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**Hidden data, hidden victims:
Trafficking in the context of globalisation and labour exploitation -
The case of Vietnam**

INTRODUCTION

When discussing labour in the age of globalisation, one of the most central themes is migration. A related phenomenon is that of trafficking. A growing body of authors has begun to question the image of the coerced, uneducated, naive, poor female victim of trafficking that has dominated trafficking imagery nationally and internationally for many years. To the contrary, trafficking is increasingly recognised as a case of an initially voluntary departure that is best understood within a broad spectrum of migratory movement or – what I call – “migration gone wrong”.

As such, some degree of voluntariness and knowledge is present in a majority of trafficking situations (Vijayarasa, 2010c). Research increasingly demonstrates that modern-day trafficking rarely corresponds to the image of the kidnapped and naive young woman (Banerjee, 2006: 192-193; Chapkis, 2003: 931-932), but more frequently involves the economic migrant, who may even know that the tourist visa on which he or she travels has been obtained without disclosure of the intention to work in the destination country (Vijayarasa, 2010c: 218).

Despite this voluntariness, given that the movement of victims is often undocumented and in light of the regulation or criminalisation of sex work in destination countries, irregular migrants face the risk of exploitation, with little or no access to redress. While the movement may have been initially voluntary, upon arrival in destination countries, the individual may face conditions vastly different from those which he/she expected, including being forced to provide unprotected sexual services; being forced to work seven days per week; or the denial of freedom of movement from their place of work or residence. I have elsewhere called this phenomenon that of “unmet expectations” (Vijayarasa, 2010b). Therefore, while the word “victim” is often associated with naivety, lack of voluntariness or agency, I contend that it to use the word “victim” reflects the violation of rights and right to redress for exploited migrants abroad.

Yet, even this approached is plagued by the challenge of defining the phenomenon of trafficking, its scope and its victims. As Guri Tyldum and Anette Brunovskis note, trafficked persons are considered a “hidden population ... for whom the size and boundaries are unknown, and for whom no sampling frame exists” (2005: 18). Elsewhere, trafficked people are described as “voiceless”, whether because of fear of reprisals from traffickers, psychological trauma or potential stigmatisation (Brennan, 2005: 43). On this basis, several authors have concluded that representative samples and credible estimates of the number of trafficked persons are impossible to obtain (Andrees and van der Linden, 2005: 60; Cwikel

and Hoban, 2005: 306-307; Tyldum and Brunovskis, 2005: 17). They rightly contend that inadequate data collection methods lead to descriptions of trafficked persons that are unreflective of reality, with resulting policies to address such exploitation (or prohibit irregular movement altogether) consequently ineffective (Tyldum and Brunovskis, 2005: 17).

Despite the lack of evidence, numerous assumptions about global victims of trafficking persist. At the same time, there is far-reaching interest in the topic stirred by the apparent magnitude of the phenomenon. It is the vulnerability of women and girls and poverty-driven desperation that is assumed to compel movement across borders that fosters global interest in human trafficking, from policy makers to the press. Set against the lack of reliable data, these assumptions about victims and the causes of trafficking are reproduced and amplified. Trafficking discourse, and in turn, policy responses, focus on sexual exploitation and this “perfect victim” and further the common “slippage” between trafficking and prostitution so striking in the popular press (Chuang, 2010). Consequently, current assumptions about which sub-groups in the population are deemed vulnerable to human trafficking, often young, female ethnic minorities, and what is considered the most pressing problem – sexual exploitation over other forms of labour exploitation – are left unquestioned.

These global challenges in establishing an accurate understanding of human trafficking as a form of labour injustice are exacerbated at the national level by a range of factors, as I demonstrate in this case study of Vietnam. In this chapter, I argue that a sounder approach is required, in which the existing data is reassessed in terms of its methodological reliability and the reasons for which it was collected. My purpose is to examine some of the methodological challenges in determining the socio-economic characteristics of Vietnam’s presumed trafficked population, as well as the scope of the problem. The primary objective is to encourage a reconsideration of previously-held assumptions while making recommendations for a more nuanced and accurate approach to data collection that can improve global understandings of the exploitation involved in this type of irregular labour “migration gone wrong”.

My intention in this analysis is to explore trafficking for both labour and sexual exploitation. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons [hereafter, UN Protocol] defines human trafficking as movement (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 (United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime, Palermo, Italy, 2000, Article 3(a): United Nations 2000).

As I have argued extensively elsewhere (Vijayarasa, 2010a: 91; Vijayarasa, 2010b: 15; Vijayarasa, 2010c: 218), the Protocol is far from flawless. In any case, at the time of print, the government of Vietnam had not yet ratified the UN Protocol. Moreover, while this study aims to explore trafficking of both men and women, until a legal amendment was introduced in 2010, the Vietnamese penal code only offered legal protection for women and child victims: Article 115 of the Criminal Code (1999) addressed buying and selling of a woman; Article 119 of the Penal Code (2001) made “trafficking in women” a crime, and Article 120 criminalised trading in, fraudulently exchanging, or appropriating children. Only since 1 January 2012, when a new law on trafficking entered into force, has the trafficking of men been penalised in Vietnam (Law on Human Trafficking Prevention, No. 66/2011/QH12).

As discussed elsewhere in this chapter, the previous legal focus on women and children has detrimentally impacted how trafficking and its victims are defined and understood in the Vietnamese context. Moreover, in practice, the notion of the “quintessential trafficked victim” in Vietnam continues to be promoted as the coerced, uneducated, naive, poor female victim in policy responses, NGO practice and the popular press.

