



## Journal of Human Rights and Peace Studies

journal homepage: <https://www.tci-thaijo.org/index.php/HRPS/index>



# Rights Protection for Returned Human Trafficking Victims: A Case Study of Lao Cai Province

Phan Thanh Thanh<sup>1</sup>

*Institute of Human Studies, Vietnam Academy of Social Sciences, Vietnam*

*Email: phanthanhcmu@gmail.com*

### ARTICLE INFO

### ABSTRACT

#### **Article History:**

*Received: 06-May-2024*

*Revised: 14-Jun-2024*

*Accepted: 30-Jun-2024*

#### **Keywords:**

Human trafficking, Victims,  
Vietnam laws, Human  
rights protection, Vietnam

The paper aims to evaluate if and how the rights of human trafficking victims have been protected in Lao Cai Province, Vietnam. The article will analyze some issues of rights protection for the returned victims of trafficking in Lao Cai from 2013 to 2023. The key concepts of this article are the right to protection and the right to enjoy support regimes for human trafficking victims. The study includes (1) analyzing documents, including policy and legal documents on human trafficking prevention law and Vietnam's policies on victim protection and support, (2) interviews with five experts who are officials in charge of human trafficking prevention at competent agencies to evaluate the current local law enforcement situation. and (3) in-depth interviews with 10 victims of trafficking in the province to find out how their right to protection and their right to enjoy support regimes have been protected during the process of returning to their communities. Although there have been legal improvements and ratifications at the regional and national levels against human trafficking and to protect trafficking victims, gaps appear in the implementation process. The research shows that in terms of receiving and supporting the victims, local government resources, including funding, physical facilities, and specialized staff, are still limited and relying heavily on the funds/resources of NGOs. Many victims still live in unsafe social environments after being trafficked. These issues suggest that allocating adequate resources (finance, capacity of protection agencies and staff) and coordination among different agencies need to be addressed.

<sup>1</sup> Researcher, Institute of Human Studies, Vietnam Academy of Social Sciences

## **Introduction**

The importance of protecting the rights of victims of human trafficking has been affirmed in various international conventions, multilateral and bilateral agreements, the development of Vietnam's legal frameworks, and strategic campaigns on human trafficking prevention strategies. These efforts helped Vietnam strengthen human trafficking prevention, prosecution, and victim protection (Duong, 2014; Tucker et al., 2009). However, human trafficking continues to occur in a variety of forms, such as sexual exploitation, forced marriage, labor exploitation, and organ harvesting, and because of persistent underlying causes, economic, political, cultural, social, and even geographical (Shelley, 2010; 2011; Hoang, 2013; Le, 2014; Tucker et al., 2009).

The difficulties in identifying the victims are (1) as yet no systematic victim identification and referral to necessary services due to a lack of cooperation across jurisdictions and inadequate data collection processes (US Department of State, 2020); (2) the majority of human trafficking victims return to their communities without reporting to authorities or even telling their family and friends (Trees et al., 2012). (3) the lack of victims' identification documents also creates difficulties in examining information about victims, taking time and hindering victims' access to support services and justice and the return of victims of trafficking (United Nations Office on Drugs and Crime [UNODC], 2020); (4) Vietnamese Law does not contain provisions for administrative and criminal immunity for victims of trafficking for actions such as prostitution, illegal entry or using fake documents and records to enter or exit the country. Victims of trafficking, therefore, avoid participating in criminal proceedings to avoid being prosecuted themselves (Hoang, 2013).

In terms of support for victims, in November 2019, the Supreme People's Court issued additional guidance on trial procedures for victims of sexual assault under the age of 18, including victims of human trafficking. New protections include assigning experienced judges to cases and limiting the use of direct victim testimony, among other measures (US Department of State, 2020). In December 2019, the government confirmed that victims had the right to legal representation (US Department of State, 2020). In January 2020, the government significantly increased support for victims by extending the time victims were allowed to stay in their social support facilities from two to three months and increasing the amount of financial assistance for certain basic needs (US Department of State, 2020). The government continues to operate 94 social protection or social service facilities, some funded by NGOs, to assist victims across the country, but none provides services specifically for male or child victims (US Department of State, 2020). Moreover, some policies protecting the victims' right to get support in Vietnam are not consistent with victims' needs and practical situations (Duong, 2014; Hoang, 2013). For example, government agencies lack health care equipment, technical training, vocational training centers, and funds for returning

victims. Therefore, support is limited and does not meet the victims' needs or expectations (Duong, 2014; Hoang, 2013; 2015). In addition, victim protection policies show the weakness of networking among different agencies involved in victim reintegration support activities (Sidoti, 2010). Furthermore, anti-trafficking agencies do not provide the best support to victims of trafficking due to a lack of human and financial resources to provide protection measures as stipulated in the Law (Le, 2017).

Safety and security issues are also barriers to the victims' reintegration process. An unsafe and unpredictable social environment can lead to failed recovery and reintegration of victims (Surtees & Babović, 2007). Victims' rights to privacy, confidentiality, protection of their identity and data, and access to legal services are often inconsistently protected (Massey & Rankin, 2020; Hoang, 2013; Duong, 2014). Moreover, many victims of trafficking face severe safety and security issues after escaping. For some victims, this involves risks to their physical well-being, including threats or violence from those involved in their trafficking. In other cases, safety and security issues come from their families and communities where stigma and discrimination still exist (Surtees & Babović, 2007).

Therefore, the determination and commitment of government and law enforcement agencies are important in protecting victims' rights and promoting and strengthening the enforcement of the law to protect victims' lives, honor, health, dignity, and rights. However, to date, systematic studies have lacked the practical implementation of protecting the rights of victims of human trafficking in Vietnam. This is the research gap that this study aims to fill.

