

# Part 1

## Focus: Smuggling and trafficking of Vietnamese nationals into and within Europe

Route/Service	Price (\$)
<b>Chuyến đi đến Europa</b> <i>Trip to Europa</i>	
Việt Nam - Nước Anh <i>Vietnam - U.K.</i>	30,000 \$
Việt Nam - Europa <i>quá Nga</i>	18,000 \$
Chuyến bay trực tiếp <i>Direct flight</i>	23,000 \$
Từ Bỉ hoặc Pháp đến Vương quốc <i>Belgium/France - U.K.</i>	10,000 \$
Cao cấp <i>VIP</i>	11,000 \$
Thông thường <i>Normal</i>	3500 \$
Bằng thuyền <i>By boat</i>	2500 \$

# Introduction

The focus Myria has chosen this year relates to a tragedy for which the perpetrators were sentenced in January: the Belgian part of a human smuggling case, in which 39 Vietnamese nationals died in Essex (UK), better known as the “Essex tragedy”. The refrigerated lorry in which they were smuggled transited through the port of Zeebrugge.

Myria therefore wished to examine the issue of the smuggling and trafficking of Vietnamese nationals. Some Vietnamese who are transported illegally are obliged to pay off their debts en route by working in precarious conditions.

On the one hand, this focus provides an overview of the phenomenon of smuggling and trafficking Vietnamese from an international perspective (Chapter 1). On the other hand, to illustrate the Belgian situation, it analyses two Vietnamese smuggling cases for which Myria filed a civil suit, including the one related to the Essex tragedy (Chapter 2). These cases contain certain aspects common to the smuggling and trafficking of human beings, including debt bondage.

This focus is also supplemented by two external contributions: one is provided by EMM – the Dutch Expertise Centre on Human Trafficking and People Smuggling – which carried out a study aimed at better understanding the nature and extent, at national level, of the trafficking and smuggling of Vietnamese nationals identified in various criminal networks in the Netherlands.

The second one has been compiled by the American NGO Pacific Links, based in Vietnam, which has been working for more than 20 years to prevent and raise awareness about human trafficking in Vietnam, and in transit and destination countries in Europe and Asia.

# Chapter 1

## Overview

Thousands of Vietnamese have left their home country in recent years, in search of a better life for themselves and their families. While some leave the country as legal migrant workers, others are recruited by smuggling networks with false promises of employment in Europe. They usually incur heavy debts to finance their journey to Europe and, sometimes, they are also smuggled there in life-threatening conditions and are exploited en route or upon arrival. The smuggling and trafficking of Vietnamese into and within Europe appears to have been on the rise in recent years. In Belgium, prior to the Essex tragedy, these practices went unnoticed, with very few Vietnamese acquiring victim status every year<sup>1</sup>. Elsewhere, these abuses came to light earlier: for instance, in the United Kingdom, the number of referrals of presumed victims of ‘modern slavery’<sup>2</sup> of Vietnamese nationality has increased dramatically over the past decade, rising from just 50 in 2009 to almost 1,000 in 2021<sup>3</sup>.

This chapter provides an overview of the phenomenon. It briefly describes the Vietnamese community in Europe (point 1), before turning to the phenomenon of human smuggling (point 2). The latter focuses on the departure from Vietnam (who are the people being smuggled, why are they leaving, how are they recruited and how much do they pay?), the routes chosen, the structure of the Vietnamese smuggling networks and the fate of their victims. The third point deals with the trafficking of Vietnamese nationals in Europe (point 3). It addresses the vulnerability of highly indebted victims, the links between smuggling and trafficking, and the main forms of trafficking of Vietnamese nationals in Europe: labour exploitation, especially in nail bars and the hospitality sector, sexual exploitation and forced criminality, especially in drug trafficking and cigarette smuggling. The final point focuses in particular on the detection and protection of Vietnamese victims of human trafficking and smuggling (point 4).

The text is based on interviews with experts, a literature review, an analysis of recent press releases and newspaper articles, as well as previous Myria annual reports.

## 1. The Vietnamese community in Europe

### 1.1. | Vietnamese migration to Europe

The history of Vietnamese migration to Europe is structured around several waves of migration. Excluding the mobilisation of Vietnamese soldiers and workers from French Indochina to France (which had already begun during the First World War), the first wave of migration occurred after the end of the Vietnam War in 1975. At the time, tens of thousands of boat people fled the Communist regime and were resettled in various Western European countries. In the 1980s, there was a second migratory movement, this time to the Eastern Bloc, under the work and study programmes of the then Soviet Union. Thanks to these programmes, increasingly large Vietnamese communities emerged in cities such as Moscow, Kyiv, Warsaw, Prague and (East) Berlin<sup>4</sup>. Following the collapse of the Soviet Union in 1989, many Vietnamese migrant workers from Eastern Europe returned home.

<sup>1</sup> The exact figures are available in previous Myria reports ([www.myria.be](http://www.myria.be)).

<sup>2</sup> This generic term includes slavery, forced labour, servitude and human trafficking (Art. 1-3 Modern Slavery Act 2015); see on the British legislation website.

<sup>3</sup> D. Silverstone and C. Brickell, *Combating modern slavery experienced by Vietnamese nationals en route to, and within, the UK*, Independent Anti-Slavery Commissioner (IASC), 2017, p. 19-20; UK Home Office, *Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2021*, 3 March 2022.

<sup>4</sup> M. Vu and N. Sebtaoui, “Smuggling and trafficking from Vietnam to Europe”, *Forced migration review*, no. 64, June 2020, p. 63.

However, some of them emigrated to Western Europe, resulting in a third wave of migration in the 1990s which, for the first time, was essentially illegal. As for the most recent wave of migration, it is composed of newcomers. For several decades, this younger generation of migrants has been coming directly to Europe from Vietnam (especially from northern and central-northern regions) mainly for economic reasons<sup>5</sup>, and often with the help of smugglers.

## 1.2. | The Vietnamese diaspora today

Vietnamese communities can still be found today in European capital cities such as Paris (13<sup>th</sup> arrondissement), Berlin (Lichtenberg) and Prague, as well as in smaller towns across the continent<sup>6</sup>. Hierarchies have emerged within the diaspora over the years, based on socio-economic status, place of origin in Vietnam and length of stay in Europe<sup>7</sup>. In some diaspora communities, such as the one in Paris, there is also a significant socio-cultural gap between the ‘generations’ of Vietnamese migrants, for instance, between long established boat people (mainly from southern Vietnam) and newcomers (from the north). The older diaspora (Việt Kiều) can help newcomers find jobs and accommodation, but often do so on a contractual basis rather than out of solidarity<sup>8</sup>. Newcomers with no links to the local diaspora are less likely to be offered help or work and are more likely to be exploited by their own community<sup>9</sup>. For instance, this seems to be the case in Asian markets located on the outskirts of Eastern European capital cities, such as the SAPA (‘Little Hanoi’) market in Prague, Wólka Kosowska in Warsaw and the Dong Xuan Center in Berlin<sup>10</sup>.

## 2. Smuggling of Vietnamese nationals into and within Europe

### 2.1. | Departure

#### Profile of migrants in control of smugglers

The majority of Vietnamese nationals smuggled into Europe in recent years are from northern Vietnam, especially from (certain districts of) the region of Nghe An (see Fig. 1). Up until now, this region hasn’t been in a position to benefit from the general growth of the Vietnamese economy: with high unemployment rates and limited access to education, upward mobility is low<sup>11</sup>. The lack of opportunities is the main reason many people from Nghe An choose to emigrate (legally) within or outside Vietnam<sup>12</sup>, or they are swayed by the false promises of smugglers.

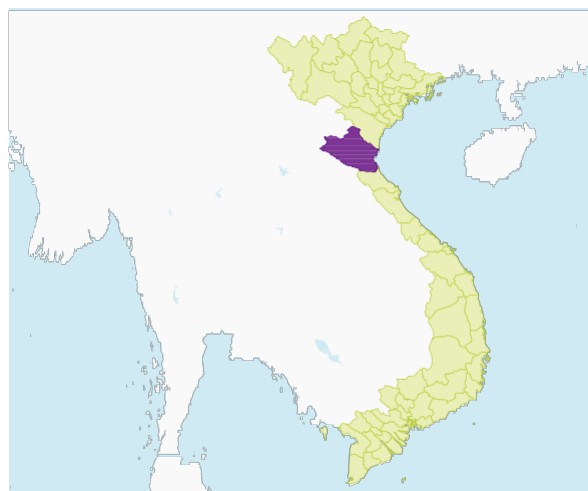


Fig 1: Nghe An region, Vietnam, Southeast Asia

5 D. Silverstone and C. Brickell, *op. cit.*, p. 19–20; T. Nguyen, “Government-sponsored crime. The case of Vietnamese undocumented immigrants in Germany and the UK” in P. Van Duyne et al. (eds.), *Constructing and organising crime in Europe*, Eleven International Publishing, 2019, p. 53–55.

6 D. Czarniecki, “Was hat Deutschland mit 39 toten Vietnames/innen in Großbritannien zu tun?”, *NDV*, March 2020, p. 136–141.

7 D. Beadle and L. Davison, *Precarious journeys: Mapping vulnerabilities of victims of trafficking from Vietnam to Europe*, Anti-Slavery International, ECPAT UK and Pacific Links Foundation, 2019, p. 14.

8 D. Tan and T. H. Nguyen, *En route to the United Kingdom. A field survey of Vietnamese migrants*, IRASEC and France terre d’asile, March 2017, p. 48.

9 D. Beadle and L. Davison, *op. cit.*, p. 54.

10 D. Beadle and L. Davison, *op. cit.*, p. 55, 75 and 85; D. Czarniecki, *op. cit.*, p. 137. Also see the analysis of the Essex case in the following chapter of this focus and the recent documentary by A. Bartocha and J. Wiese, “Handelsware Kind – Die Mafia der Menschenhändler”, 2021.

11 D. Beadle and L. Davison, *op. cit.*, p. 43.

12 D. Tan and T. H. Nguyen, *op. cit.*, p. 34–36.

It is especially young adult men who use smugglers to leave this region and travel to Europe. Women and minors sometimes use them too, but they are in the minority<sup>13</sup>. According to the majority of sources, the people smuggled are usually single and in their 20s, with a low level of education. Prior to leaving Vietnam, they are often working as fishermen, farmers, shopkeepers, workers or handymen, earning a very modest income<sup>14</sup>. Those who leave don't necessarily belong to the poorest class, as they are able to finance the expensive journey to Europe, or they are at least sufficiently creditworthy to take out a loan. However, poorer people can also be brought to Europe if they take out a loan directly from the smuggling network, for instance, which consequently puts them in a debt bondage situation (see below). Finally, it is striking that the Vietnamese who have recently been smuggled into Belgium are mostly (and even exclusively, according to certain stakeholders in the field) Catholic.

## Reasons to leave

Vietnamese newcomers mainly come to Europe for economic reasons. Some leave their country owing to a specific personal situation, such as job loss, company bankruptcy or old debts they hope to pay off by working in Europe. Others escape their region because of a general lack of opportunities<sup>15</sup>. In almost all cases, those who leave intend to earn an income for themselves and their families in Vietnam. Their goal is to work in a European country — especially the United Kingdom — for a few years, then, after having paid off their travel debts in the short term,

to send part of their salary to their family in the form of remittance payments<sup>16</sup>. They often consider this migration as temporary and ultimately aim to return to Vietnam.

In some cases, the money earned in Europe can be used to build a house, finance studies or start a business<sup>17</sup>.

However, leaving for Europe is more than a purely economic choice for individual migrants. In general, the families of the (mostly relatively young) Vietnamese who use smugglers also play a key role in their decision-making process. Sometimes, the family simply encourages the irregular migrant to earn money abroad, or gives them advice on the matter. However, it is often family members, especially parents, who take the initiative to let one of them go, and they take out a loan in Vietnam for this purpose (which the smuggled person must then pay back)<sup>18</sup>. The person who leaves is expected to show loyalty and solidarity towards the family (in the broadest sense), and to support these relatives financially from Europe<sup>19</sup>.

The majority of people who are smuggled from Vietnam to Europe leave the country owing to a combination of economic reasons and family expectations. A smaller proportion of irregular migrants leave for other reasons. Some of them leave Vietnam for (alleged) fear of political or religious persecution (and may or may not seek asylum upon arrival in Europe). Some sources also mention Vietnamese orphans and neglected children who are smuggled into Europe to be exploited<sup>20</sup>.

## Recruitment in Vietnam

Many irregular migrants initially leave Vietnam voluntarily or owing to pressure from their own families. However, their decision to leave is often based on limited or unreliable information concerning the journey to Europe and the situation after arrival. Since many of these people have never travelled before and don't speak English<sup>21</sup>, they are highly vulnerable to the fake stories circulating around them.

Potential Vietnamese irregular migrants are usually influenced and recruited by the local community or online. For instance, in their region, they hear rumours about job opportunities

*The family plays a key role in irregular migrants' decision to leave.*

in Europe, or see (some) families living in apparent prosperity thanks to their income from abroad<sup>22</sup>.

13 Also see the Essex case analysed in greater detail in the following chapter of this focus.

14 See especially D. Tan and T. H. Nguyen, *op. cit.*, p. 22.

15 See especially D. Silverstone and C. Brickell, *op. cit.*, p. 21-22.

16 A 'remittance payment' is a cross-border financial transaction between private individuals. In the context of the EU, it specifically refers to a payment made by a migrant to a beneficiary (or beneficiaries) in the migrant's country of origin.

17 D. Tan and T. H. Nguyen, *op. cit.*, p. 25.

18 D. Beadle and L. Davison, *op. cit.*, p. 38; Also see the analysis of the Essex case in the following chapter of this focus.

19 D. Silverstone and C. Brickell, *op. cit.*, p. 27.

20 P. Hynes et al., *'Between two fires': Understanding vulnerabilities and the support needs of people from Albania, Viet Nam and Nigeria who have experienced human trafficking into the UK*, International Organization for Migration (IOM), June 2019, p. 52; Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 19; D. Silverstone and C. Brickell, *op. cit.*, p. 21.

21 P. Hynes et al., *Vulnerability to human trafficking: A study of Viet Nam, Albania, Nigeria and the UK*, International Organization for Migration, September 2018, p. 32.

22 P. Hynes et al., *op. cit.*, 2019, p. 49; T. Nguyen, *op. cit.*, p. 63; Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 19.

Potential migrants can easily come into contact with a smuggler through their entourage, for instance, through friends and relatives who promote the services of a certain network<sup>23</sup>. Sometimes, the smugglers are part of mafia-like organisations with a strong presence in the region, and offer services other than smuggling (e.g. funding to build a house or to buy land). In addition, many potential migrants receive advertisements about travel to Europe on social media and messaging applications such as Facebook Messenger or the Vietnamese version Zalo, especially through selfies of apparently successful compatriots in European cities. Sometimes, they are even directly recruited by smugglers on these platforms<sup>24</sup>. According to one NGO that is trying to raise awareness among inhabitants in certain heavily affected regions of Vietnam, it is extremely difficult to dispel persistent rumours circulating locally and online: it is a “constant battle against fake news”<sup>25</sup>.

Vietnamese smuggling networks control the flow of information on migration to Europe. They usually promise their ‘clients’ a well-paid job in Europe (e.g. in a restaurant or nail bar) and the possibility of quickly paying back their travel debt (e.g. in two years)<sup>26</sup>. The risks associated with smuggling aren’t mentioned or are minimised. Many of these potential irregular migrants therefore have little information about the cost, duration or route, and sometimes even the destination, let alone the living conditions in transit and after arrival<sup>27</sup>. According to the experts interviewed and a statement from a victim in the Essex case, smugglers are also taking advantage of the increasing regular migration of labour from Vietnam by tricking their clients into believing that they will be traveling legally to Europe.

*Vietnamese smuggling networks control the flow of information on migration to Europe.*

The success of these rumours and the extent of the smuggling phenomenon can be partly explained by insufficient government control and, in some cases, possible corruption. In recent years, Vietnam has seen an increase in legal labour migration in the agriculture and health sectors to countries such as Japan, Thailand, Malaysia, Australia, Saudi Arabia and Germany. This economic migration is strongly encouraged by the Vietnamese state, which also has an interest in the international mobility of its citizens: their remittances to the country of origin account for a significant share of the gross national product (GNP)<sup>28</sup>. However, the recruitment sector in the country is poorly regulated, with little control over the countless agencies, brokers and other intermediaries that offer labour migration<sup>29</sup>. Combined with widespread corruption<sup>30</sup>, this lack of regulation leaves smugglers free to develop their criminal activities<sup>31</sup>.

According to experts, the Essex tragedy had little, if any impact on recruitment in Vietnam. Criminal networks changed their modus operandi shortly after the events, in particular by modifying their recruitment rhetoric. Hence, smugglers claimed that the Essex victims chose the wrong network, or that they hadn’t paid enough for their journey — the consequence being an overall price increase<sup>32</sup>.

## Cost and payment

The cost of illegal migration to Europe is particularly high. Vietnamese smugglers generally charge their ‘clients’ tens of thousands of euros or pounds to transport them to the European continent or directly to the United Kingdom. In principle, prices depend on the route and the means of transport chosen, but they can also fluctuate significantly regardless.

23 D. Silverstone and C. Brickell, *op. cit.*, p. 30.

24 M. Vu and N. Sebtaoui, *op. cit.*, p. 63.

25 This also explains the importance of raising awareness in the country of origin by organisations such as the Pacific Links Foundation, which explains its prevention campaigns in more detail in an external contribution at the end of the focus in this annual report.

26 D. Silverstone and C. Brickell, *op. cit.*, p. 28; D. Beadle and L. Davison, *op. cit.*, p. 41.

27 See especially D. Silverstone and C. Brickell, *op. cit.*, p. 28-29, 38; P. Hynes et al., *op. cit.*, 2019, p. 10, 69-70; A. Bartocha and J. Wiese, “Handelsware Kind – Die Mafia der Menschenhändler”, 2021; also see the analysis of the Essex case in the following chapter of this focus.

28 Vietnam is among the top 10 countries where (official) remittance payments are the highest (D. Beadle and L. Davison, *op. cit.*, p. 39).

29 International Labour Organization (ILO), *Complaint mechanisms for Vietnamese migrant workers. An overview of law and practice*, 2015, p. 14; D. Beadle and L. Davison, *op. cit.*, p. 47.

30 Interviews with experts; T. Nguyen, *op. cit.*, p. 65-66.

31 However, in January 2022, a law on the rights of migrant workers abroad came into force, banning excessive brokerage fees in particular (see Pacific Links Foundation’s external contribution further on in this annual report).

32 Interviews with experts in spring 2022; H. T. Luong, “Undocumented Vietnamese migrants: what is going on since the Essex tragedy?”, *Institute for Asian Crime and Security*, 7 October 2021; “Vietnamese account for record rise in channel migrants”, *The Sunday Telegraph*, 29 August 2021.

For the whole journey from Vietnam to the United Kingdom, prices between EUR 10,000 and EUR 40,000 have been commonly quoted in the past few years<sup>33</sup>.

After the Essex tragedy, smugglers sometimes raised the asking price in Vietnam by several thousand euros<sup>34</sup>.

In some cases (such as Essex), different prices are charged for the first part of the journey, from Vietnam to the European continent, and the second part, from the continent to the United Kingdom. Prices for these separate routes can also vary considerably. According to one author, the cheapest route to Europe via Russia, for instance, costs between USD 12,000 and USD 20,000, while the most expensive route with false documents and a direct flight to the EU costs between USD 16,000 and USD 25,000<sup>35</sup>. Prices for the final leg between the continent and the United Kingdom also seem to vary considerably depending on the mode of transport (see below): for instance, between EUR 10,000 and 12,000 for ‘VIP’ transport, compared to only EUR 3,000 to EUR 4,000 for ordinary transport to the United Kingdom<sup>36</sup>. Prices also seem to be lower for the last crossing to date on small boats: a recently dismantled network was charging Vietnamese, and other nationals crossing the English Channel with them, an average of EUR 2,500 to EUR 3,500 per person<sup>37</sup>.

In general, the family of the smuggled person is responsible for paying the smugglers<sup>38</sup>. As a rule, the payments are made in Vietnam. Sometimes (as was the case for one of the Essex victims, for instance), the smuggled person’s family pays the entire amount up front. However, it is more common for only part of the amount to be paid before leaving Vietnam and the rest to be repaid in stages, or after arrival at the destination<sup>39</sup>. If the family in Vietnam doesn’t (immediately) pay the amount when the smuggled person arrives, the Vietnamese smuggling networks often resort to coercive means. For instance, in the Vietnamese cases in which Myria filed a civil suit (analysed later in this report), several victims were detained on arrival in the United Kingdom until their families had paid the entire amount for the crossing.

