



Making every child matter ... everywhere

# The trafficking of women and children from Vietnam

2011

Child Exploitation and Online Protection Centre  
in association with the British Embassy, Hanoi



British Embassy  
Hanoi

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## 1. Introduction

In December 2010, the Child Exploitation and Online Protection (CEOP) Centre produced its annual Strategic Threat Assessment (STA) on the current picture of child trafficking in the UK. This was CEOP's third national assessment on child trafficking and examined the intelligence collected from front line law enforcement, children's services and non-governmental organisations (NGOs) across the UK between 1 March 2009 and 29 February 2010.

These strategic threat assessments are used to identify key trends and intelligence gaps. CEOP has also produced a number of bespoke assessments covering these trends and gaps in more detail to increase the knowledge of all stakeholders in the child trafficking and child protection arenas. These reports include *Children and Young People Encountered in Cannabis Farms* (March 2009); and *Child Trafficking for the Purpose of Benefit Fraud* (October 2010).

The 2010 CEOP STA's largest identified trend was the trafficking of Vietnamese children into the UK. The report identified 58 children potentially trafficked from Vietnam to the UK over the 12 month period of the study. 37 of these were exploited in cannabis farms, with a number being exploited in brothels, nail bars and for street crimes purposes (selling illegally copied DVDs, or breaking and entering offences).

Whilst this report was being edited, CEOP were contacted by the Migration and Organised Crime Team at the British Embassy in Hanoi, Vietnam. The Foreign and Commonwealth Office (FCO) were also aware of and concerned about the number of Vietnamese children arriving in the UK irregularly. The FCO were also concerned with another apparent trend which had begun to develop in February 2010, namely, a number of Vietnamese girls flying into the UK undocumented, claiming asylum and subsequently going missing from care. Debriefing indicated that three girls in particular, who were trafficked via air for sexual exploitation in the UK, were previously exploited in brothels in China. The FCO were keen for CEOP to establish whether there was any evidence to suggest the Chinese connection may represent a new trend. CEOP were asked to carry out a FCO-funded fact-finding trip to Vietnam to gain a better understanding of child trafficking issues at source. Visits to Vietnamese government departments, NGOs and international humanitarian organisations

(such as UNICEF and UNODC, and the International Organisation for Migration) were arranged to get an overall understanding of the trafficking in people (TIP) challenges facing Vietnam, and to assess what infrastructure was available to provide for victims and combat trafficking networks. This report aims to inform stakeholders of the situation in Vietnam and to examine causal factors in the recruitment and facilitation of victims. By identifying and sharing these factors, the governments of the UK, Vietnam and neighbouring countries will be in a more informed position to address these issues.

## **2. Executive Summary**

- Between 2005 and 2009, approximately 6,000 women and children were identified as being trafficked from Vietnam (official Vietnamese government figure from Programme 130 – see section 3). Some 3,190 were trafficked to China (mainly from north and central provinces of Vietnam) for the purposes of forced marriage, or to be sexually exploited in brothels. Other victims were trafficked to Cambodia (mainly from southern provinces of Vietnam), Malaysia and onwards to the rest of the world. It is thought that a significant number of victims are trafficked directly, or through Cambodia, to Lao Peoples Democratic Republic (PDR), but figures have not been quantified.
- The official figures do not accurately reflect the scale or demographics of the problem - for example, they do not account for men who have been trafficked. Draft legislation on male trafficking victims was referred back, for revision, to the drafting Committee during the last session of the National Assembly. Support mechanisms and research for male victims needs to be developed.
- Revision of Vietnamese legislation is needed as there is currently inadequate support and recognition for self-identified and self-rescued victims of trafficking.
- There have been a number of Vietnamese girls flying into London Heathrow undocumented, claiming asylum and then going missing from social/foster care in a *Modus Operandi* (MO) familiar to those who have dealt with the trafficking of Chinese children to the UK. Furthermore, in 2010 at least three Vietnamese girls

stated they had been sexually exploited in brothels in China before being trafficked to the UK.

- Vietnamese illegal border-crossing points, locally-issued border passes, apparent lax Russian visa application controls and poorly regulated overseas labour schemes visas are successfully exploited by Vietnamese facilitation and trafficking networks, and individuals.
- Access to support for trafficking victims varies significantly across Vietnam; many rural and isolated regions targeted by traffickers are not able to access the level of support they need.
- Recruiters are using internet chat rooms to groom children in Vietnam. Internet penetration in Vietnam is estimated at 26%<sup>1</sup> currently, although Vietnam is the fastest growing internet country in the region and among the countries with the highest growth rates in the world<sup>2</sup>.
- Traffickers exploit the necessity to work overseas when recruiting victims of trafficking. Most victims from poor rural provinces believe they are being smuggled, rather than trafficked. But they and their families are commonly put into debt bondage, borrowing from money lenders who are often connected to the trafficking networks.
- There has been some confusion amongst UK law enforcement agencies in relation to mechanisms for seeking assistance with investigations within Vietnam. There is a Mutual Legal Assistance Treaty (MLAT), signed in 2009, and a pre-existing MOU dating from 2006. The UK Crown Prosecution Service (CPS) has produced guidance for UK law enforcement to clarify when to use which channel.
- Vietnamese children reach adulthood on turning 16 years of age.

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<sup>1</sup> Cimigo, *'Vietnam NetCitizens Report: Internet Usage and Development in Vietnam'*, March 2010

<sup>2</sup> Ibid.

### 3. Anti trafficking infrastructure in Vietnam

#### 3.1 Programme 130 and the National Plan of Action

Programme 130 is the Vietnamese government's cross-cutting response to human trafficking. It is led by a Deputy Prime Minister and co-ordinated by the Ministry of Public Security (MPS). Programme 130 grew from the United Nations Mekong Region Projects' Initiative which centrally co-ordinates anti-trafficking efforts in the Mekong region of South East Asia. This process is facilitated by the United Nations Inter-Agency Projects (UNIAP) on Human Trafficking through the Co-Ordination of the Mekong Initiative on Trafficking (COMIT). COMIT helps co-ordinate the cross-cutting response under Programme 130, with Vietnamese government departments working in partnerships with international organisations, NGOs and donors. Bi-lateral agreements between Vietnam and Cambodia (2005), Vietnam and Thailand (2005) and Vietnam and China (2009) have been signed, soon to be followed by a further agreement with Malaysia. Each agreement enables co-operation between Vietnam and the neighbouring country in identifying, protecting, offering safe repatriation and reintegration to victims of trafficking; and joint investigation and information sharing in order to prosecute offenders.

