What We Know about Human Traffickers in Vietnam

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Abstract

Myths and misconceptions about traffickers, the nature of trafficking, and how the crime varies in different jurisdictions pose challenges for prevention work, rehabilitating offenders, and achieving justice for victims. This article, based on an analysis of over 100 human trafficking court cases in Vietnam, outlines the reality of one particular trafficking crime: the trafficking of Vietnamese women and girls for sexual exploitation in China. We show that the majority of the prosecuted traffickers are similarly poor and vulnerable as their victims. Most are from ethnic minorities, with a poor educational background, and few income generation opportunities. Based on this evidence, we discuss some challenges associated with prosecution of these particular traffickers and suggest more effective approaches for human trafficking prevention.

Context: Traffickers and the crime of trafficking in persons in Vietnam

Vietnam is primarily a source and transit country for human trafficking. Based on the available information, most Vietnamese are trafficked in the Asian region, particularly China, as well as domestically.[1] Over the past 20 years, the Vietnamese government has responded and engaged in a process to improve the

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[1]   US Department of State TIP Office, *Trafficking in Persons Report 2018*, Washington, 2018, pp. 456–457.

legal framework for trafficking prevention and control. There have been efforts to better align the domestic legal framework with international and regional definitions and standards. However, significant shortcomings remain, making prosecuting all forms of trafficking a challenge and limiting legal, policy, and public understanding of traffickers.[2]

The internationally recognised definition of trafficking in persons is contained in the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,* supplementing the *United Nations Convention against Transnational Organized Crime* (Trafficking Protocol), Article 3(a). In accordance with this definition, human traffickers are those who engage in a set of actions (such as recruitment, transfer, or receipt of persons) by means of threat or use of force or other forms of coercion, abduction, etc., for the purpose of exploitation. The Protocol lists various categories of exploitation, including, 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.' In the case of child victims, the 'means' do not need to be considered: no force or coercion is necessary to prove the trafficking of a minor.

Vietnam has engaged in a long process to ratify and internalise the standards of international laws. It ratified the Trafficking Protocol on 8 June 2012 and the *ASEAN Convention Against Trafficking in Persons, Especially Women and Children* (ACTIP) on 5 January 2017 as the fourth ASEAN Member State to do so. Amendments to the Vietnamese Penal Code, most significantly in 2015, ensured a wider definition of trafficking to include forced labour as well as sexual exploitation, removed the means of coercion or force for cases of trafficking in minors, and recognised that both men and women can be trafficked. The recently approved National Plan of Action to Combat and Prevent Trafficking in Persons for the period 2021-2025, with a vision to 2030 (NPA), emphasises countering all forms of trafficking, including trafficking for labour exploitation. The plan aims to engage all related ministries and agencies to more effectively prevent this form of trafficking.

Despite these changes, Vietnam still fails to address all forms of trafficking, which limits legal, policy, and public understanding of traffickers. For example, the latest available statistics from 2020 indicate that the court system convicted 136 individuals in seventy-one cases of trafficking for sexual exploitation, ten cases of forced labour, and three cases of either sexual or labour exploitation.[3] While the location of exploitation is not reported, the Ministry of Public Security estimates that approximately 90 per cent of human trafficking cases are cross-

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[2]   US Department of State TIP Office, *Trafficking in Persons Report 2020*, Washington, 2020, pp. 532–535.

[3]   *Ibid.*, p. 606.

border. Domestic trafficking, mainly into prostitution or forced labour, accounts for about ten per cent of the total number of cases detected.[4]

The statistics of Blue Dragon Children's Foundation—the organisation we work for—also speak to this focus on cases of cross-border human trafficking for sexual exploitation. Blue Dragon has been involved in rescuing victims of human trafficking since 2005, with the first case being a child trafficked for labour on the streets of Ho Chi Minh City. In fifteen years, Blue Dragon has rescued and provided repatriation and reintegration support to over 1,760 victims and suspected victims[5] who were exploited in commercial sex, forced marriage, and labour in Vietnam and across borders. All victims are supported through the legal process to be identified as victims of trafficking, and Blue Dragon supports the police to arrest and prosecute many of their traffickers.