This crossing can be financed in different ways. Some borrow from relatives or acquaintances in the form of a ‘tontine’, a traditional interest-free group loan system that

*Prices between EUR 10,000 and EUR 40,000 are paid to be smuggled from Vietnam to the United Kingdom.* supports the financial projects of community members based on trust<sup>40</sup>. Others even take out a loan from a local bank with a mortgage on their house or land, or ask relatives in Europe to take out such a loan.

Sooner or later, however, many families have to turn to informal lenders or loan sharks. This might be because they can’t take out a loan from an official financial institution, or because they can’t repay their initial loan on time, or because they need an additional loan to finance the next leg of the journey<sup>41</sup>. This accumulation of debts makes irregular migrants highly vulnerable to exploitation and human trafficking (see below).

## 2.2. | Routes

### Routes to the EU

Vietnamese smuggling organisations use several routes between Vietnam and the European continent: the traditional route via Russia, direct flights to the European Union and other more recent ones. The routes are indicated on the map below (Fig. 2) and explained in the text hereafter.

33 See especially D. Beadle and L. Davison, *op. cit.*, p. 68; P. Hynes et al., *op. cit.*, 2019, p. 67.

34 M. Vu and N. Sebtaoui, *op. cit.*, p. 63. Also see the analysis of the Essex case and Pacific Links Foundation’s external contribution further on in this annual report.

35 T. Nguyen, *op. cit.*, p. 57. In the Essex case, the average asking price for this first part of the journey was EUR 13,000.

36 D. Tan and T. H. Nguyen, *op. cit.*, p. 39–42. See also D. Silverstone and C. Brickell, *op. cit.*, p. 37. In the Essex case, the average asking price for this second part of the journey was EUR 12,000.

37 Europol, “39 arrests in cross-border operation against migrant smuggling in small boats across English Channel”, 6 July 2022.

38 Interviews with experts; D. Tan and T. H. Nguyen, *op. cit.*, p. 88.

39 Interviews with experts; D. Beadle and L. Davison, *op. cit.*, p. 68; D. Tan and T. H. Nguyen, *op. cit.*, p. 88.

40 D. Tan and T. H. Nguyen, *op. cit.*, p. 87.

41 Interviews with experts; D. Tan and T. H. Nguyen, *op. cit.*, p. 87; D. Silverstone and C. Brickell, *op. cit.*, p. 30.

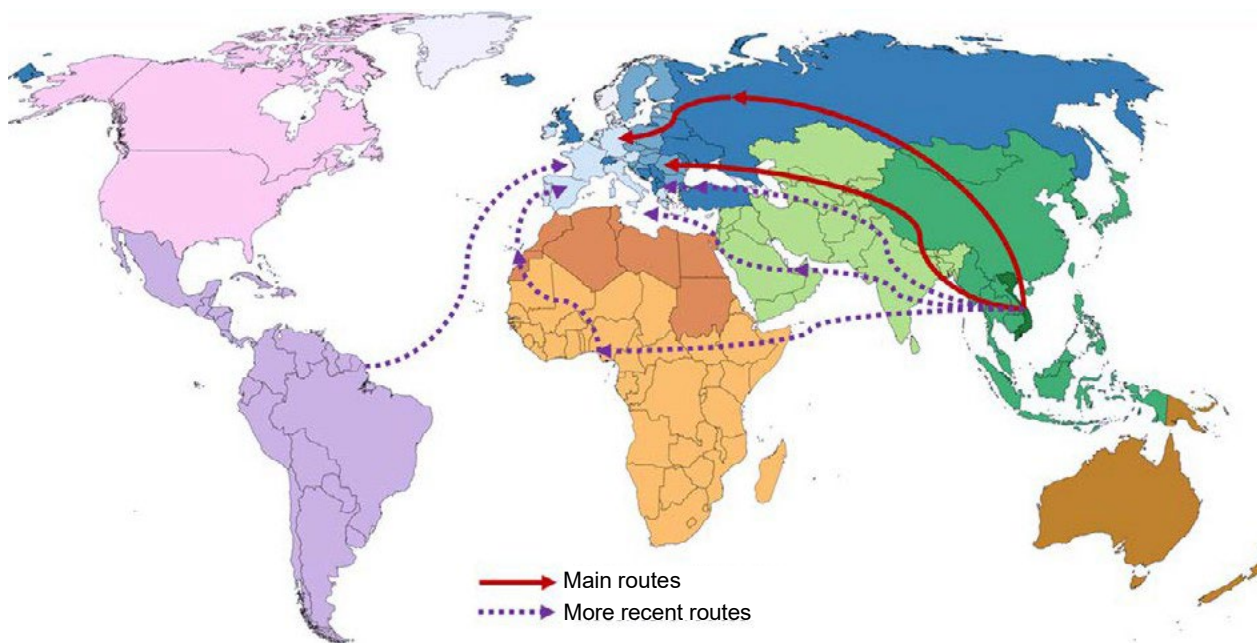


Fig. 2: overview of the routes from Vietnam to Europe

The route traditionally used by smugglers goes from Vietnam to Russia<sup>42</sup>, either directly or via another Asian country (China, or possibly Japan or Korea). For the first part of the journey, which is by air, the smugglers generally re-use valid passports with a Russian visa. From Russia, the journey continues by vehicle or on foot to Belarus, Latvia and Lithuania or Ukraine (prior to the Russian invasion). On the last part of this route via Russia, the Vietnamese are smuggled from the countries bordering Europe (if they are coming from the Baltic States, it isn't uncommon for them to pass through the Russian exclave of Kaliningrad) to Poland, the Czech Republic or Slovakia<sup>43</sup>. Once they have arrived in the European Union (EU), some irregular migrants continue to work (temporarily or permanently) in Eastern Europe, while others are immediately smuggled into Western Europe.

Another route that also came to light in the Essex case, and sometimes described as 'VIP', consists of a direct flight from Vietnam or neighbouring China to an EU member state. Forged or falsified passports and/or visas are used in this case<sup>44</sup>, and sometimes valid visas obtained fraudulently or not<sup>45</sup>. These are mainly tourist, study and work visas. The work visas are often issued by more recent EU Member States such as Poland, Hungary and Romania, where emigration of their own population to Western Europe has led to an increasing demand for foreign workers, who may be employed under bad conditions<sup>46</sup>. Vietnamese smuggling networks appear to abuse this context of legal migration by applying for work visas in these Member States on false grounds and on the basis of fictitious invitations<sup>47</sup>. A recent variant of the direct route to the EU is an indirect flight from Southeast Asia (Vietnam itself, but also Malaysia or Taiwan, for instance) to Russia or South America with a transit in a European airport such as Charles de Gaulle (Paris) or Schiphol (Amsterdam)<sup>48</sup>.

42 For this paragraph, the following sources were consulted: D. Beadle and L. Davison, *op. cit.*, p. 56-65; D. Silverstone and C. Brickell, *op. cit.*, p. 34-36; D. Tan and T. H. Nguyen, *op. cit.*, p. 37-38; P. Hynes et al., *op. cit.*, 2018, p. 32; P. Hynes et al., *op. cit.*, 2019, p. 70-71. The classic route to Russia was probably changed (temporarily) after the Russian invasion of Ukraine in 2022, following the suspension of Vietnam Airlines flights between Moscow and Hanoi for practical reasons ("Vietnam Airlines to suspend regular flights to Russia from March 25", Reuters, 23 March 2022).

43 In the older Vietnamese case analysed in this annual report, the smuggling victim was allegedly brought to Belgium via Ukraine through Portugal. However, this route has not been confirmed by other sources.

44 Interviews with experts; Europol, "9 arrested for smuggling Vietnamese migrants across Europe", 11 July 2022.

45 Europol, "6 arrested in Germany for smuggling over a hundred Vietnamese migrants to Europe", 3 March 2020; Europol, "3 arrested for smuggling over 250 Vietnamese migrants to Germany", 31 May 2021; Belga, 11 July 2022, *Neuf arrestations dans une opération européenne visant des trafiquants d'êtres humains*.

46 The dynamics in Poland are described, among other things, by S. Nguyen, "Vietnamese migrants fill Romania's worker crunch but face risk of exploitation", *South China Morning Post*, 16 March 2022; also see the analysis of the Essex case in the following chapter of this focus.

47 Europol, "6 arrested in Germany for smuggling over a hundred Vietnamese migrants to Europe", 3 Mar 2020; Europol, "3 arrested for smuggling over 250 Vietnamese migrants to Germany", 31 May 2021.

48 D. Beadle and L. Davison, *op. cit.*, p. 61; Expertisecentrum mensenhandel en mensensmokkel (EMM), *De vermissing van Vietnamese amv's en de relatie van Vietnamese met mensenhandel en mensensmokkel in Nederland* (2015 tot en met 2018), 5 December 2019, p. 20; Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 18.



Depending on the amount of money paid and the agreements made, the illegal immigrants can then leave the airport in order to be sent to a specific location for the continuation of the journey<sup>49</sup>.

The literature and the interviews with experts also indicated the following new routes:

- by plane via Latin America (Peru, Brazil, Dominican Republic, possibly Chile and Panama too) to Spain or France<sup>50</sup>;
- by plane via Malaysia and Azerbaijan to Turkey and from there by boat to Greece (like one of the Essex victims)<sup>51</sup>;
- via Nigeria, Morocco and the Canary Islands to Spain;
- via the United Arab Emirates.

## Route to the United Kingdom

For many Vietnamese smuggling victims, the United Kingdom is and remains the ultimate destination. They are convinced by their entourage and the smugglers that it is easier to find well-paid work or to obtain a residence permit in the United Kingdom, and that there are fewer identity checks<sup>52</sup>. Some Vietnamese are smuggled directly into the United Kingdom, while others are first smuggled into another country (such as Germany or Romania) and are only convinced at that point to go to the United Kingdom with the promise of better earnings.

Northern France is traditionally the penultimate stop on the route to the United Kingdom. Up until a few years ago, the camps at Angres (near Lens), Tétèghem and Grande-Synthe (near Dunkirk)<sup>53</sup>, which have now been dismantled, were major assembly points for the smuggling of Vietnamese migrants.

The Angres camp, also known as ‘Vietnam City’, was widely known as an optional stopover, where Vietnamese migrants could be accommodated while waiting to be transported by lorry to the United Kingdom. This camp was well hidden in woods a few hundred metres from a service station along the A26 Reims-Calais motorway. It was a well-equipped squat, managed by and for Vietnamese, with heating, water and electricity thanks to the support of the local mayor and a citizens’ group<sup>54</sup>. Today, in northern France, Vietnamese migrant smugglers mainly operate in small camps around Calais, according to an NGO active there. In many cases, smuggled Vietnamese don’t even go through a camp in northern France: they are taken directly by car or taxi from a (Belgian or French) safehouse to a specific departure point off the North Sea. This happened not only in the Essex case but also in an earlier case, where a taxi driver drove between Paris, Brussels and De Panne<sup>55</sup>. There is also an alternative route via the Netherlands, described as ‘emerging’ in 2019<sup>56</sup>, which was used during a previous attempt to smuggle two minor victims of the Essex tragedy<sup>57</sup>.

Just like the journey between Vietnam and the European continent, there are also different ‘packages’ for the second journey to the United Kingdom. In the normal or ‘low cost’ package, the smugglers only offer an escort and access to certain areas where lorries bound for the United Kingdom are parked. The irregular migrants can then try to board a lorry without the driver’s knowledge. While waiting for an opportunity to cross, they are provided with food and shelter by the smuggling network<sup>58</sup>. In this circle, the “low cost” package apparently goes by the term ‘cò’ (grass).<sup>59</sup> There is also VIP transport, where people are smuggled into the United Kingdom with the driver’s knowledge. According to one player in the field, this type of ‘guaranteed’ transport is on the rise in Vietnamese organisations<sup>60</sup>.

49 D. Beadle and L. Davison, *op. cit.*, p. 59.

50 D. Beadle and L. Davison, *op. cit.*, p. 63; Europol, “From Vietnam to Spain: An illegal journey costing EUR 18 000”, 6 December 2018.

51 K. Pham and V. Vu, “Pray for me”, *Die Zeit*, 17 May 2020.

52 D. Tan and T. H. Nguyen, *op. cit.*, p. 28.

53 D. Tan and T. H. Nguyen, *op. cit.*, p. 58-76. The situation in the camps in the north of France has already been extensively covered in previous Myria annual reports, in particular the *2018 Annual Report Trafficking and smuggling of human beings, Minors at major risk*, p. 30-34.

54 UNICEF, *Neither Safe Nor Sound: Unaccompanied children on the coastline of the English Channel and the North Sea*, June 2016, p. 45; D. Tan and T. H. Nguyen, *op. cit.*, p. 37.

59-60. Also see the analyses of the old Vietnamese case and the Essex case further on in this annual report.

55 Ghent Court of Appeal, 9 December 2020, 8<sup>th</sup> ch.

56 D. Beadle and L. Davison, *op. cit.*, p. 56-57.

57 See documentary by Argos, “De laatste reis van Quyen en Hieu”. For older examples of smuggling of Vietnamese nationals to the Netherlands, see EMM, *op. cit.*

58 D. Tan and T. H. Nguyen, *op. cit.*, p. 39-40.

59 T. Nguyen, *op. cit.*, p. 59; Reuters, “‘Grass’ or ‘VIP’? How rural Vietnamese make treacherous journey to Europe”, 27 October 2019.

60 Report of the Special Commission to review legislation and policy on trafficking and smuggling of human beings, 6 May 2022, CRIV 55 M002, p. 5-6. Examples of this smuggling with guarantee can be found in the Essex case and in the Bruges judgment discussed later in this report in the chapter on case law (West Flanders Crim. Court, Bruges division, 13 October 2021, ch. B.1: see Part 2, Chapter 2, point 3.2.).

Sometimes, this VIP transport is specifically chosen to smuggle young Vietnamese women in order to avoid any risk of sexual abuse in the camps of northern France<sup>61</sup>. In this case, the irregular migrants don't have to stay in these camps before departure, but are sent to a hotel for a few nights or put up in safehouses<sup>62</sup>. The cases analysed by Myria clearly show that these safehouses are used as a base not only for VIP transport, but also for other means of transport.

The final leg to the United Kingdom is often by lorry, but sometimes also in refrigerated lorries — a method favoured by smugglers to escape detection. However, it is extremely dangerous for smuggling victims, as painfully demonstrated once again by the Essex tragedy<sup>63</sup>. These refrigerated lorries and vans carrying Vietnamese migrants take the Eurotunnel to the United Kingdom<sup>64</sup>, or leave from a port such as Calais, Zeebrugge or the Hook of Holland.

As of spring 2021, smugglers have also been using small boats to cross to the United Kingdom<sup>65</sup>. Since then, French and Belgian coastal police have regularly intercepted small boats carrying dozens of smuggling victims, including groups of Vietnamese. The victims are sent across the Channel in life-threatening conditions: unsuitable craft, insufficient fuel, inappropriate life jackets, etc.<sup>66</sup> There are several reasons for this partial shift from lorries to small boats: increased motorway controls, less risk of detection from the beach or the fact that, on average, far fewer attempts are required to make the crossing than being smuggled on board a lorry. One source mentions one or two attempts instead of eight to ten<sup>67</sup>.

*Since 2021, Vietnamese migrants have also been smuggled on small boats across the Channel.*

Unlike crossings in lorries or refrigerated lorries, in which only Vietnamese are generally smuggled (as in the Essex case)<sup>68</sup>, Vietnamese victims who illegally enter the United Kingdom by small boat share the craft with other nationalities, especially Kurds<sup>69</sup>.

## 2.3. | Structure of the smuggling networks

The above-mentioned smuggling of human beings from Vietnam to Europe is generally carried out by well-organised Vietnamese smuggling networks. These are international networks in the countries of departure, transit and destination, which are subdivided into small operational units. It is therefore often difficult for authorities to determine the true structure of a specific network<sup>70</sup>. It is also sometimes difficult to know the extent to which an organisation has infiltrated the diaspora's local community<sup>71</sup>. However, it is clear that the Vietnamese networks prefer to work with their compatriots, both for the actual smuggling and for its facilitation.

Nevertheless, this doesn't mean that partnerships aren't formed with other nationalities. For instance, in neighbouring countries, individuals or groups of Albanian, British, Bulgarian, Chinese, Congolese, Iranian, Latvian, Dutch,

Polish and Russian origin are involved<sup>72</sup>. Vietnamese networks choose to outsource to non-Vietnamese groups especially for the last part of the journey to the United Kingdom: for instance, they may provide lorry drivers, such as the Irish hauliers in the Essex case, or organise the illegal boarding of lorries, such as the Kurdish organisations operating from the camps in northern France<sup>73</sup>.

61 Also see the old Vietnamese case further on in this annual report.

62 D. Tan and T. H. Nguyen, *op. cit.*, p. 42-43.

63 See especially D. Tan and T. H. Nguyen, *op. cit.*, p. 39 and D. Silverstone and C. Brickell, *op. cit.*, p. 40.

64 A. Boussemart, "Coquelles: un vaste réseau de passeurs démantelé, dix individus interpellés", *La voix du nord*, 21 October 2021.

65 In the past, Vietnamese smugglers rarely seemed to use small boats. See, for instance, the smuggling attempts of the Albanian-Vietnamese networks by sailing boat from IJmuiden ("25 vluchtelingen gevonden op zeiljacht in IJmuiden", *Het Parool*, 15 August 2015) and by dinghy from Dunkirk (A. Lasjaunias, "Le pêcheur passeur de migrants qui met le port de Dunkerque en émoi", *Le Monde*, 6 November 2015).

66 See, for instance, Europol, "9 arrested for smuggling Vietnamese migrants across Europe", 8 July 2022 and the Bruges judgment mentioned in the footnote on page 60.

67 "Small boats carrying migrants across Channel hit record levels in May", *The Guardian*, 2 June 2021; "Vietnamese account for record rise in channel migrants", *The Sunday Telegraph*, 29 August 2021.

68 However, there are also examples of attempted smuggling of Vietnamese with other nationalities, including Afghans and Iraqis in particular (see especially EMM, *op. cit.*, p. 32).

69 E.g. see the Bruges decision mentioned in the footnote on page 60.

70 Europol has identified this international structure in Vietnamese human trafficking networks, but it also seems to apply to smuggling networks (Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 18).

71 D. Beadle and L. Davison, *op. cit.*, p. 58.

72 D. Silverstone and C. Brickell, *op. cit.*, p. 36; EMM, *op. cit.*, p. 33; D. Beadle and L. Davison, *op. cit.*, p. 103.

73 D. Tan and T. H. Nguyen, *op. cit.*, p. 44; D. Silverstone and C. Brickell, *op. cit.*, p. 37. This Vietnamese-Kurdish cooperation also emerged in two older cases in which Myria was a civil party (see below in Chapter 2 on case studies and the "Ishtar" case in Myria, *2010 Annual Report Trafficking and smuggling of human beings, Combating social fraud to prevent trafficking in human beings*, p. 56-60 and *2011 Annual Report on human trafficking and smuggling, The money that matters*, p. 98-99).

These Kurdish organisations are (or were?) also used for crossings in small boats<sup>74</sup>. In the past, Vietnamese smugglers also worked with Albanian groups for these ‘low cost’ packages by lorry or by boat<sup>75</sup>. In addition, they regularly use facilitators of European nationality for transportation or accommodation within the EU, among other things<sup>76</sup>.

Vietnamese smuggling groups operating in Europe are often guilty of other offences, such as human trafficking, drug trafficking and cigarette smuggling (see below). Sometimes, these groups aren’t initially prosecuted for smuggling but for forgery and use of false documents: for instance, the French part of the Essex investigation in Grenoble first focused on the false residence permits of Vietnamese working in restaurants, and only on smuggling and trafficking afterwards<sup>77</sup>. Some groups have also been involved in the organisation of sham marriages and false acknowledgement of children. In Berlin, for instance, Danish marriage certificates are openly advertised<sup>78</sup> and pregnant Vietnamese women are put in contact with German citizens to acknowledge their child<sup>79</sup>.

