



Precarious Journeys

Mapping vulnerabilities of victims of trafficking from Vietnam to Europe

Cover photo: Florian Wehde





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Pacific Links Foundation envisions a world where communities are free from human trafficking. We break the cycle of human trafficking by investing comprehensively in at-risk youth to prevent trafficking before it starts and in survivors to build a new life. Our counter-trafficking and reintegration programs throughout Vietnam address the root causes of trafficking, working together with local and international partners to provide the most vulnerable populations with access to education, economic opportunities, gender equality, and shelter and reintegration services. For further information see:

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Home Office

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We support safe migration and advocate for increased access to safe migration. We also advocate for a victim-centred approach in combating human trafficking and supporting all victims in the UK, Vietnam and abroad. ECPAT UK, in particular, believes including the voices of young people who have been trafficked and exploited is vital. This report is inclusive of their experiences.



Abbreviations

APOV	Abuse of a Position of Vulnerability
ASEAN	Association of Southeast Asian Nations
CoE Convention	Council of Europe Convention on Action Against Trafficking in Human Beings
EU	European Union
GRETA	Group of Experts on Action against Trafficking in Human Beings
ILO	International Labour Organisation
IOM	International Organisation for Migration
NGO	Non-Governmental Organisation
NRM	National Referral Mechanism
OHCHR	Office of the United Nations High Commissioner for Human Rights
UASC	Unaccompanied Asylum Seeking Child
UNCRC	United Nations Convention on the Rights of the Child
UNODC	United Nations Office on Drugs and Crime
US TIP Report	United States Trafficking in Persons Report
UPR	Universal Periodic Review

The United Kingdom

FOI	Freedom of Information
IASC	Independent Anti-Slavery Commissioner
UK	United Kingdom

Vietnam

DOLAB	Department of Overseas Labour
MOLISA	Ministry of Labour, Invalids and Social Affairs
MPS	Ministry of Public Security
VND	Vietnamese Dong

Poland

KCIK	National Intervention and Consultation Centre for victims of Trafficking
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The Netherlands

COA	Central Agency for Reception of Asylum Seekers
CoMensha	Coordination Centre against Human Trafficking
FOIA	Freedom of Information Act
KMar	the Royal Netherlands Marechaussee

France

OCRTEH	Central Office for the Suppression of Trafficking in Human Beings
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Vietnamese migration map



Some Vietnamese migrants enter the EU on foot, passing through forest areas.



Some Vietnamese migrants enter EU countries on a flight.



Some Vietnamese migrants fly from Hanoi to Moscow, then pass into Eastern Europe and through Central Europe by car or lorry, before moving to Western Europe.



Vietnamese migrants are commonly exploited in garment factories that produce counterfeit goods sold throughout Europe.



Vietnamese people are commonly exploited in the construction industry for periods of time before continuing into the EU.



Marketplaces offering Vietnamese goods and services are commonly the first stop for Vietnamese migrants moving across Europe, with many workers becoming vulnerable to exploitation.



Drug production and nail bars are the most common industries in which Vietnamese migrants are exploited in Europe.



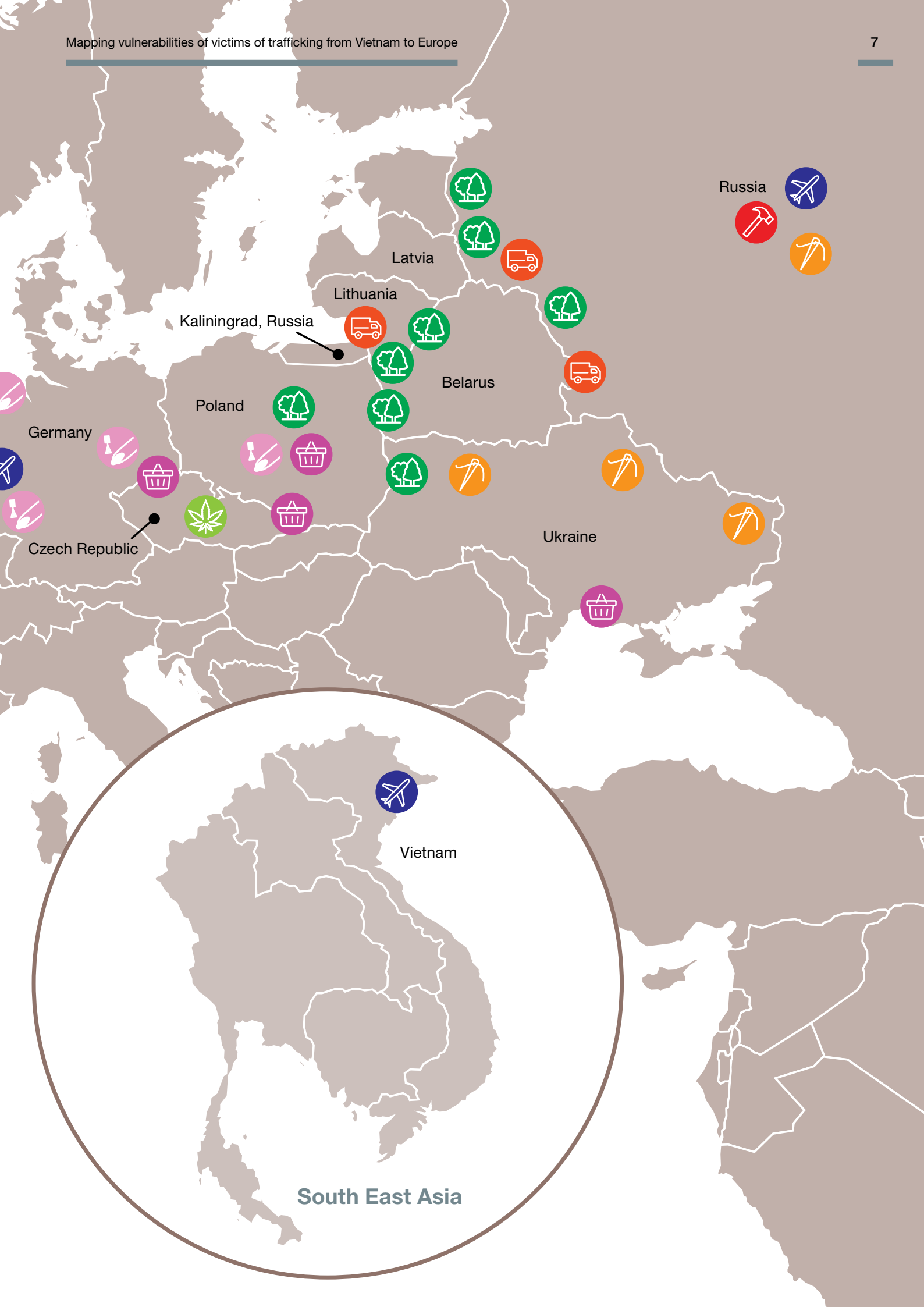
Reports have shown some Vietnamese migrants have used ferry crossings to enter the UK irregularly.

United Kingdom

The Netherlands

Belgium

France



Key Vietnamese phrases referred to in the report

Bọn buôn người/kẻ buôn người = Trafficker

Dịch vụ = ‘Servicemen’ who are professional middlemen specialised in facilitating travel or ‘solving’ administrative issues, for example at the embassy in a transit country (of course, charging their clients a considerable commission)

Đường dây = Smuggling ring. Migrants often refer to the smugglers as ‘đường dây’ or ‘họ’ (generic word for ‘they/them’)

Kẻ đưa người di cư trái phép = Official translation for “smuggler” and only used in reports. Migrants interviewed never use this word to refer to the smugglers

Mất mặt = Losing face

Người quen = Acquaintance

Nghe người quen nói = I heard my acquaintance say that

Nghe người ta nói = I heard them say that

Việt kiều = Overseas Vietnamese (could refer to both Vietnamese nationals who have moved abroad and non-Vietnamese citizens in other countries with Vietnamese ancestry)

Executive summary

“ I was a child who was taken across Europe by people I was scared of. In France, the police didn’t help me and my traffickers found me again. When in the UK, I was treated like a criminal. One thing I would say to the people in Europe is, if it happened to your children, you wouldn’t ignore it. One thing I would say to the UK Government is, why are the victims the ones you treat like criminals? ”

– Vietnamese child victim of trafficking in ECPAT UK’s youth group

This research was conducted by Every Child Protected Against Trafficking (ECPAT UK), Anti-Slavery International (Anti-Slavery) and Pacific Links Foundation (Pacific Links). Over one and a half years the research investigated the issue of human trafficking from Vietnam to the UK, and through Europe; specifically Poland, the Czech Republic, France and the Netherlands to the UK. This report summarises the main findings of the research. It highlights that whilst there are many vulnerabilities which result in a person leaving Vietnam, vulnerabilities are not inherent in all Vietnamese migrants. Situational and contextual factors can increase vulnerability and risk of trafficking across all aspects of a migrant’s journey from Vietnam to Europe.

In recent years, human trafficking from Vietnam across Europe to the UK has gained considerable attention from the UK public, the UK Government and NGOs working to protect the rights of vulnerable victims of trafficking. Motivated by previous reports highlighting an increase of Vietnamese children and adults forced to grow cannabis in the UK or exploited in nail bars,¹ combating human trafficking (or modern slavery) of Vietnamese people has officially been prioritised by the UK Government. This is in part due to the consistently high number of Vietnamese nationals reported as potential victims of human trafficking via the National Referral Mechanism (NRM), the UK’s system for identification and protection of victims. The figures from 2009-2018 show that 3,187 Vietnamese adults and children have been identified as potential victims of trafficking.² For the past few years, both Vietnamese adults and children have appeared within the top three nationalities of those identified as potential victims of trafficking in the UK.³

1 Anti-Slavery International (2014). Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples. See: https://www.antislavery.org/wp-content/uploads/2017/01/trafficking_for_forced_criminal_activities_and_begging_in_europe.pdf

2 National Crime Agency. National Referral Mechanism Statistics. See: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>. Supplemented from information from IASC Report (2017). Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietnamese-nationals-en-route-to-and-within-the-uk.pdf>

3 National Crime Agency. National Referral Mechanism Statistics. See: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>

Despite the growing body of research on human trafficking from Vietnam and the UK Government's renewed commitment to combating modern slavery, vulnerable Vietnamese adults and children continue to suffer exploitation at the hands of traffickers throughout Europe, including in the UK. Identification, protection measures and support for victims are often inadequate, increasing the vulnerability of migrants. Many Vietnamese victims of trafficking transiting through European countries experience long and arduous journeys. They are abused and exploited through forced labour or sexual exploitation, often at the hands of European gangs and traffickers. In many cases, victims are coming to the attention of authorities in European countries, but authorities fail to identify them as victims of trafficking; seeing them as irregular migrants or criminals. Significant numbers of Vietnamese children who come to the attention of authorities in Europe and the UK are going missing from care, never to return. While it is important to recognise the root causes or 'push' factors in Vietnam that influence, or even force, people to emigrate (putting them at risk of trafficking), it is equally important to understand shifting elements of vulnerability in the wider context of transit countries. It is also crucial for European governments, including the UK Government, to take action and implement victim-centred approaches to safe migration and the protection of victims and potential victims of trafficking.

There is limited understanding of the risk of trafficking amongst Vietnamese nationals. Human trafficking is a complex phenomenon that both adults and children in Vietnam are vulnerable to for a variety of economic, social, political, environmental and cultural reasons. These factors are interlinked. People in Vietnam, particularly in rural areas, are vulnerable to trafficking for the purpose of forced marriage, forced labour, sexual exploitation and criminal exploitation. Poverty or economic hardship alone is not necessarily a cause for heightened risk of human trafficking, however when poverty is combined with other factors, the risk can increase. Environmental and man-made disasters pose a threat to communities in Vietnam. They cause loss of homes and livelihoods and force people to migrate, increasing the risk of exploitation. The 2016 toxic waste spill by the Formosa steel factory in Ha Tinh province⁴ devastated the local fishing economy and was cited by some Vietnamese migrants as a factor for leaving the region and migrating to Europe.⁵ Limited freedoms may be an additional factor for an individual to leave Vietnam, as those who speak out against the Vietnamese authorities may face reprisals. Children are particularly vulnerable, for example there are street children in Vietnam who are easily exploited by traffickers. The 1989 UN Convention on the Rights of the Child defines a child as a person below the age of 18.⁶ In contrast, Vietnamese law considers a child as a "human being below the age of 16",⁷ leaving children vulnerable to a lack of protections.

While Vietnam has seen significant reductions in poverty at the national level, reductions are unequal across population groups and regions.⁸ The income gap remains wide and access to employment is concentrated in urban areas.⁹ Populations in rural communities are more vulnerable to risks of trafficking. Across Vietnam there is a lack of access to reliable information

4 The Times, 'Vietnamese fisherman seek compensation after toxic spill', 27 September 2016. See: <https://www.thetimes.co.uk/article/vietnamese-fisherman-seek-compensation-after-toxic-spill-ftx37wwgb>

5 Vu, M. et al., Individual Interview, 'Vietnam City', France, 2 May 2017.

6 UN General Assembly (1989). Convention on the Rights of the Child, Res. 44/25, 20 November 1989, entered into force 2 September 1990, Article 1. See: <http://www.un.org/documents/ga/res/44/a44r025.htm>

7 Socialist Republic of Vietnam (2016), Law on Children, Law No. No. 102/2016/QH13. See: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103522/125796/F-1725767197/VNM103522%20Eng.pdf> (unofficial English translation).

8 United Nations Development Programme (2017). Poverty Reduction in Viet Nam. See: <http://www.vn.undp.org/content/vietnam/en/home/library/poverty/Poverty-reduction-in-Vietnam>

9 Oxfam (2017). Even it up: How to tackle inequality in Vietnam. See: https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-vietnam-inequality-120117-en.pdf

about employment opportunities and recruitment processes, particularly for overseas work.¹⁰ There is pressure, particularly for young people, to improve economic circumstances for themselves and their family. The desire for success and status afforded by material possessions, purchased with funds sent back to Vietnam in the form of remittances, drives many Vietnamese people looking for a better quality of life to take risks with labour brokers who are deceitful and may be traffickers, resulting in victims owing huge debts.

Human smuggling and human trafficking are distinct concepts, but they are often conflated in practice. This is particularly true when discussing the complex migration pathways from Vietnam that may begin as cases of smuggling, but involve exploitation and could turn into trafficking along the journey through Europe. For example, a person may consent to being smuggled on the basis that a job opportunity exists in the UK, however, in reality they have been deceived and are en route to an exploitative situation. This constitutes trafficking. The conflation of terms complicates the picture for practitioners trying to protect vulnerable migrants and victims of trafficking in Vietnam and throughout Europe. In particular, law enforcement authorities in Europe commonly treat occurrences as cases of smuggling rather than trafficking; criminalising people who are in fact victims.

For many Vietnamese people considering migrating abroad, links with diaspora communities and networks in Europe are a major influencing factor in the decision to undertake irregular migration. Connections with social networks also influence the routes and characteristics of Vietnamese migration across Europe. There is a long history of migration of Vietnamese people to Europe. After the end of the Vietnam-American war in 1975, many Vietnamese 'boat people', left destitute, fled Vietnam and relocated across Europe. In the Soviet era, communist countries created formal labour agreements with Vietnam that brought hundreds of thousands of temporary Vietnamese workers to Europe.¹¹ Some workers settled in Europe afterwards and in the following years, waves of Vietnamese migration continued. As a result, large diaspora communities have developed which today play an important role in influencing and enabling Vietnamese migrants to move to Europe. Diaspora networks can provide important and safe links for new Vietnamese migrants without legal status seeking work and opportunities. The same networks can also heighten risks of exploitation through informal employment or possible links to criminal networks. Within Vietnamese diaspora communities across Europe, there are engrained hierarchies and internal divisions, often based on socio-economic status. Some factions are involved in aspects of criminality, including human trafficking. As Vietnamese people migrate through Europe and to the UK, the situational factors they encounter along the way can increase, or decrease, their vulnerability to trafficking and risk of exploitation.

10 US TIP Report (2018). Vietnam. See: <https://vn.usembassy.gov/2018-trafficking-persons-report/>

11 Szymańska-Matusiewicz, G. (2015). The Vietnamese Communities in Central and Eastern Europe as Part of the Global Vietnamese Diaspora, Central and Eastern European Migration Review, editorial. See: <http://www.ceemr.uw.edu.pl/vol-4-no-1-june-2015/editorial/vietnamese-communities-central-and-eastern-europe-part-global>

Key findings which impact on vulnerability

- 1 There are strong socio-economic ‘push and pull’ factors that influence the decision of Vietnamese adults and children to leave Vietnam, heightening their vulnerability to being trafficked. Economic factors cannot be isolated from social, political or cultural ‘push and pull’ factors.**

Key influencing factors include the desire for an improved quality of life, including better opportunities for earning a substantive income that can be returned to the family (and country) in the form of remittances; the desire for heightened social status that can be achieved with material purchases using funds received via remittances; family pressure; lack of education; lack of support for children in need; lack of protective policies and practice; the spread of misinformation by deceitful labour brokers about opportunities abroad; environmental factors; social networks and ties to the Vietnamese diaspora in countries across Europe; and limited freedoms or possible action against dissidents in Vietnam.

- 2 The journey to Europe can be long and complex, with exploitation and abuse of victims present at each stage.**

Journeys commonly begin in Russia, where entry often takes place using a recycled passport. Entry to the EU typically occurs overland via external borders on the ‘Eastern route’, such as Belarus and Ukraine. Common transit countries travelled through en route to the UK include Poland, Slovakia, the Czech Republic, Germany and/or France. Movement takes place overland on foot and in cars or lorries, as well as via plane. New routes into Europe via South America are increasingly being observed. While some passages to Europe are well established, new ones tend to emerge in response to law enforcement observations, investigations and actions that impel smugglers or traffickers to use alternative borders. Smugglers or traffickers adapt their practice to overcome new obstacles or restrictions. This can present new vulnerabilities and risks for migrants, as well as exacerbate existing ones.

- 3 Vietnamese adults and children moving to and through Europe experience fluid and contextual factors that increase their vulnerability to trafficking.**

Exploitation is not restricted to taking place in the ‘destination’ country and can occur at any point in a Vietnamese migrant’s ‘journey’. Whilst pre-existing vulnerability such as (but not limited to) poverty, mental or physical disability, youth or old age, gender, pregnancy, culture, language, belief, family situation or irregular status can contribute to someone being exploited, vulnerability factors should also be examined situationally; for example in the context of ‘transit countries’ where policies in place can increase vulnerability. Someone who was not previously considered to be so, may become at risk of trafficking as their situation changes and consequently their vulnerability heightens. Migrants are resilient and are not without agency; adapting to unknown and evolving circumstances along the way. Acquiring evidence on the specific routes and journeys taken by Vietnamese persons of concern is integral to developing proper protection measures.

4 Governments across Europe are failing to identify and protect Vietnamese victims and potential victims of trafficking, often viewing and treating them as criminals. There is limited data collection to monitor and improve response.

Across Europe and the UK, frontline practitioners have varied levels of training in identifying and protecting victims of trafficking. Limited awareness and understanding of the issue has led to a misunderstanding of common indicators such as criminality. Many victims are being arrested for crimes they are compelled to commit, such as cannabis cultivation or working illegally. Victims reciting similar stories to law enforcement officials has also created a barrier to identification. Practitioners supporting Vietnamese people across Europe noted hearing similar stories that showed signals of trafficking, such as “I am here with my uncle”; “I was in the forest and my parents disappeared”; and “I need to meet my mom at the Eiffel tower”. Many practitioners noted they believe these ‘stories’ are fabricated, and that smugglers instruct Vietnamese people to use them. This has led to victims not being seen by authorities as credible, when instead this should have been seen as an indicator of trafficking. There is also a lack of reliable and consistent data on the numbers of potential victims identified across Europe. Vietnamese people in particular are at risk of ‘getting lost’ in the system because the recording of Vietnamese names on Western documents is tenuous and therefore easy to record incorrectly.

5 Authorities in transit countries view the issue of Vietnamese trafficking as one to be dealt with by the destination country, in this case the UK.

There is a common consensus that all Vietnamese irregular migrants in Europe want to reach the UK. However, the reality is more complex. Not all Vietnamese people make it to the UK; choosing to work for a period, and perhaps settle, in an alternative European country. This transit country mentality of ‘not our problem’, coupled with the myth that all Vietnamese people want to reach the UK, creates barriers to providing protection and support for potential victims, who are viewed as the responsibility of the destination country.

6 Vietnamese communities across Europe are commonly stereotyped and referred to as ‘invisible’ and ‘closed’. Authorities, practitioners and civil society actors in different European countries commonly noted the Vietnamese community was invisible and difficult to penetrate.

The inability to connect with and support potential victims exacerbates their vulnerability to trafficking and exploitation. Practitioners also noted that Vietnamese victims of trafficking and/or exploitation did not self-identify, making it difficult to provide support. The perception that the community is invisible and quiet feeds into the transit country authorities’ mentality that members of the Vietnamese community are not a cause for concern. Other stereotypes of Vietnamese individuals include that they are ‘hardworking’, ‘organised’, ‘entrepreneurial’, ‘low-profile’, ‘they don’t cause problems’ and ‘they don’t ask for help’. These are barriers to identification. In some instances, notably in the Czech Republic, the Vietnamese community was negatively stereotyped as being rife with criminality, heightening the risk of criminalisation of victims.

7 Understanding and working with Vietnamese diaspora communities can provide insight into the connection between Vietnamese diasporas and human trafficking or people smuggling.

The Vietnamese diaspora across Europe is diverse and complex. Their characteristics change between and within each country. There are clear divisions and hierarchies among some diaspora communities, linked to socio-economic status, geographic location of origin in Vietnam and length of stay in Europe. For migrants, a close connection to the Vietnamese diaspora in 'transit countries' can result in varying outcomes. It may minimise the risk of exploitation for some; similarly, it could create risk where connections through the diaspora are used to access vulnerable people. This research has found that diaspora communities in transit countries shape the trends, characteristics and risks of trafficking and exploitation in those countries.

8 There is a lack of communication and cooperation between government officials, frontline workers and NGOs within and between EU countries regarding the migration of Vietnamese nationals to and through their countries.

This lack of cooperation makes it easy for traffickers to operate, as there is limited awareness of what is happening or identification of victims takes place too late. This includes officials in transit countries approaching the issue as a 'temporary' one that should ultimately be dealt with by officials in the 'destination' country. This approach increases the risk of trafficking and subsequently leaves victims vulnerable to inadequate protection and support.

9 Many Vietnamese migrants hold a fear of authorities and of speaking out.

Many Vietnamese individuals have grown up mistrustful and fearful of the police in Vietnam, meaning they may not want to cooperate with authorities in Europe and the UK. Vietnamese potential victims of trafficking in Europe and the UK who are referred to accommodation facilities or sent to detention centres are often afraid to speak out because of fear of reprisals from their traffickers or the Vietnamese authorities. Children in protection often do not want to disclose their names. They believe professionals are connected to the police and are therefore wary of providing information.

10 Debt burden and debt bondage increase the risk of exploitation in transit countries.

The system of debt bondage is prevalent amongst Vietnamese victims of trafficking in Europe. The cost of travelling to Europe typically ranges between \$10,000 USD and \$40,000 USD. Funds for travel are commonly borrowed, or family property is given as collateral. Smugglers demand interest on borrowed money, and the amounts owed can rise quickly. If debt lies with the remaining family in Vietnam, this can be used as a way to pressure and control the victim. The risk of economic exploitation through debt owed to the smuggler is significant because victims and potential victims do not wish their family to lose their home or be in danger. Migrants commonly acquire informal work throughout their journey to pay off such debt and enable them to continue moving.

11 Children are particularly vulnerable to trafficking in Vietnam, transit countries and destination countries. Poor policy and practice results in failures to recognise and protect vulnerable child victims.

Vietnamese children are generally taught cultural norms around respecting their elders and are therefore less likely to ask questions of adults they believe to be charged with their 'care'. This leaves children vulnerable to the harmful intentions of adults. There are also many street children in Vietnam, with little support or education, who are easily deceived by traffickers. Unaccompanied children who turn 18 are particularly at risk of being overlooked and let down in patchy support systems, as well as potentially detained or re-trafficked.

12 Vietnamese children are going missing from the accommodation provided for them by statutory services across Europe and the UK.

This is a major gap in protection. Many professionals do not have a clear understanding of why children go missing, where they go or how to prevent them from going missing. There are varying levels of accommodation offered to child victims and vulnerable migrants; many are unsuitable and increase the risk of children going missing, as well as being trafficked or re-trafficked.

13 Social media and the increased availability of online information about work opportunities abroad play key roles in encouraging and facilitating migration from Vietnam to Europe.

People considering migrating to Europe use social media platforms to gather vital information about work opportunities in Europe, as well as logistical information about migration pathways. Social media is used to deceive migrants about opportunities. In European transit countries, when people are seeking information about onward movement, they often look to social media platforms for information. Vietnamese communities tend to take seriously the advice of family friends or acquaintances. It can therefore be difficult to counter misinformation received through word of mouth or social media, as generally Vietnamese people may place greater trust in the word of acquaintances than information from professionals.

14 Rigid policies to control immigration and growing anti-immigration rhetoric throughout Europe exacerbates the vulnerability of Vietnamese adults and children to trafficking and exploitation.

It is very difficult for Vietnamese nationals to regularise their status in many European countries if they enter irregularly. This leaves them open to being exploited; especially when they must accept informal work. There is a growing view that most Vietnamese nationals transiting through Europe are 'economic migrants'. This view can prevent the identification of their vulnerability and support needs. Strong border controls mean that migrants are forced to take long and dangerous routes.

15 Vietnamese adults and children who are trafficked to Europe and then returned to Vietnam are at risk of re-trafficking and reprisals.

If a Vietnamese national leaves Vietnam via irregular means, is involved in criminal activity or has criticised the Vietnamese Government, there is significant risk to their safety upon return to Vietnam. If victims have spoken to the police and/or still owe a debt to their traffickers, they are likely to be at risk of re-trafficking or reprisals from their traffickers and/or the Vietnamese authorities. There is limited support available in Vietnam for returned victims; leaving them at risk of being re-trafficked or even becoming a trafficker themselves.

Chapter One:

Methodology, background information and definitions

Introduction

This research aims to generate a better understanding of the complex vulnerabilities that increase the risk of trafficking amongst Vietnamese nationals who move from Vietnam to and through European countries. By assessing vulnerability factors that are exploited by traffickers and smugglers in Vietnam and in Europe, our aim is to provide officials, authorities and service providers alike with recommendations for implementing victim-centred approaches to safe migration and the protection of victims and potential victims.

This report focuses on four main areas: 1) mapping the geographical routes taken by Vietnamese migrants into European countries; 2) identifying existing vulnerabilities that put Vietnamese adults and children at risk of trafficking and exploitation; 3) recounting the experience of Vietnamese adults and children who have been exploited in Europe; and 4) clarifying the blurred lines of smuggling and trafficking, including the dispelling of common myths through examining the precariousness of journeys.

The report will primarily examine the situation in Vietnam, the transit countries of Poland, the Czech Republic, France, the Netherlands and the 'destination' country of the UK. To a lesser extent, it will also touch on the situation in Ukraine, Belgium and Germany. Findings show that Vietnamese adults and children face varying degrees of vulnerability in disparate countries, and that a closer look at diaspora communities can provide a greater understanding of vulnerability and motivations to migrate from Vietnam to Europe.

The report will begin by defining some of the key elements linked to trafficking and migration and what is meant by vulnerability. It will also briefly outline the relevant international legislation and cooperative efforts being made to combat human trafficking across Europe and in Vietnam. Chapter two will explore the current situation in Vietnam and highlight the vulnerabilities which influence the decision of Vietnamese adults and children to leave Vietnam, including aspects that heighten the risk of trafficking. It will profile five key provinces that victims of trafficking identified in Europe commonly originate from. Chapter three will explore the journeys taken across Europe by victims and potential victims of trafficking, many of whom are attempting to reach the UK. It will profile the countries of Poland, the Czech Republic, France, the Netherlands and the 'destination' country of the UK, including the history of Vietnamese migration, current national responses to trafficking and gaps in protection in those countries which increase vulnerability. Lastly, the report will highlight the risks of return for Vietnamese

victims of trafficking and hazardous situations they may face if they were to return to Vietnam. At the end of the report there are recommendations for European governments, the Vietnamese Government and statutory agencies on how to improve policy and practice to better protect vulnerable migrants at risk of trafficking. The overall aim of this report is to provide a better understanding of the vulnerabilities that heighten the risk of trafficking amongst Vietnamese migrants leaving Vietnam and migrating across Europe.

Methodology and scope

The primary objective of this research report is to expand knowledge on the vulnerability factors that increase the risk of trafficking to Europe amongst Vietnamese adults and children. The secondary objectives are 1) mapping the geographical routes taken by Vietnamese migrants into European countries and 2) highlighting gaps in protection that exacerbate vulnerability to trafficking in Europe. This report does not aim to be a comprehensive overview of relevant international and/or national legislations pertaining to trafficking in persons in Vietnam or European countries.

Data collection took place in key European transit countries, including: Poland, the Czech Republic, France and the Netherlands. Information was also gathered, but to a lesser extent, from stakeholders from Belgium, Ukraine and Germany. Research was also conducted in Vietnam and the UK. Data was mainly collected through a variety of qualitative methods. Data collection methods included:

- Semi-structured interviews with approximately 105 key informants, including law enforcement, government actors, NGOs and Vietnamese community practitioners
- 6 roundtable consultations in key transit countries, as well as the UK and Vietnam, with approximately 85 stakeholders
- 62 key individual interviews with Vietnamese migrants across Europe
- 17 key individual interviews in Nghe An province with 1) returnees from Europe and the UK 2) family members of migrants who went to Europe/the UK and 3) people intending to migrate to Europe the/UK
- 4 youth consultations with 27 participants in Vietnam and the UK
- Expert reports from key transit countries
- Participatory observation
- Media analysis
- Case study analysis
- Desk based research
- Quantitative analysis of data collected via Freedom of Information requests made to police constabularies in the UK

Limitations of the research

The research was limited by a few factors that may have caused barriers to gaining comprehensive information. Limitations and challenges included:

1 **Willingness of migrants and victims of trafficking to participate in the research**

Most of the migrants who participated in this research had irregular status. It is assumed that their lack of regularised immigration status may have caused an unwillingness to speak openly about their experiences and/or opinions, particularly when responding to interviewers asking questions about their experiences. In the UK, some of the Vietnamese young people supported by ECPAT UK were hesitant to participate in the research because they were concerned about speaking against the traffickers and/or the UK or Vietnamese authorities. Moreover, a fear of the risk of return may have limited the willingness of potential victims to fully disclose personal details or to highlight information about the reasons they left Vietnam, particularly if the information was critical of the authorities in Vietnam. The project partners were aware that young people who participated in the youth consultations in Vietnam may not have wanted to speak openly on any subject which criticised the Vietnamese authorities. Most of the migrants interviewed in Europe, en route to the UK, lacked regularised immigration status in the country where the interview took place, which may have limited their willingness to share information.

2 **Access to, and representation of, all at risk areas in Vietnam**

The majority of meetings and round tables with professionals in Vietnam took place in Hanoi and Ho Chi Minh City. A youth consultation also took place in the Nghe An province. Interviews with Vietnamese people who had returned to Vietnam from Europe, family members of those who had left for Europe and people who were considering migrating to Europe were also held in the province of Nghe An. Nghe An is a common area of origin for those trafficked to and exploited in Europe, though other areas of risk in the country also exist. Therefore the full nature and scope of trafficking from Vietnam to Europe may not be fully represented by the data collected.

3 **Unwillingness of organisations in Vietnam and transit countries to participate in the research**

Prior to data collection in Vietnam, Vietnamese authorities received a schedule outlining the planned meetings and organisations to be visited. The researchers were also briefed about what questions and topics were acceptable for discussion and which were not. This limited the scope of information that could be gathered. Some organisations were not willing to meet and some were cautious about what they shared, which suggests that some information may have been withheld.

4 **Lack of reliable data in transit countries**

Due to a lack of awareness and focus on the issue of trafficking of Vietnamese people across Europe, it was a challenge to find organisations with specific information and experience of working with Vietnamese victims or potential victims of trafficking. Official data on trafficking, exploitation or the number of Vietnamese migrants residing in European countries was also limited.

Definitions

This report does not intend to offer a comprehensive analysis of definitions and legislation related to human trafficking and vulnerability. However, it is important to state how human trafficking and vulnerability are measured in the context of this report. Below are key concepts and definitions we will refer to throughout the report.

Asylum seeker is a person fleeing persecution who has made an application for international protection on the basis of the Refugee Convention, and whose claim has not been determined.

Child is a person under the age of eighteen as set out in the Palermo Protocol and the United Nations Convention on the Rights of the Child (UNCRC).¹² The majority age of 18 is agreed on in all the countries mentioned in this report in so far as they have signed the UNCRC; however, it is important to note that according to Vietnamese national law, the age of a child is anyone below the age of 16.¹³ There are also several exceptions in Russia where a child is considered to be up to the age of 16.

Internally displaced persons (IDPs) are individuals or groups of individuals who have been forced to leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of, armed conflict, situations of generalised violence, violations of human rights or natural or man-made disasters, and who have not crossed an international border.

Migrant is a person who moves from one place to another within a State or across international borders. They may move to find work or different living conditions. Migrants move inside legal channels (**regular migrant**) or outside regulatory or legal channels (**irregular migrant**).

Refugee is a person who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country”.¹⁴

12 UN General Assembly (1989). Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. See: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

13 Socialist Republic of Vietnam (2016), Law on Children, Law No. No. 102/2016/QH13. See: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103522/125796/F-1725767197/VNM103522%20Eng.pdf> (unofficial English translation).

14 UNHCR (1951). Convention and Protocol Relating to the Status of Refugees, United Nations, Treaty Series, vol. 189, p. 137. See: <https://www.unhcr.org/3b66c2aa10>

Human trafficking

All the countries included in this report are legally bound by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) 2000 which supplements the United Nations Convention against Transnational Organized Crime.¹⁵

Article 3, paragraph (a) of the Palermo Protocol defines trafficking in persons as:

“ [T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of Coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹⁶ ”

The EU Directive and the **Council of Europe Convention** both mirror this definition, but add the purpose of criminal exploitation. The EU countries discussed in the report are bound by the EU Directive and have ratified the Council of Europe (CoE) Convention. Russia has ratified the Palermo Protocol, but has not ratified the CoE Convention.

Definitions of trafficking commonly include the three elements below. They will be discussed in these terms throughout the report.

The act (What is done)

Recruitment, transportation, transfer, harbouring or receipt of persons.

The means (How it is done)

Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.

The purpose (Why it is done)

For the purpose of exploitation, which includes sexual exploitation, forced labour, slavery or similar practices, criminal exploitation and the removal of organs.

For children only the act and purpose applies; for legal purposes the means does not need to be proven for child trafficking to have taken place.

15 UN General Assembly (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, vol. 2237, p.319; Doc. A/55/383. See: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en

16 Ibid.

The concept of vulnerability

Vulnerability is a key factor in trafficking. It is through the abuse of one's vulnerability that trafficking may occur. In the majority of trafficking cases there is an abuse of a position of vulnerability; this is intrinsic in the trafficking journey. This has been recognised in the international definition of trafficking, where “**abuse of position of vulnerability**” (APOV) is included as one of the means. The drafters of the Palermo Protocol intended that APOV be understood as referring to “any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved”.¹⁷

A guidance note¹⁸ by the United Nations Office on Drugs and Crime (UNODC) on the abuse of the position of vulnerability enhances understanding about vulnerability in the context of the trafficking definition and includes three main categories:

- 1 **Personal vulnerability** is a type of vulnerability that is inherent to an individual and can, for example, relate to a person's physical or mental disability.
- 2 **Situational vulnerability** is linked to the situation in which an individual is found, and can be significantly reduced through recognising and addressing the factors that created the vulnerability. This type of vulnerability may relate to a person being irregularly in a foreign country in which he or she is socially or linguistically isolated. Migrants are at particular risk of abuse due to their situational vulnerability.
- 3 **Circumstantial vulnerability** is linked to the person's current circumstances and again can be reduced through targeted interventions. This vulnerability may relate to a person's unemployment or economic destitution, which are often push factors that lead people into a situation of trafficking as well.

These three categories of vulnerability are particularly significant in the context of this report when referring to risks faced by individuals in transit countries. Furthermore, the guidance note explains that vulnerability is both **pre-existing** and can also be **created by the trafficker**.¹⁹

An explanatory report to the CoE Convention on Action against Trafficking in Human Beings includes: “[t]he vulnerability may be of any kind, whether physical, psychological, emotional, family-related, social or economic. The situation might, for example, involve insecurity or illegality of the victim's immigration status, economic dependence or fragile health. In short, the situation can be any state of hardship in which a human being is impelled to accept being exploited. Persons abusing such a situation flagrantly infringe human rights and violate human dignity and integrity, which no one can validly renounce”.²⁰

17 UN Office on Drugs and Crime (2013). Abuse of a position of vulnerability and other “means” within the definition of trafficking in persons. See: https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper_-_Abuse_of_a_Position_of_Vulnerability.pdf

18 UN Office on Drugs and Crime (2012). Guidance Note on ‘Abuse of a position of vulnerability’ as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. See: https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Guidance_Note_-_Abuse_of_a_Position_of_Vulnerability_E.pdf

19 For more information see: UNODC (2013). Abuse of a position of vulnerability and other “means” within the definition of trafficking in persons. See: https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper_-_Abuse_of_a_Position_of_Vulnerability.pdf

20 Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings (2005). Council of Europe Treaty Series, No.197. See: <https://rm.coe.int/16800d3812>

This report aims to highlight the vulnerability of Vietnamese nationals in relation to national responses and the international legislation against trafficking in human beings. Vulnerability will be measured against the three elements outlined above; namely vulnerability to the action, means and purpose of trafficking. The report will highlight how Vietnamese nationals are at risk of being trafficked, beginning in Vietnam and continuing throughout their journey across Europe to the UK.

It is important to understand that migrants are not inherently vulnerable, they are not without agency and they may have a high level of resilience. It is also important to recognise by what means a vulnerability arises, as well as when a group or individual can no longer access their human rights. The Office of the United Nations High Commissioner for Human Rights (OHCHR) developed principles and guidelines on human rights protections of migrants in vulnerable situations. It summarised:

“Vulnerability to human rights violations is the result of multiple and intersecting forms of discrimination, inequality and structural and societal dynamics that lead to diminished and unequal levels of power and enjoyment of rights. As a matter of principle, and in order to ensure that every migrant is able to access appropriate protection of their rights, the situation of each person must be assessed individually”.²¹

While there are general vulnerability factors, and some groups may share vulnerability because of their situation or circumstances, particular vulnerability needs to be assessed on a case-by-case basis. Two people in the same situation may have different levels of vulnerability depending on such factors as their resilience, support network and education amongst other factors. The International Organisation for Migration (IOM) have suggested a model which can define the vulnerability of individuals, families and groups in a migration context. It has stated:

“IOM proposes a model that defines vulnerability within a migration context as the diminished capacity of an individual or group to resist, cope with, or recover from violence, exploitation, abuse, and violation(s) of their rights. It is determined by the presence, absence, and interaction of factors and circumstances that (a) increase the risk of, and exposure to, or (b) protect against, violence, exploitation, abuse, and rights violations.”²²

Vulnerable children

The definition of a child implies that they are in need of protection by adults. A child's vulnerability is aggravated when protection systems fail. A child separated from their primary caregivers has an increased vulnerability, as the adult legally tasked with their protection is absent. Adults are also required to act in the best interest of the child as stated in Article 3 of the UNCRC. A child by definition cannot make a decision in their own best interest.

