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HUMAN TRAFFICKING &TRAFFICKERS IN VIETNAM

An analysis of the nature of trafficking and the profile of traffickers in Vietnam based on information from court cases.

blue dragon
CHILDREN'S FOUNDATION

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BACKGROUND AND PURPOSE

This document aims to explain and provide details about the trafficking situation in Vietnam, and provide insight into the general profile of traffickers and the crime of human trafficking. While the data source is limited, it provides some insight and can be useful for informing counter trafficking work.

Blue Dragon Children's Foundation has been involved in the investigation and prosecution of 59 human trafficking cases in 26 provinces (109 victims, 126 traffickers).

In addition, **the Supreme People's Court of Vietnam** has published 53 cases in which offenders were charged with human trafficking or trafficking of a person under 16 in accordance with Vietnamese law.[1] These cases involved 90 victims and 110 traffickers.

However, ten of these cases are ones in which Blue Dragon was involved, thus the analysis below includes data from 102 cases; 43 cases in which Blue Dragon lawyers were not involved in 18 provinces, and 59 cases involving Blue Dragon lawyers in 26 provinces.

In this report, the 102 cases include a total of 199 victims and 236 traffickers. The documents from these court cases provide a rich source of detailed information about the traffickers and, to a lesser extent, the victims.[2]

Table 1: Data on which this report is based

	Blue Dragon involved in the case	Supreme Court case	Total cases
Total cases	59	43	102
No. of victims	109	90	199
No. of traffickers	126	110	236

KEY LEARNINGS

Demographics of victims and traffickers

- Over 60% of traffickers and victims in Vietnam are from ethnic minority groups. Among ethnic minority groups, H'mong people are the most vulnerable to human trafficking since they account for over 32% of the total victims and 33% of the total traffickers (in this dataset) while only making up 1.4% of the population. Kinh people rank 1st with 38% and 33% respectively, but they make up 85% of Vietnam's population.

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[1] The Supreme Court published the cases, however they were held at provincial or district level. For source data see **https://congbobanan.toaan.gov.vn/0t15at1cvn1/Tra-cu-ban-an**

[2] In order to protect their confidentiality the cases on the Supreme Court database do not include all the personal information about the victims.

- The average age of victims is 19.2 and the average of traffickers is 29.4.
- 42% of victims are children. The most vulnerable group are people from 19-25 years old. This aligns with the reasons why people leave home to travel with traffickers; 75% for work or marriage opportunities.

About the crime of human trafficking

- 71% of victims were sold into forced marriages with Chinese men. The average time in slavery is 9.8 months.
- 42 victims, 21%, were rescued in the process of being trafficked. This indicates that functional agencies are quite effective in monitoring and early detection of trafficking crimes.
- In southern Vietnam, most victims are tricked through marriage brokerage to marry Chinese men. In this region, marriage migration has become an economic development strategy for many families.
- Quang Ninh (38%) and Lao Cai (28%) are the border provinces where traffickers most commonly take their victims across the border (or potentially, the provinces that are most effective at detecting trafficking and arresting perpetrators).
- A total of 180 of 199 victims were rescued by authorities. Blue Dragon was involved in 46 rescues, accounting for 23%.

About the traffickers and their victims

- The level of education and profession of victims are not provided in detail in the court documents. However, in general, most are illiterate or did not finish the twelve-grade education program (71 out of 76 victims with detailed information).

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BOTH TRAFFICKERS AND VICTIMS HAVE POOR EDUCATIONAL BACKGROUNDS. OF THE 187 TRAFFICKERS WITH INFORMATION, 179 (96%) ARE ILLITERATE OR DID NOT FINISH GRADE 12 (39 WERE ILLITERATE, 139 DROPPED OUT BEFORE GRADE 12, 1 STILL IN SCHOOL).

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Therefore, disadvantage and poverty, along with a lack of knowledge about the law and human trafficking are the key drivers of this cross-border trafficking to China. For H'mong people, traditional customs and lifestyle (for example, the desire to marry a H'mong partner) also contribute. 26 of 27 cases of being trafficked by a 'boyfriend' or being promised marriage are H'mong victims.

- 34% of victims (67 cases) are trafficked by someone they first met online. 17 are Kinh and 50 are from ethnic minority groups. Those people then became their boyfriends or introduced job opportunities to them. The majority of the 67 victims were trafficked when they met their online friend in person for the first time.

- 20% of traffickers are people who work in China or are married to Chinese men and were persuaded by a third-party to take Vietnamese women and girls to China for sale. The majority of other traffickers had acquaintances, friends or relatives working or living in China. This demonstrates the importance of personal networks for the trafficking of women and girls to China.

Law enforcement

- The average jail time traffickers are sentenced to is 8.8 years and they are ordered to pay an average $1,300 US to victims as compensation. It is considered a serious crime with heavy sentences in Vietnam. 41 out of 236 traffickers didn't receive any money for selling the victims because they were caught in action or tricked by the masterminds of trafficking rings.

- Having a Blue Dragon lawyer present improves the law enforcement effort. In cases with a Blue Dragon lawyer, traffickers received higher sentences (9.7 years vs. 8.8 years) and 50% more compensation was awarded to victims.

- 79% of traffickers (of 206 cases with detailed information) were arrested after their first violation of the law. 2% of victims (4 cases) became traffickers.

DATA LIMITATIONS

This is a decent sized dataset to give some insight into the nature of trafficking in Vietnam, however it is highly biased. By its nature, this data only includes information about those traffickers who have been successfully arrested and prosecuted. On the whole, the traffickers who are able to be easily arrested are the 'low level' recruiters rather than middle men or 'high-level' traffickers. In addition, the data only includes the Vietnamese traffickers, so it does not give insight into traffickers who may be either Chinese or Vietnamese, but living in China. These people tend to be the instigators, and receive more money for the trafficking process than the 'low level' recruiters.

