



Original Article

Protection of Child Victims of Trafficking in Vietnam

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Abstract: Human trafficking rose as a particularly concerning problem for the international community in the 1990s and early 2000. It quickly became an outbreak when facing the global pressure of illegal immigration, loose borders, security danger, and economic and territorial integrity. Women and children are two typical vulnerable objects, hence targeted by culprits in kidnapping, blackmail, trafficking, sexual abuse, exploited labor, or taking organs. With a complicated diverse terrain, child trafficking in Vietnam has been an unsolved issue, forcing the Vietnamese government to work 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. The article suggests increasing the number and quality of research (conducted by Vietnamese organizations/experts) about child trafficking. Experiences learned from the Vietnamese context showed that frequent inspection, evaluation, and summarization in implementing international rules are necessary as well as remuneration for border sites or the police army. In the end, this paper might help other developing countries face difficulties from academic studies on child trafficking, new trafficking techniques, and victim assistance measures in the COVID-19 pandemic.

Keywords: Child trafficking, Vietnam, protection, victims, government.

1. Introduction

A surprising statistic is that in every three trafficking victims detected, one is a child [1]. Trafficking in children is a severe violation of

human rights generally and children's rights particularly. International legal frameworks attempt to grapple with this problem through human rights and transnational crime instruments.

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For example, one of the nine core international human rights instruments, the Convention on the Rights of the Child (CRC) called for all appropriate national, bilateral, and multilateral measures to combat the illicit transfer and non-return of children abroad in Paragraph 1 Article 11 together to prevent the abduction of, the sale of or traffic in children for any purpose or in any form in Article 35 [2]. To be more specific, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OP-CRC-SC) required States Parties to extend measures for the promotion and protection of the rights of the child from the sale of children, child prostitution and child pornography [3]. The crime is against the nature of human rights, that every child has the equal right to not be separated from his or her parents against their will (Article 9); not be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor unlawful attacks on his or her honor and reputation (Article 16); be protect from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse (Article 19); benefit from social security (Article 26); a standard of living adequate for the child's physical, mental, spiritual, moral and social development (Article 27); the right to education, rest and leisure; be protected from all forms of economic, sexual exploitation and sexual abuse (Article 34); among others.

Besides, human rights ideas permeate the interpretation of this crime in a significant transnational crime protocol known as the Palermo Protocol (the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children which supplements the United Nations Convention against Transnational Organized Crime).

With the characteristics of age and immaturity of both mental and physical aspects, children should be under special protection indoors as well as outdoors. But once youngsters unluckily become victims of trafficking, there

are relevant basic child rights which harmed by it such as the protection against violence, injury, abuse, or exploitation; protection from abduction, sale, or trafficking of children for any purpose or form; promotion of physical and psychological recovery and social reintegration [2]. It is worth noting that children received more specific and comprehensive treatments than other adult victims, as the Optional Protocol requires certain appropriate measures for child victims and so does the Convention on Action against Trafficking in Human Beings.

Vietnam is a member of the Association of Southeast Asian Nations (ASEAN) - a developing area with undeniable potential and unstabled politics at the same time, in a period of transformation itself. This area lacks the legal system's unification, cooperation, and recognition mechanisms in criminal law such as extradition, witness or victim protection. This lack of available regional legal frameworks contributes to the sophisticated increase of women and children cross-border trafficking. Research showed that 5,6% of Vietnamese children could be forced laborers or in the exploitation with trafficking signs or the context of migration, where children from rural and poverty-stricken communities have particularly high risks [4]. The prevention of child trafficking seems so hard, but victim protection is even harder. Victim numbers are under-reported, and victim identity and support procedures remain inconvenient, tardy, and ineffective compared with standards elsewhere. It is the shortage of interagency coordination and provincial personnel who acknowledge the law as well as victim protection's role and responsibility continuing to deter the anti-trafficking effort.

The situation in Vietnam has so far been largely unexplored in the relevant literature, creating a black hole in the effectiveness of the protection of child victims of trafficking in Vietnam. This article attempts to close that gap, shedding light on the Vietnamese context for its purposes, and also as a means to underscore the broader situation in the ASEAN region, as a pathway to better estimate the victim protection

policies' influence. Through this article, audiences will hopefully better understand why protection is so important, the authorities not only set out the rules but also build human resources that have enough commitment and dedication to do everything for children's rights.