The research question of this paper is "if and how the human trafficking victims' rights, namely the right to protection, including protection of life, health, honor, dignity, and property of victims and their relatives and the right to enjoy support regimes of the human trafficking victims, have been protected in Lao Cai Province, Vietnam." The main objective of the paper is to evaluate if and how the rights of human trafficking victims have been protected in Lao Cai Province, Vietnam, and suggest some recommendations for the local authority for better protection of these rights.

### **Identified rights of human trafficking victims under Vietnamese Law**

At the international level, after committing to combating human trafficking as a member of the Anti-Trafficking Protocol in 2000, Vietnam then signed the Palermo Protocol in 2012. At the regional level, Vietnam signed a Memorandum of Understanding called the Coordinated Mekong Ministerial Initiative Against Trafficking in 2004 among Mekong Subregion countries to comprehensively address the problem of human trafficking in the region. The significance of this

Memorandum of Understanding includes identifying and assisting victims through law enforcement agencies. Following that, the Subregion IV Action Plan for 2015-2018 emphasized the need for regional and standardized victim identification procedures and methods to identify victims more effectively, as well as short- and long-term support for victims of human trafficking. In addition, Vietnam has signed several treaties with Cambodia, Lao PDR, Thailand, and China. Vietnam also signed the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, on 21 November 2015, creating an important and specialized legal foundation for cooperative activities on preventing and combating human trafficking among ASEAN member countries.

At the national level, Vietnam has a 2011 Law on the Prevention and Combating of Trafficking in Persons, the 2015 Penal Code, decrees, circulars, and programs on protecting the rights of victims. The Law on Prevention and Combating of Trafficking in Persons (Law No. 66/2011/QH12) and its guiding documents show that there are four groups of rights for victims in human trafficking cases:

- (1) **Right to protection (including protection of life, health, honor, dignity, and property of victims and their relatives)** Clauses 1, 2, Article 6 of the Law on Prevention and Combating of Trafficking in Persons 2011 and Decree No. 62/2012/ND-CP dated 13 August 2012, stipulate the basis for identifying victims of trafficking and protecting the safety of victims and their relatives. Confidentiality of place of residence, work, and study is guaranteed, and the confidentiality of personal information is protected (Articles 30 and 31 of the Law on Prevention and Combating of Trafficking in Persons 2011); trials may be held in secret; a new place to live, work, and study may be provided (Clauses 6, 8, Article 7, Decree No. 62/2012/ND-CP). The competent enforcement agencies are the Police Investigation Agency of the People's Public Security, the Criminal Investigation Agency of the People's Army, the Border Guard, the Coast Guard, the People's Procuracy and the Military Procuracy at all levels, the People's Courts and the Military Courts at all levels, the People's Committees of communes/wards/ towns, the Ministry of Labor, Invalids and Social Affairs, social protection facilities, victim support facilities, and Vietnamese diplomatic missions abroad.
- (2) **Rights to enjoy support regimes** Clause 2, Article 6 of the Law on Prevention and Combating Trafficking in Persons 2011, Decree No. 09/2013/ND-CP of 11cJanuary 2013 detailing several provisions of the Law on Prevention and Combating of Trafficking in Persons, and Circular No. 84/2019/TT-BTC of 27 November 2019 of the

Ministry of Finance stipulate the content and budget for victim support and the victim support regime, including temporary shelters (Point a Clause 1, Article 30 of the Law on Prevention and Combating of Trafficking in Persons 2011); support for essential needs, travel expenses, medical support, psychological support, legal aid, support for cultural studies, vocational training, initial hardship allowance, and loan assistance (Article 6, 32-38 Law on Prevention and Combating of Trafficking in Persons 2011). The competent enforcement agencies and organizations providing victim support, according to Article 39 of the Anti-Trafficking Law 2011, include the following: People's Committees of communes (receiving returned victims), the Police, Border Guard, and Coast Guard (who rescue victims and provide essential support), the Ministry of Labor Invalids and Social Affairs (providing travel expenses for victims to return to their place of residence by themselves and initial hardship allowances), the Ministries of Health and Education and Training (providing medical support, cultural and vocational training support, social protection and victim support facilities providing essential needs, psychological support, and medical support to victims; state legal aid centers and organizations providing legal assistance to victims).

- (3) **The rights of victims to be received, verified and rescued are stated in Articles 24-29 of the Law on Prevention and Combating of Trafficking in Persons 2011 and to be repatriated (in Articles 24-28 and 55 of the Law on Prevention and Combating of Trafficking in Persons of 2011).**
- (4) **Right to be compensated for damages** under Clauses 1-3, Article 6 of the Law on Prevention and Combating of Trafficking in Persons 2011.

This article will only assess how the first two rights, namely (1) the right to protection, including protection of life, health, honor, dignity, and property of victims and their relatives, and (2) the right to enjoy support regimes of human trafficking victims have been protected in Lao Cai Province, Vietnam.

## **Research Methodology**

Case studies were used both as a method and a research tool and conducted in Lao Cai Province, Vietnam, in 2023. Lao Cai had a total population of 733,337 people, comprising 25 ethnic groups, of which ethnic minorities (mainly Hmong, Tay, Dao, Giay, and Nùng) account for 64.09 percent of the entire population (Lao Cai Provincial People's Committee, Plan to support victims of trafficking, 2021). Lao Cai has been identified by the Vietnamese government as one

of the key routes for human trafficking in the country, not only as a source locality with many victims of trafficking but also as a transit point to bring people across the border illegally from other parts of the country, as well as where victims are returned through border crossings or return on their own (Lao Cai Provincial People's Committee, Plan to support victims of trafficking, 2021).

The following techniques were applied: (1) Analysis of laws and policies that support trafficking victims in Vietnam. (2) Interviews with experts who are officials in charge of human trafficking prevention at functional agencies (explicitly working with the Department of Labor, Invalids and Social Affairs of Lao Cai province and the Women's Union of Lao Cai province) to learn and evaluate the current state of law enforcement in the locality. The research sample for this group is five people. (3) In-depth interviews with local trafficking victims to find out what rights were protected or not protected during the process of integrating into the communities. The research sample for this group comprises 10 victims in the research area.

