

Synthesis Report the Trafficking of Vietnamese Women and Children



December - 2005

Copyright: **2005 ActionAid International
Vietnam**

Photo: Jack Picone/ActionAid

All rights reserved.

Use of the term "country" does not imply any judgment by the authors or ActionAid International Vietnam as to the legal or other status of any territorial entity.

SYNTHESIS REPORT
Of Three Research Studies
Cambodia, Taiwan (China), Vietnam

ON THE TRAFFICKING OF VIETNAMESE WOMEN AND CHILDREN

Internal distribution only

Table of contents

Page

| | |
|-----------|--|
| 4 | Acronyms |
| 5 | Acknowledgements |
| 6 | Executive Summary |
| 8 | Introduction |
| 9 | Chapter 1: The Research |
| 9 | 1. Objectives of the Research |
| 11 | 2. Research Structure and Collaborating Agencies |
| 12 | 3. Methods and Approach |
| 14 | 4. Scope and Limitations |
| 15 | 5. Reaching targets |
| 16 | 6. Definitions used in the reports |
| 18 | 7. Framework of the Research |
| 19 | Chapter 2: Decision, Destination and Destiny |
| 19 | 1. The decision to leave: Situation at community of origin |
| 22 | 2. Upon return: Perceptions of Success or Failure |
| 24 | 3. Situation at destination |
| 29 | 4. National Policy, Mechanisms and Plan of Actions |
| 35 | 5. Conclusions |
| 37 | Chapter 3: Analysis and Issues Emerging from the Research |
| 37 | 1. Situation at place of origin |
| 39 | 2. Situations in places of destination |
| 42 | 3. Levels of Interventions: Different stages of trafficking |
| 43 | 4. Where do recommendations come from? |
| 44 | 5. Anti-trafficking activities that do not capture various realities |
| 47 | Chapter 4: Conclusions |
| 51 | Chapter 5: Possible Ways Forward |
| 55 | Appendices |
| 55 | A. RESEARCH TEAM MEMBERS AND ORGANISATIONS |
| 56 | B. RESEARCH AREA SPECIFIC RECOMMENDATIONS |
| 64 | C. CHECKLIST OF QUESTIONS |

Acronyms

| | |
|--|---|
| AAV | ActionAid International Vietnam |
| AFESIP | Agir pour les Femmes en Situation Precaire |
| CNCC | Cambodia National Council for Children |
| COSECAM | Coalition against the Sexual Exploitation of Children (Cambodia) |
| CRC | Convention on the Rights of the Child |
| CWCC | Cambodian Women's Crisis Centre |
| CWPD | Cambodian Women's Association for Peace and Development |
| FGD | Focus Group Discussion |
| GO | Governmental Organisation |
| GOC | Government of Cambodia |
| IDI | In-depth Interviews |
| ILO-IPEC | International Labour Organisation - International Programme on the Elimination of Child Labour |
| INGO | International Non-governmental Organisation |
| IO | International Organisation |
| IOM | International Organisation for Migration |
| LEASEC | Law Enforcement Against Sexual Exploitation of Children |
| LSCW | Legal Support for Children and Women |
| MOI | Ministry of Interior |
| MoSVY | Ministry of Social Affairs, Veterans and Youth Rehabilitation |
| MoWA | Ministry of Women's Affairs |
| MOU | Memorandum of Understanding |
| MRSC | Mobility Research and Support Centre |
| NGO | Non-governmental Organisation |
| OHCHR | Office of the High Commissioner for Human Rights |
| RBA | Rights-based approach |
| SCF | Save the Children |
| TECO | Economic and Cultural Office, Republic of China |
| UNICEF | United Nations Children's Fund |
| UNTAC | United Nations Transitional Authority in Cambodia |
| Conversions used (rates at the time of the research) | |
| VND | Vietnamese Dong: 15,800 VND= 1 USD |
| Riel | Cambodian Riel: 4,000 Riel = 1 USD |
| NT | Republic of China Dollar: 30 NT = 1 USD |

Acknowledgements

This report benefited from technical advice from Siriporn Skrobanek. ActionAid International Vietnam staff, particularly Nguyen Hong Nang and Pham Kieu Oanh provided coordinating, administrative, logistic and programmatic guidance and support. ActionAid International Cambodia and ActionAid International China also actively participated and contributed in coordinating researches in Cambodia and China. The research teams contributed immensely to the completion of this report, particularly Vichuta Ly, Roo Griffiths and Vouch Lay in Cambodia, Prof. Hsia Lin Ching, Chang Yu Hwa, Chang Jung Che and Ruan Huang Yue in Taiwan (China), Tran Ai My, Huyen Phuong Thi, Hoang Hoa My Tu, Tran Thai Nhu Van and Do Thi Nhu Tam in Vietnam. Joanna Busza and one anonymous reader provided comments on the initial draft. This report is compiled by Maria Belen Angeles.

December - 2005

Executive Summary

Women and children move and migrate. Children have special needs to be protected in the course of migration decisions because the situation in which they end up may violate their rights as a child and affect their full development and well-being. Women, however, practice a level of agency in deciding life choices. In this report, they can end up as a bride to a foreigner, domestic worker, care-giver, or sex worker. The level of agency they practice, the legal and illegal mechanisms open to them, and the interventions of governments and non-governmental organisations depend on the type of situation they end up in and the type of migration they choose to follow.

This 2005 report consolidates three reports conducted under the coordination of ActionAid International Vietnam. The destinations included are Cambodia, Taiwan (China) and Vietnam. It is part of an anti-trafficking project initiated by AAV that aims to develop a cross-border network to better support trafficked Vietnamese women and children. The reports are synthesized according to the four levels of inquiry agreed at the start of the research: (1) to learn about the situation of trafficked and migrant women and children at places of origin, (2) to learn about the situation at places of destination, (3) to assess the interventions

available/not available to them, and (4) to make recommendations to AAV on future programme interventions.

The research looked at issues of trafficking in the context of migration and from a rights-based approach. The Cambodia report looks at the situation of Vietnamese women and children who end up in sex work in three provinces in Cambodia. The Cambodia report discusses differences in the types of conditions women face whether they are in direct sex work or indirect sex work. The types of interventions open to the women and their decisions for return and reintegration are also dependent on the type of work they are in. They found that the women in indirect sex work are less likely to want to return home because of the higher level of income they can get as indirect sex workers than other options available at home. Those in direct sex work, however, face higher levels of abuse and lower level of freedom of movement and are sometimes more open to returning home.

In Taiwan (China) the report looks at the situation of Vietnamese brides married to Taiwanese men, Vietnamese domestic workers and care givers and sex workers. They too found that the level of agency that women can practice prior to leaving

depends on whether they are planning a marriage and on the type of work - domestic work or as care givers. Few know or willingly migrate to do sex work and many are deceived into it. In all three situations, the level of satisfaction and the level of abuse and exploitation also depend on the channels they went through to get to Taiwan (China) and the kind of work they end up in. The Taiwan (China) report also looked at Vietnamese brides legally in Taiwan (China) not necessarily in servile marriages and not trafficked victims. The conditions for these Vietnamese brides are substantively different from the trafficked women in servile marriages.

In Vietnam, the report looked at Vietnamese returning from Taiwan (China), Cambodia and China after being domestic workers, sex workers and brides. Here too, there were differences in the conditions of women and children in those three types of work/situations. The government mechanisms in place to meet the different types of migration - for work or as brides - are in place in Vietnam. Women can access these mechanisms. Some of the concerns surrounding these mechanisms include the high costs for families to access them, sometimes putting the family in debt just to be able to go through these legal channels. Another concern is the monitoring of the agencies that are part of these legal channels.

Findings from the three areas emphasize the need for recognizing the agency of women in a migration context while at the

same time recognizing the special needs of children in making that decision. The reports also recognise the need for interventions and anti-trafficking activities that capture the many nuanced experiences of women and children in both places of origin and destination.

Available interventions are different for each type of migration/movement. The problem is when one-size-fits-all interventions are practiced. This problem can be observed, for example, when some trafficked sex workers in indirect sex work in Cambodia refuse to leave their work even after 'rescue' efforts by some NGOs. The anti-trafficking interventions are sometimes not reflective of the realities that women face and their practice of their own agency in making decisions. Interventions also sometimes make no distinction between the different rights of women and children thereby disregarding the right to self-determination of adult women and treat them the same way as a child.

Findings from the reports point to the conclusion that there are many different kinds of situations women and children experience in places of origin and destination and that interventions (governmental and non-governmental) need to reflect the various realities women and children face. Specific recommendations for a possible AAV coordinating role in specified areas and ways of setting out an anti-trafficking programme are forwarded at the end of the report.

Introduction

This report draws from three separate yet integrated research studies on the trafficking of Vietnamese women and children, conducted in Vietnam, Cambodia and Taiwan (China). It was funded, supported and coordinated by ActionAid International Vietnam (AAV). Support was also received from ActionAid International in Cambodia and China. The research was conducted as part of the first phase of AAV's multi-year anti-trafficking project. The project aims to strengthen linkages between implementing agencies in the covered areas, facilitate return and reintegration of trafficked women and children, and contribute to the prevention of trafficking. An integrated research design was agreed among all researchers from the three areas in July 2005 and the research was carried out separately in each country. Each of these area research studies produced an independent national report based on the fieldwork conducted between August and October 2005. This report combines the findings of the three area studies and offers conclusions and recommendations based on the consolidated findings.

Chapter 1 will describe the research process, the objectives and methodology used for the research. Chapter 2 will summarize key findings from the research in Vietnam, Cambodia and Taiwan (China). The voices of the women and children will be highlighted whenever possible and trends and incidence will be recorded. National mechanisms and policies in each country will also be presented. Chapter 3 presents the consolidated research findings by showing the different conditions at the places of origin, the community perspectives about leaving and returning, and the conditions in places of destination. Chapter 4 offers conclusions and Chapter 5 will offer recommendations to ActionAid International Vietnam.

CHAPTER 1

The Research

The research process was started in April 2005 with the identification of key people to conduct the research. Research and report-writing at the national level ended in early December. Workshops were conducted in each of the countries to present the results of the national-level research. The combined findings from the research are to be presented at a conference in the near future. Field work in the three areas was conducted between August and October 2005 with 4-8 weeks spent in the field. Initially, research in China was envisioned to be part of the whole process. Unfortunately, the process of finding partners and seeking approval for the research took longer than expected. The research on China is still

ongoing and will be completed in January 2006. The results for that part of the research will be submitted at a later date.

1. Objectives of the Research

This research supported by ActionAid International Vietnam in four areas (Vietnam, Cambodia, Taiwan (China), and China) had six objectives:

- Identifying all potential stakeholders of AAV's counter-trafficking programme in the three destinations and two provinces in Vietnam. The research also aimed to document their perspectives vis trafficking issues.

- Mapping the nature, extent, location, and specific components of intervention programmes available to trafficked persons and source communities in the identified research areas (including legal, medical, social, vocational, spiritual, and other services). We sought to gain understanding of the possible impact of each service delivery approach.
- Learning about the living situation of Vietnamese women and children in Cambodia, China, and Taiwan (China) and documenting their perspectives as trafficked persons themselves.
- Assessing the situation in terms of trafficking patterns, trends, causes and effects in each of the identified areas.
- Identifying the gaps in meeting the needs of trafficked individuals and affected communities, including those which AAV is strategically best placed to fill.
- Making recommendations for future AAV programmes on trafficking in the identified areas.

There were four levels of common research questions for all the areas involved:

Background of trafficking in the research areas

Who are the trafficked persons? From which areas in Vietnam do they come? What is their background? What are the modes used in trafficking them to the chosen research areas? To which areas are they trafficked? What are the trafficking routes and for what purpose are they trafficked?

What are the reasons women and children leave their communities? What is their family background? What are the social services available to them in their communities?

Situation at destination

What are their difficulties living overseas? What are the conditions in which they find themselves? What social services can they access? What basic rights do they get or are denied? What are their demands and needs?

Who is doing what, where, how

Who are the main actors intervening in the areas? What are their strategies? What are the various interventions and services in the chosen research areas? Why do they think the strategies they have chosen are the most appropriate for the chosen area? Who are their target groups? How did they determine their interventions? What is their own analysis of the effectiveness of their chosen interventions? What, if any, is the impact of their interventions in the chosen areas? To what extent can trafficked women and children exercise their rights in the available services?

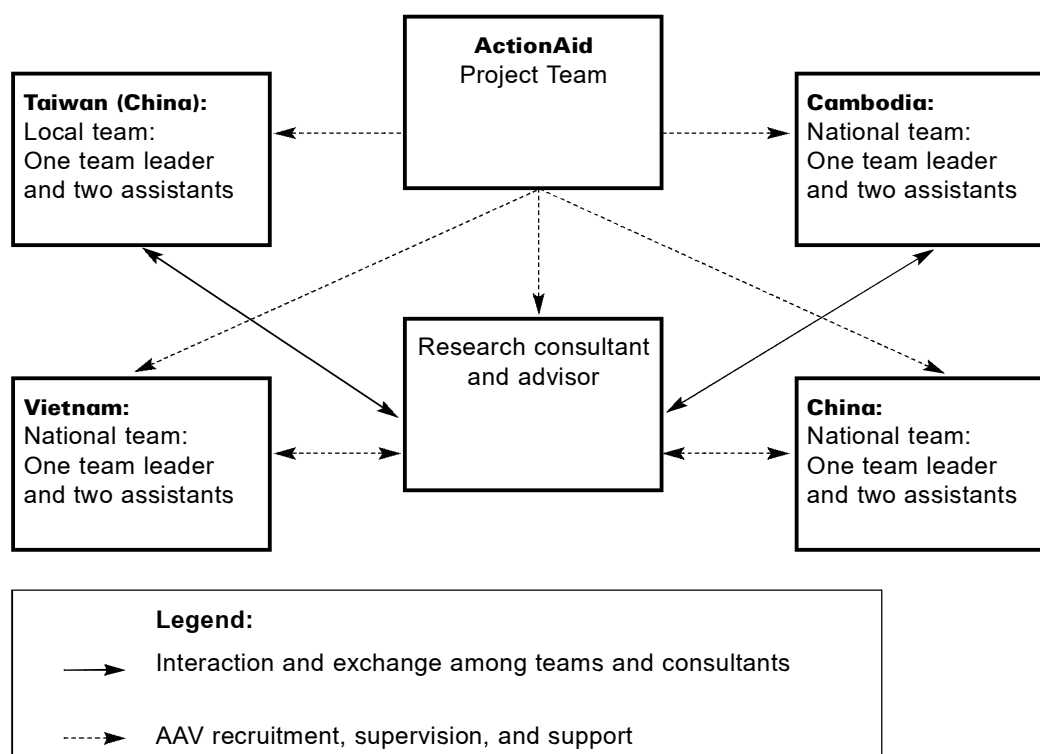
Recommendations

What are the most appropriate interventions that AAV can implement in the chosen areas given its own resources and staffing? What are the best possible strategies to address the needs and promote the rights of trafficked women and children at destination areas and points of origin? What should be strengthened and what are the gaps in promoting their rights?