While reading the following pages it may seem that, again, the analysis tends to ignore trafficking of men. As stated above, the scope of this chapter spans trafficking of both women and men from Vietnam for labour and sexual exploitation. However, partly due to the aforementioned factors, much of the data collected focuses on trafficking of women for sexual exploitation, which necessarily has to be the starting point for this analysis. In the following section, I provide an overview of the methodology used to collect country-specific information for this chapter. I subsequently discuss what is known about trafficking in Vietnam based on current available data. In the main part of this chapter, I evaluate the

key obstacles to more accurate and encompassing data collection on trafficking. I conclude with an analysis of the policy implications of basing anti-trafficking initiatives on biased and otherwise unreliable data, for Vietnam and elsewhere around the globe. My main finding is that the barriers to victim identification and data collection in Vietnam create significant doubts as to the accuracy of the current profile of victims and in turn hinder policies aimed at reducing the global injustice of migrant exploitation.

METHODOLOGY

In this chapter, I explore the challenges of establishing the scope and nature of the trafficking of men and women for labour and sexual exploitation in Vietnam. My analysis is based on fieldwork conducted in Vietnam from December 2008 to October 2009 involving interviews with 17 key informants. Informants were contacted via email and provided in advance with a standard set of questions to aid a semi-structured interview.^[1]

Face-to-face interviews were conducted with 14 informants. A further three interviews were conducted by email, two of which involved translation of the interview questions from English into Vietnamese, with responses later translated into English. Translation from English to Vietnamese and vice versa was provided by a Vietnamese translator.^[2] While face-to-face interviews were preferred, the validity of email interviews has been recognised (Bampton and Cowton, 2002). Advantages of email interviews include savings in time and financial resources (Bampton and Cowton, 2002: 25), as well as creating more comfort for interviewees who are engaging in an interview in a foreign language than there might be in a face-to-face interview (Bampton and Cowton, 2002: 19). Email interviews are also beneficial when interviewing subjects with closed or limited access (Opdenakker, 2006), in this case, shelter management or staff. While I accepted these email interviews as a valid reflection of the opinion of informants, I also recognise their shortcomings, including lack of spontaneity and the challenge of probing for further opinions.

Regarding the selection and scope of informants, interviewees were selected based on their expertise and competence in the field. Key informants spanned the directors, managers and staff of some of the key organizations, both inter-governmental and non-governmental, working on trafficking in Vietnam. I also explored my research questions with staff from government, donor organisations and a number of United Nations agencies.^[3]

Efforts were taken to ensure a cross-section of expertise given that human trafficking is a multi-dimensional and multi-causal issue (see graph 1, in which informants have been classified based on their primary area of expertise). Informants were selected from lists of organizations working on trafficking in Vietnam and contact was also made with people identified in the literature. I also followed referrals made by those individuals who had already been interviewed or contacted for this research, adopting a form of snowballing technique. Stakeholders comprised both Vietnamese nationals and non-nationals.

Graph 1: Expertise of key informants

In terms of this selection procedure, it is particularly important to note the lack of freedom of association in Vietnam, including freedom of expression among NGOs in what has been called a “state-led civil society” (Lux and Straussman, 2004). This is reflected in the large number of informants in Vietnam who chose anonymity, with ten informants choosing complete anonymity and two choosing partial anonymity.

The existing body of literature was consulted extensively in the development of the interview questions, although the primary focus was on the causes of human trafficking and the degree to which the scope of the problem and the demographics of its victims has been accurately identified in Vietnam. In my interviews, I discussed with informants the so-called “causes” of trafficking, as well as the typical profiles of victims and traffickers. I sought interviewees’ thoughts on the Government of Vietnam’s approach to the problem of human trafficking and the challenges faced by victims involved in the process of reintegrating into their former or a new community upon return. I also served as an active participant in five meetings of the Reintegration Network, a monthly meeting of a coalition of NGOs and

international organizations working on reintegration in Vietnam.

An observation made throughout the interviews was the tendency for views to be repeated by key informants in a way that raised doubt as to whether they had been informed by the same source. This might include reading the same report or piece of research, listening to the same speech or attending the same workshop or training. Indeed, the anti-trafficking community in Vietnam is sufficiently small that there is a large amount of information sharing, particularly through the NGO reintegration network, whose members work in partnership with the government and international organizations. This potentially suggests that the breadth of knowledge is fairly limited and obtaining diverging opinions is a challenge.

This limitation relates directly to the fear expressed by several informants to openly critique the Government of Vietnam. Despite the fact that all participants received a participant information statement and consent form, and were offered anonymity, reluctance was still evident, both in the physical demeanour of participants, their occasional hesitations and in two instances, requests to turn off the tape recorder at various points during the interview.^[4] This reluctance was evident not only among informants of Vietnamese nationality but also non-Vietnamese nationals. However, this similarly reflects the value of this research in contributing to the body of knowledge on human trafficking in Vietnam, particularly given the lack of open critique of the government when particularly in relation to the issue of exploitation of Vietnamese migrant workers.

The results of this fieldwork have been complemented by government data and reports from key stakeholders working on this issue. I additionally attended conferences, including on the international and academic perspectives concerning human trafficking, organised by the Institute for Social Development Studies in Hanoi and a sharing workshop on the results of a trafficking survey by ActionAid Vietnam. I also draw on existing literature in this field and data on the scope of human trafficking from Vietnam, including statistics released by the government itself.

Given the challenges in obtaining first-hand data on trafficking from Vietnam and independent evaluations of an issue that is closely guarded by the government, the data collected represents a diverse cross-section of perspectives on the phenomenon of human trafficking. It is important to note that many academics caution against generalising qualitative data beyond those of the research informants. While this is not the goal of my qualitative analysis, I do conclude this chapter by coupling the qualitative research findings with existing studies, to contribute to my critique of the mainstream approaches to trafficking, how such approaches fail to reflect an accurate understanding of the profile of victims and how such assumptions act to undermine policy responses to address the exploitation of migrant workers abroad.