21 UN Office of the High Commissioner for Human Rights (2017). Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations. See: <https://www.ohchr.org/Documents/Issues/Migration/PrinciplesAndGuidelines.pdf>

22 IOM (2017). Protection of the Human Rights and Fundamental Freedoms of Migrants and the Specific Needs of Migrants in Vulnerable Situations, Global Compact Thematic Paper. See: https://www.iom.int/sites/default/files/our_work/ODG/GCM/IOM-Thematic-Paper-Protection-of-Human-Rights-and-Vulnerable-Migrants.pdf

The IOM has developed a model which defines vulnerability in a migration context. This Determinants of Vulnerability model includes the five areas below:



Individual factors

Factors such as age, sex and gender; status in society; past experiences; beliefs and attitudes; emotional, psychological, and cognitive characteristics; and physical and mental wellbeing. These individual characteristics can contribute to a migrant's level of vulnerability or resilience, and mediate the ways in which individuals respond to their environments.

Household and family factors

Factors including one's role and position within the family, and family histories and experiences, are important in determining vulnerabilities as families are typically the first resort for individuals seeking support, particularly for children and youth. Families offer both risk and protective factors against violence, exploitation, abuse and rights violations.

Community factors

Individuals and their families are situated within a broader physical and social community context, and are affected by the broader community's economic, cultural and social structure as well as their position within it. Communities with strong social support networks and resources can offer protection, whereas those that discriminate against certain members of the community may increase risk.

Structural factors

Broadly speaking, structural factors such as historical, geographic, political, economic, social and cultural conditions, as well as institutions at the national, regional and international level influence the overall environment in which individuals, families, communities and groups are situated. These structural conditions can play a significant role in shaping migration decisions.

Situational factors

Factors that can change quickly, such as family separation and reduced access to resources resulting from a humanitarian crisis, can increase the exposure of individuals, families and communities to violence, exploitation, abuse and likelihood of rights violations. As there is tremendous variation in the circumstances of individuals, families, groups and communities, it is not possible to identify all potential situational factors that may have an impact on vulnerability, but it is important to note their existence and potential impact.

Relevant international legislation

This report is not a detailed or comprehensive look at international policy or legislation regarding human trafficking. It simply aims to provide a brief overview of relevant procedures that relate to the vulnerability of potential victims of trafficking. While the effectiveness of incorporating international laws into regional and domestic legislation to prevent trafficking is recognised, it should be stated that this report will focus on recognising and addressing the vulnerabilities of Vietnamese victims of trafficking within both an international framework and regional/domestic legislation.

Preventing or eliminating trafficking through the use of international legislation and law is complex. It is similarly complex to recognise and adequately respond to the vulnerabilities of Vietnamese victims who are moving to and through Europe within international law and legislation. This is in part because of differences in commitment and/or interpretation of international laws and varying levels of national laws. Added to this are the culturally specific challenges which can impact on identification.

International legislation and vulnerabilities

As of 2019, there are 173 parties to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.²³ Provisions within the Protocol state the actions that parties must take, such as: “action to penalise trafficking, protect victims of trafficking and grant victims temporary or permanent residence in the countries of destination. Therefore, if a state is a party to the Convention and its Protocols, it has an obligation to create legislation that supports these provisions at the domestic level”.²⁴

All countries included in this report, namely Belgium, the Czech Republic, France, Germany, Poland, the Netherlands, Ukraine and the UK have incorporated the Protocol into domestic legislation. However, integration and interpretation differs greatly, which can increase the risk of trafficking and exploitation for vulnerable migrants travelling through the respective states.

²³ UN General Assembly (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, vol. 2237, p.319; Doc. A/55/383. See: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en

²⁴ King, L. (2008). International Law and Human Trafficking, Topical Research Digest: Human Rights and Human Trafficking, Human Trafficking, 88-90. See: <https://www.du.edu/korbel/hrhw/researchdigest/trafficking/InternationalLaw.pdf>

Incorporating international law into regional and domestic legislation and varied interpretations

Even if the international legislation is adopted and ratified, vulnerabilities that are country specific are still important to address. For example, in Vietnam, counter to all international legislation that states a child is identified as a person under the age of 18, children are recognised as those under the age of 16. The same applies in Russia. This can increase the vulnerability of children during transit in European countries as they leave Vietnam as an 'adult' but become a child in transit. This can cause challenges in identification. There can also be varied interpretations and responses to the age of consent. In ECPAT UK's experience, some UK police teams do not recognise the sexual exploitation of children, as the legal age of consent for a person to have sexual intercourse is 16. Other child protection specialised organisations have had similar experiences, where a child may not be identified as a victim of exploitation as they are seen as consenting.²⁵

Cooperative efforts

Human trafficking is an international crime and requires an international response, which also recognises the national trends, policies and characteristics of human trafficking. UNODC's Global Report on Trafficking in Persons 2018 recognises the importance of a national approach to responding to human trafficking, noting "[w]hile transnational trafficking networks are still prevalent and must be responded to through international cooperation, national justice measures, strategies and priorities should acknowledge the increasingly national nature of the trafficking problem".²⁶

In November 2018, the UK Government and the Vietnamese Government signed a Memorandum of Understanding (MOU) on human trafficking that aims to enable greater cooperation in protection efforts and intelligence sharing.²⁷ The MOU has not been made public, so the effectiveness of it cannot be commented on.

The EU has taken steps to coordinate and fund anti-trafficking efforts, such as appointing an anti-trafficking coordinator and the creation of the EU Civil Society Platform. A number of funding streams have also been set up. Moreover, there are international instruments that can be used to investigate trafficking, such as Interpol, Europol, Eurojust, European Arrest Warrant, European Criminal Records Information system and Schengen Second Generation Information Services.²⁸ However the effectiveness of these instruments mostly relies on states effectively sharing the intelligence.

25 The Children's Society (2015). Old enough to know better? Why sexually exploited older teenagers are being overlooked. See: <https://www.childrensociety.org.uk/what-we-do/resources-and-publications/old-enough-to-know-better-why-sexually-exploited-teenagers-are>

26 UN Office on Drugs and Crime (2018). Global Report on Trafficking in Persons. See: https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP_2018_BOOK_web_small.pdf

27 UK Home Office (2018). Vital action taken in fight against modern slavery. See: <https://www.gov.uk/government/news/vital-action-taken-in-fight-against-modern-slavery>

28 For more information see: European Commission, Together Against Trafficking in Human Beings. See: <https://ec.europa.eu/anti-trafficking/>

Reports on migrant smuggling and trafficking in human beings to Europol are received from EU Member States. However, there is no obligation for Member States to report to Europol; on the one hand usually the most relevant cases are reported, while on the other hand, specific Modus Operandi may be underreported or under-represented. Hence in certain areas it is a challenge to draw any conclusions or identify trends.²⁹ Despite the implementation of international cooperation, there are still many improvements that can be made. Generally, low levels of victim detection highlights weak cooperation.³⁰

It is important to note that this report was written prior to Brexit, which may impact on the UK's anti-trafficking cooperation with the EU.

29 Data collection in the Netherlands, February 2018.

30 UN Office on Drugs and Crime (2018). Global Report on Trafficking in Persons. See: https://www.unodc.org/documents/data-and-analysis/glotip/2018/GLOTIP_2018_BOOK_web_small.pdf

The migration-trafficking-smuggling nexus

Migration, human trafficking and people smuggling are starkly different concepts. However, they are also interrelated and the concepts are often conflated both in theory and practice. It is widely accepted that trafficking and migration are intricately linked. However, trafficking and smuggling are becoming increasingly conflated and the linkages between the two increasingly complex. This is in part because trafficking and smuggling can bleed into one another, especially when transnational movement (migration) takes place.

To better understand the complexities and connections between the migration-smuggling-trafficking nexus along transnational routes and the implications for Vietnamese adults and children moving through Europe, it is useful to outline trafficking and smuggling in the broader context of migration.

Migration

The IOM defines migration as “[t]he movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification.”³¹ Migration is commonly grouped into voluntary or involuntary movement. While voluntary migration refers to people leaving their home country in search of better opportunities or livelihoods, involuntary migration (often used synonymously with forced migration) refers to people who have no choice other than to leave their home country. Reasons include, but are not limited to, conflict, religious persecution or environmental disaster that pose a threat to their life or livelihood.³²

In short, migration may be chosen freely, or alternatively, it may be forced upon a person as a means of survival because they are escaping disaster, conflict or environmental threats.³³ However, the choice to migrate is not always clear cut. For example, when individuals must leave rural areas to seek work elsewhere because their crops and soil were damaged due to rising sea levels, some may deem this as a choice, whereas others may deem it as a means of survival. When studying the effects of climate change on Vietnamese migration, researchers found that “people are being forced to migrate from the Mekong due to decisions originally taken to protect them from the climate. Thousands of kilometres (km) of dykes, many over four metres high, now criss-cross the delta. They were built principally to protect people and crops from flooding, but those same dykes have fundamentally altered the ecosystem. The poor and the landless can no longer find fish to eat and sell, and the dykes prevent free nutrients being carried onto [rice] paddies by the flood.”³⁴ This exemplifies how people are not always left with a choice about whether or not to migrate. Migration can occur as a necessity or a means of survival, particularly if one’s livelihood is under threat.

31 IOM (2011). Glossary on Migration, International Migration Law Series No. 25. See: https://publications.iom.int/system/files/pdf/iml25_1.pdf

32 Ibid.

33 Anti-Slavery International (2003). The migration-trafficking nexus: combating trafficking through the protection of migrants’ human rights. See: http://www.antislavery.org/wp-content/uploads/2017/01/the_migration_trafficking_nexus_2003.pdf

34 The Conversation, ‘Climate Change Is Triggering a Migrant Crisis in Vietnam’. 9 January 2019. See: <http://theconversation.com/climate-change-is-triggering-a-migrant-crisis-in-vietnam-88791>

See also: Chapman, A.D., Darby, S.E., Hồng, H.M. et al. (2016). Climatic Change, Vol 137, p. 593 – 608. See: <https://doi.org/10.1007/s10584-016-1684-3>

Migration can occur through regular or irregular channels. Regular channels refer to ‘legal’ movement whereas irregular channels infer ‘illegality’. While there is no clear or universally accepted definition of irregular migration it commonly refers to “movement that takes place outside the regulatory norms of the sending, transit and receiving countries.”³⁵ The IOM also notes that sending and receiving countries have different perspectives on what constitutes irregular movement. While the destination country’s perspective is focused on “entry, stay or work in a country without the necessary authorisation or documents required under immigration regulations,” the sending country sees irregularity as “a person cross[ing] an international boundary without a valid passport or travel document [who] does not fulfil the administrative requirements for leaving the country.”³⁶ Notably, the human perspective and the role of transit countries in protecting vulnerable migrants is missing above.

The term ‘transit migration’ emerged in the 1990s to better describe people temporarily residing in one country while seeking to move onwards to another.³⁷ The process is described as unordered and disjointed; for example a person aiming to reach a particular destination is forced to adopt a new plan based on situational factors, such as tightened border restrictions or new opportunities.³⁸ This is a simplified version of a complex concept, but should be noted for the purpose of this report. National responses to this type of migration often take the shape of ‘transit country’ governments believing protection is the responsibility of authorities in the ‘destination country’. In the context of this research, this was particularly true in Poland where authorities referred to their country as primarily a transit country for Vietnamese migrants looking to reach Western Europe.

Trafficking

Trafficking is fundamentally different from migration and smuggling.³⁹ While migration and smuggling require the aspects of movement and free choice, **trafficking requires the movement of people for the purpose of exploitation**, including, but not limited to, the exploitation of their services or labour.⁴⁰ Similar to migration and smuggling, trafficking can occur internally or internationally. Unlike migration or smuggling, trafficking fundamentally occurs on the basis of deceit, force, coercion or the abuse of a position of vulnerability.⁴¹

When movement across borders takes place, smuggling and trafficking are easily conflated because the concepts can interweave with one another and take place simultaneously. One can willingly choose to migrate, or to be smuggled across international borders as a means to migration and still become a victim of trafficking. Smuggling evolves into a situation of trafficking if one is deceived by their smuggler and revokes their consent. The relationship between being a smuggled migrant and being a trafficked person is fluid. Deception, force, coercion and/or abuse can occur at any point in a migrant’s journey, including on arrival in

35 IOM (2011). Glossary on Migration, International Migration Law Series No. 25. See: https://publications.iom.int/system/files/pdf/iml25_1.pdf

36 Ibid.

37 Düvell, Franck (2006). Crossing the fringes of Europe: Transit migration in the EU’s neighbourhood, Centre on Migration, Policy and Society Working Paper No. 33, University of Oxford. See: https://www.compas.ox.ac.uk/wp-content/uploads/WP-2006-033-D%C3%BCvell_Fringe_Migration.pdf

38 Ibid.

39 Anti-Slavery International (2003). The Migration Trafficking Nexus: combating trafficking through the protection of migrants’ human rights. See: http://www.antislavery.org/wp-content/uploads/2017/01/the_migration_trafficking_nexus_2003.pdf

40 UN General Assembly (2000). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, vol. 2237, p.319; Doc. A/55/383. See: https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en

41 Ibid.

the destination country. For example, a person may be promised a specific job abroad that simply does not exist. Or, on the other hand, perhaps a job exists but it is nothing like the one promised and the person is still forced to work in a role or conditions they did not agree to.⁴²

Vietnamese people being smuggled to Europe are extremely vulnerable to being trafficked along their journey as well as in the destination country, which is commonly thought to be the UK. People may be subjected to sexual exploitation and/or forced labour in transit as well as in the destination country, rendering them victims of trafficking. Moreover, exorbitant fees associated with smuggling can leave people (and their family members) in a situation of debt bondage where they have no choice but to accept an exploitive role. In short, people who make a choice to migrate irregularly can become victims of trafficking at any point that exploitation via force, coercion or deception takes place, including along the route or in the destination country.

Conflated terminology and exacerbated vulnerability

With migration from Vietnam fuelled by misinformation, it is easy to see how the concepts of smuggling and trafficking become blurred and conflated. A conflated understanding in practice, particularly amongst law enforcement agencies, can result in victims of trafficking being treated as criminals who crossed a border illegally rather than victims who have been exploited against their will. The unique and complex ways in which smuggling, trafficking and migration interact leaves victims vulnerable to being treated as perpetrators or criminals rather than victims. Conflating the act of smuggling with the act of trafficking in persons is a costly mistake that creates barriers to proper victim identification, protection, support and justice.⁴³

42 Anti-Slavery International (2003). The Migration Trafficking Nexus: combating trafficking through the protection of migrants' human rights. See: http://www.antislavery.org/wp-content/uploads/2017/01/the_migration_trafficking_nexus_2003.pdf

43 Aronowitz, A. (2009). The smuggling – trafficking nexus and the myths surrounding human trafficking, in McDonald, W.F. (ed.) *Immigration, Crime and Justice (Sociology of Crime, Law and Deviance, Volume 13)* Emerald Group Publishing Limited, pp.107-128. See: [https://doi.org/10.1108/S1521-6136\(2009\)0000013010](https://doi.org/10.1108/S1521-6136(2009)0000013010)

Chapter Two: Vietnam

Introduction

This chapter will map the situation in Vietnam, assessing the socio-economic, environmental and political factors which shape vulnerability to trafficking and influence the decision of Vietnamese nationals to leave Vietnam. First, a country profile of Vietnam will be given. Next, five Key provinces from where people are commonly trafficked to the UK will be outlined. Following that, key factors that heighten vulnerability to trafficking will be discussed. This chapter does not intend to be a comprehensive analysis of Vietnam; instead, it provides an introduction and brief overview of the context and profile of the country in relation to risks to human trafficking.

Current profile

Vietnam has a population of over 97 million people⁴⁴, making it the fifteenth most populous country in the world and the eighth most populous country in Asia.⁴⁵ The median age is 30.9 years old⁴⁶ and as of 2016, the child population (those under 18) was nearly 26 million.⁴⁷ Since the implementation of social and political reforms – Đổi Mới – in 1986 and the removal of the US trade embargo in 1994, Vietnam has improved both economic and social growth. GDP per capita has increased dramatically from \$98 USD in 1990 to \$2,385 USD in 2017, with a target of \$10,000 USD by 2035.⁴⁸ Growth is largely boosted by foreign direct investment focused in the areas of the technology, tourism and garment manufacturing sectors.

However, development in Vietnam is uneven and concentrated in urban areas. The World Bank estimates that over 65%⁴⁹ of the total population live in rural areas where education and employment opportunities are difficult to access and inequality remains high, particularly for children from marginalised groups.⁵⁰ There are 54 ethnic groups in the country that have their own language and culture, with the Kinh group making up 86% of the population.⁵¹ While all groups are officially recognised in Vietnam, ethnic minorities lag far behind their Kinh counterparts in development indicators. They experience poverty rates that are five times higher and illiteracy rates that are four times higher than the Kinh population.⁵²

44 CIA Factbook (2019). East Asia/Southeast Asia: Vietnam. See: <https://www.cia.gov/library/publications/the-world-factbook/geos/vm.html>

45 CIA Factbook (2019). Country Comparison: Population. See: <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2119rank.html>

46 CIA Factbook (2019). East Asia/Southeast Asia: Vietnam. See: <https://www.cia.gov/library/publications/the-world-factbook/geos/vm.html>

47 UNICEF (2016). The State of the World's Children 2016: A fair chance for every child. See: https://www.unicef.org/publications/files/UNICEF_SOWC_2016.pdf

48 International Monetary Fund (2018). World Economic Outlook Database, October 2018. See: <https://www.imf.org/external/datamapper/NGDPDPC@WEO/OEMDC/ADVEC/WEO/WORLD/CHN/VNM>

49 The World Bank (2018). See: <https://data.worldbank.org/indicator/SP.RUR.TOTL.ZS?locations=VN>

50 ECPAT International and Vietnam Association for Protection of Child's Rights (2018). Sexual Exploitation of Children in Viet Nam Submission, 9 July 2018 to the Human Rights Council 32nd Session (January – February 2019) UPR Third Cycle (2017 – 2021). See: <https://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-2018-Viet-Nam.pdf>

51 Dang, H. (2010). Vietnam- A Widening Poverty Gap for Ethnic Minorities, East Asia Human Development Sector World Bank, December 2010, Presentation, Hanoi. See: http://siteresources.worldbank.org/EDUCATION/Resources/278200-1121703274255/1439264-1288632678541/7520452-1292532951964/Session2_Dang_Dec20.pdf

52 Ibid.

Trafficking profile

According to the 2018 US Trafficking in Persons (TIP) Report, Vietnam is a Tier 2 country, meaning “Vietnam does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so”.⁵³ Vietnam is mainly a source country for adults and children subjected to sexual exploitation and forced labour.⁵⁴ Trafficking for the purpose of forced marriage also occurs amongst women and girls. Destinations in Asia include China, Cambodia and Malaysia among other countries.⁵⁵ Authorities reported identifying 670 victims in 2017; a decrease from 1,128 in 2016.⁵⁶ Informally, MPS (Vietnam Ministry of Public Security) officials estimated the majority of identified cases involved transnational trafficking in both 2016 and 2017.⁵⁷ 79% of victims within Asia are women and girls, mainly trafficked for sexual exploitation and the average age of victims is 12-14 years old.⁵⁸ Social media is increasingly being used to deceive and lure potential victims into situations of exploitation and vulnerability. Young women and girls are particularly susceptible to this when they develop online relationships with men who coerce them to move abroad and subsequently traffick them for the purposes of labour and/or sexual exploitation.⁵⁹ In Vietnam, the whereabouts of 20,000 citizens are unknown.⁶⁰

There are increasing reports of Vietnamese people being trafficked to the UK and continental Europe for forced labour on cannabis farms and labour exploitation in nail bars.⁶¹ The majority of Vietnamese individuals identified as victims or potential victims of trafficking in Europe and the UK are male. Organised crime networks also play a part in luring people to Europe under false pretences of lucrative job opportunities and subjecting them to forced labour instead.⁶² Debt-bondage, false promises and document confiscation are tactics and controls commonly used by traffickers, and social media is increasingly being used to deceive and lure potential victims into situations of exploitation and vulnerability.⁶³ The Vietnamese Government is demonstrating increased efforts for the elimination of trafficking, such as the establishment of “a new task force to increase law enforcement efforts in vulnerable border areas”, but it has been reported that efforts to protect victims have decreased.⁶⁴

53 US TIP Report (2018). Vietnam. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282780.htm>

54 Ibid.

55 UK Home Office (2018). Country Policy and Information Note Vietnam: Victims of Trafficking, September 2018, Version 3.0. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741212/Vietnam_-_Trafficking_-_CPIN_-_v3.0__Sep_-_2018_.pdf

56 US TIP Report (2018). Vietnam. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282780.htm>

57 Ibid. See also: US TIP Report (2017). Vietnam. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282780.htm>

58 IOM (2018). Vulnerability to Human Trafficking: A Study of Vietnam, Albania, Nigeria and the UK: Report of Shared Learning Event held in Hanoi, Vietnam: 6-7 December 2017. See: <https://www.antislaverycommissioner.co.uk/media/1265/vulnerability-to-human-trafficking-vietnam.pdf>

59 US TIP Report (2018). Vietnam. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282780.htm>

60 Best Practice Exchange, the UK, April 2019.

61 Ibid.

62 Ibid.

63 Ibid.

64 Ibid.



A street child in Ho Chi Minh City. Street children in Vietnam are vulnerable to trafficking and exploitation.

Source: Social Worker in Ho Chi Minh City, Vietnam

National Action Plan

The Vietnamese Government implemented several National Plans of Action (NPA) on anti-trafficking from 2004-2010, 2011-2015, and 2016-2020. These plans of action detail the government's policies and laws to combat trafficking through prevention, victim support and prosecution.⁶⁵ The 2011-2015 NPA had a more inclusive focus on "Trafficking in Persons" than the previous NPA which focused on trafficking in women and children.⁶⁶ However, it does not address the "link between trafficking and labour migration discourse".⁶⁷ The 2016-2018 NPA review made steps to criminalise all forms of trafficking for forced labour and most forms of trafficking for sexual exploitation, including the enactment of penal code amendments.⁶⁸ However, there are still many areas to be improved before Vietnam meets the minimum standards.⁶⁹

65 The Government of the Socialist Republic of Vietnam (2015). Human Trafficking Prevention & Combat Program for 2016 – 2020, See: http://www2.chinhphu.vn/portal/page/portal/chinhphu/noidungchuongtrinhquocgiakhac?_piref33_14737_33_14736_14736.strutsAction=ViewDetailAction.do&_piref33_14737_33_14736_14736.docid=4081&_piref33_14737_33_14736_14736.substract=&fbclid=IwAR1GxeQx7oYdE-XDUSx6At7IhEDIQVI8e9ch8WtZRap1L5CE1V8Lmhid4Ao

66 UK Home Office (2018). Country Policy and Information Note Vietnam: Victims of Trafficking, September 2018, Version 3.0. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/741212/Vietnam_-_Trafficking_-_CPIN_-_v3.0__Sep_-_2018_.pdf

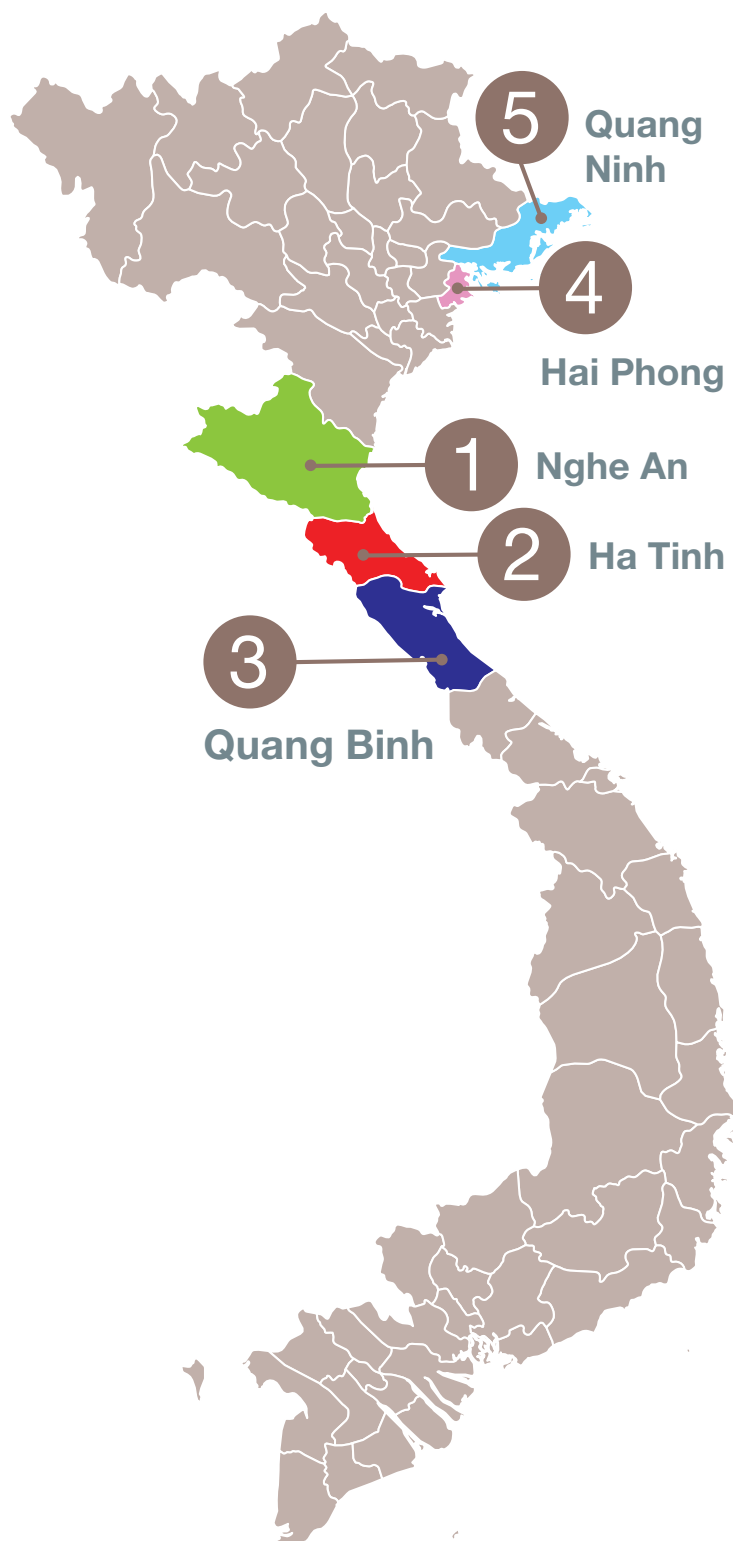
67 Ibid.

68 US TIP report (2018). Vietnam. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282780.htm>

69 Ibid.

Key province profiles

The former UK Independent Anti-Slavery Commissioner (IASC) has identified several key provinces from where the majority of potential and actual Vietnamese victims of trafficking in the UK originate.⁷⁰ Research in EU 'transit countries' also reflects this pattern. The provinces of Nghe An, Quang Binh, Quang Ninh, Ha Tinh, Hai Phong and the city of Hanoi were part of the first waves of post-1979 migration to Hong Kong. They also provided workers for labour export programs in the 1980s and 1990s in partnership with former Eastern bloc countries. These provinces continue to supply the bulk of overseas labour (legal or otherwise), with Nghe An ranking number one.



70 UK Independent Anti-Slavery Commissioner (2017). Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>

Nghe An

Nghe An is Vietnam's largest province by land area and the fourth largest in population with 3.1 million inhabitants.⁷¹ It is located in the North-Central coast region, 300 km south of Hanoi. Cua Lo Port, approximately 20 km from Vinh, Nghe An's capital city, has been identified as one of the main points of transfer to Hanoi. From Hanoi, people depart Vietnam on international flights.

Nghe An also has the Trans-Asia highway from Laos through Thanh Thuy border gate to Cua Lo Port and Dong Hoi Port.⁷² This highway gives landlocked Laos access to the sea, but has also become an unofficial trafficking and smuggling route into Laos, Thailand, Myanmar, China and beyond.

More than 70% of the population in Nghe An province live in rural areas.⁷³ Nghe An is a top source province for labour or guest workers moving overseas;⁷⁴ 58% of the population (1.8 million out of 3.1 million people) are eligible as 'labour resources' (15 years old or older)⁷⁵ and many families in Nghe An have close relatives who work overseas, including a significant number of parents whose children are then left in the care of extended family.

Over the past few years, Nghe An has embarked on an ambitious plan to diversify its economy from a focus on agriculture into other industries such as manufacturing and tourism. It is projected to have an export turnover of over \$1 billion USD in 2018.⁷⁶

Ha Tinh

Ha Tinh province is located in North-Central Vietnam, approximately 340 km south of Hanoi. With a population of 1.2 million people,⁷⁷ it is one of the poorer provinces in Vietnam. In 2016 the average GDP per capita was \$1,392 USD.⁷⁸ Historically, the economy was primarily based on fishing, agriculture and forestry. Today, the province is increasing and diversifying its investments with a focus on establishing industrial parks and special economic zones.⁷⁹

Ha Tinh was the province most affected when Taiwanese-owned Formosa Steel company spilled toxic waste into the sea, destroying fish and subsequently livelihoods in the area.⁸⁰ In Taiwan, the number of Vietnamese migrants from Ha Tinh who overstayed their visas and

71 General Statistics Office of Vietnam. See: http://www.gso.gov.vn/default_en.aspx?tabid=467&idmid=3&ItemID=12939

72 The Ministry of Transportation, 'Vietnam and Laos will study to make expressways through Thanh Thuy border gate (Nghe An)'. 13 June 2016. See: [http://mt.gov.vn/vn/tin-tuc/43197/viet-nam-va-lao-se-nghien-cuu-lam-duong-cai-toc-qua-cua-khau-thanh-thuy-\(nghe-an\).aspx](http://mt.gov.vn/vn/tin-tuc/43197/viet-nam-va-lao-se-nghien-cuu-lam-duong-cai-toc-qua-cua-khau-thanh-thuy-(nghe-an).aspx)

73 Nghe An Newspaper, 'Last term: Breakthrough in implementing Phase 2', 07 October 2018. See: <https://e.baonghean.vn/nong-thon-moi-da-moi-ky-cuoi-dot-pha-trong-cach-lam-giai-doan-2/>

74 International Organization for Migration (2017). Labour Migration. See: https://vietnam.iom.int/sites/default/files/IOM_Files/Migration_Data_Reports/Labour%20Migration.pdf

75 General Statistics Office of Vietnam, 'Labour force at 15 years of age and above by province'. See: <https://www.gso.gov.vn/SLTKE/pxweb/en/02.%20Population%20and%20Employment/-/E02.32.px/?rxid=5a7f4db4-634a-4023-a3dd-c018a7cf951d>

76 Government of Nghe An. 'Nghe An: Export turnover is estimated to reach \$ 1 billion in 2018'. 27 November 2018. See: https://nghean.gov.vn/wps/portal/na_english!/ut/p/c4/04_SB8K8xLLM9MSSzPy8xBz9CP0os3j3ED8XX8tgY5OwYE8TA083Cx8vFxNzY6MAY_2CbEdFAF8WijA!/?WCM_GLOBAL_CONTEXT=/wps/wcm/connect/nghean+foreign+language/nghean_eng/na_eng_sitearea/hotnews_naenglish/87a148804810747fad58fd021e43ae3f

77 General Statistics Office of Vietnam. Area, population and population density by province. See: <https://www.gso.gov.vn/SLTKE/pxweb/en/02.%20Population%20and%20Employment/-/E02.01.px/?rxid=5a7f4db4-634a-4023-a3dd-c018a7cf951d>

78 Ha Tinh Provincial People's Committee and World Bank (2018). Resettlement Plan. See: <http://documents.worldbank.org/curated/en/441121514521824075/pdf/SFG3898-V1-REVISED-RP-P160162-PUBLIC-Disclosed-3-29-2018.pdf>

79 Climate Change VN (2019). Economic Profile of Ha Tinh for Vulnerability Assessment and EBA. See: <http://www.climatechange.vn/en/wp-content/uploads/sites/2/2016/12/ECONOMIC-PROFILE-OF-HA-TINH-FOR-VULNERABILITY-ASSESSMENT-AND-EBA.pdf>

80 The Daily Herald, Associated Press, 'Vietnam Says Taiwan Firm's Pollution Affected 200,000 People'. 29 July 2016. See: www.dailyherald.com/article/20160728/business/307289759

lived in migrant camps swelled in the months following the spill. Between December 2016 and May 2018, the number of irregular migrants in ‘Vietnam City’ from Ha Tinh increased steadily to the point where it was almost level with the number of those from Nghe An province, which is normally the top province of origin for Vietnamese people who are potential victims of trafficking in the UK.⁸¹

The local government of Ha Tinh has made efforts to rebuild the economy since the environmental disaster. According to the Vice Chairman of the Ha Tinh People’s Committee, the province experienced an unprecedented level of growth during the first six months of 2018; GDP increased by 33% and new construction increased by 95%.⁸² The situation remains, however, that even as the local economy recovers, overseas migration of Ha Tinh inhabitants may continue to increase.

Quang Binh

Quang Binh province is located in the northern region of Central Vietnam. It has a population of 880,000 people.⁸³ 80% of the population live in rural areas and 20% reside in urban areas.⁸⁴

Life for many in Quang Binh is challenging. In 2015, the GDP per capita was equivalent to \$1,240 USD, only 60% of the national average (\$2,073 USD).⁸⁵ Industrial parks in the province lack investments, making job creation in the area difficult. Many young people have to migrate to other provinces or countries to find jobs. Women and children in rural and remote areas with low educational levels are especially affected.⁸⁶ Over 6,000 people from Quang Binh migrated abroad in 2016.⁸⁷

81 Vu, M., Individual interview, ‘Vietnam City’, France, 1 May 2018.

82 NhàĐầuTư, ‘Ha Tinh: Growth rate reached ‘terrible’ 32.94%’, 21 June 2018. See: nhadautu.vn/ha-tinh-toc-do-tang-truong-dat-muc-khung-3294-d10843.html

83 General Statistics Office of Vietnam. Area, population and population density by province. See: <https://www.gso.gov.vn/SLTKE/pxweb/en/02.%20Population%20and%20Employment/-/E02.01.px/?rxid=5a7f4db4-634a-4023-a3dd-c018a7cf951d>

84 The Government of QuảngBinh province (2017). Population and Labor Statistical Yearbook of 2017. See: [https://www.quangbinh.gov.vn/3cms/dan-so-va-lao-dong-\(2017\).htm](https://www.quangbinh.gov.vn/3cms/dan-so-va-lao-dong-(2017).htm)

85 Climate Change VN. (2019). Economic Profile of Quang Binh for Vulnerability Assessment and EBA. See: <http://www.climatechange.vn/en/wp-content/uploads/sites/2/2016/12/ECONOMIC-PROFILE-OF-QUANG-BINH-FOR-VULNERABILITY-ASSESSMENT-AND-EBA.pdf>

86 Climate Change VN. (2019). Economic Profile of Quang Binh for Vulnerability Assessment and EBA. See: <http://www.climatechange.vn/en/wp-content/uploads/sites/2/2016/12/ECONOMIC-PROFILE-OF-QUANG-BINH-FOR-VULNERABILITY-ASSESSMENT-AND-EBA.pdf>

87 International Organization for Migration (2017). Labor Migration. See: https://vietnam.iom.int/sites/default/files/IOM_Files/Migration_Data_Reports/Labour%20Migration.pdf

Hai Phong

Hai Phong province includes an important port city, which is the industrial centre of Hai Phong province and the largest seaport in North Vietnam. It is also the economic, cultural, medical, educational, scientific, commercial and technological centre of the northern coastal region. As of June 2018, the GDP per capita in Hai Phong province is \$3,694 USD.⁸⁸ Hai Phong City is the third largest city in Vietnam, after Ho Chi Minh City and Hanoi, and it is one of five cities directly managed under the central government.

As of 2017, the total population of Hai Phong province is nearly 2 million people.⁸⁹ The urban population accounts for 47% and the rural population for 53%.⁹⁰ People of working age account for 57% of the population.⁹¹ In recent years, the situation of labour brokers exploiting those seeking employment has increased.⁹²

Quang Ninh

Quang Ninh is a key coastal and border province in Northeastern Vietnam. It is Vietnam's main coal mining province.⁹³ In 2017, the estimated GDP per capita was \$4,528 USD.⁹⁴ Quang Ninh is most famous for Ha Long Bay, a famous tourism hotspot recognised as a UNESCO World Heritage Site in 1994.⁹⁵

As of 2017, the population exceeded 1.24 million people.⁹⁶ It is mainly concentrated in four cities and two towns, which are the centres of Vietnam's coal mining, tourism and border gates. The remaining eight districts are sparsely populated and most livelihoods are agricultural.

As a locality with a long border and many border crossings, Quang Ninh is an advantageous province for criminal activity, including cross-border trafficking. In 2017, 2,114 migrants from Quang Ninh migrated abroad.⁹⁷

88 Hai Phong Department of Planning and Investment (2018). Socioeconomic Situation, Overview of the socio-economic situation of Hai Phong city. See: <http://haiphongdpi.gov.vn/gioi-thieu/tinh-hinh-kinh-te-xa-hoi/>

89 General Statistics Office of Vietnam. Area, population and population density by province. See: <https://www.gso.gov.vn/SLTKE/pxweb/en/02.%20Population%20and%20Employment/-/E02.01.px/?rxid=5a7f4db4-634a-4023-a3dd-c018a7cf951d>

90 General Statistics Office of Vietnam. Statistical Yearbook summary 2017. See: <http://www.gso.gov.vn/default.aspx?tabid=384&idmid=&ItemID=18938>

91 General Statistics Office of Vietnam. Labour force at 15 years of age and above by province. See: <https://www.gso.gov.vn/SLTKE/pxweb/en/02.%20Population%20and%20Employment/-/E02.32.px/?rxid=5a7f4db4-634a-4023-a3dd-c018a7cf951d>

92 Báo Pháp luật, 'Hai Phong: Dozens of people become victims of labour export 'super hoax'', 10 October 2017. See: <http://baophapluat.vn/phap-luat/hai-phong-hang-chuc-nguoi-thanh-nan-nhan-cua-sieu-lua-xuat-khau-lao-dong-359760.html>

93 The Government of Quang Ninh province (2019). Overview: Natural and Social Conditions. See: <http://www.quangninh.gov.vn/Trang/dieu-kien-tu-nhien-xa-hoi.aspx>

94 VN Economy (2018) Quang Ninh on the road to becoming extremely growth. See: <http://vneconomy.vn/quang-ninh-tren-lo-trinh-tro-thanh-cuc-tang-truong-20180123085746329.htm>

95 UN Educational Scientific and Cultural Organisation (2018). Ha Long Bay. See: <http://whc.unesco.org/en/list/672>

96 General Statistics Office of Vietnam. Area, population and population density by province. See: <https://www.gso.gov.vn/SLTKE/pxweb/en/02.%20Population%20and%20Employment/-/E02.01.px/?rxid=5a7f4db4-634a-4023-a3dd-c018a7cf951d>

97 General Statistics Office of Vietnam. In-migration rate, out-migration rate and net-migration rate by province. See: https://www.gso.gov.vn/default_en.aspx?tabid=774

Vulnerabilities and push factors

Push factors are the root causes of human trafficking that motivate people to migrate in search of better conditions and opportunities. Migration from Vietnam may be influenced by economic hardship; but social, environmental and political factors can also influence the decision. Socio-economic and political factors interweave and it is impossible to separate them when analysing vulnerability factors that influence the decision to leave Vietnam. For some, the desire to earn between £1000- £3000 GBP a month outweighs the risks of unsafe migration and the high earning potential justifies the long working hours required to improve their quality of life. For others, political or religious reasons are the driver. This chapter assesses the vulnerabilities that lead to a greater risk of trafficking from Vietnam. Socio-economic, environmental, political and culturally specific push factors that may influence the decision to migrate are listed below:

Family pressure and the responsibility to provide

Family is a cornerstone of Vietnamese culture. The World Bank's 2001 World Values Survey confirms that "the family is the central point of social life in Vietnam".⁹⁸ Responsibility to one's family is enshrined in public opinion, moral responsibility and traditional values.⁹⁹ One is also expected to partake in activities that benefit the family as a whole. Pacific Links surveyed people and families, discussing the use of alternate, or 'irregular', routes offered by brokers as a means to migrate to Europe. People noted fears of being cheated by the broker and/or being arrested and returned to Vietnam. There was a particular fear they would be arrested and/or returned to Vietnam before they could accrue the money they owed the smuggler or intended to send home to their family.