2. Research Structure and Collaborating Agencies

| | |
|-----------------------------------|--|
| Regional Technical Support | ActionAid International Vietnam Technical Adviser (independent) Research Consultant (independent) |
| Cambodia | Legal Support for Children and Women (LSCW) Independent researchers contracted by LSCW |
| Taiwan (China) | Fu-jen Catholic University Independent researchers contracted by Fu-jen Catholic University |
| Vietnam | Mobility Research and Support Centre (MRSC) Independent researchers contracted by MRSC Vietnam Women's Union |

Diagram: Structure of research teams



3. Methods and Approach

The rationale for the research is to inform ActionAid International Vietnam's programming on anti-trafficking interventions in the coming years. The main target of the report therefore is ActionAid but it is also envisioned that the reports can be used a tool for advocacy. The research includes four areas¹. Research was conducted through independent research teams yet all area researches are integrated in research design and were simultaneously conducted. This has the advantage of networking, cross-checking and gaining a holistic perspective on the dynamics of migration and trafficking of Vietnamese women and children in the three areas.

AAV provided overall logistical and administrative coordination as well as programmatic support to the technical adviser, research consultant, and four national-level research teams. AAV spearheaded the process of selection for technical adviser while the research consultant assisted in the choice of the research teams. The selection process was a combination of open advertisement, mobilization of network of practitioners, and word of mouth.

After the selection of teams, the research consultant drafted a research design that was debated and finalized during a research workshop where all teams were represented (at least two researchers from each area). The research workshop included training on participatory methods and the concept of trafficking in women and children. The

methods, definitions, monitoring and reporting systems, and timetable for the research were agreed during the research workshop. Research instruments were jointly prepared and agreed on. Translations of research instruments were done at the national level. The selection of the national team for China was delayed due to unforeseen circumstances.

Literature review was conducted at both country and regional levels. The teams dispersed to apply for permits to conduct the studies, particularly in some parts of Cambodia and southern provinces of Vietnam. The research consultant conducted field monitoring visits to Taiwan (China) and Cambodia. Monitoring systems were implemented through regular email communication, phone calls and bi-weekly field reports. The research consultant prepared a field visit report at the end of each field visit.

Although there was an attempt to keep the 'participatory methods throughout the research, the realities on the field limited the extent to which it could be practiced, particularly in Vietnam and Cambodia. The extent to which methods could be participatory varied in each country. In Vietnam, there were focus group discussions and in-depth interviews with the presence of Vietnamese Women Union members observing/participating. It was not possible for the researchers to go directly to the communes without the presence of official guides who facilitated entry into the communes. In

¹ Initially four areas are included but the research in China is delayed and while the research in China is ongoing the findings are not included in this synthesis report.

Cambodia there were individual and group interviews. Some of the interviews in Siem Reap were conducted at the police station where the police identified some women for the researchers to interview. In some areas in Cambodia, it was possible to engage in forms of dialogue/interview with the participants. In both Vietnam and Cambodia, authorization was needed to start working in the target areas. It was slightly different in Taiwan (China) where the participatory method went further and there were possibilities to engage in deeper forms of dialogue and interaction with participants (whom the Taiwan (China) team saw as their joint researchers). In Taiwan (China), the Vietnamese brides were involved through more informal gatherings in parks or in their homes. This was possible because of the long-term interactions and experience of the team with the different groups. Central to the research in Taiwan (China) is the use of 'action science', which they define as "concerned with the practice of intervention, in which participants are encouraged to enact rules and norms of inquiry to generate valid information and effective action." To them, it also involves "working with this community to create conditions in which members can engage in public reflection on those rules and norms they enact." In all countries, however, the limited time for the whole research precluded the full potential for the research to be fully participatory.

Data analysis was conducted at the local level. Each team kept detailed records of interviews and focus group discussions in

their own language. The Cambodia team transcribed and translated the data to English whenever possible. The data was then consolidated according to categories identified during the research workshop for instance, situation at places of origin, family background, routes of trafficking, situation at places of destination, disaggregation into women and children, and by sector (sex workers, domestic workers, brides). The teams then sought trends and patterns. The Vietnam team divided the data for analysis between two teams to look for trends and patterns and assess against theories of migration and community decision-making. The Vietnam report presented a detailed analytical framework in their report. The Cambodia team compared their results against two documents (one government and another sponsored by an international organisation). Emphasis was placed on trying to answer the research questions based on the available data generated from the field. Drafts of all reports were routed to the research consultant and AAV for comment and brainstorming.

National-level seminar-workshops to present findings of the country-level studies were organized and conducted by the national teams. The research consultant consolidated the three reports into this synthesis report, supported by additional literature review and analysis of data. The technical adviser commented on the first and second drafts. The second draft was also submitted to all the teams for comments.

4. Scope and Limitations

The areas included in the research were pre-determined by AAV based on the 'known' incidence of trafficking gathered from literature and previous reports. Although AAV determined the areas included, the field sites were determined by the local teams based on their own experience. The teams considered the large presence of Vietnamese migrants - trafficked and not trafficked - presence of governmental and non-governmental agencies working on the issue, and accessibility of the area for the team.

The limitations of the methodology were different in each area. In all areas, however, there is an acknowledged sampling bias as the women and children who could be reached were through NGOs with interventions in the areas (Taiwan (China), Cambodia); through police who have monitored coming-and-going of sex workers (Siem Reap, Cambodia) and through the already existing network of organisations and individuals (including the Vietnam Women's Union). Both a weakness and strength, there was a need to go through authorized channels particularly in Vietnam and in some parts of Cambodia². In Vietnam, all the research had to go through the Vietnam Women's Union. Vietnam conducted the research in collaboration with the Vietnam Women's Union.

In Cambodia, coordination with the police was sometimes required, particularly in Siem Reap and Banteay Meanchey. Research permits were needed in some areas. There were also limitations in using snowball sampling in Cambodia and Vietnam where many of the women and children are reached through the authorities of the organisations that work with them.

Selection bias is noted in three cases: (a) reaching trafficked women and children accessed through shelters run by NGOs, (b) accessing sex workers (not necessarily trafficked) through NGOs and (c) accessing sex workers registered through police stations. These selection biases refer to particular conditions in the research that limit the populations to which researchers can access. These include women and children in sub-populations - (a) those who know or become aware of NGO interventions, (b) those who are in the direst of needs to seek NGO interventions, and (c) those known to police and therefore required to register³. However, it was difficult to circumvent this selection bias as there were limited opportunities to go directly to the women sex workers working in the brothels. Cambodia reported difficulty in accessing women in brothels⁴, owing to security issues, although access was achieved to a certain extent. Those in indirect⁵ sex work were informally interviewed in a coffee shop.

² This is also the case in China.

³ Tyldum and Brunovskis discuss these selection biases in "Describing the Unobserved: Methodological Challenges in Empirical Studies in Human Trafficking", IOM, 2005.

⁴ The Cambodia report refers work in brothels as 'direct sex work'.

⁵ Indirect sex work in this report refers to the work in massage parlours, beer gardens, karaoke bars and other similar establishments where sex is not the main 'front' though sex is usually part of the work.

All countries reported that a longer time-frame would have allowed participation from more groups of partners in the research design, data gathering, and data analysis. The research workshop at the start of the process, however, aimed to encourage the widest participation from all researchers in the planning and design of the research.

The Cambodia team reported that, possibly due to fear of reprisals, women and girl sex workers were reluctant to answer questions, and information gained from women and girls might not reflect the real situation particularly when brothel owners, bodyguards, or policemen were present during the interviews.

5. Reaching targets

The different sites targeted different populations depending on the predominant trafficking routes and persons affected. In Cambodia, the research targeted Vietnamese sex workers in direct or indirect sex work. The Taiwan (China) research targeted Vietnamese brides, domestic workers, migrant workers, and sex workers. The Vietnam research targeted returnees - from sex work, domestic work or sweatshops, and brides visiting home. Among the three countries there were also differences in the number of people and organisations reached. The following table shows the people and organisations reached.

| Area | Total Women and Children Reached/ sector/method | UN/INGO/NGO/GO reached | Methods |
|---------------------------|--|--|---|
| Cambodia | 12/direct sex work/ interview 13/indirect sex work/ interview | 2 INGOs 5 NGOs 5 GOs | Questionnaire, Informal interviews without questionnaire |
| Taiwan (China) | 10 migrant workers/formal and informal interviews 12 sex workers/formal and informal interviews 6 migrant brides/interview | 10 from NGOs 1 from GO 1 from broker agency | Questionnaire, informal and formal interviews, participant observation, group interviews |
| Vietnam | 23/returnee males/IDI 62/ returnee females/IDI 140 males/FGD 118 females/FGD | 48 people from GOs 1 from Press 1 from Red Cross | IDI, FGD, Questionnaire, informal interviews |

Research Sites

| <hr/> | |
|---------------------------|------------------------------------|
| Area | Site |
| <hr/> | |
| Cambodia | Phnom Penh |
| | Siem Reap |
| | Banteay Meanchey |
| | Takeo |
| | Svay Rieng |
| Taiwan (China) | Taipei (2 sub-districts in Taipei) |
| | Kaoshung |
| | Taoyuan |
| | |
| Vietnam | Vinh Long Province |
| | Tay Ninh Province |
| <hr/> | |

6. Definitions used in the reports**Trafficking**

The definition of trafficking is taken from Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the UN Convention against Transnational Organized Crime. This Protocol is alternately referred to as the Trafficking Protocol or the Palermo Protocol.

This Protocol defines "trafficking in persons" as:

"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".

The Protocol also defines "exploitation":

"Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs". The Protocol intentionally does not define *sexual exploitation*. However, the interpretative notes to the UN Protocol states that "the *Travaux Préparatoires* should indicate that the Protocol addresses

the exploitation of prostitution of others and other forms of the sexual exploitation only in the context of trafficking in persons. The terms "exploitation of the prostitution of others" and "sexual exploitation" are not defined in the Protocol, which is therefore without prejudice to how **States and Parties** address prostitution in their respective domestic laws."

The Protocol also clarifies that the consent of a victim of trafficking to the intended exploitation shall be irrelevant where any of the means mentioned in the definition have been used. Children are not recognised as having the capacity to provide valid consent.

A child is defined as any person less than 18 years of age. In this regard, it clarifies special considerations in the trafficking of children: "The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons," even if this does not involve any of the means set forth in the definition.

Migrant Workers

A migrant worker, according to the definition in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families refers to a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a national.

Domestic Workers and Care Givers

The term "domestic workers" is used in the reports to refer to migrant workers working in private homes, employed by private/non-business/non-government entities as care-givers or household help.

Brides

The Taiwan (China) and Vietnam reports use the term "brides" to refer to Vietnamese women who have, formally or informally, married foreign men (Taiwanese, Korean, or Chinese) in the country of origin or country of destination.

Trafficker

All the reports use the term "trafficker" to refer to agents who engage in, are complicit in, or facilitate the process of trafficking.

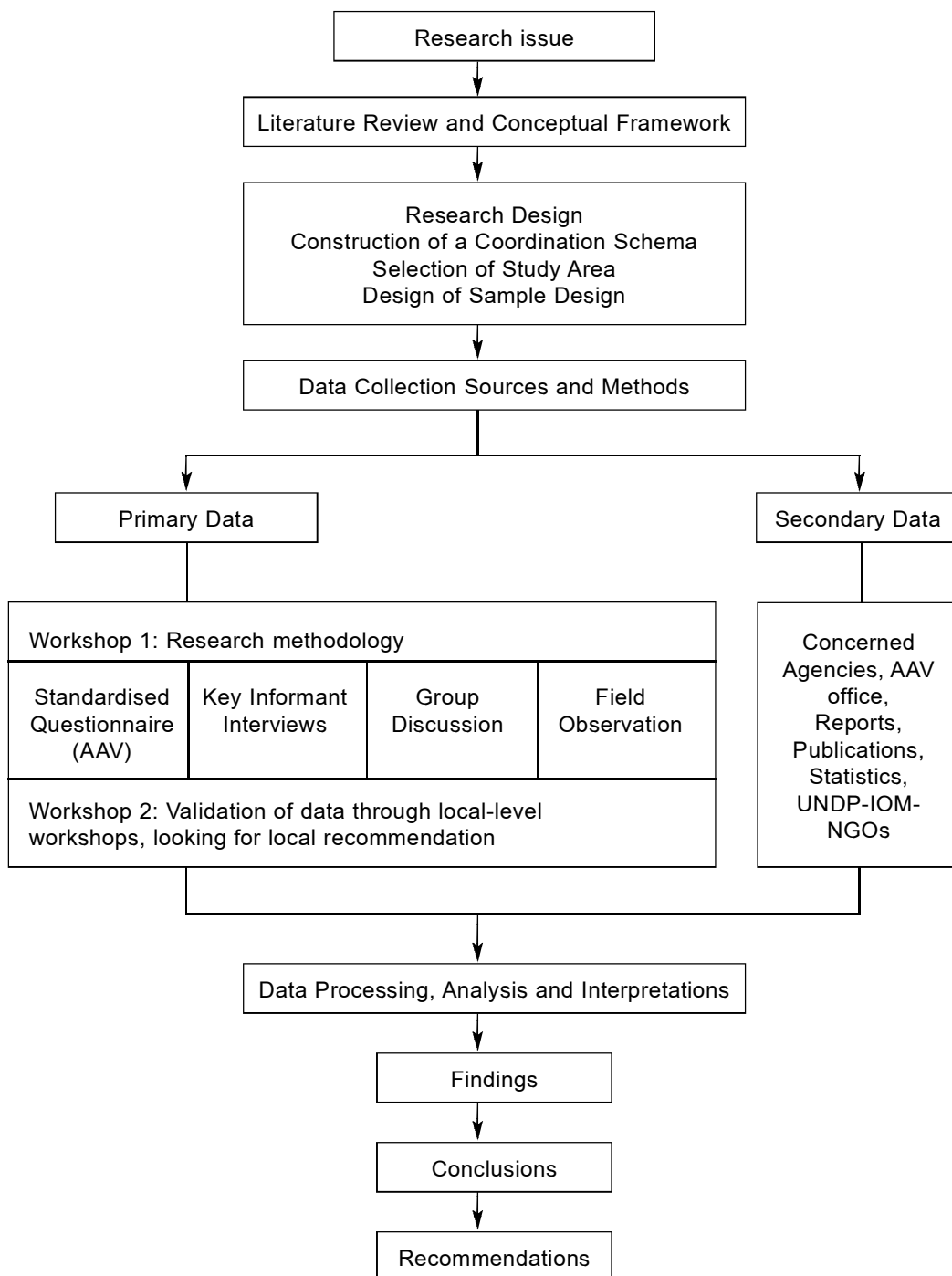
Direct Sex

The Cambodia report uses this term to refer to sex workers in brothels where sex is explicitly and overtly sought and offered in the establishment.