CONTEXT: EXISTING DATA AND GAPS IN KNOWLEDGE

Vietnam, a communist country bordered by China to the north, Cambodia to the southwest and Laos to the northwest, underwent market liberalization (*doi moi* or renovation) beginning in 1986. The effects of economic expansion created closer economic ties with other nations, and expanded destinations for documented and undocumented migrants. A late-comer to the Asian regional labour market, Vietnam favoured ex-socialist countries in Eastern Europe during its early stages of exporting labour (Dang et al., 2003: i, 12). This movement continued until the collapse of the former Soviet Union, with new labour migration flows initiated in 1994 from Vietnam to Kuwait, Lebanon, Saudi Arabia, Libya, Japan and Korea. By 2002, Taiwan and Malaysia had become the most significant destinations (Dang et al., 2003: i; Hoang 2008).

Currently, trafficking flows from Vietnam reflect ease of cross-border movement, predominantly and unsurprisingly in the direction of China and Cambodia. The majority of data concerns these two destination countries. According to the SIREN (Strategic Information Response Network) Human Trafficking Data Sheet, a research and information initiative of the United Nations Inter-Agency Project on Human Trafficking (UNIAP), China was at that time the destination of 70% of the total number of trafficked Vietnamese women abroad, but the “nature and numbers remain difficult to determine” (Siren, 2008a). Women are trafficked to Cambodia from the southern provinces of Vietnam largely for sex work (Marshall, 2006: 13; Dong and Thu Hong, 2008: 197-198). Estimates in this case vary, with one literature review on trafficking to and from Cambodia suggesting that between 15 to 32 per cent of sex workers, not necessarily victims of trafficking for sexual exploitation, in Cambodia are of Vietnamese origin (Derks, Henke and Ly, 2006: 22-23). Data from the Cambodian Ministry of Social

Affairs, Veterans and Youth Rehabilitation suggests that 50% of the trafficked persons of Vietnamese origin identified in Cambodia come from An Giang province in the south of Vietnam (Siren, 2008a: 2). Stakeholders also indicate some evidence of Vietnamese victims in other destination countries, including South Africa, the Czech Republic and United Kingdom, but there is limited information documenting new routes (A. Bruce, IOM, pers. comm., 21 September 2009). Nicolas Lainez's most recent study (2011) finds that mobility from southern Vietnam (namely An Giang) to Cambodia is no longer relevant as new Vietnamese migrants are travelling to different areas to engage in sex work and those Vietnamese from An Giang working in Cambodia are not new migrants.

Even a small collection of statistics reveals the range of numbers often quoted in regard to migration broadly and trafficking specifically from Vietnam. Released by governments and NGOs, or cited by the popular press, these estimates encapsulate data on undocumented migrant sex workers (although they are frequently – and inaccurately – conflated with trafficking data) and victims of sexual exploitation, forced marriage and labour exploitation, whether smuggled, trafficked or documented. In general, a comprehensive, country-wide and gender disaggregated data-set does not exist to facilitate an accurate discussion on the nature of trafficking and the demographic of its victims across Vietnam.

Government estimates concerning human trafficking are generally low, driven largely by concerns about Vietnam's international reputation and the government's interest in export labour as a form of income and to address the domestic labour surplus (Dang, 2008: 2). In this respect, the reliability of these statistics, frequently cited in the popular press, is questionable. The Ministry of Labour, Invalids and Social Affairs (MOLISA) is the key government ministry responsible for human trafficking, although as I discuss later in this chapter, the issue is treated as less of a "labour" issue and more as a "social affair". The Ministry of Public Security (MPS) also investigates human trafficking and smuggling cases, in cooperation with the Border Guard Command (BGC). MPS is also responsible for registration of temporary migrants and directly manages the household registration system for mainly permanent and official migrants, with spontaneous and undocumented migrants often excluded (Dang et al., 2003: 5).

According to police data cited by the MPS, 2,269 cases of trafficking were discovered during the period 1991-2001, with 3,787 people arrested on charges of trafficking. Of these, 1,818 cases involving 3,118 offenders were brought to court for trafficking of women under the former article 119 of the Penal Code (2001). A further 451 cases, involving 672 offenders, involved charges of trafficking in children under the former Article 120 of the Penal Code (2001) (Government of Vietnam, nd: 7). For the period 1998-2002, MPS and the BGC pursued 921 cases of trafficking involving 1,087 accused persons (Government of Vietnam, nd: 7). Compared to the number of arrests and prosecutions, it appears that the number of victims is significantly higher. One report from 2000 by MPS indicated that between 1991 and 1999 at least 22,000 women and children were illegally sent to China as domestic workers and sex workers or as forced wives. For the period 1996-2000, the BGC documented 7,918 trafficked women returning from China (Dang et al., 2003: 14).

The popular media, about which we should be cautious in light of government controls over freedom of expression, similarly reports a diverse range of statistics. According to a report on 14 July 2009 by the *Xinhua News Agency*, the press agency of the government of China, citing "official" statistics from the Government of Vietnam indicated that for January to July 2009, 191 trafficking cases were detected, involving 417 women and child victims, predominantly trafficked in the directions of Cambodia, China and Laos. Consistently, *Viet Nam News* reported on 8 January 2010 that at the end of 2009 nearly double the number of cases had been identified, with 395 cases and 869 victims of trafficking detected by Vietnamese police in that year by December 2009.

