

HUMAN TRAFFICKING VULNERABILITIES IN ASIA

**A STUDY ON  
FORCED MARRIAGE BETWEEN  
CAMBODIA AND CHINA**



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Resilient nations.*

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# CONTENTS

<b>ACKNOWLEDGEMENTS</b>	<b>ii</b>
<b>ACRONYMS</b>	<b>iv</b>
<b>EXECUTIVE SUMMARY</b>	<b>v</b>
<b>INTRODUCTION</b>	<b>1</b>
Marriage migration between Cambodia and China	1
Human trafficking and forced marriage in international law	3
Human trafficking and the 2030 Agenda for Sustainable Development	4
National frameworks on human trafficking and forced marriage	4
National policy frameworks on marriage with foreigners	5
Objectives of the study	5
<b>METHODOLOGY</b>	<b>6</b>
Sample frame	6
Research tools and data collection	7
Ethical and safety considerations	7
Data analysis	8
Study limitations	8
<b>FINDINGS: SAMPLE CHARACTERISTICS</b>	<b>9</b>
<b>FINDINGS: THE RECRUITMENT STAGE</b>	<b>10</b>
The first-contact brokers	10
Second and third brokers	11
<b>FINDINGS: THE MIGRATION STAGE</b>	<b>12</b>
<b>FINDINGS: THE MARRIAGE PROCESS</b>	<b>13</b>
Matchmaking of spouses	13
Marriage registration	14
<b>FINDINGS: ESCAPE AND RETURN</b>	<b>16</b>
Planning the escape and return	16
Social networks and mobile phones	17
The police	17
The Cambodian consulates and embassy	18
Volunteer groups and other organizations	19
<b>FINDINGS: CONDITIONS AFTER RETURN TO CAMBODIA</b>	<b>20</b>
Arrival back in Cambodia	20
Respondents' situation a few months after return	20
Actions against brokers	20
Stigma against returnees from China	21
<b>CONCLUSIONS</b>	<b>22</b>

# ACRONYMS

<b>ADB</b>	Asian Development Bank
<b>AIM</b>	Agape International Mission
<b>CLEC</b>	Community Legal Education Center
<b>COMMIT</b>	Coordinated Mekong Ministerial Initiative Against Trafficking
<b>CWCC</b>	Cambodian Women's Crisis Center
<b>HCMC</b>	Ho Chi Minh City
<b>ID</b>	Identification Document
<b>ILO</b>	International Labour Organization
<b>IOM</b>	International Organization for Migration
<b>Lao PDR</b>	Lao People's Democratic Republic
<b>LICADHO</b>	Cambodian League for the Promotion and Defense of Human Rights
<b>LSCW</b>	Legal Support for Children and Women
<b>MOFAIC</b>	Ministry of Foreign Affairs and International Cooperation
<b>MOI</b>	Ministry of Interior
<b>MOSVY</b>	Ministry of Social Affairs, Veterans and Youth Rehabilitation
<b>MoU</b>	Memorandum of Understanding
<b>NCCT</b>	National Committee for Counter Trafficking
<b>NGO</b>	Non-Governmental Organization
<b>SDGs</b>	Sustainable Development Goals
<b>UN-ACT</b>	United Nations Action for Cooperation Against Trafficking in Persons
<b>UNIAP</b>	United Nations Inter-Agency Project on Human Trafficking
<b>UNTOC</b>	The United Nations Convention against Transnational Organized Crime



# EXECUTIVE SUMMARY

This report examines patterns of forced marriage in the context of broader migratory flows between Cambodia and China. It primarily draws on the accounts of 42 Cambodian women who experienced conditions of forced marriage, with interviews having taken place in both countries. Key informants from government and non-government stakeholders in Cambodia and China were consulted as well.

The objective has been to analyze recruitment, brokering, transportation and exploitation patterns as well as the links between these; to determine service needs amongst Cambodians trafficked to China for forced marriage, in China, during the repatriation process and upon return to Cambodia; as well as to identify opportunities for interventions to prevent forced marriages from occurring and to extend protective services to those in need, at both policy and programming levels.

The phenomenon of forced marriage has received increasing recognition and attention in the Greater Mekong Sub-Region, initially from Myanmar and Viet Nam into China and within China itself, but lately also from countries further afield especially Cambodia.

In Cambodia, the lack of employment opportunities and low wages, amongst other factors, are leaving young people with few alternatives but to seek work outside their home country. Cambodian women have especially limited educational and job prospects whilst at the same time facing high pressures to contribute financially to their families. Given restrictive labor migration policies especially in low-skill sectors in the region, marriage migration to improve economic conditions has become a viable alternative.

China is confronted with an unusually high gender imbalance derived primarily from more than 30 years of one-child policy coupled with gender selection due to son preference. The latter is linked to Chinese traditions that see the sons carry on the families' lineage over generations as well as care for their aging parents, together with their wives that join the husbands' families. In this environment, particularly the

economically disadvantaged rural men in China look to women from other countries like Cambodia, Myanmar or Viet Nam.

Both countries, however, prohibit international marriage broker services, meaning marriage migration is often facilitated by agents cooperating across borders without licenses and oversight. Whilst anecdotal evidence suggests that some, perhaps even many, of the Cambodian women living in arranged marriages in China are content in their situations, this study outlines the possible downsides of engagements brought about in non-regulated manners.

The report is divided into the five key stages of the respondents' marriage migration experience, namely:

## 1. RECRUITMENT



## 2. MIGRATION



## 3. MARRIAGE



## 4. ESCAPE AND RETURN



## 5. CONDITIONS AFTER RETURN TO CAMBODIA



Some of the key findings by stage are as follows:

## 1. RECRUITMENT



- The first-contact broker was often known to the respondents or their families: a neighbor, co-worker or client at the work place such as a hair salon. Some brokers referred to a daughter who was allegedly in China and remitting money home;
- The enticement was that women could send money home to their families by marrying a rich man or working and earning more than they would in Cambodia, or both. In some cases, they were told that, in order to get a well-paying job, they needed to marry a Chinese man;
- Some brokers provided the women with money before departure, which was referred to in interviews as 'dowry', travel expenses or advance salary. Such payments ranged from \$100 - \$1,000;
- Families varied in their positions towards their daughters moving to China. Some families strongly encouraged them to go, whereas others equally strongly resisted such plans. Several families seemed indifferent or left it to the women to decide;
- A second and sometimes third broker typically arranged passports, visas and flight tickets. Documents required were photographs, a family-commune identification and a birth certificate.

## 2. MIGRATION



- Many women reported being seen off at Phnom Penh airport by a broker, traveling as a group without agents, and then being met by broker(s) in China. Very few spoke of an agent accompanying them on the flight;
- A typical route was from Phnom Penh to either Shanghai or Guangzhou, and from there to distant rural locations;
- A few women spoke of being taken to China via Ho Chi Minh City (HCMC), Viet Nam. They stayed in HCMC for a few days to get a Chinese visa. The journey to Viet Nam was by road and they were accompanied by broker(s);
- At the final destination, women were typically accommodated in or around the agents' houses for a few days or weeks and introduced to Chinese men until they were selected as brides and 'agreed' to the marriage.

### 3. MARRIAGE



- Women were both deceived and coerced into marriage to varying degrees:
  - a) Some came to China for the purpose of work and only later found out that they had to get married instead;
  - b) Others were told that they needed to get married in order to find work in China, or better-paying work, which is inaccurate as marriage doesn't grant employment opportunities to foreigners in China for a minimum of five years. Further, the conditions of marriage proved to be significantly different to what was originally discussed.

In both cases, however, circumstances left few to no opportunities for refusal;
- Factors that contributed to women being coerced into marriage were:
  - a) Their passports were with the brokers, constraining freedom of movement including opportunities to return home;
  - b) The agents at times withheld food, restricted their communication opportunities, and threatened with or committed sexual abuse;
  - c) The respondents lacked social support networks, familiarity with the broader Chinese context including organizations to turn to for assistance, and language skills;
  - d) The women were generally unaware that they entered China on tourist visas with a validity of one month only, and many only found out in China that marriage was required for longer-term stay opportunities;
  - e) The brokers typically threatened the respondents that they would be denounced to the police for overstaying their visas, or that they needed to repay the costs for their journey to China ranging from around \$2,000 to \$8,000;
- Chinese men paid brokers significant sums for marriages, ranging from around \$10,000 to \$20,000;
- Women indicated that, soon after they 'agreed' to marry a Chinese man, their marriages were registered and visas extended. As part of the registration, they needed to consent to the marriage in person before a competent authority, however the circumstances did not allow for help to be sought.

## 4. ESCAPE AND RETURN



- Information and contacts were passed around through informal networks of Cambodian women including at village markets or via mobile phones, which helped respondents design and refine their escape plans;
- Women often had to travel far to find help. Sometimes, the escape was further complicated by Cambodian consulates not having the authority to handle their cases and passing them on to another consulate or the embassy;
- When encountered, the police in the respondents' village or province typically returned them to the husbands' home and advised them to settle what were perceived as domestic problems. Police in larger towns and cities further away, however, often offered the women real chances to make their cases, and then usually contacted the Cambodian consulates or embassy to help repatriate them;
- The Cambodian consulates or embassy provided a range of support services to respondents in preparation for and during repatriation. However, some women expressed concerns about their conduct including delays, disrespect and abuse.

## 5. CONDITIONS AFTER RETURN TO CAMBODIA



- Upon arrival, women were typically interviewed by the immigration and anti-human trafficking police for details about the brokers. The respondents received cash and in-kind support from a range of civil society organizations and were assisted to reach their homes;
- Vocational training options were often offered to the returnees, but only some were able to complete the programs;
- Women regularly engaged in wage labor after their return, mostly as factory workers or in low-skill service jobs in Phnom Penh;
- Some women and their families were in debt, having to repay creditors from whom they had borrowed to cover the journey to or back from China;
- Whilst certain respondents indicated having filed cases against their brokers, more said they had not and did not want to be involved in legal actions;
- Some women alluded to stigmas which they feared or were facing as female returnees from China;
- Several women returned home pregnant and hence supported another dependent as a result of their time abroad.

Based on the analysis and findings, a number of recommendations presented at the end of the report are proposed for consideration by policy-makers and practitioners, focusing primarily on prevention, identification and initial support including repatriation. Some are targeted at both countries and indeed bilateral cooperation between them, others are specific to either the Chinese or the Cambodian context.

Human trafficking is one of the worst forms of human rights abuses, whereby people are exposed to and maintained in conditions of severe exploitation by means of deception, coercion or force. It is one of the world's largest criminal industries, affecting tens of millions of people in every corner of the globe and generating estimated annual profits in excess of US\$150 billion.<sup>1</sup>



It is one of the world's largest **CRIMINAL** industries



Affecting **TENS OF MILLIONS** of people in every corner of the globe



generating estimated annual profits in excess of **\$150 billion**<sup>1</sup>

People are most often trafficked within regions, each with its distinct forms and dynamics. Some of the most extensive and diverse human trafficking patterns occur in and between the six countries of the Greater Mekong Sub-region (GMS):



**Cambodia**



**Myanmar**



**China**



**Thailand**



**Lao PDR**



**Viet Nam**

In recent years, the phenomenon of forced marriage has received increasing recognition and attention in the GMS, initially from Myanmar and Viet Nam into China and within China itself, but lately also from countries further afield especially Cambodia.<sup>2</sup>

## Marriage migration between Cambodia and China

Despite significant economic growth, Cambodia remains one of the least-developed countries in Southeast Asia. A 2014 World Bank report shows that about 20% of the country's population continue to live in poverty.<sup>3</sup> A lack of employment opportunities and low wages, amongst other factors, are leaving young Cambodians with few alternatives but to seek work outside their home country.

