

# Human Trafficking in Vietnam: The Issues and Responses of the Vietnamese Government

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Transnational crimes pose great challenges for many nations around the world due to their complex characteristics. Vietnam is located in Southeast Asia, where there is a high rate of transnational crimes, such as drug trafficking, terrorism, and human trafficking. The trafficking of persons in Vietnam is considered a social phenomenon because there is a significant number of trafficked victims, and consequences. Hence, the issue should be prevented and handled to protect the Vietnamese people. This research focusses on two main objectives, including investigating the issues of human trafficking in Vietnam, and proposing potential solutions in countering human trafficking crimes. This paper is divided into two main parts. Firstly, the project examines the issues of human trafficking in Vietnam, including exploring the background, its reasons, the tricks of the offenders, and the consequences. Secondly, the research analyses the responses of the Vietnamese Government in fighting such crimes.

**Keywords:** *Human trafficking, Vietnam, Response, Crimes, Government.*

## Introduction

Human trafficking is a social problem in many countries, in which people are bought and sold with the aims of sexual exploitation, forced labour, and the removal of organs. Human trafficking violates international human rights, and it is a crime in the international criminal laws. Among the Southeast Asian countries, Vietnam is a source and destination country for the trafficking of persons (U.S. Department of State, 2016). In recent years, human trafficking has been regarded as a significant issue on social media because there has been a dramatic



increase in the victims of these crimes. In addition, these issues pose negative effects upon the Vietnamese community. In order to reduce the issue, the Vietnamese Government implemented several solutions to respond to the social evil, however, it seems these efforts have been ineffective. Many instances of the trafficking of persons occur in the mountainous areas which are near the borders with other countries, such as China, Cambodia, and Laos (Saragiha, Yanib, Bainusc, & Sumadinatad, 2020). Furthermore, the activities and plots of human traffickers are complex and sophisticated, while there is also a limitation by law enforcement agencies to detect and prevent these crimes.

Therefore, the paper contributes an important role in examining the aspects of human trafficking in Vietnam, which may help people and governments to enhance an awareness of the crime. The research may also support Vietnamese police officers, and other law enforcement agencies in investigating human trafficking, and provides several essential recommendations to resolve the issue.

## **Literature Review**

Human trafficking is one of the most serious problems in many Southeast Asian countries, including Vietnam, where this problem is recognised by several scholars. According to Lloyd Michael, Gary Yu, Bao, and Donn (2017), human trafficking in Vietnam can cause negative effects on the victims, while young female sex workers in Ho Chi Minh City can be put at risk. These vulnerable persons involve high rates of human immunodeficiency virus (HIV), and they lack opportunities to access health care systems because of economic constraints, stigma, and low knowledge. Their survey data reveals that these victims have a limited contact with police, minimal substance use, and sleepless nights. The young male sex workers were sold through third party brokers for illegal purposes, and these victims have low levels of knowledge about the transmission of HIV (Lloyd et al., 2017). In addition, the victims of human trafficking in Vietnam, who returned to the original areas, faced trauma and other problems (Le, 2017). The author indicates that the women victims experienced multiple abuses and changes in environments, and relationships (Le, 2017). According to Kiss et al. (2015), the trafficked victims are exposed to health risks, such as sexual, psychological, and physical violence, as well as occupational hazards, and deprivation, which lead to long-term psychological, and physical morbidity. Furthermore, Le (2017) points out that in order to prevent human trafficking crimes and protect the victims, inter-agency cooperation is one of the important methods. The author uses interview as a main approach, and analyses government reports, and other sources to conduct the research. Therein, the factors leading to human trafficking crimes in Vietnam are studied. According to Nguyen (2019), the main cause of human trafficking among mountainous communities in Vietnam is a low awareness of the crimes.



From the literature review above, it can be seen that these studies only focus on the victim of human trafficking in Vietnam and provide few solutions to support these people reintegrating into the community. However, human trafficking can be seen as a social phenomenon, as well as a big problem in this nation, while the causes, tricks, and effects of trafficking in person are still limited. Therefore, this study is essential to discover the aspects of human trafficking in Vietnam.

