

# Exploring the intersection between **disability** and trafficking



**Vietnam**  
**Country Brief**  
MARCH 2025



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# Key findings and recommendations



## Trafficking and disability in Vietnam

- It is very difficult to obtain a full picture of the extent and nature of the problem of trafficking and disability in Vietnam.
  - This is in part because - like other countries in the region – Vietnam does not collect or disaggregate data on identified victims of trafficking by disability.
  - This issue is compounded by the hidden nature of trafficking and the fact that very few victims of trafficking with disabilities report their experiences to authorities.
  - Persons with disabilities experience all forms of trafficking. In line with broader trafficking patterns in the ASEAN region, sex and labour trafficking (including forced begging) are the most common.
  - Anecdotally, trafficking of persons with disabilities is often perpetrated by family members.
  - Migrants from Vietnam who experience sexual or labour exploitation or abuse often sustain injuries, illness or trauma which can lead to disability.
  - The psychological impacts of trafficking are exacerbated by the challenges in accessing mental health care and the stigma associated with mental health issues.



## Vulnerability to trafficking

- In Vietnam, persons with disabilities and their families experience higher levels of poverty, which is strongly linked to trafficking risk.
- Persons with disabilities in Vietnam face barriers accessing education and have lower rates of access to the internet. These barriers, along with a lack of accessible information about trafficking, means persons with disabilities may not have the skills and knowledge to make judgements about exploitative situations, may be more susceptible to deceptive recruitment, and may be less aware of their rights, including their sexual and reproductive health rights.
- Persons with disabilities in Vietnam often have fewer options for decent work or experience discrimination in employment, which compounds poverty and makes them vulnerable to deceptive recruitment.
- Gender and age make persons with disabilities vulnerable to different types of trafficking.
- Persons with particular types of disabilities – or levels of support needs – can be vulnerable to certain forms of trafficking.



## Laws and regulations protecting persons with disabilities

- Through its ratification of core international human rights instruments relevant to trafficking, the rights of adults and children with disabilities, and migrant workers, Vietnam has committed to ensuring that persons with disabilities are protected from trafficking and exploitation and are able to access recovery services and justice.
- Vietnam is party to a number of agreements in relation to human rights, including the ASEAN Convention Against Trafficking in Persons (ACTIP), which is a legally binding instrument.
- Vietnam's new Law on Preventing and Combating Trafficking in Persons underscores the importance of gender-sensitivity, a victim-centred approach and social inclusion in counter trafficking efforts.
- In line with Article 5 of ACTIP, Vietnam's Penal Code imposes higher penalties for cases of trafficking involving persons with disabilities or which result in disability.

- Vietnam's 2010 Law on Persons with Disabilities prohibits "abuse of persons with disabilities ...for personal profit".
- Vietnam's labour law and the Ordinance on the Prevention and Suppression of Prostitution prohibit forced labour and forced prostitution, providing additional protection for victims of trafficking, including those with disabilities, and avenues for strengthening prosecution of trafficking offenders and other types of crimes.



## Barriers to identification

- Many victims of trafficking with disabilities in Vietnam do not report their experiences to authorities. This is often because of the social stigma associated with trafficking and with disability.
- There are no clear procedures for frontline officials on how to identify people with disabilities and most frontline officials don't have expertise in disability. Identification of a disability is particularly difficult if the disability is non-apparent, if victims do not have identification documents, or if they don't want to disclose information.



## Barriers to support services

- Most shelters for victims of trafficking in Vietnam are not physically accessible for persons with disabilities.
- Funding limitations, overworked staff and low pay for shelter workers makes it difficult to hire and retain appropriately skilled staff, including staff with skills in working with victims with disabilities.
- There is a need for greater support for mental health but a lack of people with expertise in this.
- There are a limited number of sign-language interpreters to support communication with victims who are deaf or hard of hearing.
- Access to support is difficult once people return to their home communities, especially when these are outside of major cities, where services may be limited, or require people to travel to district or provincial capitals.
- Victims of trafficking with disabilities also often face multiple kinds of social stigma. This is particularly the case for victims of trafficking with psychosocial (mental health) disabilities.



## Barriers to justice

- Victims of trafficking with disabilities are often reluctant to participate in legal proceedings, particularly when a family member was involved in their exploitation, and do not have a strong awareness of the laws and support available.
- Police stations and court buildings are not physically accessible, and there is a lack of sign language provisions.
- Actors in the justice sector often do not have a strong understanding of the different needs of persons with disabilities or how to meet them.



## Recommendations

Key recommendations include:

- Increasing awareness of trafficking amongst persons with disabilities, their families, and the wider community.
- Developing guidance, procedures, and measures for managing cases of trafficking involving persons with disabilities.
- Providing training and capacity building for frontline officers on victim screening and identification, and how to engage and support persons with disabilities.
- Supporting collaboration among state agencies, social organisations, NGOs, international bodies, and persons with disabilities as well as their families.
- Enhancing support services to better meet the needs of trafficking victims with disabilities.
- Providing specialised training to police, prosecutors, judges, court staff and staff of victim support agencies to improve their knowledge and skills in working with persons with disabilities. This training will help create a more inclusive environment that respects the rights of all individuals, including persons with disabilities, during criminal justice processes.

- Refining, amending and/or developing relevant laws, sub-laws and policies to ensure better accommodations, support, and accessibility for victims of trafficking with disabilities.
- Strengthening national data on trafficking in persons and disability issues, which can help tailor disability inclusive anti-trafficking efforts, interventions, policy making process and improve coordination among agencies.



# INTRODUCTION

Trafficking in persons is a significant human rights challenge. Across Asia and the Pacific, around 15.1 million people are estimated to be in trafficking situations (International Labour Organization, Walk Free and International Organization for Migration, 2022). Trafficking in persons impacts people of all genders, age groups and education levels. But those who experience poverty, have few opportunities for decent work or come from marginalised groups in society – including persons with disabilities – are often the most vulnerable.

Disability and trafficking intersect in two main ways. First, persons with disabilities may become victims of trafficking. Disability can compound poverty and marginalisation, or lead to social isolation, disempowerment, and dependence on caregivers. These factors may drive persons with disabilities to seek opportunities in potentially exploitative situations or mean they are more susceptible to exploitation by those around them (Carey & Peterson, 2020; Jagoe et al., 2022; Nichols & Heil, 2022; Office for Victims of Crime and Bureau of Justice Assistance, n.d.). Second, people may acquire disabilities as a result of trafficking. Many of those who are trafficked experience physical, sexual and psychological abuse, injuries or illness which can result in disabilities, particularly when they do not receive adequate medical, psychological or psychiatric care, or social (García-Vázquez & Meneses-Falcón, 2024; Ottisova et al., 2016; Zimmerman et al., 2011). Although people with disabilities are widely recognised as a group at risk of trafficking, little is known about the specific vulnerabilities they face, what types of trafficking they experience, and how well existing counter-trafficking efforts and recovery services are meeting their needs.

This Country Brief is part of a series of reports commissioned by the ASEAN-Australia Counter Trafficking (ASEAN-ACT) program on the intersection between disability and trafficking in ASEAN. It builds on a study undertaken by ASEAN-ACT in 2023 which examined disability and trafficking in Indonesia, the Philippines and Thailand (Jackson et al., 2024). To deepen understanding of the intersection of disability and trafficking in the region, ASEAN-ACT commissioned country briefs for three additional countries: Cambodia, Lao PDR and Vietnam. These reports have been developed through a series of national consultation workshops and one-on-one consultations led by ASEAN-ACT staff with government and non-government stakeholders working in each of these countries including NGOs working in counter-trafficking and organisations of persons with disabilities. The national consultation workshop in Vietnam was held over two days in October 2024.

