



Excerpt from the book:

Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation: New Challenges, New Answers (5th Global Report)*, Paris, 2019.

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Cautionary note: The terms 'child prostitution' and 'prostituted children' are used in this text to denote children that are sexually exploited and sexually trafficked. The connotative manner in which these definitions are perceived and analyzed may differ due to linguistic, cultural, and perceptual differences.

VIETNAM

	POPULATION 95,5 million		GDP PER CAPITA 2,343.1 USD
	POLITICAL SYSTEM Single Party Republic		HUMAN DEVELOPMENT INDEX 115 th rank among 187 countries
	GENDER INEQUALITY INDEX 71 th rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 107 th rank among 180 countries

Southeast Asia is one of the world's regions most affected by human trafficking, making up a third of the world's female and child trafficking victims, according to Paul Priest, a member of the *International Organization for Migration (IOM)* (IRIN, September 2, 2016). Even though Vietnam reports an increasing number of victims each year, the 2018 US Department of State report on Trafficking in Persons classified Vietnam in Tier 2 for the sixth consecutive year, citing significant efforts and the implementation of appropriate measures against sexual exploitation and human trafficking, despite the fact that the country is not yet meeting the minimum standards necessary to eliminate the phenomenon (US Department of State, June 2018). This analysis is widely contested by some local NGOs who believe that very few of the government's efforts are noteworthy. Nevertheless, the Vietnamese Government seems to have taken several steps to prevent human trafficking in recent

years. In July 2016, the government organized the first National day against human trafficking, with the goal of raising public awareness of the phenomenon (IRIN, September 2, 2016). The government has also announced its 2016-2020 strategy for combating human trafficking, which has marked the starting point of awareness and actions from a country that has seen its number of trafficked victims for sexual exploitation purposes increase. More recently, in January 2018, the Vietnam Penal Code was amended to complete and reinforce the criminalization of all forms of human trafficking. However, despite prostitution remaining widespread, there is currently no official data regarding how many adults and children are victims. The country suffers from a lack of overall coordination concerning the suppression of the phenomenon and the protection of victims due to a lack of financial and material resources. Consequently, the IOM has encouraged the government to

persevere and do more, including and especially by researching and publishing thorough data on this plague and its victims, whose numbers continue to rise while their ages go down (*IRIN*, September 2, 2016).

Faced with this situation, in which progress has been limited, the question that remains is why Vietnam, with its sufficient legal framework, is failing to effectively enforce the law in regards to cracking down on human trafficking and sexual exploitation, as well as protecting victims.

In theory, a solid legal arsenal

Prostitution is illegal in Vietnam. Consequently, all involved are condemned by the law. Whether it is the sex buyer, the procurer, or even the prostituted person, all will incur a fine. Until 2017, Vietnam already had a complete legislative framework on combating human trafficking and sexual crimes in place, but it only explicitly referred to women, leaving a legal void for male victims. 2018 was marked by considerable legislative progress: the recognition of male prostitution. Indeed, thanks to the revision of the Vietnamese Penal Code (n.100/2015QH13, November 27, 2015) and the amendments that came into force in January 2018, the law now takes into account both prostituted women and prostituted men (*East Asia*, June 28, 2018). These revisions were made possible due to the mobilization of the civil society, which encouraged public authorities to react to a gap that no one was taking seriously but that was clearly prevalent within Vietnam. This significant step forward will finally allow law enforcement to prosecute and punish criminals who are exploiting young men. This step is also remarkable due to the fact that it truly challenges and rattles societal “expectations” and conceptions in a society that is still very sexist and unequal,

in recognizing that a man can be sexually exploited in the same way as a woman (*East Asia*, June 28, 2018).

In addition, in regard to child prostitution, Vietnamese law has not yet amended its provisions, which maintain contradictions between what constitutes the definition of a child. Under the International Convention on the Rights of the Child and the Vietnamese Civil Code (n.33-2005-QH11, June 14, 2005), the age of majority is 18, but the Penal Code establishes the age of majority at 16, giving children between 16 and 18 years old the status of an adult.

