



Home Office

Country Policy and Information Note

Vietnam: Victims of trafficking

Version 4.0

April 2020

Preface

Purpose

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

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

Assessment

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

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

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

Country of origin information

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

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

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

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

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

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

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

Feedback

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

Independent Advisory Group on Country Information

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

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

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

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Assessment

Updated: 21 April 2020

1. Introduction

1.1 Scope of this note

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

1.2 Points to note

1.2.1 Only expert decision makers in the UK's Single Competent Authority can decide whether or not there are reasonable grounds to accept the person as a victim of trafficking for the purpose of the Council of Europe Convention on Action against Trafficking in Human Beings. However, both Home Office decision makers and the court are able to take factual matters into account when making their findings in an asylum claim. If it has not already been done, decision makers dealing with the asylum claim must make an appropriate referral to the National Referral Mechanism (NRM). The case will then be routed to the 'Single Competent Authority' (see [Victims of human trafficking: competent authority guidance](#)).

1.2.2 The conclusive grounds decision will be included in any outstanding asylum decision made after that decision as a finding of fact on whether the person was a victim of human trafficking or modern slavery or not, unless information comes to light at a later date that would alter the finding on human trafficking or modern slavery.

1.2.3 The outcome of the reasonable or conclusive grounds decision is not indicative of the outcome of any asylum claim. A positive or negative reasonable or conclusive grounds decision on modern slavery does not automatically result in asylum being granted or refused. This is because the criteria used to grant asylum are not the same as the criteria used to assess whether a person is a victim of modern slavery.

1.2.4 When the Single Competent Authority has issued a positive conclusive grounds decision in a case where the person has also claimed asylum, this should be afforded appropriate weight when considering future risk of persecution. Further, where there has been a negative finding by the Single Competent Authority, considerable weight can be placed on this. In these scenarios, because the Single Competent Authority's findings are subject to a higher standard of proof and are findings as to past treatment, it remains open to asylum decision makers to make different findings for the purpose of the asylum claim and future risk.

1.2.5 Information for decision makers to help them decide whether a person referred under the National Referral Mechanism (NRM) is a victim of trafficking is available in [Victims of modern slavery - competent authority guidance](#).

- 1.2.6 In cases where a ‘positive conclusive grounds’ decision has been made, a grant of discretionary leave may be considered. For further information, see [Discretionary leave considerations for victims of modern slavery](#).

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2. Consideration of issues

2.1 Credibility

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

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2.2 Exclusion

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

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2.3 Refugee convention reason

- 2.3.1 Victims of trafficking from Vietnam form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention because they share an innate characteristic, or a common background that cannot be changed (their past experience of being trafficked) and have a distinct identity because it is perceived as being different by the surrounding society.
- 2.3.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person has a well-founded fear of persecution on account of their membership of such a group.
- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.4 Risk

- 2.4.1 In the reported case of [Nguyen \(Anti-Trafficking Convention: respondent's duties\) \[2015\] UKUT 170 \(IAC\)](#), heard on 19 September 2013 and 15 December 2014, and promulgated 25 March 2015, the Upper Tribunal held ‘If the appellant were able to return, a matter to which we shall have to return, she would not be a person of any adverse interest to the government,

and the chance of coming across her traffickers is very slight. The Anti-Trafficking Convention and Article 4 do not suggest that a victim of trafficking is unreturnable to the country from which they were trafficked. We consider that she has not shown that she faces a real risk of ill-treatment on return to Vietnam, whether on account of her previous experience as a victim of trafficking or otherwise' (Paragraph 51).

- 2.4.2 The Upper Tribunal also held that 'It has not been shown that the background evidence indicates that returning without her partner and with the children would place her at risk of breach of her Article 3 rights or that even if she is a member of a particular social group of trafficked women from Vietnam, she faces a real risk of harm on that account. It is speculative and no more to suggest that she would face a real risk of coming across her previous traffickers or that as a woman in the circumstances in which she would return she faced a real risk of being trafficked by someone else' (Paragraph 52).
- 2.4.3 Trafficking in human beings is illegal in Vietnam, but it remains a serious problem and is increasing. Article 150 of the penal code criminalises labour and sex trafficking but requires a demonstration of force, fraud or coercion in order to constitute a trafficking offence. This definition does not fully correspond with the internationally accepted definition of trafficking and in some instances may combine smuggling and human trafficking (see [Law](#)).
- 2.4.4 Human trafficking affects men, women and children, with persons trafficked for forced labour, sexual exploitation and marriage. Most trafficking victims in Vietnam are taken to China and are sold into prostitution, forced labour or marriages with Chinese men. In 2018 the government in Vietnam identified 490 victims of trafficking with the Ministry of Public Security (MPS) confirming that on average there are 300-400 cases of trafficking a year although the actual number is probably considerably higher than this (see [Prevalence](#) and [Trafficking victims](#)).
- 2.4.5 During the first quarter of 2019, figures show there were a total of 165 Vietnamese potential victim referrals within the UK. According to in country sources spoken to by the UK Home Office Fact-Finding team (UK HO FFT) victims of trafficking encountered in the UK are predominantly male with an average age of 35 with most of these victims coming to the UK to work. The Vietnamese government does not accept the international definition of trafficking, therefore many of those individuals who end up in the UK are viewed as economic migrants by the Vietnamese authorities (see [Prevalence](#) and [Trafficking victims](#)).
- 2.4.6 No in-country sources who spoke to the UK Home Office Fact-Finding team (HO FFT) were aware of any cases where victims had been re-trafficked. There is, however, some evidence that returnees may be at risk of re-trafficking or reprisals if they have outstanding debts. There is also some evidence to suggest that returned victims of trafficking experience discrimination and social stigma in their communities although this is not in general, sufficiently serious by its nature and repetition that it will reach the high threshold of persecution and/or serious harm (see [Risk of re-trafficking](#) and [Social stigma of trafficking victims](#)).

- 2.4.7 It is unlikely that a person would be re-trafficked once returned to Vietnam but a person's vulnerability may affect the likelihood of this happening so each case will need to be considered on its merits. The onus is on the person to demonstrate that their profile and circumstances are such that on return they would be vulnerable to abuse or re-trafficking which would amount to serious harm or persecution.
- 2.4.8 Factors that may increase the risk of being abused or re-trafficked include, but are not limited to:
- The person having an outstanding debt to the traffickers
 - The person knowing the trafficker
 - The absence of a supportive family willing to take the victim back into the family unit
 - The person having no other support network to assist them and material and financial deprivation such as to mean that they will be living in poverty or in conditions of destitution
 - No or little education or vocational skills
 - Mental health conditions, which may have been caused by experiences of abuse when originally trafficked
- 2.4.9 Decision makers must refer to the Country Policy and Information Note on [Vietnam: Fear of illegal moneylenders](#) where the case involves the return of victims who fear reprisals from traffickers owing to debt bondage.
- 2.4.10 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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2.5 Protection

- 2.5.1 In the reported case of [Nguyen \(Anti-Trafficking Convention: respondent's duties\) \[2015\] UKUT 170 \(IAC\)](#), heard on 19 September 2013 and 15 December 2014 and promulgated 25 March 2015, the Upper Tribunal stated that 'There is evidence, in the US State Department Report of 2010 [...] to support the respondent's conclusion in the decision letter that there is a sufficiency of protection provided by the authorities in Vietnam' (paragraph 52). The evidence for these findings was largely based on the US State Department Trafficking in Persons Report (USSD TiP report) on Vietnam of 2010 which stated that the Vietnamese government 'did not fully comply with the minimum standards for the elimination of trafficking' but was 'making significant efforts to do so'. Evidence from that report showed that the government were making efforts to combat cross-border sex trafficking and were able to protect some victims of trafficking although it failed to show evidence that they were able to afford protection to all victims of trafficking and were unable to show that they had progressed with prosecuting labour trafficking offenders.
- 2.5.2 Current evidence shows that the situation for trafficking victims in Vietnam remains largely the same as the 2010 USSD TiP report with the government

still 'not meeting the minimum standards for elimination of trafficking' but 'making significant efforts to do so' (see [Action to combat trafficking](#)).

