



Country report: Vietnam
Date submitted: 19 June 2013

UK Legal Position:	Date
Caselaw	
UKBA Operational Guidance notes*	
<p>Operational Guidance Note: Vietnam</p> <p>UKBA Operational Guidance</p> <p>Key issues: Trafficking based asylum claims (fear or ill treatment on return)</p> <p>Summary: (August 2012) Most recent guidance note for UK immigration officials and caseworkers dealing with common claims from Vietnamese nationals.</p>	<p>August 2012</p>
UKBA Country of Origin Reports *	
<p>Vietnam Country of Origin Information Report</p> <p>http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/vietnam/</p> <p>Key issues: Women (inc DV/Trafficking) pp 76-89, Trafficking pp97-103, provision of services, overview of current situation</p> <p>Summary: (April 2012) Most current UKBA report on current situation in Vietnam. Trafficking section largely reliant on US TiP report.</p>	<p>April 2012</p>
US State Department Tier Allocation	
<p><i>This is due to be released in June 2013 , check to see if its out yet.</i></p>	
<p>Not yet released</p> <p>US State Department – Tier 2</p> <p>http://www.state.gov/documents/organization/210742.pdf</p> <p>Key issues: Prosecution, protection, prevention, debt bondage, recruitment methods, aftercare provision, training gaps, general overview of State efforts to combat trafficking, implementation of recent legislation</p> <p>Summary: Vietnam (pp 392-395) is on the Tier 2 list. The report identifies the continuing gaps in aftercare service provision for both male and female victims of trafficking. The report also addresses the need for greater State involvement in</p>	<p>June 2013</p>



<p>ensuring that recent legislation (Jan 2012) to combat trafficking is implemented fully and that service providers receive proper training – specifically in the areas of victim identification and exploitation. Suggestions are also made as to how the State can increase criminal penalties for trafficking and related activities.</p>	
<p>Groups at Risk and Types of Trafficking</p>	
<p>BBC News</p> <p>Why are so many of the UK’s missing teenagers Vietnamese</p> <p>http://www.bbc.co.uk/news/magazine-22903511</p> <p>Key issues: Vietnamese teenagers/children in the UK, criminalisation, cannabis production, debt bondage, organised crime, statistics, coercion, leaving care risk to families in Vietnam</p> <p>Summary: (2013) A report outlining the high levels of Vietnamese children and teenagers thought to be trafficked into the UK. It addresses the wrongful criminalisation of victims and that increasing numbers of children are running away from care home placements in the UK due to debt bondage and fear of reprisals on their families in Vietnam from powerful criminal networks.</p>	<p>17/06/13</p>
<p>RACE in Europe (European Initiative to Improve Response against Trafficking for Forced Criminal Exploitation: RACE in Europe (Response against Criminal Exploitation))</p> <p>Trafficking for forced labour in cannabis cultivation</p> <p>http://www.raceineurope.org/wp-content/uploads/2013/04/RACE-project_-cannabis-briefing.pdf</p> <p>Key issues: forced labour, children, cannabis, trafficking routes-Czech Republic criminalisation of victims</p> <p>Summary: Anti-Slavery international and partners. The paper outlines the extent of adults and children trafficked from South-East Asia across Europe for forced labour in cannabis factories. It highlights the criminalisation of victims and calls for an improved police response to priorities the dismantling of criminal networks behind transnational crime. Particular focus on Vietnam.</p>	<p>April 2013</p>