The Vietnamese government's attempt is noteworthy in raising public awareness about child trafficking (including civil servants and communities), increasing financial, and basic needs support for victims, and the right to legal representation, operating more social service centers [4]. But questions remain as to whether those exclusive regulations for child victims are easily accessed, whether the environment in social centers is suitable for nurturing and educating very young children, and whether the small model of current social centers meets victim support requirements. This article will investigate these matters.

Therefore, the article is divided into three main parts. Firstly, it will examine the issues of child trafficking in Vietnam, including exploring the definition, its reasons, how they were protected, and the consequences. Secondly, the research analyses the responses of the Vietnamese government in improving the situation through practice and law. Thirdly, I propose appropriate recommendations for stakeholders.

2. Literature Review

The paper reviewed several types of literature, from doctoral dissertations, conference proceedings, research articles, and editorials, to international organization reports related to human trafficking, and child trafficking in specific regions and Vietnam. Those are reliable references from large organizations with high reputations, easy to access, and high citations as secondary literature for narrow independent studies. In general, these researches focused on the different aspects of human trafficking, some mentioned child trafficking victims but there have been few

documents directly discussing the protection of Vietnamese trafficked children. While a disturbing reality is the actual number of child victims is much higher than published, protection measures are theoretically heavy, sketchy, and inefficient.

First, the group of publications related to human trafficking in the world showed that regions with the high rate of human trafficking had the least research on it, for example, Southeast Asia and Africa [5]; and the global report spent a part for East Asia region including Cambodia, China, Indonesia, Malaysia, Myanmar, Philippines, Thailand except for Vietnam which examined victims and offenders' profile, different forms of exploitation, trafficking flows and criminalization of human trafficking [1]. From the statistics and academic publications on human trafficking in Vietnam, many researchers claimed that the reported data do not depict the whole picture of human trafficking in Vietnam because of the absence of systematic and complete data [6]. Despite reports of official complicity, the Vietnamese government did not report any investigations, prosecutions, or convictions of officials complicit in trafficking offenses [4]. Those are the motivations for research by individuals or organizations taking further steps into the ASEAN region and Vietnam.

Second, the causes leading to child trafficking. There are many reasons such as poverty, ethnic conflicts, unemployment, gender inequality, inadequate legislation and law enforcement enabling trafficking in girls [7]. The findings showed due to a lack of understanding of labor law(s) and illiteracy, many victims in remote areas were taken advantage of by traffickers who offered them hard labor in unsafe conditions [8].

Third, during the victim identification process, we need to distinguish between adolescent children who migrate to earn money away from home and victims of trafficking [9]. Greenbaum suggested that healthcare providers working in pediatric emergency departments,

child advocacy centers, and teen clinics serving patients reporting sexual violence need to be vigilant about considering the possibility of child sex trafficking when caring for adolescent patients [10]. Nguyen and Le pointed out other different victims of human trafficking in Vietnam including men, sex workers, migrants for work, and well-educated students [11]. Stockl researched bride trafficking from Vietnam to China, that victims were in the trafficking situation longer than individuals who were trafficked into other sectors (e.g., sex work, domestic work, factory work, etc.) [12]. N. Oanh identified new reasons that keep victims hidden such as victims receiving money from traffickers and/or their family members as compensation, the existence of the victim-offender cycle [13].

Fourth, regarding trafficking consequences, the research found that child trafficking is associated with high levels of physical and psychological problems and a longer duration of contact with mental health services [14]. It is demonstrated that violence has significant impacts on victims of child trafficking, resulting in negative outcomes for well-being, including in the longer term [15].

Fifth, regarding the relationship between prevention and protection of victims, early attention to at-risk children will reduce the proportion of victims later. If some children are in danger, they are at great risk of future harm in the absence of intervention, and they require attention. Just as healthcare professionals make time for emergency surgeries, they need to make time to talk to their at-risk youth too [16].