However, after fifteen years and the rescue of 736 victims of trafficking for forced labour, mostly children trafficked within Vietnam, Blue Dragon lawyers in collaboration with police have so far been unable to prosecute a single case of trafficking for forced labour or domestic trafficking. Instead, employers have received administrative sanctions for using child labour. Most domestic trafficking cases are not prosecuted as human trafficking offences but other offences such as forced labour (Article 279 of the Penal Code), harbouring prostitutes (Article 327), procuring (Article 328), or engaging in prostitution with a person under 18 (Article 329). Thus, despite reforms, weaknesses in the Penal Code and the Law No. 66/2011/QH12 on Prevention and Suppression of Human Trafficking remain and trafficking is primarily understood as occurring cross-border, to gain profit, and for the purpose of sexual exploitation, while labour exploitation and domestic trafficking remain less known and, as a result, less investigated.

In this article, based on over 100 human trafficking court cases from the past ten years, we analyse the characteristics of individuals prosecuted for human trafficking. We find that most of these individuals have limited education and come from similar ethnic and socioeconomic backgrounds as their victims. They largely use relationships of trust with their victims, in order to deceive them with false offers of jobs or marriage, and in general they receive quite modest remuneration for their crimes. Based on the court documentation, we present two case studies of human traffickers to further illustrate the profile of traffickers in Vietnam.

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[4]   Department of Criminal Investigation, *Training Handbook: Capacity building to prevent and combat human trafficking for criminal police forces and grassroots police*, Ministry of Public Security, 2018, p. 44.

[5]   'Victims' are those who were formally identified as victims of trafficking by the Vietnamese government; 'suspected victims' are those about whom Blue Dragon has good evidence to indicate that they are victims of trafficking, but who have not been formally identified as victims of trafficking by the Vietnamese system.

We conclude that, at least for these prosecuted individuals, they are similarly vulnerable as their victims, and that economic development in ethnic minority communities is likely to be more effective in combating human trafficking than an approach focussed solely on law enforcement and prosecution.

Methodology

This article is based on analysis of 102 court cases involving 199 victims and 236 traffickers drawn from two separate data sources. Firstly, it includes fifty-nine human trafficking cases (involving 109 victims and 126 traffickers) that Blue Dragon lawyers have been involved in, as recorded in the Blue Dragon database. The second source of data are forty-three cases (involving 90 victims and 110 traffickers) in which offenders were charged with human trafficking or trafficking of a person under 16 years of age, from an online dataset of the Supreme Court.[6]

The analysis of the cases involved reading all the court documents, including the statements of the perpetrators, victims, and witnesses, as well as police investigation documents, to extract key information and data about the victims, the traffickers, and the crimes.

In this data source, 198 victims are female and only one is male: a newborn who was sold to China for adoption, notwithstanding that selling of children is not explicitly included as a form of exploitation in Vietnamese law.[7] All cases involve cross-border trafficking to China. The vast majority involve sexual exploitation (97.5%), both in the context of forced marriage and commercial sexual exploitation. There is one case of trafficking for labour exploitation included; however, this is a case where the victim was not purchased by a husband so the traffickers forced her to work to repay the money she had 'cost' them. The data includes four cases of babies sold to families in China.[8]

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[6]   On 16 March 2017, the Judicial Council of the Supreme People's Court issued a resolution ruling that a sample of the Court's judgments and decisions were to be published on the Court's web portal from 1 July 2017. See https://congbobanan. toaan.gov.vn/0t15at1cvn1/Tra-cu-ban-an.

[7]   The Vietnamese law defines the forms of exploitation as 'sexual exploitation, forced labour or removal of human organs, or other inhuman purposes.' Article 3, No. 66/2011/QH12: *Law on Human Trafficking Prevention and Combat*.

