

# Children affected by migration in ASEAN Member States

## COUNTRY BRIEF: VIET NAM

**Southeast Asia is a major migration hub comprising countries of origin, destination and transit – with some countries being a mix of all three – for a large number of migrants.** Migrants include displaced persons moving both within and between countries for diverse and mixed purposes. In 2020 alone, there were 1.3 million (1,266,009) child migrants in ASEAN and in 2021, around 630,000 (627,390) refugees from ASEAN countries in the world were children. Natural disasters and conflict led to more than 2.5 million (2,522,801) internal displacements of children in 2021. Millions more children remained behind while parents migrated for work, leaving many children at risk.

### Data snapshot: Viet Nam migration trends

- 13.6 per cent of Viet Nam's population are internal migrants.<sup>1</sup>
- A study carried out in 2019 estimated that 1 in every 250 children in the research locations may have had experiences indicative of cross-border trafficking.<sup>2</sup>
- 5.2 per cent of children live without their biological parents and 1.3 per cent have at least one of their biological parents living abroad.<sup>3</sup>
- 17.5 per cent of adult migrants had school-aged children who accompanied them during migration.<sup>4</sup>

**Many of Viet Nam's children are affected by migration.** Rural to urban internal migration routes are the largest flows in Viet Nam, where migration plays a major role in meeting labour needs in urban areas. Many adolescents migrate internally for employment purposes, although the difficulty of meeting requirements for Family Residence Registration (e.g., documents demonstrating property ownership or a formal rental agreement) leads children to move without registration, limiting them to unofficial and less well-paid employment opportunities.<sup>5</sup> International migration also occurs from Viet Nam to other countries both within and outside the ASEAN region, with Japan, Taiwan and China the top three destinations for migrants.<sup>6</sup> International migration from Viet Nam to Thailand also occurs, although the extent of this migration is difficult to determine as it is frequently irregular – that is, outside the destination country's regular process or not in compliance with its laws. While migration can have a positive impact on individual children and families, particularly where States facilitate safe and orderly forms of movement, it can also expose children to higher-risk movements, including smuggling and trafficking, along with a range of other protection risks.

<sup>1</sup> General Statistics Office of Vietnam and United Nations Population Fund, *The 2015 National Internal Migration Study: Major findings*, Ha Noi, 2016, p. 3.

<sup>2</sup> Apland, Kara, and Elizabeth Yarrow, *Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Vietnam*, Coram International, 2019.

<sup>3</sup> General Statistics Office of Viet Nam and United Nations Children's Fund, *Viet Nam Multiple Indicator Cluster Survey*, 2014, p. 240.

<sup>4</sup> *The 2015 National Internal Migration Study: Major findings*, p. 8.

<sup>5</sup> Jones, N., et al., *Falling Between the Cracks: How poverty and migration are resulting in inadequate care for children living in Viet Nam's Mekong Delta*, Overseas Development Institute, December 2014, p. 36.

<sup>6</sup> International Labour Organization, 'Triangle in ASEAN – Viet Nam', <[www.ilo.org/hanoi/Whatwedo/Projects/WCMS\\_432218/lang-en/index.htm](http://www.ilo.org/hanoi/Whatwedo/Projects/WCMS_432218/lang-en/index.htm)>.



15-year-old Tan left school after Year 6 so that he could work and earn money. After becoming homeless for some time, he returned home to his family and began vocational training learning how to repair motorbikes.  
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**This country brief summarizes the key findings of a report on children affected by migration in ASEAN Member States**, along with an in-depth study on child trafficking and exploitation in the context of migration in Viet Nam. The regional study examined the unique drivers of child migration; the ways in which children are affected, including protection risks associated with migration; and the laws, policies and services for children and families affected by migration.

**It is important that the unique situation and needs of children affected by migration are understood** so that more effective and targeted policy and programmatic responses can be developed. Until recently, much of the migration literature focused on the experiences of, and the impact on, migrant adults. Children and their interests have been largely invisible, with little knowledge generated about the unique drivers or impact of migration and particular migration policies on children.