Sixth, about the protection measures for victims of trafficking, Peck (2021) guided the clinical setting on how to respond to trafficked child victims as an emerging health threat and recommends actions for healthcare providers and academic institutions [17]. Farrell, et al. (2019) stated that five key components of a specialized child trafficking response are: 1) Staffing, 2) Participation in a Multi-Disciplinary

Team response, 3) Physical Space, 4) Practices and Programming, and 5) Safety [18]. Ramokolo (2019) indicated that Child and Youth Care Centers are not equipped with the necessary resources to empower and support victims of child trafficking before they can be released for reunification with families [19]. Luu (2017) stated that caring for the victims' mental and emotional health is an increasingly necessary step toward successful reintegration [20]. Johnson, et al. (2020) analyzed the legal and policy framework for protecting trafficking victims in five countries in Southeast Asia (Cambodia, Indonesia, Lao PDR, Thailand, and Viet Nam), outlining the various instruments, procedures, and materials that exist in each country [21].

Seventh, in the absence of clear legal guidelines, both states and regions should rely on general international rules and distill seven principles for an intervention to be successful: it should start from a human rights (rather than criminal law) perspective, it should be child-focused, culturally sensitive, aimed at addressing root causes, based on sufficient knowledge of the phenomenon among all involved parties, integral (that is, involving the collaboration of different institutions in the field of child protection as well as law enforcement, adhering to the aforementioned principles), and transnationally oriented [22].

Eighth, Vietnam has been trying to protect and support trafficked victims from legal assistance, psychological counseling, health services to education [23]. However, there were more practice tasks focused either on the role of the state or on the interventions of NGOs than analyzing the role of the wider community or other social agencies [24]. Other ASEAN members can take Vietnam cases for lessons in dealing with child victims of trafficking when some young Vietnamese people were told by traffickers to make themselves known to the authorities as trafficking victims and to seek asylum to get into the care system [25].

From the literature review above, it can be seen that these studies only focus on human trafficking in Vietnam, there has been little official academic research specialized in child trafficking. However, child trafficking can be seen as a social phenomenon, as well as a big problem in Vietnam, while the research on its causes, and effects is still limited. Therefore, this study is essential to discover the aspects of protection of child victims of trafficking in Vietnam, from the current law to the reality, and clarify the gap between them to see the next things needed to do.

These references are significant resources for this project to create a deeper view of Vietnamese trafficked children and find ways to support them to the best we can. Based on lessons from this literature, together with understanding the Vietnamese law on child trafficking, audiences will look at the Vietnamese context and its challenges compared to their own countries.

3. Child Trafficking Definition Under Vietnamese Law

On 8th June 2012, Vietnam ratified the Palermo Protocol in which Point c Article 3 regulated that “The recruitment, transportation, transfer, harboring or receipt of a child for exploitation shall be considered “trafficking in persons”. Palermo’s definition was just for teenagers who have enough labor power to be exploited and assumed to be victims of adult trafficking, it has not mentioned the younger age or other purposes such as early marriage, adoption, or surrogate mother. The Optional Protocol defined clearer “Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration” at Point a Article 2 [26]. The Optional definition has a broader coverage when transferring a child for any purpose as well as any form of the crime will be identified as child trafficking.

Compared with international definitions, in Vietnamese law, there has not been a fully independent article about child trafficking yet. According to Article 1 of the Vietnamese 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 mainly relating to 2 articles: Article 151 and Article 153. In January 2019, the Council of Judges of the Supreme People’s Court of Vietnam issued Resolution no: 02/2019/NQ-HDTP on guidelines for the application of Articles 150 and 151 of the Penal Code 2015 to ensure accurate, consistent implementation of the law stipulated defining criminal, aggravating factors in detail and some specific cases related to behaviors, tricks of international marriage brokers, export labors, child adoption, etc.

Trafficking of a person under 16 (Article 151) was split off from trading in, fraudulently exchanging, or appropriating 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 2 Article 151 concretizes defining aggravated factors in Article 120 from “More than one child” (Point d), “For the purpose of sending them abroad” (Point e) to “The offence is committed against 02 - 05 people” (Point c), “The victim is taken across the border out of Vietnam” (Point d); from “Causing serious consequences” (Point i) to “The victim suffers from 31-60% mental and behavioral disability because of the offence” (Point h); adds four new defining aggravated factors: Abuse of the offender's position or power (Point a), Taking advantage of child adoption (Point b), The offence is committed against a person for whom the offender is responsible for providing care (Point d), The offence has been committed more than twice (Point e).

There was a new addition in Article 151 - Clause 3 with seven defining aggravated factors, Clause 4 with all or part of the criminal’s property confiscated, raising the fine to 50-200

million VND. These adjustments demonstrated the severe nature of child trafficking along with strict punishments from the government. Hence, a fundamental change in defining crime (stipulating that criminal behavior and purpose constitute child trafficking while the trick is not compulsory) is an advantage as well as a disadvantage because it is impossible to list all trafficked offenses in the shadow of other subtle forms, so child victims will be missed.

