

Photo courtesy of Cambodian Women for Peace and Development (CWPD)



A number of Cambodian children congregate in the street in front of An Dong Market to beg. Ho Chi Minh City, Vietnam, May 2006.

Arrest, Detention, and Deportation of Cambodian Migrants in Vietnam

The majority of migrant Cambodian women and children living in Ho Chi Minh City earn money through begging. The transient nature of their existence means that they are constantly at risk of being arrested by the Vietnamese police, both because of their irregular immigration status and for various criminal offenses, such as ‘disturbing social order’.

1. Policies in Vietnam Concerning Migrant Beggars

The Vietnamese government has responded to the issue of migrant beggars by adopting a twin ‘rights protection’ and ‘social order’ approach.

The Vietnamese government considers street sleepers and those working on the street as people in need of protection. The key institution in charge of providing services to Cambodian beggars and assisting them to return home is the Social Protection Section, a state-owned organisation that belongs to the Ho Chi Minh City Department of Labour, Invalids and Social Affairs (DOLISA). The Section manages shelters for street people, beggars, the elderly and other people in need. These shelters are located in Song Be, Dong Nai, Lam Dong, and Long An Provinces. The Children Protection and Family Committee (CPFC) has assisted DOLISA in its collection of information in order to reach out to the shelters’ target groups.

While migrant beggars may be offered this limited protection, they remain the target of police operations that seek to arrest migrants under the guise of protecting social order and security. Decree

Photo courtesy of Cambodian Women for Peace and Development (CWPD)



An Dong Market, a popular place for Cambodian children to go to beg. Ho Chi Minh City, Vietnam, May 2006.

number 36, issued in May 1995 remains in force and is known as the ‘clear roads and pavements decree’. Its objective is to regulate and to limit economic activities on the streets in HCMC and to prevent itinerant traders and those without permanent shops or market stalls from selling and hawking on the sidewalk.

Following this Decree, the HCMC Peoples’ Committee (HCMCPC) issued Instructions 33 and 34 on 3 November and 11 December 1997 respectively. These instructions banned the act of begging and charged local authorities with orders to pick up beggars under 14 years of age. Furthermore, a nation-wide circular from DOLISA issued on 15 April 1998 instructed local authorities to pick up abandoned or homeless children and vagrant beggars and to follow certain procedures to aid their rehabilitation. In 2004, the HCMCPC issued some other decisions, such as Decisions 104, 105, 106, 107/QD/UBND, that further regulate and prohibit vagrant people from living on the streets or in public places, on the grounds of protecting urban sanitation, urban management, the urban landscape and traffic circulation. The HCMCPC declared 2004 to be ‘the year of urban order and safety’.¹

Meanwhile, DOLISA has built and upgraded shelters surrounding HCMC for vagrants, the homeless, street children and the elderly. These groups will be stationed at shelters until they can be sent back to their home country or reunited with family members.

In addition to the Social Protection Section of DOLISA, UNICEF, the IOM and the Women’s Union have supported similar programs aimed at assisting Cambodian beggars, through documentation, food provision, and coordination with the Cambodian authorities during the repatriation process.

2. Arrest

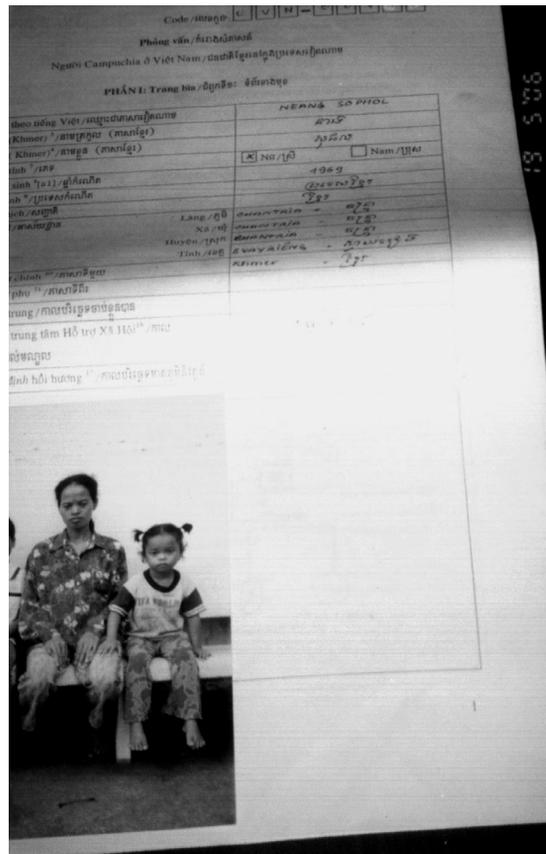
When migrant children are picked up off the streets and transferred to shelters, pending their return to Cambodia, the authorities consider this process one of ‘rescue and repatriation’. However, most of the Cambodian migrants interviewed for the purpose of this study perceived themselves as having been ‘arrested, detained, and deported’. Thus, the terms ‘arrest’, ‘detention’, ‘deportation’, and ‘prison’ will be used in the following sections, which are based on the migrants’ own perception of their experiences.