Cambodian women have especially limited educational and job prospects<sup>4</sup> whilst at the same time facing high pressures to contribute financially to their families. Given restrictive labor migration policies especially in low-skill sectors in the region, marriage migration to improve economic conditions has become a viable alternative.

China, on the other hand, is confronted with an unusually high gender imbalance derived primarily from more than 30 years of one-child policy coupled with gender selection due to son preference. The latter is linked to Chinese traditions that see the sons carry on the families' lineage over generations as well as care for their aging parents, together with their wives that join the husbands' families.

The Chinese Academy of Social Sciences has calculated a sex ratio of 124 men for every 100 girls in the generation born between 2000 and 2004, which is one of the highest gender imbalances in the world. The resulting surplus of men of marriageable age is expected to reach 30 to 40 million by 2020,<sup>5</sup> with many concentrated in rural or poverty-stricken areas.<sup>6,7,8</sup>

<sup>1</sup> See International Labour Organization [ILO], *ILO Global Estimate of Forced Labour: Results and methodology* (ILO 2012) and the follow-up publication ILO, *Profits and Poverty: The Economics of Forced Labour* (ILO 2014). Whilst it is acknowledged that human trafficking and forced labor are not identical phenomena, the overlaps are so significant that the ILO's reports are often also referenced as proxies for human trafficking.

<sup>2</sup> See, for instance, Jina Moore, 'Cambodia Is China's Newest Market For Foreign Brides' *BuzzFeedNews* (Phnom Penh, 5 February 2015) <<http://www.buzzfeed.com/jinamoore/cambodia-is-chinas-newest-market-for-foreign-brides#.cf3O5VJ6d>> accessed 2 October 2015.

<sup>3</sup> The World Bank, *Where Have All the Poor Gone? Cambodia Poverty Assessment 2013* (The World Bank 2014).

<sup>4</sup> ILO & Asian Development Bank [ADB], *Gender Equality in the Labor Market*

*in Cambodia* (ADB 2013).

<sup>5</sup> —, 'Gendercide: The Worldwide War on Baby Girls' *The Economist* (London, 4 March 2010) <<http://www.economist.com/node/15636231>> accessed 4 October 2015.

<sup>6</sup> Lan Fang, 'The Cambodian Brides Of China' *Worldcrunch* (Huanggang, 2 August 2014) <<http://www.worldcrunch.com/culture-society/the-cambodian-brides-of-china/immigration-cambodian-brides-matchmakers-weddings/c3s16538/>> accessed 2 October 2015.

<sup>7</sup> Chen Youhua and Ulrich Mueller, 'Marriage Squeeze and its Perspective in China' (2002) 3 *Population Research*, 56.

<sup>8</sup> Jessica Levine, 'China's New Bachelor Class' *The Atlantic* (Washington D.C., 11 February 2013) <<http://www.theatlantic.com/international/archive/2013/02/chinas-new-bachelor-class/273040/>> accessed 5 October 2015.



In this environment, particularly the economically disadvantaged rural men in China look to women from other countries like Cambodia, Myanmar or Viet Nam.<sup>9,10</sup> Despite transnational broker fees, the costs associated with arranged marriages of brides from abroad generally remain significantly lower than expenses for marrying a Chinese partner.<sup>11</sup> Many of these foreign women now come from Cambodia.<sup>12</sup>

Whilst the actual extent of forced marriage as a subset of broader marriage migration patterns between the two countries remains unknown, cases have been increasingly identified in provinces across China, including Jiangxi and Fujian where interviews for this study were conducted. In 2013, the Cambodian government reported having assisted the repatriation of 21 women from China, a number that increased to 58 in 2014<sup>13</sup> and further to 85 in 2015.<sup>14</sup>

<sup>9</sup> Quanbao Jiang, Ying Li and Jesus Sanchez-Barricarte, 'Trafficking of women from neighboring countries into China for marriage within the context of gender imbalance' (2011) <[https://www.google.co.th/url?sa=t&trct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewiSpsOFqPTLAhUJkY4KHSDiCHUQFggbMAA&url=http%3A%2F%2Fwww.mecconomadit.co.uk%2Fpub%2Fconference\\_epaper\\_download.php5%3FPaperID%3D8111%26&usg=AFQjCNFciwxCSFA2wb1\\_h-o2aFHNUKZEA](https://www.google.co.th/url?sa=t&trct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewiSpsOFqPTLAhUJkY4KHSDiCHUQFggbMAA&url=http%3A%2F%2Fwww.mecconomadit.co.uk%2Fpub%2Fconference_epaper_download.php5%3FPaperID%3D8111%26&usg=AFQjCNFciwxCSFA2wb1_h-o2aFHNUKZEA)> accessed 7 October 2015.

<sup>10</sup> According to the Jiangxi Foreign-Related Adoption and Marriage Registration Center, most migrant brides in Jiangxi came from Viet Nam until a few years ago. However, the Vietnamese government has introduced stricter cross-border marriage approval and management procedures, and conducted campaigns against forced marriage following a series of 'marriage scams' involving Vietnamese women (—, '11 detained in international marriage scam in east China' *China Daily USA* (Nanchang, 27 March 2015) <[http://usa.chinadaily.com.cn/china/2015-03/27/content\\_19933370.htm](http://usa.chinadaily.com.cn/china/2015-03/27/content_19933370.htm)> accessed 10 October 2015; Jamil Anderlini, 'Chinese mystery of vanishing foreign brides' *Financial Times* (Beijing, 12 December 2014) <<http://www.ft.com/cms/s/0/7d7242cc-81e9-11e4-b9d0-00144feabdc0.html#axzz3oKPrxnOP>> accessed 18 October 2015).

<sup>11</sup> Seeking high bride prices from would-be husbands has become common practice. See, for example, —, 'The Price of Marriage in China: Infographic Shows Astounding Data' *eChinacities.com* (Beijing, 11 June 2013) <<http://www.echinacities.com/china-media/The-Price-of-Marriage-in-China-Infographic-Shows-Astounding-Data>> accessed 10 October 2015; or Luo Wen, 'Caili a Huge Burden for Grooms in China' *CRIENGLISH.com* (Beijing, 25 February 2016) <[http://english.cri.cn/12394/2016/02/25/4203s\\_917917.htm](http://english.cri.cn/12394/2016/02/25/4203s_917917.htm)> accessed 26 February 2016.

<sup>12</sup> Mark O'Neill, 'Chinese take Cambodia brides but some don't live happily after' *eJinsight* (Nanchang, 23 July 2014) <<http://www.ejinsight.com/20140723-cambodian-brides/?>> accessed 2 October 2015.

<sup>13</sup> In the same year, three local Cambodian organizations reportedly received requests for assistance for more than 150 women in China (Jina Moore (n 2)).

<sup>14</sup> Alice Cuddy and Neil Loughlin, 'Weddings from hell: the Cambodian brides trafficked to China' *The Guardian* (Phnom Penh, 1 February 2016) <<http://www.theguardian.com/global-development/2016/feb/01/weddings-from-hell-cambodian-brides-trafficked-china>> accessed 1 February 2016.

## Human trafficking and forced marriage in international law

Human trafficking is internationally defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (hereafter referred to as the Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime (UNTOC). Adopted in 2000 and entered into force in 2003, the Palermo Protocol defines human trafficking as:

“The recruitment, transportation, transfer, harbouring or receipt of persons [Act],

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 [Means],

for the purpose of exploitation [with exploitation including] at a minimum the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs [Purpose].”<sup>15</sup>

References to forced marriage are noticeably absent in the definition and indeed elsewhere in international law. Whilst various sources address how marriages are to be entered into highlighting the importance of free consent,<sup>16</sup> there is no delineation of what constitutes forced marriage.<sup>17</sup>

Discussions about forced marriage and its relationship with human trafficking are hence ongoing, with those on the latter focusing largely on the exploitative dimension of a marriage environment. Some argue that, regardless of how a marriage has come about, it only becomes a case of human trafficking if it entails an exploitative element in line with the Palermo Protocol, essentially forms of sexual or labor exploitation.

Others refer to the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery to argue that forced marriage is acknowledged as a ‘practice similar to slavery’,<sup>18</sup> which the Palermo Protocol references as a form of exploitation. Whilst the argument has been made that the drafters of the Supplementary Convention had different manifestations of forced marriage in mind, interpretations should arguably evolve with the phenomenon in question.<sup>19,20</sup>

<sup>15</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (adopted 15 November 2000, entered into force 25 December 2003) art 3(a).

<sup>16</sup> This includes the Universal Declaration of Human Rights stipulating that “marriage shall be entered into only with the free and full consent of the intending spouses” (Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)) art 2); the General Recommendation No. 21 under the Convention on the Elimination of All Forms of Discrimination Against Women stating that “a woman’s right to choose a spouse and enter freely into marriage is central to her life and her dignity and equality as a human being” (Committee on the Elimination of Discrimination against Women (13th Session) ‘General Recommendation No. 21’ (1994)); or Article 1 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages highlighting that “no marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law” (Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (adopted 7 November 1962, entered into force 9 December 1964) art 1).

<sup>17</sup> This is different in a national context where a number of countries have introduced legislation defining and criminalizing forced marriage. In the United Kingdom, e.g. “forced marriage is understood to be ‘a marriage conducted without the valid consent of two parties, where duress is a factor’, [with the Court of Appeal having clarified] that the test for ‘duress’ is whether ‘the mind of the [victim] has in fact been overborne, howsoever that was caused.’ (...) Duress can include physical, psychological, financial, sexual and emotional pressure”

(Nicola Sharp, *Forced Marriage in the UK: A scoping study on the experience of women from Middle Eastern and North East African Communities* (Refuge 2008) <<http://www.refuge.org.uk/files/1001-Forced-Marriage-Middle-East-North-East-Africa.pdf>> accessed 4 October 2015).

<sup>18</sup> In the convention, ‘institutions and practices similar to slavery’ include those whereby “a woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group” (Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (adopted 30 April 1956, entered into force 30 April 1957) art 1(c)).

<sup>19</sup> MacLean argues that “(...) focusing solely on what occurs within the forced marriage misses an earlier point of exploitation: the act of marriage itself. A person, whether a broker, the potential husband or a middleman, has deceived or compelled another to enter a marriage contract against her will because her ability to marry is in itself valuable (...). No matter what takes place within the marriage, whether it is exceptional treatment (albeit while preventing the wife from ending the marriage) or domestic servitude and sexual abuse, exploitation has already occurred through the very act of forced marriage” (Douglas MacLean, ‘Commercial Marriage Trafficking: Uncovering A Growing New Form of Transnational Human Trafficking, And Shaping International Law to Respond’ (2012) *UC Davis Journal of International Law & Policy* 68, 85).

<sup>20</sup> Further, even in conservative interpretations where the exploitative dimension requires separate proof, forced marriage environments are likely to involve at a minimum non-consensual sexual relations, i.e. sexual exploitation.

A marriage brought about, and subsequently maintained, without the free consent of at least one of the two parties can hence be seen as a form of human trafficking. This is in line with the Chinese government's interpretation of forced marriage, which in their victim identification efforts examine exclusively whether deceptive or coercive elements can be identified in how a person has entered into a marriage, and also appears to be the operational understanding in the Cambodian context.