As can be seen, the child trafficking definition in Vietnamese law is narrower than it is in the Palermo Protocol because of the application for a person under 16, not including trafficking victims from 16 to under 18. The Convention on the Rights of the Child 1989 defines that a child means every human being below the age of eighteen years and adults with full rights and obligations when persons turn 18 in Vietnamese laws. Thus, the Penal Code 2015 does not cover all victims inadvertently causing detriment to people from fully 16 to under 18 years old. They are excluded from trafficked victims, which might lead to struggles in criminal defining when the offense is neither child trafficking nor human trafficking.

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 signs that constitute the crime. Aggravating factors consist of resulting 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. The punishment is lighter than Article 151, with the framework from 03-07 years of imprisonment in Clause 1, 05-10 years in Clause 2, to 10-15 years in Clause 3, paying 10-50 million VND (approx. 436 ~2171 USD). It is hard to distinguish Article 153 from Article 151 as a fragile boundary between them. For all the signs of crime, behaviors, methods, and tricks that could happen in or be a part of the trafficking process, Article 153 probably integrates into

Article 151 to be one crime – child trafficking. The paper, ink, and time should not be wasted on two articles regulating one crime.

4. The Causes Leading to Child Trafficking in Vietnam

To have an overview of the human trafficking situation in Vietnam, it is necessary 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. There are many pathways and shortcuts, especially the 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, and airways systems enabling immigration which is taken advantage of by culprits to commit human trafficking at the transnational scale.

Social media’s development: Methods and tricks of human traffickers are more and more sophisticated, artful, organized, and tightly collusive between buyers and sellers, brokers, and guides, forming 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, and stopping work of forces experienced great difficulties.

Social economy gap: The social economy gap between cities and rural areas, plains and mountains is also one of the reasons leading to human trafficking. Most cases occurred in mountainous, remote areas, and underdeveloped economic regions with poor transportation systems. Victims’ occupations before being trafficked mainly are farming and unemployment, with limited social information.

Hence, they are easily utilized and fraud by criminals.

Children's credulity, especially the incompleting perceptual abilities at a very young age, plus parents' or adults' inattentiveness, are often being targeted. In addition, teenagers are attracted by the promises of human traffickers. They hit the poor child's weakness and desire for a better place, ideal environment, study opportunity, or higher income job. There are plenty of reasons to go, and run away from a place that used to be called "home". The harder the circumstance is (excessive debts, life-threatening illness), the easier the culprit acts. For example, a shocking tragedy called the "Essex lorry deaths" in 2019 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 were from the same - considered poor - province of Nghe An.

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

5. 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 labor [27].

In South Asia, it has been documented that children as young as 12 years of age are trafficked for forced labor in domestic work, brick kilns, small hotels, the garment industry, or agriculture. While just under 5% of girls in South Asia were forced labor victims of trafficking among the total detected victims, the percentage of boys was around 7% [1].

Child victims of trafficking for sexual exploitation (mainly girls) are identified in every part of the world but largely concentrated in Central America, 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 sex workers for one or more people [8]. 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.

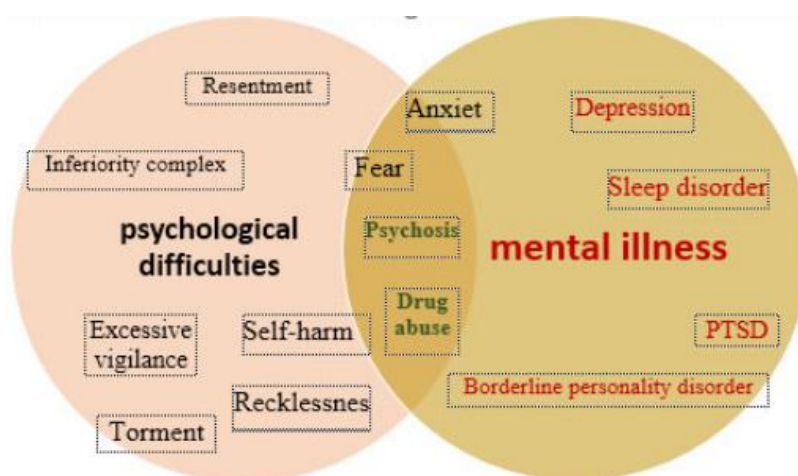
For the above reasons, according to the Women and Development Center of Vietnam Women's Union, child victims of trafficking after returning to their homeland suffer a lot of damage to physical and mental health. Some cases lost memory; were beaten or tortured; were labor exploitation; were unexpectedly pregnant; were alcohol, drug addiction, or sexually transmitted diseases... They easily face discrimination and avoidance from surrounding people, even their families which prevent them from integrating into the community [28].

