



IS THE STATE DEPARTMENT HELPING VIETNAM GET AWAY WITH HUMAN TRAFFICKING?

**Vietnamese internal documents reveal
cover-up of government officials
involved in trafficking ring**

Ben Swanton
Michael Altman-Lupu

JUNE 20, 2024

Cover photo: Rescued human trafficking victims photographed next to Vietnamese soldiers.

TABLE OF CONTENTS

KEY POINTS	3
INTRODUCTION	4
METHODOLOGY	7
REVELATIONS FROM THE DOCUMENTS	11
Vietnam covered up officials involved in trafficking	11
Vietnam politicized the TIP process	12
Government officials have recommended lying about the situation	15
Vietnam failed to investigate trafficking cases	16
Officials recommended prohibiting international organizations from providing support to victims	17
DIRECTIVE 24: A NEW WAVE OF REPRESSION	18
KURT CAMPBELL'S PIVOT TO ASIA	20
CONCLUSION	23
ANNEX A – PROJECT88 LETTER TO SECRETARY BLINKEN	24
ANNEX B – CLASSIFIED LETTER RE TIP QUESTIONNAIRE	29
ANNEX C – COMPARISON: CLASSIFIED LETTER & QUESTIONNAIRE	34
ANNEX D – QUESTIONNAIRE SENT BY STATE DEPT TO VIETNAM	38
ANNEX E – VIETNAM'S ANALYSIS OF 2023 TIP REPORT	67
ANNEX F – VIETNAM'S REPORT ON HUMAN TRAFFICKING IN 2023	78
REFERENCES	89

KEY POINTS

- Project88 has obtained classified internal Vietnamese government documents relating to the State Department's 2024 Trafficking in Persons (TIP) report.
- According to the documents:
 - Vietnam is covering up the involvement of government officials in human trafficking and deliberately misleading the State Department about its efforts to address the problem.
 - Vietnam's laws on human trafficking are not in line with international standards and Vietnam has no plan to amend the most important aspects of these laws, despite what the government has told American officials.
 - Vietnam politicized and undermined the integrity of the TIP reporting process by using its diplomatic leverage to negotiate a TIP tier upgrade.
 - Vietnam has significantly undercounted the number of trafficking victims in recent years.
- Project88 presented this evidence to the State Department.
- The State Department has not been transparent about what, if anything, it has done to investigate this evidence.
- The State Department appears poised to upgrade Vietnam's ranking this month despite Vietnam's failure to implement the measures requested by the U.S. in the 2023 TIP report.

INTRODUCTION

In the year 2000, the U.S. Congress enacted the Trafficking Victims Protection Act (TVPA) to combat trafficking in persons.¹ The TVPA requires the Secretary of State to make an annual report to congress on efforts by every foreign government to address the problem.

Two decades after the TVPA was enacted, Vietnamese government officials were found to be involved in a human trafficking ring in Saudi Arabia. The ring's activities resulted in the death of H Xuan Siu, a Vietnamese national who was illegally recruited by an export labor company at 16 years of age. Because of this, in 2022 Vietnam was downgraded to Tier 3—the lowest ranking—in the TIP report. When a country is downgraded to Tier 3, the U.S. president may withhold or withdraw foreign aid.² In Vietnam's case, however, President Joe Biden waived any possible sanctions and, despite the country making no notable progress to address trafficking, the State Department upgraded Vietnam's ranking the following year to Tier 2 Watch List.

The next TIP report is due to be released on June 24. As the State Department was compiling information for the report, Project88 obtained a cache of internal Vietnamese government documents that contain shocking revelations. In one of the documents, a senior anti-trafficking officer states that Vietnam has covered up criminal proceedings against government officials in the trafficking ring in Saudi Arabia. The same official advises the government to tell the State Department that Vietnam is making the legal reforms recommended by the U.S., while simultaneously revealing that no such reform efforts are taking place. Another document, issued by the Ministry of Foreign Affairs, claims that Vietnam used its diplomatic leverage with America to obtain a ranking upgrade in the 2023 TIP report. Taken together, these documents dispel any notion that Vietnam is meeting the U.S. government's Minimum Standards on eliminating trafficking in persons, the criteria used to decide if a country's ranking should be upgraded.³

After obtaining and evaluating this information, Project88 wrote to Secretary of State Antony Blinken (see Annex A) to inform him that there is good reason to believe

Vietnam is lying to the U.S. government. We also presented our findings to State Department officials, embassy officials, and members of the Office to Monitor and Combat Trafficking in Persons (J/TIP office) in the State Department. In our communications, not a single official indicated what, if anything, was being done to investigate the allegations. Project88 attempted to engage these officials in a good faith manner over the past few months, but they have not been transparent. Instead, it appears that the integrity of the TIP report is being sacrificed as part of a geopolitical strategy to win Vietnam over to an anti-China alliance.

This is not the first time the TIP report has been politicized. In 2016, *Reuters* revealed that senior American diplomats pressured the J/TIP office to upgrade the tier status of 14 countries considered strategically important, even though those countries had not taken the necessary steps to eliminate trafficking in persons.⁴ Likewise, in 2019, *Reuters* reported that Secretary of State Mike Pompeo chose not to include Saudi Arabia on the child soldier's list over the objection of J/TIP officials.⁵ Human rights advocates attributed the decision to a desire to not antagonize a close U.S. ally.⁶

In the TIP report, countries with close ties to Washington tend to fare better than countries that are considered less strategically important. As noted by one anti-trafficking organization in the U.S., the 'body of academic study on bias in TIP reporting tends to support the idea that U.S. geopolitical interests strongly impact scoring decisions for states, with U.S. economic and military partners tending to be graded more generously than neutral countries and geopolitical rivals'.⁷ In the 2023 report, for instance, the countries ranked as Tier 3—including Russia, China, North Korea, and Venezuela—are all enemies of the U.S.⁸ For this reason, Professor Susan Tiefenbrun has argued that many countries 'see [the TIP process] as a form of U.S. hegemony [...] designed to embarrass other nations.'⁹

Aware of this context of bias and politicization, Project88 nevertheless attempted to present our findings to the U.S. government, hoping to find allies that were concerned about ensuring the integrity of the TIP report. Having made no progress after exhausting all avenues of communication with American officials, we decided to present our findings to the public.

Vietnam is deliberately misleading the State Department about the government's efforts to eliminate human trafficking, while intentionally politicizing the TIP process. Rather than taking steps to eliminate trafficking in persons, Vietnamese officials have revealed a plan to withhold information from the State Department in order to paint the country in a better light. Given the perceived (yet questionable) strategic importance of Vietnam to the U.S., it appears that American officials are willing to go along with this ruse. But there is nothing inevitable about this. The 2024 TIP report has not yet been released, and it is not too late for the State Department to act on the evidence that we shared with Secretary Blinken.

METHODOLOGY

The TVPA requires the Secretary of State to rank countries into one of four tiers, based on the secretary's assessment of foreign governments' compliance with minimum standards set by the act. The definitions of the four tiers are as follows:¹⁰

- **Tier 1:** countries whose governments fully meet the minimum standards.
- **Tier 2:** countries whose governments do not fully meet the minimum standards but are making significant efforts to do so.
- **Tier 2 Watch List:** countries whose governments do not fully meet the minimum standards but are making significant efforts to do so; and
 - have a very significant or increasing number of victims;
 - fail to show increasing efforts to combat trafficking from the previous year;
 - or
 - have been assessed as having made significant efforts to comply based on commitments to take steps over the next year.
- **Tier 3:** countries whose governments do not meet the minimum standards and are not making significant efforts to do so.

The minimum standards used to determine these ranking include:

- The government of the country should prohibit severe forms of trafficking in persons and punish acts of such trafficking.
- For the knowing commission of any act of sex trafficking involving force, fraud, coercion, or in which the victim of sex trafficking is a child incapable of giving meaningful consent, or of trafficking which includes rape or kidnapping or which causes a death, the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault.
- For the knowing commission of any act of a severe form of trafficking in persons, the government of the country should prescribe punishment that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

- The government of the country should make serious and sustained efforts to eliminate severe forms of trafficking in persons.

In March 2024, Project88 obtained four documents that have direct implications for Vietnam's ranking in the upcoming TIP report:

- A classified communication from Maj. Gen. Dang Hong Duc, a member of the interagency committee on human trafficking, to Deputy Minister of Public Security Nguyen Duy Ngoc about how Vietnam should respond to the 2024 TIP questionnaire ([Annex B](#)),
- A translated copy of the TIP questionnaire sent by the State Department to Vietnam's Ministry of Foreign Affairs ([Annex D](#)),
- A report from the Ministry of Foreign Affairs about Vietnam's 2023 TIP ranking ([Annex E](#)); and
- The 2023 report of Vietnam's interagency committee on human trafficking ([Annex F](#)).

Two of the documents—the TIP questionnaire and the Ministry of Foreign Affairs Report—were downloaded from Vietnamese government web servers and are publicly available. The other two documents—the communication from Maj. Gen. Duc and the annual report by Vietnam's interagency committee on human trafficking—were obtained from a reliable source with access to the documents.

To verify the authenticity of these two documents, Project88 highlighted factual information in the documents and verified the information with external sources. We were able to confirm that the information contained within the documents matched information in reports by news media and in TIP reports from previous years. In addition, sections of the annual report of Vietnam's interagency committee on human trafficking are directly quoted in an article published by a newspaper owned and operated by Vietnam's military.¹¹

Project88 also cross-referenced the TIP questions quoted in the communication from Maj. Gen. Duc with those included in the TIP questionnaire sent by the U.S.

government. The questions in these two documents perfectly match. As these questions would have only been known to officials within the American and Vietnamese governments, the identical language supports the contention that these documents are authentic.

After establishing that these documents are likely authentic, Project88 analyzed the documents against the minimum standards of the TVPA and identified five issues that the State Department should investigate as it determines Vietnam's ranking for the 2024 TIP report:

1. Vietnam has failed to hold to account government officials involved in human trafficking.
2. Vietnam politicized the TIP process by using its diplomatic leverage with the U.S. to upgrade the country's TIP status.
3. Vietnam has deliberately deceived the U.S. government about the country's efforts to address human trafficking.
4. Vietnam has failed to investigate or prosecute cases of people who were rescued from casinos, online gambling venues, and scam operations in the region.
5. Vietnam has expressed its intention to not allow international organizations to operate support services for victims in Vietnam or participate in legal reform processes.

Based on this analysis, we developed the hypothesis that Vietnam is politicizing the TIP report, potentially with the cooperation of U.S. officials. To test this, we reviewed the literature on U.S.-Vietnam relations and the politicization of the TIP report, including an analysis of news articles, past TIP reports, reports from human rights organizations, and academic articles. This research helped inform our understanding of the human trafficking situation in Vietnam, the TIP reporting process, the politicization of past TIP reports, and reasons why the State Department may politicize Vietnam's ranking in the 2024 TIP report.

Project88 also spoke to the J/TIP office at the State Department and other current and former State Department officials. Though several officials were receptive, it appears unlikely that any of our revelations will inform the 2024 TIP report.

REVELATIONS FROM THE DOCUMENTS

VIETNAM COVERED UP OFFICIALS INVOLVED IN TRAFFICKING

According to the documents received by Project88, Vietnam has conducted a high-level cover up of criminal proceedings against government officials who facilitated the forced labor of Vietnamese nationals in Saudi Arabia in 2021.

H Xuan Siu, a Vietnamese citizen who was illegally recruited to perform domestic work in Saudi Arabia when she was 16 years old, died at 18 after she reported physical abuse by her employer to officials at the Vietnamese Embassy in Riyadh.¹² H Xuan had reported the abuse to two labor attachés at the embassy, but the Vietnamese government did nothing to protect her.¹³

In 2014, Vietnam and Saudi Arabia signed a five-year bilateral labor agreement that was renewed in 2019.¹⁴ Under the deal, Vietnamese women were sent to Saudi Arabia to do domestic work. In the last few years, and particularly during the COVID-19 pandemic, numerous reports detailed violations of the rights of these workers.¹⁵

As a result of the labor violations in Saudi Arabia, as well as Vietnam's failure to hold the government officials involved to account, the State Department downgraded Vietnam to Tier 3, the lowest possible ranking.¹⁶ According to the 2022 TIP report:

The government did not hold criminally or administratively accountable two Vietnamese diplomats who were allegedly complicit in subjecting Vietnamese nationals to trafficking abroad during the reporting period, and it did not make sufficient effort to protect the victims in these cases. To the contrary, authorities at times reportedly harassed and pressured survivors and their families in an effort to silence allegations of official complicity.¹⁷

In response, Hanoi claimed that it had taken steps to hold the relevant government officials accountable, while placing a gag order on media coverage of the issue.¹⁸ The 2023 TIP report credited Vietnam for initiating criminal proceedings against two officials, noting that this was a primary reason for upgrading the country to Tier 2 Watch List that year.¹⁹

However, the Vietnamese government has failed to provide any information about the criminal proceedings against these officials or members of the VINACO company that recruited the victims. Instead, as recently as March 2024, the government continued to facilitate VINACO's recruitment of Vietnamese nationals for export labor destined for Saudi Arabia.²⁰

In his letter, Maj. Gen. Dang Hong Duc states that Vietnam's public prosecutor and supreme court have worked with the Ministry of Public Security to cover up criminal proceedings against these officials.²¹ Duc then recommended that the government 'not provide [the U.S. with] any more information about [the case] to avoid complications', adding that 'the 2022 TIP report considered this incident to be the main reason for downgrading Vietnam's ranking to Tier 3'.²²

The Saudi Arabia case is not the only example of Vietnamese authorities covering up human trafficking operations. The Ministry of Foreign Affairs report about Vietnam's 2023 TIP ranking highlights the case of two police officers in Ha Giang province who were fined for concealing human trafficking but did not receive any additional punishment.²³

VIETNAM POLITICIZED THE TIP PROCESS

Vietnamese officials make clear in the internal documents that their primary goal in engaging with the TIP process is to ensure the country's tier ranking is upgraded, not to combat human trafficking.

The Ministry of Foreign Affairs report about Vietnam's 2023 TIP ranking details how Hanoi lobbied the U.S. to upgrade its ranking. The document states that the

Vietnamese government made ‘an important contribution to the decision to take Vietnam out of Tier 3 (such as supporting the United States in its candidacy for Director General of the International Organization for Migration)’.²⁴ According to the report, it was Hanoi’s support for America’s candidate, not Vietnam’s efforts to eliminate human trafficking, that led to the upgrade.

Similarly, Maj. Gen. Dang Hong Duc attributed Vietnam’s upgrade to the Tier 2 Watch List in 2023 to ‘the continuous fight and efforts of all central and local government levels, including political, diplomatic, and technical advocacy’.²⁵

The documents reveal that Hanoi fears Washington will use the TIP report to give it the upper hand in diplomatic negotiations and meddle in Vietnam’s domestic affairs. For instance, the annual report of Vietnam’s interagency committee on human trafficking recommends that Prime Minister Pham Minh Chinh ‘take advantage of, mobilize, and influence the U.S. to take Vietnam out of the Tier 2 Watch List to prevent the U.S. from using the TIP reporting process to interfere in Vietnam’s internal affairs’.²⁶ The report advises the prime minister to avoid revealing any information that would allow the U.S. to use the TIP reporting process to influence domestic politics.²⁷

Echoing this sentiment, in his letter, Maj. Gen. Duc expresses a fear that Washington might intentionally downgrade Vietnam’s ranking ‘as a tool to intervene and put pressure on Vietnam, thereby creating an excuse to bargain on issues that benefit America in relations between the two countries, including on trade and energy’.²⁸ Duc warns that, in discussions about amendments to Vietnam’s anti-trafficking laws, Vietnamese officials must ‘not be ambiguous or let their guard down so that the U.S. can steer our legal system in another direction’.²⁹

To avoid pressure from the U.S. for Vietnam to reform its laws, Duc advocates for Hanoi to deliberately withhold information from the State Department.³⁰ According to Duc’s letter, ‘the Ministry [of Public Security] found that the contents of this year’s questionnaire [from the State Department] are too detailed and specific, especially regarding [...] cases that could be unfavorable for Vietnam’s [TIP] ranking if the information and data were provided to the U.S.’³¹ In other words, Duc has advised the

government to only provide information that would lead to an upgrade in Vietnam's TIP ranking, while covering up, or even lying about, inconvenient truths.

In his letter, Duc calls for Vietnamese authorities to 'conduct propaganda on efforts to prevent and combat human trafficking through Vietnam's external information program so that the international community recognizes the country's commitment and achievements on this issue'.³² For example, Duc advises the government to not be transparent with the United States about the timeline on amendments to the 2011 Law on the Prevention and Combat of Trafficking in Persons. Even though the amendment schedule shared with the U.S. 'is inconsistent with the current reality' and the amendments have been delayed, Duc nevertheless proposes that Vietnam rush out a draft law prior to the release of the 2024 TIP report 'to show Vietnam's goodwill in improving legislation'.³³

There are signs that the plan articulated in Maj. Gen. Duc's letter is being carried out. On June 7, 2024, Vietnam+, a state-run propaganda outfit, published an article announcing a draft revision to the law.

☰
🔔
Vietnam+
Tiếng Việt English Français Español 中文 Русский 🔍

POLITICS

Anti-human trafficking law revised to better match int'l treaties: minister

Minister of Public Security Sen. Lt. Gen. Luong Tam Quang submitted the draft revised Law on Human Trafficking Prevention and Control to the National Assembly (NA) on June 7, saying the amendments are to ensure the law matches the international treaties to which Vietnam is a party.

June 7, 2024 at 19:08:35

Article about amendments to Vietnam's anti-trafficking laws which appeared in state media on June 7, 2024.

The article reports that the Minister of Public Security had submitted a draft of the revised law to the National Assembly, while claiming that the amendments align the law with international standards.³⁴ This propaganda is a clear effort by Hanoi to fool the Washington into thinking Vietnam is making progress in reforming its anti-trafficking laws, while not fundamentally changing anything—a key recommendation of Maj. Gen. Duc.

GOVERNMENT OFFICIALS HAVE RECOMMENDED LYING ABOUT THE SITUATION

Vietnamese officials have expressed an intention to cover up information that reflects poorly on the country in order to upgrade Vietnam's TIP ranking. Maj. Gen. Duc argues that Vietnam must both 'cooperate and fight [with the U.S. government] at the same time'.³⁵ From Duc's perspective, Vietnam should only share politically expedient information, rather than provide an accurate overview of the country's efforts to eliminate trafficking in persons.

For example, in his letter, Duc acknowledges that Vietnamese law does not recognize trafficking victims who are 16 or 17 years old as children. In the 2023 TIP report, the State Department identifies this as a problem but presents a positive picture of efforts by Vietnam to address the problem.³⁶ According to the report, 'The [Vietnamese] government continued efforts to . . . address deficiencies of the law [on human trafficking], along with the gap in coverage for 16- and 17-year-old children'.³⁷

Duc, however, admits that 'because the authorities still apply Article 150 when handling human trafficking cases of people aged 16-17 and do not classify them as cases of child trafficking, there has not been the progress desired by the United States.'³⁸ Because of this lack of progress, Duc advises the government to 'only give general answers and reframe the issue, instead of going into detail about specific provisions and laws'.³⁹ Duc does, however, acknowledge that 'on the issue of human trafficking, Vietnamese law still has several shortcomings that are not truly compatible with international norms'.⁴⁰

In sum, Maj. Gen. Duc advises the government to intentionally omit any information that might be 'unfavorable for Vietnam's ranking upgrade if the information and data are provided to the U.S.'⁴¹ Likewise, Duc argues that different government departments must use the same statistics on human trafficking cases, because any discrepancy might be 'taken advantage of and distorted' by Washington.⁴²

VIETNAM FAILED TO INVESTIGATE TRAFFICKING CASES

There is a large discrepancy between the number of human trafficking victims reported in the TIP report and the number of victims detailed in Vietnam's internal reports. According to the most recent TIP report, the government identified 255 victims of human trafficking in 2022 as compared to 126 victims in 2021.⁴³ This increase was lauded by the State Department as progress in efforts to identify and protect victims.⁴⁴ However, Vietnam's internal statistics reveal that these numbers far undercount the scale of the problem.

According to the annual report of Vietnam's interagency committee on human trafficking, the authorities claim to have identified only 311 victims of trafficking in 2023.⁴⁵ This number is roughly in line with the numbers provided to the State Department in 2021 and 2022. In the same report, however, it is stated that approximately 10,000 Vietnamese citizens are working at casinos on the Myanmar border.⁴⁶ The report details how in 2023, 1,300 citizens were rescued from casinos in Laos, Cambodia, and Myanmar, and nearly 700 people were rescued from online gambling establishments in the Philippines, while 31 citizens were rescued from online scam operations in Battambang, Cambodia.⁴⁷

Taken at face value, these statistics suggest that there has been a major failure to identify victims of human trafficking. According to the MOFA report, 'many people have been rescued but have not been interviewed to identify them as trafficking victims'.⁴⁸ As such, it seems clear that the number of victims included in the TIP reports is a severe undercount of the actual number of Vietnamese trafficking victims.

