



Human Trafficking Sentinel Surveillance

Viet Nam–China Border 2010
Lang Son | Lao Cai | Quang Ninh



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¹ United Nations Inter-Agency Project on Human Trafficking (2008). *Guide to Ethics and Human Rights in Counter-Trafficking*. Bangkok.

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FOREWORD

Because of the clandestine nature of human trafficking, little standardized information is available in most countries related to trafficking trends, modes of recruitment and number of persons trafficked annually. The information that is available is sometimes incomplete, biased or unsubstantiated. This has resulted in counter-trafficking programmes being set up without sufficient understanding of the dynamics and complexity of the problem; that is, the intervention might not be responsive to the true situation.

One reason for the scarcity of empirical information on human trafficking is that up until recently, the research and data collection instruments needed to address this criminal activity were not adequately developed, tested and refined. What information was available often remained as raw data – with limited analysis and concrete recommendations to apply to our response.

To increase the reliability, availability and use of accurate data and analysis, UNIAP has placed a strong emphasis on the importance of an empirical base for everything we do. This includes the establishment of the sentinel surveillance systems in Cambodia and now in Viet Nam. The information collected from this process will result in a better understanding of the constantly evolving trafficking flows and mechanisms; the identification of what happens with victims once they cross from one country to another; us gaining consensus on what needs to be done, how, and by whom; and establishment of up-to-standard and operationalized policies, mechanisms, service delivery, and capacity for responsiveness between Viet Nam and China. Thus, using this information can significantly contribute to our understanding of the problem and our ability to respond to it.



Matthew S. Friedman

Regional Project Manager

United Nations Inter-Agency Project on Human Trafficking (UNIAP)

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Very special thanks are extended to: the People's Committee, Women's Union, Department of Public Securities and Border Guards of Quang Ninh province; the People's Committee, Department of Labour, Invalids and Social Affairs (DOLISA) and Border Guards of Lao Cai province; and the People's Committee, DOLISA and Border Guards of Lang Son Province for their support and cooperation throughout the data collection process. UNIAP's data collectors conducted interviews with deportees in the premises of the Quang Ninh's Mong Cai Public Security Department, Lang Son's Social Welfare Centre, Lao Cai's Social Welfare Center, where the officers allowed the interviews to be conducted in comfortable locations without any interference.

Sentinel surveillance is now commonly used to collect empirical data and trend data for science-based development programming such as HIV/AIDS, maternal/child health, and other public health fields. Sentinel surveillance systems have never been established for anti-human trafficking, with practitioners often citing the hidden nature of trafficked populations and the underground nature of the crime as deterrents to attempts to establish such data systems. However, UNIAP has studied (and contributed to) the recent innovations in anti-trafficking empirical research, and has studied public health sentinel surveillance systems as well. We believe that the development of regional sentinel surveillance systems for human trafficking is not only possible, but also long overdue, and we thank our donors, partners and supporters for giving us a chance to prove this.

This research and its recommendations were made possible by the cooperation of and contributions by the government officials, NGO partners and deportees themselves who generously shared their information, ideas and experiences to benefit this research in support of the COMMIT Process and improved cross-border counter-trafficking in the Mekong region. This includes General Nguyen Sinh Xo, Colonel Dang Ngoc Toan and Colonel Pham Long Bien from the Anti-drugs Department, Border Guard Command and staff of Border Guard Commands in Quang Ninh, Lao Cai and Lang Son provinces; Nguyen Tuong Long, Do Thi Chuc and staff of Lao Cai Department of Social Evils Prevention; Nguyen Van Vinh and staff of Lao Cai Social Welfare Centre; Doan Thanh Liem and staff of Lang Son Social Welfare Centre; Vu Thi Lien Oanh, Chairperson of Quang Ninh Women's Union; Tran Thanh Thuy and staff of Quang Ninh Vocational Training Centre for Disadvantaged Women and Children; staff of Mong Cai Police Station, Nguyen Hai Anh, the Ministry of Justice; and data collectors Lily Phan and Huynh Chi.

The UNESCO Bangkok Culture Unit, including the GIS team, donated their mapping expertise to support UNIAP's sentinel surveillance work, spending numerous hours on our SPSS datasets to be able to convert our numbers and codes to meaningful visual interpretations of migration and human trafficking from Viet Nam to China on maps. This very generous inter-agency collaboration was a model for the UN regional anti-trafficking community, led by Dr. David Feingold and Dr. Heather Peters, and made possible by the GIS expertise of Manithaphone Mahaxay and Peerayot Sidonrusmee.

The Asian Development Bank (ADB) and Canadian International Development Agency (CIDA) have generously supported sentinel surveillance. Sentinel surveillance is also an integral part of UNIAP's SIREN project, whose launch was generously supported by the US State Department Office to Monitor and Combat Trafficking in Persons (G/TIP) in 2008. ADB, CIDA, and G/TIP are to be thanked for their enthusiasm and support for sentinel surveillance, and for establishing stronger data systems for anti-human trafficking in the Mekong region and ASEAN more broadly.

UNIAP sincerely hopes that the information that comes from this research and intelligence will help the entire anti-human trafficking sector in Southeast Asia find and assist more victims of human trafficking, bring more of their traffickers and abusers to justice, and prevent more vulnerable people from ever being deceived and exploited.

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EXECUTIVE SUMMARY

Human trafficking involves the recruitment, transport, receipt and harbouring of people for the purpose of exploiting them sexually or for their labour.²

The Mekong region contains diverse patterns of human trafficking. They are both internal and cross-border, highly organized and small-scale, involving sex, labour or marriage through both formal and informal recruitment mechanisms, and can involve men, women, boys, girls and entire families. China is a key destination country for victims of human trafficking from Viet Nam. Due to the underground nature of sex, labour, and marriage trafficking, it is hard to estimate the prevalence of human trafficking in either country, though one 2010 estimate from the Viet Nam Ministry of Public Security estimates that 60 percent of Vietnamese trafficking cases involves trafficking to China.³

The aim of UNIAP's sentinel surveillance is to assess the situation of Vietnamese deportees being returned from China and, using this information, map trafficking trends and patterns; establish types and profiles of cross-border trafficking victims; and document how brokers and traffickers operate to put Vietnamese in exploitative situations. Through the latter half of 2010, UNIAP researchers were deployed to Lang Son, Lao Cai, and Quang Ninh international border checkpoints to conduct site surveys and structured, in-depth interviews with a non-representative sample of 93 male and female Vietnamese citizens deported from China.

The research uncovered undocumented labour migration that sometimes involved human trafficking, and sometimes did not. The majority of the 93 deportees were, in fact, undocumented labour migrants who were deported due to immigration violations, and who had not been exploited or abused. However, 20.5 percent of the cases were likely human trafficking cases, including labour, marriage, and sex trafficking. There were also proactively intercepted cases that both Vietnamese and Chinese police identified as possible sex or marriage trafficking, where the likely victim was saved before being entered into an exploitative situation.

Due to a variety of factors, including logistical factors related to difficulty in accessing the appropriate checkpoint in time given little advance notice, the sample of 93 deportees does not constitute a representative sample. However, since so little research has been conducted systematically examining Viet Nam–China trafficking into sex, marriage, and labour, these cases are examined with more emphasis on rich qualitative description of vulnerability, exploitation, and trafficking, supplemented with quantitative analysis. The beginning of this report begins with two case studies — one marriage trafficking case and one sex trafficking case — to illustrate the details of the broker-trafficker networks, extent of exploitation and perspectives of victims right from the start.

² From the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. See document for the complete definition of human trafficking.

³ “Còn 250 đường dây buôn bán người cần triệt phá (Still has 250 trafficking rings that need to eliminate),” June 2, 2010, <http://www.phapluatvn.vn/channel/4771/201006/Con-250-duong-day-buon-ban-nguoi-can-triet-pha-1945786/>.

There are six key recommendations proposed, based on the seven key findings from this round of sentinel surveillance. Recommendations for addressing risk factors among vulnerable populations are proposed for trafficking prevention and safe migration policy, as well as outreach and community-based work, primarily on the Viet Nam side but also where exploited Vietnamese are in China.

Examining broker-trafficker networks and the exploitative employers, families, and brothels they feed aims to support a stronger investigative and protective response on both the Viet Nam and China sides, and to this end recommendations for where to target labour, marriage, and sex trafficking rings are also provided.

Identifying knowledge and skill gaps in both government and non-government personnel working in anti-human trafficking and immigration control aims to help target capacity building and reduce mistreatment of trafficking victims thought to be immigration violators and thus criminals.

SEVEN KEY FINDINGS AT-A-GLANCE

The seven key findings from Sentinel Surveillance Viet Nam –China Border 2010–2011 are summarized here and expanded on extensively through the report, with recommendations and illustrative case studies throughout.

1. Among the sample of 93 deportees interviewed in 2010, 24 (or 25.8 percent) were cases of concern. This includes 4 (5.4 percent) sex trafficking, 6 (6.5 percent) labour trafficking, and 9 (9.7 percent) marriage trafficking cases, plus 5 cases intercepted by police before reaching the destination which exhibited strong indicators of being sex or marriage trafficking. All but one of the sex trafficking victims were ethnic minority children, and all but one of the marriage trafficking cases were ethnic majority Kinh (Viet) women.
2. Deportations tended to occur in waves with homogeneous case types, and the profiles for labour versus marriage versus sex trafficking were distinct in terms of average victim profiles and *modus operandi* of traffickers.
3. Origin provinces and crossing points in Viet Nam.
4. Family conditions (such as of dependents and household wealth) and level of education have little impact on trafficking risk. Knowledge and attitude about China and migration also have little impact on risk, since most trafficked persons within the sample had heard little about China. The strongest risk factors for becoming trafficked were related to the *modus operandi* of recruiters and whether migrants/victims fell into debt with recruiters during their travel.
5. The locations of destination trafficking hotspots for Vietnamese victims in China.
6. The majority of sex and marriage trafficking cases suffered greatly in terms of physical abuse, restriction of movement, being controlled and not being paid at all. The sex trafficking victims were all enslaved in brothels, never receiving any money for their forced sex work. Labour trafficking victims had more varied experiences working in Chinese factories, with some reporting good working and living conditions and some reporting poor conditions. All were categorized as trafficking victims, however, due to their being unpaid or cheated and underpaid.
7. Victim identification procedures were not fully in place in these areas in 2010, leading to some victims being deported, sometimes without appropriate assistance. Reported improvements to victim identification and immediate support in shelters on the China side in 2011 and Viet Nam's new anti-trafficking law going into force January 2012 (providing rights to protection for both male and female victims of trafficking of all types) should lead to a significant decrease in the occurrence of these outcomes.

SIX KEY RECOMMENDATIONS AT-A-GLANCE

There are six key recommendations from the Viet Nam–China Border 2010–2011 round of Sentinel Surveillance. The recommendations would benefit from the attention and action of a variety of anti-trafficking stakeholders in both Viet Nam and China, including government, non-government and donors.

1. Strengthen the capacity of Vietnamese and Chinese front-line responders in identifying and assisting foreign victims of trafficking, including male victims of labour trafficking and forced labour. Provide front-line responders with training, tools and information for identifying human traffickers and their victims to help strengthen the law enforcement response to human trafficking. These tools should also be provided for referral to appropriate services. There is also a need to ensure that child migrants (under 18 years) are treated in accordance with their best interests, regardless of whether they are determined to be a victim of trafficking. This is an obligation under the United Nations Convention on the Rights of the Child (CRC).
2. Make legal labour migration channels more affordable, efficient and accessible to prospective migrants. Such channels and work visas could be limited to certain industrial areas or provinces of China, such as those on the industrial eastern coast. Given the level of industry and shortfalls in low-skilled manpower in these industrial zones, legal and safe migration options for some foreign labourers may be the only scalable solution to preventing labour trafficking into these industrial areas that require this kind of manpower. Improving the channels for safe, formal recruitment of migrant labour and ensuring protection of the rights of those workers would be of benefit to Chinese employers as well, who could have a more stable workforce without fear of their critical low-skilled workers being deported.
3. Refine and make more specific the content of safe migration awareness raising, particularly regarding common patterns and tricks of labour traffickers, marriage traffickers, and sex traffickers. Specifically address what are known to be the key risk factors, including usage of brokers and the risk of going into debt to recruiters. Include southern Viet Nam as well as northern border areas in these efforts. Encourage safe migration only when enough cash is had to be able to pay costs in advance and avoid going into debt, expanding awareness raising to airport terminals, bus stations, train stations, and over radio and loudspeaker broadcasts.

4. Strengthen practical collaboration between Chinese and Vietnamese anti-trafficking personnel, particularly along and between border provinces, to investigate and disrupt broker-trafficker networks. Focus investigations and operations on disrupting the broker-trafficker networks that make large amounts of money by recruiting, deceiving and transporting Vietnamese into the most exploitative situations. Such investigations could focus on Mong Cai in Quang Ninh province as the top major crossing point into Guangxi province, as well as Hekou market and Gejiu county as major destinations in Yunnan province.
5. Provide social and legal services immediately upon arrival in Viet Nam to deportees who may be victims of labour, marriage or sex trafficking. As of 1 January 2012, services should be extended to male victims as well. Upon return, victims may have immediate concerns about finding employment and addressing urgent financial problems, as well as overcoming social stigma and learning to fully reintegrate back into their former lives — or integrate into a new life. Immediate assistance and information about trafficking victim rights, services and options should be offered to avoid victims feeling they have no choices and nowhere to turn other than to brokers or other less safe options.
6. Make longer-term social and legal services available to Vietnamese victims of labour, marriage or sex trafficking; both shelter-based and non-shelter-based for those who can live independently but still require some reintegration support. For more community-based reintegration support, addressing the various forms of social stigma that challenge reintegrating male and female victims is encouraged, in addition to psychosocial and economic support as may (or may not) be needed by each individual victim.

1

INTRODUCTION TWO CASE STUDIES MARRIAGE AND SEX TRAFFICKING

15-year-old Vietnamese girl who was trafficked to China and forced to work in a brothel.

Upon her return to Viet Nam, she shared: *"I was imprisoned during the day; they unlocked my room in the night. I was always under surveillance. If the customers complained to the owner, I was beaten ... and they did not allow me to use a condom when I had sexual relations."*

Interviewed August 2010, Lao Cai province, Viet Nam.



MARRIAGE TRAFFICKING CASE STUDY

21-year-old woman sold and re-sold six times

Luyen was a 21-year-old Nung woman trafficked to China in January 2010. She was living in Lao Cai, where she met her trafficker, a friend of a friend. The trafficker told Luyen she would be able to earn 10 million dong (over \$450) working in a factory in Hanoi but that she would have to first travel across the border to China to meet the factory's owner.

Once in China, the recruiter handed her over to another woman. There were multiple traffickers involved in selling Luyen. She was transferred from the original recruiter to a couple living on the border, to the couple's sister, to another Chinese couple, to a Chinese woman, to this woman's friend, and then finally sold to a Chinese husband.

Luyen was transported for two days to Jiangsu Province, where she was sold to a man. She described the marriage:

"I was forced to marry a 30-year-old Chinese man who treated me badly. I was beaten ruthlessly when I did not want to watch him playing cards or when I did not understand what he said. At first I was imprisoned and later I was made to work at a dumpling shop. I was forced to work there; I did not receive any money. My husband took it all. They also did not allow me to have any days off when I was sick."

After living at the dumpling shop, she wanted to quit. The shop owner, a relative of the husband, took her back to the husband's house. The husband no longer wanted her so he took her to his parents' house. Luyen was very scared living at her husband's parents' house, since his father wanted to take advantage of her sexually. The parents were searching for another buyer to sell her to.

One day she escaped when the husband's parents were sleeping and eventually found her way to the police station. The police sent her back to Viet Nam.

SEX TRAFFICKING CASE STUDY

17-year-old Dao girl sold into brothel on the border

Han was a 17-year-old Dao girl from the highlands in Lao Cai province. Her home is located 2 km walking distance from China. In early 2010, she was married to a young man in her village, but her in-laws were not kind to her and she was unhappy at home. In March 2010, a young woman from the village asked her to go to a nearby town to be in a photo shoot. She did not think much of the offer and agreed to go.

At that time, she had heard about people in her village leaving for China, and had observed that those villagers had never returned. She later stated that had she known the real destination of her trip, she would have refused to go along. She also had no knowledge that immediately on the other side of the border from her village was a set of notorious brothels known for having Vietnamese sex workers. She set out for the border on foot with her recruiter, then crossed a small river and entered China. She later recalled, “I did not know I was entering China. I thought you would have to cross a large river to do so.”

Once in China, she was sold into a brothel roughly 15 km from Hekou (河口) International Gate, in the well-known Hekou market — only 17 km from her home. Hekou market is composed of three two-story buildings; the first floors sell normal goods, while the upper floors have stalls that serve clients seeking sexual services. During the two months she was there, Han observed and estimated that there were nearly 400⁴ other Vietnamese girls working in that same market. She did not know whether they were there voluntarily or by force, though she did notice that their freedom of movement was severely restricted.

Han was under constant surveillance by two men. She wanted to escape but she was too scared. She was forced to serve clients sexually. The *mamasan* (female brothel manager) promised her 3,500 RMB (\$525) per month, but all the money ended up being deducted for food and living expenses. Thus, she did not receive a single Yuan.

In May 2010, Han was able to contact by telephone an uncle who lived very close to the China border. Her uncle crossed the border and alerted Chinese police, who rescued her and sent her back home.

Han was very happy to return back to Viet Nam. She wanted to file charges against her trafficker, because she felt like she lost all of her honour. However, Han feared returning home to mistreatment by her in-laws. Instead, she chose to go to a shelter run by the Viet Nam Women's Union to learn a vocation and start a new life.

⁴ A 2009 ILO report estimated up to 500 Vietnamese women working in the sex trade in the same area. See ILO and ILSSA (2009). *Rapid Assessment on Irregular Labour Migration and Human Trafficking Across the Viet Nam – China Border*. Hanoi: December 2009.

2

ANTI-TRAFFICKING LAWS AND VICTIM IDENTIFICATION PROCEDURES IN VIET NAM AND CHINA

Viet Nam and the People's Republic of China are members of the Coordinated Mekong Ministerial Initiative Against Human Trafficking (COMMIT).⁵ As part of the COMMIT Process, the six member nations jointly signed a Memorandum of Understanding (COMMIT MOU) in 2004, committing themselves to cooperation and action against human trafficking, primarily through the implementation of COMMIT Sub-regional Plans of Action (COMMIT SPA I, 2005–2007; COMMIT SPA II, 2008–2010 and COMMIT SPA III 2011–2013) which include actions to strengthen bilateral and multilateral cooperation frameworks, victim identification, and victim protection.

⁵ The additional COMMIT member nations are: Cambodia, Lao PDR, Myanmar and Thailand.

Context of migration and trafficking from Viet Nam to China

Viet Nam–China cross-border human trafficking is thought to be becoming increasingly complex and diversified in structure, and the governments of both China and Viet Nam have taken strong law enforcement-oriented stances on cross-border crime. Generally, in both China and Viet Nam, trafficking cases identified to date primarily involve women and children who are trafficked for the purposes of prostitution, forced marriage or labour exploitation.

Illegal adoptions. Trafficking for illegal adoptions (mainly internal though sometimes cross-border) is one of the more prevalent trafficking types in China.⁶ In identified cases of trafficking for adoption, Vietnamese boys are being sold, at times after being kidnapped, to Chinese families who desire a son.

Marriage trafficking. Due to over 30 years of China's one-child policy and traditional son preference, there are 18 million more males than females in the 20–45 age range in China, with a growing number of marriageable men creating a demand for women as wives. China is expected to have 40 million permanent bachelors by 2020⁷; in certain parts of China these bachelors have been referred to as 'bare branches.'

Incidents of trafficking for marriage from Viet Nam to China have been reported since the early 1990s, with Vietnamese newspapers having reported cases of Chinese men coming to Viet Nam and successfully finding wives for the cost of \$6,200⁸. In Viet Nam, lack of job opportunities and industry create push factors encouraging rural Vietnamese women to be open to migrating to more urban areas of Viet Nam, and even to China. Sometimes, female Vietnamese labour migrants begin their journey to China willingly and without legal documentation, and are then deceived and sold into forced marriages by brokers and recruiters, both Vietnamese and Chinese.