<p>The Observer</p> <p>Human trafficking victims tell of drug factory ordeal</p> <p>http://www.guardian.co.uk/law/2013/apr/07/human-traffic-victims-drug-factories</p> <p>Key issues: Cannabis farms, criminalisation of victims, need for protection of victims, UK specific, key test cases, Vietnamese children, Chinese VOT, EU Directive against Trafficking, organised crime</p> <p>Summary: (7 April 2013) Useful recent article interviewing VOT trafficked into the UK to work as ‘gardeners’ in cannabis farms. It discusses upcoming test cases at the COA and outlines the need for greater awareness of trafficking among police/judiciary to ensure VOT are not immediately criminalised as has often been the case in the past. Call for greater governmental protection for VOT who have been compelled to commit crimes.</p>	07/04/13
<p>The Centre for Social Justice</p> <p>It Happens Here: Equipping the UK to fight modern slavery</p> <p>http://www.centreforsocialjustice.org.uk/publications/it-happens-here-equipping-the-united-kingdom-to-fight-modern-slavery</p> <p>Key issues: Awareness, recommendations, forced labour, sexual exploitation, internal re-trafficking (UK), protection of victims</p> <p>Summary: (March 2013) A general report following an 18-month investigation into exploitation of foreign adults and children across the UK. Outlines proposals and recommendations as to how the UK can act further to fulfil their treaty obligations. Outlines gaps in awareness at UKBA and social services in appropriately identifying VOT. Useful section on children trafficked into the UK for drug cultivation (p50) and the prosecution of children for drug related offences and the barriers in identification by police/CPS. Some specific references to Vietnamese victims.</p>	01/3/13
<p>Serious and Organised Crime Agency</p> <p>UKHTC: A Baseline Assessment on the Nature and Scale of Human Trafficking in 2011</p> <p>http://www.soca.gov.uk/about-soca/library/doc_download/400-soca-ukhtc-baseline-assessment</p> <p>Key issues: General statistics, police reporting, UK, trafficking identification, route</p>	01/08/12



<p>to UK via Russia/France</p> <p>Summary: (2012) A general assessment report that outlines the number of potential VOT identified by police forces, breaking down into country or origin, type of exploitation and recruitment methods. References to Vietnam on pp 7.11. 13, 17, 18. Identifies that Vietnam is the second highest COI for identified child trafficking victims (p7). One route is via Russia and/or France. Vietnamese nationals also made up 90% of identified victims of criminal exploitation who were forced to work in cannabis factories.</p>	
<p>ECPAT</p> <p>http://www.ecpat.org.uk/media/children-trafficked-cannabis-cultivation-need-p-rotection-not-prosecution</p> <p>Press Release: Children trafficked for cannabis cultivation need protection not prosecution</p> <p>Key Issues: Response to ACPO report (2012), Child trafficking, cannabis cultivation, ‘gardeners’, forced labour, organised crime, Vietnamese gangs, debt bondage, children disappearing from care, victim identification problems</p> <p>Summary: (May 2012) Press release outlining situation for children (largely Vietnamese) trafficked to the UK to cultivate cannabis. Criticism of ACPO report and posits action to be take by the UK government in order to combat child trafficking in the UK.</p>	01/05/12
<p>International Organisation for Migration (IOM)</p> <p>Exploratory Research- Trafficking in Boys in Viet Nam</p> <p>http://www.iom.int.vn/joomla/index.php (IOM Vietnam website) http://www.iom.int.vn/joomla/files/Final_report_Trafficking_in_boys_ENG.pdf</p> <p>Key issues: Research, boys, lack of awareness of local authority/community on trafficking in boys, demographic profiles, labour exploitation, sexual exploitation, abduction, debt bondage and cultural/sociological views/ implications</p> <p>Summary: (Jan 2012) Research report aiming to address gaps in research, policy and legislation in relation to boy victims of trafficking and to assess attitudes and awareness of authorities as to the scale of the problem. It also highlights the official perception of victims of human trafficking being girls or women, not boys. Further that the Palermo Protocol is not reflected in the Vietnamese Penal Code and the law on Prevention and Suppression of Human Trafficking. The report also looks into the factors that contribute to making boys vulnerable to trafficking and profiles boy</p>	01/01/12



<p>victims. Research was carried out between Oct 2010-Jan 2011 in 12 provinces across Vietnam. (Page 11/21 refer to UK situation, cannabis farms, forced labour) Research conducted in Vietnam and therefore focuses on the situation there.</p>	
<p>HumanTrafficking.org The HumanTrafficking.org project was implemented as a result of proposals at the Asian Regional Initiative Against Trafficking (ARIAT) meeting in 2000 to promote partnership working. The purpose of the website is to bring Government and NGOs in the East Asia and Pacific together to cooperate and learn from experiences in their efforts to combat human trafficking. The site has country-specific information such as national laws and action plans and contact information on useful governmental agencies.</p> <p>http://www.humantrafficking.org/countries/vietnam</p> <p>Key issues: vulnerability to debt bondage, contributing factors, recent legislation, protection and prevention efforts, and shelters- limited resources, no shelters for male victims of trafficking or victims of labour trafficking.</p> <p>Summary: (2012) Brief overview/summary of current situation in Vietnam in regards to trafficking methods, prevention and legislation. Shows that there is limited prosecution of trafficking for purposes of labour exploitation, no convictions of officials complicit in trafficking and those responsible for internal trafficking. The limited number of shelters available are only able to provide temporary assistance, have rudimentary facilities and under qualified staff. There are no shelters for male victims of trafficking or those subject to labour trafficking.</p>	<p>2012</p>
<p>ECPAT</p> <p>Discussion paper: Understanding... Safeguarding children trafficked to the UK to work in cannabis factories</p> <p>http://www.ecpat.org.uk/content/understanding-papers</p> <p>Key issues: Vietnamese children, forced labour, trafficking, cannabis cultivation, criminalisation of victims, problems with victim identification, police and local authority responses, trafficking methods, debt bondage, organised crime</p> <p>Summary:(2011) Very good brief overview of the situation of children trafficked into the UK to work in cannabis factories, with particular focus on children trafficked from Vietnam. Trends/indicators/current UK CPS guidance.</p>	<p>2011 (no clear date)</p>