Case Study

Family pressure, the responsibility to provide and a lack of alternative choices

Viet's* family has a total of 11 children (6 boys and 5 girls). All have completed secondary education up to the age of 17 years. The family earns a living by farming and taking care of livestock. They face a lot of economic hardship; their income is so low that they don't have enough money to cover their expenses. They therefore have little choice but to let their children go abroad to work. The family has already borrowed over £32,700 GBP from the bank to pay for their children to go abroad.¹⁰⁰

98 Dalton, R. J., Pham M.H., Pham T.N. and Ong, N.N.T. (2001). Social Relations and Social Capital in Vietnam: The 2001 World Values Survey. See: <http://www.worldvaluessurvey.org/AJPublications.jsp?CndPUTYPE=2&PUID=57>

99 Phan, N. (1994). Vietnamese Culture and a new approach. Hanoi: Culture Information Publisher, cited in Quynh, T. (2016). The Vietnamese Values System: A Blend of Oriental, Western and Socialist Values, *International Education Studies*, 9:12, p. 34. See: <http://www.ccsenet.org/journal/index.php/ies/article/view/59915>

100 Vu, M., Individual interview, 'Vietnam City', France, 19 September 2017.

* name changed.

Vietnamese culture and values have been shaped over time by several overlapping traditions and ideologies, including Confucianism, Buddhism, Taoism, socialism and capitalism. Confucianism in particular “has shaped the four basic principles of Vietnamese traditional values systems which are obligation to the family, desire for reputation, fondness for learning and respect”.¹⁰¹ An emphasis on family and filial piety puts pressure on children to care and provide for their parents.¹⁰² Such traditions value sons more than daughters within both family networks and wider society. Sons are often given better opportunities, but must shoulder the burdens of supporting the entire family. This pressure has been evident in many of the stories that ECPAT UK and Pacific Links have encountered. Young people who have left family behind may feel significant sorrow and guilt over not being able to earn enough money to send some home to support their family. These feelings are combined with anger and shame that they were given a false promise and were exploited instead of provided with employment. Pacific Links have interviewed many repatriated individuals who also feel this heightened sense of shame. Additionally, further feelings of shame around criminalisation experienced in transit and/or destination countries is commonly experienced.

Remittances

Further to the family pressure to earn money abroad, shifting market forces and globalisation have recently played a significant role in driving unsafe migration pathways for Vietnamese nationals seeking work overseas. Many of the Vietnamese organisations interviewed agreed with Quynh (2016) who highlighted that the traditions of sacrifice, suffering and obligation that are cornerstones of Vietnamese culture and identity, coupled with the belief that work abroad is far more lucrative than work in Vietnam, influences the decision to migrate abroad – regularly or irregularly. As of December 2018, Vietnam was set to receive \$15.9 billion USD in annual remittances, accounting for 6.6% of its GDP.¹⁰³ That puts it in the top 10 remittance receiving countries of 2018 and makes it the third highest recipient in the East Asia and Pacific Region.¹⁰⁴ Hence why the Vietnamese Government actively promotes economic migration and sponsors labour brokers. This promotion of migration provides avenues which can be abused by those attempting to exploit Vietnamese people looking to improve their quality of life by migrating abroad.

The search for status and material goods

Receiving remittances from abroad is a source of family pride and reputation in the community. Remittances support new homes, motorbikes and small businesses, encouraging the belief that migrating overseas is lucrative, particularly in contrast to a family whose children remain in school but are less wealthy. Values are said to be shifting among young people in Vietnam. A desire to take up opportunities abroad may be accompanied by increasing desire for material

101 Huynh, D. T. (1987). Introduction to Vietnam culture. Washington: Eric Clearinghouse, cited in Quynh, T. (2016). The Vietnamese Values System: A Blend of Oriental, Western and Socialist Values, *International Education Studies*, 9:12, p. 34. See: <http://www.ccsenet.org/journal/index.php/ies/article/view/59915>

102 Quynh, T.N. (2001). The Vietnamese Values System: A Blend of Oriental, Western and Socialist Values in *International Education Studies*, vol. 9: 12, p. 34. See: <http://www.ccsenet.org/journal/index.php/ies/article/view/59915>

103 World Bank Group and KNOMAD (2018). Migration and Remittances: Recent Developments and Outlooks, *Migration and Development Brief* 30. See: <https://www.knomad.org/sites/default/files/2018-12/Migration%20and%20Development%20Brief%2030.pdf>

104 Ibid.

possessions and the ‘status’ derived from them.¹⁰⁵ Young people are increasingly moving from rural areas, seeking better job opportunities and improved circumstances that support their shifting values.¹⁰⁶ Quyen states “[t]hey have a tendency to shift from spiritual values to material values, from community benefits to individual benefits, from respect for the poor to respect for the rich.”¹⁰⁷ This desire for greater economic stability and perceived ‘success’, evidenced in the form of material possessions, is being exploited by traffickers to lure young people. These differing values between older and younger generations living in Vietnam and Europe could potentially be a barrier to young Vietnamese people finding support from Vietnamese communities in European countries.

Promotion of migration

With Vietnam receiving 6.6 %¹⁰⁸ of its GDP from remittances, it is not surprising that migration abroad and the export of Vietnamese labour is supported and encouraged by the Government.¹⁰⁹ Historically, Vietnam had formal agreements with various Eastern European countries enabling people to work abroad legally as ‘guest-workers’. Many settled in Europe, resulting in significantly sized Vietnamese diasporas throughout Europe, which provide an ongoing link and pull factor for those wishing to migrate to Europe.

In 2014, over 100,000 Vietnamese migrant workers were sent overseas on a work contract.¹¹⁰ This number has risen consistently to nearly 120,000 in 2015 and over 126,000 in 2016.¹¹¹ The majority organise migration through employment agencies and public affairs organisations that are formally mandated to fulfil the role.¹¹²

According to the Ministry of Foreign Affairs of Vietnam, workers are sent abroad for work or training purposes through:¹¹³

- Employment agencies
- Public affairs organisations
- Contractors and overseas investment enterprises
- Skills training programmes
- Individual employment contracts.

105 Pham, M. H. (2007). The research of personality in innovation period (globalization). *Psychology*, 9:102, p. 1-5, cited in Quynh, T.N. (2016). The Vietnamese Values System: A Blend of Oriental, Western and Socialist Values, *International Education Studies*, vol. 9: 12, p. 34. See: <https://files.eric.ed.gov/fulltext/EJ1121509.pdf>

106 Quynh, T.N. (2016). The Vietnamese Values System: A Blend of Oriental, Western and Socialist Values, *International Education Studies*, 9: 12, p. 34. See: <https://files.eric.ed.gov/fulltext/EJ1121509.pdf>

107 Ibid.

108 World Bank Group and KNOMAD (2018). Migration and Remittances: Recent Developments and Outlooks, *Migration and Development Brief* 30. See: <https://www.knomad.org/sites/default/files/2018-12/Migration%20and%20Development%20Brief%2030.pdf>

109 Consular Department – Ministry of Foreign Affairs of Vietnam (2012). Review of Vietnamese Migration Abroad. See: http://eeas.europa.eu/archives/delegations/vietnam/documents/eu_vietnam/vn_migration_abroad_en.pdf

110 IOM (2017). Vietnam Migration Profile 2016. See: https://publications.iom.int/system/files/pdf/mp_vietnam.pdf

111 Ibid.

112 Ibid.

113 Consular Department – Ministry of Foreign Affairs of Vietnam (2012), Review of Vietnamese Migration Abroad. See: http://eeas.europa.eu/archives/delegations/vietnam/documents/eu_vietnam/vn_migration_abroad_en.pdf

A report by the former IASC notes a key push factor in Vietnam driving migration to the UK is “state involvement in the licencing and ownership of migration brokers”.¹¹⁴ Citing the International Labour Organisation (ILO), the IASC report observes that over 180 recruitment agencies in Vietnam are licensed to send workers abroad (according to the Vietnamese Department of Overseas Labour in 2013), that the number rose to 200 in 2015 and that 138 of these were either state-owned or the State had a stake in them.¹¹⁵ The ILO report states “[r]ecruitment agencies in which the state has at least a partial interest send more than 88 % of all Vietnamese migrant workers abroad each year.”¹¹⁶ Referring to the ILO report the IASC importantly notes that “despite these agencies being legal businesses and often having state involvement, there are published accounts of migrants being exploited, not being paid and having been overcharged by brokers.”¹¹⁷

The medley of legal and illegal labour agencies and brokers poses a major risk to vulnerable people looking for work in Vietnam, including those seeking safe and regular migration routes. Added to this, individuals who lack knowledge and information about safe migration routes may fall prey to deceitful labour brokers who exploit them. Interviews conducted within this research with Vietnamese nationals who have migrated across Europe highlighted the lies they were told by brokers. A typical form of deceit involves individuals being promised they will earn £1,500 GBP per month working in a Vietnamese-owned nail salon in London, with their monthly living expenses capped at £500 GBP. A common belief is that one can work for two years in the UK to pay off the debt owed for their journey. £1,000-£1,500 GBP far exceeds the annual income for some in Vietnam. The national average monthly income is 3.1 million VND (£104 GBP) and 2.3 million VND (£77 GBP) for the North Central region.¹¹⁸

Asking a group of migrants in ‘Vietnam City’ how much a bowl of pho (Vietnamese noodle soup) costs in London, a common response was: “[m]ore expensive than in Vietnam – about £2 to £3 GBP”.¹¹⁹ The true cost is closer to £8 – £10 GBP. In Europe, Vietnamese migrants do not earn the amount of money expected, with some victims of trafficking not being paid at all.

One Vietnamese webpage provides some general information about Poland, the Polish labour market and the requirements that a worker needs to fulfil in his application for work in Poland.

Comments on the website include:

114 UK Independent Anti-Slavery Commissioner (2017). Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>

115 Ibid.

116 ILO (2015). Complaint mechanisms for Vietnamese migrant workers: an overview of law and practice / Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion. See: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_482928.pdf

117 UK Independent Anti-Slavery Commissioner (2017). Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>. See also: ILO (2015). Complaint mechanisms for Vietnamese migrant workers: an overview of law and practice / Tripartite Action to Protect the Rights of Migrant Workers within and from the Greater Mekong Subregion. See: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_482928.pdf

118 The Socialist Government of Vietnam, Monthly average income per capita at current prices by residence and by region calculator. See: <https://www.gso.gov.vn/SLTKE/pxweb/en/11.%20Health,%20Culture,%20Sport%20and%20Living%20standard/-/E11.20.px/?rxid=5a7f4db4-634a-4023-a3dd-c018a7cf951d>

119 Vu, M., et al. Individual interview, ‘Vietnam City’, France, 2 May 2017.

██████████ November 16, 2018 15:16

OUR COMPANY IS NOW HAVING VERY MANY ORDERS (“ĐƠN HÀNG”) FOR GOING TO POLAND FOR A REASONABLE PRICE. NO NEED TO APPLY FOR THE JOB, YOU CAN GO DIRECTLY, NO MIDDLEMEN. PROCEDURE IS FAST, WHICH ALLOWS WORKERS TO SAVE THEIR MONEY. IF YOU WANT A CONSULTATION, CALL US AND WE’LL GIVE YOU A WHOLE-HEARTED CONSULTATION. HOTLINE: 0978787878*.

██████████ November 15, 2018 11:12

We just got an order from Poland. In December there will be an enrolment for mechanics (welders). And in the order for soap makers there are 12 places left. The waiting time for departure is short. Mr. X 0978787878.

██████████ November 12, 2018 09:05

OUR COMPANY IS NOW EMPLOYING PEOPLE TO GO TO WORK IN THE FOLLOWING COUNTRIES: POLAND, CANADA, THE CZECH REPUBLIC, LITHUANIA, WITH VERY MANY ORDERS YOU CAN CHOOSE FROM. AND OUR COMPANY IS NOW EMPLOYING PEOPLE FOR THE “ORDER” FOR GOING TO LITHUANIA TO WORK AS A BUILDING WORKER WITH THE BASIC SALARY: 1000 EUR, THE ORDER IS GUARANTEED. APPLICATION FOR VISAS IN DECEMBER, WE NEED MANY WORKERS, PROCEDURE IS QUICK. WHO WANTS TO GET A CONSULTATION FOR FREE IS WELCOME TO CALL US. HOTLINE: 0978787878.

██████████ November 11, 2018 21:13

I want to go to Poland to work, I need a consultation: 0978787878.

██████████ November 07, 2018 13:12

I make documents for workers going to Poland and to the Czech Republic, family reunification, visiting relatives, quick and neatly.

██████████ November 06, 2018 14:14

In our company we are now preparing for workers to go to Poland, many kinds of jobs for you to choose, procedure is quick, we eagerly consult the workers. Contact us: 0973097586. 0981453026.

██████████
If I’m 41, can I go?

██████████
Yes, my friend.

Lack of awareness of the reality of working in Europe

Families often believe their children or family members who have migrated abroad are successful, living easy lives and earning money in legitimate ways. In reality, migrants borrowing money or using the services of smugglers are susceptible to debt bondage, forced labour, sexual and/or criminal exploitation. Some families in Vietnam who have family members that went abroad for work opportunities do not hear from them for extended periods of time, such as one year. When asked to compare life abroad to life in Vietnam, a Việt kiều (overseas Vietnamese person) merchant at a market in the Czech Republic replied:

“It’s very, very hard and full of suffering. We work 18 hours a day, seven days a week, 365 days a year. There is no vacation, no day off, because we not only have to pay for our families here and send our kids to school, but also support the entire family back home. We’re supposed to be the lucky ones, but our relatives back home don’t understand that they’re lucky. They get to have evenings and Sundays off and socialise with their friends, but we don’t get to do that because we have to live and work for them.”¹²⁰

Without information filtering back to Vietnam about the reality of conditions in Europe, Vietnamese nationals wanting to migrate will still be at risk of the false promises made to them by traffickers.

Education

The school attendance rate in Vietnam is approximately 90%,¹²¹ leaving an estimated 10% of children with no education. Consultations with young people in a rural area in the Northern Central region found that many children lacked the necessary resources to access education. It was difficult for some families to afford uniforms or books, and some children lived long distances from the school with no transportation. Girls in particular were pressured to leave school in favour of seeking work to support their families. Through programming, Pacific Links has also observed a devaluing of education, which negatively impacts high-paying employment opportunities. Additionally, some people are disenchanted about the lack of opportunities for work in Vietnam. One young man noted “[i]f there were a vocational program and jobs available here, then I would stay here [in Vietnam]. Going abroad is full of hardships and danger. My current aspiration is to receive support to learn how to cut hair and do nails.”¹²² Many families interviewed in several villages in Nghe An province wanted their children to migrate to Europe, even through irregular means, to find work rather than continuing their education and working in Vietnam. Professionals participating in the research described that the majority of victims they have encountered from Vietnam had little or no education. This can also be corroborated by the children and young people who ECPAT UK have worked with, who also described not having received any education and having to work instead. In most cases, this resulted in them becoming victims of trafficking.

120 Bui, C., et al. Individual interview, Czech Republic, 3 June 2018.

121 UNICEF (2017). Primary Education Data. See: <https://data.unicef.org/resources/dataset/primary-education-data/>

122 Luong, L.H., et al. Individual interview, Nghe An province, Vietnam, 23 September 2018.

Student migration

A report by the former UK IASC noted [I]egitimate visas are also targets for agencies who pursue Tier Four visas for study groups to the UK and then arrange for the students to disappear and for smuggling groups who use legitimate passports to claim visas for similar-looking Vietnamese nationals.¹²³

ECPAT UK has experienced being contacted by a local authority concerned about a Vietnamese child who came to the UK on a student visa and went missing. The child presented with indicators of trafficking. Between 2015 and 2016 there was a rise in the number of Vietnamese students migrating to study abroad.¹²⁴ In 2015, 1,223 students were sent to 30 countries and in 2016 1,465 students left to study in 41 different countries. There is a concern that some of these students could be potential victims of trafficking, as this has been identified as possible means to facilitate the passage of victims of trafficking into the UK.¹²⁵ The promise of an education is a common tactic used by traffickers.¹²⁶

Environmental factors

70%¹²⁷ of Vietnam's population live in coastal areas and low-lying deltas. With a coastline of 3,444 km running from north to south¹²⁸, Vietnam and its population are particularly susceptible to climate-driven disasters such as rising sea levels, flooding and typhoons that can severely damage livelihoods dependent on traditional industries, such as fishing or agriculture.

In addition, man-made disasters, such as the 2016 toxic waste spill by the Formosa steel factory in Ha Tinh province, pose a threat. In April 2016, the Taiwanese-owned plant spilled toxic waste into the sea; polluting more than 200 km of coastline, killing sea life and devastating local economies dependent on fishing and tourism. In a report to the National Assembly,¹²⁹ the Vietnamese Government stated that the spill caused the death of at least 115 tons of fish which washed ashore, destroyed approximately 200 hectares of coral reefs and harmed the livelihoods of 200,000 people, including 41,000 fishermen.¹³⁰ Formosa paid \$500 million USD¹³¹ in compensation, but the result was still a dramatic increase in the number of regular and irregular Vietnamese migrants and trafficking victims overseas.

123 UK Independent Anti-Slavery Commissioner (2017). Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>

124 IOM (2017). Vietnam Migration Profile 2016. See: https://publications.iom.int/system/files/pdf/mp_vietnam.pdf

125 UK Independent Anti-Slavery Commissioner (2017). Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>

126 Ibid.

127 Bangalore, M., Smith, A. and Veldkamp, T. (2018). Exposure to Floods, Climate Change, and Poverty in Vietnam in Economics of Disasters and Climate Change, p. 1-21. See: <https://link.springer.com/article/10.1007/s41885-018-0035-4>

128 CIA Factbook (2019). East Asia/ Southeast Asia: Vietnam. See: <https://www.cia.gov/library/publications/the-world-factbook/geos/vn.html>

129 Radio Free Asia, 'Formosa Spill Still Roils Public Opinion in Vietnam', 7 December 2016. See: <https://www.rfa.org/english/news/vietnam/formosa-spill-still-roils-12072016125227.html>

130 The Times, 'Vietnamese fisherman seek compensation after toxic spill', 27 September 2016. See: <https://www.thetimes.co.uk/article/vietnamese-fisherman-seek-compensation-after-toxic-spill-ftx37wwgb>

131 Tuổi Trẻ News, 'Formosa takes responsibility for Vietnam's fish deaths, pledges \$500mn in compensation', 30 June 2016. See: <https://tuoitrenews.vn/society/35634/formosa-takes-responsibility-for-vietnams-fish-deaths-pledges-500mn-in-compensation>

One year after the toxic waste spill, during a spring 2017 visit to ‘Vietnam City’ – a makeshift camp run by smugglers for Vietnamese migrants passing through France – an increased number of Vietnamese migrants were observed in the camp in comparison to a visit in 2016. Individuals interviewed indicated their reason for leaving was the effect of the toxic waste spill on the local fishing economy. Several young men also noted that they had altercations with the authorities while participating in demonstrations for reparations.¹³²

Internal migration

Between 2008 and 2015, more than 2 million people were affected by environmental degradation and internal displacement related to natural hazards in Vietnam.¹³³ Climate change and environmental disasters that destroy livelihoods are push factors for people in rural areas to find work in the cities. Evidence suggests that resettlement or internal migration prompts onward migration abroad in search of better job opportunities and living circumstances.¹³⁴ Increased internal migration, particularly combined with easy access to labour brokers, could create new vulnerabilities to trafficking.

Women migrate internally for work at a slightly younger age than men, most often as domestic or factory workers.¹³⁵ Moving away from family protection and social networks could be considered an added vulnerability, given that one tactic of traffickers is to connect with young women on social media and lure them abroad.¹³⁶ Moreover, rural workers migrating internally due to a lack of other viable livelihood opportunities are at risk of ill treatment by employers, who may exploit their dependence. A 2018 report commissioned by Anti-Slavery International reports that patterns of exploitation, including indicators of forced labour, are present in the garment sector of Vietnam.¹³⁷ It notes that “(f)ear is the dominant control mechanism used by employers to regulate work behaviour in garment factories in Vietnam”.¹³⁸

132 Vu, M., et al. Individual Interview, ‘Vietnam City’, France, 2 May 2017.

133 IOM (2015). Assessing the Evidence: Migration, Environment and Climate Change in Vietnam. See: https://publications.iom.int/system/files/assessing_the_evidence_viet_nam.pdf

134 UN in Vietnam (2014). Migration Resettlement and Climate Change in Vietnam: reducing exposure and vulnerabilities to climatic extremes and stresses through spontaneous and guided migration. See: <http://www.undp.org/content/dam/vietnam/docs/Publications/Migration%20&%20Climate%20change%20-%20Eng.pdf>

135 Ibid.

136 Ibid.

137 Anti-Slavery International (2018). Sitting on Pins and Needles: A rapid assessment of labour conditions in Vietnam’s garment sector. See: <https://www.antislavery.org/wp-content/uploads/2019/03/Pins-and-Needles-report.pdf>

138 Ibid.

Factories and working conditions

Rising costs in traditional manufacturing countries such as China, Japan and South Korea have led to a shift in production to Vietnam, where there is a large pool of labourers and costs are still comparatively low. As a result, Vietnam's export supply chain has grown rapidly over the last few years, establishing industrial zones across the country that cater to factories from the garment, food sourcing, furniture and technology sectors, among others. This has resulted in a dramatic increase of employment opportunities for low-skilled labour, drawing migrant workers from provinces across Vietnam. Migrant factory workers tend to be less educated, lower skilled and financially supporting their households.¹³⁹ Over 80% of workers in apparel and textile factories are female.¹⁴⁰ There is also concern about children working in the apparel and footwear industry. Recent UNICEF research suggested that strengthened child labour laws in the formal sector have pushed worse working conditions on the sub-contract factories who may not receive checks on their working conditions and employment procedures.¹⁴¹ The research conducted by UNICEF also raised concerns about the recruitment of labourers aged 15-17 years under the same conditions as adults. Many were using false identity cards to apply for jobs in the factories.¹⁴²

Labour brokers and recruitment agencies

The recruitment and job placement system for migrant workers is filled with loopholes and a lack of enforcement of regulations that can leave them unprotected and vulnerable to exploitation. Migrants tend to seek local and overseas work through labour brokers and have little awareness about the recruitment process and risks, such as paying brokers' fees, work permits, liveable salaries, overseas laws and forced labour.

The 2002 Labour Code for Vietnamese migrant workers state that a sending or recruitment agency must recruit workers directly without accepting any recruitment fees.¹⁴³ The Labour Code was updated in 2012 and now states that recruitment agencies "have the right to collect fees and to enjoy tax reduction and tax exemption in accordance with regulations of the laws on fees and tax".¹⁴⁴ A report by the National Assembly Standing Committee found that in some communities, "70-80% of the workers had been recruited via brokers, and not recruited directly by the sending agencies".¹⁴⁵

139 Anti-Slavery International (2018). *Sitting on Pins and Needles: A rapid assessment of labour conditions in Vietnam's garment sector*. See: <https://www.antislavery.org/wp-content/uploads/2019/03/Pins-and-Needles-report.pdf>

140 Nguyen, H. (2017). *Vietnamese Textile and Apparel Industry in the Context of FTA: the labour and social impacts*, Institute of Labour, Science, and Social Affairs, MOLISA, Presentation in Hanoi, 16 March 2017. See: www.unescap.org/sites/default/files/DA9%20Viet%20Nam%20Session%207%20-%20textile%20and%20apparel%20industry.pdf

141 UNICEF (2017). *Situation Analysis of Children in Ho Chi Minh City Vietnam 2017*. See: <https://www.unicef.org/vietnam/media/1516/file>

142 Ibid.

143 Ministry of Labour, Invalids and Social Affairs (2013). *Labour Code 2012*. See: <https://www.ilo.org/dyn/natlex/docs/MONOGRAPH/91650/114939/F224084256/VNM91650.pdf>

144 Ibid.

145 Ishizuka, F. (2013). *International Labour Migration in Vietnam and the Impact of Receiving Countries' Policies*. IDE, p. 6. See: <https://www.ide.go.jp/English/Publish/Download/Dp/414.html>

A report by the ILO found “an extensive network of labour brokers, placement agencies that recruit the workers, and even individual agents in rural areas working for the recruiters. Workers are very vulnerable in this system. They have to pay fees to the labour brokers and leave a large deposit to guarantee they’ll work to the end of their contract. Quitting or getting fired can be an economic disaster.”¹⁴⁶

The use of labour brokers by sending or recruitment agencies and the lack of consistent and meaningful oversight means migrant workers are vulnerable to exploitation. This exploitation can come from both brokers offering legitimate employment opportunities and from smugglers and traffickers who co-opt the system.

Vietnam’s supply chain is highly at-risk for trafficking and slavery, as workers are vulnerable to being recruited away from factory jobs by traffickers offering better opportunities and posing as labour brokers. The brokers enter the migrant worker ecosystem in places such as bus stops, dormitories and factory floors, offering seemingly legitimate and higher-paying jobs at other factories in neighbouring provinces or overseas. The low level of risk awareness on the part of the migrant worker, combined with the lack of governance over labour brokers, means that there are few safeguards in place to protect migrant workers from trafficking and exploitation.

At the community level, brokers (or traffickers posing as them) can take on the identity of a friendly neighbour or a service that is recommended by word of mouth. Interviews conducted with families from Nghe An province who were considering sending a family member to the UK highlighted the abundance of these services; one interviewee said that when she inquired about the process, she was immediately given telephone numbers of several brokers ready to engage.¹⁴⁷ Yet there is no verification system for brokers or services. Usually the job seeker is introduced to the service by an acquaintance, and is virtually guaranteed results, as the broker simply points to large homes that have been built and new motorbikes that have been purchased in the community as proof that money can be made abroad. The acquaintance who refers the job seeker to a service or broker may think they are simply doing a favour for their friend who is seeking work. Alternatively, they could be receiving ‘commission’ for every client they bring to the service.

The brokers earn significant amounts of money from this business, thus there is an incentive to continue deceiving individuals who are seeking work opportunities abroad. Many communities are unaware of safe migration routes, so there is a large market for traffickers to exploit.

146 The Nation, ‘Vietnam’s labour Newspaper, Where a Staff of 200 Reports on Abuses at Home and Abroad’, 30 March 2016. See: <https://www.thenation.com/article/vietnams-labor-newspaper-where-a-staff-of-200-reports-on-abuses-at-home-and-abroad/>

147 Luong L. H., Individual Interview, Nghe An province, Vietnam, 1 December 2018.

Forced marriages

Trafficking from Vietnam to China for the purpose of forced marriage and sexual exploitation is at the forefront of anti-trafficking efforts in Vietnam. Women and girls are deceived with false promises of work, groomed on social media apps (Facebook Messenger, Zalo, WeChat) and even abducted. From the years 2008-2017 there were 152,029 marriages of Vietnamese people to foreign nationals.¹⁴⁸ The limited scope of this research did not find any cases of forced marriage from Vietnam to Europe. However, there are many Vietnamese ‘buy a bride’ websites targeting foreign men, which raises concerns about the safety of the women advertised, considering the profile of Vietnam and the link to forced marriage.

Limited freedoms

The UK Government has a country note on the controls and sanctions of the people of Vietnam,¹⁴⁹ and have also noted that some Vietnamese nationals criticising the Vietnamese Government face reprisals and may be prevented from leaving.¹⁵⁰ The fear of reprisals and pressure by police may become a contributing factor to an individual leaving the country through irregular means, thus increasing vulnerability. The University of Bedfordshire and the IOM have also noted that Vietnamese nationals have left Vietnam for political reasons.

“One of our overall findings is that dominant narratives around human trafficking tend to focus on economic explanations rather than political ones and are therefore insufficient to describe pre-departure vulnerabilities comprehensively. In alignment with this, interviews with adults and key informants in the UK described how political reasons for departure were apparent in some cases.”¹⁵¹

For more information please look to the UK Government Country Report¹⁵², Human Rights Watch 2019 World report¹⁵³ and Amnesty International¹⁵⁴ reports.

148 IOM (2017). Vietnam Migration Profile 2016. See: https://publications.iom.int/system/files/pdf/mp_vietnam.pdf

149 UK Home Office (2018). Country Policy and Information Note Vietnam: Opposition to the State, Version 3.0. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740184/Vietnam_-_Oppn_to_VCP_-_CPIN_-_v3.0__September_2018_.pdf

150 Ibid.

151 Hynes, P., Burland, P., Thurnham, A., Gani-Yusuf, L., Lenja, V. and Hong T.T. with Olatunde, A., Gaxha, A. and Priest, P. Between Two Fires: Understanding Vulnerabilities and the Support Needs of People from Albanian, Viet Nam and Nigeria who have Experienced Human Trafficking into the UK, London: University of Bedfordshire and International Organization for Migration (IOM)

152 Ibid.

153 Human Rights Watch (2019). World Report. See: https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf. See also: Human Rights Watch (2018). Vietnam Events of 2018. See: <https://www.hrw.org/world-report/2019/country-chapters/vietnam#>

154 Amnesty International (2019). Vietnam 2017/2018. See: <https://www.amnesty.org/en/countries/asia-and-the-pacific/viet-nam/report-viet-nam/>. See also: Amnesty International, ‘Vietnam: Police raid NGO meeting in ‘absurd and shocking crackdown’, Press Release, 19 December 2018. See: <https://www.amnesty.org.uk/press-releases/vietnam-police-raid-ngo-meeting-absurd-and-shocking-crackdown>

Child specific vulnerabilities

On April 5, 2016, the Vietnam National Assembly passed legislation to revise the “Children Law” (formerly known as the “Child Protection, Care and Education Law”), but kept the age of majority at 16 years of age.¹⁵⁵ An amendment to raise the age of adulthood to 18 years of age was proposed but not passed; some legislators felt that this would encourage the exploitation of children as criminals because they would not be subjected to harsher punishment if caught.¹⁵⁶

A 2017 UNICEF report notes a lack of data makes it difficult to ascertain the nature and extent of child trafficking in Ho Chi Minh City, though it was found to be a source location, place of transition and destination of child trafficking.¹⁵⁷ Children living on the streets in Vietnam are at a higher risk of violence, including various types of exploitation, than those not living on the streets.¹⁵⁸

Case Study¹⁵⁹

Child exploitation in Vietnam

In 2018, a social worker in Ho Chi Minh City was contacted with a concern over a young girl, approximately 7 years old. The girl dwelled in district 4. She did not go to school. Instead, she sold chewing gum with a Vietnamese woman. The social worker approached the woman and the girl, and offered support to the girl. However, the women would not allow the girl to receive support. The social worker discovered that the girl usually had to sell chewing gum until midnight and that if she failed to sell enough chewing gum, she would be punished by the woman by being hit or starved.

Professionals in Ho Chi Minh City noted it is common for police to ‘clear’ the streets of street children. They also noted street children commonly live together, either in derelict houses or by sharing the rent. Based on interviews with NGOs, it was clear that a lack of understanding about street children and how to support them exists. Some interviewees indicated the numbers of street children are a significant problem, while others reported that there are no street children.¹⁶⁰ There was also a lack of clarity about which shelters were open and which had closed. If children or others attempting to assist them do not know where to seek assistance, it poses further risks of violence and exploitation. In many of the cases identified in the UK, children disclosed that they had been street children in Vietnam and that is how they were approached by the people who trafficked them.

155 Socialist Republic of Vietnam (2016), Law on Children, Law No. No. 102/2016/QH13. See: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/103522/125796/F-1725767197/VNM103522%20Eng.pdf> (unofficial English translation).

156 Thanh Nien News, ‘Vietnamese Lawmakers Vote to Keep Age of Majority at 16’, 5 April 2016. See: www.thanhniennews.com/education-youth/vietnamese-lawmakers-vote-to-keep-age-of-majority-at-16-60924.html

157 UNICEF (2017). Situation Analysis of Children in Ho Chi Minh City Vietnam 2017. See: <https://www.unicef.org/vietnam/media/1516/file>

158 The Guardian, ‘Saving Hanoi’s street children from abuse, hunger and self-destruction’, 5 October 2016. See: <https://www.theguardian.com/global-development/2016/oct/05/saving-hanoi-street-children-vietnam-from-abuse-hunger-and-self-destruction>

159 Email Conversation with independent street social worker in Ho Chi Minh City, 1 February 2019.

160 Data Collection, Vietnam, March 2018.



A child sells products on the street in Ho Chi Minh City.

Source: Social Worker in Ho Chi Minh City, Vietnam

Case study

Child victim of trafficking in Vietnam

Dat* could not remember his parents. He lived with a man who had taken care of him since he was 6, along with other children. They all lived on the street in Hanoi or slept in a derelict house. They earned money by begging, selling lottery tickets or shining shoes. Dat was eventually approached by a man who took him to live in another house. Here he was abused and forced to steal. If the police saw him on the streets or caught him stealing they would arrest him. He asked them for help, but they would say he was a liar and threaten to beat him.

The 2011 Law on Human Trafficking Prevention and Combat¹⁶¹ only references children in Articles 24 (3) and 26 (1b) and in a brief discussion on the management of child adoption.¹⁶² “Both Articles state that in the case of a child trafficking victim, the competent agency, which is dependent on whether the child is a domestic or a foreign national, must notify a relative to take the child or assign a guardian to the victim.”¹⁶³

161 Socialist Republic of Vietnam (2011). Law on Human Trafficking Prevention and Combat, Law No. 66/2011/QH12. See: <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91653/106409/F-1429920306/VNM91653%20Eng.pdf>

162 International Centre for Missing & Exploited Children (2016). Global Missing Children Research Initiative. See: <https://www.icmec.org/wp-content/uploads/2017/05/Vietnam-July-2016.pdf>

163 Ibid.

* name changed

A social worker responsible for managing a shelter for at risk children in Ho Chi Minh City confirmed that vulnerable street children in Vietnam are only entitled to stay at shelters if they have no other option,¹⁶⁴ for example if they have no family or relatives to care for them. If there were family members who could provide care, they will be sent back to their family. This posed a risk for the child as there could be repercussions for them if they were sent to earn money or they ran away. No risk assessment was carried out to see if this was a safe place for the child to go.

Shelters for street children across Vietnam are underfunded and cannot respond to demand. According to the US TIP Report, the Ministry of Labour, Invalids and Social Affairs (MOLISA) operates 400 social protection centres through local authorities in Vietnam for vulnerable groups, including victims of trafficking and street children.¹⁶⁵ However, these centres are “unevenly staffed, under-resourced and lacked appropriately trained personnel to assist victims”.¹⁶⁶ Our research indicated that social protection centres, particularly those for street children and victims of trafficking, rely heavily on donations and funding from International NGOs. As is the case in many shelters, the running of the shelter and its funding is often dependent on a passionate individual who works long hours.

Illegal adoption

In the UK there have been a few cases of children who were trafficked for illegal adoption, mainly entering the UK with their ‘adoptive parents’. This made it difficult to identify the incident of trafficking.¹⁶⁷ No cases of Vietnamese children were identified in this way during this research, however Terre Des Hommes produced a report on the ‘sale of children’ and noted there are indeed protection gaps in Vietnam that lead to illegal adoptions. This resulted in the USA, Sweden and Ireland suspending intercountry adoptions from Vietnam in the period of 2008/9.¹⁶⁸ There will always be a demand for adoption in many EU countries, therefore there is always a risk that this demand will be exploited by traffickers to make money.

164 Data collection, Vietnam, March 2018.

165 US TIP Report (2018). Vietnam. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282780.htm>

166 Ibid.

167 The Guardian, ‘Nigerian ‘baby farm’ raided – 32 pregnant girls rescued’, 2 June 2011. See: <https://www.theguardian.com/law/2011/jun/02/nigeria-baby-farm-raided-human-trafficking>

168 Terre des Hommes Netherlands, Defence for Children and Cantwell, N. (2017). The Sale of Children and Illegal Adoption. See: https://www.terredeshommes.nl/sites/tdh/files/uploads/tdh_2017_report_sale_of_children.pdf

Safe migration opportunities

Vietnam's young population and workforce make it an attractive investment destination; at the same time, it is one of the top source countries for temporary guest workers in Asia and areas of Eastern Europe facing internal labour shortages.¹⁶⁹ In 2001, the Vietnamese Government developed and implemented a labour export policy as part of the National Program of Socioeconomic Development plan to increase employment opportunities for the 1.5 million young people who join the workforce each year.¹⁷⁰

In 2017, Vietnam sent nearly 135,000 people abroad as guest workers; an increase of nearly 7% from 2016.¹⁷¹ There are currently approximately 540,000 Vietnamese migrant workers overseas, many of whom are young men and women from rural areas.¹⁷² Vietnamese guest workers are now concentrated in Taiwan and Japan, with 170,000 and 60,000 workers respectively, followed by South Korea, Malaysia and Thailand.¹⁷³

There is also a growing emphasis on working with destination markets such as Germany, Japan and South Korea to better meet the demand for trained workers. Target industries for higher-skilled graduates to work abroad (2018-2025) include technology, electronics, telecommunications and engineering.¹⁷⁴

There are laws in place to promote labour exports among economically disadvantaged migrant workers and ethnic minorities, such as preferential loans from state banks and partial or full subsidies to cover any fees for travel, training and administration.¹⁷⁵ The government, through MOLISA and the Department of Overseas Labour (DOLAB), has opened up Overseas Worker Centres and Migrant Resource Centres to help provide correct information and services to prospective and returning migrant workers.

According to the IOM “[g]enerally, migrants working abroad under fixed-term contracts enjoy higher salaries than for similar types of work domestically”. The majority of migrant workers under fixed-term contracts are from north-central Nghe An region.¹⁷⁶ This would suggest that those moving abroad to work are earning more money than their fellow community members in Nghe An. These factors perpetuate the popular belief that migration will lead to wealth. This in itself is not a problem, but highlights the importance of supporting and raising awareness around safe migration routes. Otherwise, people are left vulnerable to trafficking and exploitation.