## Human trafficking and the 2030 Agenda for Sustainable Development

The 2030 Agenda for Sustainable Development, often referred to as the Sustainable Development Goals (SDGs), recognizes human trafficking and related forms of exploitation as core development considerations, cutting across 'Targets' of three of the 16 SDGs, i.e. 'SDG 5' on gender equality and the empowerment of all women and girls; 'SDG 8' on sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; and 'SDG 16' on peaceful and inclusive societies for sustainable development, access to justice for all and effective, accountable and inclusive institutions at all levels.<sup>21</sup> These commit States to eliminating human trafficking and related forms of exploitation, with a focus on women and girls (under 'SDG 5'), workers (under 'SDG 8') and children (under 'SDG 16').

Given the context of this study and the apparent nexus between human trafficking, exploitative labor and migration, 'Target 7' under 'SDG 10'<sup>22</sup> on "orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies" and 'Target 8' under the above-mentioned 'SDG 8' on the protection and promotion of "labour rights and (...) safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment" are equally relevant to this project.

## National frameworks on human trafficking and forced marriage

In China, human trafficking is defined in the country's criminal law (Article 210). It is limited to women and children, and covers various purposes including forced marriage, illegal adoption, and sexual exploitation. Men are excluded from being victims in the definition, but are covered by the forced labor provisions of the criminal law (Article 244).

Upon establishment of a human trafficking case, those affected are automatically regarded as victims of human

trafficking. The definitions of the above human trafficking offences, and hence of who is a victim of these, focus exclusively on the acts and means component in the Palermo Protocol. In the case of forced marriage, this implies that if a marriage has come about through elements of coercion,<sup>23</sup> a criminal activity has been committed under the country's human trafficking definition, with the woman hence being a victim of human trafficking.

In Cambodia, human trafficking is defined in the country's 2008 Law on Suppression of Human Trafficking and Sexual Exploitation. The exploitative dimensions of the various acts stipulated include the purposes of "profit making, sexual aggression, production of pornography, marriage against will of the victim, adoption or any form of exploitation", with 'any form of exploitation' comprising "the exploitation of the prostitution of others, pornography, commercial sex act, forced labor or services, slavery or practices similar to slavery, debt bondage, involuntary servitude, child labor or the removal of organs."

The means component is specified to include "the actor's or a third person's control by means of force, threat, deception, abuse of power, or enticement." This may be seen as further explaining the notion 'against will of the victim' under the marriage reference, i.e. a marriage that has come about by force, deception, threat, etc. is seen as a situation of human trafficking.

There are currently no formal mechanisms in place between the two governments to deal with bilateral human trafficking patterns. However, a bilateral MoU that is presently being negotiated is set to intensify their joint efforts. This research aims to inform that process.

<sup>21</sup> Transforming Our World: The 2030 Agenda for Sustainable (adopted 25 September 2015, came into effect 1 January 2016).

<sup>22</sup> 'SDG 10' requires that the world "reduce inequality within and among countries" (ibid).

<sup>23</sup> As the analysis will show, it was typically deceptive recruitment in Cambodia coupled with coercive practices in China to bring about a woman's 'consent' to get married that resulted in conditions of forced marriage in the context of this research.

## National policy frameworks on marriage with foreigners

In Cambodia, marriage between Cambodian and foreign nationals is detailed in the 2008 Sub-decree on Inter-marriage. Article 2 states that a marriage between a Cambodian citizen and a foreign national shall be on a voluntary and self-willing basis. Articles 3 and 4 prohibit marriages arranged by recruiting agencies, brokers, and exploitative companies as well as fake marriages for the purpose of forced labor, trafficking in persons, or sexual exploitation.

Further, foreign nationals seeking to marry a Cambodian citizen must be physically present in Cambodia to complete the legal procedures, which include a marriage request application to be submitted to the Ministry of Foreign Affairs and International Cooperation (MOFAIC) and the Ministry of Interior (MOI). The Cambodian citizen has to submit a similar request to the registration office at the commune of permanent residence. The marriage is only legal if both applicants provide thumbprints on a letter of marriage registration in the commune, along with two adult citizens as witnesses.

Partly in response to cases and reports of forced marriage, the Cambodian authorities have introduced measures to curtail marriage migration to China. For example, the Cambodian embassy and consulates in China were instructed by MOFAIC in 2014 to stop issuing single status certificates to Cambodian women,<sup>24</sup> although the extent of its application by consulates remains unclear. Further, Cambodian authorities have requested their Chinese counterparts to only issue tourist visas to single-traveling Cambodian women, if a deposit of \$10,000 is made into a Chinese bank account.<sup>25</sup>

In China, marriages between Chinese and foreign citizens are regulated by the 2003 Provisions for the Registration of Marriages. These stipulate that, in the case of a Chinese citizen intending to marry a foreign national in mainland China, both man and woman shall register the marriage with a competent marriage registration authority. The foreign national is required to present a valid passport and a single status certificate proving their marriageability.

The provisions also state that the marriage registration authority can reject the marriage application if either party is under the legal age for marriage, one or both of them are already married and, importantly, if the marriage is not voluntary for any of the two parties. The provisions further instruct that if the marriage is one under intimidation, the aggrieved party can appeal to the marriage registration authority or a competent court to annul the marriage.

Further, international marriage broker agencies have been prohibited in China since 1994. The relevant notice also states that domestic dating agencies and other enterprises or institutions are prohibited from providing international marriage broker services, and equally outlaws that individuals engage in such operations for profit-making purposes.

## Objectives of the study

The objectives of the research are three-fold:

1. To analyze recruitment, brokering,<sup>26</sup> transportation and exploitation patterns as well as the links between these;
2. To determine service needs amongst Cambodians trafficked to China for forced marriage, in China, during the repatriation process and upon return to Cambodia;
3. To identify opportunities for interventions to prevent forced marriages from occurring and to extend protective services to those in need, at both policy and programming levels.

<sup>24</sup> Khan Sophirom, 'Cambodia Asks Chinese Embassies and Consulates-General Abroad to Stop Providing Visas to Cambodian Single Women' *Agence Kampuchea Presse* (Phnom Penh, 2 August 2014) <<http://www.akp.gov.kh/?p=49305>> accessed 4 October 2015.

<sup>25</sup> Jina Moore (n 2). Whilst the number of registrations of Cambodian brides as reported in some provinces in China has since dropped significantly, the policy raises serious rights-related concerns and may have made women's travel to China for marriage and other purposes more clandestine, less regulated and hence possibly more abusive.

<sup>26</sup> In the context of this research, broker(s), or alternately referred to as agent(s), are the individuals, working alone or in groups, who facilitate the marriage migration process between Cambodia and China in return for the payment of service fees.

## Sample frame

A purposive sample was developed for the study including a total of 42 Cambodian women who, at the time of the interviews, were either in China or had previously lived in China married to a Chinese husband. No respondents below the age of 18 years were included in the study.

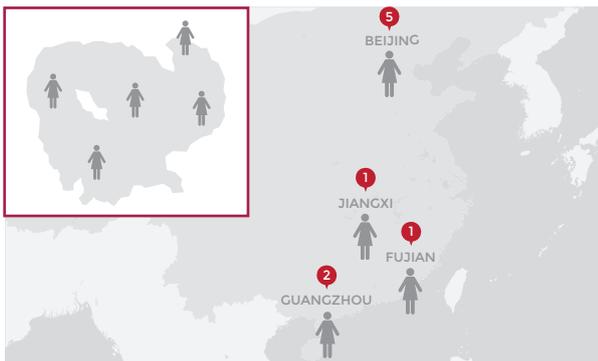
Data collection occurred between September 2014 and March 2015 in both countries. In Cambodia, interviews were conducted in Phnom Penh, Kampong Cham, Tbong Khmum and Kandal, and for China in Beijing, Guangzhou, Fujian and Jiangxi.

A total of 33 women were interviewed in Cambodia, all of whom had escaped conditions of forced marriage in China<sup>27</sup> and had been or were being assisted by local organizations. The latter included:

- Chab Dai (Joined Hands)
- Legal Support for Children and Women (LSCW)
- International Organization for Migration (IOM)
- Cambodian League for the Promotion and Defense of Human Rights (LICADHO)
- Cambodian Women's Crisis Center (CWCC)
- Agape International Mission (AIM)
- Community Legal Education Center (CLEC)

Additional key informant interviews were conducted with respondents from:

- Anti-Human Trafficking and Juvenile Protection Department, General Commissariat of National Police
- Anti-Human Trafficking and Juvenile Protection Office, Provincial Police Commissariat of Kampong Cham
- Ministry of Foreign Affairs and International Cooperation (MOFAIC)
- National Committee for Counter Trafficking (NCCT)
- General Department of Immigration Police
- Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSVY)
- Non-governmental organizations (NGOs), namely Chab Dai, LSCW and Winrock International
- International Organization for Migration



In China, the research team interviewed a total of nine<sup>28</sup> Cambodian women:

- One referred through local police in Fujian province
- One through private citizens in Jiangxi province
- One in Jiangxi province through community visits by the research team
- Two in Beijing who were rescued by civil society and international organizations
- One in Guangzhou who was rescued by a private citizen
- Two in Beijing who were referred to the research team by another respondent to the study
- One in Beijing who came to the Cambodian embassy for help and was referred to a government-run shelter to wait for identification and repatriation.

Of the nine Cambodian women interviewed in-depth in China, four were officially identified as victims of forced marriage, with another five having displayed relevant indicators<sup>29</sup> as part of the research, but either without disclosing these to law enforcement agencies or with victim identification procedures yet to be conducted.

It is worth noting that one respondent who experienced forced marriage in China gradually grew content in her relationship. She went back to Cambodia because she wanted to help another Cambodian woman who was unhappy in her marriage in China to return home.<sup>30</sup>

Key informant interviews were also conducted in China involving the following respondents:

- A marriage broker in Jiangxi province
- Cambodian diplomats in China
- Citizens providing support to Cambodian women in conditions of forced marriage and upon escape
- NGO staff assisting the Cambodian women interviewed
- Provincial marriage registration officers
- Local criminal police
- Local immigration officers

<sup>27</sup> Not all the respondents were officially identified as victims of forced marriage through competent law enforcement agencies, however they were all supported as such by local organizations.

<sup>28</sup> Another 26 Cambodian women in China were screened for indicators of forced marriage. Upon ruling out situations of human trafficking, no in-depth interviews were conducted and the data did not inform the analysis.

<sup>29</sup> I.e. having entered into marriage as a result of deception and/or coercion.

<sup>30</sup> Further, an NGO in China supporting Cambodian forced marriage victims reported on clients initially claiming to have been coerced into marriage, and wanting to escape and return to Cambodia, but who later retracted their statements revealing that they were missing their natal families and wanted to go back during festival seasons without having sufficient money for their travels.

## Research tools and data collection



The research project was led by an international consultant, with technical support provided by UN-ACT. Additional local consultants, one in each country, were recruited in Cambodia and China for data collection purposes. The lead consultant traveled to Cambodia for interviewing supported by the local consultant, whereas in China the local consultant was assisted by the UN-ACT National Project Coordinator for data collection, with help from interpreters when needed.

Data collectors were all female with experience in conducting in-depth interviews on sensitive topics including exploitation and human trafficking, except for the local consultant in Cambodia who was male. The original international lead consultant had to be replaced as data analysis commenced.