Furthermore, the primary purpose of this paper is to explain why human trafficking in Vietnam is a social phenomenon. The research reviews the context of the trafficking of humans, which reveals that it has become more complex and serious. The victims of these crimes are not only children and women, but also men, who are trafficked with various purposes. The paper examines the factors that are considered as the main reasons leading to the trafficking of a person. Meanwhile, it also clarifies the tricks used by the offenders, to determine the vulnerabilities, as well as the impacts, upon the community. From the characteristics of human trafficking in Vietnam, the paper proposes several effective solutions to prevent and reduce the issue.

The project is conducted based on the review and analysis of available literature, and field research. The secondary data includes annual reports of United States (US) Department of State; annual reports of the General Department of Police; reports from the Ministry of Public Security; and journal articles, newspapers, and other documents related to human trafficking crimes. Furthermore, there are also several articles and books which studied human trafficking in Vietnam. These reports, books, and articles are significant resources for this project.

This research examines the issues of human trafficking in Vietnam, which concentrates on the background, the reasons, the tricks of the offenders, and the consequences. The paper also evaluates the responses of the Vietnamese Government in combating the crimes. Finally, the paper will propose recommendations to enhance the results of combating human trafficking.

### **The Background of the Study on Human Trafficking in Vietnam**

Although the data and information pertaining to human trafficking remains limited for various reasons, the number of victims is considered to be expansive and on a worldwide scale. According to the International Labour Organization (ILO, 2008), there were 12.4 million victims of forced labour around the world. In the figure, 44 per cent were trafficked into prostitution, and 33 per cent were traded for labour exploitation. Meanwhile, 23 per cent were trafficked for both sexual, and labour exploitation (ILO, 2008). The IOM (2008) also indicates that every year, there are more than 800,000 persons who are traded through nations. According to ILO (2008), one-third of trafficked victims are located in Southeast Asia, while the real statistics of the trafficking of persons in Vietnam remains unknown. Tucker, Kammel,

Lehman, and Ward (2009) point out that the trafficking of persons in Vietnam is considered a phenomenon, and a major problem because many Vietnamese people become vulnerabilities of the crimes. Vietnam has become both a destination, and a source nation for the victims of such crimes.

**Table 1:** Number of human trafficking cases and victims (2006–2015)

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
Cases	328	369	375	395	429	458	487	507	469	407	4,222
Victims	966	938	981	869	671	821	883	982	1,031	1,000	9,142

According to statistics from the Ministry of Public Security (2016), there were 4,222 cases, and 9,142 victims of human trafficking identified from 2006 to 2015, with the number of cases rising dramatically during this period (see Table 1). Thus, human trafficking crimes have remained in high levels of alertness. However, the real issue of the trafficking of persons in Vietnam is more complex, and grows increasingly worse because the number of the criminals, and the victims may be higher than reported (Do & Dang, 2012). Many human trafficking experts also claim that only around 20 per cent of victims, and human traffickers are detected, whereas the various crimes may remain undiscovered, and the statistics are reported as being only “the tip of the iceberg” (Do & Dang, 2012). Therefore, the reported number of cases in Vietnam may not be true because between 2004, and 2009, there were more than 22,000 children and women reported missing, while 20,100 children were adopted, and nearly 300,000 women were married to foreigners (U.S. Department of State, 2016). In 2016, 544 suspected traffickers were arrested by the Vietnamese Government, 444 cases were prosecuted, and more than 200 trafficking criminals were convicted (U.S. Department of State, 2016).

According to UNICEF (2011), numerous Vietnamese women have become the victims of trafficking from fraudulent marriages. Many Vietnamese women were arranged to marry Chinese men, and these women can be raped, and abused by their husband, and their husband’s family. In some cases, these women may be sold to other people or to brothels in China (UNICEF, 2011). According to the Ministry of Public Security (2016), 31 per cent of foreign marriages were related to China, 13 per cent involve Korea, and 11 per cent are from Taiwan. Ho Chi Minh City has the largest number of women who married foreigners, with around 64,000 cases. This was followed by Bac Lieu with 17,000 cases, and Can Tho province with 14,000 cases (Ministry of Public Security, 2016).