Indirect Sex

The Cambodia report uses this term to refer to sex workers in massage parlours, karaoke bars, beer gardens, and other establishments where sex is not explicitly offered to clients but can nevertheless be part of the functions of the women workers in the establishment.

7. Framework of the Research⁶



⁶ This framework was taken from the Vietnam report.

CHAPTER 2

Decision, Destination and Destiny

The following chapter is divided into three sections family and community dynamics prior to leaving and upon return, and the situation at the destination. These three sections are further sub-divided by country and type of work/situation the women face.

1. The decision to leave: Situation at community of origin

Poverty was given as the overriding reason in the community for people to leave. As the Vietnam report puts it, "It is articulated in many ways, often from the emigrants' point

of view as feeling compulsion to assist the economic situation of his or her family. This poverty cannot be accurately gauged but is relative to others in the chosen home environment. Families believe they are poor and so do their neighbours."

My family was very poor, we owed the Bank 10 million dong (equivalent to US\$600), and my daughter agreed to marry a Korean to sacrifice for the family. (Vietnam report)

There can also be a mix of poverty and hope for a better life with a caring husband:

My family was poor, my daughter has seen other women who married Vietnamese men have hard lives so she wanted to marry a Taiwanese man in order to help the family. (Vietnam report)

The Vietnam report notes that one other factor in deciding to leave is "love and respect for family that lead women and men to migrate in an effort to improve the living conditions of their parents, grandparents, spouses, and siblings (also children if they are old enough). There was far less (motivations) of seeking excitement and luxury amongst the reasons for mobility than there was the desire to migrate for the common good of the family. This remains a strong element of Vietnamese culture and it is behind all forms of mobility." (Vietnam report)

In spite of this, the Vietnam report notes the impact of "structures" and "systems" in that capacity to decide safely and freely: "the ability of the commune populations to own their own futures is limited. At all points they are controlled by customs and by systems - the latter having let many down within the education, information, and job opportunity systems. The systems of matchmaking and of overseas labour agents have also let people down. Both these systems are perfectly legal but people in the system can act illegally, placing those using the systems in vulnerable situations."

The Vietnam report concludes: "Poverty stands out as the prime incentive for all mobility. Desperation as a result of poverty is a precursor to risk taking - one risk is being tricked."

Poverty is the context in which people decide to leave their community. Poverty may 'push' people into entering potentially risky situations, but it does not completely take away the capacity of people to decide ways to escape their condition and improve their life.

The choice of destination appears to be influenced by the available channels in the women's province, rather than a full range of choices. For instance, Vinh Long men and women in southern Vietnam more often go to Malaysia to work as labourers while the women go to Taiwan (China) for marriage. On the other hand, the common choice for women from Tay Ninh, also in the south, seems to be to go to Taiwan (China) as brides or domestic workers.

Leaving as a bride to Taiwan (China)

The Vietnam report notes that "usually the women were not overtly pressured by their parents but due to poverty they accepted as a sacrifice for the whole family (true to the traditional Vietnamese role of women)." One option for women in southern Vietnam to leave as a bride to a Taiwanese man is to go through matchmakers who charge fees for their services. The families then get

approximately VND1 million (US\$62)⁷ at the wedding ceremony as a bridal gift from the Taiwanese husband and his family. The report, however, notes too that although many women can become rich and send money home, others end up as servants. Many of them end up in better lifestyles than back home, though they suffer from loneliness and exclusion.

Many Vietnamese women go through legal channels for registering when they leave for Taiwan (China) as brides. Some of them go through private, independent matchmakers but have ceremonies in their villages to recognise the marriage. Others go through the counselling services of the Vietnamese Women's Union present in some communes⁸.

The migrant brides included in the Taiwan (China) report come from Ho Chi Minh City, Tay Ninh, Dong Thap, Can Tho and Long An, all in the south of Vietnam. Their average age is 24. Those interviewed have been married for 4 - 8 years and have one or two children. The migrant brides were factory workers, tailors, farmers, and helpers around the house before migrating to Taiwan (China). Their decision to marry and migrate to Taiwan (China) was influenced by their desire to help improve the economic situation of their family. They were led to their Taiwanese husbands through matchmakers, or introduced by their neighbours or friends. After arrival in Taiwan (China) they have to

make many adjustments including a change in language, diet, culture and expectations from a married life. Many become homesick.

Indicative of the dynamics in the community is this case study included in the Vietnam report:

The male Hoa Hao⁹ leader did not know about the trafficking in women. His 21-year old daughter married a 36-year old Taiwanese engineer two years ago. The gift to the bride family was US\$8,000. His daughter runs a mobile phone shop in Taipei; she joined the Red Cross Association and is an active member in Taiwan (China). According to him, eight out of 10 marriages of Vietnamese to Taiwanese are in good condition. If there is any disharmony, it is mainly due to the language barrier. In the past, there was a rush to get married and women did not have many choices and the matchmakers took advantage of the communication problems. On seeing the success of his daughter's marriage, many people are asking him to find and introduce foreigners to their families.

Going to Taiwan (China) as a domestic worker or care giver

The domestic workers interviewed for the Taiwan (China) report all come from the northern parts of Vietnam¹⁰. The research was unable to uncover detailed information

⁷ The amounts vary from case to case.

⁸ In some provinces, the Women's Union has consultation centres for those who are going to marry foreigners. These are not match-making centres but rather give advice to ensure prospective brides have the right understanding about their foreign partners and future lives.

⁹ Hoa Hao is a religion popular in some provinces in the south of Vietnam.

¹⁰ In another publication (Marriages of Convenience) MRSC shows the reasons for the movement of women from the southern parts of Vietnam as brides to Taiwanese men. The report from Taiwan (China) notes now that more women from the north of Vietnam seek jobs as domestic workers in Taiwan (China). Do Thi Nhu Tam, Editor, 2003, "Marriages of Convenience".

about the situation at community of origin for the women going as domestic workers or care givers to Taiwan (China).

Leaving for sex work or forced into prostitution in Cambodia and Taiwan (China)

The Cambodia team interviewed Vietnamese women who are currently sex workers in Cambodia. Over half the women they interviewed were tricked into sex work. Many were deceived by someone known to them - friends or family members. Of the seventeen (17) women/girls who answered the particular question, all were taken by persons known to them - eight were taken by family members and nine were taken by friends/neighbours. Nine of these women/girls, however, approached the recruiter themselves while eight were approached by the recruiter.

Most of the women/girls interviewed have a low level of education, 4 out of eighteen (18) have never attended school. Most had debts to pay - either to the traffickers or in their community of origin. Seventeen (17) were promised jobs beforehand. Of these, eight were not cheated, four were cheated by family, and five were cheated by friends/neighbours.

Most women interviewed by the Cambodia team came from the southern provinces of Vietnam. The routes are commonly into Svay Rieng and Takeo though there is also a common route through Kandal province. None of the women/girls have documentation. Crossing the border was sometimes

facilitated by officials on either side.

Reports of deception are reinforced by the Vietnam report through interviews with returnees.

The neighbor invited me and another girl to go to Cambodia to work in construction. Some days later he took us to the "bia om"¹¹ and forced us to work there. (Vietnam report)

The woman invited me go to China to sew garments... In Guangxi, she married me to a Chinese man. (Vietnam report)

The Taiwan (China) report differentiates the situations of the Vietnamese sex workers, domestic workers and brides. They report that "Vietnamese sex workers, forced into prostitution or not, come to work in the industry through various channels... migrant sex workers have to enter Taiwan (China) using other identities, because prostitution is against the law in this country... marriage is commonly used as a legitimate immigration means to enter Taiwan (China)."

2. Upon return: Perceptions of Success or Failure

While there is substantial evidence that women and children are encouraged to leave their communities to seek a better life and means of livelihood, there is also evidence that if they return without the income expected, sick and needing recovery, it is more difficult for the community to present a welcoming face to

¹¹ Beer restaurants where customers can drink beer served by the entertainment girls.

the women who are unsuccessful in their journey abroad.

We need a greater understanding of this dynamic in the community. Is the stigma attached to the returning women only if the migration is perceived as a "failure"? Is the stigma gone if the migration is seen as a "success" bringing in additional income to the family?

Based on responses during focus group discussions held in the three areas, it seems that perspectives of the community about migration seem to be dependent on the outcomes of that migration, whether legal or illegal. The outcomes of increased prosperity or a 'successful' marriage versus sick and 'unsuccessful' seem to affect the communities' openness to receiving returnees.

Return as a Bride

The Vietnam report notes, "Overall, families were pleased with the economic improvements in their lives because of the daughters'/sisters' marriages to foreigners."

Experience from the first daughter who married a Taiwanese man has "changed the life" and helped the family better, the mother wants to marry the second daughter to a Taiwanese as well. (Vietnam report)

Some families were very proud of the fact that their daughters had married foreigners.

I felt proud when the foreigner agreed to marry my daughter. (Vietnam report)

The Vietnam report notes "even if their expectations of life and conditions of work or marriages in other countries are not met, migration has led to betterment of the economic situations of the migrants' families; their experiences in the main are deemed worthwhile. Most of participants in FGDs commented that the brides' families are better than before, with debts paid off and new brick-walled houses. While many of the experiences of the women as brides were not all positive, these hardships were accepted as "life" by most of the interviewed returnees.

From sex work or forced prostitution

Cambodia notes "trafficking victims, especially those exploited sexually, face societal discrimination, particularly in their home villages and within their own families, as a result of having been trafficked."

There are conflicting reports on the desire of women and girls to return home after being trafficked as sex workers. The Cambodian Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) reports that 81% of cases studied stated that they wished to go home to live with their parents; 13% requested to live with relatives. The ministry claimed it was the choice of all cases across the age groups documented to be reintegrated with their families. However, the Cambodian Women's Crisis Centre, interviewed for this research, claimed that most of the women/girls in the shelter did not want to return to Vietnam because it was easier to gain money and find a job in Cambodia. This finding seems to be corroborated by the interviews done by the

Cambodian research team. They note, "It seems that there is a widespread occurrence of women/girls not wanting to return to Vietnam unless they have made a lot of money. Even in situations where violence and abuse are common, women/girls prefer to stay in sex work because incomes are higher in this area, in Cambodian terms and Vietnamese terms (even after sharing with mebons, or house owners). This constitutes a problem for future recommendations, as it is uncertain whether women/girls would respond to NGO interventions even if they knew about them."

The Cambodia researchers also interviewed one sex worker planning to return to Vietnam after eight years. She says she made a lot of money and can set up a business. She has been living with two men and working in the brothel. She has a baby by one of the two men. The report further notes that "all the women/girls in this brothel disliked having sex for money, but were 'trying to get used to it' so they could make a lot of money, pay back the mebon, and return to Vietnam rich."

act:onaid
international vietnam

3. Situation at destination

This section will present the situation of Vietnamese women and children trafficked to Taiwan (China) and Cambodia from the accounts of the Vietnamese women who are in those two countries and the women returnees who were interviewed in the southern provinces of Vietnam.

CAMBODIA

Women in direct sex work

Abuse and exploitation

The 16-year old girl could not escape working in the brothels. She had been in two brothels run by Vietnamese owners in three years. She used medical services from a female Khmer doctor and a female Vietnamese doctor. The medical fees were charged to her, and subtracted from her earnings. 50% of what the customers gave went to the owners. She was well locked-up and put under control until the debt (from the trafficking process) was not paid. When her debt was paid, she worked to save enough to pay for her return home.

Abroad, a 20-year old woman and her friend always clung together in order to protect themselves when they knew the man's intention. At first, he wanted to abuse them. When unsuccessful, he threatened to reveal them to the police as undocumented migrants. He brought them to the brothel but they escaped before he could conclude the deal. With the help of other Vietnamese living in Cambodia, they wandered around not knowing where they were. Then, promising to pay on reaching home, they employed a guide and took a longer way home, by boat and overland.

"Of those working in direct sex work, all stated that they had no freedom and were not allowed outside. Four of the 13 were initially locked in their rooms while all seven in Banteay Meanchey were threatened against trying to leave. Eight women/girls worked 11-12 hour shifts every day; four were on call to work all the time. Of 13 women/girls, seven said they were threatened; seven said they were forced or tricked into taking drugs, nine said they were beaten; 12 said they were habituated to drink and had violent customers or customers who refused to wear condoms."

From the Cambodia report.

The same report notes that women/girls working in the brothels in Phnom Penh were not happy with their work, but did not want to leave for financial reasons. However, there was no experience of violence or fighting and all customers wear condoms, primarily because the brothel enforces it and because "all customers know about HIV nowadays". Some women/girls, who have been in the brothel for more than a year, are allowed to go outside though others are not. This shows a limited amount of freedom and control that the women/girls acquire.

Generally, sex is forced and conditions are often dangerous. There is a prevalence of violence and drugs, and there are health issues.

Earnings and Debts

For direct sex work, incomes are around 10,000-30,000 riel (around US\$2.50 -7.50) per day. One girl in Banteay Meanchey earns US\$1.25 per day. Younger girls can reportedly get more money while virgins fetch a high price. Sex with a virgin for one week can cost around US\$200.

Four women/girls stated that they gave the brothel owner 50% of this; all women/girls stated that they had debts to their boss and had to pay them out of their earnings.

17 of 18 women/girls interviewed for the Cambodia report have debts. One girl owes a debt to a money-lender at 20% interest while the rest owe money to their boss. Two owe money borrowed by their mother from the brothel owner. Seven are in debt because they sent money to their families; two for health reasons; and three do not state a reason. It is not clear how many are in debt bondage, but it appears that most of those in direct sex work cannot leave their establishment until they have paid back their debts to the owner, most of which have arisen from the original transaction when they were sold.

