



## **Preventing human trafficking in Vietnam through social preventive measures**

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### **Abstract**

Prevention of trafficking in human beings comprises a wide range of strategies, which seek to reduce the risk of the crime occurring and its potential harmful effects on individuals and the society. These strategies have to be based on a broad, multidisciplinary knowledge of trafficking in human beings, its causes and counter trafficking best practices. In this paper, the author focusses on the trafficking situation and root causes in Vietnam as well as preventive measures, including micro business support, awareness raising, and training.

**Keywords:** human trafficking, prevent, Vietnam

### **1. Introduction**

#### **The situation of trafficking persons**

Vietnam is a member of the Association of South East Asian nations where the issue of trafficking in persons has been on the agenda since the early 1990s. In recent years, Vietnam has become a source and destination country for human trafficking, and is also at risk of becoming a major transit point for non-Vietnamese victims being trafficked through Vietnam to other countries in the region. Vietnamese victims are trafficked for sexual and labour exploitation across the globe, including countries as Taiwan, Malaysia, South Korea, Laos, China, Thailand, Saudi Arabia, Libya, Indonesia, and the United Kingdom and so on. Furthermore, some Vietnamese women are recruited through fraudulent marriages and are subsequently subjected to conditions of forced labour, forced prostitution, or both.

According to statistics from the Ministry of Public Security, there were nearly 3,000 cases of human trafficking involving nearly 6,000 victims during the period between 2011 and 2017. It is believed the actual number is considerably higher, as programme experience has shown that the majority of trafficked persons return without reporting they have been trafficked, and due to stigma and discrimination, often do not tell their families and friends. As has been the case with trafficking in many other areas, the number of trafficked persons within and from Vietnam has often been given in the form of estimates whose source or basis have not been established and are thus unreliable. As reported, many different estimates have been given by different stakeholders due to their different methods of estimation. This is the case not only in domestic studies, but also in regional research regarding human trafficking in Vietnam. To successfully combat trafficking in persons, a system of comprehensive measures is a strict requirement and policies against trafficking in persons should be considered from multiple approaches, not only from criminal justice approaches, such as preventing, suppressing and punishing trafficking crimes.

#### **2. Root causes for the existence of human trafficking**

Complex economic, social and cultural conditions, such as

globalisation, employment, trade, and migration policies, regional conflicts, environmental disasters, gender and ethnic discrimination and the lack of protective systems increase vulnerabilities.

Its most commonly identified push factors are poverty and unemployment in countries of origin, among others as a consequence of social reforms, the disappearance of public sector employment and the decline of industries and agriculture in many transition countries. The desire for economic improvement via increased income, coupled with limited availability of economic opportunities in rural localities, explains why more men, and particularly more women and young girls, migrate for jobs. However, in the act of migrating, workers are at risk of being trafficked, with heightened vulnerabilities for women and girls. These factors act, together with gender inequality and discrimination, both in countries of origin and destination, and tolerance of violence against women, as push factors in particular for women to migrate.

Increasing demand for cheap, un-skilled labour in construction and manufacturing jobs, as well as for domestic and sexual services create strong pull factors for legal or illegal migrants. The unregulated nature of some parts of the labour market, the abundant supply of exploitable labour, together with the power and malleability of social norms regulating the behaviour of employers and clients, including clients of sexual services, are key factors in explaining the nature of the demand which fuels trafficking in human beings. Addition, trafficking is usually connected with the shift towards investment in informal – often clandestine or illegal and largely invisible – sectors, where workers are not able to organise or demand their rights and where, therefore, labour is cheaper and workers easily exploitable. With few options available for legal migration, the notion of demand for a trafficked person's labour or services is highly problematic.

Pull factors, such as images drawn from the media and stories from returning migrants, aspirations for a better life with more opportunities, the expectation of employment and financial rewards, and, more generally, of an improved social position and treatment in richer destination countries, entice many persons into migrating under ill-informed and

risky circumstances. In search of better jobs and lives abroad, migrants may fall prey to fraudulent employment offers and find themselves back in coercive or exploitative conditions. Among these migrants, a large proportion of women, young girls and children end up under slavery like conditions in the traditionally female designated, most vulnerable sectors of domestic work and the sex industry. Comparable to women, some traditionally vulnerable groups, such as ethnic minorities, tend to have limited access to social services, reinforcing their vulnerability to trafficking. The same root causes apply to internal trafficking.