- 2.5.3 Trafficking for sexual and labour exploitation is prohibited under the law. Articles 150 and 151 prescribe penalties for these offences ranging from 5 to 20 years and provides for fines on traffickers ranging between 20 and 200 million Vietnamese dong (see [Law](#)).
- 2.5.4 During 2018 the government identified 490 victims of trafficking and secured 213 convictions of traffickers with sentences ranging from less than 3 years to 20 years. The government appears to have become increasingly focused on prosecuting traffickers and have put legislation in place to support this. There have also been efforts, including support from the UK government, to increase the capacity of the judiciary to help them better understand the factors involved in these cases (see [Law](#) and [Prosecution](#)).
- 2.5.5 Whilst legislation exists and prosecutions occur, the government does not systematically refer victims to protective services as the governments definition of trafficking does not fully correspond with the internationally accepted definition. Budgetary constraints also precluded some local authorities from pursuing trafficking cases in isolated parts of the country. Government officials reportedly encourage trafficked women to assist in the prosecution of their captors although reports suggest that there is reluctance on the part of victims to assist in such prosecutions because of a lack of understanding of the Vietnamese legal system, endemic social stigma associated with victimhood and concerns over retribution (see [Prevention](#) and [Protection](#)).
- 2.5.6 The government has maintained efforts to prevent trafficking and hold workshops and organise public awareness campaigns focusing on those who are most at risk of becoming victims of trafficking. The HO FFT were told that an inter-ministry meeting is held with members from Ministry of Labour, Invalids and Social Affairs (MOLISA), MPS and border guards in order to train police in dealing with trafficking cases. The HO FFT were also told that in 2018 a handbook was published by MPS, with support from international organisations, on supporting victims of trafficking. NGO's based in Vietnam also run awareness raising campaigns to educate local communities on the prevention of trafficking (see [Action to combat trafficking](#)).
- 2.5.7 MOLISA provides protection and reintegration support for a range of vulnerable individuals – but not specific for victims of trafficking - but in order to access these government services victims must be in receipt of a victim's certificate, which can be difficult to obtain if the government is of the opinion that the person was compliant in their illegal migration. They operate 400 social protection centres through local authorities, which provide services to a wide range of vulnerable groups, including trafficking victims. Support includes health support; legal support accommodation and food and victims are also supported with help to find jobs. However, these centres are reported to be unevenly staffed and resourced and lack appropriately trained personnel to assist victims. There are no shelters designated exclusively for male or child victims of trafficking, although existing shelters provide

assistance to all kinds of vulnerable profiles as needed (see [Government run shelters and reintegration support](#)).

- 2.5.8 Access to government run services and shelters are unlikely to be available for those returning from the UK as they would not be in receipt of a victim's certificate. Reintegration and support services may be available to them through NGOs who may be able to provide a number of services including shelter, reintegration assistance and vocational training programmes (see [NGO support and services](#)).
- 2.5.9 The Vietnamese authorities have shown a willingness and an ability to prosecute traffickers and have made efforts to increase awareness of the risk of trafficking within the country but have not demonstrated an overall increasing effort to prevent or identify victims of trafficking. Where a person fears they are at risk from being re-trafficked they are likely to be able to access protection from the state.
- 2.5.10 A person's reluctance to seek protection does not necessarily mean that effective protection is not available. Decision makers must consider each case on its facts. The onus is on the person to demonstrate why they would not be able to seek and obtain state protection
- 2.5.11 Decision makers should also refer to the Country Policy and Information Note on [Vietnam: Fear of illegal moneylenders](#) where the case involves the return of victims who fear reprisals from traffickers owing to debt bondage.
- 2.5.12 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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2.6 Internal relocation

- 2.6.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.6.2 Vietnam is a large country of some 98 million people with a number of large cities. Victims of trafficking may be able to internally relocate to escape a localised threat of re-trafficking and to avoid threats and/or stigma and discrimination from family members; however, this would depend on their circumstances, the nature of the threat and how far the threat would extend.
- 2.6.3 In the reported case of [Nguyen \(Anti-Trafficking Convention: respondent's duties\) \[2015\] UKUT 170 \(IAC\)](#) the UT found that 'It is speculative and no more to suggest that she would face a real risk of coming across her previous traffickers or that as a woman in the circumstances in which she would return she faced a real risk of being trafficked by someone else' (paragraph 52).
- 2.6.4 Women, especially single women with no support networks, however, may be more particularly vulnerable to re-trafficking given their status and levels of discrimination based on their gender, and are more likely to be subject to destitution than men. Though the likelihood of single women facing destitution may be mitigated by the existence of shelters and assistance available from government and civil society organisations. In assessing

whether women who are fleeing a risk of re-trafficking have a viable internal relocation alternative, decision makers must not only have regard to the availability of shelters/centres but also to the situation women will face after they leave such centres (see [Freedom of Movement](#)).

- 2.6.5 For further guidance on internal relocation see the instruction on [Assessing Credibility and Refugee Status](#).

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2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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Country information

Section 3 updated: 20 April 2020

3. Law

3.1 General

- 3.1.1 Article 150 of the [penal code](#) relates to human trafficking¹.
- 3.1.2 The United States Department of State's Trafficking in Persons Report 2019, (USSD TiP Report 2019), published 20 June 2019, stated 'Article 150 of the penal code criminalized labor trafficking and sex trafficking of adults and prescribed penalties of five to 10 years' imprisonment and fines of 20 million to 100 million Vietnamese dong (VND) ([US]\$862 to [US]\$4,310). These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with other serious crimes, such as rape.'²
- 3.1.3 Vietnam is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which it ratified in February 1982³.
- 3.1.4 The United Nations - Action for Cooperation Against Trafficking in Persons (UN-ACT) undated profile on Vietnam, stated 'The definition of trafficking in the country's trafficking in persons law does not fully correspond with international definitions, and may conflate smuggling and human trafficking in some instances. In addition, various bilateral agreements have been signed, but have not yet been fully implemented.'⁴

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3.2 Children

- 3.2.1 Article 151 of the [penal code](#) deals with trafficking of a person under the age of 16⁵.
- 3.2.2 The United States Department of State's Trafficking in Persons Report 2019, (USSD TiP Report 2019), published 20 June 2019, stated 'Article 151 criminalized labor trafficking and sex trafficking of children under the age of 16 and prescribed penalties of seven to 12 years' imprisonment and fines of 50 million to 200 million VND ([US]\$2,160 to [US]\$8,620).'⁶
- 3.2.3 The USSD TiP Report 2019 stated that
'Inconsistent with international law, Article 150 applies to children between the ages of 16 and 17 years old, and requires a demonstration of force, fraud, or coercion to constitute a sex trafficking offense; it therefore did not criminalize all forms of child sex trafficking. Civil society reported that this led to confusion on how to treat cases involving 16- and 17-year-old children —

¹ Government of Vietnam, Penal code, 27 November 2015, [url](#)

² USSD, 'TiP 2019' page 499, 20 June 2019, [url](#).

³ OHCHR, 'Ratification Status for Viet Nam', undated, [url](#).

⁴ UN-ACT, 'Viet Nam page', undated, [url](#).

⁵ Penal code, 27 November 2015, [url](#)

⁶ USSD, 'TiP 2019' page 499, 20 June 2019, [url](#).

especially for cases involving labor trafficking—and resulted in victims being treated as adults in nearly all cases.⁷

- 3.2.4 The 2019 US State Department’s report, covering events in 2019 (the 2019 USSD report), published 11 March 2020, observed that: ‘The law criminalizes all acts of sale or deprivation of liberty of children as well as all acts related to the exploitation of children in prostitution and forced child labor for children under 16. The exploitation of children in prostitution is not fully criminalized for 16- and 17-year-old children. Sentences for those convicted range from three years’ to life imprisonment, and fines range from five million to 50 million VND (\$220 to \$2,200).’⁸

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Section 4 updated: 20 April 2020

4. Prevalence

- 4.1.1 According to the US Central Intelligence Agency (CIA) the estimated population of Vietnam is over 98 million⁹.
- 4.1.2 UN-CAT state, in an undated summary that:
‘Viet Nam is a source and, to a lesser extent, a destination country for men, women, and children subjected to sex trafficking and situations of forced labour. Men and women migrate abroad for work through predominantly state-affiliated and private labour export companies in the construction, fishing, agriculture, mining, logging, and manufacturing sectors. Vietnamese women and children subjected to forced prostitution throughout Asia are often misled by fraudulent labour opportunities and sold to brothels on the borders of Cambodia, China, and Lao PDR, with some victims transported to third destination countries, including Thailand and Malaysia.’¹⁰
- 4.1.3 A July 2017 report published on Gov.UK by the British Embassy in Hanoi stated that ‘Every year 1.2 million children are trafficked worldwide and the trafficking of women and children within and from South East Asia accounts for one third of global trafficking numbers. However, only tens of thousands of victims of trafficking are detected and reported every year. The actual numbers of people trafficked or subjected to forced labour and slavery is likely to be much higher than reported estimates.’¹¹
- 4.1.4 In September 2017, the Independent newspaper reported that ‘It revealed that the majority of Vietnamese trafficking victims are being forced into labour exploitation - most often in nail bars or cannabis farms across the UK. [...] Between 2009 and 2016, 1,747 Vietnamese nationals were reported as suspected trafficking victims - with the numbers increasing every year. A breakdown of the victims showed 65 per cent were male, the majority of them thought to be underage.’¹²

⁷ USSD, ‘TiP 2019’ page 499, 20 June 2019, [url](#).