## 2.4. | The fate of smuggling victims

Vietnamese smuggled into Europe are often very dependent on their smugglers: with no knowledge of the countries they are crossing (see above), they depend entirely on the smuggling organisation for instructions. For instance, the organisation orders them to hand over or destroy their documents after their arrival in Europe, not to share

any information with the authorities, and to disappear from reception facilities<sup>80</sup>. According to the testimonies of various smuggled persons, they can be exposed to fatal risks during the journey. For instance, several victims reported that they had been locked in a refrigerated vehicle, (the underbody of) a van or the boot of a private car for part of the journey<sup>81</sup>. Recently, Vietnamese migrants have even been found in a suitcase or travel bag in the boot<sup>82</sup>. Violence may also be used: an IOM report even explicitly mentions ‘extreme levels’ of violence and abuse against victims of smugglers from Vietnam, and cites several examples of Vietnamese being beaten and starved by smugglers<sup>83</sup>. Sometimes, smugglers temporarily lock up their ‘clients’, restrict their freedom or forbid them to make phone calls<sup>84</sup>. They also exploit the irregular migrants’ fear of being stigmatised and discriminated against community as a in ‘failed’ order to migrant strengthen within ties their own with them. However, the main control mechanism for Vietnamese smuggling organisations is probably (financial) debt in Vietnam<sup>85</sup>. Victims who have fallen into debt as a result of human smuggling may end up in situations of exploitation and human trafficking (see below).

Previous criminal investigations conducted at home and abroad have revealed that safehouses in the EU play a key role in Vietnamese smuggling networks. In recent years, several such safehouses have been discovered throughout Europe. In Belgium, these included several addresses in Brussels<sup>86</sup> and ,more recently, in Flanders (Wichelen, Leuven and Leopoldsburg)<sup>87</sup>.

74 See especially, “Migrants, la mafia des passeurs”, *Paris Match*, 8 January 2022 and possibly also the Bruges judgment mentioned in the footnote on page 60.

75 See footnote on page 65 and maybe also the Albanian “Albatex” case involving Vietnamese smuggling victims, analysed in Myria, *2018 Annual Report Trafficking and smuggling in human beings, Minors at major risk*, p. 86-91.

76 Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 18-19; Also see the analysis of the Essex case in the following chapter of this focus.

77 F. Hardy, “Un réseau de traite d’êtres humains jugé à Lyon”, *Le Monde*, 18 December 2021; also see the analysis of the Essex case in the next chapter of this focus.

78 D. Czarniecki, *op. cit.*, p. 137. A Pacific Links Foundation meeting on 26 January 2022 revealed that some victims of Vietnamese smugglers arrive in Berlin on (fake) tourist visas via Eastern Europe and then have three months to enter into a sham marriage in Denmark. The cost is estimated at EUR 30,000. Human smuggling in the Netherlands has also been linked to sham marriages in the past (e.g. see EMM’s external contribution in this annual report).

79 “Bundespolizei geht gegen Schleuser vor”, *Der Spiegel*, 1 December 2021.

80 D. Tan and T. H. Nguyen, *op. cit.*, p. 68; Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 19.

81 D. Silverstone and C. Brickell, *op. cit.*, p. 30.

82 “Blow for Priti Patel as more than 550 migrants cross the Channel in two days”, *The Times*, 3 May 2022.

83 P. Hynes et al., *op. cit.*, 2019, p. 76-77. Also see the example of the Vietnamese man who tried to travel from Angres to the United Kingdom by his own means and was severely punished by a smuggling organisation for doing so (D. Tan and T. H. Nguyen, *op. cit.*, p. 39).

84 D. Silverstone and C. Brickell, *op. cit.*, p. 30.

85 P. Hynes et al., *op. cit.*, 2019, p. 19, 46; M. Vu and N. Sebtaoui, *op. cit.*, p. 63.

86 See the Vietnamese case analyses further on in this report (Chapter 2 of this part).

87 Belga, 11 July 2022, *Neuf arrestations dans une opération européenne visant des trafiquants d’êtres humains*.

These lodgings serve as a ‘terminus’ for smuggled persons: they are housed here after their arrival in a European country until their family in Vietnam has paid for the smuggling service; and/or they are assembled here to be smuggled to the next destination<sup>88</sup>. Some Vietnamese live in these safehouses for several months at a time, crammed by the dozen in cramped and inhumane conditions<sup>89</sup>. Sometimes these secret places of residence also serve as a hub for human trafficking activities<sup>90</sup>.

## 3. Exploitation and trafficking of Vietnamese nationals in Europe

### 3.1. | Debt caused by human smuggling

Many Vietnamese who are smuggled into Europe are crippled by debt<sup>91</sup>. The cost of being smuggled into Europe can quickly reach tens of thousands of euros. Most Vietnamese take out a loan at some point to pay the smuggler this fee, usually in instalments (see above). In the informal credit market, in particular, and for the less well-off, such a loan can carry very high interest rates. In the case of money borrowed from loan sharks, there is often no clear repayment deadline, but the interest (and thus the debts) increases over time. If the debts can't be repaid, an additional loan is taken out with even higher interest, resulting in excessive debt<sup>92</sup>. Sometimes irregular migrants have to repay not only their own debts, but also those of their family members, e.g. the smuggling debts of a relative after their forced return from Europe<sup>93</sup>.

It is difficult to know to what extent moneylenders are linked to smuggling organisations in Vietnam. In some situations, they seem to act separately. In this case, it isn't the smugglers the irregular migrants fear (at least not for financial reasons), but their creditors in Vietnam, who threaten the family back home or threaten to sell their mortgaged house, for instance<sup>94</sup>. Owing to the heavy burden of debt, this first category of irregular migrants is more vulnerable to exploitation and human trafficking along the way or after arrival. In other situations, moneylenders do indeed appear to be part of, or at least linked to, the smuggling network<sup>95</sup>. This second category of smuggled person may therefor find themselves bound by debt to the smugglers.

### 3.2. | From human smuggling to human trafficking

Vietnamese who have been smuggled, frequently report travelling for months or even years to their final destination (usually the United Kingdom) and being exploited along the way in one or more countries<sup>96</sup>. However, it is often difficult to know whether this exploitation was carried out by the smuggling networks directly or by other criminal organisations, whether related or not<sup>97</sup>. In some investigations concerning human smuggling, such as the old Vietnamese case analysed later in this annual report, human trafficking is only briefly touched upon. In other cases, however, the exploitation angle is prevalent from the outset. For instance, recent Europol operations have revealed that hundreds of Vietnamese victims were detained immediately after arriving on the European continent until they paid off their debts by working without pay<sup>98</sup>.

88 The way these Vietnamese safehouses are run in Germany is described in detail in the documentary by A. Bartocha and J. Wiese, “Handelsware Kind – Die Mafia der Menschenhändler”; 2021; also see the analysis of the Essex case in the next chapter of this focus.

89 Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 19.

90 See especially Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 19; A. Bartocha and J. Wiese, “Handelsware Kind – Die Mafia der Menschenhändler”, 2021.

91 E.g. see the analyses of the two Vietnamese cases in the next chapter of this focus.

92 D. Tan and T. H. Nguyen, *op. cit.*, p. 87-88.

93 M. Vu and N. Sebtaoui, *op. cit.*, p. 64; P. Hynes et al., *op. cit.*, 2019, p. 55.

94 Interview with experts; D. Tan and T. H. Nguyen, *op. cit.*, p. 86-88; D. Beadle and L. Davison, *op. cit.*, p. 69.

95 P. Hynes et al., *op. cit.*, 2019, p. 46, 68; D. Silverstone and C. Brickell, *op. cit.*, p. 30; also see the analysis of the Essex case in the next chapter of this focus.

96 D. Tan and T. H. Nguyen, *op. cit.*, p. 45; P. Hynes et al., *op. cit.*, 2019, p. 71-72.

97 Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 18.

98 Europol, *6 arrested in Germany for smuggling over a hundred Vietnamese migrants to Europe*, 3 March 2020; Europol, *3 arrested for smuggling over 250 Vietnamese migrants to Germany*, 31 May 2021.

The trafficking - just like the smuggling - of Vietnamese victims always appears to be controlled by their compatriots: the suspects identified by Europol in the past were mostly middle-aged people (men and women) of Vietnamese nationality or origin<sup>99</sup>.

There is a continuous risk of exploitation throughout the migration process: the Vietnamese are sometimes exploited immediately in their country of origin or in neighbouring countries like China<sup>100</sup>, and sometimes only further afield, on the way or after their arrival in Europe. The exploitation of Vietnamese victims has also been reported in the construction sector and (counterfeit) clothing industry in Russia and Ukraine, among other places<sup>101</sup>. In the EU and in the United Kingdom, other forms and sectors of exploitation are prevalent: not only labour exploitation (especially in nail bars and restaurants), but also sexual exploitation and forced crime (chiefly in drug production and illegal cigarette sales). These forms of human trafficking in Europe are discussed below, one by one.

### 3.3. | Forms of human trafficking

#### Labour exploitation

Vietnamese victims are increasingly exploited in nail bars in European cities.

Nail bars have grown spectacularly in Europe over the last few decades. Owing to relatively limited regulation, these businesses are an attractive place for criminal organisations to engage in labour exploitation and the laundering of the proceeds of crime.

*Vietnamese victims are increasingly exploited in nail bars in European cities.*

In the United Kingdom, nail bars have long been known as places of illegal employment and sometimes the exploitation of Vietnamese (minors)<sup>102</sup>. In the Netherlands, several criminal investigations into human trafficking in nail bars have also been initiated in recent years. These nail bars can also be used to launder money from cannabis farming<sup>103</sup>. Human trafficking is widespread in Germany, with victims sent from Berlin to be exploited in nail bars in towns in other parts of the country (e.g. Cologne, Bonn, Fulda, Gelsenkirchen, Dorsten and Siegen)<sup>104</sup>. Several minors have been found among the victims<sup>105</sup>.

The number of nail bars has also increased considerably in Belgium in recent years, doubling between 2008 and 2019, from 12,000 to 24,000<sup>106</sup>. The massive presence of nail bars in Brussels today is particularly striking<sup>107</sup>. Previous Myria annual reports already mentioned suspicions of labour exploitation in some of these businesses<sup>108</sup>. According to the experts Myria spoke to, this exploitation takes place mainly in premises in Brussels, although there are also suspicions of human trafficking in nail bars in other parts of the country. The victims are mainly young men who have recently arrived in Europe and who seem to be getting younger and younger. During the hearings of the Special Commission on Human Trafficking and Smuggling, the police and the social inspectorate recently indicated that labour exploitation in nail bars is also linked to human trafficking in the form of contacts and transportation<sup>109</sup>.

Vietnamese victims are also exploited in other sectors. As regards restaurants, for instance, there are sometimes suspicions of human trafficking, with or without a link to human smuggling.

In the wider context of the Essex case, French investigators were able to establish a link between smuggling activities, for instance, and employment in restaurants in cities and smaller towns in the South of France (particularly Grenoble, Marseille,

99 Europol, *Criminal networks involved in the trafficking and exploitation of underage victims in the European Union*, October 2018, p. 18.

100 See, among others, the detailed reports on *Trafficking in Persons (TIP)* from the US Department of State.

101 D. Beadle and L. Davison, *op. cit.*, pp. 6-7, 65.

102 H. Baxter, "Nail bars: modern-day slavery in plain sight?", *The Guardian*, 20 August 2013; D. Silverstone and C. Brickell, *op. cit.*, p. 49-50.

103 EMM, *op. cit.*, p. 38-39. Also see EMM's external contribution further on in this report.

104 Documentary by A. Bartocha and J. Wiese, "Handelsware Kind - Die Mafia der Menschenhändler", 2021.

105 Bundesamt für Migration und Flüchtlinge (BAMF), *Länderreport 34, Vietnam: Aktuelle innenpolitische Entwicklungen und Menschenhandel aus Vietnam*, 2021, p. 19-20.

106 D. Islamaj, "De echte prijs van goedkope nagels: steeds meer moderne slavernij en uitbuiting in Belgische nagelalons", VRT, 2 July 2019.

107 Report of the Special Commission to review legislation and policy on trafficking and smuggling of human beings, 30 May 2022, CRIV 55 M004, p. 20.

108 See the external contributions of the Thematic Directorate for Trafficking in Human Beings of the NSSO, *2020 Annual Report Trafficking and smuggling of human beings. Behind closed doors*, p. 40 and in Myria, *2021 Annual Report Trafficking and smuggling of human beings. Visibly invisible*, p. 116-117. In 2020, the NSSO Inspectorate checked 68 businesses and 137 workers in the nail bar sector. Eight official reports were drawn up for 20 Vietnamese workers who were illegally staying in Belgium. Thanks to the NSSO checks, two presumed victims of human trafficking were detected.

109 Reports of the Special Commission to review legislation and policy on trafficking and smuggling of human beings, 6 May 2022, CRIV 55 M002, p. 31 and 30 May 2022, CRIV 55 M004, p. 44.

Carpentras and Ambérieu-en-Bugey)<sup>110</sup>. According to the experts interviewed by Myria, exploitation in restaurants also occurs in Brussels. In addition, trafficking victims have also been detected in Europe in other economic sectors such as construction (e.g. in the recent Linglong case involving a Chinese company in Serbia)<sup>111</sup>, the meat industry (e.g. in Germany)<sup>112</sup> and farming (e.g. in Finland)<sup>113</sup>.

## Sexual exploitation

Vietnamese newcomers to Europe are at risk of sexual exploitation. In the United Kingdom, this form of ‘modern slavery’ appears to be largely under-reported, even though there are accounts of victims who have been forced into prostitution (in particular, after having worked in a nail bar)<sup>114</sup>. In the Vietnamese camp of Angres in northern France, which served as an assembly point for human smuggling until 2018, there were also suspicions of violence and trafficking of Vietnamese women<sup>115</sup>. Berlin also appears to be a centre for the sexual exploitation of Vietnamese: a smuggling network was recently discovered that forced women to pay off their smuggling debts by prostituting themselves in brothel-like premises in apartment buildings, nail bars and massage parlours<sup>116</sup>. The sexual exploitation of female victims of smuggling is also said to occur in small, discreet towns in Poland and the Czech Republic, close to the German border. In each case, the Vietnamese community owns a market, a brothel and a casino<sup>117</sup>.

Some Vietnamese domestic workers in Europe are also victims of (labour or sexual) exploitation by their employers. According to one expert, there have been several cases of exploitation of domestic workers (mostly women) in Brussels who accept a job in the homes of fellow Vietnamese in return for room and board and to fund their onward journey to the United Kingdom.

In this case, the employers are mainly families from southern Vietnam (boat people) who have been living in Europe for decades. There are also cases of Vietnamese domestic slaves, especially women, in the United Kingdom<sup>118</sup>.

## Forced criminality

Vietnamese victims of human trafficking in Europe are also forced to commit criminal acts, including drug trafficking and cigarette smuggling. In the United Kingdom, newcomers have been employed on cannabis farms for years. They are usually given the most dangerous tasks in cannabis cultivation: bridging electricity or tending and harvesting the plants as gardeners. Some Vietnamese knowingly choose this risky work because they believe they can pay off their travel debts in a relatively short amount of time (and even pocket part of the profits from their harvest according to one system). Other migrants, on the other hand, don't realise that they are involved in criminal activities, or are forced to carry them out. In cases of forced criminality, the victims - usually young men and minors - are employed in the lowest positions of cannabis cultivation and are held in private houses. These are often blatant cases of debt bondage linked to human smuggling<sup>119</sup>. Victims of this form of human trafficking not only live and work in degrading conditions, but also run the risk of being prosecuted as perpetrators of the offence when the crime is discovered<sup>120</sup>. In the United Kingdom, these practices seem to take place mainly in and around cities such as London and Manchester, although farms have also been found in Scotland<sup>121</sup>.

110 F. Hardy, “Un réseau de traite d’êtres humains jugé à Lyon”, *Le Monde*, 18 December 2021.

111 ASTRA Anti-Trafficking Action, *Would you really buy this? The mass case of trafficking in human beings for the purpose of labour exploitation in Serbia*, June 2022. The Linglong case is also discussed in the Pacific Links Foundation’s external contribution further on in this annual report.

112 T. Cornelius, *Menschenhandel und Ausbeutung vietnamesischer Staatsangehöriger in Deutschland: Sekundäranalyse*, Bundeskriminalamt, 2021, p. 50.

113 “Finnish greenhouse owner arrested for exploitation and human trafficking of Vietnamese workers”, *ScandAsia*, 6 April 2022.

114 D. Silverstone and C. Brickell, *op. cit.*, p. 50-52.

115 D. Tan and T. H. Nguyen, *op. cit.*, p. 68.

116 BAMF, *op. cit.*, p. 19-20; “Razzia gegen deutsch-vietnamesische Schleuser”, *Die Zeit*, 17 March 2021.

117 D. Czarnecki, *op. cit.*, p. 137.

118 E.g. see D. Silverstone and C. Brickell, *op. cit.*, p. 14, 32.

119 For instance, there is the French court case concerning Vietnamese people who were smuggled from Veurne to pay off their debts by working on cannabis plantations in the United Kingdom (“Une vaste filière vietnamienne de passeurs démantelée”, *La voix du nord*, 19 June 2016).

120 The information in this paragraph is taken from D. Silverstone and C. Brickell, *op. cit.*, p. 43-45 and D. Tan and T. H. Nguyen, *op. cit.* p. 31. The non-punishment of victims was explored in Myria, *2012 Annual Report Trafficking and smuggling of human beings, Building trust*.

121 K. Goodwin, “Trafficked: concerns over criminalisation of young Vietnamese found in cannabis factories”, *The Ferret*, 22 August 2021.

Cannabis farms have also been found on the European continent in recent years, in France, Spain, Germany and the Netherlands<sup>122</sup>, among other places, but not (yet?) in Belgium, according to the experts. The phenomenon has also been known to exist in Poland and the Czech Republic for many years.

In Eastern Europe, Vietnamese criminal organisations have recently shifted from cannabis cultivation to the production of the synthetic drug methylamphetamine, better known as crystal meth. This development is of particular concern for Vietnamese newcomers, who are likely to be involved in these

activities: crystal meth production has a negative impact on health, often takes place in an unsafe environment, such as in the back of a van, and — owing to its mobile nature —

is difficult to trace<sup>123</sup>. This new trend is said to originate mainly from Prague, which is considered the centre of the Vietnamese mafia in Europe<sup>124</sup>.

Vietnamese newcomers to Europe are not only involved in cannabis cultivation, but also in cigarette smuggling. This is particularly the case in Berlin, where the black market for cigarettes has been exclusively in the hands of Vietnamese for decades. Illegal cigarettes are mainly sold in places in former East Berlin, such as railway stations, supermarkets and shopping centres. Once again, the sellers are mainly young men and minors who are trying to pay off their smuggling debts through these jobs<sup>125</sup>. Besides the traditional cigarette smuggling in Berlin, there is also evidence of Vietnamese migrants selling counterfeit medication in Eastern European towns<sup>126</sup>.

## 4. Detection and protection of Vietnamese victims

According to players in the field, it is often difficult to win the trust of Vietnamese victims of human smuggling and trafficking. Afraid of their smugglers or exploiters, many of them refuse to make statements or make false statements to the authorities<sup>127</sup>. The few Vietnamese minors — potential victims of human smuggling and/or human trafficking — who are taken in by a Fedasil

observation and orientation centre for unaccompanied minors (UAM) disappear almost immediately without trace<sup>128</sup>. However, a minority of Vietnamese irregular migrants are perfectly willing to cooperate with the authorities and thus acquire victim status. The Essex case shows that in some cases, it is possible to establish a relationship of trust with child and adult victims.

According to experts, in order to win and maintain trust, it is necessary to get to know the Vietnamese language and culture in the field. As a result, language barriers can be overcome through better contact with the Vietnamese diaspora community<sup>129</sup>. However, frontline services need to take into account the rivalry between North and South Vietnam, which can interfere with the relationship between the victim and the interpreter. It is also necessary to understand the Vietnamese culture of shame: many Vietnamese victims feel a strong sense of shame because of the false promises they believed before leaving and the excessive debts they have accumulated as a result<sup>130</sup>. Lastly, according to the experts, when interviewing Vietnamese victims, attention should be paid to specific cultural customs, such as addressing them correctly and using the Vietnamese horoscope for questions about age<sup>131</sup>.

122 D. Beadle and L. Davison, *op. cit.*, p. 95, 104; A. Bartocha and J. Wiese, “Handelsware Kind – Die Mafia der Menschenhändler”, 2021; EMM, *op. cit.*, p. 36-38 and interviews with experts. Also see EMM’s external contribution in this annual report.

123 D. Beadle and L. Davison, *op. cit.*, p. 77, 88.

124 D. Czarnecki, *op. cit.*, p. 137.

125 D. Tan and T. H. Nguyen, *op. cit.*, p. 49, 56; A. Bartocha and J. Wiese, “Handelsware Kind – Die Mafia der Menschenhändler”, 2021. Also see the analysis of the Essex case further on in this annual report.

