Human trafficking rose as a specially concerned problem by the international community in 1990s and early 2000. It quickly became an outbreak when facing the global pressure of illegal immigration, loose border, security danger, economic and territorial integrity. Women and children are two typical vulnerable objects, hence targeted by culprits in kidnapping, blackmail, trafficking, sexual abuse, exploited labour or taking organs. With a complicated diverse terrain, child trafficking in Vietnam has been an unsolved issue, forcing Vietnamese government works harder to protect the future generation. Therefore, this research focuses on two main objectives, including investigating the protection of child victims of trafficking in Vietnam, and proposing potential solutions in the future. This paper is divided into two main parts. Firstly, the project examines the issues of child trafficking in Vietnam, including exploring the background, its reasons, how they were protected, and the consequences. Secondly, the research analyses the responses of the Vietnamese Government in improving the situation.

**Keywords:** Child trafficking, Vietnam, Protection, Victims, Government.

**Introduction**

Vietnam is a member of the organization and ASEAN generally – the developing area with undeniable potential and unstabled politic at the same time, in the period of transformation itself, the lack of legal system’s unification, of mutual mechanism in criminal law such as extradition, witness or victim’s protection contribute to the sophisticated increasing woman and children cross-border trafficking. A research showed that 5.6 percent of Vietnamese children could be
forced labourers or in the exploitation with trafficking sign or the context of migration, in there children from rural and poverty-stricken community have particularly high risks (US Embassy, Trafficking in persons report 20th edition, 2020). The prevention of child trafficking seems so hard, but the victim’s protection is even harder. The announced victim’s quantity is much lower than the actual. Victim identity and support procedures remain inconveniently, tardily and uneffectively compared with the standards. It is the shortage of interagency coordination and provincial personnels who clearly acknowledge the law as well as victim protection’s role and responsibility continuing deter the anti-trafficking effort.

Therefore, the paper examines the aspects of protecting child victims of trafficking in Vietnam, which may help people and governments to enhance the action’s effectiveness. The research may also support Vietnamese state officers, and other law enforcement agencies, NGOs in supporting children after the crime, and provides several essential recommendations to resolve the issue.

**Literature review**

According to ILO, Child trafficking is about taking children out of their protective environment and preying on their vulnerability for the purpose of exploitation. In the State of the World’s Children 2019 Statistical Tables, UNICEF spot that Vietnam has valued 14% for the indicator child labour in female, and 13% in male based on data from 2010 – 2018. But there has been few official academic researches specialized in child trafficking, mostly focus on human trafficking instead.

In spite of international legislation referred to women and children, it is not enough to protect them in the fight against traffickers. A remarkable turning point of history was Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000), supplementing the United Nations
Convention against Transnational Organized Crime, including a comprehensive definition about trafficking in persons and forced articles related to criminal cases. Then Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2002) was the document directly regulating the issue. In the regional scale, Vietnam joined the ASEAN Convention Against Trafficking in Persons, Especially Women and Children in 2015.

There were many theses about human trafficking in Vietnam, showed that the victims who returned to the original areas, faced trauma and other problems (Le, 2017). 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. 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, child trafficking can be seen as a social phenomenon, as well as a big problem in Vietnam, while the causes, tricks, and effects of trafficking in person are still limited. Therefore, this study is essential to discover the aspects of protection of child victims of trafficking in Vietnam.

The project is conducted based on the review and analysis of available literature, and field research. The secondary data includes reports of United States (US) Department of State; 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 child trafficking in Vietnam, which concentrates on the background, the reasons, 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 protection process of child victims of trafficking.

**Child trafficking definition under Vietnamese Law**

In 8th June 2012, Vietnam ratified the Palermo Protocol. But in Vietnamese law, there has not been an independent article about child trafficking yet. According to Article 1 of the Law on Children, a child is a person under the age of 16 years old. More specifically, the Penal Code 2015 (amended in 2017) regulates the trafficking in children’s behaviors relating to 3 articles, from Article 151: Trafficking of a person under 16; Article 153: Abduction of a person under 16; to Article 154: Trading, appropriation of human tissues or body parts. In January 2019, the Council of Judges of the Supreme People’s Court of Vietnam enacted/issued Resolution no: 02/2019/NQ-HDTP on guidelines for application of Article 150 and 151 of the Penal Code 2015 to ensure accurately, consistently implementing the law.

