ENGENDERING THE EVALUATION OF
ANTI-TRAFFICKING POLICY:
THE VIETNAMESE NATIONAL ACTION PROGRAMME AGAINST
TRAFFICKING IN WOMEN AND CHILDREN
2004-2010 (THE VNAP)

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DEDICATION

This thesis is fully dedicated to the lifelong deep memory
of my dearly beloved Daughter Nguyen Phuong Lan
(02.12.1996 - 12.08.2012) – A senior student of Hamilton Girls' High School –
who I unfortunately lost during my PhD journey.

I will always hold you in the palm of my hand. (Isaiah 41:13)

Abstract

Human trafficking is a prominent global problem affecting some 27 million people worldwide and has social, developmental, and human rights implications. Although in its various forms trafficking affects men, women and children, it has long been conceptualised as a women's issue because women have comprised the majority of trafficking victims. Whilst historically associated with the transit of women for forced prostitution, today there are various socio-economic and cultural factors that contribute to the increasingly complex forms of trafficking in persons: poverty, patriarchy, globalisation, increased labour demand, and the growth of the sex industry. Vietnam, with other countries in the Greater Mekong Sub-region (GMS), is a major source country for human trafficking in Southeast Asia. In an effort to address its growing trafficking problem, the Government of Vietnam has put in place multi-dimensional and multi-sectorial policies, most notably in the form of The *Vietnamese National Action Programme Against Trafficking in Women and Children 2004-2010* (VNAP). The VNAP was aimed at preventing the crime, punishing the perpetrators, and reintegrating survivors into the community.

The present research undertakes a gender evaluation of the VNAP. The objective of this study is to explore the extent to which the VNAP has achieved its policy objectives and goals, and to assess its effectiveness in addressing trafficking from a gender perspective. More specifically, this gender evaluation seeks to assess the effectiveness of the VNAP in changing the context that contributes to the trafficking of women. It examines the gender politics of policy-making surrounding an issue rooted in a patriarchal society and state. Finally, it aims to illuminate processes of policymaking in the market-oriented socialist country of Vietnam.

The gender evaluation presented in this thesis adapts Fischer's policy evaluation framework to examine whether the VNAP's stated objectives, in relation to the 3Ps (Prevention, Protection, and Prosecution) were fulfilled; whether partnerships (as the fourth P) were successful in providing a united approach to combating the crime; whether the VNAP was gender-sensitive in involving women's voices in policymaking, and contributing to women's empowerment; and whether the

ideologies around gender and women that underpinned the VNAP may have undermined its impact and effectiveness and, if so, in what ways.

The evaluation is informed by extensive qualitative research conducted in Vietnam in 2010, and draws on both primary and secondary data. The primary data includes transcripts from a series of interviews and focus group discussions conducted in three cities and provincial locations, in which 114 state actors, non-state actors, trafficking survivors, and women in the community shared their views on human trafficking and the VNAP. The secondary data includes national and international agency reports, policy documents, statistical data, and existing research on human trafficking in Vietnam and Southeast Asia.

The findings suggest that although the VNAP successfully implemented some effective programmes of action, especially in terms of disseminating anti-trafficking information and in developing partnerships, there were significant gaps in this policy response. There was a considerable lack of resources and insufficient training provided at various levels of policy-making and a lack of gender-specific training sensitive to the needs of trafficked women. The communication between various actors was ineffective leading to different interpretations of the VNAP's policy mandates. Furthermore, the definition of human trafficking used in the VNAP denoted human trafficking as exclusively meaning trafficking in women and children, and consequently ignored men as potential policy beneficiaries.

From a gender perspective, there was inadequate participation of women in the VNAP's decision-making and policy-making processes, and an insufficient recognition of trafficked women's needs for sustainable livelihoods. The VNAP, as it was implemented, failed to enhance the accountability of the state to women. Furthermore, the VNAP and its related institutional structures were built on patriarchal gender constructions that marginalised women's roles and abilities. Overall, while the VNAP, at best, improved women's awareness of trafficking, it did not create a context in which women were effectively empowered in their families and in their communities. Consequently, Vietnamese women's greater vulnerability to the risks of being trafficked continues to persist.

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List of Abbreviations

AFESIP	Agir pour les Femmes en Situation Precaire
ASEAN	Association of Southeast Asian Nations
ASEAN MLAT	Treaties on Mutual Legal Assistance in Criminal Matters Among Like-minded ASEAN Member Countries
BDPA	Beijing Declaration and Platform for Action
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
Cgd	Central government document
COMMIT	Coordinated Mekong initiative against Human Trafficking Process
COMMIT SPA	COMMIT Sub-regional Plan of Action
CSGs	Community Support Groups
EPZs	Export Processing Zones
FDI	Foreign Direct Investment
GAO	(The US) Government Accounting Office
GDI	Gender development Index
GEM	Gender Empowerment Measure
GENDERNET	Network of Gender equality
GMS	Greater Mekong Sub-region
GOV	Government of Vietnam
GRF	Gender Roles Framework
GSEF	Gender-sensitive Evaluation Framework
GSO	General Statistics office [of Vietnam]
HIV/AIDs	Human immunodeficiency virus infection/ acquired immunodeficiency syndrome
IGOs	International Governmental Organisations
ILO	International Labour Organisation
IOM	International Organisation for Migration
Lgd	Local government document
LHT	Law on Human Trafficking
MDGs	Millennium Development Goals
MOD	Ministry of Defense
MOJ	Ministry of Justice

MOLISA	Ministry of Labour – Invalids and Social Affairs
MOU	Memorandum of Understanding
MPS	Ministry of Public Security
NGOs	Non-governmental Organisation
NSA	Non-state Actor
NZD	New Zealand Dollar
OECD	Organization for Economic Cooperation and Development
SA	State Actor
SAPs	Structural Adjustment Policies
SHGs	[Women's] Self-help Groups
SIREN	Strategic Information Response Network
SPC	Supreme People's Court [Vietnam]
SRF	Social Relations Framework
STDs	Sexually Transmitted Diseases
TVPA	Victims of Trafficking and Violence Protection Act
Tier 2WL	Tier 2 Watch List
TIP	Trafficking in Persons
TRF	Triple Roles Framework
TRs	Trafficking Returnees
TVPRA	Trafficking Victims Protection Reauthorisation Act
TW	Trafficked Women
TWC	Trafficking in Women and Children
UN	United Nations
UN Global TIP Report	Global Report on Trafficking in Persons issued by the United Nations Office on Drugs and Crime
UN Trafficking protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially in Women and Children
UNDOC	United Nations office on Drugs and Crime
UNDP	United Nations Development Programme
UNHCHR	United Nations High Commissioner for Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIAP	United Nations Inter-Agency Project on Human Trafficking
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women

UNTOC	United Nations Convention against Transnational Organized Crime
US	United States
US TIP Report	US Trafficking in Persons Report
USAID	U.S. Agency for International Development
USD	United States Dollar
USDOS	U.S. Department of State
VCP	Vietnamese Communist Party
VJPGE	Vietnam Joint Programme on Gender Equality
VNAP	Vietnamese National Action Programme Against Trafficking in Women and Children 2004-2010
VND	Vietnam Dong
VNSC	Vietnamese National Steering Committee [to Combat Trafficking in Women and Children]
VOV	Voice of Vietnam
VWU	Vietnam Women's Union
WGD	Women's Group Discussion
WHO	World Health Organisation

Chapter One: Background to the Research

Human trafficking ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at the social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I am talking about the injustice, the outrage, of human trafficking, which must be called by its true name – modern slavery. (US President Barack Obama, 2012, as cited in USDOS, 2013, p. 7)

1.1 Introduction

Human trafficking is a prominent global issue of our times, and, reportedly, on the rise. It is a multi-dimensional issue; it is a crime, a violation of fundamental human rights, a cross-border security concern, and because of the implications for human growth, also a development issue. Despite the limitations in gathering accurate statistical data, it has been estimated that approximately 600,000 to 800,000 people are trafficked annually across international borders [1]. The *Trafficking in Persons Report* issued by the United States (hereafter called US TIP Report)[2] in 2013 confirms that as many as 27 million men, women, and children are trafficking victims at any given time, and the work to eradicate human trafficking remains an uphill struggle for countries worldwide (USDOS, 2013). Although it is termed human trafficking, it is clearly a gendered crime: women and children experience the greatest devastation from human trafficking and are the most vulnerable in the trafficking process. Approximately 80 per cent of the victims of trafficking are women and girls, and at least 50 per cent are minors

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[1] These human trafficking figures, however, are contested; the limitations of trafficking statistics will be discussed in Chapter Two of this thesis.
[2] There are two types of annual international human trafficking reports: the *Trafficking in Persons Report* issued by the United States and the *Global Report on Trafficking in Persons* issued by the United Nations Office on Drugs and Crime (hereafter called UN Global TIP Report).

(USDOS, 2005). Sexual exploitation is the most commonly identified form of human trafficking and constitutes 79 per cent of trafficking cases, followed by labour exploitation at 18 per cent (United Nations Office on Drugs and Crime [UNODC], 2009b). Being seen as a low-risk and high-profit trade, human trafficking attracts different individuals and groups, from organised criminals at one extreme, to members of a neighbourhood or extended family at the other, making it a crime marked by ordinariness while also being an unthinkable practice against human beings.

Like many other countries worldwide, Vietnam is not immune to human trafficking. Human trafficking has existed in Vietnam for a long time, since the early 1880s (Lassard, 2009); however, it has only become a widespread practice in Vietnam since the intensification of globalisation in the early 1990s, with increasing figures now acknowledged. From 1998-2008, approximately 5,700 Vietnamese women and children were trafficked, 8,000 were absent from home and assumed to have been trafficked, and another 11,000 women may have been victims of the illegal bride trade (Vietnam Women's Union [VWU], 2008c). According to the General Department for Crime Prevention and Control of Vietnam, from 2005-2012, Vietnam has uncovered 3,200 trafficking cases, involving 5,600 traffickers and 7,000 victims (Tuoitrenews, 2013). The latest updated data on trafficking in Vietnam show that, in 2012 alone, nearly 900 trafficking victims were identified by authorities; during the same period, border guards, in partnership with government agencies, rescued and received 201 victims of trafficking (USDOS, 2013). Statistics on human trafficking in Vietnam, however, are inconsistent, and the government itself is unclear about the number and status of trafficked women and children living abroad (Government of Vietnam [GOV], 2004). The real extent of the crime thus remains underestimated.

The Government of Vietnam (GOV), in the last decade, has taken conscious steps to address the issue of human trafficking. Alongside legislative changes with the issuance of laws governing human trafficking crime (such as the Penal Code in 1999, the amended Marriage and Family Law in 2000, and the amended Labour Code in 2002),the government, in 2004, instituted a significant policy – *the Vietnamese National Action Programme against Trafficking in Women and*

Children 2004-2010 (the VNAP)[3]. The VNAP is considered to be unique for its time. It is a government-wide policy that is built on the collaboration between governmental and non-governmental agencies. As a national action programme, the VNAP consisted of a suite of programmes: awareness raising; prosecution of criminals; and rehabilitation of trafficking survivors. It aimed to address some of the underlying causes of human trafficking making it both a complex gendered crime, and a development issue. But, how effective has this policy been? Have its goals of reducing human trafficking been successful? And more particularly, was the VNAP a gender-sensitive policy? i.e., have the factors that make women and children especially more vulnerable to this crime been addressed by the VNAP's interventions? This thesis aims to answer these questions by undertaking a gender evaluation of the VNAP. It explores, at one level, the extent to which the policy achieved its objectives and goals. At another level, it examines the gender politics of policymaking surrounding an issue which is strongly rooted in a patriarchal society and state.

This evaluation is timely for several reasons. There have been many studies internationally that seek to explore the causes of trafficking; however, there are fewer attempts to explore the effectiveness of ongoing intervention. In Vietnam, although the VNAP was in place for nearly a decade, to date, there has been no official evaluation undertaken to assess whether it achieved its objectives. Thus, this thesis aims to offer a practical assessment of a significant policy response to trafficking in the Vietnam context. However, at a more academic level, it seeks to demonstrate the links between state, gender, and policy and how these variously empower and impede the development of marginalised groups.

1.2 Human Trafficking: An Overview and Definition

The issue of human trafficking was first raised in the international policy arena over 100 years ago. For the majority of the twentieth century, human trafficking was regarded as a crime primarily relating to women and prostitution. Human trafficking, historically, originated from the ancient practices of slavery and the slave trade. The white slave trade (or white slave traffic as it was known) was a consequence of a migration flow of young, poor, white women in search of

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[3] Two stages of the VNAP have been completed: from 2004-2006 and from 2007-2010.

employment in Western European and American cities in the nineteenth century and the early twentieth century (Willis, 1910). Willis argues that many of the white women going abroad were reported as escaping from their countries. The nation states in Western Europe and America tried to prevent the high demand for women and girls in the ill-famed markets. However, traffickers made use of all possible means to reap enormous financial profit, ignoring women's vulnerabilities.

The first two international legal documents which governed the issue of human trafficking in the early twentieth century clearly illustrated these origins through their use of the term "white slave traffic". In 1904, the *International Agreement for the Suppression of the White Slave Traffic*[4] (the 1904 Convention, signed in Paris) was designed to address the issue of the procuring of women and girls for immoral purposes abroad. All the signatories of the agreement were European countries from where the white slaves originated. Later, in 1910, the *International Convention for the Suppression of the White Slave Traffi*c[5] (the 1910 Convention, also signed in Paris) characterised the white slave traffic as the act which gratifies the passions of another person through procuring, enticing or leading away a woman or girl, even with her consent. Although coercion or fraud has not been mentioned previously, it was defined in the 1910 Convention as an important criterion to define human trafficking crime. However, this condition was subsequently eliminated in the *International Convention for the Suppression of the Traffic in Women*[6] (concluded in Geneva, in 1921).

The controversial category of "white" identity of trafficked victims was removed from the *International Convention for the Suppression of the Traffic in Women and Children*[7] in 1921 and replaced by the term "traffic in women and children". However, the term was not defined in the convention. In 1949, the UN Convention on the Suppression of Trafficking in Women and the Exploitation of Others (the 1949 Convention, signed in New York) offered a definition of traffic in persons which focused on prostitution and considered prostitution, both

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[4-7] Available at https://treaties.un.org

voluntary and forced, to be trafficking. This was not ratified widely by nation states due to its inadequate definition and lack of enforcement mechanisms, as it dealt solely with the cross-border movement of persons into prostitution. The definition also unintentionally restricted women's already limited options for cross-border mobility and agency (Segrave, Milivojevic, & Pickering, 2009), because some nation states implemented restrictive migration policies to prevent women from becoming prostitutes overseas. Since 1949, the definition has been broadened several times through a range of international treaties and conventions.

The most current and internationally accepted concept of human trafficking is presented in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially in Women and Children*, issued by the United Nations in 2000 (hereafter called UN Trafficking Protocol)[8]. Accordingly, for the purpose of this research, trafficking in persons means:

> [T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs... (Article 3a)

> [T]he consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (3a) of this article shall be irrelevant where any of the means set forth in subparagraph (3a) have been used... (Article 3b)

This definition provides general guidance to different actors, including scholars, governments, governmental organisations, non-governmental organizations

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[8] The UN Trafficking Protocol was adopted by the United Nations in 2000 and entered into force on December 2013. As of November 2013 it has been ratified by 158 states, and signed by 117 states (United Nations, 2013). To date, Vietnam has ratified but not signed the UN Trafficking Protocol.

(NGOs) and inter-governmental organizations (IGOs) when examining and responding to trafficking. The definition also clarifies that human trafficking is not just a single element on its own. It is a combination of an act (recruitment, transportation, harbouring, etc.), a means (use of threats, force, coercion, deception, etc.), and a purpose (exploitation). Further, the main characteristic of trafficking (forced exploitation of people) has been emphasized in this definition as a main criterion for recognizing and determining the crime. The long checklist of forms of exploitation shows that all persons are potential victims of trafficking, while women and children are most vulnerable to this crime. As a result, the currently accepted definition may enhance our understanding of trafficked persons and emphasize the need to view them as victims, rather than criminals who violate national immigration laws and regulations. Also, the sub-definition of consent serves as the "hinge of coercion and choice" in a "voluntary/forced" conceptual framework to understand sex work (Doezema, 2005, p. 71).

However, it is clearly apparent that the understanding and use of "human trafficking" as a concept has not been the same in different countries. In some contexts, including Vietnam, the terms "trafficking in women", and "trafficking in women and children" are still in use, instead of "human trafficking", or "trafficking in persons". And, this has had significant implications for the construction of the issue and its victims, as I shall demonstrate in my evaluation of the VNAP.

1.3 Human Trafficking: International and Regional Overview

Human trafficking has become a matter of great importance for countries worldwide, not only because it is one of the fastest growing crimes – which one dehumanises and erodes human dignity (Getu, 2006) – but also because it involves different countries, different regions, and different continents. The *UN Global TIP Report 2009* cites emerging features of human trafficking around the world. It notes that human trafficking crimes are increasing worldwide, while public awareness is not proportionate to the seriousness of the problem. According to the report, Europe is the main destination for trafficking victims, while Asians constitute a significant proportion of the victims and are present in different countries worldwide (United Nations Office on Drugs and Crime [UNODC], 2009).

Within Southeast-Asia, the Greater Mekong Sub-region (GMS) of Thailand, Burma, Cambodia, Vietnam, Laos and Yunnan Province of China has become a major hot spot for human trafficking. Annually, some 250,000 people in the region are victimised by trafficking (World Vision, 2008). Thailand is the major destination for trafficked victims from the other GMS countries; the other member countries are also destination or transit points for human trafficking. The GMS countries combat human trafficking in the region through a bilateral and regional mechanism of cooperation. However, long river borders, weak management, and corrupt officers are among a range of factors that leave the problem prevalent and make it a sensitive political issue for all countries in the region (Derks, 2000). To successfully address the problem of human trafficking in the GMS, there is a need to take into account not only the cross-border nature of the crime and the inter-connection of the member countries, but also the specific socio-economic, cultural and political contexts of each country.

Trafficking in women in Vietnam has been noted to occur since the early 1880s, with cases of Vietnamese women purchased by Singaporean Arabs or Chinese. Later on, trafficking in Vietnamese women increased during the first fifty years of French colonial rule in Vietnam, from 1885-1935 (Lassard, 2009). As in many other countries, in Vietnam, the scale of this illicit trade has widened in the era of globalisation and the market economy, because people have more opportunities to move to different places in around the country or cross country borders, especially to other countries in Southeast Asia. It should be noted that, Southeast Asia includes 11 countries: Vietnam, Laos, Cambodia, Thailand, Myanmar (Burma), Malaysia, the Philippines, Singapore, Brunei, Indonesia, and East Timor. Eight of those countries allow Vietnamese citizens to enter without visas and stay there for 30 days maximum (except in Brunei, where the limit is 14 days, and in the Philippines where it is 21 days). Taking advantage of this regulation, perpetrators tend to traffic women for sexual purposes within the time limit for sexual exploitation (Ha Anh, 2013). Vietnam has been defined as a hot point of human trafficking in the GMS countries (see Figure 1) as well as in Southeast Asia more generally. Vietnam is a source country, and to a lesser extent, also a destination country of human trafficking (Humantrafficking.org, 2012). Figure 1 shows a map of Vietnam within the GMS and its major human trafficking routes. The arrows indicate that Vietnamese people are trafficked domestically and internationally, to

GMS countries. In fact, Vietnamese people are also trafficked to different countries outside the GMS, such as Indonesia, the United Kingdom, the Czech Republic, France, Sweden, etc. (USDOS, 2013).
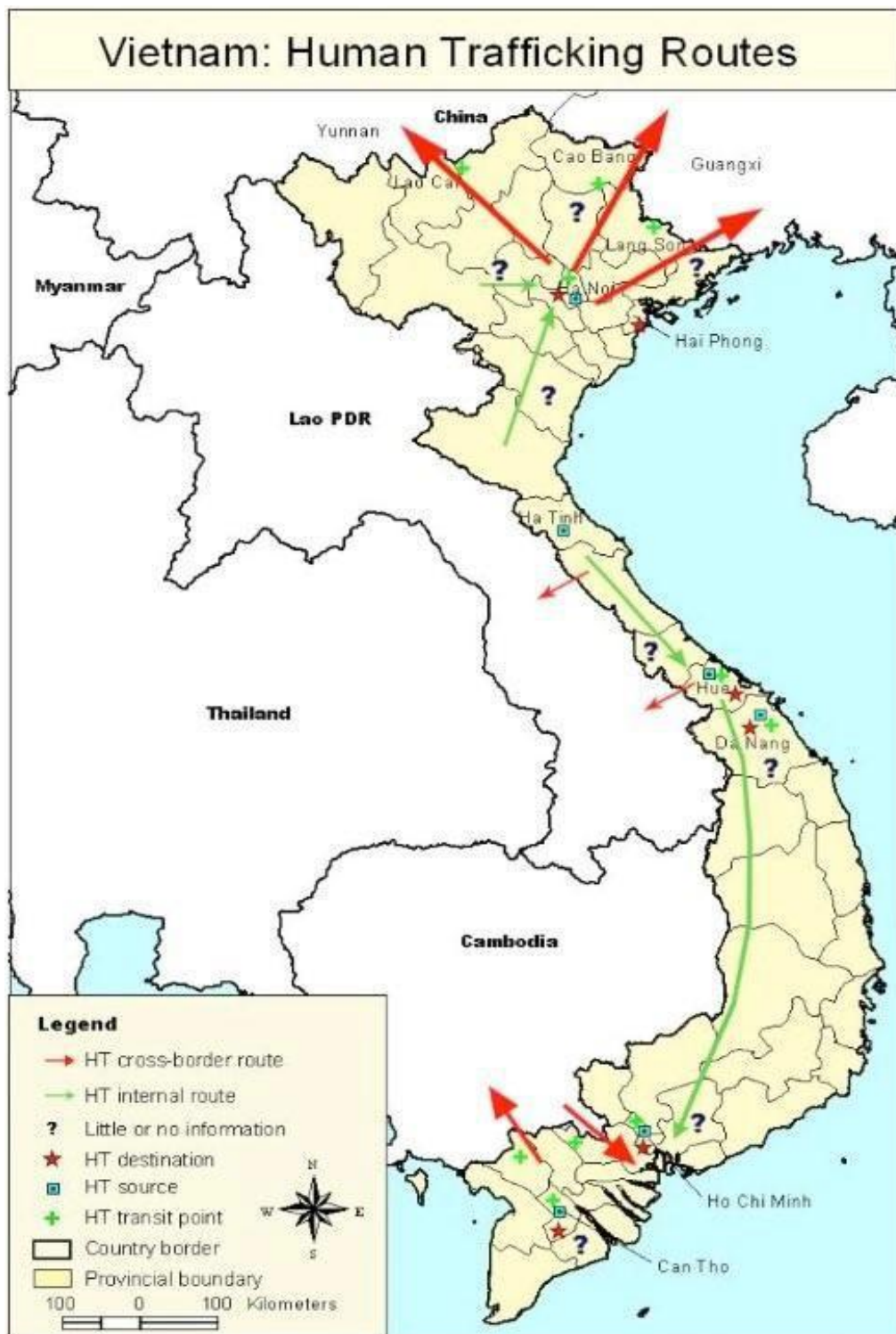
Figure 1: Human trafficking routes in Vietnam
Source: Adapted from the website of the United Nations Inter-agency Project on Human Trafficking (UNIAP)
(The map is available at **http://www.no-trafficking.org/vietnam_who.html**).

By 2010, in Vietnam, human trafficking was understood and defined as trafficking in women and children (TWC); most of trafficking cases reported before 2012 were international trafficking, trafficking for sexual exploitation, and trafficking for forced marriage. The year 2012 was an important benchmark of Vietnam anti-trafficking politics with the birth of the national Law on Human Trafficking (LHT) in which the term human trafficking is officially used instead of trafficking in women and children.

1.4 Construction of Gender and Human Trafficking

1.4.1 Human trafficking as a gender issue

Feminist theory defines gender in multiple ways. At a basic level, it is the social construction of what is female and male which informs a vast array of their dispositions and behaviours including their attributes and temperaments, their roles, the activities they can undertake, and their mobility, to name a few. Social constructions of gender define the norms of women and men's lives which individuals are socialised into. At another level, gender also works in and through institutions in what Connell (2009) calls "the gender regime" where social structures - such as the labour market and the state - play out these gendered constructions that shape and regulate individual attitudes and behaviours. Gender constructions at the individual and institutional levels are not value-free but are integral to creating conditions of inequality for and between women and men. Gender intersects with class, religion, ethnicity, sexuality, etc. to create complex constructions of dominant and subordinate femininities and masculinities all of which play out in individual and institutional ways. Gender biases, discriminations and vulnerabilities must therefore be studied in context. It must be pointed out that although women fare worse in most societies as a result of gendered constructions, this is not always straightforward.

To say that human trafficking is gendered points to the constructions at both individual and institutional levels that play out in several ways: women are conditioned to be sexually available as men are conditioned to expect that sex is available for their use. Institutionally, these values are manifest in laws and policies that do not challenge these fundamental constructions and all actors within these institutions adhere, knowingly and unknowingly, to this "norm". In

this research, I pay attention to gender as it plays out at all these levels in the form of attitudes, behaviours, assumptions underlying policy and the norms they uphold.

Although primarily an issue of human rights, human trafficking is also a socio-economic issue that relates to gender discrimination and gender inequality. Existing literature shows that globalisation itself is a gendered process as it has different gendered impacts on women and men (Razavi, Arza, Braustein, Cook, & Goulding, 2012), and human trafficking is a gender issue that links to the feminisation of globalisation as I illustrate in Chapter Three. Gender aspects of human trafficking are also reflected through the feminised characteristics of globalisation, including feminisation of poverty, feminisation of the labour force, feminisation of migration, and feminisation of victims of sex trafficking. In fact, there is also a feminisation of trafficking perpetrators. According to the United Nations Office on Drugs and Crime, women tend to be involved more in the trafficking business, both as victims and perpetrators; notably, female offenders play a more prominent role than in the case of any other form of organized crime (UNODC, 2009). Anti-trafficking policy as well as research on the human trafficking issue, therefore, needs to take into account these gender aspects of human trafficking, rather than remaining gender-blind and ignoring its gendered causes and consequences.

1.4.2 Human trafficking and globalisation

Human trafficking, as Saramasinghe (2003) acknowledges, is the dark side of globalisation. Globalisation brings a dramatic increase in human interactions throughout the globe, and the improvement of transportation networks and technology has also contributed to the expansion of human trafficking. In terms of its economic and socio-political consequences, globalisation unevenly and unequally impacts on different persons, countries and regions, and tends to disproportionately disadvantage women and children in particular. In migrating to expand their livelihood opportunities, women become subject to different types of victimisation (Piper & Roces, 2003), and human trafficking is one of the potential risks. In addition, as a part of globalisation, the implementation of Structural Adjustment Policies (SAPs) in developing countries during the 1980s exacerbated female poverty (Samarasinghe, 2008). According to Afshar and Dennis (1992), SAPs focused more on the reallocation of public resources and cutbacks in public

expenditures through repayment of loans, rather than focusing on women's basic needs, and resulted in increasing women's vulnerabilities. Thus, as scholars have noted, there can be many locally and regionally specific factors that encourage human trafficking and render women and children especially vulnerable to being trafficked (Nair & Sen, 2005; Rushing, 2006).

In addition with globalisation, the power and resilience of patriarchy is further entrenched in society and the state exploits existing norms of female subordination to achieve their socio-political goals (Samarasinghe, 2008). While the specific micro- and macro-level factors that contribute to trafficking in the individual country context are as yet poorly understood, it is clear that the phenomenon occurs in this wider context of globalisation, rapid economic transition, and changing gender norms and values, and should not be viewed in isolation from this backdrop. Globalisation and SAPs themselves, however, are only a part of the problem, because human trafficking had been recognized as existing a long time ago[9], before the appearance of globalisation and SAPs. Also, human trafficking exists within the broader context of organised crime, migration, and exploitation, which attracts the attention of the state and community. As a complex issue in a globalised world, human trafficking requires a more comprehensive approach than the existing approaches. These focus on migration, labour and sexual exploitation, and crime networks, emphasising the structural and systematic weaknesses in the macro-context that lead to human trafficking.

Globalisation and neo-liberal capitalism, according to Schiller and Fouron (2003), are modes of production, distribution, and consumption that create violence in two forms: direct violence and structural violence. Human trafficking is a case of structural violence – a less visible form of human life destruction that affects large numbers of women and growing number of men all over the world, as well as entire societies. The Beijing Declaration and Platform for Action (BDPA) in 1995 emphasized violence against women as one of twelve main critical areas of concern[10], along with the need for countries worldwide to take strategic action to address issues of gender vulnerability and patriarchy that hamper women's full equality and advancement (UN Women, 1995). However, nearly two decades

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[9]   The book *White Slave Traffic*, presumed to be one of the first books on human trafficking, was published in London in 1910 (Willis, 1910).

[10]   Some other areas of concern included poverty, education, health care, gender inequality, and inequality in decision-making (UN Women, 1995).

after the birth of the BDPA, the efforts of nation states to promote gender equality and women's empowerment have been identified as limited, mainly being an "add-on" factor rather than being truly gender-sensitive (Bryan & Varat, 2008).

Like most other nations, Vietnam has been undergoing a process of global economic integration, expansion of international trade and investment. Globalisation and changes in the world economy have influenced social relationships, gender ideologies, and culture in Vietnam. People are experiencing a polarisation between the rich and the poor, and a considerable gap in incomes and living standards between women and men, and between different areas in the country (Voice of Vietnam – VOV, 2013). In such a rapid international integration process, Vietnam has also been witnessing different negative impacts of globalisation on human and social aspects of development that cause violence against women, including human trafficking.

1.5 International Responses to Anti-trafficking Politics

Nation states are the actors with the primary responsibility in the global effort to combat human trafficking. To counter human trafficking, states need to enact laws and adopt international legal instruments to eliminate it as a criminal practice. In reality, the issue of human trafficking has risen to the top of the international political agenda. This is mainly because human trafficking touches every country in the world, and hampers the development of many nations (USDOS, 2009). Further, combating trafficking has become an obligatory task for states worldwide to help avoid sanctions imposed by the United States. The Trafficking Victims Protection Reauthorisation Act (TVPRA) of 2003 emphasises that every state has to provide the US with data on trafficking in terms of prevention, protection, and prosecution to permit consideration of that country's compliance with minimum standards for the elimination of trafficking. Those countries that fail to do so, or make few efforts to combat human trafficking, may be subject to certain sanctions, whereby the US may withhold or withdraw non-humanitarian, non-trade-related foreign assistance (see Chapter Two).

The failure of many developing states to effectively combat human trafficking is understandable, as there are different obstacles that weaken the enforcement of anti-trafficking laws and policies. As King (2008) indicates, victims of trafficking

are hesitant to identify traffickers and trafficking chains due to fear of repercussions. Further, human trafficking involves the movement of people from one place to another, and involves different forms of exploitation, so combating human trafficking consumes large amount of time, effort, and resources. For UNDOC (2007), efforts to combat human trafficking are still limited as in many countries, national laws to combat human trafficking do not comply with international anti-trafficking legislation, and human trafficking is exacerbated by the inadequate implementation of laws. This appears to be the case in Vietnam.

1.6 The Present Study

The present research is a gender evaluation of the most significant policy response of the Vietnamese government to human trafficking. In recent years, largely in response to various regional and international covenants on the issue, combating human trafficking has become an important political commitment of the Vietnamese state (GOV, 2004), as it has in many other countries. The Vietnamese state was the main actor in formulating and overseeing the local response to human trafficking in *the Vietnamese National Action Programme Against Trafficking in Women and Children, 2004-2010 (the VNAP)*. Five key state actors were directly involved in the VNAP: the Vietnam Women's Union; the Ministry of Public Security; the Ministry of Defence; the Ministry of Labour, Invalids and Social Affairs; and the Ministry of Justice. Each actor was charged by the state with different foci that contributed to the fulfilment of the action programme as a whole. The main focus of the Vietnamese state's anti-trafficking intervention was female victims, both women and girls, who were involved in the majority of trafficking cases in the country and were considered most in need of protection. Apart from the state actors mentioned, various non-state actors were operating in the same policy domain. Among them, NGOs were reported to provide significant support to the VNAP by offering advocacy, conducting studies, and providing medical and psychological assistance for the reintegration and rehabilitation of returned trafficked victims (USDOS, 2009). In addition, the VNAP also highlighted the importance of partnerships with countries in the region and worldwide in countering human trafficking (GOV, 2004).

It should be noted that the VNAP was quite unique in mandating extensive and direct collaboration by a large number of actors and countries. And while existing

literature indicates that collaboration and partnership between policy actors and countries contribute significantly to the achievement of a policy's common goals because they reduce duplication, increase accountability and transparency, and help maximize the value of available resources (Ansari, Phillips, & Hammick, 2001; Kalu, 2008), there is little information about the effectiveness of policy initiatives related to gender issues which may bring about greater equity for women and greater social justice for all people.

A lack of such evaluation is not uncommon as there is a general lack of evaluation research on the effectiveness of state and institutional responses to human trafficking internationally (Gozdziak & Bump, 2008), particularly in terms of whether anti-trafficking policies and programmes sufficiently address the underlying macro-economic, socio-political and cultural push and pull factors that effectively drive trafficking. Yet, the increasing seriousness of human trafficking calls for urgent efforts to improve related policies and practices (USDOS, 2009). It is also clear that technocratic policy evaluation practices along with the application of empirically-based technical methodologies to interpret data are no longer suitable, because empirical results never reveal their underlying values (Fischer, 2003). To successfully evaluate policies and programmes, there is a need to bring their "facts" and "values" together, or to integrate empirical and normative concerns (Fischer, 1995). In reality, inadequate efforts have been made in terms of critical evaluation of the norms, values and assumptions inherent in the formulation of broader gender policies which shape the way gender issues are defined and responded to.

Additionally, there has been a lack of a gender-responsive approach in policy formulation, implementation and evaluation, which contributes to the limited progress of many programmes' achievements and contributions. Thus, to evaluate a policy, there is a need to mainstream a gender perspective in order to identify areas that hinder the effective implementation of policy interventions. Further, while in many countries human trafficking has been constructed as an issue affecting women, and trafficked women are generally perceived as women from Third World countries, there has been a lack of academic attention paid to studying the gender construction of the issue and state gender ideologies that shape anti-trafficking policies and women's identities. Thus, to evaluate a policy, there is a need to pay attention to its gender dimension to tease out the different

challenges that hamper the development of gender equality and women's empowerment. At both academic and practical levels, however, there is a lack of comprehensive evaluation research that captures the complex nature of human trafficking and offers an integrated approach for policy evaluation to indicate the empirical and gender gaps in anti-trafficking policy. Specifically, in the case of Vietnam, as of 2013, there has been no academic research or any official evaluation of the VNAP in terms of its achievements and gender sensitivity.

In light of these gaps in the existing scholarship, along with my strong desire to conduct human trafficking research, I decided to undertake a gender evaluation using the VNAP and human trafficking in Vietnam as an illustrative example of gender policy. This research aims to appraise whether the policy programme, at one level, fulfilled its objectives, and at a societal level, met the goals of eliminating human trafficking and bringing gender equality to women, especially those who have been trafficked. In detail, the research presented in this thesis traces the effectiveness and outcomes of the VNAP in relation to the actors involved in its delivery and implementation, and the values, norms and assumptions that inform state responses to human trafficking. Through a critical analysis of the VNAP, the research explores wider questions around gender and state policy in a rapidly globalizing developing economy. This study also examines the effects of gender policy on women and trafficked victims as an outcome of cultural and economic changes and demographic movements.

1.7 Research Questions

The current research takes a multi-prolonged approach by appraising the VNAP in relation to the fulfilment of its stated objectives as well as its ability to address the issue of human trafficking as social and gender problems. The overall aim of this research is, therefore, to examine the politics of gender policy and to explore the main areas of the state's anti-trafficking intervention, the mechanisms of collaboration between different policy actors, and the norms and values that inform government responses to human trafficking. Specifically, the research seeks to answer the following research questions (RQ):

> RQ1. To what extent did the VNAP fulfil its primary objectives in relation to the 3-P framework of Prevention, Protection, and Prosecution?

RQ2. How effective were the cooperative mechanisms in combating human trafficking in Vietnam?

RQ3. Was the VNAP a gender-sensitive policy? Specifically, did it reflect the voices and needs of women in the community and trafficked women? Did the policy empower them? If so, how?

RQ4. What were the prevailing constructions of gender and of human trafficking in the VNAP? What implications did these constructions have for trafficked women?

To answer these research questions, I conducted a qualitative gender evaluation of the VNAP. Data was collected at three research sites: Hanoi (the capital city of Vietnam), Bac Giang (a Northern province), and Can Tho (a Southern province). The analysis was based on both primary and secondary sources of data. The former included in-depth interviews with state actors, non-state actors, and women who had been trafficked, and focus group discussions with women in the community. These interviews and discussions were conducted during my fieldwork in Vietnam. The secondary data included agency reports, policy documents, statistical data, and existing research on human trafficking worldwide and in Vietnam.

1.8 Significance of the Study

Through the insights gained, this study aids in identifying the strengths and limitations of the state's official response to the human trafficking issue in Vietnam, and also assists in determining best practice for collaborative anti-trafficking policy and programme development in Vietnam and internationally.

Further, this study seeks to enrich the theoretical and methodological understanding of gender evaluation research. Using the four-P paradigm (Prevention, Protection, Prosecution, and Partnership) as evaluation criteria, this study offers an inclusive evaluation framework for the technical evaluation of anti-trafficking policy, which is necessary for identifying the state's achievements in reaching the settled objectives of the policy. While the huge deficiencies in the methodologies used in researching human trafficking have been acknowledged, this study emphasizes the importance of a gender-sensitive policy evaluation

framework which takes into account gender dimensions and the gender construction of policy issues.

By examining technical and gendered aspects of anti-human trafficking policies, this study may add a comprehensive approach to studying human trafficking in a globalized context. Additionally, in terms of its theoretical base, it is hoped to identify the role of patriarchy in the human trafficking issue and how patriarchy informs trafficking policy (Samarasinghe, 2008). Finally, the study emphasises the need for undertaking qualitative evaluation research which applies interviewing and discussion techniques to listen to people's perspectives, experiences, and expectations to understand what policy beneficiaries expected and how far their expectations have been fulfilled by a particular policy programme.

1.9 Thesis Outline

The thesis is organized into nine chapters. Chapter One has provided an overall background to the research, its justification, the research questions, and the possible contribution of this research to the existing academic literature. Chapter Two focuses on human trafficking in an international context, with a focus on the feminisation of human trafficking in globalisation, and international anti-trafficking legislation which governs human trafficking crime worldwide. Chapter Three turns around the human trafficking issue in Vietnam, and covers the country's socio-economic, cultural and political background, key characteristics of human trafficking and anti-trafficking legislation in Vietnam, and an elaboration of the VNAP as the case of analysis.

Chapter Four outlines the methodology used in this particular research. Here, I demonstrate the need for an integrated framework for evaluating anti-trafficking policy. Chapter Four then describes the particular research methods used, with special consideration given to highlighting the role of ethical considerations in human trafficking research, given that it is a sensitive issue that relates to women's sensitivity and vulnerability. The chapter ends with an elaboration of some particular terms used in this research.

Chapter Five marks the beginning of four analysis chapters by examining the VNAP's achievements through a three-P framework of Prevention, Protection, and Prosecution. To provide a comprehensive picture of the VNAP's contribution to the fight against human trafficking, Chapter Six examines the fourth P implicit in the VNAP, Partnerships, which are traced in terms of national and international cooperative mechanisms within the VNAP framework.

Chapter Seven moves further to explore gender concerns in anti-trafficking policy in Vietnam using a gender-sensitive approach. Chapter Eight strengthens the gender analysis of the VNAP by examining the gender construction of human trafficking and trafficking victims' identities. The final chapter, Chapter Nine, summarizes and discusses the main findings of this study, and offers recommendations for further research.

Chapter Two: Human Trafficking in a Globalised Context

Human trafficking is a crime that ruthlessly exploits women, children and men for numerous purposes including forced labour and sex…. Human trafficking requires a forceful response founded on the assistance and protection for victims, rigorous enforcement by the criminal justice system, a sound migration policy and firm regulation of the labour markets. (UNODC, 2012b, preface page)

Globalisation has created a widening gap in wealth between countries, and made many people victims of the excesses of a global economic system that rewards wealth and exploits the poor. Such pressure has severely impacted women seeking a way to make a living, and has had a direct impact on the movement of workers, the degradation of work and income distribution, and increased the conditions for human trafficking. (United Methodist Women's Action Network, 2008, p. 1)

2.1 Introduction

Human trafficking has been described as a global epidemic (Territo & Kirkham, 2010), and combating the crime has become a key task for countries worldwide. Such an important issue, therefore, should be seen as a global problem. As mentioned earlier in Chapter One, human trafficking has existed for a long time. However, in globalisation, human trafficking grows more rapidly with its full complexities. Globalisation is even thought to be responsible for the spread of human trafficking, especially sex trafficking of women in developing countries (Brandys, 2011). To understand human trafficking in a globalised world this chapter explores specific gender aspects of human trafficking, prominent debates around human trafficking crime, and the major push and pull factors of human trafficking. All these issues are discussed in close connection with the specific context of globalisation. An overview of global responses to human trafficking

and the international legal framework governing human trafficking crime is also presented in this chapter. While there have been overlaps between human trafficking and smuggling of migration (UNODC, 2012a), to help bridge people's understanding, an elaboration between the two phenomena is also given.

2.2 Differentiating Human Trafficking and the Smuggling of Migrants

The concept of human trafficking, as defined in the UN Trafficking Protocol 2000, shows that human trafficking is a combination of an act, a means, and a purpose (see Chapter One). The definition, however, has also resulted in different critiques. One of these is the absence of the definitions for the terms "exploitation of the prostitution of others" and "other forms of exploitation", which therefore, creates gaps in prejudice for states parties to address the related issues (such as prostitution, exploitation) in their domestic laws (Sullivan, 2003). The other is controversies about its overly-broad nature and legal constraints posed by the notion of consent. The definition leaves the states free to decide what would determine "consent". However, many are confused about whether or not to recognise sex work or prostitution as legitimate labour. This challenges states in differentiating who needs to be supported and treated as a victim of trafficking amongst a massive stream of migrants in some contexts. While consent is a difficult issue to define (Sullivan, 2007), the definition of human trafficking, provided in the UN Human Trafficking 2000 still attracts different debates as it leaves too much ground for states to define their own understanding and actions.

Trafficking in persons and smuggling of migrants are distinct crimes, but they represent overlapping criminal problems (UNODC, 2006). Both crimes involve human beings, illegal migration and illegal profit. The definition of smuggling used in the *Protocol against the Smuggling of Migrants by Land, Sea and Air* issued by the United Nations in 2000 (the Smuggling Protocol) acts as an important basis for differentiating human trafficking and smuggling of migrants. Under the Smuggling Protocol, smuggling of migrants means:

> [T]he procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident. (Article 3a)

Accordingly, the smuggling of migrants contains three main elements: the acts (the procurement of illegal entry); the destination (entry into a state of which the person is not a national or a permanent resident); and the purpose (to obtain a financial or material benefit). Some important differences between trafficking and smuggling can thus be identified. *The first* is the consent of victims. Migrants may actively seek a way to be better off and may have colluded with smugglers to cross borders, while victims of trafficking are being lured, deceived or abused. In the case of trafficking victims, even when they initially have consented to trafficking, consent has been rendered meaningless by the use of illicit means or actions. *The second* is exploitation. Smuggling ends with the arrival of migrants at their intended destination, whereas trafficking involves the on-going exploitation of the victims. Smuggling victims may become trafficking victims when they experience exploitation at their destination. *The third* is trans-nationality. While smuggling is always trans-national, with migrants moving outside their departure countries, trafficking occurs inside or outside the country of origin. Further, smuggling of migrants and trafficking in persons have some additional differences. The profits of trafficking do not come from the movement of victims, but from their sexual or labour exploitation and even the harvesting of their body organs. Most victims of smuggling are men, while most victims of human trafficking are women and children (Heyzer, 2006; Obokata, 2006); this is because women and children may bring more profit for traffickers.

A clear distinction between trafficking and smuggling is essential to help apply suitable and appropriate modes of intervention, prosecution and protection for victims of each crime. As a result of such a clear distinction, much time, money, and human resources will be saved. To understand international anti-trafficking legislation and nation states' commitments to human trafficking crime, the next section deals with human trafficking and global responses.

2.3 Global Responses to Human Trafficking

2.3.1 Human trafficking and global responses

Combating human trafficking has become a strong political commitment for many countries. The US TIP Report 2013 calls for the elimination of trafficking as a foreign policy priority, and for states worldwide to fight human trafficking

wherever it exists (USDOS, 2013). It has become evident that a rising number of nation states are now adopting important international conventions.

By June 2013, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (UN Protocol) had been signed by 112 countries (USDOS, 2013). By doing so, those countries have committed to taking strong actions to stop trafficking. In addition, the United Nations and the United States are active in assessing the efforts of regions and countries worldwide to counter human trafficking crime. With the Global TIP Report issued annually, the UN reviews patterns and flows of human trafficking at a regional level, while the US assesses efforts of individual countries worldwide and imposes sanctions on those that do not fully comply with the minimum standards for the elimination of human trafficking set out in the Victims of Trafficking and Violence Protection Act of 2000 (the TVPA). The US assessment and sanctions are outlined in the annual TIP Report. Those countries classified in Tier 3 face possible restrictions or sanctions in terms of American aid or other measures if they do not take significant anti-trafficking actions immediately. It was clearly stated in the TVPA that the US does not provide non-humanitarian, non-trade related foreign assistance to any government that does not comply with minimum standards for the elimination of human trafficking.

The US TIP Report 2013 shows that there are still twenty one countries in the world under Tier 3, which make very little or no effort to counter human trafficking[11] (USDOS, 2013). Figure 2 illustrates tier placements issued by the US in 2013 for efforts of countries worldwide to counter human trafficking made in 2012. Only sixteen per cent of countries have achieved well in combating human trafficking. Interestingly, most of the countries in Tier 1 are developed countries and are also destination countries for human trafficking, while most of the countries in the other tiers are developing countries and also source countries of trafficking. Among the rest, there are countries that ignore, or are blind to, the issue, especially the countries in Tier 3. It has been documented that, in some

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[11]   According to USDOS, Tier 1 includes countries whose governments fully comply with the TVPA's minimum standards for the elimination of TIP. Tier 2 includes countries not fully complying with those standards but making significant efforts to do so. Tier 2 Watch List is a temporary status based on a lack of full compliance with the minimum standards of the TVPA, to alert countries on this tier to the threat of falling down to Tier 3. Tier 3 is occupied by countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

African countries, human trafficking is yet to become an agenda item for the state as there is no institution or person in charge of human trafficking, and the crime is left to go on unregulated (UNODC & SADC, 2007). Combating human trafficking, therefore, is an unequal and unfinished battle in different countries, and there is also a gross inequality globally in available resources and efforts put into countering the crime.
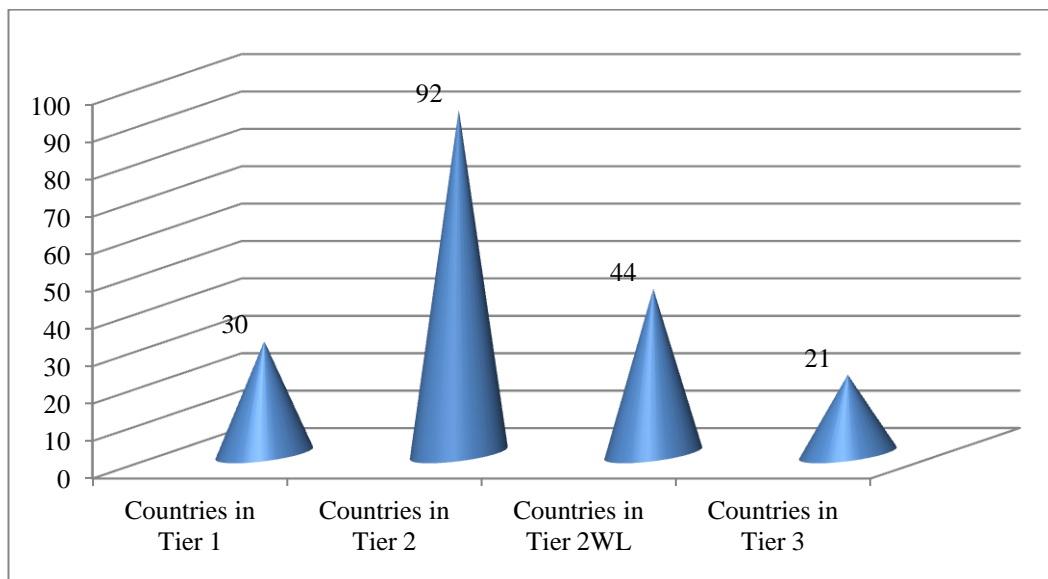
Figure 2: Tier placements for 187 countries worldwide in 2012

Source: Extracted from the TIP report (USDOS, 2013)

Actions to combat human trafficking are various; however, states world-wide have failed to adequately address the issue of human trafficking. Many states have adopted new laws or amended existing legislation to define the crime in line with the new widely accepted definition of trafficking in persons, to establish mechanisms to implement the new laws, and to establish bilateral or regional agreements to counter trafficking. Some source countries have put considerable effort into building the political will and capacity to better combat this crime; others have focused on dealing with its push and pull factors.

Taking sex trafficking as an example, the methods used to combat it are diverse. Countries like Sweden, the Philippines, UK, Indonesia and the US have chosen to pursue indirect actions against male buyers of sex or to challenge and change their

attitudes and practices regarding female prostitution[12]. Countries such as the Netherlands, Germany, New Zealand, and Bangladesh have legalized and/or decriminalise prostitution as a way to advance the position of individuals working as prostitutes, to protect prostitutes from commercial exploitation (Barnett, Casavant, & Nicol, 2011), and to regulate the sex industry (Abel, Fitzgerald, & Brunton, 2007). Other countries keep prostitution restricted and regulated via state policies (such as India and South Australia), while many others (Cambodia, Laos, etc.), including Vietnam, totally criminalise prostitution. However, in general, legislation and policy initiatives for combating human trafficking remain poorly developed, even in developed and industrialised countries.

2.3.2 Critiques of human trafficking figures

Although human trafficking is a fast-growing business, it is insufficiently documented. Statistics on human trafficking are always estimated figures and inconsistent between different documents and among different data providers. Apart from the figures provided by the US Department of States in its annual TIP Report or the UNODC annual Global Trafficking Report, it is hard to find general global human trafficking data. These two documents have been seen as two main human trafficking reports and have become the master source of reference for different human trafficking studies. Some scholars like Obokata (2006) and Koettle (2009) used the US provided human trafficking figures in their works, but did not explain the disparity in the existing human trafficking statistics.

Statistics provided by the International Labour Organisation (ILO) and the International Organisation of Migration (IOM) only partly reflect human trafficking picture as they often show only the number of labour trafficked victims and number of migrants who are trafficked. The ILO estimated that there were 12.3 million people in forced labour worldwide, of which 2.4 million had been trafficked, both internationally and across borders; among all trafficked victims, according to the ILO, at least one third were trafficked for the purpose of labour exploitation (Danailova-Trainor & Belser, 2006). Within 10 years from 2000-2010, the IOM has globally provided assistance to individual trafficked persons

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[12] The statements in this paragraph were made after carefully reading the prostitution related laws of the mentioned countries.

on 46,554 occasions with 5,911 instances of assistance provided in 2010 alone (IOM, 2010).

Inconsistency in the US human trafficking figures has been criticized in the existing literature. Snajdr (2013) acknowledges that although TIP reports have been considered as a master source of data, inconsistency can be found in the master narratives. He provides evidence for this claim. For instance, in the 2002 TIP Report, the estimate was 4 million victims globally; in the 2003 TIP Report, the estimate was incredibly lower – between 700,000 and 900,000 victims. The 2004 TIP Report showed that between 600,000 and 800,000 people were trafficked annually; in the same report, the estimate for the United States also fell from 50,000 in 2002 to 17,000 in 2004 (Snajdr, 2013). Since then, few definitive annual numbers for human trafficking are given in the TIP Reports. Again, in 2013 the newer figure provided in the TIP reports continue to confuse and alarm to people with an estimated number of 27 million people being trafficked (USDOS, 2013). Recently, in the 2014 TIP Report, John F. Kerry – the Secretary of State reaffirmed that in the last year (2013) there had been 44,000 survivors identified and more than 20 million others had been unidentified (USDOS, 2014).

Surprisingly, the number of 27 million people being trafficked had already been noted by Free the Slaves – an NGO in the human trafficking area before the appearance of the 2013 TIP Report. In its document, Free the Slaves acknowledged that 27 million people worldwide are living in slavery and exploitation (Free the Slaves, 2008). The similarity in the estimates of the TIP Report and the Free the Slave one raises the issue of coincidence as this makes people wonder if the US conducts surveys or/and investigate the number of trafficking victims or if it just takes the number from different sources without referencing, or even provides random figures. Both UNESCO and the US Government Accounting Office (GAO) have criticised the official numbers of trafficking released and called for a better data collection and revealed that the crime of human trafficking needs to be accurately calculated. For GAO (2006), existing estimated data of human trafficking is questionable and the accuracy of the estimates is in doubt. The work of UNESCO emphasises an important weakness of the human trafficking estimates; for that, the figures have excessively

wide ranges, even sometimes as much as 10 times that of the low estimates (Touzenis, 2010).

Reasons for the disparity in statistics about human trafficking are varied. First, it is the complexities of human trafficking as a transnational organized crime that makes the victims invisible behind the trafficking crime. Further, human trafficking has become a myth, so that people do not know exactly how many people are trafficked annually. Second, due to the sensitivity of the issue and powerful pressure of organised criminal networks, the majority of trafficking cases remain unreported. Third, according to Laczko and Gramegna (2003) few governments pay attention to systematically collect data. The above discussion shows that, up to date, no other organization or country, apart from the USDOS, provides official general data on human trafficking. There have not been any common criteria for guiding the process of collection of human trafficking data. Other reasons are the lack of data provided by enforcement forces and weak law enforcement that make people hesitant to get involved in dealing with the problems of human trafficking issues, and of course, the lack of resources and unsystematic management also challenge the regular update of the human trafficking data base. The above discussion shows that currently most of the statistics on human trafficking is provided by the US and its agencies. This would also mean that the West neither spends enough attention to collect human trafficking data nor looks advanced and developed in researching human trafficking issues.

2.4 International Anti-trafficking Legislation

There are many international conventions and treaties that directly and indirectly regulate human trafficking crime. This section discusses the international legal framework against trafficking by drawing on the most relevant international conventions and protocols mentioned by the US in its annual TIP reports. The review of signing and ratification of these conventions has become a part of the US assessment of the involvement of a country in the fight against human trafficking.

Table 1 illustrates the extent to which 182 countries worldwide comply with the most important international anti-trafficking legal documents. Data provided by

the US in the TIP Report 2013 show that there are countries, such as Tonga, Palau, and North Korea that have neither signed nor ratified any international anti-trafficking conventions; some other countries, such as Somalia, South Sudan, and Zimbabwe have signed and/or ratified only a part of the conventions. Those countries are all placed in Tier 3, which relates to countries that have not complied with the minimum standards to fight against human trafficking, and are not making significant efforts to do so. Judgement of each country's efforts in combating human trafficking mainly depends on the US assessment, which is based on the 3-P framework of prevention, protection, and prosecution. Elaboration of the conventions begins with the ILO Convention 29 in 1930, and ends with the UN Trafficking Protocol in 2000.

Table 1: The involvement of countries in the international anti-trafficking framework

Rank	Convention Name	No. of countries involved		
		Signed	Ratified	No action*
1	ILO Convention 29. Forced labour (1930)	NA	171	11
2	ILO Convention 105, Abolition of Force Labour (1957)	NA	166	16
3	ILO Convention 182 (1999)	NA	170	12
4	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)	113	155	15
5	Optional protocol to the Convention on the Rights of the Child in Armed Conflict (2000)	122	143	18
6	UN Trafficking protocol (2000)	112	146	25

Source: Extracted from TIP Report 2013 (USDOS, 2013)

(*) Neither signed nor ratified any conventions; NA: Not applicable

The ILO Convention 29 was issued in 1930 to deal with forced labour, which means work or service extracted from a person under the threat of any penalty that the said person has not offered him or herself voluntarily. The convention states that only adult able-bodied males who are of an apparent age of 18-45 years may be called upon for forced and compulsory labour. Thus, forced labour is strictly prohibited among women and children and any illegal exaction of forced, compulsory labour shall be punishable as a penal offence.

In 1957, in an attempt to abolish forced labour, the ILO issued *Convention No. 105, which* takes into account the provisions of several previous relevant legal documents including the Slavery Convention (1926), the Protection of Wages Convention (1949), and the *Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery* (1956). On the one hand, the *ILO Convention 105* helps create a better working environment for workers; on the other hand, it protects them from forced or compulsory labour under means of political coercion or for the purpose of economic development, labour discipline, racial, social and religious discrimination.

With regards to labour trafficking, in 1999, recognizing the negative impacts of child labour on sustained economic growth and social progress, in particular poverty alleviation and universal education, the International Labour Organization released *ILO Convention 182,* which aimed at prohibiting and taking immediate action to eliminate the worst forms of child labour (the sale and trafficking of children; debt bondage; serfdom and forced labour; or the use, procuring or offering of a child for prostitution). The convention called for immediate action and measures by the member states to eliminate the engagement of children in forced labour, with special attention paid to female children.

In 1989, the UN issued the Convention on the Rights of the Child, which set up norms and standards for the protection of children's rights. More than ten years later, in 2000, the UN passed two optional protocols which set up a comprehensive and integrated international bill of rights for children. The

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts was adopted in 2000 by the UN[13] to bind the state members to not allow children below the age of 18 years to take part in hostilities. In wars and armed conflicts, all children are entitled to special protection; the signatory countries have to take all feasible measures necessary to prohibit and criminalize related violations.

The *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* was designed in 2000 to protect children from suffering degradation and life-threatening risks by the actions of offering, delivering or accepting a child for the purpose of sexual exploitation, transferring of organs of the child for profit, or engagement of the child in forced labour. State parties are encouraged to cooperate in addressing root causes of the mentioned actions and to assist child victims. It is helpful that this convention offers clear definitions for the offences of "sale of children", "child prostitution", and "child pornography", as these cannot be found in the UN Trafficking Protocol 2000. It also creates obligations on governments of the nation states to criminalize and punish activities related to those offences.

Supplementing the UN Convention Against Trans-national Organized Crime (2000), the *UN Trafficking Protocol* was issued in the same year. In addition to providing a more comprehensive definition of human trafficking, it aimed to assist trafficked victims in respect of their human rights. The *UN Trafficking Protocol* also focuses on protection of victims of trafficking in persons, prevention, and cooperation, exchange of information, and border measures to prevent and detect trafficking in persons.

The international legal framework against human trafficking, generally, is quite comprehensive while taking into account human rights, with priority given to

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[13] See http://www.ohchr.org

women's human rights, political rights, and deals with different types of trafficking such as labour trafficking, sex trafficking, and child soldiers.

As of June 2013, Vietnam has fully ratified four of the six conventions, except the UN Trafficking Protocol 2000 and the ILO Convention 105. The Vietnamese government is actively undertaking feasible steps and expending considerable effort to find opportunities to ratify and sign the remaining two international legal documents to ensure a solid framework for anti-trafficking activities.

Alongside the above protocols and conventions, *The Convention on the Elimination of All forms of Discrimination Against Women* (CEDAW) can be used as a reference for evaluating a country's effort towards the fight against human trafficking crime.

2.5 CEDAW and Anti-trafficking Legislation

The CEDAW, adopted by the United Nations in 1979, has long been considered as an international human rights treaty that focuses on women's rights and women's issues worldwide. It addresses the necessity for women's advancement, the meaning of equality, and proposes guidelines to achieve it. The convention covers three main areas: (i) civil rights and the legal status of women (the rights to vote, to exercise public functions; rights to non-discrimination in different aspects of life; equal rights with regards to personal choices, etc.); (ii) reproductive rights (provisions of fully shared responsibility for child-rearing by both sexes; the rights of maternity protection and child care; the rights to reproductive choice and family planning); (iii) cultural factors influencing gender relations (the traditional roles of women and men in the family and in the society must be changed to help achieve full gender equality).

Countries ratified the CEDAW are required to work towards achieving the mentioned provisions. According to Article 18 of the convention, state parties are required to submit to the CEDAW Committee reports on the legislative, administrative, and judicial or other measures which they have adopted to give effect on the provisions of CEDAW (UN, 1979). Thus, CEDAW acts the role of a legal framework that provides people with understanding about a country's achievements and challenges towards gender equality issues and also can be a

framework for critiques and evaluation with relevant references for analysis and comparison.

Vietnam signed the CEDAW very early, in 1980, ratified it in 1982, and fulfilled its obligation in submitting different country reports to the CEDAW Committee[14]. In Vietnam, CEDAW has been seen as an important legal tool in facilitating gender equality, women's human rights, and gender mainstreaming activities. Up to August 2014 Vietnam submitted several periodical reports to the CEDAW committee: 1st report, 2nd report, the combined 3rd and 4th report, the combined 5th and 6th report, and recently, the combined 7th and 8th report. The combined 5th and 6th report (2005) and the combined 7th and 8th report (2011) are most suitable sources of reference as they are likely to fall in the VNAP time frame.

Human trafficking has been one of central concerns in the CEDAW country reports. The CEDAW combined the 5th and 6th reports of Vietnam which emphasise that "the trafficking in women and exploitation of women remain pressing issues that attract the attention of the entire society" (UN, 2005, p. 19). The 7th and 6th reports reconfirm that "trafficking in women and the abuse of female sex workers are still thorny issues and attract the society's attention" (UN, 2013, p. 28). Both reports confirm the strong determination of the Vietnamese state to eliminate human trafficking crimes.

To understand more about the international human trafficking situation, the next section traces prominent debates around human trafficking and how these link to women's vulnerabilities.

2.6 Contemporary Debates around Human Trafficking

Debates around the human trafficking issue are varied, including, but not limited to, the relationship between human trafficking and human rights, human trafficking and migration, human trafficking and prostitution, human trafficking and labour exploitation, and human trafficking and globalisation. Here, I elaborate

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[14] See http://cedaw-seasia.org

human trafficking through four main debates which are most suitable to gaining an overall picture of trafficking in women worldwide: trafficking and migration, trafficking and labour exploitation, trafficking and prostitution, human trafficking and global concerns.

2.6.1 Human trafficking and migration

Human trafficking is an epiphenomenon within the immigration continuum and it closely relates to migration and migration processes. Trafficking cannot be viewed separately from migration as human trafficking involves, in part, the movement of a person from his/her place of origin to a new location inside or outside his/her home country. The flows of people migrating to urban areas or across borders to find opportunities for better lives have become a hidden cause of trafficking in persons because people may be vulnerable to sexual or labour exploitation at their destination. The movement of people to new places to better themselves or for a new life is sometimes seen to pose a threat to a country's security, however, migrants make rational choices to travel, and although they are often treated as a marginalised group, they form part of the dynamic global economy (Agustin, 2007).

States worldwide are trying to find suitable solutions to regulate migration and also to reduce human trafficking through migration. While internal migration has been neglected and remains invisible in the policy arena (International Organization of Migration [IOM], 2005), international migration is quite visible and has become an emergent issue for states worldwide. Two types of migration policies that potentially have implications for human trafficking are migration-supportive policies and migration-restrictive policies.

Many developing countries, including Vietnam and the other GMS countries, have been encouraging their citizens to seek employment in richer countries to help solve problems of poverty, unemployment, and to increase capital flow of foreign currency in order to repay external debts following structural adjustments (Dang, 2006; Samarasinghe, 2003). International migration, therefore, has become a development strategy in many source countries. People from developing countries are choosing different ways to migrate, whether through the bride trade or labour export. Among the mass waves of migration, women and young girls are more vulnerable and easily become prey to traffickers looking for fresh faces to

recruit for the sex trade (Samarasinghe, 2003). However, it is not only the demands of the sex trade in the destination countries (especially in countries where open sex policies are applied), which causes women's vulnerability to trafficking, but also that many source countries are passive partners of migration and do not have relevant policies to protect the rights of migrants abroad. The issue becomes more complex because of the corruption of law enforcement officers and immigration staff. In Vietnam, the existence of illegal labour agents, bride brokers, and the lack of an official legal system for regulating these issues have contributed to fraudulent marriages and labour exports (Dang, 2006). Female migrants struggle to have good works or good family lives in foreign countries due to language barriers and lack of knowledge about the destination country. It has been documented that the flow of migration in the form of mail-order brides and female migration in general involves relatively high risks and often result in insecure immigration statuses (Mix & Piper, 2003), and has a high incidence of human trafficking (Cho, 2012).

Restrictive migration policies are generally applied in the destination countries. Those countries, to different extents, are looking for both high-skilled and low-skilled migrant workers to fill the gaps in their labour markets. Some countries choose to apply rigid regulations to the recruitment of migrant workers, and provide few facilities for migrants, others adopt strong measures to restrict the inflow of illegal migrants, such as deportation of undocumented sex workers and illegal migrants, or punishing them as victims who violate the law (United Nations, 2008b). By doing so, the destination countries hope to reduce the risks of having a migration crisis and to maintain social cohesion (Freeman, 1992). Being victims of sex trafficking or human smuggling, those migrants are treated as offenders and, therefore, become more vulnerable and have a greater potential to become involved in other crimes.

Restrictive migration policies are limited in themselves. Kempadoo (2005) argues that due to unfavourable economic conditions, Asian countries and governments tend to apply unequal contribution of rights and power that lead to the fact that many people fall victim to prostitution and sex trafficking. She further explains that tighter border controls cannot halt the flow of migration, instead, irregular migration channels become the only alternative, pushing human trafficking and

prostitution further underground. Additionally, under the ruse of trafficking interventions, migrants' rights to work, to receive health care, social benefits and respect are often being violated (Kempadoo, 2005). Andrijasevic and Anderson (2009) acknowledge that migrant workers, especially illegal migrants have limited employment rights at the destination. For Agustin (2007), the label "trafficked" does not accurately describe migrants' lives and that the rescue measures disempower migrants rather than providing them with life solutions. Thus, far from empowering migrants, many migrant policies and anti-trafficking activities slide over into treating them as criminals.