The instrument for Cambodian women in or returned from China included sections on their socio-economic background, such as education and employment; family information, especially dependents; factors that influenced their decision to travel to China, including details about brokers and their deceptive or coercive practices; pre-departure preparations, such as organizing a passport, visa and air ticket; the journey to China and transport to the final destination; the process of getting married including elements of coercion; marriage and employment life; the decision and attempts to escape from the marital home; the process of repatriation; and life after return.

Additional interview guides were developed for the different stakeholder groups interviewed as key informants, sometimes through focus groups. The themes primarily covered their respective areas of expertise in relation to marriage migration, human trafficking and forced marriage.

## Ethical and safety considerations



All research conducted or overseen by UN-ACT involves an ethics review process based on the standards and principles set out in the Guide to Ethics and Human Rights in Counter-Trafficking<sup>31</sup> published by UN-ACT's predecessor project, UNIAP. Those involved in data collection in Cambodia and China respectively developed a joint approach to safeguarding ethical and security standards including an informed consent process, which were subsequently discussed and further refined with UN-ACT staff.

Data collection involved a two-stage informed consent process, whereby possible respondents were first informed about the study and had their questions addressed before interviews were scheduled, sometimes with the assistance of others including NGOs. In addition, each interview began with a conversation about its objective, approximate duration, questions of confidentiality and the rights of the respondent during data collection. Interviews only proceeded if all questions were addressed and the respondent expressed their verbal consent. Two candidates declined to be interviewed.

Interviews with Cambodian women in their home country were typically conducted in the premises of NGOs providing support, in private rooms and without involvement of parties external to the research project. If these levels of privacy could not be ensured, other facilities around such as local hotels were utilized instead. In China, most Cambodian women were interviewed in their own homes or that of other Cambodian women, others in environments of institutional care. Interviews usually lasted between 60 and 90 minutes.

Notes were transcribed into English, in computer-readable form, for analysis purposes. All identifying details were deleted from the data, so as to guarantee the respondents' privacy.

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<sup>31</sup> United Nations Inter-Agency Project on Human Trafficking [UNIAP], *Guide to Ethics and Human Rights in Counter-Trafficking* (UNIAP 2008).

## Data analysis



The data analysis was done in a two-stage process by three researchers. For the Cambodia-based data, the interviews were initially transcribed from Khmer into English for the international lead consultant who then used thematic keys reflecting the topics covered in the interviews for data coding. A similar process was followed for the China-based data by the local consultant there who drafted a report on her analysis and findings.

When the lead consultant dropped out of the project, the coded data of the Cambodia-based analysis and the report of the China-based findings were provided to a new international consultant recruited to finalize the project. The coded Cambodia data and the China report were jointly analyzed for similarities, patterns and differences within each broad thematic area. Based on the joint analysis, the consultant drafted an integrated report consolidating the overall findings of the study.

The findings of the study were validated through a peer review process involving government and non-government stakeholders in both countries and in line with UN-ACT's information sharing and publication protocol. Preliminary findings were also presented to relevant audiences in Cambodia and China for validation purposes.

## Study limitations



This is an exploratory, qualitative study providing insights into an under-researched phenomenon of an unknown scale. The findings require testing through additional research; they cannot be generalized because of the non-probabilistic sample, the small sample size and the limited geographical coverage in Cambodia and China underpinning the analysis.

Further, the study focused primarily on the accounts of Cambodian women who were formerly or still married to Chinese men, thereby leaving out the perspectives of parents, husbands, in-laws, brokers and others with relevant perspectives to share on the subject matter.

Despite best efforts, it proved challenging to recruit adequate, Khmer-speaking interpreters in China. Nuances in the women's narratives may not have been captured in all their details as a result. Secondly, some interviews did not provide sufficient levels of depth; the data is 'thin' in parts and does not always support detailed analyses. This also applies to key informant interviews, where the expert knowledge of the selected respondents was not always reflected in the data and transcripts.

Additionally, the surprise dropout of the initial lead consultant for the study and her failure to provide a significant part of the primary data to the research team proved a real obstacle for both the scope of the analysis as well as the timely implementation of the project.

## FINDINGS: SAMPLE CHARACTERISTICS



The respondents' ages spanned from 18 to 37 years,<sup>32</sup> with most having attended some level of formal education ranging from three to 10 years, although some were illiterate. All women had dependents - typically parents and children - whom they supported economically.

They were generally from impoverished family backgrounds. Those in rural areas typically engaged in agricultural activities. Some had moved to Phnom Penh and were working in low-skill jobs at manufacturing units, in service, or in the informal economy as street vendors, etc. Others were in search of work.

For many, the journey to China was the first time they traveled outside Cambodia.

Below are some of the profiles of respondents indicating the range of characteristics in terms of age, family conditions and number of dependents, work experience and income:<sup>33</sup>



23-YEAR

A 23-year old, never-married woman who had completed grade six. She quit schooling in order to contribute to the family income and to help repay debt that the family had assumed over time. Before leaving for China to make more money, she was working in Phnom Penh, earning \$60 per month;



32-YEAR

A 32-year old widow with three children who also supported her sister's two children. She had worked in Thailand for some time, leaving her children in the care of her parents. A factory job had earned her a low wage, which was why she decided to move to China for what she assumed would be a better paying job;



29-YEAR

A woman aged 29 years, supporting a young child, an infant and her parents. Although she had completed grade two, she was illiterate. Before going to China, she worked as a daily wage laborer on a plantation. A friend who worked in China told her that she could have a good marriage there and work later to help her family at home;



19-YEAR

A 19-year old woman with six years of schooling. She dropped out of school and went with her older sister to earn a living in Phnom Penh. Her first job, at the age of 17, was in a garment factory. The combined earnings of the two sisters merely allowed them to meet their most basic needs. She took up an opportunity to work in a garment factory in China for what she thought would be a much higher salary, but ended up in conditions of forced marriage;



34-YEAR

A 34-year old woman who lived with her husband and two children in Phnom Penh where she worked in a garment factory. When she got into debt with local creditors for medical expenses for her mother, she decided to go to China for what she assumed would be a better-paying job.

<sup>32</sup> The minimum age for women to get married in China is 20 years. Further, whilst the research only involved respondents aged 18 years or above, key informants to this study indicated to also have assisted some Cambodian girls below the age of 18 years upon escaping conditions of forced marriage in China. Reportedly, brokers often use family books and other documents of different persons and tell minors to lie about their age when processing passports for those underage.

<sup>33</sup> It is worth noting that researchers interviewed a number of Cambodian women in China who had moved there for the purpose of marriage alone and continued to live with their husbands without apparent problems. However, the analysis of this report is limited to the accounts of respondents who experienced forced marriage, hence such positive notions are not featured further in the study.

# FINDINGS: THE RECRUITMENT STAGE



## The first-contact brokers

The first-contact brokers were typically known to the woman or her family. In rural areas, they were either a neighbor, someone running a grocery store, or simply a fellow village resident. Many respondents and their families tended to trust the agents because of familiarity with each other and the person's experience in sending women to China, allegedly without any reported problems. Brokers at times claimed to have a sister or daughter in China who regularly sent money back. In urban areas, some women knew the first-contact agents as co-workers or people whom they met through work.<sup>34</sup> Brokers' appearance as 'well-dressed' or wealthy served to suggest legitimacy.

Interestingly, there were respondents who had heard of or knew women who had returned home after facing hardships in marriages and at work in China. One indicated that she had gone to China despite being aware that in her neighborhood some women had returned due to problems like being married to men with physical or mental challenges. Others knew of cases where women had claimed to be financially secure and happy in China whilst experiencing a different reality, so that parents would not worry about them.

All respondents were from low socio-economic backgrounds experiencing pressures to support dependents. Agents typically argued that the women would be able to make more money in China than in Cambodia, either by working or through marriage with wealthy Chinese men, or both. They sometimes provided illustrations of Cambodian women married in China who had returned with gold ornaments or other symbols of prosperity, and some showed videos of different possible grooms. Before moving to China, the respondents typically worked in garment factories, restaurants or as street food vendors, with monthly salaries ranging from \$60 to \$300. Brokers argued that job opportunities in China would pay \$500 to \$800 per month, often in similar sectors such as garment.<sup>35</sup>

At times, money was offered as further incentives for recruitment purposes. Respondents described this alternatively as 'dowry',<sup>36</sup> money for travel preparations or as salary advance, and it amounted to between \$100 and \$1,000,<sup>37</sup> however with conditions applying as the following example illustrates:

"The man didn't oblige me to pay anything for the passport and flight ticket; on the contrary I was lent \$1,000 as support for my family. However, I had to pay it back through deductions from my salary at work in China. If I changed my mind, I would be obliged to compensate \$2,500."

Some brokers also gave money to the women's families, which later at times became an element of pressure for her to 'agree' to marriage in China. According to one respondent, for example, the agent said that she could choose to work or to find a husband in China, but when she arrived at her destination she was told that she had to marry a Chinese man. She then called her mother in Cambodia for advice who, because she had accepted a sum of money from the broker, told her daughter to agree to the marriage.

Such family pressures, and sometimes even decisions on behalf of respondents, played important roles for marriage migration in other cases as well including the following example:

"A broker lured my mother in Kampong Cham into persuading me to marry a Chinese man. My mother said, 'our neighbors went there and have sent large amounts of money back home, and working in Phnom Penh you can only earn \$100 to support the family. It is not enough.' With my mother's advice and agreement, I decided to go to China to marry a Chinese man."

<sup>34</sup> For instance, a garment factory worker said that her co-worker asked her if she was interested to work in China. Another woman said that she was approached by a well-dressed woman in her 50s who was a regular client at a beauty salon where the woman worked.

<sup>35</sup> A typical case was that of a first-contact broker who told a woman that she could earn \$500-600 per month as a garment factory worker in China. At the time, the woman earned \$65 in Cambodia doing the same work.

<sup>36</sup> 'Dowry' is the term used in the interview notes, however the more accurate notion is likely to be that of 'bride price,' namely a sum of money paid by the groom, his kin, or in this case an agent on behalf of the groom, to the family of the wife-to-be.

<sup>37</sup> In one case, a woman who was working in a garment factory in Cambodia was told by the broker that she could earn up to \$1,000 per month in China because through her work in Cambodia she had acquired skills as a dressmaker. When the woman initially refused saying that she had no money for the travel expenses, he said that he would advance her \$500 to prepare for the travel.

Other respondents, however, appeared prepared to travel to China and had the support of their families, and in yet other accounts families strongly opposed the move but the respondents went regardless.

Marriage was often deceptively introduced as a prerequisite for a job in China or as a means to obtain higher-paying work than otherwise available. Aside from this being wrong information,<sup>38</sup> respondents were also typically told that they could choose their husband and had the right to refuse a marriage, which equally proved to be inaccurate for many as illustrated later. Some were informed that, after reaching China, they would have one month to decide about a husband, and that if the decision was not to stay but to return home, they would have to cover the brokers' costs allegedly ranging from \$2,000 - \$8,000.

Some agents proved to be very persistent and repeatedly visited or called the respondents and their families, sometimes despite their initial refusals to consider the offer. An account of a broker's perseverance is provided below; the woman ultimately moved to China:

"When I was working in Phnom Penh, a woman from my village called and said that my mother had no money and I should help her by going to China and marrying a Chinese man. She herself had married her two daughters off to Chinese men and they sent her \$700 soon after they got to China, and \$5,000 the next month. When I refused to go, she continuously called me once every two or three days in order to persuade me. She then enticed my mother to convince me to marry a Chinese man."



## Second and third brokers

Once an agreement had been reached, the first-contact broker typically put the respondents in contact with a second, and at times a third, agent to help organize the required documents for departure including passports and visas. Women from rural communities typically made one trip to Phnom Penh accompanied by a broker for this purpose, after which the agents organized the rest with the various departments and offices.