In addition, the 2023 TIP report commends Vietnam for prosecuting and convicting more human traffickers in 2022 than in previous years.⁴⁹ However, the report of Vietnam's interagency committee on human trafficking notes that the Vietnamese government has not made any effort to create a human trafficking database, and, as a result, 'there is no official data on prosecutions' in human trafficking cases.⁵⁰ Given this admission, it is difficult to believe that the Vietnamese government is making significant efforts to address human trafficking.

OFFICIALS RECOMMENDED PROHIBITING INTERNATIONAL ORGANIZATIONS FROM PROVIDING SUPPORT TO VICTIMS

Finally, though the 2023 TIP report has credited Vietnam with assisting victims, the government's internal documents belie this claim. Duc's letter advises the government to 'not allow foreign organizations and individuals to directly establish facilities to support victims of trafficking in Vietnam'.⁵¹ This recommendation is consistent with recent state policies and practices that have restricted the ability of civil society groups to receive foreign aid and operate. As such, it appears that Hanoi is taking steps to limit the services provided to victims of human trafficking and the ability of international organizations to access these victims, rather than opening every avenue to ensure victims receive adequate support.

Duc also warns that the U.S. government may 'promot[e] the participation and involvement of NGOs and civil society in the process of amending the law to gather forces or form opposition organizations'.⁵² This warning reflects the paranoid fears of the country's top leaders who, in a recent national security directive, expressed fears of foreign influence and color revolutions, while ordering the government to crack down on civil society and international cooperation projects.

DIRECTIVE 24: A NEW WAVE OF REPRESSION

The plan to deceive the United States revealed in the documents is consistent with another plan that Project88 uncovered earlier this year. In March, we revealed the existence of a national security directive known as Directive 24.⁵³ The directive frames international integration as a threat to national security and articulates a plan to deal with this threat by systematically violating the constitutional and human rights of the country's 100 million citizens.

In Directive 24, Vietnam's leaders lay bare their plan to, among other things, control the formation of coalitions by civil society groups and stop efforts by activists and reformers to shape state policy.⁵⁴ The directive seeks to ensure that there is no foreign interference in policymaking and to ensure that foreign powers, as well as groups within Vietnam, are not able to use increased international cooperation as a means to promote an independent civil society and form domestic political opposition groups.⁵⁵

Directive 24 claims that 'hostile and reactionary forces' have taken advantage of international cooperation efforts by 'impacting policymaking and legislative development . . . [and] forming civil society alliances and networks, independent trade unions, and . . . domestic political opposition groups'.⁵⁶ This foreign interference is possible, the directive says, because foreign aid and funding is not strictly regulated.⁵⁷

Doubts about the authenticity of Directive 24 were recently dispelled after Vietnam's Minister of Industry and Trade made a submission to the U.S. Department of Commerce in which he defended key provisions of the directive.⁵⁸ In his submission, the minister emphasized the importance of protecting national security in the context of international projects.

Directive 24 helps explain why Vietnam is not making a good faith effort to engage in the TIP reporting process, in spite of a professed commitment to combat human trafficking. The directive expresses fears of foreign influence, while articulating an intention to not comply with human rights agreements that Vietnam has ratified.

Within the context of Directive 24, the motivation behind certain orders in the leaked documents make more sense. For instance, it is clear that fears of foreign influence are driving the plan to prevent international organizations from operating trafficking shelters in Vietnam and participate in legal reform efforts. What is less clear, however, is why the U.S. government has remained silent about the directive.

KURT CAMPBELL'S PIVOT TO ASIA

In the 2022 TIP report, Vietnam was downgraded to Tier 3 status. When a country is downgraded to Tier 3, the president may impose sanctions on the offending country. In Vietnam's case, however, President Biden chose to waive sanctions. Just one year later, and a few months before Biden elevated diplomatic relations with the country, Vietnam was upgraded to the Tier 2 Watch List. The stated reason for this upgrade was 'initiating more investigations, prosecuting and convicting more traffickers, increasing international law enforcement cooperation, and initiating criminal proceedings against allegedly complicit officials'.⁵⁹

Given the revelations in the documents obtained by Project88, it is clear that Vietnam has willfully misrepresented the human trafficking situation in the country. And it appears that, for political reasons, America has been willing to look the other way.

The reluctance to criticize Vietnam for violating human rights has its roots in the so-called pivot to Asia. Deputy Secretary of State Kurt Campbell explained the logic of this strategy in his 2016 book, arguing that:

On security, the United States should increase exercises, exchanges, and training with Vietnam; bolster cooperation on [...] maritime domain awareness; and soften or outright lift its ban on lethal military sales to Vietnam. The United States, currently Vietnam's largest export market, should also undertake negotiations with Vietnam on lifting its designation of Vietnam as a nonmarket economy. Finally, a sustainable and stable relationship with Vietnam will require a pragmatic approach to human rights. The United States should forgo public shaming in favor of dialogue, private counsel, and support for Vietnamese reforms.⁶⁰

And this is exactly what has happened. The United States lifted its arms embargo on Vietnam in 2016 and, since then, has increased military cooperation with the country. The State Department has been muted in its criticism of the country's human rights record. Just last year, the two countries announced a comprehensive strategic

partnership.⁶¹ And, the Department of Commerce is currently considering designating Vietnam as a market economy.

The Commerce Department determination is supposed to be a technical assessment based on the evaluation of objective criteria. However, it appears that this process is, in the case of Vietnam, being driven by political factors. According to a recent investigation by *Inside Trade*, much of the negotiation around recognizing Vietnam as a market economy revolved around commitments related to defense and security, as well as environmental issues and cooperation on semiconductors.⁶² Moreover, according to officials interviewed for the investigation, the State Department viewed an upgrade in Vietnam's economic status to be in America's strategic interests as it relates to China.⁶³

As with the Commerce Department determination, Vietnam's TIP assessment, an ostensibly technical process, is also being politicized. According to the Vietnamese government, 'the upgrade of Vietnam and the previous decision not to apply sanctions against Vietnam when in Tier 3 in the 2022 TIP Report, shows that the US values overall cooperation with Vietnam'.⁶⁴ Given the reluctance of U.S. officials to verify the claims in the documents obtained by Project88, it appears likely that American officials may be complicit in Vietnam's efforts to politicize the report.

According to a former State Department official who spoke with Project88, after Biden elevated diplomatic relations with Vietnam in 2023, the narrative out of Washington has been that 'Vietnam is on the right path'. The official added that 'after so many high-level visits by leaders of the two countries, everyone is deeply invested in this narrative'. Tellingly, the State Department's 2023 report on the human rights situation in Vietnam did not mention Directive 24 and concluded that '[t]here were no significant changes in the human rights situation in Vietnam in the past year'.⁶⁵

Vietnam has no intention of respecting human rights and western governments are willing to give Hanoi a free pass. Perceived geopolitical interests have led America and its allies to turn a blind eye to intensifying repression in Vietnam. Now it seems that the U.S. government may be helping Vietnam get away with human trafficking.

The United States appears to be ignoring Hanoi's deceit in order to surpass China as Vietnam's main partner on the world stage. The conventional wisdom in America is that Vietnam is 'in play'. From this perspective, America, with the right strategy, can win Vietnam over to a U.S.-led anti-China alliance. Another version of this argument holds that pursuing closer ties with Vietnam is a means to promoting human rights reforms at some undefined point in the future.

But according to a recent Congressional Research Service report, 'Vietnam's relationship with China is its most important bilateral relationship'.⁶⁶ For that reason, the report adds, Vietnam does not undertake diplomatic moves, especially with America, without first determining what China's reaction will likely be.

CONCLUSION

Vietnam does not meet the standards necessary to be upgraded to Tier 2 status in the forthcoming TIP report. The Vietnamese government is deliberately misleading the State Department about the scale and nature of human trafficking in the country and the government's efforts to eliminate the problem, while intentionally politicizing the TIP process. Vietnamese officials are advocating for the government to withhold information from the State Department in order to paint Vietnam in a better light. Moreover, the evidence also suggests that Hanoi has covered up the involvement of government officials in a human trafficking ring.

The 2024 TIP report has not yet been released. It is not too late for the State Department to act on the evidence contained in the documents obtained by Project88. However, it appears that American officials are willing to ignore Hanoi's violations of human rights in a bid to draw the country out of China's orbit.

Washington must rethink the prevailing assumptions underpinning its policy on Vietnam. Vietnam is not in play and cannot be won over to an anti-China alliance. And the belief that pursuing closer ties with Vietnam will lead to progress on human rights has not borne fruit. Instead, the achievement of closer ties between the U.S. and Vietnam has coincided with increased violations of, and not greater respect for, human rights. Unfortunately, the lack of international pushback may have empowered hardliners within the government. Vietnam's political bureau is now dominated by current and former security officials and Minister of Public Security To Lam recently became president, making the country a literal police state.⁶⁷

ANNEX A – PROJECT88 LETTER TO SECRETARY BLINKEN

April 5, 2024

The Honorable Antony J. Blinken
Secretary of State
US Department of State
2201 C St NW Washington, DC 20520

Re: evidence that Vietnam has covered up the involvement of government officials in human trafficking and politicized the TIP process

Dear Secretary of State Antony Blinken,

I write today to bring to your attention new evidence that suggests Vietnam is covering up the involvement of government officials in human trafficking and deliberately misleading the State Department about its efforts to address the problem.

This evidence also indicates that Vietnam has politicized and undermined the integrity of the Trafficking in Persons (TIP) reporting process by using its diplomatic leverage to negotiate a TIP tier upgrade.

Project88 has obtained and analyzed three internal Vietnamese government documents that dispel any notion that Vietnam is 'mak[ing] serious and sustained efforts to eliminate severe forms of trafficking in persons'.

These documents include:

1. A classified letter from Major General Dang Hong Duc, a member of Steering Committee 138 on human trafficking, addressed to Deputy Minister of Public Security Nguyen Duy Ngoc. Duc claims that, in writing the letter, he is implementing Deputy Prime Minister Tran Luu Quang's will.
2. Steering Committee 138's 2023 annual report on human trafficking. Sections of text from this report are directly quoted in an article published by a newspaper owned and operated by Vietnam's military.
3. A Ministry of Foreign Affairs' analysis of the 2023 TIP report that provides recommendations for how Vietnam can improve its TIP ranking. This document, signed by Deputy Minister of Foreign Affairs Ha Kim Ngoc (former ambassador of Vietnam to the United States), can be publicly accessed from a Vietnamese government web-server.

From these internal documents, Project88 has identified a series of issues that the State Department should urgently investigate as it determines Vietnam's 2024 TIP ranking.

1. Vietnam has attempted to cover up government officials' involvement in human trafficking.

Vietnam appears to be concealing the investigation and prosecution of government officials who were complicit in a human trafficking ring that led to the death of H Xuan Siu, a Vietnamese citizen who was illegally recruited at 16 years of age and died at 18 after reporting physical abuse by her employer in Saudi Arabia to officials of the Vietnamese embassy in Riyadh.

According to the 2022 TIP report:

'The government did not hold criminally or administratively accountable two Vietnamese diplomats who were allegedly complicit in subjecting Vietnamese nationals to trafficking abroad during the reporting period, and it did not make sufficient effort to protect the victims in these cases. To the contrary, authorities at times reportedly harassed and pressured survivors and their families in an effort to silence allegations of official complicity.'

In the 2023 TIP report, the State Department credited Vietnam for initiating criminal proceedings against the two officials as a primary reason for why the country was upgraded to the Tier 2 Watch List. However, the Vietnamese government has failed to provide any information about the criminal investigation, prosecution, or sentencing of these officials or members of the VINACO company that recruited the victims. Instead, as recently as March 2024, the government continued to facilitate VINACO's recruitment of Vietnamese nationals as export labor destined for Saudi Arabia.

In his letter, Major General Dang Hong Duc states that Vietnam's public prosecutor and supreme court have worked with the Ministry of Public Security to cover up disciplinary action taken against these officials. Discussing a request for information received from the State Department about the involvement of government officials in a trafficking ring in Saudi Arabia, Duc recommends that Vietnam 'not provide any more information about [the case] to avoid complications', adding that 'the 2022 TIP report considered this incident to be the main reason for downgrading Vietnam's rating to Tier 3' (p.5).

A translation of the relevant section of Duc's letter is included below:

In the Questionnaire, part I. Prosecution, Section 4. State officials complicit in human trafficking crimes:

- Please update us further on the handling of the case in which labor officials in Saudi Arabia were withdrawn from the country

The Supreme People's Procuracy and the Supreme People's Court have coordinated with the Ministry of Public Security to ensure the confidentiality of the case. Please consider not updating any more information about how this was handled to avoid complications. The 2022 TIP report considered this incident to be the main reason for downgrading Vietnam's rating to Tier 3. (p.5)

In addition to the state officials involved in human trafficking in Saudi Arabia, the Ministry of Foreign Affairs' document on the 2023 TIP report on Vietnam describes two police officers in Ha Giang province who were penalized for hiding human trafficking, without specifying if they were criminally prosecuted.

2. Vietnam is politicizing the TIP process by using their diplomatic leverage with the US to upgrade the country's TIP ranking.

In the internal documents reviewed by Project88, Vietnamese officials make clear that their primary goal in engaging in the TIP process is to advocate for the country's tier ranking to be upgraded.

The Ministry of Foreign Affairs' document on the 2023 TIP report on Vietnam provides details of this advocacy. The document states that the Vietnamese government itself made 'an important contribution to the decision to take Vietnam out of Tier 3 (like supporting the United States in its candidacy for Director General of the International Organization for Migration)' (p.4).

Further, the Steering Committee 138 annual report on human trafficking recommends that Prime Minister Pham Minh Chinh 'take advantage of, mobilize, and influence the U.S. to take Vietnam out of the Tier 2 Watch List to prevent the U.S. from using the TIP reporting process to interfere in Vietnam's internal affairs' (p.5).

Echoing this sentiment, in his letter, Major General Dang Hong Duc says that the U.S. might intentionally downgrade Vietnam's rating 'as a tool to intervene and put pressure on Vietnam, thereby creating an excuse to bargain on issues that benefit the U.S. in relations between the two countries, including on trade and energy' (p.2). To mitigate this risk, Duc advocates for the Vietnamese government to deliberately withhold information from the State Department to make it more likely that the country's ranking is upgraded. According to Duc's letter, 'the Ministry [of Public Security] found that the contents of this year's questionnaire [from the State Department] are too detailed and specific, especially regarding [...] cases that could be unfavorable for Vietnam's [TIP] ranking if the information and data are provided to the US' (p.3).

3. Vietnam has attempted to deliberately deceive the US government about the country's efforts to address human trafficking.

Vietnamese officials have expressed an intention to cover up information that reflects poorly on the country in order to upgrade Vietnam's TIP ranking. Major General Dang Hong Duc argues that Vietnam must both 'cooperate and fight [with the US government] at the same time' (p.2). From Duc's perspective, this means that Vietnam should only share politically expedient information, rather than a transparent overview of efforts to address human trafficking in the country.

First, Duc's letter recommends that Vietnam should not be transparent with the United States about the timeline on amendments to the 2011 Law on the Prevention and Combat of Trafficking in Persons. According to Duc, the amendments are behind schedule and have been delayed. Nevertheless, he proposes that the government tell the United States that the amendment process is proceeding as planned 'to show Vietnam's goodwill in improving legislation' (p.4).

Second, in the letter, Duc acknowledges that Vietnamese law does not recognize trafficking victims who are 16 or 17-years-old as children. In 2023, the US recommended that Vietnam reform its trafficking laws. Duc admits that no action has been taken to

change relevant provisions in Vietnamese law and advises the government to ‘only give general answers and reframe the issue, instead of going into detail about specific provisions and laws’ (p.4).

Finally, Major General Duc advises the government to intentionally omit any information that might be ‘unfavorable for Vietnam’s ranking upgrade if the information and data are provided to the U.S.’ (p.3). Likewise, Duc argues that different government departments must use the same statistics on human trafficking cases, because any discrepancy might be ‘taken advantage of and distorted’ by the U.S. government. Duc has advocated for the Vietnamese government to deliberately withhold information from the State Department.

4. Vietnam has failed to investigate and prosecute cases in which Vietnamese nationals were rescued from casinos, online gambling, and scam operations in the region.

There is a large discrepancy between the number of human trafficking victims reported in the TIP report compared to the potential number of victims documented in Vietnam’s internal reports. According to the most recent [TIP report](#), the government identified 255 victims of human trafficking in 2022 as compared to 126 victims in 2021. This increase was lauded by the State Department as progress in efforts to identify and protect victims. However, the internal numbers reveal that these numbers far underestimate the scale of the problem.

According to the Steering Committee 138 annual report, authorities claim to have identified only 311 victims of trafficking in 2023. This number is roughly in line with the numbers provided to the State Department in 2021 and 2022. In the same report, however, it is stated that ‘about 10,000 Vietnamese citizens are working at casinos and game businesses in the Myanmar border area’ (p.2). The report details how in 2023, 1,300 citizens were rescued from casinos in Laos, Cambodia, and Myanmar, and nearly 700 people were rescued from online gambling establishments in the Philippines, while 31 citizens were rescued from online scam operations in Battambang, Cambodia. Taken at face value, these statistics suggest that there has been a major failure to identify victims of human trafficking.

In addition, the [2023 TIP report](#) commends Vietnam on prosecuting and convicting more human traffickers in 2022 than in previous years. However, the Steering Committee 138 report notes that the Vietnamese government has not made any effort to create a human trafficking database, and, as a result, ‘there is no official data on prosecutions’ (p.9) in human trafficking cases. Given this admission that data is not collected on prosecutions, it is difficult to believe that the Vietnamese government is making significant efforts to address human trafficking.

5. Vietnam has expressed its intention to not allow international organizations to operate support services for victims in Vietnam or participate in legal reform processes.

Finally, though the [2023 TIP report](#) has credited Vietnam with assisting victims, the government’s internal documents belie this claim. Duc’s letter advises the government

to ‘not allow foreign organizations and individuals to directly establish facilities to support victims of the trafficking in Vietnam’ (p.3). It appears that the Vietnamese government is taking steps to limit the services provided to victims of human trafficking and the ability of international organizations to access these victims, rather than opening every avenue to ensure they receive adequate support.

Duc’s proposals are consistent with the intentions of the country’s most senior leaders who, in a recently revealed national security directive, known as Directive 24, expressed an intention to prevent civil society and international organizations from monitoring Vietnam’s implementation of international agreements. As reported by NPR, on July 13, 2023, the Vietnamese Communist Party’s Political Bureau issued a directive that frames international integration as a threat to national security and articulates a plan to deal with this threat by systematically violating the constitutional and human rights of the country’s 100 million citizens. Among other goals, the directive seeks to end ‘foreign interference’ in policymaking and closely regulate foreign funding entering the country. Duc’s recommendation to prevent international organizations from operating trafficking shelters in Vietnam aligns with Directive 24’s goals.

Conclusion

Vietnam does not fully meet the minimum standards for the elimination of trafficking. The Vietnamese government appears to be deliberately misleading the State Department about the scale and nature of human trafficking in the country and the government’s efforts to eliminate the problem, while intentionally politicizing the TIP process. Vietnamese officials are advocating for the government to withhold information from the State Department in order to paint Vietnam in a better light. Moreover, the evidence also suggests that the Vietnamese government has covered up the involvement of government officials in a human trafficking ring. Project88 urges the State Department to take immediate action to safeguard the integrity of the TIP reporting and assessment process, and consider the evidence presented above as it determines Vietnam’s 2024 TIP ranking.

Best,

Ben Swanton
Co-Director
Project88

Attachments:

Đặng Hồng Đức. 2024 (Feb. 18). 647/BCA-VP V/v một số vấn đề cần lưu ý trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024. Bộ Công An.

Ban Chỉ Đạo 138/CP. N.d., Báo cáo Tình hình, kết quả công tác phòng, chống mua bán người năm 2023.

Bộ Ngoại Giao. 2023 (June, 22). Báo cáo số 2941/BC-BNG-LS ngày 22/6/2023 của Bộ Ngoại giao về việc nội dung liên quan đến Việt Nam trong Báo cáo năm 2023 của Bộ Ngoại giao Hoa Kỳ về tình hình mua bán người trên thế giới.