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 the US said. Research from the International Organization for Migration (IOM) in Vietnam coordinated with Lao Cai Province's Anti-Social Crimes Branch showed that approximately 90% of victims suffer serious mental problems such as

depression, anxiety, sleep disorder, and borderline personality disorder.

After experiencing ups and downs, and traumatic events, they were in psychological difficulties at different levels. Some children were overcoming the past, but most of them faced severe suffering. Raped victims in brothels, sexual assault, tortured, or forced to use 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 noted [29]. Female victims usually live with an inferiority complex, low self-esteem; unreleased resentment, anger, irritability; self-harm (using a sharp object to cut herself, head smashed into walls, doors,...) as a way to temporarily forget about mental illness. Many girls quickly have sex with strangers or new acquaintances, not because of their placabilities but psychological consequences of early sexual abuse.



Psychological consequences of trafficking victims.

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

The worst scenario is that many victims died in strange lands without relatives or friends, so they could not contact their families anymore. If anyone could, the body's delivery procedure is also complicated.

6. How Child Victims of Trafficking Were Protected under Vietnamese Law

According to Clause 3 Article 2 Vietnamese Law on the Prevention of and Combat against Human Trafficking 2011 and Clause 1 Article 5 in Decree no 62/2012/ND-CP stipulate the basis of trafficked victims' identification, protection for both them and their families, victims are harmed by human trafficking behaviors, delivering or receiving, recruiting, transferring, harboring person for sexual exploitation/slaves, forced labor, removal of organs/body parts, experiment, forced begging/marriage/surrogate mother or for other inhuman purposes.

Clause 2 Article 5 in the Decree stated that victim identification must rely on legal documents, sources, and evidence. Especially, after biography verification, time, and reason of

absence at his/her local area fitting with the deposition, the basis of considering whether someone is a trafficked victim or not was founded in Clause 3:

i) That person was detected and rescued along with other victims;

ii) That person had time living with other victims and was detained, controlled, and treated like them;

iii) Physical and mental expressions: Having any of the following signs: sexual exploitation, forced labor, mistreatment, injury, fear, panic, depression, sickness;

iv) When that person is away from residence, his/her family reports to authorities about his/her missing or being a victim of crimes.

To support victims of human trafficking, Vietnam had numerous practical activities such as a national telephone exchange in anti-human trafficking (hotline 111); a psychological consulting and therapy office; and 425 social assistance centers, therein 195 public and 230 private all over the country. Legally, sufferers are protected (rescued, ensured the safety of them and their families, and more importantly, personal confidentiality) and supported by Chapter IV, V regulation of the Law on the Prevention of and Combat against Human trafficking in 2011 [30]. 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% of injured parties were supported by police and coast guards, from commune to district-level authorities, who made sure that they settled down and reintegrated into the community as per the law's requirement [28].

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 loans, etc. In particular, towards child victims, Clause 3 Article 24 defined that if they have no refuge, authorities will send them to social

sponsors or victim assistance centers; 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, the Ministry of Finance enacted Circular no: 84/2019/TT-BTC regulated contents and spending for victim assistance following Decree no: 09/2013/ND-CP on guidelines for the 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 involving meals (no more than 3 months), clothes, personal items, and fares with the minimum level of 70.000 VND/person/day (equivalent to 3.05 USD). Regarding medical aid, any victim who does not have a health insurance card yet, in the period of staying in centers, will be given one for free. Otherwise, trafficked children received the remission of tuition fees as stated in Decree no: 86/2015/ND-CP and Decree no: 145/2018/ND-CP. In case child victims join the under-3-month vocational training at the primary level, the support spending will follow the respective short-term training regulations in local training centers 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 (equivalent to 43.47 USD) at minimum (Vietnamese Government, 2013). During the tough period, those regulations showed the fellow feeling spirit, beautiful tradition, and humanity of Vietnam.