126 M. Vu and N. Sebtaoui, *op. cit.*, p. 63; D. Czarnecki, *op. cit.*, p. 137; also see the analysis of the Essex case in the next chapter of this focus.

127 For instance, regarding their age, as EMM observed among illegal Vietnamese who stated they were minors in the Netherlands (EMM, *op. cit.*, p. 19-20).

128 Report of the Special Commission to review legislation and policy on trafficking and smuggling of human beings, 10 June 2022 afternoon, CRIV 55 M006, p. 25. For an example of such a disappearance, see W. Woussen, “Met zes in een maïsveld”, *De Standaard*, 27 June 2020. The recent disappearances of Vietnamese minors following interception in the Netherlands were analysed in EMM, *op. cit.*

129 See especially D. Tan and T. H. Nguyen, *op. cit.*, p. 95-96.

130 D. Beadle and L. Davison, *op. cit.*, p. 39.

131 Vu and Sebtaoui, *op. cit.*, pp. 63-64; interview with an expert.

## Chapter 2

# Vietnamese cases in Belgium

### 1. Brussels human smuggling case in 2012-2013

This case concerns a Vietnamese network that regularly smuggled Vietnamese nationals from Belgium and northern France to the United Kingdom in 2012 and 2013. It bears many similarities to the later Essex case (discussed further on in this chapter). Again, it involves the activities of a Belgian cell within a larger smuggling network, with safehouses in various locations in Brussels and partnerships with other groups for transfers to the United Kingdom.

Of the six defendants in this smuggling case, the majority were convicted of human smuggling with aggravating circumstances and criminal organisation<sup>132</sup>. Three of them, including the leader of the organisation, didn't appear at their trial at the French-speaking Criminal Court of Brussels in 2016. In 2020, the leader was arrested under a different name in Berlin and, after filing an objection, was again found guilty<sup>133</sup>.

#### 1.1. | Smuggling network

The criminal case file shows that most of the smugglers had Vietnamese nationality and were from the northern province of Nghe An<sup>134</sup>. One of them was a Belgian of Vietnamese origin. For the final leg of the journey to the United Kingdom, Vietnamese smugglers collaborated with unidentified 'Westerners'<sup>135</sup> (probably Iranian Kurds).

The Belgian smuggling cell was headed by a Vietnamese man in his 20s who had been living in Belgium since at least 2012. He established the 'crossing rights'<sup>136</sup>, was in contact with other smugglers and sometimes travelled to France himself for his smuggling activities. This leader was assisted by a 'treasurer' who was also in charge of logistics, and a 'driver' who also organised certain transfers of money and documents. In addition, the organisation was supported by at least one occasional driver, an intermediary who was in contact with prospective migrants in the country of origin, and one last person whose exact role in the network couldn't be clarified.

Belgium was only one stage of the illegal migration routes from Vietnam to the United Kingdom. Most of the smuggled persons appear to have been brought to Belgium either via Russia, the Czech Republic and Poland, or via Ukraine and Portugal. The phone investigation<sup>137</sup> revealed that smugglers were in regular contact with people in Vietnam and England, and to a lesser extent with people in France, Germany and Eastern Europe. In Belgium, migrants were first briefly housed in safehouses in Brussels (in Ixelles and Anderlecht) and then taken to the United Kingdom via Calais. The organisation in Brussels seemed to be mainly in charge of this last part of the journey.

<sup>132</sup> Brussels French-speaking Crim. Court, 22 April 2016, 47<sup>th</sup> ch. Myria, *2016 Annual Report Trafficking and smuggling of human beings, Beggars in the hands of traffickers*, p. 165. The decision is available on Myria's website ([www.myria.be](http://www.myria.be)).

<sup>133</sup> Brussels French-speaking Crim. Court, 25 November 2020, 47<sup>th</sup> ch. Myria, *2021 Annual Report Trafficking and smuggling of human beings, Visibly invisible*, pp. 83. The decision is available on Myria's website ([www.myria.be](http://www.myria.be)).

<sup>134</sup> This region is discussed in more detail in the first chapter of this focus (overview).

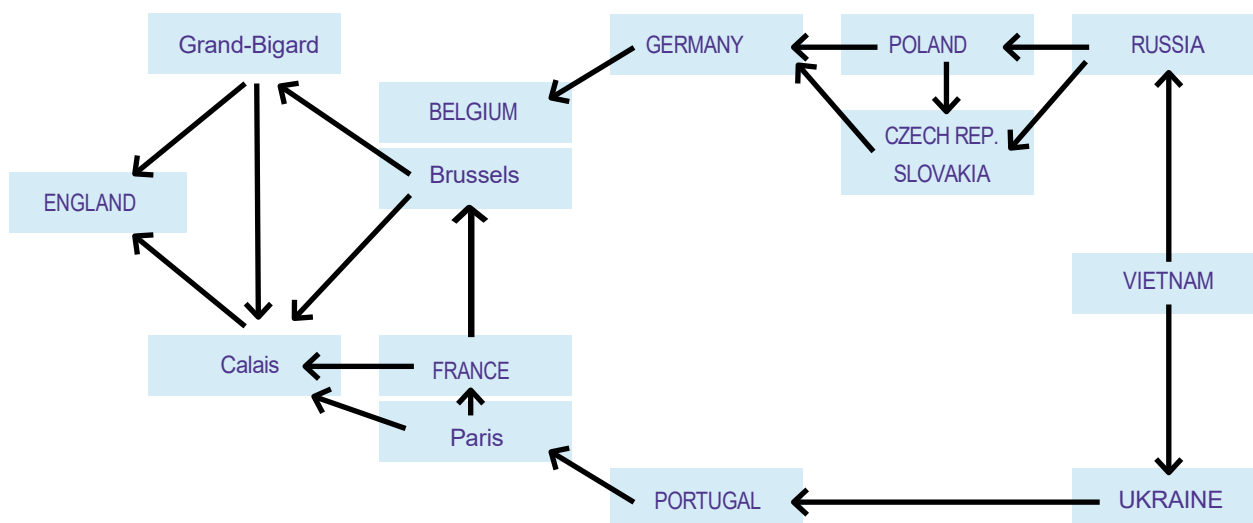
<sup>135</sup> The term "Westerners" is used for all nationalities west of Vietnam. In this case, these were Kurds, according to one of the smuggling victims.

<sup>136</sup> Among other things, the leader determined who could be smuggled into the United Kingdom, where, when, at what price and under which conditions.

<sup>137</sup> Using a retroactive phone investigation ('retro-zoller'), the public prosecutor can check the incoming and outgoing call history of a specific phone number, without listening to the actual calls.



### Smugglers' phone contacts during the various stages of the smuggling



Transportation to Calais was either directly by 'taxi' (private car) or by lorry from the E40 parking area at Grand-Bigard with the cooperation of 'Westerners'. The phone investigation revealed that some of the people smuggled were probably staying temporarily in a camp in the town of Angres in northern France, better known as 'Vietnam City', pending transfer to the United Kingdom. Thanks to police information from France, Belgian investigators were able to get a more precise idea of the location and characteristics of this camp: it was a kind of squat with facilities along the Reims-Calais motorway near Lens, occupied exclusively by Vietnamese and authorised by the mayor<sup>138</sup>.

From its base in Calais, the Vietnamese network again called upon 'Westerners' to get migrants onto lorries bound for the United Kingdom. The circumstances under which people were smuggled appear to vary considerably: for instance, phone and Facebook conversations between smugglers and migrants regularly refer to a VIP package (presumably 'with guarantee' or the complicity of the driver, possibly also with false documents), but also to a failed attempt in a refrigerated lorry (*Failed, in a refrigerated lorry 1 p.m. and it broke down*).

Prices for crossing from continental Europe to the United Kingdom could also vary considerably, from EUR 2,500 for an ordinary crossing to EUR 6,000 for a VIP crossing. These amounts are in addition to the - often very high costs - of the previous journey to Russia and Western Europe. The payments were made almost entirely in Vietnam: the families of the smuggled persons had to pay the money to the relatives of the leader of the Belgian organisation.

For the crossing to the United Kingdom, half of the amount had to be paid in advance and the other half afterwards. If the second half wasn't paid on time, the victims and their families in Vietnam were at serious risk. Exchanges between smugglers indicate that migrants were repeatedly detained after arriving in the United Kingdom and that families were pressured to pay the full amount.

The smuggling network developed various counter-strategies to thwart police and criminal investigations. For instance, the smugglers appeared to frequently change their phone numbers. As it wasn't clear to whom one of the phone numbers belonged, it wasn't possible to determine the exact role of one of the suspects in the end. In addition, the perpetrators also instructed the smuggled persons to switch off their phones during transportation. Lastly, the smugglers' extensive social media network enabled some of them (at least initially) to stay out of reach. For instance, after the arrest of several suspects and the escape of two others, two acquaintances indicated in a phone conversation that they were going to warn these fugitive suspects not to return for the time being. By hiding, they prevented the whole organisation from being dismantled: "*If they come back, the 'whole lot' will be tried - Yes, it will be 'the whole gang'. It's like an invitation to prison. That will be it*". This conversation also reveals that the Vietnamese group was a separate and well-established Belgian smuggling cell.

<sup>138</sup> The Angres camp is also discussed in the first chapter of this focus (overview) and in the analysis of the Essex case below.

## 1.2. | Investigation

The investigation into the activities of the smuggling network was launched after police intercepted four Vietnamese nationals, including three presumed minors. They were found in a lorry in the Grand-Bigard parking area along the E40 motorway, following a call from the lorry driver. Over the next day and night, French authorities in Calais intercepted first nine and then two more people in lorries coming from Grand-Bigard.

The subsequent phone investigation and phone tapping led to several Vietnamese smugglers in Belgium. Observations made in Brussels and information provided by the public transport providers SNCB and STIB (surveillance images and routes) allowed the network of smugglers to be better identified. One of the victims contributed to the criminal investigation and the identification of the suspects through their statements (see below). The financial investigation uncovered money transfers between Western Europe and Vietnam via Western Union.

Social media searches also provided vital information. Through an open source search on Facebook, the police found, among other things, the location of the main suspect on the run in France, and images of travel documents and smuggled persons on their way from Vietnam to France. It was possible to link some of these Facebook images with surveillance footage<sup>139</sup> of one of the smuggling activities recorded at Brussels-Midi railway station. Through computer searches, investigators also gained direct access to the suspects' Facebook and Yahoo! accounts and messages<sup>140</sup>. Among other things, this research shed light on the division of labour within the network, financial transactions and the frequency of crossings to the United Kingdom.

Finally, it is worth noting the importance of the parallel action of the social inspectorate in this case. While observing a place designated as a safehouse by a smuggling victim, the social inspectorate carried out a check in the adjoining Vietnamese restaurant. During this action, several of the people present, including the main suspect in the smuggling case, were checked. Based on the personal data he provided, the simultaneous phone tapping (in which only his first name was used) and one of the victims recognising him, it was possible to (provisionally) identify the main suspect.

When the search took place, a passport was also found, which also appeared on Facebook and could therefore be linked to one of the smuggled persons.

## 1.3. | Victims

Between September 2012 and June 2013, at least 30 people were victims of the Vietnamese smuggling network. Several of them were identified by the police during interceptions in Grand-Bigard and Calais.

Of the four victims intercepted in Grand-Bigard, three disappeared almost immediately: the adult victim vanished after being ordered to leave the territory, and two of the minor victims escaped from the reception centre in Neder-Over-Heembeek. Only the fourth victim, who had also initially declared themselves to be a minor, was willing to cooperate with the Belgian authorities and acquired victim status. On the basis of their statements and other elements of the criminal case file, Myria was able to draw up a profile of the victims.

The victims of the Brussels smuggling network were all of Vietnamese origin. Some of them were smuggled into the United Kingdom under perilous conditions. The four victims found in the lorry in Grand-Bigard, for instance, had been placed in the middle of poorly secured pallets that were in danger of falling or slipping, and thus seriously injuring them.

The criminal case file also contains indications that the female victims were also at risk of abuse along the illegal migration route between Western Europe and the United Kingdom. For instance, in a conversation on Facebook, the main suspect states that 'girls' had to go through Belgium for security reasons, while boys could leave from Belgium as well as from France. This statement suggests a risk of sexual abuse within the (related?) smuggling networks in northern France<sup>141</sup>.

139 For more information on linking personal photos with surveillance or observation images, for instance using Google Image, see Myria, *2017 Annual Report Trafficking and smuggling of human beings*, Online, p. 48-49.

140 The suspects logon details and passwords were identified on the basis of an analysis of their text message conversations.

141 Myria already discussed acts concerning the sexual exploitation of young girls in the smugglers' camps in northern France in a previous annual report. Some of these girls had to provide sexual services in exchange for a crossing to the United Kingdom, or for the payment of their journey or for access to certain areas (Myria, *2018 Annual Report Trafficking and smuggling of human beings, Minors at major risk*, p. 36-37).

Some victims of the network were not only smuggled in precarious conditions, but also found themselves in dire situations which seemed to suggest debt bondage<sup>142</sup>: the criminal case file shows that the Vietnamese smuggled into the United Kingdom were bound to the smugglers if their families did not pay their debts (see above). The Vietnamese restaurant on the ground floor of one of the safehouses was also investigated for trafficking by the social inspectorate.

The account of one of the Vietnamese victims (X) reveals that owing to the accumulation of debts — along with high interest rates — for their journey, smuggled persons risk remaining under the smugglers' control. For instance, X stated that he had left Vietnam in search of an income for himself and his family.

For the first part of the journey — a flight via Ukraine to Portugal, which cost him USD 10,000 —, he took out 'loans' in Vietnam. Once in Portugal, he first worked in farming for a few months to pay back his debts. He then paid another EUR 4,000 for the crossing to the United Kingdom, where he hoped to earn more. During the hearings, X stressed several times that he absolutely had to work to pay off his debts and that he feared reprisals against his family in Vietnam:

- *If I don't pay, my family... me, I won't have any work.*
- *You're asking me what my plans are, my answer is that I absolutely have to work, because my family is now in debt and is counting on me to pay it back, the interest on arrears amounts to about 10% per month, which is a lot.*
- *I am not so much afraid for myself, but more for my family in Vietnam. This organisation could well take revenge on me.*

The victim's statements not only shed light on the personal situation and debts of the illegal migrants linked to the Brussels smuggling network, but also played a crucial role in the criminal investigation. During his interception and first hearing, X made false statements about his identity, age and travel route, presumably under the influence of the smugglers. However, it was possible to win his trust in the end: during the second and third hearings, he rectified his initial statements and shared important information with the Belgian authorities. The victim's cooperation therefore enabled not only the organisation's leader to be identified, but also to partly clarify his modus operandi and his collaborative relationships.

## 2. Essex case: the Belgian part

This case was initiated after the tragedy of 22 and 23 October 2019 in Essex, in the United Kingdom, which cost the lives of 39 Vietnamese smuggling victims, including several minors, who suffocated in a refrigerated container. In this extensive case file containing more than 25,000 pages, the Belgian part of the smuggling network was examined from an international perspective. This led to a conviction for human smuggling

*By accumulating debts along with interest for their journey, smuggled persons risk remaining under the smugglers' control.*

and criminal organisation, as discussed in the chapter on case law<sup>143</sup>. The only prosecutions were for human smuggling, but the file also contains evidence connected with human trafficking. In addition, the Belgian judgment refers to

convictions in the United Kingdom and Vietnam, and there is also an ongoing investigation in France. The file also refers to an ongoing investigation in Germany.

### 2.1. | Introduction

The Belgian part of the Essex case is based on the two safehouses which housed many of the victims of the ill-fated illegal transportation. These safehouses were managed by the Vietnamese criminal organisation responsible for the Essex tragedy. Several other old cases concerning Vietnamese smugglers in Brussels<sup>144</sup> and Bruges, featuring these safehouses where Vietnamese victims stayed, were also included in the Essex file. It was revealed that this Vietnamese criminal organisation had been active in Belgium at least since May 2018 and that it was responsible for many other transportations in addition to the fatal one on 22 October 2019.

It cost an average of EUR 13,000 to be smuggled from Vietnam to Europe, while from Europe to the United Kingdom it cost an average of EUR 12,000 to be regularly smuggled in a refrigerated truck. According to the victims' statements, the price could even be as high as EUR 40,000.

<sup>142</sup> This mechanism is explained in the first chapter of this focus (overview).

<sup>143</sup> See Part 2, Chapter 2 (Case law overview, point 3.2.); West Flanders Crim. Court, Bruges division, 19 January 2022, ch. B17 (appeal).

<sup>144</sup> See below point 2.4.4. Unaccompanied minors (15-year-old Vietnamese girl, 16-year-old Vietnamese girl).

The majority of the smuggling victims had to make an advance payment before their departure. When they arrived at the safehouse in the destination country, i.e. Germany and/or the United Kingdom, the money for the smuggling had to be paid so that the smuggled victims could be released. Straight after the Essex smuggling tragedy, the smugglers had no qualms about increasing the cost of being smuggled into the United Kingdom by GBP 7,000.

## 2.2. | Smuggling network

The Essex tragedy led to an international investigation in the United Kingdom, France, Ireland, Germany and the Netherlands, as well as to the dismantling of a criminal organisation involved in smuggling Vietnamese migrants via various supply routes. There were several safehouses along the way, in particular in Germany, France and Belgium.

The international smuggling network was mainly composed of Vietnamese and was run from Vietnam. The migrants eventually ended up in Berlin (Germany) and from there, they were transferred to Brussels (Belgium), the Netherlands and France (including Paris) for the final leg of their journey to the United Kingdom. The North Sea crossing was subcontracted to a criminal organisation consisting of the director of an Irish haulage company, several drivers working for the company and a Romanian. On arrival in the United Kingdom, the migrants were again placed in the hands of Vietnamese smugglers.

### 2.2.1. | International smuggling system for Vietnamese nationals

There was mention of a large and flexible international smuggling organisation, with smuggling cells operating in Vietnam, Germany, France, Poland, Belgium, etc. Certain service providers supplied false documents.

Several smuggling coordinators were responsible for a specific smuggling route between certain countries, such as Russia and Germany or Poland and, therefore, maintained the necessary contact with local smugglers.

In Denmark, there were smugglers who could arrange a Scandinavian route. It emerged from the conversations that the various Vietnamese smuggling groups were also competing for specific illegal migration routes and were trying to

monopolise key service providers. One of the smugglers for Poland and Germany boasted in conversations that he had been operating since 2001 and had never been caught. The main smugglers travelled between safehouses in Belgium, Germany and France with the help of regular taxi drivers. According to numerous victim statements, safehouses also existed at ports of call in Eastern and Southern Europe, sometimes staffed by Chinese guards.

In Germany, a key safehouse located in the Vietnamese Dong Xuan Center in Berlin played a central role in the European smuggling system. After arriving in Europe, the families in Vietnam had to pay the organisation the travel costs. The victims were detained until the family had made the payment or until an arrangement was found to pay off their smuggling debts by working in a debt bondage situation. The victims were essentially brought to the Dong Xuan Center in Berlin. In Germany, the victims were mainly working in restaurants or selling counterfeit goods<sup>145</sup>.

In France, the Vietnamese managers of a camp for illegal migrants and one or more safehouses were located in Vitry-sur-Seine near Paris, among other places. In addition, there was a person in Grenoble who was responsible for the reception and subsequent employment (see below: “Link to human trafficking”) of Vietnamese illegal migrants who arrived in France directly from Germany by train or by coach.

In their exchanges, the smugglers referred to the existence of major service providers in Vietnam, responsible for bringing illegal migrants from Vietnam, and the subcontracting of the final journey to the United Kingdom to Europeans. In Vietnam, organisations took care of the crossing. They recruited victims through social media or through social contacts with relatives of potential candidates for illegal migration. They also issued work visas through temporary employment agencies in countries such as Romania, Hungary and Poland.

*An international smuggling organisation operating out of Vietnam, with various cells.* For instance, work visas were issued for a chicken slaughterhouse in Romania, and for seasonal work and a food shop in Hungary.

Some family members had to sign a contract stating that they would have to pay a heavy fine if they failed to respect the time frame mentioned in the work visa.

145 On this subject, see Chapter 1 of this focus (overview).

Some also provided student visas and tourist visas. They operated with both genuine and fake visas.

