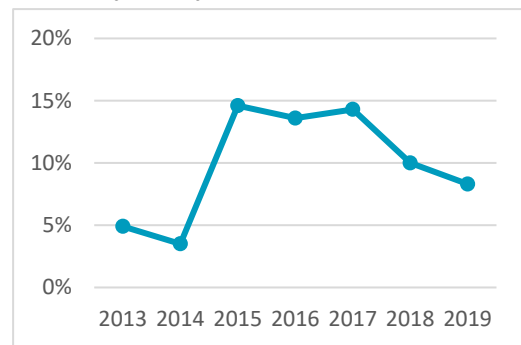


exploitation, with only a small proportion of Polish potential victims recorded as having experienced domestic servitude or sexual exploitation. While gender data was not disaggregated by nationality from 2015-2019, NRM reports included such data in the 2013 and 2014 reports. In these years, the majority of Polish nationals referred into the

Proportion of potential victims referred into the NRM that are Vietnamese nationals

427 (2019) Vietnamese nationals referred who were minors at the time of their exploitation from 2013-2019.<sup>127</sup>

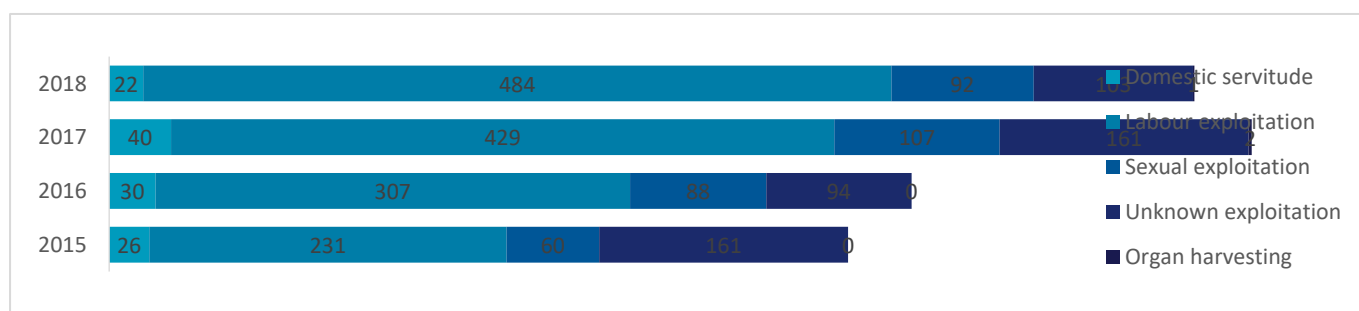
Vietnamese nationals referred into the NRM typically experience labour



<sup>127</sup> Home Office, 'National Referral Mechanism Statistics UK: End of Year Summary 2019: Data tables' 2<sup>nd</sup> edn available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2018' (2019) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2017' (2018) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2016' (2017) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2015' (2016) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2014' (2015) available [here](#); National Crime Agency, 'United Kingdom Human Trafficking Centre: National Referral Mechanism Statistics 2013' (2014) available [here](#).

UK NRM were male (55% in 2013 and 65% in 2014)—consistent with the trend of victims of labour exploitation being majority male.

Number of Vietnamese nationals referred into the NRM by exploitation type<sup>128</sup>



## 6.2. Typical journeys from Vietnam to the UK for trafficking victims

The journeys from Vietnam to the UK are generally varied in terms of the routes taken to the destination country. However, there are some typical elements of the journeys that Vietnamese nationals experience, for example being subject to exploitation, abuse and poor travelling conditions.<sup>129</sup> Despite the large number of routes taken one of the most common is Russia which is considered a 'gateway country'. Often forced labour begins here as people start to pay off their initial debts before being moved through the rest of Europe to the UK. Vietnamese people being trafficked can end up being in Russia for months or even years, working to pay off tiny amounts of their debts.<sup>130</sup>

One aspect of the journey from Vietnam to the UK that seems to be typical is the dangerous methods of transport that are used. Many accounts of the journeys taken involved experience of travelling in a series of refrigerated lorries as well as there being an expectation for parts of the journey to be made on foot.<sup>131</sup> An event that occurred in October 2019 where 39 Vietnamese nationals were found deceased in the back of a refrigerated lorry highlights the danger of this way of travelling. The driver was charged with manslaughter however this method of transporting Vietnamese nationals still seems to be typical.<sup>132</sup>

There have also been reports of violence, or threats of violence being typical on journeys from Vietnam to the UK. This can occur in many ways; the labour exploitation people are subject to on route can be interpreted as an act of violence, travellers are also at risk of sexual exploitation. Vietnamese nationals making this journey are also subject to general violence at the hands of their smugglers, with some being abused so badly they don't survive the journey.<sup>133</sup>

<sup>128</sup> Ibid. Note that exploitation type data is not disaggregated by nationality in the 2013, 2014, or 2019 data and these years are therefore excluded.