ANNEX B – CLASSIFIED LETTER RE TIP QUESTIONNAIRE

MINISTRY OF PUBLIC SECURITY

SOCIALIST REPUBLIC OF VIETNAM Independence - Freedom - Happiness

No. 647/BCA-VP

Hanoi, February 18, 2024

Re: issues to be taken into account
when responding to the
2024 TIP Report Questionnaire

SECRET

To: Comrade Senior Lieutenant General Nguyen Duy Ngoc,
Deputy Minister of Public Security

Regarding the preparation of answers for the U.S. State Department's 2024 TIP Report Questionnaire on the situation of human trafficking in the world (2024 TIP Report), implementing the order given by Deputy Prime Minister Tran Luu Quang at the inter-agency meeting on January 30, 2024 organized by the Ministry of Foreign Affairs, after studying and reviewing the content that the U.S. requested, the Office of the Ministry of Public Security would like to report and suggest the following content for consideration:

I. General situation

Recently, the U.S. Embassy in Hanoi issued a diplomatic note requesting Vietnam to supply information on the situation of and efforts to prevent and combat human trafficking in Vietnam in 2023, by responding to the 2024 TIP Report Questionnaire.

This is the annual report mandated by the Victims Of Trafficking And Violence Protection Act Of 2000 (TVPA) submitted by the U.S. Department of State to Congress. Its main purpose is to assess the situation of human trafficking in the world, evaluate governments' efforts to address it, provide recommendations, and rank countries following the Act's minimum standards.

In the 2023 TIP report, the U.S. assessed that 'the government of Vietnam has not fully met the minimum standards for eliminating human trafficking but is currently making significant efforts to accomplish this goal', and for this reason Vietnam was upgraded from Tier 3 to Tier 2—Watch list. This progress was possible thanks to the political, diplomatic, and technical advocacy at all levels of government.

Given the situation described above, it is very important for us to proactively provide information to the U.S. to help them have a comprehensive and objective view of the situation of and efforts to prevent and combat human trafficking in Vietnam, in order to upgrade Vietnam's rank in the 2024 TIP report.

II. Some significant concerns for the U.S.

Recently, the U.S. Department of State and the U.S. Embassy in Hanoi have conducted many activities to intervene in and distort efforts to address human trafficking in Vietnam.

From our preliminary investigation, the Ministry of Public Security discovered: (1) Migration and border security are critical domestic issues in the United States ahead of the November presidential election. The U.S. has been implementing stricter immigration and human trafficking policies to limit illegal immigration during the period of the elections. As such, the U.S. State Department may continue to tighten the ranking of countries' efforts to prevent and combat human trafficking; (2) Using the report on human trafficking and the threat of being downgraded as a tool to put pressure on Vietnam, creating opportunities to bargain on issues that benefit the U.S. in relations between the two countries, such as trade and energy; (3) Impact Vietnam's policymaking and legal reform activities in the field of human trafficking to shape the legal system following U.S. priorities; while promoting the participation and involvement of NGOs and civil society in the legal reform process in order to form political opposition organizations; (4) Focus on a number of cases that are actually instances of illegal migration or forced labor that occur in many developing countries in order to label them as "human trafficking", thereby slandering and distorting the situation of human trafficking in Vietnam; (5) As with previous reports, the U.S. continues to use many different independent sources such as information from non-governmental organizations, international organizations, and published reports, articles, research, and surveys. Documents provided by Vietnam, as well as information we provide through exchanges and meetings with the U.S., are just one source of reference and assessment.

Given the points mentioned above, we need to: (1) Persist with the concept of "both cooperate and fight", paying attention to the principle of ensuring Vietnam's interests are the top priority, prevent the U.S. from taking advantage and using the problem as a political tool to shape the country's legal system, while intervening in our internal affairs; (2) With regards issues that the U.S. has recommended we address, we lack the capacity to solve these issues, so we must handle them cleverly by presenting statistics that speak for themselves during meetings or in reports; (3) Take advantage of our recent upgrade in diplomatic relations with the U.S. to a Comprehensive Strategic Partnership. The relationship between the two countries is on a positive trajectory, Vietnam should advise the U.S. to not use unofficial sources of information from reactionary groups for the TIP report, especially BPSOS, Viet Tan, etc.; Push the U.S. to take Vietnam out of Tier 2—Watch list, as directed by government leaders, using political and diplomatic channels; (4) Conduct propaganda on efforts to prevent and combat human trafficking through Vietnam's external information program so that the international community recognizes the country's commitment and achievements on this issue.

III. Recommended answers

On February 15, 2024, the Ministry of Public Security organized an internal meeting to review and evaluate the questionnaire, as outlined in Ministry of Foreign Affairs Communication 178/BNG-LS dated January 11, 2024.

In the technical meeting, the Ministry found the contents of this year's questionnaire to be too detailed and specific, especially in relation to some real scenarios and cases that, if information was provided to the U.S., would be unfavorable for Vietnam's ranking upgrade. The Office of the Ministry of Public Security would like to report some comments as follows:

1. In the Questionnaire, section I. Prosecution, point 1. Current legal provisions on human trafficking:

- *Update on amendments to the 2011 Law on Prevention and Combat of Trafficking in Persons*

The U.S. is very interested in the process of amending the Law and the content of the draft law. In terms of progress, following the roadmap to amend the 2011 Law on Prevention and Combat of Trafficking in Persons that we developed, the draft law is expected to be submitted to the National Assembly for comment at the seventh session of the National Assembly meeting (May 2024) and considered for approval at the eighth session (October 2024). However, this roadmap is inconsistent with reality. The editorial team of the legal project has asked to delay the submission to the National Assembly. Due to the research and review process and the development of legal concepts, procedures for receiving and identifying victims...are still inadequate when put into practice and specialized human resources in this field are still limited. Nevertheless, the Ministry proposes that we maintain the timeline for submission to the National Assembly in order to demonstrate Vietnam's commitment to reforming law and policy, technicalities can be discussed later. Regarding the content of the draft law, do not allow for ambiguity or be caught off guard so that the U.S. can steer our legal system in another direction. For example, it is necessary to argue and clarify with the U.S. that the legal concept of "human trafficking" in Vietnamese law is not the same as in U.S. law, in order to prevent the U.S. from conflating "illegal migration" and "forced labor" with "human trafficking", and taking advantage of different definitions of human trafficking to put pressure on Vietnam. Do not allow foreign organizations and individuals to directly establish centers to support victims of trafficking in Vietnam...

- *Has Vietnam adopted any new policies or procedures to ensure that people aged 16 and 17 are treated as children in the criminal justice system? If so, please inform of any changes*

In the issue of human trafficking, Vietnamese law still has several shortcomings that are incompatible with international regulations and other countries in the region.

In the 2023 TIP report, the US pointed out that 'Article 150 of the Criminal Code is inconsistent with international law, this article applies to children between the ages of 16 and 17 years and requires a demonstration of force, deception, or coercion to constitute a sex trafficking crime; as such, the article does not criminalize all forms of child sex trafficking.'

In Vietnam, children are defined in the law as under 16 years of age and minors as between 16-18 years, while international law defines children as people under 18. Thus, if a person under 16 years of age is trafficked, the offender will be criminally liable for the crime of trafficking a person under 16 (following Article 151 of the Criminal Code).

However, if the person trafficked is 16 years old or older, the offender is criminally liable for the crime of human trafficking (according to Articles 150 of the Criminal Code).

Because the authorities still apply Article 150 when handling human trafficking cases of people aged 16-17 and do not classify them as cases of child trafficking, there has not been the progress desired by the United States. So, regarding this issue, Vietnam should provide a general answer and reframe the issue, instead of going into detail about specific articles and laws, or briefly introduce the amendments, additions, and improvements to criminal proceedings relating to people under 18 years of age to demonstrate Vietnam's efforts and goodwill.

2. In the Questionnaire, Section I. Prosecution, Point 2. Law enforcement statistics:

- *Regarding investigation, prosecution, trial, and sentencing*

Law enforcement data on prevention and combating of human trafficking (an increase in the number of victims identified and assisted, and an increase in the number of investigations, prosecutions, and convictions) is considered the key indicator that the U.S. uses to evaluate and classify countries' efforts to prevent and combat human trafficking.

In 2023, although law enforcement action on human trafficking increased in comparison to 2022, the main challenge is that the data has not yet been disaggregated following U.S.'s recommendations. As the data has not been disaggregated by type of exploitative behavior, site of exploitation, there is no analysis perpetrators and victims relative to the number of cases. Due to the complex nature of the crime of human trafficking, the number of cases investigated and prosecuted is not significant compared to the number of cases detected in reality, official data on criminal charges differ significantly from investigation and trial data. Data has not been disaggregated following articles 150 and 151 of the Criminal Code but are still being reported together with several other crimes such as the crime of trading a person under 1 year of age (Article 152), the crime of abducting a person under 16 (Article 153), and the crime of trading or appropriating human tissues or body parts (Article 154).

Although statistical reporting forms are available, coordination between the Ministry of Public Security, the Supreme People's Procuracy, and the Supreme People's Court has not been a priority, resulting in a lack of data and a lack of data disaggregation.

Therefore, an appropriate solution is needed so that the U.S. does not doubt Vietnam's implementation of its commitments, but at the same time a plan is needed to ensure that there are not significant discrepancies in data from the Ministry of Public Security, the Supreme People's Procuracy and the Supreme People's Court before providing the information to the U.S., to avoid loopholes that the U.S. and hostile forces can take advantage of and distort.

3. In the Questionnaire, Section I. Prosecution, Point 4. State officials complicit in the crime of human trafficking:

- *Please update us further on the handling of the case in which labor officials in Saudi Arabia were withdrawn from the country*

The Supreme People's Procuracy and the Supreme People's Court have coordinated with the Ministry of Public Security to ensure the confidentiality of the case. Please consider not updating any more information about how this case was handled to avoid complications. The 2022 TIP report cited this incident to be the main reason for downgrading Vietnam's rating to Tier 3.

4. In the Questionnaire, Section II. Protection, Point 7. Procedures for identifying victims:

- *Regarding the issue of identifying victims returning from online scam operations in the region*

The U.S. requested information about whether Vietnam carries out screening and identification of victims among people returning from online scam operations. We have not reviewed, classified, or identified victims among this group of people. The basis for identifying victims following the concept of human trafficking is not very clear, while this group of people accounts for a large and mobile population, causing many difficulties in reviewing, classifying, and identifying victims. The Ministry of Public Security has sent a communication to local police agencies to request this issue be urgently addressed.

5. In the Questionnaire, Section III. Prevention, Point 25. Additional questions

- *How was funding to prevent and combat human trafficking allocated in 2023? Please list specific costs*

Funding for efforts to prevent and combat human trafficking is guaranteed and allocated from the projected annual state budget for ministries, branches, and localities, however we do not yet have an overall assessment of the allocation and expenditure of funds to prevent and combat human trafficking each year, even though budget constraints are often mentioned in reports of ministries, agencies, and local governments. On this issue, it is recommended that we answer that funding for preventing and combating human trafficking is higher than last year.

Using the content above, the Office respectfully proposes that the Deputy Minister consider, direct, and give opinions in order to fulfil duties and perform assigned tasks.

Recipients:

- As mentioned above;
- Save: VT (P1).

CHIEF OF STAFF

Major General Dang Hong Duc

ANNEX C – COMPARISON: CLASSIFIED LETTER & QUESTIONNAIRE

In the letter from Maj. Gen. Duc to Deputy Minister of Public Security Nguyen Duy Ngoc, Duc cites a questionnaire sent by the U.S. government to the Vietnamese government requesting information for the TIP reporting process.

Project88 compared Duc's letter against the TIP questionnaire. We found that Duc's references to TIP questions are direct quotes from the questionnaire. In addition, Duc refers to Vietnam Ministry of Foreign Affairs (MOFA) Communication 178/BNG-LS dated January 11, 2024, in which MOFA delegated information gathering for the TIP reporting process among Vietnamese government agencies. Each of the areas of focus mentioned in Duc's letter were questions designated to Vietnam's Ministry of Public Security to answer. As Duc's letter was written to the deputy minister of Public Security, this is additional evidence that Duc was aware of the orders contained within the questionnaire.

Given that only American and Vietnamese government officials have access to the questionnaire, the similarities between the documents are strong evidence that the letter from Maj. Gen. Duc is authentic. As a further step of authentication and verification, Congress should demand that the State Department disclose Vietnam's responses to the 2024 TIP questionnaire to understand how Duc's recommendations shaped the government's response.

What follows is a comparison of the language used in Major General Dang Hong Duc's letter with that used in the TIP questionnaire:

Section of questionnaire	Language from Duc's letter	Language from 2024 TIP questionnaire	Was this topic assigned to MPS?
Section I. Point 1 (current legal provisions on human trafficking)	'Update on amendments to the 2011 Law on Prevention and Combat of Trafficking in Persons.'	'Update on amendments to the 2011 Law on Prevention and Combat of Trafficking in Persons.'	Yes
Section I. Point 1 (current legal provisions on human trafficking)	'Has Vietnam adopted any new policies or procedures to ensure that people aged 16-17 are treated as children in the criminal justice process? If so, please inform of any changes.'	'Has Vietnam adopted any new policies or procedures to ensure that people aged 16-17 are treated as children in the criminal justice process? If so, please inform of any changes.'	Yes
Section I. Point 2 (law enforcement statistics)	'Regarding investigation, prosecution, trial, and sentencing.'	<p>The categories in this section of the questionnaire are as follows:</p> <ul style="list-style-type: none"> • 2.1 Investigations • 2.2 Prosecutions • 2.3 Convictions <p>Specific questions under 2.2 ask for additional information about trials, and specific questions under 2.3 as for additional information about sentencing.</p>	Yes
Section I. Point 4. (state officials complicit in human trafficking crimes)	'Please update us further on the handling of the case in which labor officials in Saudi Arabia were withdrawn from the country.'	'It is recommended to further update the handling of cases where the labor managers in Saudi Arabia have been withdrawn from the country (if any).'	Yes

<p>Section II. Point 7. (Procedures for identifying victims)</p>	<p>'Regarding the issue of identifying victims returning from online scam operations in the region.'</p>	<p>'Victim identification procedures</p> <ul style="list-style-type: none"> • Has Vietnam issued any new procedures or amended preexisting procedures for victim identification? • Has Vietnam had a process to guide officers to proactively screen victims from groups such as: women arrested for prostitution; migrant workers; people with disabilities; children in welfare systems; minority communities; individuals who are identified as gay, lesbian, bisexual and transgender LGBTQI+? If so, please provide specific information. • Did law enforcement, immigration, and social services personnel conduct screening for trafficking, including of migrants, other vulnerable groups, and when detaining or arresting individuals? Has any individual/case been identified as a victim through screening? If so, please provide specific information. • On Ukrainian refugees.' <p>Elsewhere in the questionnaire, the document asks:</p> <p>'Types of exploitation: In what industries or activities do human trafficking criminals often exploit their victims? Examples may</p>	<p>Yes</p>
--	--	--	------------

		include technology-enabled exploitation such as cyber or online scams, live-streamed commercial sex acts, or labor trafficking; sex trafficking occurs after the use or abuse of other technologies.'	
Section III. Point 25. (additional questions)	'How was funding to prevent and combat human trafficking in 2023 allocated? Please state specific costs.'	'How is the 2023 funding for human trafficking prevention and combat allocated? Has it increased or decreased compared to 2022?'	Yes

ANNEX D – QUESTIONNAIRE SENT BY STATE DEPT TO VIETNAM

MINISTRY OF FOREIGN AFFAIRS

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

No. 178/BNG-LS

Hanoi, January 11, 2024

Re: providing data to respond to
the 2024 TIP Questionnaire of
the United States

To:

- Ministries: Public Security; National Defense; Justice; Labor - Invalids and Social Affairs; Natural Resources and Environment; Information and Communication; Culture, Sports and Tourism; Finance; Industry and Trade; Agriculture and Rural Development; Education and Training;
- The Supreme People's Court;
- The Supreme People's Procuracy;
- Vietnam Women's Union;
- People's Committees of provinces and centrally-administered cities.

The U.S. Embassy in Hanoi has issued a diplomatic note requesting the Ministry of Foreign Affairs provide information on efforts to combat human trafficking in Vietnam in 2023 by responding to the Questionnaire (see attached) which is part of the U.S. State Department's 2024 TIP Report on the situation of human trafficking in the world (2024 TIP Report). Regarding this matter, the Ministry of Foreign Affairs would like to communicate the following:

This year's questionnaire continues to require providing data on investigations, prosecutions, trials, protection, and support for victims disaggregated by specific categories (age, gender, nationality, ethnicity of the victim/accused, defendant, form of exploitation: forced labor/sexual exploitation; location of trafficking, etc.); while providing additional information on technology and human trafficking, the impact of climate change on human trafficking, and forced labor.

In the 2023 TIP Report, Vietnam was upgraded from Tier 3 to Tier 2—Watch list. However, according to the U.S. policy, countries ranked in Tier 3 can only be upgraded to Tier 2—Watch list for one reporting period (1 year) before being automatically dropped down to Tier 3 in following reporting period if no progress is made (and may be subjected to sanctions following a presidential determination).¹

¹ If a country ranked in Tier 3 (Group of countries that do not comply with the minimum standards of the Victims Of Trafficking And Violence Protection Act Of 2000 (TVPA) is punished according to the decision

Given this, our continued cooperation in providing information is important for the U.S. to fully understand our efforts to combat human trafficking in order to upgrade Vietnam's ranking in the 2024 TIP Report, as ordered by government Leaders in official dispatch No. 5116/VPCP-NC dated July 10, 2023 of the Office of Government.

Therefore, the Ministry of Foreign Affairs respectfully requests that agencies, within the scope of their functions and tasks identified in the attached appendix, research and provide information to answer the questionnaire. We are looking forward to receiving your responses **before January 26, 2023** so that we can promptly develop a Document on Vietnam's efforts to combat human trafficking in 2023 and work with the U.S.

Contact information: comrade Duong Thuy Trang, Specialist, Consular Department, Ministry of Foreign Affairs, phone: (024) 3799.2515, mobile: 0902253663, email: dicuquocte@gmail.com.

Thank you for your cooperation.

Recipients:

- As above;
- Department of Internal Affairs, Department of International Cooperation, Office of Government;
- Office, Department of Foreign Security, Ministry of Public Security;
- Department of Drug and Crime Prevention, Ministry, TLBDBP, Ministry of National Defense;
- Department of Criminal-Administrative Law, International Law, BTP;
- General Department, International Cooperation Department, Supreme People's Court;
- Department 2, Department 2, Department 13, Supreme People's Procuracy;
- Filed: HC, LS.

**ON BEHALF OF THE
DEPUTY MINISTER**

Hà Kim Ngọc

of the President of the United States (issued within 90 days after the publication of the TIP Report), then it will not receive non-humanitarian or non-commercial foreign aid, and government officials will not be financed to participate in cultural or educational exchange programs; and will not be able to receive non-humanitarian or commercial loans at financial institutions in which the United States plays a key role.

Appendix
INFORMATION REQUESTED BY THE U.S.