It is not the intention of this thesis to deeply investigate the connection between trafficking and migration. However, what can be seen from the discussion above is that migration policy creates a chance for migrants to gain better livelihoods, but also presents challenges for them to empower themselves at their destination. Also, migration and human trafficking are two distinct phenomena, but are interrelated issues. This is because both issues involve the movement of people from one place to another and trafficking is a dark side of globalisation and also a dark side of the migration agenda.

2.6.2 Human trafficking and forced labour

Forced labour and labour exploitation represent a restriction of human freedom and choice, and therefore violate human rights and affect human development. Annually, millions of people enter forced labour and experience different forms of exploitation through fraud and deception (Koettle, 2009). Others may accept low-paid work under poor working conditions in order to survive. Labour exploitation happens in many parts of the world and tends to increase during economic recession because in an economic downturn job security is threatened. In globalisation, the requirement for cheap labour is increased, and the stress of reducing production fees and increasing profit creates an equation of demand for cheap labour and demand for trafficked labour.

The 2009 ILO *Global Report on Forced Labour* claims to have found evidence of forced labour in every region. According to the report, Asia has three issues of particular concern: the persistence of the bonded labour system; the widespread incidence of trafficking (adults and children are trafficked for labour and sexual

exploitation); and the persistence of forced labour exacted by the state and official institutions (ILO, 2009). In the GMS countries, cases of forced labour have been reported with children forced to work in factories, men forced to work in construction or on fishing boats, and women forced to work as domestic servants (World Vision, 2008). In the existing scholarship, however, labour exploitation has been given less emphasis than sexual exploitation as a type of human trafficking.

Forced labour is quite common in globalisation and it becomes a trap for labour trafficking. There are different views on women's opportunities to gain paid employment in the market economy. Incomes from paid work give women self-confidence, a voice and vote in household decisions, and control over their life options (Blumberg, 2005). Paid employment, however, also creates a heavier burden on a woman as she has to be a mother, a worker, and a housewife at the same time (Duong, 2006). Thus, globalisation combined with traditional gender norms may tie women in a cyclic round of factory work and housework. Samarasinghe (2003) argues that paid employment attracts feminisation of labour from rural areas to the cities; from developing countries to more developed countries. As a consequence, many women unintentionally fall prey to traffickers as job opportunities are not enough for all.

The movement of people from one place to another within and between countries to seek livelihood opportunities, however, is only a part of the trafficking continuum. In reality, many women and girls are forced to work in prostitution and it is not easy for them to leave and escape of prostitution.

2.6.3 Human trafficking and prostitution

Clearly, prostitution is not trafficking. However, prostitution and sex trafficking are inextricably linked. As noted earlier, trafficking was initially understood to take place for prostitution or the sexual exploitation of white women and girls within Europe (Willis, 1910). Feminist research has addressed the linkage between trafficking and prostitution. For instance, Marxist feminist analysis sees prostitution as a metaphor to explain the exploitation of labour by the capitalist mode of production (Samarasinghe, 2008). Radical feminist analysis sees prostitution as an abusive action akin to rape, and argues that a prostitute's entry

into sex work is not based on her own free will or desire. Radical feminism opposes prostitution and reveals that prostitutes are often victims of coercion, abuse and exploitation (Bromberg, 1997). From this perspective, prostitution is held to degrade all women. Much of the contemporary research published on the traffic in women continues to trace the relationship between trafficking and female prostitution. Sullivan (2010) emphasises that although there has been increasing recognition that men and boys may be trafficked, women and sex trafficking tend to be the primary concern in the world politics and international law. Samarasinghe (2008) argues that female trafficking is about prostitution and that the discourse of female trafficking is anchored within the general framework of female prostitution. However, Farr (2005) suggests that in reality many children and women are initially trafficked into indentured or enslaved work *other than* prostitution, but later become victims of sexual abuse or exploitation in their jobs. For Snajdr (2013), development has a close link to the exploitation of women; contemporary development is quite problematic while women are sexually exploited, and this exploitation is supported by a structure of foreign aid and stabilisation strategies. Clearly, there is contention around the overlaps between prostitution and trafficking.

Obviously, trafficking more often links with prostitution than most other types of exploitation (Derks, 2000). This inextricable link is caused by some specific similarities between them. They are both part of a broader socio-economic process that uniquely disadvantages women and girls. Like sex trafficking, prostitution is also a form of violence against women. In many cases, prostitution satisfies the elements of trafficking as it involves deception, exploitation, and the abuse of women's vulnerability (Dewey, 2008). However, as already noted prostitution does not always constitute sex trafficking because some women may choose to become sex workers and work for themselves rather than depending on others.

There has been a wide and contested debate around the nature of prostitution and whether prostitution should be seen as immoral, unacceptable work or a legitimate profession. Among these, the Coalition against Trafficking in Women (CATW) takes the ideological position that prostitution violates women's human rights and sex work is never a free choice for women. Many scholars also oppose prostitution and sex work; they argue that prostitution is immoral, oppressive to

women, and that women should be free from the sexual objectification of men (Jeffreys, 2009; O'Neil, 2001). Additionally, they contend that prostitution violates women's human and civil rights and erodes women's dignity, family happiness and social safety. It is considered a threat to community health as prostitutes can be a considerable vector for the transmission of diseases, including HIV/AIDs, to different people. Prostitution is also held to cause unexpected pregnancy, miscarriage, and emotional health consequences such as severe trauma, stress, depression, anxiety (Raymond, 1999), leaving a burden of medical and physical care to the society. Thus, abolitionists propose a victim-centred approach to make prostitution illegal, protect prostitutes as victims of violence, punish male clients, brothel owners and pimps instead of treating prostitutes as criminals, and to abolish all sex-work specific offences.

The neo-regulationist movement stands in opposition to neo-abolitionism. The Human Rights Caucus can be seen as the representative of this ideological position which calls for acceptance of prostitution and sex work as legitimate labour. Like the CATW, the Human Rights Caucus was an active lobby group striving for a clear definition of human trafficking during the two years in which the negotiation of the UN Trafficking Protocol 2000 took place. Reasons for supporting prostitution are no less compelling. Some people view prostitution as a legitimate form of labour that thousands of women choose freely, and argue that women have the right to exchange their sexual skill and services with clients to receive money or other material awards (Boutellier, 1991). Prostitutes or sex workers, according to this view, deserve to be protected from sexual harassment, rape or sexual exploitation because prostitution is a form of employment that brings incomes to women.

The debate around the legal position of prostitution leads to a larger discussion around whether a nation-state should legalize or abolish prostitution and sex work as a means of combating sex trafficking. Raymond (2003) argues that legitimating prostitution as work will only strengthen the sex industry. In contrast, Wijers (1998) believes that trafficking in women and other forms of sexual exploitation can only be stopped by legalizing prostitution as a legitimate profession and guaranteeing the legal and social rights of prostitutes. Legalizing prostitution, according to McElroy (2001), can offer sex workers the same working rights as

any other women can expect. Many countries recognize that although they make enormous efforts to fight against human trafficking with the support of various national, regional, and international documents, human trafficking is still on the rise and has become a serious problem. This makes them uncertain about what would be the best way to reduce sex trafficking.

Sex work violates women's human rights, according to radical feminist abolitionists as mentioned earlier in this section. However, the notion of consent should be flexible. It can be accepted in theory that no one wants to engage in or consent to illegal activities; however, in certain circumstances, women have no alternative, and therefore, have to accept sex work (van Liempt, 2006). In reality, geographical and cultural differences between regions nationally and internationally create migration and enhance women's vulnerability to sex trafficking. Additionally, legalisation of prostitution could create a higher demand for prostitution and a higher number of women who want to engage in sex work. More dangerously, there would be a negative change in gender norms and values in the society so that women become responsible for serving men and would become a commodity to be bought and sold. Lastly, in many developing countries, where legislative mechanisms are not strong enough to cope with complicated issues, legalisation of prostitution may cause social disorder, the spread of sexually transmitted diseases, and an increase in sex trafficking cases.

The above debates show that human trafficking connects to different issues of life and they are on-going debates. While scholars have deplored human trafficking in its relation to migration, forced labour, and prostitution, recently there are debates about how the current global concerns with human trafficking should be conceptualised. Marcus and Snajdr (2013) argue that although the international community has spent much effort on different anti-trafficking activities such as research, advocacy, law enforcement, policy discussions, there continue to be a lack of research and attention paid to the issues of agency, consent, individual autonomy, social governance, and empirical realities of trafficking people.

The works of anthropologists on human trafficking show that in-depth ethnographic work around the world provides almost no evidence to support the characterisation of human trafficking on which most anti-trafficking campaigns are based. Blanchette, Silva, and Bento (2013) reveal that anti-trafficking

campaigns make women more vulnerable because the campaign slogans unintentionally scare women into staying home and put women under pressure to behave in a more moral and dignified way. Along with anti-trafficking campaigns, national policies also threaten and create moral panic and penalisation of prostitutes of sex workers and illegal migrants, transforming them from citizens to potential victims. Andrijasevic and Anderson (2009) point to the fact that anti-trafficking campaigns are problematic; they eroticise women's bodies rather than preventing them from trafficking risks. They argue that anti-trafficking campaigns are neo-colonial and oppress migrant workers and/or are involved in the social construction of damaging formulation of gender identity. Women migrants and sex workers of STELLA in Montreal, Canada have shared their own experience of trafficking and anti-trafficking campaigns (STELLA, 2006). They emphasise that anti-trafficking campaigns conflate sex work and trafficking, and use means contrary to international human-rights framework, and the campaigns and their activities curtail women's freedom of movement, repress sex workers, force them to rehabilitate, and criminalise the sex trade (STELLA, 2006). While anti-trafficking campaigns have been an important tool of prevention so far, it is important for the states to take into account and find out solution to mitigate their negative impacts. Along with that, causes of human trafficking needs to be identified.

The next section moves to a discussion of the push and pull factors of human trafficking in a globalised context.

2.7 Push and Pull Factors of Human Trafficking

Trafficking in human beings is a multi-layered and multi-dimensional problem; its root causes are various and not exactly the same in different areas. Below, I review and categorise prominent causes of trafficking in terms of pull factors and push factors, with attention given to gender and globalisation. The factors mentioned here are considered to be most appropriate to the specific context of Vietnam, as will become more apparent in Chapter Three.

As noted by Asiwaju (2007), push factors are the situations or circumstances in which people become vulnerable targets for human trafficking; pull factors are the determining factors that attract people to relocate to other regions or countries. In

other words, push factors influence people's decisions to migrate, while pull factors draw victims knowingly or unknowingly to another country or another region within their own country. Pull factors will be reviewed first, because they either drive people to migrate or become a means for traffickers to deceive people.

2.7.1 Pull factors

There are two important pull factors in human trafficking: high demand for low-skilled labour, and the growth of the sex industry and sex tourism.

High demand for low-skilled labour. Economic liberalisation and export-encouraging policies in developing countries always require a relatively cheap labour force and materials to help reduce the costs of production and maximize profits for businesses, especially those in the private sector. In this context, women have become the main workforce in the export-oriented and labour intensive industries which rely on low cost production (such as textiles, garment, electronic and food-processing) because of their perceived docility, more nimble fingers, industriousness, and acceptance of low wages and poor working conditions[15](Elson, 1992). The rapid growth in the number of privatised firms and Export Processing Zones (EPZs) has created a significant increase both in demand for and supply of female labour. Low-skilled labour is in high demand not only in the manufacturing industries but also within households. D'Cunha (2002b) argues that the newly-industrialized economies such as Singapore, Hong Kong, and South Korea have drawn more educated women to join the workforce. Working under strict labour rules and high levels of work pressure, these women have to seek domestic helpers to take over their housework and care-giving responsibilities. It should be noted that nowadays, the search for domestic and day-care workers is on the rise both within national borders and overseas (Perrons, 2004). These types of paid employment attract women's interest as they may help women to empower themselves and contribute to their family's income. As a consequence, women may unintentionally fall prey to traffickers.

The growth of the sex industry and sex tourism. Under globalization, the economic boundaries between nation states do not exist. The growth of the tourism industry in transitional countries as a result of structural changes has

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[15]   Those notions, however, are also contested because in poverty, and difficulties, people have to manage to subsist any way they can.

brought about high numbers of women and girls working in recreational services and sex tourism (Farr, 2005). Sex tourism and the sex industry include all forms of sexual exploitation as women try to fulfil the needs of their customers (O'Connor & Healy, 2006). The growth of sex tourism and the sex industry has emerged as an alarming trend in recent years. Some countries have gained major economic benefits from those activities. However, the sex industry and sex tourism attract not only many adults, but also child labourers, and even child prostitutes (Farr, 2005). It has been noted by the US Department of State – USDOS (2005) that, every year, about one million children are exploited by the global commercial sex trade. The sex industry and sex tourism, in fact, do not properly empower women or effectively provide them with sustainable livelihoods, even if it is a choice of some specific women or of women who have no other ways to earn a living.

2.7.2 Push factors

Several push factors contribute to human trafficking: poverty, patriarchy and gender discrimination, humanitarian crises, and weak law enforcement.

Poverty. A common and primary cause of trafficking is poverty – a condition from which people seek to escape and find a way to become better off (Samarasinghe, 2008). Analysing poverty as an economic cause of trafficking, Turnbull (1999, as cited in Reilly, 2006) acknowledges that poverty, along with high levels of unemployment among women and, concomitantly, the declining social status of women, constitute the major push factors. Due to limited opportunities for economic stability, women and children are pushed to go abroad or to move to urban areas to support their families or increase their own social and economic status (Wang, 2005). During the process of migrating from one location to another to find work, people face the uncertainty of being far from home, are less secure, and more easily deceived by traffickers with promises of good working conditions and high earnings. However, while acknowledging poverty as a push factor, D'Cunha (2002b) does not agree that it is an immediate cause of trafficking. She argues that many young women are vulnerable to trafficking, not due to poverty or a lack of economic opportunities, but because they want to escape from the burdens of work and family responsibilities. This happens more to those exposed through education or the media to alternative modern lifestyles.

Of course, both arguments may be true in different cases. Poverty creates and sustains trafficking, while traffickers lure mainly poor and unsuspecting women into exploitative situations (O'Connor & Healy, 2006). However, it is not sufficient to focus on poverty alone. People are vulnerable to human trafficking because of different factors such as socio-economic, political, cultural and racial factors, as well as personal reasons; for example, past experience of sexual violence, family trauma, or even life ambitions.

Patriarchy. Another interlinked cause of trafficking is patriarchy, of which gender discrimination is a part. Trafficking in human beings relates to the exploitation of vulnerable victims. Due to embedded patriarchal norms of male dominance, women are sexually exploited to serve male sexual demands. Saramasinghe's (2008) work on female sex trafficking in Asia shows that the incidence of female sex trafficking is a consequence of increasing female vulnerabilities. She points out that female sexuality is socially controlled by male needs and "males set out the norms of behaviour" (p. 44) and social agenda surrounding female prostitution is an illustration of male dominance that sets out the socio-economic and political behaviours in the entire society. Human trafficking, therefore, has a link with patriarchal structures and practices, and it is no longer just an issue of individual vulnerability, coercion, and exploitation. In addition, women are more likely to work in the household; men tend to work more in public places. At work, women work longer, under poor working conditions, may even be forced to work, and have no time to take care of themselves (Duong, 2006). Thus, patriarchy yields gender inequality and gender oppression. Being marginalised economically, socially and politically, many women are unable to enjoy basic human rights and are, therefore, vulnerable to human trafficking.

Humanitarian crises. Annually, many people fall into the trap being trafficked due to natural disasters, political chaos or conflicts. According to Obokata (2006), up to 2006, there were about 633,000 refugees from Myanmar (Burma) migrating to Thailand due to on-going military conflicts. Conflicts between ethnic minorities and the military junta have displaced many people in Myanmar and have pushed many others out of the country completely (Yang, 2009). Wars and military conflicts also contribute to the rise of female victims abused by soldiers, and boy children recruited to be in the army in some cases. Civil unrest, internal armed

conflict and natural disasters destabilize and displace populations and increase vulnerability to exploitation and abuse (USDOS, 2000). In Vietnam, due to regular floods and droughts in central areas of the country, many farmers have to migrate to other cities to find jobs. These people, who are familiar with life in the villages and with their farming jobs, become strangers in destination cities. Unfamiliar working and living conditions, and lack of resources, expose many people, especially women, to the risk of trafficking.

Weak law enforcement. The absence of specific laws against trafficking in many countries and the weakening of law enforcement may lead to the growth of criminal organizations in the lucrative, tax-free and low risk business of human trafficking (Miko, 2003). Penalties are usually minor given the crimes; therefore existing sanctions are not strong enough to prevent this non-humanitarian trade. In Armenia, the maximum punishment for trafficking resulting in the death of the victim is only eight years of imprisonment (Dewey, 2008). In September 2009, Vietnamese police identified a trafficking chain involving 16 offenders who organized the trade of more than 300 babies for illicit child adoption to gain illegal profits. However, the highest sentence for the one who engaged in the trade of 220 babies was only four years and six months of imprisonment (VOVNews, 2009), which is obviously out of step with the profits gained and the loss to various families. Disturbingly, evidence shows a relatively high degree of collusion and corruption among government officers and offenders to facilitate the clandestine operations of the crime (Miko, 2003). Additionally, long and porous borders are favourable to traffickers. Trafficking also combines different types of exploitation which involve various laws and policies, requiring coordinated efforts and active cooperation between different actors. However, such collaboration is still a challenge in many countries.

It should be noted that, those push and pull factors are not fixed and may not be the same in different countries, because they depend on the context of the place where people reside and the place they migrate to or are being brought to. It means that push and pull factors are connected through socio-economic, cultural and political relations of source countries and destination countries. The push factors are a result of rapid changes in the countries of origin and the pull factors are antipode of the push ones. Further, as Dejardin (2008) argues that

globalisation has changed the way people see the world, and, globalisation has contributed to changes in the roles of women and men in the society. The next section aims at examining the gender, trafficking and globalisation nexus.

2.8 Gender Aspects of Human Trafficking in Globalisation

Considering that human trafficking is a dark size of globalisation, it is governed and dominated by global forces that shape and influence the lives and choices of people all over the world. This thesis attempts to investigate gender aspects of human trafficking in globalisation through different feminisation processes: feminisation of poverty, of migration, of labour, and of trafficking victims.

2.8.1 Feminisation of poverty

One may argue that poverty is no longer a root cause of human trafficking because the rich also can be deceived by traffickers, and traffickers tend to use the Internet and modern technology to lure people who are middle class and urban-dwelling (USDOS, 2013). However, it is fair to say that women experience poverty at a far higher rate than men, which puts many women at risk of being exploited or deceived. Also, the growing poverty at a time of global financial and economic crisis is clearly making more women and girls vulnerable to both labour and sex trafficking.

Poverty, according to Kabeer (1994), is gendered because women and men experience poverty differently and unequally. Women have less control of and access to land and other resources than men (United Nations, 2009). Women are also paid a lower income than men and spend more time on unpaid housework, child rearing and child bearing. Further, with increased globalisation, gender gaps in poverty between men and women have been widening (Chant, 2006). Globalisation and economic restructuring with the movement towards a market economy bring more opportunities for women to work. Women now account for the main workforce in manufacturing factories, where they have to work long hours for comparatively low pay (Kabeer, 2012). Additionally, women are disadvantaged compared to men in work; even "among lower-skill, lower-paying occupations, women earn approximately 60% of men's wages for comparable work" (Thibos, Lavin-Loucks, & Martin, 2007, p. 5). In the feminisation of poverty, according to Moghadam (2005), women suffer doubly: first on account of gender inequality, and second on account of poverty. Additionally,

feminisation of poverty is emergent as it not only affects women, but also other family members, especially children. When women are poor, children's welfare and family life are negatively impacted, especially in the case of female-headed households.

Vietnam has also been experiencing a feminisation of poverty, with more women experiencing poverty than men. There are a number of social and demographic features that contribute to this. Vietnam is an agricultural country with 70.4 percent of people living in rural areas (General Statistics Office of Vietnam [GSO], 2009a). The farming sector of Vietnam is one of the most overcrowded in the world, with around 1,000 persons per square kilometre of agricultural land (Kabeer, Tran, & Vu, 2005). There has also been a slight difference in the male and female populations. As of 1 April, 2009, the female population accounts for 50.6 percent of the total population of Vietnam, while the male population is only 49.4 percent (GSO, 2009a). Vietnamese women are faced with the dual responsibilities of farming and family management, which restricts the time available for improving their skills and knowledge. Furthermore, these two areas of women's main involvement (farming and housework) are low income/ non-income generating.

In Vietnam, as in many other developing countries, women's contribution to family labour is often undervalued, underestimated, and rarely included in economic statistics or accounting as work and income earning activities. As Waring (1999) has noted, women are considered as non-producers and as a result they cannot expect anything from distribution of benefits generated from production. Further, women's contribution to housework is considered essential; something that women cannot refuse to undertake. If they do, they face social stigma for going against traditional moral norms and values. Further, despite having the larger female population, and the fact that women tend to live longer, Vietnam's female employment rate is always lower than that of the male. Kabeer et al. (2005) confirm that only 24 percent of Vietnamese women are found in waged employment, compared to 41 percent of men (p. 6). In the family and in society, women and girls face gender stereotypes and forms of gender discrimination that prevent them from accessing educational, political, and employment opportunities. As a consequence, the gender poverty gap is widening.

This disadvantages women and undermines their empowerment, and creates a higher risk of trafficking vulnerability.

2.8.2 Feminisation of migration

Although women have always been part of migration processes, there has been a rise in the number of women moving both domestically and internationally for livelihood opportunities. Thus, feminisation of migration refers to a contemporary trend in the gender pattern of migration movement, with more and more women migrating for employment or for marriage. According to the Global Migration Group (2008), female migrants account for 52.2 per cent of all migrants in the developed countries, and constitute 45.7 percent of all international migrants in developing countries. In other words, about one hundred million women are living outside their countries of origin. This creates a female face to migration worldwide, and contributes to the elimination of the traditional pattern where those women are tied to the house and remain in their reproductive and housekeeping roles. Many women choose to migrate as a way to expand their opportunities; however, their decision to migrate can subject them to different types of vulnerabilities such as language barriers, racial discrimination, or even abuse and torture from their husbands in the case of foreign marriages (Piper & Roces, 2003).

Migration is a gendered process in itself as women and men experience migration differently. Men and women tend to migrate for different purposes. Generally, women and men migrate to work in response to gender-specific labour demand in destination places. However, women, especially women in Asia, also migrate for marriage. Yang and Lu (2010) reveal that in the past two decades, there has been a rapid increase in cross-border marriage migration between Southeast and East Asia whereby women from less developed countries migrate for marriage to men in wealthier countries. This is the origin of the term "Asian mail-order brides". These women not only migrate to Asian countries, but also to countries worldwide. Further, male migration and female migration have different impacts on those left behind. Cortes (2010) emphasizes that female migration has an overall negative impact on children's education, and maternal absence is more detrimental than paternal absence. Additionally, men and women face different vulnerabilities in migration; while both are vulnerable to psychological and health

risks such as mental health problems (Bhugra & Jones, 2001), sexual transmitted diseases, or HIV/AIDs (Sevoyan & Agadjanian, 2010), women are at higher risk of being sexually abused or exploited.

What are the reasons for this feminisation of migration? There is evidence showing that globalisation has created a feminisation of the labour market and migration processes. According to Perrons (2004), the global neo-liberal economy has created a large demand for female labourers to work in the Export Processing Zones (EPZs), export-oriented factories, and the cool chain with the production and processing of fresh fruits. Further, globalization and the improvement of modern technology attracts more educated and qualified women in developed countries and in urban areas to join the labour force. This creates an increased demand for female support workers who can be nannies for other women's children, or caretakers for old or sick people. As a result, women migrate from developing to developed countries, or from rural to urban areas, to grasp these paid work opportunities. Many Asian women have become transnational domestic workers or maids overseas (Constable, 2007; Huang, Yeoh, & Rahman, 2005).

Female migration is believed to bring about socio-economic benefits for individuals, households, and communities. Migrants have been acknowledged to be important vehicles for social and financial remittance (Global Migration Group, 2008). In terms of social benefits, migration gives women new ideas, access to technology, information, and enhances new skills and knowledge. Migration also provides women with autonomy, freedom, and confidence, as they earn an income and have the opportunity to communicate with people outside their villages. Migrants, especially female migrants, tend to save a major part of their income to send home to support their families (International Organization of Migration [IOM], 2006).

The feminisation of migration, however, potentially brings with it different negative gender impacts on women and those left behind. Due to strict migration policy in destination countries, many female migrants have to live far from family members. In the case of domestic workers or caregivers, women need to care for others while leaving their children behind without direct maternal support. This separation of mothers and children is contributing to the development of the term 'mobility orphans' (Caritas Internationalis, 2010, p. 11), which refers to children

who grow up without the tangible presence and care of parent(s). Also, instead of relaxing and enjoying the rest of their lives, the elderly, normally grandmothers, rather than the absent women of the family, have to care for their grandchildren. The phenomenon of "grand-mothering" (Caritas Internationalis, 2010, p. 12) occurs in this particular context. In reality, women are not the winners in this migration process. They migrate to fulfill financial needs to support their families, and at the destination they suffer psychological and emotional burdens. They miss their children, of course. They live without the support of family members and relatives, and the quality of their lives largely depends on the behaviour and treatment of their employers. Risks are often apparent at the destination in cases where migrants have inadequate knowledge of local socio-economic conditions, customs, poor language skills, and therefore are passive in the work they have to undertake (Ebbe, 2005). At the destination countries, female migrants "are often forced to accept subordinate and less secure employment" (Piper, 2005, p. 8). In their home countries, they are perceived as having abandoned their families and children for money, or for satisfying their ambitions instead of undertaking traditional gender roles as mothers and domestic workers.

Female migrants are also at risk of losing their family as they live far from their husbands. The most dangerous potential risk, however, is the risk of being trafficked and exploited, either for sex or labour. As a result of the tremendous surge in female migration within and across borders, women are now in greater danger of being trafficked. Ebbe (2005) illustrates the linkage between this feminisation of work, of migration, and trafficking by telling the stories of young poor female workers in developing countries. Some have to prostitute themselves to earn extra money to send home, where brothers and sisters may be relying on that money to spend on their schooling and living. These women easily fall prey to Western tourists and traffickers (Ebbe, 2005). Others become debt-bondage victims because their low salaries are not sufficient to cover their monthly bills.

Vietnam, also, has been witnessing a feminisation of migration internationally and nationally. Within the country, women migrate from rural to urban areas to find employment opportunities as housemaids, as workers in factories, or even as seasonal workers, as workers on construction sites, or as mobile street vendors. Vietnamese women also migrate across borders, mainly to work as nannies, caregivers, nurses in hospitals, and for foreign marriage. Labour export has been

an important solution to the national economic development strategy. Dang (2008) acknowledges that every year, and no fewer than 70,000 Vietnamese leave the country for jobs overseas, and approximately 400,000 Vietnamese workers are present in over 40 countries worldwide. Female workers account for a high proportion of the Vietnamese workforce overseas, especially in Taiwan, Malaysia, and South Korea, where there is a high demand for factory workers, housemaids, and caregivers. One research study found that many female migrant workers in Vietnam are living in challenging circumstances. Only 28 per cent of female migrant workers have long-term contracts, while others only obtain short-term contracts, verbal agreements, or are without contracts (Actionaid Vietnam & C&D, 2009) (C&D is the Centre for Cooperation Human Resource Development in Hanoi, Vietnam). This research also emphasises that female migrant workers in Vietnam face considerable human trafficking risks, especially in the context of economic crisis, as enterprises tend to reduce the number of workers and workers need to work more, even with lower pay to compensate the company's loss. In such a situation of work degradation, 90 per cent of female workers interviewed confirmed that they decided to stay in the city rather than returning to their villages (Actionaid Vietnam & C&D, 2009). Thus, migration and its risks are accepted by many women in economic crisis, when they do not have much choice in life.

2.8.3 Feminisation of labour

Feminization of labour describes a rise in women's participation in paid work as well as the changing nature of employment, with a greater flexibility of labour for women and men. This trend has been identified by different scholars as a prominent gender characteristic of globalization. Perrons' (2004) discussion on the global division of labour and the feminization of employment shows that the market economy with global commodity chains, the development of intensive production activities, the growth of export processing zones (EPZs), the increase in sex tourism, sex work, and trafficking, all form feminized features of globalization. Feminization of labour has been found to be more visible in the flexible labour market, where women account for almost as many of those employed as men. Standing (1999) emphasises that with globalization there has been a feminization of many jobs traditionally held by men. The changing nature of the labour market, such as the growing demand for jobs in highly feminized

sectors like health care, domestic workers, and manufacturing also leads to a rise in female labour force participation, and female migration (Piper, 2011).

Women are usually less advantaged than men in the labour market. Being mothers, wives, and daughters, women bear a triple gender role, which restricts their time and mobility for paid work and limits their choices of income-earning activities. As a result, women have fewer choices than men. Further, as noted by the United Nations (2009), women have limited control over economic resources, and unequal access to financial resources, and these challenges women's emancipation and women's capacity. Women's access to high-income or high-skilled activities, therefore, cannot be compared to that of men. Women thus, account for a higher portion of those in low-income jobs where there are poor working conditions, such as those working in factories. Even in such a relatively female occupied environment, there is a visible gendered division of labour, with men working in the positions of technicians, managers, or heads of the production lines, while women are workers and receive a low pay (Duong, 2006).

In Vietnam, the growing feminization of the labour market is also shaped by the particular development context of globalization. First, globalization, with an increasing liberalization of trade and capital markets, has brought about significant changes in the country's socio-economic conditions. However, not all people are in a position to benefit from globalization processes. In international free trade, developing countries like Vietnam face strong competition within world markets, and are under pressure to reduce production costs to win a competitive advantage. Not surprisingly, among different possible solutions, low wages, deduction or abolishment of social benefits and increased working hours have been usually chosen by employers (Trinh & Pham, 2012). Further, with the advantage of being a country with low labour costs, along with an open door policy and open investment policy, Vietnam has been attracting a considerable volume of foreign investment. In the 25 years from 1987-2012, Vietnam has attracted 14,550 foreign projects with a total foreign direct investment (FDI) of $211 billion [16] (Government of Vietnam [GOV], 2013a). Currently, FDI is

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[16] In this research, the amount in Vietnam Dong is converted into United States Dollar (USD) and written in short form of $. The estimated exchange rate is $1 equal to VND20,000 (for convenience, the exchange rate was fixed at what was at the time of my fieldwork for this research, 2010. The exchange rate of USD/VND in December 2013was around VND21,000/USD).

providing workplaces for two million direct workers and another four million indirect workers; among all those workers, there are many female migrants (GOV, 2013). In addition, structural adjustment and the erosion of the welfare system in Vietnam have created a care deficit in both households and in the community. With the abolition of free crèches within the work place and the removal of the child-care subsidy, many women need to hire domestic helpers or care givers to take care of their children, the old, or the sick if they want to participate in the paid labour force. Further, the staff redundancies in the state-owned economy and co-operative sector as a result of economic restructuring in the 1990s has contributed to a rise in women's flexible labour workforce[17] which is unstable and more vulnerable to exploitation.

The connection between feminization of labour and trafficking is clear. Women who work in factories as cheap labour are at risk of falling into labour trafficking with long working hours, no time off, low wages, no contracts, and where workers are often underpaid, overworked, overlooked, and coerced (Pearson, 2006). They are also at risk of being sexually abused or sexually exploited by their male colleagues or bosses (Burn et al., 2011). Further, whether working inside or outside the country, female labourers face different vulnerability risks. In the case of female migrants overseas, they have to face a double vulnerability. On the one hand, their status as women inherently perpetuates gender inequalities in both their countries of origin and countries of destination. On the other hand, their status as foreigners means they have no competitive advantage because of poor language skills, lack of legal status, and lack of cultural background. Additionally, being female migrants, they may have to depend on men who are citizens of the destination countries; if the relationship should break up they will be more vulnerable due to the risk of losing their legal status, and may face deportation or document confiscation.

2.8.4 Feminisation of sex trafficking

In the academic literature, there are different terms used that identify the victims of sex trafficking as predominantly female. Commonly used terminology includes "the traffic in women and girls for prostitution", or "the sexual exploitation of women" in the work of Limoncelli (2010), "female sex trafficking", "trafficking

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[17] In Vietnam, the flexible labour workforce refers to people who are unemployed but willing to undertake seasonal and unsecured jobs, even with low pay.

of women for sexual exploitation" (Samarasinghe, 2008), "women trafficked for the purpose of sexual exploitation" (Chen, 2010), and even, "human trafficking is a women's issue" (USDOS, 2010). Thus, sex trafficking is categorized as an issue that directly links to and impacts on women. Sex trafficking has become the most documented type of human trafficking, accounting for 79 percent of all trafficking cases (UNODC, 2009), with 80 percent of people trafficked being women and girls (USDOS, 2008). In many countries, human trafficking is defined as trafficking in women and children, and trafficking for sexual exploitation; therefore, all victims reported are female. In other countries, sex trafficking is being compared to a global market in women and girl children (Farr, 2005). Such a feminisation of sex trafficking reflects the fact that women continue to be a major part of human trafficking flows.

Globalisation, along with the feminisation of poverty, the feminisation of migration, and the feminisation of labour as discussed above, has contributed to an increase in the feminisation of sex trafficking, as women are most vulnerable to sexual exploitation. Human trafficking has become a growing global issue that is interconnected rather than an isolated problem. Combating trafficking, therefore, requires multi-faceted strategies that help reduce different causes and consequences of the crime, and maximise the effectiveness of anti-trafficking interventions.

In Vietnamese anti-trafficking literature, sex trafficking is always linked to women, and trafficked victims are referred to as women, not men. This is because human trafficking had been framed as trafficking in women and children for a long time. An increase in sex trafficking and female victims has been regularly reported, especially at times of economic crisis and recession that render women vulnerable to human trafficking. According to the government, from 2004-2009, Vietnam was reported to have 1,586 cases of TWC, with 4,008 victims. In comparison to the period of 1999-2004, there was an increase of 1,090 cases of TWC, and 2,935 victims. The majority of reported cases were trafficking in women, and involved sex trafficking (GOV, 2009). During periods of economic recession, factories and EPZs tend to reduce the number of labourers. As a consequence, many female workers become unemployed. Those who have jobs receive low wages and struggle to subsist. According to research conducted by Actionaid Vietnam and C&D (2009), female workers in big cities are poor; 56

percent of female workers in Hanoi, 45 percent in Da Nang, and 42 per cent in Ho Chi Minh City are living in poverty. This research also acknowledges that there are signs of female workers being involved in prostitution and sensitive service work such as in bars, hotels, and restaurants. Additionally, the feminisation of sex trafficking in Vietnam originates from traditional feudal and cultural assumptions that sex sellers are exclusively female, and hence women are more vulnerable to sexual exploitation.

2.9 Conclusion

This chapter has reviewed the scholarship on human trafficking and highlighted the various dimensions of its causes and consequences. The chapter shows that although combating trafficking is every country's task, state worldwide have either engaged actively in the fight against human trafficking or failed to comply with international anti-trafficking legislation. Further, globalisation has exacerbated different types of feminization in poverty, labour, migration, and victims of sex trafficking. Globalisation also impacts trafficking with both push and pu ll factors that force people to seek away to improve their socio-economic situation or attract them to a new destination. Also, globalisation is a feminised process with more women being likely to live in poverty, with more women participating in migration flows, in the low paid flexible labour market, and an increase in the feminisation of sex trafficking. Different debates around human trafficking also show that the issue is contested and requires a multi-prolonged strategy that deals with different but related issues, including, but not limited to, migration, prostitution, and labour exploitation. Discussion of the international legal framework indicates that there is quite a comprehensive legal base governing the trafficking issue. However, individual countries' participation in international anti-trafficking convention is limited. To study trafficking in Vietnam, there is a need to look closely at the context of the country, the state gender ideologies that shape anti-trafficking policy, and the country legislation documents. Chapter Three will discuss these contents.

Chapter Three: Human Trafficking in the Vietnamese Context

> Governments – which alone have the power to punish criminals and provide legal recourse to [trafficking] survivors – cannot waver in their efforts to confront modern slavery. (USDOS, 2012)

3.1 Introduction

While acknowledging that globalisation fuels the growth of human trafficking, the scope of a country's human trafficking situation needs to be studied both in national and international contexts. This is because, as noted by Newmon and Cameron (2008), socio-political and cultural dimensions form a structural context that helps explain the causes of vulnerability that can lead to trafficking, and such knowledge is essential in order to address the trafficking issue at both source and destination countries. This chapter, therefore, focuses on two main issues. First is the Vietnamese context and the Vietnamese state's responses to globalisation, and the impacts of that on human trafficking. Second is the Vietnamese legal framework to combat human trafficking, of which the VNAP was a part. Together with the discussion in Chapter Two, this chapter seeks to seek to establish a solid basis for systematically understanding the evaluation presented in the analysis chapters.

3.2 Context of Vietnam

It should be noted that as a poor developing country with unfavourable natural, historical conditions, Vietnam has been a good place for human trafficking to be developed. That makes the fight against the crime become more difficult and tense.

Vietnam is a small country in Southeast Asia, sharing a long land and river border with China, Laos and Cambodia. Having a population of some 86.5 million residing in an area of 331,114 square km, Vietnam is the thirteenth most populous nation in the world, and its population density is six times higher than the world's

average (Vietnamnet, 2009). About 74 per cent of the Vietnamese population are living in rural areas where arable land has been considerably reclaimed to serve the growth of industrialized projects. Vietnam has been recognized as one of the most disaster-prone countries in the world with an average of more than 10 heavy typhoons and floods per year (Nguyen, 2007) which sometimes sweep out houses, assets, and crops of people in different areas of the country.

Vietnam has experienced different wars. After a long period of Chinese, Japanese, and French incursions, Vietnam declared the country's independence in 1945. Vietnam continued suffering interminable wars: the Vietnamese Resistance against the French colonists (1946-1954) and the Vietnam War (1954-1975). The Vietnamese government, therefore, had to give priority to reconstructing the country following the heavy devastation of wars rather than eradicating poverty and backwardness for the citizens at particular periods of time.

The wider significance of Vietnam lies in the fact that Vietnam is among the few communist countries today in the world. Under the leadership of the ruling party (the Vietnamese Communist Party), Vietnam has gained considerable achievements in the socio-economic and political fields. However, it is still a poor country with a HDI rank of one hundred and sixteenth out of 182 countries (UNDP, 2009). Despite the fact that Vietnam possesses a relatively high Gender-related Development Index (GDI) and Gender Empowerment Measure (GEM) (0.723 and 0.554 respectively in 2009) (UNDP, 2009)[18], Vietnamese women are still facing considerable difficulties in their lives and suffering gender inequality (Martignoni, 2001). The gaps between gender development on paper and in reality, therefore, can be recognized and emphasized, and can be seen as a hidden cause of human trafficking in Vietnam. A discussion on the Vietnamese state and its gender ideologies is needed to see how gender and policy issues are shaped and regulated.

3.2.1 The Vietnamese state and gender ideologies

The Socialist Republic of Vietnam is a single-party state which was founded in 1945 after a long colonial historical past. It can be said that the Vietnamese state

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18 The GDI captures inequality between men and women. The GDI is counted as percentage of HDI. In this case, the GDI of Vietnam is 99.7 percent of the HDI. The GEM reveals whether women take an active part in economic and political life.

agglomerates characteristics of different types of state: socialist, communist, post-colonial, and even Third World. However, the Vietnamese state today is described as a "development state" given that the country is following a market economy and the state makes a strong intervention in the national economy. As noted by Hirata (2002), in a developmental state the bureaucracy plays a crucial role in promoting national economic growth. The Vietnamese state has been successful in its Renovation agenda, which turned a centrally planned economy into a market economy. Vietnam is defined as being one of Asia's fastest growing economies, with an average annual growth of 7.4 per cent from 1989 to 2008 (Asian Development Bank, 2009). In the last decade, Vietnam has been less visible in the international economic and political arenas. It was accepted to be the hundred and fiftieth member of the World Trade Organisation in 2007, and as of 2013, has become one of the leading exporters of rice, crude oil, and textile-garment products globally.

The Vietnamese state can be defined as being both 'strong' and 'soft'. As a socialist state which plays the role of the bureaucratic-military oligarchy, the Vietnamese state is strong in holding a centralized power system, controlling the whole territory with a distinct relative autonomy to freely decide on and pursue its own goals. However, ineffectiveness has been found in some aspects of Vietnam's social, political and security domains, such as the increase in crimes such as smuggling and human trafficking, a high level of corruption, low law enforcement skills, and complicated administrative procedures.

It is worth noting that, the Vietnamese state and other states in developing countries, even in their transition to modern, developed states, are patriarchal. Observing the state apparatuses, it is clear that men dominate the top political positions, so states and governments "look like men's clubs" (Enloe, 1989, p. 6). Such a male-dominated structure, both in the state machinery and in its internal organisations, constitutes the social order in the interests of men and the state tends to treat women from masculine views. In the wider society, although women dominate the private sphere, their status is much lower than that of men because they earn less, have less access to social services, and are also subject to rape, human trafficking, domestic violence and sexual harassment (Rai, 2008; Vlachova & Biason, 2005). Women's subordination is not easy to eliminate because "the

oppression of women does not derive from a single set of social relations but from a complex system of interrelated structures and relations"(Dahlerup, 1987, p. 102). Patriarchal characteristics in the state structure and embedded gender biases in the society are manifested in the state's institutions, laws, policies, and socio-economic structures and women have to bear a double oppression due to their subordinated status. Samarasinghe (2008) argues that the incidence of human trafficking nowadays shows the power and resilience of patriarchy in its new form: patriarchal gender relations between individuals, and patriarchal ideologies imposed by the state. All these statements are relevant to the case of the Vietnamese state, and patriarchy plays an important role in constructing the state's responses to the human trafficking issue.

To understand more about a state, we should look at the relationship between the state and women. The image of Vietnamese women has built in line with nationalist agendas. There is a legend that the country was born by Au Co Mother and her husband Lac Long Quan. They had 100 children, half of them followed the wife to live in the sea land, and the other half lived with the husband in forest areas; they formed a multi-ethnic and multi-religious nation. Thus, the image of Vietnamese women was built up to be "biological reproducers of members of ethnic collectives, as 'mothers of the nation', as reproducers of the boundaries of ethnic/ national groups" (Yuval-Davis & Anthias, 1989, p. 7)[19]. Vietnamese history told the legendary struggles of Trung Trac and Trung Nhi, who successfully resisted Chinese invaders in the first century AD[20]. As Tetreault (2000) also remarks, in the Vietnam War, millions of women actively engaged in combat, local resistance movements, or in the transportation of weapons. Nationalism as an ideology, in the case of Vietnam, plays an important role in the construction of women's identities within the national space. Gender ideologies of nationalism, according to Rai (2008), may define the ways in which women's labour should be configured, counted, assessed and rewarded.

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[19] Yuval-Davis and Anthias did not write specifically about Vietnam; however, the quotation suits the case of Vietnam, and thus was used in this thesis.

[20] Trung Trac and Trung Nhi (or the Trung sisters) were the two female heroes of Vietnam. They led the first national battle against the Chinese invaders and gained victory. To drive the Chinese intruders from Vietnam, they gathered an army of 80,000 people. From these troops, the Trung sisters chose 36 women, including their mother, and trained them to be generals. Even today, the Vietnamese people still glorify their names and heroism (http://www.womeninworldhistory.com).

Patriarchal ideologies defining women as reproducers of future generations and as carers for the others have been clearly manifested in public life and in the Vietnam's state policies. The Constitution of Vietnam (1992) emphasises that women play an integral role in caring for their children and nurturing their family's happiness. Such an over-emphasis creates a gender stereotype which makes Vietnamese women the sole or primary caregivers for children and other family members, and endorses their subordination (Martignoni, 2001). Gender discrimination in Vietnam was originated and affected by strict Confucian rules which circumscribe women's lives in the framework of 'Three Submissions': submission to the father when living at home; submission to the husband in marriage; and submission to the son when the husband died. Traditional moral norms emphasize that girls must be virgins before marriage, otherwise it is a sin for their whole lives and they are scorned by their husbands and people in the community. These feudal principles are less valid in contemporary life; however, they still negatively shape the attitudes of men towards women.

As is the case of women in most developing countries, Vietnamese women are perceived to undertake the majority of domestic tasks. In addition, they are also active economic agents. In the last three decades after Renovation, women's citizenship has been constituted through two main images: women as daughters, wives, and mothers in the private domain; and women as participants in national socio-economic and political development. This second citizenship task has been actively fulfilled by Vietnamese women. McCarty, Corner, and Guy (2009) note that Vietnamese women participate in the formal economy of the country to almost the same extent as men, 75 per cent and 81 per cent respectively. Significantly, they undertake most of the family work and household tasks which are uncounted or unrecognized as having economic value. While household tasks are hardly shared by men, who are deeply affected by Confucian ideologies, women's progress is greatly challenged by their multiple roles. Although women account for a large part of the workforce, they mainly work in the manufacturing and informal sectors, which offer low wages and few entitlements. Women comprise 81 per cent of low-skilled workers on the production line (McCarty et al., 2009) while most higher level positions are occupied by men.

Additionally, in globalisation, women's interests have been incorporated within the state's development strategies, with equal opportunities to men in entering waged work, equal pay, and non-discrimination. However, negative results are reported in different economic sectors. An empirical study by Liu (2004) on the gender wage gap in Vietnam shows that females earn 25 per cent less than their male counterparts, and government sector employees earn 24 per cent less on average than those in the private sector. This considerable wage gap is caused by gender discrimination embedded in a patriarchal society where women are subordinate to and less competitive than men (Cyrus, 2007). Further, as noted by Mc Carty et al. (2009), the state, along with emphasizing gender equality, needs to explicitly incorporate gender analysis in the design of public policy and recognise the different impacts of policy on men and women. At the same time, women's domestic and care roles should be seriously considered.

In Vietnam, women's collective actions are still limited as their desires, and the demands made to the state are mostly transmitted through mass organisations or NGOs. Among those actors, the Vietnamese Women's Union plays a key role in assisting women to claim their legitimate rights and interests. Many women, however, think that it is men's task to be involved in political actions. Research by the VWU shows that most women perceive interaction with local authorities to be a woman's job (VWU, 2008b). Additionally, feminist alliances and feminist networks are almost absent in Vietnam; gender studies has not been incorporated within university education, and many people do not even know what gender is and why gender equality is important.

It is clear when looking at discourses of the Vietnamese state and women's development that although the state has made considerable efforts in the development of women and construction of women's identities, Vietnamese women still suffer lower status than men both in public and private spheres. Women have been included in the public sphere; however, traditional patriarchal views still persist and impose limitations on state laws and policies (Afshar, 1987). There are spaces for women for retrieving, reconstructing and regaining control over the meanings and signifiers in their lives; however, women themselves still cannot grasp the opportunities available to them because, as in many other countries, the state is far away and out of women's reach.

Trafficking in women has been defined as a consequence of poverty, discrimination, inadequate legal protection and political attention paid to the issue, and negative impacts of globalisation (Matsui, 1998). Discussion in Chapter One also confirms poverty, patriarchy, and discrimination, along with other factors, as causes of human trafficking. All the factors mentioned link directly to the status of women's identities, and trafficking victims' vulnerabilities, because they all influence gender equality and women's progress. It, however, also should be noted that there have been considerable changes in gender norms and values in the Vietnamese society.

3.2.2 Globalisation, the state, and changes in gender norms and values in Vietnam

Gender norms and values in Vietnam have changed considerably under the market economy. The application of the Renovation (a.k.a. Open-door Policy or *Doi Moi*) in 1986 has opened up a new era of globalisation in Vietnam. The Vietnamese modernist politicians attempted to build a system of governance that addressed the issues of social equality, gender equality, religious affinity and ethnic equality (Truong, 2006). This is evident in the adoption of socio-economic reforms and gender-related policies. Two of the most frequently mentioned initiatives influencing women's empowerment are economic reform and land reform.

Economic reform was introduced by the Sixth National Congress in 1986 and has been supplemented and fulfilled through successive congresses. The economy of Vietnam was turned from a centrally planned economy[21] into a market economy. In 1996, the government again affirmed the existence and growth of five economic sectors[22] which have equal treatment. The state sector is considered to be an important engine and an instrument to help the government to orient and regulate the economy at the macro-level. A multi-sector economy has created a diversification of institutional arrangements in enterprises. However, differences in institutional arrangements impact on labourers' rights and women's interests. In fact, the execution of social protection for labourers in non-state economic sectors is still insufficient, with unstable jobs and low wages (Duong, 2006). In the state-

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[21] Centrally planned economy refers to a type of economy in which the allocation of resources is determined by a comprehensive plan of production set up by the state.

[22] The five economic sectors are the state economy, the cooperative economy, the private economy, the state capital economy, and the foreign capital economy.

owned enterprises themselves, wage levels are quite low and incompatible with those of foreign-capital enterprises which usually require high-skilled labour and strict timetables. The public-private dichotomy, as a result of the state policy, challenges women's exclusion from full citizenship and yields gender inequality in different work places.

Land reform was launched by the Vietnamese government in the 1980s and is considered to have had noticeable impacts on Vietnamese women. The reform was targeted to strengthen land-use rights by allocating land and issuing the land title to private land users. The allocation of land to farm households under the household contract system, along with a newly liberalised socio-economic environment, resulted in intensive use of land resources (Ha, 2007). This initiative helped women to allocate their labour time in a flexible way instead of confining themselves in cooperatives, and also provided alternative livelihood options for female workers affected by state-owned enterprises downsizing (Truong, 2006). However, unintentionally, women have become deeply engaged in production, housework and care work after the abolition of the state subsidisation of education and health, in line with the implementation of Structural Adjustment Policies (SAPs) in the 1980s. As with many other women in developing countries, Vietnamese women have experienced the stress of allocating time and resources as a consequence of considerable cutbacks in public expenditure.

The norms of "working women" or "working mothers" widely accepted in Vietnam are in contrast to traditional Confucian ideology, which considers women as housewives or as living and working in the kitchen. Vietnamese women today are less subordinated to men as they have the chance to earn an income from paid work. However, they also face different forms of bias, including embedded traditional social and cultural ideologies, and the tension between economic liberalism and social protection (Truong, 2006). Equally important, in international economic integration new types of inequalities have emerged in Vietnam. Firstly, there is inequality in income and development opportunities. It has been reported that men earn more than women in most industries, except services. Among manual workers, the gender wage gap is 35 per cent in favour of men (Cyrus, 2007). Vietnamese women are less advantaged than men in accessing employment opportunities due to their reproductive and

social functions of bearing and rearing children, taking care of the sick and the elderly. They work more in the informal sectors, such as textiles and garment-making or in aqua-fishing processing enterprises, which often recruit low-skilled women and pay low wages. Nguyen (2004, as cited in Duong, 2006) states that in Vietnam the female labour force comprises five per cent of those in management positions, 10 per cent of staff and officers and more than 80 per cent of workers directed toward production activities. Secondly, industrialisation and the high speed of urbanisation also create challenges for social and family cohesion. Land use change has brought many benefits to industries and communities. However, it also poses different challenges to women and their families, such as unemployment, and inadequate arable land to cultivate (VWU, 2008b). As a consequence, rural female labourers have to migrate to find alternative livelihoods, potentially suffering inequality, harassment, poor living conditions and exploitation in the process. At the same time, care of children and the elderly becomes a noticeable issue when women migrate and leave a burden of care work and housework to girl children and the well elderly.

In short, many Vietnamese women live in poverty and inequality and struggle to subsist. While struggling with life, they face quite a high risk of exposure to human trafficking while moving, within the country or from Vietnam to other countries, to find better livelihoods for themselves and contribute to their family's income.

3.3 Human Trafficking in Vietnam

Trafficking in women in Vietnam has been noted to occur since the early 1880s, with cases of Vietnamese women purchased by Singaporean Arabs or Chinese; later on, trafficking in Vietnamese women increased during the first fifty years of French colonial rule in Vietnam, from 1885-1935 (Lassard, 2009). The scale of this illicit trade has widened in the era of globalisation and the market economy, as people now have more opportunities to move to different places in the country or across country borders.

Over the last twenty years in Vietnam, human trafficking has become an urgent and pressing problem, and advocacy for anti-trafficking politics has been high on the state's agenda. The efforts to counter human trafficking crime, however, have

been limited, according to the assessment of the US in its annual TIP reports. In detail, from 2001-2009, Vietnam was placed in Tier 2; in 2010 and 2011, Vietnam dropped to Tier 2 Watch List. In 2012, 2013, and 2014 Vietnam moved back to its Tier 2 ranking (Figure 3). In emphasizing the reasons for this recovery, USDOS (2013) acknowledges that Vietnam has made significant efforts in prosecuting some labour trafficking cases and issuing national law on human trafficking during the time of this assessment, and this recovery shows the consistency and resilience of Vietnam in the fight against trafficking crime.
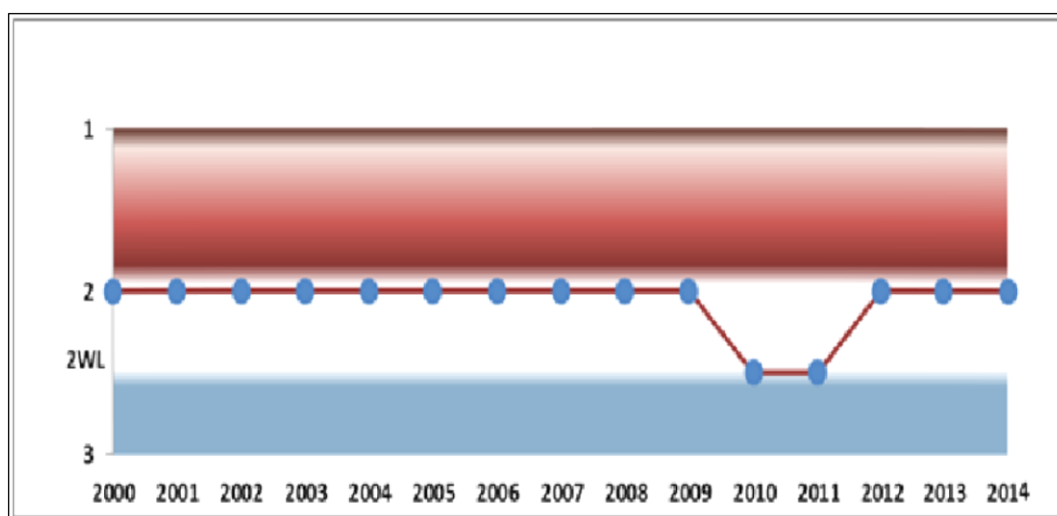
Figure 3: Vietnam Tier ranking by year from 2001-2014

Source: Trafficking in Persons Report (USDOS, 2014)

3.3.1 Defining human trafficking in Vietnam

There is an important point in time, January 2012, which marks key differences in the definition of human trafficking used in Vietnam. Only when the first Vietnam Law on Human Trafficking (2012) came into force was the term "human trafficking" officially used instead of "trafficking in women and children" (TWC). However, analysing the concept of trafficking in women and children is the focus of this sub-section given that this was the term used in the VNAP, the subject of this research.

Before January 2012, the concept of human trafficking, as defined in the UN Trafficking Protocol, had not been adopted. Vietnamese legal documents only took into account the concept of TWC, while ignoring trafficking in men. However, no legal definition of this term was offered. At that time, Vietnam

accepted a general concept of TWC based on the experiences drawn from the process of prosecuting and combating trafficking. Hence, trafficking in women and children was generally defined as:

> [T]he act of transportation of women and/or children from a person or a group of persons to another person or a group of persons to get money or other material benefit... (VWU, 2008c, p. 14)

The understanding of TWC in Vietnam was thus quite simple, and did not comply with the way human trafficking was defined in the international political agenda. Discrepancies in the Vietnamese definition of trafficking can be classified under the following four categories: acts, means, purposes, and objects of trafficking.

In terms of acts: TWC in Vietnam was understood to be a combination of two actions: buying and selling. It did not include actions of recruitment, transfer, harbouring or receipt of persons to get monetary or material benefit.

In terms of means: The definition did not define the means used by offenders; the victims may have colluded with traffickers while the UN Trafficking Protocol 2000 clearly defines the means of threats or actions used to constitute the crime. In fact, if they knew they were to be trafficked they could not have freely agreed to go, as it is impossible under international law to consent to torture or abuse (UNODC, 2006).

In terms of purposes: Exploitation is the key factor that differentiates trafficking from smuggling. However, the definition of TWC in Vietnam neither mentioned forms of exploitation nor motivation, purposes, or tricks used by offenders as binding factors to constitute trafficking in women and children, unless the person or a group of persons transports or transfers women or children to gain money or material benefit.

In terms of objects of trafficking: According to the UN Trafficking Protocol 2000, trafficking victims are men, women and children, while as noted earlier, the definition of TWC in Vietnam only acknowledged women and children as trafficking victims. There is a growing body of knowledge confirming that both in Vietnam and the international arena, people of any gender or race can be

subjected to trafficking (Bruggerman & Keyes, 2009; Obokata, 2006), and men must not be excluded from the definition. In other words, the Vietnamese definition of TWC was incomplete, insufficient, and needed to be revised. In 2012, the concept was shifted from TWC to human trafficking, along with the birth of the Vietnam law on human trafficking.

Equally important, the inconsistency in the definition of children should also be noted as it has created a gap between national and international legal norms. In the *Vietnam Law on Child Protection, Care and Education* (2004), "children" are defined as persons of 16 years of age or under, while the UN Trafficking Protocol 2000 defines them as those who are equal to or less than 18 years of age. Accordingly, should a female victim of 16 to 18 years old be defined as a woman or a child, and which law would regulate a male trafficked victim of 16 years old and above? As exploitation has not been seen as a main factor in trafficking in persons, the reports on TWC in Vietnam sometimes include figures of fraudulent foreign marriage and counterfeit labour export.

Thus, the understanding of human trafficking in Vietnam was previously inadequate and gender-biased, which made it incompatible with international standards. It also posed challenges to Vietnam in the fight against human trafficking as the crime involves both national and international laws, and these should be synchronized. In an attempt to identify reasons for the apparent confusion in local understanding of human trafficking, van Liempt (2006) reveals that there are two possible areas of confusion: between human trafficking and human smuggling, and between human trafficking and prostitution. The understanding of trafficking in Vietnam before 2012 fitted both of these categories. Within the wider community, human trafficking was defined as having a cross-border nature and the term did not apply to domestic trafficking; instead, it was used to express international trafficking cases of Vietnamese women and girls. The expressions "*she is being sold to China/Cambodia'* or *'she has gone to China/ Cambodia"'* were used widely to refer to women who had been deceived to travelling to those countries for prostitution, or for forced marriage.

The absence of a comprehensive legal definition of the term "trafficking in women and children" and of a specific law against trafficking has been found to

hamper the fight against this crime (Miko, 2003). Further, misinterpretation of the concept may lead to unexpected outcomes in anti-trafficking programmes. This possibility will be examined later in this thesis to discover how the facts of human trafficking are interpreted and socially constructed, and whether the interpretation is accepted as legitimate knowledge, and can positively contributes to a woman's life, especially the life of a trafficked woman.

In an attempt to bridge these gaps, the Vietnam Law on Human Trafficking 2012 uses the term "human trafficking". However, the new law only defines the terms "sexual exploitation", "sexual slave", "forced labour", and "victim" rather than defining what "human trafficking" or "trafficking in persons" are. It is, therefore, unclear whether people will have a thorough understanding of what human trafficking is and how far it is consistent with the internationally defined term. The lack of definition of the terms used will pose different challenges and controversies for people when applying the law in practice.

3.3.2 Main characteristics of human trafficking in Vietnam

Vietnam has witnessed both internal and cross-border trafficking. Internal trafficking in women and children in Vietnam relates to strong rural-urban migration. It is forecast that by 2020, about 40 per cent of the country's population will live in cities (Strategic Information Response Network [SIREN], 2008). Annually, a significant number of people migrate to the South and the North from central provinces; however, the major flow of migration is towards the South. Women and children are trafficked from rural and remote areas to urban areas to work in restaurants, hotels and bars, or to sell lottery tickets or polish shoes, with some facing forced labour or forced prostitution. Labour exploitation also takes place in the domestic and construction sectors and in factories. Internationally, Vietnamese women and children are trafficked through four main routes: from Vietnam to China, from Vietnam to Cambodia, from Vietnam to the other GMS countries, and from Vietnam to countries outside the region.

Vietnamese women and girls are trafficked to different parts of China for forced marriage and prostitution. Luckoo and Tzvetkove (2002) acknowledge that at least 22,000 Vietnamese women and girls were illegally sent to China from 1991-1999 as a consequence of China's shortage of women. There are also Vietnamese

boys who are trafficked to China, then forced to work in agricultural or factory settings (USDOS, 2009). Those victims normally are transferred to China through small tracks or border gates. A long border line between the two countries has created opportunities for traffickers to kidnap women and children. In mountainous areas, traffickers break into homes to kidnap children, and even kill parents and snatch children at night, or even in broad daylight (Pham, 2007). Vietnamese women and children, particularly from the provinces in the Mekong Delta, are trafficked to Cambodia for commercial sex, either voluntarily or by force; however, debt bondage is particularly prevalent (Busza, 2004; Derks, 1998). Apart from the two main destination countries mentioned, traffickers also transfer Vietnamese women and children to Laos, Thailand, and Myanmar for prostitution or forced labour (SIREN, 2008). Since the 1990s, Vietnamese women and girls have been among thousands of foreign nationals sold to brothels in Thailand to service the demands of the Thai sex industry. Vietnamese women are also trafficked to other countries through fraudulent marriages, labour and sexual exploitation, while children are trafficked under child adoption. Cases of trafficking in men, infants, unborn children and viscera have been detected by the relevant agencies (UNIAP, 2010; SIREN, 2008).

Due to an inadequate understanding of human trafficking in Vietnam historically, available data only cover cases of women and girl victims, although trafficking in men and boys has been more recently acknowledged. Further, trafficking in women and children in Vietnam is becoming a far more complicated issue, with more female traffickers involved. Many female traffickers were initially victims and became wiser in dealing with the police force. Significantly, Nguyen (2008) warns that about one-third of trafficking cases involve three victims or more, while 1.42 per cent involve seven or more victims. These characteristics make human trafficking in Vietnam quite distinguishable from human trafficking in the other countries, and therefore require specific measures.

3.4 Vietnam's Legislation on Human Trafficking

By 2010, Vietnam had not had a specific comprehensive law against trafficking in women and children or illegal migration. As noted earlier in Chapters One and Three, it was, only in 2012 Vietnam issued the national Law on Human Trafficking. For the purpose of this particular research, the review of the

Vietnamese national anti-trafficking legislation only covers related laws and legal documents existing by December 31, 2010.

Trafficking in women and children in Vietnam during the time of the VNAP was regulated by related laws and the so-called under-law documents (such as decrees and circulars), which can be divided into four groups: preventive regulations; regulations on investigation, prosecution, judgement and sanction; regulations on repatriation and reintegration of trafficked victims into the community; and legal documents for regulating and implementing the VNAP (see Table 2).

Table 2: Main Vietnam's legislation towards trafficking in women and children

Group	Name of main legal documents	Year of issue
1. Preventive regulations	- Constitution	1992
	- Civil Code	1996
	- Labour Code	1994/2002
	- Marriage and Family Code	1986/2000
	- Law on Gender Equality	2007
	- Child's Protection, Care and Education Law	1991/2004
	- Other Decrees, Instructions (Decree 68/2002/ND- CP; Instruction 03/2005/CT-TTg; etc.)	...
2. Regulations on investigation, prosecution, judgement and sanction	- Penal Code	1999
	- Ordinance on Organization of Criminal Investigation	2004
	- Ordinance on Administrative Punishment/Fine	2002
3. Regulations on repatriation and reintegration of trafficked victims into community	- Decision 766/TTG	1997
	- Component 3 of NPA	2004
	- Decision 52/2006/QD -TTg	2006
	- Decision 17/2007	2007
4. Legal documents for regulating, implementing the NAP	- Decision 130/2004/TTG	2004
	- Decision 312/2005/QD	2005
	- Legal documents on regulating the NAP's implementation at different administrative levels...	...

Table 2 indicates that although there were different groups of legal documents governing human trafficking issue, there was a lack of legislation that directly focused on the issue of human trafficking. The following review of legal documents will provide brief content of the Vietnamese anti-trafficking legislation in the time of the VNAP.

3.4.1 Preventive regulations

The *Constitution of Vietnam* (1992) covers the articles which strictly prohibit all forms of discriminatory behaviour and violations of human dignity. It states that all citizens, men and women, are equally treated (art. 63). Additionally, article 71 stipulates the inviolate rights of citizens to life, health, honour and dignity. Being considered as an important part of the society and as determining the country's future prospects, children have the right to be protected and cared for (art. 65).

The *Labour Code of Vietnam* (1994, amended in 2002) clearly states that all forms of forced labour are prohibited. It is also strictly forbidden to misuse child labour (referred to as workers who are under 18 years of age). There are specific regulations to monitor and control the activities of labour export companies and employment services centres in order to prevent cases of people being coerced into becoming forced workers or forced prostitutes. Enticement actions are also strictly forbidden.

Forced marriage, under-age marriage and irregular marriage are strictly prohibited by the *Vietnamese Marriage and Family Code* (1986, amended in 2000). There are provisions related to trafficking in women and children (arts. 2, 18, 21, 35, 50 and 58) and to protect women from the dangers of being maltreated or exploited in order to receive money or other benefits (arts. 34, 38). Tackling the fact that perpetrators abuse the adoption of children to traffic them for profit, articles 67-77 regulate the adoption of children, including the adoption of Vietnamese children occurring inside and outside the country.

The *Vietnamese Law on Protection, Care and Education of Children* (1991/2004) regulates children's basic rights and the responsibilities of government, family and society to children. Particularly, it has articles on protecting children from trafficking, labour exploitation and sexual violation (Articles 6, 7). Under this law, the government strictly prohibits the abuse of street children as well as the

actions of torturing, maltreating, kidnapping, trafficking or fraudulently exchanging children.

The Law on Gender Equality was issued in 2006 and came into force in 2007. Different articles of this law were built on the basis of the CEDAW articles such as the definition of gender discrimination, gender equality, specific measures to enhance gender equality, and measures to eliminate all forms of discrimination against women.