Nearly 50 people attended from a range of government ministries, organisations of persons with disabilities and international organisations. In addition to the national consultation workshop, ASEAN-ACT staff conducted one on one consultations with key informants from relevant victim support agencies, OPDs and NGOs. Notes from the consultations were synthesised with insights from relevant literature by researchers from the Centre for Human Security and Social Change at La Trobe University in Melbourne. Draft reports were presented and validated during a regional workshop held in January 2025, attended by ASEAN Member States' national anti-trafficking coordinating bodies, non-government organisations involved in counter-trafficking and organisations of persons with disabilities, as well as delegates to the Senior Officials Meeting on Transnational Crime and the ASEAN Intergovernmental Commission of Human Rights. The revised drafts were subsequently reviewed by ASEAN-ACT country teams and technical leads, with feedback incorporated into the final versions.

This Country Brief outlines key findings on the intersection of trafficking and disability in Vietnam, including the types of trafficking that persons with disabilities experience, the factors that make them vulnerable to trafficking, and existing laws and regulations which aim to protect persons with disabilities from exploitation and abuse. It also describes the services that government and non-government organisations provide for victims of trafficking with disabilities and the barriers they face in accessing these. The report concludes with recommendations – developed in collaboration with stakeholders – for strengthening prevention, protection and prosecution of trafficking involving persons with disabilities.

### **Box 1: Key definitions**

#### ***Persons with disabilities***

The understanding of disability adopted in this report aligns with the social model of disability, in which disability is understood as the interaction between individual impairments and social barriers. This model is reflected in the United Nations Convention on the Rights of Persons with Disabilities (2006), which defines persons with disabilities as those who have long-term physical, mental, intellectual or sensory **impairments** that, in interaction with social, cultural, environmental and other **barriers**, may hinder their full and effective participation in society on an equal basis with others.

### ***Trafficking in persons***

Under both the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) (UN Protocol) and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) (2015), the crime of '**trafficking in persons**' refers to 'the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation'. Exploitation includes at a minimum prostitution of others or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude, or removal of organs.

Trafficking therefore involves three elements: **the act** (recruitment, transportation, transfer, harbouring or receipt of persons), **the means** (threat, force, coercion, abduction, fraud, deception, or abuse of power or of a position of vulnerability) and **the purpose** (exploitation). For children, only the 'act' and 'purpose' are required. The element of 'means' is not required. This recognises the inherent vulnerability of children (Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000, Article 3[a]). Importantly, Article 3 of the UN Protocol and Article 2 of the ACTIP indicate that the **consent** of a victim is not relevant where threat, force, coercion, abduction, fraud, deception, or abuse of power or of a position of vulnerability have been used.

In contrast to popular opinion, trafficking in persons does not require travel or crossing borders. If someone is forced to work or engage in intended exploitation (for any purposes) against their will, it is considered trafficking. In 2016, more than half of the world's identified trafficking victims were exploited in their own country (United Nations Office on Drugs and Crime, 2018, p. 41).

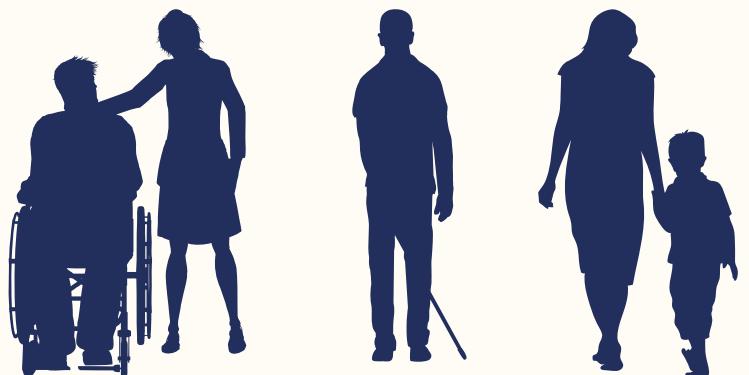
In this report, we use the term 'trafficking' to refer to crimes which involve all three elements for adult victims, and two elements for children. We use the term 'exploitation' in a more general sense, to refer to experiences of abuse, mistreatment, and manipulation, which may or may not be classified as trafficking.



VIET NAM

A map of Southeast Asia showing the coastlines and island groups of the region. Vietnam is highlighted with a red fill, while the rest of the countries are in a light gray. A white line connects the label 'VIET NAM' to the red-colored area of the map.

# TRAFFICKING AND DISABILITY IN VIETNAM



## Key points

- It is very difficult to obtain a full picture of the extent and nature of the problem of trafficking and disability in Vietnam.
- This is in part because - like other countries in the region – Vietnam does not collect or disaggregate data on identified victims of trafficking by disability.
- This issue is compounded by the hidden nature of trafficking and the fact that very few victims of trafficking with disabilities report their experiences to authorities.
- Persons with disabilities in Vietnam experience all forms of trafficking. In line with broader trafficking patterns in the ASEAN region, sex and labour trafficking (including forced begging) are the most common.
- Migrants from Vietnam who experience sexual or labour exploitation or abuse often sustain injuries, illness or trauma which can lead to disability.
- The psychological impacts of trafficking are exacerbated by the challenges in accessing mental health care and the stigma associated with mental health issues.

The World Health Organization estimates that around 16% of people in Southeast Asia have significant disability, due to an impairment they were born with or acquired during their lives (World Health Organization, 2023).<sup>1</sup> This translates to just over 16 million people in Vietnam. In Vietnam, recently published data indicates that just over 6% of Vietnam's population aged two years and older have a disability (General Statistics Office, 2024).

It is very difficult to accurately estimate the numbers of persons with disabilities who are trafficked, either globally or in individual countries. Across ASEAN Member States, obtaining accurate disaggregated data on the number of trafficked victims with disabilities is a significant challenge, even in countries where data on disability is collected as part of population censuses or other large-scale national surveys. Underreporting, the nature of trafficking involving persons with disabilities, and limited understanding of disability - particularly non-apparent disabilities - among frontline responders makes capturing data particularly difficult (Jackson et al., 2024).

<sup>1</sup> The WHO estimates of disability prevalence often differ from national estimates, including because of differences in whether and how questions about disability are asked in population censuses or national surveys

Like other countries in the region, the Government of Vietnam does not currently collect disaggregated data on disability for identified and assisted victims of trafficking.<sup>2</sup> Consultations undertaken for this report indicated that some government service providers including shelters, NGOs and international organisations do collect data, but that it is often generalised, not disaggregated by disability type, and not always consistently collected.<sup>3</sup> Stakeholders at the national consultation workshop acknowledged that national level disaggregated data would provide valuable information to inform counter-trafficking efforts. However, our research in Indonesia, the Philippines and Thailand suggests that there are likely to be some challenges in collecting it, including the ability of frontline staff to identify disabilities, particularly non-apparent disabilities (Jackson et al. 2024). Consultations for this report also suggested that because of the barriers they face, persons with disabilities often do not access services, which makes collecting data difficult for service providers. Limited awareness of disability – and the cost of getting a diagnosis – also means that some persons with disabilities may not aware they have a disability.

While data on identified and assisted victims does not enable an accurate measurement of the extent of trafficking involving persons with disabilities, extensive research and data on migrant workers from across the ASEAN region who experience exploitative work conditions (which may or may not be classified as trafficking) suggests that there are potentially a significant number who sustain illnesses, injuries or trauma that may lead to disabilities (see for example Zimmerman et al. 2014; Kiss et al. 2015; Pocock et al. 2016; Issara Institute and International Justice Mission 2017; Pham 2019). These studies indicate that both formal and informal migrants of all genders are vulnerable to experiencing violence, abuse, and exploitation.

## Trafficking of persons with disabilities

Consultations undertaken for this report suggest that the types of trafficking experienced by persons with disabilities in Vietnam mirror broader trafficking patterns in the ASEAN region. National workshop participants and stakeholders consulted noted that people with physical, intellectual, cognitive and psychosocial disabilities were at risk of being trafficked and exploited in Vietnam. This observation

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2 Participants in the national consultation workshop explained that there currently is no category related to disabilities in any screening templates for victims of trafficking. This was confirmed by a representative from the Ministry of Labour, Invalids and Social Affairs consulted for this report, who confirmed that while data is collected about persons with disabilities for the purpose of determining eligibility for welfare support, the ministry does not actively screen for vulnerability to trafficking.