(attached to Ministry of Foreign Affairs Official Dispatch No. 178/BNG-LS dated January 11, 2024)

I. For ministries and agencies

No.	Content	Responsible agency	Notes
I	I. PROSECUTION		
1.	<p>Preexisting anti-trafficking legislation</p> <ul style="list-style-type: none"> - Update on amendments to the 2011 Law on Prevention And Combat of Trafficking in Persons? - Has Vietnam reviewed and proposed amendments to the provisions of the 2015 Criminal Code on human trafficking? If so, please clarify the roadmap and expected time for amending the 2015 Criminal Code. - In the past year, Vietnam had two legal precedents on prosecuting human trafficking crimes. Please provide details of these two precedents. - Has Vietnam amended any laws or adopted any new policies that, although not directly related to human trafficking, the government believes will help prevent trafficking or protect victims? If so, please provide a list of changes, attach a copy of the original in Vietnamese and an English translation. - Has Vietnam adopted any new policies or procedures to ensure that people aged 16 and 17 are treated as children in the criminal justice system? If so, please inform of any changes. <p>Ministry of Public Security to provide more information about the operation of the Friendly Investigation Room model.</p>	<p>Ministry of Public Security</p> <p>Ministries, relevant organizations</p> <p>The Supreme People's Court</p> <p>All ministries and state organizations</p> <p>Ministry of Public Security, the Supreme People's Court, the Supreme People's Procuracy</p>	Question I.1, page 1
2.	Statistics on law enforcement		
	<p>2.1. Investigations</p> <ul style="list-style-type: none"> - Provide requested data: provide detailed investigation data according to the content of 	Ministry of Public Security	Question I.2, pages 1-4

	<p>the questions: <u>disaggregate data by purpose of trafficking</u>; number of cases, number of subjects by category, evaluation of investigations by region...</p> <p>- Provide details of: (i) 01 investigation of human trafficking in general, (ii) 01 investigation of human trafficking involving a complex trafficking network, requiring extensive international cooperation or using new investigation techniques or 01 cyber investigation of human trafficking (specify the number of cases) (on or after April 1, 2023).</p>		
	<p>2.2. Prosecutions</p> <p>- Supply data as requested: provide detailed prosecution data according to the content of the questions: <u>disaggregate data by purpose of trafficking</u>; number of cases, number of subjects by category, evaluation of prosecutions by region.</p> <p>- Provide details of: (i) 01 trial on domestic human trafficking in general, (ii) 01 trial on human trafficking in which the victim is a male or a foreign national in Vietnam (on or after April 1, 2023).</p>	The Supreme People's Procuracy	
	<p>2.3. Convictions</p> <p>- Supply requested data: detail the conviction data according to the content of the questions: <u>disaggregate data according to the exploitative/trafficking purpose</u>; number of cases, number of subjects according to specific criteria.</p> <p>- Provide details of: (i) 01 verdict related to domestic human trafficking for the purpose of sexual exploitation/forced labor; (ii) 01 verdict related to a complex human trafficking ring; (iii) 01 verdict in which the victim is a male or a foreign national (on or after April 1, 2023).</p> <p>- Supply details of the numbers of verdicts that were annulled/amended and not annulled/amended after appeal (specify the</p>	The Supreme People's Court	

	number of defendants involved); number of defendants found not guilty.		
3.	<p>International cooperation</p> <ul style="list-style-type: none"> - Did Vietnam cooperate with foreign counterparts on any criminal investigations or prosecutions of human trafficking? If so, please provide specific information. - Did Vietnam extradite any human trafficking criminals? If so, please provide specific information. - Has Vietnam signed any new bilateral or multilateral agreements related to preventing and combating human trafficking with other countries? If so, please provide details. <p>Has Vietnam signed regional law enforcement agreements on human trafficking? If so, please provide specific information.</p> <p>Does Vietnam cooperate with foreign counterparts on any other law enforcement activities to prevent and combat human trafficking (that are not mentioned above)? If so, please provide specific information.</p>	<p>Ministry of Public Security, The Supreme People's Procuracy</p> <p>Ministry of Public Security</p> <p>Ministry of Public Security, Ministry of National Defense, the Supreme People's Court, the Supreme People's Procuracy</p>	Question I.3, page 4
4.	<p>Official complicity</p> <ul style="list-style-type: none"> - Were there allegations of official complicity in trafficking crimes that can be investigated, prosecuted, tried or sentenced? If so, please provide specific information. - Have any state officials allegedly involved in human trafficking been administratively sanctioned or dismissed? If so, please provide specific information. - What actions did the government take to ensure that policies, regulations, and agreements relating to migration, labor, trade, border security, and investment did not facilitate trafficking? 	<p>All of ministries and relevant organizations</p> <p>All of ministries and relevant organizations, Ministry of Industry and Trade, Ministry of Labor, Invalids and Social Affairs, Ministry of Planning and Investment</p>	Question I.4, page 4

	** Please provide updates on the handling of labor officials in Saudi Arabia who were returned to Vietnam (if any).	Ministry of Public Security	
5.	<p>Law enforcement system</p> <ul style="list-style-type: none"> - Are there any changes in the agencies responsible for investigating, prosecuting and/or adjudicating human trafficking cases or in their operations? - Do those agencies have specialized functions (for example, have they set up a specialized department for human trafficking...) or appointed dedicated anti-trafficking officers, or do anti-trafficking officers have other concurrent responsibilities? If there is a request, please specify: number of officers and functions and tasks. - Do those agencies have sufficient budget and resources? Please provide information on budget and resources dedicated to preventing and combating human trafficking. - Do those agencies have the authority to handle all people related to human trafficking? Are there any geographical or legal restrictions; If so, please provide specific information. 	Ministry of Public Security, the Supreme People's Procuracy, the Supreme People's Court	Question I.5, pages 4-5
6.	<p>Training:</p> <ul style="list-style-type: none"> - Does the government provide training to policy makers, legal officers and law enforcement officers on combating human trafficking? Please provide specific information about <u>the location, topics, number of attendees, target audience and organizations helping to implement and finance</u> the training programs, <u>disaggregate data by content of training:</u> (i) Articles 150 and 151 of the 2015 Criminal Code; (ii) identifying, referring, and assisting victims; (iii) identifying forced labor, (iv) identify victims in vulnerable groups (migrant workers, individuals engaged in prostitution, child laborers, ethnic minorities...); (v) victim-centered approaches and trauma-informed 	Ministry of Public Security, Ministry of National Defense, Ministry of Labor, Invalids and Social Affairs, Ministry of Justice, Ministry of Foreign Affairs, the Supreme People's Court, the Supreme People's Procuracy	Question I.6, page 5

	<p>victim care techniques for social workers, frontline workers and criminal justice agencies.</p> <p>- Provide updates on the implementation process of programs and projects on combating human trafficking, and improving staff capacity in this field.</p> <p>Additional questions</p>	<p>Ministry of Public Security, Ministry of National Defense, the Supreme People's Court, the Supreme People's Procuracy</p>	<p>Page 5</p>
II.	PROTECTION		
7.	<p>Victim identification procedures</p> <p>- Has Vietnam issued any new procedures or amended preexisting procedures for victim identification?</p> <p>- Has Vietnam had a process to guide officers to proactively screen victims from groups such as: women arrested for prostitution; migrant workers; people with disabilities; children in the welfare system; minority communities; individuals who are identified as gay, lesbian, bisexual and transgender LGBTQI+? If so, please provide specific information.</p> <p>- Did law enforcement, immigration, and social services officials screen for signs of trafficking with migrants, other vulnerable groups, and when detaining or arresting individuals? Has any individual/case been identified as a victim through screening? If so, please provide specific information.</p> <p>- On Ukrainian refugees.</p>	<p>Ministry of Public Security, Ministry of National Defense, Ministry of Labor, Invalids and Social Affairs</p> <p>Ministry of Public Security</p>	<p>Question II.1, pages 5-6</p>
8.	<p>Victim referral procedures</p> <p>Note: <u>Do not reintroduce the process</u>, as it already exists in current regulations; it is recommended to provide details on practice, focusing on the efforts of authorities in resolving practical problems.</p>	<p>Ministry of Labor, Invalids and Social Affairs; Ministry of Public Security, Ministry of National Defense, Vietnam Women's Union</p>	<p>Question II.2, page 6</p>

9.	<p>Victim services</p> <p><i>- Provide details according to the content of the questions (focus on victims' rights and funding sources for support services).</i></p>	Ministry of Labor, Invalids and Social Affairs, Ministry of Justice, Vietnam Women's Union	Question II.3, pages 6-7
10.	<p>Hotlines</p> <p><i>Please provide details according to the content of the questions, including clarifying <u>how many cases were investigated from the information source of the calls, how many victims were referred to Government agencies/non-governmental organizations.</u></i></p>	Ministry of Labor, Invalids and Social Affairs, Ministry of Public Security	Question II.4, pages 7-8
11.	<p>Statistics</p> <p><i>Please provide data upon request; detailing the details on victim identification, referral, support, and repatriation according to the content of the questions: <u>disaggregate data according to trading purpose and trafficked location;</u> number of cases, number of victims according to specific criteria.</i></p>	Ministry of Public Security, Ministry of National Defense, Ministry of Labor, Invalids and Social Affairs; Vietnam Women's Union	Question II.5, pages 8-10
12.	<p>Referral</p> <p><i>It is suggested to answer the questions following the questionnaire.</i></p>	Ministry of Public Security, Ministry of National Defense, the Supreme People's Court	Question II.6, pages 10-11
13.	<p>Participation in investigations and prosecutions</p> <p><i>Please answer according to the content of the questions, which specifically provides support for victims, protection of witnesses in investigation, prosecution, and alternative measures.</i></p>	Ministry of Public Security, Ministry of Justice, the Supreme People's Procuracy, the Supreme People's Court	Question II.7, page 11
14.	<p>Restitution</p> <p><i>Please provide details according to the content of the questions, including the total number of cases with restitution orders (disaggregate data by victim's ethnicity) and</i></p>	The Supreme People's Court	Question II.8, pages 11-12

	<i>the amount; highest compensation level (provide 01 example); efforts for victims to have access to compensation (from the Court, from the Government).</i>		
15.	<p>Additional questions</p> <p>- How did the COVID-19 pandemic or other challenges impact victim protection efforts during the reporting period?</p> <p>- Did the government provide personal protective equipment to victims receiving services?</p> <p>- Update the implementation process of programs and projects on victim protection.</p>	<p>Ministry of Labor, Invalids and Social Affairs; Ministry of Public Security; Ministry of National Defense; Vietnam Women's Union</p> <p>Ministry of Labor, Invalids and Social Affairs; Ministry of Public Security; Ministry of National Defense</p> <p>Department of Social Evils Prevention, Ministry of Labor, Invalids and Social Affairs; Ministry of Public Security; Ministry of National Defense; Vietnam Women's Union</p>	Question II.9, pages 11-12
III.	PREVENTION		
16.	<p>Government anti-tip leadership and coordination</p> <p><i>Please answer according to the content of the questions</i></p>	Ministry of Public Security	Question I.1, pages 12-13
17.	<p>Program to prevent and combat human trafficking for the period 2021-2025 and orientation to 2030</p> <p><i>Please answer according to the content of the questions, clearly stating: actions to implement the Program; sources of funding.</i></p>	Ministry of Public Security	Question III.2, page 13

18.	<p>Research and accountability</p> <p><i>Please answer according to the content of the questions</i></p>	Ministry of Public Security	Question III.3, page 13
19.	<p>Awareness campaigns</p> <p>Please provide details according to the content of the questions, including <u>the quantity; content; form; target audience; foreign support; monitoring effectiveness; impact</u> of campaigns.</p>	All of ministries and relevant organizations; Vietnam Women's Union	Question III.4, pages 13-14
20.	<p>Labor recruitment regulation and oversight</p> <p><i>Please answer specifically according to the content of the questions, providing:</i> <i>Number of inspections and checks on compliance with legal regulations on sending workers to work abroad under contracts, employment services, recruitment, and labor management; underage workers; number of violating enterprises, in which it is requested to indicate how many enterprises operating in the service of sending Vietnamese workers to work abroad were punished (please indicate the reason for the sanction, the total amount of fine); are there any cases with signs of crime that warrant criminal prosecution? Provide 2-3 cases that are punished according to regulations.</i> <i>Numbers/activity of the Vietnamese Labor Management Board abroad.</i> <i>Support for migrant workers.</i></p>	Department of Overseas Labor Management, Ministry of Labor, Invalids and Social Affairs	Question II.5, Page 14
21.	<p>Preventing forced labor in supply chains</p> <p><i>Please answer according to the content of the questions, clearly stating: measures and efforts to prevent human trafficking; forced labor in the supply chain.</i></p>	Department of Employment, Labor, Invalids and Social Affairs, Ministry of Industry and Trade, Ministry of Finance	Question III.6, page 14
22.	<p>Reducing demand for commercial sex/child sex tourism</p>		

	<i>Please answer according to the content of the questions, which clearly states: measures to reduce the demand for sex trafficking, especially child sex.</i>	Department of Social Evils Prevention, Ministry of Labor, Invalids and Social Affairs; Ministry of Culture, Sports and Tourism; Ministry of Justice	Question III.7, pages 14-15
23.	Diplomats <i>Please answer according to the content of the questions, which clearly states: training on human trafficking prevention and combat for officials who are allowed to go on business terms at Vietnamese representative agencies abroad; efforts to ensure that diplomatic officials not to engage in or facilitate human trafficking activities.</i>	Ministry of Foreign Affairs	Question III.8, pages 14-15
25.	Additional considerations - Challenges of the Covid-19 pandemic for the National Defense sector, preventing human trafficking; the government regulatory measures. - How is funding for human trafficking prevention and combat in 2023 allocated? Has it increased or decreased compared to 2022? Please state specific costs.	Ministry of Public Security, Ministry of National Defense, Ministry of Finance, relevant organizations	Question III.10, page 15
IV.	HUMAN TRAFFICKING SITUATION		
26.	Updates Please answer according to the questionnaire: - Please indicate if there were any changes to TIP trends, drivers, high-risk groups, impact of climate change on human trafficking. - Information related to human trafficking crimes that use technology to recruit and exploit victims and measures being applied to prevent and handle this type of crime.	Ministry of Public Security, the Supreme People's Court, the Supreme People's Procuracy, Ministries and relevant organizations	Question IV.1, pages 15-17

2. For People's Committees of provinces and centrally run cities

No.	Content	Note
-----	---------	------

I.	INVESTIGATION, I. PROSECUTION, CONVICTIONS OF HUMAN TRAFFICKING CASES	
1.	<p>Statistics on law enforcement</p> <ul style="list-style-type: none"> - Provide data as requested: detail the investigation, prosecution, and trial according to the content of the questions: <u>disaggregate data according to the exploitative/trafficking purpose</u>; number of cases, number of subjects according to specific criteria, assess investigation work by region... - Provide details: (i) 01 investigation case on human trafficking in general, (ii) 01 investigation case on human trafficking related to a complex human trafficking network, requiring extensive international cooperation or use new investigation techniques or 01 cyber investigation case about human trafficking (specify the number of cases) (dated on or after April 1, 2023). - Provide details: (i) 01 trial on domestic human trafficking in general, (ii) 01 trial on human trafficking in which the victim is a male or a foreign national in Vietnam (time on or after April 1, 2023). - Provide details: (i) 01 verdict which is related to domestic human trafficking for the purpose of sexual exploitation/forced labor; (ii) 01 human trafficking verdict which is related to a complex human trafficking ring; (iii) 01 verdict on human trafficking where the victim is a male or a foreign national (dated on or after April 1, 2023). - Provide details on the number of verdicts annulled/amended after appeal. 	Question 1.2, pages 1-4
2.	<p>International cooperation</p> <p>Local international cooperation activities on human trafficking prevention and combat (Projects, cooperation programs with foreign organizations, international organizations...)</p>	Question 1.3, page 4
3.	<p>Official complicity</p> <p>Are there any state officials allegedly involved in or facilitated human trafficking activities?</p>	Question 1.4, page 4
4.	<p>Trainings</p> <p>Specify the training content (including instructions on applying Articles 150 and 151); <u>location, topic, number of attendees, target audience and organizations that help implement and sponsor</u> the training sessions.</p>	Question 1.6, page 5
II.	PROTECTION	
5.	Victim identification procedures	

	<i>It is recommended to only provide the number of inspections and checks of service operations where human trafficking is more likely to happen.</i>	Question II.1, page 5
6.	<p>Data on victim protection</p> <p>- Data on victims those received support services <i>(Please provide victim data identified by: gender, age, nationality/ethnicity; type of trafficking; location of trafficking...)</i></p> <p>- What are victim support services available according to regulations in documents of the Provincial People's Committee? Implementation of victim support services (please provide details for question II.5).</p>	Question II.5, pages 7-10
7.	<p>Restitution</p> <p><i>Please provide details according to the content of the questions, including providing the total number of cases with compensation and the amount; highest compensation level (provide 01 example).</i></p>	Question II.8, pages 11-12
8.	<p>Additional questions</p> <p>- The challenge of the Covid-19 pandemic on victim protection and support activities.</p> <p>- Update the implementation process of programs and projects on victim protection (if any).</p>	Question II.9, page 12
III.	PREVENTION	
9.	<p>Awareness campaign</p> <p><i>Please provide details according to the question content, including the quantity; content; form; target audience; foreign support; effectiveness monitoring; and impact of campaigns.</i></p>	Question III.4, pages 13-14
10.	<p>Additional considerations</p> <p><i>How was the 2023 funding for preventing and combating human trafficking allocated? Was there an increase or decrease in funding compared to 2022?</i> Please provide specific data.</p>	Question III.10, page 15
IV.	HUMAN TRAFFICKING SITUATION	
11.	What is the situation of local citizens migrating abroad to work?	Question IV.1, pages 15-16

	<p>Number of migrants returning from abroad?</p> <p>Number of workers from other provinces and cities returning/to the locality?</p> <p>Tactics of local human trafficking criminals? Provide assessment of the emerging trends, especially information related to the abuse of technology to commit human trafficking/illegal migration.</p> <p>Assessment of the impact of climate change on the migration of citizens within the country or abroad?</p>	
--	--	--

**QUESTIONNAIRE FOR BUILDING THE 2024 REPORT
ON HUMAN TRAFFICKING SITUATION IN THE WORLD
U.S. DEPARTMENT OF STATE (2024 TIP REPORT)**

(attached to Official Dispatch No. 178/BNG-LS dated January 11, 2024 of the Ministry of Foreign Affairs)

I. PROSECUTION

1. Preexisting anti-trafficking legislation

- Update on amendments to the 2011 Law on Prevention and Combat of Trafficking in Persons
- Has Vietnam reviewed and proposed amendments to the provisions of the 2015 Criminal Code related to human trafficking? If so, please indicate the roadmap of steps and expected time to amend the 2015 Criminal Code.
- In the past year, Vietnam had two legal precedents on human trafficking crimes. Please provide highlights of these two cases.
- Has Vietnam amended any laws or adopted any new policies that, although not directly related to preventing and combating human trafficking that the government believes will help prevent human trafficking or protect the victims? If so, please provide a list of changes, attach a copy in original language (and an English copy, if available).
- Has Vietnam adopted any new policies or procedures to ensure that people aged 16 and 17 are treated as children in the criminal justice process? If so, please inform of any changes

2. Statistics on law enforcement

2.1. Investigations:

- Total number of individuals/cases, number of subjects investigated for human trafficking, number of suspected victims detected and investigated in 2023?
- Results: How many individuals/cases were transferred for prosecution? How many cases are being verified? How many cases have the investigation stopped?
- Number of individuals/cases and number of subjects investigated for human trafficking with purpose of sexual exploitation?
- Number of individuals/cases and number of subjects investigated for human trafficking with purpose of forced labor? Number of individuals/cases and subjects investigated for human trafficking with purpose of unspecified exploitation?
- How many individuals/cases and subjects has been investigated before 2023 and ongoing? It is recommended to disaggregate cases and subjects according to

exploitative behavior, if any (human trafficking for the purpose of sexual exploitation, human trafficking for the purpose of forced labor, human trafficking for unspecified exploitation).

- Please provide specific information about:
 - Number of individuals/cases that were investigated under Article 150 (Human trafficking) and Article 151 (Trafficking of a person under 16) of the 2015 Criminal Code and specify location: domestic/abroad (specify destination countries).
 - Number of subjects that were under investigation: clearly provide details of gender, age, nationality.
 - Total number of victims of those investigations?
- Point out notable changes in investigation by region or locality.
- Please provide details of a human trafficking investigation on or after April 1, 2023.
- Please provide details of a human trafficking investigation on or after April 1, 2023 that involved a complex human trafficking network, requiring extensive international cooperation or the use of investigative techniques or a cyber investigation into human trafficking on or after April 1, 2023.

2.2. Prosecutions:

- Total number of individuals/cases and number of defendants prosecuted in the past year?
 - Number of individuals/cases prosecuted under Article 150 (Human trafficking) and Article 151 (Trafficking of a person under 16) of the 2015 Criminal Code and specify location: domestic/abroad (specify destination countries).
 - Number of defendants prosecuted: clearly provide details of gender, age, nationality.
 - Total number of victims of those investigations?
- Number of individuals/cases and number of defendants prosecuted for human trafficking with purpose of sexual exploitation in 2023?
- Number of individuals/cases and defendants prosecuted for human trafficking with purpose of forced labor in 2023?
- Number of individuals/cases and number of defendants prosecuted for human trafficking with purpose of unspecified exploitation in 2023?
- Number of individuals/cases and defendants prosecuted for human trafficking with purpose of sexual exploitation before 2023 and ongoing?
- Number of individuals/cases and defendants prosecuted for human trafficking for forced labor purposes before 2023 and ongoing?

- Number of individuals/cases and defendants prosecuted for human trafficking with purpose of unspecified exploitation ongoing from the previous reporting period of 2023?
- Number of individuals/cases are detained during prosecution? Number of individuals/cases are on bail or under judicial supervision during proceedings? Please provide specific information.
- Are there any cases of prosecution in absentia? Please provide specific information.
- Highlight notable changes in prosecution by region or locality.
- Please provide details of a domestic human trafficking trial that took place on or after April 1, 2023.
- Please provide details of a human trafficking trial that took place on or after April 1, 2023 in which the victim is a male or a foreigner in Vietnam.