[8]   For the full report that serves as the basis of this analysis see L Le and C Wyndham, *Human Trafficking and Traffickers in Vietnam*, Blue Dragon Children's Foundation, Hanoi, 2017, retrieved 30 November 2021, https://www.bluedragon.org/blue-dragon-profile-of-trafficking-in-vietnam

As far as we are aware, this is the most comprehensive data source about trafficking and traffickers in Vietnam and thus provides insight into traffickers and the nature of human trafficking in Vietnam. These insights are significant for efforts to fight human trafficking, as it is impossible to combat a crime that is misunderstood, or to identify and dissuade perpetrators unless we know who they are.

Limitations

While this data is comprehensive, it is not representative of the whole picture of human trafficking in Vietnam. By its nature, the data only includes information about **prosecuted** traffickers. As discussed above, there are weaknesses in the Vietnamese legal framework that mean prosecution is limited to particular forms of trafficking and types of traffickers. As a result, this analysis includes only cases of cross-border trafficking, mostly for the purposes of sexual exploitation in China.

The term 'trafficker' is used for people playing a range of different roles in the trafficking crime. 'Trafficker' can mean the 'recruiter' who initially finds and convinces the victim, the 'transporter', the 'buyer', and other people involved during the trafficking process. This court case data primarily includes recruiters and some transporters, who tend to be at the lower levels in the chain of trafficking. The information about these individuals may thus be irrelevant for other roles in the trafficking crime. Therefore, it cannot be assumed that this data is representative of all traffickers, all types of trafficking, or traffickers in other countries.

Key Findings

Characteristics of Traffickers

In the cases of trafficking for sexual exploitation to China, which were the only type recorded and analysed, most Vietnamese recruiters found young women and tricked them to go to China. In China, they were met by other people, both Vietnamese and Chinese, who then sold them on to the respective buyers. The court case database analysed for this research only includes traffickers from the Vietnamese side who are relatively low-level recruiters and would not normally be considered professional criminals. Of the 206 traffickers for whom we have detailed information, 79 per cent had violated the law for the first time. Fifty-nine per cent were men (140 of 236) and 41 per cent women (96 of 236), with their average age being 29 years. The traffickers profiled in this data source are ethnic minority people who are as economically disadvantaged as their victims. Sixty-five per cent (153 of 236)

are from ethnic minorities who tend to be poorer and more disadvantaged than the Kinh majority. The level of education of these traffickers was low: 16 per cent (39 people) were illiterate and 60 per cent (139 of 236) had not completed twelve grades of education.

Table 1: Educational background of traffickers

Qualifications	No of traffickers	% of total
Illiterate	39	16.5%
Dropped out of school at:	139	58.9%
Primary level (grades 1-5)	*51*	*21.6%*
Secondary level (grades 6-9)	*77*	*32.6%*
High school level (grades 10-12)	*11*	*5.0%*
No information available	49	20.8%
In school at time of crime	1	0.4%
Finished grade 12	8	3.4%
Total	**236**	**100%**

The recruiters are very often known to their victims. In fact, 62 per cent of the victims (123 out of 199 victims) knew their traffickers prior to the trafficking situation: as boyfriends, work colleagues, fellow villagers, or extended family members. The recruitment role is often fulfilled by people from similar backgrounds who may have friends or relatives in China who ask them to find wives for them. Twenty per cent of the recruiters in the dataset were people who worked in China or women married to Chinese men who knew someone who persuaded them to take Vietnamese women and girls to China. The majority of the other traffickers with no criminal background had acquaintances, friends, or relatives working or living in China.

The fact that most recruiters are 'opportunistic' traffickers is an important finding, as it is far easier for police and anti-trafficking organisations to address opportunistic crime than professional criminals. While dissuading such people from exploiting their peers may not end all trafficking, it can lead to a significant reduction in the particular crime of trafficking women and girls as forced brides and into the sex industry.