In identified cases of trafficking of Vietnamese women for forced marriage into mainland China⁹, brokers trick Vietnamese women into travelling with them, sometimes under the pretence of finding a job elsewhere in Viet Nam or in China, and then sell the woman to a 'husband'. While he or the in-laws may treat her well, there are many cases where these women are treated poorly, essentially as domestic slaves: beaten, forced to sexually serve the husband and sometimes other male members of the family, forced to work on the farm or in a shop for long hours with no pay, and/or under constant surveillance.

Labour migration and labour trafficking. From an economic standpoint, China and Viet Nam have witnessed remarkable economic transformation during the past two decades. In 2010, China overtook Japan as the world's second largest economy with a 2010 GDP growth rate of 9.9 percent¹⁰, while Viet Nam has been projected to be the fifth fastest growing economy in the world over the next 40 years, with a 7.5 percent growth rate.¹¹

Through bilateral economic cooperation, trade between the two countries has flourished. Viet Nam and China share 3 international gates, 26 national gates, and 1 train line. The volume of trade between China and Viet Nam through the Dongxing–Mong Cai border connecting Guangxi province, China with Quang

6 COMMIT (2011). *Counter Trafficking Storm – Law Enforcement Campaign against the Trafficking of Women and Children in the People's Republic of China*. See also UNIAP (2010) SIREN Mekong Region Human Trafficking Country Data sheets, p. 7.

7 Lim Louisa, "China fears bachelor future," *BBC News*, April 5, 2004, <http://news.bbc.co.uk/2/hi/asia-pacific/3601281.stm>.

8 "セバストマ 0-ヤストミット・リヤストマ 0-ヤストマタマナ," *YNXNW*, September 25, 2010, <http://www.ynxnw.com/>.

9 This pattern is different than the pattern of marriage trafficking to Taiwan, China, where brokers often arrange falsified marriage registration documents and visas to enable air travel into Taiwan; marriage trafficking over the porous land border into mainland China does not involve fraudulent visas.

10 Timimi, Keith. "12 fastest growing economies of 2011." *Economy Watch*, 9 December 2010.

11 Jenkins, Christine. "The 10 fastest growing economies of the next 40 years," *Business Insider*, 1 March 2011.

Ninh province, Viet Nam reached \$4.1 billion in 2008,¹² accounting for 5 percent of Viet Nam's GDP in that year.¹³ The Dongxing–Mong Cai border gate sees on average 2 million people annually crossing back and forth, including 500,000 tourists.¹⁴ The majority of the 2 million people engage in daily trading, crossing in the early hours and returning to their home country within the same day. Among the 6,000 people crossing the Dongxing–Mong Cai border gate daily on average, most trading with each other, some opportunistic traders have learned how to supply the demands of the labour shortages of factories on China's eastern industrial coast or bride shortages in China's rural provinces through the trafficking of Vietnamese men, women and children.

On the China side, there is a demand for low-wage labour from neighbouring countries such as Viet Nam. On the Viet Nam side, many villagers in living in rural areas along the Viet Nam–China border leave in groups to enter China illegally in search of work. For the majority of these workers, they leave because they are unable to find sustainable sources of income at home, with an unemployment rate of 5.3 percent as a national average, and as high as 20 percent in some rural areas. Many Vietnamese workers enter China illegally in search of work due to the relative ease with which they can find jobs with substantially higher wages than at home; Chinese news agencies have reported monthly wages of around 1,000 RMB¹⁵ (approximately \$157, or 3.3 million dong) paid to Vietnamese workers, roughly equivalent to half a year's salary in rural Viet Nam.¹⁶ An ILO 2009 report from Viet Nam proposes similar figures:

*"If they work hard in their hometowns, they can only earn about 20,000 to 30,000 dong (\$1.20 to less than \$2 a day). But low-paid workers in the border region and in China — such as porters, hired workers, small merchants, etc. — can earn at least 100,000 dong per day (\$6)."*¹⁷

The Pearl River Delta in China has become a major hub attracting Chinese workers from all across China. However, local companies are beginning to look for foreign workers, due in part to higher costs associated with a new labour law that calls for better pay and benefits for Chinese workers.¹⁸ According to the Chongzuo Municipal Public Security Frontier Detachment chief of staff Zuo Zheng, "In China's coastal areas, there has been a labour shortage, and a lot of Vietnamese illegal immigrants on the border from Viet Nam go to Fujian, Guangdong and Nanning to work."¹⁹

Viet Nam Penal Code (1999)

Prior to the drafting of the Viet Nam Law on Human Trafficking Prevention (2012)²⁰, the 1999 Viet Nam Penal Code has been the main instrument used to guide the prosecution of cases of human trafficking in Viet Nam. In 2009, the Penal Code was amended to address 'trafficking in persons' instead of 'trafficking in women and children.' While this prohibits human trafficking, the Viet Nam Penal Code does not contain an explicit definition as to what constitutes an act of trafficking consistent with the Palermo Protocol, whose definition is the 'recruitment, transportation, transfer, harbouring or receipt of persons, by means of the

¹² Xiandong Rong, "China, Viet Nam to set up new trade zone," China Daily, 2 August 2010.

¹³ Viet Nam's GDP was reported at \$90,644,972,320 in 2008. "Viet Nam Data," The World Bank, 2008.

¹⁴ "Cửa khẩu Quốc Tế Móng Cái (Mong Cai International Border Gate)," Quanh Ninh Province's Portal, September 18, 2008, <http://www.quangninh.gov.vn/UBND-TX-MongCai/dtIsvh/00032a.aspx>.

¹⁷ International Labour Organization and Institute of Labour Science and Social Affairs (ILSSA) (2009). *Rapid Assessment on Irregular Labour Migration and Human Trafficking across the Viet Nam – China Border*. Hanoi: December 2009.

¹⁸ "China Has Foreign-Worker Problem, Too" - *BusinessWeek*, August 2010.

¹⁹ "A large number of illegal immigrants from China's coast Vietnamese workers." Economic Information Daily, 30 April 2010.

²⁰ The new Viet Nam anti-trafficking in persons law has been adopted by the National Assembly and President, and will come into effect January 2012.

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.²¹ Thus, successful human trafficking prosecutions to date have been heavily dependent upon the analytical deconstruction of the offender's acts in order to identify actions deemed criminal, and penalties are delegated for each criminal act committed.

Article 119 of the Viet Nam Penal Code prohibits trafficking of women for the purpose of prostitution, and seeks to heavily penalise such offenses if committed in an organized or professional manner; this article is supported by Articles 115, 143 and 202, which apply penalties to acts of forcing marriage, buying or selling women and owning a brothel.

Similarly, Article 120 of the Penal Code prohibits trading, fraudulently exchanging or appropriating children. Articles 114 and 149 outline penalties for engaging in sexual acts, stealing, buying, selling or switching children. Further provisions for minors are secured in Viet Nam's 2004 Law on Child Protection, Care and Education.

The current laws do not address trafficking for forced marriages or labour exploitation as clearly as they do sex and child trafficking. In 2011, the National Assembly voted to expand trafficking-related laws to include males over 16 years of age as victims. However, no male labour trafficking cases have yet been identified, and Vietnamese labour laws do not provide criminal penalties for labour trafficking.

As noted above, Viet Nam's new anti-trafficking law, the Law on Prevention, Suppression Against Human Trafficking of Viet Nam, will come into force in January 2012 and will provide definitional scope to address human trafficking in line with international definitions. Since this study was conducted in 2010, the new law did not apply at the time and thus will not be examined in greater detail. However, for the purpose of effectively linking the results in this study with policy, the definitions of different human trafficking case types and principles of international cooperation are included here.

Article 2 provides the definitions of four key terms: sexual exploitation, sexual slave, forced labour and victim.

- **"Sexual exploitation** means the coercion of persons for prostitution, for being subject matters for the production of pornographic materials, for erotic performance, or for sexual slavery."
- **"Sexual slave** means persons who, under dependent situation, are forced to serve other persons for the latter's sexual demands."
- **"Forced labour** means the use of force or the threat of use of force, or other means to coerce persons to work against their will."
- **"Victim** means a person who is infringed upon by the acts stipulated in paragraphs 1, 2 and 3, Article 3 of this Law."

The principles of international cooperation are outlined in Chapter VII (Articles 53–56). Article 53 stipulates that Viet Nam shall 'implement its international co-operation policies in the prevention, suppression against human trafficking on basis of equality, voluntariness, respect for independence, sovereignty.' Article 55 indicates cooperation in regards to the rescuing and repatriating of victims. Article 56 imposes mutual legal assistance between Viet Nam and respective countries, including China.

²¹ The new Viet Nam anti-trafficking in persons law will include a definition of the crime consistent with the Palermo Protocol definition. Penalties will continue to be guided by the Penal Code and Criminal Procedure Code.

Viet Nam Labour Code

Viet Nam Labour Code (1994; amended in 2002, 2006 and 2007) was promulgated to adjust the labour relationship between employers and labourers, and other labour-related social relationships.

Article 5 of the Code reads:

1. *Everyone has the right to work, to select employment and vocational training without any discrimination on the basis of sex, ethnicity, social casts, belief or religion.*
2. *Ill-treatment and forced labour are prohibited in any forms.*

The code also dedicated two chapters for regulations on rights and legal benefits of female and minor labourers.

One of the Government of Viet Nam's major policies is to send Vietnamese workers overseas for job creation, income generation, improvement of expertise and access to technology for labourers. However, there is a grey area where offenders and criminals are sometime found to cheat and deceive workers overseas. Therefore, sub-laws on sending Vietnamese workers overseas have been developed for better protection against trafficking, including:

- Law on contracted Vietnamese workers overseas (Law number 72/2006/QH11 adopted by the National Assembly on 29/11/2006 and came into effect on 1/7/2007);
- Decree number 126/2007/NĐ-CP dated 1/8/2007 with detailed regulations and guidelines for the implementation of some articles of the Law on contracted Vietnamese workers overseas;
- Decree number 144/2007/NĐ-CP dated 10/9/2007 on regulations of administrative fine in sending Vietnamese workers overseas;
- Decision 20/2007/QĐ-BLĐTBXH issued on 02/8/2007 by the Ministry of Labour, Invalids and Social Affairs on the issuance of the Certificate of Completion of pre-departure basic knowledge for workers;
- Decision 19/2007/QĐ-BLĐTBXH dated 18/7/2007 by the Ministry of Labour, Invalids and Social Affairs on regulations of the operation and mechanism in sending Vietnamese workers overseas and specialized units in providing pre-departure training for labourers;
- Decision 18/2007/QĐ-BLĐTBXH dated 18/7/2007 by the Ministry of Labour, Invalids and Social Affairs on curriculum for pre-departure capacity for labourers;
- Inter-ministerial circular number 16/2007/TTLT-BLĐTBXH-BTC dated 04/9/2007 by the Ministry of Labour, Invalids and Social Affairs and the Ministry of Finance on specific regulations on broker fees and service fees in sending contracted Vietnamese workers overseas; and
- Inter-ministerial circular number 17/2007/TTLT-BLĐTBXH-NHNNVN dated 04/9/2007 by the Ministry of Labour, Invalids and Social Affairs and the State Bank on the management of enterprises' deposit and contracted overseas labourers' deposits.

Among the above-mentioned laws and policies, the Law on contracted Vietnamese workers overseas (2006) is meant to oversee the complete picture of Vietnamese workers overseas. This includes the operation of sending Vietnamese workers overseas, rights and responsibilities of contracted Vietnamese workers overseas, rights and responsibilities of enterprises/recruiters in sending workers overseas, and other relevant entities. Article 7 of the Law further prohibits:

- Human smuggling in the form of sending workers overseas;
- Recruitment and training for labourers for fees and profits via sending workers overseas;

- Sending Vietnamese workers overseas without prior registration with competent authorities stipulated by this Law;
- Workers absconding upon clearance of immigration or from the workplace;
- Illegal stay beyond contract terms; and
- Deceit and seduction of workers for illegal post-term stay.

According to the current legislation, enterprises committing offences shall be fined administratively, with the most severe punishment exceeding 40 million dong (\$1,900). Additions shall be considered:

- Withdrawal of the Permit (hereinafter referred to as the Permit) in sending workers overseas;
- Confiscation of exhibits and proof of administrative offense;
- Force to return;
- Suspension of the Permit between 3 and 12 months;
- Suspension of the Workers Provision Contracts from 1 to 6 months;
- Suspension of the Workers Provision Contracts;
- Sending workers back to Viet Nam as per host country's order or Vietnamese competent authorities' orders; and
- Provision of compensations and bearing associated costs of the administrative fine.

China Criminal Code (1997)

As in Viet Nam, in China the main instrument used to prosecute human trafficking is the Criminal Code.

Article 240 of the China Criminal Code criminalises the abduction and subsequent abuse and exploitation of women and children, stating that "abducting and trafficking women or children refers to abducting, kidnapping, buying, selling, transporting, or trans-shipping women and children." Article 241 stipulates that commercial transactions relating to the exploitation of the victims is also punishable by law. Much of the law concentrates on criminalizing the abuse of victims and identification of criminal offenses. Victim identification procedures and victim protection rights are not covered in the China Criminal Code.

Article 244 of the Criminal Code addresses forced labour, including the definition of and punishments for forced labour, and was amended in 2011 to read:

Whoever compels other persons to work by violence, intimidation or by means of restricting their personal freedom shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and be concurrently fined. If the circumstances are of a grave nature, he/she shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall be concurrently fined.

Whoever, with clear knowledge that another person is engaging in an act specified in the preceding Paragraph, recruits or transports personnel therefore or otherwise renders assistance in compelling others to work shall be punished in accordance with the preceding Paragraph.

Where an entity commits the crimes as prescribed in the preceding two paragraphs, the entity shall be fined, and the persons directly in charge and other persons subject to direct liabilities shall be punished in accordance with the provisions of Paragraph 1.

Other related articles in the China Criminal Code address affronts to women's dignity. Article 237 stipulates that violence, coercion, molestation, humiliation of a woman, in private or public, shall be punishable, and the same acts committed on a child will carry heavier penalties.

China Labour Law (1994)

China's labour laws define the appropriate ages for labourers, punishment for child labour, responsible departments, and definitions of and criminal punishment for forced labour by Public Security, as follows:

Article 15 states that no employing units shall be allowed to recruit juveniles under the age of 16.

Article 94 states that, where an employing unit illegally recruits juveniles under the age of 16, the labour administrative department shall order it to make corrections, and impose a fine. If circumstances are serious, the administrative department for industry and commerce shall revoke its business license.

Article 96 states that, where an employing unit commits one of the following acts, the person in charge shall be taken by a public security organ into custody for days or less, or fined, or given a warning; and criminal responsibilities shall be investigated against the person in charge according to law if the act constitutes a crime:

- i. To force labourers to work by resorting to violence, intimidation or illegal restriction of personal freedom; or
- ii. Humiliating, giving corporal punishment, beating, illegally searching, or detaining labourers.

Viet Nam–China Bilateral Memorandum of Understanding on Strengthening Cooperation on Preventing and Combating Human Trafficking (2010)

In September 2010, the ministers of public security of Viet Nam and China signed a Memorandum of Understanding (MOU) between the Government of the People's Republic of China and the Government of the Socialist Republic of Viet Nam on Strengthening Cooperation on Preventing and Combating Human Trafficking. The MOU affirms cooperation between the two nations to prevent, stop and punish criminal activities of transnational human trafficking, and provide necessary protection and assistance for trafficking victims.

Article 1 of the MOU lists the areas in which the two parties agree to cooperate in accordance with their respective domestic laws and international treaties to which they both are parties. The areas are broad, and include:

- Preventing the crime of transnational human trafficking by investigating cases, information exchange, strengthening communication and coordination in the border areas, and transferring criminal suspects.
- Increased services to victims by identifying victims in a safe, efficient process; protecting and rescuing victims; repatriating victims; and joint training in victim protection.

Articles 2 and 3 describe the measures and processes that the two parties will take to protect the personal safety of victims of trafficking. Importantly, these articles seek to simplify the processes for the provision of assistance, protection and repatriation for victims. These articles state that victims of this crime shall be considered victims in need of assistance, and shall not be considered violators or offenders of immigration law, or prosecuted for illegal entry to the country. They shall not be detained, but rather repatriated in a timely manner through official channels, and provided with appropriate protection and assistance.

Article 2 also states that in the case of underage victims, they will be provided with special care in all aspects relating to their repatriation.

The MOU also states that the 'competent authorities' will meet annually to discuss cooperation, with provisions for emergency meetings.

Victim identification procedures in Viet Nam

The identification process for trafficked victims officially returned to Viet Nam is governed by inter-ministerial circular No. 03/2008/TTLT-BCA-BQP-BNG-BLDTBXH of 8 May 2006. This policy document outlines the process and procedures involved in identifying and receiving victims of trafficking officially returned to Viet Nam from abroad, as outlined below:

1. The Vietnamese Immigration Department receives documentation about the victim aiming to help verify identity, such as migration/trafficking documents from a foreign government.
2. After receiving the documentation, the Immigration Department sends a request to the local police in Viet Nam to verify information about the victim. This process takes a maximum of 20 working days.
3. After receiving a response from the local police, the Immigration Department completes the ID verification within a maximum of 10 working days. If the person has been found to be a victim of human trafficking, the Immigration Department will produce the necessary paperwork to enable the victim to return home.
4. The agency which receives the victim back into his or her community (for returns via land, the relevant agency is the Border Guard Command; for returns via air, the relevant agency is Immigration) clarifies the victim's personal records, documents his or her trafficking account, and manages the case thereafter.

There is also an identification process in place for Vietnamese victims who self-return – that is, they were not formally identified in the destination country but may be considered a victim of trafficking upon return to their home country:

1. The representative of the People's Committees in the victim's source province receives the ID request and begins documenting information about the victim. The representative prepares a document of transfer to the provincial office of the Ministry of Labour, Invalids, and Social Affairs (MOLISA), who is responsible for certifying the victim's ID.
2. MOLISA records and certifies the victim's details, then requests verification from the provincial police agency. This occurs within a maximum of five working days.
3. The provincial police agency responds with a verification result, which is then considered by MOLISA. This occurs within a maximum of 15 working days.

Further to this, post-harm assistance is offered by local Department of Labour, Invalids and Social Affairs (DOLISA); Health Department; Women's Union; and Department of Population, Family and Children, including access to reception centres in selected localities, repatriation procedures for returning victims, and prevention campaigns by the government geared at raising awareness.

Victim identification procedures in China

In China, there are a number of regulations and policies outlining the procedures for identifying victims, which are outlined in a 2008 guide for public security agencies in working on cases of violating women and children's rights written by the Inter-Ministerial Office of Anti-Trafficking (IMOAT) and the Ministry of Public Security Criminal Investigation Division:²²

1. Police receive case report from a victim of trafficking, or his/her family;
2. Police file the case and start the investigation;
3. If a child trafficking case, blood samples are taken from the parents;
4. Victims found and rescued;
5. For child victims, blood samples from child victims are taken and entered into the national anti-trafficking DNA database for comparison with potential parent DNA;
6. The criminal police record the victim's details, then requests verification from the police of origin; and
7. The police of origin respond with a verification result with 15 days, and the victim is identified.

²² Inter-Ministerial Office on Anti-Trafficking (IMOAT) and Ministry of Public Security Criminal Investigative Division (2008). Guidelines for Public Security Agencies in Working on Cases of Violating Women and Children's Rights. Beijing: October 2008.

3

METHODOLOGY

SENTINEL SURVEILLANCE, VIET NAM–CHINA BORDER 2010

Human trafficking sentinel surveillance seeks to understand and track the prevalence, severity, trends and changes in human trafficking patterns and flows, both internal and cross-border.

What is human trafficking sentinel surveillance?