2.3. Convictions:

- Total number of human trafficking cases tried and sentenced in 2023 (according to Article 150, Article 151)?
 - Number of cases tried under Article 150 and Article 151 of the 2015 Criminal Code and specify location: domestic/abroad (specify destination countries).
 - Number of defendants tried and sentenced: clearly provide details of gender, age, and nationality.
 - Total number of victims in trials?
- Number of individuals/cases and number of defendants tried for human trafficking with the purpose of sexual exploitation?
- Number of individuals/cases and defendants tried for human trafficking with the purpose of forced labor?
- Number of individuals/cases and number of defendants tried for human trafficking with multiple purposes of exploitation?
- Number of individuals/cases and number of defendants tried for crimes related to human trafficking?
- Number of judgments on human trafficking that have been appealed or protested but have not yet been implemented? If so, please provide details.
- Number of judgments annulled or amended due to appeal? If so, please provide details.
- Number of defendants acquitted?

- Please provide details of 01 judgment related to domestic human trafficking for the purpose of forced labor/sexual exploitation convicted on or after April 1, 2023.
- Please provide details of 01 judgment on human trafficking related to a complex human trafficking ring convicted on or after April 1, 2023.
- Please provide details of 01 judgment on human trafficking with a male or foreign victim convicted on or after April 1, 2023.

3. International cooperation

- Did the government cooperate with foreign counterparts on any law enforcement activities? If so, please provide specific information.
- Does Vietnam extradite any human trafficking criminals? If so, please provide specific information.
- Has Vietnam signed any new bilateral or multilateral agreements related to human trafficking prevention and combat with other countries? If so, please provide specific information.
- Has Vietnam signed regional agreements on law enforcement of human trafficking prevention and combat with other countries? If so, please provide specific information.
- Does Vietnam cooperate with foreign counterparts on any other law enforcement activities to prevent and combat human trafficking (that are not mentioned above)? If so, please provide specific information.

4. Official complicity

- Were there allegations of official complicity in trafficking crimes be investigated, prosecuted, tried or sentenced? If so, please provide specific information.
- Have any state officials allegedly involved in human trafficking been administratively sanctioned or dismissed? If so, please provide specific information.
- What actions did the government take to ensure that its policies, regulations, and agreements relating to migration, labor, trade, border security measures, and investment did not facilitate trafficking?

5. Law enforcement system

- Are there any changes in the agencies responsible for investigating, prosecuting and/or adjudicating human trafficking cases and their operations?
- Do those agencies have specialized functions (for example, set up a specialized department for human trafficking...) or appoint specialized officers in the field of

human trafficking prevention and combat, or do they concurrently carry out other tasks? If there is a request, please specify: number of officers and functions and tasks.

- Do those agencies have enough budget and resources? Please provide information on budget and resources dedicated to preventing and combating human trafficking.
- Do those agencies have the authority to handle all aspects related to human trafficking prevention and combat? Are there any geographical or legal restrictions; If so, please provide specific information.

6. Training

- Does the government provide training to policy makers, law makers, and law enforcement officials on human trafficking prevention and combat? If so, please provide specific information about the location, topic, number of attendees, target audience and organizations helping to implement and sponsor the training sessions.
- Please clearly provide details of the training content on: (i) Articles 150 and 151 of the 2015 Criminal Code; (ii) identify, refer, and assist victims; (iii) identify forced labor, (iv) identify victims in vulnerable groups (migrant workers, individuals engaged in prostitution, child labor, ethnic minorities...); (v) victim-centered approaches and trauma-informed victim care techniques for social workers, frontline workers and justice agencies.
- Update the implementation process of programs and projects on human trafficking prevention and combat, and improving staff capacity in this field.

Additional questions:

If applicable, briefly indicate the impact of the COVID-19 pandemic and other challenges on law enforcement efforts during the reporting period?

II. PROTECTION

1. Victim identification procedures

- Has Vietnam issued any new procedures or amended preexisting procedures for victim identification?
- Vietnam has a process to guide officers to proactively screen victims from groups such as: women arrested for prostitution; migrant workers; people with disabilities; children in welfare systems; minority communities; individuals who are identified as gay, lesbian, bisexual and transgender LGBTQI+? If so, please provide specific information.
- Did law enforcement, immigration, and social services personnel conduct screening for trafficking, including of migrants, other vulnerable groups, and

when detaining or arresting individuals? Has any individual/ case been identified as a victim through screening? If so, please provide specific information.

- On Ukrainian refugees:
 - Has Vietnam discovered any cases of refugees from Ukraine identified as victims of human trafficking for the purpose of forced labor or sexual exploitation in their country? If so, please provide specific information about time of victim identification and referral.
 - Is Vietnam investigating any cases related to the trafficking of Ukrainian refugees?
 - Please clarify efforts to prevent human trafficking for this at-risk group (if any).

2. Victim referral procedures

- Has Vietnam issued any new policies or changes to preexisting procedures for victim referral to protection services?

3. Victim services

- Has Vietnam issued any new or changes to preexisting procedures or services available for victim care? If so, please provide specific information.
- Please specify the services for victims and evaluate the quality of these services.
- Please list the services that state agencies, non-governmental organizations, social organizations and other organizations provide in Vietnam?
- Please provide information on the status of shelters in Vietnam (number of victims that can be accommodated; whether there are separate accommodations for men, women and children; whether there are specific services for victims who do not often use the same services as victims of other types of crime).
- Are there any groups of people who cannot access support at shelters? (for example, LGBTQI+ community, people with disabilities...). If so, please provide details.
- Where are child victims temporarily housed (for example, in shelters; care centers; juvenile detention centers) and what specialized care is received?
- Do victims have the right to choose between staying in a shelter facility (with independent living conditions for adults) or in foster families for children?
- Can victims choose to stay at the shelter or leave the shelter according to their wishes? Can adult victims (including victims with disabilities) leave the shelter unaccompanied?

- How much is the government's funding source for victim protection and support? (for example, funding for NGOs to operate shelters; direct financial support to victims).
- Is the funding for victim support services coming from the central or local budget?
- Do victim support services include in-kind support? If so, please provide specific information.
- Do international organizations and non-governmental organizations provide financial support for victim support services?
- Do all communities receive the same quality and level of access to services?
- Are foreign victims legally entitled to the same benefits as host country nationals? If not, please provide specific information.
- What mechanisms exist to ensure the victim identification and protection measures are equitable and administered equitably? (for example, written procedures, policies, management structures, survivorship procedures, etc.).

4. Hotlines

- Does the government operate or fund any trafficking-specific hotlines?
- How many calls have been received through the hotline?
- How many calls about human trafficking have been routed to rescue and support victims?
- Among the calls transferred, how many individuals/cases were identified as victims?
 - How many victims are men, women and children (under 18 years old)?
 - How many victims are foreigners and ethnic minorities in Vietnam?
 - How many calls have been routed about domestic human trafficking? How many calls have been traded abroad and specifically which country have they been traded to?
 - How many victims have been referred to Government agencies? What support do they receive?
 - How many victims have been referred to NGOs? What support do they receive?
- How many investigations have been conducted based on information from hotline calls?
- Describe any new resources allocated to the hotline.

- Are there any NGOs that have hotlines dedicated to human trafficking? If so, does this hotline provide referrals to identify and assist victims and/or facilitate investigations?

5. Statistics

5.1. Victim identification

- Total number of victims identified in 2023? Among them:
 - How many are male and how many are female?
 - How many people under 18 years old are male/female?
 - How many people are ethnic minorities (specify ethnicity)?
 - How many people are disabled?
 - How many people belong to the LGBTQI+ community?
 - How many people are trafficked domestically and abroad (specify country)?
 - What is the main type of exploitation for each location being trafficked?
 - How many people are foreign nationals?
 - How many people are trafficked for sexual exploitation, forced labor or other purposes?
 - How many people were rescued by government agencies, NGOs, and international organizations?

5.2. Referral

- Total number of victims referred to government support agencies (e.g. to social assistance facilities, to psychological services...)? Among them:
 - How many are male and how many are female?
 - How many people under 18 years old are male/female?
 - How many people are ethnic minorities (specify ethnicity)?
 - How many people are disabled?
 - How many people belong to the LGBTQI+ community?
 - How many people are trafficked for sexual exploitation, forced labor or other purposes?
 - How many are foreigners?
- Total number of victims referred to non-governmental organizations. Among them:
 - How many are male and how many are female?
 - How many people under 18 years old are male/female?
 - How many people are ethnic minorities (specify ethnicity)?
 - How many people are disabled?
 - How many people belong to the LGBTQI+ community?
 - How many people are trafficked for sexual exploitation, forced labor or other purposes?
 - How many are foreigners (specify nationality)?

5.2. Services

- Total number of victims supported by the Government during the reporting period? Among them:

- How many are male and how many are female?
- How many people under 18 years old are male/female?
- How many people are ethnic minorities (specify ethnicity)?
- How many people are disabled?
- How many people belong to the LGBTQI+ community?
- How many people are foreigners (specify nationality)?
- How many people are trafficked for sexual exploitation, forced labor or unspecified exploitation?
- Form of support: Number of victims who received services with essential needs and travel expenses? Number of victims who received medical assistance? Number of victims who received psychological support? Number of victims who received legal aid? Number of victims who received services with educational and vocational training? Number of victims who received initial hardship allowance, level of support? Number of victims who received loan support?
- Total number of victims who received services of non-governmental organizations? Among them:
 - How many people are male and how many are female?
 - How many people under 18 years old are male/female?
 - How many people are ethnic minorities (specify ethnicity)?
 - How many people are disabled?
 - How many people belong to the LGBTQI+ community?
 - How many people are foreign nationals (specify nationality)?
 - How many people are trafficked for sexual exploitation, forced labor or unspecified exploitation?
 - Form of support: Number of victims who received services with essential needs and travel expenses for medical, psychological, cultural, vocational training and other support?

5.3. Repatriation

- Number of victims who are Vietnamese citizens repatriated? Please clearly provide details on who pays for travel expenses. How many people are trafficked for the purpose of sexual exploitation and forced labor?
- Number of victims who are Vietnamese citizens repatriated through non-governmental organizations and international organizations? How many people are trafficked for the purpose of sexual exploitation and forced labor?
- Number of foreign victims repatriated to their country? Please clearly provide details on who pays for travel expenses. Number of victims/suspected victims who have applied for temporary residence in Vietnam? How many people have been granted temporary residence? Number of victims/suspected victims who have applied for a work permit in Vietnam? How many people have been granted work permits?

6. Victim punishment

- Whether suspected victims are detained, administratively sanctioned, or punished for illegal acts related to being trafficked (for example, the subject of allegations of prostitution, drug-related and other criminal charges or immigration violations)? Please clearly state the basis for the Government and/or the Court to make decisions to detain, administratively fine or punish the victims?
- People from vulnerable communities (for example, women and girls; people with disabilities; indigenous peoples; people from ethnic minorities; refugees and internally displaced persons; individuals who are identified as LGBTQI+; people living in remote areas; people who are migrants; people who are long-term affected by poverty or inequality) are more likely to be sanctioned or less likely to be identified as victims? If so, please provide details.
- Will people with signs of being trafficked be deported or referred without screening? If so, please indicate that situation.
- Does law enforcement screen for trafficking victims when detaining or arresting individuals for sex trafficking, migrants, or other vulnerable groups?

7. Participation in investigations and prosecutions

- Does the government support victim participation in investigations or prosecutions of their alleged traffickers? (for example, forms of support include applying deportation waivers, providing support, counseling legal aid, victim protection services, victim witness support, and transportation and accommodation support for victims)?
- Provide information about the Government's support for victims to participate in the investigation or prosecution of human trafficking suspects.
- Number of victims involved in the investigation or prosecution? Do the victims have to participate to access protection services?
- When participating in the investigation and prosecution process, do the victims receive any form of witness protection? If so, please provide specific information.
- Does the government take measures to avoid re-traumatization of victims? If so, please provide specific information.
- Are victims offered alternatives to speaking with law enforcement during the investigation? If so, please provide specific information.
- Does the government fund and provide legal aids to victims? Are other forms of legal aid offered to assist with intersecting cases on related legal matters, such as criminal charges, family law or protective orders etc. provided?

- How does the government protect victims' physical safety, privacy, and provide accommodations with accessible facilities for people with disabilities during the trial process? Whether the victim's identity confidentiality is considered as a part of the legal proceedings?
- Can the victim testify by video or in writing? If a victim testifies in court against their former employer, can they then work elsewhere, move within the country or leave Vietnam during the trial?

8. Restitution

- Could victims obtain restitution from defendants in criminal cases or file civil suits against traffickers for damages, and did they collect funds awarded in practice? If so, please clarify whether all victims have equitable access to compensation.
- Number of cases in which restitution was ordered to be paid to victims or their families. Among them:
 - How many Kinh ethnic victims received restitution? Please provide the average compensation level.
 - How many ethnic minority victims received restitution? Please provide the average compensation level.
 - What was the highest level of restitution awarded to a victim?
 - Did the court order restitution to be paid? Please provide specific information, including efforts to ensure victims receive actual compensation.
- Does the government maintain a compensation fund for victims? If so, was the restitution actually granted? How is disability restitution (physical/mental) made?

9. Additional questions

- How did the COVID-19 pandemic or other challenges impact victim protection efforts during the reporting period?
 - Was shelter or protection services capacity or activity reduced for social distancing considerations?
 - Did Vietnam face any specific challenges in collecting victim services data? If so, please provide specific information.
 - Did the government provide personal protective equipment to victims receiving services?
- Update the implementation process of programs and projects on victim protection.

III. PREVENTION

1. Government anti-tip leadership and coordination

- Indicate the results of activities of Steering Committee 138/CP in directing the implementation of human trafficking prevention and combat?

- How often did it convene during the reporting period?
- Does the government seek the input of survivors in crafting its anti-trafficking laws, regulations, policies, programs, or in their implementation? If so, did the government take steps to ensure input was received from a diverse group of survivors? Please provide specific information.
- Does the government enforce any policies that further marginalized communities already overrepresented among trafficking victims, increasing their risk to human trafficking? If so, did it take efforts to address those policies?
- How much has the government fund (to central agencies and local authorities) for the prevention efforts (e.g. awareness campaigns, research projects, program implementation measures of human trafficking prevention and combat)?
- Is the funding source from the central or local budget?
- Does the government provide in-kind support for prevention efforts? If so, please provide specific information.

2. Program to prevent and combat human trafficking for the period 2021-2025 and orientation to 2030

- How was the Program implemented in 2023? Have ministries, branches and localities issued an Implementation Plan and how was the Plan implemented in 2023?
- What funding sources has Vietnam reserved to implement the Program?

3. Research and accountability

- Has the government undertaken or supported any new projects to research, assess, and/or publicize its trafficking issues and efforts to combat trafficking? If so, please provide details.

4. Awareness campaigns

- Does the government fund and/or conduct awareness activities? Does the government contribute in-kind resources to awareness campaigns implemented by NGOs/international organizations? If so, please provide details of format, target audience, number of participants/reached, venue and message.
- How does the government monitor the effectiveness of campaigns? Please provide details.
- Has the government made any efforts to raise awareness or train foreign government officials about human trafficking? If so, please provide details.

- Are campaign materials readily available, cost-free, and accessible in various languages (also in ethnic minority languages), including braille? Please provide details.
- What strategies did the campaigns employ to ensure messaging and images did not legitimize and/or perpetuate harmful or racialized narratives and/or stereotypes about what victims/survivors and perpetrators look like?

5. Labor recruitment regulation and oversight

- Are there any changes to how the government regulated and oversaw labor recruitment for licensed and unlicensed recruitment agencies, individual recruiters, and sub-brokers? If so, please provide details.
- Do the government prohibit (or implement new measures to reduce) worker-paid recruitment fees? Please advise how to do it.
- Does the government have agreements, with a transparent oversight mechanism, with sending countries on safe and responsible recruitment that included measures to prevent trafficking vulnerabilities? If so, please provide specific information.
- Do the government allow migrant workers (foreign workers in Vietnam) to change employers in a timely manner without obtaining special permissions? If so, please specify the relevant regulations.

6. Preventing forced labor in supply chains

- Does the government take tangible action to prevent forced labor in domestic or global supply chains?
- Does the government take any new efforts to ensure its trade or migration policies did not facilitate trafficking? If so, please provide details.
- Does the government make any efforts to prohibit and prevent trafficking in the supply chains of its own public procurement?

7. Reducing demand for commercial sex/child sex tourism

- What measures not mentioned elsewhere did the government take to reduce the demand for commercial sex acts? [NOTE: Measures should target consumers—not suppliers or facilitators—of commercial sex. Law enforcement efforts against brothels or individuals in prostitution are not considered efforts to reduce the demand for commercial sex.]
- Please clearly state the legal regulations related to prostitution.
- Does the government make any efforts to reduce its nationals' or foreigners' participation in international and domestic child sex tourism?

8. Diplomats

- Does the government train its diplomats not to engage in or facilitate human trafficking activities? If so, please specify the location, training topic, number, participants and organizations that implemented and sponsored the training.
- If there were allegations that a diplomat representing the government abroad engaged in or facilitated trafficking, did the government seek criminal accountability?

9. Peacekeepers

- Does the government train its nationals deployed abroad on peacekeeping or other similar missions on trafficking?
- If there were allegations that a national representing the government abroad in peacekeeping forces engaged in or facilitated trafficking, how would the government implement measures to hold human trafficking criminals accountable for their actions. And how to prevent similar situations from happening?

10. Additional considerations

- Please describe briefly how the COVID-19 pandemic or other challenges impacted prevention efforts during the reporting period, , for example in some specific activities such as
 - Did the anti-trafficking government stakeholders (TIP Committees, interagency task forces, etc.) continue to meet to implement the government's anti- trafficking policies?
 - Did the government reallocate funding for anti-trafficking efforts to COVID-19 relief efforts?
 - Were there specific challenges faced in collecting data on prevention efforts?

V. HUMAN TRAFFICKING SITUATION

1. Updates

- Please indicate if there were any changes to TIP trends, drivers, methods, source/destination dynamics, sectors, impacted demographics, etc. during the reporting period. In particular, in the context that the COVID-19 pandemic has ended in many parts of the world, has the situation of human trafficking changed?
- Which identified groups are at particular risk of sex trafficking and forced labor (for example, women arrested for prostitution, undocumented migrants, stateless persons, persons with severe mental illness, asylum seekers, unhoused persons, children in welfare systems or aging out of such systems (if applicable),

those previously incarcerated, other minority communities, or individuals or communities living in conflict, crisis, or post-disaster settings)?

- Climate change is increasing the risk of sex trafficking and forced labor around the world. If possible, provide any information on human trafficking trends or risk factors for human trafficking due to gradual or sudden climate change or natural disasters, as well as efforts to address and minimize these risks.
- Technology and human trafficking: If possible, provide information about human trafficking criminals using technology to recruit and exploit victims and the government's efforts to fight, prevent, and combat human trafficking. This form of human trafficking is specifically divided into five groups of content as follows:
 - **Recruitment:** What technological tools do human trafficking criminals use to recruit victims? (for example, social networks, phone applications, online job portals).
 - **Methods and tricks:** How do human trafficking criminals use technology to coerce, deceive, and threaten victims? (for example, barcode tattoos, use of location tracking apps and devices, sexual blackmail).
 - **Types of exploitation:** In what industries or activities do human trafficking criminals often exploit their victims? Examples may include technology-enabled exploitation such as cyber or online scams, live-streamed commercial sex acts, or labor trafficking; sex trafficking occurs after the use or abuse of other technologies.
 - **Emerging trends:** What technological trends could be abused by human trafficking criminals to support human trafficking activities? (for example, using virtual currency to conduct financial transactions, using the dark web to hide illegal activities, or using artificial intelligence, such as AI).
 - **Government response:** What measures is the government applying to fight, prevent, and combat human trafficking due to abuse of technology?
- What efforts has the government made to address the needs of victims of technology abuse (such as removing exploitative content from online platforms, providing cybersecurity support, and providing psychological support)? Examples may include specialized police forces trained in digital evidence collection (electronic evidence), tools to identify suspicious cyber activities, data analysis and tracing, and collaborating with social networking platforms and technology companies to deploy campaigns to raise awareness about safe internet use.

ANNEX E – VIETNAM’S ANALYSIS OF 2023 TIP REPORT

MINISTRY OF FOREIGN AFFAIRS

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 2941/BC-BNG-LS

Hanoi, June 22, 2023

Report

Regarding content related to Vietnam in the 2023 Report of the U.S. Department of State on the situation of human trafficking in the world

OFFICE OF GOVERNMENT

OFFICIAL DISPATCH
ARRIVAL

TimeDate June 26

Respectfully forward to NC

To: Deputy Prime Minister Tran Luu Quang.

Cc: Prime Minister Pham Minh Chinh.