The human trafficking situations in Vietnam are substantially hidden, and complex because the activities of the perpetrators are sophisticated, and cunning. Therefore, law enforcement agencies face difficulties in discovering the criminals (Do & Dang, 2012). In addition, most



criminals who commit the crimes are members of transnational crime organisations. As a characteristic of the crimes, there is a close relationship between the Vietnamese, and foreign offenders (Report of General Department of Police, 2010). The methods of recruitment have been changed. In the past, victims of human trafficking were recruited through informal ways because traffickers were mainly familiar relations, such as friends, and relatives. However, the nature of these traffickers has changed because human trafficking is mostly committed by organised, and transnational crime organisations (Ministry of Public Security, 2016).

From the investigations, and the reports of the Vietnam police, more than 90 per cent of the trafficking destinations are the neighbouring nations of Vietnam. For example, in last decade, most of the victims were sold to China at a rate of 70 per cent, followed by Cambodia with 11 per cent. Other known destination nations included Taiwan, Laos, Thailand, Malaysia, South Korea, and several European countries (CEOP, 2011). The female victims in Vietnam were traded for two main purposes, as sex workers, and for labour exploitation. Children and men are also the victims of these perpetrators. While children can be trafficked for the aim of adoption, men are sold for work exploitation, and in some cases, these men can be trafficked to China for the purposes of organ removal (Do & Dang, 2012). The main vulnerabilities to such crimes includes a poor education, economy, and awareness, and they live in mountainous and remote areas (Report of General Department of Police, 2010). Furthermore, in Vietnam, there are about 260 criminal networks, 310 hotspots, 86 routes, and 700 known persons who are related to the activities of human trafficking, both within and outside the nation (Report of General Department of Police, 2010).

### **The Causes Leading to Human Trafficking in Vietnam**

According to the US Department of State (2016), the Socialist Republic of Vietnam is the destination, and the source for human trafficking. Vietnam is a developing nation in Southeast Asia, which has the potential factors for the operations of human traffickers. Human trafficking, which is a significant problem in Vietnam, is caused by several reasons, such as gender discrimination, economic status, awareness of human trafficking, and high demand.

Gender discrimination is the first reason for this issue. One of the main purposes of human trafficking in Vietnam is for sexual exploitation. Consequently, women and girls are more likely to be vulnerable to these crimes (Abdurrachmana, Majestyab, & Riyanti, 2020; Tucker, Kammel, Lehman, & Ward, 2009). According to the ILO (2008), 98 per cent of all victims are girls and women who are traded for the aim of working as sexual workers. These statistics are reinforced in the Southeast Asia, and Vietnam contexts. Furthermore, a discriminatory culture in Vietnam is a potential reason to exacerbate trafficking (Duong, 2014). Most Vietnamese families consider that boys are more value than girls because they believe that boys are the main workers in their families, and they can earn more money and take care of their old parents,



while girls are not. As a consequence, boys may be privileged to have whatever they want and do whatever they like. However, girls and women are usually cursed and blamed for their operations. From this situation, women and girls want to find a better life and decide to leave their hometowns for the big cities. These people may become vulnerable to human traffickers (Do & Dang, 2012). In addition, the limitations of gender equality in this nation contributes to domestic violence. Patriarchal attitudes are the main behaviour of these Vietnamese men. The characteristic of bad behaviour is physical violence. They believe that this approach is the best way to 'educate' their wife. Meanwhile, women hardly report domestic violence to police officers because they are protecting the happiness of their families (Rasanathan & Bhushan, 2011). According to the Ministry of Public Security (2016), more than 30 per cent of murders were related to domestic violence in Vietnam, and every three days there is the death of a Vietnamese woman due to domestic violence. This contributes to human trafficking because the women who face domestic violence tend to escape by running away from home.