The selection of victims for the in-depth interviews was based on a purposive/selective sampling technique in qualitative research. Participants were chosen based on the objectives of this study: (1) victims of human trafficking, (2) having returned to their locality, and (3) received by the Lao Cai authorities.

In terms of ethical issues, the author first maintained privacy and confidentiality in the research. Privacy is respected through informed consent, and confidentiality involves not disclosing the subject's identity. The author ensured the participants' safety by changing the interviewees' names. No photographs of them were revealed in the research. It is only possible to connect answers to the respondents who gave them or their locations. Secondly, in the field research, the author obtained informed consent. The subjects knew they were part of a research project because their input was significant. The subjects volunteered to participate and understood the nature of the research before agreeing to participate. The research subjects signed a prior informed consent form for their voluntary participation. Voice recordings and photographs were not used at the victims' request, so the researcher noted all the information the victims provided. Moreover, their signed informed consent can be withdrawn at any time, and the subjects decide on any changes in terms and conditions.

In terms of data processing and analysis, a framework analysis method was used to organize and manage qualitative data from interviews (Goldsmith, 2021). This technique helps researchers systematically summarize qualitative data. It is a simple tool but creates a comprehensive and flexible matrix for analyzing data by cases and themes. The matrix comprises case rows, code columns, and summary data cells. Therefore, an analytical framework can

provide a structure and help the researchers locate and use data systematically and analyze data by case and theme. This tool also allows researchers to identify similarities and differences, which can be described, interpreted, and grouped according to similar or different themes. Its strength is in generating highly structured outputs of summarized data (Goldsmith, 2021).

In terms of the analytical framework, the article uses a rights-based approach to analyze and evaluate the protection of the rights of victims of human trafficking. In terms of outcomes, the rights-based approach aims to build good state capacity at all levels to respect, protect, and fulfill the right to protection and the right to enjoy supporting regimes of human trafficking victims. There are three types of state obligations, such as (1) respect (not directly or indirectly interfering with the victim's enjoyment of rights), (2) protection (preventing third parties from interfering with the victim's rights), and (3) full implementation (applying legislative, administrative, budgetary, judicial, and other appropriate measures to realize the victim's rights fully).

The article uses Vietnam's legal framework to analyze and evaluate the implementation of protecting the rights of victims of trafficking in Lao Cai province, specifically, the right to protection and the right to enjoy supporting regimes of the human trafficking victims.

**Table 1. Criteria to evaluate the two rights.**

Rights	Legal framework in Vietnam	Law enforcement agencies in Vietnam
The right to protection	<p>(1) Rescue and protect victims:</p> <p>When there are grounds to believe that a person/group of people is being trafficked, agencies, units, and personnel in the People's Public Security or People's Army assigned to prevent and combat human trafficking are responsible for applying necessary measures to rescue him/her/them. In the case where those persons/those people are harmed or at risk of harm to their life, health, honor, dignity, and property, protective measures shall be applied.</p> <p>(2) Safety protection measures for victims and their relatives:</p> <ul style="list-style-type: none"> <li>- Keep the documents and evidence of the protected person.</li> <li>- Information about the protected person's personal life,</li> </ul>	<ol style="list-style-type: none"> <li>1. Investigating Police Offices and People's Public Security</li> <li>2. Criminal Investigation Agency, People's Army</li> <li>3. Border Guard</li> <li>4. Coast Guard;</li> <li>5. People's Procuracy, Military Procuracy at all</li> </ol>

Rights	Legal framework in Vietnam	Law enforcement agencies in Vietnam
	<p>identity, place of residence, work or study, and other information related to the protected person must be kept confidential.</p> <ul style="list-style-type: none"> <li>- Security must be arranged at the protected person's residence, work, study or travel, court hearings, and other necessary places.</li> <li>- The victims' range of movement and communication is protected (to prevent threats from traffickers).</li> <li>- Temporary shelter for protected people must be arranged.</li> <li>- New places to live, work, and study for protected people must be arranged.</li> <li>- Measures must be implemented to prevent and stop acts or threats to harm the life, health, honor, dignity, and property of protected persons according to the provisions of the Law.</li> <li>- Trials must be held in secret.</li> </ul>	<p>levels</p> <p>6. People's Courts, Military Courts at all levels</p> <p>7. People's Committees of communes, wards and towns, Ministry of Labor, Invalids and Social Affairs, social protection facilities, victim support facilities;</p> <p>8. Vietnamese diplomatic missions abroad.</p>
The right to enjoy support regimes	<p>(1) Support system for essential needs and travel expenses.</p> <p>a) Food support during temporary stays at shelters and victim support facilities. The maximum support period from the state budget shall not exceed 60 days.</p> <p>b) Support with necessary clothing and personal items. Victims, during their temporary stay at social protection facilities or victim support facilities, are provided with two sets of long clothes, two sets of underwear, towels, plastic slippers, toothbrushes, toothpaste, soap, and sanitary napkins (for female victims);</p> <p>c) Victims who wish to return to their residence but cannot pay for transportation and meals during the journey will be supported with meals during the days on</p>	<p>According to Article 39 of the 2011 Law on the Prevention and Combating of Trafficking in Persons, the agencies and organizations required to provide support to victims are as follows:</p> <p>1. Commune People's Committees</p>