On June 15, 2023, the U.S. Department of State released the 2023 Trafficking in Persons Report (TIP Report). This is the annual Report mandated by the U.S. Victims Of Trafficking And Violence Protection Act of 2000 (TVPA) submitted by the State Department to Congress. The report is comprised of an assessment of the situation of human trafficking in the world, an evaluation of governmental efforts in the fight against human trafficking, recommendations, and rankings of countries against the minimum standards of the Act.

In the 2023 TIP Report, Vietnam was evaluated more positively, specifically **upgraded a level** from Tier 3 to Tier 2—Watch list. This group of countries has not fully complied with the minimum standards of the TVPA Act² but has made significant efforts and needs further monitoring. The Ministry of Foreign Affairs would like to report the following:

I. Main content of the 2023 TIP Report

1. General situation

Among the 188 countries and territories in the world (Appendix 1): **30** are ranked in Tier 1 (fully complying with the minimum standards of the TVPA Act); **105** are ranked in Tier 2 (not fully compliant with minimum standards but have made significant

² According to the provisions of Section 108a of the TVPA Act of 2000 (amended in 2007), the minimum standards include: (i) the need to prohibit serious types of human trafficking and punish such types of trafficking; (ii) enact appropriate penalties for serious crimes such as sex trafficking involving force, deception, coercion/in which the victim is a child who is incapable of giving substantive consent or human trafficking including rape, kidnapping, that causes death; (ii) enact penalties that are severe enough to deter and fully reflect the serious nature of severe forms of human trafficking; (iii) the need to demonstrate serious and continuous efforts to eliminate severe forms of human trafficking.

efforts); **26** ranked in Tier 2—Watch list; **24** ranked in Tier 3 (not fully complying with the minimum standards and making no efforts to meet them), including China, Cuba, Iran, North Korea, Russia, Syria and Venezuela continue to remain in Tier 3. Three countries, including Libya, Somalia and Yemen, continue to be classified as “special cases”.

For ASEAN countries, the Philippines and Singapore remain in Tier 1; Laos Thailand in Tier 2 (fourth consecutive year for Laos, second consecutive year for Thailand); Indonesia was upgraded from Tier 2—Watch list to Tier 2; Brunei, Malaysia, and Vietnam were all upgraded one level to Tier 2—Watch list (only Malaysia was upgraded after two years in Tier 3); Myanmar and Cambodia continue to be in Tier 3.

2. Content about Vietnam

Vietnam's efforts: The 2023 TIP report assesses that Vietnam has achieved many significant results during the reporting period, specifically in the following areas: increased investigation data, increased prosecutions and trials of more defendants/accused individuals;³ enhanced international cooperation in law enforcement; criminal proceedings against state officials suspected of abetting human trafficking;⁴ identified and supported more victims of trafficking; implement measures to protect workers working abroad. Besides, the report also recognizes other efforts of ours, such as: the process of amending the 2011 Law on Prevention and Combat of Trafficking in Persons (Ministry of Public Security); develop case law on human trafficking (Supreme People's Court), screening toolkit to detect signs of people being trafficked in service businesses (Ministry of Labor, Invalids and Social Affairs), guidance for officials of Vietnamese representative agencies abroad on how to support Vietnamese citizens who are victims of gender-based violence and human trafficking (Ministry of Foreign Affairs); issued Directive No. 20-CT/TW dated December 12, 2022 on strengthening Party leadership over sending Vietnamese workers abroad under labor contracts; strengthen cooperation and information sharing with Cambodia on preventing and combating human trafficking in campaigns to crack down on online scam operations; signing a cooperation agreement on preventing and combating crime between the Border Guard Command of Dong Thap province and the authorities of Prey Veng province, Cambodia...

Vietnam's limitations: Vietnam has not proactively identified those who are exploited or forced to labor in online scam operations as victims of trafficking⁵ or has not provided them with services, including foreign victims in Vietnam; trafficking victims have not been identified during inspections of businesses associated with social evils. In addition, there are several other limitations mentioned in the report, such as the lack of disaggregation of data on investigations, prosecutions, and trials by

³ In 2022, investigated 90 cases/247 subjects (increased compared to 2021: 77 cases/149 subjects; prosecuted 54 cases/157 defendants (compared to 2021: 68 cases/120 defendants, a decrease in number of cases but increased number of defendants); 53 cases/121 defendants were tried (increased compared to 2021: 49 cases/94 defendants).

⁴ The People's Court of Ha Giang province decided to punish 02 commune police and district police for the crime of “Concealment of crimes” due to concealing the crime of human trafficking.

⁵ The TIP report cites the assessment of several non-governmental organizations that some local authorities are hesitant to identify exploited laborers returning from Cambodia as victims of human trafficking. There are not enough resources to support local funding.

exploitative behavior; fraud rings that sent workers to Saudi Arabia have not yet been criminally prosecuted; victims do not clearly understand their rights and how to access support services, so victims cannot be promptly identified and provided with support; failure to explain the situation of Vietnamese people being exploited in technical intern trainee programs in Japan and agricultural training in Israel, forced labor in online scam operations and forced prostitution near these areas, mainly in Myanmar, Cambodia, Laos, and the Philippines; trafficking for the purpose of forced labor in the maritime industry (including on Indonesian and Taiwanese ships operating under different registrations and ownership to avoid detection...)

Recommendations for Vietnam: There are ten recommendations for Vietnam, of which nine recommendations are similar those in the 2022 TIP Report (with some adjustments). **One new recommendation has been added** (Appendix 2). Nine recommendations focus on: reviewing and amending laws and regulations on human trafficking, the Criminal Code to criminalize sex trafficking for people aged 16 - 17 years old; Joint Circular No. 01/2014/TTLT/BCA-BQP-BLDTBXH-BNG; investigating and prosecuting human trafficking crimes and applying appropriate penalties; identify and assist victims of trafficking among vulnerable groups, *including those who escape online scams operations*; training on instructions for applying Article 150 and Article 151 of the Criminal Code; stop collecting recruitment fees for workers and strengthen supervision of export labor businesses. A new recommendation is *to screen North Korean workers for signs of trafficking and refer them to services, as consistent with obligations under United Nations Security Council Resolution No. 2397.*⁶ The issue of North Korean labor is discussed and has been included in recommendations since the 2020 TIP Report, but this is the first time it has been listed as a separate point (through discussions between the Ministry of Foreign Affairs and the U.S. Embassy in Hanoi, the embassy emphasized that Vietnam should supply whatever information it has on this issue).

II. Comments and recommendations

1. The 2023 TIP Report evaluates Vietnam's efforts quite positively, using most of the information that we provided. However, there are still other sources of information from non-governmental organizations in Vietnam. Analyzing the Report, the Ministry of Foreign Affairs observed that the U.S. tends to be concerned about the issue of forced labor in the supply chain (this is the concern of the Democratic Party), arguing that forced labor will lead to trafficking in persons and that climate change will increase the risk of human trafficking as people lose their livelihoods (saltwater intrusion and drought in the Mekong Delta region causes about 24,000 people to leave their homes every year).⁷ Therefore, these are the issues that we need to pay attention to in the near future in order to enact timely measures, including inspections, supervision, and use of domestic and foreign labor, thereby demonstrating our efforts to prevent these problems from occurring, which could hinder bilateral trade and economic cooperation.

⁶ The resolution was passed on July 22, 2017, to condemn North Korea's launch of the Hwasong-15 intercontinental ballistic missile and tighten sanctions against North Korea (restricting fuel imports and trade activities; restricting the ability of North Korean citizens to work abroad).

⁷ In discussions with the Ministry of Foreign Affairs during working visits to Vietnam (from March 1 - 13, 2023, by the Office to Monitor and Combat Trafficking in Persons of the U.S. Department of State and April 4, 2023, U.S. Secretary of State), the U.S. all raised these issues.

2. The U.S.'s removal of Vietnam from Tier 3 in the 2023 TIP Report and elevation of Vietnam to Tier 2—Watch list, is a positive development in the U.S.'s assessment of Vietnam's efforts to combat trafficking. This is the result of increasingly close inter-sectoral coordination in exchanging and providing information deploying synchronous communication technologies, fighting, and lobbying through many channels and at different levels, both in the country and in Washington DC. Over the past year, our authorities have maintained regular exchanges with the U.S.;⁸ the Ministry of Foreign Affairs has coordinated the process of developing and synthesizing documents to provide to the U.S., which demonstrate implementation of the 2022 TIP Report recommendations, while addressing issues of concern to the US;⁹ welcoming the delegation of the U.S. Department of State's Office to Monitor and Combat Trafficking in Persons - J/TIP (the agency that develops the TIP Report) to visit and work in Vietnam (January 1 - 13, 2023), and organize a roundtable discussion between Vietnamese ministries and J/TIP to have a frank and open dialogue about the situation and Vietnam's efforts to address it, while providing openly and transparently supplying information. Besides, the fact that we considered and responded to the issues that the U.S. cares about and prioritizes (such as supporting the U.S. candidate in the election of Director General of the International Organization for Migration - IOM on May 15), was the important factor behind the decision to remove Vietnam from Tier 3.

On the U.S. side, the upgrade of Vietnam and the previous decision not to apply sanctions against Vietnam when in Tier 3 in the 2022 TIP Report,¹⁰ shows that the U.S. values overall cooperation with Vietnam, especially after General Secretary Nguyen Phu Trong's phone call with President Joe Biden (March 29, 2023), and Secretary of State Antony Blinken's visit to Vietnam (April 14 - 16, 2023). Before the 2023 TIP Report was announced, the United States Ambassador proactively informed the Ministry of Foreign Affairs. At the same time, when the Report was published, State Department officials also contacted the Vietnamese Embassy in Washington DC to inform and congratulate about Vietnam's upgrade.

However, according to the U.S., because some issues are still mentioned in section I.2., we have only been upgraded one rank in the Report. Actually, our work to combat human trafficking has achieved specific results, there are still some limitations, such as statistics on human trafficking have not been disaggregated, synchronized (data on victims, investigations, prosecutions, and trials have not been separated by purpose and behavior, and some information is missing in the statistical forms of the Government's Crime Prevention and Control Steering Committee. Government - Steering Committee 138/CP); identifying victims is still difficult (many people have been rescued but have not been interviewed to identify them as trafficking victims); the situation of citizens being scammed to work abroad has not been wholly prevented and addressed, causing many people to become victims of trafficking; Some current legal regulations related to human trafficking are not consistent with international

⁸ The Ministry of Foreign Affairs (Consular Department) maintains a mechanism for regular exchanges every three months with the U.S. Embassy and organizes periodic discussions between ministries and branches with the U.S. Ambassador.

⁹ Identify victims of trafficking among the cases of Vietnamese citizens rescued from Cambodia; handle labor-management officials at the Vietnamese Embassy in Saudi Arabia; resume the Vietnam-U.S. Labor Dialogue on November 18, 2022.

¹⁰ Report to the Prime Minister No. 3185/BC-BNG-LS dated October 31, 2022.

practice and treaties to which Vietnam is a member. According to U.S. policy, the upgrade to Tier 2—Watch list for countries in Tier 3 only applies for one reporting period (one year). A country will automatically be dropped to Tier 3 in the following year's Report if it does not improve efforts to combat trafficking and may be subject to sanctions following a determination by the President of the United States¹¹. Therefore, we need to continue to strengthen efforts to combat human trafficking, conduct research and devise ways to address limitations, and implement appropriate recommendations from the U.S. to avoid complications in politics, foreign affairs and development cooperation.

Regarding international public opinion, some foreign press agencies mentioned Vietnam's ranking along with other countries when reporting on the U.S. publication of the 2023 TIP Report but did not specifically comment on Vietnam. Up to now, only Radio Free Asia (RFA) has an article summarizing the U.S. side's assessments of Vietnam based on the content of the TIP Report, but did not provide commentary. Some social networking pages of sabotage groups have quoted comments in the Report on the situation of human trafficking in Vietnam but have not taken any action to incite or smear.

3. From the above situation, the Ministry of Foreign Affairs will continue to advocate with other ministries and branches to clarify with the U.S. side the situation of and efforts to combat human trafficking in Vietnam, while requesting an objective and accurate assessment for Vietnam in the 2024 TIP Report. At the same time, the Ministry of Foreign Affairs would like to recommend to the Deputy Prime Minister:

- Assign ministries, agencies, and local governments to thoughtfully and effectively implement tasks and solutions of the Program to prevent and combat human trafficking for 2021 - 2025 with a vision to 2030 (Decision No. 193 /QD-TTg dated February 9, 2021, of the Prime Minister); based on assigned functions and tasks, coordinate with the Ministry of Foreign Affairs to study recommendations and issues raised by the U.S. as detailed in Appendix 3.
- Request the Supreme People's Court and the Supreme People's Procuracy to continue to investigate, prosecute, and try human trafficking crimes, and coordinate with the Ministry of Public Security to ensure adequate statistical data following regulations.

The Ministry of Foreign Affairs respectfully reports to the Deputy Prime Minister for guidance.

Recipients:

- Prime Minister Pham Minh Chinh;
- Deputy Prime Minister Tran Luu Quang;
- Office of Government;

¹¹ If a country is ranked in Tier 3, according to the decision of the President of the United States, it may not receive non-humanitarian or non-commercial foreign aid. Government officials may not sponsor participation in award programs or cultural and educational changes and are restricted from receiving loans that are not humanitarian or commercial aid in financial institutions in which the United States plays a key role (90 days after the publication of the TIP Report, the President of the United States will have to make a decision).

- Minister Bui Thanh Son;
- Ministries: Police, National Defense, Labor, Invalids and Social Affairs, Information and Communications, Finance, Agriculture and Rural Development
- People's Committees of provinces and centrally run cities;
- Supreme People's Court; People's Procuracy;
- Vietnam Women's Union;
- Deputy Ministers;
- Department of Internal Affairs, Office of Government;
- Department of International Relations, Office of Government;
- Office of the Ministry of Public Security;
- Department of External Security, Ministry of Public Security;
- Units: CM; BC;
- Saved: HC, LS (DTr).

ON BEHALF OF THE DEPUTY MINISTER

Hà Kim Ngọc

Appendix 1

RATING EFFORTS TO PREVENT AND COMBAT HUMAN TRAFFICKING IN THE 2023 TIP REPORT

(attached to Prime Minister's Report No. 2941/BC-BNG-LS
dated June 22, 2023)

The 2023 TIP report covers preventing and combating human trafficking in 18 countries and territories worldwide. It continues to rank countries and territories in 4 groups with criteria similar to previous years:

- **Tier 1** is countries that fully comply with the minimum standards of the TVPA Act. In the 2023 TIP Report, there are 30 countries in Tier 1 (There were 30 countries in 2022).
- **Tier 2** are countries that have not fully complied with the minimum standards of the TVPA Act but have made significant efforts. In the 2023 TIP Report, there are 105 countries in Tier 2 (There were 9 countries in 2022).
- **Tier 2—Watch List** are countries similar to Tier 2 but require additional monitoring due to the increasing number of victims of serious types of human trafficking; or cannot provide evidence that efforts to prevent and combat human trafficking have been increased compared to the previous year. This year, Tier 2 includes 62 countries (It was 34 countries in 2022).
- **Tier 3** countries still need to fully comply with minimum standards and make significant efforts to comply. This year's TIP report has 24 countries ranked in Tier 3 (It was 2 countries in 2022).
- Special cases include three countries: Libya, Somalia and Yemen.

Appendix 2

RECOMMENDATIONS IN THE 2023 TIP REPORT

(attached to Prime Minister's Report No. 2941/BC-BNG-LS dated June 22, 2023)

1. Coordinate with non-governmental organizations and other organizations to amend legal provisions on human trafficking prevention and combat, including amending the Criminal Code to criminalize sex trafficking for people aged 16 - 17 by international law.
2. Investigate and prosecute human trafficking crimes, including cases related to human trafficking crimes for forced labor, state officials abetting human trafficking, and apply appropriate penalties (should impose a significant prison sentence).
3. Coordinate with organizations to update and train relevant officials on instructions for identifying victims and improve inter-sectoral coordination in identifying and supporting victims among vulnerable groups such as Migrant workers, individuals engaged in prostitution (including women and children discovered during police inspections and raids on service businesses prone to prostitution activities), child laborers, people who escaped from online scam operations, and people of Chinese nationality.
4. Training for officials on documents guiding the application of Articles 150 and 151 of the Penal Code with a focus on identifying and investigating cases of forced labor and domestic human trafficking, including cases of forced labor and human trafficking. The case involved a male victim.
5. Amending Joint Circular No. 01/2014/TTLT-BCA-BQP-BLD1BAH-BNG, dated February 10, 2014, guiding the order, procedures, and coordination relationships in verifying, identifying, receiving, and returning trafficking victims.
6. Eliminate all types of recruitment fees that workers must pay or recruitment practices that cause severe damage to Vietnamese workers working abroad or foreigners coming to Vietnam to work. Strengthen efforts to monitor labor recruitment companies, third-party labor brokers, and employee protection regulations in labor contracts; Prosecute illegal labor broker networks or cause serious damage.
7. Expand training for social workers, first responders, diplomats, and justice officials on trauma-informed, victim-centered approaches center to work with victims of trafficking.
8. Deploy and allocate enough resources for the Human Trafficking Prevention and Control Program for 2021 - 2025 and orientation to 2030.
9. Invite independent confirmation on ending the use of forced labor at drug rehabilitation facilities and make the results of that confirmation public.
10. Screen North Korean workers for signs of trafficking and refer them to services consistent with obligations under United Nations Security Council Resolution No. 2397.

Appendix 3

RECOMMENDATIONS AND SOME ISSUES RAISED BY THE U.S. IN 2023 TIP REPORT

(attached to Prime Minister's Report No. 2941/BC-BNG-LS dated June 22, 2023)

No.	Content	Responsible agency
I.	Recommendations	
1.	<p>Collaborate with non-governmental organizations and other organizations to amend provisions of Law on Prevention and Combat of Trafficking in Persons, including amending the Criminal Code to criminalize sex trafficking against people 16 - 17 years old by international law:</p> <ul style="list-style-type: none"> - Amend the 2011 Law on Prevention and Combat of Trafficking in Persons. - Research on amendments to the 2015 Criminal Code. 	<p>The Ministry of Public Security presides and coordinates with relevant ministries and agencies.</p> <p>The Ministry of Justice presides and coordinates with relevant ministries and agencies.</p>
2.	Investigate and prosecute human trafficking crimes, including cases related to human trafficking crimes for forced labor and state officials abetting human trafficking and imposing fine penalties worthy (should impose a significant prison sentence).	Ministry of Public Security, Supreme People's Procuracy, Supreme People's Court.
3.	Coordinate with organizations to update and train relevant officials on gradually identifying victims, improving inter-sectoral coordination in identifying and supporting victims among vulnerable groups such as laborers, migrants, and individuals engaged in prostitution (including women and children discovered during police inspections and raids on service business establishments prone to prostitution activities), child laborers, people who escaped from online scams, Chinese nationals.	The Ministry of Labor, Invalids and Social Affairs and the Ministry of Public Security preside over and coordinate with relevant ministries and agencies.
4.	Training for staff on applicable guidance documents Article 150 and Article 151 of the Criminal Code focus on identifying and investigating cases of forced labor and domestic human trafficking, including cases involving male victims.	Ministry of Justice, Ministry of Public Security, Supreme People's Procuracy, Supreme People's Court.

5.	Amending Joint Circular No. 01/2014/TTLT-BCA-BQP-BLDTBXH-BNG dated February 10, 2014, providing guidance sequence, procedures, and coordination relationships in the determination of identify, receive, and return victims of trafficking.	The Ministry of Public Security presides and coordinates with the Ministry of National Defense, the Ministry of Labor, Invalids and Social Affairs, the Ministry of Foreign Affairs, and relevant agencies to review the implementation.
6.	Eliminate all types of recruitment fees that workers must pay or recruitment practices that cause severe damage to Vietnamese workers working abroad or foreigners coming to Vietnam to work. Strengthen efforts to monitor labor recruitment companies, third-party labor brokers, and employee protection regulations in labor contracts; Prosecute illegal labor broker networks or cause severe damage.	Ministry of Labor, Invalids and Social Affairs, People's Committees of provinces and cities, Supreme People's Procuracy.
7.	Expand training for social workers, first responders, diplomats, and justice officials on trauma-informed, victim-centered approaches to work with victims of trafficking.	Ministry of Labor, Invalids and Social Affairs, Ministry of Public Security, Ministry of National Defense, Ministry of Foreign Affairs, Ministry of Justice, Supreme People's Procuracy, Supreme People's Court.
8.	Deploy and allocate enough resources for the Human Trafficking Prevention and Combat Program for 2021 - 2025 and orientation to 2030.	Ministry of Finance; relevant Ministries; People's Committees of provinces and centrally run cities.
9.	Invite independent confirmation on ending the use of forced labor at drug rehabilitation facilities and make the results of that confirmation public.	The Ministry of Labor, Invalids and Social Affairs presided and coordinate with the Ministry of Foreign Affairs, the Ministry of Public Security and relevant agencies and localities.