There are gaps in the law enforcement and legal framework related to human trafficking in Vietnam. Although the law defines victims of trafficking as anyone who is tricked, deceived, threatened, transferred or received for different purposes of sexual slavery, coercive labour, taking body parts, or for other inhuman purposes, in this dataset 198 victims are female and only one is male. However, he is a newborn who was sold to China for adoption. In addition, 100% of the cases are cross-border to China. There are no cases of domestic trafficking in this data source.

Therefore, the information emerging from this data source does not represent the whole picture of trafficking in Vietnam, but only cross-border trafficking of female victims to China. However, it can still provide insight for this particular form of trafficking, which is a significant problem for Vietnam, affecting thousands of victims every year. According to the Governmental Steering Committee 138 on crime prevention and control, over 90% of Vietnamese victims are trafficked across the border and approximately 80% of them are trafficked to China.

PART 1: GENERAL INFORMATION FROM THE PROSECUTED CASES

The cases span nine years, however the majority have been tried in the past four years since 2017.

Table 2: Year of court cases

Data source	2012	2013	2014	2015	2016	2017	2018	2019	2020	Total
Blue Dragon	1	3	1	5	7	9	8	14	11	59
Supreme court						10	11	14	8	43
Total	**1**	**3**	**1**	**5**	**7**	**19**	**19**	**28**	**19**	**102**

Note: On March 16, 2017, the Judicial Council of the Supreme People's Court issued Resolution No. 03/2017/NQ-HDTP on the publication of Court's judgments and decisions. According to this Resolution, many of the Court's judgments and decisions were to be published on the Court's web portal from July 1, 2017. However, the total per year is not necessarily the total human trafficking cases tried.

THE NATURE OF TRAFFICKING IS DIFFERENT IN VIETNAM'S THREE REGIONS, AND THE SPECIFIC FORMS AND TYPES OF TRAFFICKING FROM SOUTHERN VIETNAM MAKE ARREST AND PROSECUTION MORE DIFFICULT.

Table 3: Where the cases were held, by region

Data source	North	Centre	South
Blue Dragon	35	20	4
Supreme court	34	6	3
Total (n=102)	**69**	**26**	**7**
Percent of total cases	**67.65%**	**25.49%**	**6.86%**

The majority of the cases (67.65%) are from northern Vietnam. This is likely partly because of the inclusion of cases with Blue Dragon involvement, which are primarily in the north. However, this supports information provided by police that prosecution of cases in southern Vietnam is more difficult.

For example, many of the trafficking cases in southern Vietnam result from fraudulent marriage brokerage. In these cases, especially if the family has received some money, it is very difficult to prove trafficking, and difficult to find and arrest brokers. In addition, police say that trafficking from southern Vietnam is more likely to involve organised crime, and this means arrests are more difficult.

It is possible that these statistics indicate that the investment in training of police and border guards in northern border provinces is paying off[3]; with police in northern Vietnam more effective at arrests and gathering evidence against traffickers for a successful prosecution.

LOCATION OF TRAFFICKERS

The vast majority of traffickers were Vietnamese, with only three Chinese and one Cambodian trafficker prosecuted. The region of the trafficker closely matches the region of the victim, and therefore the court case, meaning that most traffickers are 'working' in their local area.

Table 4: Region of traffickers

Data source	North	Centre	South	Non-Vietnamese*
Blue Dragon	66	48	10	2
Supreme court	84	13	11	2
Total (n=236)	**150**	**61**	**21**	**4**
Percent of total cases	**63.56%**	**25.85%**	**8.90%**	**1.69%**

*3 Chinese, 1 Cambodian

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COMPARED WITH THE LOCATION OF THEIR VICTIMS, WE CAN SEE THAT THE MAJORITY OF TRAFFICKERS ARE FROM THE SAME REGION (IN FACT, MANY ARE FROM THE SAME VILLAGE).

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[3] Training for police and border guards is conducted regularly by the Vietnamese government, and supported by a number of organisations, including Blue Dragon, the ASEAN Australia Anti-Trafficking Program (AAPTIP), The U.S. Bureau of International Narcotics and Law Enforcement (INL) and the UK Embassy.

Table 5: Region of victims

Data source	North	Centre	South
Blue Dragon	59	40	10
Supreme court	61	12	17
Total (n=199)	**120**	**52**	**27**
Percent of total cases	**60.30%**	**26.13%**	**13.57%**