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**‘Children affected by migration’** is a broad umbrella term that encompasses children (those aged under 18 years)<sup>7</sup> who move or have moved within their country of origin or across the border into another State, temporarily or permanently. This includes children who migrate voluntarily or involuntarily (as a result of forced displacement due to natural disaster or conflict); or for economic, social, educational or cultural reasons. It includes children who move individually or to accompany parents who have migrated. It also includes children who remain behind while one or both of their parents migrate (‘children remaining behind’).<sup>8</sup>

<sup>7</sup> This is in accordance with international definitions of childhood in particular as set out in the Convention on the Rights of the Child, Article 1. It should be noted that in the domestic laws of some ASEAN States, such as Thailand, children who have attained majority through marriage are not included within the definition of ‘child’ in the Child Protection Act 2003. In addition, in some domestic laws, such as the Philippine Republic Act 7610, a child over the age of 18 who cannot fully take care of themselves because of a physical or mental disability or condition is included within the definition of a child.

<sup>8</sup> Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of migration, CRC/C/GC/22 16 November 2017, para. 9. See also UNDESA, which defines an international migrant as anyone who changes their country of usual residence, ‘Recommendations on Statistics on International Migration, Revision 1’, 1998; and International Organization for Migration, ‘IOM Definition of “Migrant”’, <[www.iom.int/who-is-a-migrant](http://www.iom.int/who-is-a-migrant)>.

# 1. Profile of children affected by migration in Viet Nam

**Rural to urban internal migration is the largest flow in Viet Nam**, as children and families from poorer agricultural communities migrate to find employment.<sup>9</sup> A substantial proportion of internal migrants are adolescents, who may migrate alongside parents or independently. While there is limited understanding of child labour in the context of migration, a study on internal migrant workers in Viet Nam's apparel and footwear industry found that child migrants aged 15 to 17 years, typically from rural areas, are employed lawfully in this sector under the same conditions as adults.<sup>10</sup>

**Many children migrate with their parents/caregivers, while some migrate independently.** A study found that 17.5 per cent of migrants in Viet Nam had school-aged children who accompanied them during migration.<sup>11</sup> An 'unknown number' of young child migrants are also thought to be employed through the use of false identity documents (e.g., those of older siblings) that inflate their age.<sup>12</sup>

**While many Vietnamese children migrate with their parents or alone, many more remain behind at home when their parents migrate.** According to the 2014 Viet Nam Multiple Indicator Cluster Survey, 5.2 per cent of children in research locations lived without their biological parents and 1.3 per cent had at least one of their biological parents living abroad.<sup>13</sup> However, this survey only includes children remaining behind in the context of international migration. Given the magnitude of internal migration in Viet Nam, it is likely that the number of children who remain behind when parents migrate is much higher.



<sup>9</sup> Kneebone, Susan, et al., *Child Labour & Migration: From Hue to Saigon, Viet Nam*, Hue, Viet Nam, September 2013, <[www.bluedragon.org/wp-content/uploads/2013/12/Child-Labour-Migration-Monash-University-2014.pdf](http://www.bluedragon.org/wp-content/uploads/2013/12/Child-Labour-Migration-Monash-University-2014.pdf)>. Stöckl, Heidi, et al., 'Trafficking of Vietnamese Women and Girls for Marriage in China', *Global Health Research and Policy*, vol. 2, no. 28, 2017, p. 4, <<https://doi.org/10.1186/s41256-017-0049-4>>.

<sup>10</sup> UNICEF Viet Nam, *The Apparel and Footwear Sector and Children in Viet Nam*, p. 3.

<sup>11</sup> *The 2015 National Internal Migration Study: Major findings*, p. 8.

<sup>12</sup> *The Apparel and Footwear Sector and Children in Viet Nam*, p. 3.

<sup>13</sup> General Statistics Office of Viet Nam and United Nations Children's Fund, *Viet Nam Multiple Indicator Cluster Survey*, 2014, p. 240.

## 2. Drivers of (child) migration

**Children in Viet Nam migrate and are affected by migration for a range of reasons.** The figure below explains the drivers of migration in Viet Nam, including individual and family drivers, along with factors that operate at community and structural levels in a child's life.



### Structural drivers

- Limited and poor economic opportunities in rural areas and better opportunities in cities encourage rural to urban internal migration flows.
- Natural hazards such as storms and flooding can hinder the capacity of families and communities to develop and move beyond poverty, which may consequently drive economic migration.
- Resettlement programmes implemented by the Government of Viet Nam to respond to the environmental and economic challenges in the Mekong Delta region have also encouraged migration.



### Community drivers

- Social and family networks, particularly with previous experience of migration, provide children and families with information, access to opportunities and logistical and financial support that encourages their migration.