169 Xin Hua Net, ‘Vietnamese People Work Abroad up 6.7 Pct in 2017’, 17 January 2018. See: www.xinhuanet.com/english/2018-01/17/c_136901964.htm

170 Phung, Q.H. (2008). Exported Labour – Practice and Policy Issues Vietnamese Case, PECC-ABAC Conference on ‘Demographic Change and International Labour Mobility in the Asia Pacific Region: Implications for Business and Cooperation’, 25-26 March 2008. See: www.pecc.org/resources/labour/694-exported-labour-practice-and-policy-issues-vietnamese-case/file. See also: The Nation, ‘Vietnam’s labour Newspaper, Where a Staff of 200 Reports on Abuses at Home and Abroad’, 30 Mar. 2016. See: www.thenation.com/article/vietnams-labour-newspaper-where-a-staff-of-200-reports-on-abuses-at-home-and-abroad/

171 Xin Hua Net, ‘Vietnamese People Work Abroad up 6.7 Pct in 2017’, 17 Jan. 2018. See: www.xinhuanet.com/english/2018-01/17/c_136901964.htm

172 ILO (2018). Triangle in ASEAN Quarterly Briefing Note. See: https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_614384.pdf

173 Ibid.

174 Xin Hua Net, ‘Vietnamese People Work Abroad up 6.7 Pct in 2017’, 17 Jan. 2018. See: www.xinhuanet.com/english/2018-01/17/c_136901964.htm

175 Ishizuka, F. (2013). International Labour Migration in Vietnam and the Impact of Receiving Countries’ Policies, Institute of Developing Economies. See: <https://www.ide.go.jp/English/Publish/Download/Dp/414.html>

176 IOM (2017). Viet Nam Migration Profile 2016. See: https://publications.iom.int/system/files/pdf/mp_vietnam.pdf

Chapter three:

Transits and destinations

Introduction

Chapter two examined push factors that drive migration from Vietnam and assessed vulnerability factors that increase the risk of trafficking from Vietnam and the exploitation of Vietnamese migrants across Europe. It is important to understand the nuances of cultural and structural push factors and to address the root causes of trafficking in Vietnam. It is equally important to understand the wider context throughout Europe that shapes vulnerability to trafficking and how it is experienced by Vietnamese potential victims of trafficking.

Chapter three will examine the routes taken by Vietnamese nationals to and through European countries, tactics used by smugglers and traffickers and the ‘pull’ factors that influence the decision to migrate abroad. Chapter three aims to provide a better understanding of transit country contexts, Vietnamese diaspora communities and national responses to human trafficking that leave Vietnamese people travelling to and through Europe vulnerable to trafficking and exploitation.

The context and vulnerability of vietnamese nationals in europe

Today, large Vietnamese communities exist in many Central and Eastern European countries. The global Vietnamese diaspora consists of 4 million people residing in more than 101 countries and territories.¹⁷⁷ In 2012, IOM noted that “according to MOLISA more than 500,000 Vietnamese are currently working in more than 40 countries and territories in occupations ranging from low to highly skilled, with more than 80,000 Vietnamese leaving each year to work abroad”.¹⁷⁸ News articles quoting figures from MOLISA and the Vietnamese Department of Overseas labour note that 140,000 Vietnamese workers were sent abroad in 2018, an increase of 7% from 2017.¹⁷⁹ The global Vietnamese diaspora is established and is continuously expanding.

177 IOM (2017). Viet Nam Migration Profile 2016. See: https://publications.iom.int/system/files/pdf/mp_vietnam.pdf.

178 IOM (2012). Migration Profile, IOM Press Briefing Notes. See: <https://vietnam.iom.int/en/migration-profile>

179 Hanoi Times, ‘Vietnam sends record 140,000 laborers abroad in 2018’, 27 December 2018. See: <http://www.hanoitimes.vn/social-affair/2018/12/81e0d132/vietnam-sends-record-140-000-labourers-abroad-in-2018/>

Aspects of vulnerability

Vulnerability to trafficking and exploitation experienced by Vietnamese people moving through Europe constantly evolves; new risks can emerge and existing ones can be exacerbated at any point.¹⁸⁰ Pre-existing push factors that were present from the beginning in Vietnam can change along ‘the journey’, in Europe. New vulnerabilities can also develop and similarly fall away while moving through different contexts and geographies. It is therefore important to acknowledge that vulnerability factors are not static.

The main factors identified in our research that influence or shape vulnerability to trafficking and exploitation along ‘the journey’ are:

- National response to trafficking and irregular migration
- Legal status/irregular migration status
- Access to and quality of support services from state and non-state actors
- Support network en route/connection to diaspora
- Debt bondage and other controls of traffickers
- Cultural nuances
- Attitude of the majority society towards immigrants
- Vietnamese diasporas

Significantly sized Vietnamese migrant communities exist across Europe. The communities began forming in the Soviet era when ‘guest-workers’ from Vietnam travelled to former Soviet Bloc countries on temporary labour contracts, with some settling afterwards.¹⁸¹ These communities have continued to grow in the post-Soviet era and today they are often concentrated around Asian marketplaces, commonly found on the outskirts of major cities or in border towns in Central and Eastern Europe. These marketplaces are epicentres of Vietnamese commerce and social activity and also serve as cultural hubs for Vietnamese migrants. The markets provide vital employment opportunities and cultural familiarity for both newcomers and settled migrants.

While Vietnamese diasporas in the Czech Republic, Poland, the Netherlands, France and the UK share some cultural and historical similarities, they also boast unique differences regarding how they originally formed and as a result their current social fabrics also differ. Over time, hierarchies based on socio-economic status formed within the diaspora communities. Those stratifications still exist today, leaving newly arrived irregular migrants vulnerable to labour and other types of exploitation in European transit countries.

180 Kemp, C. (2017). In search of solace and finding servitude: human trafficking and the human trafficking vulnerability of African asylum seekers in Malta, *Global Crime*, 18:2. See: <https://www.tandfonline.com/doi/abs/10.1080/17440572.2016.1227708>

181 Szymańska-Matusiewicz, G (2015). The Vietnamese Communities in Central and Eastern Europe as Part of the Global Vietnamese Diaspora, *Central and Eastern European Migration Review*. See: <http://www.ceemr.uw.edu.pl/vol-4-no-1-june-2015/editorial/vietnamese-communities-central-and-eastern-europe-part-global>

Literature suggests diaspora communities and networks have generally been underutilised as a tool to better understand the processes and mechanisms related to trafficking in persons.¹⁸² This chapter will examine diaspora communities as a means to better understanding vulnerability to trafficking and exploitation.

There is no agreed upon definition of the term diaspora and it is used across disciplines in various ways. One definition, edited down for relevant characteristics, describes a diaspora as having one or more of the following features:

- Dispersal from an original homeland, often traumatically, to two or more regions
- The expansion (migration) from a homeland in search of work, in pursuit of trade
- Collective memory and myth about the homeland
- Idealisation of the supposed ancestral home
- Strong ethnic group consciousness sustained over a long time
- Troubled relationship with host societies
- Sense of solidarity with co-ethnic members in other countries
- Possibility of a distinctive creative, enriching life in tolerant host countries¹⁸³

It is widely acknowledged in research on human trafficking that a settled migrant community, or diaspora, acts as a pull factor for people considering migration. Vietnamese nationals considering migration abroad are more inclined to leave Vietnam when they have friends or family abroad who can provide social and/or financial support when they arrive. Vietnamese migrants who are already abroad and are sending money home in the form of remittances reinforces the widespread belief that migrating abroad is financially beneficial and that earning money to pay back loans associated with said migration is realistic.¹⁸⁴ Those who migrate abroad and do not have strong social networks within transit and destination countries are at risk of being exploited within and by the stratified diaspora community. For example, newcomers arriving irregularly in the Czech Republic without pre-existing connections to the diaspora are less likely to be given assistance or work opportunities because established members of the diaspora may prefer to offer work opportunities and support to family relations and those already connected to their network.¹⁸⁵

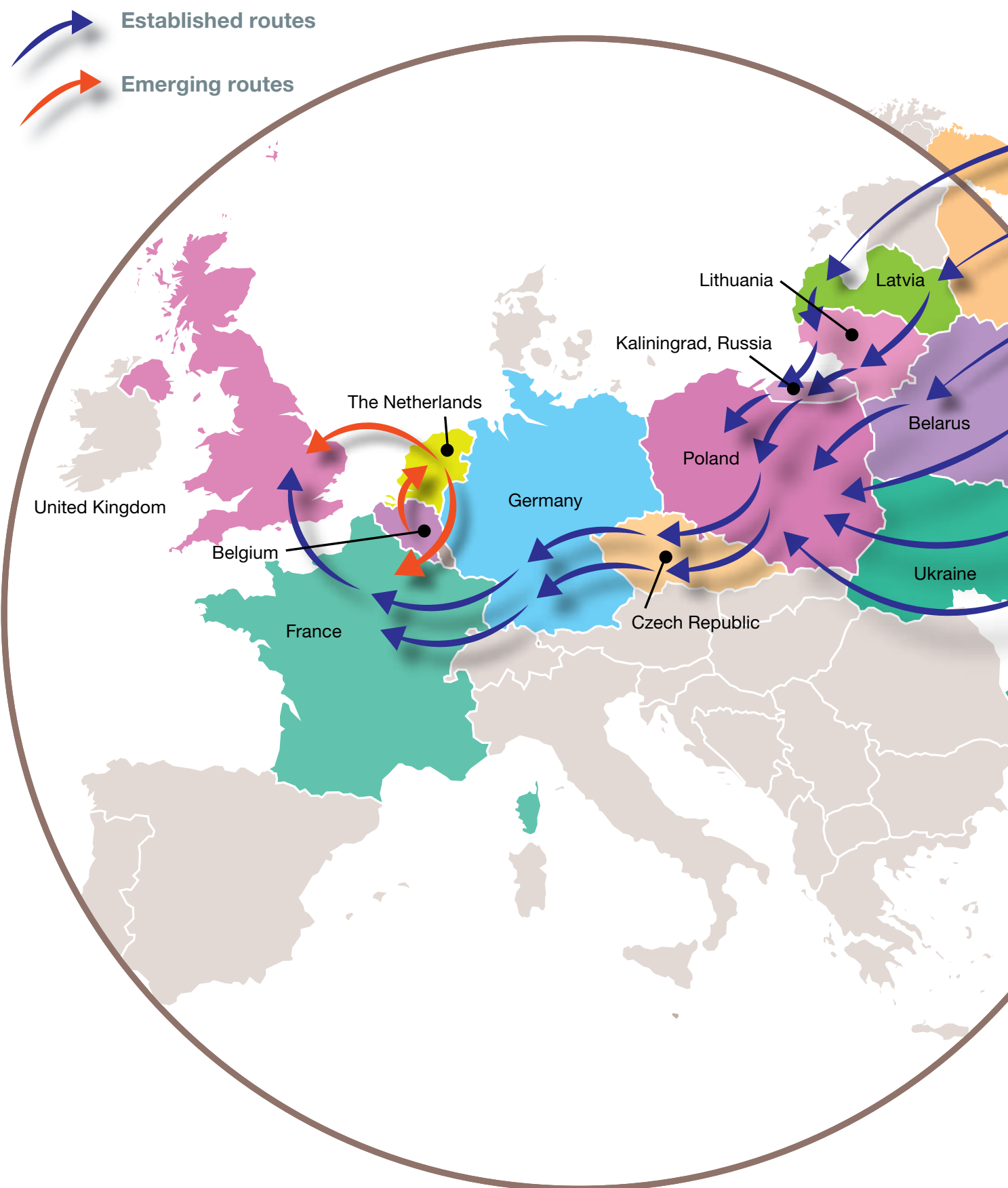
182 Arhin, A. (2016). A Diaspora Approach to Understanding Human Trafficking for Labor Exploitation, *Journal of Human Trafficking*, 2:1. See: <https://www.tandfonline.com/doi/full/10.1080/23322705.2016.1136538>. Moreover, Arhin (2016) points to the following relevant literature where experts are beginning to explore this approach: Leman & Janssens (2012); Shelley (2010, 2012, 2014); Turner & Kelly (2009).

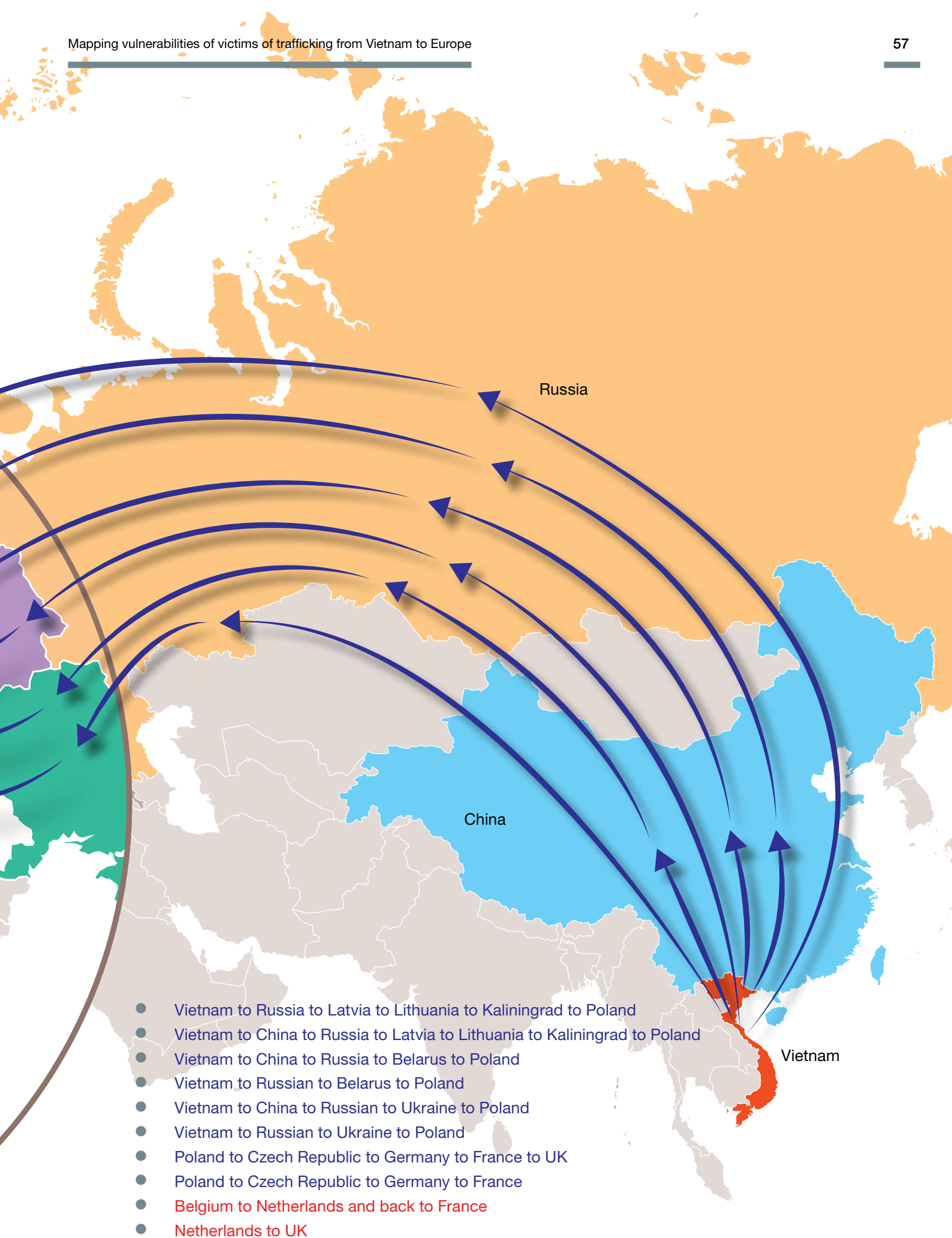
183 Cohen, R. (1997). *Global diasporas: An introduction*. Seattle, WA: University of Washington Press. See: <https://trove.nla.gov.au/work/19574883?q&versionId=27053278>. Cited in: Arhin, A. (2016), p.79. See: <https://doi.org/10.1080/23322705.2016.1136538>

184 Independent Anti-Slavery Commissioner (2017). *Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK*. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>

185 Roundtable Discussion, Prague, Czech Republic, June 2018.

Common transit routes from Vietnam to and through Europe





These routes are not exhaustive and potential victims of trafficking can experience variations of these routes.

Current trends and routes

Trafficking of Vietnamese nationals to Europe and the UK is a complicated and highly structured journey involving numerous and varied people and networks at different stages along the route. It is influenced by history, culture, geography, economy, rapid globalisation, environmental factors, migration patterns and diasporic networks. Acquiring evidence on the specific routes and journeys taken by Vietnamese persons of concern is integral to developing proper protection measures.

Migrants travelling to and through Europe from Vietnam have different experiences. However, there are common themes, geographical routes and tactics used by traffickers that have been identified. While some passages to Europe are well established, new ones tend to emerge in response to law enforcement investigations that impel smugglers or traffickers to use alternative routes and borders. In other words, smugglers or traffickers adapt their practice to overcome new obstacles or restrictions. Migrants themselves must also adopt to unknown and evolving circumstances along the journey.

Organised networks

The United Nations Economic and Social Council recently estimated that “[s]muggling networks from Vietnam are...active, smuggling approximately 18,000 persons a year to Europe”.¹⁸⁶ In Vietnam, criminal gangs involved with people smuggling reside mainly in the north; places known for this are Yen Thanh District in Nghe An province and Hai Phong City.¹⁸⁷ According to an interview with a Vietnamese individual,¹⁸⁸ smugglers in these locations promise to take Vietnamese children to the UK to work. As shared by one returnee in Vietnam, the smuggling network that organised his departure from Vietnam was specialised and well-prepared to bring migrants to France, Germany, Belgium and the UK.¹⁸⁹ There were individuals within the network of smugglers residing in each of those countries to support and assist the migrants. In a 2012 report, the Ministry of Foreign Affairs of Vietnam noted “many transnational human trafficking gangs in Vietnam have close contacts with international crime groups, who are able to send victims on to second and third destination countries”.¹⁹⁰ It is clear that these networks are widespread and highly organised. What is less clear is the extent to which they are embedded within the diaspora communities or how exactly they utilise the diaspora in their operations.

In general, approximately 70% of trafficking in human beings cases reported to Europol concern the trafficking of EU nationals by EU Nationals.¹⁹¹ In 2017, the number of Vietnamese suspects and victims was less than 1% of the total reported to the Europol team that supports investigations of trafficking in human beings. It is common for Vietnamese migrants to be facilitated by Vietnamese nationals or Russians of Chechen origin.¹⁹²

186 UN Economic and Social Council (2017). Economic and Social Commission for Asia and the Pacific Asia-Pacific Regional Preparatory Meeting for the Global Compact for Safe, Orderly and Regular Migration: Trends and drivers of international migration in Asia and the Pacific, Bangkok, 6-8 November 2017. See: https://www.unescap.org/sites/default/files/GCMPREP_1E.pdf

187 FOIA document (2016). Conversation report with Vietnamese migrant. COA internal communications. Requested by Argos/ Lost in Europe.

188 Ibid.

189 Pacific Links Foundation, Interviews with returnees to Vietnam, Nghe An province, Vietnam, 1 December 2018.

190 Consular Department – Ministry of Common Affairs of Viet Nam (2012). Review of Vietnamese Migration Abroad. See: http://eeas.europa.eu/archives/delegations/vietnam/documents/eu_vietnam/vn_migration_abroad_en.pdf

191 Anonymous Interview, the Netherlands, February 2018.

192 Ibid.

Pre-departure preparation

Research has indicated that smugglers in Vietnam typically prepare irregular migrants for transnational travel by providing them with recycled documents, visas and paperwork listing arranged flights. People are often instructed to pack a few articles of clothing in a backpack and to bring a suitcase filled with non-essentials because they may leave it at the airport in order to travel as lightly as possible. Migrants are instructed to check in approximately 10 minutes before the check-in desk closes so agents at the counter do not have time to inspect their paperwork properly.

Upon arrival in the first EU country, the instructions are to destroy their passports and reside in the airport for two days. Next, they are to locate the police, gain their attention and effectively 'get caught' on purpose. Getting caught is a necessary step because as passengers on layover flights, they lack the necessary visas to exit the airport. Individuals are therefore instructed to tell the police they have no documents and to give a false name. If children are put in care, they are instructed to escape. After 'escaping', depending on the arrangement, which is based on the original amount paid for these services, some are instructed to travel to the centre of a city where other members from the criminal network can locate and receive them in order to assist with the continuation of the journey. Those who did not pay for this 'extra' service are responsible for financing and facilitating the remainder of the journey themselves. The latter group is particularly susceptible to exploitation in Europe as they attempt to finance the remainder of their journey across Europe, possibly to the UK.

Profile

As the scale of global migration increases and the scope of it diversifies, it is increasingly difficult to accurately profile and quantify Vietnamese nationals being trafficked or smuggled to Europe.¹⁹³ Based on information sharing across a range of agencies, the German Embassy in Hanoi has suggested common profile characteristics of Vietnamese nationals being trafficked to Europe that typically include a range of the following indicators:¹⁹⁴

- Young, up to 28 years old
- Not married
- Never travelled before
- Unemployed or recently employed
- Carrying only hand baggage, 5-7 kg
- No English language skills
- Travelling as tourists
- Income is disproportionate to the costs for the trip
- Often with facilitator
- Travelling in groups of approximately 20 people

193 Anonymous Interview, the Netherlands, February 2018.

194 IOM (2018). Vulnerability to Human Trafficking: A Study of Vietnam, Albania, Nigeria and the UK: Report of Shared Learning Event held in Hanoi, Vietnam, 6-7 December 2017. See: <https://www.antislaverycommissioner.co.uk/media/1265/vulnerability-to-human-trafficking-vietnam.pdf>

Gateway countries

The majority of Vietnamese nationals arriving in Europe travel to Russia first. Analysing 63 NRM files of victims of human trafficking and modern slavery who had been trafficked to the UK, a report by the former IASC shows that, of cases with identifiable routes, 49% (31)¹⁹⁵ had travelled through Russia.¹⁹⁶ Based on interviews conducted with Vietnamese migrants staying temporarily in ‘Vietnam City’ in France and practitioners working with migrants across Europe, a significant number of Vietnamese migrants moving through Europe transited through Russia. At the Vietnamese and Russian border, legitimate passports are used for entrance. However, passports do not necessarily belong to those using them; they are recycled passports bearing Russian visas that have been supplied by smugglers. There are also reports that people travel to Japan or Korea before making use of a Russian tourist or student visa.¹⁹⁷ Though not an official number, one analytical agency claims 43,000¹⁹⁸ Vietnamese tourists visited Russia in 2017, an increase of 19% from 2016.¹⁹⁹ According to Ukrainian stakeholders consulted during a round table in Poland, Vietnamese nationals are subjected to forced labour in Russia, commonly in the textile or construction industry, as a means to pay off debt accrued from travelling to Russia. The US TIP report also notes instances of labour trafficking amongst workers from Southeast Asia – including Vietnam – “in the construction, manufacturing, logging, agricultural, brick factories, textile, grocery store, maritime, and domestic service industries, as well as in forced begging, waste sorting and street sweeping”.²⁰⁰ Vietnamese women and children are also victims of trafficking for sexual exploitation in Russia.²⁰¹ The journey to Europe is rife with danger and poses a high risk of exploitation from the very beginning.

195 Independent Anti-Slavery Commissioner (2017). Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>

196 Of the same dataset above, 71% (45) noted moving through France directly prior to arriving in the UK.

197 IOM (2018). Vulnerability to Human Trafficking: A Study of Vietnam, Albania, Nigeria and the UK: Report of Shared Learning Event held in Hanoi, Vietnam: 6-7 December 2017. See: <https://www.antislaverycommissioner.co.uk/media/1265/vulnerability-to-human-trafficking-vietnam.pdf>

198 TypCtat (2019). Inbound Tourism in Russia in 2017. See: <http://turstat.com/inboundtravelrussia2017>

199 Ibid.

200 US TIP Report (2018). Russia. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282736.htm>

201 Ibid.

European routes

The experience of moving to and through Europe varies for all Vietnamese nationals. From interviews with practitioners and experts at round tables throughout Europe, it was clear that travel through Belarus, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Germany, Belgium, the Netherlands and France are common overland routes to the UK. Transit routes through Ukraine were also identified. Our research has also shown that Kaliningrad, a small Russian exclave between Poland and Lithuania, is an extremely porous area that Vietnamese migrants commonly use when attempting to cross into the EU.²⁰²

A recent trend shows the dominant route from Vietnam to Europe encompasses travel to Russia, onwards to Latvia or Belarus then to Lithuania, where migrants are transferred by cars to Poland and some further west, to Germany, France or the UK.²⁰³ There are also reports that Vietnamese nationals pass through the Belarusian and Latvian forests on foot. The 2018 TIP Report notes a growing number of Vietnamese victims transit through Poland en route to Western Europe after being subjected to labour trafficking in Russia.²⁰⁴ Our research undertaken in Poland also identified this trend.

Aside from being smuggled or trafficked over land, travelling into the EU by plane, coupled with visa fraud, has been reported. Dutch police have identified Vietnamese children who travel by plane from Vietnam, Malaysia or Taiwan on a ticket to Russia or South America with a layover in Amsterdam. They purposely miss their connecting flight at the airport in Amsterdam where they are encountered by Dutch authorities and taken into care, so they will not be removed from the country.²⁰⁵ A similar tactic is used in France. One organisation noted that approximately 35% of the unaccompanied children they work with at Roissy-Charles de Gaulle airport are Vietnamese, making them the number one nationality they encounter.

The last leg of the journey is often from France. From the north of France, attempts are made to reach the UK by paying a smuggler to be hidden in a secret compartment of a truck, or to hide oneself in a truck close to the harbour without the driver noticing.²⁰⁶ A field survey commissioned by France Terre d'Asile²⁰⁷ confirmed this pattern and highlighted that the French stage is crucial in the journey of Vietnamese migrants moving towards the UK. In France, the difficulty of making it to the UK increases; there are precarious conditions in migrant camps and the cost of passage is exorbitant.

There are also cases of Vietnamese nationals attempting to reach the UK via the Netherlands. The most common route into the Netherlands has been reported as crossing into China and traveling over land via Russia, Belarus or Ukraine and Poland into Germany and then via France to the Netherlands.²⁰⁸ The main Dutch harbour from which the journey to the United Kingdom is attempted is the harbour of Hook of Holland, from where a ferry to Harwich departs daily.²⁰⁹

202 Round-table Consultation, Poland, September 2018.

203 Sobolewski, S. (2018). Unpublished Expert Report.

204 US TIP Report (2018). Russia. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282736.htm>

205 National Police (July 2016). Internal administrative report, cited in Kooy H. (2018), unpublished expert report.

206 FOIA document (2016). Conversation report with Vietnamese migrant. COA internal communications. Requested by Argos/ Lost in Europe.

207 Tan, D. and Nguyen, H. (2017). En Route to the United Kingdom: A Field Survey of Vietnamese Migrants. See: http://www.france-terre-asile.org/images/stories/publications/pdf/En_route_to_the_United_Kingdom_-_a_field_survey_of_vietnamese_migrants.pdf

208 Kooy, H. (2018). Vietnamese Nationals and human Trafficking in the Netherlands, unpublished Expert Report.

209 FOIA document (July 2017). Notes Nidos expert meeting. COA internal communications. Requested by Argos/ Lost in Europe.

Intent to reach the United Kingdom

Many Vietnamese children who are smuggled to the Netherlands express a strong drive to reach the UK. A reason given for this is that they will earn more money working illegally in the UK than anywhere else in Europe. In an interview report, a Vietnamese national was asked why no Vietnamese person who has been smuggled to the Netherlands wants to stay and apply for asylum there. He responded that they cannot work there and would rather live with the Vietnamese community in the UK who have been smuggled the same way from Vietnam. He “believes jobs with high salaries are immediately available in [the UK] for Vietnamese who have been smuggled like him.”²¹⁰ In another interview, Vietnamese children explained that they want to go to the UK and plan to work in nail salons there. They said other Vietnamese people, who were successfully smuggled into the UK, “could make between £2000 GBP and £2,500 GBP a month” working illegally. This same amount of monthly wages was reported in the previous interview; this is allegedly what other Vietnamese who have been smuggled to the UK report to be earning.²¹¹

Case study

Missing from protected care in the Netherlands, found in the UK

A Vietnamese boy, who had disappeared from care in the Netherlands, was found again in England in the Spring of 2018. He had managed to get to the police himself for help to ‘get out of his situation.’ He was placed with a foster family in the UK, and it was decided he would not return to the Netherlands but stay in the UK. The boy reported having received a message on his cell phone telling him to leave the protected shelter in the Netherlands before going missing.²¹²

Movement into and across Europe is marked by uncertainty and the process of having to adapt to varied situational factors leaves Vietnamese migrants vulnerable.

210 FOIA document (2016), Conversation report with Vietnamese migrant. COA internal communications. Requested by Argos/ Lost in Europe.

211 FOIA document. (October 2016). COA internal communications. Requested by Argos/ Lost in Europe.

212 Ibid.

Emerging trend: South American route

New transit routes that integrate South American travel via Peru (Lima), Brazil or the Dominican Republic are being used more frequently to reach Europe, in particular to reach France. This route involves air transport in South and Central America before entering the EU. Some stakeholders identified routes through Panama and Chile to France.²¹³

In December 2018, the Spanish Policía Nacional, support by EUROPOL, arrested 37 members of an international gang that had charged 730 Vietnamese migrants €18,000 EUR each to be smuggled into Spain.²¹⁴ The migrants had been smuggled from Vietnam and transported via South America into the EU in groups of 6 to 12. The groups were led by an English-speaking smuggler who had been with them from the beginning of their journey and was responsible for facilitating communication during the journey.²¹⁵ The migrants could pay the €18,000 EUR using several methods: 1) paying in Vietnam, giving up land and property or 2) through unpaid work after arriving in Europe.²¹⁶ EUROPOL estimates the criminal network orchestrating this gained over €13 million EUR.²¹⁷

Social media

Research found that Vietnamese migrants arriving in Europe irregularly commonly use social media as a means to gather information about the legitimacy of work opportunities in a given country, discuss the services offered by *Dịch vụ* (middlemen), find accommodation and discuss options for onward movement within Europe.

Some irregular migrants made statements on social media sharing how they had been cheated. For example, they had been promised a legal stay in Poland with the right to work, only to discover en route that they were being smuggled across the border illegally. Therefore, some people are now suspicious as to whether they should trust job offers, and use social media to find out about the legitimacy of the companies offering work opportunities and inviting prospective workers. Below are excerpts that exemplify this.

213 Round-table Consultation, Vietnam, November 2018.

214 Europol, 'From Vietnam to Spain: An Illegal Journey Costing EUR 18 000', 6 December 2018. See: <https://www.europol.europa.eu/newsroom/news/vietnam-to-spain-illegal-journey-costing-eur-18-000>

215 Ibid.

216 Ibid.

217 Ibid.



Post on a Facebook group frequently used by members of the Vietnamese community in Poland:



Hi everybody! I want to ask you something. I'm interested in going to Poland to work as exported labour. Now I see there are several centres providing a program of labour export for electricians, welders and assemblers, the price is about 6,000, the salary 1,100 dollars, the boss provides accommodation and meals. Is it like this? And did anybody go this way? Thanks!

July 25 at 8:21 PM



There has been no such information yet



be careful you can be cheated



It's a fraud, I tell you



It's a fraud, no way there can be something like this



Don't know if it's true or false, but on 15.07 on a plane of Qatar there was a guy going here to work. He was employed by a Vietnamese company. I looked at his visa, it was D and he said that he was it the first group to go, in two days there will be other groups, when we arrived to the Okęcie airport there was a white guy who picked him and took him somewhere outside Warsaw, and if it is really the company that employed him and not the middlemen cheated him, he will make seven – eight thousand...



Yes



At present when workers come it is very difficult for them to prolong their documents in Poland and almost all are refused. And as to the problem of importing labour, I haven't heard anything about it



If you are in Poland, please help me. Do you know if the following company exists? Thank you for the information you'll send me!

November 6 at 5:31 AM



Yesterday night I just met two Vietnamese people who came to Poland following the route of labour export.



is it easy to get rich in Poland? I'm preparing to go



they were men or women? Do you know what kind of job they have?



I wanted to ask if this company exists.



[Link that can be used to find](#) (a link to the official government web page which provides information about companies and other legal entities)



Information from the judiciary web page is definitely not positive. For now, they have filed reports only until 2015. They were established in 2013. In general you need be cautious. The owner of the company is a Russian or a Ukrainian, of course it's too early to say much about it. The important thing is that there is a blank period between 2016 and 2017. And the web page doesn't exist...

Exploitation and control en route

Vietnamese men, women and children who are trafficked for forced labour, or sexual exploitation, or willingly smuggled to European countries, are susceptible to exploitation in garment factories, the construction industry, brothels, domestic servitude, cannabis farms and/or nail bars across Europe.²¹⁸ Women and girls are particularly susceptible to sexual exploitation at the hands of traffickers and even the peers they are travelling with. One stakeholder mentioned that when travelling in groups, women and girls are less susceptible to sexual exploitation if they are seen to have a 'partner' also travelling as part of the group.

Previous research by Anti-Slavery International and ECPAT UK suggests that some Vietnamese people arriving in the UK who transit via different European countries spend months or more in transit countries and are often required to perform work or services in exploitative conditions to either finance the next leg of their journey or make money for their traffickers.²¹⁹

A pattern of temporary stay in European transit countries was also observed throughout this research. According to experts and practitioners in Europe, Vietnamese nationals traveling from Russia to EU countries temporarily stop to work in Ukraine, Poland, the Czech Republic, Slovakia, Germany, Belgium and France as a means to finance the remainder of their journey. Vietnamese nationals moving irregularly are at heightened risk of exploitation, exacerbated by a lack of legal status that necessitates informal work contracts and sub-par work standards.

In Ukraine, there have been multiple accounts of Vietnamese nationals identified without documents, particularly in exploitative working conditions in sewing factories where counterfeit goods are produced and sold locally, as well as distributed to and sold in various marketplaces across Europe.²²⁰ In one case, 16 Vietnamese nationals identified by Ukrainian authorities in Odessa had been led to believe by smugglers they were in France.²²¹ Smugglers in Ukraine take full advantage of Vietnamese victims attempting to cross borders out of the country to such an extent that fake border crossings are created. People are taken into the mountains, told it is an official border, asked for payment and abandoned.²²² This is indicative of how a lack of knowledge about movement/route coupled with lack of local language ability is used as a control mechanism to keep victims compliant.

218 Blue Dragon, Liberty Asia (2018). Legal Gap Analysis of Anti Trafficking Legislation in Vietnam. See: http://freedom.collaborative.prod.s3.amazonaws.com/uploads/GapAnalysis_Vietnam_20180531.pdf

219 Anti-Slavery International (2012). Trafficking for Forced Criminal Activities and Begging in Europe. See: https://www.antislavery.org/wp-content/uploads/2017/01/trafficking_for_forced_criminal_activities_and_begging_in_europe.pdf

220 State Border Guard Service of Ukraine 'In Odessa, the border guards together with the migration service discovered 20 Vietnamese citizens who violated the rules of stay in Ukraine', 26 September 2018. See: <https://dpsu.gov.ua/ua/news/v-odesi-prikordonniki-viyavili-20-gromadyan-vtnamu-shcho-porushili-pravila-perebuvannya-v-ukraini/>

See also: ZN UA News, 'In Odessa, "covered" underground shops for the sewing of clothing by illegal Vietnamese', 7 August 2015. See: https://dt.ua/UKRAINE/v-odesi-nakrili-pidpilni-cehi-z-poshittya-odyagu-nelegalami-v-yetnamcyami-181023_.html/?g=article&m=123321

See also: UA News, 'In the basement of the Odessa cafe illegal immigrants from Vietnam sewed fake "Adidas", "Nike" and "Columbia"', 5 September 2015. See: <https://news.pn/ru/criminal/142603>

See also: Ukrainian Interest, 'Forty-one illegal immigrants from Vietnam were detained in the Odessa region', 29 March 2017. See: <https://uain.press/regions/na-odeshyni-zatrymaly-sorok-odnogo-nelegalu-z-vyetnamu-43041>

See also: UA News, 'During the work of "7 kilometers" and "Privoz" in Odessa, 17 people who were illegally arrived from Asia were detained', 8 August 2018. See: https://censor.net.ua/ua/photo_news/3080105/pid_chas_vidpratsyuvannya_7_kilometra_ta_pryvozu_v_odesi_zatrymaly_17_migrativ_yaki_nelegalno_prybulu

221 Obozrevatel News, 'Scammers gave a group of illegal immigrants to Odessa for France', 9 December 2017.

See: <https://www.obozrevatel.com/ukr/society/shahrai-vidali-grupi-nelegaliv-odesu-za-frantsiyu.htm>

222 Round-table Consultation, Poland, September 2018.

Case study

Labour exploitation in Ukraine

30 Vietnamese nationals were found in forced labour in a sweatshop in Ukraine; a mixture of men, women and young people, all over 18 years of age were identified. Indicators of trafficking were observed by the police, including a lack of identification documents and no freedom of movement. When a lawyer from an NGO spoke with the Vietnamese labourers, they confirmed that their identification documents had been confiscated and they were prohibited from leaving the factory where they worked and lived.

After speaking with a translator, the victims changed their testimony and stated that they worked and lived at the factory voluntarily. At the direction of the regional migration service they were taken by bus to the temporary detention centre for illegal migrants in the village of Zhuravychi in Volyn Oblast (west Ukraine).

Following this, IOM provided an attorney who released them from the closed centre and they were transferred to a protected shelter for those who have undergone violence. They were recognised as victims of labour exploitation and trafficking. Many were unaware they were even in Ukraine until they were identified by the police; they believed they were in Russia. They had been transferred from Russia in the night on a closed bus and assumed they were being moved internally within Russia.

Again, this is indicative of how traffickers can control the movement of victims; moving them from country to country, as a means to prevent them from gaining knowledge or confidence that would allow them to escape.

In Belgium, there have been reports of undeclared work and labour exploitation amongst Vietnamese nationals staying temporarily in the country. There are suspicions of trafficking in nail bars where Vietnamese workers are illegally employed and a significant amount of nail bars are run by Belgian nationals of Vietnamese origin in Brussels.²²³ Recent labour inspections observed that drawers or closets are used to store Belgian identity documents and in the case of inspections, documents are used by illegally employed workers who pretend to be of Belgian nationality.²²⁴ In November 2018, during simultaneous inspection visits to nail bars in Brussels the Belgian National Social Security Office (NSSO) identified two Vietnamese girls who were being exploited; they were referred to a support centre and accorded the statute of victim of human trafficking.²²⁵

223 Round-table Consultation, the Netherlands, February 2018.

224 Round-table Consultation, the Netherlands, February 2018. Also: Email Conversation with Belgian National Social Security Office Inspectorate, Anti-trafficking Unit, February 2019.

225 Email Conversation with Belgian National Social Security Office Inspectorate, Anti-trafficking Unit, February 2019.

Case study

Labour exploitation in Belgium

A labour inspection at a restaurant in Brussels identified two Vietnamese young people working illegally in the kitchen. One was not deemed to be a victim of trafficking and there were doubts about his age. He was sent to a shelter for children but the next day he fled the centre and disappeared.

The other young person was confirmed to be a child and was also referred to a centre for children. According to his statements, he had been in Belgium for four months and had arrived from Thailand on board a cargo ship. He had paid \$12,000 USD to the captain for the trip. He had no identification documents, but he submitted a copy of another person's document to authorities. He slept in the restaurant on chairs he put together. He had been working there for three months. He washed himself at the kitchen sink of the restaurant, where he had only a small amount of clothes. He worked six days a week, working long hours. He was paid €1,000 EUR in cash, of which he had to return €900 EUR to the restaurant owner. The owner said he gave the €900 EUR to the captain of the ship who would transfer the money to his mother at home. In the restaurant there were a lot of cameras and the place where the boy lived and slept was filmed by a camera. The boy declared "I find my living conditions acceptable".²²⁶

This case highlights an important aspect of vulnerability amongst Vietnamese victims of human trafficking who do not self-identify as victims and are therefore more difficult to identify and assist.