*Trafficking of a person under 16 (Article 151)* was split off from the trafficking, swapping or usurping children (Article 120 of the Penal Code 1999). It was an internalization of the Protocol regulations in human trafficking, especially in women and children. Clause 1 of this Article stipulated specifically that trafficking in persons under 16 is committing one of following acts:

a) Transferring or receiving persons under 16 for transfer for money, property, or other financial interests, except for humanitarian purposes;

b) Transferring or receiving persons under 16 for sexual exploitation, coercive labor, taking body parts, or for other inhuman purposes;

c) Recruiting, transporting, harboring persons under 16 for the commission of any of the acts specified in Point a or Point b of this Clause.

As can be seen that the child trafficking definition in Vietnamese law is narrower than it in Palermo Protocol because of the application for a person under 16, not including trafficking victims from enough 16 to under 18. While the
Convention on the Rights of the Child 1989 defined that a child means every human being below the age of eighteen years\(^1\) and adults with full rights and obligations when persons turned 18 in Vietnamese laws.

*Abduction of a person under 16 (Article 153)* includes using violence, threatening to use violence, deceiving, or employing other tricks to take or send a child out. The part “usurp or deliver to others to usurp” is one of the sign that constitute the crime. Aggravating factors consist of results in damage to physical or mental health or the death of the victim; committed against a person for whom the offender is responsible for providing care; in a professional manner...

Trading, appropriation of human tissues or body parts (Article 154) might involve children at special circumstances. It is not excluded that children are trafficked for organ removal as well as adults in spite of the majority cases being at risk of exploitation. With the confirmed cases of children being trafficked for their organs, child organ trafficking, which once called a "modern urban legend", is a sad reality in today's world\(^2\).

**The Background of the Study on protection of child victims of trafficking in Vietnam**

From 2011 to 2018, Vietnam had around 7000 cases which were trafficking victims, other thousands were reported lost in a study’s result about migration, exploitation and child, youth trafficking in Vietnam conducted by Coram International coordinating with the Institute of Labour Science and Social Affairs (Vietnam’s Ministry of Labour, Invalids and Social Affairs), UNICEF Vietnam and UNICEF UK\(^3\).

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While in the Ministry of Public Security of Vietnam’s statistics, there were 3285 cases related to 4800 suspects of trafficking fraud 7200 victims all over the country. Human trafficking occurred throughout 63 provinces with nearly 90% was oversea crime, mainly to China, therein 430 cases that victims under 16. The number of trafficking and questioning victims was 3090 persons, mostly women, children (accounted for over 90%), belong to ethnic minotities (took over 80%), usually live in countryside, mountainous region, remote areas with difficulty economic circumstances. The majority of victims were women, being tricked and trafficked oversea, forced marriage as local’s wife and sexual exploitation (closely 80%) and forced labour. Among more than 3000 detected victims, in which 2571 persons returned (1334 individuals were rescued and extradited, 1237 escaped themselves) and 519 not backing yet. In the 2012-2017 period, investigation agencies prosecuted 1021 cases, 2035 accused persons (took 97% of received delations)\(^4\).

**The Causes Leading to child Trafficking in Vietnam**

In order to have an overview about human trafficking situation in Vietnam, it is needed to evaluate the causes emerging this crime.

*Geographical location:* Vietnam has border regions spreading out 25 provinces with over 4000 km, next to Laos, Cambodia and China, many pathways, shortcuts, especially Vietnam-China border, which is convenient for people to exchange, trade and visit each other. Therefore, human trafficking to neighboring countries witnessed an upward trend, criminals used sophisticated tricks to bring victims crossing the borders and cover authorities’ eyes. Besides, Vietnam has roads, sea routes, airways system enabling the immigration which are taken advantages by culprits to commit human trafficking at the transnational scale.

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Social media’s development: Methods, tricks of human traffickers are more and more sophisticated, artful, organized, tightly collusive between buyers and sellers, brokers, guides, forming the interprovincial and cross-border criminal networks. Different from the past, the victim’s approach and contact had to directly meet for seduction, today plenty of offenders through social media and smartphones to minimize the risk of revealing their faces, so the preventing, detecting, fighting, stopping work of forces experienced great difficulties.