Below is the account of a woman in this context. She worked in Phnom Penh where a co-worker approached and convinced her to travel to China:

"The woman introduced me to a man who would process my passport and travel documents. The man required me to give him a copy of my Cambodian ID, a birth certificate and family book. I went to meet with a person at the passport office who facilitated getting my thumbprint and picture taken, and I saw that four other girls were processing passports with the same man. It took us about two weeks to be ready to leave. I was given the travel documents just outside of the airport and was told to say that I would be visiting relatives."

Overall, it took between a few days to two months to obtain a passport, although for most respondents it was two to four weeks. In almost all cases, the passports were collected and retained by an agent. Once the travel documents were secured, brokers bought the flight tickets for the women traveling to China.

<sup>38</sup> A registered marriage in China only grants access to employment opportunities after a minimum of five years. Other legal employment opportunities for foreigners are independent from marriage status and difficult to come by, especially in low-skill sectors.

## FINDINGS: THE MIGRATION STAGE



With all documents arranged, brokers escorted the women to Phnom Penh airport and assisted them to complete the departure procedures. Respondents usually traveled in groups of three to six; only in very few cases did an agent accompany them on the flight. They received their passports and tickets at the airport and were instructed to say that they were going to China to visit family or for sightseeing, if asked. Most respondents were on direct flights to either Shanghai or Guangzhou.

In a few cases, women traveled over land through Viet Nam to China.<sup>39</sup> One respondent was taken by an agent from Cambodia to Ho Chi Minh City where she waited for several days while the broker was arranging her visa to China. She was then accompanied to Beijing and handed over to a local agent who took her to another location in China, whose name she did not know. Several respondents in fact stated that they did not know the name of their port of entry to China nor that of their final destination.

Upon arrival at airports in China, the women were received by broker(s) waiting at the exit with their names on placards. They were taken to distant rural locations by car, bus or trains and typically accommodated in or around brokers' homes whilst being introduced to men looking for wives. In some cases, the agents in China had Cambodian wives. It was during this period that many respondents were informed that they either had to get married or repay the broker for the expenses incurred.

Below is the account of a woman describing her journey to the final destination in China:

"At the airport in Cambodia, I met other four young women who were traveling with me. Each of us received a passport and a flight ticket. After checking in, we were led by a man whom I didn't know to the passport control and boarding. We landed in Beijing and were taken by a man to some town. We were put up at a guesthouse for a couple of nights and then separated into two small groups traveling in different directions. After a few hours, the car stopped and three people were waiting on the roadside. I was asked to leave the van and move along with those strangers in their car. I asked in Khmer where I would go and what I would be doing, but received no answer for the driver was Chinese."

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<sup>39</sup> This may initially have been in response to changes in the visa regime between Cambodia and China that made obtaining tourist visas for single-traveling women significantly more complicated, although Cambodian authorities have since requested Chinese authorities to introduce similar restrictions for Cambodian women at embassies elsewhere, including in Lao PDR, Thailand and Viet Nam (see Khan Sophirom (n 23)). It is worth monitoring how travel patterns to China amongst Cambodian women have been influenced by these policies.

# FINDINGS: THE MARRIAGE PROCESS



## Matchmaking of spouses

Upon arrival at or around the brokers' places, respondents were introduced to local men. Some were allowed a few days of rest, for others the process started immediately, as these accounts and interview notes illustrate:

"Upon arrival when they walked to the broker's house, a family stopped them with a request for a bride. They asked if the broker could take the girls to a restaurant so they could pick up one of them as a bride."

"One day after arriving, brokers asked us to put on fancy dresses and makeup. We waited in line in a room. Many Chinese men came and looked at us and chose the ones they wanted to marry."

"We were put up in a house. Two days later, men came to look at us and took away some of the women. I asked my peer what was going on. She informed me that men came to pick up their wives. I was surprised since I had come here to find work. The friend told me that unless we had a husband, we would not find work."

"We were put up at a house for about a week. I kept asking for the job that I would be doing, but the wife only said that her husband [the broker] was looking for a job placement. Later she told me that it would be more convenient to get a job if I got a Chinese husband. I felt disappointed but had no choice."

"The respondent was locked in a room for a few days and told that either she would marry a Chinese man or else have to pay back the cost of bringing her to China."

Brokers would typically inform local men about the women's arrival in advance, such as through advertisements on the internet or word of mouth. During the 30 days granted by the tourist visas, they sought to find a husband for each of the women brought to China, register the marriages and get certificates issued, and apply for a spousal visa for longer-term stay opportunities.<sup>40</sup> The tight timeframe contributed to pressures and coercive practices towards women to have them 'consent' to marriages.

The brokerage fee for a Cambodian bride was negotiated and influenced by various factors including her appearance

and travel costs; it ranged from around \$10,000 to \$20,000.<sup>41</sup> The agent typically received the largest part of his commission when a man selected a woman and she agreed to the marriage, with the remaining amount paid once that was registered and the spouse visa obtained.

Nearly all brokers took away both the women's passports and money during the matchmaking process. The respondents' movement was usually restricted to the transit house environment, although some women said they were put to work on plantations or were allowed supervised visits to local markets or houses of potential husbands. They had limited to no contact with their families in Cambodia. Women were told that it was expensive to make such phone calls, and if families called the agents to speak to their daughters, they were usually discouraged from doing so after a few calls.

If the respondents initially refused to marry a local man, brokers utilized different types of pressures and forms of coercion to bring about 'consent'. A typical approach was to suggest that their passport would be revoked; that they would be arrested by the police due to overstay; or that return to Cambodia was only possible after they had covered the agents' expenses for bringing them to China. The amounts demanded for the latter ranged from \$2,000 to \$8,000. As most women were unable to afford such sums and were reluctant to ask their cash-strapped families to raise the money, they eventually agreed to marriages.

<sup>40</sup> Spousal visas are typically issued for an initial 3-month period and may then be extended by 6 to 12 months.

<sup>41</sup> Key informants noted that husbands at times marry their wives off to other men for money upon the birth of a child. This is reportedly to help recover some of the original broker expenditures and may be self-organized or facilitated by agents again.

Some women reported being raped or threatened with rape, partly in efforts to pressure them into marriages. Below is the write-up of one respondent's account in this context:

"One night the broker took one of the girls away. She returned the next morning and told the girls that he had attempted to rape her. Two girls succumbed to the pressure and agreed to marry local men. This woman held out for 10 days. Some men who came to see her had physical deformities, so she said no. One day the agent said he was unhappy with her behavior. She refused to open the door to him. The broker then passed her on to another local agent. She stayed in that broker's house for five nights, after which he took her to a cheap guest house where she was not given enough to eat. The temperature dropped and though she didn't have sufficient warm clothes, the agent did not help her. More men came to see her. She refused to marry any of them, including a man who looked okay and said he earned \$1,400. She felt scared the broker might try to rape her so she didn't open the door to take the food he had brought her. One night he tried to hold her but she screamed and he backed off. She felt under a lot of pressure. The broker showed her many men, most of whom had 'syndromes'. She then decided that she would agree to marry the next man who looked normal. The agent got fed up and called the broker in Phnom Penh. She told the Phnom Penh broker that she would pay \$2,000 through her mother but not stay in China. While they were talking, the phone got disconnected and she could not reach the broker anymore. She then agreed to marry the man who said he earned \$1,400."

Potential husbands were often in their 20s and 30s, some were widowers with children. They typically worked on their family farms or in low-skill sectors including as electricians, TV repairmen or construction workers. Not all had full-time work. As indicated in the above account, a number of women suggested that they were also introduced to men who were physically or mentally challenged.



## Marriage registration

The Chinese Provisions for the Registration of Marriages requires that both partners consent to their marriage before a competent registration authority. In cases involving foreigners, this is done through provincial-level Foreign-Related Adoption and Marriage Registration Centers under the Department of Civil Affairs. An officer asks the two parties to confirm that they are applying for the marriage registration at their own will. However, many Foreign-Related Adoption and Marriage Registration Centers do not employ Cambodian-speaking staff, and even where they do exist other factors appear to prevent consent from being adequately verified. For example, an official at the Jiangxi Foreign-Related Adoption and Marriage Registration Center told the researchers, "the mandate of the center is to handle marriage registration for the two parties who provide the required documents; we do not ask personal questions, such as how the applicants got to know each other."<sup>42</sup>

Given the rising numbers of Cambodian brides in the province, the Jiangxi Foreign-Related Adoption and Marriage Registration Center has in fact employed Cambodian language interpreters, partly to help prevent forced marriages from occurring. According to the Civil Affairs Department of Jiangxi province, "a number of new measures have been introduced this year to prevent forced marriages and bridal scams. One of the measures is to check the marriage will of the two parties through interpreters at the marriage registration office."

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<sup>42</sup> Another official from the same center indicated that sometimes they do ask questions about how the two parties got to know each other, but that the responses in such cases typically suggest that they were introduced by relatives or friends. They also noted that, in the past few years, two Cambodian women have in fact indicated that they were under threats when being brought to the center for marriage registration, with protection and other support services having been provided in response.

However, respondents to this study indicated that the presence of a language interpreter failed to authenticate free will, as the following accounts exemplify:

“The interpreter was a Cambodian woman who had married a local man. She told me that it was not good to marry a local Chinese man. She knew I was against the arranged marriage. Before I went to the marriage registration office, the broker threatened me by saying that if I didn’t say ‘yes’ I would have to refund all the money spent on my trip to and stay in China. There were 15 people in the registration office that day. The interpreter spoke Chinese, Khmer and Vietnamese. She did not report my case to the Civil Affairs office and just followed the normal procedures of stamping and signing my marriage certificate.”

In some cases, the interpreter was hired by the agent, as this example indicates:

“The marriage registration office was crowded. An interpreter was there, asking whether or not I was willing to get married. But she was hired by the broker. The broker kept threatening me with a refund of money if I refused to put my fingerprint on the paper.”

In others, the translator had family relations to the agent:

“They took me to a far away place to get the official marriage certificate. A Civil Affairs official asked me if I wanted to marry that man. At the beginning I was not willing. The broker’s sister-in-law served as the translator. She said that if I didn’t agree, I would not be able to go back home [The woman ‘consented’ to the marriage].”

Further, Chinese law stipulates that, in order for a marriage between a Chinese national and a foreigner to be registered, the foreign party has to produce a single status as well as a premarital health examination certificate, in addition to a valid passport and visa. However, there have been concerns in recent times about the authenticity of the documents presented, according to the Jiangxi Foreign-Related Adoption and Marriage Registration Center:

“Since the second half of 2014, doubtful materials related to international marriages have been sent for investigation. Also, all single status certificates of foreign brides are passed on to the issuing embassy or consulate to verify their authenticity with the aim to crack down on document forgery.”<sup>43</sup>

Single status certificates were reportedly issued by Cambodian consulates or the embassy in China for excessive fees and without the required verification.<sup>44</sup> Given that such costs, together with all other expenses incurred by brokers, were transferred to the Cambodian women if they attempted to refuse to get married, the high fees further added to the coercive power of the looming debt. The issuance practices also resulted in females who were already married to get remarried in China, which if identified may be investigated as a possible indicator of forced marriage.

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<sup>43</sup> Such intensified authenticity checks have reportedly been introduced as a result of consultations between Chinese officials and Cambodian diplomats, in an effort to jointly respond to document forgery and forced marriages.