The US State Department also provides an array of statistics on Vietnam in their annual Trafficking in Persons report, although neither the origin nor methodology of the data collection is provided (see Agustin, 2009). Ranked by the US as a "tier 2" country, the report states that there are an estimated 500,000 Vietnamese workers abroad facing conditions of forced labour and debt bondage (US TIP, 2009).

A further issue is the large number of Vietnamese women marrying men in Taiwan, China, Korea, Japan and Singapore. The complexity of marriage migration cannot be adequately addressed in this chapter. Reported data on Vietnamese brides is again inconsistent and unreliable, and there is a clear divergence between those authors who consider marriage migration a legitimate decision made by Vietnamese women and those who see it as a form of trafficking that should be stopped (Duong and Hong, 2008: 198; see also Dang et al., 2003). With regard to Vietnamese brides in Taiwan, it has been

recognised elsewhere that these women are “not necessarily in servile marriages and not trafficked victims” (ActionAid International Vietnam, 2005: 7). Few in-depth quantitative or qualitative studies on “marriage migration” exist and data remains anecdotal.

Finally, internal trafficking has been identified from rural to urban areas of Vietnam (Siren, 2008a), for commercial sexual exploitation, forced begging and labour exploitation of domestic workers and of workers in the construction industries. I was informed by one interviewee of the Government’s increasing reluctance to work with the international community to collect the necessary data to profile the situation of internal trafficking and the informal labour market generally in fear of such data being seen as a “sign of under-development” (pers. comm., Senior Economist, Donor Organisation, Vietnam, 13 October 2009). This is arguably also related to evidence concerning labour market segmentation between informal and formal internal migrant workers and significant wage disparities (ODI, 2006: 3). This evidence-gap was reiterated in a UNFPA study, which noted the failure of studies to capture those most vulnerable, including short-term and seasonal migrants (UNFPA, 2010: 5).

Overall, we can see great divergence in the data released by the Government of Vietnam, researchers and that which is published in the popular press. While we are able to establish a general picture of the patterns and purpose of movement, as the following section will reveal, the data outlined above is undermined by the obstacles I discussed below to more accurate, consistent and unbiased gathering of data on patterns of labour migration broadly and trafficking specifically.

CHALLENGES TO VICTIM IDENTIFICATION

In the following section, based on empirical evidence, I aim to identify some of the major reasons for the pervasive absence of accurate and transparent data on trafficking in Vietnam. I analyse this data in the context of the existing research from government, academic, non-governmental, intergovernmental and UN sources. My goals for this section are two-fold. First, I aim to identify several of the factors that act as challenges to accurate data collection in Vietnam. Second, I intend to analyse some of the existing stereotypes regarding the demographic of trafficked victims that continue to persist despite lack of an evidentiary basis or even in the face of contrary evidence.

A “social evil” rather than labour issue

One of the most important determinants of the treatment of trafficking in Vietnam is the approach of the government to the issue. What we know of trafficking and how it is understood in Vietnam, particularly where it involves women and children for sexual exploitation, is directly implicated by the State’s approach to sex work as a “social evil” and by the naming of the Department of Social Evils Prevention (DSEP) as the agency responsible for trafficked returnees. This approach stigmatizes victims and implicates them for “involvement” in the criminal and social demise of the country (Vijayarasa, 2010a: 6).

Elzbieta Gozdziaik and Elizabeth Collett point to the “lack of a critical attitude towards the state” in anti-trafficking campaigns, which instead tend to look at individual acts of violent traffickers (Gozdziaik and Collett, 2005: 101). In the case of Vietnam, I similarly contend that it is pivotal to critique the government’s “strong pejorative labelling of these groups of people considered to be morally corrupt or decadent” (Doussantousse and Tooke, 2002). Specifically, the government’s approach raises questions about the extent to which victims of trafficking, returned through formal border controls, are deemed criminals as opposed to victims, and channelled into “05” and “06” Centres (Vijayarasa, 2010a: 7; De Lind van Wijngaarden, 2007: 43; Khuat, 2007: 15). “06 centres” are designed for drug users forced to undergo detoxification and rehabilitation, while “05 centres” are for people (mainly women) involved in sex work. In a 2006 study, Phil Marshall attributes the apparent placement of victims in the government’s “05 centres” to the lack of alternative shelters, rather than a policy decision, this argument is at odds with the relatively empty shelters discussed later in this chapter.

Although often referred to by the government as educational and vocational training centres for women, “05 Centres” are essentially correctional facilities with limited freedom of movement for women involved in the sex trade. Marshall notes that special provisions are reportedly made for victims of trafficking, including arrangements for them to stay in a separate part of this facility, with more freedom (Marshall, 2006: 21). Others stakeholders have recognised the relationship between the apparent placement of victims in “05” and “06” centres and inconsistent data on the number of victims leaving and returning to Vietnam. Several of my informants shared concerns about these centres as

well as the process of determining who should be confined to them. Specifically on this point, Elena Ferreras, Programme Director for Multilateral Cooperation and Gender for the Spanish Agency for International Development Cooperation (AECID), in a long and passionate exchange, noted:

There are a lot of re-education centres all around the country. It would be very interesting to see what is going on in those places. Who are going to those centres? The key moment is when the commander at the border decides whether he or she is a victim or a “criminal”...

Explaining that it was a “supposition”, Ms Ferreras returned to this point at a later stage in the interview:

If some report says there are 5,000 people trafficked per year and 300 are coming back as victims, I guess more are coming back and are being identified as criminals and going to re-education centres (E. Ferreras, AECID, pers. comm., 9 October 2009).

