

# Transacted Children and Virginity Ethnography of Ethnic Vietnamese in Phnom Penh

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## ***Alliance Anti-Traffic Vietnam***

*Alliance Anti-Traffic Vietnam* combats sexual exploitation, in particular sexual abuse, prostitution and trafficking in women and female minors in Southeast Asia. *Alliance Anti-Traffic Vietnam* develops pilot projects to help and protect women and minors through field actions implemented in a holistic and regional approach.

*Alliance Anti-Traffic Vietnam* designs, manages and implements projects based on action-oriented research. The organization believes that sexual exploitation, prostitution and trafficking in women and children deserve extensive research from a wide and interdisciplinary perspective. The project has various objectives: 1) to fill knowledge gaps; 2) to optimize current research tools; 3) to test innovative methods for data collection; 4) to foster close cooperation between academics, action-oriented researchers and policy-makers; 5) to network with key institutions from academia and the development sector, as well as government agencies in order to promote complementary efforts and synergies.

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This study by *Alliance Anti-Traffic Vietnam* is a contribution to public understanding of the issue of cross-border mobility, human trafficking and sexual exploitation.

Opinions expressed in the report are solely those of the author and do not necessarily reflect the views of the *Alliance Anti-Traffic Vietnam*.

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## Executive summary

This study is the second in a series of three, the objective of which is to understand international mobility undertaken for the purposes of prostitution and forms of commercial sex by low-skilled women and female minors from the Mekong Delta.

The first study addresses cross-border mobility for prostitution between the Vietnamese southern province of An Giang and Cambodia. Field investigation shows that this flow of mobility, which attracted a significant number of women in the 1990s, has now dried up in Vietnam, essentially because Cambodia is no longer viewed as a destination for easy money but rather a dangerous and unwelcoming country.

The initial objective of the second study was to confirm the hypothesis that Southern Vietnamese women no longer migrate to Cambodia for prostitution. Preliminary investigations in the capital rapidly confirmed that nowadays the majority of the Vietnamese women involved in commercial sex are Vietnamese who are resident in Cambodia and not new economic migrants from Southern Vietnam. The research objective was therefore redirected toward the study of legal aspects and living conditions of Vietnamese in Cambodia, and the study of two forms of transfer and selling of sexual services of minors: the sale of virginity and the sale of young children.

The third study addresses the mobility of Vietnamese women for prostitution in Singapore. The objective is to broaden the field investigation undertaken in the Mekong Delta and in Cambodia by following Vietnamese migrant prostitutes in their transnational movement to wealthy Southeast Asian countries like Malaysia and Singapore.

The goal of this study is to explore how the Vietnamese populations live and perceive forms of sale of sexual services and persons in Cambodia.

Firstly, it is necessary to contextualize the legal and socioeconomic framework deriving from historical events within which the Vietnamese of Cambodia evolve, and that make them particularly vulnerable. Being excluded from Cambodian citizenship and most of them not holding Vietnamese nationality, they are stateless people who live in a legal void. Consequently, they are confronted with several obstacles that prevent them from being fully integrated into Cambodia. Among the causes that motivate the prostitution of young women, family indebtedness figures high. The fieldwork reveals the existence of an endogenous financial sector run by moneylenders who provide loans at high interest rates. Once in debt, borrowers may push their daughters to sell their virginity or to engage in prostitution to alleviate the economic burden.

Secondly, two forms of the transfer and selling of sexual services of minors are addressed: the virginity sale and the sale of young children.

The sale of virginity is relatively frequent among the elements of our sample. In the case study presented, the mother pushes the family's economic burden onto her daughters as soon as they are old enough to generate income with their bodies. While according to Confucian precepts parents ought to preserve the virginity of their daughters until marriage, in fact they organize its commodification and monopolize the profits.

The sale of a child for adoption has emerged in these communities. Oral tales and news clips give evidence of a market of children for sale for adoption. Informants involved in the trade make a distinction between the "gift of a child" (*cho con*) and the "sale of a child" (*bán con*). The gift is made to families for a payment that is lower than the price of a sale. The sale is negotiated for a price between some hundreds and some thousands of US dollars. The motivations, modus operandi and representations utilized by actors try to make morally acceptable what is otherwise a legally forbidden transaction.



## 1. Introduction

The initial objective of this study was to confirm the hypothesis that Southern Vietnamese women no longer migrate to Phnom Penh for the purposes of prostitution. Preliminary investigations conducted in the Khmer capital quickly confirmed that nowadays, the old Vietnamese red light districts (Svay Pak, street 63 near the central market, the “little flower street” of Tuol Kok, the crossroads of 271 at Steung Meanchey, and street 132 along Lake Boeung Kak), which once employed hundreds of Vietnamese prostitutes, have disappeared. This does not mean that Vietnamese prostitution has vanished from the capital, but rather that the visibility it used to have in the nineties has decreased. Moreover, field investigations confirmed that the majority of the Vietnamese women involved in prostitution in Phnom Penh are Vietnamese from Cambodia and not new economic migrants from Vietnam. This impression was confirmed thanks to interviews conducted with peer educators from the two partner NGOs, addressing Vietnamese prostitution and reproductive health, and with women, and families of which at least one daughter is involved in commercial sex. Since the initial research objective – cross-border mobility for prostitution and sex trafficking from the border provinces of An Giang and Đồng Tháp to Phnom Penh – had lost its relevance, the research was redirected towards the study of the legal and socioeconomic contexts in which the Vietnamese of Phnom Penh live, the forms of sale of sexual services and the persons to which Vietnamese minors are exposed.

Several studies have been published by aid organizations since the middle of the nineties on the issue of trafficking in Vietnamese women and children to Cambodia. One of the objectives of this study is to update this literature by bringing original data from field investigation, and additionally to distinguish this paper from preceding work by various measures:

- Trying to fill the gaps in previous studies of the subject,
- Setting aside the terminology of the human trafficking discourse that does not always reflect practices and perceptions on the ground,
- Confining this study to three case studies that are contextualized and deepened,
- Privileging as much as possible the emic viewpoint,<sup>1</sup>
- Endeavoring to take into account past practices with respect to the sale of children in order to illuminate the present.

Social practices only make sense if they are contextualized. This is why the first part of the study presents the legal and socioeconomic context in which the Vietnamese of Phnom Penh live. The consequences of historical events like the Indochinese wars and the Vietnamese presence in Cambodia in the eighties make the Vietnamese a particularly vulnerable population in Cambodia, due to the fact that the vast majority of them are stateless. And their economic vulnerability inexorably results in the practices of informal credit and usury – for which children often pay the price by being pushed into informal

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<sup>1</sup> Emic perspective: Of, relating to, or involving analysis of cultural phenomena from the perspective of one who participates in the culture being studied (meaning autochthonous representations or categories of thought of the Vietnamese). The emic perspective is opposed to the etic perspective: Of, relating to, or involving analysis of cultural phenomena from the perspective of one who does not participate in the culture being studied (meaning the foreigner’s categories of thought).

labor by their parents. Secondly, I present two case studies relating to the sale of persons or sexual services: the sale of virginity and the sale of young children for adoption. These examples allow exploration of themes that have rarely been studied until now:

- The administrative status and the legal documents in circulation.
- The functioning of the informal credit sector and its consequences.
- The co-responsibility of parents and their children in deciding on the sale of virginity.
- The manipulation of filial piety in the economic strategies of households.
- The conditions and prices for selling young children into adoption.

## 2. Research sites and partners

Fieldwork was conducted in Phnom Penh over a period of 8 months during 2010. These are the research sites:

- The Vietnamese shantytown bordering the Tonle Sap River near the market of Chba Ampoeu, next to Route 1 in the direction of Vietnam. The Vietnamese call this neighborhood the “Saigon Market” (*chợ Sài Gòn*).
- The Vietnamese area of Chấn Nghệ on the route to Takmao, 200 meters from the Vietnamese bridge.
- Street 278 near the Lucky Market (because Vietnamese prostitutes rent lodgings in this neighborhood).
- A massage parlor in the former Vietnamese prostitution neighborhood of Svay Pak or Kilometer Eleven in the furthest suburb of Phnom Penh (11 Km west of the capital), on route 5 toward Battambang. Kilometer Eleven became the “international Mecca of pedophiles” between the middle of the 1990s and 2004.
- Cafés and nightspots in the center of Phnom Penh.

Two NGOs facilitated access. First, the Cambodian NGO Sacrifice Families and Orphans Development Association (SFODA) that operates the Smart Girl Program, which aims to reduce the risk of sexually transmitted diseases (STD) and HIV/AIDS among populations at risk. This project exclusively targets Vietnamese prostitutes working in Phnom Penh. I accompanied the Smart Girl leaders in the field over several weeks. The second NGO partner is Pharmaciens Sans Frontières-ACTED. This organization operates a vast program of STD/HIV prevention that targets all the populations at risk in the capital, especially prostitutes. The social workers of this organization introduced me to Svay Pak.



Fig. 1: Vietnamese shantytown in Chap Ampoeu.



Fig. 2: A Vietnamese family in the shantytown of Chba Ampoeu.



Fig. 3: Styrofoam slip-flops, Chba Ampoeu shantytown.

### 3. Methodology

The nature of the subject prevents the use of the technique called “random sampling” for statistical purposes. An ethnographic approach based on a small sample of approximately thirty individuals of Vietnamese origin proved more realistic and better adapted to circumstances. Moreover, no interview was done among the Khmers, which from the start excludes any comparison between the two populations. The informants included 15 prostitutes, two pimps, two managers of a massage parlor, three mothers, six educators and social workers, and a few Vietnamese individuals encountered informally in public places. The interlocutors were recruited by means of four techniques:

- Presentation of educators from SFODA and PSF-Acted.
- A technique called “snowball” where one informant introduces another.
- My personal networks in bars and nightclubs (for instance the Martini and Walkabout).
- Spontaneous meetings in public places lending to informal conversations (markets, coffee shops, houses).

The nature of the topic makes it difficult to recruit trustworthy informants. Some women refused interviews, and others would only grant a short meeting. Others refused to address certain sensitive subjects. For example, it was particularly difficult to find mothers willing to discuss the sale of children and the sale of their daughters’ virginites.

For this study, I will use only data that enables the establishment of the legal and socioeconomic context in which the Vietnamese of Phnom Penh live, as well as data on

labor and on the prostitution of minors; that is to say young women who sold their virginity at the age of 16 or 17 years, but who were adults at the time of the interview. Figures on the number of prostitutes by ethnic group currently working in Cambodia do not exist; hence it is impossible to determine the ratio between minor and adult prostitution, and between prostitutes of Vietnamese and Cambodian origin. It is equally impossible to measure the extent of the virginity trade and the sales of children for adoption, due to field access constraints and the absence of estimates.

The main technique for collecting data was the open interview. Informal discussions complemented information drawn from interviews. All the conversations were conducted in Vietnamese and as tête-à-têtes, in order to avoid being taken hostage by a group trying to impose its viewpoint. Coffees, drinks, meals, fruit and small presents were frequently given as thank-yous. Out of concern for confidentiality, the informants are not identified, especially those who were encountered sporadically. In this study, names have been modified in order to protect the identity of interlocutors and to guarantee confidentiality.

The help of a female Vietnamese research assistant proved invaluable. My presence as a Western man, researching sensitive issues and perceived as being rich, raised real practical problems: the prostitute may tone down her story or try to seduce a potential fiancé, the poor family would exaggerate its economic situation to attract financial help, the moneylender would refuse any meeting. In fact, what interest would these informants have in unveiling their secrets to a foreigner? *A priori* none, and they even have more to lose than to gain if the information fell into the hands of the police, who might use it against them, as many informants feared. This is why the help of a female research assistant to facilitate introductions and discussions proved helpful.