### Family drivers

- Economic hardship and poverty in families can drive migration. Some children willingly migrate for the purpose of marriage out of a desire to help their family's financial circumstances. Familial obligation is also a driving factor for children migrating for employment in Viet Nam.



### Individual drivers

- Child marriage as well as marriage trafficking drives the movement of children internally and internationally.
- Violence and trauma within the family is a contributing factor in an individual's decision to migrate.
- Children may be driven to migrate to access improved educational opportunities.

### 3. Protection risks

**Vietnamese children who migrate face a range of protection risks.** These can include violence, sexual exploitation and trafficking, child labour and economic exploitation, and limited access to services, including birth registration (for children who are born abroad).

**Children who migrate are exposed to the risk of child trafficking during migration.** A study carried out in 2019 found that an estimated 5.6 per cent of children in Viet Nam had experienced coercion, violence or exploitation in the context of independent migration. The majority of cases (92.3 per cent) were identified in the context of internal migration; overall, it was estimated that 0.4 per cent, or 1 in every 250 children in Viet Nam, may have experiences indicative of trafficking in the context of cross-border migration. Rates were found to be higher in northern border areas and within ethnic minority and rural communities.<sup>14</sup>

**Children who migrate alone from rural to urban areas are particularly vulnerable to trafficking for prostitution and labour exploitation.**<sup>15</sup> Child trafficking victims are often trafficked to brothels in China, Cambodia, Lao PDR and elsewhere in Asia<sup>16</sup> and exploited in the garment, travel and tourism, agriculture and services industries. Traffickers tend to be parents or family members or part of criminal networks, and children are increasingly exposed to internet-facilitated trafficking and exploitation. Children with low socioeconomic status as well as street children and children with disabilities are thought to be particularly vulnerable.<sup>17</sup> Children from rural or deprived communities are also judged to be at particular risk, specifically girls from ethnic minority communities in the northwest highlands. Children who are trafficked for sex work are at risk of contracting HIV and other sexually transmitted infections, and face the risk of pregnancy and physical violence.<sup>18</sup> Research indicates that victims of child trafficking also have a high prevalence of mental health problems and poor sense of well-being.<sup>19</sup> They may also experience stigma on their return home after being trafficked and face rejection by their families because they are perceived to have brought dishonour on their relatives.<sup>20</sup>

**Children who migrate internally are also vulnerable to exploitation and exposure to various protection risks.** A study on poverty and migration in the Mekong Delta documented instances of adolescent children migrating internally to undertake informal piecework in small workshop environments where they are encouraged to work long hours to boost their wages.<sup>21</sup> A number of hazards have been documented in relation to migrant children's employment, including the risk of physical injury from sorting scrap metal and "opportunistic assault, especially from local drug addicts in need of ready cash" for lottery ticket sellers.<sup>22</sup> Another study on trafficking in Viet Nam documented instances of exploitative and debt-bonded labour, with young people having to pay off their traffickers for money given to their families.<sup>23</sup>

**Vietnamese migrant children may experience particular challenges having their births registered for a range of reasons,** such as discriminatory laws, policies or practices. For instance, some groups of irregular migrants and in particular children of Vietnamese origin appear to be at risk of not having their births registered in Cambodia, even though birth registration in that country is compulsory and free.<sup>24</sup>

<sup>14</sup> Aplan and Yarrow, *Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Viet Nam*.

<sup>15</sup> United Nations Children's Fund, *An Analysis of the Commercial Sexual Exploitation of Children in Selected Provinces and Cities of Viet Nam, 2011; The Apparel and Footwear Sector and Children in Viet Nam*, p. 5.

<sup>16</sup> United States Department of State, *2020 Trafficking in Persons Report: Vietnam*, <[www.state.gov/reports/2020-trafficking-in-persons-report/vietnam](http://www.state.gov/reports/2020-trafficking-in-persons-report/vietnam)>.

<sup>17</sup> Ibid.

<sup>18</sup> Vijayarasa, Ramona, 'The State, the Family and Language of 'Social Evils': Re-stigmatising victims of trafficking in Vietnam', *Culture, Health & Sexuality*, vol. 12, 2010, pp. S89–S102; Stöckl, et al., 'Trafficking of Vietnamese Women and Girls for Marriage in China'; *An Analysis of the Commercial Sexual Exploitation of Children in Selected Provinces and Cities of Viet Nam*.