⁸ USSD, ‘Country Report’, 16 March 2020, [url](#).

⁹ CIA Factbook, Vietnam, People and Society, updated 22 January 2020, [url](#).

¹⁰ UN-ACT, ‘Viet Nam page’, undated, [url](#).

¹¹ Gov.UK, The UK commits to supporting Vietnam’s fight against trafficking in persons, 28 July 17, [url](#)

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

- 4.1.5 Viet Nam News, in an article published on 4 November 2017 noted that ‘Statistics from the Police General’s Department show that from 2011 until now [2017], the country reported nearly 3,000 cases of human trafficking involving nearly 6,000 victims. The problem is more serious in provinces close to the border.’¹³
- 4.1.6 In February 2018 the BBC reported that ‘[Vietnam] Government figures state that there were 300 trafficking cases between January and March 2017, while Child Helpline has received nearly 8,000 trafficking-related calls in the past three years alone.’¹⁴
- 4.1.7 The Executive Summary of the 2019 report ‘Precarious Journeys’, published by several anti-slavery charities with funding from the Home Office Modern Slavery Innovation Fund, noted that for the past few years, both Vietnamese adults and children have appeared within the top 3 nationalities of those identified as potential victims of trafficking in the UK¹⁵.
- 4.1.8 Figures published by the UK National Crime Agency (NCA) in their quarterly reports indicated that in the first quarter (January- March) of 2019 there were a total of 165 Vietnamese potential victim referrals and of those referrals 60 were minors. The figures indicate that of the 165 referrals the majority (113) were for labour exploitation¹⁶.
- 4.1.9 The USSD TiP Report 2019, stated:
‘In 2018, authorities reported identifying 490 victims of trafficking (670 victims in 2017, 1,128 victims in 2016). The government 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. Some officials cited an increase in forced labor and noted incomplete data collection and poor interagency cooperation led to low victim identification.’¹⁷
- 4.1.10 The UK Home Office conducted a Fact-Finding Mission (FFM) to Vietnam between 23 February and 1 March 2019. The Fact-Finding Team (FFT) were informed by representatives from the Ministry of Public Security (MPS) in a written statement sent via the British Embassy that between 2010 and the end of 2018 there were approximately 300-400 human trafficking cases a year¹⁸.
- 4.1.11 The 2019 UK Annual Report on Modern Slavery noted that in 2018 there were approximately 400 potential victims exploited as adults referred to the National Referral Mechanism (NRM). Of those 400 referrals 2 thirds of them were male. The same report noted that there were a total of 315 children had been referred to the NRM with a total of 69% (216) of those being male¹⁹.

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¹³ Viet Nam News, ‘Human trafficking on the rise’, 4 November 2017, [url](#).

¹⁴ BBC News, ‘Coping with daughter’s disappearance article’, 2 February 2018, [url](#).

¹⁵ ECPAT UK et al, ‘Precarious Journeys’, 2019, [url](#)

¹⁶ NCA, ‘NRM Statistics’, [url](#).

¹⁷ USSD, ‘TiP 2019’ page 499, 20 June 2019, [url](#).

¹⁸ Home Office, ‘HO FFM report’, September 2019, Annex D- MPS, [url](#).

¹⁹ Home Office, ‘2019 UK Annual Report on Modern Slavery’, October 2019, [url](#).

5. Profiles of trafficked victims and traffickers

5.1 Trafficking victims in general

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

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

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

“Human trafficking into prostitution is less common now. The women are more often bought by poor Chinese men to become their brides. But because they are sold to poor families, their labor is also heavily exploited,” he said.’²⁰

5.1.2 The USSD TiP Report 2019, stated:

‘Traffickers exploit Vietnamese women and children in 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 Malaysia, Republic of Korea, Singapore, Taiwan, and Thailand. Some Vietnamese women who travel abroad for internationally brokered marriages or jobs in restaurants, massage parlors, and karaoke bars—including to China, Cyprus, Japan, Korea, Malaysia, Saudi Arabia, Singapore, and Taiwan—are subjected to domestic servitude or sex trafficking.’²¹

5.1.3 In February 2019, the UK HO FFT team met with representatives from the government’s Ministry of Labour and Social Affairs (MOLISA) who stated that victims of trafficking can be of all ages but the majority of them are aged between 15-30 years of age, with 90% of them women, of which 75% of those are trafficked across the border to China²². MOLISA, Hagar (an NGO working with survivors of abuse, slavery and trafficking) and representatives from the United Nations Action for Co-operation against Trafficking in Persons (UN-ACT) all confirmed to the FFT that the majority of the victims come from ethnic minority backgrounds and poor mountainous areas along the border²³.

5.1.4 Hagar, an NGO working with survivors of abuse, slavery and trafficking, told the UK Home Office FFT that often victims are promised an education or a job and are taken to another country and then mistreated. The government

²⁰ Jakarta Post, ‘Growing human trafficking to China article’, 24 October 2016, [url](#).

²¹ USSD, ‘TiP 2019’ page 501, 20 June 2019, [url](#).

²² Home Office, ‘HO FFM report’, September 2019, Annex D- MOLISA, [url](#).

²³ Home Office, ‘HO FFM report’, September 2019, Annex D- MOLISA, Hagar and UN-ACT [url](#).

do not recognise them as victims of trafficking as they went of their own accord²⁴.

- 5.1.5 The Executive Summary of the 2019 report 'Precarious Journeys', published by several anti-slavery charities with funding from the Home Office Modern Slavery Innovation Fund, noted:

'While Vietnam has seen significant reductions in poverty at the national level, reductions are unequal across population groups and regions. The income gap remains wide and access to employment is concentrated in urban areas. Populations in rural communities are more vulnerable to risks of trafficking. Across Vietnam there is a lack of access to reliable information about employment opportunities and recruitment processes, particularly for overseas work. There is pressure, particularly for young people, to improve economic circumstances for themselves and their family. The desire for status afforded by material possessions, purchased with funds sent back to Vietnam in the form of remittances, drives many Vietnamese people looking for a better quality of life to take risks with labour brokers who are deceitful and may be traffickers, resulting in victims owing huge debts...

'Diaspora networks can provide important and safe links for new Vietnamese migrants without legal status seeking work and opportunities. It was also found that they can heighten risks of exploitation through informal employment or possible links to criminal networks. Within some diaspora communities across Europe, there are engrained hierarchies and internal divisions, often based on socioeconomic status, with some factions involved in aspects of criminality, including human trafficking. As Vietnamese people migrate through Europe and to the UK, the situational factors they encounter can increase, or decrease, their vulnerability to trafficking and risk of exploitation.'²⁵

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5.2 Trafficking victims in the UK

- 5.2.1 On their website Anti Slavery.org stated that 'The trafficking of vulnerable young people from Vietnam to the UK is on the rise, with the majority trafficked into cannabis production, nail bars and forced prostitution. Many of those who are trafficked are very young, sometimes children, and are extremely vulnerable to exploitation at the hands of their traffickers who offer false promises of attractive sounding jobs in Britain. [...] already in 2013 our research suggested that official figures represented only the tip of the iceberg'.²⁶

- 5.2.2 The UK's Independent Anti-Slavery Commission (IASC) noted in their 2017 report that:

'Year on year labour exploitation has featured as the most common form of exploitation potentially experienced by Vietnamese nationals referred into the National Referral Mechanism (NRM); followed by sexual exploitation. The exploitation of Vietnamese nationals is a highly gendered phenomenon.

²⁴ Home Office, 'HO FFM report', September 2019, Annex D- Hagar, [url](#).

²⁵ ECPAT UK et al, Precarious Journeys, 2019, [url](#)

²⁶ Anti-slavery, 'Trafficking from Vietnam to the UK', undated, [url](#).