Regarding the prosecution of traffickers, Article 150 of the Vietnamese Penal Code states that human trafficking for the purpose of sexual exploitation is punishable by a 5 to 10 years prison sentence and a fine of 20 to 100 million Vietnamese Dong (VND) (USD 800 to EUR 4,000). Under Article 151, human trafficking of children under the age of 16 for sexual exploitation purposes is punishable by a 7 to 12 years prison sentence and a fine of between 50 and 200 million Vietnamese Dong (USD 2,000 - USD 8,000).

The Vietnamese Government seems to be increasingly committed to the fight against human trafficking, because in 2016, two new National action plans were adopted for the period of 2016 to 2020; one on the prevention and control of prostitution and the other against human trafficking. The following year, the government launched a National action plan for implementing their 2030 Agenda for Sustainable Development, which includes commitments to end human trafficking, sexual exploitation and all forms of violence (*UN*, October 21, 2015).

From an international perspective, Vietnam is signatory to several conventions and bilateral agreements relating to the

fight against sexual exploitation. In recent years, the government has continued to negotiate and sign bilateral treaties with neighboring countries, Cambodia, China, Laos, and Australia, concerning transnational cooperation on the fight against human trafficking and procedures for the identification and repatriation of victims.

This legal framework, which seems quite complete, seems to show the Vietnamese Government's willingness to address the problem of prostitution, which is constantly growing and spreading throughout its territory and across its borders.

In practice, an ineffective application of the law

However, the 2018 US Department of State report on Trafficking in Persons points out, as do local NGOs, that the Vietnamese legislation, although correct, is sometimes poorly, partially, or not at all enforced.

Indeed, while the Ministry of Justice has indicated that it has distributed legal updates on the new changes and has trained judges on proper application, the government has not yet published a formal memorandum to lead the application of these revisions. Prosecutors and legal professionals emphasized this lack of guidance, as seen in the failure to conclude eight cases brought against fourteen alleged traffickers. Moreover, while the *Vietnam Border Guard Command*, under the direction of the Ministry of Defense, has recently set up a special working group to control and conduct investigations in the border areas most exposed to crime and human trafficking, no data of their results are available or reported (*US Department of State*, June 2018).

Furthermore, the significant lack of coordination between central and provincial authorities due to budgetary

constraints, poor understanding of existing legislation by local officials, and the confusion of local authorities about the role and the responsibilities of the various provinces in the overall context of the National action plan, constitute a significant obstacle to applying uniform and effective law enforcement throughout Vietnam. Indeed, the government is decentralizing its financial responsibilities by encouraging local authorities to finance their own anti-human trafficking programs, which only moves Vietnam farther away from a real coordination of resources for an effective fight against exploitation in all its forms (*US Department of State*, June 2018).

According to the Ministry of Public Security, border guards and diplomatic envoys in contact with neighboring countries, 350 cases of human trafficking with the purpose of forced labor and sexual exploitation were identified in 2018 (compared to 234 in 2016), involving more than 500 criminal suspects (compared to 308 in 2016). The prosecutors reported that 245 defendants were prosecuted for human trafficking offences and the judicial system obtained 244 sentences ranging from 3 to 30 years' imprisonment (*US Department of State*, June 2018). For example, in June 2016, the Criminal Court of the city of Can Tho sentenced six Vietnamese women to 5 to 13 years of imprisonment for sexual exploitation. These women had forced young Vietnamese girls into prostitution in Malaysian "coffee shops," where they had promised the girls jobs as waitresses (*Thanh Nien News*, June 11, 2016).

Meanwhile, Nguyen Xuan Lap, director of the *Department of Social Vices Prevention* at the Ministry of Labor, Invalids and Social Affairs (MOLISA), reported that in 2017 there were 1,177 police interventions that led to 3,053 arrests (1,316 traffickers and

procurers, and 976 prostituted persons) (AAT, 2017).