The information and conclusions of this study present certain limits. The sensitive nature of the subject, the difficulties of finding loyal informants and of correlating data that must be kept confidential (the sale of a child or virginity), all hindered the unfolding of the fieldwork. Another limitation arises from the difficulty of infiltrating criminal networks of human trafficking and prostitution for obvious reasons of access and safety. These limitations relate to the illegal nature of the subject studied as well as to the budget and time constraints that sometimes prevented me from reaching certain social spaces for a long period of time. Despite this, it was possible to detect certain tendencies founded on iterative information (about the patterns of the virginity sale, for instance) and field observation (the placement-for-employment scene). Therefore the results of this study should be interpreted with prudence. The goal is to identify areas of possible intervention in the situation of the Vietnamese of Cambodia, as well as of the forms of transaction and prostitution involving some minors. More ample research will be necessary to properly document this population, its practices and its practical needs.

#### **4. Literature review**

The bibliography on human trafficking and prostitution about the Vietnamese community of Cambodia is limited. Some anthropological studies have been produced (Derks 1996, Leonard 1996, Bertrand 1998, Ehrentraut 2009) that bear essentially on historical and socioeconomic aspects of this population.

The recent work of Stephan Ehrentraut (2009) treats the legal aspect, notably the impossibility for the Vietnamese to obtain Cambodian citizenship. For Ehrentraut, this exclusion perpetuates their alienation from national institutions and undermines their loyalty not only toward the state but also toward Cambodian society in general. According

to the author, it is an illusion to envisage these people returning one day to Vietnam, unless the government of Phnom Penh forced them to. This is why the author advocates access to a national educational system for Vietnamese children in the hope of fostering their integration, and also to develop among them a feeling of belonging to Cambodia. Ehrentraut thinks such a measure would be politically viable since the Khmers often reproach the Vietnamese for their inability to speak Khmer fluently.

Some studies commissioned by aid organizations tackle the trafficking and prostitution of Vietnamese from an activist perspective (Derks 1998, Farrington 2002, Reimer 2006, Brown 2007).

The most complete study about cross-border trafficking is no doubt that of Annuska Derks (1998). This ethnographically rich research was published at a time when the issue of human trafficking was becoming prominent in Southeast Asia. The easy money of prostitution is one of the reasons the author gives to explain the attraction that Cambodia had for Vietnamese migrant prostitutes during the 1990s. She sets the trafficking in Vietnamese women within a diachronic framework that allows her to place her study within the history of migrations and cross-border interactions. Derks also makes a distinction between women who migrate on their own initiative and those who are called “victims of trafficking,” meaning women who experienced deception, exploitation and forced prostitution, and as such may be termed “victims of trafficking” according to the definition established by the UN Protocol to Prevent Suppress and Punish Trafficking in Persons, especially Women and Children.<sup>2</sup> However, the author does not provide figures about the ratio of the “voluntary” and the “victims.” She stresses that it is sometimes difficult to distinguish between these categories since the two situations are not mutually exclusive.

Anneka Farrington (2002) offers a study of the trafficking in Vietnamese children in Poipet, a big shantytown that had become a gambling paradise on the border between Cambodia and Thailand. According to her, the Vietnamese live there in very difficult conditions: endemic poverty and indebtedness, limited access to stable jobs and to rental accommodation at reasonable cost, the impossibility of buying land, and limited or non-existent access to state or non-state social services. The author reports that the Vietnamese of Poipet opt for illegal migration to Thailand in order to improve their living conditions. In addition, parents rent their children to traffickers of Vietnamese origin. These individuals, organized into networks that are fairly informal, employ recruits for begging and prostitution in the tourist sites in Thailand, starting with the famous resort of Pattaya. Anneka Farrington proposes two measures to diminish the scope of the trade in Vietnamese children in this border region: the reduction of poverty, and addressing the “trafficking subculture,” since parents conceive of the trade in and/or sexual employment of their children as a legitimate source of income (as has also emerged in our study).

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<sup>2</sup> This protocol was not yet ratified in 1998 at the time of Derks’s study. The “United Nations Convention against organized cross border crime” and its Additional Protocol, signed in Palermo in 2000 defines the Trafficking in Persons as the “recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant.”

J. K. Reimer (2006) is the only author to deal strictly with the prostitution of Vietnamese women and children in Phnom Penh. She explores why parents “sell” their daughters. A combination of factors, each of which does not exclude others, and among which poverty is key, gives rise to an ensemble of practices that she groups together under the broad heading of “sale.” Push factors – poverty, unemployment, illiteracy, and the difficulty for women of finding stable jobs – explain why the Vietnamese envisage the trade in and/or sexual exploitation of children as a viable option to generate income. Supplementary factors of vulnerability increase the risk of the “sale” of children: a temporary economic crisis and/or a rise in household expenditure, materialistic considerations, family honor, and the cultural perception of the woman’s role. According to J. K. Reimer, the push factors and vulnerability, placed in the context of poverty and of a feeling of permanent insecurity and the uncertain political climate for the Vietnamese of Cambodia, explain the high number of cases of “sale” of children (30-40% in the families studied). The author correctly raises a point that is essential: families view child prostitution with pragmatism and resignation as a legitimate source to generate revenue. This study also illustrates that the sale of children’s sexual services involves the consent of parents, and that these choices are part of family subsistence strategies.

Eleanor Brown (2007) studied the trafficking in women and children of Cambodian and Vietnamese origin in Cambodia. In her view, human trafficking is due to a culture of impunity and to social norms that make women vulnerable and foster their exploitation. Those who are “vulnerable” at home are most at risk of finding themselves “trafficked” after an abuse of parental power or a family rupture. According to the author, we should consider the role of clients, notably those who buy the virginity of young girls. She considers that campaigns against human trafficking will be futile as long as attitudes toward this specific demand remain unchanged. Finally, she shows how traffickers mobilize networks of rural exodus in both sending and receiving areas in order to identify candidates for prostitution.

A few works have been published on the Vietnamese village of Svay Pak. This village became a globally infamous center for sexual tourism involving children between the middle of the 1990s and 2004 (Baker et al. 2001, Busza & Shunter 2001, Busza 2004, Thomas 2005).

The unpublished report of Simon Baker (et al., 2001) presents the results of a program set by the Holland branch of the NGO Doctors Without Borders (*Médecins Sans Frontières*) at Svay Pak at the end of the 1990s. This program had three main objectives: to develop a sense of community identity among debt-bonded brothel-based Vietnamese sex workers, to improve the women’s lives thanks to sessions of Participatory Learning in Action, and to reduce the risks of transmission of STD/HIV through use of a female condom. The results of this program were mixed, yet the study provides unique data on the situation of Vietnamese prostitutes working in this village: place of origin, average age, level of education, institutionalization of indebtedness to brothel owners, time of residence, number and nationality of clients. The data from this survey were published in two academic articles (Busza & Shunter 2001, Busza 004).

Frédéric Thomas (2005) explored the consequences of the closing of the brothels of Svay Pak after the campaign supported by several NGOs, among them the American organization *International Justice Mission*, which ended in August 2004. The author defends a holistic approach and a better coordination of institutional and non-government initiatives to ensure not only the effectiveness of field activities to reduce child trafficking and child prostitution, but also to harmonize government policies. He demonstrates that the closing of the Svay Pay brothels did not eliminate the problem. Indeed, police raids, widely

covered by the media, had three principal consequences: 1) prostitution ceased in Svay Pak, but 2) pedophiles turned to more discrete methods of recruiting children (delivery system), and 3) Vietnamese prostitutes relocated throughout the country (Phnom Penh, Siem Reap, Kampot, and to the Thai border).

I should mention three academic studies that tackle contemporary mobility between Vietnam and Cambodia for the purposes of prostitution.

The first, my master's thesis (Lainez 2006), explores the motivations that push women from the Vietnamese border provinces of Kiên Giang and An Giang to migrate to Phnom Penh to exercise prostitution. The research question was oriented around the existence of a double debt, moral and pecuniary, that acts as an underlying motive in the decision for the migratory process. The questions raised by this study are amply addressed in the doctoral dissertation in social anthropology on which I am working at present.

More recently, I have published a study that surveys prostitution mobility by Vietnamese women from the border province of An Giang – from where many Vietnamese from Cambodia originate, especially prostitutes – and Phnom Penh (Lainez 2011). Its objective is to put into perspective studies about trafficking and prostitution of Vietnamese women and children in Cambodia at the turn of the 2000s in order to understand what has changed on the ground over ten years. What appears is that: 1) the levels of awareness of the risks of sex trafficking are high in the sending districts of An Giang, 2) the mobile flow for prostitution from An Giang to Phnom Penh has dramatically decreased compared to the 1990s, 3) factors in Vietnam and in Cambodia explain this change in mobility patterns.

Lastly, allow me to cite the excellent article by David Engelbert (2007) that describes from a historical perspective the illicit activities of Vietnamese and Chinese in the region of the Mekong Delta during the colonial period.

## **5. Legal context of the Vietnamese of Cambodia**

### **Quantification and categorization**

Elsewhere I have discussed the problems of quantification and ethnic identification of the Vietnamese of Cambodia (Lainez 2011: 5-6). The number of Vietnamese people, prostitutes or not, residing currently in Cambodia is uncertain. Rare are the sources that offer numerical estimates of this population. The 2008 General Population Census of Cambodia does not give figures by ethnic groups. However, it is commonly admitted that the Vietnamese constitute the most numerous ethnic minority in Cambodia. According to a government estimate (Farrington 2002), 5% to 10% of the Cambodian population is of Vietnamese origin. Eleanor Brown (2007) privileges the low estimate of 5%. If the percentage is transposed to the present according to the 1995 estimate, we obtain a slice of 700,000 to 1.4 million Vietnamese out of a total population of 14 million.

An additional problem in defining statistical data comes from the fact that statistics consider the Vietnamese to be a homogeneous group, while four categories actually exist:

1. Vietnamese who have lived in Cambodia for decades form the first category. The first to arrive were fishermen who established themselves on the banks of Lake Tonle Sap. After the coup d'état by Lon Nol in 1970, these residents were victims of racist campaigns that caused tens of thousands of deaths and the departure of



survivors back to Vietnam. Today these *Vietnamese of Cambodia* living in Vietnam claim to belong to Cambodian soil, and generally, they speak and write Khmer.

2. The second category is made up of refugees who returned to Cambodia under the Vietnamese presence there from 1979 to 1989, sometimes accompanied by new immigrants, often former soldiers invited to join the Vietnamese administration of Phnom Penh. Some of them married Khmers and have mastered the Khmer language.
3. The third category is composed of migrants from the Mekong Delta who continued to arrive during the 1990s, attracted by the economic and professional opportunities in sectors deserted by unqualified Cambodians, despite sporadic anti-Vietnamese movements. The *Vietnamese of Cambodia* sometimes accuse these *Vietnamese in Cambodia* of being thieves, gamblers or prostitutes who have come to take their work and tarnish the image of the Vietnamese community. These temporary migrants (although some seem definitively established on Cambodian soil) return regularly to Vietnam to invest and share their money with family.
4. The Khmer *krom* of Vietnam form the fourth category. These “Khmers from below” in Khmer, or *người Việt gốc miên* for “Vietnamese of Khmer origin,” or *người Khơ me nam bộ* for “Southern Khmers,” live in the Mekong Delta, in the provinces of Sóc Trăng, Trà Vinh, Kiên Giang, An Giang, Bạc Liêu, Cần Thơ, Vĩnh Long and Cà Mau that were gradually annexed from the Khmers by the Việt in the course of successive waves of colonization starting in the 18<sup>th</sup> century. The Khmers continue to call the southern provinces of current Vietnam “Kampuchea Krom” (Lower Cambodia) and they consider themselves as descendants of the first occupants of the region. Cambodia has had great tolerance for these Khmers from Vietnam. It considers them as Cambodian citizens and allows them to cross the border to live, work, or study. Some Khmer *Krom* live in the shantytown of Chba Ampoeu situated on the edge of Tonle Sap.

Official estimates of 5% to 10% of Vietnamese among the total Cambodian population do not take into account this important typology that provides critical nuances. In effect, individuals belonging to all four categories live grouped together within the same Viet enclaves confined to Khmer districts. The Vietnamese shantytown of the Chba Ampoeu market is a good example. Here, Vietnamese families of all categories share the same shanties as their Khmer colleagues.