Human trafficking sentinel surveillance seeks to understand and track the prevalence, severity, trends, and changes in human trafficking patterns and flows, both internal and cross-border. Established in key hotspot and border localities, sentinel surveillance uses interviews with samples of victims and migrants to:

- Examine broker-trafficker networks;
- Document tricks of traffickers, including financial transactions, debts, and deception; and
- Collect useful metrics such as numbers of trafficking victims within a migration route, numbers of trafficked persons, and numbers of trafficked persons misidentified as illegal migrants and deported.

Indicators can also be collected over time on trends in migrant employment, exploitative working conditions and job brokering, unsafe migration, remittances, family welfare, school dropouts, and child labour. The lessons learned and applicability of data from sentinel surveillance are numerous, offering insights on hotspot source and destination areas, locality-specific vulnerability factors, and ways to improve the targeting and effectiveness of trafficking prevention, prosecution, and protection interventions.

How does sentinel surveillance fit into the anti-human trafficking community's need for more data on human trafficking?

Robust human trafficking data systems allow for regular situation assessments, as well as assessment of the effectiveness of anti-trafficking interventions over time. Integrated anti-human trafficking data systems collect three major types of data, on:

1. Victims and their vulnerability factors;
2. Criminal networks; and
3. The effectiveness of laws and policies.

Integrated anti-human trafficking data systems are possible to build using multiple streams of data and intelligence from victims, migrant populations, casework, hotlines, and even official trafficking statistics. Sentinel surveillance is not the single answer to all of these needs, but it does collect information on all three major anti-human trafficking data types listed above, and can track trends in exploitation, victim identification, and risk factors, as well as prevalence. Data on the effectiveness of governments and NGO interventions can also be gleaned from this data, and is best combined with analysis of real cases and official statistics.

Ultimately, speaking with and understanding the outcomes of real people affected by trafficking is the only way to understand how policies really protect victims in practice — particularly underserved or disenfranchised populations — and bring their perpetrators to justice.

Human trafficking sentinel surveillance methodology: Quang Ninh, Lang Son, and Lao Cai 2010

From May–December 2010, UNIAP conducted the 2010 round of Viet Nam sentinel surveillance, a qualitative-quantitative survey involving interviews with Vietnamese deportees from China as they arrived at the Immigration Police checkpoint or shelters at Quang Ninh, Lang Son and Lao Cai, Viet Nam. A team of four Vietnamese social scientists (one male and three female) served as data collectors to conduct in-depth

interviews with deportees as they arrived in Viet Nam, utilizing a comprehensive questionnaire specifically designed to identify indicators and risk factors of human trafficking.

To supplement this data collection, non-structured interviews were also conducted with several stakeholders including police officials and government officials of several ministries that work with returning migrants, particularly in Quang Ninh, Lang Son and Lao Cai provinces.

The survey instrument

The 2010 Viet Nam Sentinel Surveillance survey was expanded from the instrument of the 2009–2010 Poipet Sentinel Surveillance Survey, the sentinel surveillance carried out between Thailand and Cambodia. The questions in the 2010 survey were a combination of open-ended qualitative questions along with closed/coded quantitative questions. Interviews took on average 45 minutes to complete. Sections of the 2010 Viet Nam Sentinel Surveillance survey include:

1. **HOME CONDITIONS** [Purpose: Identifying possible vulnerability factors]
2. **RECRUITMENT, TRANSPORT, HARBOURING** [Purpose: Evidence of trafficking vs. smuggling]
3. **CONDITIONS AT WORK** [Purpose: Establishing exploitation]
4. **ARREST AND RETURN** [Purpose: Understanding government and non-government intervention]
5. **RAPID HEALTH ASSESSMENT** [Purpose: Identifying people with immediate needs]
6. **NEXT STEPS, AND INFORMATION FOR PREVENTION** [Purpose: Hearing the voices, needs and suggestions of migrants and victims]

Data was entered into SPSS by a bilingual (Vietnamese–English) statistician, who translated the Vietnamese-language responses into English as she entered the data into the statistical database. Data was analysed primarily with SPSS/PASW Statistics 17.0.

Interview set-up at Quang Ninh's Immigration Depot and Lang Son's & Lao Cai's DSEP Centre

Interviews with Vietnamese deportees were carried out at the Immigration Police Station in Quang Ninh province, and the Department of Social Evils Prevention (DSEP) centres in Lang Son and Lao Cai. Quang Ninh, Lang Son and Lao Cai were selected because they are the only three international border gates between Viet Nam and China. Viet Nam and China also share another 14 national gates. However, official deportations from China back to Viet Nam only take place at the international gates.

Quang Ninh's Immigration Police Station and Lang Son and Lao Cai's DSEP Centres, where deportees²³ are processed, proved to be the most practical locale for interviewees. After processing, deportees leave the station/centres and often head directly to awaiting family members and bus stands, with little privacy between these two points. It was ultimately determined that there was greater privacy behind the gates of the Immigration Police Station and DSEPs shelter, rather than outside where there were many people. With interviews being conducted at the Immigration Police Station, however, the data collectors had to be mindful that proximity to immigration officers had the potential to hinder interviewees' willingness to share information. Fortunately, immigration officers agreed to not interfere in or come near any of the

²³ In the case of Lao Cai's DSEP, they process only victims.

interviews, and allowed the researchers to set up comfortable interviewing stations in air conditioned or breezy areas, with table space for snacks, drinks and personal belongings.

Sampling frame

Unlike Poipet Sentinel Surveillance,²⁴ where there are multiple truckloads of deportees coming through the checkpoint every day, 2010 deportations from China back to Viet Nam trickled in small waves that were not regular or predictable. Thus, Vietnamese police had no control over when deportees would arrive, since Chinese officials notified them only a few days in advance before a deportation was to occur. This situation presented a logistical challenge in planning a research-sampling frame.

According to Quang Ninh Immigration Bureau records, there were a total of 187 deportees through Quang Ninh in 2009. Deportation waves ranged between a few people to nearly 200 people per wave. Each wave tended to contain certain groups with similar characteristics; for example, relatively homogenous groups of migrant workers who were all caught in one place, from the same hometown, having used the same recruiter, having faced similar experiences in China, and being sent back to Viet Nam in a single wave. The waves arrived in intervals of a few weeks to a few months apart.

The survey ran from May–December 2010, with data collectors aiming to interview all incoming deportees in the three international checkpoints during this time. Due to the remoteness of the checkpoints, the short lead time to arrive at the checkpoint in time for meeting and interviewing deportees, the inability to predict which location the next wave would be at, and the inability to travel from checkpoint to checkpoint through the mountains (roads do not connect the three sites), the data collection team remained based in Hanoi, and would immediately travel to one of the checkpoints when they received notice from the border authorities of an incoming deportation.

By the end of December 2010, 93 deportees were interviewed, a sample which is not taken to be representative of all deportees from China to Viet Nam during this timeframe. Instead, the findings in this study are meant to serve as useful benchmarks and references, and to provide a richer understanding of some under-studied trafficking patterns. The objective here is not to provide generalizations about the nature of all Vietnamese deportees from China, since this sampling frame was not representative, and there were times when waves were missed because there was not enough lead time to travel to the border checkpoint in time for interviewing. Further, since the study only included deportees, generalizations about trafficking victims and migrant workers (some of whom had never been deported) as a whole should not be drawn from these findings.

One possible strength of this research comes from the fact that it takes the deportees' experiences and voices as the focal theme; definitions and details of cheating and labour exploitation flowed from the workers' own classifications and descriptions, and not one that was externally created and applied to them. Through the usage of open-ended questions and a bilingual research team leader, the research provides direct quotes from the workers. The research also aims to highlight evolving migration and human trafficking trends between China and Viet Nam, for the benefit of the government and non-government responders tasked with suppressing these trafficking flows and assisting the victims of these crimes.

²⁴ UNIAP (2011). *Human Trafficking Sentinel Surveillance: Poipet, Cambodia 2009-2010*. Bangkok: UNIAP.

Limitations

The researchers tried to predict how the methodology might present limitations to gaining an accurate snapshot of reality.

First, the fact that the deportees were given the free choice to opt out of an interview may have screened out some victims of human trafficking who were too traumatized to speak to strangers about their experiences. However, many clear stories of trafficking and exploitation were collected through this round of sentinel surveillance.

Another consideration is that deportees may have exaggerated while describing their situation in order to make their story more compelling, with the belief that they might receive some benefit from the interviewers. On the other hand, it is just as likely that deportees may have toned down their stories out of fear that the Vietnamese immigration officials may be listening in. This risk was mitigated by carefully considering the incentive offered to returning migrants agreeing to an interview, ensuring it was not coercive. In fact, due to the condition of many of these waves of returning migrants (i.e., very hungry), food and drink were offered to all, and after they were settled most volunteered their stories quite comfortably — many of which did not contain stories of exploitation or abuse.

Further, the emotional and physical state of the deportees after having just arrived from a long truck ride and anxiety associated with not knowing how they would get home may also have affected their ability to accurately or completely tell the details of their story.

It was also hypothesized that the sex of the interviewer and that of the respondent might have affected the response of some deportees, who might have felt less comfortable speaking about their experiences, and possibly their abuse, to an interviewer of the opposite sex. However, there was no significant difference between the stories of exploitation collected from male deportees by male versus female researchers, or from female deportees by male versus female researchers.

Criteria for determining trafficking victim status

In determining whether the individuals should be considered victims or not, it was noted whether in any of the possible trafficking instances they reported that three elements were met, that is, act, means, and purpose (exploitation), as outlined by the Palermo Protocol, and depicted in [Table 3.1](#), below.

Table 3.1 | Criteria for the three elements of human trafficking.

Act	Means	Purpose
Is there evidence of recruitment, transportation, transfer, harbouring or receipt of persons?	Is there evidence of 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?	Is there evidence that the purpose of the movement was to exploit the individual? Is there evidence of exploitation?

Questions regarding whether the respondent was free to leave their place of exploitation (workplace, brothel, or home), whether they were paid, or whether they were abused, among others, were critical to the decision of whether the case should be classified as one involving human trafficking. The relationship

between the broker and the employer — whether the worker had to pay off the debt to the employer, whether the worker felt cheated or deceived, and the work and pay expectations of the migrant — were also taken into consideration. Where the individual being interviewed had been transferred, recruited or received by means of force or deception that resulted in some form of exploitation, their experience was considered to constitute ‘trafficking’.

Given that a majority of interviewees had crossed the border with the help of a broker, the ‘act/movement element’ of the Palermo Protocol definition of trafficking was usually met. In cases where the individual was not aided by a broker to cross over the border, cases ‘received’ by an exploitative employer satisfied this element. In some cases, the individual went with the broker or employer voluntarily, thus force was not applicable as a ‘means.’ Many, however, were deceived about the end point of their journey, and transfer or receipt into a highly exploitative situation was not part of the agreed deal between the individuals and their brokers or employers.

With these criteria as a guide for understanding human trafficking, but with primary focus on developing a richer qualitative picture of the major trafficking types between Viet Nam and China rather than measuring prevalence (which is not possible with a non-representative sample), the 93 cases were classified into one of six categories. These categories will serve as the focal themes for the remainder of the report:

1. Undocumented labour migrants intercepted at/near the border before reaching their final destination (no sign of probable trafficking);
2. Undocumented labour migrants intercepted at/near the border before reaching their final destination whose cases exhibited indicators of sex/marriage trafficking;
3. Undocumented labour migrants who found a job and were not exploited;
4. Labour trafficking victims;
5. Marriage trafficking victims; and
6. Sex trafficking victims.

4

2010 VIET NAM–CHINA BORDER SENTINEL SURVEILLANCE SAMPLE-AT-A-GLANCE

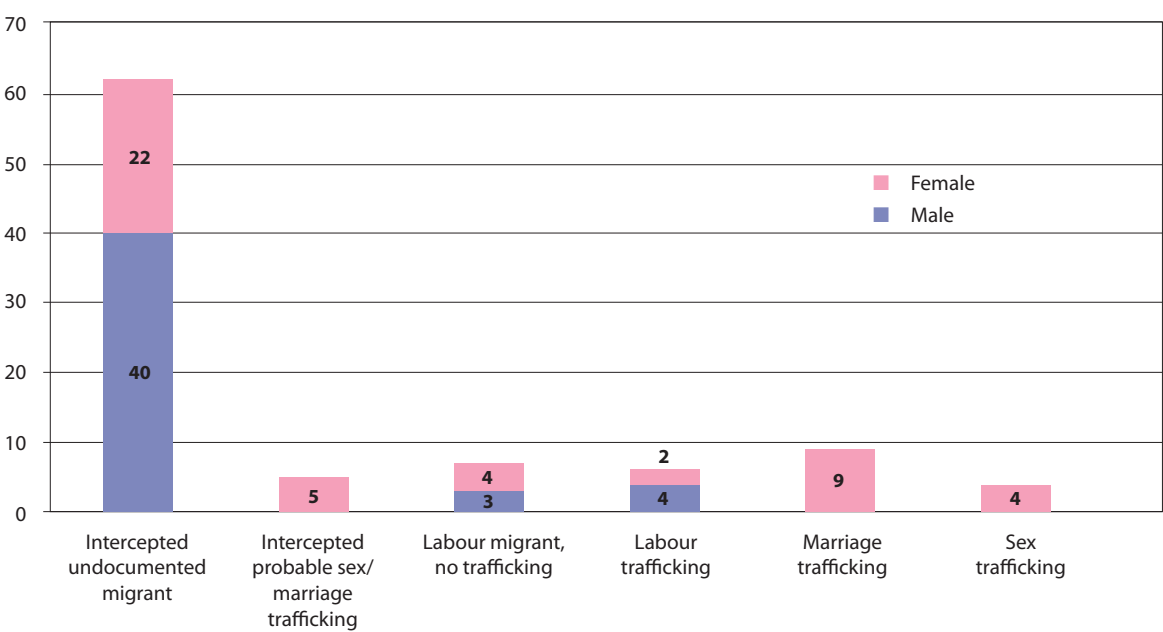
Among the sample of 93 deportees, 20.5 percent were clear cases of human trafficking: 6.5 percent labour trafficking, 9.7 percent marriage trafficking, and 5.4 percent sex trafficking.

The Viet Nam–China 2010 Sentinel Surveillance identifies six main types of deportees, as described above and listed below. This section provides details about these six different case types, with the goal of beginning to discover common themes and evolving trends.

1. Undocumented labour migrants intercepted at/near the border before reaching their final destination (no sign of probable trafficking);
2. Undocumented labour migrants intercepted at/near the border before reaching their final destination, with evidence of sex/marriage trafficking;
3. Undocumented labour migrants who found a job and were not exploited;
4. Labour trafficking victims;
5. Marriage trafficking victims; and
6. Sex trafficking victims.

Incidence in the sample of different trafficking and migration types according to sex are summarized in **Figure 4.1**, where the 93 cases were each divided into the six categories. Note that the sample as a whole is nearly equally divided between males and females, with 47 males and 46 females in total.

Figure 4.1 | Case types represented in Viet Nam–China border sentinel surveillance 2010, n=93.



Key finding 1 | Among the sample of 93 deportees interviewed in 2010, 24 (or 25.8 percent) were cases of concern. This includes 4 (5.4 percent) sex trafficking, 6 (6.5 percent) labour trafficking, and 9 (9.7 percent) marriage trafficking cases, plus 5 cases intercepted by police before reaching the destination which exhibited strong indicators of being sex or marriage trafficking. All but one of the sex trafficking victims were ethnic minority children, and all but one of the marriage trafficking cases were ethnic majority Kinh (Viet) women.

Figure 4.1 illustrates that, of the 93 cases in the sample, 69 (or 74.2 percent) were intercepted undocumented migrant workers and 5 (or 5.4 percent) were intercepted probable sex/marriage trafficking cases. 20.4 percent were clear cases of labour, marriage, or sex trafficking – 6.5 percent labour, 9.7 percent marriage trafficking, and 5.4 percent sex trafficking.

Combining categories 1, 2, and 3 to represent non-trafficking cases and categories 4, 5, and 6 to represent trafficking cases within the sample results in a total of 74 out of 93 cases (or 79.6 percent) being non-trafficking cases, and 19 out of 93 cases being trafficking cases (or 20.4 percent). However, the cases in category 2 — intercepted probable sex/marriage trafficking cases — present several indicators of intent by brokers and probable traffickers to sell the woman or girl into sex or marriage trafficking, including deceit and patterns and levels of debt, and sometimes even confessions from traffickers. Due to police intervention on both the Viet Nam and China sides of the border, these women and girls were prevented from ever reaching their destination and from ever being exploited; thus according to the UN definition, they cannot be considered trafficking cases though perhaps under the relevant Penal Codes they could. For the benefit of learning more about vulnerability factors and tricks of traffickers, these cases will be examined in greater detail throughout this report along with the verified trafficking cases.

Key finding 2 | Deportations tended to occur in waves with homogeneous case types, and the profiles for labour versus marriage versus sex trafficking were distinct in terms of average victim profiles and *modus operandi* of traffickers.

As discussed in the Methodology section, the deportations from China to Viet Nam occurred in waves that often contained homogenous case types. **Table 4.1** illustrates the deportation waves in which these 93 cases returned from China to Viet Nam, highlighting the homogeneity of cases within deportation waves.

Table 4.1 | Deportation waves from China to Viet Nam captured by sentinel surveillance, April–December 2010, by sex and case type.

Date	Location	Number of males	Number of females	Case types
9 April	Lao Cai	0	3	All sex trafficking victims
12 May	Lao Cai	0	8	5 marriage trafficking victims, 1 sex trafficking victim, 2 intercepted probable sex/marriage trafficking victims
20 May	Quang Ninh	21	16	36 intercepted undocumented migrants, 1 marriage trafficking victim
10 June	Hanoi	0	3	3 intercepted probable sex/marriage trafficking victims
9 August	Lao Cai	0	1	1 labour trafficking victim
19 August	Lang Son	13	0	All intercepted undocumented migrants
27 August	Quang Ninh	7	6	7 undocumented migrants, 6 labour trafficking victims
9 December	Lang Son	0	2	Both marriage trafficking victims
23 December	Lang Son	4	3	All intercepted undocumented migrants
27 December	Lang Son	2	4	All intercepted undocumented migrants
		47	46	

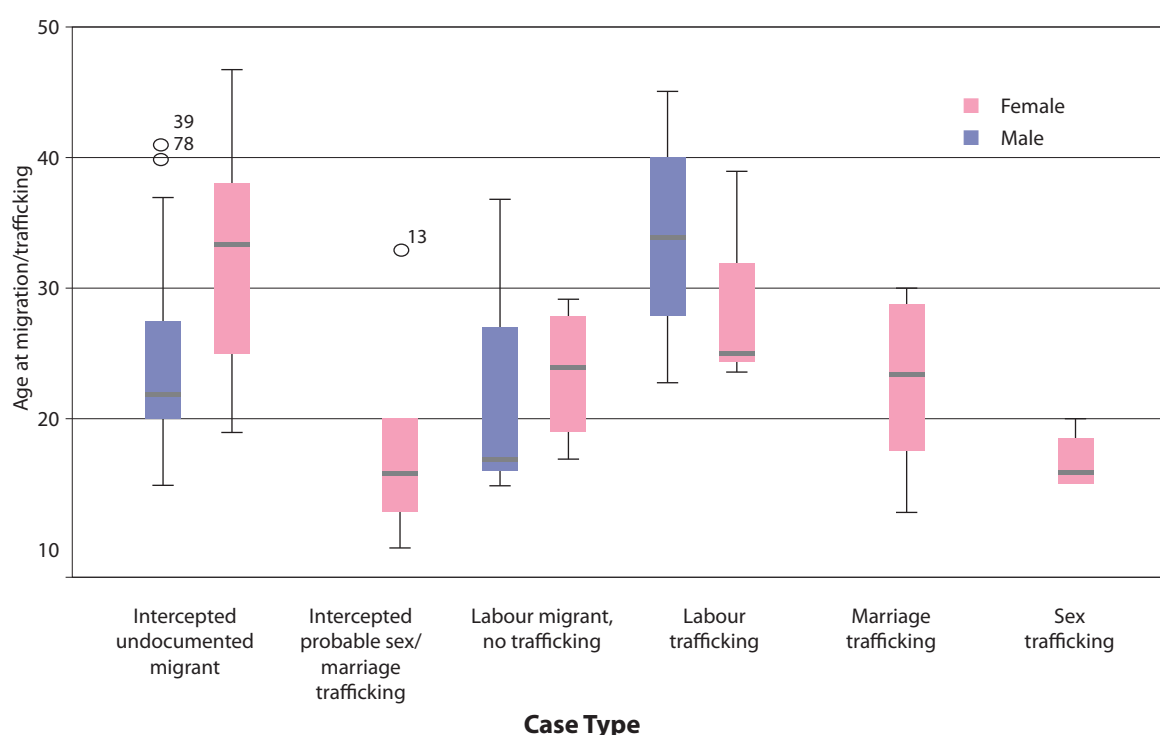
Note that these waves do not necessarily represent every single deportation incident between April and December 2010. Some deportations are thought to have not been reported to the research team, and/or could not have been reached by the research team in time, owing to the difficulty in travelling to these remote border points and the number of hours of advance notice required.