<sup>19</sup> Rafferty, Y., 'The Impact of Trafficking on Children: Psychological and social policy perspectives', *Child Development Perspectives*, vol. 2, no. 1, 2008; Aplan and Yarrow, *Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Viet Nam*; Stöckl, et al., 'Trafficking of Vietnamese Women and Girls for Marriage in China', p. 4.

<sup>20</sup> Child Exploitation and Online Protection Centre, *The Trafficking of Women and Children from Vietnam, 2011*; The Office of Senator Thanh Hai NGO, *Vietnam Human Rights Report, 2015: Events of 2014, 2015*.

<sup>21</sup> Jones, et al., *Falling between the Cracks: How poverty and migration are resulting in inadequate care for children living in Viet Nam's Mekong Delta*, p. 3.

<sup>22</sup> Ibid., p. 24.

<sup>23</sup> Aplan and Yarrow, *Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Viet Nam*'.

<sup>24</sup> In accordance with the Sub-Decree on Civil Status No. 103 (2000).

**While children who remain behind may benefit from improved living conditions and access to education and other services due to remittances sent home by migrating parents, they may also face a range of risks and harms** to their welfare and safety due to being separated from their parents.<sup>25</sup> Reduced parental care has also been evidenced as a risk for child trafficking; previous research on child trafficking in Viet Nam found that children from single parent households and households in which the head was not a parent were at increased risk of experiencing an indicator of child trafficking.<sup>26</sup>

### **Child trafficking and exploitation in the context of migration in Viet Nam**

Mixed-methods research was carried out in 2022 on the drivers and risks of child trafficking and exploitation in the context of migration. The research involved the analysis of existing survey data collected from children and adolescents along with interviews with key informants and experts in the field of child trafficking and labour exploitation.

The survey data, which included a sample of 166 young people who had migrated without a parent or caregiver before the age of 18 and 3,333 young people who had not previously migrated, indicated that certain groups of children were more vulnerable to exploitation in the context of migration. This included children and young people with disabilities, children from lower wealth quintiles (who were found to be more vulnerable to emotional violence), and children from ethnic minority groups (particularly Hmong children). Children living in rural areas were more likely to experience wage exploitation, and girls experienced more frequent sexual exploitation.

Key informants highlighted additional family characteristics that increase children's risk of trafficking and exploitation in the context of migration, including being from a single-parent household, being a child who remains behind when parents migrate, being a child who has migrated with a parent, and living in a household in which family violence is present.

The internet is increasingly being used for the facilitation of child trafficking. Greater access to social media by children provides a new platform through which recruiters can approach, befriend, groom, deceive and subsequently traffic children.

**NGO service provider:** *"Children are vulnerable because they don't have knowledge and skills to protect themselves. Children are easier targets of manipulation and deceit. Children from poor households are under additional pressure for early school drop-out and early working. They start finding employment while having insufficient knowledge to find a decent job."*<sup>27</sup>

**NGO service provider:** *"Young boys and girls were tricked to Cambodia to work in casinos and gambling centres. Their task was to lure Vietnamese people to come in to play. The traffickers advertised in social media about jobs in online games. Young people did not have enough information and wanted to try. They met with their traffickers and were transported to Cambodia without a passport. As they entered the casino building, they were locked [up] and forced to work. If they refused because they did not want to cause harm to other Vietnamese, they were beaten and forced to achieve a certain turnover. This is a form of trafficking."*<sup>28</sup>

**International organization staff member:** *"Some children migrate to work in illegal mining, especially gold mining. Illegal mining activities often take place in remote areas, deep in the forest, protected by organized crime. The issue is so very sensitive that local authorities don't want to deal with it."*<sup>29</sup>

<sup>25</sup> Davis, J., *On the Border: Exploring the perspectives & experiences of street-involved children on the Thai-Cambodian border*, May 2017, p. 37; United Nations Children's Fund, *Executive Summary Study on the Impact of Migration on Children in the Capital and Target Provinces, Cambodia*, May 2017, p. 10, <Study on The Impact of Migration on Children in The Capital and Target Provinces\_Eng.pdf.pdf (unicef.org)>.

<sup>26</sup> Apland and Yarrow, *Casting Light in the Shadows: Child and youth migration, exploitation and trafficking in Viet Nam*, p. 44.

<sup>27</sup> Interview with an NGO, 21 February 2022.

<sup>28</sup> Interview with an NGO, 28 February 2022.

<sup>29</sup> Interview with an international organization, 25 February 2022.