The picture of traffickers that emerges from our analysis is very different from what is portrayed in the media and popular films, which tend to focus on trafficking gangs and strangers kidnapping women and children to sell into

slavery.[9] This myth is also widespread in Vietnam. In surveys conducted prior to recent anti-trafficking training workshops held by Blue Dragon in remote provinces, 42 per cent (92 of 220) of local government officers and teachers believed that traffickers are normally unknown to victims and have criminal records. Among village leaders in poor, vulnerable communities this number increased to 64 per cent (54 of 84).

Modus Operandi

Media articles and popular culture in Vietnam often focus on how perpetrators spike the drinks or food of victims and then kidnap them into slavery. An article in the newspaper of the Labour Ministry illustrates the popularity of this view: 'One day in July 2017, a man stopped his car at a furniture store to buy some furniture. After showing the customer around the store, the storeowner felt uncomfortable, dizzy, and tired. She thought the man had hypnotized her as she had recently read about this on social networks. She shouted out "Hypnotizing. Hypnotizing." Quickly, many people rushed out to stop the customer's car, beat him, and prevented the authorities from rescuing the man. Finally, his car was burnt.'[10]

Two days later, on the outskirts of Hanoi, two women were going from house to house to sell toothpicks. They called out to a small boy who was playing in front of a house. The grandmother noticed and immediately shouted out, 'Kidnappers, kidnappers'. In response to the suspicion that these two women kidnapped children to sell their organs, hundreds of people rushed to beat them and live streamed it on Facebook. The incident only ended when the police rescued the women from the angry mob.[11]

After a police investigation, it was found that none of these three people had done anything wrong, and they were certainly not human traffickers. However, these articles indicate how widespread the belief of drugging and kidnapping is. Indeed, Vietnamese children are still commonly taught to be careful of strangers who may kidnap or drug them to sell them to China for organ removal or into the sex industry.

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[9]   J Gulati, 'Media Representation of Human Trafficking in the United States, Great Britain, and Canada', *SSRN*, 3 July 2010, https://doi.org/10.2139/ssrn.1633574.

[10] LDO, 'Vụ nghi bắt cóc trẻ em, đốt xe Fortuner ở Hải Dương: Tạm giam 3 đối tượng cầm đầu kích động nhân dân, *Lao Dong,* 9 August 2017, retrieved 27 May 2021, https://laodong.vn/phap-luat/vu-nghi-bat-coc-tre-em-dot-xe-fortuner-o-hai-duong-tam-giam-3-doi-tuong-cam-dau-kich-dong-nhan-dan-547819.ldo.

[11] D Nguyen, 'Hà Nội: Xôn xao clip hai phụ nữ bị đánh dã man vì nghi bắt cóc trẻ em, nhưng sự thật là họ đã bị oan', *Kenh 14.vn*, 22 July 2017, https://kenh14.vn/ha-noi-nghi-bat-coc-tre-em-hai-nguoi-phu-nu-bi-nguoi-dan-bat-giu-danh-dap-chay-mau-20170722171626296.chn.

The reality is quite different. The court case documents contain detailed information about how the victims were recruited and what promises were made to convince them to go with the traffickers. The majority were recruited via false job offers (34 per cent) and false relationship/friendship offers (26 per cent). Marriage brokers recruited another 25 per cent of the victims to marry Chinese men, but this turned out to be domestic and sexual servitude with no legal marriage taking place.

Table 2: Means of recruitment of victims

Means of recruitment	No of victims	% of total
Marriage brokerage to Chinese men	50	25.1%
Job offer in China	40	20.1%
Invitation from a friend/online friend to meet up in Vietnam	39	19.6%
Promise of marriage (as a boyfriend)	27	13.6%
Job offer in Vietnam	23	11.6%
Invitation from a friend/online friend to meet and travel in China	12	6.0%
Job offer in another country (South Korea, Laos)	4	2.0%
Adoption	3	1.5%
Unconfirmed	1	0.5%
Total	**199**	**100%**

A significant proportion of victims (34 per cent) were recruited online, largely through Facebook and the Zalo messaging app.[12] This form of recruitment is becoming more common and indicates that prevention campaigns need to not only focus on messages that traffickers are usually known to victims, but also teach young people the skills to assess the validity of online offers of friendship, jobs, or marriage proposals, and ways to stay safe online.