### 3. Theory of human trafficking prevention

The approaches to prevention of trafficking in human beings can differ. Firstly, prevention strategies should counteract discrimination, marginalisation and social exclusion, both in countries of origin and destination. They should promote the well-being of the people in the countries of origin through sustainable development in the social, economic, health and education sectors, with a particular emphasis on women, minorities and children. They should focus on the risk and protective factors associated with trafficking in human beings and victimisation of trafficked persons. In addition, trafficking can also be seen as a security issue, linking the concept of state security and human security. A lack of appropriate rights for trafficked persons and adequate financial resources increase the risk for re-trafficking. However, prevention is not only an issue for countries of origin but also for countries of destination. Apart from concentrating on root causes, strategies aimed at preventing human trafficking must pay attention to the demand side of the problem in transit and destination countries; including the current restrictive migration policies, i.e. the lack of legal labour migration possibilities in light of abundant demand for cheap and exploitable labour and services in destination countries as well as the corresponding supply of cheap labour and services. Whereas administrative control measures (pre-border, border and in-land controls) are without doubt essential in the overall counter-trafficking strategy, it needs to be ensured that measures to prevent trafficking in human beings do not inhibit migration possibilities, freedom of travel and mobility consistent with laws, or undercut the protection provided to asylum seekers, refugees and migrants in international law. The rule of law and internationally recognized human rights must be respected in all aspects of the prevention of trafficking in human beings.

In crime prevention strategies trafficking in human beings is predominantly perceived as a form of cross border organised crime. This may not always present the complete picture. While the majority of trafficking may occur across borders, it also takes the form of internal trafficking. Preventive measures should also concentrate on trafficking in human beings within the territory of one country and without the involvement of organised crime groups. The main responsibility for prevention lies with governments at local, national and international level which should create the conditions and frameworks for sustainable crime prevention, including mechanisms for impact assessment and review. Prevention strategies should be based on existing experiences and accurate information and should be integrated into all relevant policies and programmes. Networking, co-operation and co-ordination among

different governmental authorities, international organisations, non-governmental organisations, the business sector, labour unions and private citizens are critical to effective prevention. Civil society and community involvement and partnerships represent a crucial element of the whole concept of prevention of trafficking in human beings. There is also a need for sustainable regional and international preventive actions and networks addressing the international dimension of the crime.

## 4. Recommendations for preventing human trafficking through social preventive measures in Vietnam

### 4.1 Micro business support

The micro business approach affords many opportunities, not least in terms of ensuring a safe work environment, allowing beneficiaries to combine work with domestic responsibilities, providing options to work from home, improving the family's economic situation, improving the beneficiary's status with the family and contributing to the beneficiary's empowerment.

In Vietnam, lack professional skills to run the business and no access to grants or loans are the main problems of providing micro business support. Not all people have the ability to run a successful and sustainable business, even when provided with the relevant resources and training. Some service providers assist people with low educational achievement, including low levels of literacy and numeracy, which are essential skills in running a business. Even those with higher levels of education or business competency may not have the full skill set required to run a successful business. Because beneficiaries often run the business alone, this weakness can be fatal to the enterprise. High levels of competition in the industry can further exacerbate this weakness. Moreover, even when people have the capacity to run a small business, they often lack the requisite resources, whether a loan or a grant to initiate, maintain or expand the business. Beneficiaries rarely have collateral to access loans from a banking institution, nor the resources to pay the prohibitively high interest rates of informal moneylenders. Access to grants is equally rare and poor household family members may not be knowledgeable about where these funds can be accessed. Therefore, the solutions should include:

- Provide professional business training. Beneficiaries are provided with professional business training, conducted by a businessperson or economist. Skills offered include developing a business plan, accounting, marketing, pricing and business management, among others. In addition to building capacity, this training can provide an additional stage of vetting, to gauge whether an individual has the capacity and resources to open and manage a successful micro business.
- Provide small business grants and loans. Grants are the most effective means of providing start-up capital to potential trafficking victims establishing micro businesses. While some beneficiaries have succeeded with micro loans, many others have faced difficulties, not least because micro loans are often associated with high interest rates. Loans have been assessed as unsuitable by a number of organisations because of the risk of repayment forfeiture and the often-difficult economic environment in which business were being established.
- Vocational training where requisite skills are not pre-

existing. When pursuing a new field of work, beneficiaries may require vocational training to ensure an adequate level of professional competency. Even individuals with past experience and training in a certain field may need re-training or re-certification opportunities to ensure that their skills are up to date and responsive to the current market.