<sup>44</sup> Anecdotal evidence suggests that single status certificates have been issued by the Cambodian consulates and embassy without the presence of the women concerned. Further, the document does not currently state the purpose of its issuance, unlike in other countries including e.g. Viet Nam.

# FINDINGS: ESCAPE AND RETURN



## Planning the escape and return

When planning their escapes, respondents needed to consider various factors including identification documents (IDs), money and timing. Husbands typically kept their passports after marriage, in part to control their movement. Some women, however, managed to retain copies. Valid papers were needed to buy train tickets and to be able to stay in hotels. Respondents at times were helped by Chinese volunteers who used their identity cards to book a hotel room or to buy a train ticket. Once they reached a Cambodian consulate or the embassy, new travel documents would be issued after the required identity and background check.

Respondents also needed a valid visa to exit from China. According to the Exit and Entry Administration Law, people in 'overstay' status are detained or fined. A woman who overstayed her visa said she had to pay a 5,000 Yuan, or \$780, fine to get an exit permit. While she took shelter at the Cambodian consulate in Guangzhou, her parents sold livestock to raise the money. For victims of forced marriage with a valid visa but whose passports were withheld by their husbands, the Cambodian embassy would coordinate with the Chinese Ministry of Public Security to determine their status and facilitate the return. In some cases, the respondents' accommodation and return tickets were arranged by international organizations. One government-run shelter in Beijing has also started providing shelter for Cambodian women awaiting repatriation since March 2015.

Further, financial resources were needed for transportation, food and accommodation. Some respondents said they had saved up some money given to them by their husbands and in-laws for grocery shopping. One woman indicated that she had taken 8,000 Yuan, or \$1,250, from the house when escaping.<sup>45</sup> Interviewees who were assisted by a Cambodian consulate, embassy or an NGO suggested that these had provided basic food and accommodation support. Respondents also needed money to purchase air tickets to return home, for which they usually contacted their families and waited till the money was sent to a Cambodian consular official in China.<sup>46</sup>

Timing was another crucial factor for successful escapes. The first few months were reportedly an unstable phase for bride and groom due to reasons such as culture shock or communication barriers and a mismatch between

expectations and reality about life in China. Husbands were often concerned in these situations about possible divorce or escape attempts of their wives. The loss of a bride and along with that the significant resources invested were a worst-case scenario for husbands from rural backgrounds.<sup>47</sup> As a result, they tended to closely watch and control their wives, such as by having them accompanied when they left the house, confiscating their passports, and withholding all money. After several months of marriage, or when the woman became pregnant, the surveillance and control often loosened somewhat, providing more opportunities and scope for escape.

Below are some of the narratives from respondents in this context:

"The situation was deteriorating. I was frustrated and decided to leave. I contacted the consulate for support, however they couldn't help me unless I presented myself at the office. I planned my escape. I pretended to be nicer to the family and built trust once again [she had attempted an earlier escape]. When they paid less attention to me, I sneaked out through the backyard, found the way to the bus station and headed to the consulate."

Another woman said it took her eight months before she could escape, because language was a problem at the beginning. She got information about the Guangzhou consulate, which she called to ask for advice on how to leave. They said they could not help unless she went to the Beijing embassy. On Chinese New Year, she was given some money by her in-law family. She managed to save 1,000 Yuan, or \$156, and kept it hidden. When she ran away, she embarked on a long journey alone taking two nights before she reached the embassy.

<sup>45</sup> It is worth noting that the police did not file a case against the woman on the grounds that she had joint ownership of assets when the husband reported her.

<sup>46</sup> Some respondents had their tickets paid for by civil society or international organizations.

<sup>47</sup> Anecdotal evidence suggests that Cambodian wives trying to divorce are often threatened by their Chinese husbands or the marriage agents with having to repay the brokerage fees. The agents get involved if they are confronted by the husbands about the situation. It is worth noting that, in some of the online advertisements for marriage services, brokers offer insurance policies promising a free replacement if the wife runs away within a certain period of time upon marriage.

Some women said they had made several attempts before they succeeded to escape. Villagers in their communities often provided little support, partly because of ties with the husband and his family. When residents suspected that a woman was trying to escape, they would sometimes inform her husband or mobilize family members to come to the bus or train station, where the woman was stopped from leaving.

As indicated in the above account, reaching a consulate or the embassy was often a monumental task. Respondents regularly walked to the town closest to their village to take a bus to the county seat, from where they would get another bus to the provincial capital, and then a train or bus to Shanghai or Guangzhou where Cambodian consulates are located, or to Beijing to reach the embassy.



## Social networks and mobile phones

Weekly village markets or fairs as commonly found in China's rural areas were an important place for Cambodian women to meet, comfort each other, share information and seek support. Anecdotal evidence suggests that informal networks of this kind are often existent in communities with many Cambodian brides. Even women from different villages and provinces appear to communicate with one another via mobile phones, with such communication being an important tool in escape attempts, as the following interview notes exemplify.

"AL was a Cambodian woman who wanted to escape from a situation of forced marriage with a Chinese man. Her Cambodian friend XM, also married to a Chinese man, supported her escape plan and introduced her to XW, another Cambodian bride who being six months pregnant wanted to escape from conditions of forced marriage as well. With XM's help, they established contact with each other for mutual support and planned to escape together. AL got SJ's cell phone number through an informal network amongst Cambodian women living in China who kept in touch via mobile phones. When AL called SJ, she was at the Cambodian consulate in Guangzhou being interviewed by the researchers of this study. SJ gave AL the researchers' contact information. AL called them for help who then introduced her to volunteers and local civil society organizations providing them with accommodation, transport and legal aid, and eventually they managed to escape and return home to Cambodia."

The importance of mobile phones was highlighted in the escapes of other respondents as well. For example, one woman used a cell phone to contact her family in Cambodia, who went to a Cambodian NGO for help, which in turn established contact with a Chinese volunteer group. That group contacted the woman via cell phone and supported her escape. Another respondent in China was rescued after her location was identified by a Chinese civil society organization through messages sent from her cell phone. Yet another woman found support from Chinese volunteers who received information about her from a hotline for women in Cambodia. And finally, a respondent was in frequent contact with NGO workers via a cell phone while she was traveling to Beijing for her escape.



## The police

Only few respondents turned to local police for help. In cases where they did, however, their situation was often viewed as a case of family conflict and the police were reluctant to intervene, given that there was a legitimate marriage certificate and at times because officers knew the husband and his family. Language barriers further compounded women's challenge to receive assistance. Local police often informed the husband and had the respondents returned to the family.

Some inadvertently came into contact with the police and were detained, for instance when they were stopped at a bus or train station. The women were brought to the police station for questioning, with the next steps typically depending on their jurisdictional level. If the women were detained near their husbands' places and by local police, they often also arranged for her return to the spouse.<sup>48</sup>

If the women were stopped by police further away, they would usually detain them, contact their husbands to ascertain that they were married, and collect the women's passports and other documents from them. During this time, the respondents typically stayed in police custody or a shelter, followed by procedures

<sup>48</sup> Chinese authorities noted that it was often challenging for frontline officers to differentiate between incidences of forced marriage; marriage scams, whereby women from abroad reportedly come to China with the assistance of brokers, get married to Chinese men and then disappear again, often collectively, upon receiving the bride prices; and arguments between the Cambodian women and their Chinese husbands or parents-in-law, especially given language barriers.

that would allow for them to be identified as victims of forced marriage with the nearest Cambodian consulate or the embassy being involved as well. The following account provides an example of this kind:

"I was in police custody after escaping from my husband. I took out a copy of my passport and presented it to the officer. It was night. He showed me a room for me to rest. The next morning, I was transferred to a larger office where a lot of policemen worked. Around mid-day, an officer from the Cambodian consulate came to meet me and to talk about my situation. Since I had a copy of my passport, my case was not complicated to address. I was sent to a shelter for temporary stay while they worked out my issue with the police. A day later, a police officer and consulate staff met me and my husband, who had been asked to come in and bring along my passport, to find a solution to the family matter. The police officer asked whether I wanted to return to my husband. I replied no. He sent me to a shelter again and the consulate asked me to stay there and wait for the required documents to be processed. I stayed in the shelter for about two weeks until the consulate officer informed me that the documents were done and I had to buy my ticket home. I told him that I didn't have money to pay for that. He suggested that I call home and ask my parent to arrange the transfer. My mom managed to get \$300 transferred to the officer through his relative in Phnom Penh and finally I flew back home to Cambodia."

Another respondent reported having escaped to Guangzhou where she asked a taxi driver to take her to the consulate, but the driver took her to the airport. There, she approached a police officer:

"I saw a policeman and surrendered. He brought me to his office in the airport for questioning. But due to the language barrier, we didn't understand each other. I kept repeating the word 'Cambodia.'"

The policeman contacted the consulate in Guangzhou and the woman was eventually returned to Cambodia.

A further respondent who escaped from her village and went to the Shanghai consulate was told that she had to go to the embassy in Beijing. She took a bus there:

"It was night and I couldn't find the embassy. I asked a passerby for a police station. I surrendered to the police. The police officer questioned me and I tried my best to communicate with him. He finally allowed me to stay overnight at the station. The next morning around nine, there was an officer from the Cambodian embassy who came to visit me."



## The Cambodian consulates and embassy

Respondents reported of mixed experiences with the Cambodian consulates or embassy in China. Some voiced appreciation towards them for providing or arranging shelter and food in China until they were being repatriated. Others commended the presence of consular staff at the police when the husbands were called in and the women asked for a divorce as well as to be sent back home. Support to use phones and contact family in Cambodia was equally appreciated. Further, consular staff often escorted the women to the airport and made sure they left the country safely. Below is the account of a respondent speaking of the support received from the consulate:

"I got the contact details of a consulate officer from another Cambodian woman in the area. I was planning my second run. I contacted the consulate officer for their advice. When I left again, I took a taxi to a bus stop in another town and I paid extra to the driver to purchase me a bus ticket. I finally managed to reach the consulate in Shanghai and the officer interviewed me. I was put up by the officer overnight. My husband was called in with my passport. He came and presented my passport to the officer. There were a police officer, the consulate officer, my husband and me in the room. I was asked about my decision and motives. I wanted to get divorced and be returned. I stayed outside at day and slept at the consulate at night for about ten days. The officer asked me whether I had money to cover the flight. He asked for 2,350 Yuan and I produced the amount in cash directly. Everything was done and they informed me when I was ready to leave. There were four women returning including me. A police and a consulate officer drove us to the airport and escorted us to boarding."

However, there were also concerns about the conduct of embassy and consular staff. Some respondents came to the Shanghai consulate from Jiangxi province and were told to go to the embassy in Beijing instead for jurisdiction reasons, with similar stories from others who contacted the Guangzhou consulate. Being referred to Beijing meant having to travel another 1,200km and 2,100km respectively, adding costs and risks of arrest to their escape. Respondents did not always know or understand such requirements and hence viewed the Cambodian authorities as unhelpful. Many felt that, overall, Cambodian officials perceived them as trying to get out of an unhappy marriage and made no efforts to determine their status as victims of forced marriage or to otherwise help them.<sup>49</sup>

Respondents awaiting repatriation at times indicated that the amount of money asked of them to cover their return ticket was far higher than the actual airfare. For example, one woman reported being told by a consular staff to ask her parents to send \$700 for her flight ticket home.<sup>50</sup> Her family sought the assistance of an NGO to help bring her back. When the consular official realized that the NGO was involved, he apparently reduced the amount required to \$500.

Other accounts were even more concerning including insults and abuse.