Beggars are often arrested near large markets in HCMC, such as the Cho Lon market, the Ba Chieu market, and the Nga Bay market, or in front of the Cho Ray Hospital where they sleep at night. The Vietnamese police usually go to these areas to arrest them at around 8 p.m. The arrests are carried out more frequently during the New Year. Police frequently arrest between 10 - 20 beggars during a single midnight raid in a park. If the police raid a market, they usually arrest only two - five beggars at a time. When a child is arrested, his or her mother often shows up at the police station to stay with her child in jail.

‘I have been to HCMC three times but I could never bring any money home as either I or my children were caught by the police within a few days of our arrival. When my children were caught, I decided to go to prison to look after them. Before I left my village, I borrowed around USD16 from my neighbors to pay for our travel expenses and promised to pay them back in one month. I couldn’t even manage to pay back the debt and now, as you can see, I am poorer than when I left.’

(37 year-old woman, from Khbal Thnol Village, Thnout Commune, Kampong Ror District, Svay Rieng Province)

During an operation, a few policemen will surround their target and drive him/her on a motorbike to a police station. He/she will be detained while more migrant beggars are arrested and brought in, until eventually they are all taken together in a van to a detention center.



A form for Cambodian migrants in Vietnam who are arrested for begging to fill. This document will be sent to the Cambodian Social Affair Department to look for the home address of the migrants before they are sent back to Cambodia, May 2006.

Photo courtesy of Cambodian Women for Peace and Development (CWPD)

Photo courtesy of Cambodian Women for Peace and Development (CWPD)



A 34 year old woman tells her experience of being arrested and deported from Vietnam. Kampong Roar District, Svay Rieng Province, Cambodia, May 2006.

'I was arrested at the Cho Lon market at about 8 p.m. when I was begging on the street. Then I was put onto a motorbike and taken to a detention center along with three other people. I was made to sit in the middle. Only when I was brought there did I learn that the reason for my arrest was that I had entered Vietnam illegally and that I was deemed to be disturbing public order.'

(40 year-old from Thnout Commune, Kampong Ror Ddistrict, Svay Rieng Province, interviewed in May 2006)

During large-scale operations, police and soldiers raid locations where clusters of beggars congregate and live together. The arrested migrants are taken directly to a detention centre in a van brought along by the police. Some children manage to flee from these mass arrests and are helped from time to time by local Vietnamese vendors.

'When my mother was arrested in Cho Lon market at around 9 o'clock in the morning, I was begging some distance from her. I went to hide behind a stall and the owner just kept quiet and didn't inform the police. However, when I went out of the market and found out that I had lost her, I decided to present myself to the police so that I could be taken to the shelter.'

(10 year-old girl from Kbal Thnol Village, Thnout Commune, Svay Rieng Province interviewed in May 2006)

Migrants who were interviewed for this study said that the police did not use force during their operations unless migrants attempted to resist or fight back. Once arrested, the migrant beggars are required to complete a form in which they write down their names and their accompanying dependents' gender, date of birth, and nationality. They must then sign a contract to declare that they will never come to beg in Vietnam again. Migrants complete this form at the police station if a small number of them are caught or later on at a shelter if they are caught in a large number.