It is a comprehensive law that sought to ensure gender equality in all fields of life including politics, economy, labour, education and training, science and technology, culture, information, sport, public health, and family (Articles 11-18). The Law on Gender Equality clearly defines the gender equality goals to (i) eliminate gender discrimination; (ii) create equal opportunities for women and men to reach substantial equality; (iii) to establish and enhance cooperation and mutual assistance between men and women in different aspects of life (Article 4). The law highlights the mainstreaming of gender in different policy development processes as an important measure to ensure gender equality (Article 21) and identifies responsibility of agencies, organizations, families, and individuals in implementing and ensuring gender equality (Articles 25-34). It can be said that the law has shown a strong determination of the Vietnamese government in promoting gender equality and women's progress. However, the handling of gender violations, was defined to be in conformity with the provisions of the Law on Handling with Administrative Violations, seems to be unbinding as the penalty followed that law is often minimal.

3.4.2 Regulations on investigation, prosecution, judgment and sanction

The *Penal Code of Vietnam* (1999) demonstrates active solutions to combat crimes including human trafficking. Article 119 defines stipulations on the crime of women trafficking with a maximum penalty of 20 years imprisonment. Perpetrators can be put under surveillance or forbidden to leave their residence from one to five years. Article 120 makes stipulations on the crimes of trafficking, kidnapping, fraudulent exchange and usurping of children, with a maximum penalty of life imprisonment. Additionally, perpetrators of both crimes can be fined five to 50 million VND, removed from positions, excluded from

employment or certain jobs from one to five years, or put under surveillance from one to five years. Articles 111 to 116 regulate penalty levels for sexual abuse of women and children. This code also addresses the crime of keeping a brothel (art. 245), the crime of prostitution mediation (art. 274), and the crime of forcing other people to immigrate or reside illegally abroad (art. 275).

The *Ordinance on Organisation of Criminal Investigation* (2004) assigns investigating agencies in criminal investigations. Investigating agencies include the People's Police agencies, the People's Army agencies, and the Supreme People's Procurement and their agencies at different administrative levels. Those agencies are responsible for conducting investigations of all offences and for applying suitable measures to identify crimes and causes or requesting concerned agencies to take remedial and preventive measures. The Border Guard, Customs, the Rangers, and the Coast Guard are also involved in criminal investigation.

The *Ordinance on Administrative Punishment/Fine* (2002) and its guidance (Decree 49/CP) aim to ensure social order and safety by controlling sensitive businesses related to hotels, restaurants, discotheques and so on, and dealing with prostitution and sexual exploitation. Administrative punishments include a warning, monetary fine, and seizure of material evidence.

3.4.3 Regulations on repatriation and reintegration of trafficked victims

Instruction No.766/TTg (1997) assigns the responsibilities of ministries, agencies and local authorities in combating trafficking in women and children. Following that, the Ministry of Public Security, the Ministry of Labour, Invalids and Social Affairs, the Ministry of Justice, the Ministry of Commerce, the General Department of Tourism, the Ministry of Culture and Information, the Chairmen of Provincial People's Committees and cities under the government, the Vietnam Women's Union, and the Vietnam Committee for the Protection and Care of Children cooperate with the concerned agencies to recognize, prevent and deal with the crime of trafficking in women and children. Those organizations are also eligible to cooperate with international police in combating TWC, increasing people's awareness, and supporting women and child victims.

Decision No. 52/2006/QD-TTg (2006) defines a group of measures to improve the quality of medical treatment and re-integration of trafficked victims into the community. In 2007, the government of Vietnam also released *Decision No. 17/2007/QD-TTG* to define the regime of receiving and reintegrating women and child victims. People are informed about procedures to contact relevant authorities for help in finding and reintegrating trafficking victims.

3.4.4 Legal documents for regulating and implementing the VNAP

Decision 130/2004/QD-TTg (2004) was issued by the Prime Minister of Vietnam to approve the VNAP. *Decision 130/2004-TTg* is one of the most important legal documents regulating the construction, organization and operation of the actions against trafficking in women and children. In November 2005, the government of Vietnam ratified *Decision 312/2005/ QD-TTg* approving four components of the NAP on combating and preventing trafficking in women and children from 2004-2010. Details of the VNAP's contents and objectives will be discussed in more detail in the following section.

The Vietnamese legislative system governing the issue of trafficking in women and children was incomplete at the time of the VNAP's implementation (Government of Vietnam [GOV], 2004). Most of the legal documents governing anti-trafficking activities are under-law documents [*van ban duoi luat*][23]. By 2010, Vietnam had not had a specific comprehensive law against trafficking in women and children or illegal migration. The absence of such an important law against trafficking and the weakening of law enforcement potentially fuelled the growth of criminal organisations and networks.

In assessing the legal system of Vietnam in comparison with the UN Protocols on Trafficking in Persons and Smuggling of Migrants, UNICEF and the Ministry of Justice (2004) suggest that the Vietnamese state has been expressing determination and taking an uncompromising approach to trafficking in women and children and the smuggling of migrants, showing the role of the state in protecting women's and children's rights, honour, and dignity. However, many things remain to be done. Vietnam needs a more comprehensive system of legal instruments, socio-economic solutions, and common efforts to eliminate the root

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[23] In Vietnam, only the Constitution and laws and resolutions approved by National Assembly are considered to be law documents, others are under-law documents.

causes of human trafficking and create safe conditions for victims. Additionally, Vietnam also needs to focus more in the areas of law enforcement and the prevention of internal trafficking, and to make more effort to protect workers working abroad (USDOS, 2009). Recently, Vietnam was placed in Tier 2 of the 2013 US TIP Report. This means that Vietnam does not fully comply with the Trafficking Victims Protection Act's (TVPA) minimum standards, but is making significant efforts to do so.

New features of the Vietnamese legislation against human trafficking will be reviewed at the end of this thesis. The next section introduces the VNAP – the case for this evaluation research.

3.5 Vietnamese National Action Programme Against Trafficking in Women and Children.

As can be seen from the previous section on Vietnam's anti-trafficking legislation, since the 1990s the Vietnamese state has issued different legal documents to combat human trafficking. However, their effectiveness has been limited. Several reasons should be noted, such as the lack of synchronous coordination among policy actors and agencies in anti-trafficking activities; inadequate policy implementation mechanisms; lack of basic knowledge of human trafficking amongst staff of relevant agencies; and rapid changes in the country's situation as a result of the transition in the economy, the post-structural adjustment period, and globalisation. The government has also confirmed that human trafficking is on the rise, with increasing numbers of women and girls being trafficked through the Northern border to be prostitutes or to service the demands caused by a bride shortage in China, and through the South Western border to be sex workers in Cambodia (Government of Vietnam [GOV], 2004). What can be seen from the government's perspective is that knowledge of human trafficking at the point of policy formulation was inconsistent. Human trafficking was defined as trafficking in women and children and there was a lack of attention paid to any types of human trafficking, other than sex trafficking.

The Vietnamese National Action Plan Against Trafficking in Women and Children 2004-2010 (the VNAP)[24] was born in the early 2000s, when the country was in a period of rapid socio-economic development after the Renovation was successfully applied in Vietnam in 1986. In such a special context of rapid socio-economic change, the government announced a strong commitment to push back TWC, given inadequate knowledge on the issue. The VNAP thus gives priority to the prevention of TWC, and then pays attention to both fighting against TWC and supporting the victims once they return and reintegrate into the community. The goal of the policy was to create radical changes in awareness and action among social organisations, and the entire society to prevent and combat trafficking in women and children and considerably reduce such trafficking by 2010. The VNAP is divided into two main periods, with specific objectives defined: from 2004 to 2006, and from 2007 to 2010. The objectives for the first period (2004-2006) were to raise people's awareness of human trafficking, organize activities to prevent and combat TWC, develop legal executing agencies, and reinforce the legislation and social management in order to reduce by 20 per cent the cases of TWC in target areas. The objectives of the second period (2007-2010) were to take comprehensive preventive measures to reduce by more than 50 per cent cases of TWC nationwide and to effectively support trafficked victims to reintegrate well into the community.

The VNAP was deployed in 64 cities and provinces in order to mobilize a large and universal participation of people in the community. A National Steering Committee involving five key state actors was set up: the Vietnam Women's Union (VWU), the Ministry of Labour, Invalids and Social Affairs (MOLISA), the Ministry of Justice (MOJ), the Ministry of Public Security (MPS), and the

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24 The other name of the VNAP is the 130 Programme, following the number of the decision approving the action plan (*Decision No. 130/2004/QD-TTg*).

Ministry of Defence (Border Guard Command)[25](MOD).The Ministry of Public Security was assigned to be a standing agency of the National Standing Committee that oversaw all policy activities. At the provincial level, provincial steering committees were established accordingly. At lower administrative levels (district and communal), representatives of the local police force, women's union, and social labour were the main actors in the VNAP intervention. To achieve its goal, four main components were assigned to the key public actors:

Component 1: *Education and advocacy in the community on prevention and combating TWC (responsibility assigned to the Vietnam Women's Union).* This component focuses on regular advocacy and education, communication campaigns for target groups of people, consultation, support for victims and their families.

Component 2: *Combat TWC (assigned to the Ministry of Public Security and the Ministry of Defence).* The Ministry of Public Security is in charge of this component in the inland areas while the Ministry of Defence is the key agency in the border areas. Both actors focus on prevention, identification, and sanction of TWC and related crimes.

Component 3: *Receive and assist trafficked victims returning from abroad (The Ministry of Labour, Invalids and Social Affairs and the Ministry of Defence).*These two actors take the main responsibility for monitoring border gates, repatriating victims and providing support for them to reintegrate into the community.

Component 4: *Develop and strengthen the existing legal system in relation to the prevention and combating of TWC (Ministry of Justice).* This component attempts

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[25] The VWU is a socio-political organization with a four level network: central, provincial, district and communal. Currently (2013), it has more than 15 million members countrywide. The VWUs goal is to facilitate gender equality and women's development. Since Vietnam has not had a Ministry of Women, the VWU acts as an important state institution to protect the legitimate rights and interests of Vietnamese women. MOLISA undertakes the state's management on labour, employment, labour policy social security, and anti-social evils. MOJ has the function of the state management on development and implementation of laws and regulations. MPS constitutes the core of people's armed forces to protect national security and maintain social order and the safety of the Vietnamese state. MOD manages, coordinates and supervises military affairs in the country. As human trafficking relates to illegal movement of people across the border, the Border Guard Command is assigned to the task of the VNAP.

to improve Vietnam's legislation on TWC to being more consistent with international legal documents, increasing international cooperation and capacity building to improve the effectiveness of the solutions.

The VNAP's contents and objectives show that the government of Vietnam used a victim-centred approach to formulate the programme. However, the target of a 50 per cent reduction in the number of victims is ambitious, especially when number of trafficking cases is hard to identify. Significantly, the contents of the VNAP related to different areas under the management of various actors and agencies over a large area, and therefore required close cooperation, active participation, transparency, and accountability in the whole implementation process.

The VNAP was the first national action programme against trafficking in women and children. Before the VNAP, the Vietnam Women's Union was active in combating TWC through the implementation of the VWU's Action Plans to combat TWC in 1999-2002, 2003-2007.

The birth of the VNAP with an elaboration of different components and tasks assigned to various actors strengthened the government's determination on the issue and represented a further step by the Vietnamese government in the fight against TWC (Hoang, 2008). However, as at December 2013, there has been little evaluation of the VNAP's effectiveness, nor of the extent to which the VNAP addressed the complex interaction among the factors that render Vietnamese women and children vulnerable to being trafficked. The effectiveness of the VNAP, therefore, remains unknown, except for some self-evaluation reports of government actors directly involved in the VNAP. The current study, therefore, aims at bridging those gaps in anti-trafficking policy evaluation.

3.6 Conclusion

This chapter has shown that Vietnam has been experiencing unfavourable socio-political and economic conditions that contribute to the rise of human trafficking in the country. Globalisation, with its negative impacts, has further exacerbated Vietnamese women's vulnerabilities to trafficking crime. The review of Vietnamese legislation to combat human trafficking shows that during the VNAP period (2004-2010), the state lacked a strong commitment to eliminating the

crime; most of the laws governed human trafficking indirectly, and there was fundamental incompatibility between national and international trafficking laws. In comparison to the information given in Chapter Two, it is evident that while the international anti-trafficking legal framework covers different types of human trafficking such as labour exploitation, sexual exploitation, and the recruitment of child soldiers, Vietnam's anti-trafficking framework only indirectly links to those areas, focusing far more specifically on TWC. Vietnam has not fully complied with the international anti-trafficking legal framework as it has not ratified all important international anti-trafficking conventions. In Vietnam's legislation (before 2012) including the VNAP, human trafficking was defined as trafficking in women and children. How human trafficking was framed is predicted to be problematic, but it is not the only gap of the VNAP. The next chapter will explain the methodology that guides this research.

Chapter Four: Research Methodology

Your choice of method may depend on your particular theoretical commitments. One researcher may believe that certain methods are preferable to others because of an underlying outlook on how to explain things social. Another may look askance at certain methods as being largely useless… (Baker, 1999, p. 9)

4.1 Introduction

The focus of this chapter is to formulate a policy evaluation framework for the present research, and to outline the way in which I developed my research design. The chapter begins with a literature review on policy evaluation, the main task of this study. Then, I present the policy evaluation framework that will be used to trace the Vietnamese state's efforts towards achieving the VNAP's policy objectives, and to explore the state's gender ideologies as manifested in gender policy and the impacts of gender policy on women's empowerment. The next section concerns details of my research sites, research methods, and related activities. Ethical considerations are also discussed. These are particularly important given that the study of human trafficking involves human subjects and is research on a sensitive topic. The chapter ends with an explanation of the terminology used in this particular research.

4.2 Policy Evaluation and Evaluation of Anti-trafficking Programmes

Policy evaluation has become an important task worldwide, especially since the adoption of New Public Management which highlights the importance of policy monitoring and evaluation (Hood, 1991). Policy evaluation, according to Wollmann (2007), closely relates to two things. First, it concerns evaluation research as an analytical tool to investigate the processes and results of a policy programme. Second, it relates to different phases of a policy cycle. Policy evaluation, therefore, provides important feedback on the efficiency, effectiveness and performance of public policies. In the words of Fischer (1995), policy

evaluation provides an ideal basis for politicians and citizens "for discussing and judging conflicting ideas, proposals, and outcomes" (p. 2).

Fischer (1995) clearly classifies two types of evaluation in policy analysis: empirical-analytic and policy deliberative. The former links to positivist views which espouse the ability to produce reliable empirical data to apply to a wide range of social contexts. It is manifested in a technocratic approach to decision-making and leads to a separation of facts and values[26], or value neutrality, in policy evaluation. The latter, policy deliberative evaluation, offers a comprehensive approach to policy evaluation which aims at integrating facts and values using practical discourse or "the logic of practical deliberation" (Fischer, 1995, p. 17).

In the existing scholarship, assessment of an anti-trafficking programme or policy has been mainly perceived in an empirical way that focuses on the predetermined objectives of policy. In some contexts, there is evaluation research that highlights anti-trafficking programme activities and examines the broad objectives of the programmes using secondary data, such as programme reports and information related to the programme's implementation, along with the re-circulation of published reports. This type of evaluation can be illustrated by the research of the International Organization of Migration (IOM) on policies and programmes to combat human trafficking in South-east Asia (Derks, 2000), the USAID's evaluation of anti-trafficking in persons programme in Africa (USAID, 2007), and the evaluation of Ukrainian legislation to counter and criminalise human trafficking (Pyschulina, 2003).The use of secondary data and document reviewing techniques in policy evaluation, however, is limited in its quality as it only supports the estimation of the figures, and sometimes ignores the legal and social contexts in which the programmes function. There is also research that combines document review and fieldwork techniques to take into account the perspectives of actors and targeted populations and to collect lessons and experiences for future programme design and implementation. Examples of this are the evaluation of the Asia Foundation's six year programme to prevent and combat human trafficking from 2002-2008 in Vietnam (Asia Foundation, 2008), and the evaluation of anti-

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[26] Facts, according to Fischer (1995), are the most concrete concerns of empirical study, while values can be investigated through a higher level of abstract exploration.

trafficking policies in Romania (UNICEF, 2006). Due to the time-consuming characteristic of primary research and financial limitations, there is a lack of research that uses fieldwork data (Tewksbury, 2009). The research mentioned above also reflects a technocratic style of evaluation, which focuses more on facts and empirical achievements than the social context in which policies were situated, or the social values these strategies might express.

Among the limited amount of evaluation research on anti-human trafficking programmes, only a few of the evaluations have been conducted by independent researchers and evaluators, including research done by Samarasinghe and Burton (2007) which critically reviews prevention strategies initiated and implemented by NGOs across the globe to prevent female sex trafficking, and an evaluation of the legislation to combat trafficking in Vietnam (Hoang, 2008). Most of the existing anti-trafficking evaluation research is internal evaluation which has been conducted by anti-trafficking agencies themselves (Asia Foundation, 2008; USAID, 2007). Such an internal evaluation is advantageous to organisations as the evaluators are familiar with the programme, the organisational culture, and the programme's objectives. Additionally, as a type of self-evaluation, the findings and criticisms of an internal evaluation are more easily accepted by the agencies themselves. However, internal evaluations are also problematic, and can be informal, and unsystematic (Wollmann, 2007). Self-evaluation conflicts with fundamental values and the interests of an organisation because an agency or organisation has to evaluate and comment on, and perhaps criticise, its own actions.

Very few agencies or scholars have engaged in the development of evaluation frameworks for anti-trafficking policy. In fact, to ensure a consistent pattern of evaluation, some agencies have built up their own evaluation frameworks. However, the proposed frameworks are quite simple, and this may result in descriptive evaluation. UNODC (2006) offered an evaluation framework for anti-trafficking programmes which focused on three analytical steps: identifying whether the programme, policy or intervention was effectively implemented; assessing whether the programme achieved the desired impacts on the target population; and determining whether the outcomes could be attributed to programme design. Some other organisations developed their own evaluation

frameworks which contained output evaluation, outcome evaluation, and evaluation of factors influencing the achievements of a programme[27] (Caliber, 2007; USAID, 2009). It is obvious that although the latter frameworks went a step further in determining the reasons for specific successes and failures, both frameworks mentioned adopted a traditional view of policy evaluation, which considers evaluation as a measurement of success and progress towards predetermined goals, rather than as a critique of arguments around the policy values, and how policy programmes may contribute to the improvement of life and society.

Various anti-trafficking evaluation frameworks initiated by scholars have been highlighted in the existing scholarship. As I will argue, different areas of emphasis in each framework can be further developed and combined to bring together a technical-discursive evaluation model that helps identify not only gaps in policy processes, but also underlying socio-structural concerns that challenge the development of a good society. For example, Samarasinghe's (2008) framework for studying human trafficking brings to the forefront the role of the state, the state's actions, and their effects on globalisation in terms of reinforcing the patriarchal norms that fuel female sex trafficking. Some areas in this framework could be expanded; areas such as examining dominant discursive constructions around women and trafficking that mirror the state's responses to the issue, and the state's gender ideologies that shape anti-trafficking interventions, and the implications of those issues for women.

D'Cunha (2002a) emphasizes the importance of incorporating a gender responsive and rights-based perspective into the study of human trafficking. She argues that the issue of human trafficking must be analysed from a gender-responsive and rights-based approach because it is rooted in women's unequal position and social location. Additionally, a gender responsive orientation demands an integrated multi-sectorial approach to fighting human trafficking both at local and national levels. In 2008, UNIFEM applied the gender-perspective and rights-based perspective in the evaluation of the Millennium Development Goals (MDGs). In the UNIFEM report, Corner (2008) notes that to ensure the quality of women's

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[27] Caliber is an international organisation that prepares different reports on human trafficking for the US Department of Justice (see Caliber, 2007).

rights and women's empowerment, policy evaluation must take into account gender disparities in different aspects of life. It is evident that the Millennium MDG progress slowly because gender equality and women's perspectives are not adequately mainstreamed in policy objectives and women are still viewed in terms of their traditional roles and low status (Corner, 2008). D'Cunha, in her foreword to that UNIFEM report, argues that promoting gender equality and empowering women have been set at the heart of the development agenda and need to be taken into account in different policy processes (Corner, 2008). This UNIFEM framework, however, mainly focuses on the evaluation of empirical outcomes achieved so far by different states towards the MDGs, and misses the discursive requirement of contemporary policy analysis.

Further, although trafficking involves source countries, transit countries, and destination countries, little attention has been paid to evaluation of a specific anti-trafficking programme or policy for a particular country. Most evaluation research tends to track the overall anti-trafficking framework of a region or between countries in the region (Derks, 2000; USAID, 2007; Wang, 2005). Little in-depth evaluation research has been done at the country level, possibly due to the nature and scope of trafficking, studying or evaluating this issue on a large scale presents significant challenges. However, conducting an evaluation of a specific policy programme in a specific country may provide better opportunities to identify evidence-based best practice and to collect critical information, and may therefore be more beneficial for policy actors and funding agencies.

Anti-human trafficking is clearly a political issue which reveals the state's ideologies and commitments. Additionally, it is a gender-sensitive issue, as it impacts strongly on women and girls, and less so on men and boys. To successfully evaluate an anti-human trafficking programme, there is a need to have a comprehensive framework that covers both political and gender dimensions. My methodological contribution in conducting this research is to develop and apply such a dual framework, which I hope will bridge the gaps in conventional policy evaluation practices.

4.3 Two-dimensional Evaluation Framework

My approach to policy evaluation in this study is drawn from two main methodological sources: the gender responsive and rights-based approach for policy evaluation developed by UNIFEM (Corner, 2008) as mentioned above, and Fischer's (1995) policy evaluation framework. The UNIFEM approach asserts that gender equality and gender responsiveness are crucially important to help women achieve their human rights. In general, women have different roles from men; therefore they have different needs, priorities and specific rights. To evaluate a gender policy, gender-sensitive analysis of the policy's goals and achievements is appropriate and necessary, because the lack of a gender-responsive and rights based approach contributes to slow progress and poor outcomes for women (Corner, 2008). In this thesis, the UNIFEM approach will assist in examining whether the VNAP has been effective in reaching and addressing the needs of women and girls and if it is well situated to empower women personally and collectively. Meanwhile, Fischer's framework offers two orders of policy evaluation: the first concerns a technical analysis of policy which covers the specific action setting of a policy programme (specific programme outcomes and the situational context in which they occur); the second order shifts the focus to examine the larger social system, and involves critical evaluation of the instrumental impacts of policy goals on the societal system and of the normative principles and values underlying this societal context (Fischer, 1995). This study adopts both the first and second orders of Fischer's policy evaluation framework, and thus entails a technical analysis of the VNAP, and a critical evaluation of the programme's contribution to Vietnamese society and women.

The integration of the UNIFEM gender-responsive and rights-based approach and Fischer's two-order evaluation method in this study forms a two-dimensional evaluation framework which aids the analysis of the VNAP's achievements in terms of the fulfilment of its objectives, the gender implications of the VNAP, and the construction of human trafficking and trafficking victims' identities. In short, it is an integrated framework that addresses global transitions in the country's socio-economic context, reveals the patriarchal normative values that undermine the state's responses to human trafficking, and examines policy integration and goal realisation.

This dual framework of policy evaluation has both technical and gender dimensions. The former is a fundamental level of analysis concerning the policy programme and its participants. This micro-level of policy evaluation aims to tease out the empirical impacts of the VNAP on women's empowerment which, in turn, helps improve women's status and reduce their vulnerability to human trafficking. The latter is a more abstract level of evaluation which turns to ideological and value concerns and investigates the relationship of policy goals to gender equality and women's empowerment. This macro-level of policy evaluation aims at uncovering the ideological commitments of the state in the VNAP that may create particular social values and contribute to the development of women's progress in particular ways. In both dimensions, critical analysis is used to tease out the empirical and ideological contributions of the programme and to reveal the underlying values and ideologies that govern the decision-making process and form the state's responses to the human trafficking issue.

The next section will outline the study's research design, covering research perspectives, data collection, and data analysis techniques.

4.4 Research Design

Research design comprises relevant research strategies, a plan of action for research, and important ethical considerations while researching human trafficking. Four main areas shape a comprehensive research design for this study: research perspectives, data collection, data analysis, and ethical considerations.

4.4.1 Research perspectives

This research is a qualitative gender evaluation research. As can be seen from Chapter One, the research questions of this study mainly focus on assessing the state's efforts towards the fulfilment of the VNAP's settled objectives, and aim to identify the gender implications of the policy on women in the community, and especially trafficked women. Also, the current research draws on a social constructionist approach which sees gender as a social construct and relates to discursive constructions of people's perceived realities.

Evaluation research is rich in its content and techniques. Evaluation can be qualitative, quantitative, or a combination of these methods. Evaluation of a

policy programme can be conducted in different ways; however, as Oakley (1990) acknowledges, it is important to have close contact with the stakeholders of the programme and to talk to them to thoroughly understand their realities and perceptions. This study is one such qualitative study. It was based on in-depth interviews and focus group discussions with various policy actors and stakeholders, and also drew on laws related to human trafficking, legislative documents, and agency reports. Some quantitative explorations in terms of statistics were used, but only formed a minor part of the data.

This is a piece of gender research which has attempted to minimise sexist bias and tried to capture women's voices and thoughts. In gender and feminist research, qualitative techniques allow for women's voices to be heard and for women to not be treated as objects to be controlled by different technical procedures (Bryman, 2004). Further, qualitative methods often use in-depth interviews and group discussions which help create rapport and trust between the researcher and the researched, facilitate disclosure of information, and enhance the richness of data. However, qualitative inquiries are limited in that they are sometimes too impressionistic and subjective as they rely heavily on the researcher's views and perspectives (Bryman, 2004). A combination of qualitative and quantitative methods can produce a powerful research product and help create a harmonized picture of social realities and practices. Gender research should use a research design which combines qualitative and quantitative methods, particularly given that women have different views and perspectives on the same issues which causes difficulties in making broad generations about women's responses to phenomena (Jayaratne & Stewart, 1991). These fundamental assumptions led to my decision to adopt a combination of different approaches. Accordingly, this research is primarily a qualitative study which generates data from interviews, focus group discussions, and secondary document data. Some simple quantitative data (such as figures on human trafficking cases, figures on prosecution, figures on population, and women's participation in the parliament) were used to support the qualitative data set. Quantitative data were taken from the website of the General Statistics Office of Vietnam (GSO), from agency reports, and from my fieldwork.

Specifically, the study comprises a qualitative case study of the *Vietnamese National Action Programme Against Trafficking in Women and Children 2004-2010* (the VNAP) that aims to seek multiple sources of evidence for answering a set of research questions stated in Chapter One. The VNAP acts as a structure of response to a complex gender problem in its focus and content. It is also a microcosm of the values, behaviours, and institutional structures that generate gender sensitivity and transformative policy.

In this study, examining the case of the VNAP – as a manifestation of the values of Vietnamese society and the state – makes it possible to investigate different topics relating to anti-trafficking policy's implementation, the contemporary phenomenon of human trafficking, the collaboration mechanisms of policy actors, and the state's responses to human trafficking within the context of Vietnamese society. Further, the case of the VNAP's implementation was used to test specific theories, such as Fischer's (1995) policy evaluation paradigm and the application of a gender-sensitive approach in the evaluation of gender policy. In addition, as a unit of analysis, case study research allows a combination of research methods.

4.4.2 Data collection

My second decision was about how data were to be best collected to provide strong evidence for my evaluation of the VNAP's policy programme.

The research perspectives presented above remind me to pay special attention to the need to ensure the credibility, validity and trustworthiness of the study. For that, triangulation was applied to provide multiple measuring methods and multiple sources of data to deeply and critically investigate the same phenomenon. The use of triangulation in research is important. As Arksey and Knight (1999) have noted, triangulation helps strengthen confidence in the research findings, reduce bias and improve the validity of research. They further explain that triangulation enhances interpretability as one set of data gives an opportunity for the researcher to understand another set. Different types of triangulation have been applied in contemporary research: triangulation of data sources (data triangulation); triangulation among different evaluators (investigator triangulation); triangulation of perspectives on the data set (theory triangulation); and triangulation of methods (methodological triangulation). Different methods of

data collection (primary and secondary) and of data analysis also formed a methodological triangulation for this study. Individual interviews and focus group discussions, a research journal, the analysis of data matrices, computer-assisted analysis, gender analysis, and discourse analysis were all utilised in this research.

a. Research sites

This research involved data collection at both national and local levels. The sites of the study were chosen on the basis of geographical and institutional considerations, given that the VNAP was implemented nationwide, both at national and local levels. Data were generated in three research sites, in the North and in the South[28]: HaNoi (or Hanoi), Bac Giang, and Can Tho. Fieldwork for this research started in HaNoi, where ministerial organisations and head offices of anti-trafficking NGOs are located. It continued in Bac Giang, a transition area to the Northern border of Vietnam and China, and then in Can Tho, a connection to other South-West provinces bordering Cambodia. Figure 4 shows the geographical positioning of the research sites in Vietnam, and in the GMS area.

Ha Noi

Ha Noi (or Hanoi) is the capital of Vietnam, and the country's second largest city after Ho Chi Minh City. It is also a socio-economic and political centre of Vietnam. Ha Noi, with the historical name Thang Long, is an ancient city founded in 1010. Due to rapid socio-economic growth, along with the country's development strategy, its population and area has extended considerably. According to the most recent National Census on April 1, 2009 (General Statistics Office of Vietnam [GSO], 2009a), Ha Noi has a population of 6.5 million people, residing in an area of 3,324km^2, with an average density of 1,979 people per square kilometre. Ha Noi has been witnessing rapid labour immigration from different areas of the country. About one quarter of Ha Noi's population are labour migrants (Le, 2012), and this trend is continuing to rise with more people moving to the capital city to find job opportunities.

As most of the state's ministry organisations are located in Ha Noi, interviews with state actors at the ministerial level were conducted there.

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[28] Vietnam has three main areas: The North (*mien Bac*), the South (*mien Nam*), and the Central area (*mien Trung*).

Figure 4: Map showing the research sites[29]

Bac Giang

Bac Giang is a northern province of Vietnam, 50km from Ha Noi. Bac Giang has been known as an important connection in the human trafficking route[30], as it is only 110km from the Huu Nghi Quan (Youyi Guan) border gate between Vietnam and China. Further, Bac Giang is next to Lang Son (the province which borders China in the North by land), and Quang Ninh (which borders China in the Southern East by sea). This complicated geographical situation makes Bac Giang a considerable hot point for trafficking in Vietnam. Figure 4 shows that Bac Giang is not too far from the Yunnan and Guangxi provinces of China.

Bac Giang is a mixed midland, delta and mountainous province with an area of 3,827 square kilometres. As of December 2012, Bac Giang has a population of

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[29] This map was created using Smart Draw software.
[30] This was stated by one of my research participant who was a state actor in Bac Giang.

1,567,757 persons, with a high population density of averaging 408.1 persons per square kilometre, which is higher than the average for the whole country. Bac Giang is a multi-cultural province comprising 20 ethnic groups; 90.38 per cent of people live in the countryside (Bac Giang Digital Information Gate, 2012). In Bac Giang, my fieldwork was conducted in Bac Giang city and two communes: Viet Tien (Viet Yen district), and Bao Son (Luc Nam district).

Can Tho

Can Tho is the third research site. It has a total area of 1,400 square kilometres and a population of 1.2 million people. The population density is very high, with 827 people per square kilometre. Can Tho is located at the central point of the Cuu Long Delta, which currently consists of thirteen cities and provinces of the Southern-west area. Can Tho has been known as Tay Do, the former capital area of the South-west. It is now identified as the fourth main socio-economic strategic centre of Vietnam (Can Tho Digital Information Gate, 2013).

Can Tho is a southern crossing from Vietnam to Cambodia (see Figure 4). Annually, thousands of South-western women migrate to different parts of Vietnam, and internationally. In Can Tho, my fieldwork was conducted in Can Tho city, An Hoa ward (Ninh Kieu district), and Truong Xuan (Thoi Lai district).

It should be noted that although data were collected at specific sites, for the protection of participants' anonymity, the analysis in this thesis will not directly refer to a particular site or person.

b. Data collection procedures

Data collection in this study focused on four cohorts of participants: state actors who were directly involved in the VNAP policy processes; non-state actors who performed counter-trafficking activities in Vietnam; women in the community; and trafficked women who were the main targets of the VNAP.

To ensure that sufficient and relevant data were collected, careful preparations were made. Interview and discussion guides were prepared beforehand. These guides served as a framework for the main body of interviews and discussions. The majority of questions were semi-structured to encourage research participants

to share their ideas in an unconstrained manner, and to allow new questions to be asked during the interview in response to the interviewees' answers.

In Ha Noi, interviews were arranged with relevant state actors at the ministerial level and with actors in non-state agencies (non-governmental organisations – NGOs, or international governmental organizations – IGOs). Similar interviews were conducted with state actors at the provincial level, given that the VNAP has been widely deployed in 64 cities and provinces throughout Vietnam. Additionally, semi-structured in-depth interviews were conducted with trafficked women in the two provinces and focus group discussions were organized for women in the community, generally drawn from selected villages where the VNAP had been running. The research tools (interviews and focus group discussion guides) were piloted with five fellow students in New Zealand and five research colleagues in Vietnam to check for the suitability, validity and feasibility of the questions. The participants who voluntarily took part in piloting the interview guides gave useful suggestions for adjustments or alterations. The researcher took into consideration those suggestions before making any change to the lists of questions, in order to avoid ambiguous or unnecessary questions.

Data collection was conducted in the Vietnamese language, as Vietnam is not an English-speaking country, and few of its people can speak English fluently. To minimize inaccuracy in translation, all the research tools including interview guides, group discussion guides, consent forms, and information sheets were made available in both English and Vietnamese. Two PhD students at the University of Waikato who were competent in both Vietnamese and English assisted the researcher in checking all the translations. During the data analysis, brief translations of relevant parts of the transcripts were supplied to my supervisors upon request, and these were undertaken by me alone. Table 3 summarises the participants involved in the study and data collection methods.

Table 3: Detailed plan for data collection of the study

Participant category	Data collection methods	Quantity	No. of participants
State actors • At ministerial level • At local level	Semi-structured in-depth interviews	05 20	05 20
Non-state actors	Semi-structured in-depth interviews	04	04
Trafficked women	Semi-structured in-depth interviews	31	31
Women in the community	Focus group discussions	07	54
Total			**114**

Overall, the fieldwork was conducted with the involvement of 114 research participants: state actors, non-state actors, trafficked women, and women in the community in the three research sites. The fieldwork was conducted over six months from June to November 2010. Ten potential participants who had agreed to be involved in the research withdrew from participation at the last minute due to sickness (2), shortage of time (2), failure to arrange child care (3), feeling unsafe to provide detailed information about such a sensitive issue like human trafficking (1), and with no reason provided (2).

Some participants, who were trafficked women and women in the community, did not know how to answer the questions, and a few of them considered that human trafficking is a sensitive issue that is unsafe to provide information about. Regardless, the fieldwork generally went well, with active participation from those who joined in the interviews and group discussion activities.

c. Data collection methods

Two main types of data were collected: primary and secondary.

Collection of primary data. Primary data in this study were collected through in-depth interviews and focus group discussions. Additionally, fieldwork activities and prominent insights related to the current study were noted in a research diary.

In-depth interviews. An interview is a powerful research tool. It is conducted by talking with another person to gather information, learn their perspectives, and give them a chance to express their ideas about and expectations of a policy issue (Devault & Gross, 2007). It is also the art of asking questions, listening carefully and well (Lincoln & Guba, 2003) to capture people's views and understandings of the social world. In a qualitative enquiry, in-depth interviews are among the most diverse and effective tool to generate people's deep insights. Semi-structured in-depth interviews are advantageous because of their flexible nature. Such an interview, according to Arksey and Knight (1999), is loosely structured so the interviewer can follow up the respondent's ideas, probe their responses, and ask for further clarification or elaboration, while the interviewee can answer the questions in terms of what they consider to be important and how much information they want to share. Semi-structured in-depth interviews were important in this research, especially in interviewing trafficked women, as they needed time to recall what had happened to them, and some of them were illiterate, so could not read, nor complete survey forms.

Interviews are an important research technique for policy evaluation, especially one that focuses on programme values and outcomes beyond recorded data. Fischer (1995) argues that interviews help collect "information about the logic of a policy situation and the applicability of particular program goals" and can "tap the cognitive realities of those knowledgeable about the situation, in particular the policy stakeholders" (p. 80). Thus, the central idea of interviewing is that knowledge can be produced and reproduced through sharing experiences, discovering or uncovering experiences, or mapping discursive contexts and phenomena. Effectiveness in interviewing results from relatively direct verbal exchanges of ideas and experiences among researchers and participants and those conversations are mediated by language and discussions that can produce new meaningful knowledge. Interviews, with their conversational discursive manner,

provide a variety of perspectives and permit a reliable source of information around the problem areas. Yanow (2007) argues that interviewing is one of the three most powerful methods of generating data: observing, interviewing, and reading documents. She further argues that policy-related research, especially critical research, often draws on interviews which then become the sole source of data for evaluation. That is true because interviewing in academic research not only aims to listen to learn about people's perspectives, but also to give them a voice in academic and policy discussions.

A semi-structured in-depth interview has particular advantages over other methods, especially in the collection of sensitive data from a vulnerable population. A semi-structured in-depth interview provides in-depth information and ideas of the issues and personal experiences. In a face-to-face personal interview with trafficked women, it is more likely that consistent stories and experiences will be obtained. Apart from that, there is also the matter of privacy, confidentiality, and safety for trafficked women and the researcher in a sense that both the researcher and the researched can be better protected from the reprisals of traffickers and pimps. One of weaknesses of the semi-structured interview is that it takes time as researchers need to spend more time in interviews to get enough information. Although a single session of a focus group discussion can elicit a large amount of information, the quality of information may be different and people tend to follow the other persons' ideas rather than expressing their own thoughts.

The current study adopted a feminist approach to interviewing[31], which uses interview as a means to capture participants' perceptions of, understanding of and emotions about women-related issues to enhance women's welfare and status. Specifically, the approach involved establishing rapport and a friendly atmosphere in interviewing, and employing significant ethical considerations to protect participants' safety, with special attention to the safety of trafficked women.

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[31] There are differences between a feminist approach to interviewing and good interviewing practices. The feminist approach questions patriarchal practices and aims at bringing good outcomes for women, trying to find social justice for women, and emancipation for women. Further, good interviewing practice comes from feminist qualitative work and now I do go back to the origin of good interviewing practice by undertaking feminist approach to interviewing. For me, personally, the feminist standpoint is meaningful as I work for the VWU, I want to explore women's experience to produce possible gender knowledge that may have implications in assisting trafficked women to achieve emancipation, or simply, to overcome difficulties.

Trafficked women were not considered as vulnerable victims who have been challenging oppressive conditions, but rather as active agents who need to be properly protected. In conducting any interview for this research, I kept in mind that research relations are embedded in and shaped by cultural constructions of similarity, difference, and significance (Devault & Gross, 2007). Before my fieldwork, I carefully learned the cultural practices and customs of each research site. Further, the current study took into account my personal safety as a researcher given that human trafficking is a sensitive issue and some interviews with trafficked women had the potential to be problematic and stressful to the interviewer. To gain reliable data, I chose to be an active listener to listen for gaps and absences in women's talk and uncover the meanings beyond women's speech.

I interviewed 25 state actors at both ministerial and communal levels. At the ministerial level, state actors were those in charge of the VNAP's implementation in five state organizations: the Vietnam Women's Union, the Ministry of Public Security, the Ministry of High Command and Border Guard, the Ministry of Labour Invalids and Social Affairs, and the Ministry of Justice. At the local level, interviews were arranged with key persons in the local government. Interviews with state actors in this study aimed at obtaining state actors' perspectives on the role of their organizations in the VNAP and anti-trafficking politics, the mechanisms for collaboration between state actors involved in the VNAP and between state actors and non-state actors, the extent to which the VNAP had successfully responded to the issue of human trafficking and contributed to trafficked women and the community, and finally, lessons learnt from the VNAP's implementation.

To access the research participants, I had help from my organisation, the Vietnam Women's Union (the VWU was one of five key state actors involved in the VNAP, as mentioned in Chapter Three). In the first instance, I contacted the person in charge of the VNAP's implementation at the VWU, and made an appointment with her to seek her support in identifying the most appropriate people to approach in the key organizations (at a ministerial level) involved in the VNAP. Because of her regular contact with the different actors, this person knew the names and contact details of the persons I needed to talk to. I then contacted the identified people at their offices and made appointments with them. For state-

actors at a provincial level, I contacted the local women's unions of Bac Giang and Can Tho for advice on who to contact, and then called those people for appointments. For the non-state actors, I used personal contacts through my previous work as a researcher and a coordinator in community development projects to contact them via telephone, email, and in some cases, direct meetings.

In the case of trafficked women, I myself could not approach them as trafficked women are unlikely to willingly share their ideas and experience, unless they are reassured that the researcher is trustworthy. Therefore, the local women's unions helped me identify and arrange appointments to interview trafficked women and women in the community. I also contacted the head of the shelters at the research sites and requested appointments. The shelters for trafficked victims I visited were run by NGOs (in cooperation with the local women's unions). It should be noted that trafficked women lived in the shelter voluntarily. That was confirmed by local women representatives and it is clear that there was no evidence that the shelter residents were being placed or forced to stay by local authorities. To approach the shelters' leaders, I contacted local women's unions for help in arranging appointments for interviews. Only 7 among 31 trafficked women interviewed lived in the shelters; others lived in the community. I met the shelters' leaders. There they give me lists of the house residents with their profiles. I chose randomly 7 names in the lists. At that time there were about 3 or 4 women and girls who were identified as "at-risk"[32] of being trafficked, but they were not included in my interview samples.

To organise focus group discussions with women in the community, I randomly selected women from the meetings of local women's unions. Every month, the local women's union has meetings with different groups of the union's members. At these meetings, the union members are informed of newly released women-related policies or discussions on a particular topic. Through the introduction of my organization (the Vietnam Women's Union) I contacted local women's unions to seek their cooperation in organising monthly meetings with a part of the meeting focusing on the issue of trafficking in women and children. At the

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[32] "At-risk" is a local term that has two meanings. First, it is used to refer to the girls whose sisters had been trafficked but their parents still want them to marry foreigners while they do not fully know the men's backgrounds. Second, "at-risk" refers to trafficked women who return home but have no means to live, no place to stay and can be re-victimised at any time.

meetings, the staff of the union discussed state policies and regulations related to trafficking in women and children, and the ways to protect them from being trafficked; then, women were invited to participate in a small focus group discussion. Each time, I chose one group, and in a separate room, we discussed the questions related to my research.

To obtain informed consent from research participants, I provided them with an Information Sheet (see Appendix E) containing necessary information about the research, and gave them the Consent Form (Appendix F) so that they could be informed of their rights as research participants. All 114 research participants participated in my research voluntarily.

Four non-state actors from anti-trafficking NGOs in Vietnam (the Asia Foundation, AFESIP, UNIAP, and USAID) were interviewed. These organizations are known in Vietnam as the leading non-state agencies in undertaking anti-trafficking activities such as conducting research, supporting women in safe houses, and organising training and fundraising. Non-state actors were asked questions relating to the role of their agency in the fight against human trafficking, their views on the socio-economic, political and cultural environment of Vietnamese society that contributes to the situation of human trafficking, and their assessments of the position and achievement of Vietnam in global anti-trafficking politics. Further, they were encouraged to share their perspectives on the collaborative relationship between state and non-state actors in anti-trafficking activities, and to offer their suggestions for improving public policy on trafficking in women and children.

Trafficked women in this study were Vietnamese citizens of 18 years of age or older[33] at the time of the interview, who resided in Vietnam. The study focuses on women who had moved beyond the trafficking experience, who were in the process of reintegration into the community, or in the care of a service organisation or agency. This included those living in safe houses and those living in the community. All interviews with trafficked women were conducted with special attention paid to ethical considerations. Each woman was asked questions

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[33] At the research sites, some women had been trafficked at a very young age, between 13 and 17 years old. At the time of my interviews in 2010, only one trafficked girl was under-aged (more than 15 years old), the interview was supervised by a social worker in the safe house.

about her life, her story of being trafficked and rescued, her views on the situation of Vietnamese women in the family and in the community, her experience of integrating into the community, the support she received from the state, local government, and agencies, her perceptions of the anti-trafficking activities of state and non-state actors, and her suggestions for better trafficking interventions.

Focus group discussions. Focus group discussions were another important research technique used in this research. While feminist researchers widely debate the power inequality between the interviewer and the informant (Sprague, 2005), focus group discussions help to effectively solve this problem by shifting the balance of power and control away from the researcher towards the research participants, providing research participants with the opportunity to speak in their own voices and share their own experiences. In gender research, women are given opportunities to determine their own agendas through expressing their own thoughts and feelings, and also to define what is relevant to discuss. Such discussion also allows the researcher to learn the participants' expectations and experiences, instead of imposing a pre-existing view. Thus, focus group discussions provide an ideal source of data on the discursive practices surrounding a group's norms and values, and offer a critical, reflexive tool for research by challenging people's understanding and experiences.

Focus group discussion is also beneficial for the study of a sensitive topic like human trafficking, not in the cases of trafficked women, but that of women in the community or other groups of people. Some participants may find that sharing sensitive information in a group can be difficult. It has also been noted that in cases where the research topic is sensitive or may provoke friction, group participants may not be willing to provided honest information as they do not want to be involved in trouble (Oliveira, 2011). However, focus group discussions can make an important contribution to sensitive research in that the disclosure in the discussion of a sensitive topic in public may open up an opportunity for the analysis of the social construction of sensitivity and the identification of group norms and values (Farquhar & Das, 1999). In order to obtain the critical views and perspectives of participants in different contexts, researchers, therefore, should be aware of advantages and disadvantages of the method to better apply it

in a specific study and should combine focus groups with another method for enhanced results.

In this study, women in the wider community are Vietnamese citizens of over 18 years of age and currently living in Vietnam. As prevention is an important part of the VNAP intervention, it is helpful to talk to women to hear their views and understanding of trafficking crime and their perceptions of the state's intervention and support. Women in the community were selected from rural areas in the research sites. It made sense to select those women from rural areas, because as has been noted in the existing scholarship, poverty creates and sustains human trafficking, and in Vietnam, poor women in rural areas are more vulnerable to this crime (Derks, 1998; Rushing, 2006). Fifty-four women participated in seven focus group discussions to discuss different issues: their perceptions of the status of Vietnamese women in the community and family; their awareness of human trafficking crime; their understanding of the VNAP and its activities; and their suggestions for the community, the Vietnam's Women Union, and the government to pursue better interventions to support trafficked women and women in the community. A large amount of information was collected with different views presented. One of the weaknesses of doing focus group discussion in my thesis is that it was not easy to manage the range of personalities. Some required extensive encouragement and others needed to be managed so that they did not dominate the discussion.

The guidelines for interviews with state actors, non-state actors, trafficked women, and the group discussions are attached as Appendices A, B, C, and D.

Research diary. A research diary has been described by Gillham (2000) as a log book covering different entries to record personal notes of questions, insights, ideas or observations. It provides concrete field notes, and also represents the process and progress of the investigation. A research study requires accuracy in the data recorded; therefore, it is helpful in increasing the trustworthiness of the information collected. To ensure the quality of information recorded in the diary, the researcher should make each entry as soon as possible after an activity occurs. Also, the researcher is required to be completely honest when recording and to write in a clear way to avoid subsequent misunderstanding (Alaszewski, 2006).

In this study, the research diary fulfilled the role of qualitative field notes which helped identify the social context of actions and the empirical social world in which the policy programme was implemented. A written research diary was used to briefly record memories, thoughts and ideas about the research and issues raised during the research process, and to record the results of daily activities. This diary contained some entries with reflections on the research methods, ideas and insights which led to the development of theoretical constructs and arguments, plans and actions for the data collection and research processes, and observations. The diary, therefore, helped enrich the data source and ensured that data collection was not artificially separated from reflection, analysis, and writing. However, the research diary was not used as a main source of data for this study. The research diary was kept from the first day of my fieldwork to note relevant ideas and observations, and was updated regularly.

Secondary data: Documents as an important data source

State documents such as state policies, regulations, reports or debates around an issue are important in offering researchers deep insights into the policy environment and context. The state, according to Bryman (2004), can be seen as a source of a great deal of textual material for researchers. Official documents, textual materials and official statistics deriving from organisations and agencies also provide researchers with different points of view and ideas on a research topic. Given that official documents are not always available and not easy to access, documents may bring important insights to specific research projects if they are used in combination with other methods of data collection.

In this study, documents were valuable sources of data as they involved the state, relevant organisations and agencies. The collection of documents, on the one hand, helped me to enrich my empirical evidence, and to capture the state actors' views through their written documents; on the other hand, it helped strengthen the credibility, validity, and trustworthiness of the data collected from the field. Given that the VNAP is a national strategy to counter human trafficking crime which has been deployed in different cities and provinces from 2004 to 2010, and that trafficking in women and children is an organized crime with complicated characteristics, my discussion of the issue needed to be contextualized and reflexive, and my analysis could not be based on a single source of data.

Secondary data, therefore, formed a sub-section of the study data. This data included, but were not limited to, agency reports (annual reports, progress reports, summarising reports of the VNAP implementation), laws, statistics, and other policy documents regulating anti-trafficking issues, and extracts from previous studies conducted on human trafficking issues. Secondary data were collected from the following main sources: from state actors (to gather local government documents and central government documents); non-state actors (for reports, books, research); through my interviews with the key state and non-state actors; from conferences on human trafficking issues (I have attended several local and national conferences on human trafficking issues during my fieldwork); and from the internet.

4.4.3 Data analysis

Analysing data is an important and difficult part of the entire research process because researchers need to find patterns in data, and develop ideas to explain these patterns to extract prominent meanings. This process, according to Dey (1993), requires accumulated knowledge and active thinking in how to use existing knowledge, available data, and for what purpose, in order to help answer the research questions.

Data analysis is different in quantitative and qualitative research. In quantitative research, data analysis is a way to examine variables and relationships between variables (Bryman, 2004). In qualitative research, data analysis techniques have a different nature because they are derived from unstructured, in-depth interviews with most of the data being verbal, covering multiple meanings. Qualitative data, therefore, "are not straightforward to analyse" (Bryman, 2004, p. 396). The complexity of qualitative data analysis arises from the fact that it involves processes of creativity and interpretation, and also, there are varieties of qualitative research.

For the purposes of this thesis, the analysis of data utilised a combination of the analysis of data matrices and thematic analysis that, at times, revealed underlying discourses or coherent value structures. For Lofland and Lofland (1995), a data matrix is a cross between units (the magnitude of social settings that help conceptualize data) and aspects of social settings (social contents). Accordingly,

specific units and aspects taken together can provide particular topics or stories. Similarly, thematic analysis generates the main themes constituting the data set (Attride-Stirling, 2001). Both techniques are suitable for qualitative research that uses interviews and group discussions to understand people's views, experiences, and perceptions, and to answer questions relating to the construction of meaning.

Before analysing the data, I read and reread the data to familiarise myself with its content. Then, I started coding. Coding is necessary to help arrange the information and develop the analysis. Coding is a technique of assigning codes and sub-categories to written codes or transcripts in order to aid meaningful data retrieval (Barbour, 2008). In the early stages of coding, I started to index the information. Indexing acts "as [a] signpost to interesting bits of data, rather than representing some final argument about meaning" (Seale, 1999, p. 154). Indexing in this research, however, refers specifically to the way I gave particular cohorts of participants or particular data sources a label to simplify the representation of data.

Two sets of characters were used in indexing: letters and numbers. These provided specific short names for policy documents and interview information. In this research, "policy documents were used to refer to agency reports, policy statements, and annual plans for the implementation of the VNAP issued by central and local governments. Policy documents issued by the central government were indexed as "Cgd" while local policy documents were labelled "Lgd". Those documents were coded and separated in order to find them easily when needed. With regards to the individual interviews and group discussions, I also used letters to index. Transcriptions of state actors were indexed as SA, while those of non-state actors were coded NSA. Information given by trafficked women was indexed TW, and in women's group discussions, WGD. To identify different components of the information sets, I marked them in numerical order, such as SA1 (information given by state actor number one), TW5 (information given by trafficked woman number five), or WGD7 (information provided in women's group discussion number seven). This way of indexing not only helped to keep the information confidential by concealing the name and position of the information giver, but also assisted in checking information in the transcripts or listening again to the tapes.

Then, a data matrix was made following certain rules. The matrix started with the general situation of human trafficking in Vietnam to give readers overall insights into the human trafficking situation. Then, a table was created (see Appendix H). The columns indicated ideas provided by different cohorts of research participants: state actors, non-state actors, trafficked women, and women in the community. The rows displayed different initial findings, and those insights were grouped under main themes (such as, but not limited to, the human trafficking situation, ideologies and discourses, policy characteristics, performance of policy and actors, policy impacts, and improvement of future anti-trafficking policy). These themes and categories were not fixed, but refined or re-organised during the process of re-reading transcripts and analysing data.

By carefully reading the information in themes, I tried to identify contradictions in the ideas of different participant cohorts, the use of terms and language, comparisons of relevant situations, styles, meaning, nuances, and even the gestures and behaviours that people used when talking about particular issues. I also paid attention to the use of repeated terms and words in the data transcripts or agency documents that might provide important insights.

To analyse simple quantitative data, I used Microsoft Excel to record relevant secondary quantitative data (statistical data, agency quantitative figures) in data files. Then, I summarised, analysed, interpreted and drew conclusions using the recorded files. The presentation of data in charting, graphing, and table types will helped build up clear and more coherent arguments for the study.

4.5 Ethical Considerations and Risk Management

My last important decision in the research design related to ethical considerations. It should be noted that this research involved human subjects, and it is also research on a sensitive topic – human trafficking. The research, therefore, may have had potential consequences or implications, either directly or indirectly, for my research participants or individuals represented by the research.

Many problems entered my mind before I went to conduct my fieldwork: how might I get data from high-ranking officers? How might I get information without hurting people, especially trafficked women who have already suffered different

traumas? And, how might I assure safety for my research participants, and myself?

In feminist or gender research, ethical considerations play a particularly important role because feminists aim at conducting projects about women and empowering women. Feminist research, therefore, involves interaction with women and involves the process of listening to women's own voices, examining their experiences and ideas, and needs to reflect ethics of respect, caring, understanding and mutual collaboration between the researcher and the researched (Campbell & Wasco, 2000). Further, critical gender research involves the disclosure of truth and the critique of policy issues, so there is a need to protect participants' safety.

The current study paid special attention to ethical considerations through the adoption of guiding ethical principles, identification of possible risks and solutions for eliminating those risks, and careful preparation for gaining informed consent. Two main documents guided my ethical considerations for this study: The University of Waikato Guidelines on Ethical Conduct in Human Research and Related Activities (University of Waikato, 2008), and the WHO Ethical and Safety Recommendations for Interviewing Trafficked Women (WHO, 2003). The former facilitates ethical conduct that respects the rights of people, communities, and organisations. This ethical guide also sets out and explains ethical standards and procedures for applying these standards in doing human research. The latter helps avoid re-traumatising trafficked women or putting them in dangerous situations. More details about key elements of those ethical guidelines can be obtained through the web links provided in Appendix G. Data collection for this study only commenced after receiving ethics approval from the FASS Human Research Committee of the University of Waikato, and when the researcher was fully aware of any risks that could occur in the field, and knew how to handle the situation.

In my six-month period of fieldwork in Vietnam, all the interviews and discussions were undertaken in a friendly atmosphere, taking into consideration relevant moral, cultural and ethical issues. Data were collected only when research participants gave their written or verbal consent; none of my participants were coerced or deceived into participating in the study. Information sheets were given to prospective research participants so that they could learn more about the

research and the purpose of data collection, and the responsibilities and interests of participants before interviews or focus group discussions took place. Some participants who were illiterate were provided with the main information about the research verbally. Consent forms were signed beforehand. For those who were illiterate, verbal consent was noted in the research diary. There were six verbal consents made, not only with women, but also with state actors who did not want their names or signatures to appear on any research documents. I respected these people's decisions, and consider that the information they provided is as valid and significant as that provided by others who gave signed consent.

One of the indispensable guiding principles in the research was "Do no harm to participants". Being a researcher, I did whatever was humanly possible to minimize possible risks to participants and did not undertake any interview that could make a participant's situation worse, either in the short term or the long term. Special attention was paid to trafficked women who were suffering emotional and psychological impacts from their experience. I was very aware that it could be distressing for a trafficked woman to talk about her experiences; she may feel ashamed or upset about what has happened to her in the past. Any interview may inadvertently reactivate her memories of past abuse. Therefore, questions were asked in a supportive, non-judgemental manner. Also, I tried not to ask questions intended to provoke an emotionally charged response or to cause women to feel hurt or insulted. If a woman became very distressed or clearly overwhelmed by a particular question, I changed the subject of conversation, took a break, or even terminated the interview when necessary.

Dealing with practical ethical dilemmas

My first memorable experience in dealing with ethical issues in the field was how to deal with a participant's trauma. My preparation for arranging staff of the local women's union and communal medical service to counsel or support trafficked women when necessary was critically important. There was an incident of psychological shock. A girl, Duyen (pseudonym), aged 27, came to the interview with her biological mother, but I was able to interview her independently as well. Duyen was trafficked to China by her adopted mother in the late 1990s when she was a teenager. She said she was forced to work in different brothels there, and had to service 20 men a day. Whenever she refused to service clients, brothel

guards and pimps tortured her by kicking her and beating her head with a big wooden pad. After 10 years working as a sexual slave in different brothels in China, she was released and returned home with the help of good people. Sadly, she now has mental health issues as a result of her experience of trafficking. In my interview with her, we had a good conversation at first, and then she suddenly started shouting while talking about her vulnerable life in China. She walked around and insisted people help her kill the ones who trafficked her to China. I tried several solutions such as changing the subject of the conversation, taking a break, but no solution worked. Finally, I had to terminate the interview with her and asked the staff of the local medical service for help. To get more information about her story, I continued the interview with her mother.

My second experience was dealing with inconsistent stories of trafficked women in the field. During my interviews, I recognized that there were some contradictions, and signs of inconsistent information in the life stories told by some trafficked women. I know that it is a great challenge for trafficked women to tell other people about their stories of being sexually exploited. To eliminate possibly inconsistency in the given information, I asked probing questions clarify their seemingly inconsistent statements. There were trafficked women who did not want to disclose their history of being sexually exploited, and who instead claimed that they were victims of forced marriage. In this case, with the help of local women's union staff I talked to them again and obtained reliable information[34].

Next, in the interviews, women sometimes expressed their desires and expectations and wanted their ideas to be heard. To not disappoint them, I carefully listened to them and took notes of important policy recommendations. At the end of each field trip, I summarized all the recommendations and transferred them to the central women's union with a strong hope that women's ideas can be paid attention to.

Practical experiences learnt from my fieldwork gave me a strong belief in the importance of ethical issues that I was not really concerned about before conducting this research as ethical considerations have not been adequately taken

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[34] The cross-checking of participants' facts does not disregard the value of agency of women as interviewees; such confirmation is in fact considered a part of legitimate feminist research (Hesse-Biber, 2012).

into account while doing research in Asian countries, including Vietnam. To assure my safety in the field, the University of Waikato arranged risk insurance for me and asked me to report my safety every week. This is because my study was marked as having risky factors. Before beginning fieldwork, I carefully identified possible areas where risks might occur. These included:

(1) *Inter-agency conflict:* this conflict may occur if a key actor is not happy about collaborating with another actor. There would be two possible risks here: conflict may be generated between the actors, or (and this is a risk for the research rather than the participants) the information supplied may be incorrect or misleading;

(2) *Intra-agency conflict:* this conflict may also happen when a respondent does not positively appraise the activities and efforts of their organization;

(3) *Conflict between female participants and local authorities:* this may occur because the victims may conflict with local authorities by raising sensitive issues, such as ineffective support or discrimination against trafficking victims;

(4) *Possible risks to the physical and psychological well-being of trafficked women:* Trafficked women are a vulnerable group and interviews with them are risk-laden. A trafficked woman who has returned home may be at risk of being seen to talk to outsiders by individuals connected to the trafficking network, or feel ashamed if identified by relatives or community members as having been abused and exploited, as many such women have not revealed their experiences of being trafficked to families or communities. A trafficked woman residing in a shelter may experience ill-will as her co-residents may have vendettas against her or may still have links to trafficking networks and use information in harmful ways. Some trafficked women may be in a state of emotional crisis and the interviews may reactivate their memories of past abuse.

To mitigate these risks and assure safety for my participants, I strictly followed the recommendations given in the WHO Ethical and Safety Recommendations for Interviewing Trafficked Women (WHO, 2003). Further, ensuring confidentiality

and anonymity is a particular concern of this study. Respondents' identities and confidentiality have been carefully protected throughout the entire interview process, from the moment they were contacted through to the time when details of their cases are made public in the written report. All the participants have remained anonymous throughout the study through the use of broad terminologies, such as "a senior officer said...", or "a trafficked woman revealed...". Identifying information such as the position of the respondent or the name of his or her organization has been changed or omitted. All information supplied is highly respected and has not been discussed with others in any way that may affect the participant's status or reputation.

4.6 Use of Terminology in this Thesis

It has been challenging to decide which words I should use in some particular cases to effectively analyse the VNAP, and to avoid unintentionally hurting others. Given that there are different words used for the same or similar phenomenon in the context of human trafficking, the use of terminology needs to be carefully considered. For example, in the existing literature, some scholars use the words "trafficked victims" or "victims of trafficking" (Rieger, 2007; UNIFEM, 2002b); others call them "trafficked women" (Newman, 2006), or "trafficking survivors" (Shigekane, 2007). Due to the complexity of policy evaluation research that involves different actors, different policy processes, different contexts, and different time points, I need to clarify the use of some particular words to avoid any possible confusion. The following explanations centre on the use of specific terms in particular contexts, rather than defining them:

- **Trafficked victims:** "Trafficked victims" is the term officially used in international anti-trafficking conventions. It is defined in the *Victims of Trafficking and Violence Protection Act* of 2000 (TVPA) as persons subjected to an act or practice described as human trafficking or other severe forms of human trafficking (section 103, paragraph 14). In this thesis, the term "trafficked victim" is used when research participants, cited texts or documents use it, as it is written, as I do not want to change or eliminate any possible underlying meaning in the words or sentences of others. It is also used in some places in this thesis when discussing victims

in general, including men and women, boys and girls, when the use of other alternative words like trafficked women becomes unsuitable. There are limitations to this term as it labels those who have been trafficked as without agency, so, in this research I use it sparingly.

- **Trafficked women:** Since the case study of this research is the VNAP, which focused on the Vietnamese state's intervention in trafficking in women and children, the term "trafficked women" is used very extensively in this thesis as all reported cases of adult trafficking victims were women.

- **Trafficking returnees:** The term "trafficking returnees" is used in this thesis to denote women who returned home after being sexually trafficked (there were no cases of labour trafficking reported by the government during the VNAP's timeframe). The number of trafficking returnees is very small compared to that of trafficked women.

- **Trafficking survivors:** The use of the term "trafficking survivors" has a similar meaning to "trafficking returnees" and it is used interchangeably in places.

- **Learners:** This term is used only in Chapters Seven and Eight to refer to the residents in one of the safe houses in the research sites who were female trafficking returnees and women and girls who were at high risk of being trafficked.

- **Trafficking in women and children (TWC):** The term TWC is used specifically when analysing the VNAP because before January 2012 human trafficking in Vietnam was defined as TWC.

- **Human trafficking:** The term "human trafficking" is use to discuss national and international human trafficking crime generally, human trafficking in a general global context, and the human trafficking situation in Vietnam from 2012.

- **Trafficking in persons (TIP):** This term is used specifically when mentioning the US or UN Trafficking in Persons Reports, such as the TIP Report of the US, or the UN global TIP Report.

- **Prostitutes:** This is a term used to refer to sex workers in the Vietnamese context. The English term "prostitute" is used in Vietnamese legal documents, and is therefore also used in this thesis. In casual language, people sometimes use the term "sex seller" instead of "prostitute".

While this research is not a linguistic study, the use of words is identified in a relative way, and some similar words are used interchangeably sometimes.

4.7 Conclusion

The present chapter has outlined the methodological assumptions and views that formed the policy evaluation framework and guided the design of this research. The chapter emphasized the lack of comprehensive policy evaluation frameworks that provide not only empirical assessment but also investigate underlying discursive policy meanings and their ideological contribution to the society. A two-dimensional policy evaluation framework that combines both technical and gender dimensions was presented. It was clearly indicated in the chapter that this research followed a feminist social constructionist epistemology and hence engaged oppressed people in the research process to listen to their real views and experiences and see how the policy issues were framed and constructed. Explanations of the research design were offered before special attention was given to relevant ethical considerations while doing research on the sensitive issue of human trafficking. Researching human trafficking is a sensitive and difficult task; therefore, researchers need to bear in mind what they should and should not do to protect themselves as well as their research participants, and the community at large. Chapter Five starts the analysis section of this thesis, which consists of four chapters from Five to Eight. Chapter Five will specifically examine how far the Vietnamese government has fulfilled the VNAP's objectives through the analysis of three Ps: Prevention, Protection, and Prosecution.

Chapter Five: Technical Evaluation of the VNAP Intervention Scenario and its Impacts

Policy evaluation "is largely confined to the task of evaluating the rather narrowly defined actual or expected empirical outcomes of given policy goals". (Fischer, 1995, p. 6)

5.1 Introduction

This thesis undertakes an evaluation of the VNAP at several levels: to ascertain whether the VNAP empirically fulfilled its stated objectives and to identify underlying non-gendered and gendered values that hampered the success of the policy programme and their implications for women. The analysis section of this thesis consists of four chapters organised to cover various aspects of a gendered evaluation focuses on different groups within the target population. The first two (Chapters Five and Six) examine aspects of a "technical" evaluation – these refer to process and outcome elements of the VNAP. These two chapters serve the role of an indirect gender analysis to look at both men and women, and their involvement in different policy processes. Chapter Five presents an evaluation of the VNAP based on the 3-P anti-trafficking framework of Prevention, Protection, and Prosecution, while Chapter Six examines the VNAP's effectiveness in terms of Partnerships – as part of sophisticated response to human trafficking. Chapters Seven and Eight engender the evaluation of anti-trafficking policy by offering a gender analysis of the VNAP, including the values and identity construction underpinning the VNAP framework.