3 A representative from the Peace House shelter indicated that they face challenges collecting data from callers to their hotline because these individuals often need access to emergency services and are not in a position to engage in lengthy conversations. It is easier to collect data from victims residing in the shelter with the assistance of social workers who serve as case managers and who have the time and skills to build trusting relationships with victims, enabling them to gather sensitive information more effectively.

is reflected in research about trafficking of children, which indicates that psychosocial and intellectual disabilities can make children vulnerable to being trafficked, because their disability may mean they are easier to “deceive, manipulate and control” (Apland & Yarrow, 2019, p. 46). Individuals with hearing, speech, and vision impairments, as well as those with mobility issues, were also noted as being vulnerable. These groups often face heightened risks because they may depend on others for support and may not be able to fully understand or report their situation.

Those consulted for this report indicated that persons with disabilities in Vietnam experience almost all types of trafficking, including forced labour, forced begging, forced marriage and sexual exploitation. They also noted that there were multiple cases of children, mostly girls, with disabilities being trafficked. The literature, however, indicates that boys are also frequently victims of trafficking in Vietnam, including into areas such as sexual exploitation, labour exploitation, street vendor work and adoption (Hang & Koehler, 2012).

These observations are in line with broader patterns of trafficking in Vietnam, with recent reports indicating that labour trafficking, including into scam centres, and sexual exploitation are the most common forms of trafficking in persons in Vietnam (Office to Monitor and Combat Trafficking in Persons, U.S Department of State, 2024). NGO sources also indicate that there are cases of forced marriage and baby trafficking (Blue Dragon Children’s Foundation, 2021). Although trafficking still tends to be interpreted as a cross-border crime, which means that cases of labour exploitation and domestic trafficking are not reflected in the cases that are prosecuted (L. Le & Wyndham, 2022), data published by the Ministry of Public Security in 2024 shows an increase in prosecuted domestic trafficking cases, suggesting a growing awareness of this issue. Organ harvesting has also been detected by officials in Vietnam recently (Ngan, 2023; Nguyen & Le, 2021; “Organ Trafficking in Vietnam Driven by High Demand, Low Rate of Donation: Experts,” 2024).

## **Trafficking leading to disabilities**

Migrants who experience sexual or labour exploitation and identified victims of trafficking often report experiencing physical and sexual violence as well as psychological violence (including insults, threats, intimidation, verbal abuse, imprisonment, withholding of food or other basic necessities, or enforced sleep deprivation). These can lead to disabilities, particularly when people do not receive the treatment they need. Consultations for this report highlighted cases of people acquiring physical disabilities when trying to escape their traffickers (see Box 3: Linh’s story). Stakeholders also observed that victims of trafficking developed psychosocial disabilities, or experienced worsening psychosocial symptoms, as a result of their experiences.

This is consistent with research on the experiences of victims of trafficking in Vietnam. A study into child trafficking in Vietnam, for example, indicated that more than half (55.8 per cent) of survey respondents who had been trafficked, forced to work or exploited had experienced violence (Apland & Yarrow, 2019, p. 53). This same study demonstrated that the experience of violence was linked to reports of negative well-being, indicating that violence is a potential contributor to poor mental health and potentially other forms of disability. Other research in Vietnam has indicated that in some cases, children are deliberately disabled and forced to beg (Hang & Koehler, 2012). These findings have been echoed in multiple studies with victims of trafficking in the region (Kiss et al., 2015; P. T. D. Le, 2014; Rios, 2018; Stöckl et al., 2017).

**Box 2: Victim-survivors of forced marriage can experience significant psychological trauma: Linh's story**

Linh spent 16 years in China after she was trafficked into forced prostitution. Each time she tried to escape, her traffickers cut the tendons in her legs, making it difficult for her to walk. She also suffered severe gynecological injuries, leaving her unable to control her bodily functions.

Linh was eventually taken in by an international humanitarian organisation in Hanoi. In addition to her physical condition, she was also suffering from severe psychological trauma. She was officially identified as a victim of trafficking, and the organisation provided her with shelter, along with medical treatment, psychological support and legal assistance.

Over time, her psychological health improved, but some of her physical injuries could never fully heal. The organisation provided livelihoods support for Linh's mother, who has become her primary carer, enabling her to support herself and her daughter.



Newer modes of trafficking, such as cyber scam operations and online gambling operations, also involve use of physical, sexual and psychological violence to control victims. In Vietnam, authorities have repatriated thousands of individuals from across Southeast Asia who were trafficked as part of online scams (Office to Monitor and Combat Trafficking in Persons, U.S Department of State, 2024). Reports suggest that those trafficked into these scam centres are subject to physical and psychological abuse, and live in cramped and unsanitary conditions, work long hours and are

denied food, water and medical care (Jesperson, Alffram, et al., 2023; Office of the United Nations High Commissioner for Human Rights Regional Office for South-East Asia, 2023; Turner & McCarthy-Jones, 2023).

People who are trafficked for illegal organ donation may also experience long-term health impacts, due to lack of medical care. For example, those who have illegally donated a kidney are likely to experience ongoing complications with their kidneys as well as psychosocial difficulties as a result of stigma, isolation and humiliation (del Mar Lomero-Martinez et al., 2017).



# VULNERABILITY TO TRAFFICKING



## Key points

- In Vietnam, persons with disabilities and their families experience higher levels of poverty, which is strongly linked to trafficking risk.
- Persons with disabilities in Vietnam face barriers accessing education, and have lower rates of access to the internet. These barriers, along with a lack of accessible information about trafficking, means persons with disabilities may not have the skills and knowledge to make judgements about exploitative situations, may be more susceptible to deceptive recruitment, and may be less aware of their rights, including their sexual and reproductive health rights.
- Persons with disabilities often have fewer options for decent work or experience discrimination in employment, which compounds poverty and makes them vulnerable to deceptive recruitment.
- Gender and age make persons with disabilities vulnerable to different types of trafficking.
- Persons with particular types and levels of impairments can be vulnerable to certain forms of trafficking.

## Poverty and financial stress

There is a strong link between individual and household poverty and vulnerability to trafficking. Financial need is one of the primary reasons people choose to migrate for work, either overseas or within their own country. While migration can improve individuals' or households' financial situation, as highlighted above, it can also expose people to exploitative conditions. People who are under acute financial stress may be less able to negotiate wages or conditions, making them particularly vulnerable to exploitation. Poverty may also help explain why many people do not report exploitative situations that they, their family members or their children experience, particularly when there are few other choices for earning an income.

Households in which there is a person with a disability are often under added financial stress, including due to additional medical or other costs, such as transportation to clinics or hospitals, carers or the use of assistive devices (Mitra et al., 2017; Palmer et al., 2016, 2019). Estimates of the extra costs of living with disability in Vietnam range from 9.5% to 11% of annual income (Minh et al., 2014; Mont & Cuong, 2011). The coping mechanisms that persons with disabilities use, including 'borrowing, and reducing and forgoing certain expenditures' potentially expose them to exploitative situations (Palmer et al., 2015).

Research on trafficking indicates that there is a relationship between poverty, trafficking and geography in Vietnam. Stakeholders consulted for this report observed that the intersection of extreme poverty and lack of employment opportunities were factors contributing to persons with disabilities being vulnerable to trafficking in Vietnam. This observation is reinforced by the broader literature on trafficking in Vietnam. The majority of Vietnamese labour migrants come from the poorer north and north central provinces (Jesperson, Ngo, et al., 2023). Other research indicates that this same geographic area is where the link between disability and poverty is the highest, suggesting that people with disability in this region have a greater vulnerability to being trafficked (Mont & Nguyen, 2018). This is supported by yet other research that shows that more trafficking cases have been prosecuted in this area (Blue Dragon Children's Foundation, 2021).

