

# AN ANALYSIS OF HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION IN VIETNAM



Julia Dougherty  
International Human  
Rights Law Institute  
Chicago, USA

# SOCIALIST REPUBLIC OF VIETNAM

*CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM*

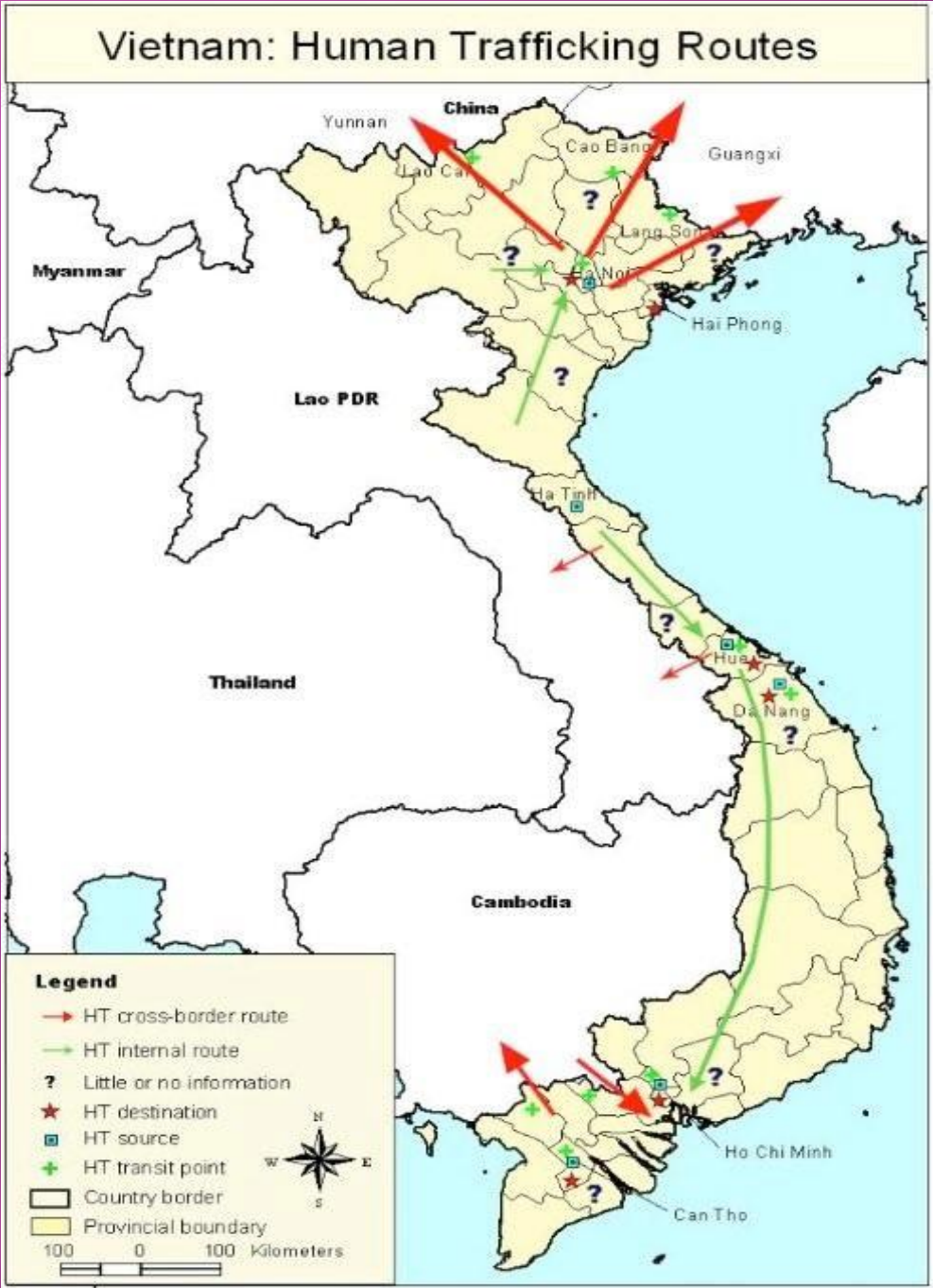


- **Government:** People's Republic Communist Single Republic State
- **Population:** 88.1 million
- **Capital:** Hanoi
- **Largest city:** Ho Chi Minh City
- **Area:** 329,247 sq km
- **Major religion:** Buddhism