Costs

The price to be smuggled to Western Europe can reach as much as €40,000 EUR (£34,000).²²⁷ The amount of money paid for irregular travel to Europe is dependent on the amount and nature of services required.²²⁸ In an interview with a Vietnamese migrant, the interviewee explains the route and payment for being smuggled to the UK, noting some people have to pay the whole trip up front to their smuggler, while others allow individuals to pay in three instalments:²²⁹

- The fees for administration (plane ticket to Russia, or other third country, and visa costs)²³⁰
- Travel from Vietnam to France
- Travel from France to England

From interviewing Vietnamese individuals along the route, it was identified that fees paid to labour brokers fall into three general categories of 'payment plans':

- Payment at each stage of the migrant's journey
- Payment all at once prior to leaving Vietnam
- Payment due once the migrant reaches the UK, with the brokers/smugglers revealing the final price at the end of the journey

In all cases, the families or migrants themselves must borrow money to pay the initial cost. The debt is typically incurred by the family, but the burden of repayment lies with the migrant. Interviews with Vietnamese people in transit, as well as those returned to Vietnam, indicated that costs can range between €8,800 and €35,500 EUR (£7,500 – £30,000 GBP).

According to evidence gathered in Poland, the cost of transit from Vietnam to Poland is €13,000 – €17,000 EUR (£11,100 – £14,500 GBP) per person and the average cost of legal migration from Vietnam to Moscow is approximately €13,000 EUR (£11,100 GBP) for example with a tourist visa. This amount is paid in Moscow and all subsequent steps of the journey entail additional costs.

Lorries are the most common mode of transport from France to the UK and migrants can choose different 'packages' for travel. The 'regular package' is less efficient, while the 'VIP route' costs more and takes less time to complete. According to one report, the 'normal way' costs between €3,000 and €4,000 EUR (£2,500-£3,500 GBP), whereas the 'VIP way' costs between €10,000 and €14,000 EUR (£8,000- £12,000 GBP).²³¹ It is important to note that rates can fluctuate significantly.²³²

227 FOIA document. Report of interview with two Vietnamese minors. COA internal communications. Requested by Argos/ Lost in Europe.

228 Nozina, M. and Kraus F. (2017). Along trip to paradise: A darker side of the Vietnamese migration to the Czech Republic. See: https://www.researchgate.net/publication/324313709_Along_trip_to_paradise_A_darker_side_of_the_Vietnamese_migration_to_the_Czech_Republic

229 FOIA document (2016), Conversation report with Vietnamese migrant. COA internal communications. Requested by Argos/ Lost in Europe.

230 The Vietnamese in this case did not have to pay this as he decided to travel by car and on foot into China.

231 IRASEC and France terre d'asile (2017). En Route to the United Kingdom: A Field Survey of Vietnamese Migrants. See: https://www.france-terre-asile.org/images/stories/publications/pdf/En_route_to_the_United_Kingdom_-_a_field_survey_of_vietnamese_migrants.pdf. Prices indicated correspond to the accounts gathered between July and November 2016 and were cross-checked with police surveys.

232 Ibid.

Debt bondage

Debt bondage refers to the burden of excessive debt that victims of trafficking accumulate as part of the migration process, which traffickers then use to coerce, control and exploit victims.²³³ Under the Palermo Protocol, debt bondage is illegal.²³⁴ This is true even if a victim initially consented to participation in a form of unfair labour, but later became trapped by fraudulent debt. As noted by the US TIP Report “[t]raffickers, labor agencies, recruiters, and employers in both the country of origin and the destination country can contribute to debt bondage by charging workers recruitment fees and exorbitant interest rates, making it difficult, if not impossible, to pay off the debt.”²³⁵

The system of debt bondage is prevalent amongst Vietnamese victims of trafficking in Europe. Smugglers demand interest on borrowed money and the amounts owed can quickly rise. The risk of economic exploitation through debt owed to the smuggler is significant. Individuals commonly acquire work throughout their journey to pay off debt and continue moving. Sometimes debt lies with the remaining family in Vietnam and this can be used as a way to pressure and control the victim.²³⁶ Vietnamese children also reported not having paid anything for their trip to the Netherlands; these children are likely victims of human trafficking as it is clear the debt must be satisfied by some means. These children reported being unaware they were travelling to the Netherlands and were unaware of what they would be doing there.²³⁷ This situation has also been reported in the UK by ECPAT UK youth group members.

Case study

Trafficking from Vietnam to Europe

Dinh* lived in Bangkok with a Thai man for whom he performed household chores with no payment. One day he suddenly received a suitcase containing clothes from the man he lived with, and was told he would go to another country to work. He was taken to the airport by a strange man who gave him a mobile phone, a notebook and a plane ticket. Dinh didn't know where he was going. Arriving at the airport in Amsterdam, someone grabbed his papers out of his hands. Shortly after, he was stopped by the police and taken to a reception centre. He applied for asylum and said he wanted to cooperate with everything the authorities asked of him, as long as he could stay in the Netherlands.²³⁸

233 US TIP (2014). What is Modern Slavery? See: <https://www.state.gov/j/tip/what/>

234 UN General Assembly (1989). Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3. See: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

235 US TIP Report (2014). What is Modern Slavery? See: <https://www.state.gov/j/tip/what/>

236 UNICEF (2016). Neither Safe nor Sound: Unaccompanied children on the coastline of the English Channel and the North Sea. France. See: https://www.mensenhandelweb.nl/system/files/documents/30%20jun%202016/Unicef_NeitherSafeNorSound_%28003%29.pdf

237 FOIA document (February 2014). Transfer notification. COA internal communications. Requested by Argos/ Lost in Europe.

238 FOIA document (January 2014). Transfer notification TerApel. COA internal communications. Requested by Argos/ Lost in Europe.

Visas

In an interview, two Vietnamese children in Holland were asked by a Vietnamese-speaking employee how they had obtained a visa to travel to the Netherlands and Germany.²³⁹ They explained that it is easy to get a visa at the embassies in Hanoi.

“ They told me that it’s not possible to get a visa by the consulates in Ho Chi Minh City. They could only get a visa to the Netherlands or Germany at the embassies in North Vietnam because the smugglers have good connections with people in those embassies. The smugglers also have good connections with people at the Noi Bai airport, therefore they could get through the gate without, or with very little, security checks.²⁴⁰ ”

Visa applications made in Vietnam are often outsourced to third party companies or agencies. This puts applicants at risk because indicators of vulnerability may be missed. Without understanding the link between visas issued through legitimate channels and trafficking, the potential risk of trafficking remains high.

Segregation

Vietnam has traditionally and unofficially been divided between northern, central and southern peoples with distinctive cultures, accents and customs. This divide, particularly between northerners and southerners, persists in European diaspora communities. In Germany, for example, the north-south divide became the east-west divide, with southerners migrating to West Germany after 1975, and northerners migrating to East Germany in the 1980s. Based on interviews with Vietnamese migrants in Europe, this divide can endure even among those who are being trafficked or smuggled in groups through Europe, commonly manifesting in disagreements between the cohorts. It was also discovered that Vietnamese people commonly travel in groups that include other nationalities and that disagreements and even violence between nationality groups can arise.

Had widely accessible information been available in Vietnam advising of formal assistance offered along the route, the victims may not have found themselves in such situations, or at the very least, would have been able to minimise their own situational risks. Safe migration routes would also provide protection to those wishing to migrate through and into Europe.

239 FOIA document. Report of interview with two Vietnamese minors. COA internal communications. Requested by Argos/ Lost in Europe.

240 Ibid.

* name changed.

Country profiles

Poland

The current profile

Poland is a source, transit and destination country for adults and children subjected to trafficking.²⁴¹ Labour trafficking in the country is increasing amongst victims originating from Europe, Asia and Africa.²⁴² An increased vulnerability to labour trafficking in the restaurant, labour and agricultural sectors has recently been observed, particularly amongst Ukrainian, Belarusian and North Korean migrants.²⁴³ It has also been observed that a “growing number of Vietnamese victims transit Poland en route to Western Europe after being subjected to labour trafficking in Russia”.²⁴⁴ Research undertaken in Poland confirmed these observations, and law enforcement actors reported various cases of human trafficking involving Vietnamese people. In 2017, there were four known Vietnamese people exploited in the construction industry. In 2018, there were two known victims who were exploited in forced labour; one in a restaurant and one in agriculture. An average of 300-400 irregular migrants from Vietnam arrive in Poland annually.²⁴⁵ Many do not identify as being victims of trafficking, so it is difficult to support them.²⁴⁶

According to official numbers, there are currently 12,497 Vietnamese citizens in Poland holding a residence permit.²⁴⁷ The Vietnamese population in Poland is largely concentrated in Warsaw, as evident in official statistics outlining the spatiality of where Vietnamese people in Poland obtained a residence permit:

- 10,201 in the Mazovia Voivodship – located in the region where Warsaw is located
- 395 in the Lesser Poland Voivodship – City of Krakow
- 228 in the Silesia Voivodship – City of Katowice
- 215 in the Lower Silesia Voivodship – City of Wroclaw
- 217 in the Lodz Voivodship – City of Lodz
- 153 in the West Pomerania Voivodship – City of Szczecin ²⁴⁸

241 FOIA document. Report of interview with two Vietnamese minors. COA internal communications. Requested by Argos/ Lost in Europe.

242 US TIP Report (2018). Poland. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282732.htm>

243 Ibid.

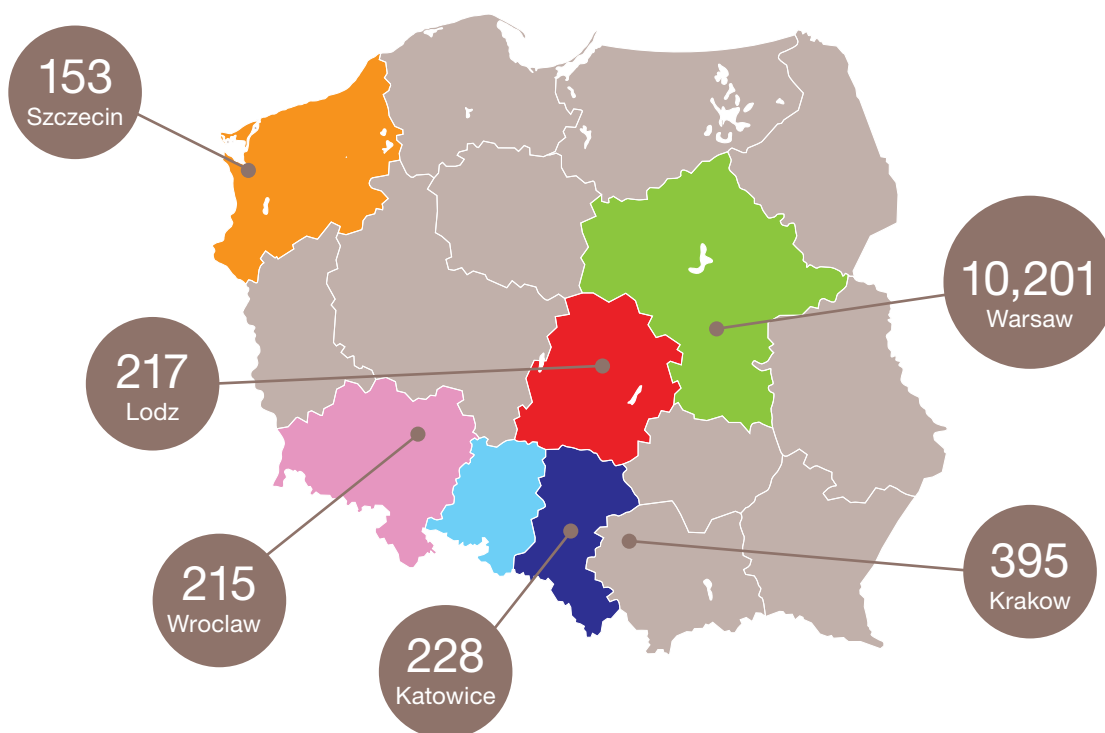
244 Ibid.

245 Anonymous Interview. Poland. September 2018.

246 Ibid.

247 Government of Poland (2019). Current Migration Data. See: <https://migracje.gov.pl/statystyki/zakres/polska/typ/dokumenty/widok/mapa/rok/2019/kraj/VN/?x=0.8056&y=1.1534&level=1> [last accessed 29 March 2019].

248 Ibid. The remaining ten voivodships show small numbers (double digits) of Vietnamese who were granted a residence permit in those areas.



However, these numbers are likely not an accurate reflection of all Vietnamese residents in Poland or of their spatial dispersion in Poland. This is because many who are registered in certain areas do not actually reside there, and may not even live in Poland. Similarly, many Vietnamese live in Poland with a residence permit issued by another country of the Schengen zone (mostly the Czech Republic).²⁴⁹ Moreover, the numbers of issued residence permits does not include Vietnamese people with Polish citizenship (approximately 5,000 in 2017).²⁵⁰ Additionally, the statistics do not include irregular Vietnamese migrants, who are steadily entering Poland through eastern borders and are at the greatest risk of being trafficked and exploited.²⁵¹

Between 1992 and 2006, only 205 Vietnamese were granted Polish citizenship.²⁵² The number of Vietnamese applying for the citizenship increased considerably when a new law allowed foreigners to hold dual citizenship, suggesting people did not want to sacrifice citizenship in their homeland. In 2014, approximately 300 Vietnamese became Polish citizens.²⁵³ The number of Vietnamese with Polish citizenship today is not easily found. The fluctuations and nearly steady rise of the total number of Vietnamese legal residents in Poland between 2010-2018 are listed below.

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018
Total number of residents	4,570	5,052	6,560	6,435	5,455	6,193	7,899	10,503	12,497

Source: Government of Poland, 2019²⁵⁴

249 Sobolewski, L. (2018). Unpublished Expert Report.

250 BBC News, 'Why do Vietnamese people still come to Poland?' 21 September 2017 See: <https://www.bbc.com/vietnamese/forum-41345897>

251 Sobolewski, L. (2018). Unpublished Expert Report.

252 Migration Policy Department Ministry of Internal Affairs and Administration (2007). Vietnamese community in Poland, Migration policy of Vietnam. See: https://emn.gov.pl/ftp/esm/RAPORT_WIETNAM.pdf

253 Polish Government Service (2019). Ministry of Interior and Administration. See: <http://www.mswia.gov.pl/pl/bezpieczenstwo/obywatelstwo-i-repatri/cudzoziemcy/11982,INFORMACJA-DOT-NABYCIA-OBYWATELSTWA-POLSKIEGO-NA-PODSTAWIE-USTAWY-Z-DNIA-2-KWIET.html>

254 Government of Poland (2019). Current Migration Data. See: <https://migracje.gov.pl/en/statistics/scope/poland/type/statuses/view/map/year/2019/country/VN/?x=0.7827&y=1.2488&level=1> [last accessed 29 March 2019].

History of migration and the diaspora community

The historical patterns of Vietnamese migration to Poland differ from those of other Eastern European countries during the communist period. Contrary to the Soviet Union, East Germany, Czechoslovakia or Bulgaria, Poland did not adopt a program of importing temporary guest workers from Vietnam to work in industrial facilities.²⁵⁵ There is one case of Vietnamese workers arriving in Poland during the 1980s to work in a sewing factory in Lodz. The women were mistreated by the factory owner so they escaped to Warsaw and allegedly made their living by selling goods on the streets, thus becoming pioneers of the Vietnamese merchant community in Poland.²⁵⁶

Commercial activity amongst the Vietnamese population in Poland mainly began in the early 1990s in Warsaw at the 'Stadion Dziesieciolecia' (or the 10th Anniversary Stadium), a large stadium turned commercial centre.²⁵⁷ It soon became the largest marketplace in Europe, predominantly offering an assortment of inexpensive Chinese apparel. Liberalisation of Vietnamese emigration policy in the early 1990s allowed Vietnamese citizens to leave the country legally and coincided with this period of burgeoning commercialism in Poland.²⁵⁸ Financially successful Vietnamese merchants in Poland brought immediate family and relatives, and eventually friends, to Poland. Thus, the core of the Vietnamese migration network and diaspora community developed in Poland.²⁵⁹

At the same time, the collapse of the Soviet Union caused some former Soviet Bloc states to cancel their temporary work agreements with Vietnam. The work agreements had historically prompted "several hundred thousand Vietnamese [to go] abroad to socialist countries in organised groups under solidarity agreements as workers, students, apprentices and trainees".²⁶⁰ Thousands of Vietnamese factory workers were suddenly unemployed and without residence permits. Approximately 80% returned to Vietnam, but some chose to remain in Europe and some relocated to Poland in hope of finding financial success at the Stadium marketplace.²⁶¹ Contrary to the first wave of Vietnamese merchants who were mostly well-educated people, the newcomers generally represented the working class and had low levels of education, which created a social divide in the community.²⁶² Commerce amongst the Vietnamese community was concentrated in restaurants, barbers, and money transfer and money exchange offices in an area of Warsaw that came to be known as 'Vietnamese town' or the 'golden triangle'.²⁶³ This period is referred to as one of great opportunity, but also as one of great insecurity amongst today's Vietnamese diaspora community in Poland.²⁶⁴

255 Sobolewski, L. (2018). Unpublished Expert Report.

256 Ibid.

257 Ibid.

258 Ibid.

259 Ibid.

260 Schwenkel, C. (2015). Socialist Mobilities: Crossing New Terrains in Vietnamese Migration Histories, Central and Eastern European Migration Review, 4:1. See: <http://www.ceemr.uw.edu.pl/vol-4-no-1-june-2015/articles/socialist-mobilities-crossing-new-terrains-vietnamese-migration>

261 Sobolewski, L. (2018). Unpublished Expert Report.

262 Ibid.

263 Ibid.

264 Ibid

Post-1989, the Polish Government lacked financial capability; they struggled to offer protection to Polish citizens, let alone foreign merchants. Vietnamese merchants faced challenges related to Vietnamese criminal activity, ethnic tensions and even extortion from police officers, as police corruption was widespread in the early 1990s.²⁶⁵ On the other hand, lax state control in the 1990s was advantageous for many members of the Vietnamese community who did not have to pay duties or taxes.²⁶⁶ The previous 'stadium era' also created equal opportunities amongst Vietnamese merchants. For example, newcomers who initially earned a living through menial jobs at the marketplace were able to save money and eventually open their own stalls, thus becoming merchants. This financial success incited interest amongst Vietnamese people considering migrating to Poland. Some obtained visas at the Polish embassy in Hanoi, both legally and illegally; it is rumoured that corrupt Polish diplomats were offering visas to Vietnamese citizens.²⁶⁷ Others obtained visas through the services of international crime organisations specialised in trafficking people from Vietnam to Europe.²⁶⁸

A new Alien Act introduced in 1997 made it difficult for undocumented Vietnamese residents to obtain legal status and residency in Poland.²⁶⁹ In 2004 and 2005, repeated crackdowns on people living without official documentation in Poland took place and hundreds of Vietnamese people were detained as a result.²⁷⁰ Many detainees did not possess identification and refused to disclose their identity. To overcome this, the authorities sought the cooperation of the Vietnamese Ministry of Public Security (MPS). From 2008, Vietnamese migration officers began visiting Polish migrant detention centres, effectively leading to an increased number of repatriations to Vietnam.²⁷¹

Following pressure from civil society organisations, the Polish Government adopted a law that legalised the situation of undocumented migrants residing in Poland and afforded them social rights.²⁷² They launched three 'amnesty' campaigns (2003, 2007, 2011) directed at settled but undocumented migrants undertaking undeclared work in Poland.²⁷³ In 2003, the total number of Vietnamese who applied for legal status was 1,341 (1,047 were issued a positive decision), while in 2007, 1,125 Vietnamese applied and 901 were granted legal status.²⁷⁴ The number from 2011 was not easily found.

265 Ibid. See also: Surdej, A. (2005). Political Corruption in Poland: Sources of Corruption in Post-Communist Poland. See: <https://www.forschungsstelle.uni-bremen.de/UserFiles/file/06-Publikationen%20Arbeitspapiere/fsoAP65.pdf>

266 Ibid.

267 According to one expert, and based on anecdotal evidence, a Polish diplomat in Hanoi in the early 2000s was fraudulently issuing a large number of visas. His activity was eventually discovered and he was revoked back to Poland where charges were pressed against him.

268 Sobolewski, L. (2018). Unpublished Expert Report.

269 Ibid.

270 Ibid.

271 Ibid.

272 EurWORK (2013). Amnesty for illegal migrants, Poland, 2 June 2013. See: <https://www.eurofound.europa.eu/data/tackling-undeclared-work-in-europe/database/amnesty-for-illegal-migrants-poland>

273 Ibid.

274 Szymańska-Matusiewicz, G. (2012). Abolition as an element of Polish Migration Policy, No. 13:133. See: https://www.academia.edu/4497101/Abolicja_jako_element_polskiej_polityki_migracyjnej



Wólka Kosowska market, a commercial trade centre in Poland

Wólka Kosowska

Today, most Vietnamese people residing in Poland or transiting through Poland work in Wólka Kosowska – a commercial trade centre located 30 km south of Warsaw. The Polish Government's decision to build a new national stadium at the place of the 10th Anniversary Stadium (the previous market) ended Vietnamese commerce at the stadium. By 2010, nearly all Vietnamese stalls had closed. Thousands of Vietnamese small-scale merchants and menial workers had to find new livelihoods, and most moved to Wólka Kosowska. The commercial centre provides approximately 5,000 jobs directly and 10,000 indirectly, in relation to logistics, storage and other aspects of the supporting industrial supply chains.²⁷⁵ It is also said to boast 600 shops and 500 stalls. The majority of shops are Chinese-run; Vietnamese people operate stalls, along with Turkish, Ukrainian, Hungarian and Belarusian counterparts.²⁷⁶ Wólka Kosowska is a centre of Vietnamese economic activity as well as a centre of social and cultural life to the Vietnamese community residing in Poland. One report called it “the most significant migrant economic institution in Poland...[and an]...economic phenomenon distinctly influencing the local labour market and the socio-economic landscape”.²⁷⁷

²⁷⁵ Belt and Road Portal, 'China mall in Warsaw boosts local economy and life'. 23 May 2017. See: <https://eng.yidaiyilu.gov.cn/home/rolling/14383.htm>

²⁷⁶ Ibid.

²⁷⁷ Klorek, N. and Szulecka, M. (2013). Migrant Economic Situations and their Environmental Influence: A Case Study of Trade Centres Located in Wólka Kosowska, research report. See: <https://interwencjaprawna.pl/docs/ARE-313-Wolka-Kosowska-en.pdf>

However, the new marketplace differs from the old one. The number of shops available is limited and they are expensive to rent; therefore only those with sufficient capital resources could continue their business in the new centre. The previous period of equal opportunities for Vietnamese people in Poland ended when the stadium was closed and less fortunate migrants were relegated to menial work with no prospect of becoming successful themselves.²⁷⁸

Analysing the economic influence and social fabric of Wólka Kosowska today, one report notes:

“*The migrant networks in which the Vietnamese working in Wólka Kosowska operate are characterized by a complex structure of internal relations. On the one hand, they may be perceived as a source of support in, among others, coming to Poland, finding a job, daily life in Wólka Kosowska. On the other hand, these networks may be perceived through the potential risk of exploitation or crime such as trafficking in human beings, exploiting employees or slavery. [It] should be taken into account that the Vietnamese community is considerably closed, highly hierarchical and the functions of the migrant networks are usually ambiguous, so what at first may seem to be support could in fact be an element of exploitation. Therefore it cannot be ruled out that the mentioned phenomena are present in the migrant economic institution in Wólka Kosowska.*”²⁷⁹

This end of the ‘stadium era’ coincided with a rise in the standard of living in Poland and the demand for cheap, low quality goods offered by Vietnamese merchants largely diminished.²⁸⁰ Many Vietnamese were not able to find new livelihoods; their profits significantly declined and people began voluntarily returning to Vietnam with the support of the IOM. Some with legal papers moved to other European countries such as the Czech Republic or Germany. Nevertheless a steady inflow of irregular Vietnamese migrants continued through the Eastern border. The mirage of a promised land in Europe was still being peddled by human traffickers in Vietnam. Many Vietnamese people reported being cheated; they had been promised a legal stay and a well-paid job in Poland, but in reality their experience did not match what they had been promised.²⁸¹

In recent years, Vietnamese criminal activity has been widely publicised by the Polish press. This has fostered a rise in negative opinions about the Vietnamese community in Poland. Originally considered as hard-working people who positively contribute to the economic development of Poland, the community is increasingly being perceived as a disruptive and even dangerous factor of social life in Poland, especially with the recent rise of nationalist and xenophobic attitudes.²⁸²

278 Sobolewski, L. (2018). Unpublished Expert Report.

279 Klorek, N. and Szulecka, M. (2013). Migrant Economic Situations and their Environmental Influence: A Case Study of Trade Centres Located in Wólka Kosowska, research report. See: <https://interwencjaprawna.pl/docs/ARE-313-Wolka-Kosowska-en.pdf>

280 Ibid.

281 Sobolewski, L. (2018). Unpublished Expert Report.

282 Ibid.

Criminality

There have been cases of human trafficking in Poland linked to criminal activity. Anti-Slavery International found in a report that NGOs have noted cases of Polish citizens “forced to act as drug mules across Europe, forced to beg and sell fake perfumes, often under debt bondage.”²⁸³

After the Stadium closed in 2010, the Vietnamese community experienced social and economic breakdowns which led to the development of criminal activity. Some failed merchants realised continuing in commerce would not be economically beneficial and that a better income would be secured from investing in illegal activity.

Cannabis

With a vast pool of dispossessed migrants without legal status, criminal groups easily recruited people for illegal activity such as growing cannabis. From 2007, some members of the Vietnamese community in Poland have been engaging in drug production on a large scale.²⁸⁴ In 2017-2018 the police discovered several cannabis plantations controlled by Vietnamese people and arrested approximately 20 Vietnamese citizens who had been involved.²⁸⁵ Criminal bosses controlling the business are thought to be Vietnamese people living outside of Poland, largely in the Czech Republic and Germany.²⁸⁶

Methamphetamine

The European Monitoring Centre for Drugs and Drug addiction highlights that Poland is both a transit and source country for the production of synthetic drugs for Western European Markets.²⁸⁷ Poland is one of the major amphetamine manufacturers in the European market, and in recent years the production of methamphetamine has also emerged.²⁸⁸ Research revealed that law enforcement actors have seen a rise in methamphetamine production and have dealt with a few cases involving Vietnamese individuals. The south of the country (lower Silesia), which borders Germany and the Czech Republic, is a hotspot for methamphetamine production.²⁸⁹

283 Anti-Slavery International (2014). Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples. See: https://www.antislavery.org/wp-content/uploads/2017/01/trafficking_for_forced_criminal_activities_and_begging_in_europe.pdf

284 Sobolewski, L. (2018). Unpublished Expert Report.

285 Ibid.

286 Ibid.

287 European Monitoring Centre for Drugs and Drug Addiction (2018). Poland Country Drug Report. See: http://www.emcdda.europa.eu/countries/drug-reports/2018/poland/drug-markets_en

288 Ibid.

289 Anonymous Interview, Poland, September 2018.

Tax evasion

Most Vietnamese people residing in Poland, with or without legal status, earn livelihoods at Wólka Kosowska.²⁹⁰ For some, their business model is based on tax evasion. Most goods sold at the marketplace are from Asia; they are smuggled to Poland without paying customs charges and then sold at the market without payment of any VAT or profit tax. Payments are made in cash, which then has to be transferred back to East Asia in order to purchase additional goods. This is the task of specialised criminal groups of money launderers who transfer illegal money abroad, often with the help of corrupt employees of Polish banks.²⁹¹

In May 2018, a Vietnamese criminal group was arrested by Polish law enforcement officers. Between February 2015 and March 2017, they transferred more than 156 million zlotys abroad, (€322 million).²⁹² This business model, or system, ensures the goods being offered at Wólka Kosowska are cheap and competitive.

Wólka Kosowska requires a considerable workforce to operate. According to one article there are 5,000 jobs offered directly and 10,000 in other areas of the supply chain.²⁹³ People are needed to unload container trucks, store the goods in warehouses, transport them to specific stalls at the centre and load them into customers' cars. If Vietnamese individuals involved in tax evasion employed Polish nationals, they would risk infiltration by law enforcement agencies. Hence Vietnamese workers in Poland desperately in need of money and ready to accept any job are desirable and necessary, including those with irregular status. With this system in place, Vietnamese business people have access to a workforce which is cheap, dependent and extremely unlikely to cooperate with the police or tax authorities.

Fraud and theft

Other Vietnamese criminal activity that is particularly widespread is the use of forged documents to sign contracts with mobile network operators. An expensive electronic device is typically purchased, however the purchaser subsequently disappears without paying the contract. The business of fake documents for irregular migrants transiting through the country is also prevalent.²⁹⁴

Illegal gambling

Finally, there are many Vietnamese-run illegal gambling facilities in Poland. Gambling is illegal in Vietnam, so there is potential that illegal gambling facilities were initiated in Vietnam and then transposed across Europe.

290 Sobolewski, L. (2018). Unpublished Expert Report.

291 Ibid.

292 W Polityce, 'ABW fights with the mafia watońska! Detainees were arrested for 'money laundering' in transactions amounting to nearly PLN 5 billion', 23 May 2018. See: <https://wpolityce.pl/polityka/395650-abw-walczy-z-mafia-watowska-zatrzymano-podejrzanych-o-pranie-brudnych-pieniedzy-w-transakcjach-opiewajacych-na-blisko-5-mld-zl>

293 Belt and Road Portal, 'China mall in Warsaw boosts local economy and life', 23 May 2017, See: <https://eng.yidaiyilu.gov.cn/home/rolling/14383.htm>

294 Sobolewski, L. (2018). Unpublished Expert Report.

Response to victims of trafficking

The TIP report rates Poland as a Tier 1 country, meaning the Polish Government fully meets the Trafficking Victims Protection Act's (TVPA) minimum standards.²⁹⁵ Poland has signed and ratified the Council of Europe Convention and the EU Directive, and has current national legislation in place to protect vulnerable migrants and victims of trafficking. In its report on Poland, GRETA notes that Poland has set up regional multi-agency anti-trafficking teams in each of Poland's 16 regions (voivodships).²⁹⁶

"These teams include representatives of the offices of the regional administrations and the regional structures of the Police, the Border Guard, the State Labour Inspectorate, the Customs Service, the social assistance offices, the employment offices and NGO representatives. The purpose of the regional anti-trafficking teams is to coordinate prevention activities, training and the provision of assistance to victims of trafficking."²⁹⁷

Identification

A national referral mechanism (NRM) to identify victims is in place in Poland. However, to date, no official document outlining the functioning of the NRM has been published. According to the National Action Plan against Human Trafficking for the years 2016-2018 adopted by the Council of Ministers, there are plans to provide a system. Recent findings from Poland show:

- Law enforcement identified 155 potential victims in 2017 (144 in 2016)
- 21 of these victims joined the nationwide witness and victim protection programme
- KCIK²⁹⁸ provided assistance to 169 potential victims, including 10 children, in 2017 (200 in 2016, 229 in 2015)
- Of these potential victims, 75 experienced forced labour, 51 experienced sexual exploitation, 25 experienced violations of workers' rights, 4 experienced forced begging, 4 experienced inhumane or degrading treatment, 3 experienced domestic violence, 3 experienced combined sexual exploitation and forced labour, 4 experienced domestic slavery and violence and 1 experienced forced marriage.²⁹⁹

Participants in our research suggested that Polish police do not adequately resource the safeguarding of Vietnamese migrants as they are aware that they are only 'passing through' the country onto France or the UK.

²⁹⁵ US TIP Report (2018). Poland. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282732.htm>

²⁹⁶ GRETA Report (2017). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings: Poland. See: <https://rm.coe.int/greta-2017-29-fgr-pol-en/168077c9ce>

²⁹⁷ Ibid.

²⁹⁸ KCIK is the National Consulting and Intervention Centre for Victims of Trafficking in Poland.

²⁹⁹ US TIP Report (2018). Poland. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282732.htm>

Training

There does not appear to be any compulsory training in place for frontline professionals, and existing training appears to be carried out on an ad hoc basis.³⁰⁰ Professionals highlighted training and awareness of human trafficking was a big issue in Poland, and noted many frontline professionals were unaware of how to identify and support victims.³⁰¹

Support

GRETA highlights the support offered in Poland. Polish law provides multiple forms of support for adult and child victims of trafficking. There is also a number of NGOs that can offer support such as legal advocacy, accommodation, finance and health care assistance. Victims may contact the National Intervention and Consultation Centre for victims of Trafficking (KCIK) and receive help and advice, including safe shelter. Furthermore, victims who are not Polish citizens have access to the Programme of Support and Protection of the Victim or Witness of the Human Trafficking. This programme is run by the Ministry of Internal Affairs and when in the programme, the victim is guaranteed accommodation, financial support, psychological support, access to a translator as well as assistance in legalising their stay in Poland. There are options for a reflection period and residence permits, however these are reliant on cooperation with police. There are also residency permits that can be applied for after protection has been granted by the Polish Government.³⁰²

Main gaps in protection

Difficulties gaining legal status

It is difficult for Vietnamese irregular migrants to gain legal status in Poland.³⁰³ This is for a multitude of reasons; one being the language barrier which leaves Vietnamese people vulnerable to exploitation by deceitful *dịch vụ* (middle men) who take advantage of their desperation and inability to navigate necessary administrative processes. The middle men charge fees for solving administrative and paperwork problems, but do not always complete the administrative services that have been paid for, leaving Vietnamese people in precarious situations that sometimes result in a loss of residency permits. Dishonest and cheating *dịch vụ* are one of the most discussed topics on social media platforms used by Vietnamese migrants in Poland.

300 US TIP Report (2018). Poland. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282732.htm>.

301 Round-table Consultation, Poland, September 2018.

302 GRETA (2017). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Poland, Second Evaluation Round. See: <https://rm.coe.int/greta-2017-29-fgr-pol-en/168077c9ce>. See also: US TIP report (2018). Poland. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282732.htm>

303 Roundtable Consultation, Poland, September 2018.



The Facebook conversation below highlights some of the challenges faced by Vietnamese people living and working in Poland and the mixture of information that migrants may receive when trying to travel and find work in Europe.



There have been several dozen of you who complained that they met a rogue “dịch vụ” who didn’t pay the social security for several years, who didn’t pass the documents to them, or filed an application without this certificate or that certificate, many deplorable and sad cases.

1. You are paying your money to EMPLOY a dịch vụ to arrange documents for you, this is no question of any favour, asking for help, humanity and righteousness or a similar nonsense, this is a civil law transaction, both sides have to fulfil their obligations. If they don’t pass the documents to you, then you must open your mouth and request it, if they didn’t pay the fees then you need to have guts to scold them, it’s your hard-earned money after all, why should you feel guilty?

2. If a dịch vụ is playing mean then you need to give him a kick, after all, your documents have been cancelled anyway? Or maybe you think that if you suffer patiently, you will have your documents? Can you believe in lies you’re hearing from the mouth of a rogue dịch vụ?

3. Here you have his phone number, here you have his office, here you even have his house, his documents... or maybe they all have flown to the sky? If you have requested but without result, if you tried to make corrections but to no avail, then you should report on him, the servant died but took the prince with him, at least you will have the pleasant feeling that a crook has been punished and other people will not fall into his trap anymore, and who knows, maybe after all you will get your documents? Only the courageous can grab the prize. Don’t console yourself with the complacent words: I don’t speak the language, I have no acquaintances... How can I do anything? Actually you and only you can “do something” do those people, my friends. Don’t complain to me anymore, I’m really tired of it, the reason why I share my knowledge with you is to provide you with weapons to fight, and not to fight your fights in place of you. If you don’t do it yourself, if you don’t fight yourself, then just bear your lot, just suffer yourself.

I have no conflict or personal feud with all those dịch vụ. Only because I felt compassion when I saw the injustice happening, I came up to offer help. I showed you the bad thing, I explained you the ways of dealing with it, now it’s your turn to take action, only when something happens which you are unable to cope with, I shall intervene.

Just stand up and do it yourself, crying and complaining will help you nothing.



Exactly



You are all crying that the dịch vụ are rogue, that they all cheat... but they have existed for many, many years. It means that they are able to do the job to hundreds, thousands other people. And if in your case it ended this way, then you should take a look at yourself. You can’t speak the language, so you need to ask the dịch vụ. The dịch vụ talk with you in Vietnamese, right?



Many people meet cheats and not real dịch vụ.



You see, there are also a lot of rogue dịch vụ, do you need me to show you their faces, one by one?

All the information above is a warning to all dịch vụ, good and bad, to admonish them that when they take money they have to fulfil their duties. Here no one asks/gives anyone anything.

To help someone is when you don’t take money from this person, and of you take money, this is called a job. Simple as that. If someone does a lousy work then he must bear the consequences of what he has done, sooner or later, never mind how much power and wealth he has. Especially when this power and wealth has been gained through injustice, then it has no meaning, you will lose it all.

Repent and you’ll be forgiven. If you are not serious, you’ll be eliminated from the game.

Don’t think that I’m just talking and don’t think that I’m kidding. If I haven’t wanted to play hard yet, it doesn’t mean that I’m not strong enough to do it. I’m just opening to you a new way to live.

Lack of coordination

There is a lack of communication regarding the risks of prevalence of human trafficking between authorities in Poland, as well as between authorities and the NGO community.³⁰⁴ As a result, information about Vietnamese people identified as potential victims of trafficking is not being shared and anti-trafficking measures are not being implemented. During the round table conducted as part of our data collection, many of the participants did not know each other, even though they were working on the issue of trafficking and most had come across Vietnamese cases. There was a lack of awareness surrounding work of participating organisations, thus leaving gaps in protection such as communicating with each other when a Vietnamese person goes missing.

Lack of training for professionals

GRETA observes that the Polish authorities should take further steps to improve the knowledge and sensitivity of relevant professionals, in particular prosecutors and judges, about trafficking in human beings and the rights of victims.³⁰⁵ Training on both identifying and safeguarding victims should take place.

Independent national rapporteur

Poland does not currently have a national rapporteur or other mechanism for monitoring the anti-trafficking activities of state institutions.³⁰⁶ Appointing one would enhance the overall understanding of the situation of Vietnamese victims of trafficking in Poland, as well as existing gaps in protection.

Lack of understanding or joint working with Vietnamese diaspora

The Vietnamese community in Poland has not fully integrated with the wider Polish community and lacks a strong relationship with Polish authorities.³⁰⁷ Irregular Vietnamese migrants are commonly employed at Wólka Kosowska and business owners are often involved in tax evasion. There is a lack of understanding about the Vietnamese community amongst Polish authorities and frontline workers. Coupled with a lack of cooperation between Polish authorities and the Vietnamese community, there is a high possibility that victims of trafficking could be exploited at Wólka Kosowska.

304 Data Collection, Poland, September 2018.

305 GRETA (2017). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Poland, Second Evaluation Round. See: <https://rm.coe.int/greta-2017-29-fgr-pol-en/168077c9ce>

306 Council of Europe Convention on Action against Trafficking in Human Beings (2005), Article 29, paragraph 4. See: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008371d>. See also: Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings, paragraph 298. See:

307 Data Collection, Poland, September 2018.

The Czech Republic

The current profile

The Czech Republic is a source, transit and destination country for victims of human trafficking.³⁰⁸ Nationals of Slovakia, Ukraine, Romania, Bulgaria, Nigeria, the Philippines, Moldova, Mongolia, Russia and Vietnam have been identified as victims of sexual exploitation, forced labour, domestic servitude and criminal exploitation.³⁰⁹ There has also been an increase in 'marriages of convenience' between Czech women and non-EU men, which involve sexual exploitation.³¹⁰ Private, unregistered labour agencies often use deceptive practices to recruit workers from abroad as well as from inside the country.³¹¹ Adults (mainly women) and children from Vietnam are subjected to sexual exploitation and forced labour; typically controlled through debt bondage in the construction, agricultural, forestry, manufacturing and service sectors, as well as in domestic work.³¹² In 2017, 14 victims of trafficking were identified by police, 10 of whom were children; 38 were identified in 2016 and 92 in 2015.³¹³ Czech law does not require reporting on victims, so the actual number of victims is likely to be significantly higher.³¹⁴ Government-funded NGOs provided services to 137 potential victims of trafficking in 2017, compared to 139 in 2016.³¹⁵

Vietnamese represent the third largest migrant group in the Czech Republic.³¹⁶ Comparing the number of Vietnamese people to the total population of the Czech Republic, the country has the world's fifth largest Vietnamese population.³¹⁷ There are approximately 65,000 registered inhabitants of Vietnamese origin, which represents 0.61% of the Czech society.³¹⁸ Others estimate a diaspora of 70,000 – 80,000 Vietnamese migrants exist, including those with and without legal status.³¹⁹ For Vietnamese migrants, the Czech Republic is both a destination and transit country.³²⁰

Unlike Poland where the Vietnamese community is concentrated in Warsaw, the Vietnamese population is dispersed throughout the Czech Republic. Regions along the Czech-German and Czech-Austrian borders, cities such as Pilsen, Brno, Ostrava and in particular the capital city of Prague, have significant Vietnamese populations. Vietnamese owned potraviny (corner stores) can be found throughout the country, including in towns of under 2,000 inhabitants.³²¹ The community is extremely settled and a large network of Vietnamese migrants exists throughout the country.