In the United Kingdom, the Vietnamese smuggling organisation worked with an Irish haulage company for the final leg to the United Kingdom. However, once the Vietnamese irregular migrants had arrived, the organisation resumed its management of them in a safehouse. An analysis of the messages revealed that one of the leader's lieutenants<sup>146</sup> had been smuggled into the United Kingdom himself in June 2019, after which he was then responsible for reception and the management of the safehouse in Birmingham. He still had to pay the leader for the cost of being smuggled.

### 2.2.2. | Illegal migratory routes

The main irregular migratory route across continental Europe was via Russia to Germany. To be precise, the route passed through Belarus, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Germany, Belgium, the Netherlands and France to the United Kingdom. Transit routes via Ukraine and Kaliningrad in Russia were also identified. The case revealed a more recent trend, dating from 2020, with the route passing through Russia, Latvia or Belarus, followed by a car journey to Poland, Germany, France or the United Kingdom. Most smuggled victims wanted to go to the United Kingdom or explicitly stated that they only wanted to go to Germany.

The analysis of Viber messages also revealed the existence of an illegal migratory route in Scandinavia. The contact person for the organisation in Denmark for smuggling activities helped them to obtain regular tourist visas for Finland, Sweden and Norway. Vietnamese school group trips were used for this purpose.

For a fee of EUR 16,000, naturalisation was offered in Finland after a five-year stay. Several victims took other routes from Vietnam. Some victims first went to China, then took a direct flight to Paris. Another itinerary involved taking a flight to Malaysia, with a stopover in Turkey, where they then continued the journey by car and on foot to Greece, and then onto Malta, Spain and France.

Victims who arrived in Europe with a work visa for Romania/Hungary/Poland then went to Germany a few days or months later. There, they were taken to the safehouse at the Dong Xuan Center in Berlin to be assigned to forced criminal activities and labour exploitation (see section 2.2.5. below: "Link to human trafficking"). They were then transferred to safehouses in Belgium or France.

The last leg of the journey often began in northern France, where the smugglers hid the victims in lorries, or passed through the port of Zeebrugge or the Netherlands. At the time of the investigation, a camp for illegal Vietnamese migrants was located in the vicinity of Calais, near the motorway, in the municipality of Angres<sup>147</sup>. Housed in a municipal gymnasium with the authorisation of the municipality, or in disused buildings or on a vacant lot, dozens of Vietnamese were ready to leave for England. If going via the Netherlands, attempts were often made through the port of Hook of Holland, where there is a daily ferry to Harwich (United Kingdom).

Lorries are the most common means of transport between France and the United Kingdom. In this case, a choice of 'packages' was available: a 'standard package' that seemed cheaper but was less efficient, and 'VIP transport' that was more expensive but took less time. Fares for VIP transport ranged from EUR 10,000 to EUR 14,000 and even EUR 19,000. These VIP transports were either in a cabin instead of a container, or in dog or horse transports, where there was less chance of detection by the police owing to the overwhelming stench associated with these transports, which misled the police dogs during checks.

*The cost of 'VIP' smuggling with dogs or horses could reach EUR 19,000.*

The cost for being transported in a horsebox was EUR 19,000. Transporting people using 'luxury transportation' sometimes turned out to be an outright lie. During a phone tapped conversation, one victim expressed their dissatisfaction, as they thought they were being transported in a 'cabin'. In reality, they were simply being crammed into a refrigerated container with other people<sup>148</sup>.

<sup>146</sup> Lieutenant A. was convicted in the Essex case *bis*: West Flanders Crim. Court, Bruges division, 22 June 2022, ch. B17 (appeal).

<sup>147</sup> On this subject, also see Chapter 1 of this focus (overview) and the analysis of another Vietnamese smuggling case in point 1 of this chapter.

<sup>148</sup> The network also used taxi drivers to transport victims. This aspect of the case isn't analysed here. See the judgment in this case: West Flanders Crim. Court, Bruges division, 19 January 2022, ch. B17 (appeal) in the 'Case law' chapter later in this report: Part 2, Chapter 2, point 3.2.

According to the statement of a child victim, a small boat was also offered as an option, suggesting transport by boat via the North Sea (see below, section 2.4.4.: UAM). The United Kingdom's European Investigation Order (EIO) report also contained a victim statement which revealed that, in addition to the GBP13,000 paid to cross from France to the United Kingdom, they had to pay GBP 6,000 on arrival to obtain a 'minor's life story'.

### 2.2.3. | Belgian safehouses

Upon arrival in Belgium, the victims became the responsibility of the Belgian smuggling cell which operated in symbiosis within the largest international smuggling network. The Belgian part of the investigation identified two safehouses in Brussels (two flats) that played a central role in the smuggling of people to the United Kingdom. These two safehouses had already been monitored as part of previous ongoing investigations into smuggling, but according to the public prosecutor's office, there was insufficient evidence at the time. The safehouses acted as people 'warehouses', in the words of the Vietnamese victims. The investigation showed that at least 14 Vietnamese left from these addresses to embark on their ill-fated journey.

From the statements of the victims identified in the case file, it can be concluded that as of July 2018, the flat was being used as an assembly point for migrants waiting for their clandestine crossing; that approximately 10 people were staying in the flat at the same time; that they weren't allowed to make any noise; that guards were present in the flat; and that there was a constant flow of people. One of the victims stayed in the flat for six months because of problems with paying for the crossing.

The investigators were able to identify four victims as having lived for some time in the flat that served as a safehouse. Three of them were given the status of victims of human smuggling with aggravating circumstances. The fourth one disappeared in the meantime.

Several elements in the criminal case file clearly show that these safehouses weren't just normal dwellings, but actually served as temporary 'warehouses' for many victims who wanted to travel to the United Kingdom.

During a phone tapped conversation, it clearly appeared that dozens of victims had indeed stayed in safehouses run by the criminal network. This is what emerged from the statements of several victims. One local resident, who was afraid of reprisals, testified that he saw a group of about five to seven people show up there every five to seven days. Most stayed for a week and then left. Most of them were between 18 and 30 years old.

The search also revealed the precarious administrative situation of the irregular migrants. In one safehouse, guards were found with suitcases.

containing the residence documents of several smuggled persons.

According to the investigators, this confirmed the victims' statements that they were obliged to hand over their identity cards, thus preventing them from leaving the house alone and without authorisation.

A phone tapped conversation between a safehouse guard and a smuggling coordinator in the United Kingdom, following the escape of a minor from the safehouse in Brussels, also provided evidence. The smuggling coordinator was angry because he was supposed to keep the 'chickens' inside and not let them escape. He added, "You're incapable of doing your job properly. The chickens are locked up, but you let them escape all the same".

### 2.2.4. | Smugglers who are victims

The smuggling leader managed the Brussels safehouses and was in contact with the smugglers in Vietnam, and with the smuggling coordinators in the German and French safehouses. He had four fake Vietnamese passports and two fake Chinese ones. At his hearing, he pretended to be a victim. He considered himself a victim of the people who had lured him and forced him to go to England. According to his statement (with no further details), he came from the illegal migrant camp in Calais and claimed to still have EUR 40,000 in debts in Vietnam, including EUR 20,000 for his illegal transportation to Belgium. He stated that members of the Vietnamese embassy had visited him twice in prison.

One of the smuggling leader's assistants, the second defendant V. D., had gone from being a smuggling victim to a smuggler. He worked as a safehouse supervisor and was partly responsible for the ill-fated transport of two victims. He was in middle management and reported directly to lieutenant Z. who managed the safehouse. This lieutenant was also staying in Berlin, where he was helping to run the safehouse.

During his hearing, V.D. stated that he flew from Vietnam to Russia in April 2019 and then went by car and on foot to Germany, where he arrived in July 2019. In Berlin, he stayed at a safehouse where he sold cigarettes illegally for several months to reimburse part of his smuggling debts.

His family had paid EUR 17,000 for him to be smuggled from Vietnam to Germany. He then went from Berlin to Belgium with lieutenant Z. at the beginning of September 2019 and stayed in the safehouse managed by lieutenant Z., where V.D. began working as a supervisor. He also served as an intermediary for the smuggling victims.

It emerged from a confrontation hearing that V.D. had to justify the smuggling rates in force to the victims:

"Yes, I spoke with these people and we discussed the price. They had to pay GBP 15,000, GBP 16,000 and GBP 17,000. I told them it was cheap because I had had to pay GBP 19,000."

One of the jobs of V. D., the second defendant apparently consisted of convincing the victims of the smuggling network that they were in fact 'getting a good deal', which is entirely consistent with the network's ruse of making as much money as possible in the shortest amount of time.

### 2.2.5. | Link to human trafficking: means of repayment and debt bondage situations

The Essex smuggling case is linked to a number of other acts in different countries, where victims of smuggling have found themselves in human trafficking situations (exploitation) to pay off their smuggling debts (debt bondage situations)<sup>149</sup>. These situations can involve work or forms of forced criminality. Some victims had paid for illegal transportation from Vietnam and had gone to Hungary, Poland and Romania on a work visa to work there. In Romania, this was the case in a chicken slaughterhouse where 50 Vietnamese worked. In addition, it transpired that there were direct links between the smuggling network and the system of reimbursement through debt bondage situations. In one Viber message, the smuggling leader stated: "When you arrive here, you work to pay off the loan bit by bit".

The phone tapped conversation between two smugglers revealed that the smuggling network also directly provided loans with interest to their clients who wished to be smuggled.

The families of several victims were asked to make the payments to reimburse the loan for being smuggled to the leader's sister, who lived in Vietnam. Other families borrowed money for smuggling from parallel creditors, including loan sharks in Vietnam.

The Brussels Vietnamese case file submitted to the investigation, with the same safehouses, revealed that during a multi-disciplinary check in October 2018, a victim was intercepted in a nail bar. The victim stated that they had taken a smuggling route from Vietnam to England via Belgium and had worked in a nail bar while waiting for their crossing to England. It wasn't possible to interview the victim further because they disappeared after receiving an order to leave the territory (OLT). Text messages from one of the victims who died in the Essex tragedy revealed that one of their friends was also doing a manicure course in Berlin. Another (male) victim was intercepted in a nail bar in Brussels where he worked and was given victim status. This man had previously been exploited in a Vietnamese restaurant in Antwerp (see below, point 2.4.3.: "Victim status for adults"). A child victim was in turn exploited as a domestic worker in Brussels (see below under 2.4.4.: "Unaccompanied minors").

Two defendants (father and son) ran a nail bar which played a role in repayments for smuggling. The father's wife owned an estate agency in Vietnam, through which he was able to finance the setting up of his nail bar. The money was divided into three parts and transferred in cash by plane. A witness stated that she had paid her between USD 15,000 and USD 17,000 in Vietnam more than 10 years ago to be smuggled to Belgium. She said that this woman acted as an intermediary for the repayments for the smuggling. The defendant (father) also stated that when people wanted to transfer money to Vietnam, they would deposit the money at his nail bar and the money would then be transferred to Vietnam.

In France, Vietnamese victims were exploited in restaurants in Grenoble or in the 13<sup>th</sup> arrondissement in Paris to pay back their smuggling debts.

The French investigation into smuggling in Grenoble was launched on the basis of false documents and not on Vietnamese victims who had fallen prey to labour exploitation:

*The victims ended up in several countries in debt bondage situations.*

"An investigation was launched on the basis of information relating to the trade in false residence permits that were being produced in Grenoble."

149 Also see Chapter 1 of this focus (overview).

This trade allowed irregular Vietnamese nationals in France to work in restaurants owned by fellow Vietnamese”. The safehouse in Berlin played a key role, not only within the smuggling system, but also as an intermediary stage in the repayment of smuggling debts through debt bondage situations. The statements revealed that many Vietnamese smuggling victims, employed in restaurants or in the sale of counterfeit products such as illegal cigarettes, were staying in the safehouses. A Vietnamese unaccompanied minor who had been awarded victim status, testified that they sold illegal cigarettes at the Dong Xuan Center in Berlin (see below, point 2.4.4.: “Unaccompanied minors”). A fingerprint comparison showed that at least five victims of the fatal smuggling operation had been arrested in Berlin for selling illegal cigarettes, although no link to human smuggling or human trafficking (forced criminality) was ever established. It was the network itself, operating out of Germany, that was responsible for the wide scale smuggling of these illegal cigarettes. They were delivered from Vietnam and each shipment contained 3,000 or 4,000 boxes with a selection of different models accompanied by a photo. This is what emerged from the exchanges between the smugglers on Viber. Hence, it was the smuggling network that organised the debt bondage situations of the smuggling victims, which also implies a direct link between the smuggling network and forced criminality. Besides smuggling and the sale of illegal cigarettes, the smugglers were also involved in smuggling counterfeit drugs, which their Viber messages clearly showed.

The smuggling network was also directly linked to a cannabis plantation in Spain, where smuggled victims were taken to pay off their smuggling debts through forced criminality. Co-defendant V.D. stated that the smuggling leader suggested to him in Berlin that he go to Spain to work on a cannabis plantation to finance his illegal transportation to the United Kingdom. The journey to Spain would have cost him an additional EUR 3,000. One minor stated that during their illegal journey to Russia, they were offered work on a cannabis plantation (see below 2.4.6.: "Two minors escape from a Dutch centre for minors").

## 2.3. | Investigation

### 2.3.1. | Opening the investigation

The investigation by the federal public prosecutor's office was launched immediately after the British authorities informed the Belgian authorities of the Essex tragedy on 23 October 2019, as the refrigerated container involved had been transported to the United Kingdom by ship via the port of Zeebrugge.

The federal public prosecutor's office included several Vietnamese cases from Brussels and Bruges, because the criminal organisation's safehouses in Brussels had already been discovered at the time. The Brussels case of 2018 was opened after the discovery of a Vietnamese child victim in one of these safehouses (see below, point 2.4.4.: “Unaccompanied minors”). The investigation into the smuggling interceptions showed that this criminal organisation's smuggling activities started at the least in May 2018. This came to light thanks to the interception of 18 Vietnamese migrants at the Eurotunnel in France with the same British driver who left from Bierne (French disembarkation point near Calais) on 22 October 2019 for the ill-fated transport from ZeebThis trade allowed irregular Vietnamese nationals in France to work in restaurants owned by fellow Vietnamese”.

An investigating judge was immediately appointed so that all necessary investigative actions could be carried out.

### 2.3.2. | Internet and social media investigation

The police and the judiciary used social media as an essential investigative tool. They were able to find the smuggling leader's Facebook account with a recognisable photo. Internet searches revealed that the leader had fled to Berlin after the discovery of the fatal smuggling operation.

In addition to the online searches, a network search ordered by the investigating judge provided access to the protected digital data of the various apps linked to the phone numbers of the eight smugglers.

The investigating judge issued a court order to obtain the smugglers' identification and registration data, geographical location and social media account histories and email addresses from Google, Microsoft and Facebook, based in Dublin, Ireland, through the Federal Computer Crime Unit (FCCU).



It emerged that the smugglers were communicating mainly via WhatsApp, Viber and Facebook. According to the conversations, they weren't only guilty of human smuggling, but also of smuggling counterfeit cigarettes. Communication about human smuggling between the client and the smuggler was mainly via Viber and Facebook and never by phone. Upon arrival in the United Kingdom, the smuggled client was supposed to receive instructions from the smuggler through their Facebook account on a smartphone lent to them by a smuggler.

The internet and social media were used as investigative tools in the victims' hearings. Several child victims used Google Street View to locate the safehouse where they had stayed in Brussels and in France (Vitry-sur-Seine, near Paris). Another child victim was able to show the Facebook account of their deceased travelling companion so that this victim could be identified. The smartphones of the victims of the fatal smuggling run were also fully analysed to determine their route.

Several victims stated that upon arrival at the airport, the smugglers forced them to delete the Facebook or other social media accounts they had used to communicate with the smugglers.

Money transfers between the smugglers and the clients were arranged via Viber and Facebook. The account number to which the money was to be paid was sent via a Viber account, while proof of payment was sent via Facebook. Some messages also included evidence of payments for smuggling.

### 2.3.3. | Financial investigation

The family of the smuggling leader played an important role in the payments. The smuggling leader used social media to inform the smuggled persons or their families that the money had to be transferred to his sister in Vietnam. Sometimes, lieutenant Z.'s brother also collected money from the family.

A nail bar also appeared in the financial arrangements (see above, point 2.2.5.: "Link to human trafficking"). The total financial benefit for the Belgian part of the Vietnamese criminal organisation amounted to at least EUR 7,075,832, and at least EUR

460,000 just for the fatal transportation by refrigerated lorry.

The investigators based themselves on the average smuggling fee and the minimum number of victims. On average, EUR 11,877 was charged for smuggling from Belgium and France to the United Kingdom. Some 195 Vietnamese migrants were intercepted in an illegal transportation to the United Kingdom. If the amount charged for a smuggling operation to the United Kingdom is multiplied by the number of migrants (195), the result is EUR 2,832,245.

The average amount charged for smuggling from Vietnam to Europe was EUR 12,677. If we multiply the amount charged for smuggling to Europe by the number of migrants (335) transported from Vietnam to Europe, the result is EUR 4,243,587.

By adding both parts of this smuggling operation, the total amounts to EUR 7,075,832.

### 2.3.4. | International cooperation

An agreement to set up a joint investigation team (JIT)<sup>150</sup> was concluded between Belgium, France, Ireland and the United Kingdom under the coordination of Eurojust and Europol. The main task of the JIT was to investigate the discovery of the bodies of the 39 victims of human smuggling, the journey of the deceased to the United Kingdom and previous incidents of human smuggling. The JIT agreement also emphasised the importance of the financial investigation: "The parties will initiate and complete the financial investigations necessary to achieve the objectives of the JIT". In addition, European Investigation Orders (EIO) were issued for Germany and the Netherlands, among other countries, on the basis of observations, phone taps and smuggler identifications. In the German EIO, a key lieutenant of the safehouse was found thanks to information from an anonymous source, whose anonymity is guaranteed by the public prosecutor's office in Berlin. and smuggler identifications.

*The total financial benefit amounted to at least EUR 7,000,000, and at least EUR 460,000 for the fatal smuggling operation alone.*

In the German EIO, a key lieutenant of the safehouse was found thanks to information from an anonymous source, whose anonymity is guaranteed by the public prosecutor's office in Berlin.

Z., the lieutenant in question, fled from Brussels to Berlin after the smuggling tragedy and, according to the anonymous witness, was jointly responsible for the smuggling of 10 deceased victims.

<sup>150</sup> A JIT (Joint Investigation Team) is a cooperation between the competent authorities of two or more Member States to conduct criminal investigations into offences involving suspects in more than one Member State. A JIT will initiate and conduct the investigation under the direction of a single Member State. The legal framework is formed by the laws and regulations of the country in which the team operates. Once the investigation has finished, the case is forwarded to the prosecuting authority of the most relevant Member State. In Belgium, the terms and conditions of JITs are laid down in Chapter 3 of the Act of 9 December 2004 on the international police transmission of personal data and information for judicial purposes, international mutual legal assistance in criminal matters and amending Article 90ter of the Code of Criminal Procedure (M.B. 24.12.2004).

Furthermore, thanks to undercover measures, the German investigation was able to locate and arrest the smuggler who had organised the transportation from Russia to Germany.

The German EIO report refers to the French investigation, which didn't originally concern human smuggling, but false residence documents intended to legalise residence and employment in France: "As you can see, the ongoing proceedings in France objectively, though not originally, concern the investigation into the 39 Vietnamese nationals found dead in a refrigerated lorry in the United Kingdom on 23 October 2019. The original proceedings concerned an investigation into alleged smuggling of false residence permits issued to Vietnamese nationals with a view to 'legalising' their stay and subsequent employment in France".

The Belgian judiciary also sent international letters rogatory to Vietnam through the liaison officer, but these did not yield many results. The fingerprints of the arrested leader, the main defendant in the case, were forwarded, but the Vietnamese authorities were unable to find any match with their data. During the trial, the real identity of the leader still didn't appear to be known. In addition, Belgium asked the Vietnamese authorities to identify three Vietnamese passports used to buy prepaid SIM cards from the smugglers.

The Belgian investigators found the following: "The Vietnamese authorities have provided the data sheets of three people with poor quality photos, but despite our specific request, they haven't told us whether these people are officially still in Vietnam or whether they are

unfavourably known to their police and judicial authorities".

## 2.4. | Victims

For the period May 2018 to May 2020, the case has linked a total of 156 smuggling operations to the smuggler network responsible for the Essex tragedy and its 39 victims who died while being smuggled. A total of 335 Vietnamese victims were identified as having been smuggled from Vietnam into Europe and 195 Vietnamese victims as having been smuggled into the United Kingdom from Belgium and France.