10.	Screen North Korean workers for signs of trafficking and refer them to services consistent with obligations under United Nations Security Council Resolution No. 2397.	The Ministry of Labor, Invalids and Social Affairs and the Ministry of Public Security preside and coordinate with relevant agencies and localities.
II. Some issues raised by the U.S.		
1.	Vietnam has not been proactively identifying people who are exploited and forced to labor in online scams as victims of trafficking or not providing them with services.	People's Committees of provinces and centrally run cities direct functional units to review cases of being rescued and returned to their localities. They coordinate with relevant agencies to conduct interviews and identify victims according to the regulations determined.
2.	Victims of trafficking have not been identified during inspections of service businesses that are prone to evils and take remedial measures.	The Ministry of Labor, Invalids and Social Affairs coordinate with relevant agencies to review.
3.	Data on investigations, prosecutions, and trials have not been disaggregated by acts of exploitation.	The Ministry of Public Security coordinate with the People's Procuracy and the People's Court of High Crimes to review and agree on breaking case data, subjects, and victims according to each act and other necessary criteria.
4.	There have been no criminal proceedings against labor fraud rings in Saudi Arabia.	The Ministry of Public Security coordinate with the Ministry of Labor, Invalids, and Social Affairs to review the situation of labor fraud abroad, including Saudi Arabia, and take appropriate measures.

5.	Victims do not clearly understand their rights and access support services.	The Ministry of Labor, Invalids and Social Affairs and the People's Committees of provinces and centrally run cities where victims are located promote communication to improve understanding of victims' rights and regimes for victims.
6.	The situation of Vietnamese people being exploited in technical internship programs in Japan and agricultural training and practice programs in Israel.	Ministry of Labor, Invalids and Social Affairs; the Ministry of Education and Training reviews this issue.
7.	The situation of Vietnamese people being trafficked for forced labor in the maritime industry (including on Indonesian and Taiwanese ships operating under many different registrations and ownership to avoid detection...)	Ministry of Labor, Invalids and Social Affairs; People's Committees of provinces and centrally run cities review this issue.

ANNEX F – VIETNAM’S REPORT ON HUMAN TRAFFICKING IN 2023

MINISTRY OF PUBLIC SECURITY

SOCIALIST REPUBLIC OF VIETNAM OFFICE
Independence - Freedom - Happiness

No. 27/BCA-VP

Hanoi, January 9, 2024

Regarding providing inputs for
the
2023 Report of the
Steering Committee 138/CP

To: Interdisciplinary experts of the Steering Committee 138/CP

Implementing the 2023 working program, the Office of the Ministry of Public Security (the Standing Office of Steering Committee 138/CP) has drafted a report on the situation and results of human trafficking prevention and combat in 2023 of the Steering Committee 138/CP (attachment enclosed).

Before submitting the report to the Steering Committee 138/CP, the Office of the Ministry of Public Security respectfully requests comrades to research, give comments, provide additional details related to their ministries and branches and send their inputs to Office of the Ministry of Public Security, No. 4 Yet Kieu, Hoan Kiem, Hanoi. Email: Vanphong138bca@gmail.com before **January 17, 2024**.

We look forward to receiving your attention and coordination.

Recipients:

- As mentioned above;
- Comrade Nguyen Duy Ngoc – Deputy Minister of Public Security (to report);
- Save: VT (P1).

CHIEF OF STAFF

Major General Dang Hong Duc

STEERING COMMITTEE 138/CP**SOCIALIST REPUBLIC OF VIETNAM****Independence - Freedom - Happiness**

No. /BC-BCĐ

Hanoi, 2024

Report on the situation and results in combating human trafficking in 2023

Implementing Decision No. 193/QĐ-TTg dated February 9, 2021, of the Prime Minister, Plan No. 28/KH-BCĐ, dated January 24, 2023, the Government's Steering Committee for Crime Prevention and Control (Steering Committee 138/CP) reports on the situation and results in combating human trafficking in 2023, as follows:

I. ASSESSMENT OF THE SITUATION

In 2023, the situation of human trafficking crimes continued to have complex and notable developments:

The illegal transit of Vietnamese people to work abroad occurs in many localities, with many cases exhibiting signs of human trafficking. In Southeast Asia, online operations at casinos and online gaming establishments are common, with Cambodia, Laos, Myanmar, and the Philippines being the main destinations -Thailand is a transit zone. Although the authorities of some countries have stepped up law enforcement, inspections, and border controls, the situation of online labor scams shows no signs of decreasing.¹² Particularly: ⁽¹⁾In the Philippines, some prostitution rings use messaging applications to post pictures of girls showing off their bodies to invite customers. Prostitutes often come from China, Vietnam, Czech, and Russia... they are willing to provide services to employees working in the online gambling industry at “exorbitant” prices. ⁽²⁾In China, 14 Vietnamese people who entered China (Taiwan) illegally were went missing and were shipwrecked, and most were determined to have died. Taiwan continues to detect Vietnamese people illegally residing on fishing boats anchored offshore. These people are all Vietnamese citizens who were deported for entering the country and working illegally.⁽³⁾ In France, French police discovered 6 women, including 4 believed to be Vietnamese citizens, in a refrigerated cargo truck in Lyon City, France. This group of people had modern knowledge and were even educated to a certain level, but they still intentionally broke the law many times. ⁽⁴⁾In the United States, 6 Vietnamese people were arrested in the American state of Maine while trying to cross the border from Canada illegally. They were found in a vehicle, suspected of having paid to be brought into the United States. Human trafficking gangs have helped many

¹² According to Vietnamese representative agencies in Myanmar and Laos, about 10,000 Vietnamese citizens are working at casinos and game businesses in the Myanmar border area. In 2023, about 1,300 citizens were rescued from casinos in Laos, Cambodia, and Myanmar, and nearly 700 people were rescued from online gambling establishments in the Philippines; 1,015 people were brought home from Myanmar in December 2023. In Battambang, Cambodia, 31 citizens were rescued from cyber scam operations.

Vietnamese people are smuggled from Canada and Mexico to the U.S. because it is easier to get visas to Canada and then guide them to travel overland to the U.S. Using WhatsApp, brokers instruct victims on how to travel throughout the journey from Vietnam to the U.S., and how to transfer deposits and payments. ⁽⁵⁾In Cuba, immigration authorities arrested and deported 22 Vietnamese tourists back to their place of origin,¹³ ⁽⁶⁾In Mexico, authorities arrested 29 Vietnamese citizens who had illegally entered and resided in Mexican territory.¹⁴ There were also cases where citizens have been taken to some Middle Eastern and African countries to engage in prostitution.

Human trafficking crimes in Vietnam, domestically and abroad, especially in China and ASEAN countries, continue to be complicated and have increased compared to 2022 ¹⁵. Popular tricks include ⁽¹⁾Criminals using the internet (Zalo, Facebook, Telegram, smartphones...), setting up jobs recruitment pages, dating applications, singles groups, using fake names and addresses to make friends, get acquainted, flirt, promise to find high-income jobs, and then trick them into working as service staff at businesses (karaoke bars, hairdressers, massage parlors, etc.); here it is worth noting the discovery of cases where subjects impersonated authorities to deceive and sell victims between different business establishments. ⁽²⁾ Criminals in Vietnam colluding with Vietnamese criminals abroad (Thailand, Myanmar) to search for and lure victims to come to Myanmar for high-paying work, selling kidneys, recruiting victims via Zalo... then guiding the victims on how to travel to Myanmar (direct flights); or victims travelled to the Vietnam – Laos border, illegally crossed the border into Laos, were picked up by Lao criminals who escorted the victims to Myanmar; or the victims applied to work abroad themselves, moved to Thailand, and then moved to Myanmar. In Myanmar, victims were forced to do jobs such as online scamming and working in casinos owned by Chinese people; during the process, the victims were mistreated and forced to work; if they wanted to return home, they had to pay a hefty ransom. Some tried to escape; some died at work. ⁽³⁾ Criminals in Vietnam collude and connect with Chinese entities for brokerage and to organize surrogacy for commercial purposes, then sell newborn babies abroad and buy and sell human body parts.¹⁶

II. RESULTS

1. Advisory and direction work

The Ministry of Public Security plays its role well as the lead agency of Steering Committee 138/CP; it has advised the committee to issue 3 plans on: Implementing activities to prevent and combat human trafficking prevention in 2023; directing the implementation of the Human Trafficking Prevention Program in 06 localities (Hai

¹³ Of these, 21 were for reasons related to trying to leave the country illegally, and one was for reasons related to not complying with entry regulations.

¹⁴ Of these, 16 were concluded by local authorities to be victims of human trafficking crimes and were granted humanitarian visas (term) to stay in Mexico to serve investigation work.

¹⁵ Handled, investigated and continued to investigate 147 cases/365 subjects, an increase of 57 cases compared to 2022.

¹⁶ Border Guards of Cao Bang province arrested 06 subjects and rescued one 15-day-old infant. Thua Thien Hue Provincial Police established a reconnaissance project to fight criminals organizing surrogacy for commercial purposes, prosecuting 02 defendants.

Phong, Cao Bang, Ha Tinh, Binh Phuoc, Dong Nai, Dak Lak) and implementing key activities as part of the agreement between Vietnam and Laos on cooperation in preventing and combating human trafficking and protecting victims of trafficking in the period 2023 - 2025; and reporting to the Prime Minister and the Standing Committee of the Secretariat on the U.S. State Department's promotion of Vietnam to *Tier 2— Watch list* in the 2023 TIP Report.

The Ministry of National Defense issued 03 plans to implement the Program to prevent and combat human trafficking in 2023; directed the Border Guard and Coast Guard to grasp the situation in the area, patrol and strictly control borders and sea areas; strengthened essential professional work, implemented plans, established specialized human trafficking projects, controlled illegal exit and entry, detected, prevented and handled human trafficking crimes, controlled immigration; and improved the effectiveness of propaganda and prevention activities.

The Supreme People's Court issued plans and documents directing the implementation of the 2023 program to prevent and combat human trafficking associated with the implementation of Conclusion No. 13-KL/TW dated August 16, 2021, of the Politburo on continuing to implement Directive No. 48-CT/TW on strengthening the Party's leadership in combating crime in the new era.¹⁷

The Ministry of Labor, Invalids and Social Affairs directed functional units to focus on implementing tasks and solutions to prevent and combat human trafficking, especially receiving and supporting trafficking victims. The report provides information to develop Vietnam's national report under the Fourth Cycle of the Universal Periodic Review (UPR).

The Ministry of Justice disseminated an implementation plan to prevent and combat human trafficking in association with the plan to strengthen implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the appropriate recommendations of the Committee Against Torture; summarizing ten years of implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

The Ministry of Culture, Sports and Tourism organized and implements the goals, tasks, and solutions of the Project "Preventing crime and preventing and combating violations of the law in cultural, sports and tourism activities" between 2021-2025.

The Supreme People's Procuracy disseminated a plan to prevent and combat human trafficking in 2023¹⁸, as well as professional guidance documents on crime prevention and anti-trafficking;¹⁹ coordinated with the Investigation Agency and the

¹⁷ Plan No. 16/TANDTC-TH dated February 21, 2023, on implementing programs to prevent and combat drug crimes, prostitution and human trafficking in 2023; Official Dispatch No. 44/TANDTC-TH dated March 24, 2023, directing the implementation of the 2023 Human Trafficking Prevention and Control Program in localities: Hai Phong, Cao Bang, Ha Tinh, Binh Phuoc, Dong Nai, Dak Lak.

¹⁸ Plan No. 37/KH-VKSTC, dated March 14, 2023, outlines the implementation of human trafficking prevention and combat in 2023.

¹⁹ Such as instructions on collaborating in exercising prosecutorial power, investigating and supervising the first instance of economic cases in 2023; implementation of the right to prosecute and supervise

Court to select a number of key cases to urgently investigate, prosecute, and adjudicate, serving propaganda, deterrence, and prevention goals.

The Ministry of Foreign Affairs continued to direct Vietnamese representative agencies abroad to monitor the situation of human trafficking crimes concerning Vietnamese citizens; promoted propaganda and dissemination of policies and laws to the Vietnamese community abroad and cooperated with host countries to learn about related situations and policies; recommend solutions to the Prime Minister about how to take advantage of, mobilize and influence the U.S. to take Vietnam out of Tier 2—Watch list, while avoiding loopholes that the U.S. can take advantage of to interfere in Vietnam's internal affairs.

The Central Vietnam Women's Union disseminated guidance documents on the Resolution of the National Women's Congress, the movement to develop the situation of women in the new era, and the campaign to create families that meet the criteria of "5 no, 3 clean", ensuring that people have no relatives who violate the law or suffer from social evils; agreed on new programs, made coordination plans, and managed cooperation projects with agencies, ministries, and international organizations in the country.

In localities: Localities carefully implemented the work of combating human trafficking. They directed the police force to coordinate with departments, branches, unions, and district and city-level Steering Committee 138 to combat human trafficking according to the motto "*prevention is a priority; prevent and pre-empt, targeting, targeting right, targeting the roots of trafficking crimes*" in the spirit of "*active, urgent, effective.*"

2.Prevention of human trafficking crimes

The Ministry of Public Security, in coordination with the Central Vietnam Women's Union, organized a ceremony to join hands in preventing and combating human trafficking. The theme for the "day for all citizens to prevent and combat human trafficking" and for the "international day to prevent and combat human trafficking" in 2023 was announced to be "opening arms to victims of human trafficking so that no one is left behind." The press agencies of the People's Public Security force and local police promoted information and propaganda to raise the awareness and responsibility of all levels, sectors, officials, party members, and people in the field human trafficking prevention and combat; raising awareness about the methods and tricks of human trafficking criminals so that people can be alert, detect, and denounce crimes.

The Ministry of National Defense directs units throughout the Army, especially the Border Guard and Coast Guard, to coordinate with party committees, local authorities, and relevant forces to organize propaganda and mobilize people to comply with the regulations on human trafficking, illegal immigration, new methods and tactics of human trafficking crimes, with a particular focus on propaganda to groups at high risk

criminal trials in 2023; Supervise detention, temporary detention and execution of criminal sentences in 2023; the exercise of prosecutorial power, investigation supervision, and first-instance trial of drug cases in 2023; management and settlement of state compensation claims in criminal proceedings and responsibilities of the Procuracy in 2023,...

of being trafficked, groups that legally migrate abroad to find work, promptly prevent workers from being lured and deceived by criminals. Directed press agencies in the Army to develop, post, and broadcast thousands of news segments and articles on the results of efforts to prevent and combat human trafficking.²⁰

The Ministry of Labor, Invalids and Social Affairs organized a communication activity in response to the “day for all people to prevent and combat human trafficking” for students of the University of Labor and Social Affairs, Ho Chi Minh City University of Industry; participated in propagandizing and disseminating policies and laws on VTV1, Security TV, National Assembly TV.

The Ministry of Justice deploys communication activities on the right to legal aid of legal aid beneficiaries, including victims of trafficking, through many forms, such as creating skits, question and answer on legal cases, a team of mediators at grassroots levels across the country has detected early and promptly reconciled conflicts and disputes in the community, preventing civil disputes from turning them into violations of the law or criminal offenses, contributing to plays a huge role in stabilizing order, social safety, and relieving frustrations and disagreements among the people.

The Central Vietnam Women’s Union launched and organized the online contest “Learn about the 2022 Law on Prevention And Combat Against Domestic Violence” and, at the same time, propagated on the Electronic Information Portal and the association’s page about some new points of the 2022 Law on Prevention And Combat Against Domestic Violence (amended); successfully organized a media event and legal consultation on social security policies of the Party and State associated with a mock trial on domestic violence prevention and combat for 200 members, women and community members of Hue city, Thua Thien - Hue province...

The functional forces (Police, Border Guard, Coast Guard) have done a good job of professional prevention, grasping the situation of human trafficking crimes and related subjects; make a list of wanted subjects, citizens illegally entering and exiting the country, gangs, and lines with signs of human trafficking and activities of illegally sending people to and from the country; focus on managing objects in the grassroots area. Implement all aspects of state management of security and order, especially population management, household registration, temporary residence, and temporary absence; immigration management; management of foreigners and management, review, and administrative inspection of businesses with security conditions (such as business establishments, accommodation rentals, restaurants, bars, etc.) bars, karaoke, massage, dance halls, resorts, entertainment areas, etc.) and strengthen patrols and strict control of borders, border gates, and border areas to promptly detect and prevent activities human trafficking abroad (both legal and illegal).

3.The work of fighting, investigating, prosecuting, and adjudicating human trafficking crimes

²⁰ Organized the integration of propaganda and law dissemination in 65,809 sessions/2,002,661 participants through local loudspeaker systems and Border Guard loudspeakers 25,099 hours; distributed 504,018 leaflets and slogans; posted and broadcast more than 12,000 news articles and reports on mass media; promptly prevented 926 Vietnamese citizens (at risk of being trafficked if they went abroad) from leaving the country to find jobs right at the border gate.

The diligent efforts of the competent forces have led to the resolution of **160** denunciations, crime reports, and recommendations for prosecution. They have handled and investigated **147 cases/365** subjects who committed human trafficking crimes, as specified in Article 150, Article 151, Penal Code. These efforts have resulted in the identification of **311** victims of trafficking (116 men, 195 women) across various cases (human trafficking: **72 cases/152** subjects, human trafficking under 16 years old: 75 cases/213 subjects).

People's Courts at all levels have accepted, according to first instance procedures, **131 cases/373** defendants who committed crimes of human trafficking, trafficking of people under 16 years old, and related crimes. Of the **88** cases, **225** defendants were tried; the Courts sentenced **28** defendants to imprisonment from over 15 years to 20 years; over seven years to 15 years for **105** defendants; over three years to 7 years for **76** defendants; prison term of 3 years or less for **12** defendants. Of the **225** defendants brought to trial, the number of defendants from ethnic minorities accounts for 25%; female defendants account for 22.7%.

4. Verification, identification, rescue, and support for victims of trafficking

Authorities have received and verified **650** cases and identified **311** victims of trafficking. After being rescued, the victims receive initial support (arranging food, temporary rest, psychological counseling, initial health care, travel expenses, etc.) and rehabilitation support. Community integration (financial support to stabilize life, vocational training support, employment support, cultural education, legal support, etc.) helps victims quickly stabilize their psychology and life.

The hotline for consulting and supporting victims of human trafficking (Call center 111) received **1,774** calls, a decrease of **660** calls compared to 2022. Of these, there were 1,365 calls requesting general information about the activities of the human trafficking hotline, the human trafficking situation in Vietnam, and other issues such as migration, labor export, or employment...).

5.The work of perfecting policies and laws related to human trafficking prevention and combat continues to be implemented by the Ministry of Public Security and other central and local ministries, departments, and branches.

The Ministry of Public Security and the Ministry of Justice closely coordinate with ministries and local branches to focus on summarizing the implementation of the Law on Prevention and Combat of Trafficking in Persons; Implement tasks to develop the Law on Prevention and Combat of Trafficking in Persons (amended) according to the provisions of the Law on Promulgation of Legal Documents. Organize and complete the draft, collect comments from relevant ministries, branches, localities, and agencies, and post the draft on the Ministry of Public Security's electronic information portal and the Government's electronic information portal to Collect opinions from agencies, organizations, and individuals.

The Council of Judges of the Supreme People's Court has passed precedents on criminal prosecution for the crime of "Human Trafficking" and determined the crime of "Human Trafficking," according to Decision No. 364/QD-CA dated October 1, 2023; evaluate the practice of law enforcement regarding problems in the practice of adjudicating human trafficking cases at People's Courts at all levels as a basis for promulgating documents guiding the uniform application of the law. The Supreme People's Procuracy coordinates with relevant ministries, branches, and National Assembly Committees to comment on law projects; Participates in verifying and revising ordinances and resolutions of the National Assembly Standing Committee related to crime prevention and control; Deploys the development of a Joint Circular on coordination in several investigation, prosecution, and adjudication activities of criminal cases between agencies conducting proceedings inside and outside the Army.

6. International cooperation work

Organize and develop programs and plans to implement agreements and cooperation between Vietnam and other countries on human trafficking prevention and control. Continue to expand international cooperation, actively exchange, negotiate, and sign criminal legal assistance agreements and cooperation agreements and protocols; Organize preliminary reviews, summaries, and assessments of the effectiveness of bilateral cooperation activities between Vietnam and Laos, England, and Thailand in preventing and combating human trafficking; Summary of implementation of the Agreement between the Governments of Vietnam and Cambodia on bilateral cooperation to eliminate trafficking in women and children and help victims of trafficking in 2005 and Agreement on standard procedures in identifying identify and repatriate victims of trafficking.