The current chapter draws on both primary and secondary data and is an adaptation of Fischer's (1995, p. 18) first-order evaluation, which verifies the performance of a policy programme by ensuring that it has reached the programme's objectives. While Fischer's first order evaluation investigates the policy's economic values using quantitative methods of cost-benefit analysis, this technical evaluation engages in a qualitative

assessment[35] to trace the VNAP in terms of the 3-P framework, which serves as a fundamental paradigm to combat human trafficking and has been recognized internationally (U.S. Congress, 2000; United Nations, 2000). Two points similar to Fischer's logic are that this evaluation probes the context in which the policy programme was implemented; it also explores the achievement of the VNAP's predetermined objectives. Fischer's framework, however, is not the ideal one. It is not a gender framework; it doesn't help capture differences between women and men and among women. Combining the Fischer's framework with a gender framework eliminates this shortcoming, as has been doing.

This technical evaluation of the VNAP utilizes figures taken from agency reports and existing research. It also draws on a range of in-depth interviews and focus group discussions with different policy actors conducted during my fieldwork to identify the contribution of the VNAP intervention to improving the lives of trafficked women, and to identify challenges encountered in addressing the multiple facets of human trafficking crime. The following questions will guide the evaluation of the three Ps: What were the main activities and outputs of the VNAP intervention? What were the barriers to, and enablers of, the intervention? Did the intervention successfully reach the target population? How did the intervention impact on the trafficking situation in Vietnam? And, how could the intervention be improved? This evaluation, in turn, will help address the two research questions about the fulfilment of the VNAP in terms of its objectives[36], and its success in addressing the local and regional context that contributes to the trafficking situation in Vietnam.

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[35] It is impossible for the author to do cost-benefit analysis of the VNAP given that this is a mainly qualitative research, and quantitative data in terms of national financial budget allocated for the policy programme was not available for collection.

[36] As noted in Chapter Three, in the VNAP, the Government of Vietnam clearly defined two main objectives to achieve: To raise people's awareness of TWC crime; and to reduce the number of TWC cases by more than 50 per cent by 2010 nationwide.

5.2 Evaluation of the First P: Prevention of Trafficking under the VNAP

It is said that "prevention is better than cure". This notion is even more appropriate and proactive in the case of human trafficking because protection (including rehabilitation) and prosecution are interventions that only arise after trafficking cases have occurred (Nair & Sen, 2005). Good prevention of trafficking helps reduce situations of vulnerability that challenge people's safety and development, and in turn, contributes to saving the time and resources spent on receiving and reintegrating trafficking survivors into the community, as well as on investigating and convicting traffickers. Additionally, effective protection and prosecution contributes to good prevention. The efforts to strengthen law enforcement and protection practices are important to ensure a stronger prevention strategy and to surmount challenges in the fight against trafficking. Thus, prevention must be placed at the centre of intervention efforts to ensure that it becomes the focus and priority of any anti-human trafficking strategy. Also, as Shinkle (2007) argues, prevention is the most long-term intervention for reducing or eliminating trafficking because it helps avert the exploitation of vulnerable people: women, men, boys, and girls.

Prevention strategies vary in different countries. In some, prevention includes economic empowerment, legal intervention, advocacy and awareness raising, and efforts to tackle demand for the labour or services of trafficked persons (Commonwealth Secretariat, 2002). In other countries, prevention covers supply-based measures, demand-based measures, and solutions to reduce the financial gains of perpetrators (Shinkle, 2007), or education, capacity building, and empowerment of the most vulnerable groups (Sen & Nair, 2004). In Vietnam, prevention is a main focus of the anti-human trafficking strategy, with particular attention given to awareness-raising.

5.2.1 Prevention: Main focus of the VNAP

The VNAP agenda asserted that prevention of trafficking is fundamental, paying special attention to prevention in local areas, and emphasizing the role of local governments and social organizations at the grass-roots level for this work (Government of Vietnam [GOV], 2004). The VNAP's main objective also illustrated the Vietnamese government's commitment to the prevention of trafficking which aimed at making significant changes in awareness and action

among different levels, organizations, and the whole society related to the fight against trafficking (GOV, 2004).

Prevention in the framework of the VNAP utilized both what have been called *traditional* and *modern* methods of prevention[37]. As part of traditional prevention practices, the VNAP focused on creating changes *in women's awareness* of the crime so that they could identify traffickers, victims, and warn potential migrants in Vietnam as well as vulnerable populations about the risks of being trafficked (GOV, 2009). Modern prevention methods are more comprehensive and encapsulate solutions which cut across different important areas such as law improvement, partnership, policy implementation, and cooperative measures to address the root causes of human trafficking (Shinkle, 2007). In one example of a modern prevention, the VNAP targeted *capacity building*[38] of government staff (who implemented the VNAP) and of women, especially trafficked women (the VNAP's target populations), to ensure sustainable progress in people's awareness that can lead to changes in people's behaviour and actions.

5.2.2 Awareness- raising

Awareness-raising is by far the most common instrument of prevention used by countries worldwide to combat human trafficking. A study by Thomas (2011) on the responses to human trafficking of four South Asian countries (India, Bangladesh, Sri Lanka, and Nepal) reveals that awareness campaigns and advocacy are applied actively in all those countries, although there is still a need for greater awareness. In many other countries, awareness-raising has been identified as an essential component in the prevention arsenal. Awareness-raising involves knowledge-based training to familiarize people with possible scams and techniques that are used by traffickers (Shinkle, 2007), and efforts made to raise

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[37] Traditional methods of prevention in human trafficking refer to awareness raising and income-generating activities; while modern methods of prevention relate to the use of law as a prevention tool, or any attempt to reduce trafficking outside the traditional 3-P framework (United Nations, 2008a).

[38] Capacity building in the anti-trafficking area refers to formal and non-formal education activities to train people in a complex set of social and legal issues related to trafficking and to improve people's skills to engage in the fight against human trafficking (See http://www.humantrafficking.org/organizations/269).

people's understanding about human trafficking through public education campaigns and other means (UNODC, 2006).

In Vietnam, awareness-raising was the first priority in the VNAP prevention strategy. Several actors in my fieldwork indicated that awareness-raising is essential to make people understand the issues that affect their own lives and the lives of others. A state actor at the central level, for instance, noted that:

> We can do many things to combat TWC; however, we cannot forget awareness-raising activities. We need to bring the crime out of the shadows. We need to make sure that everyone knows about trafficking crime. For that, awareness-raising can be a good tool to help. (SA2)

Awareness-raising in itself is not a fool-proof approach for completely removing the problem of trafficking. As one state actor commented:

> One may argue that awareness-raising is not really useful because despite various awareness-raising activities, trafficking still happens. However, it has helped. Without awareness-raising, we cannot imagine how rampant the crime would be. (SA11)

Awareness-raising in the framework of the VNAP was implemented through different communication methods, by using mass media campaigns, direct communication and advocacy to facilitate knowledge sharing, understanding, and to effect positive changes in people's attitudes and behaviours.

Among these, mass media campaigns run by the Vietnam Women's Union which was in charge of the VNAP Component One, played an important role in conveying essential anti-trafficking information to people all over the country. Although there had not previously been an official programme on TWC, within five years of the VNAP's implementation, TV and radio stations at national and provincial levels had broadcast 582 films and reports on TWC (VWU, 2010). Both printed and online newspapers published 9,324 articles on cases of TWC, cases of victims overcoming their difficulties [39] and having happy lives, and information about safe migration (VWU, 2010). As a part of the VNAP's activities, the VWU opened a permanent forum *Preventing and Combating*

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[39] An example of this can be seen in Appendix I.

Trafficking in Women and Children on its official website[40], which not only published cases of trafficking in Vietnam, but also those of neighbouring countries and of countries worldwide. This website also posted updates relating to legal documents on trafficking and attracted millions of Vietnamese readers[41].

In terms of face-to-face communication and advocacy, anti-trafficking activities in Vietnam sought to influence the attitudes of the community towards the trafficking issue, using talks, meetings, campaigns, and mass media. The VWU organized nearly 200,000 campaign activities, and face-to-face communications which attracted eleven million people (VWU, 2010). The local VWUs at my research sites organized face-to-face communications in all wards, communes and villages[42] which had recorded cases of TWC to provide people with the necessary information and skills to protect themselves from the risks of being trafficked. Apart from the VWU, the Ministry of Labour, Invalids, and Social Affairs (MOLISA – the other main state actor of the VNAP), and non-state actors such as UNDP, UNIAF, ActionAid, and UNIFEM all took active part in communication and advocacy on TWC (see Table 4). These non-state actors also helped local communes set up communication plans in accordance with the VNAP framework.

Table 4: Campaign activities on TWC organized by actors (2004-2009)

Actors	Number of Campaign Activities[43]	People Attended
The VWU (state actor)	196,926	11,000,000
MOLISA (state actor)	5,340	76,016
The other actors (both state and non-state actors)	236,734	6,923,984
Total	**439,000**	**18,000,000**

Source: Extracted from agency reports of the VWU (2010a), MOLISA (2009), GOV (2009)

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[40] Information on TWC in Vietnam (written in Vietnamese) can be found on the website of the VWU at http://hoilhpn.org.vn.

[41] As of November 2013, more than 33.3 million people have accessed this section.

[42] Vietnam has four administrative divisions. The highest administrative level is the state. Below this are provinces/cities (second level) and districts (third level). The last subdivision is wards (for urban areas) and communes/villages (for other areas).

[43] *Campaign* here refers to a type of active and organized activities with the goal of combating trafficking (or other goals).

Local women's unions independently, and with the support of NGOs and other state actors, organized various types of community activities for people, especially for women and children. Around 33,975 contests on trafficking knowledge were organized, attracting the active participation of individuals and organizations. Communications and advocacy transferred anti-trafficking information to people in different forms, reflecting the local socio-cultural characteristics and tastes of the target audiences, including dramas, writing contests, discussions, and songs. For example, in Bac Giang, a province which is famous for its Northern folk songs, women composed their own anti-trafficking folk songs to convey interesting messages to people in the community (Bac Giang Women's Union, 2009). In Can Tho, women composed repertory comedies and Southern-Western folk songs to raise awareness of trafficking (Can Tho Women's Union, 2009). A sample of their songs is given below:

Yia, yia, yia… We are women, we hate, we hate, yia, trafficking crime, trafficking crime

Yia, yia, yia… We hate the ones hanging around, around

Yia, to entice our girls and women, our girls and women

Yia, yia, to work far from home, to take easy job, with high salary

High salary, high salary? Nothing's easy, nothing's easy….

Yia, yia, my dear sisters, nothing's easy, you should remember

You should remember, remember. Yia, yia, yia…

Yia, yia, yia… [44]

The message of this song is very simple: Women and girls should not believe in what people advertise as easy jobs far from home with high salaries. Nothing is as easy as that. Women also need to be careful when interacting with strangers. This message is not new; but when it is communicated via folk-song lyrics it is easier to reach people and can be disseminated very effectively to a large population.

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[44] Lyrics of a song sung by a woman in Luc Nam, Luc Ngan, Bac Giang (noted in the research diary)

The VWU deploys its extensive network at central and local levels. The union, in cooperation with various actors, printed and distributed a huge number of communication documents and tools, including leaflets, anti-trafficking handbooks, posters, T-shirts, women's information books, CDs and DVDs (see Figure 5). The content and form of these communication documents and resources were improved year by year. Further, policy actors tried to draft the documents in a condensed form that would be easy to understand, using images and case studies. Communication information was designed to be suitable for people of different ages and those living in specific regions.
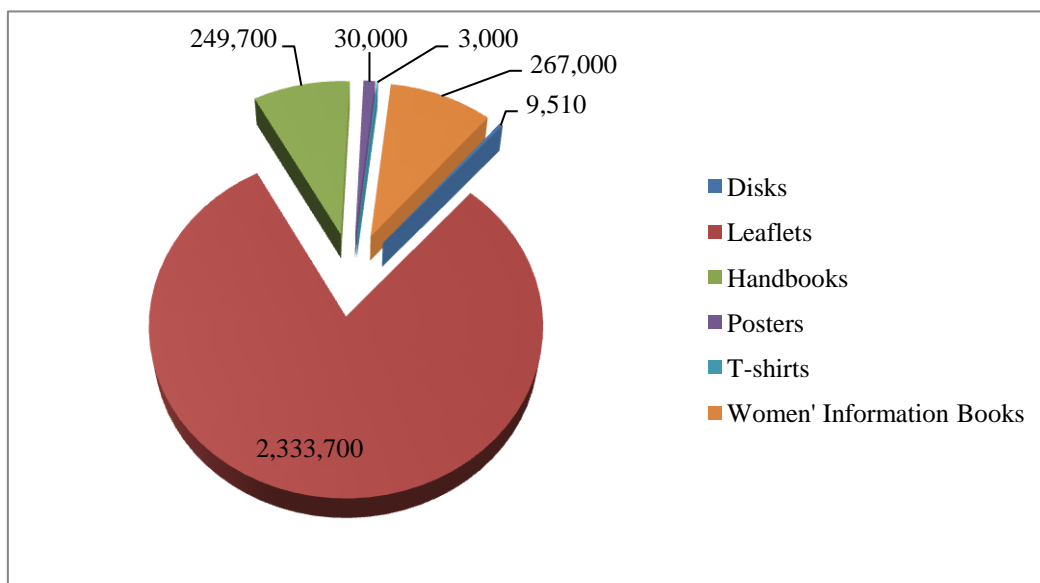
Figure 5: Number of communication items printed and distributed by state and non-state actors (2004-2010)

Source: Extracted from agency reports VWU (2010), MOLISA (2009), GOV (2009)

Another communication tool adding to the rich variety of awareness-raising methods was communication through specific models[45] built up in target areas where there had been many cases of TWC. These effective models were maintained and reproduced in other areas countrywide. Within five years of the implementation of the VNAP, local areas set up 2,280 anti-trafficking clubs and maintained the operation of 865 existing clubs. Thirty communication models

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[45] Specific model here means anti-TWC clubs, anti-violence clubs, and community support groups.

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were confirmed to be effective in raising people's awareness of TWC (GOV, 2009).

The data presented above shows that, awareness-raising activities in the VNAP `intervention were quite diversified, with participation from several actors. Awareness-raising was considered to be an important strategy in the prevention of TWC and the actors made great efforts to alert people to the existence of trafficking crime, its causes, and consequences. However, there were several challenges that hampered the success of awareness-raising in terms of its quality.

Challenges in the VNAP's prevention with regard to awareness-raising

First, while efforts were made to reach diverse groups, communication types were not specific enough in terms of local languages and customs to suit people in different localities, especially women and children in remote areas. Additionally, both national TV and radio were broadcast only in Vietnamese (an official national language, but not spoken by all), so anti-human trafficking information could not reach people of ethnic minorities[46] who did not use Vietnamese as a main language, creating a considerable gap in transferring trafficking-related information to these populations. The language barrier was also a challenge noted by a local government actor:

> Most of the brochures and handbooks are written in the Vietnamese national language. When talking to local people, we have to use local interpreters. (SA17)

> In this village we have people of five different ethnic minorities. Raising awareness for people, therefore, is a difficult task. (SA11)

Information on TWC was also provided inappropriately in terms of the mediums used. For example, the national channel VTV2 programmes highlight social evils in Vietnamese; however, many mountainous and remote areas could not access this channel. Additionally, campaign materials did not work well in remote mountainous areas because women of particular ethnic groups hesitated to communicate with people outside their villages, and were normally illiterate; in

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[46] Vietnam has 54 ethnic groups living in different areas of the country. The Viet (or Kinh) group accounts for 86.25 per cent of the national population.

some areas, there was no electricity, and thus no broadcasting system (Actionaid Vietnam, 2008). Not only language but also technological barriers, therefore, limited people's access to communication information.

Further, information on TWC was posted on the website of the VWU, available for women in urban areas who had access to the internet, but not for many rural women. Most of the women in the research sites, including women living in the city, did not have personal access to the Internet. They were even shy about going to Internet cafes, which were the main internet access providers in rural areas:

> We do not have access to the Internet at home. There are two Internet cafes in the village, but they are for children to play games. It is funny to go to use the Internet at my age; they may think that I go there for chatting or playing games [laughing]. (Woman 21 in WGD3)

While access to the internet is limited in villages, newspapers are also not free in Vietnam. People, therefore, had very little access to information regarding TWC conveyed online or through print media. In my research villages, most of the women and trafficking victims interviewed said that they had not read any newspapers for a long time. Reading was a luxury for them in terms of money and availability of time.

Community radio stations existed in most of the communes and wards in the research areas, giving people opportunity to listen to the radio. However, the broadcasting duration was limited to twice a day for three hours maximum for each broadcast, and during the VNAP period, information on trafficking crime was only broadcast sometimes. Furthermore, as several local women in my group discussions noted, they were too busy and usually did not pay attention to the information that was broadcast, or they listened to other types of programmes which attracted them more:

> The local radio broadcasts are only three hours a day, in the early morning and in the evening – we are very busy at that time, to prepare for children's studies, and to cook dinner. (Woman 12 in WGD2)

> I have never heard any information on TWC through the communal
> radio system. Maybe they broadcast such information when I was
> working far from home. If I am home, I also do not have time to
> listen. Too much work to do and to think of. (Woman 41 in WGD5)

> We work hard in the fields; songs and music are most attractive. I
> do not really pay much attention to other information. (Woman 30
> in WGD4)

As the comments above indicate, although women were interested in trafficking-related information, existing communication strategies (such as TV, radio, documents) had not satisfied their need for accessing such information. Further, information on trafficking crime disseminated through the radio system reached people in a limited manner and had not attracted their attention, as it competed with other daily tasks.

It is worth mentioning that, in response to governmental budget shortages, the dissemination of trafficking-related information and the deployment of anti-TWC activities were usually mainstreamed with anti-social evils campaigns [47]. Specifically, local authorities combined communications on TWC with communications on HIV/AIDS. While the logic of this integration was sound from a policy perspective, it increased the level of discrimination against victims of TWC. From my observations in the focus group discussions, many women thought that trafficking victims were also HIV-infected, because intervention activities relating to HIV/AIDs and TWC prevention were undertaken at the same time, as a way "to reduce expenditures" (SA17). Also, due to the fact that many people's inaccurate understanding of how trafficking is defined, issues such as marriage with foreigners and child adoption were sometimes considered to be TWC in Vietnam.

Another issue is that although the state paid great attention to awareness-raising, the communication and advocacy activities of the VNAP were relatively untargeted. Awareness-raising was encouraged to be widely implemented in the whole country, without focusing on target groups of people. Such a wide communication scope generated shallow messages that were less effective in

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[47] In Vietnam, social evils are all illegal actions that affect social security and people's safety such as trafficking, fighting, gambling, violence, and drug addiction.

changing people's behaviour. Awareness-raising, in order to be an effective tool for social change, as noted by Rosenberg (2008) and Shinkle (2007), must be specifically targeted at the most at-risk populations. In Vietnam, it appears under the VNAP that too much work was done on producing and disseminating anti-trafficking information, but without specific focus as to whom this was intended to benefit. As noted by both state and non-state actors in my fieldwork, the government needs to target awareness-raising to specific target groups, rather than attempting to raise awareness among all people, especially in a country with demographic heterogeneity such as Vietnam's. The representative of a well-known NGO in the anti-human trafficking area in Hanoi, for instance, emphasized that the aim of raising awareness among the whole community is impossible to achieve. It is, in his view:

> …[T]oo ambitious to implement wide communication and advocacy in a country of nearly 90 million people; such a prevention strategy seems to face huge challenges, if not being impossible. Target groups must be defined, instead of providing awareness-raising activities for all. (NSA 2)

Equally, the state actors in my interviews praised the state for its emphasis on the implementation of a wide range of awareness-raising activities. However, they also identified shortcomings in this broad-based and untargeted approach to awareness-raising:

> Awareness-raising is unscheduled and irregular. A clear focus must be defined: whom to advocate with, when, where, and what the priorities are. We cannot provide the same content for all people. (SA4)

> I can confirm that women all know about trafficking crime, but why do trafficking cases still happen? We need to ask if awareness-raising activities are really effective. Also awareness-raising alone is not enough to stop this crime. (SA11)

In answering the question of what the priorities were in awareness-raising tasks within the VNAP, most state actors noted that due to limited experiences and various established priorities, communication and advocacy activities were

implemented without specific targets (such as which group of women the advocacy should focus on, which awareness raising activities are most suitable). Further, a rigid working manner and obstructive bureaucracy resulted in a lack of creativity, local governments followed the plan defined by the central government rather than formulating their own plans that were most suitable to the socio-economic characteristics of their areas. As policy implementation was undertaken at the lower levels within the guidelines set from above by the top echelons, local actors were quite passive in initiating changes. Most local actors strictly followed the VNAP instructions, and in the policy, "there are no words identifying areas and priority groups for awareness-raising" (SA11).

As a consequence, understanding of trafficking was uneven between people, between actors, and between regions in the country (GOV, 2009). State actors at the central level and non-state actors, in general, showed relatively clear understandings of human trafficking crime. For instance, they knew about the VNAP and its activities, about causes and consequences of human trafficking, about international anti-trafficking legislation. However, the picture was quite different at the local level. Some local actors did not even believe in the existence of trafficking in men, or of labour trafficking. They strongly believed that labour exploitation was not a part of the crime as "it only violates labour law; it has no connection to human trafficking crime" (SA12). Due to this limited knowledge, some local actors could not accurately understand trafficking and thought that trafficking did not exist in their areas, leading to their failure to recognize the crime and its negative impacts.

Most of the women interviewed confirmed that they had heard about TWC, not human trafficking; however, their understanding of TWC was also quite limited. Sixty five per cent of women in the community who participated in my group discussions did not believe that their relatives or close friends could be traffickers, and there was no doubt in their mind that the people next to them could deceive them. A similar number of women could neither identify possible perpetrators around them nor the potential risks of being trafficked.

Limitations in women's knowledge of trafficking related laws and policies are also worth noting. Some women (even those who worked for local government) did not know what the VNAP was, neither its content nor the solutions applied.

Information on trafficking was provided to people in a limited manner. It is clear that, while membership of the VWU reached 15 million women in 2010 (equal to roughly one third of all women in the country), the other two-thirds of women may have fewer opportunities to access anti-human trafficking information. Surprisingly, 70 per cent of trafficked women in my sample did not know about trafficking before being trafficked, but had basic knowledge on the issue (such as tricks used by perpetrators, the purpose of human trafficking) at the time of interviewing. So, despite the huge awareness-raising efforts of the government, the communication message clearly was not getting to trafficked women and girls who most needed to hear it.

Additionally, it was noted by central government state actors that conducting research on TWC is an important way to raise awareness among people[48]. However, research on human trafficking and organized crime is relatively rare in Vietnam due to a lack of individual researchers, low research budgets, the complexity of the crime, and the uncommon practice that research is not an obligatory part of the work of university lecturers (up to now, the main task of university lecturers in Vietnam is teaching; although researching is recommended, it is not obligatory). There was only a small amount of research done by NGOs, and there was little joint research between NGOs and state actors. Most of the documents on the TWC situation were issued in the form of project reports or survey results, and lessons learned from anti-trafficking programmes. The lack of research on human trafficking crime underpinning policy initiatives and decisions, especially evaluation research, is not only a challenge for the state in finding possible solutions, but also adds to the problem of poor data and information, providing people with an inadequate picture of this form of organized crime.

It is also significant to note that limited and uneven understanding of trafficking increased restrictions on women and girls because their families were afraid that they might be abducted, exploited, or deceived by people outside their family care. Women interviewed expressed their hesitation about letting their daughters migrate to the city:

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[48] Most of the central government state actors confirm this in my interviews with them during my fieldwork.

Traffickers are around. My daughter is in the last year of high school now. I believe that she is capable enough to enter university in Hanoi. However, I am too worried about her life without family in the city. Who knows what might happen to her. (Woman 29 in WGD4)

My eldest daughter is unemployed now. The small plot of land we have now is not enough for a household of six members to cultivate. She is twenty-two years old; she wants to follow her friends to go to the city to work in a garment factory. I am still considering. (Woman 57 inWGD7)

Thus, inadequate understanding of human trafficking issues, of its causes and consequences contributed to people's hesitation in making decisions, and unintentionally limited their daughters' development opportunities.

Despite a wide range of activities targeting the improvement of people's awareness about trafficking, it is unclear that these have created a wide-spread change in people's understanding and behaviour towards the issue. The next section addresses capacity building as a contemporary approach of trafficking prevention.

As noted earlier, the prevention of trafficking in Vietnam involves both traditional methods such as awareness-raising and modern methods relating to the improvement of law and policy, and improving people's knowledge and skills to counter trafficking. Capacity building is a part of the modern methods of anti-trafficking intervention.

5.2.3 Capacity building for staff and local women: A modern approach to prevention of TWC

Capacity building is usually considered to be a process or activity that improves the ability of a person or entity to carry out stated objectives (Brown, 2001); therefore, effective investment in human resources helps bring better performance and outcomes. In other words, good capacity building is closely linked to effective intervention (Brown, 2001). Thus, it is unsurprising that many of the efforts worldwide have been directed towards capacity building as an important

component of the prevention of trafficking (Shinkle, 2007). Within the VNAP framework, capacity building means strengthening the capabilities of people, actors, and communities to enable the development of effective strategies to protect the poor, the marginalized, and the most vulnerable from trafficking crime.

Although most organizations involved in anti-trafficking activities carried out capacity building activities for their personnel, the Vietnamese National Steering Committee to Combat TWC (the VNSC) and its two members – the VWU and MOLISA – were most active in organizing capacity building activities. Given its function in initiating, guiding, and monitoring anti-human trafficking activities, within five years of the VNAP, the VNSC organized 11 regional training sessions on human trafficking at the Mekong Institute, Thailand, attracting hundreds of participants from Vietnam and the other GMS countries to learn about trafficking threats and share their experiences[49] (GOV, 2009). The VNSC, in cooperation with other main state actors and NGOs (mostly international NGOs) drafted and issued inter-agency documents[50] to combat TWC and to protect trafficked victims during prosecution and trial. These documents were distributed widely to staff of the main actors involved "as a way to strengthen the knowledge and skills of staff at different governmental levels" (SA1).

To provide sufficient knowledge and skills for its staff and communicators, the VWU organized a large number of training sessions, workshops, conferences, forums and seminars. It is worth noting that capacity building activities provided by the VWU were not only for staff and members of the union, but also for personnel of the other ministries. At a grass-roots level, the women's unions set up networks of communicators and collaborators attracting people in the community to take part in spreading and forwarding anti-human trafficking messages (VWU, 2010). Further, to strengthen the capacity of staff, the VWU paid attention to study exchanges with women's unions in the border areas

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[49] More than 2,500 staff of the VNSC at the local level attended 50 inter-agency training sessions, gathering together the personnel of sub-steering committees in 64 cities and provinces countrywide.

[50] Two of the documents that should be named here are: *Cross-sector Training Document on preventing and Combating Trafficking in Women and Children* (VWU, 2008c) and *Handbook to Combat Human Trafficking* (MOLISA, 2012).

between Vietnam and China, Laos, and Cambodia[51]. While these exchange activities were limited, they did create valuable opportunities for women to share expertise and best practice in dealing with human trafficking.

MOLISA, as the main actor in the VNAP which focused on the protection of trafficked victims, targeted its capacity building towards improving the skills and services to support female and child victims to reintegrate well in the community. Staff of MOLISA, both at central and local levels, were provided with additional training to assist them in identifying and rescuing victims of trafficking and to provide appropriate referrals for victims. With financial support from international organizations, MOLISA organized national conferences in 2007 and 2008 to share skills and experiences in supporting victims[52] (MOLISA, 2009). Such conferences created a valuable space for people to share information, experiences, and to identify challenges and difficulties in policy implementation to ensure better consultation and support for victims. The participants also received information on available social services for victims, such as medical and vocational services, legal support, micro-credit and job training.

Capacity building always challenges source, transit, and destination countries because it is time-consuming work and requires serious investment of financial and human resources. Looking back at what Vietnam has done in the five years of the VNAP's implementation and what Vietnam has achieved, it can be said that capacity building to tackle TWC in Vietnam faced a large number of difficulties.

Challenges in capacity building activities

As mentioned earlier, limited financial capacity was one of the weaknesses of the VNAP intervention. At the ministerial level, each main state actor received about USD15,000 per year for anti-human trafficking activities from the state budget; at a provincial level, the amount was much less because it was divided among different local areas. All state actors interviewed confirmed that limited resources

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[51] Eight out of ten women's unions in provinces in Vietnam that have a common border with Cambodia signed joint-action programmes and organized several joint meetings on TWC. Women's unions in Lang Son and Quang Ninh worked in cooperation with Guangxi and Yunnan provinces in China. The women's union in Quang Tri (Vietnam) had a joint-action schedule with women in Savanakhet, Laos, in the anti-human trafficking area.

[52] Those national conferences attracted the participation of 100 attendees from 19 provinces, 22 NGOs and IGOs, and representatives of international embassies in Vietnam (MOLISA, 2009).

were one of the main weaknesses of the VNAP, as the budget available was not sufficient for effective capacity building. A state actor at the provincial level said:

> We had a fund of VND50 million [$2,500] a year to combat TWC. The amount is just enough for organizing small workshops or training sessions, we dare not to think of monitoring and evaluating their effectiveness. (SA14)

Apart from the assertion of inadequate budget, it is clear from this comment that local government did not consider anti-human trafficking as its own task that it needed to do even without financial support from central government.

In another province, the same annual budget was allocated generally to combating different social evils, and TWC is only one of these. Due to the limited budget allocated, local governments had to wait for the training sessions provided by the central government or NGOs. Capacity building at the local level, therefore, was limited. This goes against the key principle of capacity building and training, which is clearly stated by *The Global Initiative to Fight Human Trafficking*:

> As far as possible, local and regional organizations should be given priority in capacity building or training efforts since they are likely to be more sensitive to domestic needs. (UNODC, 2008b)

It is also evident that human resources were too limited for a successful anti-human trafficking intervention. Following the guidance of the government, every commune and ward had to set up a sub-committee to combat TWC. In some areas, this committee was combined with the committee to combat other social evils. Members of the committee were also in charge of different positions in the commune; therefore, they could not focus much time or attention on anti-human trafficking activities specifically. In my fieldwork, local state actors confirmed:

> We have a lot of work to do, but do not have enough personnel. At a local level, the women's union has only two staff, one is the union president and the other is vice-president. The vice president does not have a salary; she just receives a small allowance every month (about $15). With such low compensation, we cannot recruit highly

skilled officials. What we can do to combat trafficking is to raise people's awareness by our own efforts. (SA11)

It is true that we work for the community. We have all done our best to bring better opportunities for women and trafficking returnees. Frankly speaking, we work with very limited resources. (SA15)

Comprehensive capacity building must cover both the institutional and individual capacity development of all stakeholders through the delivery of technical assistance to support better performance of anti-trafficking interventions and better assistance for victims (UNODC, 2009). Capacity-building activities in the VNAP intervention mainly targeted institutional capacity building to enhance the capacity of government officials to manage and implement anti-trafficking activities effectively, rather than providing people in the community with knowledge, skills, and experiences to protect themselves from traffickers, or to help trafficking victims and high-risk people. Data collected indicates that there was a lack of training for law enforcers, including training on investigation, the prosecution process, and knowledge of relevant laws, and also a lack of training for front-line officials (such as border staff and migration officials). More importantly, there was a lack of training that specifically focused on improving skills and knowledge for trafficked women and girls. There was no information indicating those types of training under the VNAP framework as most of the training courses focused on providing knowledge on trafficking crime, updating anti-trafficking legislation, procedures for identification of victims, and for reintegration of trafficking victims. This discrepancy was explained thoroughly by a central state actor. He said:

There are reasons that lead to a lack of specialised training, especially in terms of protection and prosecution. On the one hand, it is because of an over-emphasis on the prevention of human trafficking, so all actors pay attention to prevention activities. On the other hand, skills and techniques in the prosecution areas are often complicated and difficult to observe or learn. There was a limited amount of specialized training for officials and staff of the

police force only, as participants from other organizations would not understand the provided knowledge. It is too specific. (SA4)

The above quotation suggests that reasons for inadequate specialised training are clear. One is the lesser emphasis on prosecution. Another is that prosecution is a seemingly complicated issue that is considered to be handled only by the police force.

Insights from my fieldwork also show that there was not enough training for government staff to assist them in identifying and rescuing victims of trafficking, to provide victims with appropriate support, and to protect victims from harm during prosecution. Training modules and curriculums were compiled by senior staff using their own experiences or adapted from international tool kits, instead of building on prior assessments of people's actual needs and expectations. Several interesting training documents were available in English, such as anti-trafficking manuals for front-line law enforcement officers, a training manual for combating TWC, a crime reduction toolkit on trafficking of people, and E-learning human trafficking modules. However, the limited budget for translation, as well as limited English skills of staff, made the use of these valuable resources ineffective. Inter-agency training documents were rich in information and supportive in supplying legal documents on TWC, but were not specific enough to help different actors pick up the skills they needed to obtain.

In addition to these shortcomings, internal trafficking, trafficking in men, and trafficking for labour exploitation have not been sufficiently included in training documents, creating gaps in the practical support for victims of those forms of human trafficking. The training documents have not provided enough specialized knowledge and skills for practitioners, such as knowledge of the ethical considerations in interviewing trafficked victims, skills in using electronic equipment for video testimony, skills to identify, access, consult, and support trafficking survivors, to advise people to denounce traffickers, and how to keep them safe. A local state actor acknowledged:

We face many difficulties in accessing victims because most of them are self-deprecating and feeling guilty. Also, due to existing discrimination against trafficked women, and limited support,

victims do not want to disclose their trafficking status as it may affect their personal lives. We have insufficient skills and experience in doing those things. In other words, we are not confident enough to undertake our tasks. (SA 9)

A non-state actor had the same concern:

Awareness and capacity of staff undertaking the investigation, receipt, and support of victims are limited. They cannot even separate the difference between identification of victims for support, and identification of victims that serves the course of prosecution when trafficking victims can assist the process of prosecution. (NSA5)

Article 10, paragraph 2 of the UN Trafficking Protocol emphasizes the need to provide and strengthen training for different stakeholders, especially law enforcement, immigration, and relevant officials in trafficking prevention. It stipulates that:

The training should focus on methods used in preventing such trafficking, prosecuting the traffickers and protecting the rights of the victims, including protecting the victims from the traffickers. The training also should take into account the need to consider human rights, and gender-sensitive issues and it should encourage cooperating with NGOs, other relevant organizations and other elements of civil society. (United Nations, 2000)

Those requirements, however, have not been satisfied by the VNAP training activities as most of them are aimed at raising people's awareness, and "most of participants were women, not men" (SA7), and "there were few training activities conducted by non-state actors" (SA11). So, training activities under the VNAP framework were mainly women-focused, men were almost excluded, and there was an inadequate engagement of civil society in anti-trafficking training activities.

Another shortcoming of the capacity building framework under the VNAP was a lack of monitoring and evaluation mechanisms, and a lack of monitoring and

assessment of activities undertaken, so the actors themselves did not know what should be improved or what should be changed. For example, there was no baseline assessment prior to building up training modules, so it was hard to make evaluations or comparisons between the expected results and actual outcomes of capacity building activities. Such lack of logical preparation "usually limits both policy success and challenge policy evaluation efforts" (SA3).

Overall, as noted earlier, prevention is important to any anti-human trafficking strategy. As my evaluation above reveals, the prevention of TWC in Vietnam has been over-emphasized at the expense of other areas. Under the VNAP, every main actor of the policy programme took prevention to be a crucial task, even though the main tasks were assigned to different state actors in relation to the four components of the VNAP. As noted by David (2008), when preventive measures are highlighted too much, the prevention usually fails to successfully address multi-faceted issues such as human rights, gender equality and economic difficulties. It is because an over emphasis on prevention easily targets the intervention on awareness-raising rather than on supporting women by creating sustainable livelihoods. Also, paying too much attention to prevention, the VNAP's actors neglected the other Ps of the intervention. The TIP Report 2011 emphasized that the Vietnamese government had continued efforts to prevent trafficking crime; however, there was a lack of tangible progress in the prosecution and the protection dimensions (USDOS, 2011). In terms of the scope of intervention, prevention accounted for the vast majority of activities attracting the participation of individuals, institutions, actors, and members of the community. Prevention activities, however, were too broad, and were not specific enough to help change the awareness of a large and diverse community. It is also time for the government to shift the focus from awareness-raising to behaviour modification, given that communication messages did not reach people effectively because even women with good levels of awareness and education were still being trafficked[53].

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[53] Women in my group discussion told stories of trafficking victims who were teachers or university students. Mass media reported some similar stories.

5.3 Evaluation of the Second P: Protection of Victims of TWC

Protection of victims of trafficking refers to the efforts that seek to provide appropriate assistance and services to trafficking survivors to maximize their opportunity for a comprehensive recovery (USDOS, 2012). Worldwide, different frameworks to protect victims of trafficking are adopted. Among those, the two most popular are a human rights approach and a criminal justice approach. The human rights framework aims to meet the specific needs of the victims of human rights violations (Wuiling, 2006), while the criminal justice framework focuses on providing victims with a safe environment and ensuring their rights are upheld during criminal proceedings (Jorge-Birol, 2008). These frameworks are used either separately or in a combination of human rights and criminal justice. Raffaelli (2009) acknowledges that European countries apply the criminal justice solution to protect trafficked victims; however, at the same time, victims are supplied with secured accommodation, psychological and material support, and assistance for their children.

In Vietnam, the protection of trafficked victims targets trafficking survivors using the human rights approach to help them stabilise their lives, seek jobs, and reintegrate into the community. Receiving and supporting victims of TWC was Component Three of the VNAP chaired by MOLISA, in close cooperation with the Border Guard, the MPS, the VWU, and local government.

5.3.1 Protection of trafficked victims: A victim-centred approach

Under the VNAP framework, the Government of Vietnam has utilized a victim-centred approach in the form of the 3R pillars: rescue, rehabilitation, and reintegration of human trafficking survivors into the community, which has focused on the promotion and protection of their human rights. After five years of the VNAP's intervention, such an approach has been highly appreciated by the different actors involved. In my fieldwork, state actors and women in the community appreciated the protection of victims as a vital strategy to deter trafficking crime from occurring, and highlighted the state's efforts in the protection of trafficking victims:

> Trafficking can be considered from different perspectives; however,
> an integrated approach that places human rights at the core of all

efforts is most suitable in order to achieve sustainable development for trafficked survivors and address an important cause of trafficking – the violation of human rights. (SA3)

It is good that the government has paid special attention to trafficked victims. If vulnerable, they are again at high risk of being trafficked and their children will be vulnerable too. (WGD 4)

This victim-centred approach has also been highlighted in the international anti-human trafficking legal framework. The *Recommended Principles on Human Rights and Human Trafficking* (UNHCHR, 2002) acknowledge that violations of human rights are both a cause and a consequence of trafficking crime; therefore, the human rights of trafficked victims must be placed at the centre of all anti-human trafficking strategies to protect, assist, and provide support to victims to overcome the difficulties that make them vulnerable. The *UN Trafficking Protocol* (United Nations, 2000), which offers overall guidance for nation states worldwide to set up principles and laws to combat human trafficking, emphasizes that anti-human trafficking activities must be targeted at protecting and assisting the victims of trafficking with full respect for their human rights, and all anti-human trafficking activities must pay particular attention to women and children. More concretely, the Trafficking Victims Protection Act of the United States calls for special support to trafficking victims because they are vulnerable and frequently have limited access to legal knowledge and information; they thus often find it difficult to report the crime or assist the authorities in the investigation and prosecution of perpetrators. The Act confirms that nation states worldwide have to focus on protecting victims of trafficking, rather than punishing them or adversely affecting their lives and progress.

It is virtually impossible for many countries to determine the exact number of trafficked victims, and Vietnam is no exception. Vietnam has not had an official channel to update the figures on trafficking victims; therefore, data are accumulated by different actors through the reports of provinces and cities in the country and reporting methods are normally dissimilar. Gaps also exist in the released data. According to MOLISA, 2,790 trafficking victims returned home – only 14 per cent of a much higher number of women and children absent from their home towns or villages (MOLISA, 2009). Figures collected by the VWU,

however, were much higher, with 4,224 returned victims; but even this figure is an underestimate because data was reported by only 47 out of 64 cities and provinces in the country (VWU, 2010). Data released by the Ministry of Justice of Vietnam in 2010 shows that up to May 2010, there were 3,190 returned trafficked victims (Bang, 2010). The figures indicated in the CEDAW Vietnam country combined 7th and 8th report in the time of 2004-2010, however, was much higher than any of the above data. It was stated that "7,035 victims were trafficked aboard, 22,000 women and children long absent at the local areas were suspected of having been trafficked" (UN, 2013, p.30). The committee also indicates quite a high number of trafficking returnees with 3,190 returned to Vietnam. The report, however, does not give any source of reference and any indication of which period the data represent. Inconsistency in data provided, generally, make people confused.

Exact figures of trafficked victims, however, were unknown, and unreported. There was a lack of data for victims who are minors and who are victims of types of trafficking other than sex trafficking. These discrepancies in the number of victims reported could be explained by different reporting periods, different methods of data collection, the exclusion or inclusion of victims of domestic trafficking, and the accuracy in the numbers reported.

The number of victims returned was only a small part of the real picture. Viet Yen, a district of Bac Giang province, had 617 women who left for China and were suspected to have been trafficked; only 45 women returned. Among those who returned, 60 per cent returned by their own means, and were not a part of the official process of rescuing and returning victims by functioning organizations which were key state actors involved in the VNAP[54]. Data provided by the CEDAW Committee in the combined 7th and 8th Vietnam country report also confirm that 60% trafficked women returned by their own means while the other 25% were rescued, and 15% were officially admitted (UN, 2013). Trafficked women and girls could not wait for other people to rescue them, their journey of returning home was often very difficult and challenging, and they had to find a possible way to distract the perpetrators or to escape from brothel owners, guards,

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[54] Information extracted from my personal communication with the president of Viet Tien commune, Viet Yen district, Bac Giang (noted in the research diary).

or pimps. It was also confirmed by MOLISA (2009) that among trafficking returnees, 60 per cent returned by their own means, 25 per cent were rescued, and only 15 per cent were officially returned by the government.

Due to the existing stigma and discrimination against victims of trafficking in the community and possible risks challenging their efforts to stabilize their lives, many women returned home without reporting to local authorities and were thus not officially confirmed as having been trafficked. As a local state actor and the trafficked women in my interviews acknowledged:

> There are women who returned through their own means and did not claim to have been trafficked. They said that they migrated for work. We know the truth but cannot force them to say it out loud. (SA12)

> Not all people understand and sympathize with our situation. I have been suffering from massive rumours and discrimination. (TW11)

> I faced a lot of stigmatization and discrimination. When I returned from China, even my siblings, nephews and nieces did not talk to me. People did not understand me. (TW7)

The comments above indicate that social stigma and discrimination associated with human trafficking was responsible for creating secrecy around the status of trafficked women. Further, trafficked women returning home by their own means experienced double vulnerability because they were not defined as official victims who were received and repatriated by functioning organizations, and were thus not eligible to receive government support. As unofficial victims, they faced different challenges. The comment of a trafficked woman illustrates the difficult life of those who are trafficked:

> I received no support. I was a poor woman, and I am even poorer now. I have to earn a living, for me, and my old mother. My arable land was withdrawn as I was out of the village for years. I have to find seasonal jobs to do. Income earned is unstable, and not enough as it depends on weather and jobs available. There was no support here for trafficked women who return by their own means, like me. (TW17)

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The exclusion of many victims from government support might be explained by the complicated procedures involved in defining a victim as eligible to be received and repatriated, which leave many victims outside the government support policy. The identification of a victim has been based on a range of procedures[55] which were too overwhelming and unreasonable according to some of my respondents. To identify a victim, functional organizations have to listen to both victims and perpetrators; however, in many cases, it is not possible for the police to find the perpetrators, or victims may not know exactly who deceived them. According to the government regulations, the return of victims of TWC from overseas must be based on official identification and investigation by the Ministry of Public Security (MPS) or the Police Force of the border provinces assigned by the MPS (Government of Vietnam [GOV], 2007). State actors interviewed admitted that they all knew the importance of the victim identification process in initiating an investigation; however, their limited budgets hampered the effectiveness of victim identification. It was almost impossible to define a victim within the budgeted expenditure of VND100,000 (about $5) per case. As a local state actor noted:

> We cannot do anything with such a small amount of money. Many victims live in remote areas; to go there, we have to spend our own salary. We can compensate for some victims, but we cannot do much. (SA17)

While it was difficult for local governments to formally identify a victim's status, it was even more challenging for victims who returned home by themselves to establish their victim status, as they had to get confirmation from the Border Guard at the provincial level. Instead of being recognized and assisted, they had to struggle to prove their trafficking status. Most victims returning home by themselves did not know about the government procedures and criteria used to define a victim. Due to a lack of legal knowledge, and limited resources to enable them to get confirmation, victims usually gave up. They knew that they would not benefit much from having official victim status because the support offered was usually not sufficient for victims, and did not encourage them to claim their legal

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[55] Various documents and evidence are required: documents and evidence supplied by functional organizations of a foreign country; statements and evidence supplied by the victim; investigation results given by the provincial police where the victim resides; investigation results of the provincial border guard; statements of the perpetrators; and other sources of information.

rights. Besides which, a burden of rumours would pour on them once such a status was identified (TW19).

In the follow sections, the analysis of the VNAP's protection of trafficked victims will detail two main types of support: the government support package and support provided by the government and NGOs.

5.3.2 *Government support package: A combined support of rescue, rehabilitation, and reintegration of victims*

When obtaining information about Vietnamese trafficked victims from the police force of a neighbouring country, the five main state actors of the VNAP formed a functioning group to receive victims from overseas. Within five years of the VNAP implementation, Vietnam received 1,269 victims, mainly from China and Cambodia (VWU, 2010). Those victims would have been eligible for the government support package, which mainly covered temporary accommodation and psychological consultation. In special cases, when victims faced health risks, they were provided with initial treatment, food, and transportation costs (MOLISA, 2009).

Financial support to victims was subject to special requirements. Only returned victims who were identified as members of poor households received a one-off initial support payment of VND750,000 [$35][56]. However, as some particular respondents noted, it was difficult for victims to receive the government financial support because many of them returned home after their families had broken up, as their husbands had, in their absence, married other women. Those returning women, therefore, were single women, rather than belonging to households. Even when they were eligible to receive financial support, the amount was small and not enough to cover the expenditure of returning home in cases where the victim's home town was far from the receiving place (NSA4). Significantly, the support scheme was only applied for women and children survivors returning from overseas, not for victims of domestic trafficking, and victims of labour exploitation. Indeed, most of the trafficked victims who received government support in my interviews were victims of international trafficking, and victims of sexual exploitation. As a local state actor noted:

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[56] This amount is identified and noted in the Circular 116/2007/TTLT-BTC-BLDTBXH, dated 27 September, 2007.

Due to limited understanding of trafficking victims, support to returning victims just covers international trafficking victims. Here we do not have victims of labour trafficking. They migrate to work and get money, to earn a much better income than they do in the village. No one in the village reported of being labour exploited. We do not have labour trafficking in the country as well. People work on agreed contracts. (SA8)

A part of the excerpt above reflects an inadequate understanding of human trafficking in Vietnam that does not pay enough attention to domestic trafficking, labour trafficking, and male victims of trafficking. This state actor's comments about the absence of labour trafficking in Vietnam were contradictory to existing literature which suggests that labour trafficking exists, in the country.

The annual TIP Reports of the US show that, in comparison to other Asian expatriate workers, Vietnamese labourers are highly vulnerable to debt bondage and forced labour (USDOS, 2010, 2012). Many labourers in the country are working without contracts, receive low pay, and work in poor living conditions (Nguyen & Luong, 2013).

"Official" victims who were identified as poor were eligible to borrow short term loans for economic development and life establishment from financial institutions such as banks or credit funds. Those services were available even in rural and remote areas. However, there were difficulties that hampered women's access to loans and micro-credit services. The banks normally did not combine micro-credit schedules with technical training, leaving many women with loans vulnerable as they did not know how to use money effectively. The assessment of poor households was based on the judgements of local authorities rather than on specific criteria; therefore, the results were neither necessarily accurate nor consistent. Further, victims were poor and did not have collateral assets to meet the requirements for borrowing capital from financial institutions, so they again became victims of high interest loan providers. As several participants explained:

I cannot borrow loans from the bank. I am not listed in the list of poor households. I am single and living with my mum after returning home. I do not have collateral assets to borrow credit. I

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have to borrow money from private creditors with a neck-cutting interest rate, even with 10 per cent interest per week when I need money urgently for my street vendor business. (TW14)

Loans are provided by the Social and Policy Bank for poor women, but we need to be on the list of eligible borrowers. If local authorities put me on the list of the poor in the village, I would be eligible to borrow the loan. I failed to get the right to borrow money. (TW11)

As these comments indicate, trafficked women are even more vulnerable, not only to overcoming life difficulties, but also to the struggle to get rights for borrowing money. By being trafficked victims, women are not necessarily eligible to borrow loans regardless of their socio-economic situation.

Importantly, government support to survivors was limited and did not satisfy victims' requirements and expectations. An agency report by MOLISA (2009) shows that, only 30 per cent of returning victims received financial support and were able to access vocational training using the state budget[57]. The Circular[58] 116/2007/TTLT-BTC-BLDTBXH specifies that an amount of VND500,000 (about $25) be paid for vocational training of a trafficking survivor if she wants to undertake this support. However, due to Vietnam's high inflation rate and the devaluation of the VND against the USD and other currencies, this amount was too small for effective training. Furthermore, government vocational training programmes in the research areas were targeted to traditional careers such as craft work (traditional hat making, mat making, or knitting jobs). Those jobs, however, could not provide victims with sustainable livelihoods due to the lack of markets for such products (TW3), their lack of capital (TW11), and a lack of management skills (TW10). Several victims I interviewed claimed that their health and age were not suitable to those forms of craft work that require good health, agility, and patience, while many women were victims of forced married and returned home at an old age. The younger victims were interested in modern jobs rather than traditional ones, and did not continue in these jobs despite their training.

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[57] It was clearly stated in the VNAP that, every year the government reserved an amount of funds to implement the policy programme to support key tasks and components.

[58] A circular is an under-law document associated with a policy issued by the government (see note 15) to guide the application of a policy.

Furthermore, data from agency reports show that medical and psychological support for victims was better implemented in those places which have victim-support centres (VWU, 2010; MOLISA, 2009). Those centres, however, remained very few in the country because local governments did not have enough resources to set up supporting units. In addition to that, women did not have the habit of having regular health checks. Based on my interviews with trafficked women, it was apparent that victims did not want to go for health checks unless they recognized serious health symptoms. In answer to my question: "Do you get free health checks? And how often do you see a doctor?", one trafficking survivor replied:

> It is a waste of time and money to go to a doctor. There is no benefit to go for a health check without any illness. If you go to a doctor, you will be worried as they definitely will tell you that you are unwell. (TW18)

That woman's statement raises a question of whether it was individual fault (lack of care to personal health) or the fault of a system that created fears and hesitation in people when going to see doctors. Another trafficking survivor said:

> We have to pay for health checks. I have a vaginal infection (vaginitis) but I buy medication and treat it by myself. It is so embarrassing to go to a doctor. If people know, they will be little me, and talk down to my vulnerable past. I went to a private doctor in the other city, she gave me a prescription. Now I know what medication I should buy. (TW15)

These comments contain different insights into the experiences of trafficking survivors. First, they still had to pay for a health check. Second, due to social stigma, discrimination, and low self-esteem, they did not want others to know about their health problems, especially when they were affected by Sexually Transmitted Diseases (STDs). So, two lessons can be learned from the VNAP's support to trafficked women. One is a lack of medical support to trafficked women. Second is an ineffective awareness raising of a human trafficking issue that nurtures the existence of discrimination against trafficking victims.

One might agree that government support to victims under the VNAP framework has not reached a large number trafficking survivors, especially as there were many victims returning home through their own means who were not considered to be official victims. However, in all cases, local government supported them by conveying necessary information and procedures, and by calling for help from other women so that trafficking victims could resettle their lives quickly. Some trafficking survivors were lucky enough to receive financial support to set up small businesses and to earn a living, but how sustainable it has been is a different issue.

5.3.3 Supporting trafficking survivors and women at risk in the safe house: Support provided by government and NGOs

A third protection provision is the safe house which is a model of supporting trafficking survivors and women at risk in Vietnam, set up under the VNAP intervention. In some provinces the safe house is also the place to support victims of domestic violence. The model was initiated in Ho Chi Minh City and Can Tho City, in line with the projects of NGOs and IGOs. Safe houses now exist in different cities and provinces to supply victims of trafficking with accommodation, food, and medical treatment. Victims are also supported with education or vocational training if they want it.

During the period of this evaluation, Can Tho (one of the research sites) had a safe house. As of September 2010, the Can Tho safe house was a temporary residing place for 23 women and girls who were trafficked women or women at risk of being trafficked. This safe house is co-organized by the Can Tho Women's Union and AFESIP[59]. Ten years after its foundation in 2001, the Can Tho safe house had hosted 86 women and girls who were victims of trafficking. Of these, 36 learners[60] successfully reintegrated into the community, and 32 others found stable jobs in factories[61]. Apart from hosting victims and providing them with essential support, the Can Tho safe house also monitored a list of vulnerable women and girls who were at risk of being trafficked, including sex workers and victims of fraudulent marriage, and planned to support them with vocational

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[59] AFESIP is A French NGO, whose English name is Acting for Women in Distressing Situations.
[60] All women and girls admitted to the Can Tho safe house were called learners rather than victims or trafficking survivors. The use of the term *learner* will be discussed in Chapter Eight.
[61] These figures were provided by the Can Tho safe house.

training. Most victims were poor; many were poorly-educated, with education levels ranging from year 3 to year 12. The majority of learners were victims of international sex trafficking; however, there were also minors who had been sexually abused by family members and were at high risk of being further sexually exploited.

Under the VNAP, a new feature in the vocational training scheme, making it different from the support package of the government was that the type of training provided was flexible so as to accommodate the needs, desires, and expectations of each individual[62] (Can Tho Women's Union, 2009). Learners were sent to respected local businesses and all training expenses were covered by the safe house. After occupational training, some learners were recruited to work for the trainers, while others chose to open their own shops or small businesses. Children under 18 years of age, having the desire to continue their school education, were encouraged to go to school.

The safe house residents were provided with good services and a healthy living environment under the management of the house manager and social workers, who were available to help them whenever they wanted. At the safe house, the residents were also trained with knowledge and information about human trafficking. All interviewees from the safe house said that they were lucky to get support from the safe house and that the support will be very useful for them. They were optimistic about their life ahead:

> Here, we are in one family. We cook and arrange the house in turn. We remind each other to study and work to move on with our lives. (TW20)

> I have my own plan for my future. When I return home, I will open a hair salon. I want to help people look more beautiful and also want to prove that we can stand up after falling down. (TW17)

> The safe house is really a safe place for us to live. My sister and I live here. Here we have the chance to continue our study at school

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[62] Among 23 learners of the Can Tho safe house, 13 followed the training to be hairdressers, 1 was trained in nail jobs, 1 was trained in wedding decoration, 1 followed cooking courses, 2 continued schooling, 5 others were considering which jobs could be best for them (Can Tho Women's Union, 2009).

and English study at the Vietnam American English centre. I want to be a doctor and my sister wants to be a teacher. Here, in special cases, we have the chance to attend meetings, training, even to go for picnics. (TW21)

Learners were allowed to stay in the safe house for 18 months to stabilize their lives and to finish a vocational training course. They were allowed to visit family during their stay in the house. However, there were special cases when girls stayed 42 months in the safe house to finish their school education. The support provided by the safe house was effective because after-reintegration services were also provided to ensure that the learners were not being re-victimized and were well integrated into their communities. All the profiles of learners residing in the safe house were monitored and updated by the staff and social workers:

It is good that many of them have a stable life after reintegration in the community. Most of them can live on their own efforts and get married. (NSA 6)

Learners living in the safe house usually had "a high rate of reintegration into the community" (SA7). Most of the safe house residents interviewed assessed it to be a wonderful model for effective reintegration into the community as all the support was realistic and accommodating to their needs and desires.

However, there were difficulties that hampered the sustainable development of this model. There were limited numbers of safe houses in the country, and safe houses were normally located in big cities like Hanoi, Can Tho, or Ho Chi Minh City. All the houses were maintained by the funds of NGOs and IGOs. Due to insufficient funds, limited numbers of residents were admitted to the safe houses every year. The Can Tho safe house targeted to host 20 learners per year; however, the number of women and girls entered the house was always lower that the allowed quota (Can Tho Women's Union, 2009). Explaining this reality, both state actors and non-state actors offered a commonly accepted reason that "due to existing stigma, women and girls do not want other people to know that they are living in the safe house for victims of trafficking" (SA21). Some learners interviewed also said that people back home only knew that they worked or

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studied in the city, they did not know that they lived in a safe house and had been trafficked (TW25).

The number of residents in this safe house also depended on the access of social workers and local women's union members to trafficked women and their families[63]. Not all victims approached by local women's union and social workers agreed to go to the safe house. Staff of the safe houses admitted that it was not easy to run the service because the residents had different vulnerable situations and painful memories that required experienced social workers. Those learners with mental illnesses needed support from specialized psychologists. Additionally, providing after-reintegration services for learners required significant time and effort because some former safe house residents got married and lived far from their villages, some others migrated and worked in other cities. Further, most of the safe houses operated under the framework of time-limited projects funded by non-state actors; therefore it was difficult to ensure the sustainability and effectiveness of the safe houses in the long run, especially in the context of poor funding and limited resources.

Another shortcoming was that, at the time of this study, there was no safe house for men or for victims of labour trafficking, or for children (there were only safe houses for children to stay with their mothers, who were trafficking survivors) in the whole country. This indicates that male victims and victims of labour exploitation have been excluded from the list of those protected under the framework of the VNAP intervention. The VNAP was mainly a women-centred policy rather than a gender policy in its general outlook.

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[63] Due to existing social discrimination against trafficked women and victims of sexual exploitation, trafficking survivors and women at risks rarely approach the safe house; instead, the safe house has to find learners to support them (my field work data).

Main gaps and challenges in the VNAP's protection area

It is clear from the discussion above that while most efforts to support victims involved improving women's social and economic empowerment, very limited attention has been paid to safeguarding their rights and physical safety on the way to recovery and reintegration, especially the safety of witnesses. Very little information on victim witness protection could be found [64]. There was no provision for supporting victims of trafficking during the criminal justice process, and no provision in the form of incentives for disclosure of the crime. The lack of this information and knowledge put victims and their family members at risk of intimidation, retaliation and further victimization by the perpetrators.

Further, insights drawn from my interviews and group discussions showed that support to victims was limited and did not satisfy women's requirements and expectations. Most of the trafficked women confirmed that they received support from local government, but the support was mainly something symbolic such as visits to trafficked women's houses or consultations with the local women's union. What the victims needed was more than that. Some needed good financial support to set up small businesses, others wanted to have livelihoods that brought them regular pay. As a trafficked woman noted:

> I do not say that the government support is not good, but it is not enough. That small money amount [$35 for one-off support for an official victim] is nothing for establishing a new life after a tragic change in life. I want some million Dong [VND] to set up a street vendor business. (TW17)

This shows the support was not enough for women. Looking back to earlier discussion about women's limited access to loan and complicated procedures, it can be said that financial support to trafficking survivors under the VNAP was formalistic, ineffective, and has not helped empower women.

Local government actors know what was necessary to support trafficked women, especially those who returned by themselves and who have not received government support. However, due to limited financial resources, local

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[64] Most data collected in terms of protection of trafficking victims relate to one-time financial support or support for temporary livelihoods.

government officials often could not help them (SA7). There was a lack of resources to support trafficked women, and a lack of medicine and medical equipment to support them with health checks and treatment, especially in the case of those with psychological problems.

Most trafficking survivors were landless due to their long absence from home[65]. According to local government officials, due to a limited land area, the land supplied to individuals, which belongs to the government, will be taken back to supply others if the owner is absent from the village for more than one year (SA15). Some survivors did not even have a place to stay, and had to live with their relatives and earn an income from casual labour, which was often seasonal, unstable, and low paid. The local governments did not have enough land or other resources to support them to have sustainable livelihoods.

Local governments were not dynamic enough to deal with practical issues that had not been mentioned in the VNAP. Children born during the period of trafficking are one issue. For example, there were victims who returned, brought back with them their "foreign" children, left the children for their grandparents to take care of, and returned to destination countries. Those children did not have Vietnamese nationality and it was really challenging for them to enter local schools due to their lack of identity documents and poor Vietnamese language background. Local actors, however, showed their commitment to assisting those children to get enrolled in local schools. A local state actor confirmed:

> We try to support those children returned home with their mums by simplifying enrolment procedures and telling the school to assist them with language and bridge the knowledge gaps. (SA11)

In answering my question about the other support available to trafficking victims returning with their children, and to assist their children with their schooling, this local state actor said that they could not offer any further support due to having a limited budget. He also said that supporting school children was the job of schools and the Ministry of Education.

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[65] A local state actor noted that due to limited land area, the arable land given temporarily to an adult for cultivation will be withdrawn if the person is absent unreasonably from the village for a time, normally six months (SA11).

In summary, with regards to the protection of trafficking victims, there has been a lack of a comprehensive mechanism to support victims, both in terms of regulation and practical action. Complicated administrative procedures have prevented many victims from getting government support. Very limited numbers of victims have received financial support, and unsuitable support offered to victims raises concerns about ineffective reintegration of victims into the community and a potential for re-victimization of trafficked women and girls. Activities to support victims were diversified; however, there have been gaps in the support to victims who returned home by themselves, to those who remain abroad, and to victims of domestic trafficking and labour trafficking. There were also gaps in the support and safeguarding of victims during investigation and prosecution, and support of their children to ensure their ability to study and their general well-being. The VNAP, therefore, has not reached most of the trafficking victims in terms of providing for their essential needs and ensuring that that they are able to overcome difficulties and not become re-victimized. Efforts must be targeted toward simplifying administrative procedures, providing essential case-by-case support to victims, and maintaining effective support models, such as the safe house, self-help groups (SHGs) or community support groups (CSGs).

5.4 Evaluation of the Third P: Prosecution of Traffickers

Prosecution is necessary to help eliminate human trafficking. Effective prosecution is of great importance because it ensures there are penalties for traffickers and helps attain justice for victims of trafficking (Gallagher & Karlebach, 2011). Overbaugh (2009) emphasizes that criminal prosecution is critical in order to combat human trafficking, because it deters further trafficking, incapacitates traffickers, and protects trafficking victims by removing them from immediate danger and averting further possible exploitation or harm. Prosecution has become more essential as it is one of the more measurable and integral criteria of anti-trafficking efforts, but is somewhat over-emphasized by the US in its annual TIP reports (Wang, 2005), where it is being used to judge and sanction countries which have not complied with the minimum requirements of the TVPA. More specifically, breaking trafficking chains and prosecuting traffickers also help discover and reduce the other types of organized crime (such as drugs and weapons trading, or smuggling of migrants) while those crimes and human

trafficking have a close link to each other. According to Picarelli (2009), major international organized crime groups are perpetrators of trafficking in human beings as well.

Despite the great importance of criminal prosecution of traffickers, the rate of prosecution for trafficking offences globally is still very low. The number of traffickers investigated and prosecuted is also very small. Information given in the TIP Report 2011 shows that worldwide, there were only 6,017 prosecutions in 2010 (USDOS, 2011). Another international report of the US emphasizes that two out of every five countries surveyed had not reported a single case of prosecution for human trafficking (UNODC, 2009). Of course, the reported number of prosecuted cases does not reflect the huge number of people living under different types of exploitation worldwide, although exploitation is not always the same thing as human trafficking.

The prosecution of traffickers is a difficult task, especially for developing countries, because it requires different resources and skills to cope with organized and shadowy human trafficking chains. While much research and effort has been spent on prevention of trafficking and protection of trafficked victims, there has been limited research on the practice and experience of trafficking prosecution, and on the relationship between prosecution and the other two Ps (Protection and Prosecution). According to David (2008), there appear to have been few studies that have sought to systematically examine issues such as who is being prosecuted, how these cases are being prosecuted, and so on. David (2008) argues that this lack of research on prosecution of trafficking crime can be explained by the complexity of the crime, and perhaps difficulties accessing relevant data, especially primary data such as trial observations, interviews with prosecutors and defence lawyers, and trafficked persons who give evidence in court.

Additionally, in the context of the VNAP, the task of prosecution was understood to be mainly assigned to the Ministry of Public Security (MPS), which also ensures the state's security. Information held by the MPS, therefore, becomes confidential and is difficult to access[66]. It is thus difficult to gain a clear picture of Vietnam's attitudes relating to the prosecution of human trafficking, with a

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[66] It is widely recognised in the country that all information held by the MPS is top secret as it relates to security or national issues.

limited estimated number of cases investigated and traffickers prosecuted. Yet, as noted earlier in Chapter Three, prosecution of traffickers has been an integral part of the anti-trafficking strategy in Vietnam and belongs to Component Four of the VNAP.

5.4.1 Prosecution of traffickers in Vietnam: A crime-control approach

Although in most countries worldwide prosecution is the third P of a basic anti-trafficking paradigm, actions towards prosecution of traffickers are different in different countries. In India, prosecution focuses on bringing traffickers to court, confiscating illegal assets of traffickers resulting from trafficking crime, and forcing traffickers to compensate for the damages done to victims (Lazarsfeld & Rosenberg, 2004). In New Zealand, the Plan of Action to Prevent People Trafficking issued by the Government of New Zealand defines prosecution to be the act covering investigation of suspected trafficking activities, support for victims of trafficking during the criminal justice process, and compensation for victims of trafficking. The penalty for this crime is up to 20 years in prison and/or a NZD500,000 fine (Government of New Zealand, 2009). Prosecution of traffickers in Vietnam is similar to the process in India, which focuses more on investigation of trafficking cases, arresting and punishing traffickers, while compensation schemes for victims and support for them during and after investigation and prosecution have not been sufficiently paid attention to. Prosecution of trafficking offenders in Vietnam, therefore, targets traffickers and has become a trafficker-centred or crime-control approach. This is not unusual, because within the broader context of global trafficking crime, the internationalization of crime control can be seen. There is now a global network of police, prosecutors, and agencies targeting transnational organized crimes, including trafficking and related offences.