### **Vietnamese prevented from citizenship**

Stephan Ehrentraut’s work (2009) addresses the sensitive issue of granting citizenship to the Vietnamese of Cambodia. The immigration law was one of the first that the National Assembly of Cambodia passed after the democratic elections held in May 1993. “*This law defines aliens as persons without Cambodian nationality but it does not define Cambodian nationality. ‘Any person who does not have Cambodian nationality’ is considered an alien, ‘regardless of whether they have settled in their residences before this law is passed.’*” (Ehrentraut 2009: 21) In other words, everyone who does not have Cambodian nationality is considered as a foreigner. Immigrants with foreign passports are invited to request visas when they want to enter Cambodia, conditions that most ethnic

Vietnamese do not meet because they do not have any citizenship, either Vietnamese or Cambodian. Therefore, the law raises the possibility for ethnic Vietnamese to be considered not only as aliens but also as illegal immigrants. *“The law allows for the confiscation of identity papers and requires the deportation and expulsion of aliens who fail to comply with its provisions or who are found to have entered Cambodia illegally.”* (Ehrentrat 2009: 21) The international community perceived this law as targeting ethnic Vietnamese, who could risk deportation. Prime Minister Norodom Ranariddh (Cambodia’s co-president with Hun Sen between 1993 and 1997) *“assured the international community that there would be no large scale expulsion of ethnic Vietnamese but the Cambodian and Vietnamese governments agreed that ethnic Vietnamese would continue to be treated as ‘foreign nationals.’”* (Amer 2006: 394, cited by Ehrenraut 2009: 21) So far, no deportation has ever taken place.

The immigration law also comes into play. *“The law on nationality adopted in 1996 does contain a definition of ‘Khmer citizen’ but with regard to the question whether or not ethnic Vietnamese are, or can become, citizens, it is as ambiguous as earlier legal instruments. The English language translation of article 2 reads ‘Any person who has Khmer nationality/citizenship is a Khmer citizen.’”* (Ehrentrat 2009: 22) In addition, according to article 4, *‘Khmer nationality/citizenship’ can be obtained by ‘any child who is born from a foreign mother and father (parents) who were born and living legally in the Kingdom of Cambodia.’”* This provision would potentially cover a great proportion of ethnic Vietnamese residents in Cambodia, depending on whether or not they are considered to be ‘living legally’ in the country. Thus the determination of citizenship in the nationality law refers back to the question of legal residence under the immigration law. However, a great majority of Cambodia’s ethnic Vietnamese entered Cambodia outside the framework of the immigration law and therefore, could potentially be considered to be living illegally in Cambodia, even those who might have been granted Cambodian citizenship under previous regimes.” (Ehrentrat 2009: 22)

Lastly, the *krom* Khmers of Vietnam are officially considered citizens of Cambodia even if many also possess Vietnamese nationality (Ehrentrat 2009: 24).

In summary, the Vietnamese of Cambodia are excluded from Cambodian citizenship, however as most do not have Vietnamese nationality, presently they are stateless persons who live in a legal void.

### **Administrative documents in circulation**

The Vietnamese of Phnom Penh hold several types of papers. Here is a non-exhaustive list of those that have been identified:

- Temporary residence card (*giấy tạm trú*): this card issued by the local authorities displays a photo as well as the name and place of origin of the holder. It is renewed every three or four years.
- Cambodian identity card: theoretically only citizens of Cambodian nationality have the right to possess this card. But the police give it to the Vietnamese in exchange for fees between US\$100 to \$200. These papers are legal because they are issued by the responsible authorities, but little used since they do not really give access to citizenship rights. The police can withhold this card arbitrarily, and moreover it excludes those who do not have the means to procure it. It is useful when the police stop the Vietnamese to demand their papers, but this rarely happens around Phnom

Penh according to our interlocutors. Some individuals keep their Vietnamese identity card, especially those who define themselves as Vietnamese from Vietnam residing temporarily in Cambodia.

- Household registration certificate (*hộ khẩu*): Khmer local authorities issue this yellow or turquoise colored booklet. It contains photos and information on the identity of members of the household. Immigrants who arrived in the 1990s and who still hope to go back to Vietnam often keep their Vietnamese household registration certificate.
- An to lo ve: some interlocutors mention a “*an to ve/an to lo ve*” card given by the municipal service that bears the same name, but I wasn’t able to clarify the nature of this card or its provenance.
- Vietnamese passport: some informants hold a Vietnamese passport that is still valid. It is useful for frequent travelers who can thus cross the border legally and respect the visitation limits under the ASEAN agreements.
- Vietnamese Association in Cambodia card: the Vietnamese Overseas Association in Cambodia (*Hội Việt Kiều Campuchia*) once gave out these cards. It is not clear whether these were simple membership cards or if they were distributed to a wider public to facilitate administrative procedures, notably obtaining the household registration certificate. Despite my insistence, it was impossible to meet the president of the Association in Phnom Penh. This is regrettable, since this official of the Vietnamese government would surely have been able to answer many administrative questions that remain pending.

A multitude of ID papers circulate among the Vietnamese of Cambodia, but it is difficult to know how widely they are used. I did not systematically pose the question, but it seemed that many interlocutors did not have any documentation, not even a household registration certificate. Moreover, it appears that many Vietnamese children of Chba Ampoeu are not declared to the local authorities. The question is certainly important from a legal standpoint, but it does not seem to worry many of the people I met. A mother of a family from Chba Ampoeu explains:

*I had papers here, but once my house was burned and I lost all of my papers. I did not have money to make new papers. Making papers here now is very expensive. I do not have any papers now, not even the Vietnamese one.*

### **Precariousness and vulnerability**

The Vietnamese of Cambodia are confronted with many obstacles – administrative, socioeconomic, and political – that profoundly affect their lives. According to Stephan Ehrentraut (2009: 25), it is often hard – if not impossible – for them to work legally, to buy property, and to obtain bank loans. Similarly, they have limited access to social services, especially to medical care. They also have trouble obtaining certificates of birth, marriage, death, or permits for driving and construction, or commercial licenses. Their uncertain legal status prevents them from developing a feeling of security and national belonging. In addition, tensions, distrust, and conflicts with the Khmers are common (Ehrentraut 2009:

26). Furthermore,, access to employment poses a problem. Banned from land ownership, the Vietnamese participate little in agricultural activities. Nor do they have access to public employment, or to jobs that require a work permit – in factories, for example. They are confined to informal trades for which no license is necessary (Ehrentraut 2009: 30). They make a living from fishing, collecting recyclable materials, mechanics, handicrafts, construction jobs (electricity, metalwork, carpentry, as foremen), working in small shops (cafés, groceries, fruit, desserts) or from sexual commerce (Ehrentraut 2009: 30). For the latter, it is now common that women are required to have a document attesting to their adult age in order to work in select establishments of indirect prostitution. A café waitress who has worked in a nightclub details her problems:

*Next year, I will be old enough [the owner does not want underage women working in his club]. I will then return to work [in the club]. Before I used my sister's papers to prove that I was eighteen. But later they asked me to bring the original copy. This year, I was given a paper saying that I was seventeen years old. Next year, I will bring that paper again to prove that I am eighteen. This paper says what year I was born. Before I copied my household registration certificate. I erased my year of birth and changed it to a year that makes me old enough to work, then I copied it again and gave it to the bar owner. But now they asked me to bring the original household registration certificate.*

## 6. Economic context and debt

### Informal credit and usury

The majority of the Vietnamese of Cambodia live in a situation of poverty for the reasons described previously. This state of affairs is true for most of our interlocutors in Chba Ampoeu, in Svay Pak, and the Vietnamese neighborhood of Chăc Nghê. Some informants, the call-girls residing in street 278, or a *mamasan* (*má mì*) working in a club for wealthy Asian clients, live more comfortably thanks to the financial stability conferred by their activities.

Among the causes that motivate the prostitution of Vietnamese women in Phnom Penh, indebtedness occupies a prime place. Pecuniary debt (*nợ*) is a recurrent theme in discussions. My investigations conducted in Phnom Penh reveal the existence of a strongly developed informal financial sector. As in Vietnam, the financial markets in Cambodia appear segmented between: 1) private and commercial banks that are expanding, 2) microfinance programs run by the state or NGOs and designed to reduce poverty, primarily among the Khmer population; and 3) a sector of informal credit that persists despite efforts to eradicate it. This sector is not specific to the Vietnamese community, and in fact the Khmer population seems to have recourse to the same informal credit system (as it appeared from informal discussions with Khmer individuals and families in difficult economic situations).

Unscrupulous moneylenders who run this informal credit sector lend to insolvent or barely solvent debtors sums of money at an interest rate of 20% per month at a minimum. This sector plays an essential role for all those who do not have access to formal credit, meaning most of the Vietnamese who are not married to a Khmer man or woman. These households face a dual constraint: administrative precariousness (no citizenship, legal rights, or collateral goods), on the one hand, and on the other, the weakness or instability of employment and income, which combine to bar access to public or private credit, which is

given by preference to Khmers. The only recourse for the Vietnamese is often informal borrowing. The amount and the conditions of the loan vary as a function of the needs and solvency of the debtor, of the creditor's assets, and of an intermediary's role (if one exists). Generally speaking, the parties sign no paper, which would be in any case inadmissible in court if high interests were mentioned. Trust is a pillar of the system. A coffee seller of Chba Ampoeu explains the system of attributing loans:

*The lenders look at your face, for example if you are familiar to them, if your house has any value or if you know someone that can guarantee your credit. If we are strange to the lenders, they will not lend us money.*

## Types of credit

These loans can range from a few dollars borrowed for a few hours to several hundred dollars to be paid back over several months. There are two major types of credit:

1. Collected money (tiền góp): the debtor reimburses the initial loan and the interest every day for 24 days. For a loan of 100,000 riels (US\$23.50), the debtor pays 5000 riels (\$1.25) per day, or a total of 120,000 riels (\$30).
2. Resting money (tiền đứng): the debtor pays each day the interest and the capital is reimbursed by the due date. For 100,000 riels borrowed, the debtor pays 1000 riels in interest per day, or an average of 30,000 riels (US\$5.4) or 30% per month. So this rate is higher than in the previous model. Unlike it, this credit does not work on a 24-day cycle. The debtor pays daily interest as long as the capital is outstanding.

It would seem that a large number of moneylenders operate in the shantytown of Chba Ampoeu. Vietnamese borrowers generally resort to lenders of the same ethnic origin. An indebted woman of Chba Ampoeu says:

*Vietnamese lenders are gentler than the Cambodian ones. Vietnamese choose the borrowers they trust, therefore they gain prestige by lending money. If somebody does not pay the money, he or she cannot borrow anymore. However, if someone borrows money from Cambodian moneylenders, they will beat you and you will have to escape if you do not pay.*

The system is of a pyramidal type. One or two wealthy lenders sell credit at a preferential interest rate to trusted creditors or to those who can stake their goods as surety. These lenders in turn offer this capital to smaller lenders at a higher interest rate, and so on. Each intermediary thus draws a profit, which the final borrower subsidizes.

## Reasons for borrowing

People borrow for different reasons. Poor families in Chaba Ampoeu borrow to cover the cost of living (food, rent), to make a costly purchase (a motorbike or a cell phone), to invest in small commerce (café, groceries), or else to pay medical expenses. The story of a salesgirl of coffee is illustrative:

*My father once had an accident. He borrowed money from his moneylender for his treatment and later he had to work to pay it back. My family now always owes tiền góp since my father was sick. It was about two years ago. When we have money, we will pay off the loan and we will be able to borrow money again. Now my mother owes one million riel (US\$237) of tiền góp and my father three million riel (\$713) of tiền góp. Before coming to the Vietnamese Bridge, my parents lived in Cầu Ván. They were not in debt before coming here.*

Gambling is well developed in Chba Ampoeu. The main street resembles a casino where gamblers gather from morning until night to play roulette, bingo or cards. The very popular illegal lottery (*số đề* standing for “last number”), cards, sporting bets, and cockfights are popular as well as generators of debt. Despite the economic precariousness of players from poor households, the sums are relatively high and some bets can exceed hundreds of US dollars. The lenders who offer credit to players are taking additional risks. This is why they employ henchmen who do not hesitate to use violence to collect debts.