The second factor leading to this situation is economic status. According to Do and Dang (2012), poverty is one of the main reasons pushing people to become involved in human trafficking. Most victims of these crimes are the poor, and unemployed. They live in difficult conditions, and some poor families do not have not enough food to feed their children. These vulnerabilities are located in mountainous and poor areas, which are far from cities. They do not have enough daily basic conditions, such as fresh water, food, and clothes, and in some cases, these people have never seen a television or modern device (Do & Dang, 2012). The impoverished Vietnamese pose a great opportunity for human traffickers because fraudulent offers are usually applied as an approach to entice the victims. These people do not have other choices, and they believe in the 'sweet promises' from the traffickers that they would have good jobs, which will change their lives. As a consequence, they fall into a trap of human trafficking, which the offenders had prepared (The U.S. Department of State, 2016). In addition, poverty, and poor education have a close relationship. In Vietnam, men usually receive more educational opportunities than women because many families assume that boys can be the main workers in their families. Whereas, girls will marry, and they will not be able to contribute to the family economy, and when the girls go to school, the school fees will influence their family budget. Therefore, many girls have to drop out of school early. In mountainous areas, this event occurs as early as primary school (VCHR & FIDH, 2015). This negative factor pushes many Vietnamese people, especially girls and women, into difficult situations and they become vulnerable to be tricked or involved into the human trafficking system.

A low awareness of human trafficking is another reason which contributes to the problem. In terms of the second reason for human trafficking in Vietnam, the research project indicates that most of the vulnerabilities of the crimes relate to the poor, and poverty. Thus, these victims lack an awareness of human trafficking, which is a risk factor causing this situation (Rushing,

2006). As few as 50 per cent of Vietnamese women seemed to possess knowledge about the dangers of trafficking. Many victims cannot see its risks, and they are more likely to be involved in the traps of the criminals. For instance, in looking for a job, a high salary and the prospect of employment are targeted by unemployed persons. Human traffickers, however, consider that an advantage to attract the victims. Human traffickers provide benefits and promise the victims that they will have good wages if they move to foreign nations. The victims also believe that their lives may be changed from such an opportunity, which can also support their families in the future. However, instead of getting a stable job, these people are forced to work with a low salary and in hard conditions.

Likewise, because of an unawareness of human trafficking, many Vietnamese women want to begin a new life by marrying a foreigner. Most poor women in rural and mountainous areas hear about the stories where a lucky woman had a rich life, and happy family after she entered into a marriage with a foreign person. In several cases, the lucky women even sent back money to their families to buy cars and build houses. Therefore, many women believe that this is a great way to change their lives, and they decide to get married to a foreigner without any consideration (Do & Dang, 2012).

Finally, a high 'demand' for Vietnamese children and women can be considered as a reason for human trafficking. Due to their understanding of the human trafficking problem, the researchers not only focus on the perspective of trafficking victims, they also consider the aspect of demand. The victims of the crimes are a commodity, which creates many black markets for an underground industry in Vietnam (Tucker, Kammel, Lehman, & Ward, 2009). Recently, there has been an increase in the demand for virgins from neighbouring countries. According to Derks (1998), several Cambodians want Vietnamese girls due to their pale skin. In addition, sexual exploitation aims in Cambodia, and China have led to an increase in the demand for virgins. China, and Cambodia are the main destinations for trafficked Vietnamese victims, with more than 70 per cent pertaining to virginity sales (Derks, 1998). Furthermore, the one-child policy is a significant factor leading to a sex imbalance in China, so it raises the demand for trafficked children, and women in Vietnam. After the policy was released, many Chinese families preferred to have a boy rather than a girl, which led to the sex imbalance with too many males. Then many Chinese males do not have an opportunity to get married. Therefore, some gullible Vietnamese women are seduced into marriage by human traffickers (Do & Dang, 2012).

### **The Tricks of Human Traffickers**

The offenders apply a variety of sophisticated tricks to recruit the vulnerable, ranging from physical force to deceit. Human traffickers are also various, and can be an individual or a criminal organisation. Human trafficking is a type of transnational crime, so there is a close



connection between domestic and international offenders (U.S. Department of State, 2016). Although criminal activities are committed by individuals or organisations, their methods are similar, such as coercion, deceit, and using physical force (U.S. Department of State, 2016).