Location of victims

Location of traffickers

Where are the victims from?
(in blue, 40 provinces)
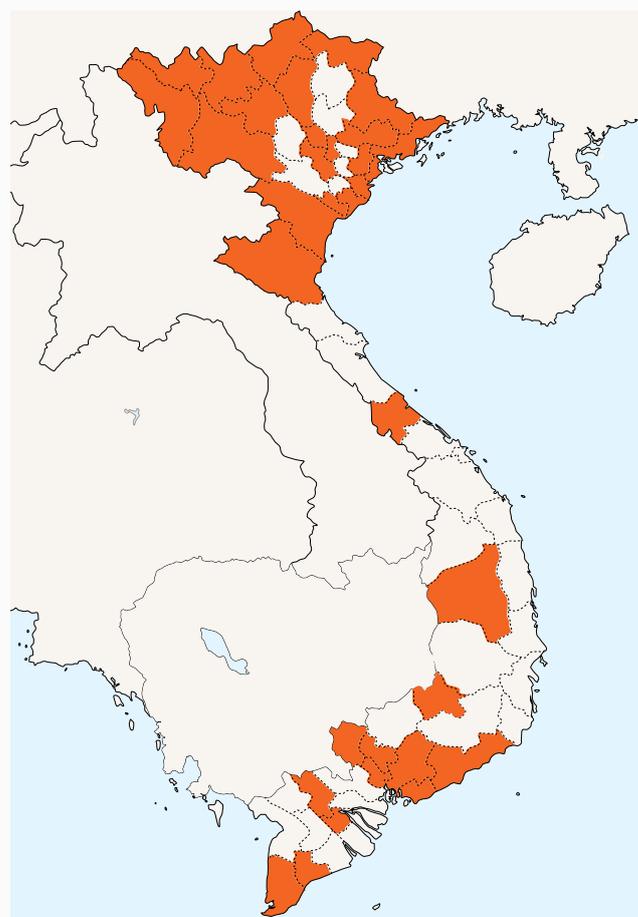
Where are the traffickers from?
(in orange, 35 provinces,
3 cases from China, 1 case from Cambodia)

After analysing the data behind tables 3 & 4 we can see that the majority of prosecuted traffickers are from the same region, and in many cases the same village, as their victims. This is consistent with other data from the court cases indicating that 62% of victims were trafficked by someone they knew.

RELATIONSHIP BETWEEN VICTIMS AND TRAFFICKERS

Table 6: Relationship between victims and traffickers

How the victim knew the trafficker	No. victims	%
Met on Internet, via phone	67	33.67%
Boyfriend, friend, acquaintance, classmate, neighbours	67	33.67%
Someone from the same district	43	21.61%
Relative, family member	10	5.02%
Other (marriage broker, fortune teller)	8	4.02%
Work colleague	3	1.51%
Unconfirmed	1	0.50%
Total	**199**	**100%**

In this data, the number of people trafficked by family members is relatively low, however Blue Dragon knows that it can be more difficult to prosecute cases that involve family as the victim is often hesitant to provide a statement against a family member. Thus, the low figure here may not be an accurate representation of how many victims are trafficked by family members.

In this data, 10 victims were trafficked by their relatives or family members, including three infants. The babies were all rescued in the process of being trafficked. One mother in Nghe An was sentenced to prison. The other two mothers were not considered traffickers and not prosecuted.

Excluding the three babies, the other seven victims were trafficked by their cousin, mother-in-law, sister-in-law, i.e. more distant relatives. In one case, the police could not prove that a direct relative (a sibling) was involved in selling her younger sister.

HOW WERE THE VICTIMS RESCUED?

Police and other agencies working in human trafficking often say that many victims are not rescued, but rather escape or manage to return by themselves. According to the report by the Governmental Steering Committee 138, from November 2015 to September 2020, 51.88% of Vietnamese victims were rescued or handed over by by law enforcement in destination countries and 48.11% returned independently.

Table 7: Method of rescue

Method of rescue	No. victims	%
Rescued with Blue Dragon's involvement	46	23.12%
Escaped or helped by family/friends	45	22.61%
Rescued in the process of being trafficked	42	21.11%
Chinese police and Vietnamese authorities	41	20.60%
Not yet rescued	11	5.53%
Unclear	6	3.02%
No information	6	3.02%
Victim continues to live in China	2	1.01%
Total	**199**	**100%**

THIS COURT CASE DATA SHOWS THAT 45 OF THE VICTIMS (22.61%) ESCAPED UNAIDED. ANOTHER 43.72% WERE RESCUED BY POLICE AND BLUE DRAGON. A SIGNIFICANT 21.11% WERE RESCUED IN THE PROCESS OF BEING TRAFFICKED.

Even in this biased data source the fact that 22.61% of victims escaped themselves is very interesting. The data from court cases is far more likely to represent victims who have been rescued by authorities and then provide a statement. Those who return by themselves rarely identify themselves to the police or other authorities, so it is rare that there is any prosecution for these cases. In these cases, the victims who returned themselves were only identified as a result of the arrest of their traffickers. As part of the investigation, police identified other victims and sought them out to participate in the investigation and trial. That a large number of victims, even in this court case data, have escaped, or been helped by lay citizens to return is likely to indicate a very, very high number of victims who return by themselves.

FOR THE TOTAL OF 42 VICTIMS WHO WERE RESCUED IN ACTION, 18 CASES WERE RESCUED BY BORDER GUARDS IN THE PROCESS OF TRYING TO CROSS THE BORDER. THE OTHERS WERE RESCUED BY PROVINCIAL POLICE IN THE VICTIMS' HOME PROVINCE DURING THEIR PROCESSES OF TRAFFICKING PREVENTION AND INVESTIGATION OF TRAFFICKING RINGS.

It seems that the effectiveness of police and border guards in fighting and investigating human trafficking is increasing, as there has been an increase over time of the number of victims detected in the process of trafficking.