### **Reimbursing or breaking the debt**

Once indebted, the debtor borrows to pay back the accumulated interest: “one person can be in debt to ten people at the same time,” says one woman. An initial loan of tens of dollars can reach several hundred in the space of a few months, enclosing the debtor in a spiral that forces him to borrow elsewhere and on the same terms just to pay off the interest on the first loan. The debtor borrows generally from lenders who do not know each other in order to maximize his chances of obtaining credit. In effect, if lenders who do know each other exchange information about a ruined borrower, the latter will be refused new loans. In any case, the initial debt breaks up into several debts that generate new interest charges in turn. When the debtor does not repay, several possibilities might arise. The lender may take pity on the debtor and set up a gradual repayment scheme without adding additional interest. But less gentle lenders stick to the initial agreement and add interest to the sums due until the total debt is recovered. Finally, aggressive lenders may threaten, insult, beat and confiscate the debtor’s goods as long as the loan is outstanding. Cambodian lenders are allegedly more violent than the Vietnamese, according to a prostitute of Chba Ampoeu:

*I have never seen Vietnamese lenders beating Vietnamese borrowers. They insult the borrowers if they do not pay the debt. But the Cambodian beat the Vietnamese if they do not pay.*

Ruined debtors who can no longer recover their debt sometimes resort to an extreme solution to escape pressure from creditors who have become overly threatening: they “hide from payment of the debt” (*trốn nợ*), meaning they suddenly depart without leaving a trace. Some leave Chab Ampoeu and return empty-handed to Vietnam. This option is devastating since the household’s social and economic life is entirely disrupted. Sometimes the lender finds the fugitive borrower. Then, the debt is usually renegotiated at a much higher amount than the initial loan but it usually takes account of the debtor’s real repayment possibilities. By doing so, the lender tries to avoid another disappearance by his client while conserving a hold over him.



Fig. 4: Children play roulette in the main road of the shantytown of Chba Ampoeu. Many adults and children spend the whole day playing and betting. Gambling generates indebtedness and fuels the informal credit sector.

## Debt and prostitution

At first sight, the frequent indebtedness of Vietnamese households is an important reason why girls sell their virginity or enter into prostitution (as we will discuss below) and it may explain the rare cases of the sale of young children. The sale can serve to repay a debt (I was told of such a case), but it can also be a matter of an unwanted child (accidentally conceived, or from rape, or the child of an abandoned mother) or poverty-stricken parents who fear the over-indebtedness caused by a new child.

Most prostitutes justify the sale of their virginity and their entry into sexual commerce by their desire to help their families. The importance given to the “duty of gratitude” (*trả ơn*) to parents is a characteristic cultural trait of Southeast Asian societies. In Vietnam, it belongs to the filial piety that is Confucian in origin. This duty constantly comes up in the discourse of prostitutes and parents. The latter systematically use this cultural resource to negotiate their demands on their children. Labor by children, notably the renting out of their sexual services, is the result of an economic strategy adopted by all the members of the family. The case presented in the following section is typical: a mother

who is “fleeing debt” organizes the sale of the virginity of her two daughters to pay off her creditors. Prostitutes often recount how they felt caught in a trap by their parents’ problems (poverty, indebtedness, pressure from moneylenders, health accidents, addictions to alcohol or to gambling), which oblige them to bring money back to the home. This extract taken from a discussion with Nhi, a prostitute who sold her virginity, and Tuyên, the social worker who introduced us, illustrates the situation in which a number of girls find themselves:

**Nhi:**

*My mother has to pay money to the moneylenders every day: 20,000 riels (US\$4.70) to each of them. The interest is added to the principal the days I do not earn any money to pay. My mother borrowed one million riel in one place. She pays 15,000 riels (\$3.50) a day because of that. She also has to pay tontine money for 10,000 riels (\$2.35) every day. She owes money to five or six moneylenders. Everyday, she has to pay about 60,000 riels (\$14). I give money to my mother everyday, but this money disappears straight away. My mother was sick and she had to borrow money.*

**Tuyên to Nhi:**

*You should ask her how much she owes. You should pay this amount and then stop at once. Then you should only give her money to buy food, and you should keep the rest for you. You are growing old and you cannot work forever, right?*

**Tuyên to the researcher:**

*I tell you, her stepfather does not support the family but instead he takes all of the money. That is why they are always in debt. Now they suddenly owe a thousand US dollars. What is that? The stepfather is the one who creates the debt. No one knows what he does. He borrows money and the mother hides this fact. She will not tell anybody about that. Her mother is not working now, and she can only borrow money if she says to the moneylender “my daughter will work to repay.” So he lends money to her. If Nhi tells the moneylender “from now on, you can lend money to my mother but I will not pay,” they will be scared and will not lend money to her anymore. You know, before this, the mother earned money very well. Her sister bought a bike. Now suddenly, she owes a thousand dollars. All of things at home have been sold but a thousand dollar debt still remains.*

**Tuyên to Nhi:**

*I know one girl. She is like you. She also has a stepfather. He is also in debt all the time but she does not know why.*

**Nhi to the researcher:**

*In my neighborhood in the Kilometer 9, there are many girls working in prostitution. When I first came to live here, I sold my virginity because my grandmother was having difficult times. My family would never agree for me to do that. I work like this [selling virginity and prostitution], but at first my grandmother knew nothing about that. Later they knew. I think I sacrificed for my mother. I have worked like this for the last three years already.*

But debt is not an exclusive reason for justifying these decisions, since particular circumstances must also be taken into account. It would be wrong to generalize or to



postulate a causal link between debt and sale, even if such cases are common in the sample studied. On the one hand, all parents do not act in this manner and most do not allow themselves to make a profit from their children despite their economic difficulties. On the other hand, girls contribute voluntarily to alleviating the family burden, but only up to a certain point because their endurance also has limits. Moreover, young prostitutes do not usually give all their income to their parents. Part of the money is paid into family coffers, but another part is spent on personal needs and entertainment: jewelry (that may also serve as savings), the latest cell phone models, clothing, makeup, cigarettes, drugs, the illegal lottery, and entertainment. The indebtedness in which households find themselves is certainly an important element that permits justifying “sacrificial” filial behavior, but we must remember that the actors are autonomous individuals who act under their own agency despite their attachment to the family.

Three cases – the sale of virginity, the sale of young children, and placement of minors for employment – will now be presented. I am trying on the one hand to privilege the actor’s viewpoints, and on the other to present the social and historical context of practices that are not really new. In fact, understanding the past is particularly useful here for comprehending the persistence of certain practices into current times.

## 7. Selling the virginity and entry in prostitution

The sale of virginity (*bán trinh*) relates to prostitution since a sexual service is being exchanged for financial remuneration. The ten women of the sample are adolescents aged from thirteen to eighteen at the time they sold their virginity. The clients are usually men of Vietnamese or northeast Asian origin (China, Taiwan, South Korea). The stories are sometimes fragmentary because not all the women wanted to talk about all aspects of the sale of their virginity. The sample in this section is made up exclusively of women in a situation of prostitution, and seven of them began their career by selling their virginity. Rather than present a general synthesis of the data, it is preferable to describe the case of two sisters who sold their virginity, for this information helps us to understand the decision-making process taken within the family as well as the socioeconomic context in which such sales occur. Extensive interviews were conducted with the two sisters, however they forbade me to talk with the youngest sister or with their parents.

### Virginity in the Vietnamese context

In Vietnam, virginity is defined in two ways. In its literal meaning, “virginity” is related to sexual abstinence. In its figurative sense, virginity refers to moral attributes like purity, fidelity, dignity, or respect due to the husband. *Màng trinh* is the hymen or membrane that covers the vaginal orifice. Virginity is called *trinh* or *trinh tiết*. *Trinh* is “virgin,” *tiết* is “chastity” or “fidelity.” The compound word *trinh tiết*, “virginity and fidelity” thus has a dual component: biological as a part of the woman’s body, and moral, since the term refers to socially constructed qualities. In former times, the hymen, or rather the blood spilled by its tearing at the moment of deflowering, was the only proof of virginity. On the wedding night, the blood of the first intercourse was gathered on a handkerchief that the husband exhibited the next day. If the woman did not bleed (which can occur naturally), she was exposed to criticism. Her honor was stained and she became

an unworthy and cursed woman. This “test by bleeding” was practiced in Vietnam until the start of the 20<sup>th</sup> century (Cuong Manh La, 2004: 6, Dinh Trong Hieu 2010: 8).

### Case presentation

This family of Vietnamese origin lived in Neak Luong until 2006, a small town situated on the edge of the Mekong in the province of Prey Veng bordering Vietnam. The parents have four children: three single women of seventeen, nineteen and twenty-one, and a son of twenty-eight who is divorced and living in Ho Chi Minh City. The mother sold fish on a boat and the father used to transport merchandise. Now he suffers from a work-related illness that reduces his mobility and prevents him from working.

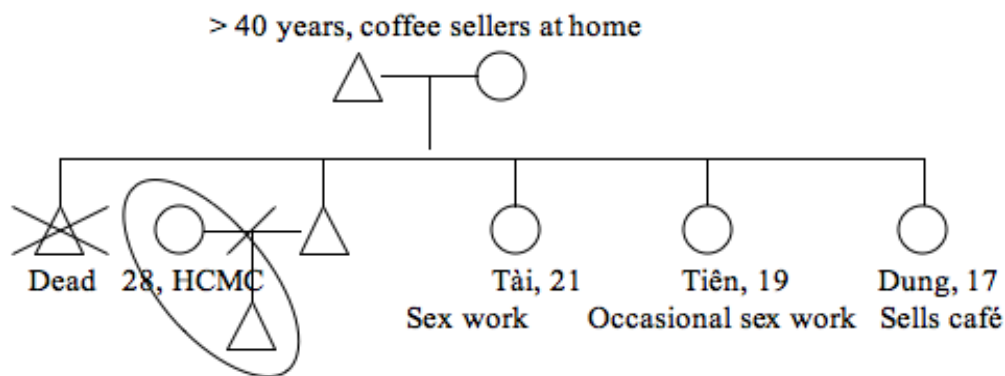


Fig. 5: Family kinship diagram.

The economic situation of the household began to deteriorate in the 2000s. The couple got into debt for three reasons: the mother’s business collapsed, the parents gambled, the oldest son got cancer and he later died. The household’s finances worsened and debts gradually accumulated. The parents borrowed *tiền góp* credit from moneylenders. Eventually they were indebted to eight creditors because money from some went to pay the interest of others. They mortgaged their house for two millions riels (US\$470), but they lost the ownership certificate, therefore the house property, when they migrated to Phnom Penh. The house was finally confiscated by the moneylender and sold for \$300. The parents decided to flee the debt and the lenders’ threats. In 2005, the mother went first to Phnom Penh with her two daughters, Tài and Dung, leaving behind her husband and the other children. This is when Tài sold her virginity to cover part of the family’s debts. One year later, the father fled in turn and joined his wife in the city. But one moneylender from the province found the family in Chab Ampoeu. The loan was renegotiated at ten million riels (\$2,350). The income from Tài’s deflowering and prostitution allow them to gradually pay off this debt. In Phnom Penh the parents got into debt again, partly because of the son’s cancer. The couple borrowed again on both *tiền góp* (a current debt of \$1,000 at the time of the study) and *tiền đùng* credit types (debt of \$500). The profits from the sale of virginity and from the prostitution of both girls certainly improved the household’s economic situation since its move to an urban environment, but the parents are still in debt at the time of this study.

## Negotiating the sale of virginity

Tài and Tiên sold their virginity for US\$700 and \$1100 respectively. The youngest, Dung, is still a virgin. Tài was the first to sell her virginity upon her arrival in Phnom Penh. She says that she took the decision voluntarily, but her sister retorts that the request came from the mother. In any case, Tài took the decision in agreement with her mother. She accepts that parents turn to children in case of problems, especially if their financial situation is bad. She uses the popular expression “having children relying on children, having property relying on property” (*có con nhờ con, có của nhờ của*). According to this saying parents are entitled to resort to children if necessary.