One informant, noting the lack of respect for the confidentiality of detainees, drew a link to risks of re-trafficking: “they are equivalent to detention, they do not preserve your safety, they are often publically named, so if anyone wanted to find you and re-traffic you they could...they out you to your whole community [even] if you were in a position where no one knew what happened and wanted to preserve your privacy and reintegrate...” (Anon., Gender expert, United Nations Country team, pers. Comm.. 20 October 2009).

What is clear is that the inaccessible nature of these “rehabilitation” centres and anecdotal stories about their residents raise important questions as to the whereabouts of Vietnam’s “missing” victims and victim confidentiality.

Who are the victims? Male victims, labour exploitation and the Vietnamese Penal Code

As many individuals working in this field note, trafficking in Vietnam is largely associated with the sex industry and exploitation of women and children (Anon., Program officer, international organisation, pers. comm., 5 October 2009). As noted above, a major influencing factor has been the lack of recognition by domestic legislation of the existence of male victims of trafficking until recent amendments.

The exclusion of male victims of trafficking was a stark omission in the former Penal Code. Further, Article 1 of the Law on Child Protection, Care and Education (2004) define children as persons under sixteen years of age, not those under eighteen years of age as defined by international law (UN Convention on the Rights of the Child, Art. 1). Therefore, male children aged 16 to 18 were excluded from the protection of Vietnamese trafficking laws.

Despite the enactment of the new law, the legislative focus on women and children to date has had a significant impact on how trafficking is conceptualised, particularly in its association with sex work. Political, legal and social attention as a result is largely focused on trafficking for sexual exploitation over labour exploitation. Yet trafficked women are frequently forced to provide sexual services in conjunction with other exploitative labour (Kelly, 2005: 235). Labour trafficking also implicates men. Anecdotal evidence of trafficking of men for labour exploitation has been documented, particularly from Lao Cai, a northern mountainous province of Vietnam, to China (Hoang, 2008). Trafficking of male Vietnamese labour migrants has also been documented by Duong and Hong (2008: 119), who note that men who become involved in trafficking-like recruitment practices pay large fees to work in factories mainly in Taiwan, South Korea, Japan and Malaysia, with the promised contract later not coming to fruition. Many leave these factories, abandoning their original paperwork, and end up residing with irregular migration status in the destination country (Duong and Hong, 2008: 119).

The absence of attention or data on male victims of trafficking is not unique to Vietnam but is a problem facing many countries with regard to the formulation of their anti-trafficking legislation. In the case of Vietnam, the formerly narrow approach will continue to inhibit the accuracy and success of screening of male victims if practical measures are not taken to specifically ensure their identification. A UN official I interviewed, speaking broadly of the challenge of victim identification, noted: “There is no standard definition in this country and people have a different understanding of screening. When it comes to trafficking, it is very hard to classify whether someone is or is not a victim” (pers. comm., Counter-trafficking program coordinator, United Nations, 16 October 2009).

Two major challenges exist in relation to how “trafficking” is understood in Vietnam, first regarding the legal definition and second, its interpretation. While the possibility of Vietnam’s ratifying the UN

Protocol has been raised by the government, it is unclear whether the government will actually take this step and accept the UN Protocol's definition, the best example of a global consensus on the meaning of trafficking in recent times (see discussion in Vijayarasa, 2010b). Even if the UN Protocol's definition were adopted, significant work would be required to create an understanding at the national level about which returnees fall within the definition, particularly for screening purposes by the Border Guard Command and other service providers.

A further challenge is that of the lay understanding of human trafficking. One informant drew attention to the lack of acceptability of the word "trafficking" in Vietnam, which is understood to denote the "wholesale" trade of people. Rather, there is a preference among some stakeholders for using the words "buy and sell," which are understood as referring to as few as one victim (pers. comm., Counter-trafficking expert, international organization, 12 October 2009). Once again, these definitional challenges are not unique to the Vietnamese language, with many languages failing to accurately define trafficking and reflect the relationship between traffickers and trafficked persons (Kelly, 2002: 17-18).

Empty shelters: Where are Vietnam's victims?

From a methodological research perspective, several academics note the limited means of access to returned victims of trafficking. As a result, the majority of research on trafficked persons is based on samples of "survivors" who have been identified by law enforcement, through prisons, immigration authorities, lawyers, NGOs and international organizations (Laczko, 2005: 8; Cwikel and Hoban, 2005a: 311). However, one feature of the reintegration process in Vietnam is the relatively small proportion of victims who opt for shelter rehabilitation. This creates a major limitation on the amount of data that can be collected through the support of these shelters and also poses the question of whether victims accessing reintegration shelter support are representative of the broader trafficked population.

At the time of research, there were five main shelters operating in Vietnam:

- the Peace House Project operated by the Center for Women and Development (CWD), a local NGO established by the Vietnam Women's Union^[5] in July 2002;
- two shelters operated by AFESIP (Agir pour les Femmes en Situation Précaire, or Acting for Women in Distressing Circumstances) in Ho Chi Minh City and Can Tho City in partnership with the Vietnam Women's Union;
- an "open house" operated by US-based Pacific Links (operating in Vietnam as ADAPT, the An Giang Dong Thap Alliance for the Prevention of Trafficking) in An Giang, for women from Kien Giang and An Giang who have returned to Vietnam as trafficked victims or for those considered at "very high risks of being trafficked"; and
- a shelter in Hue operated by Nordic Assistance Vietnam (NAV).

Each of these organisations adopts different approaches when it comes to researchers' access to returned victims undergoing shelter rehabilitation. This impacts the amount of data that is collected and released about their demographic profile and, therefore, the extent to which data exists and is available on these returned victims.