The Vietnamese Government published the National Plan of Action (NPA) on Criminal Trafficking in Women and Children in 2007.<sup>3</sup> It consists of four main components:

- i) communicating with and educating communities on trafficking;
- ii) combating trafficking in children and women;
- iii) receiving and supporting women and children victims returning from abroad;
- iv) developing and strengthening a legal framework in relation to prevention and combating criminal trafficking in women and children.

The MPS in conjunction with the Ministry of Labour, Invalids and Social Affairs (MOLISA) and the Ministry of Finance develop policy for identifying and receiving trafficked victims returning from abroad, with guidance documents written by the MPS. MOLISA have the lead on community reintegration of trafficked victims back into Vietnamese society.

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<sup>3</sup> A new NPA is currently being developed for 2011-2015

### **3.2 Trafficking legislation in Vietnam**

New legislation was passed in the National Assembly, on 20 March 2011, but it has not yet been reflected in the Penal Code. Currently Article 119 (Trafficking in Women) and Article 120 (Trading in, Fraudulently Exchanging or Appropriating Children) of The Penal Code are used to prosecute the offence of buying and selling people. There is a general feeling amongst many NGOs that often sentences are too light, despite a maximum sentence of 20 years imprisonment in relation to trafficking women, and life for child<sup>4</sup> trafficking.

To be recognised as a victim of trafficking, the victim has to be deemed as such by the authorities in both the destination and source country. In Vietnam, there are two competent authorities, depending on where a trafficking case is reported. On the land and sea borders, the Border Guards' Command (Ministry of National Defence) is the competent authority. At international airports, the Ministry of Public Security (MPS) is the competent authority. Where a trafficker can be identified and prosecuted, investigations are carried out by the MPS and prosecutions mounted by the Supreme People's Procuracy (SPP).

### **3.3 Reintegration, rehabilitation and awareness raising**

In 2007, the Vietnamese government introduced the Receiving and Reintegration Programme, under law 106 to protect, identify and offer assistance to victims. The MPS and MOLISA work with international organisations and NGOs to raise awareness of trafficking at a local level through education programs, such as those run by the Women Union's (WU) Safer Migration Programme and Alliance Anti-Traffic's (AAT) teacher education programme. Trafficking shelters, such as Pacific Links Foundation shelter for trafficked girls in Lao Cai, have been set up to accommodate and care for victims. Such shelters, together with government reintegration programmes, provide vocational training and support mechanisms for victims. These processes are being reviewed for inclusion in the MPS's 2011 NPA.

Recognised victims are also entitled to legal aid mainly through support in obtaining permanent residence and identity documents for themselves and their children. Many have also received legal counselling and support in denouncing their traffickers, although some

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<sup>4</sup> In Vietnam a person is considered a child up to the age of 16

fear to do so because of close links between the trafficking networks and their communities.<sup>5</sup>

A Save the Children study<sup>6</sup> identified that only 25% of school age children wanted to go back into education after they were trafficked. Most prefer to find work, predominantly in agriculture. This is mainly due to economic hardship, although long periods of absence from the education system impede re-engagement. The lack of vocational courses was also given as a reason for not entering education. It is likely these reasons will be more valid in remote areas.

Another issue of concern relates to social stigmatisation of victims. The Save the Children report identified that 94% (660) victims returned back to their home community. Women and girls who escape sexual exploitation or forced marriage are often rejected by husbands (some having remarried) and partners, and are occasionally stigmatised by the community, making reintegration difficult. Some women were heavily discriminated against and forced to divorce upon their return.

### **3.4 Issues with access to services**

#### *Geographical disparity in accessing financial and project support*

Poorer and remote regions receive less financial support and access to anti-trafficking initiatives. This is a particular problem as it is these regions from which most victims originate (see section 5.1). For example, the Youth Union<sup>7</sup> lacks networks in rural areas.

The WU plays an active role in awareness raising education programs and has a greater reach across Vietnam than most departments and agencies. The WU is also ideally placed to enlist people of influence in communities to assist in awareness raising activities.

#### *Self identification and access to support*

As stated, victims must be accepted by authorities in both source and destination countries, before statutory assistance is offered and offenders can be prosecuted. This presents a number of problems, as most victims escape from exploitation and return home by

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<sup>5</sup> Report on Assessing the Return and Reintegration of Victims of Cross-Border Trafficking. Save the Children, Hanoi, Vietnam. February 2008

<sup>6</sup> *ibid*

<sup>7</sup> The Youth Union is the junior division of the Communist Party and therefore very influential. The Youth Union is represented across the country although it is aggregated in urban areas

themselves, without their exploitation being evidenced in the destination country. This is more often true of adult victims, who are also more likely to experience further difficulties on returning to their communities. Consequently, prosecutions for TIP are therefore much lower than they should be.

Because of the requirement for government involvement in the identification and rescue of victims, self-rescued and self-identified victims have limited (and often, no) access to government support mechanisms.

*Victim reception*

Bilateral agreements between countries neighbouring Vietnam usually only extend to handing over identified victims of trafficking at the border (i.e. to the Border Guards' Command), with victims receiving no assistance in returning from the border back to their home communities. There are reports (Pacific Links Foundation) of victims being re-trafficked, because of being stranded at the border gate. Furthermore, there are no protocols in place to assess the needs of victims once back in their communities.

*No distinction between women and children.*

The international definition of child trafficking differs to that of adults, which affects victim identification. The needs of adult and children victims will also vary. Currently there are no support mechanisms for adult male victims of trafficking (section 4.2). The United Nations internationally recognised Palermo Protocol defines child victims of trafficking as being under 18, which varies from Vietnamese law where children are defined as being under 16.

More clearly defined policies on TIP are required, with standardised levels of support across the country. Better collaboration and centralised co-ordination will prevent overlap of services, and maximise the availability and efficiency of resources. As highlighted above, current policies need expanding to incorporate self-identifying victims. Continual support is needed from point of identification, and in assessing and providing for needs of victims.