The outcomes of victim assistance and local authorities' efforts in implementing the Law on the Prevention of and Combat against Human Trafficking are noteworthy. However, it has been exposing several downsides. More specifically, social aid centers' network has formed but there is still no clear management and functional mechanism, so some of those work inefficiently. While counseling and mental stabilization for trafficked victims need to be done during the time of taking testimony or initially receiving documents there is a shortage of psychotherapists as well as female

supporting staff at receiving sites to avoid gender-sensitive factors (most of the victims are girls and women) which prevents the implementation of the above activities.. The victim assistance's order and procedure are quite complicated, which is the reason why many sufferers are unwilling to contact. Little wonder that the majority of trafficked children and youth have never reached support services: In 10 persons having signs of child trafficking were asked, no more than 1 (9.5%) said that he/she received several aid forms [15].

7. Movements of the Vietnamese Government

To express the commitment and effort of the Vietnamese government in front of international communities in the fight against human trafficking, the Prime Minister chose the 30th of July (coincident with the UN's choice) annually as "National Day of Anti-Human Trafficking" to promote the synthetic power of the political system and all the people joining the prevention of and coming to repel human trafficking nationwide. Recently, Decision no: 402/QĐ-TTg was enacted by the Prime Minister on 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 sustainable development. Defining in advance the fields, targets, detailed contents, and routes fulfilling the GCM; maximally mobilizing available internal resources and making use of international support are necessary works. Vietnam improves the quality and efficiency of universal migration 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. Deploying the Anti-human trafficking Program from 2016-2020 (Program 130/CP) and the Law on the Prevention of and Combat against Human trafficking, the Prime Minister enacted the decision on establishing

and improving the Governmental Steering Committee 138/CP on crime prevention (Steering Committee 138/CP). The striking role belonged to permanent organs of Program 130/CP in both central and local areas in consulting, proposing direction plans, especially Decision no 193/QĐ-TTg (9th February 2021) in approval of the Anti-human trafficking Program from 2021-2025, towards 2030.

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

At annual dialogue sessions between Vietnam and the EU about human rights, human trafficking was a notable concern. The EU recognized Vietnamese efforts and achievements, especially the rule of law's construction and the completion of the human rights legal system and wanted to collaborate with Vietnam in judicial reform, the fight against illegal migration, human trafficking, and victim protection [31].

The Communist Party of Vietnam and the government paid attention to the prevention of trafficking in persons, which was shown in lots of sectors. For instance, the law enforcement force, the police, mainly criminal police cooperating with border guards at different levels in building and deploying investigative professional programs along the route, controlling cross-border immigration, and conducting crackdowns on human trafficking crimes nationwide [32]. According to 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 by 16,85%;

26,67%; and 42,01% respectively. The above forces discovered 61 cases and arrested 79 criminals while the People's Procuracy of various levels prosecuted 34 cases with 51 defendants, People's Court accepted 57 cases with 92 culprits [33].

8. Protection of Child Victims of Trafficking in Vietnam - The Situation and Recommendations

8.1. The Situation

Approximately 7000 trafficking victims in Vietnam from 2011 to 2018 and thousands were reported lost in a study conducted by Coram International and the Institute of Labour Science and Social Affairs (Vietnam's Ministry of Labour, Invalids and Social Affairs), UNICEF Vietnam, and UNICEF UK [15].

According to the Ministry of Public Security of Vietnam's statistics, there were 3285 cases related to 4800 suspects of trafficking fraud and 7200 victims all over the country. Human trafficking occurred throughout 63 provinces with nearly 90% being overseas crime, mainly in China, therein 430 cases with victims under 16. 430 is not a small figure, proving that the victim's age is getting younger. The number of trafficking and questioning victims was 3090 persons, mostly women and children (accounted for over 90%), belonging to ethnic minorities (took over 80%), usually living in the countryside, mountainous regions, and remote areas with difficult economic status. The majority of victims are women, being tricked and trafficked overseas, forced to marry locals, sexually exploited (closely 80%), and forced to work. Among more than 3000 detected victims, 2571 persons returned (1334 individuals were rescued and extradited, 1237 escaped themselves) and 519 were not back yet. In the 2012-2017 period, investigation agencies prosecuted 1021 cases and 2035 accused persons (took 97% of received delations) [34]. If we make a comparison between the number of

detected cases with prosecuted cases, there will be a huge gap. Some of the reasons are victims not wanting to dig up the past, being afraid of being avenged so do not report; wrongdoers living abroad; not good in the incorporated investigation, etc.