The crime-control approach to trafficking has been criticized for its over-emphasis on the investigation and punishment of traffickers while ignoring the rights of victims in the prosecution process. In her book *Human Rights in Crisis*, Bullard (2008) reveals that following a crime-control approach, countries deal with human trafficking from a law-enforcement perspective which focuses on tightening borders, preventing unwanted migration, and attacking traffickers. By doing so, the government's concern for the protection of victims and their human rights

becomes less. Additionally, according to Wang (2005), while the government focuses on a crime-control approach, trafficked victims either are afraid of or ashamed of their suffering, and dare not report it to the police. Most of the victims interviewed said they were not ready to be a witness for various reasons. In some cases, those who deceived them were still living nearby, and were rich and powerful (TW7). In other cases, perpetrators were relatives of the victims, and introduced them to traffickers; those relatives said that what occurred was not what they had intended (TW9, TW15). What they wanted was to create employment opportunities for their sisters or nephews. Due to the gaps in the national legal framework and international anti-trafficking practices, Vietnam has not had a sufficient legal basis to criminalize the acts of brokerage of trafficking, trafficking in men, and trafficking for labour exploitation. The Criminal Code of Vietnam has some regulations to protect the safety of victims; however, all are insufficient, without clear identification of measures to protect, procedures to request protection, or information about who victims can contact when they are in urgent need of protection. Compensation for victims of trafficking was defined in the Criminal Code; however, law enforcement was weak. Therefore, the law was not binding; in many cases, traffickers were unable to compensate for the damage that victims suffered. Such an absence of formal arrangements to link criminal justice and victim support agencies in Vietnam (ASEAN, 2006) made the victim support system work inadequately and ineffectively.

Further, the prosecution of offenders always requires witness testimony and victims are reliable witnesses. Assistance to victims in the investigation and prosecution process is helpful and required by law in many countries. However, their privacy, safety, and dignity are not usually issues of uppermost concern. Being trafficked to another country, victims do not have legal status and are always in danger of being deported and considered as criminals who have violated migration laws. While being witnesses, they are not allowed to stay legally in the destination country and face many other risks such as being followed, threatened, and experiencing retaliation from traffickers or their associates (Nguyen, 2008). The TVPA (U.S. Congress, 2000) has provisions to offer some specific victims

who actively assist in the prosecution of their traffickers a T-Visa[67]. Such or similar privileges, however, are not applied in most of destination countries.

Vietnam has made considerable efforts to prosecute human traffickers. Within five years of the VNAP's implementation, 2,782 cases of TWC had been investigated with 5,128 perpetrators prosecuted. Functioning organizations have also eliminated 95 trafficking chains and followed 61 criminal projects (see Figure 6). It should be noted that these numbers are different from the numbers of cases of TWC and of perpetrators recognised and reported.
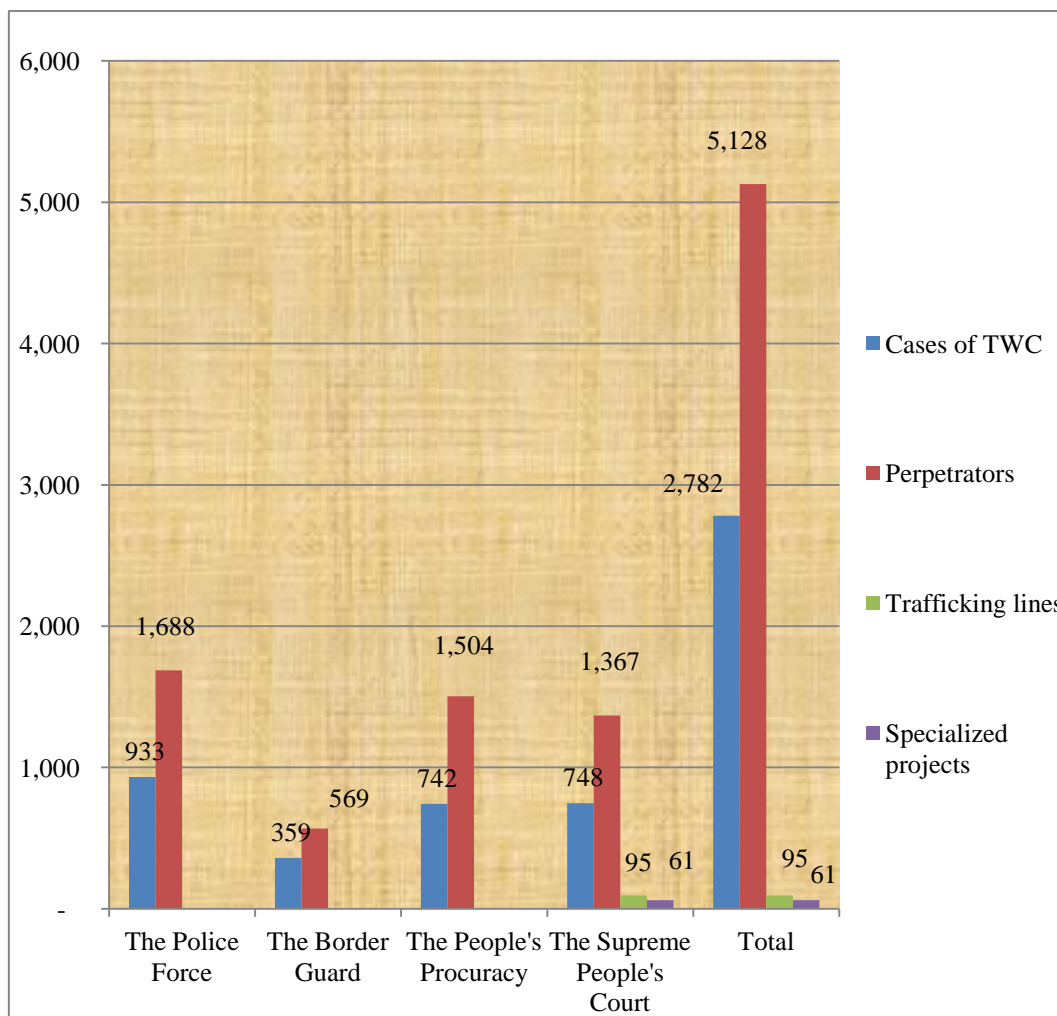
Figure 6: Participation of actors in the investigation and prosecution of TWC in Vietnam (2004-2009)

Source: Extracted from agency report (GOV, 2009)

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[67] A T-Visa is a T-Non-Immigration status which allows certain victims of TIP and their immediate family members to remain and work temporarily in the USA if they cooperate in law enforcement to testify against the perpetrators.

Four actors are involved in the investigation and prosecution of TWC: the Police, Border Guard Command, the People's Court, and the People's Pro-curacy[68]. Vietnam has been identified as having the highest prosecution and conviction rates in the world (UNODC, 2012b). The number of cases investigated and prosecuted, however, is small in comparison to the number of actual cases that occur countrywide as 60 per cent of trafficking survivors returned home by their own means and many of them did not report their status to local government (GOV, 2009).

Data released by the Supreme People's Court show that annually, Vietnam adjudicated 109 cases of TWC with 190 trafficking offenders prosecuted (Supreme People's Court of Vietnam [SPC], 2009). Thus, every three days, a case of TWC was adjudicated and almost every two days a trafficker was prosecuted. The figures on the one hand indicate the seriousness of trafficking crime in Vietnam; on the other hand, they express the efforts of the Vietnamese state in the prosecution of traffickers. Existing data did not clearly define different types of trafficking prosecuted; however, it was thought likely that "most of the trafficking cases relate to sexual exploitation" (SA3). Vietnam was criticized by the US for not reporting any investigation or prosecution of domestic or labour trafficking cases (USDOS, 2011)[69]. The data released also did not show any cases of corrupt officials who received bribes from traffickers, although existing research, media, and international reports have identified the presence of trafficking-related corruption among front-line staff and local level officials. In the TIP Report 2009, the fallibility of authorities in reporting trafficking-related corruption when it visibly occurred was identified as one of the main shortcomings of Vietnam in the prosecution of trafficking crime. The report says:

> In Vietnam, trafficking-related corruption occurred at the local
> level, where officials at border crossings and check points take
> bribes to look the other way, though the government did not report

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[68] In Vietnam, the People's Court (or the Supreme People's Court) is the   highest court and the court of appeal. The People's Pro-curacy (or the Supreme People's Pro-curacy) has the power to initiate public prosecution and ensures a uniform implementation of law within the country.
[69] As mentioned earlier, in section 5.3, there was evidence showing that there has been labour trafficking in Vietnam, but labour trafficking was not a part of the VNAP's intervention scheme.

any investigations or prosecutions of officials for trafficking-related complicity. (USDOS, 2009, p. 300)

Records on prosecutions between the years 2004-2010 indicate the complexity of the TWC situation in Vietnam. TWC in Vietnam is a large-scale crime with many cases that involve more than one trafficker and more than one victim per case, and offenders tend to repeat the crime many times. More than half (58.53%) of trafficking cases had more than one victim (Nguyen, 2008). This shows that TWC is a complex and compound crime, resulting in significant negative impacts on people and the wider society. Among the traffickers prosecuted, 14.3 per cent repeated the crime, having disregarded the law and the high penalties imposed for the crime; 58.7 per cent of perpetrators were women. Many of them had been trafficked and later turned into traffickers; they, therefore, understood very well the tricks that were most effective for deceiving women and girls.

As international trafficking has become a prominent issue in Vietnam, foreign perpetrators have also been identified (Nguyen, 2008). However, due to geographical obstacles, and gaps in the law, the investigation and prosecution of foreign offenders was very limited. According to Nguyen, only 0.89 per cent of traffickers prosecuted were foreigners, among those there were people of Vietnamese origin (such as those who were married to foreigners and had international residency). Nguyen also confirms that TWC in Vietnam has been a crime with high criminal co-efficiency[70]. This means that people in the area had a high incidence of living together with traffickers in the same village, and were at high risk of being trafficked by their own neighbours.

Another aspect of the prosecution effort is that the Government of Vietnam has also demonstrated significant efforts in relation to law reform. As a result of active legal improvements undertaken by the Ministry of Justice (MOJ), on January 1, 2012, the Law on Human Trafficking (LHT) entered into force. Following this law, the definition of human trafficking has been broadened to cover trafficking in men, not only TWC; and trafficking for sexual exploitation is

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[70] Criminal co-efficiency is the rate of criminals per every 1,000 inhabitants. Nationally, there were 1.3 cases of TWC, and 2.26 traffickers for every 1,000 inhabitants. The prevalence is even higher in some areas. In Quang Ninh, an area bordering China, the figures are 12.28 trafficking cases, and 19.9 traffickers respectively. Particularly, in Dien Bien, another area bordering China, the criminal coefficient has reached 24.4 offenders for every one thousand inhabitants (Nguyen, 2008).

only one of the human trafficking types identified. The law, however, does not assign criminal penalties to the additional prohibited trafficking offenses enumerated in the law, nor does it include provisions that would specifically punish people who attempt to commit trafficking crime, who participate as an accomplice, or who direct other persons to commit the offense (USDOS, 2011). In addition, the law does not officially outlaw the actions of trafficking brokerage which happens quite regularly in the trafficking arena.

Looking beyond the VNAP time, although the Law on Human Trafficking in Vietnam (2011) is considered to have "rich humane" characteristics (Ministry of Justice, 2012), its effectiveness has been questioned due to the country's history of poor law enforcement and limited resources. Additionally, the responsibilities of the Ministry of Finance have not been specified, while it was identified that local governments have to arrange a budget for preventing and combating human trafficking (Article 52). Such an arrangement is a reminder of the challenges in the VNAP implementation caused by financial limitations, which mean local authorities cannot set sufficient budgets for anti-human trafficking activities. Further, the issues of corruption, money laundering, organized crime, and law enforcement have not been addressed or mentioned in the new law.

5.4.2 Main gaps and challenges in the prosecution of TWC in Vietnam

Trafficking in human beings is a shadowy crime, which contributes to only a small number of trafficking cases and traffickers being identified and prosecuted. In Vietnam, only a limited number of trafficking victims have escaped or been rescued; in the case of others, it is unknown whether they have turned into perpetrators, pimps, or continued to be exploited. There have been cases of victims who turned into traffickers after escaping from overseas brothels. After returning home, they deceived other girls and women, and sold them to gain money (Ha, 2012). In other cases, victims of sex trafficking, who were "out of date" (the terminology used for sex workers, unemployed, and with an addiction

to drugs)[71] returned home to recruit labourers, supposedly in return for high wages in border areas; but in fact, they recruited sex workers for their former employers' brothels overseas, and so became traffickers themselves (Hoa, 2013).

The lack of provision and action to compensate victims[72] for their losses and weak law enforcement has contributed to poor levels of participation by victims in the fight against human trafficking. Article 42 of the Vietnam Penal Code states that criminals have a responsibility to compensate for material or mental damages caused by their crimes (National Assembly of Vietnam, 1999). Such compensation efforts, however, were not feasible in reality. It was evident from my interviews with trafficked women that many traffickers have been unable to pay compensation or have refused to pay. The government has for a long time considered setting up a special compensation fund for victims of TWC; however, this fund has not yet been established. Further, trafficking survivors have normally kept silent and have not made claims for compensation. Some trafficking survivors (as is shown below) have set up their own compensation arrangements with traffickers, especially in cases when the perpetrators were their relatives or were in the same village. Those victims themselves did not realize that in doing so, they were unwittingly aiding and abetting trafficking crime; by not reporting the offence, they prevented identification of offenders and made the investigation of trafficking more difficult:

> I was deceived by the man who used to be my good neighbour. He brought me to China and there I was sold for forced marriage. When I returned, my parents told me to report the case to the local authority. I thought that as we were very poor, I would be better to ask him for material compensation rather than ask to put him in jail. I myself did not want to be involved in going to court. Finally, we agreed that he must compensate me 80kgs of rice. He first gave me 20kgs and said he would return all the rest of the compensation after

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[71] Some victims in one of the research sites disclosed that, being sold to brothels, every day a sex worker has to provide sex for at least two dozen male clients. To keep the sex workers strong enough to work and earn money, brothel owners usually force them to use drug or cannabis. After a few years, when the sex workers are exhausted and cannot attract and serve clients, the brothel owner will sell them to another "mama" (female brothel owner) or kick them out, to live on the street (from the stories of TW9, TW12, and TW14).

[72] This chapter categorizes and analyses compensation for victims as an issue that is closely linked to prosecution because it relates to traffickers.

six months. However, he did not keep his promise. Six years passed, he moved somewhere in the South. (TW12)

Compensation for victims of trafficking has been a hidden policy issue in the VNAP. The compensation issue was mentioned in the Penal Code; however, due to weak law enforcement, compensation is not binding. In fact, sometimes victims negotiate the compensations with the traffickers; in many other cases they keep silent, they want to keep themselves safe and secure as traffickers are often very dangerous. (NSA3)

As can be seen from the statements above, there was no clear compensation scheme for victims of trafficking. Compensation for victims has become a personal issue between traffickers and trafficked victims. And, in this negotiation, women are alone and obviously, less privileged. It is evident that victims had to find justice by themselves without institutional and legal support, having to struggle alone while they had little or no negotiating power to insist on compensation from powerful and potentially dangerous enemies like traffickers or perpetrators.

Another weakness of the prosecution initiative is that penalties for the offence of TWC were not sufficiently stringent to deter the crime and to vigorously punish offenders convicted of this crime. Article 119 of the Vietnam Penal Code (National Assembly, 1999) defines TWC as being a particularly serious crime, and the offenders are subject to significant penalties. In the Penal Code, Article 119 specifically regulates the penalties for the offence of *trafficking in women*. Thus, there was an absence of penalties applied for the crime of trafficking in children. In Vietnam, the highest penalty is the death sentence and the highest penalty applied for TWC crime is life imprisonment. In reality, very few offenders have received this sentence.

Figure 7 shows that only two traffickers were subject to life imprisonment sentences between 2004 and 2009, accounting for 0.14 per cent of the total number of traffickers prosecuted during this period. A high rate of offenders (748 traffickers, accounting for 54.96%) received less than seven years imprisonment; while 5.66 per cent of traffickers prosecuted received suspended sentences. The

individuals who receive low sentences become a potential hidden threat to society because human trafficking is a highly profitable crime that particularly attracts perpetrators, especially those who have been involved in trafficking activities. This point was raised by a central government actor. He said:

> The sentence of less than seven years imprisonment is unreasonable in human trafficking crime. Being unclearly stated as less than seven years imprisonment, in fact, some perpetrators stayed only several months in prison, went back to traffic people again. Trafficking crime is always an attractive trade for offenders. (SA4)

Thus, the rigidity of law, weak law enforcement, along with the high-profit characteristic of trafficking trade, all together, have created considerable gaps for offenders to engage in the crime.
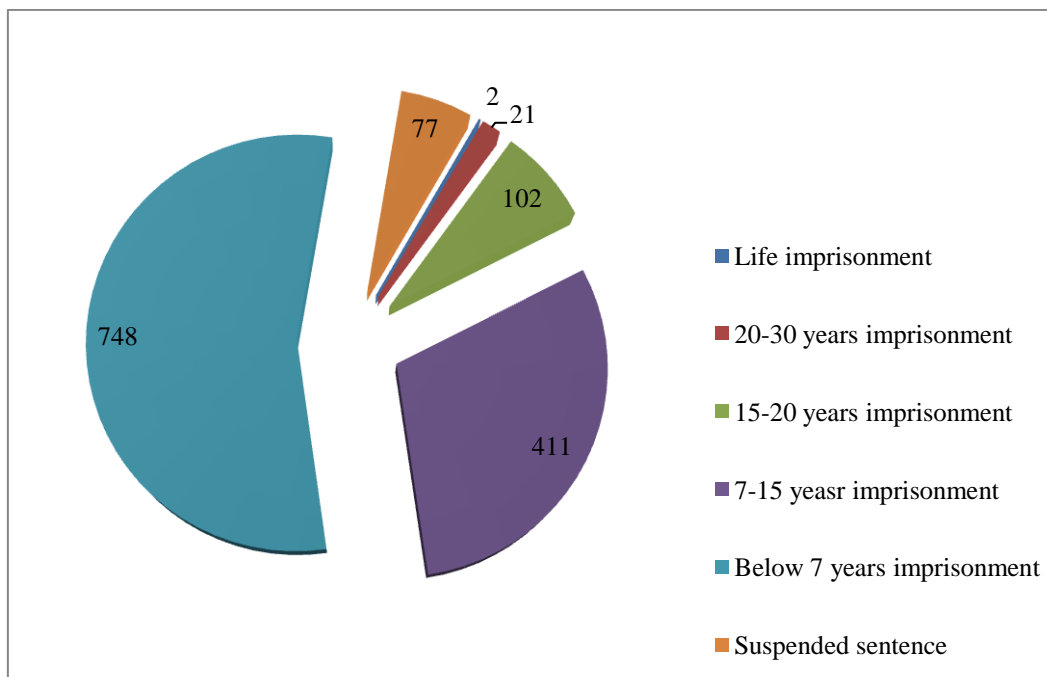
Figure 7: Levels of penalty applied to offenders prosecuted in 2004-2009
Source: Extracted from agency report (GOV, 2009)

The expectation of a low penalty and repetition of trafficking crime has also been reflected in Nguyen's (2008) research on the trafficking situation in Vietnam from 1998-2008. According to his results, 65.30 per cent of offenders were sentenced to less than seven years imprisonment, 23.6 per cent received 7-10 years imprisonment, 5.6 per cent received 10-15 years imprisonment, and the other 5.1 per cent were subjected to 15-20 years imprisonment; no single case of life

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imprisonment was reported in his research. The figure of 14.3 per cent of traffickers repeating the crime three to seven times in Nguyen's research indicates that either the sentence is not strict enough, or traffickers are becoming more dangerous, disregarding any regulations and laws. Additional penalties, including a monetary penalty and probation, can be applied according to Article 119 (item 3) of the Penal Code. In some cases, offenders are sentenced with additional penalties, normally a monetary penalty from one to ten million VND (around USD50 to 500), which is nothing for traffickers who earn a huge profit from this illegal trade.

The issue above is not the whole story, but is one of the factors contributing to the fact that by 2010, TWC in Vietnam has grown considerably in comparison to the previous five years (see Figure 8). Further, there were more cases of trafficking in women with children, as perpetrators tend to traffic both mothers and their children (GOV, 2009). Cases of trafficking in men and trafficking for labour exploitation were recognized but not yet included in any official reports. In 2011, a new type of human trafficking was identified by international police which involved the trafficking of Vietnamese girls to Thailand for surrogacy (women and girls were trafficked and forced to be pregnant, and traffickers took babies to sell). Vietnam was categorised by the United States to be a Tier 2 Watch List country for two years continuously (2010 and 2011), and was in danger of being automatically dropped to Tier 3. Luckily, Vietnam moved back to Tier 2 in 2012 as the country had more progress in combating human trafficking crime such as the full implementation of the Law on Human Trafficking, and the prosecution of some labour trafficking offences (USDOS, 2012).
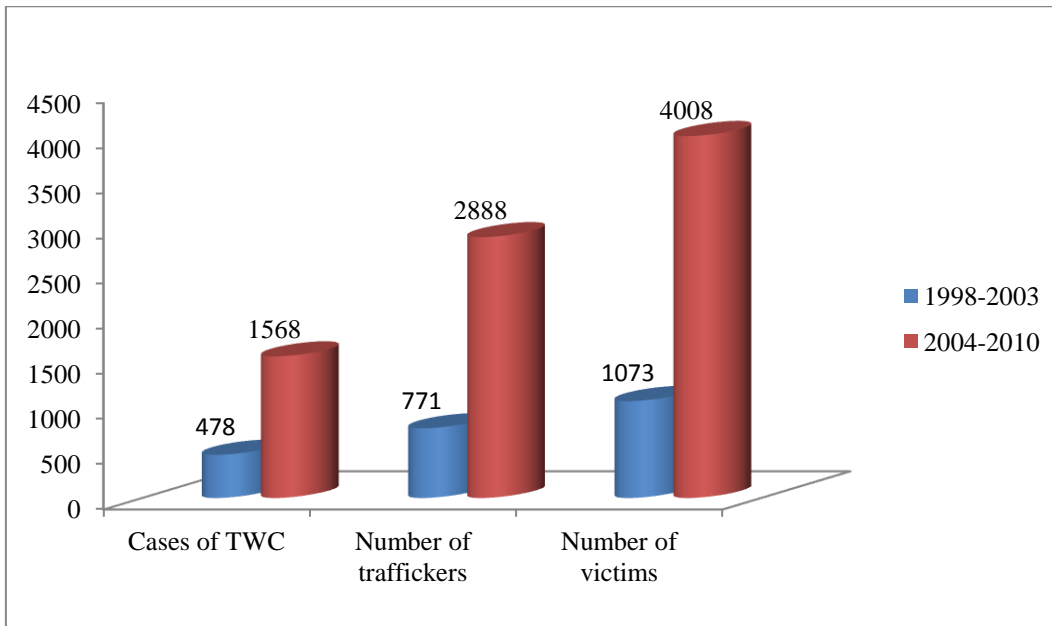
Figure 8: Situation of TWC (2004-2010 compared to 1998-2003)

Source: Reproduced from agency report (GOV, 2010)

Another limitation of the prosecution dimension lies in insufficient data relating to investigation and prosecution. Data were collected spontaneously, updated occasionally in the reviewing stages, and are often insufficient and incorrect. Data collection methods were different at different government levels, and in different places. In some areas, functioning organizations collected prosecution data based on the total number of trafficking cases and the number of offenders, while other areas collected data using the number of cases and offenders that were subject to the highest sentence (Nguyen, 2008). No official data system has been set up, so data were updated through reports submitted by local government upon request, or in periodical report schedules (normally every year, or at least six months – SA12). Discrepancies in reporting, repetition in reporting cases, delays in report submission, and so on, have all contributed to unreliable statistics (such as discrepancies in reporting number of trafficking victims, and trafficking returnees, as discussed earlier in section 5.3).

Information sharing mechanisms between people in the community and functioning organizations were limited. The hot lines for receiving human trafficking information with three phone numbers supplied; however, there was a note that "these hot lines only operate within Vietnam" (UNIAP, 2010, p. 35). This meant that people overseas could not contact UNIAP to provide information

about trafficking cases through those lines. It would, therefore, take more time for the information to be received and processed; thereby limiting the chances for reporting, investigating and prosecuting offenders.

State actors interviewed revealed that there was a lack of specialized anti-trafficking investigation units to investigate trafficking crime. The Association of Southeast Asian Nations (ASEAN) confirmed that the operation of the specialist units as law enforcement agencies is a key element of an effective criminal justice response to trafficking as law enforcement is one of decisive factors to ensure the success of a policy (ASEAN, 2006). Such units comprise a formal part of the law enforcement system, designed to meet local needs in identifying victims, monitoring cases, and handling complaints and trafficking information. According to ASEAN (2011), the presence of specialist trafficking units in any country is emergent as it helps provide a focal point and impetus for mutual communication and cooperation at different levels, even on bilateral and multilateral scales. These important units, however, were very few in the major cities and provinces, and even fewer in trafficking "hot spots". There were 138 steering committees[73] at the local level; however, their operation was ineffective due to inadequate resources:

> Currently, countrywide, we have only general anti-crime units; only two cities [Son La and Hanoi] have anti-trafficking prevention and combating units. All cities and provinces need to have specialized anti-trafficking units to address the complexity of the crime. (SA1)

> At the local level, we have steering committees for 138 programmes in which anti-human trafficking crime is only a part. This committee, however, targets general issues rather than focusing on prosecution of trafficking crime. The absence of anti-trafficking units in different provinces is therefore questionable. (SA7)

Thus, although the role of specialist trafficking units was recognised as important, the setting up of such units in Vietnam in the VNAP time was not feasible as anti-trafficking was not considered to be a separate criminal issue.

Additionally, prosecution of trafficking in Vietnam was further complicated by trafficking victims being afraid to testify against traffickers as there was a lack of

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[73] The "138 Programme" is the National Programme on Crime Prevention.

provision to respect and safeguard the rights of the victims to privacy, dignity, and safety. Most of the victims interviewed refused to assist in investigation and prosecution. Some victims accepted the fact of being trafficked as a life tragedy. Those who were trafficked by relatives or family members normally did not report the case. Reasons collected from my interviews with victims were varied, including fear for their own and family members' lives, fear of being involved in criminal cases, hesitance related to possible impacts on marital life, and time limitations. In answering my question "Are you ready to be a witness for trafficking investigation, and why?" the ones I interviewed all shook their head. Two of them said:

> No, I am not. I do not want to think back on my past. It was my destiny and so let it be. I do not want to hurt my husband. (TW4)

> I will never agree to be a witness. It is dangerous to be a witness. There is no benefit for doing so. Traffickers are people of 'black society' [*xa hoi den*]. They can do everything to us and our families. I am too much vulnerable. (TW18)

By 2013, Vietnam had signed but had not ratified the UNTOC and the UN Trafficking Protocol; therefore, it has been difficult for Vietnam to criminalize all aspects of trafficking as regulated by international law. According to a non-state actor, the reason for non-ratification is that those conventions have specific requirements not only for defending human rights, but also for defeating crimes, and corruption (NSA5). He emphasized that while corruption is still rampant and a causal issue of trafficking in Vietnam, the fight for ratification of those international legal documents will be long and difficult. Among the 21 articles in the UNTOC, Article 8 *Criminalization of Corruption* clearly shows that each State Party has to adopt strong measures to combat corruption. Accordingly, the solicitation or acceptance of bribes, directly or indirectly, by public officials, needs to be strictly punished (United Nations, 2000).

The Ministry of Justice of Vietnam in 2007, in one article, identified the ratification of the UNTOC and other international conventions on transnational organized crime as an urgent issue, as Vietnam has high potential for such crime. This article emphasizes different challenges preventing ratification. First,

Vietnamese law is incompatible with those conventions on some points, as many of the criminal activities regulated by the UNTOC are criminal, not administrative violations as specified in the law of Vietnam (such as corruption, brokerage, or obstruction of justice). Therefore, it is impossible to accuse criminals of those activities. Second, according to the UNTOC, the protection of victims and witnesses of crime is of utmost importance in the fight against criminals; however, Vietnamese law has insufficient regulations to effectively use legal actions for the protection of trafficking victims and their relatives to protect them from retaliation or reprisals from trafficking agents or perpetrators. Additionally, there is a lack of provision for compensation to victims of trafficking (Ministry of Justice, 2007). This issue directly links to people's hesitation to be witness of trafficking crime, as discussed earlier in this section. Further, it is also important to emphasize that while strong laws are vital to prevent and prosecute trafficking, it is difficult for Vietnam to achieve success in the prosecution of trafficking in the context of not having a law on trafficking at the time of the VNAP implementation. Further, the VNAP itself has its own limitations, as any policy that does not distinguish between trafficking in children and in adults, and that only criminalizes trafficking for sexual exploitation or TWC, would not meet the international legal standards (ASEAN, 2011).

5.5 Conclusions

This chapter has evaluated the VNAP intervention and its impacts through consideration of the three Ps which served as the main parameters for policy implementation. Overall, the results indicate that although the Vietnamese central government has paid considerable attention to the fight against human trafficking and has undertaken a wide range of activities to address this crime, intervention activities have been scattered and without focus. In particular, combating trafficking has not been a priority issue for local governments due to limited resources, especially human and financial resources. The VNAP has achieved only a part of its predetermined objectives as it has generated significant changes in the awareness and behaviour of people, policy actors and the whole society in relation to trafficking. However, these efforts had not helped significantly to reduce cases of trafficking by the end of 2010. It is evident that human trafficking in Vietnam is on the rise, with increasing complexity (GOV, 2009b).

Further, the evaluation of each individual P has identified different concerns. With regards to the prevention of human trafficking crime, the VNAP has reached only a part of the population and not necessarily those most vulnerable. Capacity building activities were broad, and have not addressed the different capacity constraints such as limited skills and insufficient human, financial, and technical resources. In terms of the protection area, there was a disjuncture between actions to protect trafficking survivors and complicated administrative procedures. The act of defining the status of victims in Vietnam is context-specific. As capacity to support victims is limited, the government cannot say 'yes' to all claims. On the one hand, challenges for victims to identify their own status limit the number of victims eligible for state support; on the other hand, it helps the government temporarily solve the issue of budget limitations. Protection, therefore, unintentionally links to suppression of women's rights to be protected and compensated for their loss. The analysis shows that the VNAP has not reached a majority of victims. A low rate of trafficking returnees receiving financial support indicates a limited level of rehabilitation and reintegration, and high risk of re-victimization. It is promising that Vietnam has achieved a high prosecution rate of traffickers (UNODC, 2012b), in comparison to the commonly prosecution rate of human trafficking worldwide (as noted earlier, in section 5.4, the international prosecution situation is limited). However, it has not achieved full and effective criminalization of trafficking and of related crimes to end impunity for traffickers and secure justice for victims.

It is clear from this chapter that one of the challenges faced by the Vietnamese government in tackling human trafficking is a lack of resources. With limited capacity, the government needs to find new ways to combat trafficking through partnerships with others, not only to deepen resources, but also to extend expertise and stimulate creativity. Internationally, while there has been a strong call on every government to join in working to build consensus and leverage resources to eliminate all forms of human trafficking (especially in the US TIP Report 2009), the 3-P framework of prevention, protection, and prosecution has not helped evaluate nation states' efforts in participating in the fight against human trafficking. Also, it has not addressed countries' and actors' collaboration in bringing relief to victims, justice to perpetrators, and hope to future generations. Another P, that of Partnerships, therefore, needs to be added into the evaluation

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framework because partnership can be a decisive factor for further achievement in the fight against human trafficking (USDOS, 2009). Chapter Six, therefore, will continue with the evaluation of the VNAP in terms of partnerships, covering national and international partnerships within the Vietnamese government and with others to counter human trafficking crime.

Chapter Six: Evaluation of Collaborative Mechanisms in the VNAP – Partnerships as the Fourth P of an Anti-Trafficking Framework

> Traffickers routinely move their victims from one place to another either within a country or abroad. Consequently, any effective response to trafficking requires the collaboration of multiple agencies, often in two or more countries. (UNODC, 2008a, p. 106)

> The fourth "P"– partnership – is integral to the success of any trafficking strategy. Governments, civil society, the private sector, and the public at large working together will lead to the most effective response to modern slavery. (USDOS, 2012, p. 9)

6. 1 Introduction

Although partnership was not one of the three main Ps in the VNAP, the Vietnamese Government has highlighted that there is a need to build up a strong coalition between people, actors, and countries to counter trafficking crime (GOV, 2004). Internationally, partnership has now been considered as powerful tool that accelerates the success of any anti-trafficking interventions[74].

Thus, following Chapter Five, which evaluated the VNAP's achievements and limitations through the traditional 3P pillars (prevention, protection, and prosecution), Chapter Six attempts to assess the VNAP in terms of another P, partnership, and to elaborate its impacts on the success of the fight against TWC in Vietnam from 2004-2010. Specifically, this chapter aims to answer the research questions regarding cooperative mechanisms between actors involved in the VNAP and their partnerships with states and organisations regionally and internationally: How effectively did key state actors involved in the VNAP cooperate in combating TWC? What were the key barriers and benefits of such

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[74] The Trafficking in Persons Report 2011 strongly confirms that the interlocking 3P paradigm requires highly coordinated counter-trafficking responses and collaboration within and between local, central, and international government and communities (USDOS, 2011).

collaboration? How effective were the collaborative relationships between state and non-state actors in the development and implementation of local and regional anti-trafficking policies? What was the nature of collaboration between Vietnam and other countries in the region and internationally? What were the impacts of such partnerships on protection of women, especially trafficked women?

To answer these questions, this chapter first explores the concepts of collaboration and partnership, identifies their importance in the fight against trafficking crime, and outlines how the concepts are contextualised in this evaluation of the VNAP. The evaluation then turns to an analysis of partnerships in three dimensions: public-public partnerships, public-private partnerships, and inter-government partnerships. Methodologically, this chapter still draws partly on Fischer's (1995) first order evaluation in relation to technical-analytic discourse covering the fulfilment of the policy objectives, unanticipated effects of the policy, and shortcomings that need to be addressed. This chapter, however, does not discuss the achievement of the policy objectives because partnership was not defined as an objective of the VNAP. Instead, the analysis in this chapter identifies the shortcomings and challenges of different partnership dimensions and their impacts on women (both women in the community and trafficked women).

The principal findings of my investigation suggest that while partnership has been emphasized as an important solution to combat human trafficking (USDOS, 2009), it has not been a focal point of the VNAP intervention. Furthermore, there were different capacity constraints on partnerships, such as limited budgets, lack of skills to manage possible barriers to working together, and inherent difficulties in working collaboratively to tackle a complicated organized crime like human trafficking.

6.2 Collaboration and Partnership

In considering the use of language that may best illustrate the nature of the cooperation between two or more entities or organisations while working together, seeking funding, cluster thinking, and so on to combat human trafficking crime, I take into consideration two terms: *collaboration*, and *partnership*. Both concepts relate to networking, a common environment, shared goals, and shared commitments (Carnwell & Carson, 2009). Partnership, however, goes further than

acting jointly or working together. Partnership can be seen as a goal for all collaborators to achieve, so that collaboration is what is done when engaged in a partnership and what makes partnership achievable. Cahill (1996, as cited in Carnwell & Carson, 2009) defines a continuum of linkages between collaboration and partnership which are four-fold: involvement, collaboration, participation, and partnership. Accordingly, partnership is the higher end of the continuum and an effective partnership is the ultimate goal that every actor involved in the collaboration aims to achieve. In the field it is difficult to distinguish the two terms, and research participants used them as synonymous terms. For that reason, in this thesis, collaboration and partnership are sometimes used interchangeably.

6.2.1 Good partnerships vs. poor partnerships

It has been commonplace for more recent authors on policy to suggest that it is difficult to achieve good or successful partnerships. More specifically, identifying clear evaluation criteria to evaluate partnerships is very challenging (Butterfoss, 2009). This is because partnerships vary throughout the world in each and every single case, and their successes and barriers differ significantly. Success factors that work for one partnership, therefore, may not work in other cases (OECD LEED, 2006).

Researchers and practitioners have different views on good partnerships; however, the following points can be highlighted from their debates. The OECD LEED[75] (2006) emphasizes that a successful partnership must enhance the impacts and effectiveness of activities through combined and more efficient use of resources, and by promoting innovation. Also, a successful partnership must be characterised by strong commitments from each partner involved (OECD LEED, 2006). For Carel, Samble, and Thomas (2004), good partnerships must contain different standards. Although their discussion focuses on strengthening public health education capacity, several points can be drawn on with regards to good partnerships in the anti-human trafficking area[76]. They argue that partnerships should be well-defined in terms of their long-term vision, goals, and activities. Accordingly, respective roles and cooperative mechanisms must be explicitly

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[75] OECD LEED is the Forum on Partnerships and Local Governance at the Central for Social Innovation in Vienna, Austria.

[76] Partnerships has not been a main P in the anti-trafficking paradigm, therefore, there is a lack of literature on good partnership in anti-trafficking agenda.

defined to ensure that activities will not overlap. Further, good partnerships need good communication between partners involved. The partners need to understand and share difficulties, and no "hidden agendas" are accepted in good partnerships (Carel et al., 2004, p. 7). Next, good partnerships must place staff development and training at the core of activities. In addition, all activities must be well-coordinated, and be consistent with partnership goals. Lastly, partnerships should be monitored routinely and evaluated regularly. Monitoring and evaluation are frequently mentioned in documents on partnerships as important parts of successful partnerships to help measure policy progress and identify obstacles. Unlike other types of monitoring and evaluation which are conducted at the end of a policy action, monitoring and evaluation of partnerships must be implemented at the beginning of a partnership activity. Most importantly, after evaluation, lessons on specific criteria should be shared and learned (Butterfoss, 2009).

Not surprisingly, it can be argued that poor partnerships do not possess most of the above-mentioned criteria. Carel et al. (2004), however, identify that there are some additional signs of poor or ineffective partnerships, such as no sharing of risk, responsibility, accountability, and benefits, or inequalities in contributing resources and expertise that make it difficult to determine their relative influences on the partnership relationship management.

The evaluation in this chapter will not be informed by a single evaluation criterion, because evaluation of partnerships requires sufficient flexibility to respond to a dynamic and rapidly changing policy environment. This evaluation, however, does rely on some of the particular criteria of good partnerships identified in the work of Carel et al. (2004), such as good communication, well-designed goals with a clear and manageable focus, and good capacity building, but it is not limited to this. As mentioned in the introduction, this evaluation will look specifically at the cooperative mechanisms of actors in the VNAP and the implications of the VNAP's partnerships for women and trafficking returnees – the VNAP's target populations. Also, as noted, the terms partnerships and collaboration will be used interchangeably; however, given that partnership is a higher end of collaboration (Carnwell & Carson, 2009), the analysis offered here helps determine whether there were complete partnerships in the VNAP, or whether there was merely a form of collaboration, and whether these interactions

were effective enough to help reduce the challenges faced by the government as identified in Chapter Five.

There is no doubt that dealing with the complexity of human trafficking crime always requires a strong partnership with a substantive ethical content, in which there is a high level of trust among partners, a respect for partners, and the elimination of any existing boundaries to ensure a common voice, and common goals to work towards. In this partnership, discussion of rights and obligations must be a central concern. Similarly, accountability and confidentiality need to be taken into account in partnerships to ensure that all partners can contribute to the achievement of common goals, but still preserve their own professional identities. The next part of this chapter deals with the importance of partnerships in the fight against human trafficking crime.

6.2.2 The need of partnerships to advance gender equality to counter trafficking

Partnerships are important for combating trafficking because they accumulate strengths from different actors to address the crime and to provide victims with the freedom to move out of the slavery trap (USDOS, 2010). On the one hand, they show coordination and cooperation between different actors; on the other hand, they involve the expansion of the broad alliance of stakeholders to provide technical know-how and expertise to government and non-government organizations to address human trafficking challenges. Considered from the perspective of strong partnerships, countering human trafficking is everybody's business and every country's task; therefore, the stronger the network against trafficking, the weaker the criminal network is. Further, anti-trafficking can never be successful as a single programme; it requires the coordination of different people, actors, and countries.

While gender inequality is a cause and also a consequence of human trafficking (D'Cunha, 2002a, 2002b), partnerships can be an effective means of promoting gender equality and women's empowerment by bringing greater attention to the need of ensuring better linkages between gender equality and the promotion of sustainable development. Further, actions at the grass-roots level can be better facilitated through a network of partnerships working towards common objectives and outcomes. Through involvement in policy networks, men, women, state, and

non-state actors learn from each other's experiences, and benefit from a wide pool of knowledge, skills, and contacts.

Recently, countries worldwide have tended to highlight and promote partnerships in countering human trafficking crime. Assuming to be the leader of international anti-trafficking scourge, the US asserts that the fight against human trafficking is one of the great human rights causes of humankind, and the US continues to lead the fight in partnership with people and countries worldwide. Building partnership is a necessary component of any successful anti-trafficking strategy (White House, 2013). As part of the government's longstanding commitment to protect the vulnerable, Canada has committed to strengthening the relationship with different stakeholders to facilitate the on-going development of effective policies and tool, and to ensure a comprehensive and coordinated approach (Government of Canada, 2012).

In Vietnam, an increasing number of programmes emphasizing benefits for women have been developed around partnerships and collaboration. One of these is the Vietnam Joint Programme on Gender Equality (VJPGE). The VJPGE (2009-2012) identified that enhancing partnerships around gender equality within and beyond government is one of the three important aims that needs to be achieved. It was emphasized in the VJPGE that, despite a sound policy and legal framework supporting gender equality and women's empowerment, Vietnam's institutional capacities in different areas − including reporting, gender analysis, gender budgeting, evaluation, and monitoring − remain unsystematic and weak; therefore, comprehensive partnerships are required to address these problems. The VJPGE, however, is only one among a number of partnership programmes between the Vietnamese state and its partners seeking to advance gender equality to combat gender-based violence, of which trafficking is a part.

6.2.3 Partnerships in the VNAP and their nature

In the VNAP, partnership was not the main focus initially; however, in the VNAP implementation, the Government was proactive in identifying the necessity of building up a strong coalition between people, actors, and countries to combat TWC. Specifically, it was stated in a central governmental document that:

Human trafficking is an international organized crime that requires joint-efforts and coordinated strengths. A country alone cannot push back human trafficking. Partnership helps leverage resources and ensures comprehensive intervention. Partnership also helps reduce overlap and waste of effort and time. (VWU, 2008c, p. 138)

This statement shows that the Government of Vietnam recognized the important contribution of partnership to the success of the anti-trafficking policy, especially in the context of poor budget and inadequate technology. The VNAP, therefore, utilized partnerships as an important solution to shortages of capacity and resources. State actors both at central and local levels in my interviews acknowledged that:

The VNAP could not be well implemented without a national and international cooperative mechanism, especially in the particular context of Vietnam, which has considerable resource limitations. (SA3)

Partnership is essential to overcome financial shortages, and to accumulate strengths to solve the TWC issue. Partnership is not only an end, but also a means to gain better achievement of the VNAP. (SA5)

Knowledge and information of partnership in the anti-trafficking area in Vietnam, however, is still limited. There has been no research or documentation that defines which type of partnership was in the VNAP. Carnwell and Carson (2009) define four particular types of partnership: project, problem-oriented, ideological, and ethical. Project partnerships are time-limited for the duration of a particular programme, while problem-oriented partnerships are formed to respond to a publicly identified problem and remain as long as the problem exists. Ideological partnerships affirm certain viewpoints that are considered to be the correct way of seeing things. Ethical partnerships have a substantive ethical content in their mission and practice. One may argue that partnerships in the VNAP were both project and problem-oriented partnerships because the VNAP's partnerships had a time frame, and the partnerships ended when the VNAP finished. However, the VNAP acted in the role of a national strategy focusing on a long-term fight

against trafficking as a particular crime. When the VNAP expired, other programmes against trafficking replaced it (The National Action Programme Against Human Trafficking 2011-2015).Thus, partnerships against human trafficking in the particular context of Vietnam, and also internationally, can be seen as problem-oriented partnerships.

Anti-trafficking partnerships in the VNAP were characterised by three dimensions of collaboration, as illustrated in Figure 9. The following description will help clarify the structure of the VNAP's partnerships before I move to the evaluation of each partnership dimension in the next sections of this chapter.

- Dimension One: The multi-level partnerships that cover two parts of partnerships–the vertical relationship between central and local government and the horizontal relationship between main state actors of the VNAP. The five main state actors of the VNAP are the Ministry of Public Security (MPS); the Vietnam Women's Union (VWU); the Ministry of Labour, Invalids, and Social Affairs (MOLISA); the Ministry of Defence; and the Ministry of Justice.

- Dimension Two: Public-private partnerships between different levels of government and NGOs, and IGOs which operate in the anti-trafficking area.

- Dimension Three: International partnerships between Vietnam and countries in the region, and internationally. This is characterised by partnerships between Vietnam and the countries in the GMS (Vietnam, Laos, Cambodia, Thailand, Myanmar, and the Yunnan province of China); between Vietnam and ASEAN countries (the five countries in the GMS, except part of China, and five more countries: Brunei, Indonesia, Malaysia, Singapore, and the Philippines); and between Vietnam and other countries.
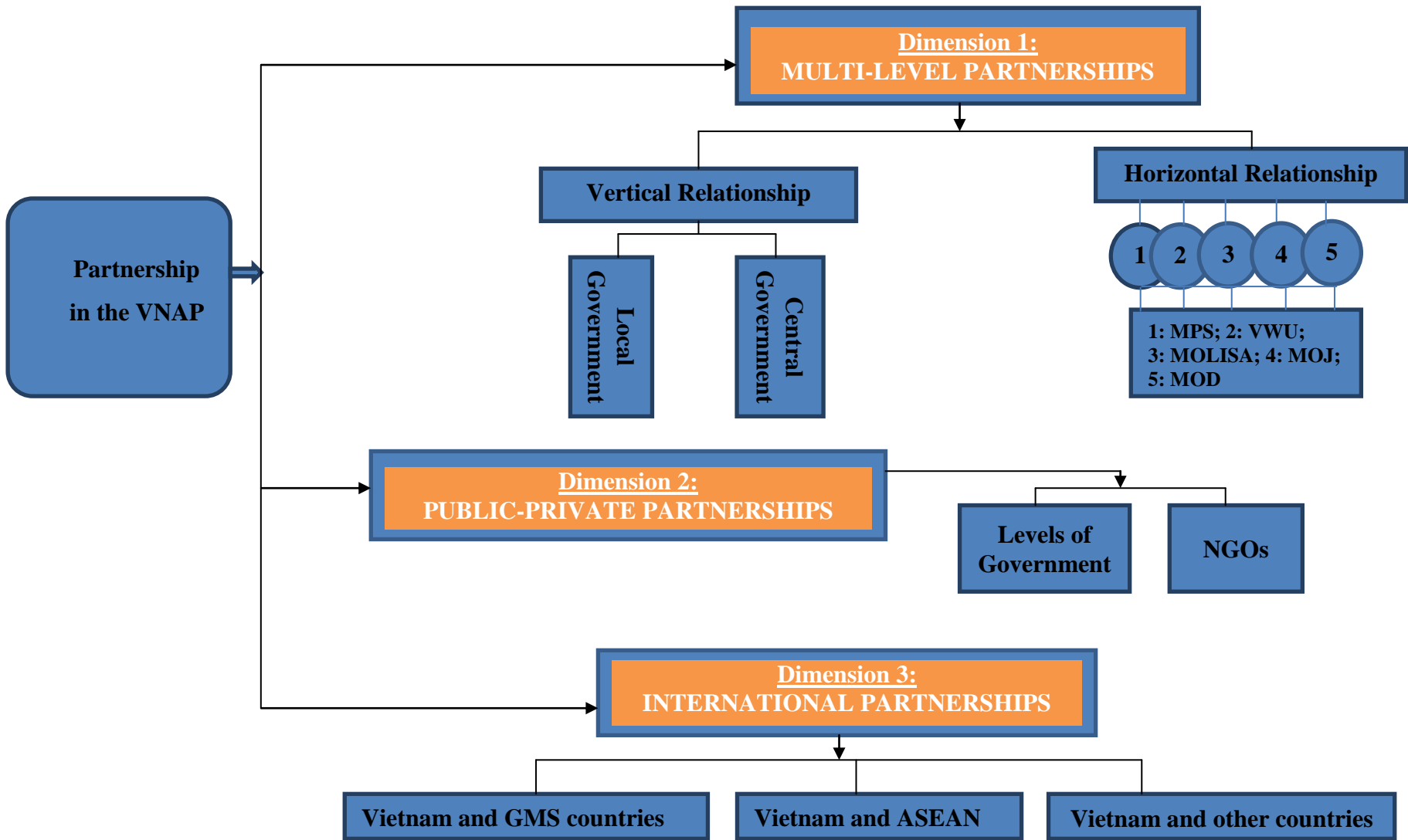
Figure 9: The VNAP's partnerships diagram

6.3 First Dimension of the VNAP's Collaboration: Multi-level Partnerships Between and Within Levels of Government

Before evaluating the multi-level partnerships in the VNAP, the terms *central government* and *local government* need to be clarified along with how these structures are institutionalized in the political context of Vietnam.

Vietnam's administrative structure consists of four levels of government: central l, provincial/city (called provincial), district, and communal. The highest administrative level is the central government. Local government comprises the three lower administrative levels. Each level of local administration, province, district, and commune, has its respective People's Council and People's Committee, with the People's Committee being the executive agency of the People's Council at that level. The People's Council is elected every five years. Both provincial and district People's Councils have standing committees for the economy and budget, culture and society, law, and so on. Commune level People's Councils have a chair and vice chair, followed by representatives of local unions (such as the women's union, farmers' union, veterans' union, and police force). Each of the unions has their chair and vice chair employed by the government; others are on-call or volunteers, or receive a small amount of financial support from local government.

My analysis of the VNAP's multi-level partnerships in combating TWC hereafter will focus on vertical relationships at different levels of government (with specific attention given to the central-communal level of government, as the data were collected mainly in these two administrative levels), and on horizontal relationships among the same level of government (with attention given to the five main actors of the VNAP: the MPS, VWU, MOJ, MOLISA, and the MOD, at both central and communal levels).

6.3.1 The VNAP's top-down intervention and multi-level partnerships

The VNAP highlighted the role of local governments as the main policy implementers that performed the political will of the central government. It was

stated in the VNAP that local government needed to advocate and mobilize local people to become actively involved in the fight against TWC. Local government also had to actively develop plans and allocate funding for combating TWC and integrate it into other programmes and projects in the area (GOV, 2004).

The Vietnamese government, under the leadership of the Vietnamese Communist Party as a single ruling political unit, is the only legal actor undertaking binding decisions on this issue on behalf of the country's citizens. In other words, the central government is a unitary actor in the policy process. In the course of implementation, the VNAP was translated from political decisions to administrative execution through a hierarchical network of actors. The power, however, stays with central government where politicians set out policy objectives, and the hierarchical network of actors are obliged to turn settled objectives into practice (Pulzl & Treib, 2007). One may argue that it is the sign of bureaucracy, but how to put government policy into practice and how to make it effective all greatly depend on the implementation undertaken by the local government network.

In the VNAP context, to monitor the vertical hierarchical network between central and local governments, the Government of Vietnam set up a National Steering Committee (VNSC) for the VNAP implementation chaired by the Deputy Prime Minister; members of the committee were representatives of related ministries. The Vice Chairperson of the committee was the representative of the Ministry of Public Security (MPS) – the main actor in the VNAP. Similar committees were established at local levels (provincial, district, and communal) (GOV, 2009a). Being deployed in 64 provinces and cities, hundreds of districts and thousands of communes[77] in Vietnam, the VNAP intervention thus involved a huge network of actors and participants, which strengthened the Vietnamese government's ambition to create strong determination and consensus in the entire society to help reduce human trafficking crime (VWU, 2010).

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[77]   According to the General Statistics Office (GSO, 2009b), Vietnam has 649 cities/provinces, and 11,112 communes.

Horizontally, although the five main state actors of the VNAP were in charge of specific components, they cooperated with each other in exchanging information, sharing experiences, participating in joint activities, and working under the leadership of the Ministry of Public Security – the MPS.

6.3.2 Challenges in the VNAP's multi-level collaboration

Being a top-down policy, the VNAP's implementation inherently faced various difficulties that challenged its achievements. In a discussion of the role of policy makers in public policy implementation, Hill and Hupe (2002) suggest that, having clear objectives and a political mandate, a policy can be well implemented according to the intentions of policy makers. Pressman and Wildavsky (1973), however, emphasize the role of policy implementers in pursuing activities. They argue that policy implementation is an "interaction between the setting of goals and actions geared to achieve them" (p. xv). Thus, policy objectives and goals can only be achieved with effective implementation. In fact, policy outcomes often do not satisfy people's expectations, due to the complicated process of transferring policy into practice. One of the reasons is that there are competing interests between policy makers and policy implementers that lead to unexpected outcomes at the level of intervention. In the case of a top-down policy with different levels of intervention like the VNAP, things are more complicated.

It should be noted that local government struggled with both national and local priorities and interests. While the common priority set up by the Vietnamese central government was poverty reduction and hunger alleviation, improving local infrastructure, and increasing labour export in order to attract more overseas remittances to increase economic growth (GOV, 2006), local government also had to fulfil their own priorities. Local government in Bac Giang focused on solving the problem of unemployment, while local government in Can Tho spent efforts on managing the situation of unsafe foreign marriage[78]. Combating TWC, therefore, could be partly included in the local government intervention activities; however, it was not the main priority of either central or local governments

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[78] This information was taken from personal communications with local actors.

because there were too many existing agendas for them to struggle to achieve. It is thus not surprising that during my fieldwork, several local actors stated that they could not do much for the fight against TWC as they had many other tasks to do, but they also needed to fulfil the anti-TWC plan assigned by the central government, leading to considerable stress for local government:

> Combating TWC has become an 'emulation criteria' [having bonus points in case of good achievement, and attracting a penalty, and even bearing some sanctions in cases of poor performance or misconduct] for every commune and village in the country, but it is not the only task for local government. We need to deal with different socio-economic issues. Our priority is hunger alleviation and poverty reduction. (SA12)

> We cannot do more as we need to ensure that people have enough food to eat. Combating TWC is important, but it is not our first priority. (SA17)

Thus, while the central government emphasized that combating TWC was an important political task (GOV, 2004), at the local level of government, combating TWC was not an issue of primary concern. In addition, local governments were passive in initiating anti-trafficking activities. Based on the main VNAP documents, central government issued annual plans for local governments to execute. Such plans and assigned tasks resulted in uncreative activities as local actors had to force themselves to work towards the objectives set out by central policy makers. It is also completely true in the context of Vietnam that while policy objectives are treated as fixed, with technical plans designed for their achievement, local actors cannot move out of the shade of being obedient implementers who try to satisfy the requirements set up by their senior supervisors (Mathur & Mathur, 2007).

Further, being a top-down policy, the VNAP was transferred through a hierarchical framework of implementation: the actors involved in the VNAP's formulation and implementation, therefore, were not the same. While local actors often had different interpretations of policy mandates, there was a considerable

gap between the intention of the policy and local implementation. Due to limited personnel capacity, local actors sometimes struggled to determine policy meanings; and in fact, it was not easy to define how those meanings should be correctly understood. Several local actors in my interviews admitted that they knew about the VNAP programme, "but did not really understand the policy objectives as they were too broad and difficult to achieve" (SA19). The inconsistent use of terms, unclear guidance, and complicated structures also generated multiple misunderstandings among local implementers. For example, there was no explanation for the word "children"–neither in the VNAP, nor in any anti-trafficking related legislation– so that local actors remained "confused and struggled to find out who are child victims, who are women victims to provide them suitable support" (SA7), or the victim identification procedures were "too complicated", making local government "unable to help victims in defining their own status" (SA9). Further, differences in interpretation led to various implementation styles; while some villages mainstreamed anti-human trafficking activities into a range of socio-economic tasks, others combined them with the fight against social evils.

In addition to the problems highlighted above, there was the issue of inadequate funding. Following a top-down stream of implementation, the implementation budget for the VNAP was also allocated hierarchically. It was clearly defined in the VNAP by the government that funding for the VNAP could be taken from different sources, and funding seemed to be easily allocated. The Government stated that:

> Funding for the VNAP could be taken from the central and local budgets, and also could be mobilized from national and international donations. However, local government needed to actively develop plans and allocate their own funding for anti-human trafficking interventions. (GOV, 2004, p. 12)

The allocation of funding for the VNAP implementation, however, was very challenging. The expectation that local government could call for intervention projects from NGOs and IGOs was not feasible because all international

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cooperation must go through the central government and the projects were usually allocated in terms of target areas. In this case, local government had a dual role as resource allocator and policy implementer. As a consequence, there were huge challenges for local government to fulfil the VNAP objectives as they also had to cope with financial stress and economic scarcity. Local government reports that I collected emphasized those difficulties:

> Being a poor rural commune, VY[79] is struggling with combating TWC. The budget provided to a commune for anti-trafficking activities is very limited, only five million Dong [about USD250]. We have to call for more donations and contributions, mainly from the commune residents. We sometimes also have to combine anti-TWC campaigns with other activities such as raising people's awareness on migration to avoid TWC, supporting the operation of women's clubs, etc. (Lgd#11)[80]

> There is a considerable lack of budget allocated to combating TWC. All we can do in our district is to organize communication campaigns, but only in the central part, not yet in rural and remote areas. We had some anti-trafficking clubs, but they were closed due to the lack of budget for their operation. (Ldg#6)

Other problems were an unclear delineation of the respective roles of the various agencies involved in the fight against TWC, especially at the local level, which led to local government actors paying insufficient attention to this task. While prevention, protection, and prosecution were assigned to specific actors at the central level, at the local level most anti-TWC activities focused on the prevention of TWC, and this was "considered to be the task of the women's union and the police force" (SA15). Additionally, within these two agencies themselves, there was no definite distinction between the purposes of identifying victims for support, reintegration, and for prosecution of traffickers, leading to "the

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[79] This indicates the shortened name of a commune in the research sites.
[80] A local government documents is encoded as Lgd. Due to ethical commitments (see Chapter four) with regards to the anonymity of research participants and actors involved in providing research data, names are kept confidentially, as is the research site from where this document was obtained.

duplication of activities between different local actors" (SA7), which slowed down the investigation of traffickers and impeded the availability of support for victims. While the implementation mechanism was unclear and complicated, top-down discrepancies in defining the person in charge were highlighted by local government actors in my interviews:

> At the central level, the police force [the MPS] is the main policy actor that can monitor and manage anti-TWC activities. However, at our level [local government], the police force has a minimal role and limited power. (SA21)

> Combating TWC is the task of everyone. We all have to participate in this battle. I am, however, always wondering, who is in charge of the programme's effectiveness? (SA13)

The local state actors' responses indicate that there was a lack of collaboration between and within levels of government. Although local actors were not sure of what should be done, or who should conduct the task, they did not ask for further guidance. Given that they were not sure of what they should do, the necessary requirements could never be fulfilled.

Another concern that limited the success of the VNAP's implementation was a lack of awareness amongst local actors of their important position and role as policy implementers. In other words, local government actors were not confident enough to assume their important role in a policy network; they did not perceive their position as policy implementers whose contribution played an essential role in the success of the policy[81]. This lack of confidence can be explained by a weak capacity. Some local actors to whom I talked confused different documents regulating the activities of related components, and there were even some local staff who did not know what the VNAP was. For instance, in answering my question "What do you know about the Vietnamese National Action Programme Against Trafficking in Women and Children 2004-2010?" some state actors at the local level revealed that:

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[81] For example, one said: "It is too formal to be policy implementers. We just do what the central government wants us to do" (SA11), and another remarked "policy and state are something very far away" (SA7).

Honestly, I do not know what the VNAP is. It is the first time I've heard about the term. However, we have been undertaking anti-human trafficking activities for many years. Having the VNAP or not, we still do what we have to do. (SA7)

There are too many socio-political programmes to follow. I really did not know there was such a national programme against TWC. (SA14)

In this situation, local actors carry out anti-trafficking activities without knowing about the specific policy programme that the activities originate from, and without understanding the policy objectives and goals that they need to strive to achieve. This weakness, however, was not reported in any agency documents or conferences, as monitoring and evaluation has not been a common practice of policy delivery in Vietnam. One may wonder how local policy implementers can pursue policy goals without knowledge of a policy's content and its policy objectives. Inadequate understanding about policy, however, is one of the challenges that hinder the effectiveness of top-down policy implementation. This can be related to what Makinde (2005) calls the problem of communication, when both policy makers and policy implementers assume that everyone involved in the policy knows what they need to do, but in fact, it is not as simple as that.

Further, the disjuncture between the reality that local government played an important role as policy implementers and their limited local capacity to undertake the tasks assigned by the central government presented a significant challenge to Vietnam's ability to respond effectively to the trafficking issue within the VNAP framework. Since most victims returned home by themselves and were not eligible to receive the government support package for official victims, local government was unable to support victims sufficiently. Even the receipt of victims back to their home towns or villages presented difficulties, as the permitted expenditures were much lower than those which occurred in reality (see Chapter V). The actors interviewed agreed that there was "a lack of policy regulating the budgets or the exchange of human resources" (SA11); therefore, it was "difficult for local areas to hire specialists or cooperate with NGOS and IGOs to expand and develop their capacity to effectively combat TWC" (SA8).

Looking at the relationship among the VNAP's main state actors, it should be emphasized that there were actors who achieved effective cooperation, such as the cooperation between the Ministry of Public Security (MPS) and the Ministry of Defence (MOD), and the cooperation between the Ministry of Labour and Social Affairs (MOLISA) and the Ministry of Justice (MOJ). Significantly, the alliance between the MPS and the MOD was highlighted for its unity and coherence, in-time support, and quick responses (GOV, 2009). Cases of TWC are usually urgent, and can occur at any time, requiring quick and decisive responses; therefore, a comprehensive cooperation is very valuable. The MPS and the MOD were co-representative of Component Two in the VNAP. Leaders of the two ministries maintained regular contact and this facilitated quick responses to cases that arose. In case of emergencies, urgent meetings were organized. This effective cooperation, however, was maintained at the central level of the MPS and the MOD, rather than at their local levels (GOV, 2009).

As noted earlier in this chapter, monitoring and evaluation are uncommon practices in the Vietnamese policy domain. More importantly, as I observed, evaluating the state's policy is quite a sensitive task (it is uncommon for people to criticize state policy in Vietnam); therefore, there was almost no supporting evidence for me to drawn on, except interview data. Luckily, I eventually located an evaluation report on the cooperative mechanism in the implementation of the VNAP (Anonymous, 2010). This report was written by an individual researcher in Vietnam, but the name was kept anonymous, presumably for sensitivity reasons. The report noted that cooperation between the main actors of the VNAP was irregular; cooperation only occurred when a case of TWC happened, or at the "campaign moment" of combating the crime, or only in specific target areas (p.4). This report also addressed three decisive factors that influenced the effectiveness of the cooperative mechanism between actors involved in the VNAP.

- First was the leadership of central government and the understanding of local government of the TWC issue. The report highlighted that in comparison to other national policy programmes, the VNAP received little attention from the Government; as a result, there was "insufficient investment and limited resources were spent on personnel development,

capacity building, and target activities in the areas of prevention, protection, and prosecution. In addition, local government had not well understood their important position in the fight against TWC" (p. 6).

- Second was the capability of staff involved in the VNAP. According to the report, only the staff at the central level satisfied the requirements for dealing with such a national policy programme as the VNAP. The staff at lower level of governance were limited in their capacity and awareness, and did not have enough skills to receive and deal with trafficking information. Further, the senior staff at local levels of governance did not have enough capacity to solve trafficking related issues; in some local areas, there were "not enough staff to fill the required positions and therefore no person specifically in charge of the VNAP" (p. 7).

- The third decisive factor ensuring the lack of effectiveness of the VNAP was the budgeting issue. The report concluded that budgets allocated for different components of the VNAP were low. It clearly emphasized that "without financial contribution from NGOs and IGOs, the funding budget was only enough to cover 30 per cent of the total expenditure required for all the VNAP's activities" (p.7).

In addition to the shortcomings mentioned above, my research identifies that the information sharing mechanisms between the four components of the VNAP were limited. Each agency assigned by the state was responsible for reporting activities and results they achieved, or related data, to the other actors upon request. Memorandums of understanding on cooperative mechanisms between actors of the same level were signed and ratified. However, as my data show, the cooperation was still unconnected and ineffective. Information-sharing mechanisms performed poorly. As noted by some local state actors I spoke with:

Generally, the actors involved in the VNAP focus on their own tasks and have not tightly cooperated with each other. (SA11)

Limitations in the cooperation between state actors can be explained by a poor data-update system. Data and information are also not

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always available to share. At the local level, we do not have a comprehensive updated information system, so data are supplied to central government upon request, but it takes time. (SA18)

It is clear that limited data resulted in restricted information sharing and exchange. Explaining the problem of limited data sources, central government actors commented that local staff had limited capacity; "many of them had neither enough skills to monitor and evaluate activities, nor even to report and update data" (SA2). Also, due to limited budgets, "local government actors could not conduct surveys" (SA4), and reporting became the main source of data and information gathering. Further, due to a lack of specialized staff, local government reported information in different ways. Delays in reporting and responding within and between the components, therefore, challenged efforts to support trafficked victims and to investigate criminals in time.

Remarks

The discussion of multi-level and inter-agency partnerships above shows that local government plays a very important role in the success of policy delivery. Gaps between and within levels of governance in the VNAP, however, were considerable. On the one hand, this was because local government had to follow a top-down institutional mechanism set up by the central government, resulting in uncreative activities. On the other hand, this was caused by local government's lack of resources and capacities, and local actors' lack of awareness of their important role as policy implementers, resulting in a weak and ineffective response to intervention. As a result, the commitments assumed by central government could not be properly implemented and achieved at the local level.