Rights	Legal framework in Vietnam	Law enforcement agencies in Vietnam
	<p>the road; transportation support is in line with everyday public transportation prices.</p> <p>(2) Medical support.</p> <ul style="list-style-type: none"> <li>- Medical support includes medical examinations and treatment costs.</li> <li>- During their stay at a social protection or victim support facility, the victim receives appropriate medical care. In cases of severe illness requiring transfer to a medical facility for treatment, the victim or the victim's family shall pay the cost of medical examinations and treatment at the medical facility.</li> <li>- Victims from poor households, near-poor households, minors, and families who contributed to the revolution of the country will receive the costs of medical examinations and treatment from victim support facilities at the same rates as health insurance payments for those specific groups.</li> <li>- For victims with no relatives, facilities will pay for medical examinations and treatment at the same rates as health insurance payments for poor households.</li> <li>- Where victims still have valid health insurance cards, the health insurance fund will pay for the costs of medical examinations and treatment according to the provisions of the law on health insurance.</li> <li>- If a victim dies during her/his stay at a shelter or victim support facility and her/his relatives do not arrive or there are no provisions for burial after 24 hours from the determination of the competent authorities, the social protection facility or victim support facility is responsible for organizing burial. Regulations for Social Protection Centers shall determine the costs of forensic examinations and funeral costs.</li> </ul>	<p>receiving victims, the People's Public Security, Border Guard, or Coast Guard units which rescue victims and provide essential support.</p> <p>2. The Ministry of Labor, Invalids and Social Affairs provides victims with travel expenses if they return to their residence independently.</p> <p>3. Social protection and victim support facilities provide essential needs and psychological and medical support.</p> <p>4. State legal aid centers and organizations participating in legal aid provide legal aid to victims.</p> <p>5. The Ministry of Labor, Invalids, and Social Affairs provides initial</p>

Rights	Legal framework in Vietnam	Law enforcement agencies in Vietnam
	<p>(3) Psychological support. Social protection and victim support facilities organize activities to help victims stabilize their psychological state during their stay. For minor victims, social support and victim support facilities are responsible for contacting and assessing the level of safety for the victim when returning to his or her family or place of residence before returning the victim.</p> <p>(4) Legal support. Victims of human trafficking receive legal advice to prevent being trafficked again, receive legal aid for household registration and civil status, and receive support in claiming compensation for damages, litigation, and other legal procedures related to human trafficking cases.</p> <p>(5) Support for cultural education, vocational training, and initial assistance to overcome difficulties.</p> <p>a) Documents requesting support include: application for support from the victim or the victim's family certified by the Commune People's Committee according to the form prescribed by the Ministry of Labor, Invalids and Social Affairs; certification from a competent authority that the person requesting assistance is a victim;</p> <p>b) Procedures Within 12 months of being confirmed as a victim by a competent authority, the victim or the victim's family shall apply to the Commune People's Committee of the place of residence. Within 3 working days of receiving the application from the victim or the victim's family, the Commune People's Committee Chairman shall prepare a dossier and send it to the district-level Department of Labor, Invalids and Social Affairs. Within five working days of receiving the complete application dossier from the Commune People's Committee, the district-level Department of</p>	<p>hardship benefits to victims and coordinates with the Ministries of Health and Education and Training to provide medical support, cultural education, and vocational training for victims.</p>

Rights	Legal framework in Vietnam	Law enforcement agencies in Vietnam
	<p>Labor, Invalids, and Social Affairs is responsible for evaluating and submitting it to the Chairman of the Committee for district-level consideration and decision. Within three working days from receipt of the written submission from the district-level Department of Labor, War Invalids and Social Affairs, the Chairman of the district-level People's Committee shall consider and decide on payments for educational support, vocational training, and initial hardship allowances.</p> <p>(6) Loan support. Victims needing capital for production and businesses will be considered for loans from the Bank for Social Policies. Conditions, terms, and levels of capital loans shall comply with current regulations for projects borrowing from the National Fund for Employment Creation.</p>	

## Research findings

### *Practical implementation of protecting the right to enjoy supporting regimes of trafficking victims in Lao Cai*

In Lao Cai City, the province manages two facilities to support returned trafficking victims: the Social Work Center, which is fully funded by the state and Charity House, which the Pacific Links Foundation, an American NGO, funds. Both are managed by the Department of Labor, Invalids, and Social Affairs.

**Table 2. Victim support models in Lao Cai**

Supporting models	Forms of support
<b>The Pacific Links</b>	Lao Cai Charity House is run by the Pacific Links Foundation.

Supporting models	Forms of support
<b>Foundation sponsors Lao Cai Charity House (Nhân Ai House)</b>	<p>It provides a supportive environment for victims and provides them with (i) safe housing and emotional support, (ii) vocational education and training, (iii) comprehensive health insurance and care services, (iv) training on life skills, literacy, reproductive health, etc., (v) job placement support, (vi) legal support, and (v) support for family members.</p> <p>Lao Cai Charity House is important in helping young women regain confidence and independence. Young women 11 years or older may stay in the house until they complete their training. Some have stayed for more than two years.</p>
<b>Lao Cai Provincial Social Work Center</b>	<p>Accommodation and activity space support: Victims can stay at the Center for up to 3 months and receive a monthly allowance, seasonal clothing, and other daily necessities. The Center also has space for everyday activities specific to each ethnic minority group.</p> <p>Financial support: Victims residing at the Center receive a monthly allowance based on age. In case the human trafficking victim no longer wants to stay at the Center, s/he will be provided with transportation costs home and meals on the way (minimum 70,000 VND/person/day). The Center also provides initial hardship support (1,000,000 VND/person) for victims of from poor households when they return to their hometowns. Finally, the Center supports victims to register for loans at the government Bank for Social Policies.</p> <p>Health care support: During their stay at the Center, victims are given free health insurance cards.</p> <p>Psychological support: Center staff provide psychological counseling if the victim feels frightened, sad, or worried.</p> <p>Legal aid: The Center provides guidance and advice on victims' rights to legal aid and also participates in case proceedings.</p> <p>Educational and vocational training support: Victims residing</p>

Supporting models	Forms of support
	at the Center are exempt from tuition fees and receive financial support for short-term vocational training.