308 US TIP Report (2018). Czech Republic. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282643.htm>

309 Ibid.

310 Ibid.

311 Ibid.

312 Ibid.

313 Ibid.

314 Ibid.

315 Ibid.

316 Freidingerová, T. (2019). Vietnamese Diaspora in the Czech Republic: development, life and a position in the country, unpublished expert report.

317 Ibid.

318 Czech Statistical Office cizinci. See: online: <https://www.czso.cz/csu/cizinci/cizinci-pocet-cizincu>. Cited in: Freidingerová, T. (2019). Vietnamese Diaspora in the Czech Republic: development, life and a position in the country, unpublished expert report.

319 Nozina, M. and Kraus F. (2017). Along trip to paradise: A darker side of the Vietnamese migration to the Czech Republic. See: https://www.researchgate.net/publication/324313709_Along_trip_to_paradise_A_darker_side_of_the_Vietnamese_migration_to_the_Czech_Republic

320 Ibid.

321 Ibid.

Distribution of citizens of Vietnam in the Czech Republic as of 31 December 2017



Source: Czech Statistical Office, 2018³²²

History of migration and diaspora communities

Former Czechoslovakia, as a socialist country, became one of the most important destinations for Northern Vietnamese people who migrated as temporary contractual trainees, apprentices and migrant workers from the 1950s until the fall of the Iron Curtain in 1989.³²³ During this period, tens of thousands of Vietnamese adults arrived in Czechoslovakia for temporary stays, averaging 4 to 7 years.³²⁴ The increase of Vietnamese working in Czechoslovakian factories and agriculture in the late 1970s and early 1980s was due to socialist cooperation with Vietnam and labour shortages in Czechoslovakia, Vietnam's need for trained and skilled workers to restore its war-shattered economy and industry (there was an expectation that those who left Vietnam would return with new skills to serve their country), and the repayment of debts that Vietnam owed Czechoslovakia for war activities and post-war reconstruction of the country.³²⁵ Between 1967 and 1974, there were approximately 2,100 Vietnamese people in Czechoslovakia. Between 1980 and 1983, there were nearly 35,000.³²⁶

322 Czech Statistical Office (2018). See: <https://www.czso.cz/documents/10180/61196236/2900271801k7.pdf/602976c2-2c19-434b-9039-241db84e2b94?version=1.2>

323 Freidingerová, T. (2019). Vietnamese Diaspora in the Czech Republic: development, life and a position in the country, unpublished expert report.

324 Ibid.

325 Freidingerová, T. (2019). Vietnamese Diaspora in the Czech Republic: development, life and a position in the country, unpublished expert report.

326 Heroldová, I., Matějová, V. (1987). Vietnamese Workers in the Czech Republic, *Český lid*, 74:3, p. 194–203. Cited in: Freidingerová, T. (2019). Vietnamese Diaspora in the Czech Republic: development, life and a position in the country, unpublished expert report.

Following the Velvet Revolution of 1989 and the collapse of the socialist regime, the Czech Government terminated all bilateral contracts and Vietnamese migrant workers were expected to leave the country. Most left the country, but some stayed or re-migrated to neighbouring countries, such as Poland. With their work contracts terminated, the new situation forced those who stayed to look for livelihoods. Many of the state-owned companies they had been working for went bankrupt or were privatised, and dormitories for foreign workers were closed. The vast majority sought to obtain a residency permit for business purposes.³²⁷ Consequently, almost all Vietnamese migrants became merchants involved in retail sales. Individuals settled in large cities, as well as villages on the borders with Germany and Austria where they opened Vietnamese markets offering inexpensive consumer goods, such as clothing, electronics, toys, alcohol, cigarettes, sweets, etc.³²⁸ The shortage of supermarkets and shopping malls in Czech Republic in the immediate post-Soviet era created a high demand in the Czech Republic for such products offered at affordable prices. Vietnamese markets were also popular with German and Austrian customers. Markets in the border villages were successful until the end of the 1990s. The Vietnamese population in the Czech Republic refer to this time as “golden rain” (cơn mưa vàng) or “a period of golden rain” (thời kỳ mưa vàng).³²⁹

Economic activity at a Vietnamese market in Potůčky, a Czech village bordering Johannegeorgenstadt, Germany thrived in the ‘golden era’ of the late 1990s and into the mid-2000s when upwards of 2,000 Vietnamese people lived and worked in the area.³³⁰ After the financial crisis of 2008 hit the Czech economy, many Vietnamese left the area to find work elsewhere, moving to different areas of the country and to surrounding countries such as Poland and Germany.³³¹ According to a Vietnamese merchant who arrived in the Czech Republic as a guest worker in the 1980s, approximately 500-600 Vietnamese people now reside in Potůčky.³³² The market still operates but it is not as busy or prosperous as it once was. A casino and brothel also operated in the village, which are said to be run by a criminal gang.³³³

Today, SAPA Market, also known as ‘Little Hanoi’, serves as the epicentre of Vietnamese culture and commerce in the Czech Republic. The commercial complex is located on the southern outskirts of Prague in the municipal district of Libuš. It is one of the largest Vietnamese markets in all of Europe. It clear that a certain level of wealth has been reached by merchants at SAPA market, as luxury cars, an indicator of wealth, frequent the area. The area is said to boast both legal and illegal activity. The Czech authorities do not police the area; it is policed informally by local Vietnamese residents.³³⁴

327 Freidingerová, T. (2019). Vietnamese Diaspora in the Czech Republic: development, life and a position in the country, unpublished expert report.

328 Freidingerová, T. (2019). Vietnamese Diaspora in the Czech Republic: development, life and a position in the country, unpublished expert report.

329 Ibid.

330 Data Collection, Czech Republic, June 2018.

331 Ibid.

332 Ibid.

333 Ibid.

334 Ibid.



SAPA Market, the epicentre of Vietnamese culture and commerce in the Czech Republic, located on the outskirts of Prague.

Up until 2008, the Vietnamese community were perceived as an invisible minority in the Czech Republic.³³⁵ Other than their businesses activity in markets and corner stores, they rarely appeared in public spaces or even in the media. The situation changed dramatically after 2008 when the global economic crisis caused many foreigners, including Vietnamese, to lose their jobs. Most Vietnamese people holding long-term residency permits were strictly tied to the purpose of their stay, which was employment. Thus as a consequence of losing their employment, they often became irregular migrants and resorted to criminal activities. In 2014, the economic situation in the country improved. Moreover, it is also now possible to change employer and remain on the same long-term residence permit for employment purposes.

Strong peer ties have become an irreplaceable source of social as well as financial capital for the Vietnamese community in the Czech Republic. A sizable diaspora community and strong network provides Vietnamese members with particular services, such as accessible and affordable Vietnamese products, religious materials and various newspapers in Vietnamese. Vietnamese newcomers, including victims and potential victims of trafficking, arriving to the Czech Republic without family connections or other pre-existing connections to the diaspora community, are particularly vulnerable to exploitation and have fewer avenues for support. Established members of the Vietnamese community prefer to employ, or help, newcomers to whom they have a connection, and new migrants work for the older and established migrants.³³⁶ However, these jobs are often temporary because newcomers often move on from the Czech Republic, travelling to Germany or the UK in search of better opportunities, often related to working in nail salons.³³⁷ This indicates the Czech Republic is a stepping stone towards the UK for Vietnamese migrants. It should also be noted that there is a stigma attached to Vietnamese newcomers who arrived irregularly, because in many cases the established community does not want to sully their reputation by being associated with them.³³⁸ It has taken a long time for the now established Vietnamese community to be perceived favourably. This stigma further exacerbates the vulnerability of new Vietnamese migrants who may be in need of support.

335 Freidingerová, T. (2019). Vietnamese Diaspora in the Czech Republic: development, life and a position in the country, unpublished expert report.

336 Data Collection, Czech Republic, June 2018.

337 Ibid.

338 Ibid.

Pervitin dominates in the Czech drug scene, the Vietnamese are already pushing themselves into the market.

Českou drogovou scénu ovládá pervitin, na trh se tlačí už i Vietnamci

2011/03/11

https://zpravy.idnes.cz/drogy-v-cr-cvi-/krimi.aspx?c=A110310_113852_krimi_zep

Vietnamese are producing more and more pervitin, they resist the police with their mobile labs

Vietnamci vyrábějí stále více pervitinu, policii čelí mobilními varnami

2012/04/03

https://zpravy.idnes.cz/vietnamci-vyrabeji-stale-vic-pervitinu-fc3-/krimi.aspx?c=A120403_114753_krimi_jw

The Vietnamese drug mafia produced pervitin from synthetic substance. The drug can be deadly

Vietnamská narkomafie vyrábí pervitin ze syntetických látek. Droga může být smrtící

2014/01/27

<https://radiozurnal.rozhlas.cz/vietnamska-narkomafie-vyrabi-pervitin-ze-syntetickych-latek-droga-muze-byt-7189442>

The Czech drug market is dominated by the Vietnamese. ‘They are able to produce one hundred times the pervitin in one batch’

Český trh s drogami ovládají Vietnamci. „Jsou schopni vyrobit na jeden var stonásobek pervitinu“

2016/09/20

https://www.lidovky.cz/domov/cesky-trh-s-drogami-ovladaji-vietnamci-jsou-schopni-vyrob-it-na-jeden-var-stonasobek-pervitinu.A160731_122214_ln_domov_ele

The Police destroyed a Vietnamese gang that produced tons of pervitin in Czechia

Policie rozbila vietnamský gang, který v ČR vyrobil tuny pervitinu

2017/06/07

<https://www.novinky.cz/krimi/440081-policie-rozbila-vietnamsky-gang-ktery-v-cr-vyrobil-tuny-pervitinu.html>

The largest catch of the “gingerbread” in history: The Vietnamese “baked” it for kilos!*

Největší český zátah na „perník“ v historii: Vietnamci ho „pekli“ na kila!

2018/12/14

<https://www.blesk.cz/clanek/zpravy-krimi/583491/nejvetsi-cesky-zatah-na-pernik-v-historii-vietnamci-ho-pekli-na-kila.html>

There is no interest in counterfeit clothes anymore, border markets are mainly for pervitin.

O padělky oblečení není zájem, do tržnic u hranic se jezdí pro pervitin

2018/04/11

https://www.idnes.cz/plzen/zpravy/trznice-asijsky-gang-prihranici-napodobenina.A180409_144435_plzen-zpravy_vb

* Pervitin is a Czech version of methamphetamine. In jargon, it is often nicknamed ‘perník’ (gingerbread).

Criminality

In 2008, a fire in SAPA market brought negative public attention to the Vietnamese community. Media stories painted the Vietnamese community as criminals, drug producers and sellers of counterfeit goods. Politicians and the public alike became aware of SAPA market, and the Vietnamese community was framed as a closed, well-organised community with its own rules. SAPA became known as a state within a state.³³⁹ Today, if illegal activity were carried out in SAPA, the 'SAPA police' would publicly shame those responsible. They could lose their property as well as their right to operate commercially in the market, which is the staple of many Vietnamese individuals' livelihoods in the Czech Republic.³⁴⁰

Historically, Vietnamese people residing in the Czech Republic have been exploited in cannabis cultivation.³⁴¹ From mid-2007, Czech authorities began observing increased engagement amongst Vietnamese criminal networks in the illegal production of cannabis in the Czech Republic.³⁴² Authorities discovered 1 Vietnamese-operated cannabis farm in 2005, 8 in 2007, 55 in 2008, 84 in 2009 and 145 in 2010.³⁴³ In 2012, 195 cannabis grow houses were detected in the Czech Republic, however the extent of Vietnamese involvement was not publicly specified by the police.³⁴⁴ Cannabis production in the past was typically carried out by irregular migrants. Today, production is said to follow a 'professionalised business model' for some workers who have contracts and limited working days.³⁴⁵

In 2010, Vietnamese criminal groups involved in drug cultivation shifted their business towards methamphetamine production.³⁴⁶ Methamphetamine production takes place in vans, serving as mobile factories, commonly operating in border towns.³⁴⁷ A European study between 2011-2017 tested the water for traces of drugs and the Czech Republic had the highest observed levels of methamphetamine in the water.³⁴⁸ The increased involvement of Vietnamese criminal networks in methamphetamine production is of great concern because it is hazardous to produce, especially in a precarious environment such as the back of a van. Producing methamphetamine has also been proven to be harmful to health.³⁴⁹ The mobile element, combined with the risks of producing methamphetamine, significantly increases the vulnerability of Vietnamese migrants who are at risk of being exploited in drug production.

339 Data Collection, Czech Republic, June 2018.

340 Data Collection, Czech Republic, June 2018.

341 Anti-Slavery International (2014). Trafficking for Forced Criminal Activities and Begging in Europe. See: https://www.antislavery.org/wp-content/uploads/2017/01/trafficking_for_forced_criminal_activities_and_begging_in_europe.pdf

342 Nožina, M. and Kraus, F. (2016). Bosses, Soldiers and Rice Grains. Vietnamese Criminal Networks and Criminal Activities in the Czech Republic, *Europe-Asia Studies*, 68:3, P. 508-528. See: <https://doi.org/10.1080/09668136.2016.1156054>

343 Ibid.

344 Ibid.

345 Data Collection, Czech Republic, June 2018.

346 Ibid.

347 Ibid.

348 Ibid.

349 Melnikova, N., Welles, W. L., Wilburn, R. E., Rice, N., Wu, J., and Stanbury, M. (2011). Hazards of illicit methamphetamine production and efforts at reduction: data from the hazardous substances emergency events surveillance system, *Public health reports*, 126:1, p. 116-23. See: <https://journals.sagepub.com/doi/10.1177/003335491112605115>

Response to victims of trafficking

The Czech Republic has signed and ratified the COE Convention and the EU Directive.³⁵⁰ It also has national legislation on criminalising human trafficking and protecting victims.³⁵¹ The 2018 US TIP Report ranks the Czech Republic as a Tier 1 country, meaning it fully meets the minimum standards for the elimination of trafficking.³⁵² The Czech Republic summarises its current national policy in the area of Human Trafficking in the National Strategy for Combating Trafficking in Human Beings 2016-2019.³⁵³ However, the Czech response to victims of trafficking can also be criticised for gaps in protection that could exacerbate the vulnerability of migrants to trafficking and exploitation.³⁵⁴

Identification

There is no official NRM in the Czech Republic. Nevertheless, in 2015 the Ministry of Labour and Social Affairs registered a total of 101 social services whose target groups are victims of trafficking.³⁵⁵ However, without any official identification measures the monitoring of victims and potential victims is problematic.

Training

There is no standardised training in the Czech Republic, although training has been provided by the Unit for Combating Organised Crime of the Police of the Czech Republic for personnel who many come into contact with victims of trafficking, and child protection officers must undergo regular trainings that include the issue of trafficking.³⁵⁶ The Judicial Academy has also organised seminars and workshops on human trafficking for judges and prosecutors.³⁵⁷

Support

There is a 'Program for Support and Protection of Victims of Trafficking in Human Beings' organised by the Ministry of the Interior of the Czech Republic.³⁵⁸ Victims enter the programme voluntarily and it includes a 60 day reflection and recovery period, as well as a residence permit (if cooperating with criminal proceedings), accommodation, financial support, advocacy and legal support, health and counselling.³⁵⁹ Participants and professionals involved in the data collection process in the Czech Republic highlighted many failings and gaps in support and protection in the Czech Republic, some detailed below.

350 GRETA (2018). Reply to the Questionnaire from the Czech Republic. See: <https://rm.coe.int/greta-2018-31-rq1-cze/168091f06d>

351 Ibid.

352 US TIP Report (2018). Czech Republic. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282643.htm>

353 Ministry of the Interior, (2016). National Strategy for Combating Trafficking in Human Beings in the Czech Republic for the Period 2016-2019. See: www.mvcr.cz/soubor/thb-national-strategy-2016-2019-fin-pdf.aspx

354 GRETA (2018). Reply to the Questionnaire from the Czech Republic. See: <https://rm.coe.int/greta-2018-31-rq1-cze/168091f06d>

355 Ministry of the Interior, (2016). National Strategy for Combating Trafficking in Human Beings in the Czech Republic for the Period 2016-2019. See: www.mvcr.cz/soubor/thb-national-strategy-2016-2019-fin-pdf.aspx

356 Ibid.

357 Ibid.

358 Hogan Lovells (2018). Unpublished expert report. The Program is financed through tenders in accordance with Act No. 137/2006 Coll., on Public Procurement.

359 European Commission. Czech Republic – 3. Implementation of Anti-trafficking Policy. See: <https://ec.europa.eu/anti-trafficking/member-states/czech-republic-3-implementation-anti-trafficking-policy>

Child protection

When a child is identified as unaccompanied or as a potential victim of trafficking, they will be accommodated in a children's home or with a foster family. The child can stay in the Czech Republic for up to 6 months before applying for a residency permit. A court must decide whether the child can stay in the country. In most cases, children reside in the country up until the age of 18. They will also have access to healthcare, education and financial support. Vietnamese children have been reported to go missing. Children receiving assistance can only stay in accommodation if they commit to education. Participants in this research noted that Vietnamese children who feel pressure to pay off debt may not continue in education, in preference of pursuing work opportunities. If this were the case, they would be unable to stay at the accommodation or receive support.

Main gaps in protection

Lack of understanding or integration into the Vietnamese community

Despite the migration discourse of the Czech Government being focused on integration, the Vietnamese community are still relatively invisible. Many NGOs and professionals in the Czech Republic noted a lack of understanding about the Vietnamese community and its social dimensions, apart from a few individuals and organisations who specifically worked with and within the community.³⁶⁰ Generally, the Vietnamese community is isolated from the majority society. For example, some Vietnamese residing near to SAPA and working in SAPA market for multiple years have never visited the centre of Prague. It is only relatively recently that most Czech people have become aware of SAPA market and the services and products available there. The rise of popularity in Vietnamese cuisine has contributed greatly to this. It is essential that professionals better understand the community in order to be able to work with them to prevent trafficking and protect vulnerable migrants; particularly newcomers. Moreover, criminal activity has been reported in Vietnamese marketplaces situated across the country, particularly in locations close to the border,³⁶¹ which Czech authorities do not appear to be tackling. Vulnerable migrants are at high risk of being exploited in the markets in criminal activity or for forced labour, as many professionals or police fail to understand or enter areas where this exploitation and crime takes place.

³⁶⁰ Data Collection, the Czech Republic, June 2018.

³⁶¹ Pacific Links Foundation, Individual Interviews, France, 19 September, 2017

Lack of identification

As noted, there is no NRM in the Czech Republic. Interviews with Vietnamese potential victims of trafficking in French detention centres evidenced that Vietnamese people reside in the Czech Republic or Germany for a few years, commonly 3 to 4 years, before moving towards France.³⁶² This highlights the risk of and vulnerability to exploitation and trafficking that exists during this period of temporary stay. As the Czech Republic does not provide standardised training or a NRM, there is an increased risk that potential victims of trafficking will not be recognised as such. This is further indicated by the fact that NGOs have identified Vietnamese potential victims of trafficking that the authorities have failed to identify.³⁶³

Xenophobia creating a challenging environment

There has been an increase in xenophobia and hostility towards immigrants and ethnic minority communities in the Czech Republic which has created a challenging environment for supporting vulnerable migrants.³⁶⁴ In the past, the media has portrayed Vietnamese people as criminals; exacerbating the barriers to protection and support for Vietnamese who are vulnerable and at risk of being trafficked and exploited. The Vietnamese community may not be well integrated with the majority Czech society, but they are respected as a 'hard working' and 'quiet' community. Nevertheless, in the current climate of rising hostility towards immigrants and ethnic minorities in the Czech Republic, there is danger that the Vietnamese community could be targeted or once again portrayed negatively, which could result in discrimination and increased barriers to protection for victims and potential victims of trafficking.

Missing children

Professionals and statutory agencies in the Czech Republic are failing to identify large numbers of Vietnamese children as potential victims of trafficking.³⁶⁵ One organisation providing assistance and support to unaccompanied children reported the number of Vietnamese children going missing from their care peaked between 2005 (29 went missing) and 2007 (42 went missing). Data from the organisation was available up until 2015, and none had gone missing that year, although in 2014 and 2013, 3 had gone missing each year.³⁶⁶

362 Pacific Links Foundation, Individual Interviews, France.

363 Data Collection, the Czech Republic, June 2018.

364 Kafkadesk, 'Czech xenophobia on the rise (1/3): Meet the 'foreigners'', 5 November 2018. See: <https://kafkadesk.org/2018/11/05/czech-xenophobia-on-the-rise-1-3-meet-the-foreigners/>

365 Data Collection, the Czech Republic, June 2018.

366 Anonymous interview, Czech Republic, June 2018.

France

The current profile

France has the oldest Vietnamese diaspora community in Europe, with a population of over 300,000.³⁶⁷ However, for Vietnamese migrants in Europe, France is primarily a transit country. It is commonly regarded as the penultimate destination for Vietnamese migrants hoping to reach the UK and therefore France plays a pivotal role in ‘the journey’.³⁶⁸ The 2018 US TIP report ranks France as a Tier 1 country because the French Government meets the minimum standards to eliminate trafficking.³⁶⁹ However, they lack a coordinated approach to collecting comprehensive data on trafficking and therefore the actual number of Vietnamese identified as potential victims of trafficking in France is unclear.³⁷⁰ It is clear that NGOs and service providers are encountering Vietnamese migrants – both adults and children – in France, and that major challenges in providing protection and support services exist.³⁷¹ Vietnamese people they encountered were afraid to speak to authorities or even NGOs about their situation, indicating they would be in danger if they did.

It is complicated to accurately quantify those of Vietnamese origin residing in France. Once foreigners become naturalised citizens in France they disappear from official statistics.³⁷² The 1990 General Population Census recorded 72,178 Vietnamese, of which 38,435 became naturalised French citizens.³⁷³ The Vietnamese Embassy estimates there are 300,000 Vietnamese in France and that most have acquired French citizenship or legal status.³⁷⁴ The number of Vietnamese immigrants without status, particularly those who arrived in France after the collapse of socialism in Eastern Europe and the Soviet Union in the 1990s, remains unknown. The Intergovernmental Committee on Migration (CIM) reports are the only indicator, estimating 80,000 South-East Asian refugees are irregular. The reports do not specify nationality and are dated.³⁷⁵

367 Nožina, M. (2009). Crime networks in Vietnamese diasporas. The Czech Republic case, *Crime, Law and Social Change*, Springer Verlag, 53:3 p.229-258. See: <https://hal.archives-ouvertes.fr/hal-00549429/document>

368 Independent Anti-Slavery Commissioner (2017). Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>

369 US TIP Report (2018). France. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282656.htm>

370 Ibid.

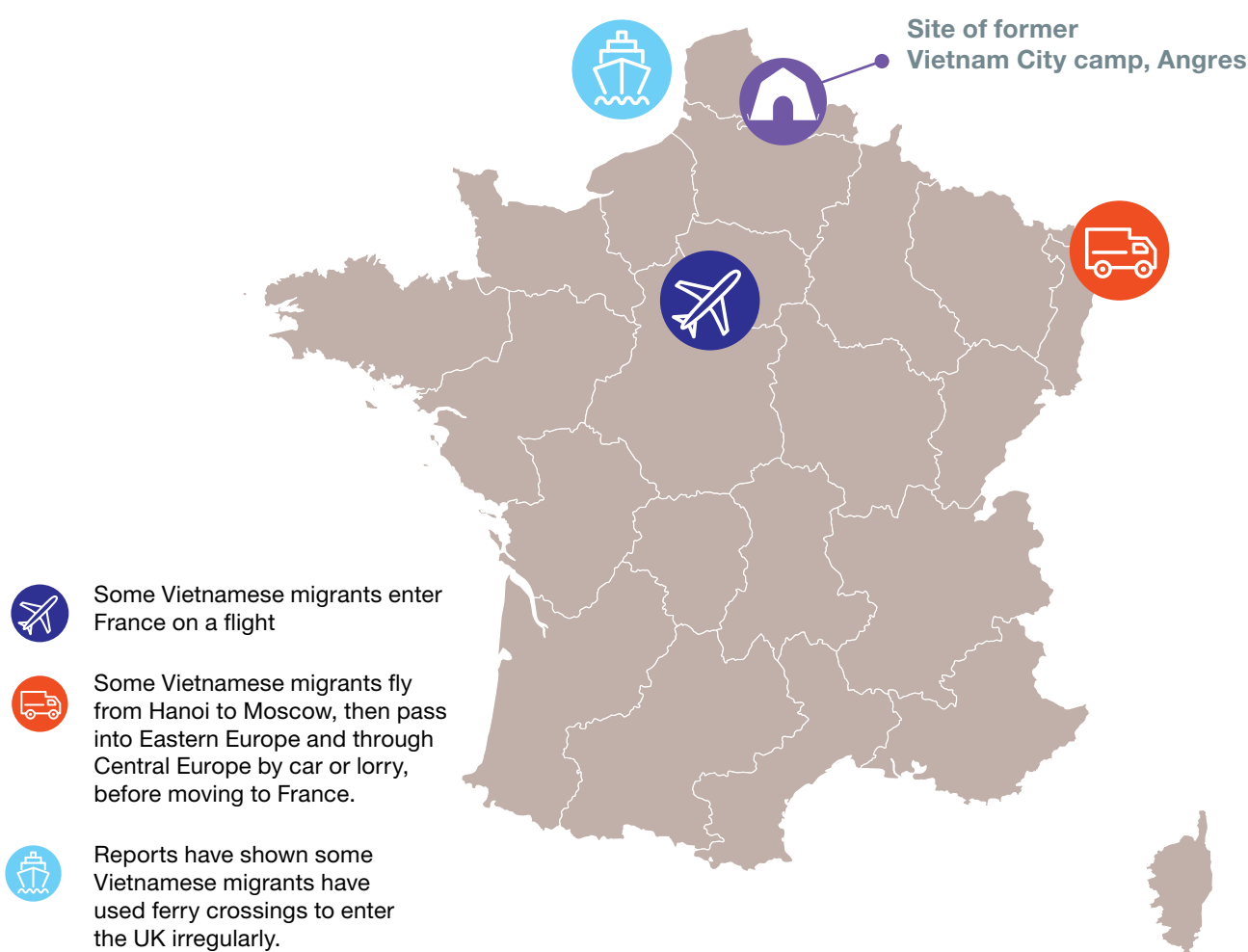
371 Data Collection, France, September 2017.

372 Tan, D. and Nguyen, H. (2018). Assessment of factors contributing to vulnerability of Vietnamese nationals to exploitation and trafficking in human beings in Europe: Contextual Analysis for France, unpublished expert report.

373 Ibid.

374 Ibid.

375 Ibid.



History of migration and the diaspora community

Unlike Vietnamese communities in the West (and Soviet bloc countries), a significant number of Vietnamese people were already well-established and integrated in France before the Fall of Saigon in 1975, due to the colonial past linking France to Vietnam.³⁷⁶ Vietnamese migration to France has been a permanent process since the beginning of the 20th century and it can be divided into three main waves that noticeably influenced how the Vietnamese population is stratified today.³⁷⁷ First, during both World Wars, the French Empire recruited ‘soldiers-workers’ from Tonkin (which corresponds to the Red River Delta Region in Northern Vietnam) to serve the war effort in metropolitan France. While many migrants returned to Vietnam following the war, some settled in France to work as factory workers, railroad builders, craftsmen, or to open restaurants, primarily in Paris and the surrounding region, as well as in Lille.³⁷⁸ Also included in this first wave are those who arrived in France as a result of the Vichy Government’s decision to employ Vietnamese people to revive rice cultivation in the Camargue (Rhône Delta, southern France). Approximately 50,000 and 20,000 Vietnamese migrated to France during these two periods respectively.³⁷⁹ The second wave occurred during the colonial period when there was

376 Tan, D. and Nguyen, H. (2018). Assessment of factors contributing to vulnerability of Vietnamese nationals to exploitation and trafficking in human beings in Europe: Contextual Analysis for France, unpublished expert report.

377 Ibid.

378 Ibid.

379 Ibid.

a significant representation of Vietnamese students in France, largely consisting of members from the elite and the royal household. After the Geneva Accords of 1954, which recognised Vietnam's independence, a number of Vietnamese loyal to the colonial government, as well as Vietnamese married to French colonists, emigrated to France. Students from South Vietnam continued to arrive, as well as members of the bourgeoisie involved in commerce. In 1974, approximately 15,000 Vietnamese nationals were registered in France.³⁸⁰

The third and largest influx of Vietnamese people arrived in France as 'boat people' – refugees after the fall of Saigon on 30 April 1975 – which profoundly changed the face of the Vietnamese population living in France. Between May 1975 and December 1990, 42,694 Vietnamese were officially given refugee status in France.³⁸¹ Differing from the former Vietnamese population residing in France on the basis of their destitution upon arrival, political opinions, economic and socio-cultural backgrounds, they now form a different community and have mixed relations with their compatriots who had arrived in France before them.³⁸² Whereas the first wave of Vietnamese migrants largely consisted of members of the ruling class and the wealthy elite, the post-war refugees belonged to the middle and working classes. They mainly settled in Paris, especially in the 13th district and surrounding area where they contributed to the creation of the Parisian Chinatown. A sizeable number of Vietnamese people also reside in Marseille, Lyon and Toulouse.³⁸³

The first time that Vietnamese migrants without status received national media coverage in France dates back to September 2009.³⁸⁴ The attention came as a makeshift camp exclusively for Vietnamese migrants termed 'Vietnam City' was shut down; it consequently emerged that Vietnamese migrants wanted to reach the UK.³⁸⁵ The camp was located in Angres, approximately 100 km from Calais, and at this time it became known that migrants hoped to reach the UK. Citing a 2014 study conducted by Alliance Anti Trafic and the Foreign and Commonwealth Office, the IASC report shows that 89% of returnees³⁸⁶ transited through France as a last stop before arriving in the UK.³⁸⁷ In France, it was revealed that Vietnamese people most commonly enter France via the airport. They lack identification documents and can stay for a maximum of 20 days in the airport waiting zone (zone d'attente), though children are usually released after approximately 4 days.

380 Tan, D. and Nguyen, H. (2018). Assessment of factors contributing to vulnerability of Vietnamese nationals to exploitation and trafficking in human beings in Europe: Contextual Analysis for France, unpublished expert report.

381 Ibid.

382 Ibid.

383 Ibid.

384 Liberation, 'When migrants say stop at the racket of smugglers', 23 September 2009. See: https://www.liberation.fr/france/2009/09/23/quand-les-migrants-disent-stop-au-racket-des-passeurs_583389

385 Tan, D. and Nguyen, H. (2018). Assessment of factors contributing to vulnerability of Vietnamese nationals to exploitation and trafficking in human beings in Europe: Contextual Analysis for France, unpublished Expert Report.

386 125 out of 140 people.

387 UK Independent Anti-Slavery Commissioner (2017). Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK. See: <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>

Criminality

A significant number of Vietnamese adults and children are detained in France for immigration offences as they attempt to enter the UK. The following figures from four detention centres in northern France were provided by France Terre d'asile, which has a legal team in those centres.

In 2017:³⁸⁸

- 176 Vietnamese were held in one of the four detention centres (mainly in Coquelles-Calais: 154 / Rouen-Oissel: 17 / Palaiseau: 4 / Plaisir: 1)
- 12 claimed to be children but were detained
- 132 were released (101 by the judge and 31 by the administration), 8 were removed (6 removed to Vietnam and 2 removed to another EU or Schengen country) and the remaining individuals were transferred to another detention centre

In 2018:³⁸⁹

- 148 Vietnamese were held in one of the four detention centres (mainly in Coquelles-Calais: 126 / Rouen-Oissel: 22 / Palaiseau: 0 / Plaisir: 0)
- 12 claimed to be children but were detained
- 124 were released (62 by the judge and 62 by the administration), 22 were removed (16 removed to Vietnam and 6 removed to another EU or Schengen country) and 1 was released on 'house arrest'³⁹⁰

Cannabis cultivation operations run by Vietnamese gangs takes place in France, although this was a relatively undocumented phenomenon until 2011.³⁹¹ Research indicates that this form of criminal activity may not take place on the same scale in France as in the UK.³⁹²

³⁸⁸ Email conversation with France Terre d'asile, 20 August 2018.

³⁸⁹ Email conversation with France Terre d'asile, 11 February 2019.

³⁹⁰ Travel restraints and obligation to report regularly to the police.

³⁹¹ Tan, D. and Nguyen, H. (2018). Assessment of factors contributing to vulnerability of Vietnamese nationals to exploitation and trafficking in human beings in Europe: Contextual Analysis for France, unpublished expert report.

³⁹² Data Collection, France, September 2017.

Responses to victims of trafficking

France has signed and ratified the Coe Convention and the EU Directive³⁹³ and has national legislation on criminalising human trafficking and protecting victims.³⁹⁴ The 2018 US TIP Report ranks France as a Tier 1 country, meaning it fully meets the minimum standards for the elimination of trafficking.

Identification

There is no official mechanism to identify potential victims of trafficking in France. Usually, the identification process begins with the police; it is their responsibility to initiate the identification process by detecting indicators of exploitation and trafficking and informing victims of their rights.³⁹⁵ The only statistics available on victims are provided by the Central Office for the Suppression of Trafficking in Human Beings (OCRTEH)³⁹⁶, however this only documents cases of sexual exploitation, without distinguishing victims of trafficking or documenting other forms of exploitation.³⁹⁷

The GRETA 2017 report highlights that “[t]he continued absence of national statistics on the number of identified victims of human trafficking makes it difficult to have an overview of the situation and identify trends”.³⁹⁸ With this in mind, It is unclear exactly how many Vietnamese have been officially identified.

Training

There is no statutory training in place for professionals, but in the 2017, Action Plan France presented that they would increase efforts in training frontline professionals. The 2017 GRETA report highlights the need for France to improve their training for professionals to be able to better protect victims of trafficking.³⁹⁹

Support

Victims identified in France are entitled to a 30 days reflection and recovery period and a residency permit if they cooperate with police. They can also gain access to shelters, legal aid, medical care, financial support, and psychological support. For more information see the 2017 GRETA report.⁴⁰⁰

393 Council of Europe (2005). Council of Europe Convention on Action Against Trafficking in Human Beings, CETS 197. See: <https://rm.coe.int/168008371d>. See also: European Union: Council of the European Union (2011). Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. See: <https://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

394 GRETA (2018). Reply to the Questionnaire from the Czech Republic. See: <https://rm.coe.int/greta-2018-31-rq1-cze/168091f06d>

395 Ibid.

396 Office central de répression de la traite des êtres humains. See: <https://www.police-nationale.interieur.gouv.fr/Organisation/Direction-Centrale-de-la-Police-Judiciaire/Lutte-contre-la-criminalite-organisee/Office-central-pour-la-repression-de-la-traite-des-etres-humains>

397 GRETA (2017). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France, Second Round Evaluation. See: <https://rm.coe.int/greta-2017-17-fgr-fra-en/16807454bf>

398 Ibid.

399 GRETA (2017). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France, Second Round Evaluation. See: <https://rm.coe.int/greta-2017-17-fgr-fra-en/16807454bf>

400 Ibid.

Child protection

Potential child victims of trafficking are referred to child protection services and are offered accommodation, health support and financial support. They can also gain access to an advocate to support them through these processes. In its last report in 2017, GRETA heavily criticised France's response to child victims of trafficking and highlighted major improvements required.⁴⁰¹

Main gaps in protection

Lack of identification

The round table in France provided a common consensus that French authorities are inadequately trained in trafficking prevention and victim identification. Trafficking in France is not highly visible amongst Vietnamese as it takes place in camps such as Angres. Moreover, there appears to be limited training of frontline professionals in France on how to identify and protect victims of trafficking.⁴⁰²

Case Study

Child victim of trafficking not identified in Europe

Dung*, aged 15, was a victim of trafficking being taken across Europe. She was identified as a victim by authorities in the UK, however she could have been identified in France where she was exploited for a number of months.

Dung was driven across Europe in the back of lorries. The lorry made a few stops on the journey, but Dung was unaware of which countries she was in. After around a month of travelling, the lorry was stopped by police in France. The police took Dung's finger prints and photo. Dung wanted to tell them what had happened to her, but there was no translator available and she was scared. The men trafficking her had said that they would kill her if she spoke to anyone.

Dung was transferred to another police station. She believed that the police were helping her, but instead they walked her through a door and she realised that they were releasing her. When she went outside there was a car waiting for her. Some men pulled her into the car. She then was put onto another lorry that was travelling to the UK. In the UK, Dung was kept in a house with other women and was forced into sexual exploitation.⁴⁰³

⁴⁰¹ GRETA (2017). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France, Second Round Evaluation. See: <https://rm.coe.int/greta-2017-17-fgr-fra-en/16807454bf>.

⁴⁰² Ibid.

⁴⁰³ ECPAT UK youth group member.

* name changed.

Research has highlighted a noticeable lack of sufficient infrastructure for the identification of victims in northern France. French authorities are focused on anti-immigration and counter-terrorism, rather than anti-trafficking work and victim protection. The issue of transit migration and protection is seemingly regarded as the priority of the receiving country, in this case the UK.

Unsuitable accommodation

The quality of shelters are varied.⁴⁰⁴ This leaves Vietnamese, who are prone to going missing, vulnerable because they may return to their traffickers. It was reported that when first identified, some Vietnamese are put in hotels and going missing.

Missing children

Vietnamese children are going missing from their accommodation in France. One interviewee reported:

‘Once children are released from the waiting zone, they are taken to a youth centre run by an NGO, to a foster family or to a hotel. Many run away within one to two days. These centres are obligated to report when they go missing, but there is no data on this. According to one organisation, the majority of runaways are males, though girls who are particularly vulnerable are running away as well. The major problem is that there is no solution to keep them in a youth home; they always run away.’

This is a significant gap in child protection for children who are at high risk of returning to their traffickers. According to one expert in France, unaccompanied children are only registered if they go to child protection services and the process can take up to three weeks.

The child protection system is varied from district to district. Lack of support could encourage unaccompanied children to stick with traffickers who offer immediate ‘support’.

The transient nature of Vietnamese migrants

Many Vietnamese migrants are entering France hoping to go to the UK. They often move around, trying different migration routes to the UK. Few stay in one place for very long. This can make it difficult for professionals to work with them and build up trust that is vital for support.

404 GRETA (2017). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by France, Second Round Evaluation. See: <https://rm.coe.int/greta-2017-17-fgr-fra-en/16807454bf>.