# SEXUAL EXPLOITATION

- **Tier 2 Country:** the Vietnamese government does not fully with the Trafficking Victims Protect Act's minimum standards but is making significant efforts to bring itself into compliance with those standards
- Victims are either
  - sold by their families
  - forcefully kidnapped
  - recruited under false pretenses
  - trapped financially
- 98% percent of victims are women, half of whom are under the age of eighteen

- Four main Cross-border Trafficking Routes
- Internal Trafficking
- Destination Country
- Transit country for Chinese children to Cambodia



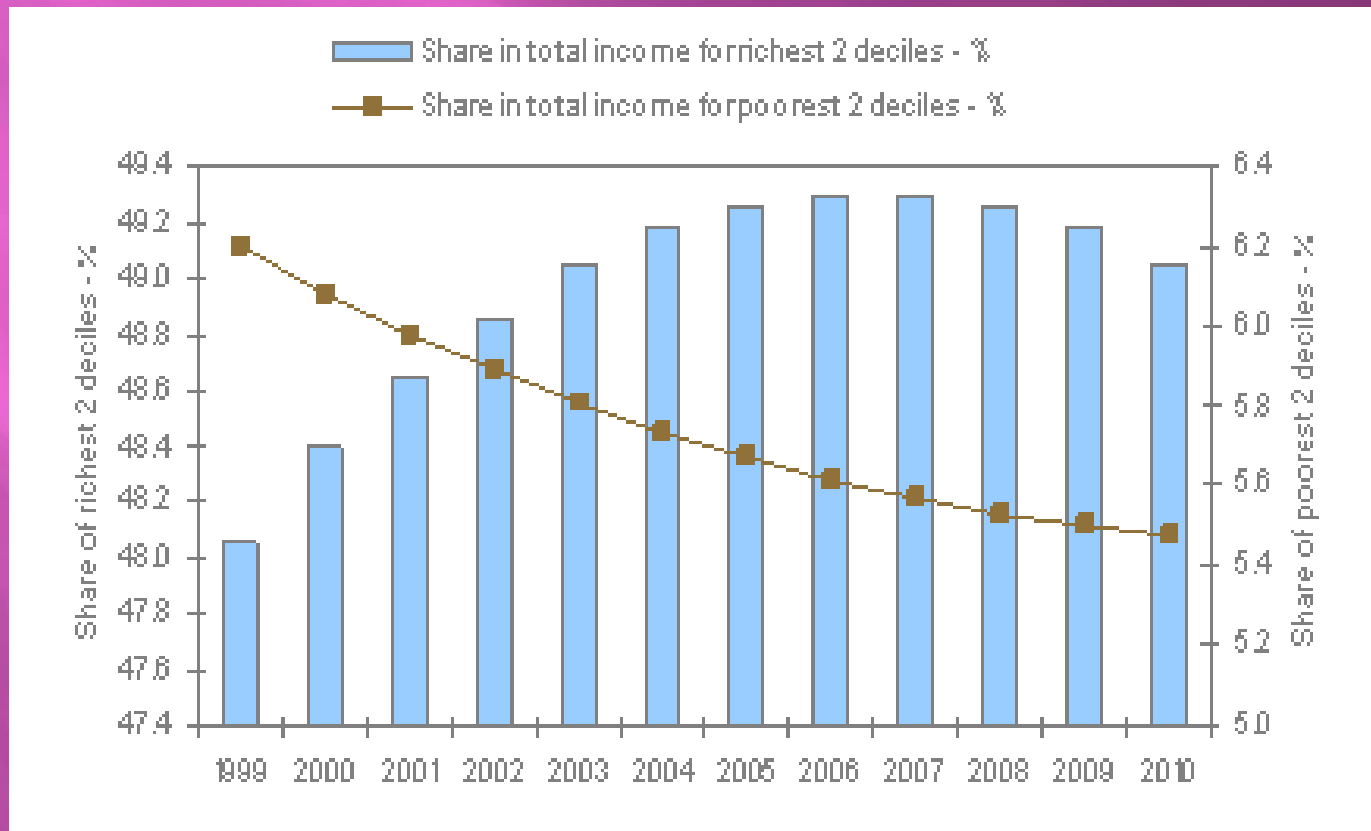
# CAUSES

- unemployment
- lack of education
- lack of awareness
- family conflict
- the demand of Chinese men for wives
- conflict and regional natural disasters
- open, shared, and difficult-to-police borders