Source: Summary by the author from data from the Lao Cai Department of Labor, Invalids and Social Affairs

The Department of Labor, Invalids and Social Affairs manages the Social Work Center, a public social protection facility at the local level. The Center contributes to protecting victims who are not in temporary shelters. Specifically, the Center provides the following services: (1) support for accommodation and activity space, (2) financial support, (3) health care, (4) psychological support, (5) legal aid, and (6) support for education and vocational training.

Charity House/Nhan Ai House provides the following services: (1) safe housing; (2) support for family members; (3) comprehensive health insurance and care; (4) spiritual and psychological support; (5) legal assistance; (6) vocational education and training; (7) training on life skills, literacy, reproductive health, etc., and (8) job placement support.

It can be seen that in addition to the necessary support provided by the Social Work Center, Nhan Ai House also provides support such as life skills and reproductive health training and support for victims' family members, especially job placement support after completing vocational training. This support is a positive practical point, reflecting the actual needs of victims. The support of Nhan Ai House is also longer-term. It lasts throughout the process of integrating into the community, not just initial emergency support, which is reflected in the fact that victims can choose to stay in Nhan Ai House for a long time until they find a suitable job and are ready and confident to step out into society.

However, some problems still exist in both support models.

a. Nhan Ai House has not received counterpart funding from the state budget and relies 100 percent on sponsorship from the Pacific Links Organization. Moreover, victims at Nhan Ai House have different ethnic backgrounds (such as Hmong, Dao, Tay, and Kinh), different customs and traditions, their cognitive level is uneven, and they are not fluent in the national language, causing difficulties in management. Their communities, in general, also stigmatize and discriminate against the victims of human trafficking. Nhan Ai House also has limited space, with none for recreation or entertainment. Notably, in 2020, due to the impact of the COVID-19 epidemic, Nhan Ai House's capacity to receive new victims and organize preparation courses for workers planning migration was reduced.

b. Lao Cai Social Work Center

Apart from the positive aspects and numbers mentioned in Tables 1 and 2 above, this Center does not meet victims' needs. According to the results of in-depth interviews, the support levels for essential goods, medical care, and initial hardship support are still low, do not meet the needs and the reality of the victim's situation, and fail to consider the victim's characteristics. Some typical comments include: "The initial level of essential needs support of 400,000 VND per support package is only enough to support female victims in the summer," said one officer at Lao Cai Social Work Center.

Some victims stay for a long time in the Center (according to regulations, the maximum is three months); thus, as one officer in Lao Cai Social Work Center stated, the support package of VND 400,000 per victim is too low.

Another Lao Cai Social Work Center officer reported that "Food support of VND 30,000 per person per day (according to Decree 136/2013/ND-CP on regulating social assistance policy for social protection subjects) does not reflect market prices. This support is not enough to cover the cost of three meals a day. Therefore, we often combine support from different programs (supported by NGOs and foundations). The officer also noted, "I see that according to Circular 134, it is VND 400,000 per time for support. That VND 400,000 includes long clothes, undershirts, sanitary napkins, soap, and toothpaste. From 2011 to 2012, this support was probably fine. Prices are increasing day by day. With that VND 400,000, it is very difficult to support victims when they first return. Many victims only had the clothes they were wearing. Especially in the winter, that money is not enough to pay for winter clothes or long clothes (Officer of Lao Cai Department of Labor, Invalids and Social Affairs).

The medical support package of 50,000 VND per victim for medicine is only enough to buy a few cold pills, not enough to buy a course of medicine to treat common diseases. It is not enough for medicines, even for a runny nose and a minor headache. Medical support like this is too little," continued a Lao Cai Social Work Center officer.

Using VND 50,000 for injured victims, for example, I have met victims who were seriously injured or had very serious sexually transmitted diseases, and the amount of VND 50,000 is not enough to take them to the doctor, let alone medical treatment as reported by another Officer of Lao Cai Department of Labor, Invalids and Social Affairs.

Here, we once met a pregnant victim. We had to take her to the district for examination, buy supplements (medicine), and buy milk. Our units and individuals often pay for these expenses themselves, but the regime and policies do not yet exist - Officials of the Border Guard of Lao Cai province.

Low support can lead to victims not wanting to receive support. Even though the provincial funding source is small, it cannot be fully spent because it cannot support victims (an Officer of Lao Cai Department of Labor, Invalids and Social Affairs).

In addition, some victims are not really confirmed from poor households and do not receive support for initial difficulties.

An officer from Lao Cai Labor, Invalid and Social Officer reported, "Poor households are reviewed by the locality every year. The victim has been absent from the locality for many years and has no registration, so it is difficult to identify poor households. They must be from poor households to receive support, so this is difficult."

An officer from Lao Cai Women's Union reported that "It stipulates that a trafficking victim must have a poor household registration book to receive support, and the victim must return within 12 months of receiving support. I find these rules very difficult. For the victims, when they return, not everyone knows how to report immediately, so after 12 months, they no longer receive the initial hardship allowance according to state regulations."

Victims said they did not clearly or fully understand what support they were receiving. For example, in in-depth interviews, two victims in Lao Cai province knew they would receive financial support, but they did not clearly understand why they did not receive that support or who should get it. However, in reality, neither of these victims belonged to poor households, so they did not receive initial support for difficulties according to the policy.

Officials from the Lao Cai province Border Guard force and the Labor, Invalid and Social Affairs agencies reflected that payment of the initial essential needs support still encountered problems.

One Officer of the Lao Cai Department of Labor, Invalids and Social Affairs complained, "We must get documents such as financial invoices. However, items such as toothpaste, soap, slippers, and clothes are very difficult to find from places that provide financial invoices. If you want a financial invoice, you have to go far, and the price is also higher.

Another Lao Cai Border Guard Station officer explained the regulation: "The regulation states that estimates must be made at the beginning of the year. At the beginning of the year, we do not know how many victims we will receive. If I budget a lot and don't spend it by the end of the year, it will be cut the next year. If we estimate too little, those who exceed the estimate will not be paid."