One of the main methods is the use of perpetrators to coax, and seduce vulnerable, and poor people with a new life. As presented previously, human traffickers target the individuals who are suffering from difficult conditions or the people who are facing a burden, such as lovelorn, debt, unemployment or divorce. They use sweet promises to convince these unfortunate persons. Consequently, these victims believe that this is a chance to have a better life (Do & Dang, 2012). In addition, in some cases, the offenders pretend to love the victims to trick them. These offenders flirt with naive young women to make them fall in love, and then they wait for an opportunity to sell them (Report of General Department of Police, 2010). The offenders also use glorious, and sweet promises to entice several females who live in rural areas. Due to a lack of awareness of human trafficking, these women are more likely to be convinced to move to new areas, where they will be traded as a commodity. Many young women are invited to visit a city or go shopping, and are subsequently then forced to move to the border between Vietnam, and other countries. At this time, the victims may realise that they are deluded, but they are weak women who cannot escape from the threat of violence or force (Report of General Department of Police, 2010). Especially, most offenders have a close relationship with the victims, who may be their close friends or relatives (Report of General Department of Police, 2010).

The tricks of adoption, and kidnap are other methods of human traffickers. According to Do and Dang (2012), adoption is a sophisticated trick to delude the local authority, and the family of the victims. As a consequence of giving birth too much, many poor families are not able to take care of their kids, and they assume that if their children live in rich families, they may have a better future life. The human trafficking offenders coax the unaware families to adopt their children, and then sell them to others. The human traffickers promise the adopted child's family that they will have a great life in a rich family. In some cases, these children can be sold for the purpose of taking internal body organs (Do & Dang, 2012). The US State Department indicates that some victims are traded by their families because of the difficult conditions, and an unawareness of human trafficking. According to the Ministry of Public Security (2010), the trick was used mainly in rural areas. Most children were traded to China for prices ranging from \$500 to \$1,500 dollars per child. In addition, a number of trafficking vulnerabilities in Vietnam are forcibly kidnapped. In some cases, the kidnapped victims were traded to Cambodia, and China. The victims of the crimes are usually young children who go to school alone or the schools are far away from their families. The offenders usually go in a group of at least two persons, who wear masks, and ride a motorbike. They follow the victims for long time and choose a suitable time to kidnap them (General Department of Police, 2010). Many kidnapped victims are small boys, and they are sold to families in which the parents are not



able to give birth or have only a daughter. China is the main destination of the crimes due to the one-child policy, which prevents Chinese families from having a boy to maintain their traditional family (U.S. Department of State, 2016).

Recently, the trading of internal body organs and embryos has become a new activity of trafficking offenders. In China, many people are forced to remove their internal organs, which is a concern of the Chinese Government (Daily Mail, 2016). The black markets of selling internal organs in China is developing, so the Chinese criminals connect with human traffickers in Vietnam to look for internal organs from trafficked victims and to sell in China (Daily Mail, 2016). According to News24h (2012), each kidney is worth between \$10,000 and \$17,000 dollars. As a result of the super benefits from these illegal activities, the human traffickers may use any trick possible to secure their targets. In addition, several poor women experiencing an unintended pregnancy consider that if the baby is born, it will be a burden upon their family. The offenders clearly understand the situation, so they seduce these women to give or sell their children for adoption. In Vietnam, each child can be traded for \$3,000, and the price may be higher in Taiwan, and China (Do & Dang, 2012). Furthermore, forcing Vietnamese women to give birth, and selling their children, are included among the offenders' tricks. This is a contemporary method which was recently discovered in Thailand (Do & Dang, 2012). In this case, women are invited to go to other nations as tourists or workers, and then the criminals use violence or the threats of violence to force these women to get pregnant, and then sell their kids.

Getting married to foreigners is a popular method of trafficking. Due to difficult conditions and other reasons, many young Vietnamese women want to find a foreign husband to change their lives. The criminals consider the demand and believe that this is a chance to obtain money. They arrange illegal marriages for Vietnamese women with foreigners and they are paid a large sum of money to do so (Thanhniem, 2013). Recently, there have been many foreign people who travel to Vietnam to look for a Vietnamese wife. According to Thanhniem (2013), between 2008 and 2010, there were hundreds of Vietnamese women getting married to foreign people each year, and only eight per cent of women marry foreign grooms for love. Meanwhile, 92 per cent get married due to other reasons, and economy is a primary factor.