These issues are exacerbated by gaps in social protection for poor households and persons with disabilities. Vietnam has a comprehensive social protection system which includes targeted social assistance programs for persons with disability (Banks et al., 2018). Every four out of 10 people with disabilities receives monthly allowances, one in every two persons with disabilities is supported to purchase health insurance cards and one in three people is exempted from medical expenses (General Statistics Office, 2016). Nevertheless, the coverage and value of these program and their benefits for persons with disabilities could be enhanced by increasing awareness of the schemes and making them more accessible (Banks et al., 2019; United Nations Viet Nam, 2022). A lack of data disaggregated by disability also contributes to challenges monitoring the effectiveness of these initiatives (United Nations Viet Nam, 2022).

## **Education and access to information**

Education can impact on vulnerability to trafficking in several ways. For example, a lack of education can limit employment and livelihood opportunities, pushing people into low wage work or jobs in the informal sector, where there are fewer protections for workers' rights. It can also mean that people do not develop essential knowledge and life skills, including skills in analysing information critically, managing money, making decisions and managing interpersonal relationships. These skills can help people make better judgements about situations that are potentially exploitative (Jesperson, Ngo, et al., 2023).

In Vietnam, children with disabilities face multiple barriers accessing education. Children with disabilities are enrolled in primary school at lower rates than children without disabilities (68.1% for children with disabilities compared to 95.2% for children without disabilities) (General Statistics Office, 2024). The gap becomes larger once children reach secondary school age, with only one third of children

with disabilities enrolled in high schools compared to two thirds of children without disabilities (General Statistics Office, 2024). As a result, persons with disabilities in Vietnam have lower rates of education than people living without disability (ACDC Vietnam et al., 2019). Those who do attend school report experiencing discrimination from teachers and peers (Bogenschutz et al. 2021). Importantly, it is not just persons with disabilities themselves who experience lower rates of education, children of parents with disabilities are also less likely to attend school (Mont & Nguyen, 2013). These findings suggest that the vulnerabilities experienced by persons with disabilities can extend to other members of their family.

Persons with disabilities in Vietnam are also less likely to have access to the internet (33.6% for persons with disabilities compared to 83.7% for persons without disabilities) or to own a mobile phone (53.7% for persons with disabilities compared to 89.2% for those without disabilities) (General Statistics Office, 2024)<sup>4</sup> As workshop participants and stakeholders consulted for this report noted, limited access to information means that persons with disabilities in Vietnam and their families may not fully understand their rights or the legal protections available to them. There is also a lack of information about trafficking that is targeted at persons with disabilities and limited information in accessible and understandable formats. This means that persons with disabilities may not recognise risky or exploitative situations, may not know how to access support that could help reduce their vulnerability, or may not know where to go for help in the event they do experience exploitation.

## Employment and livelihood opportunities

A lack of employment and livelihood opportunities are a significant driver of trafficking and are linked to both poverty and education. Studies from the region have found that persons with disabilities face a range of additional challenges in employment. Low levels of education may limit the options available to them. Workplaces may not be physically accessible or there may be limited access to assistive devices which could enable participation in employment (Cameron & Contreras Suarez, 2017; Cheausuwantavee & Keeratiphanthawong, 2021; Mina, 2013; Palmer et al., 2015; World Bank, 2024). Persons with disabilities also experience significant discrimination in employment, including because of negative perceptions about their capabilities as well as employers' reluctance to accommodate their needs (Artharini, 2017; Bualar, 2014; Cheausuwantavee & Keeratiphanthawong, 2021; World Bank, 2024). These factors contribute to making persons with disability vulnerable to trafficking.

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4 Mobile phone ownership and internet access has increased markedly amongst persons with disabilities over the last decade. Internet access amongst persons with disabilities in 2016 was 6.7% compared to 33.6 % in 2023; Mobile phone ownership amongst persons with disabilities was 38.9% in 2016 compared to 53.7% in 2023 (General Statistics Office, 2024).



As a result, persons with disabilities have much lower rates of participation in the workforce. The 2023 Vietnam National Disability Survey found that only 23.9% of persons with disabilities were in the workforce, compared to 77.4% of persons without disabilities (General Statistics Office, 2024).<sup>5</sup> Unemployment among persons with disabilities is higher in rural households and among those with more severe disabilities (Mont & Cuong, 2011; World Bank, 2024).<sup>6</sup> Employment rates also tend to be higher among people with mobility, hearing and cognitive disabilities while people with visual disabilities, difficulties in communication, mobility (upper body) disability, and neurological and mental disabilities have employment rates of 10% or less (General Statistics Office, 2024). While there are many enterprises for people with disabilities in Vietnam, their success relies on access to sufficient capital and appropriate entrepreneurship, technical and leadership skills, or connection with non-government organisations that can help facilitate access to these resources (Alexander et al., 2024).<sup>7</sup> However, targeted support can help provide persons with disabilities with access to employment and livelihoods – as well as other vital life skills – and help reduce their vulnerability to trafficking.

5 The employment rate for non-disabled men was 81.2% compared to 28.5% for men with disabilities. The employment rate for non-disabled women was 76.4% compared to 33.8% for women with disabilities.

6 The employment rate for men with no disability was 78.2 compared to 31.7 for men with moderate disability, and 7.8 per cent for men with severe disability. The employment rate for women with no disability was 66.8 compared to 23.4 for women with moderate disability, and 4.4 per cent for women with severe disability.

7 Vietnam has several policies in place to support persons with disabilities to access employment, including preferential loans from the National Employment Fund to secure employment, and for starting their own business (but on the condition of recruiting over 30 per cent of persons with disabilities as employees).

### **Box 3: Targeted support helps reduce vulnerability to trafficking: Hoa's story**

Hoa has a vision impairment. Her parents are farmers, and they struggled financially. Money for medicine and health care was particularly difficult.

Hoa's father had very strict ideas about women's roles and treated Hoa unfairly because of her disability. He became physically abusive towards her and her mother. Hoa's mother also began to abuse her.

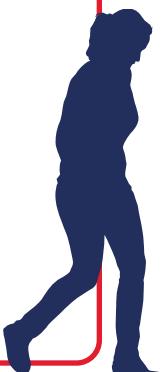
Hoa did very well at school and enjoyed writing poetry. But after finishing secondary school, she dropped out, feeling like a burden to her family. She left home for the city to find work.

Because of her disability, it was very difficult for Hoa to find a job. Fortunately, she connected with an NGO, which provided her with shelter, food, health care and treatment for her mental health.

The organisation also provided Hoa with legal assistance and information about her rights and responsibilities within her family.

When she was ready, the organisation provided Hoa with vocational training, and connected her with local businesses. She began selling her products, generating some income. Eventually, she was able to become more independent.

When Hoa contacted the organisation to say that she had been offered a job overseas, staff discussed the potential risks associated with trafficking in persons and the dangers of labour exploitation. After some consideration of the job offer, she decided against accepting it.



## **Gender and type of disability**

Although people of all genders are vulnerable to trafficking, there are different gendered patterns of trafficking. Women with disabilities in Vietnam face greater vulnerabilities around education and employment than men. The Vietnam Disability Survey shows that across all functional domains, women had higher rates of disability than men (General Statistics Office, 2024). Women with disabilities also appear to have less access to information, with a greater gap in mobile phone access between female headed households with and without disability than between male headed households with and without disability (General Statistics Office, 2024). These

differences in access to information play out in the gender differences in employment rates. Women with disability in Vietnam are less likely than men to be employed, in formal employment or in self-employment (World Bank, 2024).