## Volunteer groups and other organizations

Various individuals and organizations helped respondents escape from situations of forced marriage. Chinese volunteer groups in smaller cities in Jiangxi as well as in larger cities like Guangzhou, Shanghai and Beijing where the consulates and embassy were located provided support at various points. Many assisted those waiting for repatriation in metropolitan areas to obtain valid documents or to organize and pay for transportation back to Cambodia. The help sometimes also included food, medical checkups for pregnant women, legal counselling or relevant contacts. Below is an interview note outlining some of the assistance received through volunteers:

“Two women escaped from their husbands’ homes in Leping and presented themselves to the police in Nanchang, the capital city of Jiangxi province, asking for help. They had to wait for one day while the police in Nanchang and Leping investigated their case. The researchers to this study facilitated contact to two members of a volunteer group who reached the women, bought them lunch, clothes and shoes and booked hotel rooms for them. They also stayed with the women in the hotel room as a protective measure, should their husbands arrive. As both women had marriage certificates which the police viewed as proof that they were legally married and not trafficked, they did not receive any help from the police. Fearing that they could be taken back to their husbands’ homes, volunteers from Jiangxi accompanied the women to Beijing to seek help. Unable to travel by train because they had no identity documents, the women and volunteers took a 30-hour bus ride to reach Beijing. In Beijing, the local volunteer group contacted the UN-ACT China office and the Anti-Trafficking in Persons Office of the Ministry of Public Security to establish whether the two women were victims of human trafficking. The volunteers helped the two women, one of whom was pregnant, to receive medical care, prepare signed statements and apply for new passports. Once they were officially identified as trafficked and issued new passports, volunteers helped the women book air tickets and dropped them off at the Beijing airport.”

<sup>49</sup> Since early 2015, the Cambodian embassy in Beijing has reportedly introduced standardized screening forms developed with support from the IOM to determine if women seeking help are victims of human trafficking.

<sup>50</sup> A key informant indicated that many trafficking survivors supported by their organization reportedly had to pay between \$1,800 and \$2,000 to Cambodian consulate officials in China for their repatriation, without which they were threatened with being sent back to Chinese authorities and possible jail terms.

## FINDINGS:

# CONDITIONS AFTER RETURN TO CAMBODIA



### Arrival back in Cambodia

The women's parents typically awaited them at the airport, sometimes with representatives of an international organization. Immigration police usually questioned the returnees about the brokers involved in their migration to China. In some cases, they were released after the initial interview, in other cases however they were taken to the national police headquarters for further questioning. At times, the immigration police accompanied them and their parents to the office of a civil society or international organization. One woman who had returned to Cambodia at Siem Reap<sup>51</sup> reported being threatened with jail upon arrival.

Civil society and international organizations provided various kinds of support to respondents, ranging from food and personal care items to a few days of housing and travel costs for their return home. Several women reported being offered shelter stays including vocational training, some received cash of between \$300 and \$500 to support their (re)integration or were supported with rental subsidies. Different organizations provided different models of support to the respondents.



### Respondents' situation a few months after return

A few respondents indicated that they were in debt because of the costs incurred for their travel to or their repatriation from China. One woman said she and her family owed \$1,000 to a local moneylender, with their house given to the man as collateral. Paying about \$70 each month, she estimated that it would take her about two years to repay the loan including interest. Another respondent who had returned home pregnant noted that she was in debt because her mother had borrowed money to arrange for her flight ticket home, and she herself had also accepted cash from another Cambodian woman in China who had since returned as well. Others also indicated to be in debt, at times with own family members, over the costs for their return from China.

Most interviewees were employed and received wages after their return to Cambodia. Several women were working in factories including garment, sometimes part-time and in combination with agricultural labor. One said

she started working in a factory immediately after her return, but when her mother fell ill she returned home where she became a domestic worker in somebody's house. She noted that the work kept her away from home for over 12 hours a day, six days a week and she earned \$150 per month. Two others were working in beauty salons, one of who had received a loan from a civil society organization to open her own parlor. Another two respondents worked in the food service sector earning \$110 per month following vocational training received through NGOs.

Some respondents, however, did not take up vocational training opportunities. For example, one woman said she had no time for training, because she needed to earn money immediately. Another respondent noted that she could not afford to always go to town for training purposes.



### Actions against brokers

Most respondents said they had not taken any action against brokers, for varied reasons. Some did not want to be caught up in court visits and legal cases, which they described as going on for long periods of time; others did not want to relive the trauma of their experiences in China; still others were concerned about losing time to work and earn money.

Below is the account of a woman who, although a case appeared to have been filed against her broker whilst she was in China, no longer wanted to pursue that after her return to Cambodia.

"I don't want to charge the broker with anything. I want to stop the case now that I'm home. I don't want to be involved with legal trouble or spend a lot of money to come to Phnom Penh and deal with the police and the court. And I do not want my name in the media or press."

<sup>51</sup> Some women flew out of or returned to Cambodia via Siem Reap due to limitations on available flights to Phnom Penh.

Another respondent did not want to take action against the broker because they continued to live in the village and her family feared a possible revenge.

However, a few respondents had taken steps against their brokers. One woman said that, after she escaped from her husband in China, her parents called the agent in Cambodia, but he said that he was not responsible for incidents that occurred in China. When the family threatened to file a complaint against him, he said that he would give the family \$500, which they refused. The family instead filed a complaint with the police in their commune but the broker escaped before action could be taken against him. Another woman had an ongoing case against an agent, which she launched with the support of a civil society organization in Cambodia:

"I decided to lodge the complaint for two reasons, primarily to get compensated for the damage caused to me through deception and secondly, I wanted the broker behind bars so that other women would not fall prey to forced marriage as I experienced it."



## Stigma against returnees from China

Some of the women alluded to fears or experiences of stigma related to being a female returnee from China. One respondent, for example, noted that when she was asked by an NGO whether she would like to visit her family in the village, she refused the offer because it had been her decision to go to China and she thought there would be a negative atmosphere due to her stay abroad. Another woman said that she did not return to her home village because she had returned from China pregnant and she was concerned that people might stigmatize her because of that and the stay in China. In a separate instance, the father of a returnee whom the research team encountered in a village repeatedly said that his daughter was no longer a virgin and her chances of marriage were hence low. In a particularly tragic case, a civil society organization reported of a woman who was not accepted by her family after she had returned from China and attempted to commit suicide in their office.

Forced marriage as part of broader marriage migration patterns remains as yet under-researched, and its relationship to human trafficking continues to be debated. This study conceptualizes a marriage that has come about by means of deception<sup>52</sup> or coercion as a form of trafficking in persons irrespective of whether evidence of sexual or labor exploitation are accounted for, because a forced marriage in and of itself amounts to a case of exploitation. Whilst perspectives differ, this understanding is supported by international law<sup>53</sup> and appears to be practice in both Cambodia and China where this study has been implemented.

Different from other forms of human trafficking where research has come to focus more on the nature and extent of exploitation, key to forced marriage are hence the means by which a marriage has come about and is maintained. This moves the brokers involved to the center for deceptive or coercive recruitment practices, and the husbands – and at times their families – for coercive conduct in maintaining a marriage situation against the will of the bride. However, this study has also identified other important actors and factors in influencing marriage migration and forced marriage from Cambodia to China.

Limited employment opportunities especially for females coupled with pressures to financially contribute to family life creates an environment, in which many women consider migration options as viable opportunities to help live up to their responsibilities at home. With anecdotal evidence suggesting that marriage migration to China has allowed females to remit money home, and at times faced by family demands to follow such examples, an unknown but seemingly significant number of Cambodian women has moved to China to marry local men.

At the same time, the widening surplus of men over women in marriageable age in Chinese society, which is estimated to reach 30 to 40 million by 2020, has created a large pool of bachelors looking for partners. Whilst those in more urban areas with higher educational levels and successful professional careers often still manage to find wives, it is the rural men who struggle the most in this respect including to afford the ever increasing bride prices. They often turn to marriage brokers who bring in potential partners from abroad in exchange for comparably reasonable charges.

It is in this environment of significant and ongoing push and pull factors that marriage migration from Cambodia to China takes place, however in an irregular manner. Both countries have prohibited transnational marriage

brokerage services, meaning whilst it is possible to register marriages between locals and foreigners once in China, the migration process cannot be arranged for that purpose through third parties. Further, the Cambodian authorities have taken other measures to curtail opportunities for women to go to China including for tourism, partly because of concerns about reports of forced marriages affecting their citizens.

However, whilst such measures may have reduced the number of Cambodian women moving to China for marriage purposes, some raise very serious rights-related questions and constitute discriminatory practices on the basis of gender. Beyond that, these policies are likely to have further contributed to women's vulnerabilities to forced marriage by pushing them to enlist services of a series of irregular brokers operating without transparency and oversight. Anecdotal evidence suggests that some, perhaps even many, of the Cambodian women living in arranged marriages in China appear content in their situations,<sup>54</sup> however this study has outlined the possible downsides of engagements brought about in non-regulated manners.

Several brokers in both countries were involved in the marriage migration process. The first-contact agent was often familiar with the potential female migrant or her family because they lived in the same community or due to professional contacts. They drew interest with stories of financial gains by moving to China, either as a result of marriage with a wealthy Chinese husband or because of well-paying employment opportunities in China. Some provided upfront payments to strengthen their claims. At times, marriage was described as a prerequisite for job options and the right to stay in China long-term.

All such narratives, however, proved to be deceptive: the Cambodian women interviewed were generally not introduced to wealthy husbands for reasons outlined above, and were unable to get well-paying jobs or any job beyond work associated with their Chinese families. Employment opportunities for foreigners in China are restricted and only available under specific circumstances,

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<sup>52</sup> In this research, it was typically deceptive recruitment in Cambodia coupled with coercive practices in China to bring about a woman's 'consent' to get married that resulted in conditions of forced marriage.

<sup>53</sup> See the introduction for more details on this conceptual discussion.

<sup>54</sup> Note that a number of Cambodian women who appeared to live in arranged marriages in China contentedly were encountered as part of this research, but their accounts did not inform the analysis on forced marriage.

and marriage with a Chinese citizen and residing in China grants access to jobs after five years at the earliest.

Upon agreement, sometimes with strong encouragement from family members, agents in urban areas began to prepare the required documents including passports, visas and air tickets. The female migrants would receive their papers at the airport and then be sent off in small groups of three to six women, usually without anyone accompanying them. The destination was either Shanghai or Guangzhou depending on the onward travel plans as arranged by local agents, which usually took them to small towns or village communities hours outside the port of entry.

At the final destination, women were typically accommodated in or around the brokers' houses for up to a few weeks whilst being introduced to Chinese men. It was often at that point that respondents started to comprehend the level of deception they had been exposed to. The agents commonly withheld their passports, and opportunities to move around freely or communicate with family in Cambodia were severely constrained.

The visa situation was a very effective coercive tool for brokers to pressure women to 'consent' to marriages. Given that female migrants had generally entered China on tourist visas granting them stays of up to 30 days, which few - if any - respondents were aware of at first, brokers introduced marriage as the only opportunity for them to become eligible for longer-term stays, and hence to avoid arrest and deportation. In addition, agents utilized means including offered or committed sexual abuse, threats of repayment of travel costs and withholding of food to coerce women into agreeing to marriages.

Once 'consent' was obtained, brokers would register the marriages and get the brides' visa changed and extended, after which their services were completed. Marriage registration in China requires the presence and explicit consent of both partners, which could have provided an opportunity for women to seek help from Chinese authorities. However, few of the marriage registration facilities provided Khmer translation support, and where they did the translators were often hired by or otherwise related to the brokers, hence undermining a transparent consent process.