Social economy gap: The social economy gap between cities and countrysides, plains and mountains is also one of the reasons leading to human trafficking. Most of cases occurred in the mountainous, remote areas, underdeveloped economic regions, obstacles in roads and vehicles. Victim’s occupation before being trafficked mainly are farming and unemployment, with limit social information. Hence, they are easily utilised and fraud by criminals.

Children credulity, especially the incompletely perceptual abilities in a very young age, plus parents or adults’ inattentiveness, often being targeted. In addition, teenagers are attracted by the promises of human traffickers. They hit the poor child’s weakness and desire about a better place, ideal environment, study opportunity or higher income job. There are plenty of reasons to go, run away from a placed that used to be called “home”. The harder the circumstance is (excessive debts, life-threatening illness), the easier the culprit act. For example, a shocking tragedy called the “Essex lorry deaths” in 2019 which involved 39 people who were found dead in a refrigerated trailer in Britain, therein 3 under 18. All of the victims were Vietnamese, and almost all from the same – considered poor – province of Nghe An.

Sophisticated tricks: Human traffickers are local people getting familiar with border areas, border trades, cultural tradition, working in gangs with criminal records. Many women were victims before, being trafficked to China as prostitutes or illegal married then came back to Vietnam colluding with other wrongdoers to fool victims including even families’ members. Taking advantages of Vietnamese
open policy, culprits entered Vietnam in the form of travel, business to bring women, children overseas as exported workers, foster kids, foreigners’ wives but in fact, they are sold. The consequences are sexual slavery, labour exploitation, removal of organs, surrogate mother… It is complicated that behaviors and developments of human trafficking exist in various forms such as abduction, swapping, usurping, newborns’ trafficking…

**The severe Consequences of child Trafficking for the Victims**

Children, as well as adults, are trafficked for many purposes such as: child soldiers, forced begging, sexual exploitation, forced marriage, selling, removal of organs or forced labour⁵.

In South Asia, it has been documented that children as young as 12 years of age are trafficked for forced labour in domestic work, brick kilns, small hotels, the garment industry or agriculture. While just under 5% girls in South Asia were forced labour victims of trafficking among total detected victims, the percentage of boys was around 7%⁶.

Child victims of trafficking for sexual exploitation (mainly girls) are identified in every part of the world, but largely concentrated in Central America and the Caribbean and East Asia. Many women and girls were lured or kidnapped from their homes and transported to other cities or overseas for forced prostitution or serving as a sex worker for one or more people⁷. Among children, girls aged between 14 and 17 years old appear to be particularly targeted. In East Asia and the Pacific, girl victims of trafficking for sexual exploitation among total detected victims accounted for about 28%, which overly doubled that in boys.

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For above reasons, according to Women and Development Center of Vietnam Women’s Union, child victims of trafficking after returning to their homeland suffer a lot of damage in physical, mental health. There were cases who lost memory; beaten or tortured; labour exploitation; unexpectedly pregnant; alcohol, drugs addicted, or sexually transmitted diseased… They easily face discrimination, avoidance from surrounding people, even their families which making child victims hard to integrate into the community⁸.

Following American Psychological Association (APA) directions, victims of trafficking have enough symptoms to classify as “PTSD” (Post traumatic Stress Disorder) - experts working in vulnerable groups’ therapy in Vietnam and US said. A research from International Organization for Migration (IOM) in Vietnam coordinated with Lao Cai Province’s Anti-Social Crimes Branch showed that approximately 90% victims going to that had serious mental problems such as depression, anxiety, sleep disorder, borderline personality disorder.

After experiencing ups and downs, and traumatic events, they were in psychological difficulties at different levels. There were some children overcoming the past, but most of them facing severe suffering. Raped victims in brothels, sexual assault, tortured or forced using stimulants or drugs might be in a psychotic situation – illogical thinking, unusual change in emotions and behaviors, control loss or decrease, psychological consultants dealing with domestic violence and human trafficking noted⁹. Female victims usually live with inferiority complex, low self-esteem; unreleased resentment, angry, irritability; self-harm (using a sharp object to cut herself, head smashed into walls, doors…) as a way to temporarily forget about

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mental illness. Many girls quickly have sex with strangers, new acquaintances not because of their placabilities but psychological consequences of early sexual abuse\(^\text{10}\).