<sup>129</sup> Debbie Beadle, Leah Davison (Anti-slavery International, ECPAT, Pacific Links Foundation), 'Precarious Journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe' (2019) 57, available [here](#); Patricia Hynes et al, 'Between two Fires: Understanding Vulnerabilities and the Support needs of People from Albania, Viet Nam and Nigeria Who Have Experienced Human Trafficking into the UK' (University of Bedfordshire, International Organisation for Migration, Institute of Applied Social Research, 2019) 10, available [here](#).

<sup>130</sup> Debbie Beadle, Leah Davison (Anti-slavery International, ECPAT, Pacific Links Foundation), above n 129, 60; Patricia Hynes et al, above n 129, 70-71.

<sup>131</sup> Daniel Silverstone, Stephen Savage, 'Farmers, Factories And Funds: Organised Crime And Illicit Drugs Cultivation Within The British Vietnamese Community' (2010) 11 (1) *Global Crime* 16, 24.

<sup>132</sup> United States Department of State (2020), above n 12, 512, 513.

<sup>133</sup> Patricia Hynes et al, above n 129, 76, 77.

### 6.3. Experiences of exploitation and working conditions

The experiences of exploitation and working conditions to which Vietnamese nationals are subjected in the UK have been less well documented. The most common employment types those coming from Vietnam end up in are factory jobs, construction work, brothels, domestic servitude, nail salons. The central issues reported seem to be applicable to most lines of work Vietnamese people find themselves in. In general, the working and living conditions are poor and often do not meet legal standards, with little or sometimes no pay and the threat of violence if work is not completed.<sup>134</sup> In addition, many Vietnamese national are forced to carry out criminal activities, particularly on cannabis farms.<sup>135</sup>

### 6.4. Consequent effects of trafficking on survivors

The effects of trafficking on Vietnamese nationals present in two main ways the first being psychological effects of the dangerous journey and subsequent poor living conditions.<sup>136</sup> The second being the fact that many trafficked Vietnamese people are ending up with criminal records because of the work they end up in.<sup>137</sup>

Some reports from Vietnamese nationals who have been trafficked indicate that they struggled with mental health issues during and after their time in the UK. Initially the journey from Vietnam to the UK can trigger psychological issues rooted in fear of the travelling methods and feelings of lack of control during the journeys; many of those interviewed saw their journey to the UK as the most dangerous thing they had ever experienced.<sup>138</sup> There are also known to be negative psychological effects for trafficked people during their time in the UK because of the UK's National Referral Mechanism and asylum system. Both of which have long waiting times and are not always effective which can again lead to foreign nationals feeling like they have little control over the lives and instilling fears that their claims or experiences may not be believed.<sup>139</sup>

Another more tangible effect of trafficking on survivors from Vietnam to the UK is the fact that many return to Vietnam or try to stay in the UK with a British criminal record. As those that are forced to undertake illegal activity whilst in the UK, such as cannabis farming, are often treated as offenders rather than as victims of modern slavery.<sup>140</sup> After they serve their time in UK prisons, their subsequent criminal record can affect their right to remain in the UK and have negative effects on any future job prospects.<sup>141</sup>

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<sup>134</sup> Debbie Beadle, Leah Davison (Anti-slavery International, ECPAT, Pacific Links Foundation), above n 129, 65; Amelia Gentleman, 'Slavery Report Sounds Alarm Over Vietnamese Nail Bar Workers' *The Guardian* (2017), available [here](#); US Department of State (2020), above n 12.

<sup>135</sup> Amelia Gentleman, 'Slavery Report Sounds Alarm Over Vietnamese Nail Bar Workers' *The Guardian* (2017), available [here](#); <sup>135</sup> Debbie Beadle, Leah Davison (Anti-slavery International, ECPAT, Pacific Links Foundation), above n 129, 65, 113; Adam Ramiz, Paul Rock, Heather Strang, 'Detecting Modern Slavery on Cannabis Farms: The Challenges of Evidence' (2020) *Cambridge Journal of Evidence-Based Policing*.