Among those deportations included in this sample, a fair amount of homogeneity in case types can be seen in the majority of waves; for example, the relatively small waves of all sex trafficking victims on 9 April, of marriage trafficking victims on 9 December, and of undocumented migrants on 20 May, 19 August, and 23 and 27 December. It was initially hypothesized that this may be due to the swiftness of returns from the China side to the Viet Nam side (for example, a group of migrants are picked up from the same location and conditions and swiftly returned *en masse*), but this was demonstrated to not be the case through an analysis of lengths of time in custody in China (see Chapter 6).

Age of migrants and trafficking victims

Figure 4.2 illustrates the age ranges of migrants in each of the case types, by sex. The age of all 93 cases ranged from a minimum of 13 years old, a probable sex/marriage trafficking case of a Kinh (Viet) girl, to a maximum of 47 years old, of which there were two cases – both undocumented migrant labourers who were intercepted prior to finding a job, one Kinh (Viet) woman and one Tay woman.

Figure 4.2 | Age ranges of migrants and trafficked persons of each case type, by sex.



The average age of the 93 respondents at the time they migrated (or were trafficked) to China was 26.01 years of age, though average ages within each case type were significantly different.²⁵ The group of sex trafficking victims (n=4) had the lowest average age of 16.75, followed by intercepted probable sex/marriage trafficking cases (n=5), with an average of 18.4 years of age. Labour trafficking victims (n=6) were

²⁵ ANOVA p=.008.

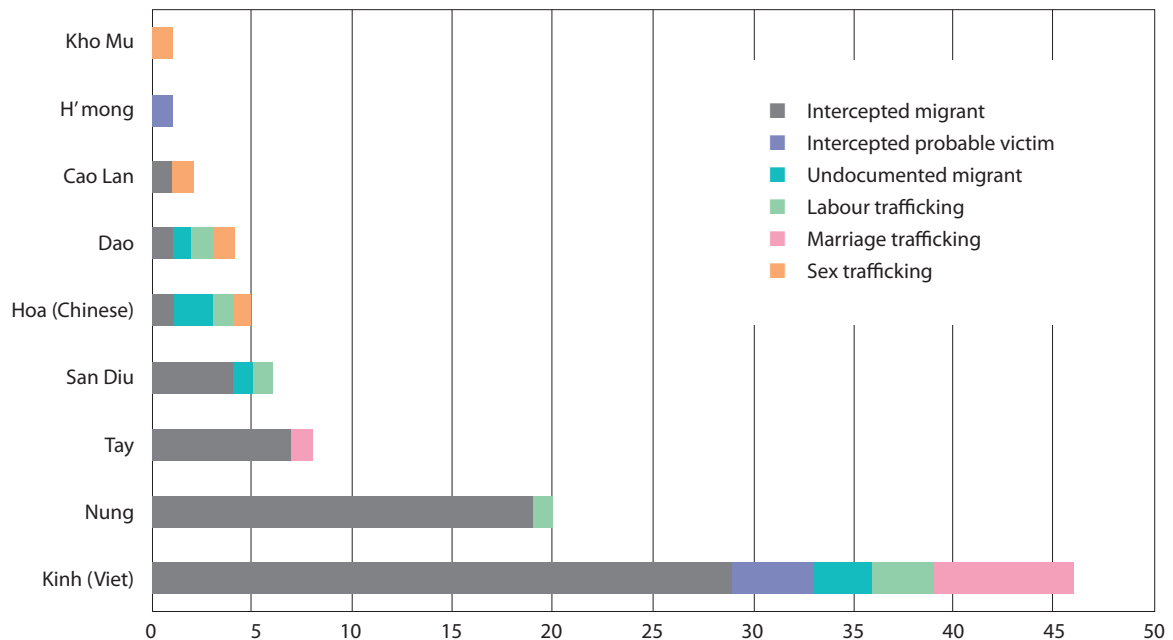
the oldest group on average, with an average age of 33.5 years. Intercepted, undocumented migrants who never reached their destination (n=62) averaged 27.3 years of age, and non-trafficked labour migrants (n=7) averaged 23.3 years of age. Marriage trafficking victims (n=9) averaged 25.7 years of age at the time they were trafficked, with one victim having been trafficked 16 years earlier when she was 15 years old, only being rescued and returned to Viet Nam at 31 years of age.

Again, these averages are presented for illustrative purposes only and should not be taken to be necessarily representative of broader nationwide trends, due to the small sample sizes of each group. In general, however, the nine sex trafficking and probable sex trafficking cases were significantly younger than others, and five of the nine were in fact children.

Ethnicity of migrants and trafficking victims

Age did not vary significantly by ethnicity,²⁶ though among the different case types there were significantly different proportions of the different ethnic groups represented.²⁷ In the sample, as seen in [Figure 4.3](#), all four sex trafficking victims were from an ethnic minority — Kho Mu, Cao Lan, Dao, and Hoa (Chinese). In comparison, all but one of the nine marriage trafficking victims were ethnic Kinh (Viet), with the one ethnic minority marriage trafficking victim being Tay. Labour trafficking victims, like undocumented, unexploited labour migrants more generally, were a mix of Kinh (Viet) and ethnic minority groups — Nung, Dao, Hoa (Chinese), and San Diu.

Figure 4.3 | Ethnicity of migrants and trafficked persons, by case type.



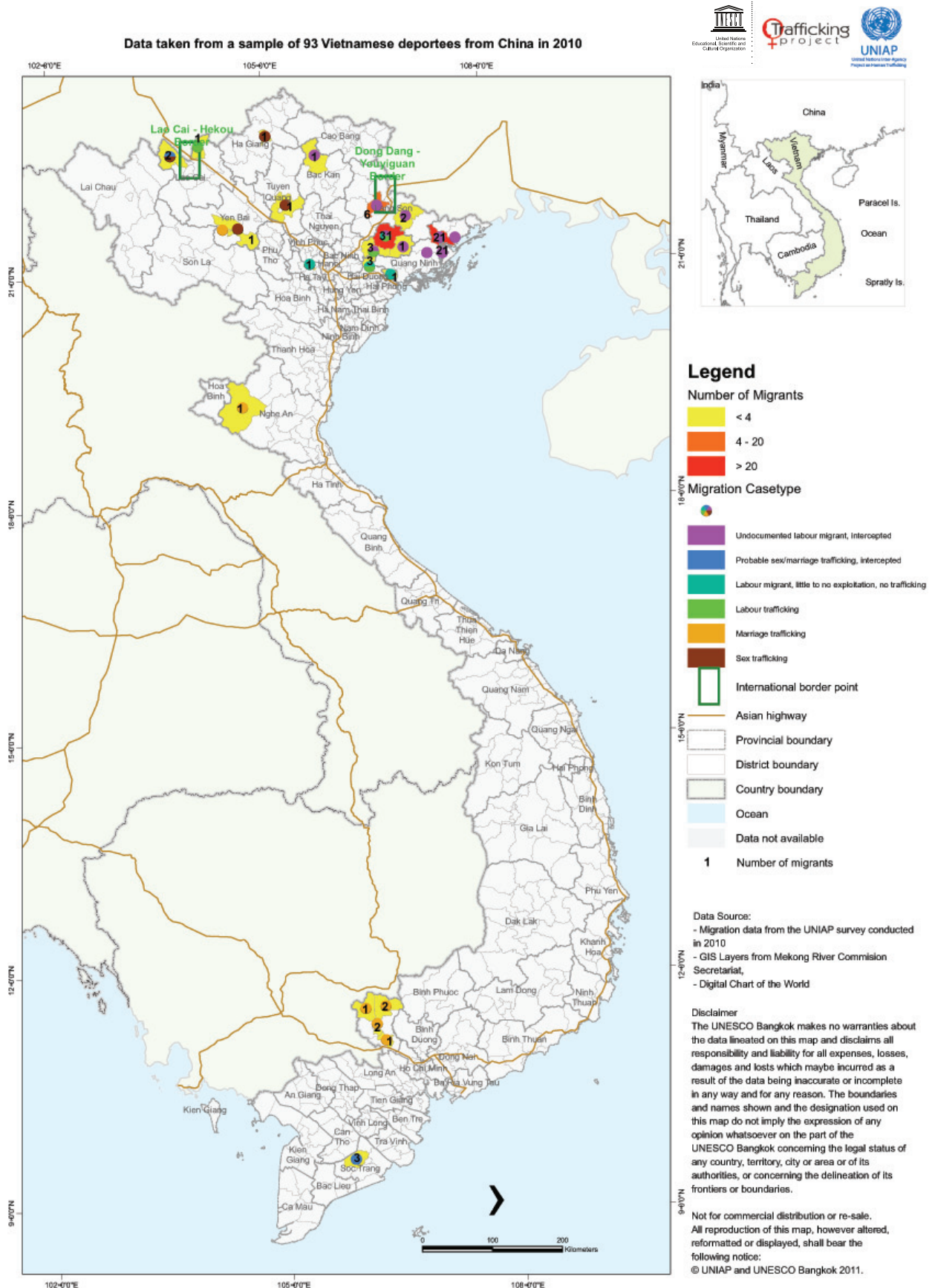
Key finding 3 | Origin provinces and crossing points in Viet Nam

The Vietnamese origin provinces and districts of the deportees are illustrated in [Maps 4.1 through 4.4](#) by case type, sex, and ethnicity.

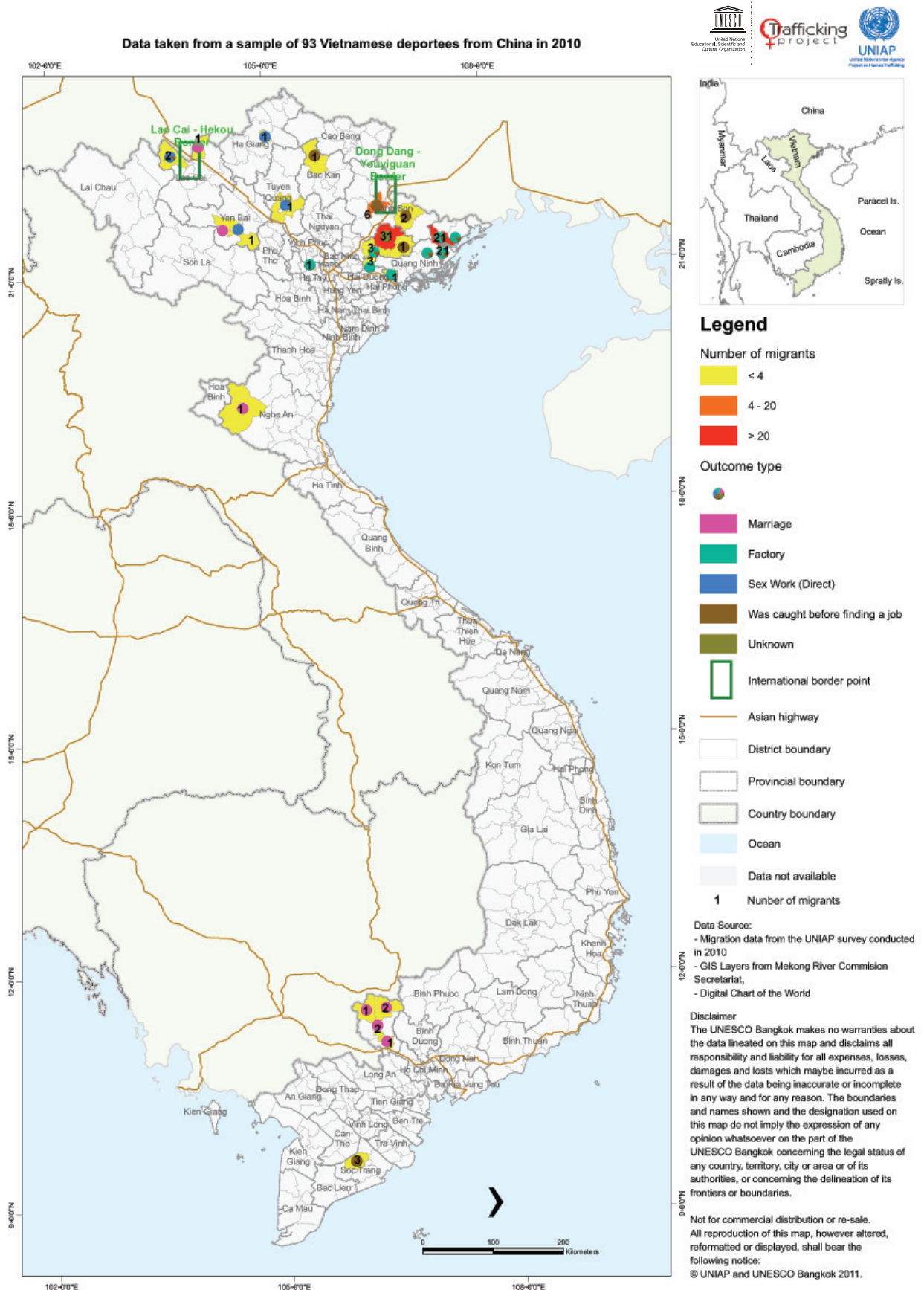
²⁶ ANOVA $p=.533$.

²⁷ $\chi^2 = .000$.

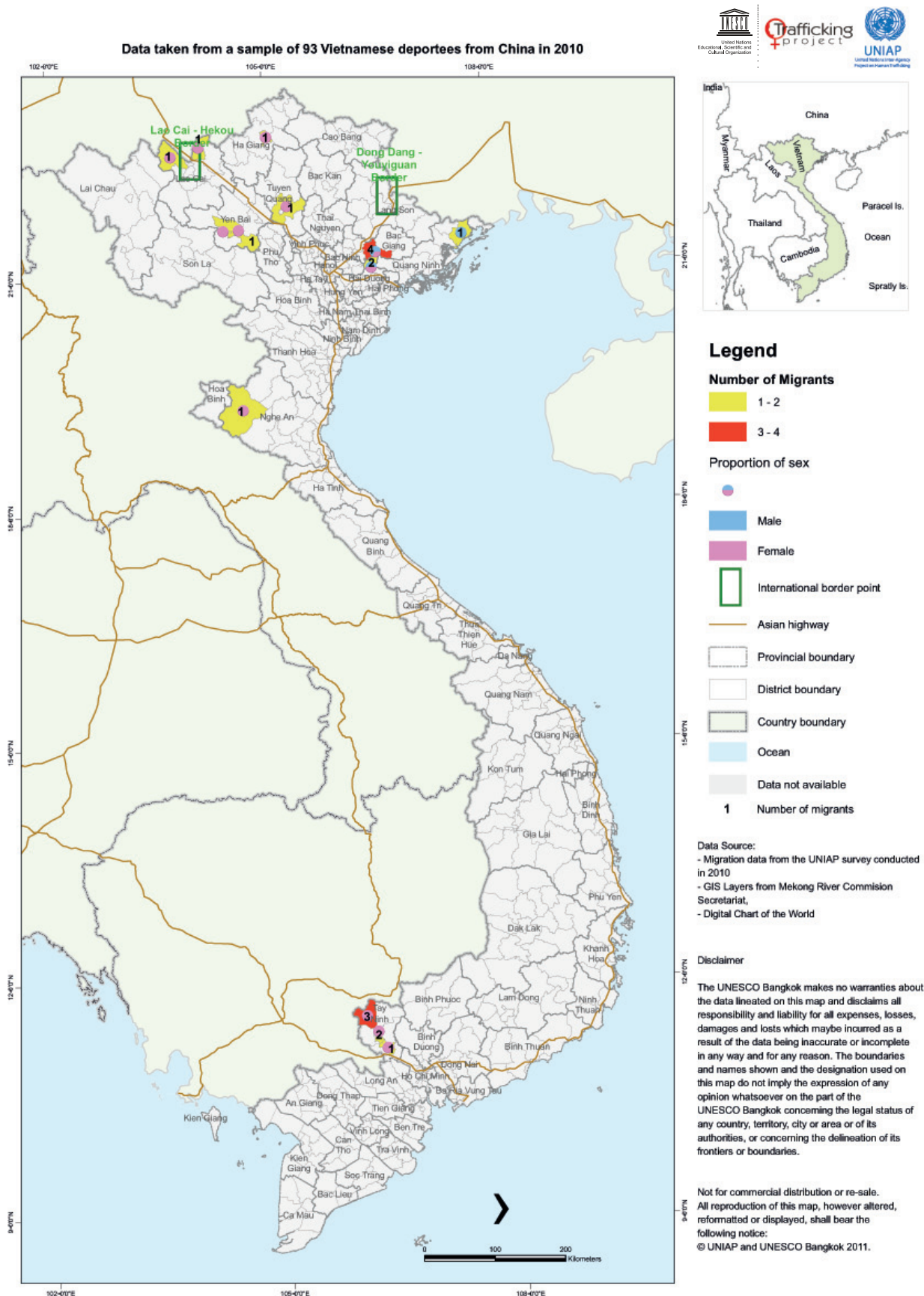
Map 4.1 | Types of migration and trafficking cases among Vietnamese migrants deported from China, by origin province and district.



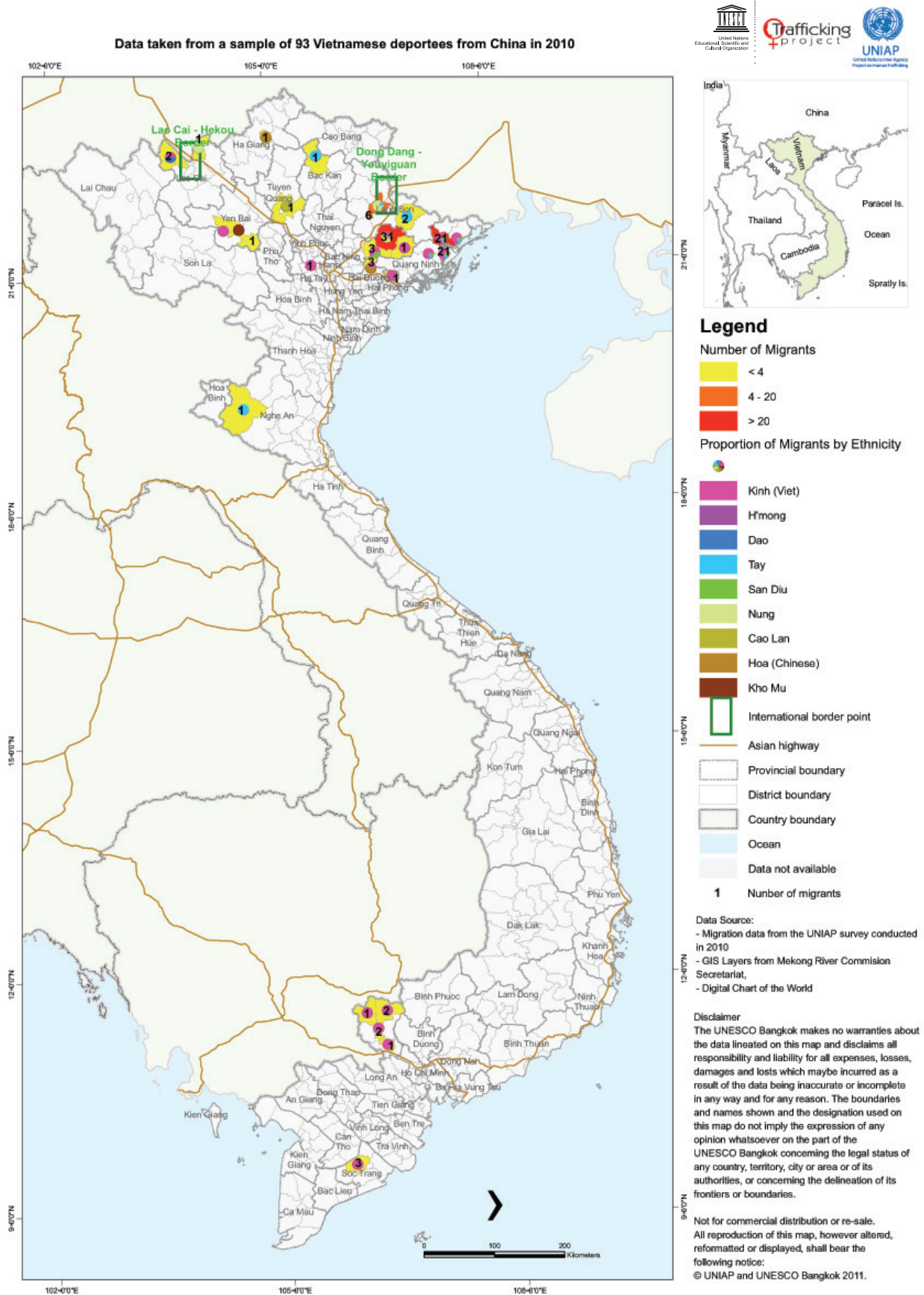
Map 4.2 | Migration and trafficking outcomes of Vietnamese migrants deported from China, by origin province and district



Map 4.3 | Sex of trafficking victims deported from China, by origin province and district.