Male potential victims make up 65% (1,040 of 1,599) of all Vietnamese nationals referred to the NRM between 2009 and 20th October 2016; males potentially exploited as minors were the largest cohort (620 of 1,599 or 39% of all referrals). [...] Considering only those referrals where a type of exploitation is recorded, potential labour exploitation accounts for 70% of all referrals between 2009 and 2016 (950 of 1,353 referrals).²⁷

- 5.2.3 The USSD TiP Report 2019 noted ‘there are increasing reports of Vietnamese labor trafficking victims in the United Kingdom and Ireland (including on cannabis farms)’.²⁸
- 5.2.4 Representatives from the International Organization for Migration (IOM) told the UK HO FFT that Vietnamese victims of trafficking in the UK are predominantly men with an average age of 35; tend to have a basic education; and come from 5 areas in the central and northern provinces. They tend to have some economic difficulty, but do not come from abject poverty²⁹. This was also confirmed by the NGO Alliance Anti-Traffic (AAT)³⁰. AAT, who work in Vietnam to eliminate sexual exploitation and provide support to victims, also stated that adults coming to the UK are smuggled and want to come to the UK to work³¹. Diplomatic sources noted that the Vietnamese authorities see many of those who end up in the UK as economic migrants as they are sending remittances back to Vietnam. There is even reportedly a website for Vietnamese nationals looking for jobs in the UK³².
- 5.2.5 IOM told the UK HO FFT that victims of trafficking tend to borrow money from friends and family and/or mortgage property to fund migration to the UK. In a very few cases that IOM were aware of, they borrowed money from gangs. Asked whether this meant that families were complicit or aware of the trafficking, IOM stated that families are aware that their relative is travelling to the UK to access illegal work but that they view the migration as an investment opportunity as the migrant will be paying off any debt owed and then returning remittances in the following years. However, IOM did go on to state that some families did not realise that the illegal migrant could then end up in an exploitative situation³³.
- 5.2.6 The Guardian, on 25 October 2019, reported on those coming from Vietnam to work illegally in the UK:
- ‘Boys are usually sent to work in cannabis farms, locked inside converted houses and forced to tend the plants day and night, while the girls and young women are dispatched to work in nail bars. Both sexes are also frequently forced into prostitution.

²⁷ UK IASC, Modern slavery faced by Vietnamese nationals (2017 (p1), circa 2017, [url](#).

²⁸ USSD, ‘TiP 2019’, 20 June 2019, [url](#).

²⁹ Home Office, ‘HO FFM report’, September 2019, Annex D- AAT, [url](#).

³⁰ Home Office, ‘HO FFM report’, September 2019, Annex D- IOM, [url](#).

³¹ Home Office, ‘HO FFM report’, September 2019, Annex D- AAT, [url](#).

³² Home Office, ‘HO FFM report’, September 2019, Annex D- Diplomatic sources, [url](#).

³³ Home Office, ‘HO FFM report’, September 2019, Annex D- IOM, [url](#).

‘It is a phenomenon that is hidden in plain sight. Because those trafficked are aware that they are in the UK illegally, they are wary of the police and extremely unlikely to report their own exploitation.

‘Some may not even recognise that they are victims of trafficking, since they may have chosen to travel to the UK in search of work, and will often have paid a people smuggler to organise the journey and to find them a job here...

‘The line between smuggling and trafficking becomes blurred on the journey. Most Vietnamese people working in cannabis farms or in nail bars know that their families at home are heavily in debt to their traffickers, for the cost of their journey, and remain trapped in this debt-bondage for years, trying to repay the debts, and too frightened to seek help.’³⁴

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5.3 Traffickers

5.3.1 The UN-ACT in an undated profile on Vietnam stated:

‘Traffickers come from a variety of backgrounds, ranging from recruitment agency staff to victim family members. Vietnamese labour export companies and unlicensed intermediary brokers have been known to operate illegally, exploiting vulnerable and desperate migrants. More organized crime groups are involved in trafficking further overseas, such as in the forced labour of Vietnamese children on cannabis farms in the UK. Traffickers are also increasingly using the internet as a channel to lure victims. Such crimes are further facilitated by corruption, including at border crossings and checkpoints.’³⁵

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

‘To meet the demand for wives in foreign countries, traffickers’ prey upon girls and young women, often in remote, rural areas across the nation, and deceive them with promises of large houses and the opportunity to work for higher incomes. After being kidnapped or tricked into crossing neighbouring borders, these women and girls are then sold into forced sex work or forced into marriages involving labour exploitation and other abuse. Human traffickers can be known to the victim and often include family or community members, or are members of larger, complex transnational criminal rings who flaunt their wealth to trick the vulnerable victim into trusting them. Traffickers stand to gain huge profits from the suffering of their victims.’³⁶

5.3.3 In February 2018 the BBC reported that ‘... another tactic traffickers use is spending months getting to know a girl, pretending to be a new friend or boyfriend, before eventually telling them that they can help them get a job in China. With the belief that wages are higher and life is better there, many girls jump at the chance to help their families and go with them willingly, only

³⁴ The Guardian, Trafficked Vietnamese and the lure of UK nail bars..., 25 October 2019 [url](#)

³⁵ UN-ACT, ‘Viet Nam page’, undated, [url](#).

³⁶ Gov.UK, The UK commits to supporting Vietnam’s fight against trafficking in persons, 28 July 17, [url](#)

to find out once they have crossed the border that they have been cruelly tricked.’³⁷

5.3.4 The USSD TiP Report 2019, added:

‘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. During the migration process European gangs and traffickers often exploit Vietnamese victims in forced labor and sexual exploitation before they reach their final destination.’³⁸

5.3.5 Hagar, an NGO working with survivors of abuse, slavery and trafficking, told the UK Home Office FFT in February 2019 that most of the information about the profile of traffickers comes from the victims themselves. They stated that often victims are promised an education or a job and are taken to another country and then mistreated³⁹.

5.3.6 The International Organization for Migration (IOM) told the UK Home Office FFT in February 2019 that people smugglers provide a service for a fee to facilitate the irregular migration of people across Europe to the UK. There are multiple routes to facilitate travel, but people tend to begin their journey by legal travel to Russia where they then enter the smuggling network and travel across Europe⁴⁰.

5.3.7 AAT told the UK Home Office FFT in February 2019 that typically, traffickers/smugglers are paid £30,000 to facilitate someone’s passage into Europe. The victim tends to fly to Moscow where they are then transferred to Europe.⁴¹

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5.4 Debt bondage/illegal money lending

5.4.1 The 2019 report ‘Precarious Journeys’ noted:

‘The system of debt bondage is prevalent amongst Vietnamese victims of trafficking in Europe. The cost of travelling to Europe typically ranges between \$10,000 USD and \$40,000 USD. Funds for travel are commonly borrowed, or family property is given as collateral. Smugglers demand interest on borrowed money, and the amounts owed can rise quickly. If debt lies with the remaining family in Vietnam, this can be used as a way to pressure and control the victim. The risk of economic exploitation through debt owed to the smuggler is significant because victims and potential victims do not wish their family to lose their home or be in danger. Migrants commonly acquire informal work throughout their journey to pay off such debt and enable them to continue moving.

³⁷ BBC News, ‘Coping with daughter’s disappearance article’, 2 February 2018, [url](#).

³⁸ USSD, ‘TiP 2019’ page 501, 20 June 2019, [url](#).

³⁹ Home Office, ‘HO FFM report’, September 2019, Annex D- Hagar, [url](#).

⁴⁰ Home Office, ‘HO FFM report’, September 2019, Annex D- IOM, [url](#).

⁴¹ Home Office, ‘HO FFM report’, September 2019, Annex D- AAT, [url](#).

'If victims have spoken to the police and/or still owe a debt to their traffickers, they are likely to be at risk of re-trafficking or reprisals from their traffickers and/or the Vietnamese authorities.'⁴²

- 5.4.2 The 2019 DFAT report noted that 'Returnees, including [...] trafficking victims, typically face a range of difficulties upon return [...] Many returnees have high levels of debt from funding their travel out of Vietnam. Sources in Vietnam have reported cases of moneylenders taking borrowers' houses or land as repayment, or borrowers having to flee loan sharks when they are unable to repay their loans'⁴³.
- 5.4.3 See also the country information included in the Country Policy and Information Note on [Vietnam: Fear of illegal moneylenders](#)

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Section 6 updated: 20 April 2020

6. Action to combat trafficking

6.1 Prevention

- 6.1.1 The United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), reported on its website (undated), that 'Prevention activities are conducted sporadically, and focus on raising awareness rather than behaviour change. While the Ministry of Foreign Affairs maintained its online migration website providing prospective migrants with access to relevant information and resources, the government has not increased efforts to enforce regulations, and overall efforts to regulate recruitment companies and marriage brokers remain inadequate.'⁴⁴
- 6.1.2 The BBC reported in February 2018 that 'Plan International is working in schools and communities in Ha Giang province to ensure that girls in particular are aware of the dangers of human trafficking and with local agencies to push the government to do more to find the missing girls and bring those responsible to justice.'⁴⁵ (See [Plan International's](#) website for further information on their work in Vietnam)
- 6.1.3 The USSD TiP Report 2019 noted that:
- 'The Government of Vietnam does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. [...] the government did not demonstrate overall increasing efforts compared to the previous reporting period. It identified significantly fewer victims than in previous years. Law enforcement efforts were impeded by the delayed release of formal implementation guidelines on Articles 150 and 151 of the penal code.
- 'The Ministry also held workshops on international migration and human trafficking prevention to improve the capacity of desk officers at the ministry and localities in Vietnam. The Ministry of Information and Communication and the Vietnam Women's Union organized public awareness campaigns

⁴² ECPAT UK et al, Precarious Journeys, 2019, [url](#)

⁴³ DFAT, 'Country report', 13 December 2019, [url](#).

⁴⁴ UN-ACT, 'Vietnam', undated [url](#).