<p>The Child Exploitation and Online Protection Centre (CEOP) The Trafficking of Women and Children from Vietnam http://www.ceop.police.uk/Documents/ceopdocs/NPM_CEOP_FCO_report_-_trafficking_of_Vietnamese_women_and_children.pdf</p> <p>Key issues: Women, girls, route: Vietnam- China- UK, Vietnam- Russia- UK, trafficking to the UK, trends, infrastructure, debt bondage, cannabis farms, Vietnamese legislation, rehabilitation, problems in accessing services, missing children. Lack of state protection rural regions Vietnam.</p> <p>Summary: (2011) Useful report summarising the current situation in Vietnam and outlining some of the causal factors in recruitment of women and children trafficked into the UK. Outlines problems with current figures that do not take into account male VOT. Highlights lack of self identification and that victims must be accepted in both source and destination countries before statutory assistance is offered. Lack of assistance for victims at borders, thereby evidence of re-trafficking.</p> <p>Update: USD TIP report 2013- states that despite Vietnam’s comprehensive anti trafficking law, which came into effect in January 2012, criminal penalties have not yet been established. So findings of above report are still relevant. .</p>	<p>2011 (no clear date)</p>
<p>United Nations Inter-Agency Project on Human Trafficking (UNAIP)</p> <p>Human Trafficking Sentinel Surveillance: Vietnam-China border 2010 http://www.no-trafficking.org/siren_reports.html</p> <p>Key issues/words: Trafficking route: Vietnam to China, methods of exploitation, common characteristics of victims, forced marriage, forced labour, sexual exploitation</p> <p>Summary: (2010) This report assesses the situation of Vietnamese deportees being returned from China and establishes types and profiles of cross-border trafficking victims; and identifies how traffickers operate to exploit Vietnamese men and women.</p>	<p>01/09/10</p>
<p>Oxfam Quebec</p> <p>Trafficking in Women and Children from Vietnam to China: Legal Framework and Government Responses</p> <p>See main entry under ‘State Protection’</p>	<p>2005</p>



Risk on return (e.g other risks)	
<p>IRIN –Asia</p> <p>Trafficked workers exploited in China</p> <p>http://www.irinnews.org/Report/94277/VIETNAM-Trafficked-workers-exploited-in-China</p> <p>Key issues: China, labour trafficking, male victims in law</p> <p>Summary: (Nov2011): Brief article highlighting the conditions faced by labourers trafficked from Vietnam into China. Also addresses the penal code amendments to include men as potential victims of sexual and labour exploitation.</p>	22/11/11
<p>Taylor and Francis Journal Article – Paid article- only abstract is available without purchasing the journal</p> <p>Culture, Health & Sexuality: An International Journal for Research, Intervention and Care</p> <p>The State, the family and language of ‘social evils’: re-stigmatising victims of trafficking in Vietnam</p> <p>http://www.tandfonline.com/doi/pdf/10.1080/13691050903359257#.UY_jWoKF7aE</p> <p>Key issues: stigma, social implications for returnees, ability of women to access the support they need</p> <p>Summary: (2010) An article addressing the social stigma of women who have engaged in sex work in destination countries and who have returned to Vietnam. The article posits that the Vietnamese Government has not taken enough action to ensure that returnees do not face social stigma and ensure that they are supported to reintegrate into society.</p>	2010
<p>UNAFEI (United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders)</p> <p>Resource Materials Series No.89</p> <p>Repatriation and Reintegration of Trafficked Victims: The Case of Vietnam</p> <p>http://www.unafei.or.jp/english/pages/RMS/No89.htm</p> <p>Key issues: repatriation, reintegration, impact of new legislation, women, children.</p>	01/03/13