During the course of my fieldwork, the number of returnees housed in these shelters ranged from zero to ten, staying for a period ranging from several months to over one year. NAV's shelter in Hue, with a capacity for twenty residents, housed only one returnee, which partly reflects the lack of interest of returnees to that region in shelter rehabilitation (Vijayarasa 2010a: 9). In the case of AFESIP, its 2006 Annual Report documents 28 residents in Ho Chi Minh City and 33 residents in Can Tho in 2006 (AFESIP, 2007: 4; see discussion in Vijayarasa, 2010a: 8-10). AFESIP also reports that in 2006, 36.5 per cent of returnees housed in the Ho Chi Minh shelter stayed for longer than 9 months, whereas just over half of victims in Can Tho stayed for a period of less than 3 months (AFESIP, 2007: 5). As of October 2009, the CWD shelter had housed a maximum of twelve residents during the course of its operation, despite having capacity for 20 persons.

There are number of factors that could be involved in the low numbers of shelter residents compared to the presumed number of victims. First, in light of the nature of the borders of Vietnam, unofficial returns are significantly higher than official returns (Anon., Counter-trafficking expert, international organization, pers. comm., 12 October 2009). Other authors note that the majority of returnees enter Vietnam by their own means, after having worked off their "debt", fallen ill and subsequently been released, or after escaping (Marshall, 2006: 7, 15). For returnees from Cambodia, the process of family

tracing is reportedly slow; this waiting period creates an incentive to self-deny one's status as a trafficked person and be returned through faster deportation processes instead (Marshall, 2006: 19). An array of reasons for low shelter populations was provided by one UN staff member whom I interviewed:

The shelter service providers do not make themselves known to the victims, so other agencies do not provide referrals. There could also be some policy issues involved. For example, the AFESIP supported shelter in HCMC only receives residents from HCMC, not from other provinces. Also, from my understanding, in order to be accepted to those shelters, you have to be referred by a government agency. Quite often, victims do not want to be known and want nothing to do with the government. Sometimes when they come back, they move to another area to start a new life. And also, there are some issues of quality (Anon., Counter-trafficking program coordinator, United Nations, pers. comm., 16 October 2009).

With regard to the quality of shelter services, there is no standard set of guidelines in practice across all shelters, with one shelter for example prohibiting the use of mobile phones by residents and visits from family and friends (Vijayarasa, 2010a: 9). Shelter quality was identified as a concern by several informants, although one informant noted that work specifically on this area was being done at the time of the interview to evaluate and improve shelters-based reintegration support. I contend that the types of controls that presently exist, the lack of understanding of the rights of residents and inadequate psychological support offered to returnees through shelters (Taylor et al., 2008: 5; Marshall, 2006: 21) mean that seeking shelter support may in fact not offer sufficient benefits, in terms of aiding reintegration, for a returnee to choose this option, hindering our improved understanding of the experiences of these victims of labour and sexual exploitation.

Self-identification is also an issue. This involves not only the question of whether victims are actually able to identify the concept of trafficking within their own experiences, but also the challenge of stigma. Explaining the factors that inhibit self-identification, one informant noted that victims "do not necessarily understand that they have been trafficked". The informant continued by noting "the limited benefits" available for those who identify as a victim such that [o]nly in limited cases, where they know someone who trafficked them and they want revenge" will someone self-identify as a victim (Counter-trafficking expert, international organization, 12 October 2009). In this respect, the notion of "migration gone wrong" may better serve to reduce such stigmatisation.

As a result, data collection from victims of trafficking housed in shelters, although valuable, must be scrutinized in terms of its representative value. The potential bias is reflected by Ms. Ferreras of AECID, the then principal donor to the CWD shelter in Hanoi during our interview:

Most of the victims are not entering the social system and most of the cases in the social system, they are the worst cases. So we need to analyse if the clients in the shelters are really representative. They might be a minority of the big profile. What is the profile? It seems young women between 12 and 30 years old. It seems ethnic minorities, but is this the profile? (E. Ferreras, AECID, pers. comm., 9 October 2009).

Ms Ferreras' comments reflect a widespread concern among those on the ground about the accuracy of what is commonly accepted as the demographic of Vietnam's trafficked population.

Ethnic minorities, cross-border labour and trafficking

The shared history and ethnicity between populations living on either side of the Vietnam-China border is a historical fact, deriving from the days before national borders were firmly established. Populations continue to move fluidly across both sides of the border. NGOs such as Save the Children indicate that Mong Cai is a destination for many children looking for work (Save the Children, 2008.). Despite this evidence, there is a clear tendency to fail to distinguish between adult and child victims of trafficking and adult and child labourers engaging in cross-border migration from Vietnam to China. The cross-border trade is a significant and valuable source of empowerment. However, the literature, including NGO reporting, frequently refers to the trafficking of women and children into China from Vietnam's northern provinces which now extends beyond the border provinces of Yunnan and Guangxi to inland provinces such as Henan, Hebei, Anhui, Jiangsu and Guangdong (Oxfam Quebec, 2005: 7).

As a result, a strong connection is drawn between ethnic minorities status and trafficking, that is, it is

presumed that the mountainous ethnic minority communities are particularly prone to trafficking. I argue that this assumption unjustifiably assumes that Vietnam's ethnic minorities experience patterns of trafficking similar to what has been documented in the past concerning Thailand's ethnic minority population and in fact conflates migration among ethnic minorities to trafficking. Thailand's 500,000 hill tribe and ethnic minorities who do not hold Thai nationality and are seen as more vulnerable to trafficking (Lyttleton 2002; SIREN 2008b, 1). Similarly, it has been noted that ethnic minorities in Vietnam "are very weak because the question of their citizenship is not very clear" (E. Ferreras, AECID, pers. comm., 9 October 2009).