## 4. Trafficking trends in Vietnam, recruitment and debt bondage

### 4.1 Trafficking statistics (women and girls)

Between 2005 and 2009, approximately 6,000 trafficking victims were recognised as such. Of these, 3,190 were identified by Chinese and Vietnamese authorities, resulting in 3,190 court cases.<sup>8</sup> However, approximately 40,000<sup>9</sup> women and children are recorded as missing and are unaccounted for. The authorities are concerned that they may have been trafficked.

Of the certified victims, 60% escaped from their trafficking situation themselves, with 25% being rescued by the police. The remaining 15% were repatriated or were returned as a result of a ransom paid by their families to the traffickers.<sup>10</sup>

60% of victims are trafficked to China, mostly from the central and northern provinces. 30% are trafficked to Cambodia with victims mainly originating in the south. The remaining 10% are trafficked to destinations across the world with Malaysia featuring prominently. Many victims may also be being trafficked, or re-trafficked, to Lao PDR, but figures are not available.

In 2005 and 2006, a study was conducted by Save the Children which interviewed a number of trafficked returnees from 19 northern provinces in Vietnam. This study identified 78.9% to be Kinh Vietnamese and the remaining 21.1% were composed of a number of minority ethnicities.<sup>11</sup> This differs from the national average where 13.8% of the population as a whole are ethnic minorities. The NGO Alliance Anti Traffic (AAT) confirms that large populations of ethnic minorities live in the provinces targeted by the traffickers.

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<sup>8</sup> As stated earlier, to be recorded as a victim of trafficking, the victim has to be recognised as being trafficked by the authorities in the destination and the authorities in the source country. In addition, the trafficker has to be identified and prosecuted. There are also concerns that the correct offender is not always prosecuted or that those lower down the trafficker network hierarchy are prosecuted rather than the organisers.

<sup>9</sup> An accurate figure cannot be provided as there are no national records for missing people. Currently relatives report missing family to the police, who may then forward information to national bodies. It is unlikely that those who have left to find work abroad will be reported

<sup>10</sup> MOLISA

<sup>11</sup> Report on Assessing the Return and Reintegration of Victims of Cross-Border Trafficking. Save the Children, Hanoi, Vietnam. February 2008

## 4.2 Trafficking of men and boys

The focus on preventing and rehabilitating victims in Vietnam is currently centred on females. This is likely to be reflective of the scale and visibility of trafficking women and girls, but also reflects cultural perceptions relating to labour exploitation and of inhibitions of males coming forward as victims. This is beginning to change and amendments to the Penal Code now refer to 'human beings' rather than 'women and children'. The International Organisation for Migration (IOM) is already conducting a research project into the trafficking of men and boys. 80 trafficked boys were identified and interviewed for the report. The survey showed that many were trafficked internally for labour purposes, including begging, working in factories in Ho Chi Minh City, brick kilns and gold mines. In the 2010 CEOP STA, the trafficking of Vietnamese boys to the UK, mainly to work in cannabis growing operations, was highlighted as a recent trend.

## 4.3 Child victims

The NGO Pacific Links Foundation states that, since the recording system commenced in 2005, approximately 1,000 children have been trafficked from Vietnam. AAT claims that, over the same period, 350-500 children have been trafficked to China. The 2010 CEOP STA identified 58 Vietnamese children referred as trafficked to the UK, in the period March 2009 to February 2010.

The 2005-2006 Save the Children study conducted in 19 provinces in northern Vietnam identified 705 women and children returning through Chinese-Vietnamese border gates of which 691 were interviewed. Just under 10% (66) were aged below 18. As this study counted returnees, it is likely that a higher proportion of victims would have been children, if the study had recorded age when first trafficked.<sup>12</sup> In the first nine months of 2010, 47 victims of trafficking were accommodated by shelters operated by the Women's Union. Ten were aged between 14-17 years and therefore likely younger when first trafficked. Some women were trafficked along with their children. The type of exploitation, if any, that occurred to these children has not been identified. The Pacific Links Foundation shelter in Lao Cai currently houses 17 girls rescued from China. All are still aged under 18 and several

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<sup>12</sup> The study was jointly conducted by Department of Social Evil Prevention – Ministry of Public Security and Save the Children

were exploited for periods exceeding one year. Pacific Links Foundation stated that most victims exploited in Chinese brothels were aged over 15, although they had documented cases where the victims were as young as 12.<sup>13</sup>

Cases have been identified where poor families have sold their own children, commonly to couples in China. There is a particular demand for male babies in the agricultural regions of China, as it is believed that they will be able to generate a better living standard for their parents, from working the family land. The Chinese 'one child' policy prevents couples from having a second child, if the first is female. The demand for male babies is partially met by Vietnamese mothers selling their babies. Mothers are sometimes driven to this by having to work and thus feeling they were unable to look after their child.<sup>14</sup> In other cases, Vietnamese girls are sold to Chinese men in order to produce a male baby. Once a son is born, he is removed from the mother who, together with any girl children, might be returned to Vietnam, or sold to a Chinese brothel.<sup>15</sup>

Trafficking of babies internally, as well as externally, has also been recognised as an issue. There are policies in operation currently which create an environment in which TIP can flourish, such as paying a commission to orphanages for each baby successfully adopted. There are also legal difficulties and complexities in adopting children in countries outside Vietnam, designed to safeguard children, which, paradoxically, may encourage would-be adoptive parents to resort to illegal solutions.

Thai authorities recently uncovered a baby selling ring operating out of Bangkok, Thailand and Phnom Penh, Cambodia. They were connected to a Taiwanese surrogacy service which profiled the surrogate mothers on their website. During the investigation, 14 trafficked Vietnamese women were identified as being exploited as surrogate mothers for this company. The women were forcibly impregnated with other women's embryos or raped. The service was designed for wealthy Taiwanese couples with the total process costing \$32,000.<sup>16</sup>

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<sup>13</sup> CEOP also met a girl trafficked when she was 12 although she managed to escape. Visit to Bac Giang. MOLISA

<sup>14</sup> Conversation with Project Officer, Save the Children, Hanoi, Vietnam.