Map 4.4 | Ethnicity of Vietnamese migrants deported from China, by origin province and district.



Focusing on the trafficking cases, as illustrated in the maps, the majority are from the north of Viet Nam, in particular from the provinces of Lao Cai and Ha Giang on the China border, as well as Bac Giang and Hai Duong to the northeast, and Yen Bai and Tuyen Quang toward the northwest. Interestingly, only one of the trafficking cases from the north originated from the border province containing the most often-used crossing point into China — Quang Ninh.

One marriage trafficking case of a Tay girl, trafficked when she was 13, originated from the north-central coast in the province of Nghe An on the Lao border, a distance of approximately 660 kilometres to the Quang Ninh, Mong Cai border crossing. Interestingly, nine cases of concern came from the far south of Viet Nam — a group of six marriage trafficking cases from Tay Ninh, on the Cambodia border, and three intercepted possible sex or marriage trafficking cases from Soc Trang, in the Mekong Delta area.

Table 4.2 summarizes the sample of 93 cases at-a-glance.

Recommendation 1 | Strengthen the capacity of Vietnamese and Chinese front-line responders concerning their role in identifying and assisting foreign victims of trafficking, including male victims of labour trafficking and forced labour. Providing front-line responders with training, tools and information for identifying human traffickers and their victims to help strengthen the law enforcement response to human trafficking. These tools should be provided for referral to appropriate services. There is also a need to ensure that child migrants (under 18 years) are treated in accordance with their best interests, regardless of whether they are determined to be a victim of trafficking. This is an obligation under the United Nations Convention on the Rights of the Child (CRC).

Recommendation 2 | Make legal labour migration channels more affordable, efficient and accessible to prospective migrants. Such channels and work visas could be limited to certain industrial areas or provinces of China, such as those on the industrial eastern coast. Given the level of industry and shortfalls in low-skilled manpower in these industrial zones, legal and safe migration options for some foreign labourers may be the only scalable solution to preventing labour trafficking into these industrial areas that require this kind of manpower. Improving the channels for safe, formal recruitment of migrant labour and ensuring protection of the rights of those workers would be of benefit to Chinese employers as well, who could have a more stable workforce without fear of their critical low-skilled workers being deported.

Table 4.2 | Case summary: Deportees returned from China to Viet Nam in sentinel surveillance sample, April–December 2010.

Case type	Number of cases	Origin provinces (Viet Nam)	Border crossing (Viet Nam)	Destination province (China)	Ethnicity
Sex trafficking (n=4)	4 F	Ha Giang, Lao Cai, Tuyen Quang, Yen Bai	Lao Cai	Yunnan	1 Cao Lan, 1 Dao, 1 Hoa (Chinese), 1 Kho Mu
Marriage trafficking (n=9)	7 F	Nghe An, Tay Ninh	Quang Ninh (Mong Cai)	Hubei	6 Kinh (Viet), 1 Tay
	1 F	Yen Bai	Lang Son (Tan Thanh)	Guangdong	1 Kinh (Viet)
	1 F	Lao Cai	Lao Cai (Muong Khuong)	Jiangsu	1 Nung
Labour trafficking (n=6)	2 M 1 F	Bac Giang	Quang Ninh (Mong Cai)	Jiangsu	2 Kinh (Viet) 1 San Diu
	1 M 1 F	Hai Duong	Quang Ninh (Mong Cai)	Jiangsu	1 Hoa (Chinese) 1 Kinh (Viet)
	1 M	Quang Ninh	Quang Ninh (Mong Cai)	Jiangsu	1 Dao
Intercepted possible sex/marriage trafficking (n=5)	2 F	Lao Cai	Lao Cai	Yunnan	1 Kinh (Viet), 1 H'mong
	3F	Soc Trang	Lang Son (Tan Thanh)	Guangxi	3 Kinh (Viet)
4 M, 20 F victims of trafficking or cases of concern					
Intercepted undocumented migrants (n=62)	16 M 2 F	Bac Giang	Lang Son (Loc Binh)	Guangxi	12 Nung, 4 Kinh (Viet), 1 Cao Lan, 1 Hoa (Chinese)
	3 M 5 F	Lang Son	Lang Son (Tan Thanh)	Guangxi	5 Nung, 3 Tay
	8 M 2 F	Quang Ninh	Quang Ninh (Mong Cai)	Guangxi	7 Kinh (Viet), 2 San Diu, 1 Tay
	8 M	Bac Giang	Quang Ninh (Mong Cai)	Guangxi	3 Kinh (Viet), 2 Nung, 1 Dao, 1 Tay
	1 M	Bac Kan	Quang Ninh (Mong Cai)	Guangxi	1 Tay
	2 M 13 F	Quang Ninh	Quang Ninh (Mong Cai)	Guangdong	13 Kinh (Viet), 1 San Diu, 1 Tay
	2 M	Bac Giang	Quang Ninh (Mong Cai)	Guangdong	2 Kinh (Viet)
Non-exploited undocumented labour migrant workers (n=7)	3 M 4 F	Bac Giang, Hai Duong, Ha Tay, Quang Ninh	Quang Ninh (Mong Cai)	Jiangsu	3 Kinh (Viet), 2 Hoa (Chinese), 1 Dao, 1 San Diu
43 M, 26 F non-exploited undocumented migrants					

5 VULNERABILITY AND CRIMINALITY IN VIET NAM



Patterns of risk, vulnerability, and criminality in recruitment and transport are examined disaggregating by case type to differentiate the risk factors and criminal *modus operandi* between marriage trafficking, sex trafficking, labour trafficking, and migration that does not lead to exploitation.

As noted in the methodology section, the sample of 93 deportees was designed to be exploratory and not representative of nation-wide patterns of cross-border trafficking between Viet Nam and China. Thus, the exploration into push and pull factors below is meant to illustrate patterns and trends, and to serve as a baseline or reference point for future studies and interventions addressing Viet Nam–China cross-border trafficking.

Table 5.1 illustrates the role that individual and family risk factors play in creating vulnerabilities to being trafficked. Several individual factors did not impact risk of being trafficked, including education, marital and family status variables, and job and economic status variables.

Table 5.1 | Community, individual, and family factors that increase risk of Vietnamese being trafficked to China.

INDIVIDUAL & FAMILY FACTORS	Significant risk factor	Not a risk factor
Age	✓	
Sex	✓	
Ethnicity	✓	
Number and type of brokers used (known vs. stranger)	✓	
Going into debt to pay migration costs	✓	
Years of education		✓
Marital status		✓
Number of dependents		✓
Household economic status		✓
Previous job		✓
Salary prior to migration		✓

Key finding 4 | Family conditions (such as of dependents and household wealth) and level of education have little impact on trafficking risk. Knowledge and attitude about China and migration also have little impact on risk, since most trafficked persons within the sample had heard little about China. The strongest risk factors for becoming trafficked were related to the *modus operandi* of recruiters and whether migrants/victims fell into debt with recruiters during their travel.

Age. As illustrated in the previous chapter, the average ages of the different case types were significantly different. The youngest case types were sex trafficking cases – three out of four were children, and all from an ethnic minority group in the rural north. In comparison, marriage and labour migration/trafficking cases were adult on average, with the majority being of Kinh (Viet) ethnicity, including some from the central and southern regions of Viet Nam.

Sex. With regard to sex, sex and marriage trafficking victims were 100 percent female. Men were represented in the sample only as undocumented migrant labourers — some who were intercepted prior to finding a job, some who found non-exploitative jobs, and some who fell into labour trafficking. Within the sub-sample of 76 undocumented migrant labourers, 47 (or 61.8 percent) were men, with no significant difference in the proportion of men within the sub-samples of trafficked vs. non-trafficked.²⁸ That is, neither male nor female labour migrants were disproportionately at risk of labour trafficking based on their sex alone.

Ethnicity. While only 14.3 percent of Viet Nam's population of 90 million is from an ethnic minority,²⁹ 47 out of 93 respondents (or 50.5 percent) were from an ethnic minority. Ethnic minority cases thus seem to be disproportionately represented in this sample of deportees, however, it would be better to compare such proportions with the proportion of ethnic minorities present in Viet Nam–China out-migration flows, which is currently unknown. However, proportions of different ethnic minorities did vary according to trafficking case type. Ethnic minority cases were over-represented among sex trafficking cases (three out of four, or 75 percent), but under-represented among marriage trafficking cases (one out of nine, or 11.1 percent). Among the other case types, including labour migration leading to interception, non-exploitative labour and trafficking, the proportion of ethnic minorities was similar to that of the overall sample.

Education. The average number of years of education attained by the 93 respondents was 6.9, with a range between 0 and 14 years of schooling. The average level of education did not significantly vary between case types³⁰ but, interestingly, all non-exploited labour migrants had at least 7 years of education, and up to 12 years, with the highest average of all groups of 8.6 years education. In comparison, labour trafficking victims had an average of 6.7 years of education (similar to the average of the overall sample), with some having no education at all.

Family status. Marital and family status seemed to pose no significant risks for being trafficked, with 53 out of 93 (57 percent) single, 37 out of 93 (40 percent) married, 3 out of 93 (3 percent) divorced or separated. Proportions were not significantly different between categories,³¹ nor did numbers of dependents vary significantly between different case types.

Economic status. None of the several variables denoting job and economic status prior to migration were significantly associated with a higher risk of being trafficked. Non-exploited labour migrants averaged \$57/month prior to migration, while labour trafficking victims averaged \$32.46/month; however, overall, there was no statistically significant difference in monthly salary prior to migration between the trafficked and non-trafficked case types.³²

Self-reported relative economic status in the community prior to migration was also employed, on a 5-point scale from 1 = not enough to eat to 5 = well to do. There was no significant difference between the scores of trafficked (average score = 1.83) and non-trafficked (average score = 2.09).

Multivariate linear and logistic regression models combining these factors above to examine risk and causality were developed to explore the data, but the results are not so meaningful since the relevance of sex, age, and ethnicity is related to distinct victim profiles and trafficker *modus operandi* for each case type that are not appropriate for comparison with such models. For example, in regression models sex appears to be one of the strongest predictors of debt and risk of being trafficked, but this is due to the fact that sex and marriage trafficking occur only to females in this sample.

Stated reasons for leaving home

For the majority of all cases — 47 out of 93, or 50.5 percent — the stated reason for leaving home was because there was not enough money at home to live. The second most common response, of 23 respondents (or 24.7 percent), was to seek better job opportunities and better pay, and nine respondents

²⁸ χ^2 p = .516.

²⁹ CIA World Fact Book (2011). *Viet Nam*.

³⁰ ANOVA p = .875.

³¹ χ^2 p = .197.

³² ANOVA p = .913.

(9.7 percent) reportedly left home because they needed money to pay outstanding debts. Only two cases — one sex and one marriage trafficking case — reportedly left home due to problems in the family.

All five (100 percent) of the suspected sex/marriage trafficking cases intercepted reported that they did not intend to leave Viet Nam but were tricked into doing so, and did not know they were going to China. One of the six labour trafficking, one of the nine marriage trafficking, and one of the four sex trafficking victims reported also being tricked and never intending to leave home.

In general, among the 93 respondents, very few had any pre-existing knowledge of China, including knowledge that they would be breaking Vietnamese law by exiting the country illegally, as well as breaking Chinese immigration law. Only 26 out of 93 (or 28 percent) had heard something about China from people they knew, mostly vaguely positive things from local people, some returnees but most not. Only five had heard a mix of good stories and bad warnings, and four had heard about bad things that happened to people in their village who went to China. Male awareness

was higher than females overall, with 19 out of 47 men (40 percent) as compared with 7 out of 46 females (15 percent) having heard some news about China prior to their migration.

Deportees were polled regarding whether they had ever heard about human trafficking risks from key awareness raising channels. None had heard about trafficking from government officials, none had heard about trafficking from watching television, and none had heard from the radio.

33.3%
of the trafficking and
suspected trafficking
cases (8 out of 24)
reported that they never
intended to leave home
and had no idea they
were headed to China,
but they were tricked
into doing so.

Patterns of deceptive recruitment and debt bondage

For the deportees in this sample, some of the most significant risk factors for being trafficked related to deceptive recruitment and falling into debt with brokers over the costs of transport and migration. As seen in the above section and summarized in [Table 5.2](#), 33.3 percent of trafficked and suspected trafficking cases were completely deceived into agreeing to travel with a recruiter, believing that they were going to get a job in another part of Viet Nam, or, in the case of one deceived sex trafficking victim, believing they were going sightseeing. None had any idea they were going to China, and seven out of eight said they had no knowledge about China prior to being trafficked there; the one sex trafficking victim said she had heard stories about going to China, but they were bad stories.

“ I was asked by a friend to go take photos somewhere beautiful.
I did not know I was going to China. I was cheated, tricked and sold to China.
I was trafficked into a brothel, no pay, no freedom of movement ...
I was forced to sleep with men and under constant watch. ”

17-year-old Dao girl from Lao Cai.

Table 5.2 | Tricks used by recruiters to dupe trafficking victims into traveling with them, as reported by the sub-sample of victims who originally had no intention of leaving home or going to China (n=8).

Trafficking case type	Ethnicity	Trick of trafficker	Total cost to go to China	Debt incurred travelling to China
Intercepted probable sex or marriage trafficking	Kinh (Viet)	My recruiter said she would take me to Lao Cai town to apprentice as a tailor, and I would get paid 2 million dong/month. My parents and I agreed.	0	0
	Kinh (Viet)	My recruiter said he would help me find a good job in Hanoi, with a salary of 3 million dong/month.	2 million dong	300,000 dong
	Kinh (Viet)	My recruiter said he would introduce me to a woman who could help me find a job in Hanoi making 3 million dong/month.	2 million dong	1 million dong
	Kinh (Viet)	My recruiter said he would introduce me to a woman who could help me find a good job in Hanoi with a high salary. He said that he wanted to help me without benefit.	2 million dong	0
	Hmong	My recruiter told my brother that she would help me find a job in a tailor shop, and I would be paid 2 million dong/month.	0	0
Labour trafficking	Nung	My recruiter said she knew a person working in Hanoi, and he just sent 10 million dong back to his home. She said she could help me find a factory job in Hanoi earning 3 million dong/month.	0	0
Marriage trafficking	Kinh (Viet)	My recruiter said she could help me find a job in Lang Son province.	0	0
Sex trafficking	Dao	I was asked by a friend to go take photos somewhere beautiful. I did not know I was going to China.	0	0

As illustrated in **Figure 5.1**, none of the trafficked persons or intercepted trafficking cases in the sample were recruited by family or friends. While some victims were recruited by strangers, a significantly disproportionate amount³³ — 18 out of 24, or 75 percent — were recruited by people they were acquainted with.

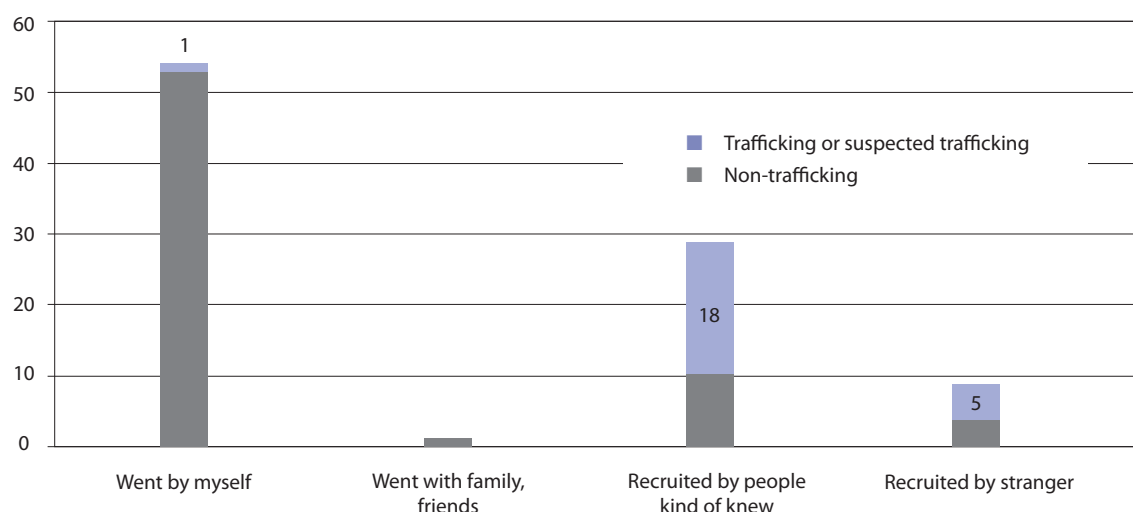
Five top factors associated with risk of being trafficked are summarized in **Table 5.3**.

Table 5.3 | Five top factors associated with risk of being trafficked.

Risk factor	Average, non-trafficked cases	Average, trafficked cases	Statistical significance
Cost of travelling to China	491,026.67 dong	1,581,666.67 dong	p = .000
Amount of debt incurred during travel to China	215,600 dong	1,494,444.44 dong	p = .000
Number of recruiters	12.99 people	1.50 people	p = .000
Number of family and friends in travel group	6.91 people	0.56 people	p = .001
Number of other people in travel group	11.41 people	4.83 people	p = .013

³³ χ^2 p = .000 comparing case types; t-test p = .000 comparing trafficked vs. non-trafficked.

Figure 5.1 | Risk of recruiters, including strangers and people who are known by the victim.