It is a common state that girl victims always have unsecured feeling, excessive vigilance. Female sufferers also are obsessed with the fear of re-trafficking, being revenged because of saying traffickers’ names out loud. They torment themselves for the thought that they were dirty and undeserved. Consequently, they live a seperated style, feel lonely as assuming that they are different from others, especially individuals with known sexually transmitted infections. Vulnerable children still have physical health problems such as headache, stomachache, hard to sleep…

The worst scenario is that many victims were dead in strange lands without relatives, friends, so they could not contact their families anymore. If anyone could, the bodies delivery procedure is also complicated.

**How child victims of trafficking were protected**

In order to support victims of human trafficking, Vietnam had numerous practical activities such as a national telephone exchange in anti-human trafficking (hotline 111); psycholigcal consulting and therapy office; 425 social assistance campuses, therein 195 public and 230 private all over the country. Legally, sufferers are protected (rescued, ensured the safety for them and their families, and more importantly, personal confidentiality) and supported as chapter IV, V regulation of the Law on the Prevention of and Combat against Human trafficking in 2011\(^{11}\). From 2013 to 2019, the Division of Labour, Invalids and Social Affairs received and helped 2961 victims, with 2891 women and 528 individuals under 18. After returning, 100% injured parties were supported by polices, coast guards, from commune to district-level authorities, who make sure that they settled down and reintergrate into the community as the law’s requirement\(^{12}\).

According to Article 32 of the Law, aid policies of the government and social organizations to victims of human trafficking also consist of providing essential appliances, travel expenses, initial difficulty subsidies, medical/psychological/legal assistance, education support, vocational training, business loan... In particular, towards child victims, Clause 3 Article 24 defined that if they have no refuge, authorites will send them to social sponsor or victim assistance campuses; Clause 1 Article 26 stipulated that it is necessary to inform their families or relatives (if any) to bring them back to the residence. In 2019, Ministry of Finance enacted Circular

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\(^{11}\) [http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1$\textunderscore page=1$\textunderscore mode=detail$\textunderscore document$\textunderscore id=100154](http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1$\textunderscore page=1$\textunderscore mode=detail$\textunderscore document$\textunderscore id=100154)

no: 84/2019/TT-BTC regulated contents and spending for victim asisstances following the Decree no: 09/2013/ND-CP on guidelines for application of some articles of the Law on the Prevention of and Combat against Human trafficking. The Circular indicated the support spending in essential demands, travel expenses involved meals (no more than 3 months), clothes, personal items, fares with the minimum level of 70,000 VND/person/day. About the medical aid, any victim who not have a health insurance card yet, in the period of staying in campuses, will be given one for free. Trafficked children received the remission of tuition fees as stated in the Decree no: 86/2015/ND-CP and Decree no: 145/2018/ND-CP. In cases that child victims joined the vocational training at primary level and under 3 months, the support spending will follow the short-term training respectively in local institutions but not higher than the standard regulated in Clause 1 Article 7 Circular no: 152/2016/TT-BTC. The initial difficulty subsidy for victims from poor households coming back is 1 million VND/person at minimum\(^{13}\).

The outcomes of victim assistance, local authorities’ effort in implementing the Law on the Prevention of and Combat against Human trafficking were noteworthy. However, it has been exposing several downsides. More specifically, social aid campuses’ network has formed but there is still no clear management, function mechanism, so some of those worked inefficiently. The consultancy, mental stability for trafficked victims need to be done immediately during testimony time, initial received files while there is no personnel specialized in psychology as well as the lack of female helpers at receiving sites to ensure the sensitive factor of gender (most of victims are girls and women). The victim assistance’s order and procedure are quite complicated, which is the reason why many sufferers unwilling to contact.

\(^{13}\) http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&_page=1&mode=detail&document_id=165399
The majority of trafficked child and youth have never reached support services: In 10 persons having the sign of child trafficking were asked, no more than 1 (9.5%) said that he/she received several aid forms\textsuperscript{14}.