Our research in Indonesia, the Philippines and Thailand also suggests that vulnerability to trafficking may be influenced by the type of disability or by the level of support needs. Our research in Indonesia, the Philippines and Thailand suggests that persons with intellectual, developmental or learning disabilities may be vulnerable to trafficking because they have limited capacity to understand what is happening to them (Jackson et al., 2024; see also Reid, 2018). This point was echoed by stakeholders from Vietnam consulted for this report. Observations from the broader literature also suggest that adults – and particularly children – whose disabilities are more visible, including persons with physical disabilities or visual impairments, are vulnerable to forced begging because they are more likely to evoke sympathy from passers-by (European Disability Forum, 2022, p. 5; Groce et al., 2014, pp. 7–8).

## Other factors

In addition to the above, several other factors may contribute to persons with disabilities' vulnerability to trafficking. The stigma of disability and discrimination towards persons with disabilities, including in education and employment, can result in persons with disabilities being socially isolated and lead to low self-esteem, which traffickers can use to manipulate people (Women Enabled International & Disability Rights International, 2019). Isolation can also result in persons with disabilities being less informed about their rights and the dangers of trafficking. For example, mothers of children with disabilities experience higher levels of isolation and poor mental health (Thuy & Berry, 2013). These factors, alongside the additional costs associated with caring for a child with disability, potentially can increase their vulnerability to being trafficked.

Emerging research also indicates that vulnerability to trafficking can increase in areas exposed to natural disasters (Hoogesteyn et al., 2024). Participants at the national consultation workshop observed that families burdened by financial and environmental challenges may find it challenging to adequately protect or care for family members with disabilities. In regions prone to natural disasters, persons with disabilities may face additional barriers to escaping dangerous situations, further increasing their vulnerability to traffickers who take advantage of such crises.

# EXISTING LAWS AND REGULATIONS



## Key points

- Through its ratification of core international human rights instruments relevant to trafficking, the rights of adults and children with disabilities, and migrant workers, Vietnam has committed to ensuring that persons with disabilities are protected from trafficking and exploitation and are able to access recovery services and justice.
- Vietnam is party to a number of agreements in relation to human rights, including the ASEAN Convention Against Trafficking in Persons (ACTIP), which is a legally binding instrument.
- Vietnam's new Law on Preventing and Combating Trafficking in Persons underscores the importance of gender-sensitivity, a victim-centred approach and social inclusion in counter trafficking efforts.
- In line with Article 5 of ACTIP, Vietnam's Penal Code imposes higher penalties for cases of trafficking involving persons with disabilities or which result in disability.
- Vietnam's 2010 Law on Persons with Disabilities prohibits "abuse of persons with disabilities ...for personal profit".
- Vietnam's labour law and the Ordinance on the Prevention and Suppression of Prostitution prohibit forced labour and forced prostitution, providing additional protection for victims of trafficking, including those with disabilities, and avenues for strengthening prosecution of trafficking offenders and other types of crimes.

Vietnam has ratified a number of the core international human rights instruments relevant to trafficking, the rights of adults and children with disabilities, and migrant workers (see Table 1 and Table 2).

**Table 1: Ratification of international human rights instruments by Vietnam**

United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979)	Signature: 1980 Ratification: 1982
United Nations Convention on the Rights of the Child (1989)	Signature: 1990 Ratification: 1990
United Nations Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)	Signature: 2000 Ratification: 2001
United Nations Convention against Transnational Organized Crime (2000)	Signature: 2000 Ratification: 2012
United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)	Accession: 2012
United Nations Convention on the Rights of Persons with Disabilities (2006)	Signature: 2007 Ratification: 2015

**Table 2: Ratification of fundamental International Labour Organization Conventions by Vietnam**

C029 – Forced Labour Convention, 1930 (No. 29)	5 Mar 2007
C098 – Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	5 Jul 2019
C100 – Equal Remuneration Convention, 1951 (No. 100)	7 Oct 1997
C105 – Abolition of Forced Labour Convention, 1957 (No. 105)	14 Jul 2020
C111 – Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	7 Oct 1997
C138 – Minimum Age Convention, 1973 (No. 138)	24 Jun 2003 Minimum age specified: 15 years
C182 – Worst Forms of Child Labour Convention, 1999 (No. 182)	19 Dec 2000
C187 – Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)	16 May 2014

Vietnam is also a party to a number of ASEAN agreements on human rights (see Box 4: ASEAN human rights instruments and other documents). This includes the ASEAN Convention Against Trafficking in Persons (ACTIP), which is a legally binding instrument. Article 5 of the ACTIP requires Member States to apply higher penalties for cases of trafficking which involve serious injury or death, including suicide, or victims who are particularly vulnerable, ‘such as a child or a person who is unable to fully take care of or protect himself or herself because of a physical or mental disability or condition’. Regional-level actions to give effect to the ACTIP are outlined in the ASEAN Multi-Sectoral Work Plan Against Trafficking in Persons 2023–2028 (Bohol Trafficking in Persons Work Plan 2.0). This document references the importance of promoting inclusive and accessible protection, care, and support services for all victims of trafficking, including through developing guidelines and minimum standards for shelter and support services to ensure they are accessible to persons with disabilities. It also specifically mentions the need to collect disaggregated data on disability to measure progress on achieving prevention, protection, law enforcement and regional cooperation outputs.

Vietnam's commitment to disability inclusion is implemented at a regional level through the ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities. The Enabling Masterplan recognises that persons with disabilities may be victims of violence, exploitation and trafficking. It highlights the need to protect persons with disabilities “both within and outside the home, from all forms of disability based-discrimination, the deprivation of liberty, exploitation, abuse and violence, including sexual and gender-based discrimination and violence”. It also references the need for cooperation between ASEAN sectoral bodies and organisations of persons with disabilities on a range of transnational crimes, including trafficking in persons that involves persons with disabilities.



#### **Box 4: ASEAN human rights instruments and other documents**

- ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007)
- ASEAN Human Rights Declaration (2012)
- Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN (2013)
- ASEAN Convention Against Trafficking in Persons, Especially Women and Children (2015)
- ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2017)
- ASEAN Enabling Masterplan 2025: Mainstreaming the Rights of Persons with Disabilities (2018)
- Declaration on the Protection of Children from all Forms of Online Exploitation and Abuse in ASEAN (2019)
- ASEAN Declaration on the Rights of Children in the Context of Migration (2019)
- Joint Statement on Reaffirmation of Commitment to Advancing the Rights of the Child in ASEAN (2019)
- ASEAN Guidelines on Effective Return and Reintegration of Migrant Workers (2020)
- ASEAN Roadmap on the Elimination of the Worst Forms of Child Labour by 2025 (2020)

Vietnam's 2010 Law on Persons with Disabilities (Law No. 51/2010/QH12) outlines a human-rights based approach to disability inclusion and guarantees the rights of persons with disabilities to health care, education and vocational training, employment, access to public facilities and transport, among others. It also prohibits "abuse of persons with disabilities ...for personal profit" and "enticing or forcing persons with disabilities to violate laws or social ethics." The law is supported by a comprehensive range of regulations covering employment and livelihoods, social welfare and support for expenses, case management, and physical accessibility

among others (see Phan, Friedman and Lien, 2020). Relevant laws – including on health insurance, labour and employment, and the criminal code – have also been updated to explicitly recognise the particular needs and rights of persons with disabilities. Vietnam's National Action Programme to Support Persons with Disabilities 2021-2030 outlines priority areas for strengthening rights and access to services, with a focus on vocational education, employment, accessible transportation and independent living. However, Organisations of Persons with Disabilities and other stakeholders in Vietnam have highlighted a range of areas in which legal protections could be strengthened, including the definition of disability, and access to services such as inclusive education, healthcare and rehabilitation, and justice (Phan, Friedman and Lien, 2020; Viet Nam Federation on Disability, 2020). Forthcoming revisions to the Law on Persons with Disabilities present an opportunity to address these issues.

Vietnam has put in place a strong legal and policy foundation for disability rights. However, in practice, persons with disabilities still face a range of barriers to accessing their rights and entitlements, including physical, social, institutional and communication barriers. These barriers are the result of persistent social stigma towards persons with disabilities, limited awareness of rights among persons with disabilities as well as lack of funding and other resources to put in place measures to improve accessibility and ensure reasonable accommodations (Phan, Friedman and Lien, 2020; Viet Nam Federation on Disability, 2020).