3. Detention

As mentioned above, migrant beggars are sent to shelters such as those at Ben Luc, Song Be, or An Dong. These places are officially considered 'shelters', though for all intents and purposes they are described as detention centres by the migrants interviewed for this study.

On average the migrants interviewed in the course of this study remained in a prison, detention centre or shelter for around one month.

'I was arrested on 26 January 2006 at the Nga Bay market along with two other Cambodian women and five children. The arrest took place at around 9 p.m. while we were begging. We were all put into a van (with iron bars) and transferred to the Ben Ley Detention Centre. I was there until 25 February 2006, then I was deported together with around 75 other people to Svay Ra Pagoda, in Svay Teap District in a bus provided by the Vietnamese authorities. The Vietnamese authorities told me that I would be there for up to one month because they were required to wait for our document files to be checked and confirmed by the Cambodian authorities. So during this period I couldn't make any money and I was returned home against my will and empty handed.'

(38 year-old women from Kbal Thnol Village, Thnout Commune, Kampong Ror District, Svay Rieng Province, interviewed in May 2006)

In interview, migrants referred to the condition in the prisons as 'crowded'. Around 100 - 180 people, mostly women and children, were placed in each prison cell/compound. Men and women were detained separately, and Vietnamese detainees were separated from the Cambodians. Most of the rooms were equipped with electric lights and a toilet, which made the conditions a little better than sleeping on the street or in a park. Dirty clothes were collected to be washed and brought back in the evening. Migrants had to clean their own rooms.

They were provided with only two meals per day. The food was neither sufficient nor good, but migrants were able to buy additional food from the vendors near the prison fence with the permission of the guards.

'I received two meals a day at the An Dong center. However, I sometimes could not stand the same oily food cooked in a large frying pan, so I used our own money to buy snacks and food from the vendors outside the centre. The guards allowed us to take the food to eat with my children inside the centre.'

(32 year-old woman from Chantrea District, Svay Rieng Province, interviewed in May 2006)

Detained migrants slept on the floor or on the plastic sheets they owned. Electric lights and fans were switched on but the detainees were nevertheless bitten by mosquitoes. When they fell ill, they received treatment from a designated physician at the prison with the assistance of a Khmer speaking interpreter. Their illness was sometimes attributed to “not being clean”, and as a result some migrants were too afraid to tell the guards when they fell ill.

‘A woman from Bon Village of Thnout Commune was very sick and had blood in her vomit while she was imprisoned at the Song Be prison. She was too afraid to tell the guards. The prison guards eventually found out and sent her to hospital but it was too late and she died. The Vietnamese authorities cremated the body and sent the ashes back to her family in Cambodia.’

(According to the village chief of Thnout Commune, Svay Rieng Province, interviewed by the Cambodian CRT on 17 May 2006)

Sometimes migrants argued amongst themselves in detention, and received warnings and punishments from the guards.

“Three other women and I had an argument and accused each other of cheating over a game of cards. We received a few warnings from the prison guards but we did not stop. We were then ordered to lie down and were each whipped 10 times as a punishment. One of the women among us was three months pregnant. She came from Chantrea Commune, Chantrea District. As a result of the punishment, she had a miscarriage. The Vietnamese police made an apology and sent her to a hospital.”

(34 year-old female, from Thnout Commune, Kampong Ror District, Svay Reang Province)

Children were very afraid of the prison guards. This fear has become embedded in the culture to such an extent that mothers invoke the frightening image of prison guards, instead of the traditional ghosts used in folklore, in order to make their children listen to them. Children said they are also afraid of ghosts, since it was rumoured that several people had died in the prison cells in which they were detained.

‘When I first arrived in the prison, I was told by the other prisoners that there were people who had died in this room. And when the night time came, even though some of the lights were still on, I was so afraid that I did not dare walk away from my mother.’

(7 year-old girl from Thnout Commune, Svay Rieng Province, interviewed in May 2006)

There were a few who attempted to escape from the prison after gaining the confidence of the guards.

‘One of the detainees in the same room as I was around 25 years old and was without an accompanying child. She asked the guard to allow her to go out and buy some stuff, and then never came back.’

