



## Vietnam

- Population: 92.5 million
- GDP per capita (in US dollars): 2,052
- Single party Republic
- Human development index (HDI): 0.666 (116<sup>th</sup> rank among 187 countries)
- Gender inequality index (GII): 0.308 (60<sup>th</sup> rank among 147 countries)
- Corruption Perceptions Index (CPI): Score of 31 on a scale from 0 (highly corrupt) to 100 (very clean)
- Member of the Association of Southeast Asian Nations since 1995.
  
- The official statistics of the Ministry of Labor, War and Social Affairs estimate that there are 33,000 prostituted persons in Vietnam. Sociologists believe there are 200,000 prostituted persons. In Ho Chi Minh City, there are 58 public places and about 33,000 stores suspected of being prostitution venues.
- Prostitution is illegal, but there exists a legal void around male prostitution. Female prostitutes are subject to fines that amount to 100,000 VDN to 300,000 VDN (4.12 € to 12.36 €/4.50 US\$ to 13.50 US\$) and a 24-hour incarceration for sex purchasers who face fines of 500,000 VDN to 5 million VDN (20.6 € to 2016€/22.50 US\$ to 225 US\$). Since the 2012 law, articles 119 and 120 of the Penal Code defines trafficking of human beings, and states that trafficking for purposes of sexual exploitation is punishable by 3 to 20 years in prison.
- In 2014, there were over 472 suspects of human trafficking (for forced labor and sexual exploitation), 413 were sentenced to 3 to 15 years in prison (*U.S. Department of State*, 2015).
- Country of destination for pedophile sex tourism. These tourists come from other Asian countries, the United Kingdom, Australia, Europe and the United States (*U.S. Department of State*, 2015).
- Significant phenomenon of domestic trafficking.
- “Bride trafficking” to China is expanding.
- Country of origin for victims of trafficking for sexual exploitation.
- Countries of destination for Vietnamese victims of sexual exploitation: China, Cambodia, Laos, Thailand, Malaysia, the Russian Federation.

In 2015, sexual exploitation in Vietnam remains a significant problem. Vietnam's proximity to major destination countries for sex tourism, such as Thailand and the Philippines, which have strengthened their crackdown on sex tourism since the 90s, has led to the development of sexual exploitation in Vietnam. The continuous Vietnamese socio-economic situation partly explains why prostitution gains among the highest salaries in the country. Vietnam is gradually fighting this sexual exploitation with legal means and increasing success; it is active at national and international levels in the fight against sexual exploitation. Some legal and social obstacles, however, continue to hinder in the fight against sex trafficking which is a major public issue. In regards to corruption, Vietnam does not seem to have made progress. No prosecution of public officials within the country, at the borders or in the embassies, have been recorded.

### **Prostitution and trafficking in Vietnam: Old and new forms of prostitution**

Vietnam is primarily a country of origin but is also, a destination country for victims of trafficking. Vietnamese women and children are victims of sex trafficking networks and are predominantly exploited and sent to China, Cambodia, Malaysia and Russian Federation. Convictions for trafficking confirm this observation. In December 2014, a Vietnamese national who was sending women to the Russian Federation was sentenced to 10 years in prison (*Tuoi Tre News*, December 18<sup>th</sup>, 2014). In January 2015, a Malaysian police operation saved 136 Vietnamese women who were being sexually exploited in a nightclub in Kuala Lumpur (*Than Nien News*, January 4<sup>th</sup>, 2015). Sex trafficking also operates at the borders with Laos, Cambodia, China; later on victims can be sent to Thailand or Malaysia. Migrant Vietnamese "volunteers" to other countries often find themselves enslaved and sexually exploited. A survey of care facilities for victims of trafficking concluded in 2014, that victims of Vietnamese nationality were prevalent: they constituted 35.2% of victims participating in the survey, and that the aim of trafficking was sexual exploitation (28.5% were sexual exploited) (*IOM*, 2014). The country has long argued that there are 11,240 prostitutes on the territory. However, the new forms of prostitution led the institutions to rethink that number. In December 2014, a meeting of researchers and government representatives acknowledged a strong development of the sex industry on social networks (Facebook...) and admitted to a difficulty in controlling and monitoring these new forms of prostitution (*Thanh Nien News*, December 21<sup>st</sup>, 2014). According to the Minister of Labour, War Invalids and Social Affairs, there are about 33,000 prostitutes in Vietnam, a representative that probably continues to increase (*Thanh Nien News*, January 11<sup>th</sup>, 2015). Sociologists estimate there are 200,000 prostitutes working full time or occasionally (*L'Express/AFP*, September 22<sup>nd</sup>, 2014).