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[12] A Vietnamese-developed messaging platform that is the most popular messaging app in Vietnam.

Table 3: Relationship between victims and traffickers

How the victim knew the trafficker	No of victims	% of total
Met on internet/ via phone	67	33.7%
Boyfriend/friend/acquaintance/classmate/neighbour	67	33.7%
Someone from the same district	43	21.6%
Relative, family member	10	5.0%
Work colleague	3	1.5%
Unconfirmed	1	0.5%
Other (marriage broker, fortune teller)	8	4.0%
Total	**199**	**100%**

We note here that the idea of drugging and kidnapping victims needs some context and nuance. A commonly held belief in Vietnam is that women victims of trafficking are lazy, have poor morals, and choose to make easy money as sex workers, and therefore should take responsibility for being trafficked. Twenty-four per cent of grassroots officials (52/220 people) who attended Blue Dragon's anti-trafficking training held this belief prior to the workshops.

This widespread perception leads to stigma and feelings of shame over the experience of being trafficked. Blue Dragon's work with hundreds of survivors has revealed that many refuse to be officially identified as victims of human trafficking or give untrue information to police and social workers about being drugged or kidnapped. This is a way for survivors to protect themselves from being blamed and discriminated against in the community.

Profits Received by Recruiters

Most people are familiar with claims that human trafficking is a multi-billion-dollar industry.[13] While this may be the case, such huge estimates obscure the complexity of the various stages and actors in the trafficking process, and certainly do not mean that all people involved in trafficking are earning large sums.

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[13] See for example: Polaris, 'Human Trafficking', n.d., retrieved 9 November 2021, https://polarisproject.org/human-trafficking; Human Rights First, 'Human Trafficking by the Numbers', 7 January 2017, https://www.humanrightsfirst.org/resource/human-trafficking-numbers; Inter-American Development Bank, 'Human Trafficking's Dirty Profits and Huge Costs', 2 November 2006, https://www.iadb.org/en/news/human-traffickings-dirty-profits-and-huge-costs, both retrieved 7 July 2021.

Recruiters in Vietnam generally do not receive large amounts of money for their role in the trafficking process. In the dataset we analysed, the average amount received by the traffickers was just over USD 1,500 per victim. Thirteen of the cases did not include information about how much the trafficker was paid. Of the remaining, the lowest amount received was VND 200,000 (USD 8.70), and the highest was VND 382,000,000 (USD 16,610). Forty-one traffickers did not receive any payment, either because they were caught in the act of trafficking or tricked by higher-level traffickers.

Case Studies

To better illustrate the realities of the trafficking of women and girls for sexual exploitation in China and shine additional light onto the statistical information presented above, we share two case studies from the court case documents.

Tien was born in 1987, left school after Grade 9, and did various manual jobs to make a living. He married at the age of 21 and two years later had a baby girl. Around this time, he was in touch with a relative, Van, who was working in China. Van persuaded him to find young women to work for her brothel in China and promised to pay him VND 5,000,000 (USD 220) for each person he brought to China.[14] In addition, Tien would be paid VND 2,000,000 (USD 87) per month deducted from the salaries of his victims. Initially, when he heard the offer, Tien refused because he thought it was unethical. However, after being coaxed by Van, he decided to give it a try.

At that time, Tien was dating Lan who was from a very poor family. Her father had died when Lan was young and her mother had to raise her two sisters alone. Lan jumped at Tien's offer of a job in a shop in Hanoi. When they arrived in Hanoi, Tien told Lan that the shop owner needed them to pick up some dye, so they continued up to the Chinese border. Tien's job was now done as Van arranged for others to collect Lan and take her across a remote, unofficial border crossing. For this, Tien received the promised amount of VND 5,000,000.