(38 year-old women from Kbal Thnol Village, Thnout Commune, Kampong Ror District, Svay Rieng Province interviewed in May 2006)

4. Deportation

When the Cambodian Country Research Team (CRT) interviewed the authorities and migrant returnees in Thnot Commune, they received the following data. Below are examples of the data provided by the authorities regarding deportations carried out on two separate occasions:

The number of people deported on 29 December 2005												
Total	Kampong Ror District				Chantrea District				Svay Teap District			
	Total	Women	Men	Children (under 18)	Total	Women	Men	Children (under 18)	Total	Women	Men	Children (under 18)
128	53	14	10	29	75	14	6	55	0	0	0	0

The number of people deported on 24 February 2006												
Total	Kampong Ror District				Chantrea District				Svay Teap District			
	Total	Women	Men	Children (under 18)	Total	Women	Men	Children (under 18)	Total	Women	Men	Children (under 18)
163	110	25	5	80	52	9	7	36	1	1	0	0

When migrants are released from detention, their belongings are returned to them. In addition, some receive second-hand clothes. They are then usually transferred to Cambodia by bus. Some migrants interviewed said the bus had enough seats while others said there were about 60 people squeezed into a 40-seat bus.

'My group and I were sent back by bus. There were not enough seats for everyone, so old people sat on the seats and children sat in between them'

(12-year old boy in Thot Commune, interviewed in May 2006)

According to Mr. Sok Samon, Chief of the Social Affair Department in Chantrea District,² deportations are carried out in accordance with the following procedures:

Firstly, the Vietnamese authorities send a list of the deportees' names, photos, and other details to the Cambodian Social Affairs Department in order to locate their home address, which, when confirmed, is sent to the Vietnamese authorities. Then specific removal directions are arranged between the Cambodian and Vietnamese authorities. On the last occasion, they deported Cambodian migrants to Svay Teap District, Svay Reang Province. Once in Svay Teap, the Vietnamese authorities handed the deportees' name list to the Cambodian authorities. From then onwards, they became Cambodia's responsibility.

Upon their return to Cambodia, the migrants are 'educated' regarding regulations by officers

Photo courtesy of Cambodian Women for Peace and Development (CWPD)



Many children have been to Vietnam to beg, while only a few have experienced arrest, detention and deportation by authorities. Kampong Roar District, Svay Rieng Province, Cambodia, May 2006.

of the Social Affairs Department and provincial governors, who warn them that they will be arrested and put in jail if they are deported back from Vietnam again. Migrants are also told that Cambodian people migrating to Vietnam for the purpose of begging destroy the name and image of their home country. After the education session, which lasts around one day, people are transported to their native villages. Some opt to take a motor-taxi home by themselves.

There are also a number of anti-trafficking measures in place. Local authorities in Chantrea District conduct regular quarterly meetings with the Vietnamese authorities from many districts such as Ben Cau, Tan Bien districts in Tay Ninh Province, Dong Ve, Tan Hoa, and Moc Hoa districts in Long An Province to discuss cross-border coordination. The local officials from the Social Affairs Office regularly follow up regarding children who have been returned. Parents of children who have been deported are required to sign a contract with the Social Affairs Office promising that they will never allow their children to beg in Vietnam again. Meanwhile, the agents may also find the trafficking business less lucrative; many children have been deported, thus leading to a loss of profit for them. As a combined result, the phenomenon of the trafficking of migrant children may be gradually decreasing.³

Endnotes

¹ Government of Ho Chi Minh City. Last accessed at : <www.hochiminhcity.gov.vn/home/left/tin_tuc/tin_thoi_su/2003/dan/News_Item.2003-11-04.0722>; <www.hochiminhcity.gov.vn/home/left/tin_tuc/tin_thoi_su/2003/dan/News_Item.2003-11-05.5613>; and <www.hochiminhcity.gov.vn/left/congbao/vb_qppl/vb_ubnd/2003/quy2_2003>.

² Interviewed by the Cambodia CRT on 19 May 2006.

³ Information provided by Kong Vosar, the Deputy Governor of Chantrea District, interviewed by the Cambodia CRT, May 2006.