Ethnic minority movement is particularly difficult to grapple with in the age of globalisation, and for groups for whom "borders" may have little or no significance. This is not to say that ethnic minorities are not among those who are identified as trafficked. Instead, what is problematic is the framing of an ethnic minority as the "quintessential trafficked person" and the failure to distinguish between exploitation and cross-border labour. When I questioned a district level government official on the profile of victims of trafficking, the respondent commented:

The victim is a 17-year-old-girl of Tay ethnic community from a commune targeted by the Provincial Program 135 (a program to support especially difficult communes). Her family's economic situation is very difficult. The majority of its earning comes from farm work. She is not able to go to high school and stays at home to help their parents with the farm work (Anon., District level official, DSEP, pers. comm., 1 October 2009).

Taking a more nuanced approach to assessing the accuracy of studies that identify ethnic minorities as more vulnerable, one counter-trafficking expert referred to the long history between China and Vietnam. Given the nature of the geographic area and the fact that citizens from both sides of the border are frequently from the same local ethnicity, "it is sometimes easier for traffickers from the other side to talk to the people here and cheat them". However, the informant added: that "this happens only along the border". The informant continued by noting how [i]n other areas, like the central parts of Vietnam, ethnic minorities usually live in a group so it is very difficult for strangers to come into the area or community and to lure them because usually they believe only in what they can see". He also contended that "[T]hey are not adventurous people so in some ways their living conditions and habits protect them from being trafficked" (Anon., Counter-trafficking expert, international organization, pers. comm., 12 October 2009). While this comment also relies upon certain assumptions and stereotypes about ethnic minority communities, it also highlights the necessity for a more cautious approach to previous assumptions about minorities, as I will discuss in the following section of this article.

IMPLICATIONS FOR LAW, POLICY AND PRACTICE

The uncertainty that exists regarding current global and national data on trafficking is widely recognized. Nonetheless, legislators, policy makers and stakeholders developing programmatic responses to more effectively prevent trafficking, protect victims from exploitation and prosecute traffickers face little choice but to rely on the data that currently exists. This results in shortcomings in policy responses. As an IOM report notes, "To talk of evidence-based policy making remains a target for now, which has not yet been achieved" (IOM and Federal Ministry of the Interior of Austria, 2009: 5). In the following section, I discuss some of the implications of relying on such data, and conclude by providing some recommendations on ways to move towards a more accurate and encompassing means of data collection.

The approach of the government

The Government of Vietnam's approach is largely focused on the criminal justice aspects of human trafficking as opposed to the individual human rights violations involved in labour exploitation. This approach creates stigma and further hides an already often hidden population. The focus on trafficking of women and girls for sexual exploitation also leads to the neglect of other forms of trafficking in policy responses. The most pressing reform is the eradication of the language of "social evils" from policy and legislation, and the elimination of correctional facilities, for trafficking and non-trafficked persons alike (Vijayarasa, 2010a: 10). From a research perspective, a move away from this stigmatising approach could greatly aid victims' self-identification and may foster greater willingness to cooperate with government authorities responsible for combating human trafficking.

The law: Widening the meaning of human trafficking

In addition to the implementation of Vietnam's new trafficking law from January 2012 onwards, it is essential that policy and other awareness-raising efforts are used to give greater attention to the traffic of men and trafficking for labour exploitation. The exploitation of migrants moving within Vietnam's borders is a further neglected issue. In the words of one counter-trafficking program officer, "But if we ratify [the UN Protocol] and we accept internal trafficking and address men being trafficked, that would be good. All sectors can be addressed for all vulnerable people (pers. comm., Program officer, International organization, 5 October 2009). Furthermore, greater focus should be placed on evidence showing a lack of awareness of risks and ensuring access to justice rather than on measures that have a punitive impact on trafficked persons.

Shelters, data collection and sampling in Vietnam

It is methodologically unsound to assume that samples drawn from victims housed in shelters are necessarily representative of the Vietnamese trafficked population as a whole. However, bearing in mind the rights to confidentiality of individual returnees, it is important that whatever data can be collected from shelters is shared with the wider public. This would allow us to better understand the relationship between victims and traffickers (personal contacts, friends, and family members), the markets in which the victims were exploited, and the nature of the forced work. In addition, aggregation of methodologically sound data collected from shelters across Vietnam would better inform counter-trafficking efforts in Vietnam.

Consolidation of data

As noted by my informants during my fieldwork, Vietnam lacks a coordinating agency actively involved in human trafficking, despite DSEP's designation as having that role:

Because of the way that the government is managing the situation, the statistics are not done properly and there is no government agency that is really managing and controlling all the information flow, especially on returns of trafficking cases...where that information is stored is the issue. Even though DSEP is responsible for trafficking, they have no statistics (pers. comm., Counter-trafficking expert, international organization, 12 October 2009).

Lack of coordination between BGC officials, the Ministry of Justice and DSEP leads to a lack of consolidated data. If consolidation is attempted, careful attention must be paid to the different definitions of trafficking used in past data collection, the time periods for which the data exists, and the purposes for which the data was collected by the individual government agencies.

With a large number of stakeholders involved in data collection (shelters and shelter staff, local and international NGOs and government agencies), a final challenge is whether coordination of data collection between the government and NGO community is actually possible. What is clear, however, is the need to couple NGO and government data, and to undertake country-wide consolidation. Otherwise, we will continue to be inhibited in efforts to understand emerging markets, methods of transport, and new recruitment patterns, as well as the recruitment of men and boys who often (as in the case of Vietnam) fall outside of the reintegration services offered by NGOs and international organisations.

A nuanced analysis: The situation of ethnic minorities

The limited ability to develop useful samples in Vietnam highlights the need for careful consideration of any data collected. This is particularly the case in regard to ethnic minorities in Vietnam.