Women in indirect sex work

Abuse and Exploitation

Vietnamese sex workers working in massage parlours and beer gardens in Siem Reap seem to have a higher level of

freedom and choice than sex workers in brothels. All the women/girls interviewed in Siem Reap rent their own rooms with friends and claim they can come and go as they please. Two women/girls work from 6:00 in the evening to 1:00 in the morning. Two have no set working hours.

In Siem Reap, all of the women/girls claim they have minimal working problems. Occasionally customers make trouble but the women do not feel personally threatened. Two out of six women/girls never take drugs; one used to but has stopped; one takes drugs but claims it is a choice made by herself.

Earnings and Debts

Two women/girls out of six earn between US\$3 and US\$6 per day. Three earn up to US\$20 per day which is high by Cambodian standards. One earns US\$3 for a massage and US\$6-8 for sex with a customer. All six interviewed share their salaries with their house owner.

Health

For both direct and indirect sex workers, 13 out of 18 have health problems, mostly with their vaginal wall, uterus, and stomach. STDs were reported, and one girl reported being exhausted, having headaches and shooting pains.

TAIWAN (CHINA)

Brides

There are accounts of abuse of brides in both the Vietnam and Taiwan (China)

reports. Some have to take on the combined roles of house cleaners, washer woman, cook, baby-sitter and others. Some are forbidden to leave the house.

D. the Vietnamese bride in Taiwan (China), said sometimes the husband's family did not allow her to have contact with outside and, therefore, did not have access to information about marriage or divorce procedures. All the paperwork is kept by her in-laws. They do not let her participate in the processing of the marriage papers. She does not know anything and is completely dependent on her in-laws. In Taiwan (China), D. consulted brides who had just arrived in Taiwan (China) about available services. However, many mothers-in-law have forbidden their daughter to associate with D.. She says many Vietnamese brides are beaten, badly treated by the husband's family, and abandoned. (Vietnam report)

T. had a happy life with her husband's family for five years. She had two daughters. Her mother-in-law became hard on her, and sometimes beat T.. She became harder on her to the point that T. decided to get out of this family. She escaped and left her two daughters to her husband. (Vietnam report)

Most of these returnee wives interviewed in the Vietnam research lived in the husbands' houses, although some lived in rented houses or apartments. The following quotes from the Vietnam report portray the kinds of lifestyles some brides have in Taiwan (China), depicting a combination of loneliness and satisfaction.

Her husband is a truck driver. She arrived in Taiwan (China) in March 2002. She lived alone with him without any of his relatives. The first time she returned to Vietnam with her husband for one week. The second time she came back alone during the initial months of pregnancy. She stayed for one month. H. and her husband live in Taipei. She often makes phone calls home and visits her family every year. At first, in Taiwan (China), she was often homesick, and she experienced difficulty with the language and the place of residence. She gradually became familiar with these things. She now has a 6-year old daughter and works in a factory the whole day. She has days-off on Saturday and Sunday to take care of her husband and child. She does not go out often. (Vietnam report)

Three months later, NP followed her husband to Kaoshung. NP lives in the same house with her parents-in-law. Her father-in-law adores her, but she does not get along well with her mother-in-law and so they do not talk to each other. Her father-in-law is a manager at a machine factory, and her husband also works there. At first, NP found it hard to get used to the food since it was not salty enough and was always stewed. But eventually everything turned out fine. About a year later, NP had a baby and so could not work and was unable to send money home. She said life in Taiwan (China) was very comfortable. NP had her baby in an expensive hospital. She received very good cares since her husband had health insurance. When her baby was about two, she asked her sister-in-law to look after the baby so that she could work in the factory. Working in a machine factory is hard but the wage is high. NP earns about VND10,000,000 a

month (USD 670). She has about VND6,000,000 (USD 400) left after all her expenses. (Vietnam report).

In another case, the bride had made acquaintance with her future man right in her province - she worked as a waitress at the coffee shop; he was a tourist looking for a wife. They had talked to each other through an interpreter and agreed to get married. Their marriage celebration had been simple with three tables for guests in Ho Chi Minh City. All the bride's family members (father, mother, one elder brother and one younger sister) had been present. From the groom's family, his father and one of his three brothers had come. The paperwork was completed in less than a month. This had been in 2003 when she had been 21 and he 35. In Taiwan (China), the groom's family had organized a bigger wedding celebration with guests occupying more than 30 tables. The couple live in Taipei. Her husband is a driver working for an agency and he returns home every day. She gave birth twice in two years, first to a boy, and then a girl. Young and active, she learned to communicate quickly. She has always lived surrounded by her husband's relatives - all love her dynamism. She meets other Vietnamese living in Taipei, even inviting them home to cook Vietnamese dishes. She roams around freely on a motorcycle. Now that the second child is 6-months old, she managed to return to Vietnam to visit her family. Her sister-in-law and parents-in-law took care of her daughter. She was allowed to stay for 2 weeks in Vietnam. (Vietnam report)

The Taiwan (China) report notes that the number of Vietnamese brides in Taiwan

(China) has increased since 1995. In 2005, there were an estimated 55,613 Vietnamese wives, accounting for 72.46% of brides from Southeast Asian countries.

The Taiwan (China) report also notes that many of the migrant brides enter the local labour market immediately after arriving. Some of them find work in garment factories, some sell breakfast. Some work in the farm with their husband. Many are able to help their families in Vietnam pay back debts or build a new house. Anecdotal evidence obtained by AAV staff during visits to Taiwan (China), however, report of discrimination against foreign brides in employment.

Domestic Workers

On domestic workers, the Taiwan (China) report notes that some women go through employment brokers and end up as domestic or manufacturing workers in Taiwan (China). It is estimated¹² there are 315,000 migrant workers in Taiwan (China) of whom 88,329 are Vietnamese. Care-givers working in private homes in Taiwan (China) are sometimes asked by their employers to act as housemaids too. They are also sometimes asked to work in factories or businesses owned by their employers. The minimum wage in Taiwan (China) is NT15,840 (US\$ 510) per month. Most migrant workers get only a fraction of this.

The women care-givers interviewed at the park by the Taiwan (China) researchers said their responsibilities included taking care of the elderly, keeping them company, cooking,

and cleaning the house. They live and eat in their employers' places. They work seven days a week without a day off. A case from the Vietnam report confirms this.

She arrived in Taiwan (China) (as a care-giver) on June 1st 2004; she had her personal documents remitted by the employment company to her employer. She tackled the work right away. The (handicapped) wife was heavy to move, the 23-year-old boy and 18-year-old girl were not communi-cative. The husband told her what to do. From morning until late evening she did the sweeping and mopping, helped the wife with all her needs including eating, drinking, bathing, toilet needs, body massages and entertainment. (Vietnam report)

Forced Prostitution

Not enough information was obtained on the situations of women in forced prostitution in Taiwan (China). However, the Taiwan (China) report highlights two cases:

B and C came from An Giang. They are around 20 years old. They were introduced to their Taiwanese "husbands" through brokers in Vietnam, and went through formal marriage registration. They arrived at Taiwan (China) respectively in March and April 2005. At the airport they were intercepted by unknown men who then "forced them into prostitution". They usually work from 3pm to 6am the next morning. They were delivered by their

¹² Taiwan (China) Economic and Cultural Office in Vietnam, 2004.

drivers to different hotels to serve 3-5 clients every day. They were also intimidated by their bosses for showing signs of disobedience. In August they managed to escape and report their cases to the police.

Case Study

The following case study shows several aspects of the trafficking cycle - the factors that are considered in decision-making prior to leaving, the agency of women even in dire or violent situations, and the dilemmas they face even after they return home. It is just one case study but it also reflects the discussion in the three preceding sections - on leaving as a bride, life at the place of destination and the attitudes/options upon return.

H's family was in great debt before she left for Taiwan (China). While still in Vietnam, H sought a job in the city. While working in the city, her relative asked her to go for a "bride contest". She entered this contest and 'passed'¹³. She studied Taiwanese and proceeded with the marriage paperwork. All the money her family had left was VND10 million (US\$630). She was really worried because her husband looked very intimidating, and she did not like him¹⁴. Her husband is 14, 15 years older than her. However, her family's debts were so huge that she accepted the marriage.

In Taiwan (China) she was forced to stay at home, not allowed to work, and even forbidden to go outside. She lived with her mother-in-law who greatly adored her. However, her husband was always drinking and gambling and often beat her up. He worked as a helper at the airport. He beat her up if she went out. She had never returned to visit her parents until she came back to Vietnam for good. She was able to send VND5-6 million (US\$350-400) a year to her parents. But after 2 years in Taiwan (China), H decided to return to Vietnam.

After coming back from Taiwan (China), H. remarried a Vietnamese man working in the city, but they are apart now. She now greatly misses her son she had with the Taiwanese man. She is not used to life in Vietnam yet. H. wants to return to Taiwan (China) as a guest worker because she cannot find a job in Vietnam. She said this time she was not worried because she knew Taipei very well. She had left her son in Taiwan (China) for the sake of his future. She wants to know how she can safely go to Taiwan (China) next time.

4. National Policy, Mechanisms and Plan of Actions

CAMBODIA¹⁵

Government mechanisms and interventions

Trafficking of women and children from Vietnam has been noted by various state

¹³ Often the bride contests are organized by the Vietnamese brokers in hotels in the cities. In other cases the Taiwanese brokers go through their Vietnamese partners to organize these.

¹⁴ In most of the case, the Taiwanese man will choose their most favorite future bride among the girls organized in the bride contest (they can go several rounds as they want to choose the best). The girl although in theory can also agree on the groom or not, but in all the time, they are chosen. If they show their rejection to any man, they might not be in the contest again (note from the editor).

¹⁵ The section is adapted from the Cambodia report. The Cambodia report drew from the internet source of www.humantrafficking.org.

agencies in Cambodia. Many initiatives and actions have been taken to protect and assist the women and children trafficked, particularly for sexual exploitation. There are a number of legal mechanisms in place in the Greater Mekong Sub-Region and between Cambodia and Vietnam. Cambodia is a signatory to the MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region, signed by Cambodia, China, Laos, Myanmar, Thailand, and Vietnam in October 2004. Cambodia and Vietnam also recently signed a Memorandum of Understanding (MOU) on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (October 2005).

The Cambodian National Council for Children (CNCC) has created three sub-committees: for countering trafficking and sexual exploitation of children; for countering child labour and other forms of exploitation; and for legislating child-related laws. The Government of Cambodia (GOC) is midway through a Five-Year Plan of Action against Sexual Exploitation of Children, and has already in place a Law on the Suppression of Kidnapping, Trafficking and Exploitation of Human (1996).

The Ministry of Justice, in cooperation with the Japanese Institute for Legal Development, has drafted a new anti-trafficking law which has been submitted to the government for review. In 2002 an Anti-Human Trafficking and Juvenile Protection Department was created within the Ministry of the Interior (MOI) to address trafficking and sexual exploitation of women and

children, and currently has police units in seven provinces. There are also departments within the Ministry of Women's Affairs, Ministry of Social Affairs and Ministry of Justice.

The most prominent of the country's government ministries working to combat trafficking in women and children is the Ministry of Women's Affairs (MoWA), which began a counter-trafficking project in partnership with the International Organisation for Migration (IOM) in 2000 with financial support from the Finnish Ministry of Foreign Affairs. This project primarily aims to reduce trafficking in Cambodian women and children. The secondary objective combines building ministry capacity to provide training in prevention of trafficking; increasing awareness of risk groups; undertaking information campaigns; enabling vulnerable groups to act on information and to develop community action plans; and improving ministry capacity to collect, analyze, and use information on trafficking. Within the areas of advocacy and media, MoWA has lobbied for ratification of the UN Convention and its Trafficking Protocol. It has also petitioned to have two additional articles included in the country's new draft law on trafficking to ensure more humane treatment of trafficking victims.

From the Cambodia report.

The Cambodia report notes that the GOC has strengthened its response to trafficking by raising the profile of abuse, exploitation and trafficking of women and children. The GOC has formed stronger networks with organisations working to combat this problem.

Partnerships between GO-UN-NGO

With IOM technical expertise, MoSVY regularly repatriates Vietnamese trafficking victims from Cambodia to Vietnam. In addition, MoSVY works with UNICEF and local NGOs to manage community-based networks aimed at early intervention against trafficking. Through local shelters, Vietnamese trafficking victims are offered the opportunity to return to Vietnam voluntarily. The Anti-Trafficking and Reintegration Office within MoSVY is responsible for coordinating the repatriation process among local NGO partners, the Vietnamese Embassy, IOM Ho Chi Minh City, Vietnamese police and Vietnamese NGOs and organisations. Information about the trafficked women and children, family background, trafficking circumstances, family whereabouts, repatriation, and follow up is collected by the Anti-Trafficking and Reintegration Office and incorporated into the database.

Cambodia is included in a regional ILO/IPEC anti-trafficking project. ILO/IPEC is also supporting the Ministry of Tourism in compiling a Strategic Plan, Implementing Principles, and Training Manuals on the dissemination of child-safe tourism information, supported by ILO/IPEC (Koh Santepheap Daily, 27 September 2005).

LEASEC (Law Enforcement against Sexual Exploitation of Children) is a joint project among the MOI, UNICEF, World Vision International, SCF Norway, IOM and OHCHR which aims to improve the capacity of police, judges and prosecutors for children and procedures for handling cases.

There is still a need to push for ratification of (some) conventions relating to migration and trafficking on the part of the Cambodian government. Strong efforts are being made through projects in the areas of human trafficking. Domestically and internationally, Cambodia has made progress in addressing the issue of irregular migration and trafficking. For example, awareness of trafficking issues is higher than it ever has been before. In addition, the IOM programme reports that 71% of reintegration cases to Vietnam have been successful (MoSVY, 2005). However, there also needs to be more implementation of the various conventions. Political will, resources, and staff capability are sometimes limited, hindering effective implementation of programmes. Despite heightened awareness, one interviewee claimed that people in general still have poor knowledge of trafficking issues. In addition, the Cambodia report notes that donor stipulations can make implementation of projects complicated. In the meantime, cooperation between the two governments is sometimes scarce. The situation might improve after the signing of an MOU between the two countries in October 2005.