### **The Negative Consequences of Human Trafficking for the Victims**

The victims of trafficking usually suffer from a variety of mental, physical, and sexual consequences. Although in some cases, victims can escape from the criminals, they face many risks when trying to reintegrate into their community (Zimmerman et al., 2003). Human trafficking is an illegal operation, but it brings a lot of benefits to the traffickers, so these criminals utilise any kind of trick or method to successfully commit the crimes. The vulnerable victims are sold for different purposes and depending on the different demands of the clients.



The victims can be forced into sexual exploitation, forced labour or the removal of organs (Le, 2014). Trafficking victims are exposed to several physical health issues, such as fatigue, headaches, back pains, memory issues, and abdominal pains (Zimmerman et al., 2003). In order to ensure the victims do not escape from the 'prisons', the criminals often use physical punishments to coerce them, and if the victims attempt to reclaim or rebel the orders of traffickers, they may be beaten (Le, 2014). In addition, the majority of women victims suffer from sexual exploitation in brothels. As a result of not being able to convince their clients to use condoms, sexual labours may result in unintended pregnancies, and increase the risks of sexually transmitted infections, such as HIV/AIDS (Le, 2014). According to a study in Vietnam, around 16 per cent of women who experience sexual labour across Vietnam are HIV positive, and Hanoi, and Ho Chi Minh City have higher rates than other cities (Tran, Detels, Long, & Lan, 2005).

Mental health problems are also a consequence of human trafficking. A research claims that most trafficking victims will experience several problems of depression, anxiety, and stress disorder, and these people in sex work groups have higher rates than those in non-sex work groups (Tsutsumi, Izutsu, Poudyal, Kato, & Marui, 2008). The women victims also suffer several kinds of psychological trauma, as a consequence of being sexually abused. They lose trust and find it difficult to create relationships with other people in the community. In some cases, the trafficked victims even kill themselves (Tucker, Kammel, Lehman, & Ward, 2009). Furthermore, the health issues of trafficking victims are often left untreated. The traffickers and brothel owners rarely care about the victims' health, instead, they only focus on exploiting worth from them (Tucker, Kammel, Lehman, & Ward, 2009). This leads to a significant threat upon public health problems. When sex workers are subject to disease transmission, but they are left untreated, these social diseases can be transmitted from the victims to their clients very quickly. This is the main reason leading to a dramatic increase in the number of HIV infected persons in Vietnam (MoH, 2009).

There are some challenges posed upon trafficked victims when reintegrating into their society after escaping from the criminals. They require a significant amount of time and money to overcome the psychological, and physical health problems. They also need support from their community, but they feel stigma, and they do not trust anyone. Moreover, due to cultural and economic obstacles, Vietnamese trafficked victims find it difficult to obtain essential needs, such as medical, vocational, and psychological support to reintegrate into their community (Tucker, Kammel, Lehman, & Ward, 2009). In a statistic, from 2005 to 2007, there were 1,500 trafficked victims who were successfully rescued from Cambodia, and China, and returned to Vietnam. This number is very small, while the actual figure might be much higher (Report of General Department of Police, 2010).



## **The Responses of the Vietnamese Government**

In response to the problems of human trafficking, the Vietnamese Government has carried out essential activities to control, and prevent the issue, including establishing policies, and laws, and organising seminars, and training courses to enhance the awareness of the crimes.

### ***Establishing the National Action Program on Human Trafficking Prevention***

The Vietnamese National Action Program against Trafficking in Women and Children (the VNAP) is one of the first attempts by Vietnam to prevent and combat the problems of human trafficking. This program was undertaken from 2004 to 2010, in accordance with the Decision 130/2004 of the Vietnamese Prime Minister in June 2014 (Hoang, 2008). This program was a national policy against the trafficking of women and children. It was created to enhance an awareness of human trafficking and provide essential tools in recognising and combating the crimes in their community. According to The Ministry of Public Security (2016), the VNAP focusses on four main duties, outlined as follows.