The detected cases were brought to light, in the record files but the unofficial statistic is way higher than that. Almost the general public just cares about how many people are rescued successfully and how many come back, not their lives after that which is the reason why we have to go further in child trafficking research to maximize protection.

There is still a lot of work to do to improve the child trafficking rate. With the golden population period will be soon over in 2026 [37], Vietnam has little time left to take care of the national future generation. Besides education reform, nutrition, health care, required social-economic satisfaction, and recreational activity development, the government should eliminate various crimes in which children are targeted.

Following the United Nations Convention and Palermo Protocol, Vietnamese current law and its guidelines cover almost all general aspects of human trafficking, child trafficking, and diverse protection measures for victims. However, frequent inspection, evaluation, and summarization in implementing those rules are vital to narrow the space between theory and practice. We already had the management agency, the expenditure quota, and facilities, the only missing piece is human resources. How to attract well-educated, highly-trained officials to stick with hard, dangerous, stressful work with little subsidies is a question. Due to the lack of regulations on translation expenses for foreigner/ethnic minority victims during the receiving period at social centers, some personnel even spend their money hiring interpreters to speed things up. In addition, while child victims come back with mental trauma, hardly officials working at border sites or the police army can help. Hence, if raising the

number of those officers is an impossible mission, it is time to exalt police and border forces' agility because they directly deal with victims and offenders. They will determine whether the cases are successfully solved.

After finishing the victim identification process, the protection and assistance works continue to be deployed and the willingness and cooperation from the victims or the legal representative, the nurturer (if the child is little) will decide the success or failure of both the identification and assistance form. Similar to adult victims, unless they tell us or turn in, there is nothing we can do to help, or they simply don't need other help when they can take care of themselves. At a very young age, children couldn't speak or describe what happened, so the investigation would be at a standstill without witnesses.

In the COVID-19 pandemic background, on the occasion of the UN's World Day against Trafficking in Persons (30th July 2021), Secretary-General Antonio Guterres highlighted the influence of the pandemic on 124 million people who might fall into extreme poverty, and millions at risk of being prey for human traffickers. It is a concern that half of the victims in low-income countries are children and most of them are trafficked to be forced laborers. Surprisingly, in the tremendous variety of Coronavirus, human traffickers' activities are not only unabated but also tend to rise with new techniques such as utilizing social networks (Facebook, Zalo, WeChat) to seduce and defraud victims. Notably, culprits deceived people into taking drugs, then forced them to work in offshore fishing boats (including illegal fishing in the foreign seas, advance salary, or selling victims to the shipowner), selling newborns after recruitment of pregnant women. The majority of victims are women, girls from 15 to 28 years old, with low educational level, limited social-law awareness, economic difficulties, high-income job desire, foreign husband wish, etc [38]. Therefore, such urgent work to support vulnerable groups in the lockdown situation

prevents human trafficking from getting closer to them.

8.2. 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 harboring, recruitment, or transportation of children is enough to constitute trafficking. Second, adding objects who receive the support are self-freed victims coming home, as long as they have authentic proof. Third, the assistance order, procedure for child victims needs to be divided into 3 stages: initial, revived, and reintegrated assistance for full coverage [35].

It is important to put the content of legal migration, labor rights, and protection mechanisms into comprehensive training programs for children and youngsters together with pushing communication up for households and communities about anti-human trafficking, preferring the high-risk groups in remote areas, border regions, and ethnic minorities. National and local press agencies and radio systems should broadcast daily news that is suitable for various persons and specific characteristics of each region. Daily updates on the methods, tricks, and objectives of human traffickers should be posted on websites and social media platforms with numerous followers in Vietnam [36].