Criminalisation

The 2018 US TIP report noted that in France, some child victims of forced begging and criminality were arrested and prosecuted without being screened for trafficking indicators.⁴⁰⁵ Authorities working on narcotic cases or on labour exploitation are not trained in how to deal with trafficking. Detention of Vietnamese migrants is common.

Translators and interview techniques

Major issues regarding providing adequate protection services stem from language barriers. Even though translators are used, they may not be suitable for the role. Pacific Links have stated that it is also known that Vietnamese children in particular often ‘say what you want to hear’. Language barriers were cited as having a major negative impact on the provision of protective measures.

Closure of Vietnam City

‘Vietnam City’ in Angres accommodated approximately 60-70 Vietnamese migrants at any one time. Many Vietnamese transited through this location on their way to the UK. The camp has since been demolished by the French Government. Following an overnight raid of the camp in February 2018, local volunteers reported that the camp was completely empty.⁴⁰⁶ During the raid, 8 children were taken by child protection services and 27 adults were arrested for immigration offences.⁴⁰⁷ NGOs working in the area have reported that smaller, more temporary camps have been established in the surrounding forest area in France, in response to the closure of ‘Vietnam City’. Destruction of the main camp and the creation of temporary and insecure ones heightens the vulnerability of migrants at risk of trafficking and exploitation and increases their need for support.



405 US TIP Report (2018). France. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282656.htm>

406 Email exchange with NGO in France, 16 February 2018.

407 Ibid.

The Netherlands



Rotterdam



Some Vietnamese migrants enter the Netherlands on a flight



Some Vietnamese migrants fly from Hanoi to Moscow, then pass into Eastern Europe and through Central Europe by car or lorry, before moving to the Netherlands.



Drug production and nail bars are common industries in which Vietnamese migrants are exploited in the Netherlands.



Reports have shown some Vietnamese migrants have used ferry crossings to enter the UK irregularly.

Current profile

The 2018 US TIP report classifies the Netherlands as a Tier 1 country, fully meeting the minimum standards for the elimination of trafficking.⁴⁰⁸ The 2018 US TIP report states the Netherlands is a source, destination, and transit country for men, women, and children subjected to sexual exploitation and forced labour. The largest group of identified victims are Dutch national females who are groomed into sexual exploitation by young male traffickers, known as “lover boys,” often through a sham romantic relationship. Women and child refugees and asylum-seekers are also vulnerable to sexual exploitation. Men and women from Eastern Europe, Africa, and South and East Asia are subjected to labour trafficking in industries such as inland shipping, agriculture, horticulture, hospitality, domestic servitude, and forced criminal activity.⁴⁰⁹ As of 2018, the Vietnamese population in the Netherlands – including first and second generations – is 22,471.⁴¹⁰ The largest concentrations of Vietnamese in the Netherlands live in rural areas such as the provinces of North-Holland and North-Brabant, but also Drenthe and Limburg. Vietnamese migrants are generally viewed as a successfully integrated group. They are seen as diligent members of society, who gain good education and employment. Most Dutch people perceive the Vietnamese community as private and tight knit. There are strong social ties amongst the diaspora community in the Netherlands, which extend to the other Vietnamese diaspora communities abroad.⁴¹¹

Vietnamese are amongst the top five nationalities of child victims of trafficking identified in the Netherlands reported to CoMensha between 2013-2017.⁴¹² In the last few years, the Netherlands has also seen Vietnamese children go missing at an alarming rate from care facilities for asylum seekers.⁴¹³ It is feared that these children are being re-trafficked to exploitative situations in either the Netherlands or the UK. Similarly, participants in this research reported that Vietnamese adults who are brought to reception centres often go missing.

408 US TIP Report (2018) Netherlands, available at: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282718.htm>

409 Ibid.

410 CBS Statline. Population; age, migration background, sex and region, 1 January, modified 2 July 2018. See: <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/37713/table?dl=14CA8>

411 Schoenmakers, Y., Bremmers B., and Wijk, A. van. (2012) Vietnamese Cannabis Cultivation in the Netherlands, See: https://www.bureaubeke.nl/doc/2012/download_Oosterse_teelt.pdf

412 National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2018). Victim Monitor of Human Trafficking 2013-2017. See: https://www.nationaalrapporteur.nl/binaries/Slachtoffermonitor%20mensenhandel%202013-2017_tcm23-359693.pdf

413 Kooy, H. (2018). Vietnamese nationals & human trafficking in the Netherlands, unpublished expert report.

History of migration and the diaspora community

Similar to other EU countries, migratory flows of Vietnamese to the Netherlands took place after 1975, following the American-Vietnam war. The refugees who arrived in the Netherlands in this period – ‘boat people’ – were picked up by large cargo ships after fleeing Vietnam in small boats. Between 1975 and 1991 the Netherlands took in about 8,200 Vietnamese refugees.⁴¹⁴ Three separate migration groups can be recognised in this time frame.⁴¹⁵ The first wave were refugees fleeing Vietnam directly after the reunification of North and South; these were individuals who generally belonged to the higher classes of society. In 1980, a second wave of boat refugees arrived; mostly men, belonging to the lower economic classes, fleeing Vietnam due to poor economic conditions, food shortages and repression by the communist regime. The third wave arrived in the form of family reunification between 1982 and 1990.

A fourth migratory wave of Vietnamese asylum seekers from Eastern Europe followed after the fall of the communist regime in former Czechoslovakia. The experience of Vietnamese in this migratory wave was in stark contrast to that of the boat refugees, who swiftly received residency permits due to being part of the UN refugee program for Vietnamese refugees. The group arriving from Eastern Europe, originating mainly from North Vietnam, had great difficulties gaining asylum in the Netherlands. Because of this, some turned to illegal activities in order to survive. Those who did gain residency caused a fifth migratory flow of Vietnamese after 1995, when young men brought Vietnamese brides to the Netherlands. In 1995 many young men who had gained residency brought Vietnamese brides to the Netherlands, which constituted a fifth migratory flow.⁴¹⁶ A division remains between the Vietnamese who fled from North Vietnam and those who originated from the South.

Criminality

A number of organised and individual smuggling and trafficking networks have been uncovered by Dutch authorities and reported in the Dutch press. What these cases show is that the trafficking journey is not solely organised by Vietnamese criminal groups; rather, criminal groups operate across nationalities. For victims, this creates an additional vulnerability as they may be hesitant to trust anyone in case they are linked to the trafficking network. This in turn may cause a barrier to identification.

The articles next highlight the variety of nationalities that are involved with organised criminal networks that facilitate the smuggling and trafficking of Vietnamese nationals to and through the Netherlands.

414 Ibid.

415 Tillaart, H. van den, Monnikhof, M. Olde, Berg S. van den and Warmerdam J. (2000). New ethnic groups: an investigation amongst refugees and new residents from Afghanistan, Ethiopia and Eritrea, Iran, Somalia and Vietnam. Nijmegen: ITS, See: https://www.researchgate.net/profile/John_Warmerdam/publication/305626640_Nieuwe_etnische_groepen_in_Nederland_Een_onderzoek_onder_vluchtelingen_en_statushouders_uit_Afghanistan_Iran_Ethiopia_Eritrea_Somalie_en_Vietnam/links/59ede419a6fdccbbef20d2c/Nieuwe-etnische-groepen-in-Nederland-Een-onderzoek-onder-vluchtelingen-en-statushouders-uit-Afghanistan-Iran-Ethiopia-Eritrea-Somalie-en-Vietnam.pdf

416 Ibid.

In November 2018, a Congolese man residing in Belgium was arrested crossing the German-Dutch border on suspicion of people smuggling. Six Vietnamese men, without identification papers, were found in his car.⁴¹⁷

In November 2017, 3 people of Vietnamese origin were arrested for the trafficking of Vietnamese children from Vietnam to Europe and for money laundering. The suspects were two Dutch citizens – a 54-year old man and 48-year-old woman – and a 48-year-old Czech man.⁴¹⁸ The police also discovered two cannabis farms. The investigation was carried out following a tip from the French police.

In October 2017, an international people smuggling network was targeted and closed by authorities. The gang was initially identified by authorities in August 2016 when two Bulgarian drivers boarding the ferry from Europoort Rotterdam to Hull were caught smuggling five Vietnamese nationals behind a double wall in their van. They had picked up the Vietnamese individuals, aged 16 to 23, in a forest in France before heading to England via the Dutch port of Rotterdam.⁴¹⁹

In April 2017, the Royal Netherlands Marechaussee (KMar) arrested two men who were planning to smuggle ten Vietnamese in a refrigerated truck from Rotterdam to England. The two men, a 37 year-old Dutch citizen and a 39 year-old British citizen, are possibly part of a larger smuggling network according to KMar. Among the Vietnamese were three girls and two boys aged between 11 and 17 years-old.⁴²⁰

In 2015, 6 members of a criminal gang involved with people smuggling and cannabis cultivation were arrested. Members of this criminal network had tried to smuggle a group of 24 migrants to the UK with a sailboat from the Marina Seaport IJmuiden. The migrants comprised 11 Albanians and 13 Vietnamese, including Vietnamese children (the exact number of which is not specified in the court decision on this case).⁴²¹ The group of Vietnamese had travelled from Paris to Amsterdam by train. They were temporarily placed in a safe house in the Netherlands and later brought to the harbour.⁴²²

417 De Telegraaf, 'Human smuggler arrested with six Vietnamese', 9 November 2018. See: <https://www.telegraaf.nl/nieuws/2781002/mensensmokkelaar-met-zes-vietnamezen-opgepakt>

418 De Gelderlander, 'Trio suspected of trafficking minors from Vietnam', 15 November 2017. See: <https://www.gelderlander.nl/arnhem-e-o/drietal-verdacht-van-handel-in-minderjarigen-uit-vietnam~a4bab258/>

419 De Volkstrant, 'Large international people smuggling gang curled up by five EU member states', 26 October 2017. See: <https://www.volkskrant.nl/nieuws-achtergrond/grote-internationale-mensensmokkelbende-opgerold-door-vijf-eu-lidstaten~bc3ba5e5/>. See also: Court of Rotterdam, 'Court Order', 13 April 2017. See: <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBROT:2017:4524>

420 AD, 'Arrests for people smuggling in refrigerated truck', 26 April 2017. See: <https://www.ad.nl/binnenland/aanhoudingen-voor-mensensmokkel-in-koelwagen~a26692e8/>

421 Court of North Holland, Court order, 21 April 2017. See: <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBNHO:2017:3375>

422 Ibid.

Cannabis

In 2017, three girls arrived at Schiphol airport in Amsterdam, 'lost their documents', and were taken to a protected shelter for children. They had a telephone number with them and after calling this number, they went missing. The girls were picked up from the shelter by individuals involved with cannabis cultivation in the Utrecht area.⁴²³

As can be seen in the media examples above, cases of cannabis cultivation involving Vietnamese people in the Netherlands have been identified. In October 2011, the Dutch National Police expressed concern about a new trend of Vietnamese criminal gangs infiltrating the illegal cannabis trade in the Netherlands. At this time the Dutch police, previously briefed about this phenomenon by the UK police, admitted having discovered Vietnamese children aged 13 to 16 years working in illegal cannabis farms in the east and northeast of the country.⁴²⁴

The total number of cases of human trafficking for cannabis cultivation appear to be lower in the Netherlands than in other European countries. Research indicates that this could be due to the regularisation of cannabis in the Netherlands.⁴²⁵ A 2013 publication noted that "unlike the UK and the Czech Republic...where Vietnamese crime groups dominate the cannabis market, in the Netherlands, [Vietnamese] are just one of many groups active in cannabis cultivation."⁴²⁶ However, there is an increase in the number of cases with elements of trafficking and exploitation being identified. A 2017 report by the Social Affairs and Employment Inspectorate covering new trends in labour exploitation stated "the number of Vietnamese victims forced to cut hemp is striking."⁴²⁷ Further reports on labour and criminal exploitation in the Netherlands cite illegal cannabis cultivation as the main setting in which Vietnamese nationals are forced to work without pay.⁴²⁸ The increase in irregular Vietnamese migrants moving through the Netherlands could exacerbate this situation, leaving more Vietnamese migrants, including children, vulnerable to exploitation and trafficking.

423 Data collection, the Netherlands, February 2018.

424 Kooy, H. (2018). Vietnamese nationals & human trafficking in the Netherlands, unpublished expert report.

425 Schoenmakers, Y., Bremmers, B. and Kleemans, E.R. (2013). Strategic versus emergent crime groups: The case of Vietnamese cannabis cultivation in the Netherlands, *Global Crime*, 14:321. See: https://www.researchgate.net/publication/260293067_Strategic_versus_emergent_crime_groups_The_case_of_Vietnamese_cannabis_cultivation_in_the_Netherlands

426 Ibid.

427 Roosblad et al. (May 2016). National Threat Monitor 2017. Labour exploitation, criminal exploitation and forced servitude. Ministry of Social Affairs and Employment. See: <https://www.inspectieszw.nl/publicaties/publicaties/2017/06/01/nationaal-dreigingsbeeld-2017>. Cited in: Kooy, H. (2018). Vietnamese nationals & human trafficking in the Netherlands, unpublished expert report.

428 Kooy, H. (2018). Vietnamese nationals & human trafficking in the Netherlands, unpublished expert report. See also: Abraham, van Soomeren, van Dijken/Rijken (2015). New phenomena of labour exploitation, a many-headed monster. Investigation in to new forms of labour exploitation and how European information on this can be systematically exchanged. Amsterdam: DSP-group. p. 33. See: https://publicaties.dspgroep.nl/getFile.cfm?file=/11mdarbuit_Nieuwe_fenomenen_van_arbeidsuitbuiting_DSPgroep_2015.pdf&dir=rapport

Sham marriages

There has been a trend of 'sham marriages' linked to the Vietnamese community in the Netherlands.⁴²⁹ In one case, a Vietnamese man was arrested for arranging false marriages to bring family members to the Netherlands, who were then put to work in nail salons or spring roll stands. Police also suspect that some were being forced to house cannabis farms.⁴³⁰ One Vietnamese woman, whose house was being used as a cannabis farm, claims she was forced into it. She was threatened with sexual exploitation in Sweden if she did not comply.⁴³¹

Nail bars

There is growing media attention on nail bars and the illegal activity linked to them.⁴³² As in many European countries, the Netherlands has a growing number of nail bars run by Vietnamese. Irregular Vietnamese migrants have been identified working in nail bars, including in Dutch-owned nail bars, and there is a risk that irregular migrants working in nail bars are victims of trafficking. Their irregular status means that they are at risk of removal to Vietnam if they are discovered working. Suspects of Vietnamese organised crime groups in the Netherlands have been shown to own nail salons or spring roll stands, as a means to hide and/or launder illegal cash flows.⁴³³

Response to victims of trafficking

The Netherlands was recorded as a Tier 1 country in the 2018 TIP report.⁴³⁴ However, the report also highlighted a decrease in victim identification over the past four years, and an inconsistent application of the 3 month reflection period for foreign victims was observed in 2017.⁴³⁵ The National Rapporteur has also highlighted areas for improvement in the response to combating trafficking and identifying victims in the Netherlands, such as taking a multi-agency approach that involves actors beyond the usual players, for example investigative services, social services and municipalities.⁴³⁶

429 Inspectorate SZW, Ministry of Social Affairs and Employment, 'Suspects arrested for sham marriages with Vietnamese women', 18 October 2017, See: <https://www.inspectieszw.nl/actueel/nieuws/2017/10/18/verdachten-aangehouden-voor-schijnrelaties-met-vietnamese-vrouwen>

430 Schoenmakers, Y., Bremmers B., and Wijk, A. van. (2012) Vietnamese Cannabis Cultivation in the Netherlands, See: https://www.bureaubeke.nl/doc/2012/download_Oosterse_teelt.pdf

431 Ibid.

432 Inspectorate SZW, Ministry of Social Affairs and Employment, 'Suspects arrested for sham marriages with Vietnamese women', 18 October 2017, See: <https://www.inspectieszw.nl/actueel/nieuws/2017/10/18/verdachten-aangehouden-voor-schijnrelaties-met-vietnamese-vrouwen>

433 Schoenmakers, Y., Bremmers B., and Wijk, A. van. (2012) Vietnamese Cannabis Cultivation in the Netherlands, See: https://www.bureaubeke.nl/doc/2012/download_Oosterse_teelt.pdf

434 US Tip Report (2018). The Netherlands. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282718.htm>

435 Ibid.

436 National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2017). Tenth Report of the National Rapporteur, summary. See: https://www.dutchrapporteur.nl/binaries/20190204_Tenth%20report_Summary_tcm24-374923.pdf

Identification

The Netherlands has an integrated approach to combating trafficking and identifying victims. This includes a task force as well as both private and governmental actors, various municipalities, the police and the National Rapporteur on Trafficking in Human Beings who work together to identify victims at an early stage, support victims and prosecute offenders.⁴³⁷ Since 2000, the National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children is responsible for reporting on the nature and scope of human trafficking and sexual violence against children to the Dutch government.⁴³⁸

CoMensha registers all presumed victims of trafficking and receives a government subsidy for this purpose.⁴³⁹ From 2013 to 2017, 90 Vietnamese potential victims of human trafficking were reported to CoMensha; see table 1.1 below.⁴⁴⁰ Of these victims, 12 were registered as being exploited in the sex industry, 20 outside of the sex industry and 58 were victims of unidentified forms of exploitation.⁴⁴¹ Vietnamese victims form a small percentage of the total number of identified victims of trafficking in the Netherlands, which amounted to 5.4% in this reporting period.⁴⁴²

Table 1.1 Vietnamese victims of trafficking

	2013	2014	2015	2016	2017	Total
Vietnam	12	12	30	27	9	90

Source: CoMensha database, 2013-2017

The data differs regarding the identification of child victims of human trafficking. Vietnamese children were included in the top five nationalities of child victims reported to CoMensha between 2013-2017. At 63 victims, Vietnamese children are the second largest group, preceded only by Dutch children (678). There were 8 victims of sexual exploitation, 3 victims of exploitation outside the sex industry and 52 victims of unidentified forms of exploitation.⁴⁴³

Table 1.2 Vietnamese child victims of trafficking

	2013	2014	2015	2016	2017	Total
Vietnam	1	7	22	26	7	63

Source: CoMensha database 2013-2017

437 Greta Report (2018). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands. See: <https://rm.coe.int/greta-2018-19-fgr-nld-en/16808e70ca>

438 Ibid.

439 Ibid.

440 National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2018). Victim Monitor of Human Trafficking 2013-2017. See: https://www.nationaalrapporteur.nl/binaries/Slachtoffermonitor%20menshandel%202013-2017_tcm23-359693.pdf

441 This entails labour exploitation, criminal exploitation, forced begging and being forced to perform services.

442 National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (2018). Victim Monitor of Human Trafficking 2013-2017. See: https://www.nationaalrapporteur.nl/binaries/Slachtoffermonitor%20menshandel%202013-2017_tcm23-359693.pdf

443 National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, 2018. Victim Monitor of Human Trafficking 2013-2017. The Hague: National Rapporteur. See: https://www.nationaalrapporteur.nl/binaries/Slachtoffermonitor%20menshandel%202013-2017_tcm23-359693.pdf

The NGO FairWork reports not seeing indications of Vietnamese being exploited in forced labour in the Netherlands. They report the reasons for this may be that the police might not contact them in these cases, or when cases involve children, cases are immediately redirected to other organisations, such as Nidos. Most importantly, FairWork emphasises that the majority of reports to their organisation are made by migrants themselves, and they have never been contacted by members of the Vietnamese target group. Next year, FairWork will launch an investigation into labour exploitation amongst Vietnamese people to gain more insight into the issue.⁴⁴⁴ It is likely that a lack of self-identification as a victim of trafficking, or as having been exploited, feeds into this phenomenon.

Training

The Netherlands is one of the only countries to provide compulsory training on trafficking in human beings. All police officers receive training and there are several training programmes in place for other professionals.⁴⁴⁵

Support

The Netherlands provides a reflection period of 90 days and access to residency permits, although there has been criticism by GRETA that this is not provided to victims consistently.⁴⁴⁶ Victims of trafficking are offered accommodation in shelters and given financial support, medical care, legal support and psychological support. CoMensha is a national independent expertise and coordination centre that acts on behalf of victims of human trafficking, including children. For more detail and analysis, please see the GRETA report.⁴⁴⁷

Child protection

Unaccompanied Vietnamese children arriving in the Netherlands are almost always given shelter in protected facilities for children, as it is known that there is significant risk of this demographic group going missing and becoming victims of exploitation and human trafficking.⁴⁴⁸ Foster placements are also available for children. All unaccompanied children are provided with a guardian who supports them through legal and other processes in the Netherlands. The guardianship system is run by Nidos, an organisation that ensures children receive emotional, educational and wellbeing support.⁴⁴⁹ In 2015, 24 out of 150 children went missing from a protected facility; of these, 19 were Vietnamese children.⁴⁵⁰

444 Kooy, H. (2018). Vietnamese nationals & human trafficking in the Netherlands, unpublished expert report.

445 Greta Report (2018). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands. See: <https://rm.coe.int/greta-2018-19-fgr-nld-en/16808e70ca>

446 Ibid.

447 Ibid.

448 FOIA document. COA internal communications. Requested by Argos/ Lost in Europe.

449 Nidos is a Dutch independent foundation which fulfils the guardianship task for unaccompanied children seeking asylum

450 Nidos (2016). Netherlands Study Visit Summary report. See: https://www.ecre.org/wp-content/uploads/2016/10/Netherlands_Study_Visit.pdf

Main gaps to protection

Missing children

Vietnamese children going missing from care was the main issue of concern noted in consultations with professionals in the Netherlands. Children go missing from protected shelters that are located in the north and south of the Netherlands and it is believed they run away in hope of reaching the UK. From 2013 to October 2018, 61 Vietnamese children went missing from social care⁴⁵¹. In the reporting period of 2013-2017, 63 children were registered as potential victims of human trafficking. It cannot be determined whether this concerns the same group of Vietnamese children, however, as the data provided by the Central Agency for the Reception of Asylum Seekers (COA) is anonymised and CoMensha also deletes the details of their database periodically.⁴⁵²

Table 1.3 Vietnamese children missing from care

	2013	2014	2015	2016	2017	2018	Total
Vietnam	1	7	13	20	12	8	61

Source: COA database, 2013-2018

From an analysis of internal COA communications it is clear that, despite a recognised high risk of trafficking, there are clear challenges to protecting Vietnamese children from going back to their possible trafficker after having been placed in a care facility. Vietnamese adults housed at asylum locations in the Netherlands also go missing from these locations shortly after arrival.⁴⁵³

In most cases, they disappear with the assistance of presumable smugglers or traffickers. Unidentified individuals pick them up by car near the shelter, or even provide tools that can be used to force open a window, through which an escape can be made at night when doors at the shelter are locked. It has also been reported that men of Asian or Vietnamese appearance ‘lurk’ around the protected shelter in a car, and that sometimes the cars have licence plates from other countries, such as France.⁴⁵⁴ Reports also highlight that the children frequently do everything in their power to go missing; running away from their mentors while on an outing, setting off the fire alarm as a distraction or even breaking a window with a pan at night.⁴⁵⁵ They often run away in groups. One of the caretakers reported that it seems as if the young people “come to the Netherlands with an assignment” and never let this go.⁴⁵⁶ In another case, a boy reported having received a message on his mobile phone, instructing him to leave the protected shelter. He then went missing.⁴⁵⁷

451 This number may be higher. Argos has received official data up until 10 July 2018, and from a police notification it can be deduced that at least one other Vietnamese young person has gone missing from a protected shelter facility this Fall, on 29 October 2018.

452 Kooy, H. (2018). Vietnamese nationals & human trafficking in the Netherlands, unpublished expert report.

453 FOIA document. (December 2015). COA internal communications. Requested by Argos/ Lost in Europe. See also: FOIA document. (March 2017). COA internal communications. Requested by Argos/ Lost in Europe.

454 FOIA document. (March 2014). COA internal communications. Requested by Argos/ Lost in Europe.

455 FOIA document. (2016). Evaluation 1Q 2016. COA internal communications. Requested by Argos/ Lost in Europe.

456 FOIA document. COA internal communications. Requested by Argos/ Lost in Europe.

457 FOIA document. (April 2018). Missing Vietnamese minor found. COA internal communications. Requested by Argos/ Lost in Europe.

Case study

Missing from protected care in the Netherlands

A 17 year-old Vietnamese boy went missing from protected care the day before he was due to press charges against his trafficker. The boy arrived in the Netherlands after travelling via Russia and reported wanting to join his sister in England to work there. He was close to turning eighteen, which would mean moving into a reception centre for adults. In the weeks prior to him going missing, he was quieter than usual and kept to himself. On the day of his disappearance, he travelled by bike to the city and was expected to return to his protected care accommodation. However he never returned. A folded paper crane was found in his room – a sign of goodbye in Vietnamese culture.⁴⁵⁸

This case study shows some of the potential gaps in protection that may have prevented this young person from going missing; namely being aware of the concerns of young people and planning their transition into adulthood carefully. Having policies and practices in place to prevent children going missing may have led to a different outcome for this child.

Lack of identification

GRETA raised concerns about the decrease in numbers of victims of trafficking identified in the Netherlands.⁴⁵⁹ This concern was mirrored by the professionals interviewed for this research, who reported a particular concern about failure to identify victims of trafficking who are unaccompanied children. There were also concerns about the capacity of the police to lead on identification, however it should be noted that the piloting of a multi-agency decision making system is taking place. It is too early to analyse the outcome of this pilot.⁴⁶⁰

Lack of awareness

Further to issues with the identification of victims, professionals participating in this research noted a lack of awareness about the Vietnamese community and trafficking taking place. In particular, there is evidence that labour exploitation is taking place amongst Vietnamese migrants in the Netherlands to pay off debt, but many professionals are not aware of the details regarding what is happening.

458 FOIA document. (September 2017). Disappearance of pupil. COA internal communications. Requested by Argos/ Lost in Europe.

459 Greta Report (2018). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands. See: <https://rm.coe.int/greta-2018-19-fgr-nld-en/16808e70ca>

460 Ibid.

Criminalisation

The Netherlands is advanced in comparison with other European countries in abiding by the non-punishment principle (Article 8, EU Directive). However, this research has identified a number of cases in which Vietnamese children have been criminalised for their role in cannabis cultivation.⁴⁶¹

Lack of appropriate accommodation

The protected shelters in the Netherlands are for potential victims of human trafficking, therefore certain protective measures are already in place. New arrivals are not allowed outside without a mentor and there is no wireless Internet connection for residents, through which a trafficker might contact child victims. Additionally, Vietnamese children are closely monitored due to their high risk of disappearance. An internal document states:

“There is close cooperation with police to share information and make agreements to prevent disappearance. When an upcoming disappearance is suspected, preventive measures are discussed with Nidos. The protected shelter cannot prevent disappearances. It is not a closed facility. This risk has always been part of the protected shelter.”⁴⁶²

As this quote illustrates, employees at the shelter face challenges in preventing children from leaving when they suspect an upcoming disappearance. It is therefore likely that shelters are not the most appropriate type of accommodation for all children.

461 Dutch National Police (2018). Learn to recognize: Investigation into the identification of criminal exploitation and forced begging by the national police. Groningen. See: <https://www.politieacademie.nl/kennisenonderzoek/kennis/mediatheek/PDF/93422.pdf>

462 FOIA document. (October 2016). COA internal communications. Requested by Argos/ Lost in Europe.

United Kingdom

The current profile

As in many of the European countries, there is no definitive figure of the total Vietnamese population currently residing in the UK. In 2018, the Vietnamese-born population residing in the UK was estimated at 23,000.⁴⁶³ However, the Runnymede Trust estimated in 2007 that at least 55,000 Vietnamese people resided in England and Wales, with 20,000 of those being undocumented and 5,000 being students.⁴⁶⁴ The NRM, which records referrals of potential victims of trafficking, shows that between 2009-2018 there were 3,187 Vietnamese adults and children referred.⁴⁶⁵ Vietnamese people have consistently featured in the top three nationalities of victims referred to the NRM and numbers have consistently increased over the past few years.⁴⁶⁶ The majority of referrals are male and the most common exploitation type is forced labour, followed by sexual exploitation.⁴⁶⁷ It is important to note that the NRM data does not include a specific category for criminal exploitation, which is embedded in the labour exploitation figure. Scottish enforcement officials, service providers and government officials have all raised concerns about the increase in referrals for Vietnamese victims of trafficking they received throughout 2018.⁴⁶⁸

Referrals of potential victims of trafficking from Vietnam in the UK

	2012	2013	2014	2015	2016	2017	2018
Adult	39	105	107	230	292	377	394
Child	96	76	109	248	227	362	310
Total	135	181	216	478	519	739	704

⁴⁶⁹

Source: NCA, 2019⁴⁷⁰

⁴⁶³ Office of National Statistics (2018) See: <https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/datasets/populationoftheunitedkingdombycountryofbirthandnationalityunderlyingdatasheets>. Note: the number excludes some residents in communal establishments

⁴⁶⁴ http://www.academia.edu/1540962/Vietnamese_Community_in_Great_Britain_-_Thirty_Years_On

⁴⁶⁵ <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>. Supplemented from information from IASC report <https://www.antislaverycommissioner.co.uk/media/1159/iasc-report-combating-modern-slavery-experience-by-vietname-nationals-en-route-to-and-within-the-uk.pdf>

⁴⁶⁶ National Crime Agency. National Referral Mechanism Statistics. See: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>

⁴⁶⁷ Ibid.

⁴⁶⁸ Email conversation with Glasgow City Council, 27 Feb 2019.

⁴⁶⁹ At the time of writing this report, there was a discrepancy found in NRM data from the NCA. This figure quoted in the report is an addition of quarterly reports produced by the NCA in 2018. The end of year summary report produced by the NCA shows a discrepancy, with the total number of referrals as 702 (382 adults and 320 children).

⁴⁷⁰ National Crime Agency, National Referral Mechanism statistics. See: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics>

The UK has signed and ratified the CoE Convention and the EU Directive, and has current national legislation in place to criminalise trafficking and protect victims. Across the devolved nations, specific Acts have also been introduced, including the Modern Slavery Act 2015 (England and Wales with some UK provision), the Human Trafficking and Exploitation (Scotland) Act 2015 and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Within the Acts there are articles to prevent human trafficking and modern slavery, prosecute offenders and protect victims.

History of migration and diaspora communities

There is a long history of Vietnamese people migrating to the UK as both regular and irregular migrants. Following the Vietnamese-American war in 1975 many refugees – ‘boat people’ – arrived in the UK. This continued until approximately 1979.⁴⁷¹ Thousands of Vietnamese refugees were resettled in the UK. Many Vietnamese of Chinese ethnicity from north Vietnam arrived via refugee camps in Hong Kong.⁴⁷² Throughout the 1980s, the Vietnamese that had settled in the UK were joined by their family members. A second wave of refugees arrived in the UK in the late 1980s and the early 1990s.⁴⁷³ Initially, Vietnamese people settled in London and the South East, but many also settled in other major cities including Manchester, Liverpool and Birmingham.⁴⁷⁴ Today, Vietnamese people have settled across many parts of the UK. It is in this regard that the UK differs from other European countries. There is no single major concentration of Vietnamese in one single UK locality, nor any large Vietnamese markets serving as epicentres of Vietnamese culture and commerce.

When Vietnamese migrants first arrived in the UK they faced many challenges. Most Vietnamese who arrived as part of the first wave of migration were from the north of Vietnam. They had little or no education so were illiterate in Vietnamese and unable to speak English. This made it very difficult for them to integrate into society. Refugee Action highlighted in 1993 that Vietnamese people were recorded in overcrowded local authority accommodation,⁴⁷⁵ suggesting that they may have been unable to advocate for their rights. When this group of Vietnamese refugees arrived in the UK, they were also forcibly moved to different parts of the country, which resulted in significant social isolation.⁴⁷⁶ This experience was very different to that of other Asian communities such as the Chinese, who came over through regular migration as students or business people and have close ties with the Chinese embassy. It meant that they could work and profit more easily in the UK.⁴⁷⁷ A report published in 2004 highlighted that this social struggle related to the isolation of Vietnamese people was still present in many areas. The report discussed the Vietnamese community in Lewisham. Within this report, the NHS Primary Care Trust stated that among the 130 languages spoken in the borough, the most

471 Runnymede (2006). The Vietnamese Community in Great Britain- 30 years on. See: <https://www.runnymedetrust.org/uploads/projects/Vietnamese%20Community.pdf>

472 Ibid.

473 Silverstone, D. and Savage, S. (2010). Farmers, factories and funds: organised crime and illicit drugs cultivation within the British Vietnamese community, *Global Crime*, 11:1, p. 16-33. See: DOI: 10.1080/17440570903475683

474 Hale, S (1993). The Reception and Resettlement of Vietnamese Refugees in Britain. 10.1007/978-1-349-12054-3_16. See: https://link.springer.com/chapter/10.1007/978-1-349-12054-3_16

475 Bell, J. and Clinton, L. (1993). The Unheard Community: A look at the Housing Conditions and Needs of Refugees from Vietnam Living in London. Derby: Refugee Action. Cited in Runnymede (2006). The Vietnamese Community in Great Britain- 30 years on. See: <https://www.runnymedetrust.org/uploads/projects/Vietnamese%20Community.pdf>

476 Runnymede (2006). The Vietnamese Community in Great Britain- 30 years on. See: <https://www.runnymedetrust.org/uploads/projects/Vietnamese%20Community.pdf>

477 Ibid.

Despite these challenges, Vietnamese people settled in the UK and put down roots. Today there are second and third generations of Vietnamese people – Việt kiều – living in the UK, who are British and fully integrated into British society. There is a gap between the older generations who arrived as refugees and settled in the UK, and the new arrivals who are viewed by the older generations as having different mindsets and priorities.⁴⁷⁹

Criminality

Responses were received from 35 out of 45 police constabularies. Scottish police were not able to provide any information. FOI questions also asked how many Vietnamese people arrested had been referred to the NRM, however most of the forces did not want to provide this information.

483 Hartlepool Mail, 'Cannabis farmer told police he was a 14-year-old trafficked from Vietnam as £189,000 grow found above Hartlepool shop', 21 January 2019. See: <http://www.hartlepoolmail.co.uk/news/crime/cannabis-farmer-told-police-he-was-a-14-year-old-trafficked-from-vietnam-as-189-000-grow-found-above-hartlepool-shop-1-9549157>

In total, there were 6,796 arrests of Vietnamese nationals (5,669 adults and 1,127 children), constituting an average of 814 adults and 163 children per year between 2012 and 2018. A number of constabularies failed to provide a detailed breakdown of the number of Vietnamese arrested for different offences. Data has been recorded for 812 charges (71% of total offences) levied against Vietnamese children and 4,476 charges (76% of total offences) against adults.

Arrests were recorded differently across the constabularies, however they could be split into three areas of immigration, drugs and other offence. This category of ‘other offence’ was used by some of the respondents, but it also included driving offences (including drunk driving); money laundering and fraud; shoplifting, theft and burglary; criminal damage, assault, affray; and sexual offences.

Children

- Immigration 360 (44%)
- Drugs 251 (31%)
- Other 208 (25%)

Adult

- Immigration 950 (21%)
- Drugs 1,439 (32%)
- Other 2,087 (47%)

The data reveals that the Vietnamese children who were arrested were most commonly arrested for offences relating to immigration. With regard to drugs offences, 117 responses did not record detail of the drug offence, 129 (52%) arrests related to Class B drugs, and five (2%) related to Class A drugs.

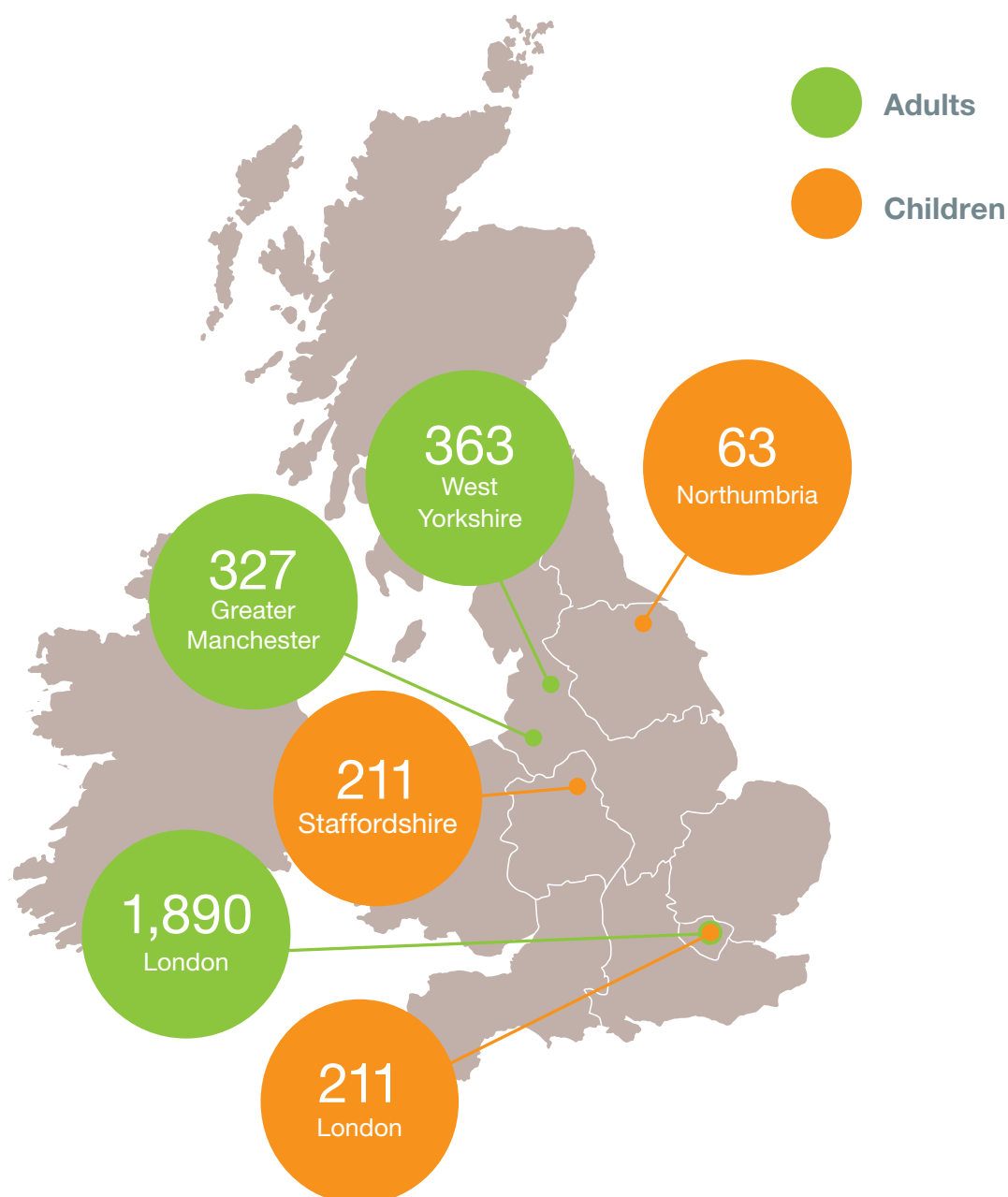
The data reveals that the highest number of Vietnamese adults were arrested under the category of ‘other offence’. With regard to responses involving drugs offences, 656 drug offences were not recorded with detail of the offence. Of the responses that provided detail, 725 (50%) related to Class B drugs, and 58 (13%) related to Class A drugs. There were 27 (2.8%) citing modern slavery or human trafficking.

In terms of the geographic concentrations of these arrests, the constabularies that reported the highest number of Vietnamese children arrested were London Metropolitan (211), Northumbria (63) and Staffordshire (58). For adults, the constabularies that reported the highest number of Vietnamese arrested were London Metropolitan (1,890), West Yorkshire (363) and Greater Manchester (327).