"Our government needs accompanying invoices and documents, which is very difficult. There are still bills in the city, but where can we get bills in communes?" said one officer of the Lao Cai Department of Labor, Invalids and Social Affairs.

For social protection facilities in Lao Cai, support for victims of trafficking is implemented according to Decree 136/2013/ND-CP on Regulations on social support policies for social protection subjects. For the Border Guard agency in Lao Cai, the cost of essential support for victims is taken from the unit's funding source as guided in Decree 09 and Circular 134. Currently, there is a shortage of staff and a multiplicity of tasks that must be performed at the same time:

One officer of the Women's Union of Lao Cai province reported, "When my agency previously organized and arranged the staffing system, each department had 4-5 people. Now, only two people are left, but they still have much work, so they cannot follow up as closely as before. Yes, because there are many training classes to improve capacity, all officials working on anti-trafficking issues in the locality are good." Furthermore, officials at the Lao Cai Social Work Center noted that staff at victim support centers still lack the skills to provide psychological support to victims. They also receive little training to improve their capacity on this content.

Some Lao Cai Department of Labor officials noted, "Psychological counseling support is ineffective due to a lack of expertise among staff."

One Officer of the Lao Cai Department of Labor, Invalids and Social Affairs complained that "the centers in Lao Cai province have not had anyone studying professional psychological counseling in their province."

Staff are inexperienced and have not studied social work to approach victims - Lao Cai social worker.

Trafficking victims and their relatives, especially those in rural, mountainous, remote areas and other particularly inaccessible areas, have limited understanding of relevant laws and policies relating to human trafficking, including the right to legal aid. Many think that seeking justice and asking for legal help may take a long time, and they are unsure whether they will receive compensation. Some victims are also influenced by social concepts and prejudices. They are afraid and do not share their experiences with competent state agencies. Some victims understand their right to legal aid. However, many of them still do not ask for legal help.

Lao Cai Labor, Invalid and Social Affairs officer reported: "It is sometimes difficult to identify victims eligible for legal assistance because some victims do not disclose personal information. Sometimes, there is insufficient evidence to prove the victim is eligible for legal aid. This is a challenge for legal aid providers in providing legal aid to victims."

Compensation after the verdict is essentially not paid because the defendant and the defendant's family do not have the financial ability to pay for legal claims when the compensation never comes. There is no Officer of the Lao Cai Women's Union court or other enforcement system; even with a verdict, the victim does not have the opportunity to receive compensation.



One officer of the Lao Cai Women's Union revealed some troubles. "There are cases where there are two victims, and the defendant must pay 20 million in compensation. The victim also applied to the enforcement department but almost abandoned it without receiving compensation because the victim could not pay the fees. Alternatively, the victims have to go and claim it themselves.

The time needed for vocational training is unsuitable for most victims. Some victims drop out of vocational training programs due to family demands, marriage, or having to work to make a living. One officer of the Lao Cai Department of Labor, Invalids and Social Affairs reported that vocational classes are not regular. "When the subject returns, there are no classes. When there are classes, the victims have left the locality because they had to earn a living or maybe did not like/or were not suitable for that job."

One female victim, aged 22 years from Lao Cai, reported, "I'm studying tourism at secondary school, but I quit to get married because my father wants me to get married. Now, I want to return to school, but I can't. Another 19-year-old female victim from Lao Cai complained, "I want to go back to work and earn money to support my children. I want to study business, but no career support teaches business." Officials also cited cases where victims dropped out of vocational training for personal reasons or because vocational training was unsuitable for the victims'/local market needs. Some officials even believe that victims do not need vocational training.

Officers of the Lao Cai Department of Labor, Invalids and Social Affairs noticed, "While you're studying for a job, but you just have love, you're ready to give it up to go home and get married.

One Lao Cai Women's Union officer reported: "Before, we also helped a victim start hair-dressing. The difficulty was that there were no premises. We invested capital in opening a shop, but there were not many customers because people in the commune did not go to wash and cut their hair."

"When they return to their local area, they can find a job and get paid work right away. After a few months of vocational training, they cannot work and have no money for expenses" (officers of Lao Cai Department of Labor, Invalids and Social Affairs).

Another example of a difficulty caused by the victim's family is that the family does not want to receive support and does not want the victim to approach officials. Officers of the Lao Cai Department of Labor, Invalids and Social Affairs learned that "when commune officials and police came to advise victims to receive support services and their families refused, they did not accept their children's status as "victims." Their children were sold, this or that. They do not accept that they or their children are victims to maintain their reputation."

According to victims, loan support is the most necessary form of support, but it is implemented only a little nationwide. In-depth interviews with officials show that accessing capital according to state policies is quite difficult because victims do not have collateral due to paperwork requirements. Loans through mass organizations are still limited because officials do not trust victims due to fear of bad debt. One Social Affairs Officer of Lao Cai stated, "Victims cannot pay, so there is no basis for Funds or Banks to lend capital. Therefore, very few victims have access to loans."

***Practical implementation of protecting the right to protection (including safety, privacy, and information security) of trafficking victims in Lao Cai***

Currently, in terms of law and policy, there are not many provisions and policies at the local level related to the privacy and information security of victims. There is also very little information about protecting victims' privacy and safety during the process of community reintegration, which has been reported in summary reports and local action programs. Instead, propaganda, communications, and victim support are given more attention, reflected in the number of plans and programs that have been implemented in Lao Cai. This result is also quite like other studies (Hoang, 2013; Duong, 2014; Hoang, 2017) which discovered that Vietnamese agencies have collected and stored very little information on information security and safety of victims of trafficking. However, while the victim lived in social centers and shelters in Lao Cai, the issue of information security and identity for the victim was highly emphasized in practice.