⁴⁵ BBC News, 'Coping with daughter's disappearance article', 2 February 2018, [url](#).

focused on high-risk groups such as female migrant and agricultural workers, construction workers, and communities sending migrant labor abroad, as well as targeting schools in high-risk communities. Authorities reported distributing 25,000 copies of awareness materials in border areas and 900 handbooks in particularly vulnerable communities. During the reporting period, the Ministry of Information and Communications directed state-run media to air more than 700 documentaries and news stories to raise public awareness on trafficking. Civil society reported while the government made efforts to translate campaign materials into regional languages to increase awareness, many at-risk populations found the information abstract and difficult to understand.⁴⁶

- 6.1.4 The UK Home Office FFM to Vietnam in February 2019 met with representatives from UN-ACT who stated that the government highlight the risks of trafficking through documentaries aired nationally during prime times and the government also organize events around the National day against trafficking in Persons (30 July). They also stated that International organisations are involved in awareness raising campaigns at grassroot levels and that they (UN-ACT) distribute leaflets, books and videos as widely as possible⁴⁷.
- 6.1.5 NGO Alliance Anti-Trafic (AAT), which works in Vietnam to eliminate sexual exploitation and provide support to victims, told the UK Home Office FFT that they have developed a prevention programme to educate children in schools on unsafe migration, human trafficking and sexual abuse and exploitation. AAT stated that they have educated more than 120,000 children, parents and state officers on how to prevent trafficking. According to information provided by AAT subsequent to meeting the FFT, more than 80% of victims of trafficking stated they would not have been victims if they had been informed and educated before. AAT also told the FFT that they air around 4 television programmes a year and have a anti trafficking show called “Talk Vietnam” where they talk about their work⁴⁸.

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6.2 Police training

- 6.2.1 The USSD TiP Report 2019 noted that:

‘Police continued efforts to mainstream trafficking content into the training curriculum for new recruits; the MPS organized 12 trainings for 500 police officers, and in cooperation with an international donor, organized trainings on child sexual assault, including child sex trafficking. The government reported that the Supreme People’s Procuracy and Supreme People’s Court have revised their trainings to address trafficking crimes for victims under the age of 16.’⁴⁹

- 6.2.2 Representatives from MOLISA told the UK Home Office FFM that there is an inter-ministry team which includes members from MOLISA, MPS and border

⁴⁶ USSD, ‘TiP 2019’ page 498, 20 June 2019, [url](#).

⁴⁷ Home Office, ‘HO FFM report’, September 2019, Annex D- UN-ACT, [url](#).

⁴⁸ Home Office, ‘HO FFM report’, September 2019, Annex D- AAT, [url](#).

⁴⁹ USSD, ‘TiP 2019’ page 499, 20 June 2019, [url](#).

guards to train police. In 2018 with support from international organisations MPS published a handbook on support for victims of trafficking⁵⁰.

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6.3 Protection

6.3.1 The USSD TiP Report 2019 noted that:

‘The government decreased efforts to protect victims...

‘Social protection officials demonstrated a lack of familiarity with migrant worker vulnerability to trafficking, often considering them simply illegal workers. Some officials continued to conflate trafficking with smuggling, which precluded the identification of victims who voluntarily migrated abroad.

‘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 it 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. Local and provincial government officials at times did not demonstrate a clear understanding of victim identification, including in some cases by conflating it with the confirmation of official identity documents. Foreign victims, including children, remained at high risk of deportation without screening or referral to protective services. NGOs reported the victim identification process remained overly cumbersome and complex, requiring sign off from multiple ministries before victims could be formally identified and assisted.⁵¹

6.3.2 The report continued:

‘The government encouraged trafficking victims to assist in judicial proceedings against traffickers and offered them some protection and compensation, including child-friendly courtrooms and not requiring victims to be present at trial; however, the government did not report the extent to which they applied these measures. The law protected victims from prosecution for unlawful acts traffickers coerced them to commit, but NGOs reported victims were less likely to come forward about their abuses in a judicial setting due to fears they may face arrest or deportation, and returned victims were afraid of being arrested for crossing the border without documentation.

‘Complicit Vietnamese officials, primarily at commune and village levels, facilitate trafficking or exploit victims by accepting bribes from traffickers, overlooking trafficking indicators, and extorting money in exchange for reuniting victims with their families’.⁵²

6.3.3 An NGO and representatives from UN-ACT told the UK Home Office FFM that where the police are aware of cases involving victims of trafficking, they

⁵⁰ Home Office, ‘HO FFM report’, September 2019, Annex D- MOLISA, [url](#).

⁵¹ USSD, ‘TiP 2019’ page 499, 20 June 2019, [url](#).

⁵² USSD, ‘TiP 2019’ page 499 and 501, 20 June 2019, [url](#).

are able to afford victims effective protection⁵³. However, the UN-ACT representative also added that:

‘The police and border guards cannot protect those who they do not know about. I think even if they do, it is not what you are thinking of. The Criminal Justice system is not a very effective witness protection system. In human trafficking cases the victims are the witnesses. Sometimes they do not cooperate as they do not believe that they are protected by the justice system or the police. It is difficult for courts and judges to bring a case to court as they cannot get cooperation from the victim.’⁵⁴

- 6.3.4 The FFT were told by diplomatic sources that the Vietnamese government consider many of those Vietnamese nationals that go to the UK and remain there illegally as being economic migrants⁵⁵.
- 6.3.5 The FFT were informed by an NGO that the definition of trafficking victims in articles 150 and 151 ‘will never apply to them [victims of trafficking from the UK] as they agreed to go with the trafficker’. The NGO also noted that there are many gaps or problems where the victim is over 16 years old but under 18. If a person is under the age of 16 years the authorities will automatically assume that the person is a victim of trafficking, if they are over 16 but under 18, they must ‘prove that there have been fraud or cheating elements involved’ for being considered a victim of trafficking⁵⁶.
- 6.3.6 See also the country information included in the Country Policy and Information Note on [Vietnam: Fear of illegal moneylenders](#)

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6.4 Prosecution

6.4.1 The USSD TiP Report 2019, stated:

‘For the seventh consecutive year, the government did not prosecute any suspected traffickers under labor trafficking provisions of the anti-trafficking law. According to the Ministry of Foreign Affairs (MFA), the Ministry of Public Security (MPS) and Vietnam Border Guards (under Ministry of Defense)—often in cooperation with foreign partners—identified 211 trafficking cases (350 in 2017, 234 in 2016) involving 276 alleged offenders (over 500 in 2017, 308 in 2016). The procuracies (prosecutor’s office) reported initiating the prosecution of 194 defendants for trafficking offenses (245 in 2017, 295 in 2016, 442 in 2015, 472 in 2014) and the court system secured 213 convictions (244 in 2017, 275 in 2016); sentences ranged from less than three years to 20 years’ imprisonment, however some prison sentences were suspended.’⁵⁷

6.4.2 According to an NGO which met with the UK Home Office FFT in February 2019, in order for the Vietnamese authorities to prosecute traffickers and obtain higher sentences, victims of trafficking must be issued with a ‘victims’

⁵³ Home Office, ‘HO FFM report’, September 2019, Annex D- NGO & UN-ACT, [url](#).

⁵⁴ Home Office, ‘HO FFM report’, September 2019, Annex D- UN-ACT, [url](#).

⁵⁵ Home Office, ‘HO FFM report’, September 2019, Annex D- Diplomatic sources, [url](#).

⁵⁶ Home Office, ‘HO FFM report’, September 2019, Annex D- NGO, [url](#).

⁵⁷ USSD, ‘TiP 2019’ page 499, 20 June 2019, [url](#).

certificate'. Victim certificates are issued by border officials or the migration office and tends to happen only when the victim is handed over legally at the border. For victims of trafficking encountered in the UK, the subsequent prosecution numbers in Vietnam are low due to the definition of the law⁵⁸.

- 6.4.3 According to representatives from IOM, who met with the UK Home Office FFT in February 2019, the government of Vietnam has become increasingly focused on prosecuting cases of traffickers and have put more legislation in place in order to support this. IOM also told the FFT that with help from them, the UK Home Office and other organisations, there have been efforts to increase the capacity of the judiciary, to enable it to better understand the factors involved in trafficking cases⁵⁹.
- 6.4.4 With regards to a witness protection programme for anyone that speaks out against criminals, an academic source told the UK Home Office FFT that none such existed⁶⁰.
- 6.4.5 The 2019 UK Annual Report on Modern Slavery published in October 2019 noted that the UK will allocate £3 million to Vietnam between 2017-2021 to aid with criminal justice capacity-building, victim support and prevention work⁶¹.
- 6.4.6 With regards to the corruption amongst the judiciary, the 2019 DFAT report noted that:

'Ongoing reforms have given the judiciary some independence from the CPV and other state agencies, including the Supreme People's Procuracy. Most judges still tend to be CPV members, however, chosen in part for their political views and affiliations, and as such are subject to political influence from the local and central levels. Judicial appointments are typically a five-year term, after which reappointments are made by the CPV.

