

Draft Law submitted to the National Assembly for passage

**LAW ON
PREVENTION, SUPPRESSION
AGAINST HUMAN TRAFFICKING**

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, a number of articles of which have been amended and supplement in accordance with Resolution No. 51/2001/QH10;

The National Assembly enacted the Law on Prevention, Suppression against Human Trafficking.

**CHAPTER I
GENERAL PROVISIONS**

Article 1. Scope of Application

This Law shall stipulate the prevention, detection, handling of human trafficking acts and other acts of violation of laws and regulations of prevention, suppression against human trafficking; the receipt, identifying, protection and assistance to victims; international co-operation in the prevention, suppression against human trafficking; the responsibilities of the Government, ministries, agencies and local governments in the prevention, suppression against human trafficking.

Article 2. Use of Terms

In this Law, the following terms are understood as follows

1. *Sexual exploitation* means the coercion of persons for prostitution, for being subject matters for the production of pornographic materials, for erotic performance, or for sexual slavery.

2. *Sexual slave* means persons who, under dependent situation, are forced to serve other persons for the latter's sexual demands.

3. *Forced labor* means the use of force or the threat of use of force, or other means to coerce persons to work against their will.

4. *Victim* means a person who is infringed upon by the acts stipulated in paragraphs 1, 2 and 3, Article 3 of this Law.

Article 3. Prohibited Acts

1. The trafficking in persons as stipulated in Article 119 and Article 120 of the Penal Code.
2. The transfer or receipt of persons for sexual exploitation, forced labor, the removal of organs, or for other inhuman purposes.
3. The recruitment, transportation, harboring of persons for sexual exploitation, forced labor, the removal of organs or for other inhuman purposes, or for the commission of the acts as stipulated in paragraphs 1 and 2 of this Article.
4. Coercion of persons to commit any of the acts stipulated in paragraphs 1, 2 and 3 of this Article.
5. Conducting brokerage to help other persons commit any of the acts stipulated in paragraphs 1, 2 and 3 of this Article.
6. Revenge or the threat of revenge of victims, witnesses, denunciators, their relatives or persons who deter the acts stipulated in this Article.
7. Misuse of the prevention, suppression against human trafficking for illegally obtaining profits or committing illegal acts.
8. Obstruction against denunciation, notification and handling of the acts stipulated in this Article.
9. Differentiation or discrimination against victims.
10. Disclosure of the information of victims without their consent, or their lawful representatives.
11. Assuming false position as victims.
12. Other acts of violation of the provisions in this Law.

Article 4. Principles of Prevention, Suppression against Human Trafficking

1. Measures to prevent, detect and handle the acts stipulated in Article 3 of this Law must be carried out consistently.
2. Rescue, protection, receipt, verification and assistance to victims must be conducted precisely and in due course. Victims' legitimate rights and interests must be respected, and discrimination or differentiation shall not be made against victims.
3. The role and responsibility of individuals, families, communities, agencies and organizations are brought into play in the prevention, suppression against human trafficking.

4. The acts stipulated in Article 3 of this Law must be deterred, detected, investigated and handled strictly, precisely and without delay.

5. International co-operation in the prevention, suppression against human trafficking must be strengthened in accordance with the Constitution and law of Vietnam, and international practices.

Article 5. The State's Policy of Prevention, Suppression against Human Trafficking

1. The prevention, suppression against human trafficking shall be included in the programs of prevention, suppression against crimes, social evils, and shall be combined with other socio-economic development programs.

2. Domestic and foreign agencies, organizations and/or individuals are encouraged to co-operate in or finance the prevention, suppression against human trafficking; domestic individuals and/or organizations are encouraged to establish victim supporting institutions in accordance with law.

3. Reward and commendation shall be given to individuals, agencies or organizations for their achievements in the prevention, suppression against human trafficking; [preferential treatment] regimes and policies must be secured in accordance with law for participants, who have suffered life, health or property damage, in the prevention, suppression against human trafficking.

4. Annually, the State shall allocate state budget to the prevention, suppression against human trafficking.

Article 6. Rights and Obligations of Victims

1. To request competent persons, agencies or organizations to apply measures to protect themselves and their relatives when they are infringed upon or threatened to be infringed upon in terms of life, health, honor, dignity and property.

2. To enjoy the supporting regimes and to be protected in accordance with this Law.

3. To be entitled to compensation in accordance with law.

4. To provide information relating to acts of violation of anti-human trafficking laws and regulations to competent agencies, organizations or persons.

5. To fulfill competent agencies' requests relating to human trafficking cases.

CHAPTER II
PREVENTION OF HUMAN TRAFFICKING

Article 7. Provision of Provision of Information, Dissemination and Education on the Prevention, Suppression against Human Trafficking

1. Provision of information, dissemination and education on the prevention, suppression against human trafficking aim at heightening the awareness and responsibility of individuals, families, agencies, organizations and communities in the prevention, suppression against human trafficking; heightening people's vigilance over and encouraging their active participation in the prevention, suppression against human trafficking.