Table 8: Rescued in action, by year

Year	Blue Dragon cases	Supreme court cases	Total
2014	1		1
2015	2		2
2016	7		7
2017	5	7	12
2018	2	7	9
2019	7	4	11
Total	24	18	42

Rescued in action, by year
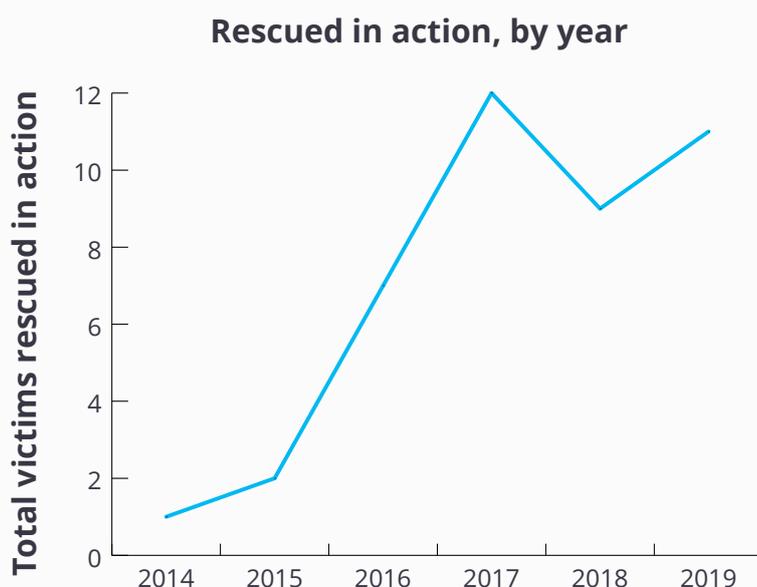
The decrease in 2018 and 2019 is likely because the new penal code came into effect on 1st January 2018, including some important changed regulations related to human trafficking crimes. The number of cases reduced for a short period while police and the justice system learned to apply the new regulations.

FORM OF TRAFFICKING

The majority of the prosecuted cases were cases of forced marriage. There was one case of labour trafficking as the victim was not 'purchased by a husband' so the traffickers forced her to work to repay the money she had 'cost' them. There is a small but significant number of cases of baby trafficking.

Table 9: Form of trafficking

Form of trafficking	No. victims	% of total
Forced marriage/domestic servitude	142	71.36%
Commercial sex	49	24.62%
Adoption/baby trafficking	4	2.01%
Both brothel and forced marriage	2	1.01%
Labour	1	0.5%
Unconfirmed	1	0.5%
Total	**199**	**100%**

WHERE THE TRAFFICKERS CROSSED THE BORDER

Knowing where traffickers took the victims across the border can help Border Patrol to better control the borders. Some traffickers do cross at official border stations, but many take their victims on small paths and tracks, sometimes even taking small boats or swimming the river. The majority of prosecuted cases crossed the border in Quang Ninh – which is the busiest border station to China, with high numbers crossing in Lao Cai and Lang Son, which are also busy borders.

Table 10: Province where traffickers crossed the border

Province	No. victims	% of total
Quang Ninh	76	38.19%
Lao Cai	56	28.14%
Lang Son	25	12.56%
Ha Giang	17	8.54%
Stopped in multiple destinations	13	6.53%
Lai Chau	7	3.52%
Cao Bang	2	1.01%
Unconfirmed	2	1.01%
Dien Bien	1	0.50%
Total	**199**	**100%**

TIME IN SLAVERY

THE AVERAGE TIME THAT VICTIMS SPENT IN SLAVERY WAS NEARLY 10 MONTHS. HOWEVER, THERE WAS A WIDE RANGE, WITH THE LONGEST TIME IN SLAVERY AT 159 MONTHS (13 YEARS AND 3 MONTHS).

Based on the information from 180 victims for which information is included in the court case data, the average time spent in slavery for victims of forced marriage is 8.7 months, and the longest period is 49 months (4 years). For victims of commercial sexual exploitation, the average period in slavery is 15.4 months and the longest was 159 months (over 13 years).

Blue Dragon does not record the time in slavery in our database, however due to our work with over 1,600 victims we know that some victims have spent up to 30 years in slavery after being trafficked at a very young age.

PART 2:

PROFILE OF TRAFFICKERS

AND TRAFFICKING IN VIETNAM

Court case files contain quite a lot of information about the demographics of the traffickers, and details of the trafficking. This information gives a rich picture of who the prosecuted traffickers in Vietnam are.

AGE AND GENDER

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MOST TRAFFICKERS ARE QUITE YOUNG, SIMILAR TO MOST VICTIMS.

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The average age of the prosecuted traffickers was 29 years old, the oldest was 66 years old. Interestingly, 10 of the prosecuted traffickers were children under 18. The youngest person who got involved in trafficking her classmate to China was 13 years old. However, in accordance with Clause 2, Article 12, of the Vietnam Penal Code 2015, the age of criminal responsibility is at least 14. She did not receive a prison sentence.