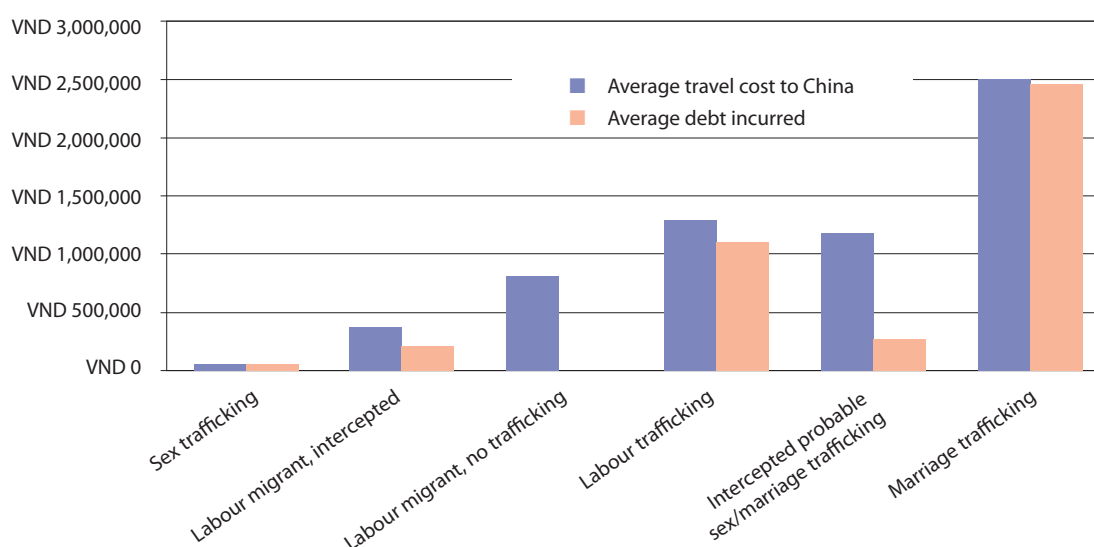


Debt bondage is another trap into which recruiters put victims, taking advantage of the fact that some migrants do not have enough cash-in-hand to pay the costs of migration. Entering into debt to the recruiter to cover travel and transport costs is one of the strongest predictors of risk of becoming trafficked in this sample. As seen in [Table 5.2](#) as well, it can be seen that this debt to cover travel costs is sometimes even passed on to victims who were abducted and never voluntarily agreed to the journey or the costs.

Of the risk factors listed in [Table 5.3](#), the first two listed factors related to the costs and debts of migration are likely the strongest causal factors leading to trafficking, though this is likely to be related to the significant difference in travel costs and debt incurred for different case types,³⁴ as illustrated in [Figure 5.2](#).

The last three listed factors in [Table 5.3](#), relating to travel group size, are most likely non-causal associations relating to the typical group sizes of labour migrants, sex trafficking victims and marriage trafficking victims, as discussed below. That is, small group size is associated with more trafficking risk, since marriage and sex trafficking rings tend to move much smaller groups of people at a time.

Figure 5.2 | Travel costs and debts incurred to recruiters during the journey to China, by case type.



³⁴ ANOVA $p = .000$ for travel costs and debts incurred, by case type.

Recommendation 3 | Refine and make more specific the content of safe migration awareness-raising, particularly regarding common patterns and tricks of labour traffickers, marriage traffickers and sex traffickers. Specifically address what are known to be the key risk factors, including usage of brokers and the risk of going into debt to recruiters. Encourage safe migration only when enough cash is had to be able to pay costs in advance and avoid going into debt, expanding awareness raising to airport terminals, bus stations, train stations and over radio and loudspeaker broadcasts.

From home village to border crossing to entry into China

Group size

The composition of travel/migration groups of Vietnamese crossing into China varies by case type. In general, labour migration groups are significantly larger than groups of women and girls being moved for the purposes of sex and marriage trafficking,³⁵ and originate from the northern border provinces, while marriage trafficking victims come from other parts of Viet Nam as well. With regard to labour migration, the average group size for intercepted undocumented labour migrants was 9.5 persons per group, for non-exploited labour migrants it was 30.3 persons per group, and for labour trafficking victims it was 17.3 persons per group. For marriage trafficking it was 2 people per group on average, and for sex trafficking 1.25 persons per group. For the intercepted probable sex/marriage trafficking cases, the average group size was 2 persons per group, more similar to sex/marriage trafficking groups than to labour migration groups.

The number of recruiters associated with each of the different case types also varied significantly, again with 2.1 recruiters on average associated with marriage trafficking cases, 1.25 recruiters on average associated with sex trafficking cases, and 2.6 recruiters on average associated with intercepted probable sex/marriage trafficking cases. However, interestingly, the number of recruiters associated with labour migration groups varied significantly between groups that were intercepted vs. groups that found non-exploitative jobs vs. groups with people who ended up labour trafficked. Intercepted groups had a large number of associated recruiters — 15.6 on average — while those that made it to the destination workplace had only 0.57 and 0.67 associated recruiters on average, for non-exploited and labour trafficked persons respectively. This finding suggests that labour migrants travelling in large groups with many recruiters are more likely to be intercepted than those who are travelling on their own or with only one recruiter. One possible explanation for this may be the ability of border authorities to detect and intercept recruiters. Among the migrant workers deciding to go to China, there are generally a few people living near the border that know how to cross into China and know of employment leads. Towns that are further away from the border may have less access to such insider information, and hence be less likely to migrate. The relatively low travel costs of going to China, approximately \$25, help to highlight the relative ease for people who were living close by the border to enter and seek jobs in China.

Crossing over the Viet Nam–China border

As listed in **Table 5.2** and illustrated in **Figure 5.3**, among respondents sampled there were three major crossing points used to cross the border into China, whether for labour, marriage or sex purposes, in Lang Son, Lao Cai and Quang Ninh. Origin provinces are depicted in green boxes, whereas destination provinces and outcomes are depicted in purple. As seen in **Table 4.2**, the crossing point most used to enter China was Mong Cai, Quang Ninh, used by 56 out of 93 (or 60.2 percent) respondents. Another 30 respondents (or 32.3 percent) crossed in Lang Son, and 7 (or 7.5 percent) crossed from Lao Cai.

³⁵ ANOVA $p = .001$ for numbers of other migrants in the travel group, and $p = .009$ for numbers of recruiters in the travel group.

"After crossing the border I went by car for two days and arrived at the recruiter's house in China."

30-year-old marriage trafficking victim who crossed at Mong Cai, Quang Ninh; Chinese destination province uncertain.

"I crossed legally with paperwork. My trafficker even made me sign a piece of paper stating that she helped me to cross the border and is not liable for anything that may happen to me once I crossed."

30-year-old marriage trafficking victim who crossed into China from Mong Cai, Quang Ninh and was trafficked to Wuhan, Hubei province.

"I crossed a small river. I did not know I was already in China. I thought you would have to cross a very large river to enter China."

17-year-old sex trafficking victim who crossed into China from Lao Cai and was trafficked to Honghe, Yunnan province.

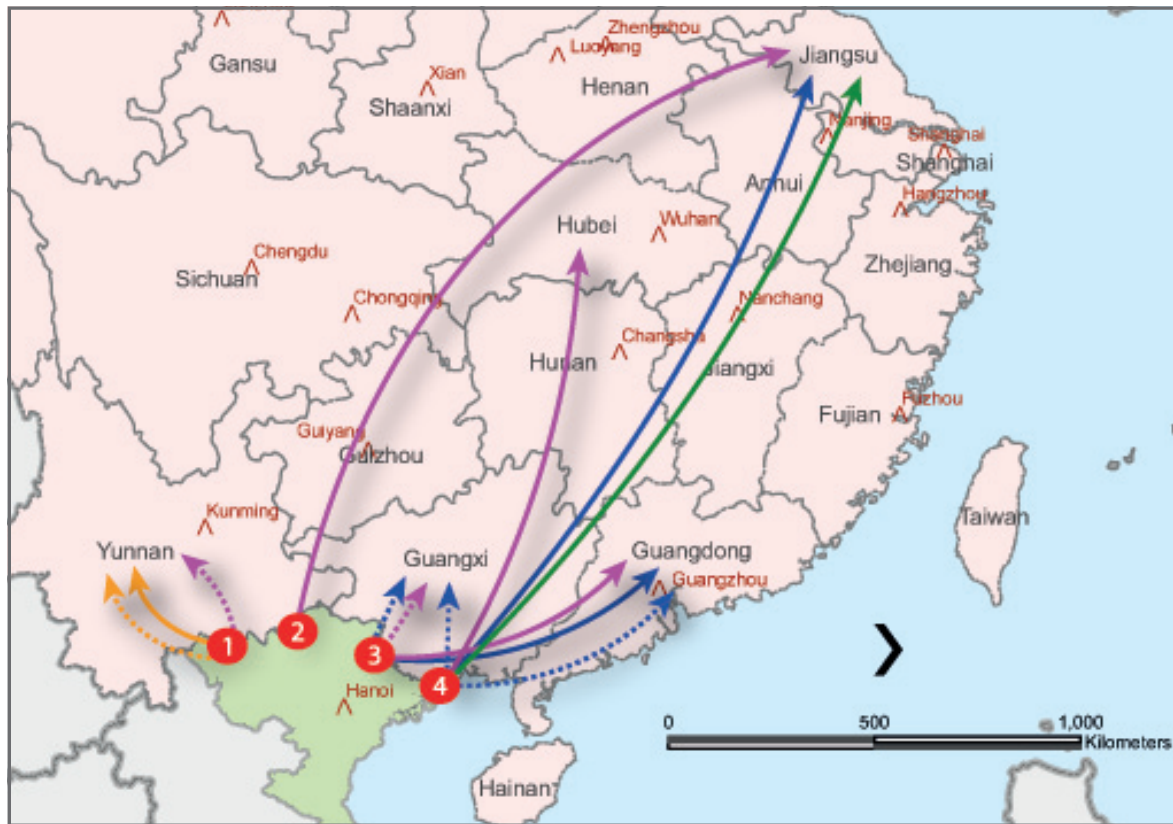
"I crossed by boat. The recruiter did not allow me to speak Vietnamese."

20-year-old marriage trafficking victim who crossed into China from Mong Cai, Quang Ninh and was trafficked to Wuhan, Hubei province.

"We went to Hanoi by airplane, then to Lang Son by taxi. At last we climbed a hill, and I saw some others climbing too but I did not know we were crossing the border."

20-year-old intercepted probable trafficking victim from Soc Trang who crossed into China from Tan Thanh, Lang Son, intercepted in Guangxi province.

Figure 5.3 | Migration/trafficking routes and crossing points to China.



- | | |
|---|-------------------------|
| — Sex trafficking | ① Lao Cai |
| Intercepted possible sex trafficking | ② Muong Khuong, Lao Cai |
| — Marriage trafficking | ③ Tan Thanh, Lang Son |
| Intercepted possible marriage trafficking | ④ Mong Cai, Quang Ninh |
| — Labour Trafficking | |
| Intercepted undocumented migrants | |
| — Non-exploited undocumented labour migrant workers | |

Sex trafficking routes from within Viet Nam to the Chinese border crossings



Marriage trafficking routes from within Viet Nam to Chinese border crossings



Labour trafficking routes from within Viet Nam to Chinese border crossings



6

THE END POINT OF HUMAN TRAFFICKING EXPLOITATION IN CHINA

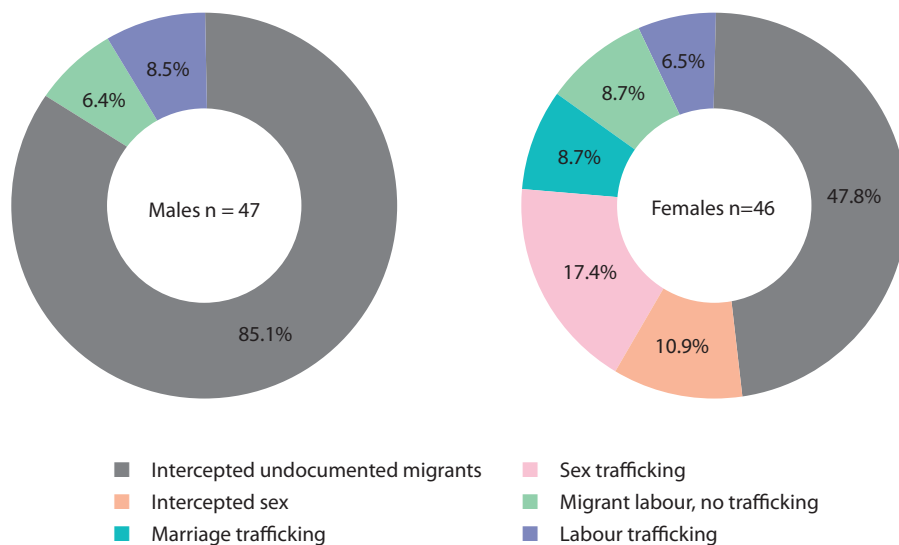
The 93 Vietnamese migrants in the survey (including the 24 trafficking and suspected trafficking cases) ended up in a variety of situations in China, from forced marriage with rural men to brothel-based sex work to non-exploitative factory work near Shanghai. The promise of landing a good job in one of the better working environments presents opportunity for a monthly wage higher than that which can be earned in rural Viet Nam; however, these diverse working environments also present different possible health and safety risks, as well as restrictions on freedom of movement and exploitation.

This chapter explores the labour and welfare situation for Vietnamese men, women, and children in various environments in various parts of China, pinpointing the locations of possible key trafficking hotspots, as well as exploring the pay, working conditions, threats, control and exploitation that Vietnamese migrants and trafficked persons face in different sectors. Because 67 out of 93 (or 72 percent) deportees were labour migrants who were intercepted and deported prior to reaching a work destination, these cases will be omitted from the discussion, focusing instead on the four sex trafficking victims, nine marriage trafficking victims, six labour trafficking victims, and seven labour migrants who were not exploited.

Key finding 5 | The locations of destination trafficking hotspots of Vietnamese victims in China.

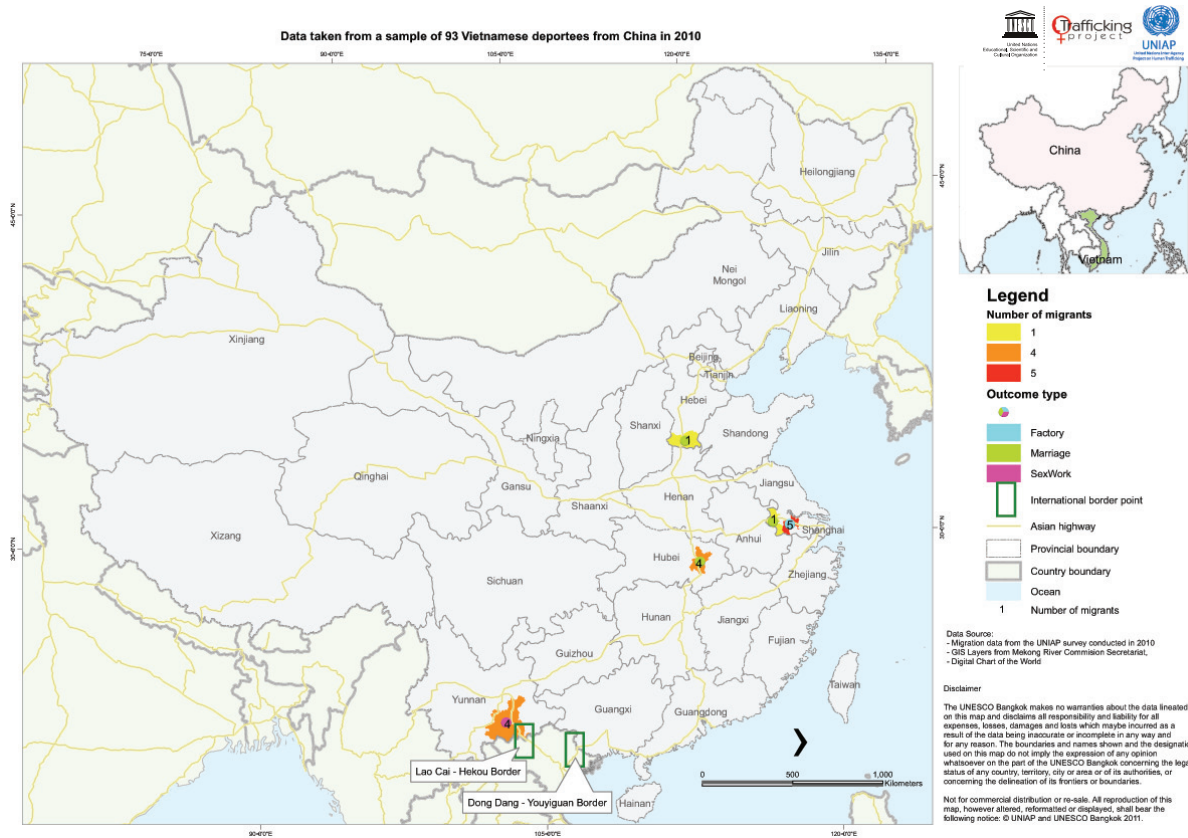
Vietnamese trafficking victims and labour migrants in China may follow one of several distinct trafficking flows, as illustrated by the 26 respondents in the sample who arrived at their destination and came back home to tell their story, as well as the 67 who were deported during their journey. For reference, case break-outs by sex are shown in Figure 6.1.

Figure 6.1 | Outcomes of male and female Vietnamese migrants in China.

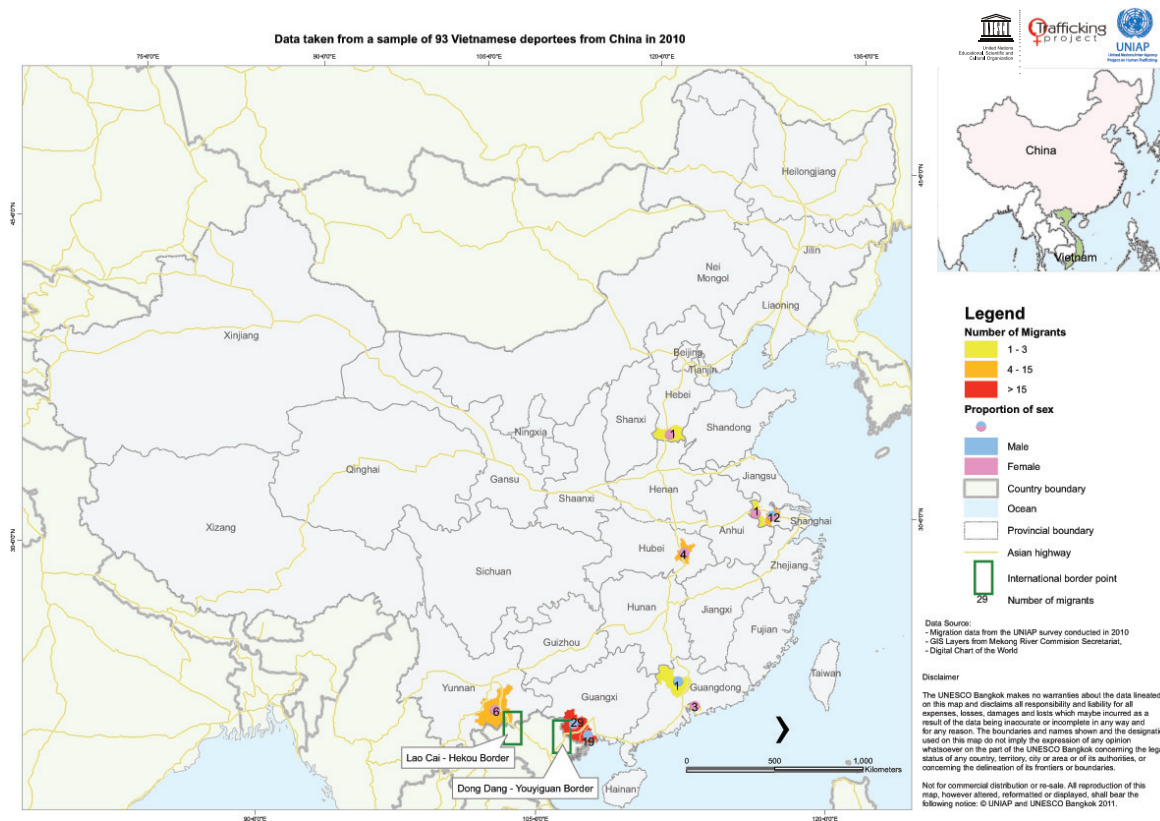


On the destination side, **Maps 6.1 and 6.2** highlight the provinces in which Vietnamese end up in China, and their outcome at destination. These maps depict case type as well as geographic information to assist responders with a mandate to find and protect trafficked persons in these areas of China, as well as to strengthen the geographic and sectoral targeting of trafficking prevention and outreach programmes aiming to reach migrant worker communities or other foreign migrants/victims most at risk.