Judges and arbitrators are sometimes inadequately trained, and this lack of experience and independence creates varying quality in court processes and inconsistent implementation of law. Judicial officers are reportedly paid extremely low wages. Bribes and irregular payments to facilitate favourable judicial decisions are perceived to be common. According to a 2017 Transparency International survey, around a quarter of Vietnamese citizens believe most or all judges are corrupt.'⁶²

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6.5 Difficulties in enforcing the law

6.5.1 The USSD TiP Report 2019 noted:

'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.

⁵⁸ Home Office, 'HO FFM report', September 2019, Annex D- NGO, [url](#).

⁵⁹ Home Office, 'HO FFM report', September 2019, Annex D- IOM, [url](#).

⁶⁰ Home Office, 'HO FFM report', September 2019, Annex D- Academic source, [url](#).

⁶¹ Home Office, '2019 UK Annual Report on Modern Slavery', October 2019, [url](#).

⁶² DFAT, 'Country report', 13 December 2019, [url](#).

‘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.

‘[...] Despite ongoing reports of official complicity, the government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses.

‘Therefore Vietnam was downgraded to the Tier 2 Watch List...

‘Civil society reported Vietnamese victims who migrated via irregular means, were involved in criminal activity as a result of their trafficking [...] feared reprisals from Vietnamese government authorities, were less likely to seek support, and were vulnerable to re-trafficking. International observers reported government officials often blamed Vietnamese citizens for their exploitative conditions abroad or suggested victims inflate abuses to avoid immigration violations’.⁶³

- 6.5.2 Diplomatic sources told the UK Home Office FFM in February 2019 that the police authorities in Vietnam are a very bureaucratic organisation with too many mid-level decision makers and no cross-agency co-ordination. The same sources also noted that whilst there have been some improvements there are concerns regarding their progress in dealing with victims of trafficking. Advancements have been made at local level, but the central government lacks organisation and does not align with the local government. Whilst they try to offer protection to victims it is difficult as often victims do not want to be identified due to social stigma. Protection for victims can vary locally and regionally and the source specifically stated that ‘there is a big difference between northern and southern Vietnam’⁶⁴.
- 6.5.3 Hagar told the UK Home Office FFM in February 2019 that they encourage victims of trafficking to register with the authorities, but they noted that this was often difficult as many victims do not want to report incidents due to concerns about being stigmatised and discriminated against⁶⁵.

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Section 7 updated: 20 April 2020

7. Government and NGO assistance

7.1 Government run shelters and reintegration support

7.1.1 The USSD TiP Report 2019, stated:

‘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. National authorities did not devote adequate funds for victim protection, encouraging provincial

⁶³ USSD, ‘TiP 2019’ page 499, 20 June 2019, [url](#).

⁶⁴ Home Office, ‘HO FFM report’, September 2019, Annex D- Diplomatic sources, [url](#).

⁶⁵ Home Office, ‘HO FFM report’, September 2019, Annex D- Hagar, [url](#).

governments to use their own funds for trafficking programs to further decentralize this responsibility, and relied heavily on civil society to provide protection services with limited in-kind support.

'There were no government shelters designated exclusively for male or child victims, although existing shelters assisted all victims as needed. The Ho Chi Minh City Department of Labor, Invalids, and Social Affairs 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. The Ministry of Labor, Invalids, and Social Affairs (MoLISA) and government-affiliated Women's Unions often referred victims to NGOs depending on their individual needs. 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 Union, in partnership with NGOs and with foreign donor funding, continued to operate three shelters in urban cities, including one dedicated to trafficking victims. Local and provincial government officials at times employed practices that could be re-traumatizing to victims of trafficking. Contrary to international best practices, a shelter confined victim for multiple years and limited residents' freedom of movement. Psycho-social services for victims remained underdeveloped, with training needed on trauma-informed approaches for all actors engaging with victims, including social workers, front-line officers, and the judiciary. Civil society organizations reported assisting 167 victims of trafficking.'

'In 2018, the government reported assisting all 490 identified victims (500 in 2017, 600 in 2016) with initial psychological counselling, healthcare consultations, and legal and financial assistance; the government reported providing an unspecified number of victims with reintegration assistance, including small business loans.'⁶⁶

- 7.1.2 In November 2018 the UK and Vietnam signed a memorandum of understanding on human trafficking 'that will allow for greater collaboration around intelligence sharing, supporting victims and prevention work.' The agreement is part of the UK's action to tackle modern slavery. The UK has committed £200 million of funding to tackle modern slavery which includes £33.5 million focused on countries such as Vietnam where a high number of victims are trafficked to the UK⁶⁷.
- 7.1.3 Representatives from MOLISA informed the UK Home Office FFT in February 2019 that there are no government run shelters specifically for victims of trafficking; all vulnerable people stay in one shelter. They told the FFT that there were 400 government run shelters for vulnerable people and there were not separate shelters for men, women or children. According to MOLISA, the law states that victims are allowed to stay in the shelter for a maximum of 60 days. Whilst there, they can receive health support,

⁶⁶ USSD, 'TiP 2019' page 500, 20 June 2019, [url](#).

⁶⁷ Home Office, 'Vital action taken in fight against modern slavery', 21 November 2018, [url](#).

(including mental health support), legal support, accommodation and food. They can also get support to find jobs. All these services are free. MOLISA confirmed to the FFT that during 2018 500 victims of trafficking received support⁶⁸.

- 7.1.4 NGO Hagar told the UK Home Office FFT in February 2019 that the law allows victims the right to safe accommodation and psychological support but there are not many shelters and there are not enough qualified counsellors. They went on to say that whilst victims are eligible for support, in reality they do not receive much⁶⁹.
- 7.1.5 Hagar also informed the UK Home Office FFT that victims of trafficking have to show their certificate in order to be eligible for government support, this was also confirmed by representatives from MOLISA⁷⁰. While an NGO told the FFT that a victim certificate allows the victims of trafficking to receive a support package of 50 US Dollars, but they cannot access this instantly due to delays in processing. It also requires victims to give confidential information which many are reluctant to do⁷¹ and, Hagar noted, where a victim returns of their own accord, they will not be issued with a certificate⁷².
- 7.1.6 MOLISA told the FFT that when victims leave the shelters they are provided with help with studying, jobs, and advice on financial borrowing should they wish to set up their own business⁷³.
- 7.1.7 The 2019 DFAT Report noted that
'The Center for Women and Development (primarily funded by the government, with some support from international donors) [...] runs three shelters for female victims of domestic violence and trafficking – two in Hanoi known as 'Peace House', and one in Can Tho. Women typically learn of these services through the centres' Facebook pages or websites (though the addresses of the two houses in Hanoi are not publicly advertised), or from referrals from the police, courts or hospitals [...] trafficking victims can stay for six months. The shelters also offer a follow-up program after 20 months to provide counselling, vocational training and legal aid. Although government-provided support services are substantially funded by international donors, MOLISA has committed to funding and running two shelters and six women protection centres by 2020.'⁷⁴

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7.2 NGO support and services

- 7.2.1 NGOs met during the UK Home Office FFM in February 2019 stated that they operated shelters for victims of trafficking. One NGO stated that they have 3 shelters for victims of trafficking, all of which are in Hanoi. They also confirmed that whilst they do have a shelter for boys this is mainly for street

⁶⁸ Home Office, 'HO FFM report', September 2019, Annex D- MOLISA, [url](#).

⁶⁹ Home Office, 'HO FFM report', September 2019, Annex D- Hagar, [url](#).

⁷⁰ Home Office, 'HO FFM report', September 2019, Annex D- Hagar and MOLISA, [url](#).

⁷¹ Home Office, 'HO FFM report', September 2019, Annex D- NGO, [url](#).

⁷² Home Office, 'HO FFM report', September 2019, Annex D- Hagar, [url](#).

⁷³ Home Office, 'HO FFM report', September 2019, Annex D- MOLISA, [url](#).

⁷⁴ DFAT, 'Country report', 13 December 2019, [url](#).

children. Every month they rescue 4-20 girls and can provide support in a short-term shelter where they have 3 rooms and a long-term shelter where normally not more than 10 girls are in one shelter⁷⁵. Hagar confirmed that, in Hanoi, they refer victims to a shelter run by one of their partners. In the north they can refer victims to Compassion House run by MOLISA. Information provided by Hagar after the meeting confirmed that there is also a shelter in Yen Bai province which Hagar set up along with the Women's Union. Hagar are also able to identify safe accommodation options for victims by referring victims to government-run shelters or boarding schools. They are also able to rent houses in communities to provide semi-independent accommodation for victims⁷⁶.