In an interview from prison, Tien explained that when he first decided to accept Van's invitation to traffic women to the border, he was very anxious. 'The feeling that I was doing unethical work, pushing others onto a dark path haunted me', he said. However, he could not resist the temptation of easy money. The first time he took Lan to the border he was ashamed, but the next time he had to

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[14] In 2010, when this case occurred, the monthly minimum wage for government officers and employees at companies or factories was VND 730,000 (approx. USD 35). Decree 28/2010/ND-CP: General Minimum Wage Regulations.

take others he was excited. He felt happy because making money was so easy, so he continued to find new women. Eventually, Tien was caught and sentenced to fourteen years in prison for selling six girls and women.[15]

In the dataset we analysed, only four of the prosecuted traffickers (2 per cent) were former victims. These are two of their stories.

The first former victim, Ha, was born in 1999. She left school after Grade 8 and along with a childhood friend looked for a job. They met a man who offered them jobs in China with a monthly salary of VND 8,000,000 (USD 349). However, there were no jobs and they were sold into forced marriages. The trafficker earned USD 24,100.

Two months later, the trafficker asked Ha if she would like to join the trafficking gang. Ha was then 16 years old and contacted two friends who had worked in the same factory in Vietnam to see if they would like to work in China. They agreed and Ha and the other traffickers sold them for a total of USD 16,600.

In November 2019, Ha visited Vietnam and made friends with two ethnic minority women aged 16 and 22 on Zalo. She suggested that they could marry Chinese men and have a better life. However, before she could take the girls to China, local police caught her. The court considered her status as a former victim and a child, and she was sentenced to only eight years in prison for selling four victims (the maximum sentence for selling multiple victims is 15 years).

Another trafficker, Su, was born in 1990 in Vung Tau in southern Vietnam. In 2017, she borrowed VND 80,000,000 (USD 3,460) but then could not repay the loan. The lender persuaded her to marry a Chinese man so that she would be able to repay the loan. She agreed and found a way to go to China and marry a Chinese man. There, she learnt that traffickers could earn a lot of money and many Chinese men wanted wives. She contacted her mother and explained that, if she recruited women to go to China, she could be paid between VND 3,000,000 and 17,000,000 (USD 129 to 735). Su and her mother used social media to approach their friends and other women in the same province to offer them happy marriages in China. Between May 2017 and May 2018, they trafficked six women, all of whom ended up in forced marriages.

Su's mother and two other traffickers in Vietnam were sentenced to nine years, eleven years, and five years, respectively. Su remained in China but was arrested in

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15   P Anh and H Chi, 'Giọt nước mắt muộn màng của gã đàn ông lừa bán 6 phụ nữ qua biên giới', *Soha*, 9 June 2019, retrieved 27 May 2021, https://soha.vn/giot-nuoc-mat-muon-mang-cua-ga-dan-ong-lua-ban-6-phu-nu-qua-bien-gioi-20190608163730457.htm.

November 2020 when she returned to Vietnam. The case was reopened and she was sentenced to six years, after consideration of her status as a former victim.

Discussion

Using the data from these court cases, we can gain an evidence-based understanding of who traffickers are, why they commit this crime, and therefore how to intervene.

The primary message emerging from our analysis is that, at least for this type of trafficking, traffickers and victims share many similarities. Over 60 per cent of both traffickers and their victims are from ethnic minority groups, especially H'mong. The H'mong are the poorest and most disadvantaged ethnic group in Vietnam, who tend to live in mountainous areas with infertile agricultural land and minimal access to government services.[16] Illiteracy, distance from town centres, complicated bureaucratic requirements, and poverty mean that many H'mong children are not registered at birth, or, if identity papers are lost, adults do not renew them.[17] As a result, H'mong people have limited opportunities to generate income, lack social safety nets, and largely rely on subsistence farming combined with labour migration. Many families lack savings or access to government assistance if illnesses or other shocks occur in the family. Due to all these disadvantages, H'mong people are very vulnerable to both trafficking victimisation and perpetration. Analysis of the Blue Dragon database of over 1,600 victims indicates that H'mong people are fourteen times more likely to be trafficked than the Kinh Vietnamese majority people.[18] The same is true for traffickers, with H'mong people more vulnerable to perpetrating human trafficking.