<sup>15</sup> Swedish Embassy, Hanoi

<sup>16</sup> Phnom Penh Post. 1 March 2011

Children are often targeted by traffickers as they are deemed easier to manipulate than adults. More money can be earned by younger girls exploited in sexual exploitation, especially virgins. Pre-pubescent girls are reported to be injected with hormones to bring on puberty. Younger girls are expected to have a greater earning potential, and as such are in greater demand. Where family connivance is suspected, a girl under 14 might adopt her older sister's identity, so that she has identification papers.<sup>17</sup>

70% of all Vietnamese victims of trafficking recorded by the UK's National Referral Mechanism from 1 April 2009 to 31 December 2009 were children.<sup>18</sup> Children were possibly targeted for labour exploitation in the UK, because those identified by the authorities as minors are routinely transferred to non-secure local authority care where they can be pressurised by traffickers, either directly or indirectly through their families, into returning to exploitation.

#### **4.4 Recruitment**

Vietnam's economic year-on-year growth has increased at a rapid rate. The distribution of wealth, however, is uneven and skewed towards urban areas. This increases the economic disparity between cities and rural areas and contributes to rising unemployment in the provinces. This has resulted in increased internal migration to urban areas. The Vietnamese government encourages unemployed people in rural areas to seek employment in overseas labour schemes. Such schemes can be of great benefit to individuals, receiving States and the Vietnamese economy, but many are poorly regulated. This creates an opportunity for organised criminal networks to traffic individuals with greater ease. Typically victims, themselves of low economic standing, come from small towns and villages in economically-depressed, rural areas with high unemployment. The IOM state that recruitment techniques vary depending on the province.

Many people living in economically disadvantaged provinces often lack formal education. While it is compulsory to attend education until the age of 14, 40%-50% of rural children do not continue in education after they reach 14. The 2005-2006 Save the Children report identified that 93.5% (659) of victims had a low education level, including 90 (13%) who

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<sup>17</sup> AAT

<sup>18</sup> A profile of Vietnamese Nationals referred as potential victims of Human Trafficking to the National Referral Mechanism 1 April 2009 – 31 December 2009. United Kingdom Human Trafficking Centre. Published March 2010. Restricted

were illiterate (extremely high for Vietnam); 299 (43.3%) had a primary-level education only; and 250 (36.2%) had a secondary-level education.<sup>19</sup> Culture and tradition dictate that children, especially girls aged 16 and 17, feel that they need to financially support their families through work. Equally, family members, especially parents, will expect their children to support them. This is more pronounced in poorer rural areas creating an environment favourable for recruiting trafficking victims.<sup>20</sup>

The experience of NGOs such as AAT and Pacific Links Foundation is that many girls who are trafficked left education at 14 seeking work, often to support their families. Additionally, many of these girls had behavioural issues, were unhappy at home and were therefore vulnerable to being trafficked in the first place. In a drive to counter this, the government and NGOs, including Saigon Children's Charity, launched an initiative paying girls from poor families, or with behavioural problems, to attend school beyond the age of 14. However, according to Save the Children, money was often given directly to the parents rather than through the schools, preventing the conditionality of finances in return for attendance.

For these reasons and others, trafficking networks tend to recruit extensively in rural areas. Traffickers may be connected to friends and family members of those they seek to recruit, and on occasion may actually be connected directly to the victim<sup>21</sup> or the locality. This helps to win the trust of victims and their family. For example in the province of Lao Cai (located in north Vietnam on the border with China) the Department of Social Evils Prevention of the Provincial Department of Labour, Invalids and Social Affairs (DOLISA) has identified and stopped a significant percentage (estimated at 40%) of potential victims from being trafficked by their boyfriends. DOLISA's profile indicates the boyfriends may often have drug dependency problems and/or have substantial gambling debts. Thus they attempt to generate funds for these addictions by exploiting their partners. This phenomenon has also been observed by AAT in south Vietnam with children being exploited internally or

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<sup>19</sup> Report on Assessing the Return and Reintegration of Victims of Cross-Border Trafficking. Save the Children, Hanoi, Vietnam. February 2008

<sup>20</sup> Summary Report. A Rapid Assessment of the Situation of Migrant Children in Vietnam. Save the Children. June 2006

<sup>21</sup> MOLISA stated that girls have been sold by their boyfriends, some of which they were in long term relationships with

trafficked to Cambodia. Some parents will also exploit their children, in order to fund addictions.<sup>22</sup>

The employment offered by a trafficker can be as simple as a job harvesting rice and a critical time for TIP is on conclusion of the rice harvest in Vietnam and the commencement of the harvest in China. Otherwise, traffickers might pose as recruitment agents and offer their victims lucrative job opportunities in large cities or other countries. Traffickers have been known to offer victims a chance to work in a home in the UK, although the type of work is often unspecified. Traffickers will often make a display of wealth and affluence, dressing well and wearing expensive jewellery. AAT report gifts of laptop computers so that the trafficker can communicate with the victim. Traffickers are manipulative and generally more educated and articulate than those they seek to recruit. This reinforces the idea that they may be able to share in the perceived success of their trafficker; and that the trafficker is a gate-keeper to financial reward. It is possible that the victim may be aware that the activity they are about to engage in, whether cannabis cultivation or prostitution, is illegal, but the trafficker will exaggerate the rewards, while minimising the risks.

The British Embassy and IOM both identified three provinces (Nghe An and Ha Tinh in the north of the central provinces, Quang Binh in the centre of the country) where many of the victims trafficked to the UK originated from. But this may not represent the true picture today. The IOM is currently dealing with victims who were first exploited three to five years ago, have been arrested, served a prison sentence and been deported. Before the trend to exploitation of the central provinces, many victims trafficked to the UK originated from Hai Phong and Quang Ninh in the North. Now the UK may be seeing a trend towards exploitation of victims from the border regions of Vietnam and even of those already being exploited in China.

Common push and pull factors exploited by traffickers include:

- Unemployment and perceived job opportunities overseas.
- Unhappy domestic situation. For example the victim may be in abusive situation, their family may be in debt, or there may be an addict in the family.
- Relatives and friends living in the destination country.

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<sup>22</sup> AAT

- Returning migrants, legal and illegal, who have made a better living for themselves.

Internet penetration within Vietnam is estimated to be 26% and increasing, and internet access is especially sought by children and young people.<sup>23</sup> Most children and young people gain access through schools and internet cafes. It has been reported by the WU, AAT and the NGO CEFACOM (The Centre for Research, Family Health and Community) that traffickers are now using the internet to groom girls.