Map 6.1 | Migration and trafficking outcomes of Vietnamese migrants deported from China, by destination province and prefecture.



Map 6.2 | Sex of Vietnamese migrants deported from China, by destination province and prefecture.



Key destination labour sectors: Factory work, marriage and sex

Since there are a small number of sex, labour, and marriage trafficking cases, several of them will be detailed in comparative analyses and case studies below to provide as rich a picture as possible given the small sample size. For a deeper understanding of migrant labour in factories in China, exploited and non-exploited workers will also be compared to explore protective factors and risk factors.

As seen in [Figure 6.1](#), 3 of 47 (or 6.3 percent) of Vietnamese men hoping to find a job in China were successful at doing so; 4 of 47 (or 8.5 percent) were labour trafficked. For women, 6 of 46 (or 13 percent) found a job in a factory, and 2 of those 6 were labour trafficked. Adding in the sex trafficking (n=4) and marriage trafficking (n=9) victims, details from the accounts of these 19 likely trafficking victims are included below.

Key finding 6 | The majority of sex and marriage trafficking cases suffered greatly in terms of physical abuse, restriction of movement, being controlled and not being paid at all. The sex trafficking victims were all enslaved in brothels, never receiving any money for their forced sex work. Labour trafficking victims had more varied experiences working in Chinese factories, with some reporting good working and living conditions and some reporting poor conditions. All were categorized as trafficking victims, however, due to their being unpaid or cheated and underpaid.

Working and living conditions, including threats, violence and restriction of movement

To illustrate the typical experiences of marriage, labour and sex trafficking victims in the sample with regard to living conditions and restrictions on freedom of movement, [Table 6.1](#) provides a glimpse into the experiences of twelve victims of trafficking — four from each of the three categories.

Constant surveillance and restriction of freedom of movement are seen to be prevalent in marriage trafficking and sex trafficking cases, with physical beatings, threats, and in some cases starvation used to reinforce control. For sex trafficking victims, being forced to have sex and not being allowed to use a condom appears to be a further means of controlling and breaking the spirit of victims.

For labour trafficking victims, there appear to be a mix of good and bad living conditions, as well as a mix of easy working hours and conditions as well as poor working conditions with forced overtime. If some of these cases had decent working hours and conditions, thus seeming not so exploitative, then how did these cases come to be classified as labour trafficking cases? An examination of financial controls and exploitation will clarify this, as summarized in [Table 6.2](#) Also, comparing these outcomes with that of the non-trafficked migrant labourers shows that, overall, working conditions were reportedly “good” for four of the seven migrant workers, with the remaining three reporting that the work was “normal” or that hours were long — for one person, from 7 am until 7 pm. All of the non-trafficked migrant labourers worked in shoe factories near Shanghai.

Table 6.1 | Working and living conditions for a sample of 12 victims of human trafficking.

Marriage trafficking	Labour trafficking	Sex trafficking
Imprisoned and under constant surveillance by family-in-law. Told by trafficker, "There is nothing you can do since you could never find your way home!"	Worked in a shoe company under surveillance of bodyguard; not allowed go out from factory unless accompanied by bodyguard.	Under constant surveillance of two men and not allowed to go anywhere.
Imprisoned and under constant surveillance by family-in-law; beaten and forced to have sex 2–3 times per night; threatened to be killed in sleep if she did not.	Not allowed to go anywhere without supervisors or leave when sick, but the living conditions were good and the work was easy.	Imprisoned and under constant surveillance. Forced to have sex with around 10 clients per night; not allowed to use condoms at first.
Imprisoned inside husband's room all day. Under constant surveillance and not allowed to go anywhere. Beaten and sometimes starved.	Not allowed to go out of company or tenement house, but the living conditions were good.	Imprisoned during daytime and under constant surveillance. If customers complain, beaten by the <i>mamasan</i> . Forced to have sex; not allowed to use condoms.
Under constant surveillance and not allowed to go anywhere; threatened that police would arrest her. Ruthlessly physically abused, often naked.	Not allowed to move or leave the assembly line, and forced to work overtime. Living conditions were not good, with hard work and not enough food to eat.	Imprisoned during daytime and under constant surveillance. If customers complained, beaten by the <i>mamasan</i> . Forced to have sex with 3–6 clients per night; not allowed to use condoms.

Deception, financial controls and exploitation: Payments and deductions

It is striking that none of the sex trafficking victims received any payment whatsoever, even though some were promised specified monthly salaries. Salaries promised were not paid due to fraudulent deductions in one example, where the *mamasan* said that the cost of food, clothing and cell phone usage was equivalent to the victim's monthly salary. For the others, they did not report being given an explanation for their not being paid.

Number of sex trafficking victims receiving payment for their forced sex work:

0

With regard to marriage trafficking victims, nearly all seemed to expect that they would receive cash to remit home during the course of the marriage transaction and their life in China; however, none received any cash as promised. While there was one marriage trafficking victim who reported that her family ending up treating her well despite how she was initially tricked and sold to them, all others reported a deep sense of feeling financially cheated as well as badly mistreated.

Labour trafficking victims seem to have been promised an agreed salary, ability to work and get paid for overtime, and assurances of the legality of the work and all required documentation. For those labour trafficking victims who were underpaid, the majority were forced to work overtime but without pay. There

were also deductions for living expenses, accommodation and documentation that were unclear and possibly fraudulent. For those labour trafficking victims who were unpaid, this was because they were deported by police prior to their receiving payment (uncertain whether there was collusion between employers and police), which was surprising to them since they believed that they were working legally.

Table 6.2 | Payment and deductions for a sample of 12 victims of human trafficking.

Marriage trafficking	Labour trafficking	Sex trafficking
Told that she could choose her husband and leave at any time, and receive \$2,700. None of these were true.	Promised monthly salary of nearly 4 million dong but paid less than 2 million dong; forced to work overtime but never paid for it.	Forced to have sex under threat of debt bondage and promise of a monthly salary of 11 million dong. Never paid.
Sold to several different husbands, multiple times. Received no money.	Promised monthly salary of 3.7 million dong, but paid nothing. Told that the company would provide legal documents, but this was a lie so deported by police before getting paid.	Forced to have sex under threat of debt bondage and promise of a monthly salary of 9 million dong. Never paid.
Told that if she married a Chinese husband she would receive 30–40 million dong to remit to family in Viet Nam. Worked in shop but in-laws kept all the money; she received nothing.	Promised monthly salary of 3.7 million dong but paid 2.5 million dong; forced to work 12 hours per day but with no overtime pay.	Forced to have sex under threat of debt bondage and promise of a monthly salary of 2 million dong. Never paid.
Told that she could choose her husband and leave at any time, and receive 60 million dong. None of these were true.	Promised monthly salary of 4.7 million dong, but paid 2.7 million dong; forced to work long hours in very poor working conditions with no overtime pay.	Forced to have sex under threat of debt bondage. Never paid.

In comparison, six out of the seven non-trafficked migrant workers were paid on time, with the remaining one being paid with delays but receiving over 75 percent of his promised salary.

“My recruiter said that the work in China is easy, no need for an identity card and the company would pay for all expenditures.”

*“My recruiter said that I could earn 1,300 Yuan in the first month.
The company would take responsibility for preparing legal documents.
If I had to work overtime, the company would pay for it.”*

*“I was caught by Chinese police after one month in China.
Before leaving, my recruiter said that the company would take responsibility for making legal documents for us, but he told a lie.”*

Case studies

SEX TRAFFICKING CASE STUDY | 10 Vietnamese women sold into a brothel in China

In September 2010, some neighbours alerted the Chinese police that five Vietnamese women were locked in a high-rise apartment complex. The women came from different provinces in Viet Nam, having been sold to the brothel at different times. Here are the stories of three of the five who were rescued – aliases Muc, Tho, and Bi.

Muc, a 20 year old Khơ Mú woman

Muc was a young Khơ Mú woman living in her village in Yen Bai province. The Khơ Mú are an ethnic group of approximately 42,000 people concentrated in the northwestern areas of Viet Nam, and are one of the oldest ethnic groups in Viet Nam, with their origins in Laos.

In January 2010, Ms. T, someone Muc knew, came by her house and told her about a job in China. Ms. T said the job involved working in a sugar cane field with the earning potential of 1million dong (\$48) per month. Ms. T also promised Muc she would be located very close to Viet Nam and could return home at any time.

Muc only had a first grade education. She later stated that she put her trust in others around her, since at the time she was unaware that traffickers often target vulnerable women like herself. Ms. T took Muc to Lao Cai province and they crossed into China illegally on a small boat.

Once in China, Ms. T handed Muc to a Chinese woman who had a Vietnamese daughter-in-law. The Chinese woman convinced Muc to be a prostitute, since she did not have any money or any way to return home. The Vietnamese daughter-in-law took her and sold her to a brothel in a place that she thought was called “Lang Xi”. (It may have been either Luxi county (泸西), Honghe prefecture, or Luxi (路西), Dehong prefecture). After working at this brothel for five–six days, a Chinese client came one night and took her to a hotel and then met up with a Vietnamese man. Together, the two men kidnapped her and sold her to Gejiu (个旧) county, Honghe prefecture, Yunnan province. Muc reported that the two men were paid more than 10,000 RMB (\$1,500) for selling her.

Muc was forced to serve five to six clients per day. Her freedom of movement was severely limited as she was under constant surveillance by armed guards. She also reported that the brothel owner did not allow her to demand clients use condoms.

Muc was promised 2 million dong (\$95) per month, but she was never paid any money. After working there for several months, Muc found out her father at home was sick. She asked the *mamasan* to let her return to Viet Nam to visit her father, and to borrow \$55 for the trip. After returning to her home for one month, the *mamasan* came by her house in Viet Nam. She threatened Muc and forced her to return to China. Muc returned to China to work.

When she returned to work, the brothel received a shipment of nine new women. Some of these women managed to escape and filed complaints with the police. The *mamasan* was forced to shut down the brothel, but she managed to move Muc and the other women to her brother's apartment in a large high-rise complex. The women were very scared. They tried to break the door down but it was securely locked, so they opened the window and started shouting and crying. The neighbours called the police and Muc was rescued along with four other Vietnamese women, all of whom were returned to Viet Nam in September 2010.

Now back in Viet Nam, Muc did not want to file charges against anyone, especially after the police caught the Chinese *mamasan*. Muc felt unclear about the role Ms. T played in trafficking her, since she did not see Ms. T receive any money with her own eyes.

Tho, a 15-year-old girl from Ha Giang

Tho was living in Ha Giang province when her friend, MA, asked her to take a road trip. MA said she had an uncle living along the Chinese border and had worked there before herself. Tho's parents had divorced and no longer cared for her. After living with her uncle until she was 13 years old, she had since been living on her own. When MA asked her to tag along for the road trip, she agreed, especially since at the time she was having an argument with her boyfriend.

MA took her to Ha Khau International Gate in Lao Cai to cross into Yunnan province, China. Once in China, MA handed Tho over to a Chinese couple. The Chinese couple took Tho on a six-hour bus ride to Gejiu county, Honghe prefecture, and sold her to a brothel. At the brothel, the *mamasan* threatened to beat her if she did not sleep with clients. She was also under surveillance by armed guards. Tho rated her working conditions to be very poor. She was not allowed to demand clients use condoms, and if the clients were unhappy with her services and complained to the *mamasan*, Tho would be beaten. Tho was also promised \$600 per month by the *mamasan*, though she never received any of that money. Tho ended up becoming a girlfriend of one of the bodyguards.

Tho was rescued along with Muc. After arriving back in Viet Nam, Tho stated that she did not have any family to return to and was concerned about not knowing where to go next, since her family members did not care for her. She wanted to return to China and be with her boyfriend. She did not want to file charges against MA. Tho sympathized that MA probably was in a real bind for money, which was why she had to resort to tricking Tho.

Bi, a 15-year-old girl from Tuyen Quang

Bi was born into a large family with nine children. Bi often felt unhappy at home since her parents would regularly yell at her. Economic conditions at home were average.

One day Bi received a phone call from a stranger named MA. MA asked to befriend her. When Bi asked MA how she got her phone number, MA replied to not be concerned about that. From then on, MA called her often to chat. In June 2010, MA asked her to take a road trip to Lao Cai for fun. Bi refused. Three days later, MA called again and repeated the offer. That day, Bi had had an argument with her parents and also her boyfriend, so she agreed to go.

MA took Bi to Lao Cai. From there, they crossed a small river and illegally entered Yunnan province, China, where MA handed Bi over to two men. The men took Bi to a bus station and boarded a bus to Gejiu county. Bi was sold into the same brothel as Muc and Tho, and she saw the *mamasan* hand money over to the two men. She did not know how much money it was, but estimated that it was a 10 centimetre thick stack of 100 RMB bills.

Bi was forced to serve on average 10 men per night, starting from 5pm everyday. She was allowed some days off when she was on her period or was sick, but was not allowed to demand clients use condoms when she first started working. Working conditions and freedom of movement were very poor, and she was under surveillance by armed guards.

Bi was rescued along with Muc and Tho. Upon return to Viet Nam, her top concern was gaining the acceptance of her family and neighbours. Her second concern was finding employment. She also did not want to file charges against MA, because she, like Tho, sympathized that MA must have been in a difficult bind to resort to tricking her.

SEX TRAFFICKING CASE STUDY | Sex trafficking ring intercepted by Lang Son Border Guard Command

In June 2010, Border Guards in Lang Son province were tipped off about some suspicious activities along the border. They visited the suspected site and found a woman who was attempting to take three other women into China illegally. They detained the group. After investigation, they discovered that the woman intended to sell the three others into sex work in China. The rescued women did not know they were about to be sold when the Border Guards stopped them. The three women had travelled thousands of kilometres since they were recruited from the southern part of the country. Here are their stories.

Ms. Q and Ms. H are sisters. They have both done small trading of goods across the Viet Nam–China border. By doing so, they came to know the Chinese locals. One Chinese man offered the sisters \$300 for every Vietnamese woman they could recruit and hand over to him.

Ms. Q and Ms. H contacted people they knew, and found Ms. X and Ms. M in Binh Duong province, in southern Viet Nam (1,400 km from the China border), who were interested to join the group. Ms. M then recruited Ms. Cay (aged 33), Ms. Ban (aged 20), and Ms. Nu (aged 17) who were working in a factory in Binh Duong. Ms. M told the three women they would be able to find a job in Hanoi earning almost double their current salary.

Ms. Cay was divorced and had three young children that she needed to take care of. She was not making ends meet, earning \$85/month. Even though she was the oldest among the three women, she had only a first-grade education and was completely unaware of trafficking risks. Ms. Ban was the most educated of the three, as a college student. She wanted to go to Hanoi to earn extra money to support her younger siblings' school fees. Ms. Nu was the youngest of the group and had finished ninth grade. She wanted to help her parents who were working as manual labourers.

After recruiting the three women, Ms. M handed them over to Ms. X, who took them on a flight from Ho Chi Minh City to Hanoi, then in a taxi on a three-hour drive to the border. Since the women had never been to Hanoi before, they thought that the drive from the airport to the border was actually the drive to Hanoi. Ms. X collected \$110 from each woman to cover transportation costs, but since Ms. Cay and Ms. Ban lacked the cash, they went into debt with Ms. X.

Once at the border, the group left the taxi and embarked on short hike up a hill to cross the border, where they were luckily found by the Border Guard Command. After Ms. X and the rest of the traffickers were caught, they admitted to planning to sell the three women to a Chinese contact who would sell them into brothels.

MARRIAGE TRAFFICKING CASE STUDY | Sold to Chinese husbands over 2,000 km from home

In November 2009, five Vietnamese women from the same hometown in southern Viet Nam were trafficked to China to be sold as wives. They lived only 30 km from the Cambodia border, though they were trafficked 1,170 km to the China border and then another 1,000 km inland.

The five women were trafficked through a single Vietnamese trafficking ring, with a final seller living in China who had connections with Chinese men looking to buy wives. The final seller worked through an informal network of other Vietnamese women living in Viet Nam to supply her with brides.

The five trafficked women had different reasons for leaving Viet Nam. One wanted to escape conflict with her in-laws. Another was pressured into leaving because she owed a debt to the recruiter, who was threatening to sue her. The other three struggled financially. Before leaving for China, all five had essentially no knowledge of the working and living conditions in China, and since they were transported separately they were not able to consult with and support each other. They were all told that they would be introduced to Chinese husbands who would pay them 50 million dong (\$2,500) up front for the marriage, and if they did not find the marriage agreeable they would be free to exit the marriage. Thus, all five knew they were going to China to marry Chinese men. However, what they could not anticipate was getting sold and losing control of their lives to whomever bought them.

The five victims left home alone and only with the recruiter, who first flew the victims to Hanoi with tickets purchased by the women, costing approximately \$200 each. From there, they drove for four hours to the Lang Son–Guangxi border, where they were sold to a trafficker, Ms. T, a Vietnamese woman living on the China side of the border. Ms. T transported the victims one-by-one deeper inland, selling them to Ms. B. The victims reported that they saw other Vietnamese being harboured and controlled by Ms. B, including children. One victim reported: “At Ms. B’s house, I saw that she was housing other people to sell, including children around four or five years old. Most of them came from Nghe An province.”

The husbands paid the traffickers \$2,900–\$4,400 for each bride. One Vietnamese woman was sold multiple times because she was not liked by the husbands. The husbands severely restricted the wives’ freedom of movement, and one woman reported being locked in a room with only one cup of noodles a day, being forced to take care of her hygiene and bodily needs in a bucket. Other physical and sexual abuse was prevalent. As one victim reports: “I had to endure terrible physical abuse. My husband wanted me to sleep with him three times a day ... my mother-in-law sometimes stripped me naked and beat me. Every day I had to climb up the mountains to harvest millet from 7 a.m. until 6 p.m.. And I did not have enough food to eat.”

The five victims first met each other at Ms. B’s house. Even after being sold to separate husbands, all living in the same town, they asked their husbands to let them come back to Ms. B’s house for visits in hopes of meeting each other again. All five managed to exchange cell phone numbers. They did not own individual cell phones, but were allowed to use the husband’s cell phone to call home to Viet Nam. Ultimately, some of the women escaped at night and met up, then after hiding in a creek through the night and catching a bus into town, they ran to the Chinese police and used their broken Chinese to plead for help to rescue the remaining women. One woman who was locked in her husband’s room the whole time explained that she had no freedom of movement whatsoever, and that she “did not even know what Chinese money looked like.” Despite this, and despite the fact that she had only seen the path to the house once over a month before, she was able to recount the following to the police:

“From Ms. B’s house (the final seller), drive north for about 2 km then you will see a large gas station. Reverse about 500 metres, you will see a sign for a village. Next to the sign you will see two large lampposts. Between the lampposts you will see a small paved road on the right hand side. Take that paved road for about 1.5 km, where there is a large cement bridge. Then count to the fifth house on the left hand side. That is the right house.”

The police arrived at the house and called the woman’s cell phone, and heard it ringing within the house. Post-rescue, the women spent two months in a Chinese shelter before finally being returned to Viet Nam on 12 May 2010. They shared that their main concerns upon reintegration were two-fold: worrying about stigma from neighbours, and also looking for a new job.

Case follow up. The police recorded accounts of the victims who expressed a desire to file charges against the original recruiter. The legal newspaper *Bao Phat Luat* ran the following update on 10 June 2010:

“Ms. Xi and her son Phong ran a trafficking syndicate. They attracted young and vulnerable women from Tay Ninh province with a promise of getting married to a wealthy husband or employment opportunities. Once they arrived at the final destination, the women were sold as wives or into brothels.

The police filed charges against four traffickers: Ms. Xi, her son, and two other recruiters in charge of supplying Ms. Xi with victims. Ms. Xi then found other Vietnamese trafficking rings operating in China to sell victims to. On 28 May 2010, Ms. Xi was arrested at Ho Chi Minh City airport ... in the process of transporting three young women out of the country. The police found in her possession 15 passports to enter China and Singapore, five visas, three ATM cards, 55 million Vietnamese dong, and 3,100 Singapore dollars. The case is currently under investigation.”