Tiên’s deflowering was much debated within the household. For Tài, the request came first from the mother. Tiên explains:

*When my sister was ‘opened’ [khui], my father felt very sad. At that time, my father and me were in Neak Luong. My younger and older sisters and my mother went to Phnom Penh before. I spoke with my father and he said: “your sister ‘went for opening’ [đi khai], I feel pity for her.” I cried and I felt sorry for my sister. She sacrificed for the sake of all of us. After that, it was my turn. At that time, I thought that since my sister had committed sacrifice, I also had to sacrifice myself.*

Tài joined her sister Tiên in taking the decision. She used the argument of financial difficulties to persuade her, notably that of the debts the family has trailed since Prey Veng. She presents herself as the elder protective sister who advises and shares her experience. She explains to Tiên the stages of the sale, the precautions to follow, the pain of the first intercourse, and the manner of behaving with men. The mother again chooses the first client. Tiên says:

*My parents asked me to ‘đi khai’ a man who was forty or fifty years old. My mother said that this person was good. He was Vietnamese, so it was easy for me to deal with. At first, I did not agree. But later on, I thought about it again. I saw my father sick and my family indebted. I told my mother: “Tell dad, I agree, I will sacrifice.” I was volunteering to work. I could not say no because I would be considered as an undutiful daughter.*

Tiên finds it hard to refuse the proposal from her mother and her sister. She presents her sale as an act of filial piety. To her, this is a way of expressing the love and respect she owes her parents, via obedience:

*Even if my mother did not push me to go, I would go anyway. My mother only said to me she was miserable and my father was sick, so I decided to go by myself.*

In addition, her rationale is purely economic as she sees no interest in giving her virginity away for nothing to any men of the district with whom she will probably not marry:

*Why should I lose my virginity with any boyfriend from the neighbourhood who can abandon me later on, if I can make a thousand dollars for my parents? Afterward, I can always sleep with any of these boys if I still want.*

The mother suggests, the father sanctions, the elder sister accompanies, the younger sister resigns herself, and the littlest one observes what might happen to her if the family's finances do not improve. The decision is taken in advance and Tiên does not really have the power to negotiate, which does not mean that she had no time for reflection. The family, notably the mother, is incontestably responsible for the sale of virginity of her daughter. Indeed, does Tiên have the choice to refuse in these conditions? She feels she enjoyed certain autonomy within the limited space of freedom that her parents granted her, and she herself tried to attribute responsibility to others for the sacrifices that she was making. Recourse to the concept of "sacrifice for the family" (*hy sinh cho gia đ ình*) borrowed from the tradition of filial piety is revealing of the strategy used by the young woman to negotiate the immorality aspect. Tiên presents her sale of virginity – an act traditionally condemned but relatively current among the families studied, hence socially acceptable in the conditions of poverty and social vulnerability in which the Vietnamese of Phnom Penh live – as an act of filial piety, a sacrifice for the good of the group. She states that:

*The only reason [to sell my virginity] is to sacrifice for the sake of my family. If I just work 'normally,' [not in prostitution] we would never be able to pay off the debt. I had to 'đi khui'.*

The remuneration of US\$700 is remarkably high in relation to the family's income level. But this sum does not go to her, as she gives it all to her parents. The only recompense she gets is an honorific compliment of becoming a "daughter showing gratitude" (*con có hiếu*). Resorting to the idea of "sacrifice" transforms an immoral act into a laudable gesture, hence *a priori* an act more easily acceptable to the actors. The experience is also for Tiên a personal and professional challenge that throws her into a new stage of her life. Shortly after her deflowering, she begins to work in a café, then with her sister in a bar for Asian clients.

The youngest sister Dung, 17 years old, is still a virgin at the time of the study. The question that interested us is whether she will sell her virginity like her sisters, but it was impossible to meet her since her sisters were opposed. So we lack information to answer this question. In any case, Tiên was opposed to the sale of her sister's virginity as long as that was possible. She said she was ready to "sacrifice" herself more if her parents needed money, meaning to prostitute herself like her elder sister. If there were really no other choice, she would accept her little sister selling her virginity, too, but preferably with her first client and at the same place. If those conditions were not available, the elder sister would solicit the help of her *mamasan* to identify a generous client. But this idea did not appeal to Tiên, who was trying to protect her little sister at all costs. Yet she admitted that if the sale was truly necessary, Dung should be "sacrificed" like her two sisters. But she stated that if she and T ài were opposed and could offer an alternative that would bring a sum equivalent to the price of the deflowering, then the mother could not force her youngest daughter.

### **Organization of the sale**

The intermediary who puts T ài and his client in contact is a *mamasan* and friend of the mother who works in a Phnom Penh brothel. We do not know where the deflowering

took place. For Tiên, an aunt took her in the company of her sister Tài to the house of a friend of the client.

Tài had been worried and irritable during the days preceding the sale. She had trouble eating and sleeping. She did not really understand what *khui* (“opening” or “losing the virginity”) meant and her parents did not give her details. Sex education is almost non-existent in Vietnamese homes, in Vietnam in general as in Cambodia, and most individuals have superficial or even no knowledge about the sexual organs, reproduction, or contraceptive methods. Tiên was more relaxed before her deflowering since her sister had informed her beforehand. She accompanied her and remained hidden in the toilet at the moment of her sister’s sexual relation.

Tài’s client, over sixty years old, was a Vietnamese, and Tiên’s was a Vietnamese from overseas. Both were chosen by the mother and spoke Vietnamese fluently, which reassured the girls.

The sexual service lasted three days for both sisters. Tiên had daily sexual relations, but the frequency was less for Tài. The first client paid US\$700, the second \$1,100.

	<b>Tài</b>	<b>Tiên</b>
Age at time of sale	16	16
Decision-making	Mother	Mother + Tài
Intermediary	Mother’s friend = a mamasan who works in a brothel	Auntie + housekeeper from the client’s friend (Tài hides in the restroom during the first intercourse)
Feeling before losing virginity	Nervous, angry, cannot sleep or eat Scared because she does not know what <i>đi khai</i> means	Relaxed because Tài explains the process to her. Tài comes along with her
Client	Vietnamese Speaks Vietnamese Friendly, 60-70 years old	Overseas Vietnamese Speaks Vietnamese Very friendly
Location	Unknown	House of the client’s friend

Price	US\$700	US\$1,100
Length	3 days?	3 days, 1 intercourse/day
Blood taking	No	Handkerchief and fake US\$2 bill Brings good luck, good health, longevity
Entry into prostitution	After turning 18, she starts working in a club Table-sitting = US\$15-20 Sexual service = US\$50-80  Occasional mistress (US\$600-700 a month) but she does not like it because she finds this kind of relationship too restrictive	She works in a coffee shop for 8 months  Company girl in Tàì's club She does not sleep with the customers except with one introduced by Tàì
Gift to the parents	All of the money of the virginity-selling  Prostitution: she gives what she can on a daily basis = from US\$40 to 100	All of the money of the virginity-selling  Profits from selling coffee and sitting at the club  She also helps her mother to sell coffee at home

Fig. 6: Virginity selling conditions for the two sisters.

### Entry into prostitution

Do women who sell their virginity systematically enter prostitution? This was the case for the majority of prostitutes I met in Phnom Penh. Tàì begins to prostitute herself after her deflowering, which took place around the age of 18. The reason given is always the same: the parents are in financial difficulties: “*I went for ‘khui’, but we still have not enough money, so I had to work in prostitution,*” she says. There is nothing new in this argument, which has become a commonplace. On the other hand, Tàì thinks that the sale of her virginity “soiled” her and that she lost something precious. She had nothing left to lose by entering prostitution: “*After ‘khui’, we ‘lose’ it. Whether we start working in*

*prostitution or not, it is the same.*” She begins to work as a hostess in a bar for wealthy Asians downtown. Her work consists of sitting with customers, encouraging them to drink and talking to them. She gets a tip of US\$15 to \$20 per table, of which five dollars go back to the pimp of the establishment. She chooses to sleep with certain clients and she is free to refuse any proposition. The price oscillates between \$50 and \$80 (the number of sexual services per month is unknown). According to her, she pockets an average of \$600 or \$700 a month (she does not sleep with customers every night), an amount ten times higher than the average salary of a waitress in a café. Her customers come from Taiwan, Korea, Vietnam, and Cambodia.

She was the mistress of a client who paid her US\$700 per month for a while. In these types of male-female relationships that are little studied in Southeast Asia (Watson Andaya 1998), women exchange sexual services for material goods, financial or symbolic, for men, but outside the realm of pure prostitution in its Western sense (a single sexual service is remunerated and no feelings are involved). Interviewees describe a variety of relations in which men pay a fixed sum in exchange for sexual, affective, or amorous availability. Some clients develop feelings for their kept woman and consider them to be their mistress or wife – but without marrying them. Others demand only sexual availability that is kept secret. Many Vietnamese prostitutes in Phnom Penh search for this type of relationship that can last several months or even several years, and stable remuneration allows them to stop prostitution temporarily. But Tài fears them because of the risk of sexually transmitted diseases. In effect, the client generally imposes the non-usage of condoms because he wants to believe in the fidelity of his mistress. Tài fears the restrictions on her freedom even more: *“I was afraid of being sick. Besides, having a ‘feeding man’ is very restrictive and uncomfortable. You do not have any freedom.”* Her sister Tiên, who sleeps occasionally with one client introduced by her sister, sees things more pragmatically. A client who spends \$500 per month on her can demand total fidelity and availability. But she gains on all levels if she negotiates her services one by one: *“Each time I go with him, I can get a hundred dollars. If I go with him ten times every month, I can make a thousand dollars. Then why should I stay with him all the time?”*

Things happened differently for Tiên. After her deflowering, she begins to work as a waitress in a neighborhood coffee shop for a tiny salary. Later her sister, seeing her working so hard for so little, suggests she work in her club, but only as a hostess. At this stage, Tài forbade her to prostitute herself. Tiên later took her sister’s advice:

*My sister went to ‘work’ [in prostitution]. She did not allow me to do the same. She asked me to sell coffee. At first, I did not want to work [in the club]. I sold coffee all the time. My sister said that selling coffee was hard work. One month you could expect US\$70. However, by sitting at the client’s table, if I have two tables, I can earn thirty dollars in one night. At that time, there were lots of customers. Sometimes I had two or three tables per night. My sister thinks it is easy because I can work without sleeping with the clients. So she asked me to work. I think it is easy, so I work with her.*

Tiên refuses to sleep with clients except for a Taiwanese who was introduced by her sister (one of her former clients) and whom she is still seeing at the time of the interview. Tài again plays her role of benevolent older sister, but more than a simple accomplice, she has become a veritable procuress: she convinces Tiên to sell her virginity, she accompanies her during her first sexual relations, she introduces her into the club, she

introduces her first and only client, she again accompanies her to her second prostitution experience.

*When I worked in the bar, there were many people who begged me to sleep with them. They were on their knees. But I did not go. I knew a man, he asked me to sit next to him. Then he begged me to sleep with him. I saw him giving me good price, and at that time, my family was miserable, they did not have money. I chose this man because my sister went with him before. She said he was nice. I went with him but along with my sister, so we earned the price for two people [50 X 2 = US\$100]. He slept with me only. He thought I was scared so he took my sister with me.*

### **A family affair**

The sale of virginity brings financial gain to the family. It is a family affair that is negotiated as a family. The decision seems to have resulted from a process begun by the mother, and sanctioned by the father. The household has good reasons to resort to this remunerative solution: the desperate escape from Prey Veng after an accumulation of debts, the father an out-of-work invalid, the illness then death of the son, the small income and re-indebtedness once arriving in Phnom Penh. The mother triggers the venal process. The eldest daughter sells her virginity and enters into prostitution. She then allies with her mother to convince the second daughter to follow the same path. The latter agrees after reflection about the eventual deflowering of the youngest daughter. In short, the parents, notably the mother, push the familial burden onto their children as soon as they are old enough to earn money. But in handing over this collective burden, they also lose the monopoly over decision-making. Indeed, a consensus<sup>3</sup> between mother and daughters seems necessary in order to validate the hypothetical sale of virginity of the youngest.