Firstly, the use of social media, and other methods to propagate basic information regarding human trafficking helps the Vietnamese people to enhance their awareness of the crimes. From the program, people are educated about the characteristics of the crimes to prevent, identify, and combat them. These activities are a priority to be undertaken in hot-spots, and rural and mountainous areas, where human trafficking is more likely to occur. It also provides assistance and measures to support the victims. The program is led by the Vietnamese Women Central Association with the involvement of the Youth Association, and the Committee of Population, Family, and Children.

Secondly, in an effort to combat and prevent human trafficking, the first project was implemented by the Ministry of Public Security in domestic places. The second project was carried out in national border places by the Border Armed Force. The Supreme Procuracy, Supreme Court, Ministry of Foreign Affairs, Ministry of Justice, and The Committee of Population, Family, and Children also participate in the project.

Third, is the duty to receive and help the trafficked victims who are returning from other nations. The police and Border Armed Force share information of immigration in the border gates. The project was led by the Ministry of Defence. The Ministry of Health, and the Ministry of Labour, Invalid and Social Affairs have a role in helping the trafficking victims to reintegrating into their community, and find stability in life.

The fourth duty is to improve the law system to combat and prevent human trafficking. The project focusses on building a comprehensive law system, and legal documents, such as the



adoption law, marriage law, administrative law, and criminal law. The project was led by the Ministry of Public Security, and the Ministry of Foreign Affairs.

As a result of the program, and after five years (2004–2009), the Vietnamese Government has obtained several great achievements. For instance, the police have discovered 1,587 cases, including more than 4,000 victims, and 2,889 human traffickers (Duong, 2012). However, the VNAP notes that several limitations and weaknesses remain. The program solely concentrates in women and children because they believe that women and children are the targets of the crimes, while men cannot be the victims of human trafficking. The law enforcement agencies in the field are not enough, while these agencies are passive in detecting and investigating the crimes. As a consequence, most cases of human trafficking are only known when they have already happened and when it is reported by the victims (Duong, 2012).

### ***The Law Relating to Human Trafficking***

The early legal regulation on human trafficking was regulated in the articles 115, and 119 of Vietnam's Penal Code 1985. In these Articles, the trafficking of women and children was defined and installed as a punishment of six to 20 years in jail. In addition, the Code provided regulations related to the punishment and prevention of prostitution, and the ban on child sex workers. Especially, in the Code, these Articles indicate that only women and children are trafficked victims, and the crimes are considered as domestic offences (National Assembly, 1999).

There were several changes in Vietnam's Penal Code 1999, in two articles. The Article 119 regulated the crimes of trafficking in persons, and the Article 120 provided the offence of trafficking in children, illegal appropriation, and the fraudulent exchange of children. In addition, according to the Articles 119, and 120 of the Penal Code, offenders could be punished from between two to seven years imprisonment for an aggravated offence, if trafficking was for purpose of moving the victims to overseas or for the aim of prostitution. In the scenario that crimes were committed by an organised group or more than one victim was detected, an increased penalty could be applied (National Assembly, 1999). The 2009 Penal Code had several effective amendments in expanding the areas of trafficking crimes to the term of "trafficking in person". It also added the aim of "removal of organs". However, the definition of trafficking in the Article 119, and 120, is restrictive in comparison with the regulations of the Trafficking Protocol (Trinh, 2015). Furthermore, in 2011, the Human Trafficking Preventing and Combating Act was issued. The Act presents detailed content of the Article 119, and 120 of the Penal Code 1999. The Act also provides many policies and regulations in combating and preventing human trafficking. The law clarifies the functions and roles of the law enforcement agencies involved (Trinh, 2015). Clearly, the Vietnamese Government made an effort in building regulations to prevent and combat human trafficking. The preventing and



combating human trafficking law is an effective tool to help Vietnam reduce the gap between international anti-trafficking laws.