Safety and security issues are of great significance to the victim's reintegration into the community. A safe social environment leads to successful recovery and reintegration of victims, whereas the safety of victims is threatened when information about victims and their relatives is not kept confidential. Victims' rights are given special attention at Nhan Ai Lao Cai, and their privacy, confidentiality, protection of identity and data about them, as well as access to legal services protected by legal regulations, are strictly determined.

Some officials from the Lao Cai Department of Labor, Invalids and Social Affairs reported, "When diplomatic delegations, reporters, and researchers come here to work, they must sign a commitment to protect the victim's identity and not film or take photos of the victim. At the same time, agencies and individuals also do not have the right to approach newly rescued victims or during the investigation process to ensure their health and lives as well as protect evidence and information for court cases.

The issue of confidentiality of victim information is also thoroughly understood by each officer from provincial to district level to ensure the safety of victims. A Charity/Nhan Ai House

staff member stated, "All victim information is confidential. Units that want to approach and interview the victim need to get the victim's consent to participate, and they have the right to refuse to participate and not to record, film, or take photos."

Some victim protection work is also carried out, such as giving victims a temporary place (such as Nhan Ai House or the Social Center) as well as holding closed court hearings involving victims due to possible danger to the victims. Information about the victim was not made public before the trial, and the identities of the victim were changed after the trial.

Trafficking victims faced severe safety and security problems after escaping their ordeals. For some people, this involves risks to their safety and physical well-being, including threats or violence from those involved in their trafficking. Due to concerns for the safety and security of themselves and their loved ones, many victims do not feel safe and do not dare to report or sue the perpetrators.

One 18-year-old female victim stated, "When I returned to the community, the neighbor who tricked me into being trafficked to China threatened my parents to avoid being sued. After returning to the community from Nhan Ai's house, many other cases were the same. Another 16-year-old female victim reported, "I feel scared. I'm afraid that the person who tricked me will come and get me back. Afraid they will find me and kill me. They already know my face."

Safety and security issues come from their environment, such as their family or community. Upon returning to the community, the victim's family continues to suffer discrimination and insecurity. Some victims showed that they also faced discrimination from the community or, more severely, from their family members. However, local agencies have not been able to protect victims in these cases because the scope is too broad and complex and varies with each person's perception.

A 19-year-old victim from Lao Cai complained, "My father scolded and beat my mother all day because I was deceived and sold. That is why I'm very distressed and want to get married so my mother can suffer less." A married 22-year-old victim from Lao Cai acknowledged, "Up to now, I still have problems with my husband. My husband still occasionally nags at me or brings up the story of me being tricked into being trafficked to scold me." Another married 24-year-old victim from Lao Cai similarly reported, "When I returned to Vietnam, I felt sad. Even though my husband also cared, everyone around me said this and that; family members complained, and my family did not trust me."

An 18-year-old female victim from Lao Cai acknowledged that "A peaceful family is something too far away. After returning to her country to marry and have children, a friend in a similar situation to mine was abused, beaten, and abused by her husband all day long. Every

time she was beaten, her husband used the excuse of going to the other side to visit a prostitute and then beat her and bruised her face. My friend still has to endure and survive."

The protection of victims' physical safety and privacy as stipulated in national anti-trafficking laws and other regulations is not successfully implemented in practice because these strategies are not implemented. The victims did not receive attention from the authorities. Many victims still live in unsafe social environments after being trafficked. They must courageously address safety issues, including threats from traffickers and safety concerns in their families and communities. At the same time, due to a lack of funding and resources and the cases and subjects being too specific, protection agencies have not had consistent and unified actions in protecting victims' rights.

An officer of the Lao Cai Department of Labor, Invalids and Social Affairs revealed, "Suppose the government implements the necessary protection measures. In that case, it will increase spending on anti-trafficking programs while government budgets for these measures are minimal."

Furthermore, anti-trafficking agencies do not provide the best support to trafficked persons due to a lack of human and financial resources, as authorities must assist many different types of victims. If the government implemented all the protective measures stipulated in national policies, staff would be overwhelmed with the responsibility of protecting victims. Local government offices also do not have enough resources to provide the protections provided in the law. An officer of the Women's Union of Lao Cai province complained, "There used to be 4-5 people in each department, now there are only two people left, but they are responsible for so many things that they can't follow up as closely as before."

Finally, sharing information about protection strategies across government agencies takes much work. Only one or two agencies carry out victim protection in the provinces. Due to the lack of government guidance, the implementation of protective measures depends on the experience of local authorities.

## **Research Conclusions**

Regarding receiving and supporting victims of trafficking, there are limitations in the implementation process in Lao Cai. These are multiple. First, the lack of direct staff to support the trafficked victims appears because social workers have to do many concurrent jobs, and changes in personnel in the communes also affect the reception and support of victims in the community. Second, resources allocated for receiving and supporting returned victims of trafficking are limited and cannot meet actual needs. Because funding to support medical

examinations and treatment for victims is still low, many victims who return to the Center are seriously ill and do not receive timely examinations and treatment. Third, due to the lack of physical facilities at the Social Work Center, providing equipment for entertainment activities for child victims is impossible. And fourth, it takes much time to provide career counseling, vocational training, job placement support, skills assessment, and life skills training for victims.

Regarding victim protection, the reality is that many victims still live in unsafe social environments after being trafficked. They must courageously address safety issues, including threats from traffickers and safety concerns in their families and communities. At the same time, due to a lack of funding and resources and because the cases and subjects are too specific, protection agencies have not taken consistent and unified action to protect victims' rights. Due to the lack of government guidance, implementation of protective measures depends heavily on the experience of local authorities. In summary, although Vietnam's policies on protecting victims' privacy and physical safety have been fully regulated in policies and laws, the actual implementation of protection strategies in Lao Cai still faces many challenges and cannot be achieved. This leaves many trafficked victims in unsafe environments where they are at risk of being re-trafficked, exploited, or threatened upon return.