Although police in Scotland failed to provide data, our research indicates there have been a number of Vietnamese people arrested and charged for human trafficking and drug offences in Scotland.⁴⁸⁴

Despite the FOI containing a question on the number of victims of modern slavery and referrals into the NRM, most of the responses failed to include this information.

484 Police Scotland, ‘Two men charged in relation to human trafficking offences, Elgin’, 10 July 2018. See: <http://www.scotland.police.uk/whats-happening/news/2018/july/two-men-charged-in-relation-to-human-trafficking-offences-elgin>



Although the responses did not specify particular drug offences, it is likely that many of these arrests are linked to cannabis cultivation as it is a Class B drug. The professionals participating in this research highlighted that many of the Vietnamese victims of trafficking they work with were initially arrested for cannabis cultivation, indicating a likelihood that some of these arrests could comprise victims of trafficking.

One major concern highlighted by the data is the high number of children being criminalised; many for immigration offences. This raises concerns as this research has identified that most children do not organise their own travel and are controlled by adults. Having irregular status is a significant indicator that they may be victims of trafficking. Being processed through the criminal justice system is a very intimidating experience with potential to traumatisate vulnerable children.

Cannabis to methamphetamine

This research has found that there is growing concern across Europe about the rise in methamphetamine production linked to Vietnamese nationals. The FOI responses showed there were 63 arrests of Vietnamese nationals for Class A drugs offences, but details relating to the specific types of Class A drugs was not provided. While there is currently no trend of Vietnamese victims being involved in the production of methamphetamine in the UK, with this trend visible in other European countries, there is a risk of this exploitation type emerging in the UK. As previously described, producing methamphetamine is dangerous and high risk,⁴⁸⁵ increasing the vulnerability of Vietnamese victims of trafficking exploited in this way.

Response to victims of trafficking

The UK was rated as Tier one in the 2018 TIP report,⁴⁸⁶ meaning it fulfils the minimum standards for elimination of trafficking in human beings. In the UK there is national legislation designed to protect victims of human trafficking and modern slavery. There is additional legislation to protect vulnerable children and adults, including vulnerable migrants.

Identification

The UK introduced a National Referral Mechanism (NRM) in 2009.⁴⁸⁷ Under the Modern Slavery Act 2015 (s52), most public authorities have a duty to notify the Secretary of State when they have reasonable grounds to believe that someone has been trafficked. Adults must consent to their personal information being shared within the NRM. When suspected adult victims withhold consent, there is an anonymous form submitted to the NRM by first responders which enables victims to access support without having any identifying information passed on to the NRM.⁴⁸⁸ Adult victims referred to the NRM are able to access further support, some of which is detailed below. Children identified as potential victims are referred to the local authority for support. In 2017, the former UK Independent Anti-Slavery Commissioner raised concerns about the effectiveness of the NRM and the negative impact it can have on victims.⁴⁸⁹ ECPAT UK's report in 2017 also highlighted a need to reform the NRM for children as well as a lack of awareness of the NRM among frontline professionals who may come into contact with child victims of trafficking.⁴⁹⁰ Since then, the UK Home Office has taken steps to reform the NRM, including consultation of frontline professionals and NGOs.⁴⁹¹ Changes to the NRM are currently underway.

485 Melnikova, N., Welles, W. L., Wilburn, R. E., Rice, N., Wu, J., and Stanbury, M. (2011). Hazards of illicit methamphetamine production and efforts at reduction: data from the hazardous substances emergency events surveillance system, 126:1, p. 116-23. See: <https://journals.sagepub.com/doi/10.1177/003335491112605115>

486 US TIP Report (2018). United Kingdom. See: <https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282775.htm>

487 National Crime Agency, National Referral Mechanism. See: <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

488 The UK Government (2015). See: <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>

489 Independent Anti-Slavery Commissioner (2017). Identifying, referring and supporting victims of modern slavery in the UK's National Referral Mechanism, letter to Sarah Newton MP. See: <http://www.antislaverycommissioner.co.uk/media/1187/letter-to-sarah-newton-mp-on-improved-nrm.pdf>

490 ECPAT UK (2017). Time to Transform. See: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=cdb8012-7267-41ee-ad51-1569beddb095>

491 UK Government, Home Office (2018). National referral mechanism reform. See: <https://www.gov.uk/government/publications/national-referral-mechanism-reform>

Training

There is no statutory requirement for training of frontline professionals in the UK. However, the need for training has been highlighted in Government guidance for children and adults.⁴⁹² There is training provided in statutory agencies, however it is the responsibility of each agency and local authority to initiate the training and it is not mandatory. With limited financial resources available for training and no statutory duty to provide training, this can leave gaps in the knowledge and skills of frontline staff to respond to victims of trafficking. ECPAT UK has highlighted the need for frontline professionals to be trained in child trafficking and modern slavery victim identification and response.⁴⁹³ The UK professionals who participated in this research highlighted the existence of a lack of identification of victims of trafficking as well as a lack of support.

Support

If a victim of trafficking is referred to the NRM, they are entitled to a reflection and recovery period of a minimum of 45 days. They cannot be removed from the UK during this period. They may also be entitled to a residency permit, usually for the duration of one year, with the possibility of renewal. This is granted under three different conditions set out by the Government: 1) victims cooperate with police; 2) victims pursue compensation claims against traffickers; 3) victims prove it is necessary owing to personal circumstances.⁴⁹⁴ Vietnamese nationals can also regulate their immigration status in the UK by claiming international protection. Adults referred to the NRM are referred through a government contract, currently awarded to the Salvation Army. Through the contract, they can gain support including access to initial accommodation, assistance with further accommodation, financial assistance, legal support, health care, mental health and emotional support.⁴⁹⁵ Interpreters can also be accessed for legal and other processes for those whom English is not their first language. The GRETA report highlights the gaps in the UK's response to human trafficking in the UK, citing that approaches to child victims were 'inconsistent' and that provision of support was 'patchy'.⁴⁹⁶ The Anti-Trafficking Monitoring Group also reports on the UK response to victims of trafficking and modern slavery, highlighting good practice as well as gaps in protection.⁴⁹⁷

492 UK Government, Department for Education (2017). Care of unaccompanied migrant children and child victims of modern slavery Statutory guidance for local authorities. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf. See also: Human Trafficking Foundation. Local Authorities, Modern Slavery Protocol. See: <https://www.humantraffickingfoundation.org/modern-slavery-protocol>

493 ECPAT UK (2017). Lighting the way: Steps that lawyers, legal guardians and child trafficking advocates in the UK can take to better identify and protect children who may have been trafficked. See: <https://www.ecpat.org.uk/lighting-the-way>

494 UK Government, Home Office (2018). Discretionary leave considerations for victims of modern slavery, version 2.0. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739436/dl-for-victims-of-modern-slavery-v2.pdf

495 The salvation Army. Supporting Adult Victims. See: <https://www.salvationarmy.org.uk/supporting-adult-victims-0>

496 GRETA (2016). Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the United Kingdom, Second Evaluation Round. See: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806abdc>

497 Anti-Slavery International. The Anti Trafficking Monitoring Group. See: <https://www.antislavery.org/what-we-do/uk/anti-trafficking-monitoring-group/>

Child protection

Child victims of trafficking are referred to the local authority and are entitled to provisions under the Children's Act.⁴⁹⁸ The Department for Education also issued guidance for local authorities on supporting child victims of trafficking.⁴⁹⁹ Child victims are entitled to accommodation, legal help, financial support, health care, mental health and emotional wellbeing care, education, and support with accessing compensation. Children in the care system can also gain support from an advocate to assist with challenges in their care. At the time of writing this report, child victims of trafficking in Greater Manchester, Hampshire, Wales, the East and West Midlands and Croydon have access to an Independent Child Trafficking Advocate (ICTA), who specialises in supporting child victims of trafficking. Currently this contract is awarded to Barnardo's.⁵⁰⁰ The UK Government has pledged £2 million GBP to expand this service. However, there have been major delays to this service and only children who have already been identified as victims of trafficking have access to an ICTA. Additionally, at the time of writing this report an independent review of the Modern Slavery Act 2015 has been released, led by Frank Field MP, highlighting gaps in the service and calling on the government for an 'urgent' national roll out of the programme.⁵⁰¹ ECPAT UK has consistently highlighted gaps in the protection of children in the UK, including cuts to services, lack of training of frontline professionals and other failings.⁵⁰² This leaves Vietnamese children at risk of not being identified as victims and therefore not being supported.

498 The UK Government, Children Act 1989. See: <https://www.legislation.gov.uk/ukpga/1989/41/contents>. See Also: The UK Government, Children Act 2004. See: <https://www.legislation.gov.uk/ukpga/2004/31/contents>

499 UK Government, Department for Education (2017). Care of unaccompanied migrant children and child victims of modern slavery Statutory guidance for local authorities. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf

500 Barnardos. See: <https://www.barnardos.org.uk/what-we-do/protecting-children/trafficked-children>

501 Wirral Globe, 'Frank Field MP leads campaign to help young victims of modern slavery', 20 March 2019. See: <https://www.wirralglobe.co.uk/news/17513899.frank-field-mp-leads-campaign-to-help-young-victims-of-modern-slavery/>

502 ECPAT UK (2017). Lighting the way: Steps that lawyers, legal guardians and child trafficking advocates in the UK can take to better identify and protect children who may have been trafficked. See: <https://www.ecpat.org.uk/lighting-the-way>

Main gaps to protection

Anti-Slavery and ECPAT UK campaign for improvements to the UK's response to human trafficking. This research has identified the following specific gaps in the UK's response, which affect Vietnamese victims.

Criminalisation

A major concern and common theme arising from the round table in the UK and the UK professionals who participated in the research was the criminalisation of Vietnamese victims of trafficking. One solicitor reported that she was receiving calls on a weekly basis regarding Vietnamese victims of trafficking who had been criminalised, including being arrested, charged and prosecuted. The Crown Prosecution Service (CPS) issued guidance which includes information on responding to suspects who may be victims of trafficking and treating them as such.⁵⁰³ They have also provided training to legal professionals. However, there are still cases of victims being criminalised.⁵⁰⁴ It is vital that the police, law professionals and the CPS are trained in and aware of indicators of trafficking in order to prevent victims from being criminalised. As reported by a number of Vietnamese victims participating in this research, being exploited for criminal activity creates a high risk of being criminalised. If victims are in the UK without legal status, having a criminal record can affect their right to remain in the UK and may leave them vulnerable to being removed or deported.⁵⁰⁵ Having a criminal record may also affect their job prospects and life choices in the future.

Missing children

Another major area of concern among the UK professionals who participated in this research was the number of Vietnamese people, mainly children, who go missing from support services once they have been identified as potential victims of trafficking. These concerns were mirrored by professionals from the other European countries included in this research. The issue of missing children has also drawn a lot of media attention.⁵⁰⁶ An investigation conducted by the Times found that 150 Vietnamese children disappeared from care and foster homes between 2015 and 2017.⁵⁰⁷

503 Crown Prosecution Service (2018). Human Trafficking, Smuggling and Slavery, Suspects who might be Victims of Trafficking or Slavery updated, Legal Guidance, International and organised crime. See:

<https://www.cps.gov.uk/legal-guidance/human-trafficking-smuggling-and-slavery>

504 <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2019/02/prosecuting>

505 UK Government, Settlement: refugee or humanitarian protection.

See: <https://www.gov.uk/settlement-refugee-or-humanitarian-protection/eligibility>

506 The Daily Mail, 'Dozens of Vietnamese children who were rescued from traffickers have vanished from council care amid fears they are back in the hands of slave gangs', 13 October 2017. See:

<https://www.dailymail.co.uk/news/article-4976858/Fears-Vietnamese-children-missing-UK-council-care.html>

507 The Times, 'Child trafficking victims vanish from council care and into the hands of criminals', 13 October 2017. See: www.thetimes.co.uk/article/child-trafficking-victims-vanish-from-councilcare-and-into-the-hands-of-criminals-baroness-butler-sloss-rochdalegctdcqgg6

Although guidance was produced in 2014⁵⁰⁸ by the Department for Education, and more recently steps have been taken in some areas to address the issue of missing children, this issue remains. ECPAT UK completed research in 2018⁵⁰⁹ on the issue of children going missing from care across the UK. The research found that 24% of all identified or suspected victims of trafficking went missing from care (246 of 1,015), 15% of all unaccompanied children went missing from care (729 of 4,756) and 190 were never found. It should be noted that not all local authorities responded to the research, therefore the actual numbers of missing trafficked and unaccompanied children are thought to be significantly higher.

Vietnamese children comprised the largest group of children identified in ECPAT UK's research on children who go missing from local authority care. The research identified that in 2017, local authorities recorded 120 Vietnamese nationals who were suspected or identified as trafficked (13 male, 7 female, 100 not specified). Of these, 22 went missing. The research also identified 148 Vietnamese nationals who were unaccompanied children (66 male, 26 female, 56 not specified). Of this group 20 went missing. Government guidance highlights children going missing as an indicator of trafficking and presents the risk that they are further exploited and/or re-trafficked.⁵¹⁰ During this research, Pacific Links interviewed Vietnamese individuals who explained that they were going to go missing because they needed to pay back the money they owed to their traffickers. In their research on missing children, ECPAT UK made several recommendations for policymakers to prevent children from going missing.⁵¹¹ These included improved accommodation provisions, improved multi-agency working, training for professionals and improved risk assessments.

Age disputes

Many Vietnamese child victims of trafficking arrive in the UK irregularly with no documentation. The professionals participating in this research highlighted concerns that a significant number of young people they had supported had their age disputed. ECPAT UK has experience of some local authorities disputing the age of undocumented children as a standard response. This goes against age assessment guidance which highlights age assessments should only be conducted if there is 'reason to doubt the claimant is a child'.⁵¹² Disbelieving a person's age can fuel mistrust of authorities and affect an individual's engagement with support services. It can also leave children at risk of being treated as an adult in terms of the support provided; they may be placed in adult accommodation or even detention centres. ECPAT UK has supported a 15 year-old child whose age was disbelieved by professionals. She was placed in adult accommodation, where she was approached by a much older male who took advantage of her vulnerability, resulting in her becoming pregnant. She was later assessed and found to be a child.

508 The UK Government, Department for Education (2017). Care of unaccompanied migrant children and child victims of modern slavery Statutory guidance for local authorities. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf

509 ECPAT UK and Missing People (2018). Still in Harm's Way: An update report on trafficked and unaccompanied children going missing from care in the UK. See: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=96016be0-cc60-48e0-ab9c-635b742f5b7f>

510 The UK Government, Department for Education (2017). Care of unaccompanied migrant children and child victims of modern slavery Statutory guidance for local authorities. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf

511 ECPAT UK and Missing People (2016). Heading back to harm: A study on trafficked and unaccompanied children going missing from care in the UK. See: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=875b65b5-08d4-4e9f-a28c-331d1421519f>

512 ADCS (2015). Age Assessment Guidance: Guidance to assist social workers and their managers in undertaking age assessments in England. See: https://adcs.org.uk/assets/documentatio/ge_Assessment_Guidance_2015_Final.pdf

Training

Vietnamese people are among those most frequently identified as victims of trafficking in the UK.⁵¹³ Most of the individuals whose cases formed part of this research were exploited for cannabis cultivation, working in a nail bar or for sexual exploitation. Vietnamese victims often do not see themselves as victims and frequently do not speak English, which contributes to difficulties in their identification as victims. It is therefore vital that frontline professionals are adequately trained to identify and safeguard potential victims of trafficking. Currently there is very limited training available. In 2018-19, the IOM and Croydon Council trialled training for foster carers with a focus on caring for children from Vietnam and Albania.⁵¹⁴

Awareness of Vietnamese culture

There appears to be little awareness of Vietnamese culture and the particular vulnerabilities of Vietnamese communities amongst frontline professionals and others involved in supporting Vietnamese migrants in the UK. This can lead to a lack of understanding of their support needs, which creates a barrier to their protection. ECPAT UK has supported a Vietnamese child who was placed in foster care. His foster carer was Christian and the child was Buddhist. She would not allow him to practice his religion in her house and was not aware of Vietnamese celebrations. This made the boy feel very uncomfortable and unwelcome in the house. He became so unhappy that professionals removed him from the foster carer's care. Pacific Links have also reported receiving requests for support with understanding Vietnamese culture by different professionals in the UK.

Multi-agency working and intelligence sharing

Many professionals participating in the UK round table agreed that although there were pockets of good practice in the UK, information is not shared consistently and effectively, leaving vulnerable people at risk. The professionals had encountered cases in which children went missing from local authority care and were later identified by police in another local authority, but this information had not been shared between the two authorities. These findings were mirrored in ECPAT UK's research on children going missing from care, suggesting the need for an improved multi-agency response.⁵¹⁵ Professionals in the UK highlighted that on social media channels in the UK, coded language and numeric codes are used to advertise illegal services for Vietnamese community members.

513 National Crime Agency, National Referral Mechanism. See: <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre/national-referral-mechanism>

514 <https://www.croydon.gov.uk/support-for-foster-carers-of-asylum-seeking-children-albanian-vietnamese>

515 ECPAT UK and Missing People (2016). Heading Back to Harm. See: <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=875b65b5-08d4-4e9f-a28c-331d1421519f>

Return and risk of re-trafficking

Trafficking victims are often vulnerable to further abuse and neglect after returning home. Many are re-victimised or even become part of the smuggling or trafficking network themselves. This is in part due to a lack of widespread and accessible social services across Europe. There are only three long-term shelters for female trafficking survivors in Vietnam, and none specialised for young male victims. Visits to some of the shelters in Vietnam were carried out as part of this research. None of the shelter staff reported ever receiving a child returned from Europe. The manager of one shelter reported that if returned children have family in Vietnam, the authorities would routinely return children to them instead of referring them to the care of a specialist shelter. This constitutes a risk to the child if the child or their family is still bound by significant debt bondage. The child and/or their family may fear reprisals from the Vietnamese organised crime groups and/or the Vietnamese authorities; this could be due to having been involved in illegal activity or having spoken to the police, but also due to having spoken out against the Vietnamese authorities.

In Western Europe, Vietnamese nationals begin to experience different types of freedoms, such as freedom of speech and internet freedom, that may result in reprisals when they return. This is a particular risk if an individual has publicly voiced their opinions on the Vietnamese Government in known diaspora dissident outlets. The UK Home Office Country Report on Vietnam highlights the struggle that may be experienced by an individual fearing the government when relocating, stating “[a]s the person’s fear is of persecution and/or serious harm by the state, they will not be able to relocate to escape that risk.”⁵¹⁶

As part of our research in Poland, we encountered a Vietnamese woman who is the editor of a dissident magazine. She originally migrated to Poland as a university student in the 1980s. Her visa application to return to Vietnam for her father’s funeral was rejected. She believed the negative decision was related to her critical postings on the Internet. She felt confident to use her own name on the posts, however she was cautious about participating in this research and only did so on the condition that she remain anonymous.

⁵¹⁶ The UK Home Office (2018). Country Policy and Information Note Vietnam: Opposition to the State, Version 3.0. See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740184/Vietnam_-_Oppn_to_VCP_-_CPIN_-_v3.0__September_2018_.pdf

An organisation in Vietnam providing therapeutic support for victims of trafficking in the UK and other European countries over Skype, stated that victims from UK are among the most traumatised that they work with. The charity cited the stressful experience of the UK legal systems as a cause of this trauma. This unresolved trauma may leave victims vulnerable to manipulation and exploitation upon return to Vietnam. The burden of debt and the shame of their perceived failure to achieve success in Europe or the UK, combined with lack of support for viable economic pathways, leads to the 'merry-go-round' effect in which victims of trafficking make multiple attempts to migrate abroad.

As evidenced in interviews conducted with victims of trafficking returning to Vietnam from Europe, it is clear they experience a lack of support and continued debt burden upon their return to Vietnam. Pacific Links have found through their research that opportunities to recover, gain education, skills and self-confidence are limited. The IOM provide support to those returning voluntarily.⁵¹⁷ On returning, some Vietnamese may also have concerns about reprisals from Vietnamese authorities and the state.

While conducting research in Vietnam and across Europe, it was evident that some people were cautious about the responses they gave regarding certain subject matter. Some refused to be interviewed at all, because they were concerned about the subject matter, indicating a fear of overseas Vietnamese organised crime groups in Europe and/or the Vietnamese Government.

When conducting a consultation with the ECPAT UK youth groups, many of the Vietnamese members opted not to participate in the consultation, citing that they felt scared to talk about the Vietnamese Government. They are claiming asylum in the UK and were concerned that information may be obtained by the Vietnamese Government and that if they returned to Vietnam, they may be at risk. This highlights the trend of a general fear of speaking against the government even when individuals are outside Vietnam. Amnesty International have highlighted this concern with a public statement about Vietnamese asylum seekers who were forcibly returned and imprisoned on their return.⁵¹⁸ There have also been cases of reprisals recorded by Australian Human Rights Watch.⁵¹⁹

517 IOM. Assisted Voluntary Return. See: <https://vietnam.iom.int/en/assisted-voluntary-return>

518 Amnesty International Public Statement, 'Viet Nam: Imprisonment of asylum seeker forcibly returned by Australia would be unlawful and could be disastrous for her four young children', 11 August 2016. See: <https://www.amnesty.org/download/Documents/ASA4146532016ENGLISH.pdf>

519 Australian Human rights commission (2017). Nine Vietnamese Men in Immigration Detention v Commonwealth of Australia (DIBP). See: https://www.humanrights.gov.au/sites/default/files/document/publication/2017_AusHRC118.pdf

Chapter Four:

Conclusions and recommendations

Conclusions

This report has shown that Vietnamese adults and children moving to and through Europe, either regularly or irregularly, experience complex journeys and situations. During these journeys, vulnerability to trafficking and exploitation is constant, widespread and dynamic. Migrants, victims and potential victims of trafficking experience vulnerability to exploitation and trafficking differently, which is dependent on a range of individual and structural factors, such as age, gender, socio-economic status, relation to the Vietnamese diaspora community, state policies on migration and national responses to trafficking, amongst others.

Many people leave Vietnam in search of better work opportunities. The number is rising continuously (119,530 people left in 2015, 126,296 left in 2016⁵²⁰ and 140,000 left in 2018⁵²¹). A rise in emigration for work can be equated with a heightened risk of being tricked by labour brokers, further complicating the situation of combating and responding to trafficking.

While it is important to address the root causes of trafficking and vulnerabilities in Vietnam, it is equally important to examine the wider context of vulnerabilities to trafficking and exploitation in Europe, where new vulnerabilities can emerge, and existing vulnerabilities can be exacerbated.

Coherent data collection about victims of human trafficking across Europe is lacking. This further blurs the picture of Vietnamese trafficking to Europe and perpetuates a lack of understanding around the issue. Contextual learning about the situation of trafficking could be used to qualify data collected and shared between international law enforcement agencies, in order to build a more comprehensive picture of the issue.

520 IOM (2017). Vietnam Migration Profile 2016. See: https://publications.iom.int/system/files/pdf/mp_vietnam.pdf

521 Vietnamese Express International, 'Vietnam send record 140,000 guest workers abroad in 2018', 26 December 2018. See: <https://e.vnexpress.net/news/news/vietnam-sends-record-140-000-guest-workers-abroad-in-2018-3859714.html>

This report has also demonstrated that a situation of smuggling can easily turn into a situation of trafficking, particularly when migrants are deceived from the very beginning about employment opportunities abroad. There is a need for continued research that takes into account the cultural nuances of human trafficking from Vietnam. Push factors that are shaped by cultural expectations, such as contributing to the wellbeing of the family by sending home remittances, as well as gaps in protection that exist along the journey in Europe, must be further examined.

The primary finding of this research is that significant gaps in the protection of Vietnamese victims of trafficking exist across Europe, as well as in Vietnam. The risk to victims returned to Vietnam must also be acknowledged. Assistance to returnees is extremely limited and there are risks of reprisals from traffickers and Vietnamese authorities. There is also a risk of re-trafficking or making further attempts at risky irregular migration in order to pay off the debt owed to traffickers.

Overall, the complex phenomenon of human trafficking of Vietnamese people to and through Europe urgently requires further exploration in order to better understand the issue, enhance protection systems, prevent trafficking, support victims and prosecute traffickers.

Recommendations

Recommendations for UK and other European countries

For government and state bodies

- **Improve international collaboration and cooperation to prevent human trafficking, protect victims and prosecute those responsible.**
Governments should improve intelligence sharing and cooperation in order to respond to human trafficking across Europe and protect victims. This should include financial intelligence in order to identify and seize assets gained by traffickers.
- **Increase information sharing and networking with government bodies, statutory agencies and NGOs working in Vietnam and Europe to improve practice.**
In each country considered for the purpose of this research, there existed a lack of dialogue between government, statutory agencies and NGOs. Gaps in relevant knowledge continue to leave people vulnerable to trafficking. Steps should be taken to ensure pathways for NGOs to share knowledge and intelligence.
- **EU member states should fully transpose the EU Directive (2011/36), with particular attention to Article 8 (non-punishment provision), Article 19 (National Rapporteur)**
All the EU member states assessed in this report have signed and ratified the EU Directive, but not all have transposed it fully into domestic legislation, leaving gaps in protection. National legislation should be introduced to ensure that individuals who are involved in criminality as part of their exploitation are not prosecuted for those offences.
- **Provide mandatory, comprehensive training on human trafficking for all frontline workers who are in contact with potential victims, including training with a specific focus on children and criminalisation of victims.**
Potential victims are not being identified in Vietnam, transit or destination countries, which could result in them being trafficked. Professionals, in particular law enforcement authorities, require training to identify and safeguard potential victims. This should include training on Vietnamese culture and the specific control mechanisms used, such as debt bondage. It should also include the non-criminalisation of victims of trafficking.
- **Recruit Vietnamese translators trained in confidentiality and child protection.**
Translation causes many barriers for vulnerable Vietnamese people across the countries identified in this research. There is a need for interpreters who are trained in and understand confidentiality and child protection.

- **Implement a system of guardianship in accordance with the EU Directive (2011/36) and other national and international legislation.**

There are varied responses and systems in place across Europe to protect child victims of trafficking. Every country considered in this report could improve support for children. This includes fully transposing the elements of the EU Directive. The implementation of a system of guardianship would assist in ensuring that victims' rights are being met and decisions are being made in the best interest of the child.

- **Provide policies and practice enshrining the 'benefit of the doubt' when assessing age.**

Many Vietnamese individuals lack documents proving their age. The EU Directive states "[w]here the age of a person subject to trafficking is uncertain, and there are reasons to believe it is less than 18 years, that person should be presumed to be a child and receive immediate assistance, support and protection". If an individual is considered to have failed to disclose their real age, authorities should not discount their statement of trafficking. There are numerous reasons people may not provide authorities with their real age, including being controlled by their traffickers. All victims of trafficking, whether children or adults, need their protection at the forefront of response.

- **Strengthen social protection policies and social institutions to better protect Vietnamese migrants and migrant workers.**

In many European countries the Vietnamese migrant community was viewed as 'invisible' and 'hard to penetrate', leaving migrants and migrant workers susceptible to exploitation and trafficking. Social protection policies and social institutions should consider the challenges faced by Vietnamese migrants in European countries and adapt their policies accordingly in order to better protect them.

- **Take measures to ensure systems are in place to prevent potential victims of trafficking from going missing.**

Processes must be put in place to understand why children go missing and steps must be taken to reduce their risk of going missing. This includes providing safe accommodation with staff who are trained to respond to the needs of trafficked children and understand the risks of them going missing.

- **Ensure the voices and experiences of people who have been trafficked are considered and respected, particularly for children in accordance with Article 12 of the UN Convention on the Rights of the Child (UNCRC).**

Many victims are not consulted with regard to their care and the policy and practice response to trafficking. This is particularly true of children. It is vital that victims input into a better understanding of the issue of trafficking from Vietnam to Europe and the factors that leave adults and children vulnerable. They are the experts about their experience.

Recommendations for Vietnam

For government and state bodies

- **Improve national policy and practice to promote and protect the rights of adults and children, including fully Integrating the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, 2015.**

The Vietnamese Government should ensure that it fully ratifies international human rights legislation and improves policy and practice to protect the rights of its citizens. Vietnam has ratified the ASEAN Convention and should ensure that all articles are fully met and integrated into national legislation and practice.

- **Improve access to education, especially for children who may be marginalised or living in poverty.**

Lack of access to education increases the likelihood of being trafficked as it can prevent children from understanding risk, reduce their access to opportunities and leave them vulnerable to exploitation. Educational opportunities are particularly difficult to access in rural areas and attention should be paid to those areas to ensure children are accessing education.

- **Take legislative measures to raise the legal age of a child to 18, in compliance with international legislation including the 1989 UNCRC.**

The Vietnamese Government should amend all the relevant provisions, notably in the new Criminal Code, to protect all children under the age of 18 from all manifestations of trafficking and sexual exploitation.

- **Take legislative measures to criminalise the act of ‘grooming’ children.**

The Vietnamese Government should ensure that children are protected against grooming and exploitation.⁵²²

⁵²² This recommendation was jointly made by ECPAT International and Vietnam Association for Protection of Child's Rights in the 2018 Universal Periodic Review. A Universal Periodic Review is a United Nations mechanism that involves reviewing the human rights record of a country, including actions they have taken to fulfil human rights obligations. The aim is to improve the situation.
See: ECPAT International and Vietnam Association for Protection of Child's Rights (2018). Sexual Exploitation of Children in Viet Nam Submission for the Universal Periodic Review of the human rights situation in Viet Nam to the Human Rights Council 32th Session (January – February 2019), 9 July 2018.
See: <https://www.ecpat.org/wp-content/uploads/2018/07/Universal-Periodical-Review-Sexual-Exploitation-of-Children-2018-Viet-Nam.pdf>

- **Improve awareness of, and access to, information helping migrants to make informed decisions, including 1) information about their rights and safe migration routes; 2) risks including trafficking; 3) information about destination countries. This will enable those wishing to migrate to make informed decisions.**

Misleading and incorrect information has led many to migrate who may otherwise not have, had they had access to accurate information. This may include information about challenging living and work conditions, the risks of illegal work such as cannabis cultivation and the true cost of the journey compared to earning potential. This can then be balanced against the actual property and material possessions that can be bought with money from remittances, which is currently a significant factor in encouraging people to migrate via risky means.

- **Increase awareness of safe economic opportunities and employment rights in Vietnam.**

As Vietnam continues to develop, there will be increased economic opportunities, particularly in the areas of foreign investment, including the technology, tourism and garment manufacturing sectors. It is important that this information is shared and promoted by the government and other actors, in addition to information on safe and healthy employment.

- **Increase regulation and oversight of labour broker agencies to minimise deceitful agents exploiting individuals looking for employment.**

Further regulation and oversight will reduce the risk of exploitation among Vietnamese nationals wishing to find employment and identify potential traffickers.

- **Improve policies to prevent and/or mitigate the effects of environmental disasters and climate change.**

In Vietnam, environmental disasters dramatically increase the risk of trafficking as people and communities are displaced and lose livelihoods. The government should develop a plan to protect those affected.

- **Strengthen the quality and reach of social development policies and programmes, including healthcare, education and livelihood programmes.**

In Vietnam, there have been recent socioeconomic gains, but many, including children, have been left behind. The Vietnamese Government should strengthen social development policies and programmes to increase access to resources and opportunities for citizens. The Government should also ensure widespread and effective programming across the entire country, targeting rural areas in particular.

Annex I

Methodology and scope

Project scope

This report sits within the End-to-End Trafficking Prevention project, a two year initiative (2017-2019) led by Pacific Links Foundation (Pacific Links) in partnership with Anti-Slavery International (Anti-Slavery) and Every Child Protected Against Trafficking (ECPAT UK). The project was funded under the Modern Slavery Innovation Fund, a UK government initiative that aims to tackle modern slavery. The report was kindly supported by Hogan Lovells and includes input from various organisations across Europe working to prevent trafficking and support victims. The research component of this larger project was led by Anti-Slavery and ECPAT UK and supported by Pacific Links.

The three main objectives of the overall project included:

- Reduce vulnerability to exploitation
- Improve law, legislation and policy
- Improve the evidence base

This report falls under objective three. The primary objective of this report was to highlight and explore vulnerabilities that leave Vietnamese adults and children at risk of being trafficked from Vietnam, as well as the associated vulnerabilities that increase risk of trafficking and exploitation when transiting to *and through* European countries, in order to develop a more complete picture of trafficking routes, tactics and gaps in protection for potential victims across Europe.

The report does not aim to be a comprehensive overview of relevant international and/or national legislations relating to trafficking in persons. Rather, the report aims to inform practitioners in key transit countries about the risks and vulnerabilities associated with potential human trafficking amongst at risk Vietnamese populations.

Methodology

Research and design

The primary research question was: what are the main vulnerability factors that contribute to risk of trafficking for Vietnamese migrants moving to and through Europe? Sub-questions included: are there additional factors along the transit route that contribute to vulnerability? Do these factors differ based on gender, age and socio-economic status? In other words, how is vulnerability experienced? How does criminality affect trafficking trends?

Data was mainly collected via qualitative methods but also included quantitative analysis of data collected via Freedom of Information requests. Methods of collection included:

Semi-structured interviews with approximately 105 key informants (law enforcement, government actors, NGOs, Vietnamese community practitioners)

- 6 roundtable consultations in key transit countries (plus the UK and Vietnam) with approximately 85 stakeholders
- 62 key individual interviews with Vietnamese migrants across Europe
- 17 key individual interviews in Nghe An province with
 1. returnees from Europe and the UK
 2. family members of migrants who went to Europe or the UK
 3. people intending to migrate to Europe or the UK
- 4 youth consultations in Vietnam and the UK with 27 participants
- 5 expert reports from key transit countries
- Participatory observation
- Media analysis
- Case study analysis
- Desk-based research

Quantitative analysis of data collected via Freedom of information requests made to the UK police constabularies⁵²³

523 FOI submissions were made to all 45 UK Police Constabularies. 37 responses were received, 35 of which included at least a portion of the requested information and 2 of which denied the request.

PHASE 1: Literature review, mapping of organisations and key informants in Europe, outreach

Literature review

A literature review of the main body of work related to trafficking from Vietnam into Europe, Vietnamese migration and assessments of country profiles for countries of focus was ongoing throughout the project. Media monitoring of cases of potential trafficking involving Vietnamese in the UK also took place throughout the project.

Stakeholder mapping

Relevant organisations and informants with a particular focus on those providing support to trafficked persons, and/or engaged in campaigning on anti-trafficking issues, were identified in the UK, relevant EU countries and Vietnam. Organisations and individuals were identified through:

- Extant extensive networks of Anti-Slavery, ECPAT UK and Pacific Links
- Web-based research (Google, Twitter, LinkedIn) and media reporting
- Through 'snowballing' (finding groups through their links with each other) and referrals through individuals
- Attending public events and key informant discussions

PHASE 2: Information gathering in transit countries, the UK and Vietnam

Information was gathered in France, the Czech Republic, Poland, the Netherlands, the UK and Vietnam. Round table consultations attended by a variety of relevant stakeholders were held in each country to discuss the issue. Information was also gathered, but to a lesser extent, from stakeholders in Belgium, Germany and Ukraine who travelled to the round tables.

Global law firm Hogan Lovells assisted in mapping the relevant systems and legislation (immigration, criminal and child law) in transit countries, providing important information based on a developed set of questions.

I. Interviews

- a) Key individuals and organisations were selected for semi-structured interviews in each country of focus.
- b) Interviews took place with Vietnamese migrants in Vietnam and across Europe:

- 62 interviews with Vietnamese nationals en route to and across Europe, including at: 'Vietnam City' – a migrant camp in Angres, France; the migrant detention centre in Coquelles, France; a halfway house for children who receive right to remain in Paris, France; Asian marketplaces in Berlin, Germany (Dong Xuan Center), Prague, the Czech Republic (SAPA), Potůčky, the Czech Republic and Warsaw, Poland (Wólka Kosowska).
- 17 interviews in Nghe An province, Vietnam with Vietnamese who are 1) migrants that have returned to Nghe An province; 2) family members of migrants who went to Europe/the UK; or 3) intending to migrate to Europe/the UK.

II. Stakeholder consultations

- Six round table consultations were held. An average of 20 relevant stakeholders working on anti-trafficking initiatives, providing victim support, working with or part of Vietnamese communities and academics attended each round table.
- Round table consultations were held in:
 - France (September 2017)
 - The Netherlands (February 2018; including attendees from Belgium)
 - The Czech Republic (May 2018)
 - Poland (September 2018; including attendees from Ukraine)
 - The UK (November 2018)
 - Vietnam (November 2018)

Round table consultations were used to gather information, confirm findings and trends and understand the context and overall situation in a given geography.

III. Event participation

- Participation in relevant events provided additional information, insight and contacts for research purposes.
- IV. Outreach, consultations and interviews with communities, affected persons and young people at risk
- Four consultations with young people at risk were held; three in the UK and one in Vietnam.
- Outreach and interviews included visits to locations with a presence of affected communities, individuals at risk and communities in countries of transit. The locations included refugee and migrant camps, market places and retail space, schools, community organisations and youth centres.

III. Media monitoring

Monitoring of media reporting about Vietnamese in countries of focus, with key words including migration, human trafficking, slavery, cannabis cultivation, nail bars, sexual exploitation and smuggling offered insights into trends.

PHASE 2a: Expert report commissioning

Five expert reports were commissioned from local experts to provide additional information and research relevant to assessment of vulnerability of the Vietnamese community to trafficking and exploitation in transit countries.

PHASE 3: Analysis

Analysis of information and data gathered in previous phases of research took place to identify key themes, trends and findings.

45 FOI requests were submitted to all UK police constabularies inquiring about the number of Vietnamese adults and children arrested between 2012-2018, including information on the related arrest offence. We received information from 37 constabularies, two requests were denied and eight were not received in time for writing.

PHASE 4: Report writing

Production and preparation of a research report focused on presenting findings and provision of policy and practice recommendations.

Annex II

Freedom of Information request letter

Dear Sir/Madam,

I would like to know the following under the freedom of information act for every annual year from 2012 to date in 2018.

Children:

- 1 How many Vietnamese children (under 18) were arrested by your force?
- 2 What were these Vietnamese children arrested for? (Please provide as much details as possible, at the very least, please would you summarise the nature of the crime in a few words. For example: "drug related offences".)
- 3 How many of these arrested Vietnamese children were identified as potential victims of trafficking by your force and then referred to the National Referral Mechanism?

Adults:

- 4 How many Vietnamese adults were arrested by your force?
- 5 What were these Vietnamese adults arrested for? (Please provide as much details as possible, at the very least, please would you summarise the nature of the crime in a few words. For example: "drug related offences".)

How many of these arrested Vietnamese adults were identified as potential victims of trafficking by your force and then referred to the National Referral Mechanism?

If you cannot answer all questions of this FOI please prioritise 1,3,4 and 6. If you cannot provide the information for all the available dates, please provide as much information as possible within the dates you do have information for. If you cannot provide the information for all the above questions, please do answer what you can and provide as much information as possible.

Please present the information clearly and simply, for example:

2016:

- 1 TOTAL VIETNAMESE CHILDREN ARRESTED? 4
- 2 WHAT WERE THEY ARRESTED FOR? Drug offences (ex. cannabis cultivation)
- 3 HOW MANY OF THE ARRESTED VIETNAMESE CHILDREN REFERRED TO NRM? 524

524 At the time of writing this report, there was a discrepancy found in NRM data from the NCA. This figure quoted in the report is an addition of quarterly reports produced by the NCA in 2018. The end of year summary report produced by the NCA shows a discrepancy, with the total number of referrals as 702 (382 adults and 320 children).