There have been raids carried out by departments within the government together

with NGOs¹⁶. Recent raids have been lauded in some areas; they offer proof that legal coordination is improving and that there is now a renewed focus on trouble-spots. However, criticisms of these raids include that they have entailed confusion for which government agencies should be responsible; the work of various ministries can sometimes clash with each other. In some cases, those punished have been said to be scapegoats, while the real perpetrators escape. As a result, government initiatives get a higher profile, especially as they attempt to win back favour from the US after the recent demotion to Tier 3 in terms of human trafficking initiatives. Such raids obtain high publicity and are criticised for only taking place when Cambodia needs to improve its record on cracking down on trafficking.

There are few programmes and interventions at the borders, whether by police, government, or international organisations.

NGO interventions

There is a large number of NGOs working in the area of human trafficking in Cambodia. In 2002 there were approximately 200 NGOs in Cambodia working specifically with children; others deal specifically with women and children victims of human trafficking. A few of these NGOs deal specifically with Vietnamese cases or just with Cambodian and Vietnamese women and children victims of human trafficking.

According to MoSVY (2005), the main local NGO partners assisting Vietnamese victims of trafficking include AFESIP, Cambodian Women Crisis Centre (CWCC) and Nivea Thmey (World Vision). Researchers in Cambodia were able to interview CWCC, Nivea Thmey, and CWPDP (Cambodian Women for Peace and Development). CWPDP has experience with Vietnamese women and children. In general, NGO shelters offer literacy classes and non-formal and vocational training programmes, provide counselling and recovery services, health services and also legal assistance (or collaborate with other legal or human rights NGOs).

Nivea Thmey is an under-18s centre which receives women/girls through referral by other organisations and MoSVY. Personnel in the centre interview children and then files (along with documents from IOM and MoSVY) are sent to the Vietnamese Women's Union in the search for parents or relatives. Once relatives are found, children are taken to the Vietnamese border where they are collected by the Vietnamese Women's Union. The children go through rehabilitation in Vietnam before returning to their families. Children can stay in Phnom Penh with new families if they wish. Legal services are offered through various legal aid NGOs.

The Coalition against the Sexual Exploitation of Children (COSECAM) is a nationwide network among organisations providing shelter, counselling and vocational

¹⁶ This paragraph paraphrased the Cambodia report, from an anonymous quote from one international organisation staff member.

training to victims of trafficking. COSECAM focuses on policy advocacy and capacity building for members of the coalition regarding trafficking issues.

In Siem Reap, all women/girls can receive medical assistance from CWPD. In Banteay Meanchey, all women/girls can get free medical checks and medicine from the Family Health Clinic.

In Siem Reap, CWCC, in cooperation with the police, deals with providing legal advice and counselling to victims after rescue. According to the Provincial Coordinator of CWCC, this has led to prosecutions of massage parlour owners. After offering training to women/girls, the shelter offers a loan of 100,000 riel (US\$25). Most of the Vietnamese girls with CWCC were born in Cambodia in the UNTAC period, and then returned to Vietnam, returning a few years later to Cambodia. Cases were referred by the police or by the family. CWPD in Siem Reap provides health service to women/girls in sex work and raises HIV/AIDS awareness, including prevention. This includes encouraging women/girls to go for a monthly check-up at the provincial health hospital.

With regard to legal protection, Vietnamese women and girls are assisted by the same organisations and by the same procedures as are Cambodian victims of human trafficking. There are several legal aid organisations in Cambodia.

In many cases, local NGO shelters provide vital services to women and children victims of human trafficking -counselling, care, training, protection, and referral in situations where there is no other assistance. CWCC says it has difficulties because it applies a rights-based approach which means it has to let women and girls go if they choose to go back to the brothels. Meanwhile, CWPD has good cooperation with Cambodian and Vietnamese women/girls working as indirect sex workers in Siem Reap, and runs a solid and comprehensive project in prevention of HIV/AIDS.

However, for some local NGOs, including those dealing with Vietnamese women and children, a number of constraints have been detailed. Trafficking victims, especially those exploited sexually, face societal discrimination, particularly in their home villages and within their own families, as a result of having been trafficked. This is one reason for women/girls to run away from shelters or to refuse to be 'rescued'. There are also cases of women/girls either not wanting to leave their establishment owing to their comparatively high salary, or feeling they have no choice but to remain in the trade. Rescuing women/girls such as these can be risky. They may not respond well to rescue or to shelters. There have also been complaints that some shelters have strict discipline, an environment of contempt for women/girls and, allegedly, discrimination against Vietnamese victims¹⁷. Women/girls often escape. It seems that, occasionally,

¹⁷ According to one Vietnamese girl interviewed and a number of anonymous sources.

the agency of the victim is forgotten, and inappropriate assistance is offered. Difficulties faced by legal protection NGOs are similar: Vietnamese women/girls do not want to make complaints against perpetrators and are not willing to return home. There is a need for further cooperation with the Vietnamese government or Women's Union in terms of reintegration.

Still, the Cambodia report notes that work at the borders is still weak, with the focus of some governmental interventions being on raids. Some organisations are also dependent on donor stipulations and so there is a noted need to work with donors to improve their understanding of the trafficking situation in the country as well.

VIETNAM

Government Mechanisms and interventions

The Vietnam report explains a number of government-regulated migration programmes including overseas worker programmes and marriages to foreigners. The Vietnamese Department of Justice identifies four areas of work with migrating communities. These are the tasks of issuing birth certificates, marriage certificates, divorce certificates, and bringing people to trial for suspected illegal activities.

Applications for divorce between a Vietnamese bride and Taiwanese husband go directly to the Taiwan (China) Economic and Cultural Office (TECO). This application is then sent to the Vietnamese Department of Justice for investigation. It is clear that

there are various government controlled mechanisms that workers and brides can access. Later in the report, it will be shown that there are similarities between the situation of workers and brides who leave Vietnam legally but end up in abusive situations and that of trafficked women and children.

According to the Vietnam report, "the Vietnamese Women's Union (VWU) is a mass organisation which answers to the Fatherland Front". It works with government structures at each political and administrative level. The VWU has a network that operates throughout Vietnam at four administrative levels - central, provincial, district, and commune - with a total membership of 11 million women. Most women members are aged 30 years and older. However the VWU members work for and with all women regardless of membership, race, age or creed.

Counter-trafficking programmes were set up within the Vietnam Women's Union in 1996. The province bordering Cambodia started a programme of information and assistance to trafficking victims for reintegration in three districts, under the sponsorship of the Global Alliance against the Trafficking of Women (GAATW). In the first two months, the counselling services were free of charge. However, today, consultation costs VND70,000 (US\$5) per session and guidelines to complete a marriage file costs VND100,000. Introduction to a potential Vietnamese partner costs VND50,000 and to a non-Vietnamese partner VND100,000. This means that a Vietnamese woman or family wishing to receive an introduction to a

foreign man pays VND100,000 while a foreigner pays half that amount¹⁸.

Recently, the birth of the national programme on fighting trafficking of Vietnamese women and children across the border has strengthened the government's commitment on the issue. Decree 130 is a government decree titled "Fighting the trafficking of Vietnamese women and children to foreign countries". The decree assigned five key players five major tasks: The VWU with raising awareness, the Police Ministry with investigation and prosecution, the Border Commander (under the Ministry of Defence) with receiving victims at the border gates, the Ministry of Labour, War Invalids and Social Affairs with reintegration and recovery, and the Ministry of Justice with reviewing related laws and legal documents and provide inputs for amendments and fresh legislation.

5. Conclusions

The three reports provide descriptions of the communities and families from where the

women and children hail. The reports portray the families and communities as "thinking" communities, consciously deciding about ways to escape poverty and other family problems, even though they are "pushed" by circumstance. However, the reports also suggest that women and children end up in trafficking situations because they are "ignorant" and "lacking education" and, therefore, "easily tricked". The purpose of migration or trafficking¹⁹ seems to be one factor that influences the level of control women and families have over the decision to migrate. She can go as a bride, domestic worker, into (forced) prostitution or to an unknown occupation. Another factor is the kind of channels they pursue to get there. They can go through illegal, private or legal and official (government) channels. The outcomes of these decisions seem to be affected by the level of control or choice the woman and the family have over the type of work she thinks she is going to enter, and the channels she chooses to pursue that work.

¹⁸ Both the Taiwan (China) and Vietnam reports say that the fees can vary by province and by agency.

¹⁹ Migration and trafficking are not used interchangeably in this sentence. It means that the mobility of the women may be in the context of legal/illegal migration or may end up as a case of trafficking.

Analyses and Issues Emerging from the Research

Analyses and Issues Emerging from the Research

CHAPTER 3

Analyses and Issues Emerging from the Research

This section will seek to answer the four levels of research questions based on the consolidated research findings from the three national reports. The four levels are (1) background of trafficking in research areas (2) situation at places of destination, (3) intervention in both places of origin and intervention, (4) recommendations for programme planning. This section will also seek to draw commonalities among the three reports.

1. Situation at place of origin

The three reports depict conditions of poverty, low levels of education and sometimes debt among women and their families in their places of origin. The reports also show that these women and family members, sometimes collectively in the family and sometimes independently as individuals, seek ways to improve the family or personal situation by trying to get out of poverty situations. Many times, these women and

their family members seek recruiters for jobs in other countries. But many times, they are deceived about some or all aspects of the job they are hoping to get.

The Victim Label

Common to all the country reports is an emphasis on recognizing the agency of women, their families and communities in making decisions to improve their lives, seek means of livelihood and find ways to escape poverty.

The Cambodia report says "Of 18 women/girls, 15 left because of poverty, unemployment, or to make money for sick relatives. Two left to escape family problems, three stated financial ambitions having seen others get rich. Eleven made the decision by themselves; two knew of the risks beforehand. Around half the women/girls interviewed informally had come for reasons of financial ambition; around half had problems with their family." All of the examples display some form of agency. Whether it is called financial ambition, desire to get out of poverty, or escape family problems, it is indicative of the women practicing agency.

The Taiwan (China) report says "The increasing number of Vietnamese women in Taiwan (China) shows the desire of migrants to improve their lives. Those Vietnamese migrants are spontaneous subjects, capable of strategic planning and decision making."

The reports emphasise that people make

their "own" decisions, even if it is a combination of being "forced", "pushed" by circumstances and relative "freedom". People will continue to migrate as long as there are possibilities for improving their life situation and as long as there are stories of "successful" migration in the community.

The label 'trafficked victim' according to the Cambodia report and the label 'victim' according to the Taiwan (China) report are not appropriate labels for these people who have chosen to migrate and don't capture the realities of the women. The Vietnam report also emphasises that trafficked people do not stay permanently trafficked. It is merely one stage of their life and the challenge is to find ways to empower these people to regain a life with dignity and freedom.

Particular vulnerabilities of migrating women should be the focus - when they are subject to forced prostitution or abuse and exploitation as domestic and factory workers. Women's rights to migration must be recognised but that migration needs to be safe and with full respect for their human rights.

*"To see them all as 'victims' of human trafficking, or the generalisation of their situations without further investigation, is to deny their basic right to migrate and to make a decent life."
From the Taiwan (China) report.*

Because the state of being trafficked is not a stagnant status, it is important to consider what forms of assistance can be provided to women and children at different stages of trafficking.

Danger of equating low levels of education with ignorance

Trafficking happens not only because women are "ignorant" or "uneducated". Trafficking happens when women's decisions (independently or with their families) to improve their options for livelihood and desire to improve their and their family's lives is combined with the lack of accessible governmental or private interventions to afford them a safe means of migration. This deficiency then combines with the presence of large or small trafficking or smuggling networks that facilitate that migration through other means. The exploitation and abuse that they suffer at the places of destination is not because they are ignorant but because other people can exploit a power relationship with the migrant women.

Special considerations for Children

Although the reports recognise women's agency in making decisions about migrating and seeking a means of livelihood, there is also recognition that there are special considerations for children's needs to be protected. Children do practice agency in many areas of their own life. However, there are also many areas where they need

protection and special assistance as outlined in the international Convention on the Rights of the Child (CRC). There are different rights espoused for adult women outlined in the CEDAW and for children outlined in the CRC.

Government and non-government organisations recognise these special needs of children and very often have interventions that cater particularly to the needs of children. Although some organisations recognise the capacity of adult women to decide to migrate or choose a means of livelihood, even prostitution, there is recognition of children's limited capacity to make a decision about migration and special needs to be protected against the worst forms of child labour including domestic work, early marriage, and sex work.

2. Situations in places of destination

Outcomes influenced by type of work and channels of migration

All three reports portray both positive and negative aspects and outcomes of migration. Two factors seem to influence the outcomes of migration for women and children. These are the type of work they engage in (or the purpose of migration or trafficking) and the channels of migration that they go through²⁰.

Many of them end up in exploitative and abusive situations in sex work, domestic work, and servile marriages. Others

²⁰ There are many other factors, such as age and education level of women, accessibility of information, support networks in country of destination.

discover that finding a job or a husband in another country leads to improved conditions of living even though they have to endure extreme loneliness and alienation. Others end up in better situations in their places of destination than in their places of origin and are able to help their families back home. Because the kinds of situations women and their family members encounter can be varied and their results just as varied, the interventions and policy responses necessarily need to be applicable to their situation, without jeopardizing their rights to livelihood and migration.

Some migration ends up in trafficking and some start out in abusive situations that end up in non-abusive situations. Not all migration is trafficking yet all trafficking involves migration. This is one reason migration and trafficking are often conflated. The reports present several examples of "successful" migration and examples of migration that started out with trickery but ended up with helping the family back home.

In Cambodia, where the research focused on Vietnamese sex workers, more abuse and exploitation is observed. Although some trafficked Vietnamese sex workers in Siem Reap expressed overall acceptance of their situation with some women expressing no desire to return to Vietnam, there are still many cases of women who are in abusive and exploitative situations.

There seems to be a connection between the type of establishment and the level of abuse, exploitation, or freedom for the prostitutes. Women in brothels engaging in direct sex work have less freedom of movement, less control over their clients, and are more

prone to abuse and exploitation than women in indirect sex work (massage parlours, beer gardens, karaoke bars) who seem to have more control over their hours of work, movement in and out of the establishment and choice of clients.

Some quotes from the Cambodia report portray the differences in situations of women and children after migration.

"Conditions varied as to freedom, percentage of money given, food, hygiene, and protection."

"Of those working in direct sex work, all stated they had no freedom and were not allowed outside."

"In indirect sex work, in Siem Reap, all women/girls rented their own rooms with friends and were able to come and go as they please."

However for those in direct sex work: "Generally, sex is forced and conditions are restrained and often dangerous. There is a prevalence of violence and drugs, and there are health issues. In the case of indirect sex work in Siem Reap, incomes were higher, conditions were not dangerous, and there was more freedom."