## 4. Policies, laws and services for children affected by migration

**ASEAN Member States, including Viet Nam, have taken important steps towards protecting the rights of children affected by migration.**

In particular, the ASEAN Declaration on the Rights of Children in the Context of Migration, which was adopted in November 2019, and the Regional Plan of Action on implementing the Declaration, which was adopted in October 2019, provide a solid framework for the protection of children in the context of migration. Viet Nam has ratified the United Nations Convention on the Rights of the Child, which sets out a comprehensive framework of rights, including for children affected by migration. Viet Nam is not party to the 1951 Refugee Convention. However, although the Constitution of Viet Nam<sup>30</sup> refers to asylum, it provides only that Viet Nam “may consider” granting asylum in certain circumstances.

**While Viet Nam’s Child Law is comprehensive in addressing the rights and needs of child migrants, protection is only afforded to children up to the age of 16.**

Article 36 of the Child Law expressly provides for the protection and provision of humanitarian assistance to stateless and refugee children. Children who have been trafficked and “immigrant and refugee children whose parents are not yet identified” come within the definition of ‘disadvantaged children’, meaning that they require specific support and protection.<sup>31</sup> Such protection includes “functional rehabilitation and social inclusion” and “access to social support policies and other supporting sources for improving living conditions for children”.

**Viet Nam has some of the most comprehensive provisions on family tracing and reunification among ASEAN Member States and these provisions are broadly in line with international standards.**

Viet Nam’s Child Law provides for the right for the child to “stay in touch or contact” both parents where they or their parent(s) reside(s) in different countries or are detained or expelled. Children also have the right to “have their immigration facilitated to be united with their parent(s)” and “are protected from illegal transport to the outside of the territory of Viet Nam and provided with information when their parent(s) is (are) missing”. Stateless children residing in the territory of Viet Nam and refugee children are entitled to search for their parents and families as regulated by the law of Viet Nam and the international agreements to which Viet Nam is a signatory.<sup>32</sup>

**While Viet Nam has a specific law addressing human (including child) trafficking – the Law on Prevention and Suppression of Human Trafficking 2011 – child trafficking victims over 16 years of age are not fully protected under this law** but are instead covered under the general Criminal Code. This means they must prove some form of coercive means to prove the offence of trafficking. Furthermore, the Vietnamese law has a very narrow conceptualization of what amounts to a trafficking offence. A broader understanding of trafficking thus needs to be enshrined into the law in Viet Nam to guarantee prosecution and thus uphold the rights of the victim.



A construction worker takes his young daughter to the Little Sun Kindergarten located inside a factory compound in Ho Chi Minh City. The school prioritises taking the children of construction workers, helping with their peace of mind while at work. © UNICEF/UN0216000

<sup>30</sup> Article 49 provides that Viet Nam may consider granting asylum to “[f]oreign nationals who are persecuted for taking part in the struggle for freedom and national independence, for socialism, democracy and peace, or for engaging in scientific pursuits”.

<sup>31</sup> Article 10, Child Law, Viet Nam.

<sup>32</sup> Article 36, Child Law, Viet Nam.

## 5. Suggested next steps



### Data and research

**It is recommended that the Government of Viet Nam strengthen data collection and monitoring systems for children affected by migration, including on the drivers and impacts of migration and trafficking, in relation also to children who remain behind.**

Gaining a robust and comprehensive understanding of the scale, profile and needs of children affected by migration, including those who remain behind and those in displacement, is crucial to the development of effective and targeted policies and programmes.



### Law and policies

**It is recommended that the Government of Viet Nam amend the Child Law and the Law on the Prevention and Suppression of Human Trafficking so that they apply to all children up to the age of 18 years.**

There should also be an express provision in the Law on the Prevention and Suppression of Human Trafficking granting immunity from criminal prosecution to victims of trafficking for offences. This is important to ensure that comprehensive legal protection is provided to all children who are at risk and to those who are victims of human trafficking.



### Programmes

**It is recommended that the Government of Viet Nam assess and work to strengthen the child protection system with a particular focus on child protection in the context of migration,** ensuring collaboration and capacity-building across relevant government ministries.

**It is also recommended that the Government of Viet Nam strengthen quality employment opportunities for youth.** It is important to ensure that government ministries, NGOs and businesses work together to provide employment opportunities to young workers, support capacity-building and the promotion of safe employment opportunities for children and the development of skills training for employed youth.



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