# CAUSES = POVERTY

*Doi Moi* → disparity in wealth



# COUNTER-TRAFFICKING WORK IN VIETNAM

## INTERNATIONAL COVENTIONS

- 1948 Convention on the Prevention and Punishment of the Crime of Genocide
- 1966 International Covenant on Economic, Social and Cultural Rights
- 1973 Convention on the Suppression and Punishment of the Crime of Apartheid
- 1979 Convention on the Elimination of All Forms of Discrimination against Women
- 1990 Convention of the Rights of the child

## BILATERAL AGREEMENTS

- Agreement between Cambodia and Vietnam on cooperation to combat trafficking in women and children (2005)
- Vietnam – Thailand Agreement on Human Trafficking for Eliminating Trafficking in Person, Especially Women and Children and Assisting Victims of Trafficking (2008)
- Multiple MOUs between Vietnamese and Chinese police since 2004

# **COUNTER-TRAFFICKING WORK IN VIETNAM**

## **NATIONAL DOCUMENTS**

- 1992 Constitution
- Penal Code
- Labor Laws
- Law on Marriage and Family (2000)
- National Action Plan on Combating Trafficking in Women and Children 2004 – 2010
- Law on Gender Equality (2006)

## **MULTILATERAL AGREEMENTS**

- ASEAN Declaration against Trafficking in Persons, Particularly Women and Children (2004)
- Treaty on Mutual Legal Assistance on Criminal Matters (2004)
- COMMIT MOU on Cooperation against Trafficking in Persons in the Greater Mekong Subregion (2005)
- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)



# COUNTER-TRAFFICKING WORK IN VIETNAM

## PREVENTION

- awareness-raising campaigns
- education and training programs
- poverty alleviation projects