- Provision of legal advice and assistance in setting up a micro business. Navigating the legal issues surrounding micro business development, such as business registration, is both complicated and intimidating. Some entrepreneurs require quite considerable support in this arena, although this differs according to the national legal framework. Regardless, entrepreneurs need a clear understanding of the legal framework in which they are operating and its requirements, which often involves professional legal advice.
- Combine social support and micro business development skills. Social assistance alone is not enough when starting up a small business; professional business guidance is also needed. Supporting agencies need a strong understanding of both the social assistance and the economic needs of the beneficiary.

#### 4.2 Awareness raising

Awareness-raising activities in the area of human trafficking is a way to prevent trafficking through information with a particular focus on vulnerable groups; to influence public opinion; at increasing the readiness of institutions, organisations, groups and individuals to address trafficking in human beings; and at disseminating information on the assistance and services available for trafficked persons.

In Vietnam, the government should use of various channels of formal and informal communication and co-operate with other relevant actors. They should focus on potential target groups as well as the needs of specific groups. Important elements are:

- + Information about safe migration and employment opportunities abroad, including information on relevant laws and policies in countries of destination and the rights of migrants;
- + Information on the risks and consequences of trafficking and how to protect oneself;
- + Information on differences between prostitution and trafficking and between trafficking, smuggling and illegal migration;
- + Information on the rights of trafficked persons and existing assistance mechanisms in the countries of transit and destination.

Other measures should include:

- The establishment of telephone hotlines that can be used as an independent source of information, advice and guidance for potential migrants;
- Specific activities aimed at media professionals to promote an adequate presentation of the issue, without reinforcing stereotypes and with respect for the privacy and safety of trafficked persons;
- Specific activities aimed at the relevant market actors, such as employers, clients (including clients of sexual services), co-workers and unions, to reduce demand for unfree labour/services; to promote zero tolerance towards all forms of trafficking and related abuses; to inform them about possible actions they can undertake,

including the appropriate referral of (possible) trafficked persons; and to promote the ability of trafficked persons to organise to claim rights;

- The inclusion of awareness raising components in all anti-trafficking training aimed at strengthening the institutional capacity of relevant agencies, including prosecutors, judges, police, border guards, alien police, labour inspections, non-governmental organisations and social workers.

#### 4.3 Training

Training is a key element for any strategy or action plan against trafficking in human beings. Its objective is to strengthen the technical capacity of all concerned actors for implementing this strategy. Therefore, training measures should aim at both enhancing the understanding of human trafficking as a crime and human rights violation as well as providing the actors with the tools and skills to adequately respond to it.

Training should target a wide scope of actors and be delivered by a variety of agencies. Related to law enforcement, training should focus on the following specific target groups: Law enforcement officials; Labour inspectors; Consular staff; Judges, prosecutors and attorneys. All training should contain a general as well as a specific part tailor made for the targeted actors. For example, training should promote an understanding of law enforcement as a public service to society at large and should encompass the principle of democratic policing, the rights and needs of victims as well as the concern for the conviction of perpetrators. Similarly, training for judges, prosecutors and other juridical staff should enhance an understanding of the criminal justice system, including responsibility to prosecute and convict the perpetrators, protect the victims of crime, restore their human rights and avoid any further damage to the victim. It is recommended that all anti-trafficking training programmes contain, within the generalist level, definitions of terms such as trafficking, trafficked persons, traffickers, exploitation; the difference between prostitution and trafficking and between trafficking, smuggling and irregular migration; a general explanation of, the trafficking process, the modus operandi of traffickers, control and exploitation of trafficked persons and labour standards; and the psychological, social and economic impact on trafficked persons.

All training should be based on a human rights approach and raise awareness on anti-discrimination measures, gender equality, as well as the special needs and rights of children. A multi-disciplinary approach should be adopted to strengthen the understanding of the necessity of co-operation of the various actors and especially between the competent authorities, non-governmental and intergovernmental organisations. This requires a wide scope of actors to be targeted, such as judges, public prosecutors, police investigators, front-line police and frontier personnel, migration personnel, labour inspectors, trade unions, journalists, psychologists and physicians, school and university teachers, international organisations, intergovernmental organisations, non-governmental organisations, social workers, consular personnel, and public administration officials. In addition to formal training (seminars or workshops), new training techniques should be implemented, such as study visits, exchange of officials and peer training.

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