Traffickers make initial contact through online chat rooms, befriending and building a relationship with the potential victim. If the child or their family cannot afford to use the internet, the traffickers will pay for their access. Eventually they will seek to physically meet up with the child. Often the trafficker is female and only a few years older than the victim, as many are ex-victims who have graduated to recruiters. They will often seek to gain the trust of the girl's family, building a relationship with them. They will offer to take the potential victim shopping in a large city, such as the capital Hanoi. Often the shopping trip will occur and the trafficker will purchase 'gifts', but the girl will soon find out that she is expected to reimburse the trafficker for the purchases. The net result is that the girl will not be returned to her family and she will have become a victim. As a victim, she will be trafficked to a neighbouring country, most frequently China. The system of advancing money in order for the victim to purchase necessities and even luxuries will continue in the Chinese brothel, thus the victim remains in debt bondage. The internet provides a convenient and wide reaching tool to identify potential victims with comparative ease and little expense.

Undoubtedly, there are occasions when parents have been complicit with the trafficking of their child. As previously stated, younger children have more earning potential than older girls and women.

AAT also highlighted concerns with the promiscuity of many young girls, particularly in some remote ethnic minority communities, which traffickers may take advantage of. Education programmes highlighting the dangers of exploitation run by several NGOs are redressing this, although their geographical reach is limited.

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<sup>23</sup> Cimigo, '*Vietnam NetCitizens Report: Internet Usage and Development in Vietnam*', March 2010

AAT highlighted that some girls or their parents will consent to working in a brothel due to the high earning potential. They may also act as recruitment agents for these premises. AAT reported that communities choose a girl to work in a brothel, as the girl will send money back to the community for years, thereby earning vast prestige and the gratitude of the community.

#### **4.5 Debt bondage**

Victims and their families who are duped by traffickers into believing they are travelling abroad for work opportunities are frequently put under debt bondage. Debt bondage occurs when a victim is illegally bound to financial debt determined by the trafficker / trafficking network. The victim is then obliged to carry out the trafficker's wishes, often labour or sexual exploitation, until the debt is deemed settled. The debt commonly covers the inflated cost of travel arrangements, accommodation, food, a work arrangement fee and miscellaneous trafficker fees.

This debt can often be set at an inflated rate and it may take several years to work off. In CEOP's 2010 STA, the level of debt attributed to Vietnamese children trafficked to the UK was identified in two cases as £17,000 and £20,000. The girl who stated she had a £17,000 debt was told she would have to work two years in a cannabis factory to pay off this debt, which demonstrates the extent of the exploitation considering the risks, isolation and time spent working at these venues levied against the high turnover by these criminal enterprises. AAT believe current levels of indebtedness are approximately double the amount of debt, in relative terms, put upon children who were trafficked to the UK three or four years ago.

IOM state that debt bondage is extremely common for children trafficked from rural regions in central and south Vietnam. Debts may not be placed on the victim in their entirety – in many cases parents are expected to pay half of the fees. These families are not able to borrow money from banks, so turn to relatives or money lenders. Money lenders are often connected to the trafficking networks and act as an extra mechanism to further exploit the vulnerable victim and their family, as the debts are often subject to high interest rates. Families will be forced to sell their property to pay off the debts, particularly those secured through banks. Those family members who cannot pay off the debts have been subject to

violence and maiming, and some may have been killed.<sup>24</sup> In one case a girl's hand was burned in a fire as a warning for her family to pay their debts to the traffickers.<sup>25</sup> Such debt-related violence has spilled over to the UK and is currently one of the challenges faced by UK police.<sup>26</sup>

It is likely that debt bondage is an excuse to keep a child in slavery indefinitely. Some victims stated that they were not paid during their exploitation, but others were able to wire money home to their family. One boy stated that he was paid £100 for one or two months of work at a cannabis factory in the UK. It is not known if he was in debt bondage, but it might be assumed by this small amount that most of his earnings were to pay off a debt bond. Trafficking networks have been documented as letting victims send a small amount of their earnings home (which is a substantial amount in the source country) to encourage future recruitment.<sup>27</sup>

In one case, the woman realised that she had been misled about her destination but the trafficker said she could not return home as they had run out of money.<sup>28</sup> Usually trafficked women realise they have been duped once they have crossed the border, but by then it is difficult to escape. The victim is usually unfamiliar with the geography, language and culture of the destination country and will often feel they have little choice but to comply with the trafficker's demands.

## **5. The Trafficking of Women and Children into China**

### **5.1 Crossing borders<sup>29</sup>**

The majority of victims identified as being trafficked from Vietnam are exploited in China. Once victims have been recruited, traffickers need to circumnavigate border controls. The Chinese and Vietnamese border stretches for approximately 1,200 km, which in addition to border gates contains numerous smaller paths, many through remote and forested areas.<sup>30</sup>

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<sup>24</sup> IOM

<sup>25</sup> MPS

<sup>26</sup> Gwent police force

<sup>27</sup> 2010 CEOP STA. December 2010

<sup>28</sup> MOLISA

<sup>29</sup> The vast majority of information obtained related to the trafficking across the Chinese / Vietnamese border

<sup>30</sup> i) Report on assessing the return and reintegration of victims of cross border trafficking. Save the Children. February 2008. ii) Discussion with victims of trafficking facilitated by MOLISA

This creates obvious resource difficulties in policing this border, not to mention the larger borders with Lao PDR and Cambodia.

There is also an issue with illegal and semi-legal border crossing points, many of which are located near to official border checkpoints with China and can be seen clearly from the main roads in Lao Cai, Lang Son and Mong Cai.<sup>31</sup> Semi-legal crossing points allow for goods to be transported across the border at a reduced rate of tax, providing doing so supports local commerce. Goods are frequently carried by local porters, who do not produce identity papers. Furthermore, there is a local pass that can be used in lieu of a passport, which is issued by the Border Guards' Command and the provincial Immigration Department.

The satellite image below<sup>32</sup> shows a number of these crossing points in and around Mong Cai (see map below). The Wildlife Conservation Society, concerned with the cross-border smuggling of live animals and animal products into and out of China through Mong Cai, have used satellite mapping in conjunction with on-site investigation to identify a number of illegal crossing points (points 1, 2 and 5), semi-legal points<sup>33</sup> (points 3 and 6) and the legal crossing point (point 4). The illegal points are used to avoid import and export taxes for goods and move contraband. They have also acted as points to illegally facilitate or traffic people.<sup>34</sup> The Border Guards maintain they do search consignments for contraband and this is the excuse given for being present at illegal crossing points. Many of these checkpoints are located within a short distance of the legal checkpoints in Mong Cai and fall within the Border Security Area, where a permit is required for entry.