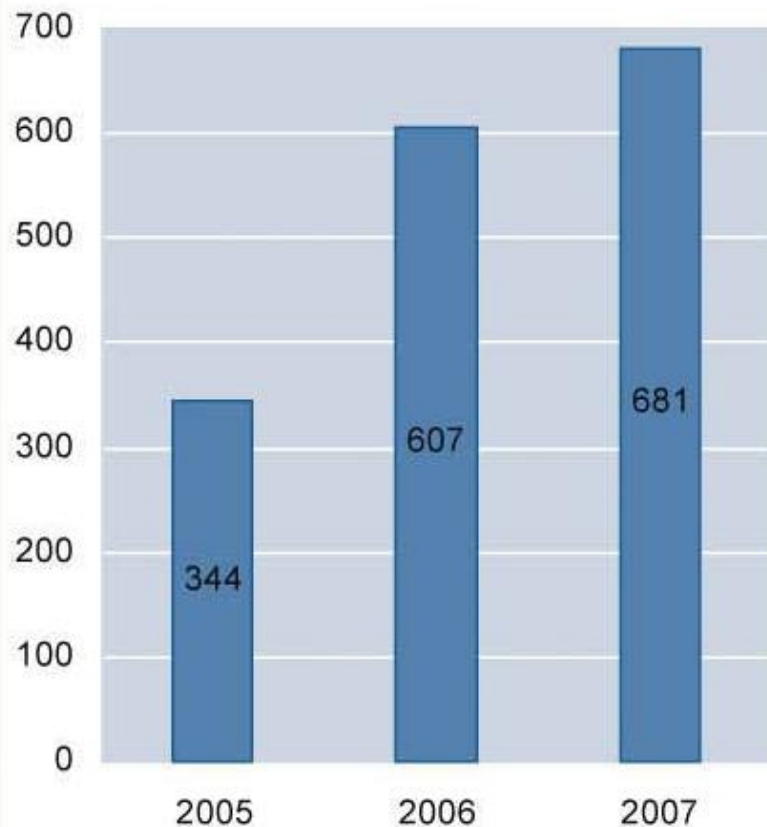
## PROTECTION

- Reintegration Network to Support Returned Victims of Trafficking in Vietnam

## PROSECUTION

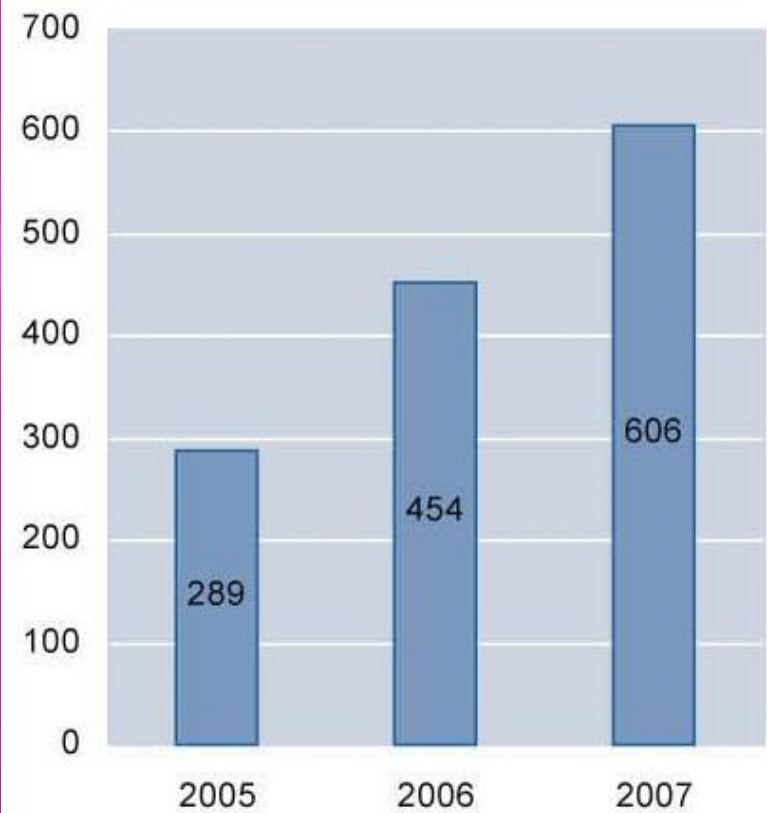
# PROSECUTION

Fig. 160: Persons investigated for trafficking in women and children in Viet Nam (2003-2007)



Sources: NCB Interpol and Criminal Investigation Division

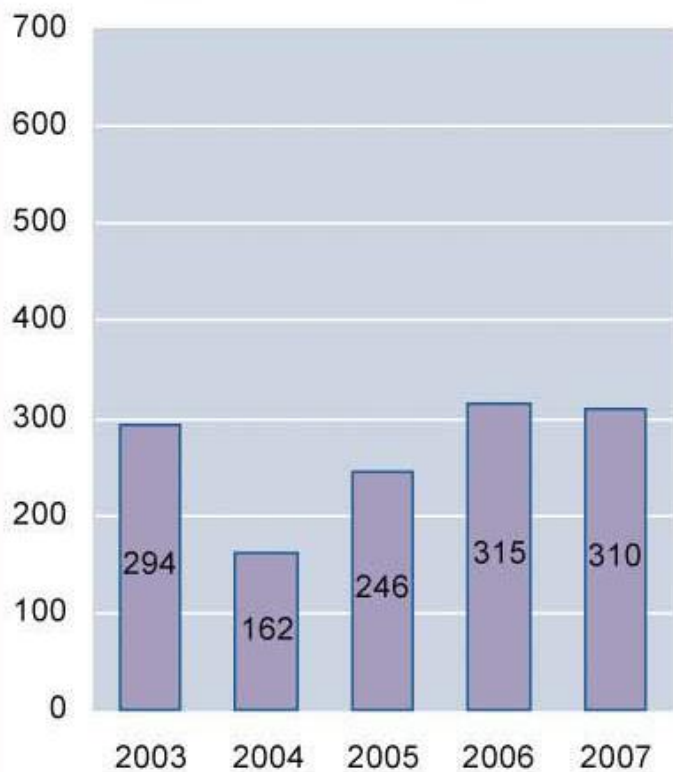
Fig. 161: Persons arrested for trafficking in women and children in Viet Nam (2005-2007)



Sources: NCB Interpol and Criminal Investigation Division

# PROSECUTION

Fig. 162: Persons prosecuted for trafficking in women and children in Viet Nam (2003-2007)



Sources: NCB Interpol and Criminal Investigation Division

- Police investigation, criminal justice system, governmental institutions in both Vietnam and abroad
- Special counter-trafficking police unit under the Criminal Police Department

# DISCRIMINATION AGAINST FEMALES

## CONFUCIANISM

### Three Submissions:

- 1) a girl is subject to her father
- 2) a married woman is subject to her husband
- 3) when the husband dies, his widow is to care of her eldest son

### The Four Virtues:

- 1) proper speech
- 2) good conduct
- 3) solemnity
- 4) tolerance

## SOCIALISM

- prioritizes the good of the community before other concerns, including gender issues