These figures are encouraging, but according to Christa Crawford, an American lawyer, obstacles exist because "no one wants to testify against the agents or gangs involved in the trafficking. Since there are no protection programs for witness in this area, the fear of reprisals is a deterrent. As a result, few cases lead to a conviction." (*Chronique ONU*, February 2003). Indeed, even though the Vietnamese Government is encouraging victims to attend and participate in court proceedings by providing them with protection and financial compensation, most of them remain silent (*US Department of State*, June 2018). However, the NGO *Alliance Anti-Traffic* (AAT), which intervenes exclusively in Ho Chi Minh City in the fight for the elimination of sexual exploitation and the protection of victims, exposes the lack of reaction from the Vietnamese police services. In 2017, the NGO AAT supported 19 victims who wanted to file a complaint and report their traffickers. While the statements were recorded and the names of the traffickers were revealed, none of the traffickers were arrested and no legal action was taken.

A worrying situation

Vietnam is a country of origin and, to a lesser extent, destination for women, men, and children who are victims of human trafficking for sexual exploitation purposes. Many victims are sent to neighboring countries. In the south of the country, human trafficking involves exploited victims in Malaysia, Thailand, Cambodia or Singapore. Victims from central provinces are more likely to be sent to European countries, such as the United Kingdom (UK) or France, while victims from northern Vietnam are exploited in China, South Korea, or Taiwan.

Vietnam also has a problem of internal human trafficking. Specifically, women and children from rural areas are trafficked to urban centers. The country is increasingly becoming a destination for sex tourism, attracting men from Japan, China, South Korea, but also increasingly attracting men from Western countries such as UK, Australia, and North America. It should be noted that this year the country has recorded an impressive amount of growth in the tourism sector. The statistics provided by the Ministry of Culture, Sport and Tourism revealed that from January to April 2018, the country welcomed 5,547,314 tourists, a 29% increase compared to the same period in 2017. While the country's cultural wealth does make it an attractive destination, it is also clear that a good number of tourists go to Vietnam for sex.

Regarding the number of Vietnamese women who are victims of sexual exploitation, many civil society stakeholders testify to significant differences between the official estimates provided by the government and the reality. Nguyen Xuan Lap stated in a press interview on March 28th, 2018 that according to data from 2017, there are 15,000 prostituted persons in Vietnam, 25% of whom are men. According to the University of Human Sciences in Ho Chi Minh City, to try to reach the actual figures, one must multiply any published official figure by ten. The University reports that it has counted almost 10,000 cases of prostitution in the city's karaoke bars alone (AAT, 2017). In Vietnam, prostitution mainly takes place *outdoors*. The NGO AAT estimates that 30% is indoor prostitution (coffee shops, bars, brothels) and 70% is outdoor prostitution (public gardens, parks, streets). Men, women, and children, the latter representing 10% of the victims, are involved into prostitution in Ho Chi Minh

City, and while 19.3% come from the city, the majority (80.7%) comes from rural areas. These prostituted persons, who come from the poorest and most vulnerable environments, are prostituted in the streets, in parks, and sometimes even on sidewalks in plain sight. Students of the capital are more likely to be involved into prostitution in coffee shops or in karaoke bars.

In its 2016 Global Report on Trafficking in Persons, the United Nations Office on Drugs and Crime (UNODC) revealed that Vietnamese trafficking victims are located in several countries around the world. The NGO AAT has estimated that there are 20,000 cases of Vietnamese prostituted people abroad.

The UK has been at the centre of a series of prostitution cases involving Vietnamese victims in recent months. Victims are seized in Vietnam and then exploited in China, the Russian Federation, and the UK via France. Their testimonies have revealed significant cross-border trafficking (*Independent*, September 13, 2017). Once in the UK, victims are imprisoned and their identity documents confiscated. Although the Home Office often grants them the status of victims of modern slavery, the provided protection is not sufficient enough to ensure their integration, which remains difficult because of the language barrier and isolation they are subjected to, and a return to their own country is almost impossible (*Independent*, September 13, 2017). In January 2018, three Vietnamese members of one of the most organized gangs of modern slavery were tried and imprisoned for forcing into prostitution Vietnamese teenagers in nail salons in the city of Bath (*Independent*, January 2, 2018). A report by the Independent Anti-Slavery Commissioner, published in September 2017, revealed that 1,747 Vietnamese women were presumed victims of human trafficking into the UK

between 2009 and 2016 (*Silverstone and Brickell*, September 2017).