Table 11: Age of prosecuted traffickers

Age range	<13	14-16	17-18	19-25	26-35	>35	Unconfirmed but adult
No.	1	4	5	69	77	48	32
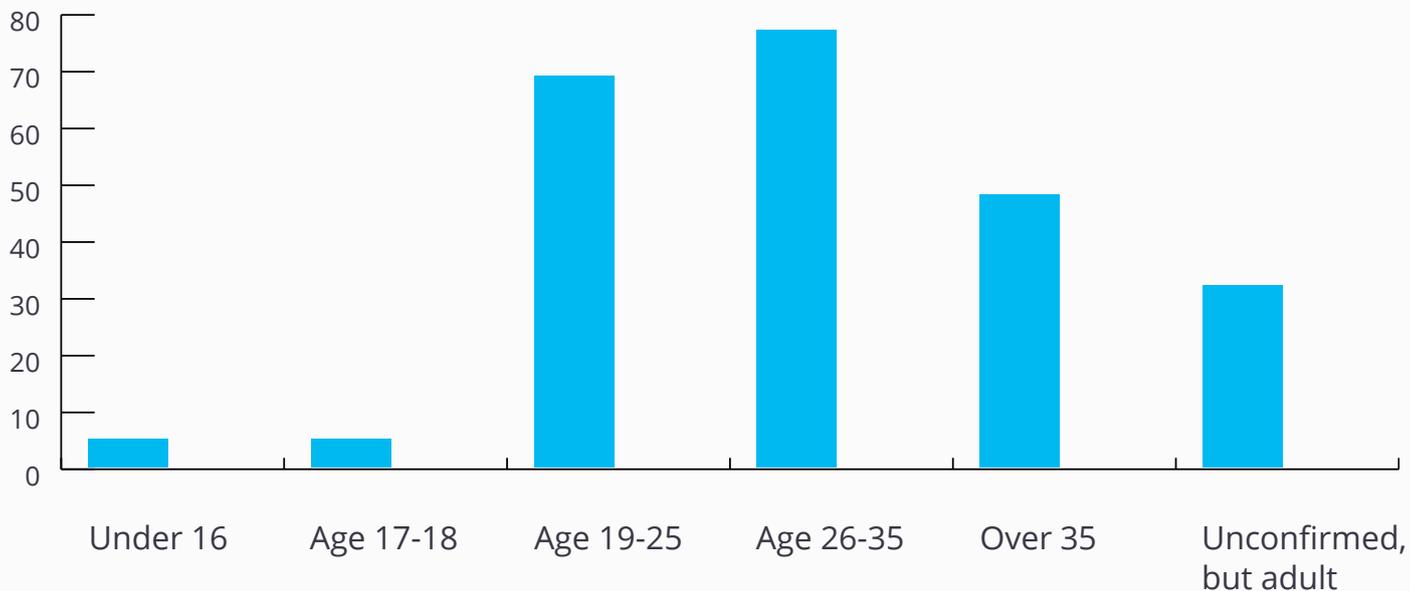
The majority of the prosecuted traffickers were men, although 41% were women.

Table 12: Gender of prosecuted traffickers

Gender	No. of traffickers	% of total
Female	96	41%
Male	140	59%
Total	**236**	**100%**

41% Female

59% Male
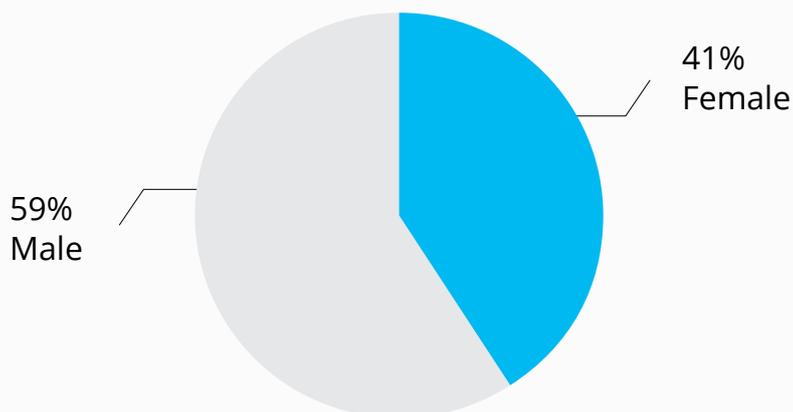
EDUCATIONAL BACKGROUND

The court case data includes information about the educational background of the prosecuted traffickers.

THE MAJORITY HAVE VERY LITTLE EDUCATION, WITH 16.53% BEING ILLITERATE, AND ALMOST 60% DROPPING OUT BEFORE GRADE 12.

Table 13: Educational background of prosecuted traffickers

| Qualifications	No. of traffickers	% of total
Dropped out of school, at grade:	139	**58.90%**
At primary level (grade 1-5)	51	21.61%
At secondary level (grade 6-9)	77	32.63%
At high school level (grade 10-12)	11	4.66%
No information available	49	**20.76%**
Illiterate	39	**16.53%**
Finished grade 12	8	**3.39%**
In school at time of crime	1	**0.42%**
Total	**236**	**100%**
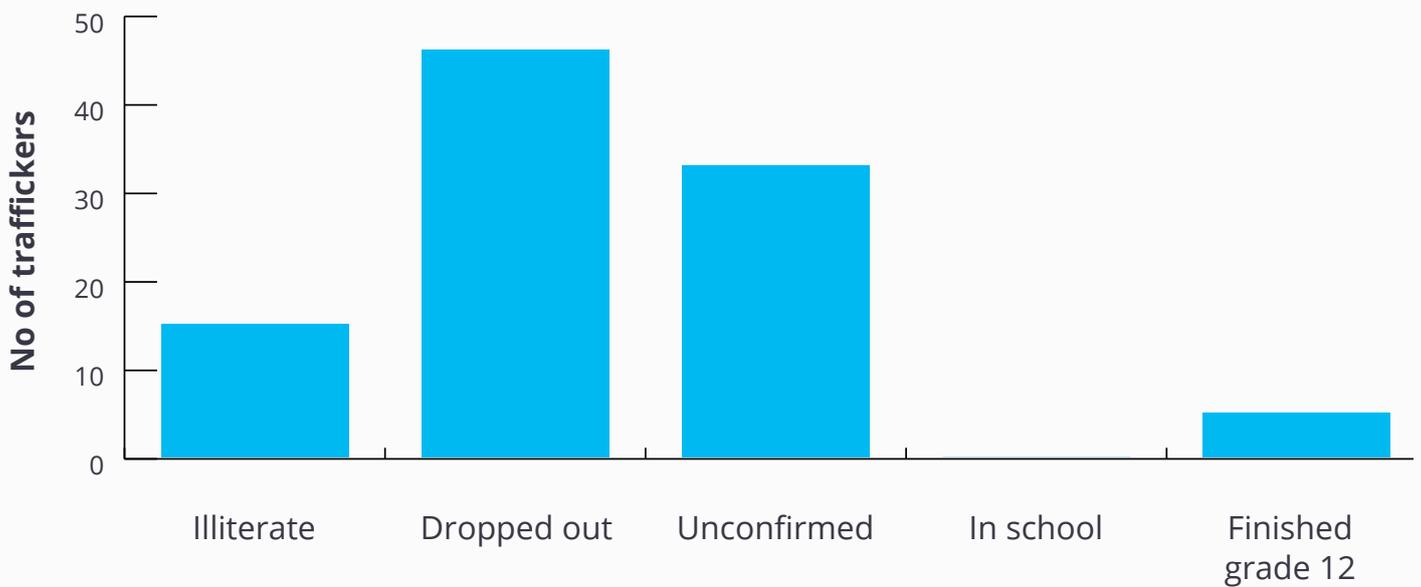
ETHNICITY OF TRAFFICKERS