- 7.2.2 Hagar informed the UK Home Office FFT that they are able to provide vocational training and provide victims with small loans to start up businesses and at any one time are able to support around 60 people, but this also includes victims of domestic violence and sexual abuse in addition to victims of trafficking and their dependants. Hagar also noted that whilst they have not dealt with many victims returned from the UK, they would be able to provide reintegration and support to those returned⁷⁷.
- 7.2.3 IOM in Vietnam told the UK Home Office FFT that they are also able to provide financial support to returnees which is based on the returnees providing a plan detailing how they will use a loan for their reintegration. Support provided by IOM can also include access to physical and mental health support⁷⁸.
- 7.2.4 AAT told the UK Home Office FFT that they have developed a programme of community rehabilitation with a mobile team as they stated that 99.9% of victims do not want to go to shelters. AAT also told the FFT that the British Embassy gives them a list of those being returned, who are normally sheltered in UK Salvation Army centres prior to their return. The AAT have a moral contract with National Crime Agency (NCA) and the British Embassy which makes them responsible if victims suffer negative pressure from the authorities in Vietnam as the authorities are not given the returnee's details because of European laws, which restrict the dissemination of information. AAT are able to organise training courses for those who have returned to support their reintegration and go back to check on the current situation of a number of victims who were returned from the UK⁷⁹.
- 7.2.5 NGOs Hagar and AAT told the UK Home Office FFM that where the Vietnamese authorities are involved in supporting victims of trafficking, they are unable to get involved in their cases⁸⁰.
- 7.2.6 The 2019 UK Annual Report on Modern Slavery published in October 2019 noted that the UK have allocated £2.2 million to Vietnam between 2017-2019

⁷⁵ Home Office, 'HO FFM report', September 2019, Annex D- NGO, [url](#).

⁷⁶ Home Office, 'HO FFM report', September 2019, Annex D- Hagar, [url](#).

⁷⁷ Home Office, 'HO FFM report', September 2019, Annex D- Hagar, [url](#).

⁷⁸ Home Office, 'HO FFM report', September 2019, Annex D- IOM, [url](#).

⁷⁹ Home Office, 'HO FFM report', September 2019, Annex D- AAT, [url](#).

⁸⁰ Home Office, 'HO FFM report', September 2019, Annex D- Hagar and AAT, [url](#).

to support seven projects protecting vulnerable children at risk of trafficking⁸¹.

7.2.7 Further information on the NGO support and services available to victims of trafficking can be found at the following:

- Peace House http://www.cwd.vn/en/index.php?option=com_content&view=article&id=113&Itemid=208. In Hanoi and is managed by the Centre for Women and Development. They mainly help children and women who are affected by domestic violence or are victims of people trafficking. They can provide shelter⁸².
- Pacific Links Foundation <http://www.pacificlinks.org/> is an international NGO who 'leads counter-trafficking efforts at the frontiers of Vietnam by increasing access to education, providing shelter and reintegration services, and enabling economic opportunities.'⁸³
- Hagar Vietnam <https://www.hagarinternational.org/international/our-work/where-we-work/vietnam/> is an international NGO in Vietnam which aims to support women and children affected by trauma particularly from domestic violence and trafficking.⁸⁴
- Alliance Anti-Traffic, <https://allianceantitrafic.org/> is a non-profit, non-partisan and non-religious organization that aims to protect women and children in Southeast Asia from sexual exploitation and trafficking.⁸⁵
- Blue Dragon <https://www.bluedragon.org/> helps children in crisis throughout Vietnam, including those who have been the victims of trafficking⁸⁶.

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Section 9 updated: 20 April 2020

8. Risk of re-trafficking

8.1.1 The USSD TiP Report 2019 noted:

'Civil society reported Vietnamese victims who migrated via irregular means, were involved in criminal activity as a result of their trafficking [...] feared reprisals from Vietnamese government authorities, were less likely to seek support, and were vulnerable to re-trafficking. International observers reported government officials often blamed Vietnamese citizens for their exploitative conditions abroad or suggested victims inflate abuses to avoid immigration violations'.⁸⁷

8.1.2 The 2019 report 'Precarious Journeys' noted 'If victims have spoken to the police and/or still owe a debt to their traffickers, they are likely to be at risk of re-trafficking or reprisals from their traffickers and/or the Vietnamese

⁸¹ Home Office, '2019 UK Annual Report on Modern Slavery', October 2019, [url](#).

⁸² Peace House, [url](#).

⁸³ Pacific Links, [url](#).

⁸⁴ Hagar Vietnam, [url](#).

⁸⁵ Alliance Anti-Traffic, [url](#).

⁸⁶ Blue Dragon, [url](#).

⁸⁷ USSD, 'TiP 2019' page 499, 20 June 2019, [url](#).

authorities. There is limited support available in Vietnam for returned victims, leaving them at risk of being re-trafficked or even becoming a trafficker themselves.’⁸⁸

- 8.1.3 When asked about the risk of re-trafficking Hagar told the UK Home Office FFT in February 2019 that they had not seen any cases where victims have been re-trafficked⁸⁹ and the IOM stated that ‘in the case of Vietnamese males travelling to the UK, we are not aware of cases of people being re-trafficked’⁹⁰.
- 8.1.4 Several sources^{91 92 93} refer to Mimi Vu, an anti-trafficking advocate based in Vietnam, who has stated that outstanding debt and other factors which led to victims being trafficked initially still remain when victims are returned to Vietnam. As those factors still exist victims remain at risk of being re-trafficked.

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Section 10 updated: 20 April 2020

9. Social stigma of trafficking victims

- 9.1.1 The UK Home Office FFT were told in February 2019 by NGO Hagar that victims of trafficking face social stigma and this is the same for victims of domestic violence as Vietnam has a victim blaming culture. Hagar also stated that victims tend to be suffering from trauma and it affects how they are able to function. They find it difficult to get a job or establish a business especially when they return after many years of being trafficked and are now past school age. Some women return, and their husbands have new wives and their children have forgotten them and they also find it difficult to get identity papers as they have been away for a number of years⁹⁴.
- 9.1.2 Diplomatic sources told the UK Home Office FFT that victims often do not want to be identified due to social stigma⁹⁵.
- 9.1.3 NGO AAT and IOM both informed the UK Home Office FFT that returned victims of trafficking feel a sense of failure and shame for not having been able to provide for their family⁹⁶.
- 9.1.4 The 2019 DFAT report noted that:
‘Returnees, including [...] trafficking victims, typically face a range of difficulties upon return. These include unemployment or underemployment, and challenges accessing social services, particularly in cases where household registration has ceased. In addition, trafficking victims face social stigma and discrimination, and may experience difficulty in accessing

⁸⁸ ECPAT UK et al, Precarious Journeys, 2019, [url](#)

⁸⁹ Home Office, ‘HO FFM report’, September 2019, Annex D- Hagar, [url](#).

⁹⁰ Home Office, ‘HO FFM report’, September 2019, Annex D- IOM, [url](#).

⁹¹ The Guardian, ‘UK accused of failing trafficked children article’, 7 February 2018, [url](#).

⁹² BBC News, How a boy from Vietnam became a slave on a UK cannabis farm, 21 January 2020, [url](#)

⁹³ Asia Times, Vietnamese dope growers getting Brits high, 19 October 2019, [url](#)

⁹⁴ Home Office, ‘HO FFM report’, September 2019, Annex D- Hagar, [url](#).

⁹⁵ Home Office, ‘HO FFM report’, September 2019, Annex D- Diplomatic sources, [url](#).

⁹⁶ Home Office, ‘HO FFM report’, September 2019, Annex D- IOM and AAT [url](#).

appropriate trauma counselling services outside of large cities. Many returnees have high levels of debt from funding their travel out of Vietnam. Sources in Vietnam have reported cases of moneylenders taking borrowers' houses or land as repayment, or borrowers having to flee loan sharks when they are unable to repay their loans'.⁹⁷

- 9.1.5 See also the country information included in the Country Policy and Information Note on [Vietnam: Fear of illegal moneylenders](#).

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Section 11 updated: 20 April 2020

10. Position of women in general

- 10.1.1 The 2019 DFAT Report notes that:

'Article 26 of the Constitution guarantees male and female citizens equal rights in all fields, explicitly bans all forms of discrimination against women, and states that 'men and women shall receive equal pay for equal work'. A range of domestic legislation supports these principles, including the Law on Gender Equality (2006), the Law on Prevention and Control of Domestic Violence (2007), and the Law on the Prevention of Human Trafficking (2017). In addition, amendments to the Law on Land (2014) and the Law on Marriage and Family (2014), improve the property rights of women in families. The 2015 review of Vietnam's implementation of CEDAW found, however, that while Vietnam had made extensive legal commitments to guarantee women's rights on paper, it had not taken steps to enforce or protect them in practice.