<p>Societal stigma/ discrimination women, increased risk of re-trafficking, Ineffective legal system, weak legal enforcement.</p> <p>Summary: (March 2013) Academic article outlining the barriers faced by VOT in reintegrating into Vietnamese society. Focus is mainly on women and children. Helpful sections detailing how the new legal framework is designed to support VOT and the challenges that State continues to face in identifying and providing adequate support to VOT. Looks at the current situation and the impact of State policy in addressing repatriation and reintegration. Written by a legal expert at the MoJ in Vietnam.</p>	
<p>State protection</p>	
<p>UNAIP</p> <p>National Laws and Agreements – Vietnam</p> <p>http://www.no-trafficking.org/vietnam_action.html</p> <p>Key issues: Vietnam, trafficking, legislation</p> <p>Summary: (2013) Complete list of legal instruments related to trafficking in persons in Vietnam</p>	<p>01/01/13</p>
<p>IOM – Vietnam</p> <p>Self-help groups for male victims of trafficking launched in Vietnam</p> <p>IOM Link 1</p> <p>Key issues: Male victims, support services , re-integration, stigma, victims of crime</p> <p>Summary: (Nov 2012) Brief article outlining the plans for a yearlong pilot project in the Hue region of Vietnam to support male victims of trafficking through a facilitated 'self-help' group. This is the first project of its kind to support male victims.</p>	<p>November 2012</p>



<p>IOM</p> <p>Assessment report on reintegration support for Victims of Trafficking</p> <p>Report Link</p> <p>Key issues: Victim protection, social stigma, no support in Central Region/ Provinces.</p> <p>Summary: (2011) The report assesses community based and victim centred models for re-integration support for victims. It recognises the stigma faced by trafficked persons and barriers faced in supporting and identifying victims who return to Vietnam. IOM partnered with MoLISA and DSEP (department for the prevention of social evils) on this project.</p>	<p>01/03/12</p>
<p>IRIN –Asia – main entry under Risk on Return</p> <p>Trafficked workers exploited in China</p> <p>http://www.irinnews.org/Report/94277/VIETNAM-Trafficked-workers-exploited-in-China</p> <p>Key issues: China, labour trafficking, male victims in law</p> <p>Summary: (Nov2011): Brief article highlighting the conditions faced by labourers trafficked from Vietnam into China. Also addresses the penal code amendments to include men as potential victims of sexual and labour exploitation.</p>	<p>November 2011</p>
<p>YouBiz.Vn</p> <p>Full text of Law No. 66/2011/QH12 on human trafficking prevention and combat (March 2011)</p> <p>http://youbiz.vn/van-ban-phap-luat/vietnam-law-in-english/criminal-law/519-law-no-662011qh12-on-human-trafficking-prevention-and-combat.html</p>	<p>March 2011</p>



<p>ARTIP (Asia Regional Trafficking in Persons Project)</p> <p>Laws and Policies: National Legal and Policy Framework around Trafficking in Persons</p> <p>http://www.artipproject.org/artip-tip-cjs/laws-policies-national-ams.html#vietnam</p> <p>Key issues: Legal framework and current legislation in Vietnam</p> <p>Summary: Useful updated list of national and international legal frameworks in Vietnam that deal specifically with trafficking and related offences</p> <p>Link to Penal Code in English: http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam_Penal_Code_2000_scan.pdf</p> <p>Link to anti-trafficking law in English: http://www.artipproject.org/artip-tip-cjs/laws-policies/national/Vietnam/Vietnam%20Anti-trafficking%20in%20Persons%20Law%20Mar%202011%20final%20ENG.pdf</p>	<p>October 2011</p>
<p>IOM</p> <p>Assessment report on reintegration support for Victims of Trafficking</p> <p>Report Link</p> <p>Key issues: re-integration, stigma, barriers to support, state provision of services/training, state models</p> <p>Summary: (2011) The report assesses community based and victim centred models for re-integration support for victims. It recognises the stigma faced by trafficked persons and barriers faced in supporting and identifying victims who return to Vietnam. IOM partnered with MoLISA and DSEP (department for the prevention of social evils) on this project.</p>	<p>March 2012</p>