### ***Establishing Regional and International Cooperation***

As a transnational crime, to effectively prevent and combat human trafficking, Vietnam needs to cooperate with the many other nations involved, especially, in respect to regional cooperation. Recently, Vietnam and other nations in Southeast Asia made dramatic efforts to counter the problems (Ninh, 2008). The first regional action to fight the crimes occurred in 1997, when Vietnam signed the drafting of the Association of Southeast Asian Nations (ASEAN) Declaration on Transnational Crime (Tucker, Kammel, Lehman, & Ward, 2009). The declaration stated that members of the ASEAN must apply essential methods to prevent and combat transnational crimes, including the trafficking of women and children, drug trafficking, and other transnational crimes (Ninh, 2008). In the next step, Vietnam signed a Memorandum of Understanding Cooperation against Trafficking in 2004 with Thailand, Cambodia, Laos, China, and Myanmar. In 2009, Vietnam, and Thailand also signed anti-trafficking agreements between China, Vietnam, and Laos in 2010 (Do & Dang, 2012). These agreements concentrate on improving the mutual cooperation in the criminal procedures and law enforcement between members to address trafficking.

Furthermore, Vietnam also has effective activities in working with non-governmental organisations (NGO), international organisations, and foreign donors on the problems of trafficking in persons. The Vietnamese Government has ratified and participated in several international treaties, such as The Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour; United Nations Convention against Transnational Organized Crime; Optional Protocol on the sale of children, child prostitution and child pornography; Convention on the Rights of the Child; and Convention on the Elimination of All Forms of Discrimination Against Women (Trinh, 2015). These efforts support Vietnam to improve international cooperation in preventing and combating human trafficking, and other transnational crimes. As a benefit of having the agreements, Vietnam can exchange knowledge and experience with other nations to build comprehensive law systems, and policies in the future.

### ***Protecting and Assisting Trafficked Victims***

Vietnam has shown several efforts to protect and assist the victims of human trafficking. According to Le (2014), more than 59 per cent of trafficked victims returned to Vietnam, of whom 20 per cent were repatriated, and 21 per cent were rescued by domestic, and international police. When these victims return to their country, they face various challenges in the process of reintegration into their community. Therefore, the Vietnamese Government provides several



solutions to deal with the issue. The Ministry of Labour, Invalid and Social Affair (MOLISA) is responsible for identifying and receiving trafficked victims from abroad countries (Le, 2014). Vietnam also cooperates with other nations in supporting the repatriation of victims (Le, 2014). In order to enhance the result, Vietnam, and international organisations, such as the International Organization for Migration (IOM), have established reception centres to assist the victims. These trafficked victims are supported in terms of legal assistance, psychological counselling, and health services for at least one month. There are three reception centres, which are built in An Giang (on the border of Cambodia), Lang Son, and Lao Cai (on the border of China) (Le, 2014).

In addition, the Vietnamese Government, and other organisations also issued regulations to help victims to reintegrate into their community. The victims are engaged in vocational training or attended schools. The main purposes of the policies are to help survivors to have a new future life (Ninh, 2008). They are also supported in obtaining legal assistance, birth certificates, and identification documentation for vocational training and education. All the essential materials related to education are provided. When going to school, the children receive textbooks, and other materials (Vo, 2013). The women victims learn social work, and life skills. They also receive small loans to improve their life (Le, 2014). Although Vietnam has made efforts towards supporting trafficking victims, it is ineffective because most victims do not report to the local authority when they repatriate to Vietnam. They also do not trust other people due to their suffering of psychological issues. A lack of budget, and staff are also other factors of the limitations (Nguyen, 2006).

## **Conclusion**

The research analysed evidence to argue that human trafficking is a social phenomenon in Vietnam, which is a key reason leading to the various consequences for the victims. The project clearly presented the background of human trafficking in Vietnam, including the causes, tricks, and consequences. The removal of organs is considered as a new purpose of human traffickers, which raises many concerns for the Vietnamese people. In addition, the paper analysed the responses of the Vietnamese Government, however, there are still limitations in preventing and combating the crimes. Especially, the law systems of Vietnam have not yet reached the standards of international laws. To contribute to reducing the crimes, the paper also proposed several recommendations. These solutions focus on legislation, an awareness campaign, international cooperation, and a centre database. However, the research project also has several limitations, such as the restrictions of time and experience in the researching process, which may have influenced upon the quality of the research.



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