The son who lives in Ho Chi Minh City is absent from these discussions. I did not try to obtain information about him but he does not seem to send money to his parents. In a general way, there seems to be an imbalance in the size of the payments sent by sons and daughters. Among the Vietnamese of Phnom Penh and Vietnam, the girls seem to contribute more than the boys to family finances. But it is difficult to assess this issue without having conducted systematic investigation of both sexes, especially among men who are generally absent from studies of this kind.

### **Negotiating respectability and morality**

What happened to the traditional values of chastity and the gift of virginity to the husband among the Vietnamese populations of Phnom Penh? It is obvious that the practices used by the family under study totally contradict Confucian tradition. While parents are supposed to preserve the virginity of their daughters until their marriage, here they are the first to organize its commercialization, to monopolize the profits, and to sanction their prostitution activities. In the context studied, virginity clearly has a market value. Without meeting them, it is difficult to assess the parents' perception of their daughters, their professional situation, and the neighbors' view about this money that is quickly earned and quickly spent. According to Tài, the parents pity the fate of their daughters, while sanctioning their activity:

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<sup>3</sup> But can a minor truly "consent" for such a sale on a legal basis? The question is debatable.



*My parents feel pity for their own children. They love us even more. In the morning, they prepare food for us. They make nutritious food for us. They love us and even if they know we are ‘working’ [in prostitution], they still love us as usual. They do not care about that anymore.*

When the family moved to Phnom Penh in 2005, it appeared to be just another poor and indebted household that was arriving in the neighborhood. The relative improvement in the family lifestyle, explained by the profits from the prostitution activities of Tàì and Tiên, are allowing it to gain gradually a respectability that does not seem to be called into question by the provenance of the money. In fact, the quick earning of money is staged. To celebrate Dung’s sixteenth birthday, Tàì and Tiên organize a party in a café. The neighborhood is not used to lavish celebrations, especially for such a banal event. But on this occasion, the three sisters exhibit four cell phones, of which one has a touch screen. Tàì’s high-heeled shoes and elegant evening gown set her apart from her sisters, who are dressed more simply. By all accounts, the three clashed with this modest venue and it seemed they wanted to make their young guests jealous. The three have long and well-dressed hair, and Dung seems just to have left the hair salon. Tàì carries a full wallet in the pocket of her jeans. She presents herself as someone who has money and who does not worry about spending it. She finances the party and spares no expense: colored balloons, many gifts, abundant food, powerful music equipment, and many guests. The birthday is an occasion for Tàì and Tiên to show off their success and their relative social ascension.



Fig.7: The gifts offered to the third sister during the birthday party at the coffee shop.

### **Ideas for additional research about virginity**

It is relatively easy to find women who will talk about the sale of their virginity. It is also easy to present the socioeconomic context of families in which these sales take

place. But it is much more difficult to study the demand, especially the real motivations that push men to pay US\$500 or \$1,000 for this type of service. Can we say that these individuals are pedophiles? In the Western definition, a pedophile is a person sexually attracted to children of either sex who are below puberty. Yet it appears that our clients are not particularly seeking pre-pubescent children. On the contrary, they are looking for young virgin women, and those in my study were all post-pubescent at the time of the sale of virginity. Age and bodily development are not a priority for these virginity seekers. Studies generally give several reasons to explain these individuals' sexual attraction to minors remaining a virgin: they do not transmit STDs, the deflowering may cure HIV/AIDS<sup>4</sup> and may ensure longevity and good luck.

Tiên's client soaked a handkerchief and a false two-dollar bill with the blood from the rupture of her hymen. Several informants explain that this amulet is a token of good luck (*hên*), health (*khỏe*), and prosperity (*lâu già*). Some men carry these amulets on them to the casino or to the signing of a contract. They test them and if their wishes are fulfilled, they keep them. Those that do not offer the hoped-for results are replaced, hence the need to deflower a new girl.

It is necessary to move beyond these generalities once and for all and to explore in detail the origin of this belief. Unanswered questions abound: Why do the clients repeat sexual relations for three days when the girl is no longer a virgin after the first time? Is it really indispensable to perform the "test of bleeding" as formerly done, and to conserve the proof of virginity, the blood of the virgin, to ensure the benefits of the belief? What is the relation between good luck, health, and longevity? Do these men also have sexual relations with non-virgin minors?

## 8. The child sold by contract for adoption

In Cambodia the sale of a child is illegal, and socially condemned except in particular contexts that we examine in this section. In the sites studied, especially in Chba Ampoeu, it is relatively common to hear mention of the sales of children. Yet access to first-hand information and to interlocutors who are directly implicated in these sales is clearly more difficult. Nor does the vocabulary used by the Vietnamese of Cambodia facilitate comprehension of such an emotional subject, and is full of stereotypes. Indeed, common expressions confuse different practices: the word *bán* or "sell" is commonly used to discuss transactions of various kinds:

- Sale of a child (*bán con*): one also says *bán con nít* or "sell the little child." The child is actually sold for adoption by a third party, and this is what is discussed in this section.
- Sale of virginity (*bán trinh*): the sale of this sexual service has nothing to do with a sale of a human being. However, certain interlocutors use the expression *bán con* to refer indistinctly to firm sale and sale of virginity. I was introduced to women who were said to be involved in the sale of a child when in fact it was the sale of virginity.

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<sup>4</sup> The same myth is prevalent in Indochina, but instead of curing HIV/AIDS, the act of sleeping with a virgin is supposed to cure syphilis (email discussion with Isabelle Tracol-Huynh, 11 July 2010).

- **Salary advance:** the expression *bán con gái [cho nhà chứa]*, which literally means “sell the girl [to a brothel],” is frequently used by the Vietnamese from the province of An Giang with whom I have talked about female migration to Cambodia (Lainez 2011: 18-21). The press and many activist studies use this terminology, which does not reflect the actual situation. Young women, or intermediaries (including parents) who deliver women to the employers of prostitution establishments, may receive an advance on their salary. This debt is usually paid off by the work of the hired girl who rents her services to reimburse the advance. The employee’s freedom may be affected in certain cases: confiscation of identity papers, reduced freedom of movement, obligation to work in difficult conditions. This method guarantees the employers recovering the loan or advance. It is essential to the very existence of this form of informal credit, since the lender who does not recover his loan loses solvency and consequently the system collapses. Moreover, a firm sale involves a change in civil status and patronymic: it is a complete and definitive break with the familial and social environment of the individual, which inevitably involves a phase of circulation and integration in a new lineage and/or group (Testart 2001: 29). This kind of case is rather rare in the world of prostitution. I was not able to identify a single case of the sale of a minor or adult female for purposes of sexual exploitation during the 30-months of fieldwork I have conducted on five research sites in Vietnam, Cambodia and Singapore. However, cases of reduced freedom of movement in which the employer keeps the employee’s documentation (the passport for instance that is the key to migration and finding employment elsewhere) are more frequent. On the other hand, sales of young children are more common according to the media and rumors, but their purpose is not sexual exploitation.

### **Methodological considerations**

Although it is common to hear rumors about the sale of babies in poor Vietnamese areas of Cambodia, informants are most of the time unwilling to discuss this issue in detail. I had access to a single case of the sale of a child in Phnom Penh. A trusted informant introduced me to a woman who had sold her daughter. The nature of the subject makes it difficult to discuss with this mother, who hides her involvement in the sale of her child. First, it is a challenge to untangle usable information in a fragmentary story that mixes truth, falsehood, and suppressed information. Second, it was possible to conduct only a single in-depth interview. The intermediary attended the interview, which took place at her home. And rather than remaining neutral, she played an active role and took part in the conversation, refuting some assertions made by the mother, which made the situation uncomfortable at times. Data for a section of this chapter also comes from discussion conducted with indigent mothers from Châu Đốc (An Giang province, Vietnam) who wanted to sell their young children because they were struggling to feed them, and with potential buyers or adopters.

### **Case presentation**

The mother is forty years old and lives in the Vietnamese shantytown of Chab Ampoeu. She had a daughter with her first husband, who today lives in Vietnam. Later she had five children with her second husband, originating like her from the Vietnamese

province of An Giang. Despite her age, she is again six months pregnant because she does not know how to use contraception, according to her. She has no household registration certificate, and her children were never added to the Vietnamese or Cambodian local civil register. Her current husband is a construction worker who earns US\$6 a day. Her sons collect recyclable materials for a dollar a day. The economic situation of the household is difficult and the couple is heavily indebted. The woman is very simply dressed and gives an impression of destitution.

The introducer asserted that the mother had in fact sold her young child, a “*little girl who could not speak yet*,” for financial reasons during the time she lived with her first husband. According to her, relatives collected the funds necessary to free the girl, imposing the sole condition of being present when the child was exchanged for the money, to which the woman was opposed. She had collected several tens of dollars by making people believe she had US\$400 and could get her daughter back by settling with the kidnapper.

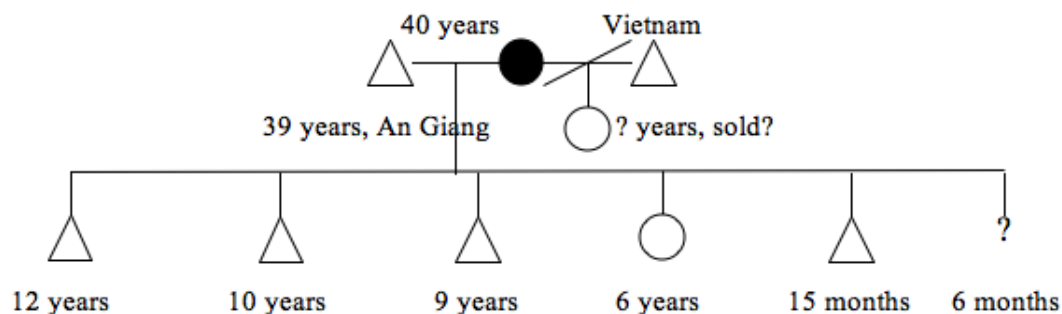


Fig. 8: Family kinship diagram.

### Procedures and contracts

Her story aside, the mother seems to be well informed about transactions in children in Chba Ampoeu. The information that follows is taken from discussions with the introducer and with the mother.

The woman explicitly distinguishes between “gift of a child” (*cho con*) and “sale of a child” (*bán con*). According to her, the gift is generally made to families who cannot ensure their descendants. If the donating parents negotiate directly with the adopting parents, they can expect to receive compensation in the order of US\$50 to \$100, depending on the goodwill of the adoptive parents who may take pity on the fate of the donors. This money is compensation, not the price of the child. And it is much lower than the price of a sale.

A sale is negotiated in other conditions. The price of a minor is between a few hundred and US\$2,000 at most. The introducer speaks of \$600 for a little girl and \$1,000 for an older, pretty girl. These amounts are high if compared to the average income of the majority of Vietnamese of Phnom Penh. The donating family can use intermediaries who facilitate contacts with the adoptive family. Whether or not the negotiations produce results, these agents pocket a commission of \$20 or \$30 at least.

In both cases, the transfer is irrevocable and in principle the parents cannot recuperate their child. The change of patronymic name is obligatory. The sale can be validated by an “act of baby selling” that mentions the sale price. An identical document without the price can also be used for the gift in adoption. The woman states that:

*To give the kid, we also need to make paper like that [deed of sale] in order to promise that we will not take the kid back. If we take it, they will beat us. Selling or giving the child, the name of the kid will be changed.*

The deed of sale is drawn up in the following manner:

<b>Act of baby selling (<i>giấy bán con</i>)</b>
Name of the wife and husband ( <i>tên hai vợ chồng</i> )
Name of the child ( <i>tên con</i> )
Age of the child ( <i>tuổi con</i> )
Address of the parents ( <i>địa chỉ</i> )
Accept to sell our child to ... for the price of ... ( <i>đồng ý bán con cho ... giá bao nhiêu ...</i> )
Have to write down that we will not be allowed to take the kid back ( <i>phải để là mình không được nhận con lại</i> )
Date
Buyer and seller apply their initials

Fig. 9: Deed of baby selling.