Likewise, in the court database, 65 percent of the prosecuted traffickers are ethnic minority people, while they make up only 15 per cent of the population. This could indicate that ethnic minority people are more likely to be prosecuted

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[16]   Mekong Development Research Institute, *54 Ethnic Groups: Why the difference?,* Hanoi, 2018; T D Lo *et al., Multidimensional Poverty in Vietnam: Reducing poverty in all its dimensions to ensure a good quality life for all (Summary Report)*, Vietnam Academy of Social Sciences, Ministry of Labour, Invalids and Social Affairs and UN Development Program, Hanoi, 2018.

[17]   Blue Dragon experience working with communities. See also J van der Straaten and N Pairaudeau, *Unregistered Children Project. Vietnam Report*, Plan International, Manila (ESARO)/Hanoi, 1999.

[18]   L T H Le and C Wyndham, *What Makes People Vulnerable to Human Trafficking?,* Blue Dragon Children's Foundation, Hanoi, 2021, https://www.bluedragon.org/profile-of-victims-of-human-trafficking-in-vietnam

than the Kinh majority. But it is likely that the frontline recruiters are more easily arrested because they are the only people the victims know in the trafficking chain and are easier for the police to locate and arrest.

This means that the traffickers are very likely to be poor and disadvantaged prior to their crimes, as evidenced by the information about traffickers' occupations contained in the court documents. Of 236 traffickers, one was a factory worker, two were hairdressers, and one was an office worker for a small company. The remaining 232 were unemployed, worked on a home farm, or in low-wage, casual jobs. Almost all were from rural areas. In 2018, the average national yearly income per capita was approximately VND 58,500,000 or USD 2,540,[19] while in rural areas it was VND 35,880,000 (USD 1,558).[20]

In addition, both traffickers and their victims have relatively low education levels and come from the same region, and in many cases even from the same village. This illustrates the important role of informal networks among ethnic minority communities such as the H'mong, who are present on both sides of the border with extended families both in China and Vietnam.[21]

Blue Dragon works closely with H'mong and other ethnic communities in border provinces and has seen first-hand how important informal labour migration to both China and Laos is for the economies of these border villages. Many villages where we work are comprised of women, elderly people, and children, with all adult men and many adult women working across the border. Normally, this work is arranged not through formal labour migration schemes but via informal networks of peers. Although some of the work is seasonal, many people stay for years. These networks also facilitate marriages within the same ethnic group. These informal networks are an important and normal part of ethnic minority life. As a result, accepting an offer to cross the border for work or marriage does not seem like a strange or dangerous proposition for young Vietnamese, especially if it is another H'mong person making the offer.

Thus, in Vietnam, prosecuted traffickers are primarily poor, ethnic minority people, with low education, unstable economic situations, and living in remote, rural areas. They are primarily targeting young women from the same ethnic group

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[19] The World Bank, 'GDP Per Capita (current US$) – Vietnam', *World Bank*, retrieved on 27 May 2021, https://data.worldbank.org/indicator/NY.GDP.PCAP. CD?locations=VN.

[20] P Lien, 'Tăng nhanh thu nhập bình quân đầu người/năm ở nông thôn', *dangcongsan*, 12 May 2020, https://dangcongsan.vn/kinh-te/tang-nhanh-thu-nhap-binh-quan-dau-nguoi-nam-o-nong-thon-554604.html.

[21] See for example, J Lemoine, 'What is the Actual Number of the (H)mong in the World', *Hmong Studies Journal*, vol. 6, 2005, pp. 1–8.

living in their local areas. It is clear that economic need is the main motivation that drives these recruiters to the crime of trafficking. The role of these recruiters is simple, as they only need to transport the victim to the border area. All other stages of the crimes are taken care of by brokers on the other side of the border. The fact that the traffickers and victims are usually close acquaintances and from the same ethnic group means that gaining victims' trust is easy.