<sup>136</sup> Patricia Hynes et al, above n 129, 11.

<sup>137</sup> Debbie Beadle, Leah Davison (Anti-slavery International, ECPAT, Pacific Links Foundation), above n 129, 114.

<sup>138</sup> Patricia Hynes et al, above n 129, 103.

<sup>139</sup> *Ibid*.

<sup>140</sup> *Ibid*, Adam Ramiz, Paul Rock and Heather Strang, above n 135.

<sup>141</sup> Debbie Beadle, Leah Davison (Anti-slavery International, ECPAT, Pacific Links Foundation), above n 129, 114, 119; Adam Ramiz, Paul Rock and Heather Strang, above n 135.

## 6.5. Particular needs, requirements, and considerations for support and engagement of Vietnamese survivors in the UK

There are some specific needs, requirements and considerations that need to be acknowledged when helping Vietnamese survivors in the UK, such as the language and cultural barriers, ante the fact that many Vietnamese trafficking victims do not see themselves as victims and therefore are harder to help.<sup>142</sup> Thus, tactics such as raid and rescue operations to try and liberate trafficked individuals from Vietnam are ineffective as many do not want to be rescued. So different and innovative ways of helping Vietnamese nationals need to be explored rather than using methods that focus on a rescue approach.<sup>143</sup>

Furthermore, since many are engaged in criminal activities, it is important to increase people's ability to recognise modern slavery victims so as they are not treated as criminals.<sup>144</sup> Many Vietnamese victims are being treated as offenders by the UK system even when they had shown indicators of being trafficking victims.<sup>145</sup> The criminalisation of victims also allows the traffickers to escape prosecution by letting the trafficked take the blame, which creates a vicious cycle.<sup>146</sup> This threat of prosecution and fear of being reported to the Home Office also prevents victims from coming forward and getting the help they need.

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<sup>142</sup> Debbie Beadle, Leah Davison (Anti-slavery International, ECPAT, Pacific Links Foundation), above n 129, 121-122; Adam Ramiz, Paul Rock and Heather Strang, above n 135; Patricia Hynes et al, above n 129, 110; Nicolas Lainez, 'Modern Vietnamese Slaves in the UK: Are Raid And Rescue Operations Appropriate?' *OpenDemocracy* (2017), available [here](#).

<sup>143</sup> Nicolas Lainez, above n 142.

<sup>144</sup> Patricia Hynes et al, above n 129.

<sup>145</sup> *Ibid*.

<sup>146</sup> Annie Kelly and Amelia Gentleman, 'Lorry Deaths: Police Face Trust Problem Over Appeal To Vietnamese Migrants' *The Guardian* (2019), available [here](#).

## 7. The impact of COVID-19

### 7.1. Government's Response to COVID-19

Compared to other countries where the global pandemic has had a devastating impact, Vietnam has been largely spared of the deadly virus, primarily owing to the government's proactive response. Although Vietnam shares a long border with China, where the virus originated, to date, no COVID-19 related death has been recorded in the country.<sup>147</sup> The authorities prepared well in advance before recording its first case of infection on 23 January. Earlier in January, the Health Ministry issued a guideline on outbreak prevention to government agencies and medical centres across the country.<sup>148</sup> With a surge in infection rates in neighbouring China, the Vietnamese authorities imposed an entry ban on Chinese tourists on 28 January,<sup>149</sup> and further imposed a 14-day quarantine on foreign arrivals on 21 March.<sup>150</sup> Similarly, the Vietnamese Prime Minister Nguyen Xuan Phuc signed Directives No 15 and 16 during late March introducing social distancing measures nationwide.<sup>151</sup> Through the Ministry of Science and Technology, the government provided funding to the Military Medical University and Viet A Company to produce testing kits. The government has also adopted a variety of measures to support the economy, including through bank loan restructuring and exemption from loan interest payments.<sup>152</sup> In particular, the State Bank of Vietnam (SBV) has revised its policy to allow commercial banks restructure loan maturities to assist businesses in sectors that are most affected by travel restrictions, including in textile, garment, electronics, tourism and transportation sectors.<sup>153</sup> Further, assistance packages are developed to support vulnerable workers, including \$2.7 billion palliative for 20 million employees.<sup>154</sup>