Vietnam's new Law on Preventing and Combating Trafficking in Persons (Law No 53/2024/QH15) does not specifically mention persons with disabilities. However, the law does underscore the importance of gender-sensitivity, a victim-centred approach and social inclusion in counter trafficking efforts. In addition, persons with disabilities are recognised as a vulnerable group in the Penal Code. Vietnam's Penal Code (Article 52) stipulates that committing a crime against a defenceless person, a person with a severe or especially severe disability, a person with limited cognitive ability, or a person who is financially, spiritually, professionally or otherwise dependent on the offender will incur harsher penalties. In addition, the penalties for trafficking outlined in Vietnam's Penal Code are higher for trafficking which results in "mental and behavioural disability", damage to the victim's health, death or suicide or which involves the removal of body parts. Penalties are also higher in cases where "the perpetrator abused his or her position or the offence was against someone in his or her care". Higher penalties are also outlined for cases of forced labour in which the victim has a disability. The Penal Code also recognises ill-treatment of family members as a crime and outlines higher penalties when the victim is a person with a disability (Liberty Asia to Prevent Human Trafficking et al., 2018).

Implementation of the Law is supported by a range of legal and policy instruments. These include decrees on victim identification (Decree No. 62/2012/NĐ-CP), guidelines on victim support (Decree No. 09/2013/NĐ-CP and Circular No. 35/2013/TT-BLDTBXH) and victim protection (Joint Circular No. 01/2014/TTLT-BCA-BQP-BLDTBXH-BNG). These will be revised to align with the new Law on Preventing and Combating Trafficking in Persons. Vietnam has also developed a National Plan of Action on Combating and Preventing Human Trafficking 2021- 2025, with a vision to 2030. Disability is not mentioned explicitly in any of these documents. However, the current revisions to a resolution providing guidance on the application of articles on trafficking in persons in the Penal Code provides opportunities to recognise the vulnerabilities of persons with disabilities to trafficking and include strengthened measures to protect them (Resolution 02/2019/NQ-HDTP of the Judicial Council of the Supreme People's Court guiding the application of the Penal Code's Article 150 (human trafficking) and Article 151 (trafficking in persons aged under 16 years) (Liberty Asia to Prevent Human Trafficking et al., 2018).

In addition to the laws on disability and trafficking, Vietnam also has a number of other laws which provide protection for Vietnamese workers, including children, and as well as laws aimed at protecting women and children from forced prostitution (see Table 3). Vietnam's Labour Code, for example, prohibits labour coercion and deceptive recruitment while the Ordinance on the Prevention and Suppression of Prostitution prohibits forced prostitution (Liberty Asia to Prevent Human Trafficking et al., 2018).



**Table 3: Selected laws relevant to protection for victims of trafficking who acquire disabilities**

<b>Selected laws relevant to protection for victims of trafficking who acquire disabilities and women and children</b>	
<b>Laws protecting workers (including migrant workers)</b>	<p>Law on Contract-Based Vietnamese Overseas Workers (Law No 69/2020/QH14)</p> <p>Labour Code (Law No. 45/2019/QH14) (2019)</p> <p>Law on Occupational Safety and Health (Law No. 84/2015/QH13)</p> <p>Law on Social Insurance (Law No. 58/2014/QH13)</p> <p>Law amending the Law on Health Insurance (Law No. 46/2014/QH13)</p> <p>Law on Employment (Law No. 38/2013/QH13)</p> <p>Circular promulgating the list of light tasks permitted for persons under 15 years old (No. 11/2013/TT-BLDTBXH)</p> <p>Circular No. 10/2013/TT-BLDTBXH promulgating the list of jobs and workplaces prohibited to young workers</p> <p>Law on Health Insurance (No. 25/2008/QH12)</p>
<b>Laws protecting women and children</b>	<p>Law on Children (Law No. No. 102/2016/QH13)</p> <p>Law on Domestic Violence Prevention and Control (Law No 13/2022/QH15 )</p> <p>Law on Gender Equality (Law No. 73/2006/QH11)</p> <p>Ordinance on the Prevention and Suppression of Prostitution (No. 10/2003/PL-UBTVQH11)</p> <p>Law on Marriage and Family 2014 (Law No. 52/2014/QH13)</p>

# BARRIERS TO ACCESSING SERVICES



Victims of trafficking have a complex set of medical, psychological, legal, economic and other needs requiring support from a range of service providers, both in the immediate and medium to longer term. However, they face a range of barriers to accessing these services in a way that supports their recovery and reintegration. These barriers are often more acute for victims of trafficking with disabilities.

This section draws on information provided by participants in the national workshop, consultations with key stakeholders, as well as the broader literature on the challenges to accessing services for victims of trafficking more broadly. It is important to note that we did not speak to trafficking victims with disabilities themselves for this report, which means our findings primarily reflect the perspectives and experiences of those in government and non-government organisations.

## Identification

### Key points

- Many victims of trafficking with disabilities in Vietnam do not report their experiences to authorities. This is often because of the social stigma associated with trafficking and with disability.
- There are no clear procedures for frontline officials on how to identify people with disabilities and most frontline officials don't have expertise in disability. Identification of a disability is particularly difficult if the disability is non-apparent, if victims do not have identification documents, or if they don't want to disclose information.

Identification of victims of trafficking relies on proactive approaches (such as screening at airports and border crossings, labour and welfare inspections, tracing of financial transactions, or raids on suspected commercial sex operations) and reactive approaches (reports by victims, their family members or members of the public). Our research in Indonesia, the Philippines and Thailand indicated that proactive approaches were not always very effective at identifying trafficking involving persons with disabilities, particularly when they were being exploited in their own homes or by family members. We also found that frontline officers involved in identification experienced significant challenges in identifying disabilities among victims (Jackson et al., 2024). Research into police awareness of trafficking in Vietnam indicates that low levels of police skills, knowledge and awareness of trafficking may contribute to lower levels of identification of trafficking victims more broadly (Nguyen et al., 2020; Huong & Vu, 2023).

Identification of victims of trafficking with disabilities is made more challenging because a significant number of victims do not report their experiences. Underreporting of trafficking and exploitation is a global phenomenon and has been well documented in the ASEAN region, including in Vietnam (Andrevski et al., 2013; Farrell & Kane, 2020; Jesperson, Ngo, et al., 2023; Surtees & Zulbahary, 2018). Many victims of trafficking in Vietnam – including those with disabilities – do not know how to report their experiences, are fearful about engaging with authorities or have psychological trauma which makes them reluctant or unable to report (see also (Apland & Yarrow, 2019). Underreporting can also be driven by feelings of shame and embarrassment (Jackson et al., 2024). This can affect women and men differently. Women and girls, for example, often face significant social stigma, particularly in cases of sexual exploitation, with communities sometimes seeing them as being to blame for their exploitation. For male victims of trafficking, social norms around masculinity can make it difficult for men to acknowledge that they are a victim.

Persons with disabilities often face additional barriers to reporting. Our research in Indonesia, Philippines and Thailand indicated that victims of trafficking with disabilities may not report their experience because they don't understand that they are a victim of trafficking or because they depend on their traffickers, particularly when they are family members. Even if they do report their experience, participants in the national consultation workshop in Vietnam said that victims and their families are often reluctant to disclose that they have a disability because of the social stigma associated with disability. They may also be unable to provide evidence that they have a disability because they don't have their identification documents.<sup>8</sup>

8 According to national workshop participants, in Vietnam, the Ministry of Labour, Invalids and Social Assistance (MOLISA) has issued a decree that identifies different levels of disability. However, many persons with disabilities do not receive support because they do not have a certificate confirming their disability status, especially those with mild disabilities. According to regulations, only those with severe or especially severe disabilities are eligible for monthly social assistance, which must be approved and reviewed by a disability assessment council.