The data indicates that the prosecuted traffickers are mainly from ethnic minority groups, which is perhaps not surprising as the majority of victims are recruited by someone they know.

THIS INDICATES THAT BECOMING A TRAFFICKER, OR AT LEAST A RECRUITER, IS ALSO A FUNCTION OF POVERTY AND DISADVANTAGE. ETHNIC MINORITY PEOPLE ARE THUS VULNERABLE TO BEING TRAFFICKED, BECOMING A RECRUITER IN HUMAN TRAFFICKING NETWORKS AND BEING PROSECUTED FOR THAT CRIME.

These findings inform Blue Dragon's livelihoods and community resilience strategies, since investing in better socio-economic opportunities should reduce both the vulnerability of victims, as well as the likelihood of people taking up trafficking as an income generation strategy.

Table 14: Ethnicity of prosecuted traffickers

Blue Dragon	Kinh	H'mong	Thai	Kho Mu	Dao	Nung	Tay	Chinese	Hoa	Muong	Phu La	Xinh Mun
No.	28	39	31	14	3	2	2	2	2	2		1
%	12%	17%	30%	6%	1%	1%	1%	1%	1%	1%		0%
Supreme court	Kinh	H'mong	Thai	Kho Mu	Dao	Nung	Tay	Chinese	Hoa	Muong	Phu La	Xinh Mun
No.	51	38	6		4	4	3	1		1	2	
%	46%	35%	5%	0%	4%	4%	3%	1%	0%	1%	2%	0%
Total	79	77	37	14	7	6	5	3	2	3	2	1
	33%	33%	16%	6%	3%	3%	2%	1%	1%	1%	1%	0%

Kinh	Ethnic minorities	Non-Vietnamese
79	153	4
33%	65%	2%

65% Ethnic minorities *(of which 50% are H'mong)*

33% Kinh

2% Non-Vietnamese
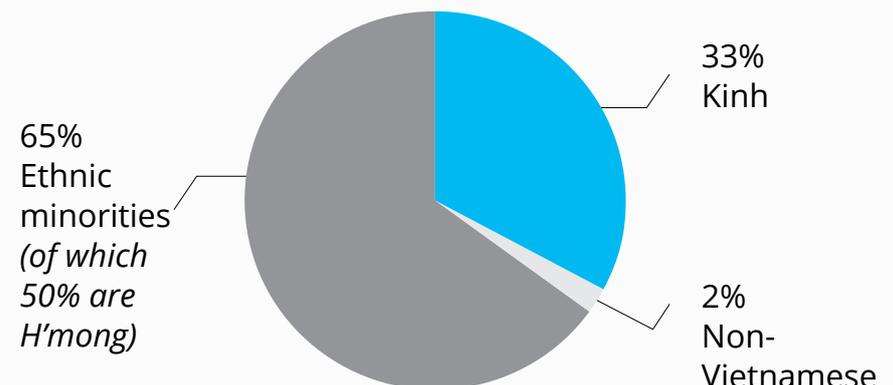
OTHER BACKGROUND

The final useful demographic information in the court case documents is related to the background of traffickers, including their criminal background. The vast majority (79%) have no criminal history, and the trafficking prosecution was their first offence.

20.34% of the recruiters were people who worked in China or were married to Chinese men and knew someone who persuaded them to take Vietnamese women and girls to China for sale. The majority of the remaining traffickers had acquaintances, friends or relatives working or living in China. This shows the importance of the social networks in China for facilitating this cross-border trafficking. These personal connections are key for successful trafficking, which is important information to inform community education strategies.

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CONTRARY TO POPULAR BELIEF, ONLY 4 WOMEN (1.69%) OF 236 TRAFFICKERS WERE FORMER VICTIMS OF TRAFFICKING.

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Table 15: Background of prosecuted traffickers

Background of offenders	No. of traffickers	% of total
No criminal background	102	43.22%
Lived or worked in China	48	20.34%
No information	30	12.71%
Have been previously sentenced for trafficking	26	11.02%
Had been sentenced for other crimes[4]	17	7.20%
Family members have been sentenced for other crimes	6	2.54%
Former victims of trafficking	4	1.69%
Chinese national	3	1.27%
Total	**236**	**100%**

[4] Previous sentences are: gambling, selling drugs, assisting illegal emigration (2), theft, harboring prostitutes (1), and obtaining property by fraud.

THE NATURE OF TRAFFICKING IN VIETNAM

As mentioned earlier, the majority of victims knew their traffickers before they were tricked into exploitation. The court case documentation includes information about how the traffickers recruited their victims. These details are extremely useful for educating communities about trafficking, and helping them protect themselves against the tricks that traffickers typically use.