6.4 Second Dimension of Partnerships: Public-Private[82] Cooperation between Different Levels of Government and NGOs

6.4.1 Important linkage of the state and civil society

Non-governmental bodies involved in anti-trafficking activities in Vietnam include UN agencies and projects (UNIAP, UNICEF, UNIFEM, UNDOC, and ILO) and NGOs (AFESIP, Asia Foundation, Action Aid, World Vision, etc.). Many NGOs participating in anti-human trafficking activities in Vietnam are international NGOs. The main areas that attracted non-state actors for cooperation were prevention and protection of trafficked victims. Sharing opinions about the importance of non-state actors in the fight against TWC, central government actors in my interviews believed that support from NGOs and IGOs was crucial. According to them, the VNAP could not have been implemented without financial and technical support from non-state actors:

> We always highlight the importance of non-state actors' cooperation. We cannot conduct major activities in the context of budget shortages. The budget for the VNAP is poor and just can cover a part of the VNAP activities. (SA4)

> Non-state actors are always of great help, especially in terms of financial and technical assistance. They also organize different anti-trafficking activities. (SA2)

> Public-private partnerships can be considered as best practice to combat TWC and that should be further strengthened. (SA1)

The comments above illustrate that in the VNAP's implementation, non-state actors had a dual role of supporter and service provider. As combating trafficking requires considerable expertise, resources and efforts, public-private cooperation can be a powerful tool. In this partnership, on the one side is the state that can set the agenda and decide on the nature of the implementation; on the other side are

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[82] Public-private partnership in this research means the partnership between different government levels and NGOs or IGOs.

NGOs and IGOs that have the resources necessary to facilitate anti-trafficking activities.

It needs to be strongly emphasized that, as per Vietnamese law, it is essential for international non-state actors to coordinate with state actors, because they themselves cannot directly approach people at the grass-roots level and have to cooperate with government bodies. Currently, there are thousands of NGOs operating in Vietnam. More than 20 NGOs are working specifically to combat TWC, contributing great efforts and initiatives to support victims to reintegrate into the community, organizing communications and training, and setting up anti-human trafficking networks within NGOs, and between state and non-state actors.

Non-state actors such as Action Aid, Asia Foundation, and Oxfam Quebec actively approach the hot spots for TWC, which are usually highly mountainous or rural areas, and are keen to provide local people with information about the crime. During the period of the VNAP, different NGOs, in partnership with local partners, actively disseminated critical knowledge on TWC to communities and at-risk people through innovative communication methods. They also focused their efforts on supporting policy-level initiatives and actual community actions, providing women with economic opportunities and young girls with scholarships to empower them and protect them from exposure to the risks of being trafficked.

One example of public-private partnerships can be seen in The Asia Foundation. Acknowledging that culture plays an important role in the way people receive information and change their behaviour, the Asia Foundation supplied culturally appropriate and locally relevant information for those in remote areas who are at greatest risk. It has been recognized by NGOs that methods incorporating community culture offer the greatest potential to improve people's awareness, and must be fully applied (Asia Foundation, 2008). The Asia Foundation has been cooperating closely with the VWU in the Asia Foundation's Prevention, Education, and Communication Programme to combat trafficking in Vietnam to raise people's awareness and engage local communities in the fight against TIP. In partnership with the VWU, the Asia Foundation set up the Community Support Group model (CSG) which acted as the first line of defence against human

trafficking, providing counselling and support to the poor and the disadvantaged. The Asia Foundation also monitored women's economic and social empowerment programmes to help improve women's economic status and their position in families and the community, through economic empowerment activities and training in living skills.

Other examples are UNIAP (the United Nations Inter-Agency Project on Human Trafficking) and AFESIP (Agir pour les Femmes en Situation Precaire), which, in cooperation with other NGOs and main state actors, set up and continue to improve shelters for trafficked victims, providing valuable support for them to re-integrate into the community. The other prominent area of cooperation is conducting research, which provides the Government of Vietnam with valuable insights and policy recommendations for breaking the human trafficking cycle. From 2004-2010, Actionaid conducted several studies on TWC in Vietnam. Among these studies, *Situation of TWC in Vietnam to Propose Suitable Intervention Activities in Some Target Areas of Actionaid* (Actionaid Vietnam, 2008) and *Female Migrant Workers and Relations to Human Trafficking* (Actionaid Vietnam & C&D, 2009) have provided valuable insights and policy recommendations to the state. These recommendations include that the government needs to set up a national and regional anti-trafficking network in order to increase the sharing of information and experiences, and that the government should create favourable conditions for female workers to help reduce risks of being trafficked during periods of economic crisis.

Among the NGOs, UNIAP plays an important catalytic role in building up NGO networks and in identifying and mobilizing support for victims of trafficking in Vietnam and throughout the GMS area. UNIAP has been providing the Vietnamese state with technical support, including statistical methods for measuring human trafficking, capacity building, and technical support for investigation and evidence collection.

Non-state actors were also very active in assisting the Vietnamese government to revise the legal system on human trafficking. NGOs involved in anti-trafficking activities contributed valuable ideas to improve the draft of the Law on Human

Trafficking. Each NGO submitted its own comments and all the ideas were compiled by UNIAP and submitted to the government to be the collective voice of non-state actors. ActionAid, IOM, UNICEF, ILO are among the non-state actors contributing the greatest efforts to providing solutions, data collection, building up action programmes, and consulting on the anti-trafficking initiatives of the state.

The participation of non-state actors and their important role in the fight against human trafficking was highly appreciated by those I spoke to, including state actors both at central and local levels, and women in focus group discussions:

> Participation of non-state actors in anti-human trafficking activities is very important to ensure that the voices of victims and communities are heard and reflected in the amended policies, because their activities closely relate to people at the grass-roots level. (SA3)

> NGOs work professionally. Before offering support to victims they conducted surveys, and interviewed victims carefully. (SA10)

> NGOs are concerned about our practical needs rather than giving us what we do not want. They do not only give us material support, but also provide us with skills and the means to gain confidence. (a woman in WGR2)

As these comments suggest, non-state actors were effective agents in facilitating the improvement of women's empowerment on the ground, with their technical expertise, financial strengths, as well as professional working style. Cooperation between state and non-state actors, however, faced different challenges. In addition, NGOs focused directly on women to make sure that women benefited from the donor's support.

6.4.2 Areas of shortcomings and challenges

The sustainability of programmes and activities initiated by non-state actors remains a problem of critical concern. As NGOs conduct activities and monitor the project outcomes only within the project timeline, the survival of models and

activities depends very much on the care and investment of local authorities. "The lack of dedicated and capable personnel, limited funding, and lack of political commitment threatens the scope and potential impact of activities on trafficked victims and the community" (NSA1). Non-state actors acknowledged government cooperation as "an important move in calling on private actors for a coalition to facilitate prevention and protection in the anti-trafficking area" (NSA3); however, the relationship was compromised by a series of factors. First, non-state actors claimed that they have not been widely consulted in the decision and policy making process, and that "the government has not been open with them" (NSA2). They, therefore, suggested the government set up an open cooperative mechanism, as the government has not been open with them and mutual cooperation and anti-human trafficking work needs to be a task for all actors, not only the government. Second, tensions over power and control were evident. NGOs and IGOs participating in anti-trafficking activities in Vietnam are powerful donors; they want to have a specific role in decision making and the resource allocation process. However, they were faced with "government bureaucratic procedures" (NSA3), "lack of planning and systematic thinking about human trafficking issues" (NSA5), and "controlling behaviour from local staff" (NSA3). Third, non-state actors believed that procedures for accepting international donors should be simplified. One non-state actor whom I interviewed – an NGO representative – responded that due to complicated procedures for assessing and accepting an NGO as a donor in combating trafficking (such as writing proposals, proving financial and technical capacity, signing commitments, and going through different bureaucratic procedures), some NGOs left to invest in other countries as they were not willing to wait through a lengthy approval process.

The following comments from a state actor at the provincial government level, however, help explain why the state hesitated to cooperate with non-state actors:

> In cooperation with international organizations, *we have to weigh the advantages and disadvantages*. If *it may cause any harm to social security*, we will stop immediately. (SA6, emphasis added).

The other statement from a non-state actor (an international NGO) can be considered as a response to the concerns of that government staff member:

> We are currently an out-of-state mechanism and not eligible to intervene in the state's matters. We work for people and the community, not for any other purposes. (NSA2)

Hesitancy to cooperate with NGOs can be seen in the statement above of the state actor, which is framed by the term "disadvantages" (meaning disadvantages that may be caused by mutual cooperation between the government and NGOs). While NGOs want to act as "agents of change", and the government GO relationship is imperative for both, especially in the context of globalization (Doh & Teegen, 2003, p. xvii), concerns regarding who leads the development and the balance of power between the state and civil society have become important issues (Bratton, 1987). This relationship has also become more political, as both actors operate in a highly competitive national and international socio-political arena that makes the government carefully consider the pros and cons of collaboration in order to preserve its ruling power, interests, and benefits. The response from the non-state actor above affirms the willingness of NGOs to support the state, to leverage resources, and to amplify anti-trafficking messages to people. But as long as the state continues to give undue attention to the pros and cons of partnerships, and pay too much attention to political considerations (such as national security, and power disparities), the effectiveness of partnership will be reduced.

Remarks

It is important to acknowledge public-private partnership in the VNAP as a contemporary collaborative mechanism in Vietnam, particularly given that such collaboration could not have existed before Renovation (*Doi Moi)* in the late 1980s, when most collaborative activities were conducted between and within state actors. Public-private partnership in the VNAP has helped reduce multiple shortages of resources, but has not fully developed due to insufficient attention being paid to maintaining the results of cooperative activities, as well as the hesitation and careful consideration of the government in expanding institutional

cooperation with non-state actors, which has delayed opportunities for successful partnerships.

6.5 Third Dimension of Partnerships: International Cooperation between Vietnam and Other Countries

International partnerships are particularly critical between countries, especially those involved in different stages of the trafficking crime. *The Recommended Principles and Guidelines on Human Rights and Human Trafficking* clearly emphasize that trafficking is a regional and global phenomenon that cannot always be dealt with effectively only at the national level, because a strengthened national response in one country often results in the operations of traffickers shifting elsewhere (UNHCHR, 2002).

6.5.1 Vietnam in the international anti-trafficking network

Being a part of the GMS, Vietnam has taken a stand against TWC together with the other member countries. Since 2004, Vietnam has established close cooperation with other GMS countries' governments through the Coordinated Mekong Ministerial Initiative Against Human Trafficking Process (COMMIT). To set out a common approach to battling human trafficking, the GMS countries signed the COMMIT Sub-regional Plan of Action (SPA) and the Memorandum of Understanding (MOU). Signing the SPA, the GMS countries committed to meeting both national and regional objectives for combating the crime.

While the SPA I (2005-2007) aimed at achieving coalition in eleven prioritized areas[83] and a management component of coordination, monitoring and evaluation, SPA II (2008-2010) focused on expanding the potential of the GMS countries to collaboratively and effectively combat human trafficking. In every MOU, cooperation has always been considered an issue of priority along with anti-trafficking policy. It can be said that the COMMIT has provided a cooperation model for other countries as well as other regions. By 2010, Vietnam had signed

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[83] The eleven prioritized areas in SPA I are: training, victim identification and apprehension of perpetrators, national plans of action, partnerships, legal frameworks, repatriation, reintegration, legal assistance, addressing exploitative brokering practices, protection, and cooperation with the tourism sector.

bilateral agreements with most of the GMS countries: with China (Agreement with China on Strengthening Cooperation on Preventing and Combating Human Trafficking 2010); Cambodia (Agreement with Cambodia on Cooperation to Combat Trafficking in Women and Children 2005); Thailand (Agreement with Thailand in Eliminating Trafficking in Persons, Especially Women and Children and Assisting Victims of Trafficking 2008); and with Laos (Agreement with Lao PDR on Cooperation in Preventing and Combating Trafficking in Persons and Protection of Victims of Trafficking 2010). Being deeply concerned about human trafficking, these countries committed to making their best efforts to prevent and combat the crime, and cooperated at the maximum level on the 3P activities. These agreements highlight cooperation as being an efficient measure, especially mutual cooperation in law enforcement and criminal investigation.

Vietnam has also expanded its cross-border partnership with ASEAN countries[84] and actively joined in various mutual regional activities to counter TWC. In 2004, Vietnam signed the *Treaties on Mutual Legal Assistance in Criminal Matters Among Like-minded ASEAN Member Countries* (called ASEAN MLAT) - the ASEAN guidelines to facilitate and enhance joint efforts to combat transnational organized crime, including human trafficking. Apart from the ASEAN MLAT, Vietnam also signed other important multilateral legal documents with ASEAN, such as the *ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children* (2004), and the *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers* (2007). Further, to present a solid voice on anti-trafficking initiatives, Vietnam successfully organized internationally important conferences, such as the 23rd General Assembly of the ASEAN Inter-Parliamentary Organization (AIPO) in Hanoi, 2002, to strengthen regional ties to control trafficking and the use of illicit drugs; and the 18th Global Summit of Women (GSW) in Hanoi, 2008, to discuss various issues relating to the environment, work and life problems faced by women, including trafficking in women. Additionally, Vietnam successfully organized international forums for

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[84] The ASEAN countries are Brunei, Cambodia, Indonesia, Laos PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam.

women and children of Vietnam and China, Vietnam and Laos, and Vietnam and Cambodia in 2004-2010 (VWU, 2010).

Cooperation between Vietnam and the other member states of the GMS and ASEAN has been undertaken through both informal and formal means. Informal cooperation has involved training and communication to exchange data, information, and experiences, while formal cooperation has been related to a mutual legal assistance scheme and extradition. Representatives from Vietnam attended eleven regional training programmes which provided government officials with comprehensive knowledge of human trafficking and counter-trafficking solutions (VWU, 2008c). Regional training curriculum and documents were translated and adapted in Vietnam. Further, the contents of both COMMIT SPA and ASEAN MLAT have highlighted the importance of formal cooperation that contributes to the success of national responses to human trafficking. Under a mutual legal assistance scheme, a member state is responsible and eligible to request another state to provide information and evidence for the purposes of prosecution and investigation and for criminal proceedings. Further, a member state is allowed to request another to return a person to the requesting state to face prosecution or to serve a sentence.

International cooperation between Vietnam and the other countries can be generally illustrated by Figure 10, which shows a three-area diagram. In the first area, Vietnam cooperates with the GMS countries through the COMMIT SPA which focused on activities of a regional and cross-border nature while providing opportunities for the member states to share and learn from each other's experiences. In the second area, Vietnam is actively joined with ASEAN countries in the fight against human trafficking under the activities of the ASEAN MLAT. In the third area, Vietnam tackles human trafficking in cooperation with all other countries through diplomatic means.
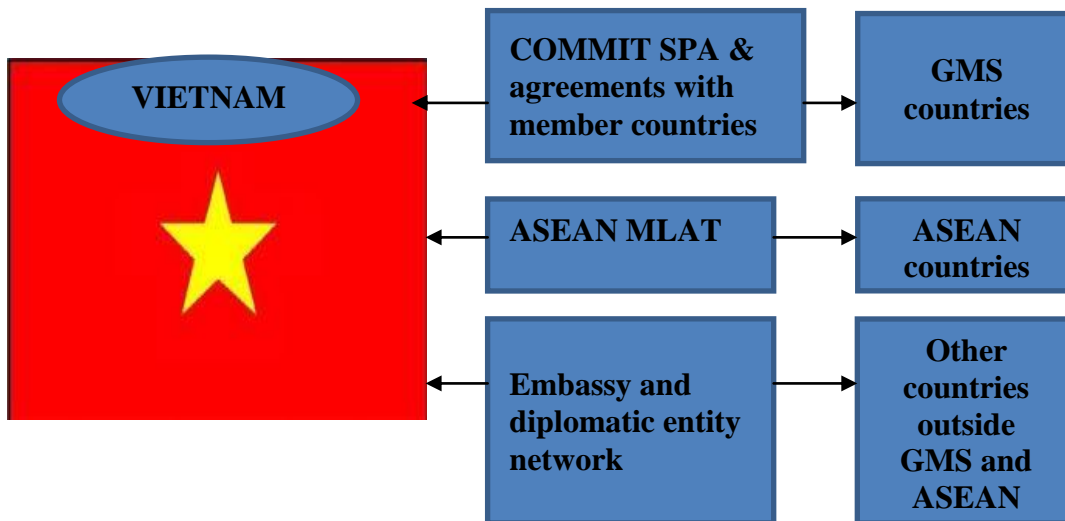
Figure10: International partnerships between Vietnam and other countries to combat trafficking

This diagram looks extremely simple; however, it covers both bilateral and multi-lateral cooperation between Vietnam and different parts of the world, especially with countries in the GMS and Southeast Asia. It can be said that cooperation between Vietnam and other countries in combating trafficking under the VNAP covered countries which are current or potential destinations of TWC from Vietnam. Accordingly, African and South American countries have not been in partnership with Vietnam to fight against trafficking. However, as acknowledged by a central state actor, Vietnam is "willing to be in partnership with all countries to prevent and stop trafficking, for a life without slavery" (SA3). This means that the Vietnamese government is always open to international partnerships and to seeking an international alliance to combat global human trafficking network.

6.5.2 Appraising the VNAP's inter-governmental cooperation

Although the CEDAW country reports of Vietnam acknowledge that Vietnam has taken part in different international anti-trafficking cooperation and facilitated better collaboration among countries in the fight against trafficking in women and children (UN, 2005, 2013), it was evident that international partnerships between Vietnam and other countries in counter-trafficking activities were generally limited. Like many other countries in ASEAN, Vietnam faced different practical difficulties which challenged the success of cross-border cooperation: difficulties such as language barriers causing difficulties in communicating with international

colleagues, lack of counterpart capacity, gaps in laws, and differences in social cultural traditions, and uneven political commitment between different member states. Significantly, it was emphasized by the actors interviewed that to ensure a strong legal framework to strengthen international cooperation, all ASEAN member states need to ratify key international interventions, including the ASEAN MLAT, the UNTOC, and the UN Trafficking Protocol. This requirement, however, has not been satisfied by Vietnam. While it has ratified the ASEAN MLAT, Vietnam is among very few countries in not having ratified the UNTOC and UN Trafficking Protocol (see Table 5). Lack of conformity between national and international legal practices has created a significant gap in mutual understanding, information sharing, and joint investigation.

Table 5: The ratification of the main UN legal instruments in ASEAN (by 2010)

ASEAN member states	UNTOC	UN Trafficking Protocol
Brunei	R	S
Cambodia	R	R
Indonesia	R	R
Laos	R	R
Malaysia	R	R
Myanmar	R	R
Philippines	R	R
Singapore	R	S
Thailand	S	S
Vietnam	S	S

Note: R (ratified); S (signed, but has not ratified)

Source: Compiled by author, based on information given by USDOS (2010)

Budget limitations have been a regular challenge for every aspect of the VNAP intervention. In cooperative partnerships, the shortage of funding visibly limits cross-border cooperation in investigation, prosecution of criminals, and repatriation of victims. Additionally, there was a lack of understanding by front-line officials, especially law enforcement agencies, of regional and international

laws and treaties (ASEAN, 2011). In detail, regional treaties such as COMMIT SPA, and ASEAN MLAT were there, but many officials did not know how to apply them, or how to request mutual legal assistance and extradition from their counterparts. Inadequate English skills, lack of legal knowledge of and understanding about rules and procedures generally limited formal cross-border cooperation. In answering my questions about bilateral and multilateral treaties between Vietnam and other countries, most of local state actors shook their heads, with comments that those treaties mentioned were all new to them:

> I really do not know. Central level staff may know about those documents. We do not know English, so we cannot understand them. We also do not have the documents in Vietnamese. (SA14)

> I have heard about the COMMIT or COMMIT SPA in the training organized by central government several years ago, but I really do not remember what it is about. (SA11)

These comments indicate that local state actors faced not only language barriers in that they were not able to read English, but also limited legislative information provided by the central government. The lack of understanding about international treaties and conventions at local government level can be explained by the fact that, as discussed earlier in Chapter Five, local government actors were passive in the VNAP implementation; therefore, it was not a common practice for them to locate relevant documents to read. Since some of them did not even know what the VNAP was, their ignorance about regional and international anti-trafficking documents is understandable. This reality also raises questions about the scope and level of international partnerships, as international partnerships (including partnerships in countering trafficking) mainly occur at the highest level of government, and they are assumed to be the job of the central government. A central state actor, however, also admitted that although having the chance to access different legislative documents, not all central staff knew about regional and international anti-trafficking legislation. This actor said:

> Well, even at the central government level, only those whose work directly relates to international relations in anti-trafficking activities,

or the ones who attended training on international and regional anti-
trafficking conventions, know what those treaties are. (SA3)

The reflection questions the effectiveness of the state's dissemination of
legislative information, and also the staff willingness to update trafficking related
knowledge. One may argue that, perhaps, but might it also relate to job
specialization. However, in a context of globalization, the understanding of
international knowledge on the issue is necessary for all the staff involved in anti-
trafficking activities.

Looking at the third area of international partnerships, cooperation between
Vietnam and countries outside the GMS and ASEAN was also limited, mostly
occurring through embassy networks of representative diplomatic entities
overseas. Cooperation focused more on training, legal assistance and extradition,
rather than supporting victims of human trafficking both in destination countries
and when they returned home. It is, therefore, necessary to recommend that
cooperation and partnership should not be restricted to the prevention and
prosecution of traffickers, but should also focus on assisting and protecting
victims of human trafficking to help them regain their dignity and become self-
sufficient to avoid future human trafficking risk. Additionally, Vietnam needs to
further develop its international cooperation in the anti-trafficking area with
countries outside the GMS and ASEAN, especially destination countries for TWC
and countries having a high number of Vietnamese workers.

Remarks

During the time the VNAP was in force, Vietnam was active in promoting
international partnerships with GMS countries, ASEAN countries, and other
countries worldwide. Nonetheless, international government partnerships with
countries outside the GMS and ASEAN areas remained limited, and generally
focused on the prevention of trafficking, and to a certain extent the prosecution of
traffickers, rather than on the protection of victims. Different barriers challenged
the effectiveness of international partnerships in tackling human trafficking in
Vietnam. These included, but were not limited to lack of resources, poor human
capacity, especially poor language skills, and limited knowledge at local

government level to inherit international progress and good practices in the anti-trafficking area. Further, in comparison to international anti-trafficking practices, the Vietnamese anti-trafficking legislation remains partial due to the non-ratification of important international conventions such as UNTOC and the UN Trafficking Protocol.

6.6 Implications of Partnerships Against TWC for Women

It is a challenge to identify the impacts of partnerships in the VNAP on the target population (women in the community and trafficked women). Researchers agree that it is difficult to evaluate partnerships and their impacts on particular groups within the population because partnerships are dynamic, multi-level, embedded in specific cultural and political environments, and responsive to those contexts (Butterfoss, 2009). In addition, partnerships are conducted based on compromise amongst partners with different socio-political aims, and therefore are quite complex (Funnell, 2006).

My discussion of the three partnership dimensions shows that there were partnerships at the higher institutional levels, but partnerships at the grass-roots level were limited. In other words, partnerships against TWC in the VNAP were institutionalized between policy actors, between government levels, and between countries, not between those agencies and trafficked women. This explains why support and assistance to trafficked victims had to come through different administrators, as discussed earlier in Chapter Five. This raises questions about the effectiveness of partnership activities, especially in the context of a developing country like Vietnam. Looking at the different dimensions of partnerships in the VNAP, it is clear that the Government of Vietnam had recognized and accepted the need for partnerships; however, the main focus of partnerships was not on trafficked women. Rather, it targeted diplomatic relationships, especially at regional and international levels. Further, while domestic collaborations – including public-public partnerships and public-private partnerships – seemed to focus on the prevention and protection of trafficking, international partnerships between Vietnam and other countries centered around the prosecution of

traffickers rather than focusing on longstanding commitments to protect vulnerable trafficked victims overseas and reintegrate them into the community.

One may argue that in any context, partnerships can have indirect impacts on a policy's target population. This is because the combined accumulated strengths and efforts of partners to combat trafficking crime can, in turn, contribute to better intervention activities. However, a lack of effective collaboration on the ground, and unconnected partnership between actors can result in weak partnerships at the higher level of governance. Conversely, effective partnerships can develop and maintain mutual trust and shared commitments, and help improve policy delivery through a partnership network, in which every actor is an important part of the whole collaborative exchange. Thus, if partnerships under the VNAP had been handled effectively, being the target population of the policy, women and trafficked victims would have received better support and benefits. Three key findings emerge with regards to the implications of partnerships on women and trafficked victims, especially trafficking returnees: the inconsistent handling of trafficking cases at the grass-roots level; better cooperation between different actors has the power to prevent trafficking crime; and a need to improve public-private cooperation.

The inconsistent handling of trafficking cases at the grass-roots level is the first issue impacting on trafficking returnees. There was a loose cooperation between local actors at the grass-roots level. As mentioned earlier in the section on multi-agency partnership, TWC was considered by local governments to be an issue dealt with by the Women's Union; however, when a trafficking case happened, the investigation and prosecution automatically became the task of the local police force, yet the local police had little ability or power to arrest the suspected criminals. A local policeman emphasised that:

> We call this a "neighbour's task" (as everyone thinks that it is the task of others, not ours). There is no clear guidance on who has to do what to deal with TWC. However, we are in charge of the village's security, we have to prevent all crime, not only TWC. Upon receiving any signals of having traffickers around, we need to

be ready. However, it is not easy to arrest suspected criminals without convincing evidence. We normally need to report to higher levels within the police force. (SA11)

Clearly, while being considered a "neighbour's task", anti-trafficking initiatives are not being implemented as effectively as they should be. Such a lack of decisive action, and a dependence on higher authorities not only delayed the process of investigation and prosecution, but also hampered women's security, especially that of the victims of the reported cases. Fear of being threatened or controlled by traffickers and of possible reprisals against victims and their family members was shared by the sister of a trafficked victim:

Six years ago my younger sister was deceived by a man in the neighbouring village. He brought her to the Northern border of Vietnam and China. He promised to find a job for her there. After a week, my sister called home and said she was sold to a brothel in China. After that, no more contact from her. We reported the case to local police. Police came, noted any details. They said we need to wait. Then, no further results reported. Not long after that happened, two men came to our family. They gave us some money and advised us to keep silent; otherwise my sister will have no chance to return home. We came to know that the man returned home sometimes. He went to work in the South. We seem to have lost our sister now. She is now on the list of women who left the village and suspected to be trafficked. She was trafficked actually, not 'suspected to be'. (Woman 23, from WGD3)

Such a painful story shows that the handling of trafficking cases at the grass-roots level was very slow and local government did not pay serious attention to trafficking cases. Trafficking victims were noted only as people who were absent from home, and the passage of time has left their stories of vulnerabilities uninvestigated.

Further, the reporting of local government to a higher level of government always takes time, especially in the Vietnamese bureaucratic context in which problems

are solved through different administrative layers. Such time-consuming procedures were not effective as trafficking cases always require an urgent response to minimize any possible harmful impacts on women. This explains why there were more trafficking cases reported discovered through the return of trafficking victims and through the allegations of trafficking victims than cases discovered by the police force itself. Further, there was a lack of cooperation between local government and local residents due to people's fear of perpetrators' reprisals against them and their family members, and a lack of benefit for the respondents, as outlined in Chapter Five. This gap in cooperation created a favourable environment in which trafficking crime could develop. It was evident from both of the research sites that traffickers were around in the villages; they were even the victims' close friends or relatives.

The second key insight that can be drawn from this evaluation of partnerships is that better cooperation between different actors has the power to prevent trafficking crime, not only the multi-agency partnership between the five main actors of the VNAP. The summary report issued by MOLISA in 2009 identified a few shortcomings in the cooperation between state actors that caused further suffering to trafficking victims. It suggested that the Immigration Department (Ministry of Public Security), the Border Guard Command (Ministry of Defense), and the Consulate General (Ministry of Foreign Affairs) need to report to MOLISA and keep updating a full list of trafficking returnees who returned through official receipt or rescue, to ensure timely support for their re-integration (MOLISA, 2009). In the period during the implementation of the VNAP, cooperation between MOLISA and the main state actors of the policy programme was unconnected as "there was no official collaborative mechanism set up for them" (SA4). As a consequence, many trafficking victims returned by their own means, not going through immigration procedures, and it was complicated for them to get recognition for being official trafficking victims and to receive government support. MOLISA (2009) thus emphasized that there is a need to strengthen the cooperation between the Immigration Department, the Police Force, and Administrative Bureaus to improve the identification of trafficking returnees. While there was spontaneous collaboration between those actors upon

the request of MOLISA, that collaboration served the purpose of data collection, or provided case by case assistance rather than being responsive to the ultimate interests of the policy's stated beneficiaries.

The third key insight gained from this evaluation relates to the need to improve public-private cooperation between different levels of government and NGOs in order to increase direct support to trafficking returnees. Although the number of NGOs operating in the anti-trafficking area has increased, there was a lack of public-private cooperation in conducting research, information exchange, and especially, in conducting activities to support victims' reintegration as well as in monitoring and evaluating the results and effectiveness of those activities (MOLISA, 2009). My research participants who are state actors said:

> NGOs are strong with their financial and technical abilities. They are also experienced in working with women at the grass-roots level. The state needs need to strengthen the relationship with NGOs. (SA17)

> The government pays special attention to developing public-private partnerships in combating human trafficking. The government always creates favourable conditions for non-state actors to be involved in anti-trafficking activities. (SA2)

> Public-private cooperation should focus more on women and trafficking victims because this is the most important area of focus. (SA7)

Non-state actor participants noted that:

> We are in cooperation with the government to conduct different activities to support trafficking victims and women; however, due to the nature of the cooperation, we have not been involved much in monitoring and evaluation activities. (NSA3)

> We need to say that we face different difficulties. We work for women, but there are too many bureaucratic procedures. (NSA4)

These responses reveal differences in the state and non-state actors' accounts with regards to public-private partnerships. On one side are the state actors who greatly

appreciate the potential and competence of non-state actors in benefiting women. They assert that it is a priority to develop and strengthen public-private partnerships. On the other side are non-state actors, who were not satisfied with existing partnership procedures, which they considered cumbersome.

Although partnerships can be powerful agents for preventing and combating human trafficking crime, the different dimensions of partnership in the VNAP were not entirely successful in making significant differences to women and trafficking returnees. In practical terms, it is necessary to facilitate effective partnerships right through the whole institutional chain – between and within different government networks, with greater focus on the grass-roots level. Most importantly, such partnerships must be grounded in activities targeting trafficking victims and women.

6.7 Conclusion

This chapter has explored three dimensions of partnerships within the VNAP framework and their implications for women in the community and for trafficked women. Although partnerships were not the focal point of any anti-trafficking strategies in the VNAP time frame, Vietnam has been pioneering in recognizing the importance of partnerships in combating trafficking and applying partnerships as driver vehicles to counter this form of organized crime. Due to different inherent constraints such as budget limitations, limited personnel capacity and skills, communication barriers, and so on, partnerships against TWC in Vietnam were rich in activities (such as training, investigation, returning trafficking victims, and law making), and diversified in the types of partnerships (multi-level partnerships, public-private partnerships, and regional and international partnerships). However, they were still limited in their achievements and actual contributions toward the prevention of the crime, the protection of trafficking survivors, and the prosecution of traffickers or other related activities. In other words, the VNAP partnerships were not fully functioning as critical tools to achieve the other Ps. It is, therefore, important to draw a clear link between partnerships, prevention, protection, and prosecution to ensure that partnerships become an effective means to achieve other ends.

To some extent, in defining the criteria that can be applied to create good partnerships, it can be noted that partnerships in the VNAP were more effective in terms of creating *different types of collaboration*, rather than improving their quality. Partnerships in the VNAP were also more diversified in terms of domestic and regional collaboration, rather than at the international level. What is worth noting here, however, is that partnerships in the VNAP have not brought about significant changes for women in the community and trafficked women as collaborative activities were conducted mainly at an institutional level, not at the grass-roots or community level. Women and trafficked victims, therefore, had few opportunities to reap the fruits of partnerships.

Finally, strategizing to reduce human trafficking has to address the complexity that globalisation brings to the issue. As trafficking involves the movement of a person within and between places, migration is potentially risky for anyone, especially poor women and girls who are vulnerable to being enticed and coerced into being trafficked (Samarasinghe, 2008). Also, with globalisation, governments of developing countries, including Vietnam, usually take comparative advantage of their cheap labour force to generate more economic rewards by promoting labour export, and by calling for foreign investment in manufacturing industries and tourism, which attract a large female labour force. This issue points to the suggestion that the alleviation of human trafficking is impossible to achieve without comprehensive solutions to all related issues and a reasonable balance between the state's development priorities and women's interests. Such an important issue, however, cannot be analysed either through the 3-P framework or the 4-P framework (with the addition of Partnerships). Also, a contemporary policy evaluation, as noted by Fischer (1995), cannot only assess the achievement of policy goals, but also needs to evaluate their appropriateness and explore the competing values and ideologies related to the policy intervention. The next chapter, therefore, will extend this critical evaluation of the VNAP by identifying gender concerns in the VNAP, and in the specific context of human trafficking in Vietnam.

Chapter Seven: Engendering the Evaluation of Anti-Trafficking Policy – A Gender Sensitive Approach

> For policies and programmes to be well designed and implemented, monitoring and evaluation must be gender-responsive and rights-based. (Corner, 2008, p. 7)

> The logic of policy deliberation thus works on two fundamental levels, one concretely concerned with a program, its participants, and the specific problem situation to which the programme is applied, and the other concerned with the more abstract level of the societal system within which the programmatic action takes place. A policy evaluation, in this sense, must always look in two directions, one micro, and the other macro. (Fischer, 1995, p. 19)

7.1 Introduction

The above quotation from Fischer (1995) indicates that policy evaluation needs to target both micro and macro levels –the fundamental and the more abstract areas of policy impacts. This chapter presents the first part of a gender evaluation of the VNAP which encompasses both an adaptation of the first-order and second-order evaluation as defined by Fischer in order to trace this policy's gender concerns and its gendered implications for women. While the next chapter will deal with an analysis of the gender construction of the VNAP, this chapter focuses on a gender evaluation of policy processes (especially in terms of women's participation and the state's accountability), and of policy outcomes (particularly, women's empowerment) to both explore the state's gender ideologies as manifested in the VNAP and to examine the VNAP's contribution to women's empowerment. This chapter also identifies the VNAP's contribution to achieving greater gender equality and to the reduction of women's vulnerability, especially that of trafficking returnees.

Although gender analysis has recently been widely incorporated in academic discussions of the human trafficking issue by different scholars (see D'Cunha, 2002a, Heyzer, 2006, and Samarasinghe, 2008)[85], there has been little research that has integrated gender considerations into the evaluation of anti-trafficking policies worldwide. To bridge this gap, I seek to use a gender-sensitive approach as an evaluation tool for examining the VNAP. My framework is informed by the Gender Responsive and Rights-based Approach (GRRA) initiated by D'Cunha (2002a) and the UN network[86], which highlights the importance of gender and human rights in addressing the trafficking issue. The GRRA emphasises that anti-trafficking policy must focus on realising and addressing the issues that hamper equal development opportunities for women and men, girls and boys. Gender and rights are two main perspectives used in the GRRA. My analysis, however, uses a gender-sensitive approach that encompasses both gender equality and human rights to undertake a gender analysis of the policy in terms of its processes and outcomes. This gender-sensitive approach, therefore, helps evaluate both the state's and women's efforts (women in the community and trafficked women) in addressing women's vulnerabilities and in advancing gender equality.

This chapter seeks answers to the following question: To what extent was the VNAP a gender-sensitive policy in terms of participation, empowerment, and accountability? The analysis offered in this chapter indicates that although the Vietnamese government demonstrated a strong determination to combat trafficking, the VNAP remained incompatible with gender and development practices. The VNAP took women in the community and trafficked women as a target or beneficiary group and added them into intervention activities without adequately considering the unequal power relations between women and men in different spheres of life. Because gender was not recognized as an important

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[85] D'Cunha (2002a, 2002b) explains that the gender rights approach, though women-centred, is not only about women; it explores the gender specific differences and inequalities in causes, impacts, and consequences of trafficking. According to Heyzer (2006), gender discrimination in families and communities is a factor that predisposes women and girls to trafficking, and the growing demand for prostitution and sex trafficking is linked to women's vulnerability and the breakdown of the family. A part of Samarasinghe's (2008) book turns around the gendered dichotomy in demand and supply. This is manifested in the male dominance on the demand side as sex buyers exploiting the female vulnerability on the supply side.

[86] See the work of UNIFEM, reported by Corner (2008) *Making the MDGs work for all: Gender-responsive right-based approaches to the MDGs* or the Briefing Kit of UNIFEM (2002) *Trafficking in persons: Gender and rights perspectives*.

factor in the policy, there was a lack of gender sensitivity in the VNAP outcomes. From a gender standpoint, women were provided with favourable conditions for rehabilitation; however, the support available was not suitable to promote sufficient empowerment for women to fulfil their human rights and make positive changes in their lives.

7.2 A Gender-Sensitive Approach to the Evaluation of Anti-trafficking Policy

The call to integrate gender into development policy and to mainstream gender equity concerns in the development process has been emerging in international literature since the early 1970s. Since the 1980s, there have been various efforts to engender development policy and programmes. Programme tools such as the Harvard Analytical Framework, or the Gender Roles Framework – the GRF, developed at the Harvard Institute for International Development (see March, Smyth, & Mukhopadhyay, 1999), Social Relation's Framework – SRF (Kabeer, 1994), Moser's Triple Role Framework – TRF (Moser, 1993), Women's Empowerment Framework[87] (Longwe, 1991) are among the approaches used to make ongoing policy gender-sensitive. Building on concepts of gendered roles in communities, and women's practical and strategic needs, these tools sought ways to alter inequalities in the access, control and distribution of resources and the mediating role of institutions in regulating these gender inequalities. Over time, further conceptual developments extended the goals of gender-sensitive policies from improved resource allocations to broader visions of empowerment for women (Batliwala, 1994; Kabeer, 1994), rights (Fierlbeck, 1997), social justice (Goetz, 2007), and gender citizenship (Goetz, 2007; Mukhopadhyay, 2007).

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[87] The GRF emphasises women's and men's roles and their relative access to and control over resources. It highlights both productive and reproductive roles of women. In contrast, the SRF examines existing gender equalities in the distribution of resources, responsibilities, and power; and analyses people's relationship to activities and resources, and how they are reworked through activities. The TRF takes into account gender differences in roles, distinguishes between practical needs and strategic needs, and emphasises the triple roles of women in production, reproduction, and community management. The Women's Empowerment Framework focuses on gender awareness in development programmes. It points out three essential elements of awareness (women have different and special needs, women are less advantaged than men, and women's development means working towards the improvement of equality and empowerment), and five levels of equality (from welfare, access, consciousness, participation, and control), and those factors can be evaluation criteria for development programmes (see March, Smyth, & Mukhopadhyay, 1999; Kabeer, 1994; Moser, 1993; Longwe, 1991).

By the 1990s, the focus of gendering moved away from tools used at the programme level to the values, processes and structures within institutions that delivered gender solutions. The attempts to engender institutions (Goetz, 1997; Kardam, 1997) became part of a larger movement to mainstream gender in development. Gender mainstreaming, according to the United Nations, is an approach to achieving gender equality. It makes both women's and men's concerns and experiences integral to the design, implementation, monitoring, and evaluation of legislation, policies or programmes (United Nations, 1997). Thus, the aim of engendering has been extended to include shifts which begin to transform institutional culture. Gender mainstreaming was established as a global strategy for the promotion of gender equality in the Fourth World Conference on Women in Beijing (the Beijing Conference) in 1995 and it has become an important term used in the Beijing Declaration and Platform for Action (BDPA)[88]. Mainstreaming gender and engendering entire policy processes to enhance gender sensitivity and bring equality for women in achieving women's human rights have become important tasks in policy agendas and in contemporary development. After the Beijing Conference, there has been greater attention paid to gender issues that cover different aspects of life and policy development.

Theoretically, policy should address gender inequality, but often does not as it too reflects dominant gender norms and values. Internationally, gender has not been an issue in international law and policy, and women are often being viewed as naturally inferior to men (Charlesworth, 1989). Similarly, in international policy agendas, women are framed as the forgotten and the invisible (Waring, 1989). This reality needs to be addressed, so that policy evaluation can become well-grounded in a gender-sensitive framework. Gender sensitivity, according to the World Bank (2005), helps reveal the extent to which a development programme has addressed the different gendered needs of men and women, or made an impact

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[88] The BDPA indicated that women's interests must be centred in all the processes of policy making. In terms of policy, the BDPA established that governments worldwide need to ensure that "before policy decisions are taken, an analysis of their policy impacts on women and men, respectively, is carried out" (para. 204a). The BDPA also stated that governments need to "work with members of legislative bodies, as appropriate, to promote a gender perspective in all legislations and policies" (para. 204d). Further, the BDPA emphasised the need to review, monitor, and evaluate policies and programmes from a gender perspective, and put this mandate "at the highest possible level" (para. 204e).

on their lives and the lives of others. Additionally, gender analysis not only entails different gender tools and approaches, but also a structural analysis that utilises one or more gender analysis frameworks to tease out different gender dimensions of the policy continuum. Further, to make development work for women, policy needs to be responsive to the discursive context in which gender issues are perceived and interpreted differently by policy stakeholders. In the case of anti-trafficking policy, the need for gender-sensitive evaluation is incontrovertible because human trafficking, clearly, reflects patriarchy and gender inequalities.

In developing a framework for a gender analysis of anti-trafficking policies, I have brought together some of the above mentioned strands. Thus, in this chapter and the next chapter, I look at gender within the institutional framework by examining the participation of women in the development of policy, the state accountability in responding to the needs of women and trafficked victims, and in terms of outcomes in empowering women. Such a Gender Sensitive Evaluation Framework (GSEF) covers three evaluative dimensions: participation, accountability, and empowerment. The three chosen themes are distinct but interrelated dimensions of social relationships that are significant to the analysis of gender and social inequality. Table 6 briefly introduces the three pillars of this gender evaluation and how the gender themes will be assessed in this research.

Table 6: The Three-pillar Gender Sensitive Evaluation Framework

Details	Pillar 1: Participation	Pillar 2: Accountability	Pillar 3: Empowerment
General question	*To what extent was the VNAP a gender-sensitive policy?*		
Concepts used	Women's participation	Gender-sensitive accountability in development; Institutional rights for women.	Women's economic empowerment
Main evaluation contents	+ Women's involvement in the various stages of the VNAP + Collective participation of women and social actors + Challenges	+ Transparency in anti-trafficking activities + Gender-based rights for women + Challenges	+ Economic empowerment of women in the VNP + Challenges
Specific questions to answer	To what extent were women involved in the VNAP processes?	To what extent did the GOV create favourable conditions for women to secure institutional rights, and to demand changes?	How effectively did the VNAP help empower women, especially trafficked women?

Note: The word 'women' used in this table refers to both women in the community and trafficked women

7.3 Participation and Representation of Women in the VNAP Processes

The term "women's participation" has been widely used in mainstream social science, but with slightly different meanings. On the one hand, women's participation is documented as women's political representation in the political mainstream and in formal structures of governance (Rai, 2002; Heyzer, 2006), and as women's inclusion in policy making processes (Karl, 1995; Corner, 2008). Elsewhere, it is discussed in terms of women's involvement in collective action with other social actors. Women's participation in any form brings about increased decision-making power for women, and provides women with economic and empowerment benefits (World Economic Forum, 2005; Oxfam, 2013). The Beijing Platform of Action 1995 highlighted the need to provide women with positions of power and raise women's voices in decision-making processes. To facilitate this, the platform of action recommended that nation states take measures to ensure women's equal access and women's full participation and inclusion in power structures and decision making processes, and to improve women's capacity in order to increase women's leadership to work for women and to ensure gender equality (UN Women, 1995). Participation, therefore, not only promotes women's representation in policy processes but also helps ensure that women's interests are represented and translated into actual implementation. Women's participation is important, because as Goetz (1997) indicates, greater participation by women helps change the characters of the institutions and better promote women's empowerment in development.

Women's participation in the VNAP is evaluated in relation to two main areas: Women's involvement in the various stages of the VNAP's decision-making processes, and collective participation of women and other social actors in anti-trafficking activities. Specifically, the evaluation of women's participation in this chapter attempts to offer answers to the following questions: What was the role of women in the VNAP's intervention processes? What were the main barriers to women's full participation? What has women's participation contributed to the fight against TWC in Vietnam?

7.3.1 Women's involvement in the VNAP's decision-making processes

The analysis of women's participation in the VNAP's processes cannot neglect an elaboration of the particular structural and historical contexts within which the VNAP was formulated and implemented, as these factors directly or indirectly impact on the VNAP's gender sensitivity and the success of the policy. First is the limited participation of women in decision-making positions in the male-dominated government of Vietnam, which has negative impacts on the representation of women's voices and interests in the anti-trafficking area. Second is the presence of the VWU as a socio-political body which is assigned by the state to be in charge of women-related issues, including TWC.

Despite the evident progress made by the Vietnamese government in ensuring gender parity [89], women's participation in governance is still limited and disproportionate to men's at both at national and local levels. Women's political participation is nominal, with only two female representatives among sixteen members of the 11th Politburo (2011-2016), and two women out of twenty seven members in the current Government Cabinet (2011-2016). Women's participation in the government during the period of the VNAP was poorer, with no female representative in either the Politburo or Government Cabinet[90]. Like many other countries worldwide, Vietnam has a certain quota (at least 30%) for women in the Party[91] and government structures to ensure that women are not isolated from political life and that their voices and expectations are included. It is, however, still challenging for the Vietnamese state to promote women's involvement in political bodies, due to patriarchal beliefs and gender stereotypes that are deeply embedded in the society.

As a consequence of the limited inclusion of women in the government, women's voices have largely remained silent in the political arena. As noted by a feminist scholar, Vietnamese women still have limited power to influence the views of the VCP and of executive bodies at different institutional levels (Truong, 2006). The

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[89]   Vietnam holds the leading position among the eight countries of ASEAN which have a parliamentary system and ranks 31st among all countries worldwide in terms of women's representation in the National Assembly. The country also has better gender equality indicators when compared to other countries at the same level of development and income (MPI, 2010).

[90]   These figures were extracted from the official website of the Vietnamese Government.

[91]   The Vietnamese Communist Party as a single and ruling Party in Vietnam.

country's major political decisions, therefore, are mainly made by a male hierarchy, or by the masculine governments at both central and local levels. My fieldwork observations show that, in terms of gender disparities in the membership of the Vietnamese National Steering Committee to combat TWC (VNSC), by 2010, women's participation in ruling positions of the VNAP was also disproportionate (there was only one woman in the five main positions in the VNSC), and the committee's leader was a male member. All important issues were discussed among the VNSC representatives and members, but final binding decisions were decided by the VNSC male leader. Thus, women appeared to play a marginal role in the decision-making processes of the VNAP and anti-trafficking related activities.

In a macro-context where women play such a marginal role in political life, the participation of the VWU as a main state actor in the VNAP is an extremely critical factor to help represent women's voices in the political arena regarding the issue of TWC. The VWU has several advantages in representing women's voices in the VNAP's processes. First, the VWU is an official socio-political network of Vietnamese women that represents and promotes the rights and interests of nearly fifty million women in the country. The organization inherits a hierarchical administrative structure of central, provincial, district, and communal levels. It has been described as an ideological umbrella of women's solidarity and alliances to strengthen the efforts of women in the whole country (Truong, 2006). Second, the VWU is an important part of the Vietnam Fatherland Front[92] and the union operates under the VCP's directives. The political position of the VWU has been continuously promoted by the VCP and the Vietnamese state. Third, the VWU held the sole position in the fight against TWC before the birth of the VNAP. Before 2004, TWC was mainly assigned to be overseen by the VWU, and combating TWC meant to protect women and children from different types of exploitation. It was a part of the union's particular mandate to represent women and to promote women's empowerment. Therefore, the union had its own action plans to combat TWC. Although the union has been dealing with TWC for a long

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[92] The Vietnam Fatherland Front was founded in February 1977. It serves the role of a political base of people's power. The Vietnam Fatherland Front has close links to the VCP and the Vietnamese Government. The VWU is one of 44 member organisations of the Vietnam Fatherland Front.

time, only in 1999 did the union issue the VWU's Action Plan to combat TWC 1999-2002, followed by the VWU's Action Plan to combat TWC 2003-2007[93]. The latter then became an important part of the VNAP's First Component, which focused on advocacy against and communication on TWC.

Having dealt independently with TWC for a long time, the VWU provided valuable ideas to the government in the formulation of the VNAP, and it was assigned to be in charge of the VNAP's Component One to prevent trafficking. Thus, the political efforts of the VWU were mainstreamed within the state's political commitments to combat TWC, contributing to the political inclusion of women in the fight against the crime and ensuring that TWC has featured strongly in the country's political agenda. The involvement of the VWU as a representative for women in agenda setting and policy formulation of the VNAP was greatly appreciated by the other central state actors who participated in my research:

> Frankly speaking, before the VNAP we did not have any experience in the anti-trafficking issue as the issue was handled by the VWU. It was the contribution of the women's union to identify prominent points in the TWC area. Reports and assessments of the VWU were a solid basis for the government to figure out policy issues and to set policy objectives. (SA1)

> I can say that the VNAP is an updated and upgraded version of the VWU's Action Plan to Combat TWC (2003-2007). Women's contribution to the VNAP's formulation was great. (SA4)

It is evident from the comments above that the VWU and its vanguard role in combating TWC have provided an opportunity for women to have their perspectives effectively incorporated at all levels of decision making. Being in power, in decision-making positions, representative women have been able to propose their ideas, tell the stories of trafficked women they know, and propose solutions. Representative women in decision-making positions act towards women's interests because, as noted by Karam and Lovenduski (1998) women in

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[93] Before the birth of the VNAP, the issue of TWC was the task of the VWU as it was considered to be a women's issue.

decisive position are the ones who are motivated to represent women's issues and concerns. Further, it was indicated in the BDPA that equality in decision-making processes is an integral part to the advancement of women. Women's equal participation in decision-making is not only a question of justice or democracy, but also a necessary condition for women's interests to be taken into account.

The non-state actors' perspective of women's participation was, surprisingly, contrary to that of state actors. Non-state actors in my interviews suggested that women's involvement was more limited, and offered a number of reasons for this:

> Involvement of the VWU in the decision-making process cannot ensure the full participation of women. First, the VWU is in charge of Component One, not all four components of the VNAP; of the prevention area, not of all three Ps. Second, participation of the VWU shows women's participation at the macro-level. There was inadequate participation of local women and trafficked women, whose voices should be heard. (NSA2)

> Women's participation is there, but women have no decision making power in terms of the budget and resource allocation. (NSA4)

As observed from the excerpts above, representation by the VWU alone was not enough to ensure the effective inclusion of women in the VNAP's processes. The voices of women in the community and trafficked women needed to be included in addition to those of VWU representatives at different government levels. The question of who participates, at what level, and in which area of intervention, is an important consideration. Women's participation was there, but visible only in the prevention and protection areas. In the prosecution of human trafficking, women were virtually excluded. According to my respondents, this was because "prosecution is a hard and dangerous task", "prosecution of perpetrators requires time and special skills, and just suits the police force" (SA1), and "women's time is always limited, they cannot participate in time-consuming activities and dangerous investigations" (SA4). Thus, the prosecution of traffickers was not designed for women and did not encourage women's participation. Another

additional point illustrating the possible limits of the VNAP in the anti-trafficking area is that before the VNAP, the VWU's anti-trafficking activities mainly focused on the prevention of trafficking (training, awareness raising), and a part of the protection area (support to trafficked women), and "the task of prosecution has almost excluded women" (SA3).

In identifying barriers to women's full and equal participation in the VNAP's policy processes, some prominent obstacles were discovered. First, there is an existing ideology in the Vietnamese society that places women within the private domain as daughters, wives, and mothers, and men in the public domain in leadership positions. This gender role ideology limits women's participation in the public domain, and tends to exclude them from participating in political issues. For women to negotiate for a significant voice and involvement in anti-sex trafficking activities (as human trafficking was perceived as trafficking in women and children, and sex trafficking) was difficult as "sex and prostitution are sensitive issues that are difficult to discuss with the participation of policy makers of both sexes" (SA3), and because "many men are involved in prostitution; they take prostitution as a privilege for men, and they do not want any solutions or penalties applied to them and their male friends" (SA4). Additionally, there was no gender expert on the team that designed and monitored the VNAP's activities. The state's willingness to involve women in policy processes, in fact, was implicitly an "add on" rather than a gender-sensitive factor. For instance, women were provided with income-generating activities and job opportunities; this was helpful to women, but could not help break down the subordination of women to men and especially to their husbands because as one participant noted "in many households women are too much subordinated to husbands, they are marginalized and have low voice" (WGD 7). Similarly, women were added into policy making processes, but the decisive role within the VNAP stayed with the head of the VNSC (the Vietnamese National Steering Committee to Combat TWC), to whom women representatives were structurally subordinated. For Harding (1995), if we just add women and "stir them in" to policy processes, there will be no substantive movement toward gender equality. Thus, it is not sufficient to provide

women with certain quota levels and political seats; women need to have favourable conditions to raise their voices, ideas, and experiences.

A lack of resources is another factor that hindered women's political participation in the VNAP. Predominantly, this lack related to human and financial scarcity. At the local level, the groups of women organized around anti-trafficking issues were too few compared to the total number of women in the whole country. According to a central government document, the number of anti-trafficking groups in each province could be counted using the fingers of one hand, and in some provinces, there was no evidence of having such groups organized (Lgd#2). The limited budget allocated for anti-trafficking activities, as mentioned frequently in Chapters Five and Six, also limited women's participation and could not "cover a broad participation" (SA1).

7.3.2 Collective participation of women and other social actors in the VNAP

Trafficking is a multifaceted issue, requiring the efforts of different individuals and actors. To overcome difficulties in life, and to lessen the risks of being trafficked, women need the support of other social actors. This evaluation, therefore, examines the collective participation of women as a direct or indirect means to fight human trafficking: with men (as individuals in the community, as husbands, and supporters in the family), and with NGOs (as an important part of civil society that help women express their demands and achieve effective political power).

a. Collective participation of women and men

Existing literature has provided sufficient evidence that men can be good supporters for women to counter violence against women as well as human trafficking, especially when individual women might have limited ability to express their views. For James (2003) and UNESCAP (2003), men need to be involved in the fight against human trafficking and to be part of the solution to combat any type of violence against women. The Chicago Alliance Against Sexual Exploitation (2011) also confirms that men are powerful partners in the participatory process as men can influence their own behaviour, and that of their

peers; they can also become active advocates to fight against exploitation, especially sexual exploitation and sex trafficking. The Beijing Declaration and Platform of Action (1995) also strongly emphasizes that women and men need to participate together on all development issues, especially on gender equality and gender discrimination issues like human trafficking. Thus, outside of having a dominant role in higher level VNAP processes as mentioned earlier in this chapter, men were largely absent on the ground.

Looking back to the VNAP intervention, it was hard to find evidence of men's participation or men's support for women's participation in the fight against TWC at a grass-roots level[94]. While the male-headed governments at all levels have created favourable conditions for women to organize prevention and protection activities at the grass-roots level, men in the community were unmindful of activities regarding TWC. In a very small number of areas, there were men's clubs attracting the participation of men and women, such as "The friendly men club" in Lang Son, and "The anti-social evil club"[95] in Bac Giang.

In my research sites, women blamed men for not being active in joining hands to fight against TWC. As noted by several local women in the focus group discussions in my fieldwork:

> It is difficult to attract men to join anti-trafficking activities as they consider TWC to be a women's issue. (Women 25 in WGD3)

> This is what my husband said: "What is the benefit for me to be there, in the meeting, where all are women, and topics of discussion are all women-related? I am a man, not a woman. I have to do men's jobs. I'd be better to go for a drink with my friends and

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[94] In fact, there was similar absence of male participation in pro-social activities on women issues. There are reasons for that. First is the so-called women's issues in Vietnam (such as trafficking in women, reproductive health, or family planning) are under the task of the Vietnam Women's Union. The Youth Union (the largest socio-political organisation of the Vietnamese youth) aims at conducting activities involving in the development of young people such as out-door activities, volunteering activities, charitable activities. Young Vietnamese are involved in political and civic activities, but as of now not in women's issues.

[95] The friendly men club (*Cau lac bo nguoi dan ong than thien*) and the anti-social evil club (*Cau lac bo phong chong te nan xa hoi*) are successful intervention models set up by the local women's union. These models attract the participation of men in the community. The clubs were set up to deal with social evils, of which human trafficking is a part (observations noted in my research diary).

watch a football match, or even go to sleep. I do not want to hide behind women's skirts". I know I cannot change him. Not only my husband, my friends' husbands are the same. [Laughter] (Women 41 in WGD5)

I told my husband to actively participate in anti-TWC activities. He said that it is the work of the government; he needs to earn a living, rather than hanging around and dealing with women's issues. (Women 72 in WGD8)

The observations made above were again confirmed by a male local state actor:

Local men do not want to be involved in women's issues. Once it is called trafficking in women and children, men will not participate in anti-trafficking activities. You know that our men are very conservative. (SA11)

The extracts above reflect men's responses to a so-called women's issue as it is shaped and perceived by people in the community, and also by the state while institutionalizing human trafficking as trafficking in women (and children). According to these men, it is not their task to help women; it is the task of the government and the VWU. Their perception of gender roles is thus quite problematic. On the one hand, they express a patriarchal ideology that constructs a hierarchy of gender relations whereby men are privileged and powerful in decision-making, both in the community and in the household, while women struggle with their multiple roles as daughters, wives, mothers, and workers. On the other hand, men themselves determine gender norms that keep them distanced from so-called women's issues like human trafficking, and define what issues men shall or shall not participate in.

As an expression of their patriarchal privilege, men were also active in creating the demand for the exploitation of women and girls that may lead to sex trafficking. It is increasingly common in Vietnam for men to use prostitutes as a means of relaxation, causing an increase in prostitution and sexual exploitation. Additionally, within the last ten years, services such as bars and recreational

businesses (such as karaoke and massage) have been developing rapidly[96], increasing the demands on young women and girls going to work in the cities, often in unsafe working environments, and creating greater risks for them to be exploited (United Nations, 2010). There is increasing documents highlighting the role of men in directly being responsible for trafficking of their female partners (Khe, 2012; Nhung, 2012). Further, it is evident from the current context of Vietnam that while many women are busy with their roles of housewife and mother, "men give themselves the rights of non-involvement in domestic chores and spend their free time outside the household" (SA11).

Several circumstances have added to men's ignorance of and non-involvement in such an important issue as trafficking. First, information on TWC was not frequently nor adequately provided. At the grass-roots level, information about trafficking crime was distributed mainly by the local women's union through periodic meetings of the union members, who were all women. As noted above, in the culture of a patriarchal society like Vietnam, it is seen as strange for men to attend women's meetings and listen to what is perceived as women's issues. Second, men were often busy with migrating to other areas to earn higher incomes rather than relying on limited agricultural land in the village, leaving a lot of housework, care work, farm work, and community work to women (Vietnam Women's Union [VWU], 2008a). Additionally, many Vietnamese people, especially younger ones, do not recognize any need to be involved in pro-social campaign activities of which the anti-trafficking movement is a part. Further, men's role and men's responsibility were also often absent from the discussion about gender and countering trafficking in Vietnam.

b. Collective participation of women and NGOs

In Vietnam, more than ten specialized NGOs and international governmental organizations (IGOs) have taken TWC as a central focus of debates and activity. The collective participation of women and NGOs has been an effective model in the fight against trafficking crime. In the context of resource scarcity, those non-

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[96] In the VNAP, the government clearly stated that the fight against TWC needed to take into account the management of hotels, guest houses, and restaurants (GOV, 2004).

state actors have become active sponsors supporting women to execute different projects and programmes within the VNAP framework.

In my interviews, both women (women in the community and trafficked women) and NGOs emphasized a successful mutual relationship between these two actors. NGOs as non-state actors in the VNAP confirmed that empowering women is their central development goal; they also highly appreciated women's participation in their anti-trafficking projects. Two NGO representatives expressed their satisfaction with the efforts of women in their anti-trafficking projects:

> Our anti-trafficking projects are designed for women. Women are our main beneficiaries. Our goal is empowering women through educational and income earning activities to help reduce their vulnerability to trafficking. We focus on two groups for intervention: women who are at risk (the poor, the marginalized), and trafficked women who are always in need of support. Both groups are working well. Without working with them we cannot achieve our development goal. (NSA3)

> We work with women in the community and trafficked women. They are both wonderful. We need to know how to support them, not just provide money and support to them and then leave. (NSA5).

From the above quotes it can be seen that non-state actors showed strong determination to incorporate women's participation in development, and greatly respected women's efforts. In this context, non-state actors initiated a new approach to development and women's empowerment: Working for women's progress while respecting them and considering them as an integral part of their own development agenda.

Women (both trafficked women and women in the community), in turn, showed their interest in participating in the activities of non-state actors:

We learn a lot from international projects. We learn from them a scientific and logical way to deal with the issue. They really respect us. They avoid calling us trafficked victims. They give us hope and the means to survive. (TW3)

They [NGOs] use different techniques to help women to understand the different tricks used by traffickers and what we should do to avoid deception. They train us to be trainers. Although the projects finished, last year they returned to check if the training-for-trainers model still works well. (Women 31 in WGD4)

Thus, by participating in the activities offered by NGOs, both trafficked women and women in the community received not only practical knowledge and skills, but also generous encouragement that helped strengthen women's self-esteem, confidence and motivation to overcome life difficulties.

Collective participation of women and NGOs in the VNAP's activities was also highlighted in local government documents[97], as this excerpt reveals:

Within the VNAP's timeline (2004-2010) international NGOs provided nearly twenty training sessions for nearly 300 women and created jobs for 35 trafficked women in the two target villages in the commune. Their support is highly appreciated. Apart from the anti-trafficking NGOs, other NGOs also support trafficked women through poverty alleviation programmes. Those NGOs created jobs for fifteen trafficked women in two other villages of the commune. (Lgd#6)

The extracts above show that NGOs were active and responsible in working with women. They valued women's empowerment as an important part of their achievement. Further, while local women were perceived by community and even by local state actors as "weak", and as "passive" (SA9), they were acknowledged by non-state actors as an important contributor to the NGO's development goals. These comments also raise questions about the way the state has worked with

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[97] Following the anonymity rules to protect the safety and privacy of respondents and informants, this research does not specify which local government issued the document or report.

women, especially at the community level, and whether or not they have offered women what they really need to eliminate the risks of being trafficked.

The collective participation of women and non-state actors, however, was limited, and only occurred in some project areas. More importantly, once the project finished, it was a real challenge for local government to maintain project activities, due to "a lack of resources" (SA15). Further, the VNAP encouraged the participation of non-state actors in anti-human trafficking activities, but did not offer specific solutions for strengthening post-project achievements. As noted by a local state actor, "it was not a common practice in Vietnam to pay attention to the sustainability of project activities" (SA7).

However, considerable attempts have been made to strengthen linkages between women and civil society actors in the research sites. In Can Tho, the women's union proposed an extension for the project timeline with AFESIP (an international NGO) to create more opportunities for women in the community and trafficked women to have access to the project's services. The union also intended to maintain the shelter for at-risk women after the project by calling for support from donors. In Bac Giang, women multiplied SHGs (self-help groups) and CSGs (community support groups). The activities of those groups, however, were limited due to poor human and financial resources[98].

The discussion above shows that collective participation between women and men, and between women and NGOs, were established under the VNAP framework. This participation, however, was still spontaneous and fragmented, without institutional commitments. This aspect of participation of women with social actors is discussed separately from the chapter on partnership because in this participation, women act as agents of change at grassroots level, rather than being passive beneficiaries of mutual collaboration between institutional actors.

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[98] Evidence supporting this claim was taken from my interviews with local government actors in the areas mentioned.

7.3.3 Remarks on the participation theme

The above analysis shows that there was evidence of the inclusion of women in the VNAP's processes. While there was a limit on women's opportunities to hold decision-making positions in the central government, the state has tried to open the door for women to access and gain control over prevention activities. It is worth noting that women's specific positioning in counter-trafficking activities in Vietnam has secured women's political commitment and a good sense of empowerment. It has enabled women to see themselves as individuals and as a group in collective action with other social actors and to move beyond their traditional responsibilities and their presumed passive position. It has also helped engage women in political thinking, and in thinking tactically and strategically about their own development risks and opportunities.

The participation of women in the VNAP, however, has been limited in its scope. Women's engagement in decision-making processes, in the prevention of TWC as a main actor of the VNAP's Component One, and in collective action with other actors to protect traditional victims was, therefore, not strong enough to deal comprehensively with the crime. Women's participation (both as individuals and in collective participation with men) in the prosecution of traffickers was negligible. No clear evidence could be found of women's engagement in the prosecution of traffickers in Vietnam, leaving prosecution to be an issue under the continuing governance of men. Conversely, women's participation in the VNAP intervention was rich at the community level in terms of prevention and protection activities as noted in Chapter Five. By participating in these intervention areas, they helped protect their own human rights and became active citizens in helping others or simply in transferring TWC information to their families and communities. Their participation, however, needs to be more collective and in a stronger partnership with community actors such as men, and NGOs. Men, as policy makers, were visible in the decision-making and monitoring positions of the VNAP's activities. However, the role of men in supporting women to participate in the fight against TWC was blurred by self-interest, both in the family and in the community. NGOs were active in supporting women to overcome their vulnerabilities. However, they often cannot continue to support

women and to ensure sustainable development for women, as NGO support is usually framed under projects which are time limited.

Women's participation in the VNAP, therefore, was not a full participation, as there was a lack of women's participation in the different intervention areas of the VNAP, and an unequal participation of women and men in the policy making processes.

7.4 Gender Accountability in the VNAP

According to Sheahan (2009), state accountability refers to the processes, norms and structures that require powerful actors to answer for their actions to another actor, and suffer sanction if their performance is judged to be below the relevant standard. Women, in the words of UNIFEM (2008, p. 18), "must be the drivers of the accountability process" and accountability must work for women's progress and gender equality.

The accountability of the state derives from a rights-based approach to engendering policy and to providing institutional rights for women in development (D'Cunha, 2002a, Goetz, 1997). In the words of Kardam (1997), gender accountability is:

> [The] responsiveness to women's interests and the incorporation of gender-sensitive policies, programmes, and projects in state institutions… (p. 44)

Gender accountability, therefore, needs to ensure that women's human rights are well represented and state institutions are gender sensitive when addressing development issues. Following this understanding of gender accountability, the state, as power holder or duty bearer, needs to deliver appropriate and knowledgeable institutional services in order to fulfil its obligation to its people, who are defined as rights-holders or service recipients (Rai, 2002), and people, especially women, need to be provided with favourable conditions to claim their rights (Corner, 2008). In other words, strong accountability ensures women as rights-holders to make claims from the state as duty bearer.