A number of informants were critical of the tendency to assume a correlation between ethnic minority status and the risk of being trafficked. In this respect, a more nuanced approach to trafficking in Vietnam would recognize other factors that raise the risk of recruitment into potentially exploitative labour, such as geography:

...some communities are more vulnerable than other communities simply because they are close to the road, close to the trafficking route. There are some communities that are miles away, so they are not vulnerable to trafficking, because trafficking is just not an issue there. They have the same level of education, income and poverty but are less vulnerable based on their location (pers. comm, Counter-trafficking program coordinator, United Nations, 16 October 2009).

To simply identify characteristics common to both trafficked and non-trafficked populations as a

dispositional factor is erroneous, and does not reflect the geographic element involved in trafficking, particularly in a country like Vietnam with high levels of cross-border movement. Therefore, the assumption of heightened vulnerability of ethnic minorities needs to be subject to increased examination.

The stereotypical portrayal of trafficking

The common portrayal of victims of trafficking as a young, female of ethnic minority status lured from her home, stems largely from how key stakeholders on the ground describe identified or potential victims. There is a clear tendency in Vietnam to emphasise the stereotypical case, with the stories of other victims lost in reporting. As Ms Ferreras noted, when stakeholders report cases, “they want the bad story, they want the stereotypical story. If you are talking about a woman of 35 years, it is not really interesting”. To the contrary:

...if you are talking about a girl 16 years, she talked to a false friend and the false friend sent her to a brothel in China and she was raped... if it is not this kind of story, it is not considered really interesting. It is not very “real”. There is an impression that you need the worst scenario (E. Ferreras, AECID, pers. Comm., 9 October 2009).

Given the current attention on young, female Vietnamese victims of trafficking, it is essential that reporting on the issue highlights the spectrum of experiences involved. With the amended Penal Code criminalising the traffic of men, it is likely that stories of male victims will increasingly emerge which must be given adequate attention in reporting from the ground.

CONCLUSION

This article has analysed the global challenges that exist in relation to data collection about human trafficking that are also frequently faced at the national level, through a case study of Vietnam. The ability to obtain accurate and unbiased data is inhibited by local political, socio-economic and cultural circumstances. In the case of Vietnam, victim identification is affected by the government’s “social evils” approach that stigmatises and criminalises victims, inhibiting self-identification and raising questions about the whereabouts of victims. Shelters, although relatively empty, can provide a useful starting point in building a demographic picture, but the representative nature of such data needs to be questioned. This includes where it over-represents ethnic minorities and in the case of Vietnam, only offers data on female victims.

Where data cited is not first-hand, the reliability of the original sources should be subject to scrutiny in all NGO, UN and donors’ reports. Distinctions need to be made between undocumented migrant women working in the sex industry in destination countries who may be vulnerable to labour exploitation and those who are trafficked for forced sexual exploitation. It is important to highlight marked differences between ethnic minority communities who experience heightened vulnerability to trafficking based on geographic location and those who do not. Finally, all published data needs to be considered with an understanding of the purpose for which it was collected and later published, and how this might raise questions of potential bias.

It is important that policies related to victims of trafficking be grounded in a better understanding of the conditions, needs and priorities of the specific target groups, both in terms of raising awareness among potential migrants, as well as supporting returned victims of trafficking. However, to do this, it is essential that the data on which laws and policies are based, better represents the demographics of victims, their experiences and needs upon returning home. Addressing the barriers to more accurate data collection is only a starting point to improved, evidence-based responses to trafficking. This reflects the important need for further research into the factors discussed in this chapter as well as ensuring these considerations influence the lens through which data is read, analysed and applied with the goal of reducing the risks of labour exploitation of Vietnamese migrant workers both within Vietnam and abroad.

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[1] Approval was granted for this fieldwork by the Human Research Ethics Committee of the University of New South Wales on 1 June 2010. As required by the Human Research Ethics Committee of the University of New South Wales, a Participant Information Statement (PIS) and consent form was distributed to all participants. This provided an explanation of the purpose, methods and intended possible uses of the research; why the informant's participation in the research was requested; and the confidentiality of information supplied. Participant anonymity was offered, if desired.

[2] Ms Do Thi Thai Thanh holds a Bachelor of English from the Hanoi Foreign Language College and has experience translating documents related to HIV and AIDS and migration for both local and international NGOs and international organizations in Vietnam.

[3] Nine additional informants were contacted for potential participation in this research. This included four local NGOs, three of whom did not respond and one of whom responded by declining to participate on the basis of their insufficient depth of knowledge; one academic with a Hanoi-based research institution and two gender specialists at a multilateral donor organization, from whom no responses were received. Two staff working for UN agencies accepted to participate but were unable to do so due to personal circumstances.

[4] As noted above, the ability to note these changes in demeanor and personal expressions is a valuable component of face-to-face research that unfortunately email interviews do not offer.

[5] The Vietnam Women's Union (or VWU) is a mass organisation formed in 1930, the formation of which "effectively shut women out of full participation of the main arena" (Brownmiller, 1994: 83). Still today the *de facto* national women's bureaucracy, the VWU is one of the largest women's mass organisations in the world, with an estimated 50 percent of women over 18 years of age as members. With strong links to women at the village level and horizontally to trade unions, the VWU is a frequent partner for implementation of projects with the UN, international organisations and donors. However, it is an under-resourced entity that "lacks mechanisms for coordinating policy with government units" (Goetz, 2003: 77). As one informant commented, the "Women's Union does not exist to discuss emerging gender issues in the society of Vietnam. It exists to maintain the status quo" (Anon., Senior Economist, Development Bank, 13 October 2009; see also Vijayarasa, 2010d: 94 for a more detailed analysis of the VWU).