The reports note a different ability to practice agency depending on the type of work and process of migration chosen. The Vietnam report shows that the type of work and type of movement are directly linked with the

level of satisfaction/dissatisfaction with the results of the migration and the level of abuse/exploitation that women experience.

"So it can be said that the system of introduction by friends or relatives (where payment to a third party does not exist) has greater potential to satisfy the women spouses' expectations in the longer term. Whilst these women report loneliness, they also report overall happiness."

"Families of those women who had direct introductions agreed with the above ideas on expectations being met."

"Alternatively, women who went through a commercial matchmaker to a city for a 'contest' to be chosen by unknown men as wives, then went through the legal procedures, married and went to Taiwan (China), were more likely to report being unhappy. They were ill-prepared for the outcome they experienced."

From the Vietnam report.

"It seems there is a widespread occurrence of women/girls not wanting to return to Vietnam unless they have made a lot of money. Even in situations where violence and abuse are common, women/girls prefer to stay in sex work because incomes are higher in this area... Sometimes women/girls decide to re-enter prostitution, owing to shame, fear, or economic need."

"Despite this, many women/girls did not wish to return home without money. In many cases, interviewees wanted to remain in sex work in Cambodia. This makes it difficult to determine at which stage in the process of trafficking these women/girls are or whether 'trafficking' has ceased to be relevant to them. As it stands, it seems that most women/girls in this situation have made choices to stay, which means they may themselves reject the label of 'trafficked victim'."

From the Cambodia report.

Process and Outcomes

The Vietnam report presented an interesting analysis of the connection between the processes of migration and its outcomes. The analysis looks at the ways women become brides to foreigners, migrant workers, domestic workers, and sex workers and the kinds of situations they end up in. The report draws lessons learned from the links found between these ways/means and the outcomes of migration.

Desirability/non-desirability of changing their situation

The Cambodia report also found that many in sex work do not want to return to their communities of origin, or even if they do, they eventually go back to the same situation. This could be for a combination of reasons. Women interviewed said that they intend to stay on in sex work until they earn enough money to go home, or because it is a good source of income.

The Cambodia report notes that even in a situation of sexual exploitation and abuse, some women refuse to leave their places of work. The report from Taiwan (China) confirms that many Vietnamese brides in Taiwan (China) also said they would continue to stay on in their current situation in spite of loneliness and, for some, abuse by husbands and in-laws. Interviews by the Vietnam research team also showed many women's desire to stay in the places of destination in spite of loneliness and, sometimes, abuse.

This may be explained because remuneration from different kinds of work (including sex work) and living conditions are better than when women engage in other economic activities back home. This points to a number of things: (a) the socio-economic marginalisation of women and children back home that they prefer to be in abusive situations in order to earn money, (b) the attractiveness of the sex industry is related to women's economic marginalization, (c) the need to protect the rights of women in work places in terms of working conditions and sharing of income.

3. Levels of Interventions: Different stages of trafficking

Findings from the three reports show it is important to recognise at which stage a person is "reached" by an intervention because there are implications on the appropriateness of those interventions. The Cambodia report, for example, wonders whether trafficking has "ceased" when a woman sex worker refuses to acknowledge she is trafficked and refuses to be "rescued"

from a brothel. At the same time, wide differences in conditions were observed between trafficked women who have been in Siem Reap for a long time and have managed to gain a semblance of freedom and prosperity versus the women who have just recently been trafficked close to the borders and are still suffering abuse and exploitation.

Findings from Taiwan (China) and Vietnam show many Vietnamese brides endure loneliness, isolation, and abuse by the husband and his family. Yet some refuse to leave their husbands because of lack of better alternatives at home. Many Vietnamese brides felt their lives had improved by marrying a Taiwanese husband. Interviews with returnees in Vietnam show similar findings among some women who said they wanted to return only when they had enough earnings.

This report proposes that specific interventions should be relevant to the stage a trafficked woman is at the time she is reached.

STAGES OF TRAFFICKING

a. Before trafficking

- Low risk of trafficking
- Medium risk of trafficking
- High risk of trafficking

b. During migration/transit and current victims of trafficking

- 'Recently' crossed the border
- 'Recently' trafficked
- Trying to escape
- Trying to reconstruct a life in destination country

Not wanting to leave current situation

c. After being trafficked

Going through recovery process (rehabilitation) back in community of origin.
Considered a 'successful' migration in spite of initial exploitation

Delineating the stages of trafficking and analysing the various types of situations people may experience, will enable concerned agencies to determine more appropriate interventions. For example, it is possible to review the risk factors that cause people to be more vulnerable than others. What are the circumstances that may or may not make a person at low risk, medium risk or high risk to trafficking? Further analytical tools can be developed to link the various stages and review the types of interventions most appropriate for each stage.

At the same time the reports show that different interventions are needed for different types of work and different purposes of migration. For example, Vietnamese brides, sex workers, and domestic workers all perceive their situation as being different from others', all experience different forms and levels of abuse and exploitation and opt for different solutions to their conditions. Both the Vietnam and Cambodia reports note the distinctions made in the community about the potential risks of getting married to a foreigner or finding a domestic worker's job abroad. The Vietnamese Women's Union's counselling to potential brides could be a good tool to strengthen women's capability to prevent abuse and exploitation and inform them of the available resources in the community of

destination and in Vietnam if she does end up in an abusive situation.

4. Where do recommendations come from?

Different organisations focus on different interventions to address trafficking - improving working conditions, fighting abuse or violence, attacking poverty in the community, implementing education and literacy programmes, stopping criminal networks, changing cultural attitudes, etc. This shows that trafficking is an intricate reality understood in many different ways by different actors leading to a variety of actions. Sometimes there is also a lack of coherence in the analysis of root causes, facilitating factors, and perspectives from which an intervention stems.

Many of the recommendations from several other reports refer to the need for multi-lateral and bilateral agreements to address trafficking. A lot of the bilateral agreements focus on crime control, border control, and repatriation agreements. There are also bilateral or multilateral agreements on prevention and recovery (rehabilitation) interventions as well as judicial harmony.

The practice of preventing and combating trafficking is at risk of conflating with preventing or stopping migration of women and children, particularly migration that involves doing sex work. This could be a violation of their rights to seek employment, safe migration, support their family, and improve their life.

The Cambodia report, for example, notes that many of the sex workers interviewed did

not wish to go back to their homes/communities until they saved enough money to secure them better lives back home. They reject the prospect of being 'rescued' from their work because they are not given an alternative means of livelihood and have not realised their original objective of helping their families escape poverty back home. It notes that almost all the sex workers interviewed said: "I cannot go home because I need to earn money first. I will go back when I have money." This is a reflection of certain gaps in understanding the situation of trafficked women which impacts the types of interventions that are implemented.

In Vietnam, where many formalities for overseas work and overseas marriage are regulated by the government, it is difficult to categorise as trafficking many migrations that end up in abusive situations. It is important then to analyse the intersecting conditions between trafficking situations and regulated (legal) migrations that end up in abusive situations. Barring women and children from crossing borders to prevent them from being trafficked has failed to stop trafficking as it does not take into account the needs and decisions of women, children, and their families.

Raising awareness among women and children, and giving higher education is almost always a recommendation in reports. Other reports related to education, however, state that increased awareness and education is actually an incentive for people to seek higher incomes and better opportunities elsewhere. Higher education will not decrease the desire to migrate. It could increase aspirations for a better job and,

therefore, even if people want to leave their communities they will seek other forms of employment. Better education and raising awareness should be linked to providing better opportunities - for employment, and other creative use of people's potential and intelligence - not only in the source communities and also safe migration of these people to other places. Activities to increase awareness must include information on safe migration and conditions of work that they might end up in so that women can make well-informed decisions about moving from their place of origin.

The Vietnam report notes a new perspective on trafficked people: "Mobility is just one stage in the life of each of the cases cited in this research. It must be remembered by the authorities when implementing Decree 130 and any follow-up projects from this research that people are not forever 'brides', 'migrant labourers', 'cross border migrants', 'returnees' etc. They are Vietnamese people who simply need to get on with their lives and move on to a new phase."

5. Anti-trafficking activities that do not capture various realities

Towards recommendations

All three reports note the need for new ways of understanding trafficking that include an understanding of the agency of people in deciding to migrate. They also note the need for a greater understanding of the phenomenon of trafficking using a migration perspective.

Vietnam reports that "developing new ideas of anti-trafficking activities either seem to stakeholders as inappropriate or there is insufficient understanding of the 'human experience' for any new ideas to come up in recommendations. Thus, ideas drawn from other information given by 'grassroots-level' people based on real experiences will be not as easy to translate into project implementation in the two provinces." The report shows that anti-trafficking activities must be horizontal in approach in order to promote participation and learning from community experiences and those of affected men and women.

The definition of trafficking should focus more on exploitative working conditions in the public and private domain and protect the interests of the migrants. Strategies developed to combat trafficking should be directed towards empowering the trafficked women as migrants. They should avoid stigmatisation or victimisation. We need to focus on promoting the rights of migrants in all situations including marriage. The reports show that trafficked persons are also migrant workers and should be entitled to such right, apart from the rights and protective mechanisms that should be available to them as trafficked persons.

Vietnam notes: "The research focus groups and the interviews with stakeholders where data 'about' rather than 'from' mobility people showed labels sticking to people who have returned. This could thwart opportunities for them and their communities." Taiwan (China) concurs, saying "States and NGOs should develop strategies to combat

trafficking based on the right of migrant women to self-determination, avoiding stigmatisation and victimisation of the women concerned, whether they are migrant wives, workers, or sex workers."

The Cambodia report also notes historical and situational kinds of border crossing that may or may not end up in a trafficking situation. Daily, there is ongoing border trade between Cambodia and Vietnam, similar to many borders around the world. Yet, many of these people who come through borders are not trafficked. There are also historical links between Vietnam and Cambodia including the crossing of Vietnamese women into Cambodia during the UNTAC period. Situational border-crossing are for petty trade along borders crossings, facilitating tourism across countries, transportation, smuggling, casinos on the other side of the border, visiting relatives, etc. It is important to analyse further what are the conditions that lead to trafficking and which prevent trafficking.

All the reports recommend seeing trafficking in the context of migration and are concerned with the protection of the rights of migrant and trafficked women. The three reports also recognise the different status and different intervention needs of trafficked women, migrant workers, wives in servile marriages, women in forced prostitution, domestic workers in abusive work situations, children in forced prostitution and children in domestic work, all of whom need access to redress and compensation.

CHAPTER 4

Conclusions

This section will present conclusions to the four levels of research questions identified at the start of this report. They are (a) the situation of women and children at places of origin, (b) situation at places of destination, (c) interventions - what is available and what are the gaps, (d) possible recommendations for ActionAid programme planning.

Vietnamese women and children who migrate and/or are trafficked to Cambodia and Taiwan (China) often come from low income families, have low levels of education, and have little economic opportunities open to them in their source communities. They end up in Cambodia, usually in sex work, abused and exploited. In Taiwan

(China), they can end up in servile marriages, exploitative domestic work, or forced prostitution. Yet, there are many stories of "successful" migration - migration that may have started out as a trafficking situation. The three reports all show examples of women who are able to support the family back home or help improve their family's economic situation by getting a job abroad - through legal means, through irregular migration, or after being trafficked. This has presented many dilemmas for planning interventions and for understanding the dynamics of migration and trafficking. Current anti-trafficking interventions do not always reflect the realities that women and children face, particularly when the

interventions focus on their return and reintegration. Ironically, many prostitutes in Cambodia and brides in Taiwan (China) refuse to be 'rescued' in spite of experiencing abusive and exploitative situations. This could mean that the interventions are inappropriate or the alternatives that are offered to the women and children are not perceived as a secure alternative. Recommendations for future projects therefore have to come from a deeper understanding of the various realities that women and children face at different stages of the trafficking cycle.

Situation at origin

The three area reports highlight the need to recognise women's agency in deciding to leave their communities. The reports point to the dynamic of trafficking being at a five-point intersection of (a) 'push' factors such as poverty and lack of opportunities to realise a creative and meaningful life, (b) women's agency (capacity to decide), (c) lack of governmental and non-governmental mechanisms to promote their safe migration, (d) illegal and criminal mechanisms that find ways to migrate that causes trafficking and (e) women's experiences of structural inequality - in access to education, work opportunities, and power structures.

The reports were unable to present detailed information on the situation of children at places of origin. However, the reports recognise there are marked differences in the acceptance of children's agency in making a decision to migrate and a recognition of children's special needs to be protected from parties that are out to

deceive them into situations of exploitation. Children and women are also subjects of separate and distinct legal regimes, both with particular needs and sources of inequality.

Situation at destination

More and more researchers, practitioners, and policy makers are expressing the need to look at the complexities of migration, worker's rights, and women's rights as it relates to the current understanding of trafficking rather than taking an either-or stance on the issue. The research in all three areas highlights the many different conditions migrant women and children find themselves in. There are also many different motivations for moving or migrating and many are aware of some of the risks involved, including health hazards. Not all women and children who end up being trafficked are ignorant women unaware of the risks. Many have made a conscious decision to seek another means of livelihood, help support the family, or improve their own lives. But many, too, have been deceived and ended up exploited and battered.

The research was unable to generate detailed information on the situation of children at places of destination. This point will be subject to further research and will be discussed in the next section on recommendations.

Appropriateness of Interventions

The current planned interventions to combat trafficking very often do not take into

consideration the various realities of migrants both in their places of origin and their places of destination.

It seems important to have mechanisms at the local, national, and international levels to help people migrate in dignity and safety. They should also have opportunities to alleviate their poverty, address their family problems, or have a creative and meaningful life in their home communities. There is sometimes a lack of coherent governmental and non-governmental policy to address the abuse and exploitation that they experience when they leave their homes and in the workplaces and new situations they find themselves in. This combines with the presence of alternative sources of migration (regular and irregular). A more responsive framework will recognise that it is not to combat trafficking of women and children but to promote their safe migration and recognise the right of persons to migrate, right to employment and the right conditions at work, and the right to seek a better source of livelihood, possibly through migration.

There is a need to look at some operational

or procedural aspects of interventions using a bottom-up approach and a rights-based approach that recognises the agency of migrants and trafficked people.

It is important to note that prevention of human trafficking is not barring the free movement of women across borders.