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<sup>31</sup> British Embassy, Hanoi, Vietnam

<sup>32</sup> Produced by the Wildlife Conservation Society, Hanoi office. December 2010

<sup>33</sup> These points are for trade in the locale immediate to the border. Import and export taxes here are charged at a lower rate

<sup>34</sup> Most NGOs and government departments visited stated that victims were trafficked over illegal crossing points



Figure 1. Satellite map of Mong Cai. Vietnam is located south of the river. Point 4 is the legal border checkpoint and points 3 and 6 are the semi legal checkpoints. Others are illegal entry points. Map supplied courtesy of the Wildlife Conservation Society, Hanoi.



Figure 2. Semi-legal checkpoints in Mong Cai. Referring to figure 1, the picture on the left is at point 6 on the map and the picture on the right point 1.

British Embassy officials have observed people crossing the border illegally, bypassing all controls, at Lao Cai, Lang Son and Mong Cai. In the case of Lao Cai, people could be seen crossing the river immediately below the bridge that formed the official crossing point (see picture on the right below).



*Figure 3. Crossing points in Lao Cai. The picture on the left shows an illegal border crossing point taken from the Vietnamese side of the border looking onto the Chinese side. The picture on the right is taken from the same perspective, but shows the legal check point. Below the bridge an illegal crossing (with no border guards) operates until 4pm, when the legal check point opens.*

In the border region there is a free economic zone with relaxed border controls<sup>35</sup> (the semi-legal crossing points are evidence of this). Those who live on both sides of the border freely move across to work, visit family or shop on the other side. Traffickers have taken advantage of the system allowing porters issued with passes to move freely across the border, when delivering shipments. Those trafficked are sometimes given these border passes and cross into China with groups of genuine porters. Victims would agree to this, because they believe they are being smuggled into China in order to take unauthorised employment.

## **5.2 Control and coercion<sup>36</sup>**

As covered earlier, debt bondage is the most common tool used to control victims, placing them in exploitation for an indeterminate period, until they have worked off debt which frequently covers transport, food, rent and other miscellaneous costs. In reality, it is likely to be until their earning potential has eroded to the point where it is no longer worth keeping

<sup>35</sup> Report on assessing the return and reintegration of victims of cross border trafficking. Save the Children. February 2008

<sup>36</sup> Discussion with victims of trafficking facilitated by MOLISA

them in exploitation. Traffickers often confiscate travel documentation belonging to victims to prevent their return to Vietnam, and to suppress any thoughts of escape. This also prevents victim identification by authorities, making it difficult to assign age or nationality to the victim. Without such details confirmed, the victim is unlikely to be recognised as such.

Women and children trafficked into China are commonly threatened with violence if they do not comply with their exploitation, be it prostitution or forced marriage. This process, known as seasoning, usually happens in the initial stages of exploitation, when the victim is most resistant. Those who resist are often threatened with a form of exploitation perceived as more degrading or in a more remote area, further from the border (representing escape and home). For example, those initially exploited in brothels or forced into marriage are threatened with marriage to an older man. Those already in forced marriage might be threatened with being sent to work in a brothel. If threats are not effective, victims will be systematically raped and beaten. One 40 year old woman who was sold to a 63 year old Chinese man initially refused to be his wife. Her trafficker told her that if she did not comply he would place a bucket over her head and beat the bucket until she agreed. Victims are also routinely subject to restricted movements greatly reducing the possibility of escape.

AAT stated that women and girls exploited in certain brothels had been tattooed as a sign of ownership. This demonstrates how victims are often treated as a commodity rather than a human being.

MOLISA reported even more extreme cases of violence used to ensure compliance. For example one victim who was caught trying to escape had her hamstring cut with a knife to prevent her from running away in the future. There was also a report where a non compliant victim was murdered, cut into pieces and disposed of in a river. There are also suspicions of murder and organ harvesting. These stories may be apocryphal, spread by traffickers to instil fear in victims and coerce them into compliance.<sup>37</sup>

Victims have been forced by traffickers to phone their families to reassure them they are well and have legal work, so that relatives do not report family members missing and alert the authorities.

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<sup>37</sup> AAT

### 5.3 Exploitation

The two most common exploitation types in the cases of women and children exploited in China were forced marriage and prostitution, with labour exploitation and domestic servitude also significant. It is common for Vietnamese women to be married to a Chinese man<sup>38</sup> significantly older than they are; three of five women interviewed by CEOP were sold to men aged at least 20 years older. Their time in exploitation varied between two years and 14 years.

Some of the women were already married with children when trafficked. Traffickers did not appear to target single women but were opportunists often using family connections to gain trust. Two of the victims interviewed said they were sold for 5,000 Chinese Yuan (£475) and 5,500 Chinese Yuan (£523) respectively. Many of the women were re-trafficked into a further servile marriage at a later date. In one case a victim thought her Vietnamese friend was helping her to escape exploitation, but instead she was sold by her friend to another man.

Many younger women and girls are trafficked to work in brothels in China, close to the border with Vietnam. 177 brothels have been identified in this region.<sup>39</sup> Each brothel houses approximately 20 to 60 women and girls, mostly from Vietnam. Some victims of trafficking graduate to become traffickers themselves, and some eventually become madams of brothels. The brothels in question appear therefore to be organised by Vietnamese rather than Chinese criminality. There is no evidence that these brothels are frequented by anyone other than indigenous Chinese. Northern Vietnamese women bear many of the physical characteristics of southern Chinese women and seem to be sought after by southern Chinese men. The gender imbalance caused by China's one-child policy appears to have left Chinese men with a shortage of southern Chinese women which is being filled with willing and unwilling northern Vietnamese women.