Chinese men paid significant sums for broker services, typically ranging from \$10,000 to \$20,000, which they were afraid to lose on wives escaping. The first few months

of marriage were hence a period of high surveillance for the women. Their passports were kept by their husbands or the families, their movements were carefully monitored and they were given little to no money for personal purposes. The control tended to ease somewhat with time and when respondents became pregnant. However, they were mostly unable to work beyond household tasks and involvement in family business, neither of which allowed them to remit much money to their Cambodian dependents.

Some women made several escape attempts over time. Preparations benefited from social networks with other Cambodian females in China, such as at weekend markets or via mobile phones. The latter played important roles in the successful escape of women more broadly, including by allowing respondents to contact family for help or their location to be identified. Passports and money were key to successful escapes. The former was needed to book train tickets or hotel rooms as part of the journey, and given the long distances to reach consulates or the embassy, resources too were an important consideration.

Villagers in communities tended to provide little support, partly because of ties with husbands and their families. In fact, residents suspecting that women were trying to escape sometimes informed their husbands or mobilized family members to help prevent them from leaving. At the same time, respondents found great levels of support from individuals and volunteer groups in China at various points of the escape and return journey, especially whilst awaiting repatriation. This included food, shelter as well as medical, counselling and legal support as needed.

Experiences with police varied and often depended on where officers were encountered. Only few respondents proactively chose to reach out to law enforcement, however others came into contact inadvertently including at bus or train stations. If respondents met police in or around their communities, their cases were often treated as domestic problems and the women were returned to their husbands. If women encountered officers further away, such as in different provinces or major urban hubs, their case was typically treated differently, with Cambodian consulate or embassy staff being involved and significant support provided.

Respondents' experiences with Cambodian consulates and the embassy were equally mixed. Some appreciated the various services provided to them, including shelter and food, opportunities to contact their families in

Cambodia, and help with the arrangements for departure from China including reissuance of passports, visas and other documents. However, others experienced them as inactive and overtly bureaucratic. Some respondents were sent around between consulates and the embassy for alleged jurisdiction reasons, pushing up their travel time and costs as well as risks of arrest and deportation. A few women also spoke of incidences involving insults or abuse.

Respondents were received and assisted to varying degrees by government agencies, international and civil society organizations upon return to Cambodia, both short-term (including shelter, travel and cash support) and long-term (such as training and employment assistance). However, various factors complicated their successful (re)integration. These included at times significant debt incurred towards local moneylenders due to their journey to and return from China, additional family responsibilities including costs as a result of babies born out of marriages in China, as well as broken family relations and community stigma due to their stay abroad.

Few respondents reported having taken any action against brokers in Cambodia. Sometimes, that was because of the agents' ongoing presence in their community and concerns about their possible revenge. Others simply wanted to move on with their lives and not relive some of the traumatizing experiences in judicial proceedings.

Based on the analysis and findings, the following recommendations are proposed for consideration by policy-makers and practitioners, focusing primarily on prevention, identification and initial support including repatriation:<sup>55</sup>

## TO BOTH COUNTRIES INCLUDING FOR BILATERAL COOPERATION:

➡ Facilitate migration opportunities for marriage between Cambodia and China through regularized and monitored services based on established standards and practices.

The push and pull factors, especially the gender imbalance in China, will continue to serve as drivers for marriage migration from Cambodia to China for decades to come. Anecdotal evidence, including from interviews conducted for this research, suggests that many Cambodian women

married to men in China are content with their lives. This report, however, has documented the possible downsides of marriage migration that is facilitated by sometimes unscrupulous agents operating in an irregular manner without transparency and oversight. Latest policy initiatives in Cambodia requiring high deposits of women visiting China alone and banning the issuance of single status certificates will do little to prevent incidences of forced marriages whilst constituting discriminatory practices based on gender. Instead, the two countries should establish regular cross-border marriage migration opportunities, drawing on examples and best practices from elsewhere.

➡ Ensure that Chinese frontline responders and Cambodian officials in China have an adequate understanding of forced marriage as well as common tools to identify and respond to such situations.

Given significant patterns of forced marriage in China, and increasingly involving foreigners, it is important for frontline responders and relevant diplomatic missions to understand the phenomenon and have tools available that help identify potential victims. The research has revealed that police officers, especially at the local level, at times seem ill-equipped for this task to date. A particular misunderstanding relates to marriage certificates, with law enforcement often dismissing women's cases on the basis of seemingly legitimate marriage registration papers. Cambodian consulate and embassy staff also sometimes fail to identify indicators of forced marriage and as a result do not extend services to Cambodians in need of support. Targeted, institutionalized trainings and the development of tools supporting the identification of forced marriage cases should be pursued to overcome current shortcomings. The two countries are encouraged to develop common approaches for victim identification, or ensure mutual recognition of outcomes, allowing for repatriation procedures and appropriate interim care to commence as swiftly as possible.

➡ Extend services to trafficking victims free of charge including transportation and accommodation.

Debt incurred as a result of the women's time in China including for return and repatriation has undermined

<sup>55</sup> A much more detailed analysis on (re)integration needs including in Cambodia is found in Rebecca Surtees, *After Trafficking: Experiences and Challenges in the (Re)integration of Trafficked Persons in the Greater Mekong Sub-region* (UNIAP/Nexus Institute 2013).

successful (re)integration and increased risks of re-trafficking. Support services should hence be free for victims of forced marriage and other forms of exploitation, in recognition of the suffering endured and their rights as victims of human trafficking. Whilst this is primarily the responsibility of the states concerned, there are various funding and service pools from civil society and international organizations that can be drawn upon in support. Effective coordination, cooperation and referrals where needed are key in this context.

## TO STAKEHOLDERS IN CAMBODIA:

➔ **Include the following key messages in interventions informing behaviors of potential marriage migrants from Cambodia to China.**

- a. Chinese men enlisting services of brokers to recruit wives in Cambodia are unlikely to be wealthy and living in urban areas; opportunities for financial remittances in support of families in Cambodia may hence be limited;
- b. Marriage to Chinese men does not as such provide employment opportunities in China for a minimum of five years; marriage introduced as a means to regular work is hence false information;
- c. Cambodian migrants are very likely to enter China on a tourist visa, which only grants the right to stay for up to 30 days; opportunities for extension are limited and costly, and overstays risk arrest and deportation;
- d. Migration services provided by brokers for marriage purposes are not free of charge; if a woman chooses not get married upon arrival in China, all costs and upfront payments incurred by agents will have to be borne by her;
- e. Passports are crucially important for various purposes in China, including transportation and accommodation; migrants should keep their passports - or at a minimum copies or pictures of them - at all times and memorize their passport numbers;
- f. If organizing transportation or accommodation without passport is inevitable, seeking the support from Chinese citizens or civil society groups can be a useful strategy;

g. Social networks amongst Cambodian women in China may be able to provide support when needed; these exist in many communities with large numbers of Cambodian residents but also through mobile phone services and internet;

h. There are other agencies in China including volunteer groups and civil society organizations as well as Cambodian consulates and the embassy that may be able to provide assistance;

i. When attempting to escape from a forced marriage situation at community level, it may be better to seek support from police outside the village, especially in a different province or in urban centers.

➔ **Engage families and communities in Cambodia for effective trafficking prevention and (re)integration interventions.**

The study has shown that families and communities in Cambodia are vital actors in marriage migration decisions, affecting vulnerabilities to exploitation including forced marriage. Further, broker involvement at community level in marriage migration is very common, with local populations having an important role in monitoring migration outcomes and reporting deceptive practices. Upon return, family as well as community stigma has been a key factor in affecting (re)integration choices and outcomes. It is hence crucial to involve families and broader communities into trafficking prevention and (re) integration interventions.

➔ **Clarify and streamline authority between Cambodian consulates and the embassy on providing services and support to Cambodian citizens in China, and enhance monitoring and accountability of their conduct.**

Women escaping situations of forced marriage require the support of Cambodian consulates or the embassy. Refusal to provide such services for reasons of limited authority exposes them to unreasonable risks including further exploitation, arrest and deportation, or at a minimum increased costs to reach assistance. Procedures should be put in place that clarify responsibilities for support and that ensure safe, timely and free transfers to where services are provided as needed. Further, given at times serious allegations about the conduct of Cambodian officials, mechanisms need to be put in place that provide more accountability of consulate and embassy staff including complaint mechanisms for those receiving services, and

with disciplinary action to be taken if officials are found to be in breach of behavioral standards.

#### **Reform the issuance of single status certificates for Cambodian women in China.**

The issuance of single status certificates through Cambodian consulates and the embassy is currently banned, although the extent of the policy's application is unclear. In the context of recommendation 1), the reintroduction of a reformed process for the issuance of such documents is encouraged including a mandatory interview with the Cambodian spouse-to-be to verify her free consent to a marriage. Further, the single status certificate should feature an indication of purpose, as this helps ensure that the person applying for the document is aware of its usage. An addition of this type has been introduced by Viet Nam, whose practice and experiences in this context may be worth learning from.

## **TO STAKEHOLDERS IN CHINA:**

#### **Strengthen the consent process as part of the cross-border marriage registration procedures.**

The requirement for a foreign citizen to express their free consent to marriage before a competent authority in China provides another opportunity to seek assistance as needed. However, for Cambodian women to be able to voice their concerns and reservations, the registration offices need to be specifically tasked with, and trained in, assessing free consent. Such procedures also require the support from adequate, independent interpreters as well as social workers and counsellors, and must be free of the involvement of other external stakeholders including the husbands and possible brokers.

#### **Support Cambodian wives of Chinese husbands in their integration into Chinese society.**

Cambodian women arriving in China, typically for the first time, face a range of challenges including language barriers, lack of familiarity with Chinese customs and norms, and many others. It is in the interest of all parties to ensure their smooth integration into Chinese society. This, however, requires deliberate efforts from various sides including the public sector and civil society, and may involve language and culture classes, support to the establishment of local networks amongst Cambodians living in communities, opportunities to engage with

the resident Chinese population, or the introduction to available services through government and non-government institutions.

#### **Provide Cambodian wives with quicker access to the labor market and key public services in China.**

Many of the Cambodian wives in China come, at least in part, with the objective to financially support their families at home. Opportunities to do so influence their comfort including at times the decision to stay in China. Some of the respondents to this study managed to find work in local workshops, restaurants or factories, albeit on an irregular basis. The current spouse visa regime only grants access to employment opportunities after a minimum of five years in China, which is inadequate to attract Cambodian women to come to the country and help ease the gender imbalance in society. Key public services and insurances including those related to maternal health are equally available only after various years, which puts the lives of spouses and children born to Chinese citizens at unreasonable risks.

#### **Provide access to government and non-government support services to foreign trafficking victims, and ensure adequate referral mechanisms.**

The Chinese government maintains a wide network of shelters across the country, providing food, accommodation and other services to Chinese citizens facing various kinds of challenges. The system, however, is inexperienced in supporting foreigners in need of help. Anecdotal evidence suggests that Cambodian women escaping conditions of forced marriage, some pregnant, are at times not granted access to shelters and their services. Given the increasing number of foreigners identified as victims of forced marriage and other forms of exploitation, it is crucial for services to be extended and tailored to their needs as well. Non-government stakeholders also need to be involved in providing such support, and referral mechanisms bringing together government and civil society actors are required to make available comprehensive assistance packages.

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