**Movements of Vietnamese government**

In order to express the commitment and effort of Vietnamese government in front of international communities in the fight against human trafficking, the Prime Minister chose the 30th July (coincident with the UN’s choice) annually as “National day of Anti-Human trafficking” to promote the synthetic power of political system and all the people joining the prevention of and coming to repel human trafficking nationwide. Recently, the Decision no: 402/QD-TTg was enacted by the Prime Minister in 20th March 2020, about the developing plan of the Global Compact for Safe, Orderly and Regular Migration (GCM). It was suitable for policies, laws and conditions of Vietnam aiming to effectively control migration for the sustainable development. Defining prior fields, targets, detailed contents and route fulfilling the GCM; maximum mobilizing available internal resources and making use of international support are necessary works. Vietnam improves the quality and efficiency of universal migration’s management to create a transparent migration environment with an accessible approach, immigrants’ dignity respect, rights and benefits’ protection, especially for vulnerable groups, such as women and children.

Over the years, Vietnam actively coordinated in the international scale in anti-human trafficking and was recognized as a light spot with effective solutions. Bureau of Foreign Affairs (Ministry of Public Security) established a national contact system performing ASEAN Convention Against Trafficking in Persons, especially Women and Children (ACTIP). The role of non-permanent member of the UNSC for the 2020 – 2021 term, and ASEAN Chair 2020 will facilitate Vietnam continuing implement the ACTIP in the future.

At annual dialogue sessions between Vietnam and EU about human rights, human trafficking was notably concerned. EU admitted Vietnamese efforts and achievements, especially the rule of law’s construction, the completion of human rights’ legal system and wanted to collaborate with Vietnam in the judicial reform, against illegal migration, human trafficking and victim protection\(^{15}\).

Communist Party of Vietnam and the government paid attention to the prevention of trafficking in persons, which was shown in lots of sectors. About the law enforcement, police forces, mainly criminal polices cooperating with border guards at different levels built and deployed investigative professional programs along the route as well as patrolled, controlled the cross-border immigration, undertook a peak of nationally attacking, overmastering human traffickers\(^{16}\). As a report of Governmental Steering Committee 138/CP on crime prevention, in the first half of 2020, 74 cases were detected, related to 104 suspects, trafficking 98 victims. Compared to the same period in 2019, the figure decreased 16,85%; 26,67%; and 42,01% respectively. Above forces discovered 61 cases, arrested 79 criminals while People’s Procuracy of various levels prosecuted 34 cases with 51 defendants, People’s Court accepted 57 cases with 92 culprits\(^{17}\).

**Recommendations**

*Amending the Law on the Prevention of and Combat against Human trafficking* and other involved regulations to fit the reality, taking victims as the center of assistance will improve the quality of supporting returned victims of trafficking. First, clarifying the definition of child trafficking in Article 151 of the Penal Code: extend the application for all persons under 18 and understand that the habouring, recruitment or transportation of children is enough to constitute


trafficking. Second, adding objects who receive the support are trafficked foreigners after they were extradited in Vietnam and self-freed victims coming home. Third, the assistance order, procedure for child victims are divided in 3 stages: initial, revived, reintergrated assistance for a full coverage\textsuperscript{18}.

\textit{It is important to put the content of legal migration, labour rights and protection mechanisms into comprehensive training programs for children and youngsters} together with push the communication up for households, communities about anti-human trafficking, prefer the high-risk groups at remote areas, border regions, ethnic minorities. Central, local presses and radio systems at county, commune level broadcast daily news that suitable for different objects, characteristics of each region. Updated frequently methods, tricks, targets of human traffickers on websites, social media having numerous followers, visitors in Vietnam\textsuperscript{19}.

\textit{Ensuring child victims are received, verified, rescued, protected and helped in time following the law.} Professional personnels such as law executors, immigration, medical aid, teachers, social sponsors, psychological consultants need to be properly trained for recognizing child trafficking’s signs and how to deal with those. Further efforts contain the saving program, business loan and emloyment support for child sufferers and their families.

\textit{Strengthening the interdisciplinary, international cooperation} between governmental agencies and NGOs at every stages of reception, verification, salvation, protection, assistance. Implementing effectively international, bilateral, multilateral agreements on anti-human trafficking in which Vietnam was a member,


periodically summarizing for experiences. Local polices, Ministry of Public Security, coast guards, the Office against Drugs and Crime collaborate with UNODC, UNICEF, IOM, ILO… within projects of Steering Committee 138/CP²⁰.

**Conclusion**

The research analysed evidence to argue that child 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. 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.

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