### 5.4 Escape and removal from exploitation

As previously stated, 60% of victims escaped from their exploitive situation themselves, with 25% (particularly younger women and girls) being rescued by the Chinese police.<sup>40</sup> Of the

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<sup>38</sup> In a number of cases Vietnamese women were exploited by Vietnamese men living in China

<sup>39</sup> Pacific Links Foundation

<sup>40</sup> These statistics refer to all returning victims, not just those from China

trafficked women interviewed by CEOP<sup>41</sup>, many learnt to read Mandarin in exploitation and then made their own way to the border by reading road signs. Some engineered opportunities for escape, gaining sympathy from mainly Chinese friends who provided money for transportation. One woman who had been in a forced marriage for a number of years and had gained the trust of her exploiter, was allowed to return to Vietnam to see her children, on the condition she bring them back to China. She never returned to China.

Chinese police intervention plays a significant part. During raids on brothels, Chinese police have identified victims of trafficking; otherwise, the police act on information received from rescued victims, families of victims, and concerned members of the public who approach the police themselves.

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<sup>41</sup> Discussion with victims of trafficking facilitated by MOLISA

## 6. Victims trafficked to the UK

### 6.1 Labour contracts and travel visas

Vietnamese workers who accept overseas labour contracts or work abroad greatly help to strengthen the Vietnamese economy. However, a proportion of this income and subsequent investment is derived from the proceeds of crime. The UK and Canada are two countries where Vietnamese criminal networks are prominent in the illegal cultivation and supply of cannabis. In the UK, the proceeds of these crimes are laundered through Vietnamese businesses such as nail bars. Cash profits which reach into the millions are invested back in Vietnam, with cash often physically taken over to Vietnam in luggage. Another common ploy is to use illegal money in the UK to pay school and university fees, while the sponsor lodges an equivalent amount in Vietnamese Dong with the trafficker and his family.<sup>42</sup>

Network members acting as recruitment agents liaise with the trafficking networks to provide 'work' for victims and provide a veneer of legitimacy. But the employment offered will often be working as a gardener in a cannabis growing operation, in the case of boys; or, rather more rarely, girls are offered work in nail bars, or brothels.

The British Embassy and Pacific Links Foundation have raised concerns over government policy in relation to overseas' labour contracts. Tighter controls may have a direct impact on TIP, but they might also potentially impact on financial streams (including legal ones) generated from overseas work and invested in Vietnam.

Although 80,000 legal work visas are issued every year, this does not meet the demand from Vietnamese people for overseas labour contracts. This is therefore another push factor for illegal migration. Most of the 58 children identified as being trafficked to the UK in the 2010 CEOP STA entered clandestinely (although some may have been issued a visa for Russia).

The 2010 CEOP STA highlighted that the first leg of the trafficking route for many children trafficked into the UK was to fly from Vietnam into Russia. According to information supplied by the Russian Embassy, Russia issues approximately 50,000 visas to Vietnamese citizens every year. There are no Russian immigration staff based in Vietnam, and Foreign Service officers issue visas, for the most part without referral and with few, if any, checks.

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<sup>42</sup> British Embassy Visa Risk Analysis

There appear to be few barriers to trafficking networks moving victims into and through Russia. Some will complete the remainder of the journey to the UK clandestinely and soon after arriving in Russia. Return tickets on Aeroflot for flights to Moscow from Hanoi cost approximately £300 and can be readily absorbed in the debt bond.

## **6.2 Girls exploited for residency in the UK**

AAT reported a MO used in recent years to dupe families into thinking they could gain residency in the UK.<sup>43</sup> Parents would choose an underage daughter to travel with an agent to the UK. The child would be raped en route, or before travel, and the victim would apply for asylum on arrival, when medical testing would show she was pregnant. According to AAT, the cost of such facilitation and rape would be in the order of £1,235, and the agents of this MO would claim that provided the victim had lawful residence before the birth of her own child, that child will be born a British national (and would pave the way for reunification of the wider family from Vietnam in the UK).

Current UK policy prevents the return of unaccompanied asylum-seeking children to Vietnam unless it can be demonstrated that there are adequate reception arrangements in place. If it were not possible to establish that adequate reception arrangements would be in place for a returning child, the child would be granted discretionary leave until they reached 17 years of age. Contrary to the MO, however, even if the victim were granted discretionary leave until they reached adulthood, this would not confer British nationality on their child, who would remain a Vietnamese national. Moreover, the fact that the victim of trafficking had discretionary leave would not enable the wider Vietnamese family to apply for reunification.

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<sup>43</sup> AAT stated this MO used to occur a few years ago, but there were no indications of it currently occurring

### 6.3 Vietnamese girls trafficked to the UK via China

CEOP have identified three cases where Vietnamese girls (two were aged 14 and one 15) stated they were initially trafficked to China to be exploited in brothels there, before being trafficked onwards to the UK. From the intelligence received, there were indications that the girls may have been trafficked internally in China and one case where the girl was trafficked around several EU countries (after initially escaping from a brothel in China) possibly indicating she was further exploited en route. 2010 and 2011 have shown an increase in the number of inadequately documented Vietnamese girls arriving at UK airports compared to previous years.<sup>44</sup> These girls have either been trafficked, or facilitated and then have gone missing from local authority care. One case, involving two girls, documented by Heathrow Intelligence Unit, indicated that the girls realised they were coming to the UK for sexual exploitation. As highlighted in the CEOP 2010 STA, nail bars are often used to launder proceeds generated from cannabis cultivation and some trafficked girls are forced to pay off their debt bonds by working there. There are also significant safeguarding issues, such as with children staying with unrelated adults, and with children who go missing from social care. These concerns have previously been identified with Vietnamese children who have been pressured by traffickers and/or family into leaving foster care to re-enter exploitation.<sup>45</sup>

Those exploited in Europe will bring in more money than those exploited in China, due to less availability and higher levels of income increasing prices. The possibility of victims trafficked for sexual exploitation via China seems increasingly likely but needs to be confirmed by debriefing vulnerable girls identified at ports.

Another potential connection is the similarity in MO to that established by Chinese trafficking networks trafficking Chinese children into the UK. This MO<sup>46</sup> consisted of children accompanied by a trafficker who would either take back or destroy travel documentation used on arrival in the UK. False and falsely obtained South Korean passports were commonly used, as South Koreans do not need visas in many European countries, including the UK, and this facilitates ease of movement. Reported routes from China have

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<sup>44</sup> United Kingdom Borders Agency (UKBA)

<sup>45</sup> 2010 STA. CEOP. December 2010

<sup>46</sup> This MO is covered in detail in the 2009 CEOP Child Trafficking STA

often been circuitous and flights to the UK were commonly boarded in other EU, usually Schengen countries. Often these flights were connecting and the child would enter border controls whilst the facilitator continued on to another destination. The child would be instructed to claim asylum at the port controls and with no documentation available to establish identity and age, would most likely be accommodated by the local authority. Subsequently, the child would then go missing from care, often under the instruction of the trafficking networks.