All the victims were Vietnamese who wanted to leave Vietnam to find a job in Europe that would allow them to earn more money for themselves and their families<sup>151</sup>.

The statement of a Vietnamese child victim, a boy, highlights this: "First, my brother left. After a while, my dad asked me if I wanted to leave too. I said yes. I left soon after. It was my dad who suggested that I leave. Life is very difficult in Vietnam, I wanted to leave too, to have a better life and to help my family".

Another boy, also a minor, added that victims couldn't always choose their final destination: "My motivation for leaving Vietnam and going to Russia was economic, I was living in poverty. I didn't decide my final destination, the smugglers decided that my final destination would be Great Britain".

Several other victims confirmed that the smugglers decided on their final destination<sup>152</sup>. The young boy who disappeared from a centre for minors in the Netherlands, even said that in Berlin, the smugglers had encouraged him to travel illegally to the United Kingdom to find better job opportunities<sup>153</sup>. This of course meant an extra cost of EUR 12,000 for the victims and further profits for the smuggler.

For their illegal journey, migrants turned to organisations in Vietnam to organise the crossing and provide work, student or tourist visas.

Victims were required to hand over their passports, which were collected prior to departure, to be stamped with the necessary visas. The trips were always made in groups.

*Sometimes, the smugglers decided that the victims' final destination was the United Kingdom so that they could increase their profits.*

### 2.4.1. | Victims of the fatal smuggling operation

On 23 October 2019, 39 bodies were found in the trailer of a lorry in the United Kingdom (Essex) and the British investigation revealed that the trailer had come from Belgium (Zeebrugge) by boat. There were eight women and 31 men, all of Vietnamese nationality. Four of them were of them were minors, two of whom were 14 years old.

Two young Vietnamese women who had come from Brussels with a taxi driver were only saved by being late for the pickup in Bierne, France. The French gendarmerie intercepted them before releasing them on the orders of the public prosecutor in Dunkirk (France).

<sup>151</sup> Also see Chapter 1 of this focus (overview).

<sup>152</sup> See point 2.4.5.: 'Unaccompanied minors: victim status'.

<sup>153</sup> See point 2.4.6.: 'Two minors escape from a centre for minors in the Netherlands'.

The investigation in Belgium and France revealed that several of the deceased had been transported by taxi from Anderlecht, Paris and Berlin to Biene, where they had boarded the ill-fated trailer. The articulated lorry then travelled to Zeebrugge and left the trailer at the port. The trailer was then loaded onto a ship and, on arrival in the United Kingdom, was collected from the port by another lorry. The trailer was refrigerated and the UK investigation revealed that the 39 victims died of suffocation in British waters because the refrigeration (and therefore air circulation) of the trailer wasn't switched on. Hence, it wasn't the temperature in the trailer, but the lack of oxygen that caused the deaths.

The criminal case file reveals that some of the victims took photos, audio and video recordings of themselves suffocating in the trailer. On 22 October 2019 at 19:25, a victim took a selfie which clearly shows her sweating inside the container. At 19:37, an audio recording was made by another victim of a person in respiratory distress. People can be heard banging against the walls. Some can be heard gasping and crying, and the first signs of people are dying are discernable. At one point a voice says: "... is dead". The victims were therefore fully aware that they were dying. This is also apparent (besides the revealing audio fragments) from certain (unsent) text messages found in a victim's mobile phone. Investigators linked two text messages to one victim. In the first message, she identifies herself to the outside world and in the second one she writes: "Sweetheart, I might die in the container, I can hardly breathe".

The British authorities analysed the smartphones of the deceased victims and handed them over to the Belgian judiciary for inclusion in the case file. As a result, it was possible to determine the routes of several victims on the basis of the photos, messages and location data recorded by the smartphones. This data was used to help determine the smuggling network's various routes (see above). The fingerprint comparison showed that the fingerprints of thirty-eight of the thirty-nine fatalities had been registered in the Netherlands based on information obtained on behalf of the United Kingdom. The comparison with the national system in the Netherlands resulted in 2 hits. In Germany, some relatives of the deceased victims were questioned and were included in the German report of the European Investigation Order.

One of the smartphones contained a photo of a three-month work visa from 26 March 2019 and a recruitment form for a chicken slaughterhouse in Romania, issued by a temping agency in Vietnam. The monthly salary was USD 530.

Investigators found an article stating that 50 Vietnamese were working in this Romanian chicken slaughterhouse. Apparently, the owner of the phone wasn't travelling alone, as there was a photo of a list of seven passengers for a journey from Hanoi (Vietnam) to Bucharest (Romania) with a stopover in Doha (Qatar). It appears from the texts that on 20 October 2019, he and another victim travelled from Germany to France via Belgium and ended up in the ill-fated refrigerated lorry.

A female victim had contacted the lieutenant via Facebook in August 2019 and wanted to work in the United Kingdom. Her father initially objected, but then relented. Lieutenant Z. arranged illegal transportation and explained via Facebook how she was to pay the EUR 39,500 (USD 47,000) upon arrival in the United Kingdom. The money was collected by lieutenant Z.'s brother from the father of the family with acknowledgement of receipt on 23 October 2019. However, it was returned to the family in full after the Essex tragedy was made public. She had left Hanoi on 25 August 2019 and travelled to Greece via Malaysia, eventually arriving in Brussels. On 22 October 2019, she sent a message to her sister saying that she was leaving for the United Kingdom.

According to other statements by family members, some of the victims had travelled to Poland on a work visa through another temporary employment agency in order to be employed there. One of them then travelled to Belgium via Germany. His family had to pay EUR 12,500 to the smugglers and had taken out a loan for this purpose. The victim's wife is still paying the family back for this debt.

In another case, according to the family, the victim had travelled to Hungary through a company on a work visa to work in the seasonal industry. He had left Vietnam on 29 September 2019 and his family had paid EUR 10,000 for his trip to Hungary. He was then offered work in the nail sector in the United Kingdom, where he could earn much more money. On 18 October 2019, he took a train from Hungary via Germany to Belgium. Here, he wanted to travel to the United Kingdom and for that he needed GBP 15,000. Once there, he needed another GBP 3,000. On 20 October 2019, his wife went to Hanoi to hand over the money and on 21 October 2019, the victim reported that he was about to leave for the United Kingdom, after which there was no more contact.

Afterwards, family members made a victim statement when they met with the police. They said that the situation was difficult, but that they had to deal with it. The mother became ill and was hospitalised. The wife suffered a similar fate, but was able to recover enough to return to work. They are in debt to a company in Vietnam. The family is in a particularly complicated situation, as the deceased was the only son.

### 2.4.2. | Exploitation of precarious circumstances and threats

Besides the deceased victims, the smuggling network claimed many other victims. These victims of smuggling were in a vulnerable position during the journey, not least because their fate was in the hands of the smuggling network. They regularly found themselves in appalling conditions, which increased their social and administrative vulnerability:

- Their passports and smartphones were confiscated during their illegal transportation;
- Armed guards and smugglers confiscated their mobile phones and/or threatened them with violence;
- The victims sometimes had to walk for hours through woods, or were crammed into cars or buses for journeys lasting several hours to other sites;
- There wasn't always food or only in return for additional payment.

*After the Essex tragedy, smugglers increased their fees by GBP 7,000.*

Several victim statements revealed the particularly difficult conditions – sometimes on the move for months on end – to which they were subjected.

This was the testimony of a young Vietnamese minor who became a victim and ended up in Belgium after travelling through Russia, Latvia, Poland and Germany:

- To get from Russia to Latvia, a group of four had to walk for hours through a forest:  
"We had to walk at night, we had no idea where we were. There was an escort at the front and one at the back. It was so dark that I couldn't see the people. We had to hold hands because it was so dark (...). By the end of the walk, all our clothes were torn, it was very cold."
- Even though there was no violence, there was a real risk of it:

"There was no problem if we obeyed the escorts. They also didn't know that I still had my mobile phone on me. If they had, they definitely would have used violence (...). They had firearms, like revolvers, and a telescopic truncheon";

- The young boy who escaped from a centre for minors in the Netherlands, gave evidence about the smuggling conditions in Ukraine:  
"We entered the town. We were running out of air. We banged on the sides because we couldn't breathe. Suddenly, armed people opened the door in a forest. One of them had an automatic weapon and the other had a knife. They told us to be quiet and then the door closed again";
- The smugglers didn't hesitate to further push up the price of smuggling after the fatal Essex transportation of 22 October 2019. The child victim was in a safehouse in France at the time and said: "Yes, I was there for four to five days before 22 October 2019. After 22 October 2019, the 'leader' said they would wait to make another attempt to reach the United Kingdom, but then I had to pay EUR 20 per day or leave. The safehouse 'leader' said the price would be increased by GBP 7,000 after the events of 22 October 2019, i.e. GBP 19,000 instead of GBP 12,000.

In the meantime, my brother had also called to tell me to come back to Belgium, because he didn't want me to go to the United Kingdom."

Despite the large sums of money already owed for smuggling, the smugglers involved didn't hesitate to further financially exploit the - vulnerable - smuggled people:

- The same Vietnamese minor stated that at one point, he and several other Vietnamese arrived at a place to stay in Latvia, exhausted after a gruelling journey. Once they arrived, the victims had to pay if they wanted to eat. If not, there was no food.
- At a hearing of the relatives of the victims of the fatal transportation of 22-23 October 2019 by the English police, the relatives of the deceased (...) stated:

"He also told his father that the smugglers collected all the mobile phones of the people being transported and then returned them to the victims in order to monitor incoming and outgoing phone communications, but he later specified that he never got his mobile back [...]. The victim contacted his family on 21 October 2019 via Facebook Messenger and said he had borrowed money in Belgium and bought a new phone."

If the mobile phone was taken away by the smugglers and lost, the victims apparently had to borrow or spend more money to buy a new one.

Various other aspects revealed how smuggling victims were viewed and treated by the suspects. For instance, the language used was indicative of a dehumanisation of the victims.

Smuggling victims were called ‘chickens’. Other intercepted communications also revealed that smugglers talked about ‘chickens’ among themselves and wondered if they would soon ‘have chickens’. In another conversation between two smugglers, they both talk about ‘nailing the chickens’ (so that they can't escape).

Besides ‘chickens’, the victims are also referred to as ‘goods’ or ‘pieces’ to be transported. And the price is paid ‘per piece’.

It is precisely this way of speaking and the specific choice of words (chickens, goods, coins, utensils, etc.) that reveals the objectification of victims who are being or who are to be smuggled. The smuggling organisation reduced them to commodities that could be used to make a lot of money quickly.

The smuggling victims weren't allowed to decide for themselves where they wanted to go and couldn't leave a safehouse of their own accord, seeing as they apparently had to be ‘restrained’ or they could ‘escape’.

The criminal organisation was prepared to do anything to actually collect the amounts charged. If the families weren't able to get the required amount, the smugglers simply held their relatives until the sum was paid.

For instance, the conversation between the smuggling leader and the father of a smuggling victim, who was unable to raise the money needed to transport his son:

*The victims were locked in safehouses and their families were threatened if they didn't pay for their illegal transportation.*

Father: "I've tried everywhere, but I don't have enough money. You must be familiar with my situation, help me".

Smuggling leader: "I can't help you. If you don't have enough money, your son has to stay here. He'll stay at the house (the safehouse)".

At other times, the smuggling leader also threatened to kill people if they didn't pay, as revealed in a recorded conversation he had with relatives of the victims:

Smuggling leader: “The money (...), I know you don't want to pay me. If I find the woman, I'll kill her. There's no question of her escaping. I'm telling you. You have to pay me. She can't escape me”.

Family: (unintelligible);

Smuggling leader: “Tell your wife in England that she'll never be able to escape me. That's what I said from the start. I've worked hard, I've worked my socks off for this. I've done everything for her, don't lie [...] Tell your wife she can never escape me, can she remain locked up at home for the rest of her life?”.

### 2.4.3. | Victim status for adults

Several victims were granted victim status, as can be seen below. However, there were also problems detecting people. For instance, in the attached Brussels Vietnamese case of 2018, there was a problem with the detection of a victim in a nail bar. After being intercepted in a nail bar on 4 October 2018 by the local police in Brussels, they received an OLT from the IO and vanished (see above point 2.2.5.: “Link to human trafficking”).

#### Victim detected at repatriation centre 127bis

One of the victims was detected at repatriation 127bis and was put in contact with a specialised reception centre for victims of human trafficking. During his hearing with the police, the victim was able to identify one of the smugglers from the safehouse from the photo file.

He had paid EUR 21,000 for the entire journey from Vietnam to Belgium via Malaysia. His passport was checked by the police so that they could work out the route taken. It was then discovered that his Schengen visa had been falsified.

The police contacted the federal public prosecutor's office to obtain an authorisation and informed the victim that he could apply for the status of victim of human trafficking. The victim confirmed that he would like to and declared himself an injured party.

### Victim as an anonymous witness

Another victim was heard as an anonymous witness after consultation with the investigating judge and the federal public prosecutor's office for a field investigation at the safehouse in Brussels. On 29 September 2020, the human trafficking and smuggling section of the Federal Judicial Police (PJF) interviewed the victim after consultation with a specialised reception centre for victims of human trafficking. Accompanied by an interpreter, they drove through Brussels to visit several addresses known to the police. The victim pointed out two addresses where he had stayed. It also turned out that the victim had spent the night in a nail bar. He lived with a smuggler and, through him, he had worked in a Vietnamese restaurant in Antwerp and Brussels.

The Smuggler had a friend who owned a chain of restaurants in Antwerp. In this restaurant, the victim had to sleep on the floor and work 15 hours a day for a monthly salary of EUR 300.

Afterwards, he also worked in a nail bar in Brussels where he was arrested by the police and referred to a specialised centre for victims of human trafficking. He was able to benefit from the status of victim of human trafficking. Upon his request, his brother, who had also been smuggled into Belgium, was referred to a specialised reception centre so he could be granted victim status.

He also said that he had travelled by train from Lens (France) to Brussels-Midi station during August-September 2018. In Lens, he stayed in a safehouse in the middle of a forest with a hundred or so people. He said that it was a place where the smugglers assembled people to smuggle them to the United Kingdom.

His statement also revealed that there was competition among the smugglers, who were given orders from Vietnam. In order to be smuggled to the United Kingdom, he had to return to the safehouse in Lens:

"When I realised that things weren't really going well in terms of work here, I started to look for a way to go to the United Kingdom. I had to go back to Lens to be smuggled into the United Kingdom. I contacted my parents and they told me to stay in Belgium and look for work there."

Question from the police: "Who told you you had to go back to Lens?"

Answer: "Someone in Vietnam."

### 2.4.4. | Unaccompanied minors: detection, hearing and statements

Several unaccompanied Vietnamese minors were detected during their interception and taken in by a specialised reception centre for unaccompanied child victims of human trafficking. The police organised the hearings of the unaccompanied Vietnamese minors in such a way as to gain their trust.

The young people were heard in the presence of a person of trust in the familiar environment of the reception centre. Next, the six minors at the centre were each given a file with photos of the safehouses, photos of the surroundings, suspects and victims to see if they could recognise them and make comments. However, problems could arise. Not all the Vietnamese minors were referred to this centre after being detected.

#### *Several unaccompanied Vietnamese minors were detected and taken in.*

On 21 August 2019 at 20:00, local inhabitants contacted the local police regarding the suspicious behaviour of a car with two Asian occupants, that kept driving around the neighbourhood.

One of men walked around a house. When the local inhabitant called out to him, he asked to use the toilet. Finding this suspicious, the local inhabitant asked the police to come and check. During the check, the police officers found that they didn't have any identity documents or residence permits and took them down to the police station. They were placed under administrative arrest and a report was drawn up for illegal residence. One of them insisted he was a minor. The youth court magistrate was notified and the administrative data alongside the UAM form were filled out and sent to the Immigration Office and the Guardianship Service at 23:15. The youth court magistrate ordered that it was necessary to wait for the decision of the Guardianship Service, which would be open again the next day. Therefore, the Vietnamese minor was detained in the local police cells. On 22 August 2019, the Guardianship Service ordered the police to release him. The 17-and-a-half-year-old Vietnamese boy then left the police station with his personal belongings.<sup>154</sup>

<sup>154</sup> The case file doesn't contain any further information on what happened to this child victim.

### 15-year-old Vietnamese girl

According to the statement of an unaccompanied Vietnamese minor, one of the two safehouses in Brussels that would play a central role in the Essex tragedy of 22 October 2019 appeared in the 2018 Brussels case file. The girl had just turned 15. The FJP in Brussels said that it had been contacted on 26 April 2019 by a leader from a reception centre specialised in UAM victims of human trafficking. This person informed them that a Vietnamese minor had been intercepted by the local police in Londerzeel and that she had found herself in a Vietnamese smuggling network through a safehouse in Brussels.

On 30 April 2019, the FJP heard her at the centre's premises. During her first hearing, she stated that she had left Vietnam in July 2018 and had arrived in Belgium at the end of September 2018. However, she was unable to find the safehouse using Google Street View.

According to investigators, the victim froze and had an emotional reaction when shown a picture of the safehouse. The police concluded in the report:

- "The interested party perfectly describes the route taken to get to the safehouse. However, in the immediate vicinity of the address, which is already well known in our investigation, she appears confused, claiming to have lived in a dilapidated blue house, while all the descriptive elements of the route to (...) are present. We therefore conclude that it is more than likely that she stayed in that safehouse."
- "We also note that when describing her journey, X is perfectly at ease and this is also demonstrated by her body posture. As soon as we approach the address of the safehouse and we show her the photo, the person completely freezes, both physically and verbally. She stutters, turns red, stops looking us in the eye and makes nervous gestures. All this seems to confirm her presence at some point in the safehouse (...)."

### 17-year-old Vietnamese boy

Another child victim, who had declared themselves an injured party in the Brussels case of 2018, attached, was also questioned at a specialised centre for trafficked UAM on 12 December 2018 and was able to locate the same safehouse in Brussels connected with the subsequent Essex tragedy using Google Street View. He stated that the smugglers prevented them from even looking out of the safehouse window and that they were not allowed to go outside.

He had been left alone by a guide who was supposed to smuggle him after a failed attempt and was intercepted without a ticket by train personnel on 9 July 2018. Earlier, he had gone to a motorway parking area near Bruges in a group with this escort in order to slip into a semi-trailer. The escort was clearly a fellow victim who was responsible for exercising control and authority over the victims:

"He stayed in the building with us for a week, this person had already attempted the crossing to Britain and knew the way, he had been arrested in France before. Apparently, the smuggling network uses these people as guides. The others got into the vehicle. The 'guide' said I couldn't get in, so I was left to my fate there. I took a bus, then a train to Bruges, I didn't know where I was going, I wanted to go back to Brussels. Then I was arrested by train personnel and taken to the police in Kortrijk."

He had flown to Russia from Vietnam in mid-May 2018 and continued his journey through Latvia, Poland and Germany. He had tried to leave the reception centre for minors abroad to return to the smuggling organisation that had transported him from Vietnam to Belgium. On this subject, he said:

"You are informing me that during my stay in Belgium in a reception centre for victims, I tried to contact my family in Vietnam, and that they tried to contact me again through the smuggling network in Belgium. I also asked the smugglers to come and get me. They were supposed to come and get me."

On 9 July 2020, he was again heard by the police at the centre to provide further explanations regarding the photo file. He recognised two victims who died in the Essex tragedy whom he had met along the way at a hotel in Malaysia and in a safehouse in Turkey, and confirmed that they had all gone through the same network.

### 16-year-old Vietnamese girl

During a search on 20 November 2020 in the context of the Essex case, the police intercepted a 16-year-old Vietnamese girl. She had been recruited by acquaintances and had chosen Belgium as her destination on the advice of smugglers because it is easy to find work there. She was smuggled into Belgium in July 2019 with false documents via Thailand, South Korea, Turkey and Greece for EUR 20,000. Her family had had to take out a loan from the bank to pay this sum and were still in the process of paying it back in January 2021. The smugglers had put the girl in contact with several couples in Belgium, who exploited her as a domestic worker in exchange for board and lodging.

She eventually met a friend with whom she now lives and was therefore not taken to a specialised reception centre for unaccompanied minors who are victims of human trafficking.

At her hearing in January 2021, she also explained how the smugglers had used violence against her during the journey and had tried to sexually abuse her:

"During the journey from Turkey to Greece I was really scared, I didn't want to be in the boot of the car where I couldn't breathe. I escaped from the car, but someone grabbed me violently and kicked me back into the car. This person hit me on the head."