Interventions are already multi-level, multi-sectoral, multi-pronged, and multi-year. All kinds of recommendations have already been made to try to address the trafficking of women and children. Yet, more recommendations and more interventions are still required. There is a need to step back and see what impact these interventions have made on the lives of women and children who have been trafficked, as well as on source and destination communities. There has been a severe lack of evaluation on the effects and outcomes of interventions at all levels.

Finally, it is important not to always lump women and children together - this reduces the recognition of women's capacity to decide for themselves or takes away focus on children's special needs.

Possible Ways Forward

Possible Ways Forward

CHAPTER 5

Possible Ways Forward

The individual local reports have made specific recommendations at all levels and for all sectors involved in addressing trafficking of Vietnamese women and children. These are included in the annex. This section will forward a set of recommendations based on the consolidated findings from the three reports.

There is a need to recognise the different stages of migration that impact on trafficking. There is also a need to recognise that trafficked persons are not permanently in that state and will not necessarily wait for interventions to get them out of that state.

Migration and trafficking of women and children cannot be tackled separately from the national socio-economic development policy that has not trickled down to ameliorate the living conditions of marginalized people especially of the deprived women and children. The growing socio-economic disparity and the weakening of social fabric need to be addressed while searching for a solution to protect women and children from being victims of cross-border trafficking. For effective prevention, there is a need to formulate specific programmes for improving economic situation and strengthening communities and families in the vulnerable rural areas.

Specific recommendations to ActionAid International Vietnam

The stories coming out of this research show the close connection between migration and trafficking. There are migrant workers who were not trafficked but are abused and exploited in their work situations. There are trafficked women and children who are locked up and have no access to any services. There are brides who enter a marriage legally but end up in servile marriages. There are trafficked women and children in prostitution. And there are brides who refuse to be 'rescued'. Each of those situations is different - the needs of people in each of those situations are different and therefore interventions need to be different. AAV can look at the different needs of the women and children in these situations and make assessments of the policy regimes that affect each type - (1) migrant workers in abusive situations, (2) trafficked women and children with limited access to services and confined to their workspace, (3) regulated brides in servile marriages, (4) trafficked women and children doing sex work refusing interventions.

For migrant workers in abusive situations, AAV can call on the government to improve monitoring of Vietnamese workers' rights in other countries. The focus of interventions can be on capacity-building for monitoring of Vietnamese workers' rights abroad and strengthening government mechanisms to protect those rights.

For trafficked women and children, AAV can identify organisations in each of the

countries of destination practicing or willing to practice the rights-based approach. The rights-based approach is central to AAV programming and it is essential that the groups AAV works with also espouse this approach.

AAV can organize a workshop for identified groups from different countries to have a common understanding on the issue and develop a plan to work together in providing assistance to women and children from Vietnam. These interventions can include outreach, rescue, safe shelter, prosecution, legal assistance, income generation, advocacy, and others. All groups must apply the rights-based and victim-centred approach.

AAV has limited staff and resources to directly implement anti-trafficking projects in the region but it can make contact with the groups in each country. AAV can assess the need, desirability, and appropriateness of creating a network of anti-trafficking organisations that use the rights-based approach and assess ways of coordinating such a network. Other organisations have already established a coordinating role in the region and seek advice from such groups.

There is a need to find ways to evaluate the effects and outcomes of a particular intervention. The approaches in combating trafficking can be evaluated in terms of effectiveness and appropriateness and relevance to the actual needs of the women and children. This evaluation needs to be simultaneous and integrated with long-term participatory action research that links the perspectives of women and children with

various conceptual and theoretical frameworks. Documentation of the cases is essential to build capacity and data for advocacy work.

The research was unable to uncover detailed information about the situation at community of origin for the women leaving as domestic workers or care givers to Taiwan (China). This can be the subject of further research.

It was also unable to discover the status of trafficked children. AAV can coordinate with the many organisations that have done research focused on children. Research previously conducted can guide future programming or AAV may decide to conduct its own research in this area too.

For regulated brides in servile marriages, it is important to look at domestic law and assess the rights Vietnamese wives have in the country of origin and how those rights are being protected - what are the mechanisms they can access should those rights be violated. AAV can work with responsible agencies to intervene in the process and the organisation of bride contests in order to provide better protection for prospective brides.

For sex workers and brides who refuse to be 'rescued', AAV can continue to work with groups practicing rights-based approaches to seek best possible ways to help these women. Wherever possible, seek information from the women themselves on the most appropriate interventions. Evaluate the legal provisions applicable to their

situation and that can be used or mobilised to protect their rights. Although the first phase of the AAV project also aimed to make this assessment, the research in the three countries was unable to make a full assessment of the legal mechanisms present in each country that will protect the rights of trafficked women and children.

On the regional level, AAV can work with partners in different countries to monitor implementation of bilateral agreements between Vietnam and the destination countries.

Specifically coming out of the methods used in this research project are recommendations to address the limitations and weaknesses identified in each of the area studies. This includes not having enough time to implement the research, not having involvement of the communities from the initial stages of research design and programme planning, and a need for more focus on action research. These can be incorporated into any future research ActionAid implements and serve as a guide for its forthcoming action plan on anti-trafficking. It is still possible to consult with returnees in southern Vietnam and Vietnamese communities in the other countries on the shape the programme will take. More consultations with other groups of people can also be continued. The end of the research does not have to mean the end of consultations.

Particular to the research in Cambodia and Vietnam, there is a need to look further into a 1983 treaty between Cambodia and

Vietnam pertaining to a provincial level pass to cross the border or a form of passport. More research in this area could possibly help in understanding cross-border migration in those areas. It is also important to analyse conditions that lead to trafficking and conditions that protect people from trafficking, particularly those living in border areas where cross-border trade and migration happens on a daily basis.

Particular to Taiwan (China), additional

research can be conducted on governmental and non-governmental mechanisms and partnerships to address trafficking of women and children in Taiwan (China). The research was also unable to uncover detailed information about the situation of the women leaving for Taiwan (China) as domestic workers or care givers.

Specific recommendations at the local level were discussed in detail in each of the country reports. (See Appendix B)

Appendices

A. RESEARCH TEAM MEMBERS AND ORGANISATIONS

1. Cambodia

Research Contractor is Legal Support for Children and Women, an NGO based in Phnompenh. Team members include:

Ly Vichuta - Director of Legal Support for Children and Women, Team Leader

Roo Griffiths - Team Member

Vouch Lay - Team Member

2. Taiwan (China)

Contractor is Prof. Hsia Lin Ching, from the University of FuJen.

Prof. Hsia Lin Ching - Team Leader

Chang Yu Hwa - Team member

Chang Jung Che - Team member and Ruan

Huang Yue - Team member

3. Vietnam

Contractor is Mobility Research and Support Center, an NGO based in Hochiminh city. Team members are:

Do Thi Nhu Tam, MRSC Director and team leader

Tran Ai My

Huyen Phuong Thi

Hoang Hoa My Tu

Tran Thai Nhu Van

B. RESEARCH AREA SPECIFIC RECOMMENDATIONS

This part includes recommendations from all three country reports.

I. Cambodia

This is not a comprehensive or detailed list of recommendations for those stakeholders involved in the issue of cross-border trafficking between Cambodia and Vietnam. It merely presents a primary list of suggestions of starting points for programming and interventions by governments, IOs, and NGOs, in the hope that these can be used as a focus for discussion of future possibilities. This section draws heavily on LSCW (2005), adapting as necessary, and includes contributions from the roundtable discussion on this research held on 26 October, 2005, in Phnom Penh.

Recommendations for governments

For source and destination governments

- There should be increased cooperation between the Cambodian and Vietnamese governments regarding human trafficking and safe migration.
- Governments should adhere to existing MOUs and conventions on trafficking, and work towards ratification of those currently unsigned. There should be further implementation and enforcement of existing agreements.
- Government agencies, IOs, and NGOs should cooperate in destination and source countries and across borders to address key issues.

- Both governments should work to accept responsibilities with regard to trafficking and migration and mainstream them within their work against human trafficking and towards safe migration.
- Both governments should work towards resolving issues of ambiguous nationality such as, for example, in the case of Vietnamese children born in Cambodia. Governments should work towards a comprehensive system of nationality registration with clear identification systems available for both nationalities in either country.

At destination (central and border)

- There should be further development of trafficking laws within Cambodia; policies should also cover migration issues and take into account a rights-based approach and a gender-responsive approach.
- There should be efforts to employ thorough and country-specific methodologies in investigation and prosecution.
- Prosecution should be dealt with by trained staff who are sensitive to issues of gender and sex work. Victims should be able to rely on legal protection services.
- There should be further policies for dealing with sex tourism to minimise Cambodia's status as a demand country, including increased conviction of traffickers, increased regulation of sex work, advocacy campaigns, and raising awareness.

- Efforts should be made to stamp out corruption in order to allow officials to carry out their responsibilities in a transparent climate.
- Local authorities and police require further training on legal procedures and human trafficking, greater will and commitment as well as capacity required.
- Immigration and border police should be trained on human trafficking, laws and procedures. It should be ensured that the anti-trafficking department has a presence in all border areas.
- Procedures at border should be strengthened and enforced to enable improved policing of illegal entry points. Border staff should have materials and resources in place to enable them to control illegal crossing more easily.
- Programmes at border should enable coordination and cooperation between Cambodian and Vietnamese border officials.
- There should be increased government investment in schemes to support the above recommendations, and to monitor schemes and programmes hand-in-hand with IOs and NGOs.
- There is need for further support and investment from NGOs/IOs for law enforcement and protection of victims at the borders.
- NGO workers need further training in legal procedures and issues surrounding human trafficking to ensure both protection to victims and prevention.
- NGOs/IOs should have programmes to tackle sex tourism to minimise Cambodia's status as a demand country.
- Existing programmes should concentrate on providing further training to local authorities and police in legal procedures, human trafficking issues, and women's rights.
- IOs and NGOs should adopt gender-responsive policies to address the particular needs of target groups.
- IOs and NGOs need to disseminate relevant laws to agencies and lawyers working with victims and local authorities, and provide training in dealing with victims etc.
- Awareness of both protection and prevention services available to target groups should be raised. There should be a focus on making target groups confident that implementation mechanisms are trustworthy and approachable.

Recommendations for NGOs, IOs, programming at destination

- There should be increased cooperation and networking among NGOs to find solutions to identified issues. There should also be cooperation and collaboration across the border with agencies in Vietnam.
- All target groups need access to assistance regarding health, legal, social, and personal problems.
- Outreach strategies are necessary to assist women and girls who continue to

work in sex work, to provide them with vocational training to increase their range of future choices.

- Strategies should work towards building self-esteem and empowering women and girls to enable them to make choices with full acceptance and knowledge of their own position.
- There should be increased acceptance of agency of victims, allowing them to become actors rather than passive subjects. As a result, strategies which take into account agency will be able to offer case-appropriate solutions according to the needs of the victim.
- There should be further investment in NGO services to enable NGOs to provide such services. Donor support should follow Cambodia-specific rules and ensure that services are not cut off for bureaucratic reasons.
- Monitoring and evaluation should be strengthened by NGOs and IOs to ensure effective implementation of projects.

Recommendations for NGOs, IOs, programming at source

- There need to be efforts to develop appropriate education and information materials on safe migration and protection to give access to full information on issues before making decisions. Communities should be encouraged to be involved in this process.
- Investments should be made in gender-

awareness training and training on gender-specific issues such as domestic violence and sex discrimination.

- Efforts should be made to create opportunities for women and girls at source to enable them to have different choices in terms of employment and income generation.
- There should be investment in education and skills training for women and girls at source with further related investment in reducing rural poverty.
- Services and referrals from the border to the home province should be in place for returnees, with full reintegration counselling, health, and psycho-social assistance and other forms of support.
- There should be cooperation among agencies at source, and also with Cambodian agencies. Agencies in Vietnam should cooperate with the Vietnamese government to implement the above recommendations.
- The Vietnamese government should make efforts to implement existing laws and amend those which need changes in the area of human trafficking and migration.

Recommendations for further research

- There is need for further work on human trafficking, to clarify and improve statistics. This could include further analyses of information from rescued women and girls and from returnees.
- There is need for further work on border

issues and trafficking routes and trends.

- There is need for further analyses of the agency of women/girls and case-by-case information to ensure the real situation is understood.
- There is need for further analyses of (safe) migration issues and gender vulnerability to address the cause of the problem rather than only the outcomes.

II. Taiwan (China)

- New definitions should be developed for trafficking based on the perspectives and interests of the migrants involved.
- These new definitions should cover deceitful brokerage practices as well as exploitative working and living conditions in the public and private domain.
- States and NGOs should develop strategies to combat trafficking that should be directed towards empowering trafficked women as migrants and migrant workers.
- States and NGOs should develop actions directed towards enabling trafficked women to take back control of their lives and to speak up for their own rights.
- States and NGOs should develop strategies to combat trafficking based on the right of migrant women to self-determination and prevent stigmatisation and victimisation of the women concerned, whether they are migrant wives, workers, or sex workers.
- The law should treat migrant women as subjects accorded with rights instead of as objects or dependents who need to be controlled.
- Migrant women should be accorded full legal status regardless of their marital status or profession.
- The states should improve migrant women's access to viable employment opportunities.
- All labour should be treated as an income generating activity. It should include all services, regardless of whether these services are recognised as work or whether they are considered legitimate by society.
- The informal sector, including the sex industry, should be covered by general laws and regulations pertaining to independent workers and business.
- Working conditions of women in the informal sector, including the sex industry, should be improved by creating a legal basis which guarantees conditions in accordance with accepted national and international labour standards.
- States should ensure their basic rights as persons and as workers, including the freedom to control their working and living conditions as domestic workers, sex workers, or migrant wives.
- States should develop national legislation and human rights standards for the treatment of trafficked persons which guarantee basic legal protection, such as

the right to freedom from harassment by those in positions of authority, access to free legal assistance, access to legal compensation and redress, assistance to return home countries if they wish to do so, and legal permission to stay if returning is unsafe or undesired.

- Every measure taken by the states should be in cooperation with NGOs, including sex worker rights advocacy organisations, to ensure that the interests of migrant women and trafficked persons are adequately represented.
- Given the lack of precise information on the mechanisms of trafficking in Vietnamese women in the context of marriage, domestic labour, and sex work, further researches in these fields should be encouraged.

III. Vietnam

The recommendations of stakeholders were collected during the data collection period but more formally at the analysis sessions at the end of the research period with the Team Leader and the Project Assistant (Team 1).

The recommendations of the researchers (Team 2) were developed together after all information had been analysed but before the recommendations of the stakeholders had been received.

