



MINISTRY OF LABOUR, INVALIDS AND SOCIAL AFFAIRS  
DEPARTMENT OF SOCIAL VICIES PREVENTION



**USAID**  
FROM THE AMERICAN PEOPLE

**EpiC**  
Meeting Targets and  
Maintaining Epidemic Control



# Supporting Victims of Human Trafficking Policy Report Summary

In 2011, Vietnam passed its first Law on Preventing and Combatting Human Trafficking (known as the TIP Law) and an accompanying set of legal documents on victim support. After nine years of implementation, the Ministry of Public Security has been tasked with coordinating interagency feedback and recommendations on revisions for the law.

The Ministry of Labor, Invalids, and Social Affairs, and its Department of Social Vices Protection (DSVP), have specific mandates to support people who have experienced trafficking. As part of the law revision process, the Meeting Targets and Maintaining Epidemic Control (EpiC) project is leveraging funding from the United States Agency for International Development to support the DSVP to review legal policies and practices in victim support. This briefing serves as a summary of the policy recommendations made through a consultative process between the DSVP, EpiC, and relevant ministries, agencies, and organizations.

## Process for developing recommendations



Identify relevant policies and practices



Analyze and evaluate regulations



Develop detailed report with specific recommendations for each issue



Consult with relevant experts through national technical and workshops, update and finalize report

## Key findings and recommendations

### Intersectoral coordination, procedures, and service standards

#### Findings

- Regulations on victim support do not include comprehensive procedures for receiving, screening, and referring clients to supplemental services. Further, some guidance is unclear, or contradictory across several relevant legal documents. Regulations on service standards and conditions identify which services should be provided, but do not specify the facilities, competencies, and qualifications required for staff who provide victim support.

#### Recommendations

- Amend the TIP Law to include specific and consistent instructions guiding processes, procedures, and organizational responsibilities for victim support. It should also stipulate the financial and technical standards for victim support services. The revised law should serve as a basis for relevant agencies to determine the unit price and budget required to meet victim support service needs from state resources.

## Target groups

### Findings

- The TIP Law specifies groups eligible to receive victim support and the types of support. However, some groups that request support from local governments are not listed, including trafficked foreigners returned through Vietnam.
- Unverified victims, especially returnees who freely opt to return, are not nationally recognized or listed for support. Local authorities solely determine whether these persons should receive services, which may lead to inconsistent provision of services and missed opportunities.

In Vietnam, “poor households” and “near-poor households” are official government designations that allow individuals and families to access social support.

## Victim support regulations

### Findings

- There is no directive on the costs associated with interpretation for non-Vietnamese speakers, including both foreign and ethnic minority victims. In addition, there is no guidance on costs associated with travel and interpretation expenses for foreign victims. For Vietnamese victims, Decree 09/2013/ND-CP only stipulates travel support for minors and individuals without money.
- Regulations only mandate support to individuals from poor households; this limits the number of victims that are eligible to access social assistance services, affecting reintegration efforts.
- The TIP Law and Decree No. 09/2013/ND-CP stipulate that victims of trafficking can receive psychological and medical support during their stay at a victim support or social protection center. They do not specify if victims can also receive support during the reintegration period.
- According to Article 36 of the TIP Law, victims are given legal support, while Article 7 of the Legal Aid Law, issued in 2017, stipulates that only victims who are poor or near-poor will receive legal aid services. In reality, legal costs are prohibitive for victims without these designations, limiting opportunities for victims to claim compensation or participate in legal proceedings.
- The TIP Law and Decree No.09/2013/NĐ-CP stipulate that only minors in poor households are eligible to access education and vocational training services. Victims can only obtain loans if they are poor and in the workforce.

### Recommendations

- Amend Article 32 of the TIP Law to expand recognized groups for support to include foreigners who have experienced trafficking returning through Vietnam.
- Amend the TIP Law to expand the types of victims that can be considered for support, including individuals that exhibit signs of trafficking, once they have been verified by relevant authorities.
- Based on the principles of a victim-centered approach, victim support should also apply to individuals who freely return and cases where a victim directly reports to local authorities. These individuals should be provided comprehensive support based on their needs (e.g., psychosocial support, health insurance, and/or livelihood support).

### Recommendations

- Amend Article 19 of Decree No. 09/2013/ND-CP regarding support for essential needs and travel expenses, to provide travel expenses for all victims, including foreign victims returning home, and interpreter fees for non-Vietnamese speakers at initial reception centers and social protection centers.
- Amend Article 38 of the TIP Law, Article 23 of Decree No. 09/2013/ND-CP, and Article 4 of Circular 84/2019/TT-BTC to allow all identified victims to receive an initial hardship allowance (regardless of their provenance from a poor or near-poor household).
- Amend Articles 34 and 35 of the TIP Law, and Articles 20 and 21 of Decree No. 09/2013/ND-CP, to ensure that victims in the initial receipt period at detention agencies, and in the short- and longer-term reintegration period, receive medical and psychological support.
- Amend Article 36 of the TIP law and the Legal Aid Law to include all trafficked victims in the receipt of legal aid services to comply with victim-centered principles.
- Amend Articles 37 and 38 of the TIP Law and Articles 23 and 24 of Decree No. 09/2013/ND-CP on education, vocational training and loan support to specify that assistance should be given based on assessment of individual victim needs.