Actors involved in screening and identification also reported challenges in identification and interviewing of persons with disabilities. Workshop participants as well as stakeholders consulted in Vietnam noted that a key barrier was the lack of specialised expertise among officials in identifying people with disabilities, particularly non-apparent disabilities. Frontline staff find it particularly challenging to identify persons with psychosocial (mental health) disabilities as victims, because they are often reluctant to answer questions from authorities or service providers. Other barriers noted by workshop participants included a lack of clear procedures for officials on how to identify people with disabilities, inadequate and inaccessible facilities and poor coordination between authorities at the central and local levels around who is responsible for identification.

There are other factors that emerged in our previous research in Indonesia, the Philippines and Thailand, but not so much in our discussions with stakeholders in Vietnam. We found that interviewees from NGOs and victims of trafficking themselves from Indonesia, the Philippines and Thailand said that fear or mistrust of authorities or a perception that authorities were not approachable or would not help them was a significant barrier. Fear of being returned to abusive situations or of being deported or prosecuted for immigration offences in the case of undocumented migrant workers who have experienced abuse or exploitation also contributes to a reluctance to report (Jackson et al., 2024). Other factors included the inaccessibility of reporting mechanisms and communication challenges for persons with disabilities, and not being taken seriously by authorities. Despite not explicitly coming up during our discussions with stakeholders, these issues may also be at play in Vietnam.

These challenges with identification mean that many persons with disabilities who are victims of trafficking – or those who acquire impairments as a result of trafficking – may not be identified as presumed victims during screening processes and, as a consequence, may not be referred to authorities tasked with formal identification. Without formal identification, they may not be eligible for the full range of services available for victims of trafficking.



## Support services and recovery

### Key points

- Most shelters for victims of trafficking in Vietnam are not physically accessible for persons with disabilities.
- Funding limitations, overworked staff and low pay for shelter workers makes it difficult to hire and retain appropriately skilled staff, including staff with skills in working with victims with disabilities.
- There is a need for greater support for mental health but a lack of people with expertise in this.
- There are a limited number of sign-language interpreters to support communication with victims who are deaf or hard of hearing.
- Access to support is difficult once people return to their home communities, especially when these are outside of major cities, where services may be limited, or require people to travel to district or provincial capitals.
- Victims of trafficking with disabilities also often face multiple kinds of social stigma. This is particularly the case for victims of trafficking with psychosocial (mental health) disabilities.

A range of services are available for people who have been identified as victims of trafficking or presumed victims of trafficking in Vietnam. This includes services designed to meet short- and medium-term needs for shelter, medical treatment, psychological support, financial support, legal assistance, and protection as well as longer-term support for economic recovery such as training in vocational or life skills, or initial funds to start a small enterprise (see Rapid Asia, 2022).

In Vietnam, the Peace House, Binh Minh and Anh Duong shelters provide meals and accommodation, psychological and health care support, legal aid, education, vocational training, and preferential loans to victims of trafficking. Across Vietnam there are also Social Protection Centres where victims of trafficking, with or without disabilities, can seek temporary shelter and receive support services. In general, support services are more readily available for women and children, which means that adult men who experience trafficking can face challenges in accessing support.

Participants in the national workshop explained that services for victims of trafficking are delivered in line with their needs, including needs related to disability, as outlined in government guidelines and circulars on victim support. However, consultations undertaken for this report indicate that service providers face a range of challenges in providing services for victims of trafficking with disabilities. Most shelters for victims of trafficking in Vietnam are not physically accessible for persons with disabilities. One challenge noted by a service provider consulted for this report was the need to balance providing accessible buildings against the need to prioritise victim safety. In order to keep the location of the shelter secret, this service provider would change locations after a period of time. Regularly finding buildings that were accessible was a significant barrier in ensuring accessibility.

Workshop participants also reported that funding limitations, overworked staff and low pay for shelter workers makes it difficult to hire and retain appropriately skilled staff, including staff with skills in working with victims with disabilities. In particular, workshop participants noted that there was a need for greater support for mental health in shelters but a lack of people with expertise in this. In addition, national consultation workshop participants and key stakeholders indicated that there were a limited number of sign-language interpreters who could support communication with victims who were deaf or hard of hearing. One participant explained that because the numbers of persons with disabilities are low, it was difficult for their service to justify the investment in the resources and skill required to increase accessibility, although it is likely that more accessible services would make it easier for persons with disabilities who have been trafficked to seek support.

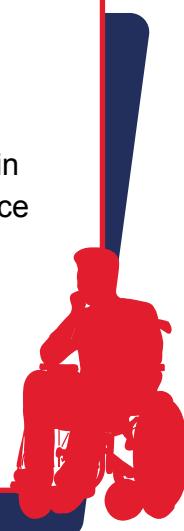
Trafficked victims with disabilities also face a number of challenges with return and reintegration. Participants in the workshop noted that access to support is difficult once people return to their home communities, especially when these are outside of major cities, where services may be limited, or require people to travel to district or provincial capitals. Victims of trafficking with disabilities also often face multiple kinds of social stigma. This is particularly the case for victims of trafficking with psychosocial (mental health) disabilities. Our research also highlighted the fact that return and reintegration is very challenging where family members are complicit in the trafficking (Jackson et al., 2024; Vijeyarasa, 2013).

Despite these challenges, those consulted for this report indicated that collaboration between service providers plays an important role in meeting the needs of trafficking victims with disabilities. One NGO explained that they work with local organisations like the Women's Union, as well as with public hospitals and doctors, to ensure that

the needs of those they are supporting are fully met.<sup>9</sup> Another NGO explained that to assist victims in rehabilitating and reintegrating into their community, they work through survivor networks, which offer peer support and a vehicle for linking victim-survivors to services such as vocational training providers. This partnership allows the organisation to extend its offerings to victims by capitalising on the skills and expertise of other institutions. The organisation uses a similar partnership model to assist victims with accessing legal support.

#### **Box 5: Survivor networks provide much-needed support over the longer term**

One NGO that provides shelter and other services for victims for trafficking in Vietnam has recognised the importance of support over the longer-term, once people leave the shelter. They have established a self-help network that enables victim-survivors of trafficking to stay connected to each other and provide each other with ongoing support. The network also offers training in soft skills, entrepreneurship, and other topics. It currently has around 150 members and includes victim-survivors of trafficking with disabilities.



## **Access to justice**

### **Key points**

- Victims of trafficking with disabilities are often reluctant to participate in legal proceedings, particularly when a family member was involved in their exploitation, and do not have a strong awareness of the laws and support available.
- Police stations and court buildings are not physically accessible, and there is a lack of sign language provisions.
- Actors in the justice sector often do not have a strong understanding of the different needs of persons with disabilities or how to meet them.

9 Consultations undertaken for this report revealed that one factor that enables organisations to provide comprehensive and specialised support to victims is receiving funding as a lump sum, with the flexibility to use it as required by the victim.

Trafficked victims with disabilities have a range of legal needs. This can include needs relating to visas and immigration, family law issues such as divorce, custody of children, guardianship or adoption, assistance with recovering unpaid wages, and assistance with criminal charges or a criminal record for crimes committed while the person was trafficked (OVC, 2015; Sumner, 2023). Vietnamese law guarantees the rights of victims to legal assistance and Vietnam's Law on Legal Aid provides access to free legal services for vulnerable groups (Rapid Asia, 2022, pp. 66-69; The World Bank, 2020).<sup>10</sup>



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10 The Legal Aid Law (2017) specifically identifies the following groups: (1) people with honored services to the revolution; (2) poor people; (3) children; (4) ethnic minorities living in areas with extremely harsh socio-economic conditions; (5) accused people aged from 16 to 18; (6) accused people belonging to near poor households; (7) people with financial difficulties belonging to the following groups: father, mother, wife, husband and children of martyrs and people fostering martyrs when they were young; people infected with dioxin; the elderly; the disabled; victims aged from 16 to under 18 in criminal cases; victims of domestic violence; victims of human trafficking in accordance with the Law on Prevention and Control of Human Trafficking; and HIV-infected people.