The recommendations are presented here as two groups of ideas (1) Stakeholders and (2) Researchers.

From the situational analysis and the trend

of emigration, in particular of women and children, still continuing, the WU is concerned about the potential for trafficking. In order that the migrants can go safely, stay safely without harm, violations, or abuses at the destination country, and return safely so that the community accepts and embraces them, recommendations made by the stakeholders, i.e. authorities, are in three areas: counselling, communication, and special assistance.

The following are the ideas of those persons from the two provinces who assisted with the data collection. Not all these are recommendations - some are statements - but they are taken from the document produced at the end of the analysis.

1. Counselling

Counselling requires more skills and information.

It is recommended that the Centre for Counselling operates on a fee for service basis. The centre should give counselling to migrants before departure, while they are aboard, and on their return:

Before their departure:

- Reach the migrants before their decision as well as after their decision to go abroad.
- Counsel in matters of law and psychological preparation.
- Counsel the migrants in various options concerning earning money.

- Provide concrete addresses, phone numbers of the job recruitment organisation, and Vietnamese embassies or consulates at the specific destination countries.

During their stay abroad:

- Counselling through Internet (email) where possible.

Upon their return:

- Assist in legal matters and provide psychological help.
- Liaise with the Department of Justice and the court for marriage, divorce, and birth certificates.
- Liaise with other concerned agencies/offices for support in case of complaints, prosecutions, and compliance with court orders.
- **Set up a 24 hour hot line** for urgent situations and legal matters concerning migration.

Further, it is recommended that there is an update of information on local services available in the home country and at the destination countries: contact addresses, social service organisations, language training schools, job recruitment units/organisation, health stations/centers, etc.

Also, access to information resource centres such as Vietnam Women Union, MRSC, and AAV is recommended. Skills are needed to search and make use of the information on the Internet. It is recommended that these are taught.

Communication

It is recommended that the following five communication activities are necessary:

- Focus on the trickery means - causes - consequences of trafficking in women and children.
- Design and distribute information leaflets on economics, culture, work, and lifestyle at the destination countries.
- Disseminate information on the laws of the destination country and rights of the migrant overseas worker and migrant brides under destination country and international laws.
- Write play scripts, communication songs to record and distribute on video tapes, VCD discs.
- Communicate directly with groups in the community according to their age, gender, and occupation.

So, it is recommended that a communication network is set up taking the following steps:

- (i) Each commune selects four core communication workers (2 male, 2 female) from concerned units/organisations such as the Women's Union, Youth Union, justice, and police. Communication workers should be people in the community able and willing to work for the whole duration of the project (should not be transferred or replaced).
- (ii) From this core group of communication workers, build up a network of collaborators at the commune and village levels.

- (iii) Provide equipment for communication.
- (iv) Complete and full communication material on anti-trafficking activities for women and children should be sent to the Fatherland Front and its members and the representatives of religious communities.
- (v) Disseminate information through media in the province. Provincial newspapers and television should expose anti-trafficking activities (to be integrated into special editorial column, special transmission channel), and TV and radio stations at the district and commune levels should carry the workers' anti-trafficking communication.

Special assistance to returnees living in the communities is recommended

It is recommended that the target beneficiaries are women from 18 years up, and children (boys and girls) in very special difficult and vulnerable circumstances. For these, there should be:

- (a) Financial assistance for medical consultation and treatment.
- (b) Job information to overseas workers who were obliged to return home before the end of their contracts.
- (c) Banks for providing credit, with the DOLISA and the returnees to be linked.
- (d) Training to enhance the capacities of the concerned organisations and units (at provincial, district, and commune levels)

to reach uniformity and consensus in close collaboration.

- (e) Publicising and popularising of the hot line and the Centre for Counselling.

4. Other recommendations

- (a) A centre for job recruitment should be set up and be responsible for monitoring the accuracy of the health checks and observance/compliance of clauses in the labour contract by the job recruitment agencies abroad.
- (b) The contract for labour and any other contracts relating to the worker (medical, contract modification, etc.) should be written in appropriate language with one copy given to the worker.

RECOMMENDATIONS OF THE RESEARCH TEAM

The recommendations of the analysis team 2 are as follows.

National level

1. Have more control over labour export companies (both quasi-government and private) so that infringements lead immediately to loss of licence. Increase fines (punishments) for illegal export of labour.
2. Set up a team of investigators specifically to monitor labour export companies in Vietnam. Develop a tool to assess their activities and review their standards.

3. Develop a profile of each foreign company which applies to recruit Vietnamese workers and set up a governmental unit in each country to monitor the activities of the company as regards compliance with contracts and stipulated conditions.
4. Continue and strengthen programmes that aim to alleviate poverty by encouraging self-motivation and innovation at grass-roots level rather than maintaining status quo.
5. Whilst working on Decree 130 at the structural level, develop indicators of success for each province, reward high scoring provinces, and publicise best practices discovered in the process.
6. Publicise the meaning of trafficking in its broadest sense among people at every level of the political structure and public service. Tie trafficking to gender issues in a massive social marketing campaign based on the constitution and the role of the family in upholding gender equality.
7. Dictate to all state and Communist party offices that where the work place and working behaviour are concerned gender equality must be the norm. To start this, gender audits should be instituted throughout Vietnam's state system to provide a benchmark from which to work towards equality so that state and party offices are role models for communities and families at all levels of society.
8. Support initiatives to publicise the issue of trafficking to the family level and set up an anti-trafficking position for one person in each hamlet throughout the country. This person should be given extensive training to ensure that he/she truly understands the issues, knows the law and can communicate with the people in an appropriate, not authoritarian, way.
9. Standardise legal formalities for marriage to foreigners so that there is one process for all nationalities marrying Vietnamese citizens (men or women). The process should include counselling and exclude any potential for corrupt practices in funding partners, paper work, and visa issuance.
10. Utilise qualified social workers, community development workers, sociologists, psychologists, and other human services professionals for social marketing, counselling, etc. for all aspects of human mobility. These professionals should be able to work alongside state and mass organisation employees.
11. Reassess the system of information dissemination in Vietnam from central to village levels. Develop new lines of communication and new methods of evaluating efficiency and effectiveness of methods.
12. Explore creation of cheaper, faster, and transparent, but legal, migration management systems as a substitute for trafficking for people to utilise. Implement these as soon as possible.
13. Revisit international labour conventions

and ratify those relevant to the current situation e.g. UN Migrant Workers Convention (1990).

Families and communities

1. Discuss the situation of trafficking in a community at various existing forums (e.g. People's Committee, Women's Union) to both hear about the situation and provide inputs for the body of knowledge available in the community.
2. Analyse family systems and determine what steps need to be taken within individual families to protect women and children from being trafficked under the pretext of marriage, work, or education.
3. Share family decisions with the community and its leaders so that information about families' actions and plans can be incorporated into the commune, district, and provincial plans of the personnel working on the Decree 130 anti-trafficking plan.
4. Conduct poverty assessments hamlet by hamlet and, when the results are available, develop a community plan to assist the poorest families (regardless of the reasons for the poverty) to develop action plans to improve their situation. Community financial assistance may help but developing support plans will be a start.
5. Initiate the concept of community businesses for families in difficult circumstances. Use local expertise to assist them in all aspects of micro-business planning and management.

Consider developing a business investment plan to assist poor families. Other families in the community could be investors.

Support products and services offered by community businesses by buying them in preference to those from outside the commune/district.

AAV

Any project developed as a result of the research should be a joint programme with other international and local NGOs to harness specific areas of expertise. This holistic approach can also minimise the number of individual projects (considering there is a limit on "number" with any partner in any province) and maximise expertise and skills transfer when needed. It can run vertical, horizontal, and community-based aspects simultaneously. MRSC would be very please to assist with such planning (other agencies would too!).

C. CHECKLIST OF QUESTIONS

These questions were agreed upon by all research teams in the research methodology workshop organised in Hanoi on July 25-27, 2005. During the research, each team would further elaborate, develop, or shorten this checklist to meet their need.

Personal Observations

Researchers will be keen to note the conditions/circumstances leading to the interview (was it easy/difficult to arrange for the interview and get to the meeting place, what were the constraints in getting the interview, were there brokers, what were the concerns

voiced by the potential respondents prior to agreeing to the interview, etc.) Observations can also be made about the physical environment where the interview takes place, the conditions in getting to the place, the environment, surrounding areas including health, safety, security, economic, and family issues.

Introduction

Researchers will note demographic information about the respondent and will keep a log of demographic information of all interviewees, wherever possible: age, sex, marital status, number of children, other members of the family.

To the extent possible, researchers can take down notes but should not do so if it makes the respondent feel unsafe. Before starting to take down notes, ask for the respondent's permission. If a tape recorder is used, make sure the respondent gives permission and assure him/her that the tape recorder can be turned off at any point of the conversation and can be turned on and off again when he/she prefers.

If note-taking is not possible or if it cannot be done discreetly (as in the case of informal discussions in coffee shops or public places), the researcher has to find the time as soon as possible to record the findings/results of the interview. If pictures will be taken of the respondent or her surroundings, ask for permission and explain the reasons why pictures are needed.

Preliminaries

1. Use ice breaker questions about how she is today or comment on your own personal condition for the day. If there is no extreme time limit, engage in some 'small talk', to put both researcher and interviewee at ease. Do not rush into the questions. "Small talk" can reveal a lot of insight into the state of the interviewee and can lead more informally and casually to the interview proper.
2. Briefly introduce the purpose of the conversation - changing the extent and level of description of the project depending on the situation.
3. Reassure about confidentiality and that the respondent can terminate the discussion/interview at any time she feels unsafe or unsure. If there is a translator, describe the reasons why. If notes are taken, ask for permission.

A. For trafficked persons and returnees:

Level 1: Background

Age

Sex

Educational Background

Place of Origin

Family Members

Ethnicity

Main sources of income

Access to social services in country/
community of origin and social support
networks

Religion

Purpose for migration

Decision-making process in deciding to leave
 Family consent
 Knowledge of job awaiting her (Yes/No - extent of knowledge)
 Knowledge of means of transport (Yes/No - extent of knowledge)
 Knowledge of purpose for migration (Yes/No - extent of knowledge)
 Contact with family

Mode of transportation
 Use of brokers
 Facilitation of movement by whom
 Fees paid
 Border crossing
 Documentation/identification papers
 Transit places
 Time of arrival in place of destination (map if there are transit places)
 Other movement after arrival in first place of destination
 Repeated trafficking?
 Elements of deception or coercion (in analysis)

Level 2: Situation at destination

Conditions at place of destination
 Access to health (reproductive, HIV/AIDS, general health) services
 Access to legal services
 Access to psychological/emotional help
 Confinement and control
 Typical work day
 Typical work week
 Income levels
 Income sharing (with employers or others)
 Personal expenses (is it deducted from

income)
 Debts to pay - how much, how long
 Drug usage
 Health care (incl. condom use)
 Movements/patterns of movement (for example, from one brothel to another)
 Industry/sector/site

Level 3: Interventions

Aspirations for the future
 Desire to return or reintegrate or assimilate
 Is there a desire to change the situation?
 Heard of local services? Which?
 Access to local services or support network
 Fees for local services
 By whom
 Difficulties in accessing services

Level 4: Recommendations

What, if any, to be done to address the (human rights) health, safety, education, labour, return and reintegration issues

B. For NGOs, UN agencies with projects in the areas

Level 1: Background

Same as (A) above (to the extent that they know and have observed)

Level 2: Situation at destination

Same as (A)

Level 3: Interventions

History of their work in the area
 Literature/reports produced

Interventions in the area and in other areas

Their definition of trafficking

Their definition of rights-based approach

Mission/vision for addressing issues of trafficked women and children

How needs/gaps were identified

How interventions were identified

'Evaluation' of the impact or effects of their interventions

Strengths and weaknesses of these interventions

Knowledge of other interventions in other areas

Knowledge of other agencies (NGOs, local groups or government agencies) working on trafficking issues in the area

Which other agencies, what are they doing, with whom, how long

Informal assessment of the effects of those interventions

Address and contact details of the organisation contacted

Who else should be contacted

Level 4: Recommendations

What more is needed to address human rights needs of trafficked women and children

Gaps in interventions

C. For Government Ministries and Agencies

Level 1: Background

Same as (A)

Level 2: Situation at destination

Same as (A)

Level 3: Interventions

Interventions in the area

Policies and programmes enacted to protect the rights of trafficked women and children

Bilateral or multilateral agreements

Policies and programmes that are being implemented

Policies and programmes that still need to be enacted and implemented

Informal assessment of the effects of these programmes

Difficulties in implementing the policies

Strategic partners

Address and contact details of agency contacted

Kinds of cooperation with the Vietnamese government

Partner organisations in Vietnam

Level 4: Recommendations

Gaps in the policies and programmes to recognise human rights of trafficked persons

Recommendations

D. UN Agencies

Mostly the same as above

E. For community members

Level 1: Background

Members of their families who have moved away from home

Where to

Other members of the community who moved away

Means of movement

Family consent

Contact with family or community members

Plus checklist in (A)

Decision-making factors at the community level

Have they heard from these family or community members

When, how often

What have they heard

Level 2: Situation at destination

(Same as A)

Reports of conditions about the situation at destination

Level 3: Interventions

Interventions or local services against trafficking in their area

What kind of local services

Ideas about how effective these services/interventions are

Ideas about migration

Ideas about searching for a means of livelihood

Ideas/feelings about women and children who leave

Ideas/feelings about women and children who return

Ideas about how to reintegrate returnees

Why

Labour, poverty, social service situation in the community

Root causes of trafficking in the community

Root causes of out-migration in the community

Why do some leave and others don't?

Level 4: Recommendations

F. Families

Mostly the same as above (community members)

G. For brothel managers or caretakers, husbands with Vietnamese wife, clients or employers (if and when possible)

Level 1: Background

(Same demographics as above)

Conditions that led them to become brothel owners, marry Vietnamese wife, etc.

How did they start the business

How did they arrive at the decision to find a Vietnamese wife

Processes used to acquire Vietnamese wife

Did they use brokers

Fees paid

Level 2: Situation at destination

(Same as above)

Treatment of wife/prostitute/labourers

Family life

Level 3: Interventions

Awareness of anti-trafficking interventions

Assessment of anti-trafficking interventions

Level 4: Recommendations



ActionAid International Vietnam
5th floor, 14-16 Ham Long Str.- Ha Noi- Viet Nam
Tel: 04.9439866 Fax: 04.9439872
Email: mail@actionaidvietnam.org
Website: www.actionaid.org/vietnam