While some trafficked Vietnamese women are exported to Europe, others are abducted and exploited in neighboring countries, especially in China, where the phenomenon of bride trafficking is becoming increasingly important.

The growing phenomenon of "Bride Trafficking" in China

The Vietnamese population is one of the most connected populations in the world, with *Facebook* being the most popular network in the country, even reaching people within small rural villages. This strong Vietnamese connection endangers the most vulnerable, at-risk young girls. Indeed, a phenomenon has devastated many families in the recent years: the trafficking of Vietnamese brides to China for sexual slavery purposes. The most common process is for young village women, often minors, to meet and communicate with young men on social networks. In fact, to entice young girls, traffickers often recruit young men, who also come from very poor backgrounds, as these teenage girls, naïve and unaware of the risks, easily trust boys of their own age and ethnicity (*The Guardian*, August 26, 2017). The young meet, often in places far from the villages, where the girls have no points of reference. They are then kidnapped, taken to the Chinese border, and sold to traffickers.

Girls are also trapped by the false promise of jobs, and subsequently sold as sex slaves on their arrival in China. Others are deceived by a relative, who promises jobs but instead takes them to a border to be sold (*This Week in Asia*, June 17, 2018).

The Lào Cai province (located in the north of Vietnam), one of the poorest provinces in the country, is well known for this phenomenon (*UNICEF Vietnam*, 2016)

that provokes the frequent disappearance of young, adolescent girls, who often belong to minorities and vulnerable ethnic groups such as H'mong (ABC News, April 21, 2018). Trafficking is particularly on the rise towards China, where the one-child policy and infanticide of female children are causing a significant and alarming gender imbalance. The *Chinese Academy of Social Sciences* has estimated that by 2020 there will be about 30-40 million more Chinese men than women of marrying age (*The Guardian*, August 26, 2017). Thus, particularly in the more remote Chinese provinces, men are compensating for this imbalance by "buying" young Vietnamese women for several tens of thousands of yuans who will later become their sexual and domestic slave.

There is no official data on the number of girls missing and sold abroad. But official statistics from the General Police Department have showed that between 2011 and 2017, almost 6,000 victims of human trafficking were identified and almost 600 of them have managed to return to Vietnam after several years of isolation and sexual slavery (*This Week in Asia*, June 17, 2018). On average, in the province of Lào Cai, nearly 100 girls are repatriated each year from China to Vietnam (ABC News, April 21, 2018). The official figures are significantly underestimated compared to the actual ones. Police have reported that the buying of children for forced marriages is common in provinces closer to the Chinese border and is seeing an alarming increase (ABC News, April 21, 2018). However, Vietnamese authorities are struggling to react. Indeed, the border areas are extremely lacking in human and financial resources. Cooperation with Chinese authorities is not always smooth, although it is clearly improving, according to Nguyen Tuong Long, head of the Department of

Social Prevention in Lào Cai (CNN, April 19, 2016). In 2016, Chinese authorities reported that 207 Vietnamese women were rescued from a cross-border trafficking network involving no less than 61 groups (*The Guardian*, August 26, 2017). In addition, once a victim has been sold and isolated from all forms of communication, she often becomes very difficult to trace.

Gradually, families are beginning to testify and fight to get a reaction from Vietnamese and Chinese authorities.