"In Greece, the leader of the safehouse asked me if I wanted to sleep with him, by which I mean have sex. If I did, I could leave earlier. When he asked me, I was terrified."

In Belgium, she was told she could be smuggled in a 'small boat'<sup>155</sup> for EUR 6,000 and for EUR 15,000, she could be transported in a car. Transportation by lorry would cost between EUR 14,000 and EUR 15,000. When she responded and the smuggler asked her, via Facebook Messenger, which route she wanted to take, she asked him to choose a safe means of transport.

When the day of departure arrived, she received a message saying that the transportation had been postponed.

Two or three days later, the smuggler sent her the following message: "Thank goodness I postponed your transportation, otherwise you would have been among the 39 Vietnamese who died."

#### 2.4.5. | Unaccompanied minors: victim status

Several unaccompanied minors were also granted victim status. The statements of a 16-year-old Vietnamese boy have already been widely reported in accounts about precarious smuggling conditions and cooperation in the investigation on social media.

##### 17-year-old Vietnamese road traffic accident victim

This Vietnamese minor was involved in a road traffic accident in 2018 and was seriously injured.

Local police in Brussels spotted an injured Asian man, sitting in the street without his left shoe, who didn't speak any French and very little English. His leg was swollen. The man just managed to say that he was here for work. The victim had clearly moved from the place where the road traffic accident occurred. At the police's request, he wrote down his name and said he was a minor. The police called for an ambulance. The subsequent investigation revealed that he had been involved in a fatal hit-and-run road traffic accident close to the Jabbeke motorway parking area, in which his friend had died. At a later hearing, he gave the Facebook account of his deceased friend. He was granted victim status and declared himself an injured party.

The duty magistrate was contacted by the judicial police officer. The magistrate asked the police to perform the following duties:

- "To contact her again later to give her time to establish a better policy concerning the facts"
- "To contact her again immediately if the person wishes to leave"

According to the hospital, the victim had to be operated on and was sedated. The doctor believed the injuries to be 24-48 hours old. The police then contacted the magistrate again an hour later, who ordered a "hearing with an interpreter, preferably someone familiar with human trafficking".

The police then contacted the Guardianship Service, asked it to prepare a UAM form in the context of human

trafficking and to find a place in a reception centre for minors. This form was emailed to the IO and the Guardianship Service, with mention of potential indications of human trafficking.

"The person's statements aren't consistent with our findings. According to the doctors, the injuries were sustained 24 to 48 hours ago. But according to the person concerned, the accident happened today. We didn't find a shoe, passport or backpack. The person concerned seems clean. The type of injury he has is consistent with a car accident (a car hitting him) or a fall from a car (from which he was thrown out?)"

In the meantime, the Brussels FJP's Human Trafficking Unit and the reference magistrate for human trafficking in Brussels took over the case, and the Guardianship Service appointed a guardian. This guardian had written a letter to a specialised centre for victims of human trafficking that provides support for (minor) victims, asking it to initiate proceedings for human trafficking.

<sup>155</sup> Probably a clandestine crossing of the North Sea by small boat; see also Chapter 1 of this focus (overview) and Part 2, Chapter 2 ('Case law overview').



At the end of September 2018, it was possible for the minor victim to be heard at the reception centre for UAM victims of human trafficking<sup>156</sup>. He had left Vietnam in April 2018 and the smugglers decided that his final destination would be the United Kingdom. He and his late travelling companion had spent a night in the safehouse later involved in the Essex tragedy. He was taken from the safehouse to the Jabbeke motorway parking area but the smuggling attempt failed. Following a police investigation in the field in December 2018 close to Brussels-Midi station, he still wasn't able to locate or point out the safehouse.

A few months later, on April 13 2019, the specialised centre responsible for supporting this victim reported his disappearance and the termination of his support within the framework of victim status. The police concluded that he had "always been quite reticent, during his hearing, about giving exact information on the circumstances of his journey in Belgium. Based on the above-mentioned elements, we can only conclude that the interested party considered that he was better, and that he had left everything behind in the centre to continue his journey to Great Britain".

Based on a comparison with other cases, the police found that the child victim in question was listed as a smuggler in a human smuggling case in Bruges in 2019, which featured the Essex tragedy safehouse that he hadn't been able to find as a victim:

"Our victim (...) became a smuggler himself within the framework of the main case (...) handled by the public prosecutor's office in Bruges (FJP West Flanders), which includes the record numbers (X and Y) and the safehouse used by the organisation in their investigation is the same as the one in our investigation, i.e. the house located at (...)."

#### 17-year-old Vietnamese girl

A 17-year-old Vietnamese girl was intercepted by police in Brussels at a metro station where she had been left to fend for herself for quite a while already. She was heard on 2 February 2020 and wished to acquire victim status, and declared herself an injured party. She stated that she had met two victims of the Essex tragedy along the way, at a hotel in Malaysia and in a safehouse in Turkey. She had got in contact with the smugglers through acquaintances of her mother.

She had had to pay USD 20,000 for the illegal migratory route from Vietnam to Greece and USD 18,000 for the journey from France to the United Kingdom. She had left Hanoi airport as a minor on 8 August 2019, along with three others, to travel to Malaysia, where she had to stay in a hotel for more than 10 days. The smugglers took care of the plane tickets via social media.

"I got the plane tickets via 'Zalo' (messaging app) and had to print them at home for the flight to Malaysia. I was forced to delete my Facebook account and my Zalo account as soon as I arrived at the airport. The person who gave me the tickets via Zalo insisted on it. At that time, I had no personal contact with this man; I didn't see him."<sup>157</sup>

From Malaysia, she flew to Azerbaijan, where she stayed for about four days. There, she had to book a return flight to Vietnam, with a stopover in Turkey. During this stopover, they left Istanbul airport as a group using false passports obtained at the airport. They then flew with false documents to Greece, Italy and France, where they ended up in the safehouse in Vitry-sur-Seine, near Paris. They had no trouble getting through the airport in Greece with their false documents:

"We used our Vietnamese passport, but with a fake visa. It was very easy to get through the controls in Greece. When they noticed that the visa was fake, we just had to try again until it worked. I easily passed the control, because I speak some English and they thought I was a tourist."

She concluded her hearing by pointing out that the illegal migration system had recently been adapted.

"I would like to add that from what I know, the last groups to leave Vietnam are no longer staying in a motel in Malaysia, but in a safehouse. I have also learned that they operate differently for the journey from Vietnam to Europe. Now, false statements are made at the embassy. They pretend to be a manager and his secretary in order to get a work visa. Vietnamese people are now leaving Vietnam and going directly to France with fraudulently obtained visas."

<sup>156</sup> Unaccompanied minors who are presumed victims of human trafficking or smuggling are generally housed and cared for by a reception centre specifically for this purpose. The support related to victim status is provided by one of the three specialised reception centres (for adults).

<sup>157</sup> See also point 2.3.2.: 'Internet and social media investigation'.

### 2.4.6. | Two minors escape from a centre for minors in the Netherlands

Several rounds of questions were held in the Belgian and Dutch parliaments, during which MPs questioned the respective ministers of justice about two Vietnamese minors who escaped from a Dutch centre for minors and ended up in the Brussels safehouse with the aim of being smuggled into the United Kingdom, before losing their lives in the Essex tragedy. The Dutch authorities informed the Brussels public prosecutor's office, which didn't take any action<sup>158</sup>.

The Essex file contains several reports on this subject. On 21 January 2020, a spontaneous communication was sent by the Netherlands to the Federal Public Prosecutor's Office regarding an investigation into two minors who had disappeared from the secure reception centre in the Netherlands. They had been dropped off at a Brussels safehouse by a Belgian taxi under the supervision and in the presence of the smuggling leader's lieutenant on 11 October 2019.

These two minors were later identified as T. and C. (adults at the time of the Essex tragedy) who were among the 39 dead.

#### Interception of smuggling in the Hook of Holland and escape from a Dutch reception centre for minors

On 27 May 2019, two undocumented minors were intercepted in the Netherlands while being transported in a refrigerated lorry in the Hook of Holland with some 13 other Vietnamese. The aim was to reach the United Kingdom illegally. The police considered this to be human smuggling and opened an investigation. The two minors were taken into care at a reception centre for minors in the Netherlands, where they were assigned a guardian.

This secure reception centre in (...) housed unaccompanied Vietnamese minors, among others, on several occasions in 2019. According to the Dutch police, it was striking that while none of them wished to apply for asylum in the Netherlands, they did express a desire to travel to England during their hearing.

Both boys were suspected of wanting to run away. The pattern of running away among Vietnamese minors who had previously disappeared, showed a number of similarities:

1. Running away on a Friday;
2. Isolation from the rest of the group;
3. Dropping out of school;
4. Possible possession of a mobile phone.

In view of all the above-mentioned information, it was suspected that C. might leave the secure reception centre in (...) with the aim of leaving the Netherlands, and that one or more unknown persons would help him to do so.

The trigger for this investigation was that on Friday 11 October 2019, information came to light that C. had a mobile phone in his room. The phone was subsequently taken away from C. by staff at the secure reception centre. As a result of this incident with the phone, it was suspected that C. was at risk of leaving the secure reception centre in the near future, which had already happened in recent months to other Vietnamese minors.

On 11 October 2019, he ran away from the reception centre with T. Observation carried out by the Dutch police revealed that they had got into a taxi that was waiting for them, which then transported them directly to the Brussels safehouse (one of the two safehouses in the Essex case). The Dutch police followed and observed the taxi up until the Brussels safehouse where the two boys stayed for about ten days before leaving for the ill-fated crossing.

#### Request from the Dutch police

The imminent border crossing and observation by Dutch police officers were reported to the Landelijk Coördinatiepunt voor Grensoverschrijdende Observaties (National Coordination Point for Cross-Border Observations) within the KLPD/LCGO national police force in the Netherlands, which immediately informed the Belgian authorities. This border crossing and observation occurred on Friday 11 October 2019 between 18:15 and 21:40.

The Dutch magistrate from the Limburg public prosecutor's office phoned the Brussels magistrate on duty, requesting all relevant information about the address of the safehouse in question. This request was made again through the Europol exchange system for liaison officers (SIENA), stating "emergency, concerns a case of human smuggling involving Vietnamese minors".

<sup>158</sup> After several parliamentary questions on the incident in the summer of 2020, the then Belgian Minister of Justice stated that, based on the information available, the magistrate on duty at the Brussels public prosecutor's office considered that there wasn't enough evidence to carry out an immediate further investigation. The Minister also confirmed that the magistrate hadn't informed either the reference magistrate for human trafficking and smuggling or the Guardianship Service (Chamber of Representatives, Written Questions and Answers, QRVA 55 026, 8 September 2020, p. 18). The current Minister of Justice indicated shortly after taking office that the case of the two minors should be used as a guideline for the revision of circular COL 13/2018 on human smuggling (Just. Comm., Full report, CRIV 55 COM 324, 6 January 2021, p. 28).

The Belgian EUROPOL liaison officer then asked the Brussels police zone for the address. The Brussels police checked their police database and referred to an ongoing investigation in Bruges for smuggling which would be added to the Essex case after the fatal transportation.

This safehouse isn't the same as the one previously identified by the victims in their statements and for which a surveillance operation took place between the end of September and the beginning of October 2019. However, the file indicates that this Brussels safehouse where the two Vietnamese boys from the Dutch centre for minors were kept was also monitored by the Belgian police at the request of the investigating judge in Bruges. The authorisation for the surveillance was granted by the investigating judge on 2 August 2019 with certain additions and with reference to an execution period ranging from 22 October to 6 November 2019. However, the surveillance report of 22 October 2019 only started at 10:15 and the victims had already left for their ill-fated clandestine transportation.

#### Victim statement from a male minor without victim status in the Netherlands

One of the two minors, i.e. T., had already had an informative conversation with a Dutch police inspector on 11 September 2019 about his journey from Vietnam to Europe.

There is no smuggling victim status in the Netherlands, and the purpose of the interview was to check whether the minor was eligible for the Dutch trafficking victim status (procedure B8<sup>159</sup>). However, the final conclusion was that there was no indication of trafficking and that the victim wasn't eligible for Dutch victim status:

"Police: I'll tell you what we're going to do. We'll first have an informative conversation to see if there are any signs of human trafficking. If this is the case, we'll take a statement for human trafficking directly after our interview. The lawyer made it clear to us that there might be signs of human trafficking a case of human smuggling involving Vietnamese minors".

you're legally entitled to stay. You can start the so-called B8 procedure. This involves a number of rights and obligations, but we'll discuss these later. In short, if you enter the B8 procedure you can stay legally in the Netherlands. You can stay in the Netherlands until the criminal case is over. After that, we'll see."

"Let's first see what you have to say in relation to human trafficking and/or human smuggling. You've decided to make a statement. We'll have to see what it's about, but I should warn you that making a false statement is a punishable offence."

It emerged from this conversation that this minor was offered work on a cannabis plantation in Russia in June 2018. Some Vietnamese asked him if he wanted to work in Europe. After saying yes, he was taken to lodgings where he had to sleep on the floor. The people there had to stay inside, could never go out and had to tend to plants. These plants were called 'grass'. The minor stayed there for about a month and a half.

He also encountered corruption and ended up in the hands of smugglers again. When the minor was in Ukraine, he wanted to return to Vietnam, so he and others went to the police. However, the interpreter present relocated them to a safehouse and advised them to continue the journey anyway. The police took them to the Vietnamese embassy and they were again approached by a smuggler who took them to a flat.

He was supposed to pay off his smuggling debts by working at the final destination and was manipulated by the smugglers in Germany to continue the illegal journey for EUR 20,000 more, a journey that would eventually lead to his death.

"If we reached the destination, we had to work to pay back the money. It's up to the family or me to pay it. This is what they had agreed with me beforehand. It was EUR 18,000 to Germany. If I wanted to go further, I had to pay more. For the crossing to England, I had to pay another EUR 20,000. My aim was to work. I didn't really have a plan. I was told in Germany that I would have better job opportunities in England. This is what a Vietnamese man told me. He lives in England. I never met him. I spoke to him on the phone."

159 Regarding this procedure, see: Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children, Slachtoffermonitor 2016-2020.

## Conclusions

The overall picture of the phenomenon of trafficking and smuggling Vietnamese and the analysis of the ‘Essex’ human smuggling case revealed both good practices and areas of improvement.

Consider Vietnamese nationals discovered in risk sectors as presumed victims of human trafficking (debt bondage) and implement the national referral mechanism for victims

Frontline services that discover Vietnamese nationals working illegally in certain sectors such as nail bars, exotic restaurants, cannabis plantations or the sale of counterfeit products such as cigarettes, must consider them, on the basis of relevant indicators, as presumed victims of human trafficking and apply the national referral mechanism for victims.

This is because in some cases they may be in situations of debt bondage to pay for the smuggling, even though it isn’t always clear whether the exploitation is organised by the smuggling network itself or by another criminal organisation, which is or isn’t linked<sup>160</sup>.

In the Essex case, for instance, it appears that the smuggling victims had to work in several

countries to pay off their debts. Some victims detected in Belgium (including one in detention centre 127bis and another in a nail bar who had previously worked in a restaurant<sup>161</sup>) were able to benefit from victim status.

Others, on the other hand, weren’t properly detected, either because they were ordered to leave the territory<sup>162</sup> or, as was the case in France, because an investigation had initially been opened for false documents<sup>163</sup>.

Training of frontline services in human trafficking indicators is therefore essential and should be actively pursued.

Make the link with possible debt bondage situations for Vietnamese victims of human smuggling

The literature review and the Essex case showed that in some instances, the victims of smuggling had been in debt bondage situations in Belgium or abroad. It is important to hear them on this matter in order to establish the link with human trafficking and to apply the national referral mechanism. This approach also adds value to the investigation by trying to dismantle the entire criminal network or uncover a related human trafficking case, or, if the acts occurred abroad, to provide important information in the context of international cooperation or information exchange.

Frontline services, magistrates and political players can thus be made aware of the links between these two phenomena and the vulnerable situation of these smuggling victims.

*The overall picture of the phenomenon of trafficking and smuggling Vietnamese and the analysis of the ‘Essex’ case have revealed both good practices and areas of improvement.*

Have sufficient means to detect the most vulnerable victims ‘without agency’ such as the Vietnamese

Vietnamese victims in debt bondage represent a group of victims in a highly vulnerable situation and in a position of strong dependence on their exploiters. They often have no freedom of movement or self-determination and are socio-culturally isolated as their exploiters are themselves Vietnamese.

<sup>160</sup> See Chapter 1 of this focus (overview), point 3.2. (From human smuggling to human trafficking).

<sup>161</sup> This victim explained that he lived with a smuggler and worked in the restaurant of a friend of the smuggler. He had to sleep there and work 15 hours a day for a monthly salary of EUR 300. See above the analysis of the Essex case, Chapter 2, point 2.4.3 (Victim status for adults).

<sup>162</sup> In the Brussels case attached to the Essex case, a Vietnamese man intercepted in a nail bar by the local police in October 2018 was issued with an OLT and subsequently disappeared. See above the analysis of the Essex case, Chapter 2, point 2.4.3 (Victim status for adults).

<sup>163</sup> The Essex investigation in France (Grenoble) was indeed initiated for forgery and use of false documents on the basis of false residence permits of Vietnamese working in restaurants and only secondly for trafficking and smuggling. On this subject, see Chapter 1 of this focus (overview), point 2.3 (Structure of the smuggling networks) and the analysis of the Essex case, Chapter 2, point 2.2.5 (Link to human trafficking).

In the Essex case, the victims were even locked up in safehouses. In addition, it was also found that many victims weren't always able to decide on their final destination themselves. Unlike other groups of victims who have greater capacity for action (freedom of action or self-determination), they are unlikely to be able to present themselves as victims to a frontline service or reception centre on their own initiative.

It is essential that frontline services are aware of this and have the necessary means to investigate and respond.

Pay special attention to the cultural specificities of Vietnamese victims of human trafficking or smuggling in order to build trust

When detecting, hearing and accompanying Vietnamese presumed victims of human trafficking or smuggling, it is essential to create conditions that foster trust. This includes good knowledge of Vietnamese culture and of north-south rivalries in Vietnam, which may have an impact on the hearing of a presumed victim if the interpreter is of a different origin.

At the same time, it is important to be aware that a Vietnamese national feels a strong sense of shame and distrust, and feels indebted to the family that has got into debt to enable them to undertake the clandestine journey. The pressure of the family back home to continue to repay the debt, because it is under pressure itself from the criminal network, is also a factor to be taken into consideration.

Confidence building with a reliable and trusted interpreter and, for minors, security measures such as temporarily depriving them of mobile phone access may help to facilitate disclosure. Security measures such as these provide greater protection for child victims against the criminal network that continues to exert pressure on them.

The training of all players by NGOs with expertise in Vietnamese culture, as has already been organised, is an example of a good practice that should be continued.

The inclusion of the victim's non-verbal behaviour in the transcripts is also likely to help understand statements that are sometimes incoherent.

Investigation methods: using social media, financial investigations and international collaboration

The analysis of the Essex case shows the extent to which the analysis of social media and mobile phones contributes to the gathering of evidence, both in terms of tracing the (financial) activities of smugglers, making links between smuggling and trafficking (including possible debt bondage), and in terms of understanding how the victims were recruited, or locating the places they passed through. The involvement of the Federal Computer Crime Unit (FCCU) is an added value in this respect.

Magistrates must have the means to conduct computer and network searches. The cooperation of internet companies (Google, Microsoft, Facebook in particular) is essential in this regard.

Furthermore, setting up a large-scale investigation within an international framework, involving joint investigation teams, one of whose tasks is to carry out financial investigations, makes it possible to apprehend the network as a whole and to trace suspicious financial flows in order to get to the heart of the criminal activity.

The Essex case and several recent Europol operations demonstrate the value of close international cooperation in dismantling Vietnamese smuggling networks.

Detection and care of unaccompanied (Vietnamese) minors suspected of being trafficked or smuggled: the importance of a safe and secure environment

When (Vietnamese) unaccompanied minors are detected, it is important to refer them to a specialised reception centre for unaccompanied minors such as Esperanto. They can find proper support here and the existing security measures can limit the risk of disappearance.

(Police) hearings in a secure setting such as this, and with a person of trust, also make it easier to establish a relationship of trust.

The Essex case demonstrated that several Vietnamese minors were successfully referred to and supported by such a centre.