Organize conferences, seminars, and training, work with partners to exchange situation information, and promote cooperation in preventing human trafficking. Direct police units and localities to coordinate with competent forces of host countries in exchanging information, fighting human trafficking crimes, and verifying and rescuing Vietnamese victims being trafficked and pursuing human trafficking criminals.²¹

Proactively provide external information about Vietnam's efforts to prevent and combat human trafficking at forums and multilateral and bilateral cooperation mechanisms on human trafficking prevention and combat. Actively participated in contributing opinions at forums and multilateral cooperation mechanisms on preventing and combating human trafficking at ten meetings within the framework of the Bali Process on preventing and combating illegal migration and human trafficking, and related transnational crimes, co-chairing with New Zealand the Bali

²¹ Through INTERPOL channel: received and processed 04 foreign requests from INTERPOL channel, British Police, Myanmar, Thailand, and Cambodia, and ten requests from Yen Bai Provincial Police. Instruct the police of the provinces Lao Cai, Lai Chau, Yen Bai, and Tuyen Quang to complete the dossier to request the INTERPOL General Secretariat to issue an international arrest warrant for 17 human trafficking offenders. Receive and process 02 requests for mutual legal assistance (01 request from Cambodia to verify information about 02 subjects who are Vietnamese citizens committing human trafficking crimes in Cambodia and 01 request from Hungary in human trafficking cases involving Vietnamese citizens).

Process Working Group on dismantling migrant smuggling and human trafficking networks. Participate in a high-level dialogue on addressing transnational crimes and human trafficking related to fraudulent activities in Southeast Asia.

Local authorities (Police, Courts, National Defense) closely coordinate with law enforcement agencies of neighboring countries (China, Laos, Cambodia) to promptly exchange information and maintain hotlines, coordinate investigation, arrest, transfer, and pursue human trafficking criminals, and receive and support trafficking victims.

III. LIMITATIONS

Besides the results achieved, the work of preventing and combating human trafficking still has some difficulties and limitations, such as:

- The process of amending the Law on Prevention and Combat of Trafficking in Persons is still slow compared to the proposed plan; the process of amending the order and procedures for verifying, identifying, receiving, and returning victims is still cumbersome, overlapping, and not consistent with practice.
- We still do not have a centralized and unified database system for human trafficking prevention and combat; law enforcement data has not been broken down by criteria such as age group, gender, behavior, place of origin, and place of destination. At the same time, there is no official data on prosecution, which differs significantly from investigation and trial data; trial data has not been separated according to Articles 150 and 151 of the Criminal Code but is still being reported together with several other crimes.
- The work of classifying, verifying, receiving, and supporting victims of trafficking remains challenging, especially when functional units organize the reception of large numbers of Vietnamese citizens who worked illegally overseas and returned to Vietnam; some Vietnamese people who illegally entered or resided abroad, when arrested, self-identified as “human trafficking victims” to reduce the crime, making it difficult for authorities to verify and influence the investigation affecting the reputation and image of Vietnam; many support service providers do not have enough capacity to meet the needs of victims of trafficking, especially helping this group reintegrate into the community and escape psychological trauma.
- Human trafficking criminals operate inter-district and inter-provincial; their tactics are increasingly sophisticated, and they frequently change their methods of operation to deal with the police and communicate and exchange information. Human trafficking activities are mostly through applications on social networks, making prevention, detection, fighting, and prevention difficult.
- Law propaganda, dissemination, and education have yet to be implemented synchronously and effectively in some units and localities. Many propaganda activities have yet to be effective in reality but are still formal, chasing

quantity; there is no form of propaganda for all groups of people at high risk of being trafficked...

- The coordination and exchange of information to serve the prevention and combat of human trafficking crimes between agencies, departments, branches, party committees, grassroots authorities, and functional forces is not regular and strict, affecting the system's effectiveness of crime prevention and control; the exchange of information about cases and cases between the Criminal Police Force, Border Guard, and related units is sometimes not timely, mainly in batches, so the public is limited to prevention, detection, investigation, and handling of crimes, especially in cases where subjects reside in different areas.
- The work of understanding the situation in some units and areas still needs to be proactive, confusing the process of resolving some cases and the quality of resolution and review.
- The trial of cases of human trafficking is not high; the responsibilities of the heads of party committees and authorities in some grassroots areas for not being decisive in leading and directing the work of preventing human trafficking crimes, and even lacking a sense of responsibility, avoiding and offering gifts. Currently covering up and "protecting" criminal activities.
- Difficulties in evaluating evidence for cases that happened a long time ago, some over ten years old, discovered because the victim reported; some cases were prosecuted by the Border Guard and transferred to the investigation agency, but the evidence was incomplete; in many cases, victims suspected of being trafficked did not coordinate communication and support promptly from the beginning, causing difficulties in verifying and rescuing victims.
- There is no comprehensive assessment of the allocation and use of funds for human trafficking prevention and combat each year, from central to local levels.

From the results of implementing the Human Trafficking Prevention and Control Program in 2023, Steering Committee 138/CP requests ministries, central branches, and localities to urgently direct and summarize lessons learned; Develop programs and plans for human trafficking prevention and combat in 2024, ensuring social order, safety and the peaceful and happy life of the People.

Recipients:

- Prime Minister (to report);
- Chairman of Steering Committee 138/CP (to report);
- Minister of Public Security, Deputy Chief of the Standing Steering Committee 138/CP
- National Assembly House;
- Office of the President;
- Office of Government;
- Ministries and branches that are members of the Steering Committee 138/CP;
- People's Committees of provinces and centrally run cities;

**ON BEHALF OF THE CHAIRMAN
DEPUTY CHIEF**

**DEPUTY MINISTER OF POLICE
Senior Lieutenant General Nguyen Duy Ngoc**

- Police of provinces and centrally run cities;
- Saved: VT, Steering Committee (V01-P3).

REFERENCES

-
- ¹ Government Accountability Office (2016, Dec. 5). Human Trafficking: State has made improvements in its annual report but does not explicitly explain certain tier rankings or changes. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528030929/https://www.gao.gov/products/gao-17-56>
- ² U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ³ Victims of Trafficking and Violence Protection Act of 2000. 22 U.S.C. § 7106. Retrieved June 19, 2024, from [https://web.archive.org/web/20240617110726/https://uscode.house.gov/view.xhtml?req=\(title:22%20section:7106%20edition:prelim](https://web.archive.org/web/20240617110726/https://uscode.house.gov/view.xhtml?req=(title:22%20section:7106%20edition:prelim)
- ⁴ Szep, Jason & Spetalnick, Matt (2015, Aug. 3). Special Report: State Department watered down human trafficking report. Reuters. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528030136/https://www.reuters.com/article/idUSKCN00821X/>
- ⁵ Landay, Jonathan & Spetalnick, Matt (2019, June 19). Exclusive: Overruling his experts, Pompeo keeps Saudis off U.S. child soldiers list. Reuters. Retrieved June 11, 2024, from <https://www.reuters.com/article/idUSKCNITJ255/>
- ⁶ Landay, Jonathan & Spetalnick, Matt (2019, June 19). Exclusive: Overruling his experts, Pompeo keeps Saudis off U.S. child soldiers list. Reuters. Retrieved June 11, 2024, from <https://www.reuters.com/article/idUSKCNITJ255/>
- ⁷ Human Trafficking Search (2022, Nov. 29). TIP-ping the Scales: Bias in the Trafficking in Persons Report? Retrieved June 18, 2024, from <https://humantraffickingsearch.org/tip-ping-the-scales-bias-in-the-trafficking-in-persons-report/>
- ⁸ U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ⁹ Congressional Research Service (2019, Oct. 30). The State Department's Trafficking in Persons Report: Scope, Aid Restrictions, and Methodology. Retrieved June 11, 2024, from <https://web.archive.org/web/20240617125518/https://sgp.fas.org/crs/row/R44953.pdf>
- Tiefenbrun, Susan (2010). Decoding International Law, 1st ed. (New York: Oxford University Press). p.426.
- ¹⁰ Government Accountability Office (2016, Dec. 5). Human Trafficking: State has made improvements in its annual report but does not explicitly explain certain tier rankings or changes. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528030929/https://www.gao.gov/products/gao-17-56>
- ¹¹ Tình Hình Lừa Đảo Lao Động Qua Mạng Chưa Có Dấu Hiệu Giảm (2024, Feb. 6). Biên phòng. Retrieved May 20, 2024, from <https://web.archive.org/web/20240403080200/https://www.bienphong.com.vn/tinh-hinh-lua-dao-lao-dong-qua-mang-chua-co-dau-hieu-giam-post472383.html>
- ¹² Tran, Angie Ngoc (2024, March 8). Vietnam's labour brokerage state enables worker abuse in Saudi Arabia. New Mandala. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528031329/https://www.newmandala.org/vietnams-labour-brokerage-state-enables-worker-abuse-in-saudi-arabia/>
- ¹³ Tran, Angie Ngoc (2024, March 8). Vietnam's labour brokerage state enables worker abuse in Saudi Arabia. New Mandala. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528031329/https://www.newmandala.org/vietnams-labour-brokerage-state-enables-worker-abuse-in-saudi-arabia/>

-
- ¹⁴ Tran, Angie Ngoc (2024, March 8). Vietnam's labour brokerage state enables worker abuse in Saudi Arabia. New Mandala. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528031329/https://www.newmandala.org/vietnams-labour-brokerage-state-enables-worker-abuse-in-saudi-arabia/>
- ¹⁵ Tran, Angie Ngoc (2024, March 8). Vietnam's labour brokerage state enables worker abuse in Saudi Arabia. New Mandala. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528031329/https://www.newmandala.org/vietnams-labour-brokerage-state-enables-worker-abuse-in-saudi-arabia/>
- ¹⁶ Tran, Angie Ngoc (2024, March 8). Vietnam's labour brokerage state enables worker abuse in Saudi Arabia. New Mandala. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528031329/https://www.newmandala.org/vietnams-labour-brokerage-state-enables-worker-abuse-in-saudi-arabia/>
- ¹⁷ U.S. Department of State (2022). 2022 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528031645/https://www.state.gov/reports/2022-trafficking-in-persons-report/vietnam/>
- ¹⁸ Tran, Angie Ngoc (2024, March 8). Vietnam's labour brokerage state enables worker abuse in Saudi Arabia. New Mandala. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528031329/https://www.newmandala.org/vietnams-labour-brokerage-state-enables-worker-abuse-in-saudi-arabia/>
- ¹⁹ U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ²⁰ Nguyễn, Thuận Hoà (2024, March 11). V/v thông báo triển khai tuyển dụng lao động đi làm việc ở nước ngoài theo hợp đồng đối với Công ty CP hợp tác nhân lực quốc tế VINACO, No. 156//LĐTĐBXH. UBND Huyện Tu Mơ Rông, Phòng Lao Động – TBXH. Retrieved May 20, 2024, from https://web.archive.org/web/20240527125840/http://daktokan.huventumorong.kontum.gov.vn/upload/104973/20240312/11_3_2024_vv_CV_thong_bao_tuyen_LD_cong_ty_CPPT_nhan_luc_quoc_te_VINACO_70286.pdf
- ²¹ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.5. Bộ Công An.
- ²² Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.5. Bộ Công An.
- ²³ Hà, Kim Ngọc (2023, June 22). Báo cáo về việc nội dung liên quan đến Việt Nam trong Báo cáo năm 2023 của Bộ Ngoại giao Hoa Kỳ về tình hình mua bán người trên thế giới, No. 2941/BC-BNG-LS, p.2. Bộ Ngoại Giao. Retrieved May 27, 2024, from <https://web.archive.org/web/20240527092550/https://qpl.dienbien.gov.vn/qlvb/vbpg.nsf/str/8BB7C03E4B02CCB6472589E00047E853#>
- ²⁴ Hà, Kim Ngọc (2023, June 22). Báo cáo về việc nội dung liên quan đến Việt Nam trong Báo cáo năm 2023 của Bộ Ngoại giao Hoa Kỳ về tình hình mua bán người trên thế giới, No. 2941/BC-BNG-LS, p.4. Bộ Ngoại Giao. Retrieved May 27, 2024, from <https://web.archive.org/web/20240527092550/https://qpl.dienbien.gov.vn/qlvb/vbpg.nsf/str/8BB7C03E4B02CCB6472589E00047E853#>
- ²⁵ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.1. Bộ Công An.
- ²⁶ Nguyễn, Duy Ngọc (2024). Báo Cáo Tình hình, kết quả công tác phòng, chống mua bán người năm 2023, p.5. Ban Chỉ Đạo 138/CP.

-
- ²⁷ Nguyễn, Duy Ngọc (2024). Báo Cáo Tình hình, kết quả công tác phòng, chống mua bán người năm 2023, p.5. Ban Chỉ Đạo 138/CP.
- ²⁸ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.2. Bộ Công An.
- ²⁹ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.2. Bộ Công An.
- ³⁰ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.2-3. Bộ Công An.
- ³¹ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.3. Bộ Công An.
- ³² Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.4. Bộ Công An.
- ³³ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, pp.3–4. Bộ Công An.
- ³⁴ Anti-human trafficking law revised to better match int'l treaties: minister (June 7, 2024). Vietnam Plus. Retrieved June 8, 2024, from <https://web.archive.org/web/20240611164628/https://en.vietnamplus.vn/anti-human-trafficking-law-revised-to-better-match-intl-treaties-minister-post288264.vnp>
- ³⁵ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.2. Bộ Công An.
- ³⁶ U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ³⁷ U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ³⁸ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.4. Bộ Công An.
- ³⁹ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.4. Bộ Công An.
- ⁴⁰ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.3. Bộ Công An.
- ⁴¹ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.3. Bộ Công An.
- ⁴² Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.5. Bộ Công An.

-
- ⁴³ U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ⁴⁴ U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ⁴⁵ Nguyễn, Duy Ngọc (2024). Báo Cáo Tình hình, kết quả công tác phòng, chống mua bán người năm 2023. p.7. Ban Chỉ Đạo 138/CP.
- ⁴⁶ Nguyễn, Duy Ngọc (2024). Báo Cáo Tình hình, kết quả công tác phòng, chống mua bán người năm 2023. p.2. Ban Chỉ Đạo 138/CP.
- ⁴⁷ Nguyễn, Duy Ngọc (2024). Báo Cáo Tình hình, kết quả công tác phòng, chống mua bán người năm 2023. p.2. Ban Chỉ Đạo 138/CP.
- ⁴⁸ Hà, Kim Ngọc (2023, June 22). Báo cáo về việc nội dung liên quan đến Việt Nam trong Báo cáo năm 2023 của Bộ Ngoại giao Hoa Kỳ về tình hình mua bán người trên thế giới, No. 2941/BC-BNG-LS, p.4. Bộ Ngoại Giao. Retrieved May 27, 2024, from <https://web.archive.org/web/20240527092550/https://qpl.dienbien.gov.vn/qlvb/vbpq.nsf/str/8BB7C03E4B02CCB6472589E00047E853#>
- ⁴⁹ U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ⁵⁰ Nguyễn, Duy Ngọc (2024). Báo Cáo Tình hình, kết quả công tác phòng, chống mua bán người năm 2023. p.9. Ban Chỉ Đạo 138/CP.
- ⁵¹ Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.3. Bộ Công An.
- ⁵² Đặng, Hồng Đức (2024, Feb. 18). V/v một số vấn đề cần lưu ý Trong quá trình chuẩn bị nội dung trả lời Bộ câu hỏi liên quan đến Báo cáo TIP năm 2024, No. 647/BCA-VP, p.2. Bộ Công An.
- ⁵³ Swanton, Ben & Altman-Lupu, Michael (2024, March 1). Vietnam's leaders declare war on human rights as a matter of official policy: An analysis of secret Directive 24. Project88. <https://web.archive.org/web/20240522152235/https://the88project.org/wp-content/uploads/2024/02/D24-report-final.pdf>
- ⁵⁴ Swanton, Ben & Altman-Lupu, Michael (2024, March 1). Vietnam's leaders declare war on human rights as a matter of official policy: An analysis of secret Directive 24. Project88. <https://web.archive.org/web/20240522152235/https://the88project.org/wp-content/uploads/2024/02/D24-report-final.pdf>
- ⁵⁵ Swanton, Ben & Altman-Lupu, Michael (2024, March 1). Vietnam's leaders declare war on human rights as a matter of official policy: An analysis of secret Directive 24. Project88. <https://web.archive.org/web/20240522152235/https://the88project.org/wp-content/uploads/2024/02/D24-report-final.pdf>
- ⁵⁶ Swanton, Ben & Altman-Lupu, Michael (2024, March 1). Vietnam's leaders declare war on human rights as a matter of official policy: An analysis of secret Directive 24. Project88. <https://web.archive.org/web/20240522152235/https://the88project.org/wp-content/uploads/2024/02/D24-report-final.pdf>
- ⁵⁷ Swanton, Ben & Altman-Lupu, Michael (2024, March 1). Vietnam's leaders declare war on human rights as a matter of official policy: An analysis of secret Directive 24. Project88. <https://web.archive.org/web/20240522152235/https://the88project.org/wp-content/uploads/2024/02/D24-report-final.pdf>

-
- ⁵⁸ International Trade Administration (2024, April 7). Comment on FR Doc #2023-23849. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528033030/https://www.regulations.gov/comment/ITA-2023-0010-0107>
- ⁵⁹ U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ⁶⁰ Campbell, Kurt (2016). The Pivot: The future of American Statecraft in Asia (1st ed). Twelve. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528033529/https://www.hachettebookgroup.com/titles/kurt-campbell/the-pivot/9781455568956/?lens=twelve>
- ⁶¹ The White House (2023, Sept. 11). Joint Leader's Statement: Elevating United States-Vietnam relations to a comprehensive strategic partnership. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528033822/https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/11/joint-leaders-statement-elevating-united-states-vietnam-relations-to-a-comprehensive-strategic-partnership/>
- ⁶² Sources: Market status a top ask for Vietnam ahead of U.S. partnership upgrade (2024, June 7). Inside Trade. Retrieved June 11, 2024, from <https://web.archive.org/web/20240617154757/https://insidetrade.com/daily-news/sources-market-status-top-ask-vietnam-ahead-us-partnership-upgrade>
- ⁶³ Sources: Market status a top ask for Vietnam ahead of U.S. partnership upgrade (2024, June 7). Inside Trade. Retrieved June 11, 2024, from <https://web.archive.org/web/20240617154757/https://insidetrade.com/daily-news/sources-market-status-top-ask-vietnam-ahead-us-partnership-upgrade>
- ⁶⁴ Hà, Kim Ngọc (2023, June 22). Báo cáo về việc nội dung liên quan đến Việt Nam trong Báo cáo năm 2023 của Bộ Ngoại giao Hoa Kỳ về tình hình mua bán người trên thế giới, No. 2941/BC-BNG-LS, p.4. Bộ Ngoại Giao. Retrieved May 27, 2024, from <https://web.archive.org/web/20240527092550/https://qpl.dienbien.gov.vn/qlvb/vbpa.nsf/str/8BB7C03E4B02CCB6472589E00047E853#>
- ⁶⁵ U.S. Department of State (2023). 2023 Trafficking in Persons Report: Vietnam. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528032410/https://www.state.gov/reports/2023-trafficking-in-persons-report/vietnam/>
- ⁶⁶ Congressional Research Service (2024, Jan. 17). U.S.-Vietnam Relations. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528035459/https://crsreports.congress.gov/web/20240528035459/https://crsreports.congress.gov/product/pdf/IF/IF10209>
- ⁶⁷ Zachary Abuza (2024, April 26). Ouster of parliament chief bares Vietnam corruption, power struggle. Radio Free Asia. Retrieved May 20, 2024, from <https://web.archive.org/web/20240528035427/https://www.rfa.org/english/commentaries/vietnam-politics-hue-04262024150439.html/ampRFA>

Project 88, Add date Here (CC BY-NC 4.0)
About Creative Commons license 4:

This work is created under the Creative Commons Attribution-Non-Commercial 4.0 International license. You are free to share, copy and redistribute the material or adapt upon the material, provided you:

1. Give credit to Project 88.
2. Do not use this work for commercial purposes.
3. Distribute any works derived from this publication under a license identical to this one.

To access the full legal text of this license, please visit:
Add Link Here

Suggested citation: Swanton, Ben & Altman Lupu, Michael. (2024, June 20). Is the State Department Helping Vietnam to get away with human trafficking? Vietnamese internal documents reveal cover-up of government officials involved in trafficking ring. Project88.