According to Dang Thi Thanh Thuy, a member of the NGO *Hagar International*, which works with women and children who have survived sexual slavery, the return of victims, whether they have escaped or have been rescued by police, is very difficult and only intensifies the psychological trauma to which they have been subjected. Indeed, these young, adolescent girls are very often stigmatized within their communities. They often hear insults such as "easy girls" and "China girl," which only further isolates them in their tragedy (*This Week in Asia*, June 17, 2018). Some worry that they will never be able to "remarry" in Vietnam again. The Vietnamese system does not yet offer a system of psychological support or assistance to these young girls, who face real stigmatizations in a society that condemns victims as a way of responding to human trafficking issues. In addition, although traffickers are sometimes identified, only a small minority of them are prosecuted, with corruption still very present in rural areas where local authorities conceal cases. According to Nguyen Xuan Lap, "it's a cat-and mouse game: the laws against trafficking get stronger, and then the traffickers get smarter and more sophisticated." (*The Guardian*, August 26, 2017). An example of this can be seen in traffickers' sudden increase in Internet recruitment.

Despite awareness gradually spreading about the trafficking of women throughout Vietnam, much remains to be done. Unfortunately, both politically and socially, this phenomenon is still not being taken seriously enough, despite its continuous increase, taking thousands of victims each year.

Health challenges

Rapes, beatings, stigmas, insults, malnutrition, depression, violence and threats against their families: this is the daily life of thousands of prostituted people all over the world. The NGO AAT regularly witnesses this in Vietnam. In addition, HIV/AIDS is a major health problem, taking new victims each day. According to the NGO AAT, 21.7% of sexual relations were unprotected in 2017 (compared to 23% in 2015). There has been a slight improvement, likely due to awareness campaigns and the work of the local NGOs. It should be noted that these statistics are based on an average of all prostitution sites in the city, although it is not surprising that there is more unprotected sex outdoors than indoors.

According to the NGO AAT, Vietnam does not have specific health facilities for prostituted persons; however they do have access to the national health system, which is confidential and accessible to all for about USD 22 per year. Since 2015, the NGO AAT has established monitoring and medical treatment programs for prostituted persons from Ho Chi Minh Ville and supports almost 3,000 people a year. Although very few local initiatives manage to develop victim protection programs, as the funds allocated for such purposes are limited, the NGO AAT seeks to fill these government shortcomings of care for victims of sexual exploitation, with the view that public authorities struggle to act effectively.

Government initiatives: timid efforts

According to the 2018 US Department of State report on Trafficking in Persons, there are few political and media debates about the epidemic of the sexual exploitation happening in Vietnam, although the government is taking some efforts towards prevention and raising awareness about prostitution. Thus, since 2015, police and the MOLISA have claimed to have worked towards the "eradication of prostitution" with the hope of working closely with local NGOs. NGOs believe the starting point in this fight for the elimination of human trafficking and sexual exploitation begins with coordinated measures to raise actual awareness of the entire Vietnamese population. This includes raising awareness amongst victims, sex buyers, and traffickers, but also amongst all ordinary citizens. At the same time, the government is trying to legalize prostitution and create regulated urban areas called "red lanterns", to which police are opposed. However, each year since 2013, the government proposes this law to Parliament, who, each year, rejects it (AAT, 2017).

Moreover, government authorities appear to be taking some efforts to prevent human trafficking. In 2016, the government adopted a four-year *Prostitution prevention and combating program, 2016-2020*, aimed at reducing demand by launching awareness campaigns for local and foreign sex buyers. Public authorities are also carrying out awareness campaigns in rural schools, and the Ministry of Information and Communication has asked the official media to broadcast reports to raise public awareness of human trafficking and sexual exploitation (US Department of State, June 2018). However, according to the NGO AAT, the reality of the situation is that local NGOs, not public authorities, do most of the prevention work. These NGOs work with

the most vulnerable populations, even in the most remote rural provinces.

The Vietnamese government also appeared to have reduced its efforts to protect victims of human trafficking. While in 2016, authorities identified 1,128 victims, it was less conclusive in 2017 with only 670 people being identified and rescued from criminal networks. In 2017, the government reported that it had provided assistance to 500 victims, compared to 600 in 2016, providing them with medical, legal and financial assistance. What were the reasons for this change? The government alludes to a lack of resources despite it not sufficiently allocating the funds for the protection of victims. Financial responsibility was transferred to the provincial authorities, encouraging them to finance victim assistance programs directly. With a population afflicted by increasing trafficking rates, does this lack of allocated resources not conceal the Vietnamese Government's lack of will? The NGO AAT stressed the government's tendency to close centers dedicated to the protection and rehabilitation of victims of sexual exploitation rather than to finance their operations. Therefore, the actions of local NGOs are entirely financed by foreign funds.