Accountability and transparency are generally regarded as core and interactive elements of good governance, and both link to sustainable development (UNIFEM, 2008). The United Nations also asserts that good governance and human rights are mutually reinforcing (United Nations, 2007). Without good governance, human rights cannot be respected and sustainably protected.

This evaluation takes into account a gender-responsive accountability perspective to analyse the state's accountability in terms of women's rights and gender equality. To trace the state's accountability and its impacts on women, this chapter turns around two main areas of analysis. The first is transparency in anti-trafficking politics – meaning, the degree to which anti-trafficking related data and information are widely available for public disclosure. The second is the state's ability to create favourable conditions for women to achieve gender-based rights and to demand changes.

7.4.1 The term "accountability" in Vietnam's anti-trafficking politics

The term "accountability" has rarely been used in Vietnam. People tend to use the word "responsibility" interchangeably with it. Responsibility, in this case, however, tends to imply the state's duty to deal with tasks, or the state's power to control people rather than defining the obligation to report, explain, be answerable to, and responsible for resulting consequences. Responsibility is only one part of accountability (Peters, 2007). Further, accountability is different from responsibility in the sense that accountability cannot be shared or transferred, and it links closely to the transparency of managerial and administrative processes, exercised by the authority. However, the person who is responsible for an action also must be accountable for the results of that action (Bivins, 2006).

The absence of the accountability concept in Vietnam underpins a limited existing state-based system dealing with accountability arrangements for the trafficking issue. In the VNAP, the responsibilities of the state in the execution of anti-trafficking interventions were defined by the Vietnamese Government as follows: "The ministries, departments, people's committees of provinces and cities are responsible to implement, monitor, and follow up the VNAP's activities" (Government of Vietnam [GOV], 2004, p. 13). This does not indicate

accountability in a gender sense as it ignores the role of the state as the ultimate policy-making body for gender concerns and the state's ability to adjust conflicting values of gender equality. Further, neither women's role within the state nor the relationship between the state and gender relations have been mentioned. Therefore, there is no evidence showing that women's institutional rights can be assured, or confirming the state's commitments to fulfil women's human rights to help them overcome their trafficking vulnerabilities.

Such a broadly defined mutual responsibility shared between numerous actors as prescribed in the VNAP was difficult to uphold. This illustrates Kardam's (1997) point that when there are too many agencies involved in a development issue, they are less independent and the circle of accountability is too wide for all stakeholders. She also argues that more voices can bring better accountability, but too many voices and excessive accountability may diminish gender policy effectiveness.

7.4.2 Transparency in the VNAP's anti-trafficking politics

It is a great challenge for people who are interested in studying the human trafficking issue in Vietnam, especially for scholars and practitioners, to collect the necessary information. There was an inadequate data base on socio-economic issues generally, and on human trafficking in particular. It was also difficult to find official figures on gender-related issues and sex-disaggregated data, and data on types of human trafficking, other than sex trafficking and TWC. Most of the accessible information on trafficking was presented in the reports of NGOs, and these account for a very small number of existing studies on the human trafficking issue. Also, these reports are presented on a case-study basis, which hardly provides an adequate picture of human trafficking in Vietnam. Annual agency reports were released at national conferences, but only for internal distribution (*luu hanh noi bo)*, for conference participants only, rather than to the general public or to the people outside the related agencies.

In answering my question regarding the possibility of having a data base on trafficking so that anyone interested in it can have access to information, state

actors– both at central and local levels – did think that this was a prospect for the distant future. They said:

> I do not believe that we will have a data base on trafficking in the near future as the updating of human trafficking data and information is very poor and spontaneous. There is no actor in charge of that issue. Also, it requires time, resources, and skills. (SA2)

> I will very much appreciate it if the central government can set up a database on human trafficking. However, it cannot be done while different government levels, especially the local level, do not have the habit of recording and updating information. (SA13)

Reasons for not having a data base on human trafficking were clear, identifying the lack of resources and experiences. This also identified that state actors were not confident in initiating positive change or trying to do what they think is necessary to improve the situation. In other words, they tried to put the blame on the government rather than on fixing the problems.

Meanwhile, while trafficking is an organized crime and as much information as possible is required to formulate a better response to it, there was insufficient effort paid to building up a comprehensive gender-sensitive grievance mechanism at the local level to increase citizens' responsiveness and to help functioning bodies in the investigation, prosecution, and conviction of criminals. In some villages in my research sites, local government encouraged people to expose criminals or those who seemed to have connections with criminal networks. In some other villages, channels for anonymous complaints had been set up. Those activities, however, were difficult to maintain. Various reasons were identified through the group discussions with women during my fieldwork, including women's fears of reprisals against them or their family members (woman 32 in WGD4), men's ignorance and lack of interest in the issue, meaning they did not support women in providing information nor protect them when needed (woman 73 in WGD8), the lack of incentives or safety measures offered to informants (Woman 15 in WGD2), and even the delay in responding to information provided,

which disappointed people and decreased their faith in bureaucratic procedures (Woman 54 in WGD6). This failure of local governments to utilize information provided by local people (both men and women) as an important social accountability tool not only contributed to the risk of leaving trafficking cases un-investigated, but also created opportunities for perpetrators to abuse village people and turn them into connectors of trafficking networks in some cases, by giving them incentives to recruit more people on behalf of traffickers, as happened in one village in my research sites.

Despite being a national programme, the budget allocated for the VNAP was limited (this was confirmed by all state actors in my interviews). Unfortunately I failed to obtain any data relating to the VNAP's total budget. I was told by several state actors that the Ministry of Finance could have the figures relating the budgets of the VNAP, but I was not able to approach the person in charge of that Ministry. None of state actors I interviewed knew or had information about the VNAP's total budget details. Due to this lack of information about the state's investment in the policy, it is very difficult to make any assessment of the VNAP's effectiveness using a cost-benefit analysis. In terms of the VNAP budget, it should be noted that, while gender budgeting is important to help promote gender equality (Maurer, 2012), in Vietnam, there was an absence of gender budgeting expertise and gender responsive budgeting at both central and local government levels. There was also a lack of auditing and assessment activities to identify whether the state budget was sufficient to respond to the needs of trafficked women and women at risk, and to determine how much expenditure would need to be budgeted for in the following years or periods.

In assessing the transparency of Vietnamese anti-trafficking politics during the period of the VNAP, the *Evaluation Report on the Cooperative Mechanism in the Implementation of the VNAP*[99](2010) revealed that there was limited transparency in terms of reporting and managing data, and especially, there was no gender-disaggregated data. As the report noted, the traditional reporting system was unreliable. Except for figures on the number of people who attended training and

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[99] The report prepared anonymously by an individual evaluator which offers an unofficial assessment of the policy.

the quantity of training, most other data (such as the number of victims and the number of traffickers prosecuted) were not publically available and it was necessary to have personal contact with authorized people in relevant ministries to obtain these figures (p. 9). As noted in Chapter Six, the poor quality of reports was due to the limited capacity of local officials, delays in reporting, carelessness in updating information, and insufficient or incorrect data. The mentioned anonymous researcher also addressed the lack of a comprehensive data collection system, resulting in a final disordered and unreliable data set (p. 9). The anonymous status of the mentioned report indicates that assessing or evaluating accountability has been a sensitive issue in the Vietnamese context.

The issue of incorrect and unreliable data reported can be explained by the "achievement disease" *(benh thanh tich)*, in which the localities tried to be accountable to the central state by reporting good anti-trafficking results (along with low cases of trafficking), while failing to be accountable and responsible to women and trafficked women. More especially, they were afraid that poor achievement would affect the commune's and district's reputation. One of my research sites was famous countrywide because many local women migrate from there to different cities and provinces both in the North and in the South, in the hopes of having better lives. Also, there were many women looking for foreign marriage overseas. Interviews with women revealed that cases of sex trafficking and trafficking for fraudulent marriage were there, in the research sites. However, despite these known incidents, during my interviews with local government actors in the area, they provided statistics that suggested a low number of cases of TWC. Thus, the achievement disease appears to have put pressure on local authorities and forced them to lose their own institutional accountability and transparency. I have read eight reports of local governments in my research sites, and another 64 reports of a main state actor of the VNAP (64 reports representing 64 provinces in Vietnam) that illustrate the local government's efforts to combat TWC. Typical conclusions found in these documents are reflected in the excerpts below:

> TWC has not been a prominent issue in the province. Within the
> five years of the VNAP's implementation, we have done a lot, and

> achieved good results in combating TWC. The following
> recommendations should be proposed… (Lgd#3)

> Under the active leadership of the Party and the Local People's
> Committee, our commune has gained considerable achievements in
> the fight against TWC with a reduction of TWC cases, and an
> absence of perpetrators in the commune. (Lgd#7)

The above passage offer an interesting insight in that, instead of identifying the problems and challenges that hampered the fight against TWC, the state actors tried to show that they had successfully fulfilled the tasks assigned by the central government and had controlled the situation well. Tellingly, the actors suggested success in addressing the issue, without offering any supporting evidence.

This achievement disease also occurred at a higher administrative level and showed a lack of political commitment by actors involved in the VNAP. During my fieldwork in 2010, I attended a workshop organized to summarise the anti-trafficking activities of a main central state actor of the VNAP. At the conference, people exaggerated achievements, and reported efforts rather than focusing on defining failures, challenges, and finding solutions. Most local units under this organisation were commended and rewarded: There were no requests for compensation or sanctions in the case of poor performance. A number of factors created this situation. For instance, actions that truly benefited women were not fully recognised and rewarded because there was a lack of gender-sensitive monitoring and evaluation mechanisms; organisations and individuals who ignored the needs and expectations of trafficked women were not penalised. Besides, in Vietnam, public naming and shaming has not been a common governance practice. As a consequence, many cases of violations have gone unrecorded. Incentives can motivate improved performance; however, such negative incentives as mentioned above failed to generate better responses to the needs of women. This lack of any sanction mechanism that might enforce accountability can be related to Kardam's (1997) analysis, which confirms that inadequate sanction limits the effectiveness of the state's gender accountability. According to Kardam, accountability cannot be assured when performance is not monitored carefully and incentives for good performance are ignored.

7.4.3 The state's effort in fulfilling women's rights

In the VNAP context, effective accountability was difficult to achieve as evaluation was not a compulsory process to ensure state accountability for what had been done for women in the community and trafficked women, and actors' accountability for what they had fulfilled in terms of tasks assigned by the state. Therefore, there were limited opportunities for women to negotiate for better outcomes from the programme activities. Further, in case women did wish to negotiate for accountability, with whom they should negotiate? Most certainly, the answer is men, because the Government of Vietnam at different levels is mainly occupied by men. As noted by a trafficked woman whom I interviewed:

> I was trafficked to China. I returned home by my own means, therefore I received no financial support. I wanted to borrow money to set up a street vendor business, but my proposal was refused. The bank staff said that I could not borrow money as I am not an official victim, and I have no collateral assets. I did not agree with her and sent my claim to local government. The village's president – a man – said: "They [the bank staff] are right; they are just following the state's policy. I will send your request to higher authorities". I have been waiting, and receiving no answer. (WGD5)

Who was accountable for the livelihood of this trafficked woman? The answer cannot be determined, as there was no gender-sensitive accountability mechanism in the VNAP. Women have the right to choose what to do and to negotiate to achieve their rights. However, it is clear from the comment above that these rights were regulated by men. In other words, women depended on men: men at home, men as representatives of the masculine state, and men acting as responders or intermediaries between women and policy makers. Men are the ones who communicate, negotiate, and decide on women's interests. Also, in the context of Vietnam, village presidents are usually men, not women. This also shows cultural stereotypes in the society where women's roles are legitimately suppressed under patriarchy.

Next, drawing on Fierlbeck's (1997) idea that the articulation and fulfilment of women's interests is a part of the state's accountability in ensuring institutional rights for women, I argue that one measure of the state's accountability is the extent to which the state has fulfilled women's actual needs, rather than supplying them with things they do not want or what is not necessary to them.

My findings reveal a disconnect between what women in the community and trafficking returnees really wanted or expected, and what they actually received from the VNAP intervention. Every policy programme should be designed to meet the needs of its beneficiaries. A successful gender policy, therefore, needs to satisfy women's needs. In doing so, it can help challenge gender inequality and women's subordination to men. Moser (1989) argues that planning for disadvantaged women must be based on their needs or prioritized concerns. She argues that policy needs to take into account women's strategic needs and create specific planning interventions so that women's concerns can be satisfied. Moser (1993) emphasizes that satisfying women's needs not only helps confront the nature of gender inequality, but also promotes women's emancipation. Women in the community and trafficked women in my fieldwork identified different gender needs. Among the different types of needs that women identified[100], the most striking and frequently mentioned needs were: sustainable livelihoods that provide them with a stable income; financial support for setting up street-vending businesses or small trades; job training based on their own choices; and removal of discrimination against trafficked women and girls. For example, some of them expressed:

> I have to pay for food, for my children's schooling, for fertilizers used for farms, and so on. There is too much expenditure that requires a stable income. (W31 in WGD4)

> I am a poorly educated woman. I have no skill to find a job. However, there are markets[101] around the village, I can buy vegetables from farmers and sell them to get profit. I am sure I can

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[100] In my fieldwork, one question was asked of all the trafficked women and women in the community: What do you really want from the government support?

[101] In Vietnam, we can find open markets everywhere people live. Most of the markets are unorganized; they are simply places for people to sell and to buy foods and consumer goods.

do that well, but… [she was silent for a while] I do not have money.
I wish to have a support of at least 3 million VND [about $150].
(TW9)

I was trained to produce rattan products. There was a company that
bought our products, but they stopped now. It is said that that the
company faced bankruptcy… I and my friends are unemployed
now. Actually I did not want to make handcrafts; I wanted to be a
hair stylist. It is easy to earn money with a hairdressing job here.
(TW19)

Women's statements in the above table indicate that what they hoped to receive
was very practical and important to their survival. They actually desired for a
change in their difficult lives. Looking back at the analysis presented in Chapter
Five, it is clear that the state's support was there, and to some extent, covered each
stated requirement; however, it was not sufficient to fully address women's needs
and offer them sustainable development opportunities. Further, there was a
considerable gap between women's needs and the policy intervention approach.
As the above quotations show, women's needs were likely to link more to the
improvement of women's economic situation, while support to women and
trafficked victims was inadequate.

Ineffective fulfilment of women's needs in the VNAP raises questions around the
way the state incorporated gender into development and how the state interpreted
those needs and incorporated them into its gender planning practice. In Vietnam,
the discussion of women's needs has not been a topic in anti-human trafficking
dialogues. Gender equality and women's empowerment were the aims that the
state wanted to promote, but the tool to achieve these goals was not articulated.
That leaves policy desires and actual intervention activities unconnected and
unfulfilled. Ironically, while every policy was marked with the term "gender",
policy planners were not aware of the needs for gender sensitivity in the process
of designing and implementing interventions. In my fieldwork, knowing of my
intention to undertake a gender analysis of the VNAP, at least three actors (both
state and non-state) argued that they did not think that human trafficking was a
gender issue, as trafficking was historically linked to women and girls. This helps

explain why policy planners were not sensitive to gender issues, and the VNAP was not gender sensitive in itself. In fact, women's interests were taken into account, but in separation from gender interests, and these were poorly interpreted within policy interventions. In other words, women's interests were assumed by a group of powerful politicians, rather than being constructed in connection with an analysis of women's desires and expectations. As a non-state actor explained:

> The VNAP was built up without an evidence-based framework. No survey or research was undertaken prior to the policy to make sure that interventions would focus on the areas of gaps to minimise the crime and empower the vulnerable. (NSA2)

Lastly, the failure of the VNAP intervention to satisfy women's needs then can be explained by a conflict between the state's and women's interests. Most developing nations take economic development and industrialization as their first priority, and Vietnam is no exception. Those areas of development have different negative impacts on women, such as increasing the risk of unsafe migration, increasing demand for prostitution, and the exploitation of women and girls, and widening the gap between rich and poor. The state's interests are more universal and overarching; again, women are faced with another unbalanced power relation and, as discussed earlier, it is difficult for them to demand the state's accountability.

7.4.4 Other challenges for achieving a gender accountability mechanism

Under the decentralized implementation of the VNAP (the policy maker was the central government and policy implementers were local governments), accountability and transparency were difficult to achieve, although there were some advantages to such a decentralized intervention, such as the provision of opportunities for people to exercise their rights by actively participating in policy activities, localized democracy processes, and bringing people closer to the government. As discussed earlier in the section on participation, women have participated in different activities within the VNAP processes, but mainly in the prevention and protection areas. The VNAP, therefore, somehow promoted a women-driven development to combat TWC, and the government had given

women a voice, although it was not a powerful voice. A better representation of women in institutional politics, according to Rai (1997), can assure better gender accountability as there are more opportunities for women's voices to be heard and incorporated into policy processes. The promotion of women's public voice was confirmed by different actors in my interviews:

> Local governments have created favourable conditions for women to discuss the issue of TWC in periodic meetings of the local women's union. They are also encouraged to take part in anti-TWC clubs and projects. Women are encouraged to share their ideas and experiences, to tell their own stories of TWC. (SA3)

> Women are no longer passive beneficiaries of the policy. In the anti-human trafficking projects of our non-governmental organizations, empowering women and promoting gender equality is the main objective. We work for the community and try to minimize possible vulnerabilities that may happen to women. (NSA2)

> We are encouraged to share our stories to people. Initially, none of the victims like us want to show our vulnerable lives to others, but then we know that our stories can be the best illustration for others to avoid trafficking risks. (TW12)

As can be seen from the excerpts above, both women in the community and trafficked women were provided with chances to raise their ideas, to share their experiences, and to be active in the fight against TWC.

It was, however, a considerable challenge for the local governments to fit all gender arrangements and responses to TWC into one comprehensive institutional pathway administered by the state. It was also difficult to set up a common accountability mechanism that worked for all actors and for all the different issues related to TWC. Negotiation of such politics was not easy, especially in the context of bureaucracies and complicated administrative practices. A study of the OECD (Organization for Economic Cooperation and Development) shows that Vietnam faces rigid bureaucratic obstacles (such as complicated administrative

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procedures, corruption, and overbearing government officials), and if the problem is left unattended, it will begin to seriously impact on the country's future; therefore, a robust simplification of administrative procedures is needed (OECD, 2011). The work of Kardam (1997) also identifies decentralization as an organizational context that considerably limits responsiveness to gender policy. Her analysis of the UNDP's decentralized responses to gender issues shows that institutional decentralization leads to a lack of responsibilities in policy and project management, and a disavowal of responsibility.

Corruption was another factor that limited the state's accountability. Corruption clearly affects accountability in the anti-trafficking arena. It disproportionately affects women and girls in trafficking because women make up the majority of trafficking cases, especially in the specific context of TWC. Schemmel and Pech (2004), have found that bribery of officials and political corruption reaches the highest level of the executive, legislative and judiciary in the source, transit, and destination countries of human trafficking (UNDP & UNIFEM, 2010). Studies on TWC and immigration in Vietnam have highlighted cases of government officials who made use of their power to further their personal interests (Lynellyn, Le, Allison, Le, & Dang, 2000). The involvement of corrupt officials in Vietnam has ranged from accepting money or other material bribes to facilitating trafficking transactions (such as via recruitment of labour export workers, and/or granting visa approvals) to giving permission for people to pass the country border illegally. In some cases, it was even discovered that male border-gate officials demanded money bribes or sexually harassed women and girls who were found to be escaping from overseas. Those cases were not prosecuted. In contrast, trafficked women tend to be criticized and discriminated against within communities for colluding in their own sexual exploitation (SA3)[102]. There was also evidence that corruption increased labour or sexual exploitation of women (Derks, 1998); in some cases, the border-gate officials received bribes from women and allowed them to cross the border to work in brothels or in unsafe working conditions.

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[102] The issue of gender discrimination will be analysed further in the next chapter

Further, in Vietnam, "men engage more in corrupt activities" (SA3). This is relevant to the common perceptions that women are less corrupt than men (UNDP & UNIFEM, 2010), because men are usually in a higher position where they have the power to initiate bribery demands, and anti-trafficking bodies in Vietnam usually employ male staff, not women[103]. The Vietnamese government was also criticized by the United States for not having demonstrated sufficient efforts to punish corrupt officials linked to trafficking, and not providing gender-disaggregated data on corrupt activities in the anti-trafficking area. According to the 2011 TIP report, Vietnam did not release any data on the prosecution or conviction of trafficking-related corrupt officials, even though it was advised by NGOs that corruption in relation to trafficking-related activities continued to happen in Vietnam, especially at the local levels (USDOS, 2011). This attests to the state's unsuccessful attempt to ensure gender accountability and transparency in the governance processes of the anti-trafficking intervention.

Additionally, in assessing the state's accountability for combating TWC, I must question the role of the independent committee which was responsible for overseeing NAP-related activities, their achievements, procurement, financial auditing, and for increasing the quality of service delivery, and making actors accountable to each other. At the central level, the Vietnamese National Steering Committee to combat TWC (VNSC) took the leading role in deploying and guiding activities, rather than in monitoring and auditing them. At the local level, there was a Committee for Women's Advancement, chaired by a male communal leader. Such a so-called gender unit, however, was "quite formalist and did not undertake the function of monitoring and evaluating activities" (SA5). The lack of monitoring mechanisms created different concerns. It was difficult for non-state actors to determine whether their funds reached trafficking victims and disadvantaged women and girls. For women and trafficking victims, they were not sure if their expectations and recommendations could reach the government, or when better service and support would be delivered.

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[103] This was explained by a state actor in my interview who said that "it is because anti-corruption is a hard job, therefore more suitable to men" (SA2).

Thus, state accountability in the VNAP intervention was inadequate to ensure a good connection between policy implementers (government) and policy beneficiaries (women and trafficking victims) to keep governments responsive and responsible for their anti-trafficking activities, and to make women's voices heard. To achieve better accountability in the fight against trafficking crime, women in general and trafficked women in particular, have to strengthen their voices to represent their needs, expectations, and to demand changes.

Referring to Sheahan's (2009) definition of state accountability mentioned earlier, the state as a powerful actor needs to explain its actions to women and to suffer sanctions in the case of underperformance. However, holding the state accountable and imposing sanctions on the state for their inadequate efforts on the human trafficking issue was an impossible task for women. Two reasons can be identified. First, women in the community and trafficked women did not have enough power to sanction the state for non-compliance with its obligations. The negotiation and bargaining of interests between a disadvantaged group like women and a powerful male-led government is always an unequal process. Second, there was an absence of mechanisms for tracing state accountability under the VNAP framework. It was stated in the VNAP that the MPS (the Ministry of Public Security) was in charge of monitoring and supervising the VNAP implementation. Both women and civil society were, therefore, excluded from this important accountability task. The only tool that made actors accountable to each other and to policy beneficiaries was periodic reports (every six months or even every twelve months), which were not available to policy beneficiaries as those reports were not distributed publicly. The question of who was to blame for the lack of accountability, therefore, remained open, and was difficult to answer adequately.

7.4.5 Remarks on the accountability theme

Evidently, the issue of accountability was new in the context of Vietnam and was not an area focused on by the VNAP. The Vietnamese state as duty bearer made efforts to enable both women in the community and trafficked women to claim their rights. However, state accountability was limited. There was a lack of

transparency regarding how anti-trafficking tasks were divided and fulfilled between actors, between levels of governance, and where intervention activities needed to be improved and how. Further, state intervention activities have not fully addressed women's expectations and interests. In the specific socio-political and cultural context of Vietnamese society, women were not able to demand changes or ask the state to be accountable for their progress. Also, the VNAP intervention did not take into account or address the specific challenges that women, especially trafficked women, face in asking for state accountability.

7.5 The VNAP and Women's Empowerment

Development policy always has its own target group, and women's empowerment is essential for any development effort (Kabeer, 1994). The Beijing Declaration and Platform of Action states that women's empowerment is "fundamental for the achievement of equality, development and peace" (UN Women, 1995, para.13). While human trafficking is an issue of human rights which links to gender inequality and women's vulnerabilities, empowerment is an important tool to help women craft their own brighter futures.

Empowerment has been defined as the goal of development and intervention. Drawing on the work of Batliwala (1994) and Kabeer (1994) on empowerment, I argue that empowerment is both a process and an outcome. As a process, women's empowerment challenges patriarchal relations, which leads to changes in men's control over women. As an outcome, empowerment is the result of that development process. This evaluation traces empowerment as a policy outcome rather than a policy process. Accordingly, empowerment can be assessed by an improvement in women's ability to act for change and to secure sustainable livelihoods as a way to prevent them from being trafficked. Empowerment of women, as a policy outcome, therefore, in turn enhances women's capacity and overall well-being.

As Luttrell, Quiroz, Scrutton, and Bird (2009) acknowledge, the emphasis on women's empowerment as an outcome always leads to a focus on economic empowerment, and increasing women's access to economic resources. This is also suitable for this evaluation, as it helps avoid possible overlap with the analysis of

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other evaluation criteria and the content of the technical analysis of the VNAP offered in Chapter Five. This focus is appropriate, especially in the context of Vietnam, where economic empowerment for trafficking survivors is indispensable to support women and provide them with essential needs, because many trafficking survivors are left with few avenues to receive financial assistance.

The analysis of empowerment in this chapter thus focuses more on economic empowerment; however, a brief analysis of educational and political empowerment activities will also be presented at the end of the section.

7.5.1 Economic empowerment for women in the VNAP

Two main avenues of economic empowerment for trafficking returnees that should be analysed in terms of gender and rights are micro-finance and job creation schemes. My analysis in Chapter Five showed that protection of trafficked women in Vietnam was often offered in terms of spiritual support; in contrast, financial support was poor. While the state's monetary support was applied only to small numbers of trafficked women who were official victims, micro-credit became an important tool to enhance the economic status of trafficking returnees. Within five years of the VNAP's implementation, the VWU, in cooperation with national credit funds and banks (mainly the Social Policy Bank and the Bank for Agriculture and Rural Development) supported 695 trafficked women across the whole country with loans of VND 2,230,000, equivalent to $115 (VWU, 2010). The number of women supported was modest in comparison to the number of victims defined by the VWU itself (4,224 returned victims). Thus, only 16 per cent of returnees had opportunity to have access to the micro-credit service. Apart from the figures released by the VWU in its report, no data on the state's micro-finance for trafficking returnees could be found.

The micro-credit loan offered by the VWU and its counterparts, however, was limited in its intervention scope and trafficking returnees had unequal access to it. Only 28 out of 63 cities and provinces in the country reported having trafficking victims who received micro-finance (VWU, 2010b). Among those, the two research sites had 92 returnees who all together received VND105,500,000 (about $5,300). The few research participants who were among those lucky micro-credit

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recipients confirmed that the loan, although small and short-term, had helped support them in the promotion of agricultural production and in the development of their household's economy. Most of the trafficking returnees used the loan to raise pigs, cows, or poultry; only a few of them used it to set up a street vendor business. As noted earlier, rigid requirements and conservative lending practices from the banking system (such as the requirement for collateral assets) prevented poor trafficking returnees from having equal access to micro-financing opportunities. Micro-credit loans, therefore, were not a popular empowerment tool for trafficking returnees.

Since such an important tool of economic empowerment has not reached the most vulnerable, women's inability to bargain and negotiate a fairer distribution of resources has usually led to poor self-esteem, poor self-confidence, and disappointment. A state actor told me the story of a trafficked woman in one of the research sites who became a trafficker after failing to find a way to stabilize her own life (SA17). Blaming the lack of support may just be an excuse for her illegal actions, but it is a fair comment that women's inability to obtain sufficient economic support takes a tremendous toll on their safety, making them vulnerable, and leaving them with very few options, pushing them toward illegal actions in exchange for basic survival needs (Heyzer, 2006).

The micro-credit loan scheme could be found in both research sites as a result of the VNAP intervention. However, there was a lack of gender-sensitive solutions to credit and lending barriers, and the micro-credit supply for poor women was not connected with skills training to give trafficking survivors informed choices on how to best utilize the loan in the given time frame. Those who received the loan, therefore, struggled with finding their own ways to achieve sustainable livelihoods. Among those who received micro-credit in my research, some were successful in stabilizing their lives by undertaking income-generating activities, such as running street vendor businesses, or grocery businesses. Some others experienced failure with raising cows or buffaloes when the animals died due to cold weather, or when it took too long to raise them, so the women could not recoup the money invested before the due date for loan repayment. Micro-credit, therefore, is not necessarily successful when it only involves giving money to the

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recipients. It was also true in the Vietnamese context that, in some cases, this form of financial support can turn microcredit into "micro-debt" for women, as noted by GENDERNET[104] (2011). Also, the available training did not tackle the wider gender culture that makes women dependent on their husbands. Some trafficked women admitted that, having the money in hand, they did not have enough autonomy to decide where and how the investment should be allocated. As they were used to relying on their husband's decision-making power, when living alone, they could not make their own informed choices. Thus, micro-credit and its related activities under the VNAP framework failed to address the fact that women's relationship to others is often mediated by men.

Although vocational training and job creation were emphasized as the main activities to support trafficking returnees, data provided by the VWU(2010b) showed a limited number of trafficked women gained jobs through that support. Vocational training provided by the VWU and its counterpart's mainly targeted skills and techniques for farming, raising animals and poultry. Sometimes local women's unions tried to connect trafficked women with local enterprises, and introduced them for employment. However, as shown in Figure 11, the number of trafficking returnees who found a job was much smaller than the number of women introduced to enterprises or factories. That number was also much lower than the number of women who attended vocational training.

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[104] GENDERNET is the Network of Gender Equality. It is an international forum that brings together gender equality experts from different development agencies to share good practices, and to do research on gender-related topics. The report of GENDERNET confirms that microcredit is not always a super-cure measure for promoting empowerment. It is an important instrument; however, it can also lead to indebtedness and increased exclusion, unless programmes are well designed.
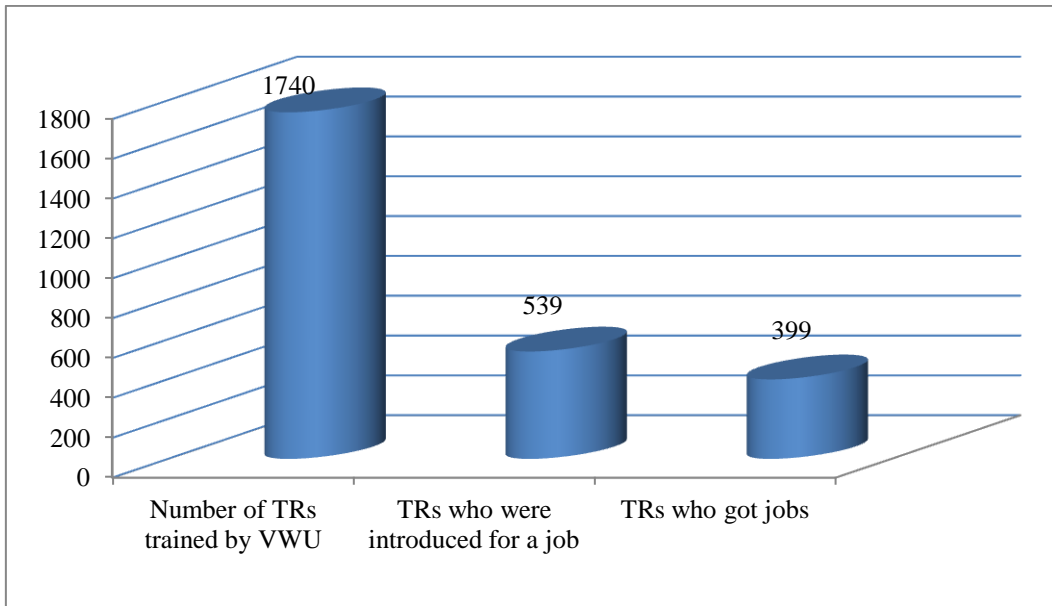
Figure 11: Vocational training and job creation for trafficking returnees [TRs] provided by the VWU in 2004-2010

Source: Extracted from VWU (2010)

Additionally, while the job-creating schemes were there, few trafficking returnees who got jobs found sustainable livelihoods. This is because, as a local state actor said: "the jobs created do not bring sufficient income for trafficked women" (SA14). One trafficked woman in the field set up her own business to sew hats, but finally she left the business because she earned only VND20,000 (about $1) per day, which was much lower than the income she could earn from seasonal jobs (TW11).

Vocational training provided by NGOs or in collaboration between NGOs and state actors of the VNAP was highly appreciated by women as an effective tool to respect women's rights to have informed choices. In my interviews, trafficked women highlighted the importance of training classes in improving their awareness and providing them with skills for better livelihoods. Two main differences could be identified between the state-led and NGO-led training models.

First, due to a limited budget, the state offered similar training packages to all trafficking returnees. Conversations with women in my fieldwork show that,

although the state offered women job training that was considered suitable to specific gender and cultural characteristics, such as traditional hand crafts (pottery, bamboo knitting) and poultry and animal raising, the outputs were poor as important issues were neglected (such as output market information, and the suitability of the jobs given women's age, health conditions, and habits). In contrast, the training led by NGOs (such as the training organized by the Asia Foundation, and Oxfam Quebec) paid attention to women's needs, expectations, gender roles, and interests to provide them with suitable knowledge, and connected vocational training with the private sector. By linking vocational training with community responsibilities to support the disadvantaged, a high percentage of learners attending training led by NGOs were subsequently employed and could live off their own earnings. In the words of a state actor who was in charge of a joint job training and job creation programme between the VWU and an NGO:

> Instead of training for the sake of training, we offer the training that brings trafficking returnees economic empowerment and provides them sustainable livelihoods. A training which is separated from women's interests and desires cannot be successful. Instead, it will waste women's time and the community's resources. (NSA3)

It is evident in the above quotation that non-state actors provided trafficked women empowerment tools that they really wanted, rather than giving them what they did not want or what they could not apply to be better off. Non-state actors' support, therefore, appears to be effective.

Second, another difference between the two models was that the NGO-led training model was followed by a monitoring and evaluation programme to ensure that women were satisfied with the jobs created, and to identify whether there were any changes that should be made, while the state scheme finished after training was provided or a job created, without further attention paid to the outcomes of training for women. Comments reflecting this view are given below by both state and non-state actors:

To ensure that job creation activities bring about better livelihoods for women, we spend considerable resources both before and after training activities. We connect our learners with employers to make sure that the learners will have the chance to use what they have learnt and our efforts will not go to waste. (NSA3)

The job creation scheme provided by NGOs is more successful as they make a greater investment in after-training activities. This is the reason why job creation activities provided by NGOs or with NGOs' involvement receive better results. (SA3)

Such a difference between the state and non-state support models, on the one hand, indicates the shortcomings of the state model in ensuring a sustainable development of the model; on the other hand, it poses the question of why the government did not learn from the experiences of the NGO's model. The answer, as suggested by another local state actor (SA11), is due to limited financial and technical resources.

Another key concern is inadequate support given to trafficked women in terms of care work. It is important to note that there are existing norms in Vietnamese society that indicate women and girls should be mainly responsible for the care of other family members; however, women's unpaid work and the care economy have not been paid sufficient attention by people in the community and the state. The case of Vietnam is not unique as in many parts of the world. There is an exclusion of women's contribution to unpaid housework, child rearing and reproduction activities as generating any costs to the household (Waring, 1990). However, from the standpoint of gender and rights, there was no visible attempt in the VNAP prevention to support trafficked women with housework, care work, and even the care of their children, especially as the system of free public crèches was abolished nearly two decades ago. Trafficked women's vulnerability with a burden of care work while facing difficulties was not mentioned in any part of the VNAP, nor in the words of any state or non-state actors. However, it was clearly emphasized through the voices of trafficked women themselves:

I was trafficked and returned from China several years ago. I have three children with the Chinese husband. The Vietnamese husband left me, he got another woman not long after I was trafficked; he now has two children. He refused his responsibility as a father; he did not provide any support. I several times ask local government to reduce the annual school contribution fees for my children as I am too poor, but local government officials said there is no policy to satisfy my requirement. (TW5)

I returned from China five years ago. My husband went to the South right after I was trafficked and got married to someone there. My son was sent to stay with my parents-in-law. I went back and stayed with my own parents. It was difficult as once I got married, returning to live in my parents' house was an insult for my family, but I had to as there was no other choice for me. My dad passed away two years ago, my mum is very weak now. As I live with mum, I have to take care of her on my own as all of my siblings are poor. I have to work for me and for my mum. I am an unofficial victim, I received no financial support. (TW11)

The comments above reflect a reality that even as they had to care for themselves while suffering different traumas and vulnerabilities, trafficked women still had to take care of others in the context of insufficient support from the state (which failed to adequately support women's care responsibilities), from the community (where there was a lack of awareness of the gendered division of labour), and from their families (in which there was an imbalance in sharing family responsibilities that disadvantaged women). Since the care economy has historically been an important part of women's lives, the absence of solutions to support women – either to help them fulfil their care responsibilities or to reduce their care tasks – has become a considerable weakness in any development policy, and the VNAP was no exception.

7.5.2 Other empowerment effort

Apart from economic empowerment, educational empowerment was an additional tool to counter TWC under the VNAP framework. In the VNAP, education was attached to communication to become Component One, which relates to "communication and education within the community on prevention of and combating TWC" (GOV, 2004, p. 1). Education under the VNAP framework, therefore, was likely to be linked to awareness raising and vocational training activities, which have been covered already in early parts of Chapter Five.

Although educational support was defined in the VNAP as a compulsory solution, support for school education was applied only to girl victims of school age, and mainly funded by NGO and IGO projects. Two young girls in the research sites, who were twins, continued their high school education and participated in intensive English classes in an English language centre, and revealed that they were confident of their future. One wanted to become a doctor; the other wanted to become a teacher of English. They were living in a safe house funded by an NGO and were happy to have the chance to continue school. The opportunity for them to live and study in the city was welcomed and made them feel confident when returning to the village. Being trafficked and returned home in 2010, they were admitted to the safe house in the same year; the two girls were provided with school education, food and accommodation. The leaders of the safe house said that even if the girls or any other learners[105] wanted to continue with tertiary education, they would be ready to support them. The maximum support time was two years for accommodation, food, and school fees. However, most trafficked victims were poorly educated or had dropped out of school[106] before being exploited and wanted to undertake vocational training to find a job, rather than to continue their schooling.

Among the VNAP activities, other innovative methods of empowerment through education to help reduce trafficking should be acknowledged. These include a

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[105] The word "learner" was used by the house leaders to refer to the house residents, who were trafficked women and girls and those at risk of being trafficked. A critical analysis of the term learner will be presented in next chapter.

[106] 90% of trafficked women and girls whom I interviewed did not finish high school education.

scholarship funding scheme for girls of poor households or in vulnerable conditions; integrating the trafficking issue into the school curriculum; talking to pupils and students about trafficking; and safe migration education for labour export workers. These initiatives, however, were implemented in project funding areas or applied to girls who have satisfied the strict requirements[107] of the donors (Asia Foundation, 2008). Such preferential criteria for prevention and support left many out-of-zone areas and disadvantaged girls unprotected and unfunded, and hence they continued to be vulnerable and at risk of being trafficked. Further, the Asian Foundation scholarship was awarded in a time-bound manner of a maximum of three consecutive years. Therefore, it could not be ensured that those scholarship recipients will not subsequently fall into difficulties and become at risk of being trafficked. However, empowering school girls by supporting them with scholarships was acknowledged as 'a great plus point for non-state actors', and was 'an innovative and humanitarian support' (SA3).

Among the different types of empowerment, political empowerment for women was the least emphasized area in the VNAP. As part of the efforts to improve women's socio-political status, trafficked women were introduced to donors by the women's union and encouraged to join in anti-trafficking campaigns and anti-human trafficking projects to share their own experiences, and to raise the awareness of other women and girls about TWC through their own stories of vulnerability. In the research areas, there were trafficked women who were well-educated and good at speaking, who were recruited by NGO projects to work as communicators or coordinators. Such coordination provided these women with a means of making a living, and at the same time, improved their self-esteem and confidence, changing their status from victims to speakers providing knowledge and sharing their own experiences on human trafficking with others. Thus, political empowerment can be measured not only by the numbers of women in different levels of government, but also by improvements in women's status and autonomy. Such improvement can give them the power to implement meaningful changes.

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[107] According to the representative of the Asia Foundation whom I interviewed, within five years from 2002-2007, the Asia Foundation granted scholarship for 140 girls who had good results in studies, but were living in poverty, or had a vulnerable personal or family situation (e.g. being handicapped, a child of a sole parent family, or girls from an ethnic minority group).

Training and consultation for women and trafficking returnees to support them to make informed decisions to undertake safe migration, to understand their legal rights, and to provide them with legal advice was another part of the empowerment process. Under the VNAP intervention, the VWU provided legal consultation assistance (such as help with providing migration information, necessary procedures for foreign marriage, and for labour export) for 5,968 women and girls countrywide (VWU, 2010). Consultation covered different issues such as safe migration, procedures for denouncing traffickers, and consultation regarding foreign marriages. For trafficked women who did not have the courage to seek legal consultation, the staff of the local women's union came to see them and provided them with suitable information. From the standpoint of gender and rights, political empowerment can provide women with the means to secure sustainable development, although the results can take longer to achieve. This requires patience from the different actors involved, including women as beneficiaries and the government as policy planner and policy implementer.

7.5.3 Remarks on the empowerment theme

As the analysis above shows, the VNAP was implemented with a wide range of empowerment activities, especially those related to economic empowerment. The state did actively engage NGOs in different empowerment activities that advanced gender equality and women's progress. By doing so, both the quantity and quality of empowerment activities were improved. The success of empowerment solutions for women and trafficked victims, however, was limited. Due to inadequate capacity and resources, empowerment activities were neither sustainable nor dispersed enough to reach most trafficked women and other marginalized women. Empowerment activities for women in the community and trafficked women, therefore, served in the role of contemporary support for women rather than providing them better life opportunities such as the improvement of health, safety, well-being, or promotion of education, training and professional development. This can be further confirmed by the statement of the UN (2013) in the most current CEDAW country report of Vietnam that many cases of trafficking victims returning home but cannot overcome difficulties, have to leave the areas or even become criminals of human trafficking crime due to

difficult economic condition, lack of interest of the community, and lack of support from local governments.

7.6 Conclusion

The debates and discussions above have raised a number of gender concerns relating to the VNAP's processes. Although it focused on women and girls, the VNAP was not a gender sensitive or gender-aware instrument which reflected changes in the status and roles of women, especially those of trafficked women. Gender considerations in the VNAP were shaped in terms of priorities and privileges given to women and girls, rather than based on women's constructed roles and characteristics.

The Vietnamese state has recognized and tried to improve women's representation in the VNAP processes. This participation, however, was limited with little support and coordination from men both inside and outside of households. As a result, there were signs of gender conflict. On the one side, a male hierarchical view was imposed on the measures introduced to fight against TWC; on the other side there were women who struggled to overcome their difficulties. Among the different gender concerns in the VNAP, accountability overlapped with responsibility and obligation, rather than liability or credibility. Accountability was a one-way institutional category which emphasized the state's commitments to counter human trafficking crime, not transparency and responsiveness to what has been done for women, and what has to be improved. There was limited transparency in anti-trafficking activities, especially in terms of information and data disclosure to the public, and monitoring and evaluation results. Although the VNAP was formulated to protect women and trafficking returnees, the fulfilment of women's needs was based on the assumptions of policy makers, which therefore did not satisfy the targeted beneficiaries. The other key issue is that the VNAP was not effective in addressing women's empowerment. As a result, women and trafficking returnees often received inadequate and inappropriate support that did not meet their expectations. In other words, the Vietnamese state's responses to trafficking were not fully successful in empowering women, especially trafficked women, to effectively claim their rights to sustainable

development. The Vietnamese government paid attention to some economic empowerment activities; however, it has not taken into account women's specific obstacles, such as time constraints, women's care responsibilities, their reproductive role, and their personal interests.

Additionally, the analysis offered in this chapter suggests that a gender-sensitive perspective plays an important role in policy evaluation. When gender is left outside the evaluation framework, the social structure and the structure of gender inequality, along with the other practical issues of life such as identity, social justice, and even the survival of the policy's target groups, cannot be properly understood. The inclusion of gender considerations, women's human rights, and empowerment can form an important triangle for any anti-trafficking intervention. All three factors are important policy means, but are also the ends that the intervention must target. Empowering women, however, deserves to be a universal end, because empowerment promotes huge development opportunities (Bhattacharyya & Juul, 2012). Gender sensitivity is not an end in itself, but simply the means by which women, through a process of empowerment and rights fulfilment, achieve enough capacity and agency for emancipation. Gender considerations can be an important means for evaluators to discover gender concerns that hamper the success of any policy intervention.

Chapter Eight will deepen this gender analysis of the VNAP by tracing the gender construction of gender in the VNAP. Similar to Chapter Seven, the next chapter also looks at women in the community and trafficked women as the target population of the policy.

Chapter Eight: The VNAP and the Construction of Gender

> The potency of political language does not stem merely from its description of the world as empiricists have maintained. Rather, it comes from its construction and reconstruction of the world – its interpretations of past experiences, its evocation of the unobservative aspects in the present, and construction of possibilities and expectation of the future. These features make language a powerful constitutive force within politics.... The task of policy analyst must then include an examination of the multiple understandings of what otherwise appears to be a single concept, in particular how these understandings are created, and how they are manipulated as part of policy making strategies. (Fischer, 2009, pp. 171-173)

8.1 Introduction

Chapter Seven of this thesis developed a gender-specific evaluation of the VNAP; the analysis examined whether the institutional processes reflected women's voices adequately, and whether the outcomes of the policy addressed their day-to-day practical needs and contributed to their long-term strategic needs. The chapter demonstrated that despite the VNAP's good work, and the good will of both state and non-state actors, there were gaps in the programme's actions in relation to women. The present chapter extends the gender analysis from the domain of policy effectiveness to policy constructions – that is, it turns its focus to the assumptions and values, particularly about women and gender that underpin the VNAP and its policy processes. These policy constructions are reflected not only in the text of the VNAP but also in the values held by the actors who conceptualise and implement the policy.

My analysis draws on the social constructivist approach to public policy, which considers that policy ideas are not simply a technical solution to a problem; instead, policy evaluators need to take into account that policy is a reflection of social and cultural norms. Drawing together a focus on discourse and gender, this chapter is aligned with Fischer's (1995) second-order policy evaluation framework which traces the ideological commitments of the state, the social values inherent in the policy, and its intended contribution to a good society at large. To complete the final stage of the gender analysis in this research, this chapter aims to tease out the underlying social and cultural factors informing the VNAP policy debates, which inherently impact on the state's efforts to address the gender concerns of the VNAP, as identified in Chapter Seven (such as inadequate participation/representation of women, ineffective empowerment, and lack of accountability).

8.2 Rationale for Doing an Analysis of Gender Construction

Tracing the gender construction of policy is an art of exploration, because knowledge in the policy world is an outcome of negotiation between those with political power, such as policy makers, and political elites, and people who live in the everyday world (Ridgeway, 2011). Policy analysts must know what people believe reality to be, and uncover the underlying competing meanings of policy debates. Recognising that policy is a social construct rather than a self-defining phenomenon, Fischer (2009) considers that policy analysis is a deliberative craft that "seeks to bring a wider range of contextually sensitive empirical and normative criteria to bear on the argument under investigation" (p.125). Similarly, other scholars Ball (1993) and Loomba (1998) emphasise the analysis of policy as texts (focusing on the discursive dimension of policy, particularly in relation to policy texts) to discover how policy problems are framed within policy proposals and how those frames affect possibilities for policy actions. Believing that people construct reality, both Unger (1989) and Bacchi (1999) highlight the constructivist perspective that helps uncover underlying norms and values in policy deliberation, rather than merely identifying the facts of policy arguments. For Bacchi (1999), public policies are competing framings of problems, and there are social visions that lie behind those competing representations; therefore, an analysis of policy

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problems' constructions is as important as examining whether the policy objectives are fulfilled.

The questions of how women are constructed in policy and how women perceive themselves have become a particular concern for the contemporary policy agenda. The terms associated with the constructivist perspective (for example, framing, construction, negotiation, representation, and deliberation) are used regularly by feminists and policy analysts such as Fraser (1989), Bacchi (1999), and Fischer (1995, 2009). These theorists show that social constructions around gender play a significant role in "technical" responses to policy: Firstly, issues that are women-focused – like abortion, contraception, sexuality– are heavily influenced by the values of the cultural milieu; secondly, women as subjects are not neutral citizens. They are constructed differently to men, either in terms of the different roles they play in society, or their abilities and capacities. There is often not just one construction about gender, policy, and women, but rather multiple, conflicting discourses. The analysis in this chapter employs the analysis of policy as texts, and also examines the specific historical, institutional, and cultural contexts which produce particular discourses around trafficking in women in Vietnam. Thus, as Bosso (1994, p. 189) noted, policy makers who conceptualise and implement policy as agents are not completely free to construct or reconstruct discourses but rather, are informed by their social and cultural contexts.

Alongside, there has been a growing significance of meanings, ideologies and discourses as integral to engendering. Goetz and Baden (1997), in their article *Who needs [sex] when you have [gender]?*, identify how governments and international aid agencies negotiated women's "equality" and "empowerment" from radically opposite ideological perspectives. Hanak (2000) and Rankin (2001) similarly point to the different ideologies of micro-credit organisations and the impacts of these varying ideologies on the outcomes for women. Simon-Kumar (2002) unpacks ideologies underpinning reproductive health policy and emphasises the need for gender sensitivity in policy making. She also argues that both market ideologies and feminist rhetoric are used by government in its policies in the name of "empowerment". As the studies have shown, both conservative and progressive forces claim to create gender sensitivity; however,

ideologies reveal deep meanings of what is meant by gendering, gender-sensitive and gender empowerment.

Human trafficking is a highly contested issue in public policy. The use of a gender constructionist perspective in analysing anti-trafficking policy is suitable given that the analysis of policy problems' construction helps reveal how policy problems are socially constituted, framed, and interpreted. The analysis of the gender construction of the VNAP offered in this chapter will centre on three main discourses: a discourse of women's vulnerability; a discourse of morality; and a discourse of stigma against women. The analysis will identify the implications of those discourses for policy on human trafficking, and in turn, their implications for women.

8.3 Construction of Women as Vulnerable

One of the dominant constructions within the VNAP is that of the vulnerability of women as victims of human trafficking. The understanding of vulnerability is drawn from existing theoretical analyses of trafficking as well as the realities of the phenomenon itself. Yet, deconstructing the policy highlights that there are multiple ways in which vulnerability is understood, leading to tensions and disconnections in conceptualising and implementing the policy in practice. While contextualising vulnerability as part of a social system reflects the complex nature of human trafficking, there is also a tendency to "individualise" vulnerability, making it a problem of individual women rather than a consequence of an institutional system. Further, this individualisation creates exclusions about who can be trafficked and why. At a high level of the policy, the VNAP acknowledges the social frame of vulnerability. In the everyday implementation of the policy, there is a move towards individualising the problem and solutions of trafficking. This disconnect is what will be explored here.

It is clear that the VNAP and its texts construct the nature of women's vulnerabilities. As noted in Chapters Two and Three, human trafficking exploits women's vulnerabilities, which are caused by poverty, inequality, and patriarchy. When first established by the Government of Vietnam in July 2004, the VNAP rightfully identified that significant changes were needed in people's awareness in

relation to the "prevention and combating of *trafficking in women and children* in order to prevent and basically reduce the number of *trafficked women and children* by 2010" (GOV, 2004, p. 1) [italics added]. The full official name of the VNAP is "National action plan against *trafficking in women and children* during the period of 2004-2010" (italics added). The attachment of the word "women" to the crime clearly indicated that human trafficking was a crime affecting primarily women, who were vulnerable. Added to this, human trafficking is further exacerbated by gender vulnerabilities through different processes of feminisation, especially in the context of globalisation. In the trafficking continuum, trafficked persons are inherently most vulnerable. This is because traffickers prey on people in vulnerable situations: the poor, the isolated, and the weak. These vulnerabilities are accentuated in contexts of globalisation (Samarasinghe, 2008) – a process of interaction and integration that produces and reproduces inequality and injustice, and which favours men over women. As a consequence, "while globalisation is considered to be *the wheel of development* [in Vietnam], women are vulnerable in the development process" (SA3) [italics added].

The VNAP recognises the social context that makes women vulnerable to trafficking. As the VNAP has noted:

> … [A] proportion of children and women are trafficked within the country… for *prostitution*… In the North, the trafficked children and women are used as *prostitutes* in service establishments or illegal wives while in the South, most of them work as *sex workers* in large cities and bordering provinces… in addition, the *deceit* and *trafficking in women* to Taiwan through marriage brokerage, [and] the trafficking in children abroad in the form of child adoption appears to be extremely complicated… *Trafficking in children and women* has been becoming an urgent and pressing problem, badly affecting the society…[and] increasing the risks of *HIV/AIDs transmission*…(GOV, 2004, p. 3) [Italics added].

This extract identifies the profile of those who might be vulnerable to trafficking and the effects of their vulnerability. It shows that women's vulnerability is tied in

with a range of, and in fact legitimised by, local customs and expectations of their roles as women. For instance, trafficking was facilitated by every day ceremonies such as marriage or through the socially and legally accepted process of child adoption. The quote from the VNAP above clearly shows the recognition of the complex nature of and inter-linkages between, everyday social structures and practices that can lead to the shadowy world of trafficking. By simply fulfilling their assigned roles as women in society, women become vulnerable to being trafficked. Thus, trafficked women can be found at both ends of the spectrum – from forced wives to prostitutes[108]. In addition to vulnerability that comes as a result of gender roles, women's vulnerability extends to health impact as well, as indicated by their particular vulnerability to diseases and death, and "… increasing the risks of *HIV/AIDs transmission*".

The extract also highlights that women's and children's vulnerability was often accentuated and made possible by the use of "deceit". The role of "deceit" as part of the process of trafficking is important; it highlights trafficking as an uninformed "choice" of the victim made on the basis of misinformation or false information, rather than overt or direct coercion. In doing so, it implicates the victim, often unwittingly, in the trafficking crime. As the VNAP noted:

> Within five years of the VNAP, there were 1,568 cases of TWC with 2,888 traffickers involved, 4,008 victims *were deceived* to be trafficked. Compared to the previous five year period, there was an increase of 1,090 cases, 2,117 traffickers, and 2,939 victims (GOV, 2009a).

At a broad level, as indicated, the VNAP highlighted the complex interpersonal and sometimes intimate relationships that culminate in women and children being trafficked. However, as I found in my interviews, the VNAP also created a mind-set suggesting that women's vulnerability to deceit was an individual failing. This somehow affected individual actors' understanding of vulnerability as an inability

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[108] It should be noted that the term "prostitutes" is widely used in Vietnam instead of "sex workers" because prostitution is prohibited in the country. People sometimes also use the term "sex sellers", but it is less commonly used than the word "prostitutes".

to think and act rationally. Evidence can be seen in the responses of participants (even those of state actors) to my question: *Do you think that men can be victims of human trafficking? And Why?* Their answers were made without hesitation and invoke wonder at the VNAP's effectiveness in perpetuating gender stereotypes within the Vietnamese society, given that the respondents were local state actors who held certain positions of power in the villages. Here are their answers:

> No, no, never... Men are wise and cannot be deceived. Women are usually gullible and unsuspecting, but men are different. (SA12)

> Men can be victims of human trafficking, but rarely, indeed… All victims in the village were women, no men. They trade women for profit. What will they do with men? No one can traffic me, I am sure [laugh…]. (SA17)

This quote highlights the way in which women are constructed in Vietnamese society: as naive and subordinated to male patriarchy. Historically, Confucian ideology constructs women as passive and dependent on men; accordingly, a good woman should follow the so-called "Three submissions"[*tam tong*] and "Four virtues" [*tu duc*][109]. In contemporary times, this Confucian ideology still exists. Besides, as indicated by Schuler et al. (2006), Vietnamese women are put under tremendous pressure as they are encouraged to follow the three standard criteria set out by the state, which demand women study actively, work creatively, raise children well, and build a happy family. In contrast, men stand outside the realm of moral values and norms, and take the role of a judge, as can be seen in the above excerpts.

There are at least two consequences for constructing this particular frame of vulnerability under the VNAP framework. The first construction – that women are deficient – is demonstrated in the way female trafficking returnees in the safe

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[109] The three submissions mean that, when unmarried, girls should follow (be obedient and to follow his instructions) her father; when married, the woman submits to her husband; when her husband passes away, she has to submit to her son. The four virtues consist of *Cong, Dung, Ngon, Hanh* (*con*g: work – a woman is expected to work hard; *dung*: beauty – a woman needs to keep herself beautiful; *ngon*: words – a woman needs to take care of her words and expressions; *hanh*: good morality).

house were labelled. Although the words "victims", "trafficking victims", "women victims", and "girl victims" were commonly used in the VNAP processes, especially in safe houses, trafficked women and girls were defined as "learners". It should be noted that in some particular contexts, only the term "victim" can best describe the case; however, an over use of the term may arguably re-victimise trafficked persons, rather than support them. One may argue that the use of the term "learner" helps highlight women's choices and agency and tends toward empowering trafficked women, rather than defining them as victims. The use of such a word, however, also tends to infantilise women, as it is likely to denote trafficked women as ones who need to learn more. Secondly, the policy has excluded men as its beneficiaries, based on the assumption that they cannot be victims. When I asked actors why there was the absence of male victims of human trafficking and labour trafficking cases in the data released, the state actors interviewed explained that it was because the crime is understood to be trafficking in women and children, and specifically trafficking for sexual exploitation (SA7). Such a perception resulted in inadequate attention being paid to reducing trafficking in men and labour trafficking. Further, the overemphasis on trafficking in women and girl children has exclusively labelled women and girls as being possible vulnerable trafficking victims. The next section will focus on the second discourse: the gender construction of morality.

8.4 Gender Construction of Morality

A second discourse relates to how policy makers construct morality, and this discourse is found in the overlap between trafficking and prostitution[110]. This is because the latter is heavily loaded by constructions of (im)morality and this tends to flow into constructions of trafficking, trafficked women, and trafficking solutions.

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[110] It is not difficult to find evidence to show that human trafficking was in the tendency of being conflated with prostitution or sexual exploitation. Some relevant quotations in section 8.3 can be examples. Further, the Vietnam CEDAW country reports (especially the 5th and 6th) emphasise that the suppression of trafficking in women and children and exploitation of women for prostitution are closely aligned and the major strategies to combat trafficking are essentially related to confronting prostitution. Not surprisingly, the majority of human trafficking related figures provided in the reports are of prostitution cases.

Further, in the Vietnamese anti-trafficking arena, during and after the time of the VNAP, there have been controversies around preventive measures with regards to regulating prostitution as a way to control human trafficking. To analyse some areas of anti-prostitution initiatives in the VNAP for consideration, I need to emphasise that prostitution is not confined to human trafficking as women and girls are trafficked for different purposes, not only for sexual exploitation (Sullivan, 2010). However, many feminists believe that prostitution is inherently a violation of women's human rights, a harm to women's dignity and self-respect, and there is a close link between prostitution and sex trafficking (Limoncelli, 2010; Peach, 2008). Further, prostitution is clearly a deterioration in gender equality that exacerbates patriarchy and discrimination against women. As Connor and Healy (2006) have observed, both prostitution and sex trafficking relate to male demand for women and girls. From a demand standpoint, men fuel sex trafficking because many of them become customers, buyers, pimps, and sexual exploiters of women and girls. According to Neubauer (2011), more than 80 per cent of suspected human trafficking cases involve forced adult prostitution or sexual exploitation of children. These statistics help explain why it was the focus of anti-trafficking policy in many countries to reduce sex trafficking, and to criminalise prostitution in the hopes of achieving a reduction in sex trafficking.

Vietnam, like many other countries in the world, has chosen to criminalise prostitution as a means to combat sex trafficking. This ideology was expressed in Part One of the VNAP text *Situation of trafficking in women and children and prevention activities*, in which the Government of Vietnam identified that many Vietnamese women and girls were trafficked for prostitution domestically and internationally (GOV, 2004). Also, recently, the Government of Vietnam has highlighted the need to combat prostitution, with a focus on combating trafficking for the purpose of prostitution (GOV, 2013b).

In the special socio-political context of the VNAP, with the state's emphasis on the prevention of trafficking in women and sex trafficking, it is not surprising that combating prostitution has become an important solution. Anti-prostitution policy with the prohibition of this so-called social evil), however, has neither helped reduce prostitution nor lessen human trafficking crime. Rather, when combined

with weak law enforcement, this solution has tended to criminalise sex sellers, rather than sex buyers. Below, I analyse two anti-prostitution solutions; one is the "re-education" of prostitutes, and the other is the return of prostitutes into the community. This analysis will help explain why these could never be effective solutions, and how morality was constructed in the VNAP time period.

8.4.1 "Re-education" for prostitutes

Prostitution is completely prohibited in Vietnam; the penalty for prostitution is applied to both prostitutes and their clients. The Ordinance on Prevention and Suppression of Prostitution issued by the Vietnamese Government in 2003 clearly states that, depending on the nature and seriousness of the violation, prostitutes are subjected to administrative sanction, education measures and medical treatment (Article 23). In a society where prostitution is prohibited, it is seen as reasonable that prostitutes are the ones who violate the state's law and need to bear sanctions. Controversially, the punishment for prostitutes who are victims of sexual exploitation is much tougher than that applied to sex buyers. Article 22 of the ordinance identifies that, depending on the nature and the seriousness of their violations, sex buyers shall be administratively handled in the form of a caution or fine. The administrative fine applied for sex buyers in Vietnam is very tiny in comparison to the vulnerabilities and consequences they create for women and society. According to the Government's Decree (No.73/2010/ND-CP) on regulating the fine for administrative violations, a person involved in sexual abuse has to pay a fine ranging from VND100,000 to 200,000, equivalent to USD5-10. This is a very low fine in comparison to what prostitutes have to bear, including social stigma, discrimination, health consequences, trauma, and sanctions specifically applied to them. Every year, thousands of prostitutes who are caught selling sex are sent to "re-education" or "rehabilitation" centres[111]. In our language, those centres are places for *hoan luong* (recovering morality) for prostitutes after being involved in so-called "dirty work", as it is perceived by many people in Vietnamese society; therefore, they need to be re-educated before

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[111] It should be noted that none of the trafficked women I interviewed were being re-educated as they were not prostitutes, they were deceived and trafficked (information got from local women's unions and as noted in my research diary).

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reintegrating into the community. Further, in applying the so-called "name, fame, and shame rule", those working in "a house of ill fame" (a brothel), or even working on their own who are arrested when selling sex, have their names, year of birth, city of residency, and even pictures published in newspapers, while the names of sex buyers remain concealed. Due to social stigma and discrimination against prostitutes and sex trafficking victims, women and girls in the photos published in newspapers (as an illustration for articles on prostitution) always choose to hide their faces [112], while sex buyers often remain faceless and anonymous. As a consequence, people tend to criticise prostitutes while neglecting important transgressors – the sex buyers. An article which discussed the possibility of publishing sex buyers' names in the mass media blatantly claimed that the publication of sex buyers' names needs to have their consent (it is clear that none of the offenders would want their names to be publicised) and the publication of their names may make their loved ones vulnerable (Tien, 2012). Commentators, however, ignored the same facts that also applied in the case of sex sellers. This unfair treatment aids discrimination against prostitutes and prevents them from reintegrating into the community. This contradiction provoked a controversy that male sex buyers were protected by mass media, and by a deeply-rooted patriarchal ideology that favours men over women.

Moral discourses around prostitution and sex trafficking were discussed in my fieldwork interviews and group discussions. Most of the research participants opposed the penalties against prostitutes applied under the VNAP. They argued that the government needs to impose heavier sanctions on sex buyers to reduce sexual demand for women and children, rather than sending prostitutes to rehabilitation centres. The effectiveness of such compulsory measures was seen as low. The majority of prostitutes returned to prostitution after leaving the rehabilitation or re-education centres, due to the lack of alternative livelihoods available to them (Lua, 2012).

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[112] See this web-page for evidence of this point (prostitutes choosing to hide their faces): http://www.toaan.gov.vn

The failure of this "educational" measure can be explained using a gender and rights perspective. If prostitution is an issue of moral deprivation, both sex sellers and sex buyers need to be re-educated. Sex buyers have to bear higher penalties than prostitutes because they are the ones purposely participating in sexual exploitation, ignoring the fact that prostitution is prohibited under national law. Mass media in Vietnam has documented cases of intellectuals, government staff, and *dai gia* (rich and powerful men) being involved in prostitution and trafficking crimes (Anh, 2011; Nhung, 2012). This means that many sex buyers in Vietnam hold social and economic power, and assign themselves the right to use women and girls for sexual pleasure. Also, even if women's morality could be recovered or re-educated, it could not be assured that they would not fall into prostitution again, because, as stated by Manifesto (cited in Connor & Healy, 2006), only a few women in prostitution choose to be prostitutes; many of them are chosen by poverty, pimps, sexual abusers, and sex buyers.

Moral recovery, applied to sex sellers only, therefore, does not really help. Additionally, prostitutes tend to face discrimination as a result of their illegal status, and of the Confucian perspective that never accepts women being involved in prostitution – work that is framed in the society as a violation of women's value and dignity. Further, while sex buyers do not live in isolation from society, prostitutes have previously had to be re-educated and medically treated before reintegrating into the community. This separation fuels the stigma against prostitutes and encourages people to think that all prostitutes have STDs, therefore putting them in a more vulnerable situation. Ironically, the state policy unintentionally turned prostitutes into a perceived source of STDs and moral deprivation. In other words, in that context, prostitutes were constructed as being very dangerous to society, so they tended to be criminalised rather than protected. One state actor, however, argued that moral education and compulsory medical treatment were important solutions. According to him:

> Sending prostitutes to re-education centres is a humanitarian action
> of the state. The main purpose of this sanction is to diagnose and
> treat sexual diseases for them. There, they have time to re-think
> their moral lapse, they also have access to vocational training, and

therefore, they can find a new livelihood when they return home.

(SA4)

The CEDAW Vietnam country combined 5th and 6th report confirms the Vietnamese state's focus on rehabilitating prostitutes and shows that "from 2001-2003 the Government of Vietnam has provided *treatment* and *education* for 14,839 prostitutes, and provided *vocational training* and created *jobs* for 8,000 prostitutes. Apart from receiving *regular education*, these persons have also been diagnosed and treatment given for *sexually transmitted diseases* as well as for other illness" (UN, 2005, p.21). Also, from 2006-2010, "local governments have provided medical support and *educated* 18,778 sex workers" (UN, 2013). [italics added].