The same MO is now being used widely to move Vietnamese girls to the UK. In the majority of cases arriving at UK airports, South Korean passports have been used. In earlier documented cases, the documents were sometimes kept to facilitate entry into the UK, but more recently they have been discarded or handed over to the facilitator. In most cases where the girl has claimed asylum on arrival and has been placed in care, they have subsequently gone missing and their whereabouts remain unknown.<sup>47</sup> In most cases the facilitator / trafficker accompanied the child through the transit airport controls, but abandoned the child before UK border controls.

It is also worth noting that there are large ethnic Chinese populations living in North Vietnam and also a large ethnic Vietnamese population living in South China. Likewise the snakehead organised crime networks responsible for facilitating and trafficking many Chinese victims across the world are largely indistinguishable from the Vietnamese organised people traffickers operating out of Hai Phong, in Vietnam. However, at this point in time, not enough details are known to verify composition of the networks, routes used, or types of exploitation.

#### **6.4 Mutual Legal Assistance (MLA) with the UK<sup>48</sup>**

On 30 September 2009, a bilateral Mutual Legal Assistance treaty (MLAT) between Vietnam and the UK came into force. Prior to the ratification of the MLAT, a 2006 Memorandum of Understanding (MOU) between the Metropolitan Police Service (MPS), ACPO, Serious and Organised Crime Agency (SOCA) and Her Majesty's Revenue and Customs (HMRC) was the relevant bi-lateral agreement in use. Little use has been made of the MLAT since it came

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<sup>47</sup> Heathrow Intelligence Unit (HIU). UKBA

<sup>48</sup> Mutual Legal Assistance with Vietnam. Report by Crown Prosecution Service (CPS). 2011

into effect, in part because of a lack of understanding of its use. The UK CPS visited Vietnam in October 2010 and subsequently produced guidelines for UK law enforcers seeking to obtain evidence from Vietnam. It is hoped that the guidelines will encourage greater numbers of MLA requests, in line with the frequency of Vietnamese linked offences recorded in the UK. All types of co-operation requested by UK investigators must also be in compliance with Vietnamese domestic law. Vietnam's International Co-operation Department within the Supreme People's Procuracy are willing to answer queries on law and procedure and consider draft letters of request in order to highlight potential pitfalls before their formal submission.

There may also have been some confusion among ACPO forces in relation to specific information needed by the Vietnamese authorities to carry out identity verification requests. To address this, SOCA developed, in consultation with INTERPOL Vietnam, a bi-lingual form for UK law enforcers, listing key details needed. The CPS will monitor future MLA requests in order to assess if options are being correctly used.

## 7. CEOP's International Child Protection Network in South East Asia

The International Child Protection Network (ICPN) is a CEOP initiative that brings together a network of stakeholders across the world who have an interest in protecting children and young people across borders. In Southeast Asia this network consists of the members of Regional Advisory Panels in Vietnam, Cambodia, Thailand and a fourth Advisory Panel in its formative stages in the Philippines. It is intended to add Lao PDR to the network.

In March 2011, in conjunction with the British Embassies across the region, CEOP held a second Regional Child Protection Workshop in Ho Chi Minh City, Vietnam.

This workshop was attended by representatives from NGOs, law enforcement agencies, government ministries and United Nations agencies. Workshops and presentations addressing regional child trafficking concerns were run by regional experts. The event was a forum for collaboration, to discuss regional trends, best practice and to network.

In addition to the workshop there was a safeguarding children training event for teachers and other professionals working with children in Vietnam. The focus was on educating professionals so they can raise awareness and empower children to stay safe online and offline. The course was designed so that professionals can use CEOP resources to build their own lesson plan to educate other professionals, parents and children.

CEOP's training event discussed the need for confidentiality. CEFACOM's study into safeguarding children in an online environment<sup>49</sup> revealed issues with confidentiality in relation to children confiding with their teachers. Incidents of grooming and abuse disclosed to teachers were often openly discussed afterwards. This attitude prevents victims from disclosing allowing abusive situations to perpetuate.

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<sup>49</sup> Only available in Vietnamese directly from CEFACOM

## 8. Conclusion

Whilst the trafficking of Vietnamese children remains the largest identified trend in child trafficking to the UK (CEOP's 2010 STA), many more children (and women) have been identified by the Vietnamese authorities as being trafficked from Vietnam into neighbouring countries, especially China. Vietnamese victims are trafficked into forced marriage or sexually exploited in brothels. There are mounting concerns, stemming mainly from victim disclosures, that a number of Vietnamese girls initially exploited in brothels in China are being re-trafficked to work in brothels in Russia and across Europe, including the UK, at a later date. Furthermore, Vietnamese girls have been detected flying into London Heathrow airport undocumented, claiming asylum on arrival and subsequently going missing from care. This is an MO frequently utilised by Chinese trafficking networks.

Whilst the Vietnamese government<sup>50</sup> is to be commended on its committed approach to developing anti-trafficking legislation and infrastructure to identify, protect and rehabilitate victims of trafficking, and to prosecuting offenders, there is much room for capacity building and streamlining. Access to support services are not universally available and may not be applicable to all victims of trafficking, many of which are recruited from rural and more isolated parts of the country. Development in relation to combating the trafficking of males and supporting the victims is at the earliest stages awaiting legislation to pass in the National Assembly. There are further problems in relation to illegal land border crossings and in the lack of regulation and oversight of overseas labour schemes.

However the Vietnamese government, in partnership with the United Nations, IOM, other international organisations, NGOs and donors, are addressing many of these issues. The UK, through its strategic partnership with Vietnam, is increasing upstream engagement with the Vietnamese authorities. CEOP's ICPN is increasingly exerting influence on child protection in the country and in the wider region, and the CPS is assisting UK law enforcement agencies to access mutual legal assistance support from their Vietnamese counterparts. This strengthening relationship will help each government to better understand the underlying causes of Vietnamese child trafficking and take appropriate measures to combat it.

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<sup>50</sup> In conjunction with the United Nations, other internationals and many NGOs



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