Recommendations for a real hope for change in Vietnam

According to police, media, and NGOs, Vietnamese prostitution is steadily increasing. Firstly, in regards to the sexual exploitation of children which worries many stakeholders, the United Nations has indicated serious concern about the extent of sexual abuse and exploitation of children in Vietnam. The organization warned Vietnamese authorities that it was absolutely essential to strengthen the country's child protection system and to

continue to invest in necessary human and financial resources, including the training of qualified social workers, which would provide specialized assistance to the most vulnerable victims. At the same time, the country must also be investing more in prevention. The United Nations has indicated that it will work closely with the Vietnamese Government to strengthen laws on preventing sexual violence and child trafficking (*United Nations Viet Nam*, March 17, 2017).

In addition, a conference on "the sexual exploitation of children in tourism: an analysis of national legal frameworks" was held in Hanoi on July 14th 2017. The symposium was organized by UNODC in collaboration with the Vietnamese Ministry of Justice and Japan International Cooperation Agency, and brought together government officials, international organizations, researchers, lawyers and social workers (*UNODC Vietnam*, July 14, 2017). Discussions were mainly focused on recommendations for future measures and legal reforms concerning the sexual exploitation of children, particularly child sex tourism. Nguyen Thi Kim Thoa, Director of the *Department of Criminal and Administrative Laws* of the Ministry of Justice, stressed the government's awareness, which adopted numerous action programs, but he stated that in recent years, this situation has become more complex, requiring even greater efforts to actively intervene in the protection and prevention of the sexual exploitation of children.

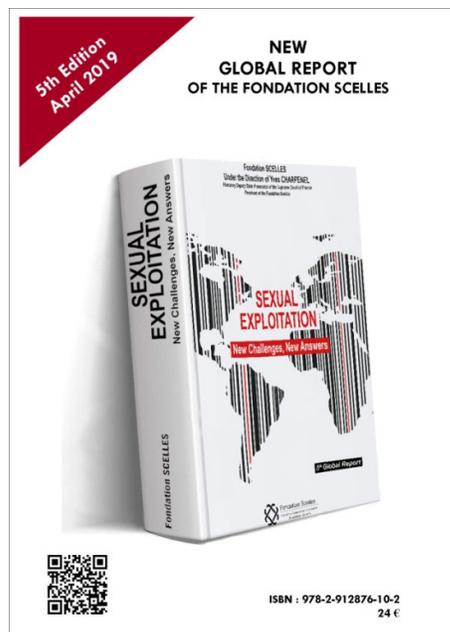
With sexual exploitation affecting thousands of victims, men, women, and children, in Vietnam each year, the 2018 US Department of State report on *Trafficking in Persons* includes recommendations for how the Vietnamese Government should combat this growing epidemic (*US Department of State*, June 2018), highlighting the urgent need for collaboration between government actors

and authorities at all levels in order to implement various legislative texts and national programs. It appears essential for the central government to define the role and responsibilities of each stakeholder. The government should also develop guidelines for its officials, whether from the central or the local administration, on how to homogeneously apply laws throughout national territory, focusing primarily on the identification of victims. In the field of law enforcement, universal guidelines should be available to practitioners in order to create concrete and effective mechanisms that lead to more arrests and convictions. Finally, prevention work and “awareness education” are absolutely necessary throughout the country, particularly in rural and remote areas, to diminish the social stigmas and gender inequalities that are the fundamental cause of sexual exploitation.

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The Global Report is produced by the International Observatory on Sexual Exploitation, in collaboration with internal and external experts (magistrates, lawyers, social workers, NGO leaders...), and the support of local NGO correspondents or international researchers.



The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

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