## **Recommendations**

The introduction of the Law on Prevention and Combating of Trafficking in Persons and its subordinate documents has created a solid legal platform for the reception, support, and protection of returned victims of trafficking. However, some improvements need to be considered.

- (1) The Law on Prevention and Combating of Trafficking in Persons (TIP) should be amended and include a provision concerning non-criminalization or non-prosecution for TIP victims as well as irrelevance of a TIP victim's consent in the prosecution of TIP.
- (2) The definition of TIP stated in the Criminal Code, the Law on the Prevention and Combating of Trafficking in Persons and other relevant laws should be amended and should include forced marriage which is a common form of TIP in Vietnam.
- (3) The definition of child should be raised from 16 to 18 years old in Vietnamese Law to better protect the rights of children as victims. Guidelines specifically focusing on child TIP and the protection of child TIP victims should be developed.
- (4) The Law on Legal Aid should be amended and should include provisions on the financial condition of TIP victims and their families to receive legal aid.
- (5) Capacity-building of government officials and other stakeholders (e.g., social workers) should be enhanced further.

- (6) The Social Protection Centers managed by the Department of Labor, Invalids and Social Affairs should also serve male victims, including boys, as well as victims of domestic human trafficking.

## REFERENCES

- Duong, K. A. (2014). *Engendering the evaluation of anti-trafficking policy: The Vietnamese National Action Programme against trafficking in women and children 2004-2010 (THE VNAP)* [Doctoral dissertation, University of Waikato].
- Goldsmith, L. J. (2021). Using framework analysis in applied qualitative research. *Qualitative report*, 26(6), 2061-2076. <https://doi.org/10.46743/2160-3715/2021.5011>
- Hoang, T. T. P. (2013). *An analysis of the protection regime for trafficked persons from the international to Vietnam* [Doctoral dissertation, Monash University].
- Hoang, T. T. P. (2015). Protection for trafficked persons in Viet Nam: Another national security discourse?. *International Migration*, 53(4), 25-36. <https://doi.org/10.1111/imig.12189>
- Ủy ban nhân dân tỉnh Lào Cai. (2021). *SỐ: 274/KH-UBND KẾ HOẠCH HỖ trợ nạn nhân bị mua bán trên địa bàn tỉnh Lào Cai giai đoạn 2021 - 2025 và định hướng đến năm 2030* [No.: 274/KH-UBND Plan on supporting victims of trafficking in Lao Cai province in the period of 2021 - 2025 and orientation to 2030]. In Vietnamese.
- Le, P. D. (2014). *Human trafficking and psychosocial well-being: A mixed-methods study of returned survivors of trafficking in Vietnam* [Doctoral dissertation, UCLA].
- Le, T. H. (2017). *Human trafficking in Vietnam: Preventing crime and protecting victims through inter-agency cooperation* [Doctoral dissertation, Queensland University of Technology].
- Massey, S., & Rankin, G. (2020). Agency, consent, and exploitation. In S. Massey & G. Rankin (Eds.), *Exploiting people for profit: Trafficking in human beings* (pp. 35-52). Springer.
- Shelley, L. (2010). *Human trafficking: A global perspective*. Cambridge University Press.
- Shelley, L. (2011). International trafficking: An important component of transnational crime. In S.

- Okubo & L. Shelley (Eds.), *Human security, transnational crime, and human trafficking: Asian and Western perspectives*. Routledge.
- Sidoti, B. (2010). *Human trafficking in the Baltic Sea Region: State and civil society cooperation on victims' assistance and protection*. United Nations.
- Surtees, R., & Babović, M. (2007). *Listening to victims: Experiences of identification, return, and assistance in south-eastern Europe*. International Centre for Migration Policy Development.
- Trees, D., Thanh, V. P. T. N., & Hung, T. B. (2012). *Assessment report on reintegration support models for victims of trafficking in Viet Nam*. International Organization for Migration.
- Tucker, C., Kammel, K., Lehman, H., & Ward, E. (2009). An analysis of human trafficking for sexual exploitation in Vietnam and a comprehensive approach to combating the problem. *UC Davis Journal of International Law and Policy*, 16(2), 437-481. <https://jilp.law.ucdavis.edu/sites/g/files/dgvnsk15346/files/media/documents/JILP-16-2-Ward.pdf>
- United Nations. (2000). *The United Nations protocol to prevent, suppress and punish trafficking in persons, especially women and children*. United Nations.
- Vietnamese Government. (2012). *Nghị định số 62/2012/NĐ-CP ngày 13 tháng 8 năm 2012 của Chính phủ, Quy định căn cứ xác định nạn nhân bị mua bán và bảo vệ an toàn cho nạn nhân, người thân thích của họ* [Decree 62/ND-CP To identify trafficked victims, and protect their safety and the safety of their loved ones]. In Vietnamese.
- Vietnamese National Assembly. (2006). *Luật bình đẳng giới* [Law on gender equality]. In Vietnamese.
- Vietnamese National Assembly. (2011). *Luật phòng chống mua bán người* [Law on the prevention and combating trafficking in persons]. In Vietnamese.
- Vietnamese National Assembly. (2015). *Bộ luật Hình sự* [The penal code]. In Vietnamese.
- Vietnamese National Assembly. (2016). *Luật trẻ em* [Law on children]. In Vietnamese.

US Department of State. (2020). *2020 Trafficking in persons report: Vietnam*.  
<https://www.state.gov/reports/2020-trafficking-in-persons-report/vietnam/>

United Nations Office on Drugs and Crime. (2020). *Impact of the Covid-19 Pandemic on trafficking in persons: Preliminary findings and messaging based on rapid stocking*. [https://www.unodc.org/documents/Advocacy-Section/HTMSS\\_Thematic\\_Brief\\_on\\_COVID-19.pdf](https://www.unodc.org/documents/Advocacy-Section/HTMSS_Thematic_Brief_on_COVID-19.pdf)