MARRIAGE TRAFFICKING CASE STUDY | Sold to a Chinese husband at age 14, but not mistreated

Xuan grew up in Yen Bai, a town 180 km from Viet Nam's capital. In November 1994, when she was 14 years old, she was asked by someone she knew to travel to a town on the China border, where she was promised a job. Life at home was hard since her family members were all farmers and could not produce enough to eat. Prior to leaving her hometown, she had not heard anything about China. She thought she would only be going to another town in Viet Nam to work.

The recruiter sold her to other people who took her from her hometown to the border area. At the border, these people sold her to Ms. T, who helped her cross into China. Ms. T took her deeper inland and sold her to Ms. X, who then sold her to her husband in Guangxi province at the price of 6,000 RMB (\$940).

Xuan's in-laws did not mistreat her. In 1998, when she was seventeen, her in-laws gave her permission and money to return to Viet Nam to visit her family. During her time in Viet Nam, she filed charges against her trafficker, who was subsequently arrested and jailed.

After a few months in Viet Nam, she decided to cross back to China illegally to be with her Chinese family, including the children she had with her Chinese husband, whom she did not want to abandon. From 1998 through 2010, she was living and working in China, fully assimilated into life in China. She was working in a factory earning a relatively decent wage of \$160 per month.

In May 2010, the Chinese police detained her because she did not have legal residency, and she was deported back to Viet Nam. Upon returning back to Viet Nam, she wished to apply for a legal passport to allow her to return to her family in China.

Recommendation 4 | Strengthen practical collaboration between Chinese and Vietnamese anti-trafficking personnel, particularly along and between border provinces, to investigate and disrupt broker-trafficker networks. Focus investigations and operations on disrupting the broker-trafficker networks that make large amounts of money by recruiting, deceiving, and transporting Vietnamese into the most exploitative situations. Such investigations could focus on Mong Cai in Quang Ninh province as the top major crossing point into Guangxi province, as well as Hekou market and Gejiu county as major destinations in Yunnan province.

7 VICTIM SCREENING, REPORTING CASES & VICTIMS' NEEDS



At this point in the journey of the Vietnamese migrants and victims, they have left their home villages, and crossed the border into China — some with better outcomes than others. This section explores the last two parts of their journey: leaving their workplace and getting arrested and deported; and then, in their present state, their reflections on their experiences and why or why not victims are willing to seek justice and compensation.

How Vietnamese migrants and trafficking victims end up in deportation proceedings

Of the 93 respondents 67 were deported before reaching their destination. Thus, only the 26 remaining respondents shared information on how they got home after their migration or trafficking experience in China — the four sex trafficking victims, nine marriage trafficking victims, six labour trafficking victims, and seven non-exploited migrant labourers.

Sex trafficking victims. For the four sex trafficking victims, they all began their escape from sex slavery by contacting the authorities and/or family members to get rescued from the brothels by the Chinese police. For one victim, she called her uncle on the Viet Nam side of the border, who crossed into China and alerted the Chinese police, who then rescued the girl. Since her uncle was present, she was never put into an immigration detention centre. For the other three victims, who were rescued together from the same location, their traffickers moved them from their brothel to a secret apartment after other sex trafficking victims escaped. In this apartment, the girls opened the window and cried out, which led to neighbours helping to open the door and call the police. After two days under the protection of police, they were returned to Viet Nam.

All four sex trafficking victims reported being treated very well by Chinese and Vietnamese authorities alike, with some noting:

“The Chinese police treated me like a person who was wronged and in need of help.”

Marriage trafficking victims. Six of the nine marriage trafficking victims had to plan their escape from the slave-like conditions in which they were trapped. Two others were rescued after their friend escaped and went to the authorities (please see the marriage trafficking case study on page 50), while one was arrested and deported for being an undocumented foreigner – unfortunately, after being married for a number of years to her Chinese husband, and with children.

For those who successfully escaped and received assistance, the stories of their escapes are harrowing, as illustrated in the three examples below. They were in detention for two months before their deportation.

“After I left my work at the dumpling shop, I was sent back to my husband’s house. One rainy day, my husband and father-in-law fell asleep, and I ran away. I walked for three hours until I saw a city. I walked around the city but I did not know where to go. By 7 p.m. I saw a bus station, and I sat in front of it for a long time. Next to the bus station was a police station. The police saw me and when they came to talk to me, I narrated my story.”

“I lived with my husband and his family for two years, and they eventually allowed me to go out. I said that if they allowed me to go out, I could learn more and more Chinese language. But then I escaped, caught a bus to the city and went to a police station.”

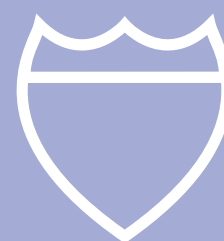
“When the Vietnamese police came to China to find Vietnamese people, my husband’s family became very frightened. They ran to near Beijing, so then I caught a chance to escape. I ran to a police station.”

For the marriage trafficking victim who was trafficked as a girl but then went on to have children with her husband (and wanted to be reunited with them post-deportation), the Chinese police explained to her that she was arrested because she illegally crossed the border. She was in detention for four months in mid-late 2010, and found the conditions difficult. Other escaped victims of marriage trafficking faced similar conditions and reported that officials did not understand their situation, with reports of inappropriate treatment over the time frame of mid-late 2010.³⁶ Basic sanitation and sufficient food were also common unmet needs.

Labour migrants and labour trafficking victims. All undocumented labour migrants and all but two labour trafficking victims entered deportation proceedings after being picked up in an immigration raid and held in detention for between 60 and 90 days (2–3 months). The remaining two labour trafficking victims got so sick from overwork and insufficient medical assistance that they escaped their jobs and were then picked up by the Chinese police as they attempted to travel back to Viet Nam. As above, conditions in detention centres were sometimes given minimal rating, with understanding of their situation by authorities mixed.

Recommendation for anti-trafficking awareness raising programs

| The stories of several of the Vietnamese trafficking victims here, especially the marriage trafficking victims, demonstrate the life-saving role that Chinese neighbours can play in reporting possible trafficking/abuse cases to the law enforcement authorities. The national police hotline **110** is equipped to respond to human trafficking cases, so awareness raising programs and materials should widely encourage conscientious Chinese citizens to understand the possible indicators of human trafficking, and call **110**.



Concerns and needs of victims post-return to Viet Nam

Upon reaching Viet Nam, respondents expressed their gratitude for the positive treatment received by the Vietnamese authorities. Some were particularly grateful to the Border Guards, and to Lang Son shelter for allowing men to have “rice to eat and shampoo for my shower.” Returnees, including men, had their food, sanitation, hygiene and other needs met upon reaching Viet Nam through a new collaboration between law enforcement and shelter authorities.

Desire to see the traffickers punished. While victims of sex, labour and marriage trafficking were all subjected to egregious abuses by their traffickers and exploiters, the victims of these crimes varied in their desire to see their offenders prosecuted, depending on the type of exploitation they experienced. All nine (100 percent) of the marriage trafficking victims stated that they were tricked and wanted to pursue prosecution of their traffickers and exploiters. These victims stated:

³⁶ The Chinese government has since recognized this as an area requiring improvements, responding by changing the policy to ensure that Vietnamese women identified as trafficked persons are sent to shelters rather than detention centres.

*"I want to file charges against those who
had forced me into this path.
I want to bring them in front of justice and
make them compensate for my honour."*

*"I want to punish the person who deceived me and
the person who sold me to my husband in China."*

*"I was tricked and suffered so much.
I want my trafficker to suffer the same amount."*

However, only one of the four (25 percent) sex trafficking victims wanted to do the same, stating that she "wanted to file charges because the trafficker made me lose all my honour." The other three stated that they acknowledge that they were tricked, but they did not want to pursue prosecution. Two of these sex trafficking victims later expressed that they felt this way because they blamed themselves for what happened to them.

Similarly, among labour trafficking victims only one expressed interest in seeing their abusers brought to justice, stating an interest in "punishing the person who deceived me." Similar to the sex trafficking victims, there may be some element of self-blame since labour trafficking victims often start their journey voluntarily going to China to seek work. Additionally, they may not want to blame employers since they may fear it could jeopardize future opportunities to seek work in China.

Future research needs | Why victims do not seek access to justice

Independent research involving victim interviews and focused on the needs and concerns of victims would help to highlight the socio-cultural, economic, security, individual and other factors leading to whether or not they seek justice and compensation for their abuses.



Key finding 7 | Victim identification procedures were not fully in place in these areas in 2010, leading to some victims being deported, sometimes without appropriate assistance. Reported improvements to victim identification and immediate support in shelters on the China side in 2011 and Viet Nam's new anti-trafficking law going into force January 2012 (providing rights to protection for both male and female victims of trafficking of all types) should lead to a significant decrease in the occurrence of these outcomes.

Concerns about recovery and moving forward in life. As with the above analyses, victims' concerns about recovery and moving forward in life vary between victims of sex versus marriage versus labour trafficking. **Table 7.1** illustrates the key concerns of a sample of nine victims — three from each of the three categories of victims.

Table 7.1 | The concerns of a sample of trafficking victims, post-deportation.

Concerns of marriage trafficking victims
1. "I worry about the existing debt that I took for the trip. I also worry about finding a job. I also worry about my trafficker hurting me once I return to my village, since we are from the same place."
2. "I worry about whether I can successfully file charges against my trafficker. I also worry whether my former husband will treat me well ... and about finding a job."
3. "I worry about the acceptance of my neighbours and community, and also about my future because I don't know whether or not I can get married in Viet Nam after all this. Also, I want to learn a trade."
Concerns of sex trafficking victims
1. "My in-laws are very mean to me. I do not want to go back and live in their house. They told me that they spent a lot of money for my wedding and to give to my family. They said they want their money back."
2. "I am worried about my job, and acceptance of the community when they learn that I was a sex worker."
3. "I cannot contact my relatives. Nobody will post bail for me."
Concerns of labour trafficking victims
1. "I worry about finding work in the future, and also about whether my neighbours will discriminate against me or not."
2. "I don't have money to pay my debt."
3. "Now I am very weak, I don't have money to pay my debts and I am unemployed."

Recommendations, from victims to prospective migrants

Due to the lack of awareness about legal issues, the Vietnamese deportees interviewed reported learning a hard lesson. When asked what sort of advice they had for other Vietnamese considering going to China, 53 percent simply replied: "do not go." A further 40 percent said that if they do choose to go, they should ensure that they go through the legal channels. Some of them shared:

"Make sure you have legal documents.

Don't listen to people who tell you nice things because you will be arrested and bring serious consequences to your family."

Sex trafficking victim

"If you go to China without official documents, you can be exploited. You should learn about Chinese immigration law. Make sure you know about Chinese laws concerning migrant workers."

Labour trafficking victim

"Don't go abroad. Nowhere can compare to living in Viet Nam.

If you want to go, you should know clearly the recruiter, working conditions, and should ask for information from returned people."

Marriage trafficking victim

*“Don’t go to China. Life in China is very miserable.
Only poor families want to get married with Vietnamese women.”*

Marriage trafficking victim

Recommendation 5 | Provide social and legal services immediately upon arrival in Viet Nam to deportees who may be victims of labour, marriage or sex trafficking. As of 1 January 2012, services should be extended to male victims as well. Upon return, victims may have immediate concerns about finding employment and addressing urgent financial problems, as well as overcoming social stigma and learning to fully reintegrate back into their former lives — or integrate into a new life. Immediate assistance and information about trafficking victim rights, services and options should be offered to avoid victims feeling that they have no choices and nowhere to turn other than to brokers or other less safe options.

Recommendation 6 | Make longer-term social and legal services available to Vietnamese victims of labour, marriage or sex trafficking, both shelter-based and non-shelter based for those who can live independently but still require some reintegration support. For more community-based reintegration support, addressing the various forms of social stigma that challenge reintegrating male and female victims is encouraged, in addition to psychosocial and economic support as may (or may not) be needed by each individual victim.

8

RECOMMENDATIONS

The six key recommendations that were presented through the report are compiled here. They would benefit from the attention and action of a variety of anti-trafficking stakeholders in both Viet Nam and China including government, non-government and donors.

Recommendation 1 | Strengthen the capacity of Vietnamese and Chinese front-line responders in identifying and assisting foreign victims of trafficking, including male victims of labour trafficking and forced labour. Provide front-line responders with training, tools and information for identifying human traffickers and their victims to help strengthen the law enforcement response to human trafficking. These tools should also be provided for referral to appropriate services. There is also a need to ensure that child migrants (under 18 years) are treated in accordance with their best interests, regardless of whether they are determined to be a victim of trafficking. This is an obligation under the United Nations Convention on the Rights of the Child (CRC).

Recommendation 2 | Make legal labour migration channels more affordable, efficient and accessible to prospective migrants. Such channels and work visas could be limited to certain industrial areas or provinces of China, such as those on the industrial eastern coast. Given the level of industry and shortfalls in low-skilled manpower in these industrial zones, legal and safe migration options for some foreign labourers may be the only scalable solution to preventing labour trafficking into these industrial areas that require this kind of manpower. Improving the channels for safe, formal recruitment of migrant labour and ensuring protection of the rights of those workers would be of benefit to Chinese employers as well, who could have a more stable workforce without fear of their critical low-skilled workers being deported.

Recommendation 3 | Refine and make more specific the content of safe migration awareness-raising, particularly regarding common patterns and tricks of labour traffickers, marriage traffickers and sex traffickers. Specifically address what are known to be the key risk factors, including usage of brokers and the risk of going into debt to recruiters. Include southern Viet Nam as well as northern border areas in these efforts. Encourage safe migration only when enough cash is had to be able to pay costs in advance and avoid going into debt, expanding awareness raising to airport terminals, bus stations, train stations, and over radio and loudspeaker broadcasts.

Recommendation 4 | Strengthen practical collaboration between Chinese and Vietnamese anti-trafficking personnel, particularly along and between border provinces, to investigate and disrupt broker-trafficker networks. Focus investigations and operations on disrupting the broker-trafficker networks that make large amounts of money by recruiting, deceiving, and transporting Vietnamese into the most exploitative situations. Such investigations could focus on Mong Cai in Quang Ninh province as the top major crossing point into Guangxi province, as well as Hekou market and Gejiu county as major destinations in Yunnan province.

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ANNEX 1

DEFINITIONS AND TERMS

Broker, middleman or recruiter

The broker, middleman, or recruiter is an individual that facilitates the migration or movement of a victim from the point of origin to the point of exploitation. In a human trafficking chain, there may be more than one broker. The broker may be a family member, neighbor or complete stranger. The broker may not have direct contact with the victim's family or the end exploiter. The broker may approach the victim to work abroad, but a broker may also be solicited by the victim. While some brokers use force, many others use deceit or fraud to convince the victim to make the journey.

Both the broker and the employer exploiting the victim are normally considered human traffickers.

Deportation

The term deportation means the removal or sending back of a foreign national to their country of origin because his or her presence is deemed inconsistent or illegal under domestic law. In the context of this report, deportation of Cambodian migrants is primarily a result of their irregular status of entering Thailand without proper authorisation such as a visa or work permit or entering with proper authorisation but later violating the terms of that authorisation by working without permission or staying beyond the visa expiration date. Despite their irregular status, under Thai law, victims of human trafficking are exempt from deportation.

Exploitation

Exploitation includes, 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.

Human trafficking

Human trafficking is the criminal and illegal trading of human beings for the purpose of exploitation. Trafficking may occur within a country or across national borders. The Palermo Protocol defines human trafficking as:

- The recruitment, transportation, transfer, harboring or receipt of persons (ACT);
- 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 (MEANS);
- for the purpose of exploitation (PURPOSE).

Irregular migrant or undocumented migrant

An irregular migrant is an individual who migrates from one country to another without the destination country's legal authorisation or a person who has migrated with legal authorisation, but remains after that legal authorisation expired or was terminated. Because it is more neutral and does not carry a high level of stigma, the term irregular migrant, rather than illegal immigrant, is increasingly used by organisations working in the field of migration, such as the IOM.

Minor

National trafficking laws in the Greater Mekong Sub-region generally identify a minor as any person under the age of 18 years.

Repatriation

The term repatriation means to return an individual to his or her country of origin or citizenship. In the context of this report, official repatriation occurs when the Royal Thai Government, after recognising that a Cambodian national and irregular migrant is a victim of human trafficking, and after having provided him or her with the services required by the relevant laws, returns him or her to Cambodia. Though the end result of repatriation is the same as deportation – a return to the home country – repatriation is done in coordination with the Embassy of Cambodia and sometimes with the assistance of NGOs. Official repatriation is presumably done with the best interests of the individual in mind.

Transnational crime

A transnational crime means an offense committed in more than one State, or an offense committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State, or an offense in which the offenders are involved in an organised criminal group of another State or an offense committed in one State, which has effects on another State.

ANNEX 2

STATISTICAL MODELING FOR VIET NAM-CHINA 2010-2011 SENTINEL SURVEILLANCE

Vulnerability

Risk factors for being cheated, exploited, or trafficked were determined through multivariate regression models for the entire sample of 93, which includes cheated vs. non-cheated, exploited vs. non-exploited, and trafficked vs. non-trafficked people. Risk modeling was done using the software PASW 17.0 (previously SPSS). Multivariate regression models allow for multiple possible risk factors to be analysed together, to determine which are really significant, and which may interact with each other. Separating out and quantifying the effects of different variables is important because many factors related to labour migration or trafficking tend to co-vary (such as 'monthly wage' and 'labour industry', which are closely related) or interact (such as 'sex' and 'number of brokers' used, since women tend to use brokers differently than men would).

Best-fit multivariate linear regression models were built when the dependent variable was continuous (i.e., a numeric scale), for example 'amount of broker fees paid.' Spatial vulnerability – that is, mapping hotspots of source hubs for migrants and trafficked persons, destination hubs for exploitation and trafficking, and trafficking routes – was achieved through GIS mapping, with the SPSS/PASW variables for districts, provinces, and other geographic localities using codes compatible with GIS software.

Labour exploitation and trafficking

Elements of labour exploitation were measured in several different ways in the sentinel surveillance survey, for cross-checking. Separately, none are perfect, but together they help to construct a nuanced picture of the working conditions of the respondent. There were three main categories of measurement of labour exploitation:

1. Threats, control, violence, and restriction of movement. Reports by the respondent of the presence of control elements in the workplace, for example:
 - a. Armed guards (yes/no)
 - b. Withheld passport or work permit (yes/no)
 - c. Fences or locks on doors restricting movement (yes/no)
 - d. Levels of violence in the workplace (scale rating from 1 to 5)

- e. Levels of freedom of movement (scale rating from 1 to 5)
 - f. Ability to contact friends or family (yes/no)
2. Working conditions: Reports by the respondent about various elements describing working conditions, for example:
 - a. Number of hours worked per day
 - b. Number of days worked per week
 - c. Perceived safety of work (scale rating from 1 to 5)
 - d. Perceived working conditions (scale rating from 1 to 5)
 3. Financial controls and exploitation: payments and deductions: Reports by the respondent about possible financial control and coercion elements, for example:
 - a. Fee
 - b. Expected salary, actual salary, and the difference between their expected and actual salary
 - c. Amount of salary removed for deductions (and how much, and what kinds of deductions)
 - d. Amounts of debt incurred by the migration/trafficking process, and to whom the person was indebted

Post-trafficking interventions and needs

It was important to capture the needs, concerns, and suggestions of migrants and victims, including their experience with government and NGO responders, and recommendations for how migration can be made safer and more beneficial for everyone involved. For example, respondents provided information on:

1. How they came to leave their workplace (open-ended responses that were categorised post hoc for analysis)
2. Their pre-deportation detention (where, how long, and descriptions of the conditions and treatment)
3. Whether and how they were screened/interviewed
4. [If exploited or trafficked] Whether they reported the case, to whom, the response, whether they are interested in seeking compensation and/or justice, and why or why not
5. [If exploited or trafficked] Assistance they may be interested in (for example, job placement, medical, legal, etc.)



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