The Vietnamese Prime Minister has approved a \$12.4 billion credit package to support businesses affected by the coronavirus, while the authorities are also aiming to dedicate around \$23 million from the central government budget to the health sector to support prevention efforts. The duration for paying taxes and land rent levies by individuals and businesses has also been extended by the government, an effort which is likely to benefit nearly all businesses.<sup>155</sup> Further, the government has issued a directive to suspend payment of social insurance for individuals affected by the pandemic until the end of June or December 2020, without charging any additional fees for late payment.<sup>156</sup> Additionally, from April to June, the government transferred \$43 monthly to poor and vulnerable households, and provided income security support of \$43 to workers without employment contracts and employees laid off who are not eligible for unemployment insurance.<sup>157</sup>

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<sup>147</sup> Sorwar Alam, 'Vietnam: A success story in fight against COVID-19' (2020), available [here](#).

<sup>148</sup> Minh Vu and Bich T. Tran, 'The Secret to Vietnam's COVID-19 Response Success' (2020), available [here](#).

<sup>149</sup> Sorwar Alam, above n 147.

<sup>150</sup> Ibid.

<sup>151</sup> Minh Cuong Duong, 'The impacts of COVID-19 on Vietnam and ways to move forward' (2020), available [here](#).

<sup>152</sup> Sorwar Alam, above n 147.

<sup>153</sup> ILO, 'Country Policy Responses: Vietnam' (2020), available [here](#).

<sup>154</sup> Sorwar Alam, above n 147.

<sup>155</sup> ILO, above n 153.

<sup>156</sup> KPMG, 'Vietnam: Government and institution measures in response to COVID-19' (2020), available [here](#).

<sup>157</sup> ILO, above n 153.

## 7.2. Impact of COVID-19 on Vietnamese workers and vulnerable population

Although measures taken to slow the spread of the coronavirus have been largely effective, there are nevertheless some economic consequences. The Vietnamese Ministry of Labour, Invalids and Social Affairs, has noted that around 7.8 million jobs have been lost or workers furloughed since the outbreak of the virus.<sup>158</sup> Also, more than 18,000 household businesses have closed down between January and April in Ho Chi Minh City alone.<sup>159</sup> The economic impact is also visible across different sectors, with the tourism and airline industries among the worst hit. State-owned Vietnam Airlines has for instance reported a loss of about US\$1.3 billion, while the country's tourism sector is expecting a loss of around \$7 billion.<sup>160</sup>

Restriction measures taken in other countries also create procurement challenges for Vietnamese factories relying on imported products.<sup>161</sup> Further, 80% of local wood exporters to the EU and US have received order cancellations or delays, while the garment industry is facing similar challenges.<sup>162</sup> These factors put local employees at risk of losing their jobs.<sup>163</sup> As many businesses have stalled, Vietnam's GDP growth is expected to fall from 7% in 2019 to 4% in 2020, reflecting the overall impact of the pandemic on the economy.<sup>164</sup> The livelihoods of individuals working in the informal sector are also threatened, as they generally lack the benefits attached to formal employment.<sup>165</sup>

With specific regard to modern slavery risks, an organisation providing support and assistance to trafficking victims in Vietnam has noted that border closure due to COVID-19 is affecting efforts to help victims escape slavery and sexual exploitation.<sup>166</sup> Further, survivors of human trafficking are facing an uncertain future after losing their jobs, with many requiring additional psychological help. A local charity in Hanoi has noted that, 'many survivors need more counselling and support now that they have lost their source of income and are concerned about their futures.'<sup>167</sup> The organisation further indicated that survivors face increased risks of re-trafficking while individuals from disadvantaged backgrounds are extremely vulnerable to trafficking, as criminal groups continue to prey on vulnerabilities.<sup>168</sup>

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<sup>158</sup> Vietnam Briefing, 'Vietnam Business Operations and the Coronavirus: Updates' (2020), available [here](#).

<sup>159</sup> Ibid.

<sup>160</sup> Minh Cuong Duong, above n 151.

<sup>161</sup> ILO, 'COVID-19 and the labour market in Viet Nam' (2020), available [here](#).

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Minh Cuong Duong, above n 151.

<sup>165</sup> ILO, above n 161.

<sup>166</sup> Will Neal, 'Corona Stalls Rescue of Vietnam's Trafficked Brides' (2020), available [here](#).

<sup>167</sup> UNODC, 'COVID-19: Victims of human trafficking left unemployed in Vietnam' (2020), available [here](#).

<sup>168</sup> Ibid.