The court case information sheds some light on the nature of trafficking, at least for cases that have been successfully prosecuted: the way traffickers recruit their victims, the money involved, and the nature of prosecution.

THE MAJORITY OF TRAFFICKERS RECRUIT THEIR VICTIMS THROUGH FALSE PROMISES.

Despite the difficulties in prosecuting marriage brokerage cases, 25.13% of victims in prosecuted cases were recruited by marriage brokers to get married to Chinese men. A high number are recruited via false job offers (33.67%) and false relationship/friendship offers (25.63%). Prosecution of trafficking cases that involve promises of adoption in China are small, but significant since these cases can be hard to prosecute as trafficking (as opposed to illegal selling of babies).

In table 15, relevant information about the region that was included in the court case documentation is in the notes column.

Table 16: Means of recruitment of victims in successful cases

Means of recruitment	No. of victims	% of total	Notes
Marriage brokerage to Chinese men	50	25.13%	22 in southern provinces, 13 in central Vietnam[5], and 15 in northern Vietnam
Job offer in China	40	20.10%	39 in the north and 1 in Hue
Invitation from a friend to spend time together in Vietnam	39	19.60%	All in northern Vietnam
Promise of marriage (as a boyfriend)	27	13.57%	1 Kinh and 26 H'mong
Job offer in Vietnam	23	11.56%	18 in northern Vietnam and 5 in southern Vietnam
Invitation from a friend to spend time together in China	12	6.03%	All in northern Vietnam
Job offer in another country (Korea, Laos)	4	2.01%	
Adoption	3	1.50%	1 in Nghe An and 2 in southern Vietnam
Unconfirmed	1	0.50%	
Total	**199**	**100%**	

PAYMENT RECEIVED BY TRAFFICKERS

The Court documents include information about the payment that traffickers received for recruiting victims. This information is potentially not very accurate, as there are incentives for the traffickers to under-report how much they received. However, it gives an indication.

A total of 13 of the cases do not include information about how much the trafficker was paid. Of the others, 41 traffickers didn't receive any payment.

THE AVERAGE AMOUNT RECEIVED WAS 36,249,005 VND ($1,576 US).

[5] These victims were all from Nghe An

The lowest amount received was 200,000 VND ($8.70 US) and the highest was 382,000,000 VND ($16,610 US). The 41 recruiters who did not receive payment were either caught in the action of trafficking, or tricked by the higher level traffickers.

The information shows that the majority of the prosecuted cases are low-level recruiters rather than high-level organised criminals, who tend to receive higher amounts for the trade in humans. The high-level traffickers are Chinese or Vietnamese people living in China. Others are Vietnamese who fled the country when their victims were rescued by authorities. Those people often are not able to be identified because prosecuted traffickers or low-level recruiters knew very little about them. Some mid-level recruiters were wanted and prosecuted in separate trafficking courts when they came back to Vietnam.

However, it also sheds light on the reality that not all trafficking is highly lucrative. Many of these prosecuted traffickers are not receiving a substantial payment for their crimes. These trafficking situations are more 'opportunistic' with both traffickers and victims being highly vulnerable in situations of poverty and taking risks as a result. As the majority of these cases are 'bride' trafficking, we know that the majority of the 'husbands' are very poor or disadvantaged (e.g. disabled) men who are not able to 'compete' for a wife in China. Thus, they are not paying very high prices for their wives. This informal trade in wives is not highly lucrative, however the amounts are significant for these impoverished victims and traffickers. Formal marriage brokerage involves much higher amounts of money, and the highest amounts paid in these cases are the official marriage brokerage cases.

SENTENCE FOR PROSECUTED TRAFFICKERS

The majority of cases resulted in a jail term for the traffickers. The average term imposed in these cases was 8.8 years. Note that this is only slightly above the minimum sentence of 8 years stipulated in the Penal Code.

THERE IS EVIDENCE THAT HAVING A BLUE DRAGON LAWYER INVOLVED RESULTS IN A HIGHER SENTENCE, WITH THE AVERAGE SENTENCE FOR BLUE DRAGON CASES AT 10 YEARS, AND FOR THE OTHER CASES 9 YEARS.

Sentence	Total traffickers	Supreme Court cases	Blue Dragon cases
Probation	2	1	1
No sentence	2	0	2
Sentenced	217	103	114
Wanted (ran away)	15	6	9
Total	**236**	**110**	**126**

COMPENSATION AWARDED TO VICTIMS

The Vietnamese Penal Code articles 150 and 151 that regulate human trafficking include provisions for traffickers to pay compensation to victims. In these cases, a very high number included compensation orders; 129 of 217 traffickers (59%) were ordered to pay compensation. The average amount of compensation awarded was 31,106,380 VND ($1,350 US)[6]. This is above the minimum amount regulated in the Penal Code of 20 million VND, but is still quite low.

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WITH BLUE DRAGON REPRESENTATION, 73 OF 114 TRAFFICKERS WERE ORDERED TO PAY THEIR VICTIMS AN AVERAGE OF 39,852,000 VND. WITHOUT BLUE DRAGON REPRESENTATION, 56 OF 103 TRAFFICKERS WERE ORDERED TO PAY THEIR VICTIMS AN AVERAGE OF 20,425,000 VND. 19 CASES PROVIDED NO INFORMATION ON COMPENSATION

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[6] Note that we only have information about compensation awarded, not what was actually paid by the traffickers.