The document establishes that the child is changing hands, meaning that the parents are selling it to a third party for an agreed price. This “paper” (*giấy tờ*, the word *hợp đồng* or “contract” is never used) can be presented to the chief of the commune. However, its legal validity is void. On the one hand, many Vietnamese children are not declared on Vietnamese or Cambodian household registration transcripts, and this is the case with our interlocutress. But how then can one sell a person who does not exist administratively? On the other hand, one wonders how a chief of the commune could be aware of such an offense without informing the police (he must surely receive bribes in exchange for his silence). When I question the interlocutress on this point, she replies “*it does not matter if the government knows, but the NGOs do not tolerate it.*”<sup>5</sup> The introducer adds, “*the government does not take care of us here, like in Vietnam.*” The sales are kept secret:

<sup>5</sup> Informants appear confused about the role of NGOs in Cambodia. They said they understand the functioning of the Cambodian government and the corruption prevailing in some services or with some individuals, as it touches their daily lives, but they have a hard time understanding the activities of certain NGOs, who seem to them to act in an incomprehensible way. The coffee sellers of the main street in Svay Pak (as mentioned above, Svay Pak is a former Vietnamese red light district where child prostitution was common in the early 2000s) do not understand why an international NGO that is fighting against child sexual exploitation takes photos of foreigners who come to the village, especially since child prostitution abruptly stopped in 2004 after the closing of the brothels and the relocation of the majority of the women and children. A mother who has sold

*If people know that a mother has sold her baby, they can report it to the police. The mother will be arrested and the kid will be sent to an 'Angka' [organization in Khmer, or NGO] to be taken care of until the age of eighteen years old. Then the kid will be returned to its parents.*

The deed also protects the buyer from possible dishonest actions on the part of the vendor. The latter might accuse him of kidnapping the child after the transaction. The child could take refuge in its mother's arms during the handover, which might create confusion, leading to the acquirer being accused of kidnapping.<sup>6</sup> The two informants insist on a second aspect linked to kidnapping, which according to them justifies the need to sign an agreement: parents can sell their own children, but never those of others. The woman explains:

*For example, you sell your kid to me for US\$300. The chief of commune asks you to make a paper to make sure that the kid is yours [and not from somebody else, you did not steal the kid from another family, therefore it is safe for me to buy]. If later, someone else [the real parents if the child is kidnapped] comes looking for the [kidnapped] kid, the buyer will [point] to you. We write in the paper that you sell your kid [who originally belongs to you]. If the kid was yours, then no one will bother you. Only when you sell someone else's children, then they [chief of commune] will accuse you. We can sell only our own kids.*

### **Actor's perception and terminology (emic viewpoint)**

Nobody can doubt the existence of sales of children at this stage. It is however important to analyze the economic, social and legal contexts in which these transactions take place. But it is just as important to study the language utilized by the actors in speaking of and experiencing these sales (emic perspective). The terms unveil systems of representations as well as the strategies that actors use to negotiate illegality and immorality.

The sale of young children also exists back in Vietnam. This problem is regularly relayed in the local press (Asia Pacific News 2009, BBC News 2009, Hoang Tuan and Tiên Tho 2009, see annexes). Young children are bought from mothers who are too young, who have been raped, abandoned by their partner, or are incapable of raising a child for lack of financial means. Brokers, generally women paid on commission, travel from Ho Chi Minh City to Châu Đốc to carry off these children.<sup>7</sup> Agents visit young mothers in difficulty at home, or else they go to the town square among indigents, beggars and

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her daughter's virginity, and who has seen her child go into the premises of a shelter run by a Christian NGO, does not understand why this organization refuses her the right to take her back. The mother who appears in this section does not understand why the authorities, notably the chief of commune, closes its eyes to the sales of children and why the NGOs firmly oppose this type of transaction. In short, the beneficiaries of the anti-trafficking projects sometimes misinterpret the rationale for humanitarian and protection activities undertaken by NGOs. This problem is surely due to a gap in values and to a lack of communication.

<sup>6</sup> Rumors of the kidnapping of children circulate on the ground in my research sites of Phnom Penh and Châu Đốc in Vietnam. Nevertheless, despite effort, I never encountered a case of this type. If they do exist, I think kidnappings are extremely rare.

<sup>7</sup> Châu Đốc is a Vietnamese district on the border between An Giang and Takeo from where many female migrant prostitutes who worked in Cambodia in the 1990s came from.

prostitutes who are always well informed about possible suppliers. They take away children in exchange for sums going from US\$250 to \$600. They then place them with urban families who are unable to have children or who are looking for a child of a particular sex. The actors do not present the transaction as a “sale” (*bán*), but rather as an adoption (*cho con nuôi* meaning “to give the child for adoption”) in which the costs of the pregnancy and birthing are financially compensated. Only study of the vernacular terms allows us to understand the *emic* meaning of this transaction. The mother does not actually sell the child (*bán con*) and the buyer “compensates for the costs of carrying the fetus and giving birth to the child” (*đền bù công mang thai, sinh con*). A mother who is seeking a newborn child even employs the verb “to help” (*giúp đỡ*) instead of “to compensate” (*đền bù*). From an *etic* perspective, it is a definitive sale without right of repurchase. From an *emic* perspective, it is a gift in adoption that is recompensed for the costs incurred by pregnancy and delivery. Thus the use of words can make charitable – hence morally acceptable – what is a legally forbidden act.

This form of transaction is generally accepted from a moral standpoint because of its context: a poor and often desperate mother does not want her child and gets rid of it by trying to get a little money. The extreme poverty of the peasantry has long been a motive justifying this type of sale. Colonial ethnography (Savinien 1899 – see annexes, Baudrit 1943, Lainez 2009) and literature are full of information on this subject. The famous novel “When the Light is Out” (*Tắt đèn*) by Ngô Tất Tố published in 1939 illustrates this practice remarkably well. Set in an imaginary province of Northern Vietnam in the 1930s, the book describes in raw realism how a peasant woman reduced to extreme poverty is forced to sell her eldest daughter (aged seven) for two piastres to a usurer of the village who is both rich and arrogant. Her motive is simple: to pay the tax and liberate her husband who has been imprisoned after having been beaten by officials in charge of collecting the tax. Through a gradual descent into hell, minutely described by the author, the mechanisms that turn the unacceptable into the acceptable are exposed, and the sin becomes gradually human and hence forgivable. Despair excuses the immoral act of this indigent woman.

## Gender, filial piety and labor

*Girls who are raised until the adult age bring money to the parents. Everyone likes girls better, because boys use drugs. Girls work and bring money back home.*

This quote from the mother suggests that girls sell better than boys. If she were right, this tendency would contradict the theory of the preference for adopting boys in the Vietnamese patrilineal society. The informant’s view is pragmatic and pecuniary. The objective of the remunerated gift or sale is not solely the wellbeing of the child. The purchasing parents or the selling parents may also take into account a return on investment, so a calculation takes place. Among poor families, raising a girl would be the equivalent of investing in the future. I have observed that the contributions paid in by girls are often essential to the survival of parents, especially if the latter are either destitute, in debt, unemployed, aged or sick. At this stage, two observations pull us away from child sale properly speaking, and point us to the issue of labor.

Firstly, the parents seem to have different expectations according to the sex of the child. The quotation at the end of the section bears on the sale of virginity and prostitution, two professional choices that are highly remunerative and exclusive to women (Vietnamese men or boys exerting prostitution are rare in Phnom Penh). As we have seen, the young Vietnamese of Cambodia, especially those who live in an urban milieu,

accumulate administrative, social, and educational handicaps that prevent their professional insertion into the Cambodian labor market. In these conditions, it is not surprising that many young Vietnamese women of Phnom Penh choose to sell their virginity and prostitute themselves in their own and their family's interests. This is the reality that holds sway in many Vietnamese shantytowns, including Chba Ampoeu. The women do not have many alternatives. Small commerce in products imported from Vietnam or café waitressing make money, but the interlocutress insists that *“selling coffee helps a little bit, but the salary is too low. It is not enough”* (the average salary for a coffee waitress is US\$70 per month). On the other hand, the sale of virginity earns between \$500 and \$1,000, and prostitution earns tens or hundreds of dollars per week. So there is nothing astonishing in the fact that many unemployed girls under parental pressure choose to prostitute themselves “voluntarily,” when in fact they have very limited professional alternatives. The boys are generally confined to construction jobs, handiwork and shop keeping – professional activities that are more praiseworthy but much less remunerative than prostitution. One can easily understand why parents base their economic hopes on their daughters rather than their sons.

Secondly, as the interviewee implies, the obligation for children “to be concerned” or “to take care of” (*quan tâm*), to obey, to help, to protect, and to finance their parents is inscribed in the discourse of filial piety (*hiếu*) and the “duty of gratitude” (*trả ơn*) (Jamieson 1995: 15; Lainez 2006: 40). These prescriptions are taken from Confucian tradition. Investigation conducted in Vietnam and in Cambodia shows that children rarely escape these moral obligations. On the field, pragmatic behavior can be observed. What matters for indigent families is less the sentimental expression of filial love than the material gifts, especially in cash, as expressed by one Vietnamese interlocutress:

*In this life, to perform duties of gratitude solely to express sentiments is not something very realistic. Sentiments should go along with money.*

In reality such obligations depend on the economic situation of family members. In wealthier households, *quan tâm* is more an affair of care and sentiment than money. But in financially destitute families, *quan tâm* expresses the obligation of children to materially and/or economically help their parents. Here, money is the expression of gratitude, while feelings are relegated to the background. It appears that the strategies of Vietnamese households with low incomes that I have studied in Phnom Penh are as a whole economic. The culture offers a social and moral framework that allows parents to solicit aid from their children in any circumstance. But it is not filial piety that encourages the sale, the labor, or the sexual exploitation of underage girls that is sanctioned by parents. Similarly, the culture does not explain on its own why parents close their eyes to, or draw a profit from, the prostitution of their children. In summary, two key points must be retained. Firstly, it is poverty that determines these practices. Secondly, ingrained cultural context can make these practices acceptable, even laudable. The mother is clear on this point:

*Right, there are many families having children who go to school. They are relatively rich. They ask why we let our children do that [selling their virginity or going into prostitution]. We are miserable. The mother is miserable. The father is miserable too. We do not force our children or encourage them, but when they take part in life, they will automatically do that [idem] if they see other people doing that. They love their parents, so they have to go.*



## Past and present: legal pluralism

The sale of any free person was rigorously forbidden in Vietnam during the later dynasty of the Lê (1428-1788), as well as under that of the Nguyễn (1802-1945). The sanctions provided in article two of the Gia Long Code were severe and the bills of sale by parents guilty of having sold their child were legally voided. The legislation forbade the father from selling members of his family in the event of debt, also forbidding the creditor from receiving persons in the guise of recovering a debt (Dang Trinh Ky 1933). However, if the legislation was obliged to ban the sale of human beings at the start of the Lê dynasty, this means the practice must indeed have existed. Similarly, the promulgation of this law does not signify its strict observance.

The transfer was sometimes presented as a paid adoption in order to get around the law. The newspaper *Annam Nouveau* (10 September 1931: 4) published an article by the journalist Nguyễn Văn Vinh about young children being discretely sold as servants under cover of adoption. The buyer who becomes the adoptive father enjoys paternal rights and employs his recruits as a workforce in exchange for food and clothing. The child is excluded from his biological lineage and included in the buyer's lineage, but with a status inferior to that of the natural child.

The author continues by describing a practice presented in the form of a sale with a view to civil adoption: the “sale for the entry of a child into another home” (*bán quá phòng tử*, a terminology no longer used). The document mentions that “*the child sold should consider his adoptive parents as his true authors and obey them as if he was their own son. Failing which, he will be prosecuted for lack of filial piety*” (Nguyễn Văn Vinh 1931: 4). This is a contractual transfer of paternal authority from the biological father to the adoptive father for a financial compensation. Therefore it is a sale established by a written agreement that is presented in the form of a civil adoption. It remains to be known whether the amount of the payment was written into the contract, in which case it would be legally void.