A significant obstacle to victims of trafficking accessing justice is their reluctance to participate in legal proceedings. This can be for a range of reasons, including trauma, and fear of reprisals from traffickers. A lack of trust in the criminal justice system including concerns about lengthy procedures and the possibility of not receiving compensation, even if a case is successful, can discourage victims from seeking justice (Andrevski et al., 2013; Domingo & Siripatthanakosol, 2023; Phan et al., 2020). Vietnam has laws which provide protection for witnesses involved in criminal proceedings (Ny, 2024). Nevertheless, participants in the national workshop observed that persons with disabilities were often reluctant to participate in legal proceedings, particularly when a family member was involved in their exploitation. Other reasons provided by participants in the national consultation workshop and by key stakeholders included a lack of awareness of the laws and support available, a lack of proactive support by their families to participate in legal proceedings, inaccessible police stations and court buildings, and a lack of sign language provisions.<sup>11</sup>

National laws in Vietnam guarantee the rights of persons with disabilities to justice and to reasonable accommodations in the justice process (Rapid Asia, 2022). In practice, however, many trafficked victims with disabilities – and persons with disabilities who engage with the justice system more broadly – still face a range of challenges (Phan et al., 2020). In Vietnam, participants in the national workshop observed that one of the challenges for victims of trafficking with disabilities in accessing support and justice service is that in some areas, local authorities fail to recognise them as trafficking victims. Further, staff responsible for receiving and handling case do not have a strong knowledge of different disabilities and the needs of persons with disabilities, and also lack the skills to work with persons with disabilities. Finally, those consulted explained that many victims of trafficking return to Vietnam after extended periods, often after the statue of limitations for investigation has expired, which impedes their ability to pursue legal action.<sup>12</sup>

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11 A severe shortage of sign language interpreters and inconsistency of terms across with sign languages has been noted by other researchers of disability in Vietnam (Sze et al., 2022).

12 According to the 2015 Penal Code No. 100/2015/QH13, there are limits on how long after a crime is committed that a prosecution can commence. The time frame ranges from five years for less serious crimes through to 20 years for extremely serious crimes (Do, 2024). Similarly, there are time frames set for the time period between initiating and finalizing investigations. These range from two months for less serious crimes to four months for very serious crimes (Văn, 2022). Although extensions may be possible under certain circumstances, these constraints can severely impact officials' ability to identify victims effectively and pursue justice.

# RECOMMENDATIONS



## Prevention of trafficking in persons

To help prevent trafficking of persons with disabilities, efforts could usefully focus on:

- Increasing awareness of trafficking amongst persons with disabilities, their families, and the wider community. This can be done through campaigns, education, and the dissemination of information on the risks of trafficking and the legal rights of persons with disabilities. Such awareness efforts should include skills training for persons with disabilities to help them protect themselves and access support services.
- Developing policies and programs that promote social inclusion, enhanced educational access, and stable employment and livelihood opportunities for persons with disabilities to reduce their vulnerabilities to being trafficked.
- Encouraging public-private partnerships to develop inclusive business models that promote employment and services for persons with disabilities.
- Establishing consultation centres and support-oriented interactive groups to disseminate information to persons with disabilities.
- Improving inter-agency cooperation to better prevent trafficking. This includes ensuring that all agencies are aligned on efforts to protect persons with disabilities and that relevant policies are implemented at all levels.

## Identification, support services and recovery

To improve identification, support services and recovery for trafficked victims with disabilities, efforts could usefully focus on:

- Accurately capturing data on all types of disability by using robust screening questions such as the Washington Group Short Set of Questions on Functioning – Enhanced or the Washington Group/UNICEF Child Functioning Module questions during screening and identification processes.<sup>13</sup>

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13 The Washington Group Short Set of Questions on Functioning – Enhanced includes 12 questions designed to gather information on difficulties in undertaking basic functioning activities, including seeing, hearing, walking or climbing stairs, remembering or concentrating, self-care, communication (expressive and receptive), upper body activities, and affect (depression and anxiety). It is available at <https://www.washingtongroup-disability.com/question-sets/wg-short-set-on-functioning-enhanced-wg-ss-enhanced/>. The Washington Group/UNICEF Child Functioning Module has two versions: one for children aged 2–4 years and one for children aged 5–17 years. Both are designed for administration to mothers (or primary caregivers) and assess difficulties in vision, hearing, mobility, communication/comprehension, behaviour and learning (all ages); dexterity and playing (2–4 years); and self-care, remembering, focusing attention, coping with change, relationships and emotions (5–17 years). It is available at <https://www.washingtongroup-disability.com/question-sets/wg-unicef-child-functioning-module-cfm/>.

- Developing guidance, procedures, and measures for managing cases of trafficking victims with disabilities. These would help state agencies and stakeholders provide more appropriate care and legal support for persons with disabilities, ensuring their needs are met throughout the recovery and rehabilitation process.
- Providing specialised training and capacity building for frontline officers on victim screening and identification, and how to engage and support persons with disabilities.
- Strengthening coordination and collaboration between stakeholders in screening and identification processes. For example, police or border guards should involve healthcare professionals to assess the victim's condition and determine whether they have any disabilities, and if so, what type. This would ensure that no critical information is overlooked from the start.
- Leveraging funds from domestic and international sources to ensure that services for trafficking victims with disabilities are adequately funded and accessible.
- Enhancing support services to better meet the needs of trafficking victims with disabilities. This includes ensuring services that are supportive, accessible and inclusive environment for victims with disabilities.
- Supporting collaboration between state agencies, social organisations (including OPDs), NGOs, international bodies, and persons with disabilities as well as their families. State agencies should lead the coordination effort while social organisations actively collaborate to provide support.
- Enhancing international cooperation in counter trafficking of persons with disabilities efforts.

## Access to justice

To improve access to justice for victims of trafficking with disabilities, efforts could usefully focus on:

- Providing specialised training to police, prosecutors, judges, and staff of victim support agencies to improve their knowledge and skills in working with persons with disabilities. These training will help create a more inclusive environment that respects the rights of all individuals, including persons with disabilities, during criminal justice processes.
- Ensuring essential facilities used during prosecution and court processes are accessible for persons with disabilities. This includes features such as interview rooms and courtrooms designed to be accessible for individuals with disabilities.

- Involving persons with disabilities or organisations for persons with disabilities as peer support to help victims feel more comfortable and build trust in the process.
- Providing guidance on how officials should support and accommodate persons with disabilities during prosecution or court hearings, such as providing sign language interpreters and legal representation.
- Ensuring prosecutors, police, and other officials involved in trafficking cases prioritise disability sensitivity and avoid re-traumatising victims. Assigning officials/staff experienced in working with persons with disabilities, while also being mindful of gender sensitivity.

## National strategy, policy and legislative framework

To strengthen national laws, policies and strategies, efforts could usefully focus on:

- Refining, amending and/or developing relevant laws, sub-laws and policies to ensure better accommodations, support, and accessibility for victims of trafficking with disabilities.

## Disability-disaggregated data and reporting

To strengthen disability-disaggregated data and reporting, efforts could usefully focus on:

- Strengthening national data on trafficking in persons and disability issues, which can help tailor disability inclusive anti-trafficking efforts, interventions, policy making process and improve coordination among agencies.



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## **ACKNOWLEDGEMENT OF COUNTRY**

LaTrobe University acknowledges that our campuses are located on the lands of many traditional custodians in Australia.

We recognise their ongoing connection to the land and value their unique contribution to the University and wider Australian society.

We are committed to providing opportunities for Indigenous Australians, both as individuals and communities through teaching and learning, research and community partnerships across all of our campuses.

La Trobe University pays our respect to Indigenous Elders, past, present and emerging and will continue to incorporate Indigenous knowledge systems and protocols as part of our ongoing strategic and operational business.

## **GENERAL ENQUIRIES**

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