Prostitution is concentrated in specific places like Hanoi, Ho Chi Minh City as well as in outlying regions (*Thanh Nien News*, December 21<sup>st</sup>, 2014). A report of the municipal police of Ho Chi Minh City, forwarded to the Ministry of Labour, War Invalids and Social Affairs in September 2014, expressed the growing evolution of the sex industry in the metropolitan area despite effective controls that have been put place in place over the past ten years (*Thanh Nien News*, September 17<sup>th</sup>, 2014). The report notes an increase in heterosexual and homosexual male prostitutes, as well as an increase in profits generated by this activity. These

new prostitution cases involve top models, singers and actresses, who charged 7,000 US\$ (6,464 €) for each trick.

These popular personalities who have been involved in prostitution scandals have multiplied since 2014 (*Thanh Nien News*, April 15<sup>th</sup>, 2015). The report shows that there are an estimated 5500 prostitutes working within institutions in Ho Chi Minh City venues, as well as 200 *outdoor* prostitutes. Other statistics indicate that there are over 33,000 establishments related to prostitution in Ho Chi Minh City (massage parlors, karaoke bars, brothels) (*South China Morning Post/AFP Hanoi*, September 22<sup>nd</sup>, 2014). In Hanoi, prostitutes operate openly in the streets of the downtown despite numerous police raids, the dismantling of luxury escort networks, and the launching of “cleaning” campaigns (*L'Express/AFP*, September 22<sup>nd</sup>, 2014). In coastal cities, brothels are openly exploited, protected by local mafia gangs, and sometimes even involve certain corrupt local officials. The customers are mostly tourists from Japan, South Korea, China, Taiwan, the UK, Australia, US and Europe (*U.S. Department of State*, 2014). Traffickers are either from organized groups or working individually. Recruiters often belong to the family or the environment close to the victim. The consent of the victim's family is quite common, whether active or passive. It is sometimes at the origin of the operation. "Bride trafficking" is often the first entry into sexual exploitation networks. Forced marriages are mainly to China. Confiscation of identity papers or creating debt bondage are commonly strategies that are used to force Vietnamese victims into prostitution. A survey of the International Organization for Migration (IOM) on victims of trafficking in the Mekong region states that women are often from ethnic minorities from northern Vietnam (*IOM*, 2014).

Prostitution is developing new forms: prostitutes operate in cafes, hair salons, spas, massage parlors, as well as in public places such as parks or street. Prostitution in "traditional" places such as karaoke bars or beer gardens, is diminishing (*NSWP*, September 18<sup>th</sup>, 2014). The authorities of Ho Chi Minh City have identified 58 public places and about 33,000 stores that probably harbor prostitution. The use of Internet and mobile phones as tools for promoting prostitution activities has increased (*Thanh Nien News*, September 17<sup>th</sup>, 2014). The Internet is also heavily used by traffickers to "recruit" victims. The usual pattern is to approach young women and girls through social networks, build a relationship and then take them, under a false pretext, beyond borders and force them into prostitution. This method incidentally includes victims that come more and more from the urban middle class (*U.S. Department of State*, 2014).

### **The Victims of Exploitation in Vietnam: The Many Forms of Vulnerability**

There are many forms of discrimination in Vietnam, particularly against girls and in mountainous areas. There is a lot of discrimination against ethnic minorities (*Committee on the Rights of the Child*, August 22<sup>nd</sup>, 2012). Women are the largest group among the victims of trafficking (44.1%) (*IOM*, 2014). Children from rural and remote areas, particularly in northern regions, are more likely to become victims of trafficking and are especially targeted by traffickers. This vulnerability can be explained by the economic distress and lack of trafficking prevention by both residents and police forces in this area. A survey estimates that 38.5% of people had heard about trafficking before being exploited. Recruiting individuals

belonging to the middle class has been a new trend in urban environments, where individuals are targeted online (*U.S. Department of State*, 2015). According to the Director of the Department of prevention of social ills, the rate of prostitutes with HIV/AIDS is increasing (*Thanh Nien News*, January 11<sup>st</sup>, 2015). Some studies estimate that 40% of prostitutes are probably infected with the virus (*South China Morning Post/AFP Hanoi*, September 22<sup>nd</sup>, 2014). Violence against prostitutes is also very present. A field study conducted by the National Institute of Labour, Science and Social Affairs in March 2015, reported that about 49.3% of female prostitutes in Vietnam, are suffering or have suffered violence from their clients and/or partners (exploiters, concubines, husbands...) (*Thanh Nien News*, 26 March 2015).