Ensuring the timely rescue, verification, protection, and assistance of child victims following the law. It is crucial to acknowledge that child victims of trafficking may need protection in three main contexts: 1. Initial protection; 2. In the criminal justice process; 3. On a sustainable basis, including support for reintegration. First, children themselves must have a certain understanding of human trafficking through school lessons, parental

orientation, or community. The model of a village youth club for people aged 12-17 contributes to reducing human trafficking by building the capacity of young people to protect themselves and their peers. In particular, the method helps young people improve their legal knowledge related to anti-trafficking and learn specific steps to protect themselves such as establishing a support network and being familiar with the hotline 111. At the same time, young people should learn self-defense and adaptation skills and develop their internal strengths and external support systems... Second, professional personnel such as law executors, immigration, medical aid, teachers, social sponsors, and psychotherapists need to be properly trained to recognize child trafficking's signs and how to deal with it. Third, during the process of reception and reintegration in the country or place of origin, child victims shall have a guardian and are entitled to access long-term care and protection including security, food, accommodation in a safe place, access to health-care, psycho-social support, legal assistance, social services and education with a view to their social reintegration. Additional appropriate assistance shall be provided to children with specific needs, particularly in case of disability, psychosocial distress, illness, or pregnancy. Child victims shall be cared for by professionals who are appropriately trained, including on gender issues and related needs. Such care shall be provided in cooperation with relevant international and non-governmental organizations. Social service authorities, in collaboration with the guardian, shall conduct an individual needs assessment for each child victim to ensure appropriate and personalised care and avoid risks of re-victimization, stigma, and marginalization. Social service authorities shall ensure that every child victim has a legal guardian and that an individual integration plan is elaborated for each child.

The authorities shall focus on i) Proactively detecting and thoroughly handling illegal brokerage centers on marriage with foreign

elements, labor export, and child adoption for human trafficking activities; ii) Strengthening immigration management, strictly controlling border gates, overcoming loopholes in management of foreigners, household registration, Internet service management,... human trafficking crimes; iii) Effectively deploying crackdowns on human trafficking crimes, focusing on the Vietnam-China, Vietnam-Cambodia border lines; iv) Fighting human trafficking, especially organized and transnational cases; pursuing criminals, especially those who are masterminds and leaders, and ensuring that all human trafficking offenses are detected and strictly handled; v) closely coordinating with the Procuracy and People's Courts at all levels to urgently prosecute and publicly adjudicate on the crimes for the purpose of education and propaganda.

Strengthening the interdisciplinary, international cooperation between governmental agencies and NGOs at every stage of reception, verification, salvation, protection, and assistance. Implementing effectively international, bilateral, and multilateral agreements on anti-human trafficking in which Vietnam was a member, periodically summarizing experiences. Local police, the Ministry of Public Security, coast guards, and the Office against Drugs and Crime collaborate with UNODC, UNICEF, IOM, and ILO within projects of Steering Committee 138/CP [34].

Increasing the number and quality of research (conducted by Vietnamese organizations/ experts) about child trafficking and the solutions to helping victims, minimizing the consequences. Despite the objectivity of foreign studies, it is important to highlight the role of indigenous people in understanding the victim's psychology to help them overcome the tragedy. If Vietnamese people do not speak up, others have no reason to care about their countrymen.

9. Conclusion

Recently, human trafficking, especially in women and children, has attracted the attention

of Vietnamese policymakers and law enforcement. This study presents the definition of child trafficking and assistance for victims in Vietnam. In doing so, it provides a more exclusive picture of these issues in a Southeast Asian country, which will be a valuable reference for those who are interested in this topic. Furthermore, this thesis appears to be the first empirical research examining how trafficked child victims are protected in Vietnam, adding to the small amount of current official academic research specialized in child trafficking. It emphasized the absence of systematic and complete data which was mentioned before [1 - 4].

The literature review studied different reasons, consequences of child trafficking, the victim identification process, the relationship between prevention and protection of victims, various protection measures for victims, general international principles, and what the Vietnamese government has supported.

In terms of approaches to child victims of trafficking, the findings of this study make several contributions to the current literature. First, this research highlights the lack of regulation for child victims from 16 to under 18, which is mentioned in the report of the U.S. Department of State, 2020. Second, this research clarifies the difference between child trafficking regulations in the Vietnamese Penal Code 1999 and 2015. Another contribution made by this study is that it suggests increasing the number and quality of research (conducted by Vietnamese organizations/experts) about child trafficking. Experiences learned from the Vietnamese situation showed that frequent inspection, evaluation, and summarization in implementing international rules are necessary as well as remuneration for border sites or the police army. It also emphasizes the importance of assistance for vulnerable groups in the Covid-19 pandemic as many countries, including Vietnam, applied the lockdown policy which brought both positive and negative outcomes.

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