# DISCRIMINATION AGAINST FEMALES

## ECONOMIC

- Between 50.6% and 52.5% of the workforce are women
- Severely underpaid
  - Teacher's monthly salary = 190,000 *Dong* (US \$15).
- Unequal incomes
  - 42.6% of female workers have incomes that do not cover the basic needs
- Low-skilled, low-wage jobs
  - Knitting nets; making noodles or alcohol = 3000 *Dong* (less than US \$0.30) per day
- 79.9% of the female labor force works in the agriculture industry
  - Female farmer's monthly salary = 65,000 *Dong* (US \$5-6)

# DISCRIMINATION AGAINST FEMALES MILITARY

- Japan's institutionalization of sexual slavery through the Comfort System
- Rest and Relaxation centers in Thailand during the Vietnam War
- Culture of Silence and Shame
- Today, Tourists replace Military Personnel



# DISCRIMINATION AGAINST FEMALES

## LEGAL

### *Duty of Motherhood*

“The citizen’s rights are inseparable from his duties. The State guarantees the rights of citizens; the citizen must fulfill his duties to the State and society.” art. 51

### *No Implied Rights*

Vietnamese legal system grants only enumerated rights

### *Obstacles to Rule of Law*

- Strong perception that the law is ineffective and inadequate
- Emphasis on the rule of law primarily for economic and political stability

# PROPOSALS

## REDUCE SUPPLY

- Education to warn parents and protect children
  - Thailand and Slovenia: School curriculum
  - Informational brochures and literature
- Public Awareness Campaigns
  - Cambodia: Taxi drivers and guest house workers
  - Benin: Road signs
  - Nigeria: Stickers on buses
- Victim Protection Units in Police Stations
  - Ethiopia: Child Protection Units



# PROPOSALS

## REDUCE SUPPLIERS

- Police and judicial authorities training
- Financial incentives, promotions and performance indicators
- Increase police salaries to decrease corruption
- Increase Task Force
- Amend Penal Code



# AMEND PENAL CODE

Article 119 states, in its entirety:

1. Those who traffic in humans shall be sentenced to between two and seven years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between five and twenty years of imprisonment:
  - a) Trafficking in humans for the purpose of prostitution;
  - b) In an organized manner;
  - c) In a professional manner;
  - d) For the purpose of sending them overseas;
  - e) Trafficking in more than one person;
  - f) Trafficking more than once.
3. The offenders may also be subject to a fine of between five million and fifty million dong, to probation or residence ban for one to five years.”

# AMEND PENAL CODE

Article 120 states in its entirety:

## **Trading in, fraudulently exchanging or appropriating children**

1. Those who trade in, fraudulently exchange or appropriate children in any form shall be sentenced to between three and ten years of imprisonment.
2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between ten and twenty years of imprisonment or life imprisonment:
  - a) In an organized manner;
  - b) In a professional manner;
  - c) For despicable motive;
  - d) Trading in, fraudulently exchanging or appropriating more than one child;
  - e) For the purpose of sending them abroad;
  - f) For use for inhumane purposes;
  - g) For use for prostitution purposes;
  - h) Dangerous recidivism;
  - i) Causing serious consequences.

# AMEND PENAL CODE

- Art. 119 criminalizes “trafficking of humans” but does not define this term
- “Trafficking in children” is not specifically addressed in sub-section 2 of Art. 119
- Art. 120 addresses trafficking in children but does not use the term “trafficking in children.” It uses “trading in, fraudulently exchanging or appropriating children” but does not define that term.

# AMEND PENAL CODE

- Adopt a codified definition of “trafficking”
- Broaden definition to include “sexual exploitation, forced labor or services, slavery, slavery like practices or servitude, and the removal of organs ...”
- Criminalize accomplice, aiding and abetting, and attempted trafficking
- Criminalize all trafficking methods



Photo: TNP, Mond Ishak

# PROPOSALS

## REDUCE DEMAND



- Public Awareness Campaigns
- “School for Johns” for convicted offenders

- Inform Community members and Tourists of HIV/AIDS
  - Warning notes for Air Travelers
  - Tour Group Educational Pamphlets



# LONG-TERM CHANGE

- (1) Decrease gender inequality in all aspects of life
  - Framing the Issue
  - Involving, not Stigmatizing Women
    - Collaborate with Sex Workers and Victims
    - Create a Vibrant Civil Society
    - Involve Women on Every Level
  
- (2) The improvement of living and working conditions of Vietnamese women
  - Draw women into modern work force
  - Hone in on women's natural skills

**“At times, immortality can only result when the human spirit is measured by the hopelessness of its endeavor.”**

**- Cong Huyen Ton Nu Nha Trang**