Several unaccompanied minors were also correctly reported to both the Guardianship Service and the Immigration Office with the comment 'presumed victim of trafficking/smuggling'<sup>164</sup>. They were able to benefit from victim status. On the other hand, the lack of knowledge of human trafficking or smuggling among certain players in the field, and the fact that no-one was on duty at the Guardianship Service outside office hours or at weekends at the time, led to some Vietnamese minors being placed in Fedasil's observation and orientation centres, from which they quickly disappeared<sup>165</sup>, or even in a police cell overnight<sup>166</sup>.

It is essential that these minors receive appropriate care, by continuing the ongoing training of frontline services. The fact that there is someone on call again at the Guardianship Service since August 2022 may also help to address this problem.

#### Reinforce know-how and raise awareness

Pacific Links is an NGO that carries out awareness-raising and awareness and empowerment activities<sup>167</sup>. It has also trained and raised awareness of Vietnamese culture among several Belgian players. Such collaborations should be encouraged and continued.

164 This was the case of a 17-year-old minor who was the victim of a road traffic accident and was detected by the local police in Brussels. He was admitted to a specialised centre for presumed child victims of trafficking and was granted victim status, even though this presumed minor, who was supported by a centre for adults, disappeared.

165 See Chapter 1 of this focus, point 4 (Detection and protection of Vietnamese victims).

166 See Chapter 2, point 2.4.4. (Unaccompanied minors: detection, hearing and statements).

167 On this subject, see the external contribution of *Pacific Links Foundation* hereafter.

# External contribution

## Cross-organisational picture of Vietnamese in the Netherlands in relation to the trafficking and smuggling of human beings

Expertise Centre on Human Trafficking and People Smuggling (EMM)<sup>168</sup>

### Introduction

Vietnamese have been associated with hemp farms (cannabis plantations) and nail bars in Europe for years. There is often talk of human trafficking, especially when Vietnamese are found to be staying illegally, but in practice (legally) it is often difficult to prove. This is because (illegally staying) Vietnamese are reluctant to report anything and don't see themselves as victims of trafficking. The human smuggling aspect can't be considered separately from their situation in the Netherlands and in Europe. In their search for a better life, Vietnamese often turn to people smugglers for the journey to Europe. The debts accumulated with the human smugglers remain the responsibility of family members back in Vietnam, and are subsequently used to put pressure on the migrant. This makes them extremely vulnerable to exploitation, because they don't want their relatives in Vietnam to have to live in fear. To pay off their debts, Vietnamese are forced to work in nail bars and hemp nurseries, among other places, both on the way and at the destination.

### Purpose of the study

In 2019, the Expertise Centre for Human Trafficking and People Smuggling (EMM) conducted a phenomenological study, on behalf of the then State Secretary for Justice and Security, on the disappearance of unaccompanied child migrants (AMV)<sup>169</sup> and the relationship of Vietnamese with human trafficking and human smuggling in the Netherlands<sup>170</sup>.

This study showed, among other things, that there is a lack of insight into Vietnamese criminal networks involved in human trafficking and smuggling. The Netherlands labour inspectorate (NLA) conducted a study on the phenomenon in 2019, pointing to a close link between migration fraud and nail bars. The investigations by both the EMM and the NLA revealed that Vietnamese people in the Netherlands are registered by various organisations in relation to (possible situations of) human trafficking<sup>171</sup> or human smuggling. However, there is no clear cross-organisational picture of how this information is interlinked. This shortfall has led to the present analysis.

### Aim

The aim of this analysis is to gain a better understanding, at national level, of the nature and extent of trafficking and smuggling of Vietnamese nationals in various criminal networks, as well as to identify (previously undetected) Vietnamese individuals and companies that play a central role in human trafficking and smuggling. The study covers the period from 1 January 2018 to 1 November 2020. The operational findings and recommendations for the benefit of EMM's investigative partners will be set out in a confidential national operational intelligence overview by the end of 2021. The main results of a general technical nature have been summarised in a publication available to the public and in this contribution for Myria.

<sup>168</sup> The Dutch Expertise Centre for Human Trafficking and People Smuggling (EMM) is a partnership between the national police, the Royal Netherlands Marechaussee, the Dutch labour inspectorate, the Immigration and Naturalisation Service and the public prosecutor. EMM collates signals and criminal investigations concerning human trafficking and people smuggling and translates them into operational, tactical and strategic products on the basis of which partner organisations can apply their criminal or public law prerogatives.

<sup>169</sup> Equivalent of 'MENA' (UAM) in Belgium.

<sup>170</sup> Expertisecentrum Mensenhandel en Mensensmokkel, *De vermissing van Vietnamese amv's en de relatie van Vietnamezen met mensenhandel en mensensmokkel in Nederland (2015 tot en met 2018)*, December 2019.

<sup>171</sup> In the Netherlands, trafficking in human beings is punishable under Article 273f of the Criminal Code. This article punishes the person who recruits, transports, transfers, harbours or holds another person by force, (threat of) violence, extortion, fraud, deception, abuse of a dominant position resulting from factual circumstances or abuse of a vulnerable position with a view to the exploitation or removal of their organs.

## Research method

For the purpose of this study, information was collected from EMM partner organisations for the period between 1 January 2018 and 1 November 2020. This includes not only information classified as trafficking or smuggling, but also information that could be related or potentially relevant in the context of (identifying) trafficking or smuggling, such as money laundering or soft drug production.

The recording of (Vietnamese) personal data is neither unambiguous nor consistent, making it difficult to superimpose and compare information (from different organisations).

To address this problem insofar as it is possible, the information used for this analysis has been compiled in a separate database within EMM. In this database, information has been duplicated as much as possible. However, if the partner organisations have been negligent or incomplete in the recording of this data, the results may be affected.

After collecting and duplicating information, information clusters are created to address the issue from an inter-organisational perspective. These clusters aim to gather information that matches; in this case, gathering information from the perspective of Vietnamese persons<sup>172</sup>, companies or incidents. In other words, the information clusters highlight the link between Vietnamese persons and/or companies and different forms of crime (related to human trafficking and smuggling). For capacity reasons, only the content of the most important clusters was analysed.

## Study results

The biggest clusters provided an overview of several main categories of incidents involving Vietnamese. These categories are named and explained here.

### Hemp farms and criminal exploitation

In the past few years, Vietnamese have regularly been spotted (as suspects) on (several) hemp farms in the Netherlands.

Sometimes, these are Vietnamese living in the Netherlands, but there have been several incidents where illegally staying Vietnamese have been found on a hemp farm where there are indicators of human trafficking. As the Vietnamese are a homogeneous community, it comes as no surprise that Vietnamese living in the Netherlands are often linked to these incidents. Vietnamese with residence status in Poland or the Czech Republic are also involved. (Illegally staying) Vietnamese in a possible exploitative situation are reluctant to make a statement, for various reasons.

In-depth investigations (digital, financial) can lead to the identification of persons playing a role in facilitating the employment of (illegally staying) Vietnamese in hemp cultivation, or to the identification of connections between different hemp-related incidents. However, it has proved difficult to obtain information on those who play a role in facilitating the travel and illegal stay of Vietnamese in the Netherlands.

### Persons who have disappeared from secure reception centres and human smuggling

Almost all of the Vietnamese (minors) who are housed in secure reception centres after being caught climbing into a lorry, or discovered during a smuggling operation, seem to disappear from these centres. Human smuggling organisations are suspected of playing a role in this. England appears to be the destination for the majority of this group of Vietnamese.

### Nail bars and labour exploitation/human smuggling

Signs of labour exploitation (human trafficking)<sup>173</sup>, sham relationships, bogus jobs and forgery are particularly prevalent among Vietnamese in nail bars. However, Vietnamese are also affected by abuses of the programme for highly skilled migrants ("kennismigrantenregeling")<sup>174</sup>. In the above-mentioned cases, a stay is obtained illegally and they may have to provide a 'quid pro quo'. This position of dependency means that the risk of exploitation is certainly present.

<sup>172</sup> Vietnamese persons are defined as persons recorded in the collected sources with Vietnamese nationality or Vietnam as their country of birth.

<sup>173</sup> Labour exploitation is one of the forms of trafficking punishable under Article 273f of the Dutch Criminal Code. Other forms are sexual exploitation, criminal exploitation, forced begging and the forced removal of organs.

<sup>174</sup> In the Netherlands, a 'kennismigrant' is a highly qualified migrant, for example a teacher, a scientific researcher or a doctor. A non-European highly skilled migrant can come to the Netherlands to work under certain conditions. The employer must be a referrer approved by the Immigration and Naturalisation Service (INS). The INS processes residence applications for highly qualified migrants in a fast-track procedure.



### Hard drug production and trafficking

In a number of clusters, Vietnamese are involved in the trafficking and production of synthetic drugs. In some cases, there is a link to the Czech Republic and/or Germany or to Vietnamese living there. The clusters analysed didn't reveal any signs of human trafficking. Belgium and Germany also stress that Vietnamese are involved in the trafficking and production of synthetic drugs in their countries.

In several information clusters examined, Vietnamese are associated with cash finds, (illegal) gambling and/or casinos and suspicious financial transactions.

## Conclusion

The cross-organisational picture of Vietnamese in the Netherlands shows that they are involved in various forms of crime related to human trafficking and smuggling. Criminal exploitation is regularly highlighted, especially when Vietnamese residing illegally in the Netherlands are found on hemp farms. As regards nail bars, Vietnamese often show signs of labour exploitation (human trafficking), sham relationships, forgery, bogus jobs and abuse of the Highly Skilled Migrant Programme. It is difficult to know who is involved in smuggling Vietnamese to the Netherlands. Human smuggling organisations are suspected of being involved in the disappearance of Vietnamese (minor) from secure reception centres in the Netherlands.

## External contribution

# Preventing human trafficking through empowering at-risk communities in Vietnam

Authors: Christina Bui, Diep Vuong, Diane Truong, Loan Luong, Tien Nguyen

Non-profit organisation: Pacific Links Foundation

## Introduction: migration from Vietnam to Europe

Over the past 10 years, the number of Vietnamese migrants undertaking the journey from Vietnam to Europe has increased. European countries with a significant Vietnamese diaspora, such as Germany, Poland, France, and the UK, are popular destinations for migrants to seek work, whether as contract-based or irregular migrants. Other peripheral countries have also become transit or destination countries (or both) for such migrants. For example, due to its location between Germany and France and having access to the English Channel, Belgium has become a popular transit country for traffickers to smuggle irregular migrants through before moving them to France and/or the UK.

In October 2019, the deaths of 39 Vietnamese migrants in a refrigerated truck in Essex sparked widespread international attention to the phenomenon of inconspicuously smuggling and trafficking irregular migrants from Vietnam through Europe to the UK. Driven by economic, familial, and social factors, migrants pay upwards of €50,000 for their risky, irregular journeys to Europe. In reality, once they arrive in Europe, they are vulnerable to labor and/or sexual exploitation with limited resources at their disposal to receive assistance.

It is not always the case that only irregular migrants are vulnerable; even those who come to Europe with legal work contracts are at risk of exploitation. In November 2021, 500 Vietnamese migrant workers who had valid work contracts were found living and working in horrid conditions at a Chinese tire factory in Serbia. All 500 migrants had paid brokerage fees up to US\$4,000 (€3,240) to secure the work contracts and for their travels. After the discovery, the migrants had to decide to go back to Vietnam, stay with the factory in Serbia, or irregularly migrate to other European countries. With debt stemming from the brokerage fees, many felt they had very limited options to choose from.

Through our work on the ground, Pacific Links Foundation has identified three key issues, especially when vulnerable people search for jobs far away from home: 1) fake news, 2) misinformation and 3) false job opportunities. A term that is often linked to false job recruitment is “*việc nhẹ, lương cao*” (“easy work with a high salary”). A typical story of deceit could involve making upwards of £3,000 (€3,542) a month working in a nail salon in the UK, which they could then use to pay off their debts.

In addition, the resulting economic impact of COVID-19 since 2020 has left more people searching for work far from home, increasing their vulnerability to trafficking and exploitation. Industrial zones, for example, reduced working hours or laid off thousands of workers due to COVID-19 restrictions or a reduction in orders from buyers. This left many unemployed or underemployed at home, where they may be spending more time on social media and exposed to false job promises.

What is promised to job seekers and potential migrants may not be their reality once they leave Vietnam. Once trapped by the false narrative, they are essentially locked into debt bondage, struggling to find any means to pay off the huge amount owed.

All Vietnamese migrants in Europe who we have spoken with have expressed going into debt to fund their journey. Many women have encountered dangerous situations. They often do not inform their families back home in Vietnam for fear of having them worry or putting their families in danger. By staying quiet about the dangers and mistreatment they encountered in their journey, potential migrants in Vietnam are unaware of the true situation in Europe. Migrants may inadvertently perpetuate the myth that overseas work is more lucrative than seeking a job domestically, when in reality it may not be better than jobs at home in Vietnam. Therefore, the work of preventing unsafe migration in the origin country is important now more than ever.

## Empowerment as a form of prevention

Pacific Links Foundation is an American non-governmental organization (NGO) with over 20 years of experience delivering innovative, evidence-based solutions to increase access to education and prevent human trafficking in Vietnam and transit and destination countries across Europe and Asia. Since 2001, we have served over 200,000 youth, women, and men in communities, factories, and schools with culturally competent content. Over the years, we have built a diverse network globally in the public and private sectors to build capacity while incorporating technology to scale reach.

We know that access to reliable information is key to reducing trafficking and unsafe migration. Throughout all of our prevention and protection programs for at-risk communities, we empower beneficiaries with the knowledge and skills to make the right decisions for themselves and their families.

## Empowerment in supply chains

In recent years, Vietnam has become one of the fastest growing markets for manufacturing and sourcing. As a result, there is a steady increase in youth migrating from rural areas to industrial/urban areas. Many of these workers are vulnerable to smugglers and traffickers posing as labor brokers falsely promising better jobs. As a response to the issues, we developed Factory Awareness to Counter Trafficking (FACT), PAXU safe migration and workers' well-being app, and Empower Migrants (EMMI) as solutions to sustainably reduce forced labor and trafficking risk for low-wage labor workers in Vietnam and beyond.

The FACT Training Program equips factory managers and workers with the knowledge they need to protect themselves, their workplace, and communities from human trafficking and forced labor risks.<sup>1</sup> FACT also helps brands and suppliers better comply with international supply chain transparency laws on modern slavery. FACT training modules include:

1. the current state of forced labor and human trafficking;
2. tactics used by traffickers and the different forms of exploitation;
3. laws on modern slavery and supply chain transparency;
4. safeguarding oneself and one's families and coworkers from trafficking/forced labor;
5. recommendations for managers on protecting their workers and proactively monitoring recruitment channels; and
6. financial literacy to prevent debt bondage.

The EMMI programme transforms women migrant workers into leaders, giving them, their families and their communities the skills and networks needed for safe migration and recruitment. We also strengthen the capacity of stakeholders in companies, factories, provincial recruitment offices and legal aid centres to protect workers from trafficking and forced labour in the supply chain. Through EMMI, we are establishing more robust systems of ethical recruitment to improve access to safe economic opportunities and reduce the vulnerability of communities at risk to trafficking and forced labour.

### Case study: Meet Kim

Kim\* is a migrant worker participating in Empower Migrants (EMMI) program activities since 2018. Back then, Kim did not prioritize attending EMMI activities because she wanted to spend time with her family during the weekend. After attending several leadership training sessions, she realized that EMMI activities improved her knowledge about caring for her family and protecting relatives and friends from human trafficking and forced labor. She became an enthusiastic member and tried to learn everything the trainers taught her.

<sup>175</sup> We make distinctions based on the definitions outlined by the United Nations Human Rights Office of the High Commissioner (OHCHR)'s Palermo Protocol of 2000 (for human trafficking or trafficking in persons") and the International Labour Organization's Forced Labor Convention of 1930 (for "forced or compulsory labour"). In the Anti-Trafficking Review's 2015 Issue 5, they laid out the importance of acknowledging overlapping and distinguishing factors between the terminology—for example, in combating the systemic differences, biases, interventions, and punishments; and how victims are received and protected.

Since Vietnam's worst Covid-19 wave hit in May 2021, Kim had her work hours reduced. When factories shut down, she quarantined at home. She used her free time at home to complete 10 online courses through Pacific Links Foundation's online learning platform. She learned more about safe migration and Covid-19 government support—information she shared with others in her EMMI group.

Kim also used this opportunity to participate in local Covid-19 prevention efforts to support community members facing hardships, including sharing information on Covid-19 vaccines and complying with public health measures. "Awareness is the best vaccine," Kim shared.

\*Name changed for confidentiality

## Empowerment through continual learning

Vietnam's Revision of the Law on Contract-Based Vietnamese Overseas Workers, also referred to as "Law 69," contains provisions on the rights and protections for migrant workers seeking work or currently working abroad. Included in Law 69 is a provision prohibiting excessive costs related to brokerage fees to obtain an overseas work contract. With the law adopted in November 2020 and enacted in January 2022, migrant workers may not be aware of the constantly changing news regarding their rights.

Our safe migration and workers' well-being app, PAXU, enables users to think through their decision to migrate for work far away from home. The proliferation of fake news and misinformation, driven by social media, may lead people to make dangerous, life-changing decisions based on this misleading information; therefore, PAXU is pertinent to fight against misinformation by providing vetted information to users, which is constantly updated.

Information related to Law 69, for example, is provided on PAXU. The self-learning feature in the app focuses on workforce readiness skills such as financial literacy and English language through microlearning. All aspects of the app continually provide updated information pertaining to job seekers' migration journey.

## Empowerment through cross-sector and cross-border partnerships

We recognize the importance of partnerships across borders and sectors in trafficking prevention, especially because the act of human trafficking itself transcends boundaries. Our Capacity Building for Responders (CaRes) program provides tools, resources, and training for frontline responders. Through our cultural competency training, available as in-person or online real-time training workshops and as modularized online self-paced courses, we equip responders with the knowledge and culturally sensitive skills to identify and provide Vietnamese migrants and victims of trafficking (VoTs) with timely and proper care through adopting an empathetic approach.

Our goal is to make resources available on an ongoing basis with flexibility for responders. Our pocket guide, which contains interview questions in both Vietnamese and English or another European language, is a tool responders can use to break down language barriers. Our online support line is supported by our culturally fluent mediators who help facilitate conversations with Vietnamese migrants and advise frontline responders and organizations on cases involving Vietnamese migrants and VoTs.

Our previous cross-border partnership with two UK-based nonprofit organizations, ECPAT UK and Anti-Slavery International, resulted in the 2019 "Precarious Journeys" report, which outlined the vulnerabilities Vietnamese migrants face at each stage of their journey from Vietnam to Europe. In addition, we supported ECPAT UK with releasing their three-minute fiction video, "The Secret Gardeners," on a Vietnamese boy's journey to the UK and subsequent exploitation.

In collaboration with The British Council Vietnam and 021 Station, we released a Vietnamese language podcast called “Bước tới tương lai (Step to the Future),” for youth and local communities in Vietnam to better understand the different facets of safe migration and human trafficking prevention. Topics explored include working abroad, studying abroad, visiting another country, and financial literacy.

### Case study: Effective cross-border collaboration

In January 2020, Pacific Links Foundation partnered with Allison\*, a law enforcement officer based with an embassy in Berlin, to organize an in-person training for frontline responders. We invited her to partake in our online training for German police and customs officers in May 2021 with an updated curriculum to reflect the current realities.

“Really interesting to see how you have adapted/expanded the presentation. And very cool that so many police colleagues have joined from all across Germany!” Allison said. “Everyone in the break-out and networking sessions seemed motivated and interested. These workshops can make a real difference, making the officers look at the migrants from a different perspective. Impressive work from all of you.”

Through surveys and focus group discussions, participants have often expressed to us that they found the group discussions to be most helpful: “To have the experiences of other colleagues, to hear their problems, to hear their solutions, from the research perspective it was like a workshop we normally do in the course of our project.”

*\*Name changed for confidentiality*

## Look into the future

Throughout our decades of prevention activities, a common theme is that constant exposure and continual information are needed to keep at-risk communities up-to-date. This is supported by all of our programs; now that target communities have easier access to new technologies, we are able to provide information from trusted sources and train those communities on the dangers of trafficking. Prevention is key in countries of origin like Vietnam to give us a chance at preventing at-risk individuals from falling victim to traffickers’ promises of high-paying, easy work abroad.

*Pacific Links Foundation is an American non-governmental organization based in Vietnam. More information about our work can be found on our website <http://www.pacificlinks.org> and our Facebook page <http://www.facebook.com/PacificLinks>. Our team can be contacted via email at [cares@pacificlinks.org](mailto:cares@pacificlinks.org) or through our 24/7 support line (+84 988 488 000).*