PART 3: IMPLICATIONS OF THIS INFORMATION

INFORMING COMMUNITY PREVENTION STRATEGIES

The data informing this analysis, while limited, does give an insight into the nature of trafficking in Vietnam, and the profile of traffickers and victims. This information is extremely useful in anti-trafficking work, giving insight into the practices of traffickers and thus into how to counter them.

There are some key points that can be instructive for community education campaigns and should be shared with vulnerable populations. Specifically:

- That the majority of traffickers are known to their victims, living close by, or establish a relationship online with their victim prior to the trafficking.
- That a large number of recruiters find their victims online, then make offers and promises. To counter this, it is necessary to not only educate vulnerable young people about this risk, but also teach them the skills to critically examine job offers and online relationships, thereby reducing the risk of being exploited.
- That recruiting victims for forced marriages or labour slavery is a crime and that prosecution results in stiff prison sentences and compensation payments, and is thus not worth the small amounts of money paid to the recruiters.

The information about the demographics of victims can help to target education and prevention campaigns to the relevant populations; ethnic minority women and girls under 30 in economic difficulties.

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THE VERY HIGH NUMBER OF ETHNIC MINORITY GIRLS, ESPECIALLY H'MONG GIRLS, WHO WERE TRICKED BY ONLINE 'BOYFRIENDS' INDICATES A STRONG NEED FOR ONLINE SAFETY EDUCATION AS WELL AS BEHAVIOURAL CHANGE STRATEGIES AROUND EARLY MARRIAGE.[7]

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[7] See also the report by Blue Dragon, iSEE and SecDev Foundation, 2021, *Online Human Trafficking Risks for Ethnic Minority Students and Youth.*

The information about the demographics of the recruiters indicates that economic development strategies should not only target potential victims, but also recruiters. As most of the recruiters come from the same communities and are similarly poor, undereducated and disadvantaged, economic development in these communities should not only reduce vulnerability to trafficking, but also dissuade potential recruiters from taking up trafficking as a livelihoods option.

STRENGTHENING LAW ENFORCEMENT

The large number of victims who were rescued in the process of crossing the border is a good sign that training and capacity building of border guard forces and improving patrols is paying off. As this data only includes successful cases, the sample is quite biased as cases caught 'in action' are easier to prosecute. However, the absolute numbers of cases stopped in process is still significant.

The bias demonstrated in these cases is indicative of the bias seen among police and other law enforcement; that trafficking is primarily a cross-border problem, and that it mainly affects women and girls.

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THE COURT CASES DATA ILLUSTRATES THAT THERE IS A NEED FOR MORE LAW ENFORCEMENT FOCUS ON DOMESTIC TRAFFICKING, AND TRAFFICKING OF MEN AND BOYS WHICH IS PRIMARILY FOR THE PURPOSE OF LABOUR EXPLOITATION.

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The law is still quite weak on both these forms of trafficking, and the planned revision of the law during 2021 offers an opportunity to strengthen the law. However, law revision is insufficient: the awareness and motivation of law enforcement is essential to ensure successful prosecution as well as prevention of these forms of trafficking.

There is fairly strong evidence in this report that having a competent, experienced lawyer representing the victim in the trial leads to higher sentences for traffickers, and higher and more likely compensation awards for victims. This affirms the importance of legal representation, not only for victim protection, but to improve justice. The work Blue Dragon has done with the Ministry of Public Security to develop Circular 46 to ensure victim representation[8] is thus even more important. All agencies involved in counter trafficking work should ensure the effective training and implementation of this Circular to protect victims and strengthen prosecution and justice for trafficking criminals.

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[8] Circular 46/2019/TT-BCA, Regulating the responsibilities of People's Public Security Forces in implementing the provisions of the 2015 Criminal Procedure Code regarding the right to defence of persons held in emergency custody, persons arrested for criminal acts in flagrante or wanted notices, temporary detainees, suspects; defending the legitimate rights and interests of the victims, litigants, the accused and persons proposed to be prosecuted, October 10, 2019.

PART 4: RECOMMENDATIONS

This analysis and the implications of the data contained suggests the following recommendations for organisations and government agencies working on human trafficking, particularly the trafficking of women and girls to China for the purpose of sexual exploitation.

PREVENTION OF TRAFFICKING

1. Organizations focused on prevention of trafficking should take the following into consideration:

   a. Target prevention campaigns to the most vulnerable populations: poor women and girls under 30yrs, ethnic minority people (both men and women), especially H'mong people.

   b. Prevention campaigns should specifically include online safety training and clear, practical information about how to assess an online offer of marriage, friendship or a job.

   c. Prevention campaigns should stress that most traffickers are known to their victims, not strangers who kidnap or otherwise abduct victims.

   d. Prevention campaigns should consider potential traffickers as a target audience, and include information about the specifics of human trafficking crimes and the applicable penalties.

2. Prevention should include economic development, which will likely not only reduce vulnerability of potential victims, but also provide other opportunities for potential traffickers.

LAW ENFORCEMENT

1. Organizations should continue to focus on training for law enforcement, particularly in ensuring that police and border guards understand the laws around human trafficking, and understand this information about vulnerability and the nature of trafficking in order to effectively counter it.

2. There is a need to encourage law enforcement to focus more on arrest and prosecution of other forms of trafficking, particularly domestic trafficking and labour exploitation. This may involve some law reform, however it seems that many police believe that 'human trafficking equals cross border trafficking of women and girls', so changing this understanding is essential for law enforcement to 'acknowledge' and address other forms of trafficking.

3. There is an urgent need to train police and Legal Aid in the importance of victim representation, and develop skills for Legal Aid to provide legal advocacy.

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