The French colonial administrator Silvestre (1880: 134-5) reproduces a more explicit contract in which parents originating from the Mekong Delta, having fallen into extreme poverty, are constrained to sell their son for twenty piastres. This type of contract was legally voided, which is why it is probable that the change of name was never recorded. Here, the family reserves a theoretical right of repurchase, which is contradictory since it is technically impossible to both sell definitively and yet keep this right:

*We the undersigned, Danh Thông and Thị Cang, living in the village of An Thanh, canton of Bảo An, district of Bến Tre, declare that, having fallen into extreme poverty and not being able to pay the tax we owe the state, are selling definitively our son named Ngọc, aged 16 years, to the said Vên, of the village of Ngãi an Trung, for the sum of twenty piastres. Henceforth our son will be part of the family of the buyer and he will bear the family name of the adoptive father. If later difficulties occur, we promise to bear the consequences. However, we reserve the right to repurchase our son, for the sum we are receiving, plus interest. Done the first day of the fourth month of the year Kỷ mảo (1879).*

Despite the different eras, the “sale for the entry of the child into another home,” Silvestre's contract, and that of our interlocutress all testify to the same practice: a sale for adoption, the introducer uses the expression “sale to make a child adopted” (*bán làm con nuôi*). Thus, despite different historical contexts, there exists continuity in the forms of

transfer for adoption performed by indigent families, which shows that the sale of children for this purpose is not a phenomenon specific to globalization in the contemporary period.

The anthropologist Alain Testart proposes the concept of *legal pluralism* to grasp interactive and superimposed rights with respect to the sale of human beings. International law has condemned this type of sale since the abolition of slavery in the middle of the 19<sup>th</sup> century. The Vietnam and Cambodian states have their own laws against trafficking in persons that constitute the national law. But people possess their own customary laws, which are not always in accord with those of national or international law. At this level, sale is permitted among certain indigent social groups under particular contexts. Those “outside the law” of yesterday and today, many in the Mekong Delta region on the border zone, also have their own norms (Engelbert 2007). These autonomous normative systems regarding the sale of children are arranged below.

<b>Law level</b>	<b>Laws (non-exhaustive)</b>	<b>Social group</b>
International	United Nations Convention against organized cross-border crime + Additional Protocol (Palermo 2000) + other protocols	All citizens from the countries that have ratified the Convention
National (Cambodia)	Law on Suppression of Human Trafficking and Sexual Exploitation (2007) + other national laws	All citizens including Cambodians, Vietnamese, and other nationalities
People	Customary law (deed of sale)	Sale allowed within certain indigent groups  The chief of commune indirectly authorizes the sale
Outside the law	Own norms about human trafficking and exploitation	Criminal organizations

Fig. 10: Legal pluralism table.

The customary rights of social groups who practice the sale are certainly “outside the law.” Nevertheless, they sometimes assume the “appearance of law,” as shown by Silvestre’s contract and that of our interlocutress. In the eyes of national law, these contracts are totally illegal, but yet they do remain contracts in proper and due form that testify to the real commitment of the actors, especially their will to be inscribed within a regulated normative framework. Definitively, persons do their best to observe norms that they themselves define.

## 9. Conclusion

The initial objective of this Research Report no. 2 was to confirm the hypothesis suggested by the Research Report no. 1 that Southern Vietnamese women no longer migrate to Cambodia for prostitution purposes. Field investigation in Phnom Penh quickly confirmed that nowadays the majority of the Vietnamese women involved in commercial sex in the capital are Vietnamese from Cambodia and not new economic migrants from Vietnam. Having confirmed that, the study objective was reoriented towards the study of living conditions of Vietnamese and two forms of transfer and selling of sexual services of minors. This study does not pretend to justify or to defend such sales. Rather, the goal is to explore the roots of the administrative and socioeconomic vulnerability that leads to marginalization and indebtedness, and forms of trade over minors.

I first contextualized the legal and socioeconomic framework within which the Vietnamese of Cambodia have evolved, since conditions deriving from historical events make them particularly vulnerable. Being excluded from Cambodian citizenship and a majority not possessing Vietnamese nationality, they are stateless people who live in a legal and administrative void. Consequently the Vietnamese are confronted with several administrative, socioeconomic and political obstacles that prevent them from being fully integrated into Cambodian society: administrative precariousness, poor or nonexistent schooling, frequent illiteracy in the Khmer and Vietnamese languages, lack of access to professional training, and the impossibility of accessing jobs reserved for Cambodians. In addition, the economic situation of the Vietnamese populations under study is difficult. Problems of access to credit compound the problems linked to poverty. Among the causes that motivate the prostitution of young Vietnamese women, family indebtedness figures high. Investigation reveals the existence of a developed endogenous financial sector run by moneylenders who provide loans to debtors who are barely solvent at rates of interest that generally exceed 20% a month. Once in debt, the borrower enters a dangerous spiral to the point where some borrowers multiply their debts, or simply skip out on them to start a new life elsewhere. Others push their daughters to sell their virginity or to work in prostitution.

Secondly, two forms of transfer and selling of sexual services were presented: the sale of virginity and the sale of young children for adoption. The sale of virginity is relatively frequent among the populations of the sample. In the case study presented, the mother pushed the family's economic burden onto her children as soon as they were old enough to generate a profit thanks to their body. While according to Confucian precepts, parents ought to preserve the virginity of their daughters until their marriage; in fact they are the first to organize its commoditization and monopolize profits by using the Confucian precepts of filial piety to justify their power and subtle cohesion. In the context studied, virginity indeed has a real market value. The sale of a child is in a different register. The stereotyped vocabulary and the often-contradictory representations used by the actors do not help in understanding this issue. A distinction must be made between the "gift of a child" (*cho con*) and the "sale of a child" (*bán con*). The gift is made to families for a payment that is lower than the price of a sale. The sale is negotiated for a price between some hundreds and some thousands of US dollars. The motivations and representations utilized by actors make socially acceptable what is otherwise an illegal transaction that has been outlawed since at least colonial times.

Yet this study shows that the Vietnamese of Phnom Penh, who are being subjected to anti-trafficking campaigns and to international norms aiming to define their social and moral space, comport themselves perfectly rationally. The space is rational because the actors' justifications make sense for them from an economic perspective. Above all, this study privileges economic stakes at the expense of cultural ones to explain the forms of

actors' justifications make sense for them from an economic perspective. Above all, this study privileges economic stakes at the expense of cultural ones to explain the forms of sale over persons or the sexual services to which some Vietnamese minors are subject in Cambodia. In effect, who would prevent parents driven into extreme socioeconomic penury from making a profit from all the human resources at their disposal? Indeed, the rational materialism of the actors is sufficient to justify their choices, and to ensure the probable continuity of the trade.

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## Annexes

### ***Bétail humain (Human cattle)***

Savinien B., *L'Avenir du Tonkin* 1389, 26 October 1899, (translation of the original French article by Susan Emanuel)

Every day, in all Tonkin provinces, people buy and sell women and children, not ceding or renting for a limited time, but as a definitive sale.

Frequent in times of scarcity, often in frontier posts – quite recently this happened in Monkay – children or women are taken to the commander of the circle or post by Chinese authorities who declare that these Annamites have been kidnapped, sold, and taken to China. After investigation, these poor devils are usually repatriated, at the expense of the Protectorate, to their village of origin. Not only does one find in Tonkin little Annamite boys and girls for sale, but (no doubt because the merchandise sells well) unnatural mothers have put onto the market a choice product: crossbreeds of European and native.

Several weeks ago, a congai [girl] of a certain age was searching in the Chinese neighborhood for a taker for a crossbreed girl of thirteen. She was not seeking to rent her in more or less advantageous conditions and was not putting her into a more or less moral situation; no, she was trying to sell her definitively, to get rid of her forever, for a suitable sum of money.

This girl is the daughter of a known civil servant who adored his daughter but who died (very suddenly, in a few hours) before being able to recognize her, after having said several times in front of witnesses that he was going to acknowledge her. She was raised in Sainte-Enfance [orphanage] and speaks French correctly.

But of what use is the Society for Abandoned Crossbreeds? More than fifty orphans residing in Sainte-Enfance were rescued directly in Hanoi and Haiphong. Their needs are too great for the available means.

Ultimately the stumbling block is that some mothers consider their children only as a means of living without having to work. Instead of trying to raise their children properly, they try to draw an immediate profit from them. They do not recoil from a pure and simple sale. Lacking a sense of morality, they see the trade only as a vulgar commercial operation. They give up their sons or daughters, in secret, like an unscrupulous heir takes his family jewels to the 'corner pawnshop'.

Some Europeans buy children – rarely, but it does happen – out of so-called pity and goodness. The truth is that the child serves them as an instrument. It saves on a servant or a wife; one doesn't have to use them for housekeeping, but as one wishes, and the family will not complain; nobody defends the child, who is used to considering itself as a slave.

The authorities ought to question servants and maids of the Chinese, and they would learn a lot about the human traffic. These situations have to be investigated, not just prevented when they become known, and the buyer as well as the seller should be punished very severely.



**Vietnam baby fraud trial begins**

BBC News, 22 September 2009.

<http://news.bbc.co.uk/2/hi/asia-pacific/8269121.stm>

Sixteen people have gone on trial in Vietnam accused of committing fraud over the foreign adoption of more than 250 babies, a court official says.

Those charged are alleged to have solicited the babies from poor families or single mothers.

They then faked documents to say the infants were abandoned, making them eligible for adoption by foreign parents, prosecutors allege.

Doctors, nurses and the heads of social welfare centers were among the accused.

If found guilty of “abuse of power and authority”, they could face between five and ten years in prison.

They came from the province of Nam Dinh, south of Hanoi.

Chief judge Dang Viet Hung said the group sent 266 babies overseas for foreign adoption from 2005 to July 2008, when the scheme was discovered, according to the Associated Press news agency.

He did not know the countries of the adoptive parents.

The US embassy in Hanoi last year accused Vietnam of failing to police its adoption system, allowing corruption, fraud and baby selling to flourish.

**Vietnamese police bust child-trafficking ring**

Asia-Pacific News, 15 July 2009.

Hanoi arrested seven people from an alleged child-trafficking ring that sold 33 newborn babies to China, a police official said Wednesday.

“This is the first time we have found such a large-scale case,” said Truong Tho Toan, deputy director of the city's Department of Social Order Crimes Investigation. “The arrestees did not confess their crimes, but we have gathered sufficient evidence to charge them.”

Tho said the ring included nine members. Seven were arrested on charges of trafficking children, but the other two escaped. Police were hunting for them, he said.

The state-run An Ninh Thu Do newspaper on Wednesday reported the ring started work in 2007, and was exposed in February last year. It took police several months to investigate and make arrests because the syndicate operated throughout the country.

The newspaper said the culprits often went to remote areas where parents find it hard to

raise children or approached mothers in difficult situations at hospitals to ask for their newborn babies.

They told mothers they wanted to adopt newborn babies as their own and promised to bring them up properly. Many mothers who believed their children would have a better lives entrusted their children to human traffickers.

Police said the ring successfully sold 33 children to China for up to 1,412 dollars each.

Since 2005, there have been 1,600 cases of human trafficking with 4,300 victims and 3,000 people have been investigated for involvement, according to police.

### **Infant traffickers caught in southern Vietnam**

Hoang Tuan and Tiên Tho, Thanh Niên, 10 November 2009.

Police in the southern Dong Nai Province on Monday arrested a man and a woman to investigate their involvement in an infant trafficking ring.

Huynh Van Hay, 53, from the nearby coastal Ba Ria-Vung Tau Province and Nguyen Thi Tiên Hien, a 39-year-old local, were allegedly buying infants from the Dong Nai General Hospital, Thong Nhat District General Hospital, and Tu Du Maternity Health Hospital in neighboring Ho Chi Minh City to sell to an unidentified man at VND4-12 million (US\$224-672) each.

Hay and Hien told the police they have sold around 20 infants since 2007. The infants were reportedly unwanted babies like those born out of wedlock.

Police said the two belonged to an infant trafficking ring that has been operating in the southern region for a while. They are investigating the case further.



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