Although the purpose of this approach was "beneficial" to prostitutes with compulsory medical treatment, vocational training, or skills learning, as confirmed by most of the state actors who participated in this research, it actually reduces women's mobility and their freedom of movement, and isolates them from the community. While sex sellers were sent for the so-called regular education and treated for sexual illness, the sex buyers were free in the society. That contradiction inherently shows a gender discriminatory practice. Also, the act of sending a prostitute for re-education or medical treatment comes after her violation (of law); therefore, it has to be considered a penalty rather than support. In other words, moral re-education for prostitutes cannot be an appropriate strategy for empowering prostitutes, many of whom are victims of sex trafficking. There are parallels between the moral re-education of prostitutes' discourse and that of trafficked survivors as learners of the safe house. In both discourses, women are assumed to lack knowledge and skills, and the role of the state is to equip them with these capabilities. The difference is that with learners, there is not explicit condemnation that trafficking is their fault as it the case for prostitutes. Further, moral education was compulsory for prostitutes once they were caught selling sex, while education in the safe house was probably a volunteer commitment.

The next section continues with the analysis of the state's new policy action, which reverses the earlier action. Instead of sending prostitutes for re-education, prostitutes are now being returned to the community.

8.4.2 Returning prostitutes into the community

Recognising the negative impacts and unreasonable aspects of the action of sending prostitutes for re-education, the Government of Vietnam recently renovated its intervention solution with the hope of reducing the incidence of human trafficking by controlling prostitution. The Law on Handling Administrative Violations (which came into force in July, 2012) clearly states that all prostitutes should be returned to the community rather than being sent to re-education or medical centres. A prostitute, however, still has to bear an administrative penalty of VND300,000 (about $15) for the first violation (if she is recognised as a prostitute), and VND5,000,000 (roughly $250) for every subsequent violation (GOV, 2012b). The act of returning prostitutes into the community is valid from January 1st, 2014. This solution shows the state's considerable efforts in ensuring that women's human rights are protected. However, the new solution has also produced and reproduced competing discourses.

First, many people believe that the return of prostitutes into the community is a humanitarian measure that respects women's human rights, freedom, and dignity. As discussed earlier, although prostitutes were previously sent for moral recovery and medical treatment, such a measure did not work well as many prostitutes returned to their former work.

Second is the discourse around the unidentified future of prostitutes when being returned home. A state actor named Thach (as cited in Nguyen, 2012), reveals that the major concern is around where prostitutes can go and what they can do, as most of them are poorly educated, homeless, and unemployed. Further, eight per cent of prostitutes in Vietnam are infected by HIV/AIDs, so do have some high potential for spreading STDs and HIV/AIDs in the community (Nguyen, 2012). It should thus be noted that there is some basis for the social stigma against prostitutes. In fact, prostitutes are named "three in one" high-risk social agents: as

sex sellers, potentially HIV/AIDs affected, and drug addicted in many cases. The worry of the above-mentioned state actor (Thach) is reasonable because up to now there have been no laws and no effective measures to support prostitutes to reintegrate into the community. Additionally, following the issuance of the Law on Handling Administrative Violations, prostitution in Vietnam was reported to be increasing significantly (Nguyen, 2013). Individual prostitutes and disguised bars/ brothels accept the risk of paying fines in order to gain significant profits from the sex trade. A newly released research study, *Sex Work and Mobility from a Gender Perspective,* conducted by the United Nations and International Migration Organization in 2012, confirms that prostitutes in Vietnam earn considerably higher income in comparison to other jobs. The average income of prostitutes in Vietnam was recorded as being VND10,600,000 per month (about $530), 2.5 times higher than the salary of those in the top 20% highest income earners in Vietnam. However, it was also noted that high-ranking, high-level prostitutes (artists, models, students, etc.), can earn super-inflated incomes from prostitution, up to several thousand dollars per day (UN & IOM, 2012). Presumably, then, these very high incomes inflate the average figures. People in the community really worry about an unanticipated boom in prostitution as there has been an absence of effective protection measures and weak law enforcement, and a high youth unemployment rate (ILO, as cited in *Thanh Nien News*, 2013). The act of releasing prostitutes, therefore, was described as "returning prostitutes to the streets" (Infonet, 2012, p. 1) as there are few other employment options available to them, and incomes earned from prostitution are comparatively high.

Third, there has been a controversial discussion that the state decision to control prostitutes by collecting monetary fines is a sign of initial collusion with the legalisation of prostitution in the future. Most of my research participants said that they opposed the legalisation of prostitution as it goes against traditional norms and values of morality. They, however, did accept that the prohibition of prostitution has generated negative impacts and did not effectively help reduce human trafficking. Most of the state actors interviewed highlighted the legalisation of prostitution as applied by some Asian countries such as Singapore,

Thailand[113], and more distant countries like Sweden and the Netherlands. As noted by some state actors:

> I am very much impressed by the Swedish State's policy towards prostitution. It is a comprehensive approach to reducing trafficking for sexual exploitation. It also helps reduce violence against women, and criminalises the buyers rather than the sellers of sexual services. Sweden's approach towards prostitution has made that country a poor market for human trafficking. (Man, SA3)

> I think that legalisation of prostitution is helpful, but we need to be careful with that. It may work well in other countries like Sweden or somewhere, but not in our country. Anyways, it goes against traditional values. (Woman, SA5)

> It is time to accept that selling and buying sex are real demands and needs of life. Prohibition of prostitution does not work. However, what should be done? If I say: I support legalisation of prostitution, I will be accused of being the one who rejects traditional cultural values. Please do not put my name in your thesis (*he nodded and laughed*). (Man, SA7)

The quotations above show that policy actors (both male and female) recognised that legalisation of prostitution would help, but they did not want to break with embedded cultural traditions, or did not want to condone with so-called 'social evils', or did not want to be the first one seen trying to do so.

A recently published article on prostitution confirms that Ho Chi Minh City is the first city seeking to require the government to control prostitution and sex trafficking by setting up a separate zone for prostitutes to work, earn money, and pay tax. Along with this method, services for health care and the control of STDs and HIV would be applied (Tung, 2013). Although it is still a proposal, it represents the courage and accountability of the local government in initiating public discussion around possibilities to legalise prostitution, as the

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[113] In Thailand, prostitution is illegal; however, it is tolerated and regulated, and Thailand is a well-known destination for sex tourism.

prohibition/criminalisation of prostitution clearly does not work. This proposal has given people in the community the hope that prostitution, sex trafficking, and the rise in the number of rape cases in the country note can be controlled. The proposal, however, also raises different controversies around possible negative impacts, such as the decline in traditional moral values, corruption, and an increase in street prostitution once prostitution is accepted as a legal occupation.

Nonetheless, the current action of the state in eliminating moral re-education for prostitutes (GOV, 2012b) and people's initiatives supporting the legalisation of prostitution on the one hand has provided some progress in terms of improving people's awareness as well as women's human rights. On the other hand, it has reconstructed people's perceptions and understandings of prostitution and the human trafficking issue. If both these proposals are realised, there will be a reconstruction of the images of prostitutes, and of trafficking victims' identities.

Thus, anti-trafficking policy in Vietnam generally and the VNAP particularly, have framed women as a source of pure morality, of pure sexuality. Women are framed as passive, subordinated to the male-headed state and its policies. In this role women had to act as standard female citizen whose sexuality was being controlled by institutional rules. Gender inequalities in sexuality are also visible in the VNAP intervention; while female prostitutes were subject to re-education for moral recovery, men were not. Their sexual desires were only controlled by a tiny fine, applied if they are caught while buying sex. Further, whether being sent to re-education centres or being released, women were constructed as victims of policy intervention rather than being supported. The VNAP, framed by a patriarchal state, along with the societal patriarchal norms and values, may exacerbate social stigma against women. This is the content of the next discourse.

8.5 Construction of Women's Stigma

Human trafficking is inherently a form of gender-based violence and discrimination against human beings. It can be seen as a result of various forms of discrimination based on gender, poverty, nationality, and so on. The Convention on the Elimination of All Forms of Discrimination Against Women – CEDAW

(United Nations, 1979) has been an important instrument to address discrimination against women. The CEDAW defines discrimination as:

> Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. (Article 1)

Thus, discrimination assumes a relationship based on power and authority underpinning the use of unequal practices, and discrimination is linked to inequality and the deprivation of women's human rights. CEDAW also confirms that it is obligatory for states worldwide to take appropriate measures to ensure that women are equal to men, without any discrimination (Article 8).

Eliminating discrimination against women and trafficked victims should be the focus of any anti-human trafficking framework. By eliminating discrimination, the cycle of women's vulnerability can be broken. In discussing the causes and consequences of human trafficking, the majority of women in the community and trafficking returnees admitted that they had experienced discriminatory practices before being trafficked (such as facing violence, their husband's alcoholism, desertion, or infidelity). They also claimed there was discrimination against trafficked women and even against their family members (TW9). Policy actors, however, claimed that, women suffered discrimination due to their low self-esteem (SA11) and lack of courage to overcome social stigma and rumours (SA7). Thus, discrimination against women was interpreted as a consequence of women's individual weakness and personal failings.

Data from my fieldwork indicated different reasons for women's stigma. It showed that trafficked women and girls were vulnerable in both their families and in their communities. They experienced social stigma, isolation, and were subject to rumours. For victims of sexual exploitation, discrimination targeted their perceived moral deprivation, the possibility of transferring sexually transmitted diseases including HIV/AIDs, and their potential involvement in trafficking. Not

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only trafficked victims, but also their family members, faced social discrimination. As two female participants shared:

> H was trafficked to China and forced to work in several brothels. She was a beautiful and kind girl. Before being trafficked to China she had a lot of friends, but now she has no friends in the village. Some friends of hers got married now and live far from the village; others did not want to be involved. Even people in this village did not allow their girls to come to her family because they were afraid that H might deceive their children and sell them to China. (WGD2)

> Being trafficked for sexual exploitation is a life stain and cannot be cleared up. They are indeed vulnerable. They may have to stay single forever. Some had to move to the South, but who knows what happens if their husbands recognise the truth. (WGD5)

The local women's unions were active in raising people's awareness of TWC and in reducing discriminatory attitudes towards trafficked women; however, in a Confucian society like Vietnam where gender-based violence against women and sex victims is embedded, erasing social discrimination and stigma is very difficult. Looking back at the VNAP's activities, especially with respect to prevention and protection, there was a lack of effort to transform gender-based attitudes that reinforce traditional gender stereotypes. Intervention activities of the VNAP could only scratch the surface; however, the roots of gender disparity could not be pulled out.

From a young age, children experience gender stereotypes which undervalue women and girls. The research of Nguyen (as cited in Linh, 2012) on gender stereotypes in primary school books reveals that the books issued for children show inherent gender discrimination through the occupations labelled for male and female characters, behaviours, scope of activities, positions, and job allocation of both sexes. The names for men have positive, strong meanings, related to high ambition and expectation or something universal. In contrast, female names have weak or passive connotations. Men are described as breadwinners and have the main voice in the decision-making process, while

women are presented as subordinate, passive, and weak. Women tend to be positioned as the main caregivers; men tend to be shown in high-income jobs. Nguyen also argues that school knowledge is very important and has considerable impact on the development of children's social perspective. These books have been used in schools for years, potentially contributing to the increase in gender stereotypes in the community.

More importantly, there were certain gender-based stereotypes in the community that contributed to the increase in trafficking of girls and the abuse of girl children, such as the idea that virgins are pure and HIV-negative, or that having sex with young virgins is a must for men. Such discriminatory customs still existed in the villages I visited during my fieldwork. According to a central state actor I interviewed, those deeply-rooted stereotypes are difficult to remove, and the VNAP failed to address them:

> There are too many discriminatory practices rooted in belief systems and people's perceptions. Those practices have often disadvantaged women and girls and contribute to women's vulnerability and risk of being trafficked. Since they have been there for thousands years, the VNAP cannot remove them. (SA4)

Another non-state actor added his comments, which indicate the reason for the VNAP's failure to address gender-based perceptions. He noted:

> The VNAP focuses more on providing economic empowerment support to women and trafficked victims rather than on protecting them against direct or indirect discrimination on the basis of sex, gender or sexual orientation. As a result, gender-based discrimination remains valid in the society, and in turn, it impedes women and girls from exercising their rights to different socio-economic activities. (NSA2)

The extracts above suggest two main things. First, the state actors did not acknowledge their own responsibility for countering deeply rooted gender-based practices that hamper women's development and progress. Discrimination, in

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their view, is something "already there", persistent, and cannot be removed; therefore, the government was not able to do much in terms of removing discrimination against women and trafficked women, and the VNAP neglected gender-based discrimination as an important dimension of intervention. Second, among different tools to help remove violence and discrimination in Vietnam, economic support measures were more often highlighted than gender-based violence and livelihood interventions. This is why the gender-based causes and consequences of human trafficking cannot be fully addressed.

Further, unequal support can be found in the protection area. Under the VNAP framework, the same support package was offered for all official victims. The term "official" indicates that there were different groups of trafficked women and there was a gap between the different types of support available for each group. While official victims received the government support package, support for unidentified victims was floating, ranging from zero to spiritual support (seeing, consulting), or one-time support from NGOs. Thus, there was no official support for victims who were not able to claim official status. Also, there was no special support for victims with complex needs, such as trafficked victims with mental illness, or those with HIV/AIDs. Under the VNAP, there were no special regulations for supporting the children of trafficked women, child victims, or different support for male and female children. This is in contrast to the claim by Moser (1989) that males and females have different roles in the community; therefore they have different needs and expectations. Policy intervention, therefore, has to take into account these gendered characteristics. Stigma against women was reflected in the actions of unofficial victims who often hesitated to report their case to the local authorities to claim official victim status. There were different reasons provided by trafficked women in the field. Some women chose not to do so, because "I do not want others to know that I was trafficked" (TW17), or "I will be the source of criticism" (TW11). Others commented that "there are a lot of documents to fill in, a lot of questions will be asked; I have a family now, I don't want to dig up the case; it was over". Thus, the stigma attached to trafficked women and their fear of being trafficked left many trafficking cases un-investigated, and left many women unsupported.

Next, interviewing trafficked women is a difficult and sensitive task. According to the World Health Organization (WHO, 2003), interviewing trafficked women raises a number of ethical questions and safety concerns for trafficked women, for those who are close to them, and also for the interviewer. There was no code of ethics on data collection in Vietnam to ensure that the rights of trafficked persons were respected and protected. Conducting research on human trafficking was an area of intervention under the VNAP framework, but the number of studies on the topic remains very small. The two most frequently mentioned studies were *The survey on supporting activities for trafficked victims* conducted by the Centre for Development of Women in 2010, and *Research on the situation of human trafficking to propose suitable intervention activities in some development areas,* conducted by Action Aid in 2008. These studies, however, did not need to go through any compulsory ethical approval process, given that ethical review has not yet become a compulsory requirement for research which deals with human subjects in Vietnam. No statements in the VNAP and no actions under the VNAP intervention dealt with ethical issues in research on trafficking crime. Inadequate ethical considerations are indirectly linked to discrimination against women, because human trafficking is an issue of violence against marginalised groups of people, of which women form a major part. Once we fail to comply with ethical standards in doing research, the safety of trafficking women is threatened and the incidence of victimisation is potentially increased.

Stigma and discrimination against women still exist in the Vietnamese society. As noted earlier in Chapter Three, Vietnam has the Law on Gender Equality (2007) which acts as an important tool to improve the legal system on gender equality and women's advancement in Vietnam. In addition to that, Vietnam has engaged in different constructive dialogues with the CEDAW Committee so far. Despite the fact that policy framework on gender equality is in place, much remain to be done throughout the country in terms of gender equality and gender discrimination. As scholars have noted, Vietnamese women are facing vulnerabilities with differences in wage rates, employment opportunities, technical and vocational training and education, and time spent on unpaid domestic work (see Duong, 2012a; Duong, 2012b). Further, like in many parts of

the world, women in Vietnam also suffer gender-based violence. In short, there is still a marked gap between de jure protections for women equality and the reality of women on the ground.

Discrimination against women under the VNAP intervention can also be seen through unequal prosecution practices. While the government has never reported any investigation or prosecution of corrupt officials involved in trafficking-related complicity (USDOS, 2010), there have been many cases of female traffickers prosecuted (Nguyen, 2008). This is an issue, because it is evident that in Vietnam more men engage in corruption than women (see Chapter Seven), and also, more men are working in high positions which create opportunities for them to collect bribes from others.

Another gender-discriminatory practice was found in the recruitment practices of local enterprises where local women were usually not selected, as discussed in the section on collective participation between women and the community. Due to rapid industrialisation and globalisation in Vietnam, many enterprises[114] have occupied cultivated land in villages and promised to offer jobs to the village residents, especially local women. However, many enterprises "ignored their agreements to recruit and employ local women, including trafficked women" (SA7). Enterprises had their own reasons for giving employment to local men, rather than women. They claimed that local women were low skilled, unindustrialised personnel, or poorly educated (VWU, Vietnam Women's Union [VWU], 2008b). In the meantime, within the confines of the existing unequal power relationship, women struggled to express their interest in earning an income from their land, and tried to negotiate greater balance in the power relations between village residents and enterprises. In these negotiations, however, women remained powerless, even on their own territory. Enterprises did not consider women's empowerment a means for enhancing the enterprise's productivity and efficiency. This left many women vulnerable due to the lack of cultivated land, and the lack of employment activities, therefore leaving them at risk of being trafficked.

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[114] In Vietnam, enterprise is a general term used to indicate firms and companies.

Thus, considerations of non-discrimination and equality were not put at the heart of the VNAP's decision-making and implementation process. Along with the lack of attention paid to removing discrimination against women, government officials were not confident to or did not attempt to alleviate discrimination. As a consequence, neither trafficked women nor women in the community were free from gender-based discrimination. As a consequence, the VNAP was not effective in addressing multiple gender-based discriminatory practices faced by women and trafficking returnees. Once gender discrimination and social stigma against women are there, the full development and advancement of women to guarantee their enjoyment of human rights and fundamental freedoms on a basis of equality with men cannot be assured, and women become more vulnerable to trafficking.

8.6 Concluding Remarks

This chapter has traced the discursive gender construction of human trafficking and trafficking victims' identities through three main discourses of women's vulnerabilities, morality, and discrimination. The analysis in this chapter shows that the VNAP itself constructed human trafficking mainly as trafficking in women and girl children and sex trafficking, and framed human trafficking in close connection with prostitution. As I have argued, sexist and gender-exclusive language used in the state's anti-trafficking policy reflects gender stereotypical thinking that implicitly constructs women as passive rather than active subjects, and as victims rather than policy actors. Re-education for prostitutes, which was applied as a solution to reduce sex trafficking, has created different problems and controversies. As a consequence, alternative gender discourses occur, requiring further discussion and investigation. Gender discriminatory practices against women and trafficked women more specifically still existed in the family, in the community, and in their access to the labour market. The VNAP intervention contained few anti-discrimination activities and has not helped change the gender stereotypes and prejudices that hamper gender equality and women's progress.

Further, it is essential that policy makers anticipate any possible risks of proposed interventions that may construct and reconstruct vulnerabilities for women, especially for female trafficked victims. Any support for trafficked women needs

to help them in improving their status, rather than disempowering them or pushing them back into deprived situations. An intervention must focus on its possible results in reducing human trafficking crime, rather than on affirming different traditional moral discourses that produce and reproduce discrimination against women, or perpetuate the devaluation of women.

This chapter marks the end of the analysis section in this thesis. Chapter Nine discusses the main findings of this study, proposes recommendations for policy reforms, and points out possible areas for further research.

Chapter Nine: Final Remarks

> There is a strong need for empirically based studies for policy
> development and evaluation. We need research and data that can
> give us a better understanding of the problem in order to develop
> relevant programmes and policies; tell us where trafficking takes
> place in order to target programmes and policies; and monitor how
> the extent and content of trafficking changes in order to evaluate
> existing policies. (Tyldum, 2010, p. 11)

9.1 Introduction

The fundamental goal of this study was to undertake a gender evaluation of a
specific anti-trafficking policy (the VNAP) initiated by the Government of
Vietnam in 2004. At the programme level, it traced whether the VNAP had
achieved the objectives predetermined by the state; however, at the more abstract
societal level, this research assessed the VNAP in terms of its ability to meet the
goals of eliminating human trafficking and bringing women closer to equality,
especially for those who had been trafficked.

The conclusions from this study return to the research questions and address the
following main areas: (a) the fulfilment of the VNAP's objectives in terms of the
first 3Ps (Prevention, Protection, and Prosecution); (b) the efforts of the
Government of Vietnam in achieving good partnerships to address the human
trafficking issue in Vietnam; (c) the gender gaps in the VNAP's policy processes
that have implications for women's empowerment and the Vietnamese state's
commitments to reduce the human trafficking crime; and (d) the constructions of
women and human trafficking underpinning the policy. Following the discussion
of the main findings, this chapter makes recommendations with implications for
policy and practice, and possible areas for further research.

Drawing on Fischer's (1995) two-level evaluation framework and the UNIFEM's
gender responsive and rights-based approach to policy evaluation (Corner, 2008),

I developed a Gender Sensitive Evaluation Framework (GSEF) to evaluate anti-trafficking policy. The framework comprises two evaluative dimensions. The first is a technical evaluation dimension that indirectly highlighted the impacts of the policy programme on women. Alongside this, a direct gender dimension was also utilised. The former focused on assessing the policy's achievements in the four-P areas: prevention of human trafficking, protection of trafficked persons, prosecution of traffickers, and partnerships between different actors and countries. The latter assessed whether the processes and outcomes of the VNAP policy-making were gendered and also examined underlying norms of policy. The study drew on an eclectic body of scholarship, including but not limited to evaluation theory, the 3-Ps, partnerships, gender, policy, and development. The study also explored the complexity of women's subordination in a patriarchal society and its reflection in policy measures aimed at women's empowerment.

The following section presents major findings of the study and extends the findings to examine the implications of the findings for women, policy, and practice.

9.2 Major Findings of the Study

It should be noted that the Government of Vietnam has undertaken strategic action to countering human trafficking crime and has some encouraging achievements in this area. *First* is the state's consistency in following the 3-P anti-trafficking framework set forth by the United Nations in the UN Trafficking Protocol 2000. Vietnam has been trying to overcome different challenges (such as inadequate resources, lack of technical expertise, and unfavourable natural and demographic conditions). In the 10 years since 2000 (the first year of the US TIP Report) to 2010, Vietnam was placed in Tier 2 for 9 years (except in 2010, it was placed in Tier 2WL). This means that Vietnam did not fully comply with the TVPA's minimum standards for the elimination of human trafficking, but was consistent in making significant efforts to do so. *Second* is the state's determination in choosing Prevention as a focus of the policy by increasing people's awareness, accelerating capacity building, and issuing the first national law on human trafficking (see Chapter Five). *Third* is the state's decision to take a pioneering

step in setting up a multi-level cooperative mechanism to accelerate the VNAP's implementation (Chapter Six). In the 2009 US TIP Report, partnerships were highlighted as an urgent new task in the fight against human trafficking, and the US called every nation state to join in working in a strong partnership in consensus and leveraging resources to eliminate human trafficking.

In the context of a developing country like Vietnam, the state's decision to extend the traditional intervention areas of the 3-P anti-trafficking strategy in 2004 by developing multi-level partnerships was a sign of an innovative policy-making agenda. This meaningful action shows the state's creativity in developing and generating a comprehensive strategy to solve policy problems rather than sticking to a rigid 3-P framework predetermined by the United Nations and reinforced by the US in its annual TIP Report. It can also be seen as a solution to overcome different challenges that a single policy actor or a single state cannot solve effectively.

Despites those encouraging signs, the analysis of the VNAP in this thesis, at both technical and gender dimensions has indicated several gaps in policy and practice. To emphasise the two levels of policy evaluation utilised in this research, the techniques used, and implications of indirect and direct gender evaluation and their findings on women, I present the findings and discuss them in two sections: technical analysis and gender analysis.

9.2.1 Technical analysis of the VNAP

At a programme level, this study found that the VNAP has only achieved a part of the VNAP's stated policy objective in terms of raising people's awareness of trafficking crime, and it failed to reduce the number of trafficking cases. The crime, as reported by the GOV (2009), double in scale, compared to the five years before the VNAP (1999-2004).There appears to be a range of factors in the policy response of the Vietnamese state that may have contributed to this growth. Chapters Five and Six showed that there was disconnected and ineffective communication between different levels of the government in the policy processes. The VNAP is a top-down policy formulated by the central government and implemented by a huge network of local governments in 64 populated

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provinces with a wide administrative connection. The most direct policy implementers of the VNAP were the state actors at grass-roots level (i.e., at the villages). Given that they had an inadequate budget from the central government; local governments were incapable of mobilising resources to combat human trafficking. It was evident that there was a considerable lack of financial and human resources, and insufficient training, especially in specialised areas such as investigation, prosecution, and training for trafficked women. To minimise these difficulties, local government has to combine anti-trafficking with a range of socio-economic programmes and with the fight against different crimes. In addition, under the VNAP framework, the GOV had set up multiple agendas to achieve, namely, to reduce human trafficking national wide, and to improve awareness for people in the whole country. Such a wide range of objectives, without particular focus, could not be fulfilled well in the context of inadequate resources at both local and national levels. Prevention of trafficking, rehabilitation of trafficked women, and prosecution of traffickers, all showed gaps such as insufficient support to trafficking returnees, a lack of compensation mechanism for those who are trafficked, and institutional structures that did not sufficiently improve the involvement of women in the processes of investigation and prosecution of traffickers.

With regards to Vietnam's prevention efforts, awareness-raising was the most prominent intervention area with a range of activities conducted, especially at grass-roots level. There was, however, inadequate planning for awareness-raising due to inadequate attention being paid to deciding effective tools, target groups, and target areas to focus on.

In terms of protection, although the VNAP utilised a victim-centred approach to combating human trafficking, inadequate support has given to trafficked women as primary policy beneficiaries. According to the USDOS, a victim-centred approach needs to provide trafficked persons opportunities for productive life; beyond the initial efforts to rescue trafficked persons, it is important to prioritise the rights and needs of trafficking survivors as well as restore their dignity (see http://www.state.gov/j/tip/4p/protect/). It can be seen from the analysis that the GOV did spend efforts to rescue, rehabilitate, and reintegrate trafficking

survivors. However, the support to victims was probably an encouragement rather than a support for a secure and safe life.

Prosecution of traffickers under the VNAP was generally limited as there were social contexts preventing effective prosecution, such as a lack of resources, people's hesitation to cooperate in the investigation process, and an absence of a formal prosecution mechanism that provides protection to witnesses, compensation to trafficked victims, and rewards for those who report human trafficking cases.

In terms of partnerships, as already mentioned, the pursuit of multi-level and multi-national partnerships was an added point for the GOV. Partnerships to combat human trafficking in the VNAP, however, were not fully developed, rather they were a loose collaboration between actors involved in the VNAP and between Vietnam and other countries to fight trafficking crime. Looking back to the criteria for good partnerships identified by Carel et al. (2004) (see Chapter Six), partnerships in the VNAP, although broad and diversified, failed to meet the stated fundamental principles for good partnerships. There was inadequate communication between partners involved, as emphasised earlier, creating multiple agendas, and leading to unclear delineation in the tasks of actors involved in the VNAP, especially at the local government level, and a lack of a systematically updated data base that could be publicly available to everyone who needed it. It has been found in the VNAP that despite being positioned as primary policy implementer, local government has not shown its capacity to undertake this important task, especially when it has multiple socio-economic and political tasks to deal with, while being inadequately funded. The analysis of partnerships has also signalled that NGOs were active and better positioned in helping women. However, NGO intervention faces complicated administrative procedures and insufficient attention is paid to maintaining and developing the results of NGO support of women. Thus, although the GOV has taken a range of strategic actions towards partnerships in combating trafficking crime by setting up and expanding a broad collaboration between various actors, partnerships implemented in the VNAP have not shown strong commitment between the actors involved.

A lack of monitoring and evaluation of different collaborative activities is another area that the evaluation of this research highlighted. Specifically, there was an absence of evaluation that identifies possibilities for effective partnerships before the formulation of the VNAP. The lack of monitoring and evaluation activities also happened with the individual P and the VNAP components as a whole. As a consequence, there was inadequate evidence for determining policy gaps to help improve policy planning and policy implementation. Although CEDAW and the Law on Gender Equality have been mentioned as legal bases for the oversight of gender equality in the country, these two legal documents have not been acted upon to include the role of accountability mechanisms that bind the responsibility of the state in ensuring gender equality and eliminating discrimination against women. The Vietnam CEDAW country reports are there, but it was hard to find in them critical assessments of the country's effort towards gender equality. Most of the data provided highlights the achievements instead of defining gaps and challenges. At both central and local government levels, in my fieldwork, research participants hardly mentioned about CEDAW and the Law on Gender Equality. This challenges Vietnam's commitments as a member of CEDAW to be at its best in understanding and applying the concept of discriminating against women and conducting measures to eliminate all forms of discrimination against women.

The gaps mentioned above had contributed to the increase of women's vulnerability to trafficking. Although women were the target of different anti-trafficking activities, the broad-based intervention approach has diluted positive effects on women. Women were provided with awareness-raising; however, this was merely the basic knowledge to identify human trafficking crime rather than specialised skills (job skills, language skills, communication skills, etc.) being provided to help to safeguard them from the structural conditions, such as poverty and gender relations that make them vulnerable to trafficking. Further, trafficked women were provided support; however, the support is small and not enough for them to overcome socio-economic difficulties. Particularly, there was an absence of support for unofficial victims that left many of them vulnerable to re-victimisation.

The next section aims to make this point clear through discussion of the findings of the VNAP's gender analysis.

9.2.2 Gender analysis of the VNAP

Following the technical analysis of the VNAP which helped trace indirect gender implications for women, this study undertook a gender analysis of the VNAP to see whether the policy fulfilled the criteria of evaluation (participation, accountability, and empowerment) by developing and utilizing a Gender Sensitive Evaluation Framework (GSEF).

The analysis suggests that there was inadequate and unequal participation of women in decision-making and policy-making processes. Women were only partly included in the government cabinet as well as in the VNAP formulation and implementation. Women are likely to be a subordinated group in a patriarchal network, both inside and outside the state. As a result, women's voices and needs, especially those of trafficked women, were inadequately reflected in the political agenda. The silence of women's, especially trafficked women's voices in the VNAP was exacerbated by the culture of silence embedded in the society where women tend to keep silent, to bear their own pain, rather than letting others know their weaknesses and vulnerabilities.

While analysing participation as a policy process, this research analysed accountability and empowerment as both policy process and policy outcome. The idea of gender accountability, as mentioned in Chapter Seven, is that the state needs to be responsive to women's interests and gender mainstreaming is a must for state institutions, policies, and programmes. However, it was found from the analysis of this thesis that, accountability was not understood as a concept in the context of Vietnam. Accountability was often equated to the "responsibility" or "obligation" of the state rather than as a two-way relationship between women and the state. Accordingly, accountability was presented in a particular way, where the state provided women in the community and trafficked women with some types of support. There was, however, a lack of encouragement for women to respond to government actions by making claims for changes. It is, therefore, not a comprehensive accountability, that denotes imbalanced relationship in which

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the voices of the marginalised group are "not overshadowed by the interests of the most powerful" (Blagescu, Casas, & Lloyd, 2005, p. 5). Overall, in the VNAP process, women were framed as passive to the state's support and remained subordinated to the state; and the state's support for women was constructed as one-way welfare. The state was less successful in creating a dynamics of accountability where women are right holders and can make claims on the state.

With regards to empowerment, women and trafficked women were provided with favourable conditions to be better off. The state's support, however, has not helped create sustainable livelihoods for trafficked women. Women's needs were inadequately interpreted in the VNAP intervention that led to responsibilities for basic gender needs being unintentionally shifted from the government to women. Inadequate classification of what women really need resulted in women receiving what they did not want; therefore, the state wasted time and money, and women lost out on the benefits. Specifically, there was an inadequate understanding of how and why women are trafficked, and how they are returned. It means that the current policy classification of "official" victims was grossly underestimated and many survivors were not entitled to the state support. Thus, although the GOV has tried to address socio-economic causes and consequences of human trafficking, inadequate effort has been made to increase women's autonomy and capability to enable them to escape from vulnerable situations.

This research further analysed the underpinning gender construction of human trafficking and trafficking victims' identities (Chapter Eight), and this provided an answer to the last research question. I have highlighted three dominant discourses associated with human trafficking in society and in policy. The first is that women were framed as vulnerable in the policy. The second is that trafficking was overlapped with prostitution; therefore, it was framed as a moral issue. The third is that trafficked women were subject to stigma and social discrimination. Under the VNAP, human trafficking was framed as solely a women's issue and an issue of female sexual exploitation. As a consequence, women were perceived as a danger for society, and trafficked women were perceived as a source of spreading disease. On the positive side, this construction highlights the state's primary goodwill to focus on women. Negatively, it overlaps with the Vietnamese

society's patriarchal norms and values that construct women as passive, as subordinated to men both in the family and in the society, and women as being responsible for their own vulnerabilities. The construction of women as vulnerable and marginalised also exacerbates discrimination against trafficked victims who usually need people's support and encouragement. Gender discrimination exists in different parts of the world; however, again, it should be emphasised that gender discrimination that is deeply rooted from a Confucian society, male-dominated state, and women's subordinate socio-economic position to men in family and in the society was apparent in the policy made for women in Vietnam.

So, what do these findings tell us about gender policy in Vietnam generally? It would appear that while the VNAP is an intervention aimed at women's welfare prompted by international standards, it is also framed by traditional values and attitudes. This is the case for anti-trafficking policy, and it is likely that the situation is not too different for other gender policies. Thus, for a multi-dimensional state like Vietnam, which is market-led, socialist, and continues to have development concerns, gender policy is at best an attempt at "humane patriarchy". While such efforts will have some effects for women, at a practical level, for long-term improvements in the status of women and in gender relations, it is important to ensure that gender policy addresses more structural gender issues and improves the strategic position of women.

To provide feasible recommendations, it should be noted that there are significant changes in the Vietnamese legislation to counter human trafficking crime, most important is the Law on Human Trafficking. The next section briefly presents those significant changes.

9.3 Update on Vietnamese Anti-trafficking Legislation

This section updates the legislative context of anti-human trafficking activities in Vietnam after my fieldwork in 2010. By June 2013, Vietnam had made some further progress in its national legal anti-trafficking framework.

Most notable is the appearance of the Vietnam Law on Human Trafficking (2012), The Law on Human Trafficking (LHT) was approved by the National Assembly of Vietnam on March 29, 2011 and came into force on January 1, 2012. It is the first national anti-trafficking law of Vietnam which has been drafted and discussed through years. Although it was only a draft at the time of the VNAP, policy actors in my interviews highlighted that the VNAP was a solid background for the formulation of the LHT.

The Law on Human Trafficking consists of eight chapters covering 58 articles. The chapters address several main areas: prevention of human trafficking, protection of human trafficking, prosecution of trafficking, and partnerships to counter the crime. It is clear that the LHT has strengthened the extended framework used in the VNAP to being a 4-P policy. Two out of eight chapters address the receipt, identification, and protection of trafficked people (Chapter Seven of LHT), and support for those who are trafficked (Chapter Eight of LHT) (National Assembly of Vietnam, 2012). Thus, it is fair to say that the LHT is a victim-centered policy which highlights the state's commitment to protect and support marginalised people.

Several new points should be noted from this law. The first significant change is that, from the validation of the LHT in January 2012, human trafficking is constructed as a crime that may happen to anyone in the society, as defined in the UN Trafficking Protocol 2000. Thus, trafficking in women and children has become a historical concept. Further, the law also clearly defines the terms sexual exploitation, sexual slave, and labour exploitation (Article 2). Thus, the concept of human trafficking in Vietnam is not only being renewed, but also extended to cover both sexual and labour exploitation, and human trafficking appears no longer to be defined as a women's issue.

With the implementation of the LHT, the Government of Vietnam announced some changes in relation to the management of the anti-trafficking issue. In one action, the GOV's intention to combine the fight against human trafficking with the fight against different types of crime was strengthened through its issuance of the National Action Programme Against Human Trafficking 2011-2015 and

National Target Programme for Preventing and Combating Crime 2012-2015 (GOV, 2012c). In another action, the GOV decided to integrate the National Steering Committee to Combat Human Trafficking and the Steering Committee for the Implementation of National Target Programme for Preventing and Combating Crime into one institutional body: The National Steering Committee to Combat Crime (GOV, 2013b).

Additionally, the GOV issued the Law on Handling Administrative Violations (which came into effect on July 1, 2013). This law indirectly links to anti-trafficking activities as it governs the issue of prostitution which was discussed in Chapter Eight. This law has eight chapters, of which Chapters IV and V focus on the receiving and protection of trafficking victims. According to the newly adopted Law on Handling Administrative Violations, drug users are now not automatically referred to a detention facility, where they had in the past routinely been subjected to forced labour. Further, following this law, *Government Resolution No.24/2012/QH13* confirms that the Government of Vietnam has ceased its former practice of sending prostitutes for re-education and medical treatment. A prostitute, however, has to bear an administrative penalty of VND300,000 (about $15) for the first violation (if she is recognized as a prostitute), and VND5,000,000 (roughly $250) for every subsequent violation. The elimination of compulsory moral re-education and medical treatment for prostitutes marks the considerable efforts of Vietnam in assuring women's human rights and in reducing discrimination against prostitutes and those who are sexually abused.

The continuous effort of the GOV in countering human trafficking was further reflected through the approval of the Prime Minister of Vietnam of the plan to implement the UN Trafficking Protocol. Along with the implementation of that plan, the GOV aims to push up the implementation of the National Action Programme Against Human Trafficking 2011-2015 and National Target Programme for Preventing and Combating Crime 2012-2015 (VOVNews, 2013).

This update shows that Vietnam is moving towards compliance with international law on human trafficking. It, however, tends to officially combine human

trafficking with different types of organised crime (before, this was the solution of local government as a way to overcome limited resources, as discussed in Chapter Five. Such a combination is questionable given that the crime has its own complexities and characteristics, and therefore, needs special focus and attention. That decision of the GOV, however, can be explained by the fact that, like many other developing countries, Vietnam has many tasks to focus on, for example, the development of GDP, the development of production and services, the reduction of poverty, and the alleviation of hunger, as stated in its national socio-economic strategies (GOV, 2006, 2012a). Those tasks are always important, but may not directly link to the elimination of human trafficking and gender inequality. Further, the abolition of compulsory moral education for women shows a significant progress of the state in respecting women's agency and freedom, although the effectiveness of such a measure remains suspect as mentioned in Chapter Eight.

The following section presents recommendations based on the discussion of findings, with particular attention given to those which are most significant and feasible.

9.4 Recommendations

The research findings suggest possible improvement areas for the Government of Vietnam at different institutional levels.

- To overcome challenges in the misinterpretation of policy mandates and activities, miscommunication, and overlaps in intervention, it is important for the GOV to make a clear delineation of the tasks of both government levels and actors involved in anti-trafficking area. Regular communication, monitoring and evaluation of intervention activities should be maintained to assure accountability and transparency in policy implementation. The analysis in this chapter has mentioned a lack of credible and sufficient data on human trafficking in Vietnam, and this is challenging for researchers or people who need to know about human trafficking situation. To bridge this gap, it is necessary that the government build up a national database on human trafficking which contains updated data on trafficking victims,

cases prosecuted, law and policies governing human trafficking crime, hotlines that trafficked women or women at risk can contact for support, hotlines for reporting trafficking and trafficking-suspected cases, and even the pictures of traffickers, etc. By doing so, the state would increase its accountability and transparency, and provides people with widespread access to human trafficking information.

- Another recommendation for the GOV is in terms of resources allocated to anti-trafficking intervention. To effectively implement a policy, sufficient resources and adequate training must be allocated at both national and local level. An additional budget should be called from different economic entities, especially those that may indirectly generate exploitation of people, such as manufacturing enterprises, recreational services, or enterprises that use land taken from people for manufacturing purposes.

- To improve the VNAP's collaborative mechanism, the GOV needs to improve different partnership dimensions, especially public-private partnerships and international partnerships. To do so, NGOs should be provided with more favourable conditions to engage widely in anti-trafficking activities. Further, administrative procedures such as the application for setting up and implementing a project at the local level, or contact with local government should be simplified in a timely manner. The GOV also should encourage participation of civil society of which NGOs are a part in different processes of anti-trafficking policy. Further, partnerships with international countries, especially with those in the GMS should be strengthened, not only in prosecution area (as discussed in Chapter Six), but also in prevention and protection of trafficked women, especially those who are remaining at the destination countries to give them sufficient support. To enhance good partnerships with NGOs and other countries, the GOV need to improve language skills (especially English) of the staff working in anti-trafficking related areas to assure that language will not be a barrier for them while interacting with their international colleagues.

- To make human trafficking an issue of primary concern, combating human trafficking is better if not being combined with the fight against other crimes as different crimes have different characteristics and, therefore, require different solutions. Men also should be better included in the fight against human trafficking and the protection of their women with active and informed participation. To change young Vietnamese, especially young men in relation to their involvement on pro-social activities including anti-trafficking, the government should (i) Incorporate anti-trafficking knowledge and activities into the school curriculum. Schools as well as communities need to educate people with the needs of eliminating gender discrimination against women and girls; (ii) Strengthen the partnership with NGOs and cooperate with them in conducting anti-trafficking activities for the youth; (iii) Strengthen law enforcement to bind the responsibilities for the youth unions in combating human trafficking (responsibility of the youth in countering human trafficking has been identified in the Law on Human Trafficking, and in CEDAW country reports).

- One of the prominent concerns is that while anti-trafficking campaigns are being criticized to have problems and sometimes include human-rights violations (as discussed in Chapter Two), the VNAP with its prevention activities focusing on awareness raising with a range of anti-trafficking campaigns should be reconsidered, especially in the context of inadequate understanding of human trafficking issue at local government levels where perhaps lived experiences do not match the gender and other assumptions of international approaches to trafficking, as represented by the US government and UNODC approaches. Awareness-raising campaigns, therefore, need to be redesigned with the omission of information that may violate women's human rights or people's rights to move, to migrate, and with addition of capacity building for upgrading people's understanding about human trafficking, especially for local government staff.

- To strengthen law enforcement, sentences for criminals involved in trafficking crime should be increased, and prosecution should also govern

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the issue of foreign traffickers (as discussed in Chapter Seven, there were foreign traffickers prosecuted; however, there was a lack of provisions on sentencing foreign traffickers in the law of Vietnam).

- The state needs to strengthen the role of CEDAW and the Law on Gender Equality in monitoring and evaluating the anti-discrimination and anti-trafficking efforts of actors involved in the related activities. These two documents need to be a framework for critiques and for examining and evaluating the state's accountability towards gender equality and the fight against human trafficking. The CEDAW Committee needs to assess Vietnam's efforts in the fight against human trafficking in a more comprehensive way, in terms of different Ps of the anti-trafficking framework set forth by the United Nations (the same organisation of the CEDAW country reports), not only based on the prevention of human trafficking while ignoring the other important activities. It is because combating human trafficking does not only involve prevention activities. To avoid possible conflation of human trafficking with prostitution, the assessment of anti-trafficking activities and anti-prostitution activities need to be separated.

- Further, the state and actors involved in anti-trafficking policy need to take into account the importance of conducting human trafficking research, especially before the formulation of any anti-trafficking policy, or before any important decisions on anti-trafficking intervention are made, to ensure that policy can meet people's expectations and policy can work well for its beneficiaries.

- In addition to that, public voice and agency of trafficked women themselves can better inform policy development through their participation in policy processes. For that, the government needs to include trafficked women in the development of anti-trafficking policy. Thus, research is not the only way to help include the voice of trafficked women in anti-trafficking policy. To make policy makers aware of the real life experiences of trafficked women and women in the community, the

government should initiate a forum for trafficked women (or even an annual conference) for them so that their voices and ideas can come directly to the higher level of state, not only through their representative women's unions. The government also needs to set up an effective mechanism for trafficked women, taking trafficked women as a reference group. In terms of the VWU activities at grass-roots level, currently, they have monthly meetings at communal level, in which they discuss different socio-economic issues; however, human trafficking has not been the focus. They should have anti-trafficking topic discussed at least twice or three times a year with the participation of trafficked women to share their ideas and experience. Their recommendations then should be seriously observed by the local women's union president and passed to the women's union at central level or central government. Further, some newspapers should reserve a space for human trafficking related stories and issues such as law and policies, human trafficking life experiences, etc. to attract people's attention to the fight against human trafficking.

- The other recommendation is that mainstreaming of gender needs to be applied to both socio-economic macro-policy and anti-trafficking policy itself. As noted by the United Nations (1995), in the BPDA, nation states need to situate gender equality issues at the centre of analysis, decision making, and policy making processes. For that, anti-trafficking policy should be made gender-sensitive rather than being gender-blind. Also, the GOV needs to take into account the impacts of globalisation on women and gender equality. To do so, gender and globalisation should be the foci of any consideration in decision making and policy making.

- To maximise possible benefits for trafficked women, there should be flexibility in employment option for them. Trafficked women should be trained and provided the job that they really need and that can provide sustainable livelihoods.

- My last recommendation is that while the criminalisation of prostitution neither helps reduce women's vulnerabilities to prostitution nor reduces

sex trafficking, the GOV should consider alternative solutions. As legalisation of prostitution would not be an effective method, given that prostitution could make more women and girls vulnerable to sex work and probably increase the number of brothels, pimps, and organized crime group, especially while Vietnam has weak law enforcement, semi-legalisation or semi-decriminalisation of prostitution could be feasible methods. Accordingly, the government should accept prostitution as a legal job, allow sex workers to sell sex in manageable restricted areas, even if not in the whole country. To choose the most suitable alternative solution, however, the GOV needs to conduct research before making the final decision. To do so, moral attitude and possible positive impacts should be weighed up rather than decisions relying only on traditional moral values.

9.5 Areas for Future Research

The study has opened up several areas for further investigation. As already mentioned, after the VNAP, the Government of Vietnam continued to strengthen its political commitment to combat human trafficking by formulating and implementing the national Law on Human Trafficking. It can be said that the VNAP was a solid background for the LHT while it was the only direct anti-trafficking policy pursued by the Government of Vietnam between 2004 and 2010. Further research, therefore, could evaluate the effectiveness and impacts of the new human trafficking law on the incidence of human trafficking and its implications for women and gender relations. Further, as the term human trafficking was started to be effectively in use in January 2012, along with the application of the LHT, gender analysis of human trafficking crime and its policy would be attractive to researchers who want to undertake gender evaluation of the Vietnamese anti-trafficking policy after 2011. Additionally, future research would focus on other types of human trafficking that have not been the focus of this research (there was no data on those types of trafficking, especially for the duration of the VNAP), such as labour trafficking or trafficking for fraudulent marriages. While this study is mainly a qualitative research study, future study

should try mixed method research combining qualitative and quantitative techniques.

Also, up to date, there is no available cost-benefit analysis of the VNAP. This thesis did not do the cost-benefit analysis of the VNAP due to a serious lack of budgetary data. As per data supplied by a state actor, every year each ministerial actor involved in the VNAP received about VND500 million (around USD25,000) for anti-trafficking activities. Annually, USD125,000 was released for the VNAP implementation. This amount was mainly used for anti-trafficking activities at the national level, and part of it was provided to provinces by relevant actors in 64 provinces. At the communal level, local governments used limited budgets that were raised locally to conduct anti-trafficking activities. In Vietnam, anti-trafficking activities, sometimes were combined with the so-called anti-social activities (as mentioned in Chapter Five), so that, at local level, money was used for both anti-trafficking and anti-social evils activities. It is therefore challenging to do cost-benefit analysis of the VNAP. Also, in Vietnam it is hard to find documents on financial data as actors are very much hesitant to provide them to people. My fieldwork experience shows that actors tried to ignore my requests with regards to the policy budget.

Another point is that, this study has also presented an overview of the 4-Ps and their relevance in anti-trafficking policies. Future researchers, therefore, depending on their research scope, can do extended research on individual Ps. Among those possibilities, partnerships as the backbone for effective coordinated efforts and as an important solution to various challenges could be a new focus for the research on human trafficking.

Another possible area of research would be to conduct a comparative study of the Vietnamese anti-trafficking policy with that of a GMS country which has similar socio-economic and demographic background, or the possibility for Vietnam to legalise or semi-legalising prostitution. The research might focus on similarities and differences in different policy processes between the two countries and identify best practices. One possibility is that the research would take the case of a country that pursues opposite solutions, however, that help control human trafficking. Thailand could be the best case, as in contrast to Vietnam, instead of

criminalising prostitution, the Government of Thailand chooses to legalise prostitution. According to Somswasdi (2004), the Thai sex industry generated approximately $4.3 per year (USD), contributing 3 per cent of the Thai economy. Making the statement that the Thai sex industry has become a billion-dollar trade for Thailand, Menasveta (2002), however, contends that prostitution makes women vulnerable rather than bringing them a better life. She notes that the Thai sex workers often have little control over their lives; gambling and alcohol are primary methods for them to deal with their personal stress. Importantly, once entering prostitution, it is difficult for them to escape of that vulnerable cycle. Thus, pros and cons are there, in each solution. However, it can be a good chance to examine whether legalising prostitution can be a proper fit to the case of Vietnam and have a better impact on women and the society at large, given that there were controversies over whether the GOV should or should not legalise prostitution. Thus, such a study may help provide important inputs for policy consideration.

Lastly, doing research on a sensitive complex issue like human trafficking is not an easy task. It is challenging in different stages of the research continuum; however, it is a truly interesting journey with different insights and experiences accumulated. Each of the points recognised can be developed into a research topic: one study on ethical considerations in doing research on human trafficking, another on the push and pull factors of human trafficking, the feminisation of human trafficking and its implications for policy and practice, gender aspects of human trafficking in globalisation, human trafficking and globalisation nexus, etc., all can be possible topics of research for future scholars. Interestingly, those topics can be investigated either at a national, regional, or global level.

9.6 Conclusion

I conclude this study by identifying some possible contributions of this study to policy and practice. Generally, this study has contributed to our understanding of the human trafficking issue, and human trafficking in the particular source country of Vietnam. The study has also presented an investigation of how a developing country responded to the complex issue of human trafficking in a context of

inadequate resources. Particularly, this study has added an emphasis on the prerequisite of policy evaluation as a way to enhance policy making and its implications for gender equality and women's development. Accordingly, this research has developed a two-dimensional policy evaluation framework for evaluating anti-trafficking policy which initially focuses on appraising the policy's fulfilment of predetermined objectives; later, it examines gender concerns in the policy processes, and the framework extends the gender analysis by examining gender construction of policy issues, and identity construction of trafficked women. This framework could also be applied in the evaluation of policies in a wide range of socio-political issues that involve women as a marginalised group. Further, the study will contribute to existing literature on gender research and human trafficking research. Additionally, this study serves as a reference for gender/policy students or anyone wanting to understand the human trafficking situation in a developing country.

Finally, I want to emphasise that, being an individual evaluator, the discussion on the VNAP's gaps and recommendations to the government present the personal views of the researcher rather than representing the ideas of any organisation directly or indirectly involved in the policy programme.
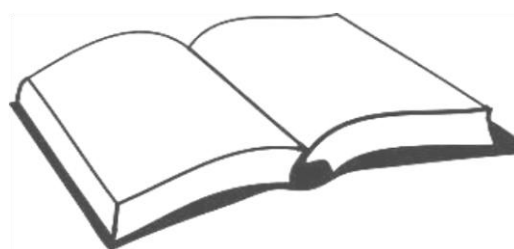
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Appendices

Appendix A: Guide Questions for In-depth Interviews

(With State Actors)

[Translated from Vietnamese]

Factual information

What is the role of your organization in the VNAP and the fight against human trafficking?

What is the role of the state in empowering women?

How would you describe women's position in the country, especially in relation to the state? What is women's position in relation to globalization?

How would you describe the situation of human trafficking in Vietnam?

What do you see as causes of human trafficking?

What are the key structural conditions that contribute to trafficking in the country?

What are the key economic transformations that make women vulnerable to human trafficking?

What are the key socio-political factors that contribute to trafficking in Vietnam?

What are the key cultural factors that contribute to human trafficking in Vietnam?

To what extent has VNAP information been available for people to access? How effective is it?

Why do you think human trafficking is happening?

How might the problem be addressed?

Competing discourses

How do you perceive the issue of human trafficking?

How do you perceive trafficked women?

What are the main ideas of the VNAP?

How does the GOV incorporate international anti-trafficking ideas and solutions into the VNAP?

How does the GOV incorporate international neo-liberalism ideas into the VNAP?

What are the contributions of the VNAP to an understanding of human trafficking?

What are the contributions of the VNAP to changing gender norms and values in the society?

The VNAP and women

Have women been included in the decision-making process and how?

To what extent are their views adequately considered?

How has the VNAP paid special attention to trafficked women?

Have their views and experiences been sought?

To what extent has the VNAP sufficiently identified and addressed the needs of women and improved women's identity status?

What are the main contributions of the VNAP to trafficked women and women in the community?

Collaboration

What non-state actors are involved in the VNAP and in what way?

How do you perceive the role and contribution of the state actors and the non-state actors in anti-trafficking politics?

How effective are the collaborative mechanisms between the state and non-state actors in the development and implementation of local and regional anti-trafficking policies?

What do you see as challenges and key achievements of this collaboration?

What might be effective solutions for solving the challenges?

Personal evaluation

What is missing in the policy?

What do you as successes and failures of the VNAP?

What needs to change for better results?

What lessons can be learned from the case of the VNAP?

How is the VNAP expected to be evaluated?

Appendix B: Guide Questions for In-depth Interviews

(With Non-State Actors)

[Translated from Vietnamese]

Factual information

What is the role of your organization in the VNAP and the fight against human trafficking?

What is the role of non-state actors in anti-trafficking politics?

How would you describe women's position in the country, especially in relation to the state? What is women's position in relation to globalization?

How would you describe the situation of human trafficking in Vietnam in the context of globalization?

What do you see as causes of human trafficking?

What are the key structural conditions that contribute trafficking in the country?

What are the key economic transformations that make women vulnerable to human trafficking?

What are the key socio-political factors that contribute to human trafficking in the country?

What are the key cultural factors that contribute to human trafficking in Vietnam?

To what extent has VNAP information been available for people to access? How effective is it?

Competing discourses

How do you perceive the issue of human trafficking?

How do you perceive trafficked women?

What are the main ideas of the VNAP?

How does the GOV incorporate international anti-trafficking ideas and solutions into the VNAP?

How does the GOV incorporate international neo-liberalism ideas into the VNAP?

What are the contributions of the VNAP to an understanding of trafficking?

What are the contributions of the VNAP to changing gender norms and values in the society?

The VNAP and women

Have women been included in decision-making processes and how?

To what extent are their views adequately considered?

How has the VNAP paid special attention to trafficked women?

Have their views and experiences been sought?

To what extent has the VNAP sufficiently identified and addressed the needs of women and improved women's identity status?

What are the main contributions of the VNAP to trafficked women and women in the community?

Collaboration

Do you know any other non-state actors involved in the VNAP? In what ways?

How do you perceive the role and contribution of the state actors and the non-state actors in anti-trafficking politics?

How effective are the collaborative mechanisms between the state and non-state actors in the development and implementation of local and regional anti-trafficking policies?

What do you see as the challenges and key achievements of this collaboration?

What might be effective solutions for overcoming the challenges?

Personal evaluation

What is missing in the policy?

What do you regard as successes and failures of the VNAP?

What needs to change for better results?

What lessons can be learned from the case of the VNAP?

Appendix C: Guide Questions for In-depth Interviews

(With Trafficked Women)

[Translated from Vietnamese]

Factual information

Please share some of your background details (age, education, marital status, economic condition); How long have you been in this 'safe house'/ or When did you return back to your village?

What is the position of women in the community and in the family today?

Are women respected (in the family, in the society)? Why not?

What is the relationship of women to the state?

How do you perceive human trafficking?

How and why did you come to be trafficked? What are your experiences in coping with and escaping from the situation you were in?

What was the situation of the other trafficked victims you have met?

Do you have access to information and knowledge of human trafficking and how?

Impacts of intervention

What is your experience of reintegration into the community?

Have you been receiving any support from the government or any other agencies?

How effective is this support in your life?

Which form of support is most effective for trafficked women?

What needs to be improved for better results?

Do you know about the VNAP or any other anti-trafficking activities?

What are the contributions of the VNAP to community and women?

What do you see as changes in gender norms and values in the society?

Opinion

Why is human trafficking happening? To what extent are the current supportive measures successful to help trafficked women?

Which interventions should be made to help trafficked women reintegrate well into the community and help women in the community avoid human trafficking?

How can we prevent human trafficking from happening? (What can the community do? What can the Vietnam Women's Union do? What can the government do?)

What is your message to other women in the community to help them avoid being trafficked?

Appendix D: Guide Questions for Focus Group Discussions (with Women in the Community)

[Translated from Vietnamese]

Factual information

What is the situation of women in the community and family?

Are women respected?

What is the relationship of women to the state?

How do you perceive human trafficking?

How do you perceive trafficked women?

What do you know about trafficking in women and children in Vietnam?

Where does your knowledge of the issue come from?

Do you know any women who have been trafficked?

How would you assess the understanding and awareness of local women about human trafficking?

Impacts of intervention

What kind of support in increasing your understanding of human trafficking have you received?

How would you assess that support?

Do you know about the VNAP/ or any other state or non-state activities related to human trafficking in Vietnam?

What are the contributions of those activities to women's progress and community development?

What happens to trafficked women who come back to the community?

What do you see as changes in gender norms and values in the society?

Opinion

Why is human trafficking happening?

Which interventions should be made to help trafficked women reintegrate well in the community and help women in the community avoid human trafficking?

How can we prevent human trafficking from happening? (What can the community do? What can the Vietnam Women's Union do? What can government do?)

Appendix E: Information Sheet [Translated from Vietnamese]

FACULTY OF ARTS AND SOCIAL SCIENCES

THE UNIVERSITY OF WAIKATO

Contact Details of Researcher:

Duong Kim Anh

Women's and Gender Studies Programme

Faculty of Arts and Social Sciences, The University of Waikato

Private Bag 3105, Hamilton, New Zealand

Tel: +64 7 838 4138 or +64 7 8563478, +64 21186553.

Email: kad19@waikato.ac.nz

Contact in Vietnam: +84 35742709

Background Information

I am a PhD student in Women's and Gender Studies at the University of Waikato. I am conducting research to complete my doctoral thesis. The research is focusing on human trafficking in Vietnam. As one can see, various actors, institutes, and individuals have been involved in the fight against trafficking in persons. This research aims to examine how trafficking in women and children is constructed and responded to by the Vietnamese state. Also, the research seeks to identify how the state actors, non-state actors, trafficked women, and women in the wider community perceive the response of the Vietnamese state to the issue. There are no wrong or right answers. Your experience and views will make a significant contribution to increasing public recognition and understanding of human trafficking. I expect that the findings of this study will contribute to the development of good policy initiatives and interventions for trafficked women. The findings will be presented in my doctoral thesis, and also, the whole or part of the findings may be used for conference papers, academic journals and books.

Interview Process

I would like to talk to you about human trafficking in Vietnam. I would like to hear your views about the issue, including your thoughts on the socio-economic,

cultural and political contexts in which human trafficking occurs, the response of the Vietnamese government to this issue, and your perceptions of the effectiveness of the state response to trafficking in terms of its contribution to women's lives and the well-beings of society.

The interview/group discussion will take approximately 60-90 minutes, depending on your available time and the information you want to share. I would like to tape-record the interview so that I can obtain accurate information, but do not have to do so if you do not want to be recorded. All information obtained from the interview, such as audio recordings and transcripts will be protected by all means and kept confidential whether I am in Vietnam or in New Zealand.

You have the choice of being anonymous or choosing a pseudonym. Everything you tell me will be kept strictly secret. Your identity and personal details will be strictly confidential. I will not use your name or identity in my research without your informed and explicit permission. You have the right to decline to answer any particular questions, or choose to withdraw from the interview at any time. If you want to ask further questions for clarification, please feel free to interrupt me. You are also entitled to withdraw any supplied information within two months of the date of the interview. Further, I am willing to send you the interview transcripts or a summary of the study findings upon your request.

Further Details

• This research project has been given approval by the Human Research Ethics Committee of the University's Faculty of Arts and Social Sciences. Any questions about the ethical conduct of this research may be sent to the Secretary of the Committee, email: fass-ethics@waikato.ac.nz, postal address: Faculty of Arts and Social Sciences, Te Kura KeteAronui, University of Waikato, Te Where Wananga o Waikato, Private Bag 3105, Hamilton 3240.

• If you have any other questions, you are welcome to contact my chief supervisor at the following address:

Dr Carolyn Michelle

Senior Lecturer, Convenor of Women's & Gender Studies

Faculty of Arts and Social Sciences, The University of Waikato

Email: caro@waikato.ac.nz;Contact: +64 7 838 4466 ext. 6828

Appendix F: Consent Form for Research Participants

[Translated from Vietnamese]

FACULTY OF ARTS AND SOCIAL SCIENCES

THE UNIVERSITY OF WAIKATO

Topic of Study: Human Trafficking in Vietnam

Name of Researcher:

Duong Kim Anh

Women's and Gender Studies Programme

Faculty of Arts and Social Sciences, The University of Waikato

Private Bag 3105, Hamilton, New Zealand

Tel: +64 7 838 4138 or +64 7 8563478, +64 21186553.

Dear Participants,

As a participant in my study on human trafficking in Vietnam, you have the choice of being anonymous or choosing a pseudonym. Background information of my study has been mentioned in Information Sheet. Everything you tell me will be kept strictly secret. No identifying personal details will be revealed. There are no right or wrong answers.

If you agree to participate, you will have the following rights; you can:

- Refuse to answer any particular questions, or choose to terminate the interview at any time;

- Ask any further questions about the research that occur to you during your participation;

- Withdraw, adjust or supplement any supplied information during the interview or up to two months from the date of the interview;

- Request the researcher not to use any part of the information supplied;

- Withdraw your consent (verbal or written); and

- Request a copy of your interview transcript or relevant research findings, up to a period of one month from the date of the interview by contacting me via my mentioned contact details.

This research project has been given approval by the Human Research Ethics Committee of the University's Faculty of Arts and Social Sciences. You may contact the committee at the following email address:

Please circle one choice in each of the following sentences:

- I am happy to be identified in the data collected for this doctoral research project.

  Yes   No

- I would like to have a pseudonym used to protect my anonymity

  Yes   No

  If 'Yes', please print your chosen pseudonym here ....
  (Otherwise, one will be chosen for you)

- I would like to receive a copy of the transcript, or a copy of the findings

  Yes   No

  If 'Yes', please print your email address:

  Or your postal address:

  ....

  ....

I have read and understood this information. I fully and freely agree to participate in this study under the conditions set out in the Information Sheet form.

Participant's signature: _____

Name: _____

Date: _____

Thank you for sharing time and experience. Your responses will be highly appreciated.

Appendix G: Guidelines for Ethical Considerations

G1. The University of Waikato Ethical Conduct in Human Research and Related Activities

http://calendar.waikato.ac.nz/assessment/ethicalConduct.html

G2. The WHO Ethical and Safety Recommendations for interviewing Trafficked Women

http://www.who.int/gender/documents/en/final%20recommendations%2023%20oct.pdf

Appendix H: Data Matrix

Prominent Aspects	State Actor	Non-state Actor	Trafficked women	Women in the community
HUMAN TRAFFICKING SITUATION				
1. Complicated situation of human trafficking: HT in Vietnam is on the rise?				
2. Gender aspects of HT in Vietnam				
3. Uneven understanding of HT between actors, between women in the same area, and between women of different areas				
4. Underlying and structural causes of HT: Variety of causes, poverty is not the main issue. Globalization and people's motivation are most frequently mentioned				

IDEOLOGY AND DISCOURSES				
5. State Ideology and the VNAP: A combination of contrasting ideologies				
6. State-gender discourses (power/gender relations)				
7. Social justice discourses vs. crime discourses				
8. Contradictory discourses: Legalization vs. decriminalization of prostitution. Emphasis on moral issue.				
9. Contradictory discourses: Heavy penalty against sex buyers?				
10. The VNAP: A gender-specific policy				
11. Emphasis of the policy: Prevention, Protection and Prosecution				
12. The VNAP & Globalization: The VNAP has not taken into account all globalization's impacts				
PERFORMANCE OF POLICY AND ACTORS				
13. Cooperative mechanism: Unconnected and ineffective				
14. The VNAP effectiveness and efficiency: Contribution to the increase of women's awareness. Main achievement of the VNAP is to increase women's awareness				

15. The VNAP satisfaction: The VNAP has not satisfied different actors involved.				
16. The VNAP responsiveness: has not fully responded to urgent needs of trafficked women				
17. Shortages of the VNAP: weak key institutional factors, poor performance of the VNAP at local level				
18. Support to victims: Complicated administrative procedures, insufficient and ineffective support. A sustainable well-being for victims (security, autonomy, survival) has not been achieved				
19. Challenges to victims in their re-integration in the community				
POLICY IMPACTS				
20. The VNAP's contribution to women: Women's perceptions, expectations and reactions about the VNAP				
21. The VNAP's contribution to community and a better life for women: yes, but limited				
IMPROVEMENT OF FUTURE ANTI-TRAFFICKING POLICY				
22. Policy recommendations				
23. Changes in the transition from the VNAP to the Draft Law				

Appendix I: Overcoming trafficking past to have a happy life

An article published in the VWU's website on September 2, 2011 tells a story of a group of women in a central province of Vietnam, who overcome difficulties and enjoy a happy life.

Nguyet and her friends were victims of sex trafficking 20 years ago. Due to social stigma and discrimination against the women who were sexually exploited, they chose not to return to their home towns. Rather, they found a remote area to set up their new life.

With no money, no support from family, these women had to pitch tents to live, and go to the forest to collect firewood to sell to survive. People even hesitated to hire them to work as they were afraid that the women's bad morality (as they had been sexually exploited) may affect the other workers. Living in difficulties, however, they told each other not to fall in trafficking traps again. Gradually, they had some savings. Then, with the help of local government, they build up a big Love House to live, and to host those women and girls who were victims of trafficking. The house has been a good shelter for not only trafficking returnees, but also the ones who are at risk of being trafficked in the area.

Source: (VWU, 2011)