Conclusions

In many countries, the judicial response of prosecution, jail terms, and compensation orders are considered the gold standard to ensure justice for victims and dissuade traffickers. Many donors and NGOs in the anti-trafficking field aim for higher prosecution rates as an indicator of 'success' for counter-trafficking interventions. However, as our analysis shows that in Vietnam recruiters are just as vulnerable and disadvantaged as their victims, it begs the question: is this really always the best solution?

From the perspective of justice for victims, the arrest and prosecution of their recruiters can be important for recovery. Interviews with survivors assisted by Blue Dragon show that many victims blame themselves for being tricked. They feel guilty and believe they were responsible for their terrible experiences. These feelings of guilt and blame hinder recovery from trauma. The arrest and prosecution of traffickers can help to legitimise that a crime was committed against these young women, and that others are responsible.[22]

Thus, prosecution can be important for victim recovery; however, is it an effective strategy to dissuade traffickers from taking up the trade? On the one hand, since the amount of money received by these recruiters is fairly low, and the penalties can be quite high, increasing the possibility of arrest and prosecution may dissuade some people from taking up the practice. On the other hand, putting a vulnerable person in jail and enforcing a compensation payment is likely to increase their and their family's vulnerability.

Rather than criminalising these low-level, opportunistic traffickers, it would be more effective to address the driving forces of poverty, marginalisation, and lack of access to government services. While prosecution remains important, particularly for higher-level traffickers, it is necessary to provide economic and

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[22]   H T Nguyen, *Project X Final Evaluation. Final Report*, Hanoi, December 2017; see also Dalberg, *Making Justice More Survivor Centric: Applying alternative justice models to human trafficking in South East Asia,* 2021, https://api.cofraholding.com/media/2161/applying-alternative-justice-models-to-human-trafficking-in-south-east-asia.pdf.

social opportunities for these disadvantaged ethnic minority communities.

Blue Dragon's experience shows that relatively simple and inexpensive measures such as ensuring citizen registration for ethnic minorities can reduce vulnerability by opening up access to health insurance, welfare, and other social services. Assisting H'mong children to stay in school is another cost-effective way to reduce vulnerability to trafficking perpetration and victimisation. Improving educational access for minority people will not only ensure they have information about the risks of trafficking but can also open up better economic opportunities.

Since most recruiters receive relatively small amounts for the recruitment of victims and are driven by economic imperatives, providing alternative livelihoods could be effective in dissuading them from engaging in such crimes. Tien's feelings of guilt and shame as described above mean that if he had had viable alternative livelihood opportunities and had understood the penalties for human trafficking, he may have made a different choice. If the risks of prosecution and heavy fines are better communicated, and basic livelihood support or vocational training is available for young ethnic minority people, they will have better earning opportunities.

Improving the socio-economic situation for victims and traffickers does not necessarily require extensive and expensive new programming. Vietnam has been relatively successful in reducing poverty and there are a wide range of existing government and NGO poverty reduction programmes.[23] We recommend that anti-trafficking initiatives be better integrated with these existing interventions. Improving access for those vulnerable to trafficking victimisation and perpetration should be prioritised within existing programmes, and the analysis in this article and accompanying report now provides the necessary evidence to enable this.

We do not argue that prosecution is unimportant or ineffective. However, there is a need for a better, more nuanced understanding of traffickers and the crime of human trafficking and an evidence-based approach to addressing it. One-size-fits-all solutions are rarely effective, and for a crime as complex and diverse as human trafficking this is even more true. While criminal prosecution of traffickers is important for victim recovery, and may dissuade some offenders, addressing the root causes with strategies that reduce the vulnerability of the traffickers may be more effective in the longer term.

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[23]   See for example, M Rama, *Making Difficult Choices: Vietnam in transition*, World Bank, Washington DC, 2008, https://openknowledge.worldbank.org/handle/10986/28014.

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