'Vietnam's female labour participation rate of 73 per cent is among the highest in the world, but differences remain in the treatment of men and women in the workplace... Indeed, many women are denied access to 77 occupations: 38 categories of job are prohibited on the basis of sex, and an additional 39 are prohibited for pregnant women and women with children under 12 months. Many women find it difficult to find a job after the age of 35, and there have been recent reports of women receiving termination letters upon reaching that age. The Vietnam General Confederation of Labour has reported that women aged over 35 account for roughly half of all unemployed workers in the country.'⁹⁸

- 10.1.2 The 2019 USSD report noted that 'The law provides for gender equality, but women continued to face societal discrimination. Despite the large body of law and regulation devoted to protecting women's rights in marriage and the workplace as well as provisions that call for preferential treatment, women did not always receive equal treatment in employment, education, or housing, particularly in rural areas.'⁹⁹

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⁹⁷ DFAT, 'Country report', 13 December 2019, [url](#).

⁹⁸ DFAT, 'Country report', 13 December 2019, [url](#).

⁹⁹ USSD, 'Country Report', 11 March 2020, [url](#).

10.2 Women living alone

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

‘[...] in 1986 the government passed the Marriage and Family Law, which for the first time recognized single mothers and their children as legally legitimate.

‘[...] Since then, the government, working with international organizations, has continued to push for equal rights for women and to improve their health and education. Today single mothers in the countryside still face hardship, discrimination and shame, but benefit from government initiatives that started with the older generation.’¹⁰⁰

10.2.2 An article published by Tuoi Tre News in September 2014, reported:

‘As more women in Vietnam become single mothers for different reasons, several groups have been launched online to help them overcome financial difficulties, provide them with access to better child care, and stand firm against social stigmas. One such group in Ho Chi Minh City is “Hoi Nhung Ba Me Nuoi Con bang Doi Tay va Nuoc Mat” (Association of Single Mothers Raising Their Children with their Hands and Tears). Membership to the group is exclusive to single mothers only. According to its management, the group now has almost 2,000 members. Many members from other provinces also take part in the occasional offline meetings. Several other online groups, exclusive or not, also gather single mothers together.’¹⁰¹

10.2.3 Reporting on single women in Vietnam, Xinhua noted in an article in April 2017, that:

‘Vietnam has seen a rising number of women who delay or even reject completely the idea of marriage regardless of social or biological factors, especially in major cities. “More and more of my female friends are choosing to live alone these days,” Khuc Hong Thien, a 36-year-old man from Hanoi told Xinhua... Thien said of his single female friends that they were “free, independent and open-minded.” Viewing the trend as no surprise in a more developed society, Vietnamese experts have surmised that equal access to education and employment are the key reasons behind Vietnamese women’s improving financial independence, which can drive them towards a single lifestyle.’

‘The right to motherhood of single women had been officially recognized by the Vietnamese government since 2003, by allowing them to receive sperm donations and have a baby through In vitro fertilization.’¹⁰²

10.2.4 The Freedom House report, Freedom in the World 2019: Vietnam stated: ‘Women generally have equal access to education, and economic

¹⁰⁰ New York Times (NYT), ‘Single mothers article’, 14 February 2013, [url](#).

¹⁰¹ Tuoi Tre News, ‘We, Vietnam single moms’, 8 September 2014, [url](#).

¹⁰² Xinhuanet, ‘Single women enjoying independence article’, 28 April 2017, [url](#).

opportunities for women have grown, though they continue to face discrimination in wages and promotions.’¹⁰³

- 10.2.5 On their website Oxfam state that they work in Vietnam ‘in partnership with government, civil society, businesses, communities, media, research institutions and think tanks to influence policy and practices aiming at reversing economic, gender and social inequalities’.¹⁰⁴
- 10.2.6 Information on the citizenship rights of children born to Vietnamese nationals outside of Vietnam can be found on the [Socialist Republic of Vietnam’s, Ministry of Justice page.](#)

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Section 12 updated: 20 April 2020

11. Freedom of movement

11.1 Overview

- 11.1.1 Vietnam has a total land area of 310,070 sq km with one of the highest population densities in the world. The Mekong Delta in the south and the Red River Valley in the north have the largest concentrations of people¹⁰⁵.
- 11.1.2 The Freedom House report, Freedom in the World 2019: Vietnam stated: ‘Although freedom of movement is protected by law, residency rules limit access to services for those who migrate within the country without permission, and authorities have restricted the movement of political dissidents and ethnic minorities on other grounds. Vietnamese citizens who are repatriated after attempting to seek asylum abroad can face harassment or imprisonment under the penal code.’¹⁰⁶
- 11.1.3 The 2019 DFAT Report noted that:
‘While the Constitution allows for freedom of movement, citizens staying overnight away from their place of residence are required to register with local police. Authorities reportedly enforce this requirement more strictly in some Central and Northern Highlands districts. Citizens who fail to register movements are subject to fines, and may face difficulties in accessing legal residence permits, public education and health care.’¹⁰⁷
- 11.1.4 The 2019 USSD report stated that:
‘The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government imposed some limits on the movement of individuals, especially those convicted under national security or related charges or outspoken critics of the government.
‘Citizens must register with local police when staying overnight in any location outside of their own homes; the government appeared to enforce these requirements more strictly in some Central and Northern Highlands districts.

¹⁰³ Freedom House, ‘Freedom in the World 2019’, 4 February 2019, [url](#).

¹⁰⁴ Oxfam, ‘who we are’, undated, [url](#).

¹⁰⁵ CIA Factbook, Vietnam, People and Society, updated 22 January 2020, [url](#).

¹⁰⁶ Freedom House, ‘Freedom in the World 2019’, 4 February 2019, [url](#).

¹⁰⁷ DFAT, ‘Country report’, 13 December 2019, [url](#).

'Authorities did not strictly enforce residency laws for the general population, and migration from rural areas to cities continued unabated. Moving without permission, however, hampered persons from obtaining legal residence permits, public education, and health-care benefits.'¹⁰⁸

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11.2 Ho Khau registration

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

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

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

'To prepare for this, the Ministry of Public Security is striving to complete gathering personal information of all citizens by early 2019, and by 2020, every citizen is expected to have a new ID card with NI number.'¹⁰⁹

11.2.2 Hagar and an academic source told the UK Home Office FFT that ho khau registration is not a barrier to moving around the country and does not prevent free movement¹¹⁰.

11.2.3 The 2019 DFAT Report stated that:

'The Law on Residence (2006) establishes the system and policies for household registration (ho khau) and is administered by the Police. Under the law, there are two categories of registration (reduced from four under the previous law): temporary and permanent. Household registration requires citizens to register their permanent residence in only one district in Vietnam. To gain permanent residence status in a new district, citizens must either marry into a family already holding permanent residence, purchase land, or live in rental housing with an official lease and a minimum amount of liveable space.

'Household registration is initially obtained through the registration of a person's birth with the village or provincial administrators. Officials use the registration system to determine the levels of services provided to villages

¹⁰⁸ USSD, 'Country Report', 11 March 2020, [url](#).

¹⁰⁹ Vietnam Law and Legal Reform Magazine, 'Household registration article', 25 January 2018, [url](#).

¹¹⁰ Home Office, 'HO FFM report', September 2019, Annex D- Hagar and Academic source, [url](#).

and provinces, linking a person's right to access government health care, education and other services to their place of residence. Household registration is also essential for obtaining employment with the government or in state-owned enterprises. Furthermore, household registration provides benefits for low-income families, including reduced electricity rates.

'Although health care facilities can be accessed anywhere in Vietnam in emergency cases, there have been reports of public facilities turning away non-life-threatening cases where the person is not properly registered. Access to schools is determined by household registration and administration fees may apply to children not registered in an area zoned for a particular school. For members of minority groups, household registration is essential to access development-related entitlements in rural and regional centres. This may include additional language training or employment related training. Citizens can request the issuance or reissuance of a household registration book, a certificate of temporary residence or other residential papers from local authorities.

'As noted above, under government resolution 112/NQ-CP issued 31 October 2017, the household registration book will be abolished in 2020 and replaced with a new online database, removing some previously time-consuming administrative procedures. Personal administrative procedures going forward will be linked to an individual's 12-digit personal identification number, and updated on the national database.'^{111,112}

- 11.2.4 For further information on Ho Chau registration please see [Report of a Home Office fact-finding mission, Vietnam, September 2019](#)

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¹¹¹ DFAT, 'Country report', 13 December 2019, [url](#).

¹¹² DFAT, 'Country report', 13 December 2019, [url](#).

Terms of Reference

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

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

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

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Version control

Clearance

Below is information on when this note was cleared:

- version **4.0**
- valid from **21 April 2020**

Changes from last version of this note

Updated country information and inclusion of information gathered on the fact-finding mission to Vietnam

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