### **Legislative changes: Between change and resistance**

#### ***On prostitution***

In Vietnam, prostitution is illegal. As a consequence, the client, the procurer and the prostitute are repressed. Since the entry into force of the Decree 111/2013, on July 1<sup>st</sup>, 2013, it is no longer mandatory to send prostitutes arrested into rehabilitation centers. This is because some centers were the subject of controversy and scandal due to their violation of human rights (*Fondation Scelles*, 2012). Prostitutes are now subject to fines between 100,000 VND to 300,000 VND (4.12 € to 12.36 €/ 4.50 US\$ to 13.6 US\$) on their first arrest. The decree also limits the length of time prostitutes can be held in detention (24 hours) (*Tuoi Tre News*, October 16<sup>th</sup>, 2014). Repeated offences is punishable by 5 million VND (206 €/225 US\$), clients can have to pay, depending on the circumstances, from 500,000 VND to 5 million VND (20.6 € to 206 €/22.50 US\$ to 225 US\$). The law however, has no specific provisions applicable to male prostitutes. This could explain the increasing number of gay and bisexual male prostitutes. In regards to children, Vietnam has not amended its legislation on the definition of the child. As a result, the definition of a child (under 18 years) of the Additional Protocol to the UN Convention against transnational organized crime to prevent, suppress and punish trafficking in persons, especially women and children, contradicts the Vietnamese criminal responsibility set at the age of 16. This concern, which was raised in the 2013 Global report on sexual exploitation of *Fondation Scelles* perpetuates the Legislative inconsistency in child protection (*Committee on the Rights of the Child*, August 22<sup>nd</sup>, 2012).

Officials in Hanoi and Ho Chi Minh City are quite critical on the rehabilitation for victims of exploitation, saying that the current system does not support enough prostitutes seeking to reintegrate into society by making money through other means. Even if rehabilitation programs have existed for some years, very few prostitutes benefit from them (*Thanh Nien News*, March 26<sup>th</sup>, 2015). According to the Ministry of Labour, War Invalids and Social Affairs, only 500 prostitutes are supposed to have received a loan worth 2 billion VND (82,400 €/89,980 US\$). At the end of 2014, the Prime Minister asserted his willingness to engage in reforms that would promote a greater respect for human rights (*Thanh Nien News*, December 21<sup>st</sup>, 2014).

### ***On trafficking***

In the 2014 report of the US State Department on human trafficking, Vietnam is classified in category 2 for the third consecutive year, after two years in Tier 2 Watch List. This new classification means that Vietnam does not fulfill the minimum standards for the protection of victims of trafficking, but the country nevertheless made significant efforts to address them. Entered into force in July 2012, Vietnam signed the Additional Protocol to the UN Convention against Transnational Organized Crime. Vietnam is also a member of the Association of Southeast Asian Nations (ASEAN) and the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), whose goal is to enhance cooperation among member countries in Southeast Asia to fight against human trafficking. Vietnam, however, has made very few bilateral agreements facilitating police and judicial cooperation in trafficking. In July 2013, the Supreme Court, the prosecutor at the Supreme Court, the Minister of Public Security, Defense and Justice issued a joint circular establishing penalties for crimes under the Anti-Trafficking 2012 law. This circular came into effect in September 2013, but no proceedings have been recorded since. Two new circulars and one decree of application have been introduced to complete the implementation of the law (*U.S. Department of State*, 2015).

### **Changes in Social Representations: Between Public Intervention and Private Movements**

In January 2015, the Central Department of Social Evils Prevention implemented a trial program in 3 towns to improve access to social services for prostitutes. This project has not only health objectives, but also aims to prevent violence and fight against discrimination and stigma. The goal of this program is to allow prostitutes to reintegrate into society to eventually stop all prostitution activity (*Thanh Nien News*, January 11<sup>th</sup>, 2015). In Vietnamese society, particularly in the conservative parts of the society that are committed to the values of Confucianism, prostitution is still considered a social evil, just like homosexuality or drug addiction (*L'Express/AFP*, September 22<sup>nd</sup>, 2014). However, the development of the sex industry, the scandals around the rehabilitation centers for prostitutes and drug addicts (where violations of human rights occurred), as well as the involvement of top models and actresses in prostitution helped launch a debate about prostitution as early as 2013.

This brought together politicians, civil society, regulationist sociologists and pro-sex work organizations to speak about the issue and the need to curb the trafficking and exploitation networks in order to protect prostitutes, as well as those who can't but fall into exploitation (*L'Essentiel/AFP*, September 22<sup>nd</sup>, 2014). The representation of prostitutes in the debate, however, remains very low despite the creation of a national network of Vietnamese "sex workers" in 2014. For many, the social opinion on prostitution is undergoing changes, which does not prevent, however, persistent stigmatization of victims of sexual exploitation in rural areas of the country (*Reuters*, November 19<sup>th</sup>, 2014).

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