2. Provision of information, dissemination and education on the prevention, suppression against human trafficking shall cover:

- a) Polices and laws of the prevention, suppression against human trafficking;
- b) Tricks and harmful consequences of the acts stipulated in Article 3 of this Law;
- c) Behavioral skills in case of suspicion of human trafficking;
- d) Measures and experience of the prevention, suppression against human trafficking;
- e) Responsibility of individuals, families, agencies and organizations in the prevention, suppression against human trafficking;
- f) Fight against any differentiation or discrimination against victims;
- g) Others relating to the prevention, suppression against human trafficking.

3. Provision of information, dissemination and education on the prevention, suppression against human trafficking shall be carried out by means of

- a) Face-to-face talk or meeting;
- b) Provision of materials;
- c) Mass media;
- d) Activities in educational institutions;
- e) Literary, artistic and community-based activities, and other cultural forms;
- f) Others in conformity with law.

4. Development of networks on grassroots disseminators; active participation of social organizations.

5. Provision of information, dissemination and education on the prevention, suppression against human trafficking must be strengthened for women, young persons, teenagers, children, students, pupils and residents in border, rural or remote areas, or in areas of socio-economic difficulty, and in areas where a large number of human trafficking cases occur.

Article 8. Advice on the Prevention of Human Trafficking

1. Provision of legal knowledge of the prevention, suppression against human trafficking.

2. Provision of information of tricks of human trafficking, and guidance on skills to act in case there is suspicion about human trafficking.

3. Provision of information of the rights and obligations of victims, and guidance on methods to exercise the rights and obligations.

Article 9. Order and Safety Administration

1. Monitoring of family members and registered inhabitants through the residence administration, and strengthening of the examination on family member registration, permanent residence, temporary stay, occupation or provisional absence in the areas.

2. Strict supervision of persons with criminal records on human trafficking and other persons having signs of commission of the acts stipulated in paragraphs 1, 2, 3, 4 and 5, Article 3 of this Law.

3. Effective management and use of archives, identity information and judicial record to serve the prevention, suppression against human trafficking.

4. Strengthening of patrol and control of border gates, border areas, islands and on the sea for the purpose of prompt detection and deterrence of the acts stipulated in paragraphs 1, 2, 3, 4 and 5, Article 3 of this Law.

5. Provision of advanced equipments at international border gates for the purposes of identifying persons and verifying quickly and accurately fake papers or documents; upgrading of control and checking equipment at border gates or checkpoints.

6. Management of the issuance of identity documents, papers valid for exit or entry; application of advanced technology in the production, issuance, management and control of identity documents and papers valid for exist or entry.

7. Co-operation with the functional agencies of countries sharing the same border lines in the border patrol and control for the purposes of preventing, detecting or deterring the acts stipulated in paragraphs 1, 2, 3, 4 and 5, Article 3 of this Law.

Article 10. Management of Business Activities and Services

Supportive activities for marriage between Vietnamese citizens and foreigners, offering or receipt of child for adoption, job placement, taking of Vietnamese persons abroad for labor or study, cultural or tourism services, and other conditional business activities or services that can be easily misused must be regularly and strictly managed and controlled for the purposes of prompt detection and prevention of the abuse of such activities for the commission of the acts stipulated in paragraphs 1, 2, 3, 4 and 5, Article 3 of this Law.

Article 11. Combining the Prevention of Human Trafficking with Socio-Economic Developments Programs

The Government, ministries, agencies and local governments need to combine the prevention of human trafficking with programs of prevention, suppression against crimes, of prevention, suppression against social evils, of job placement, of vocational training, of poverty alleviation, of gender equality, of child protection, of advancement of women, and with other socio-economic development programs.

Article 12. Individuals Participating in the Prevention of Human Trafficking

1. Participating in the prevention of against human trafficking.
2. Notifying or denouncing without delay the acts stipulated in Article 3 of this Law.

Article 13. Families Participating in the Prevention of Human Trafficking

1. Providing information to family members of human trafficking tricks, and measures on prevention and suppression against human trafficking.
2. Co-operating with school, agencies, organizations and social mass organizations in the prevention, suppression against human trafficking.
3. Taking care of and assisting victims who are family members for their integration into communities and family life.

4. Encouraging victims who are family members to co-operate with competent agencies in the prevention, suppression against human trafficking.

Article 14. Schools and Educational or Training Institutions Participating in the Prevention of Human Trafficking

1. Strict management of study and other activities of pupils, students and trainees in accordance with prescribed regulations.

2. Carrying out extra-curricular dissemination and education on the prevention, suppression against human trafficking according to grades and disciplines.

3. Creating favorable conditions for pupils, students and trainees who are victims to have educational and vocational training, and to integrate into communities.

4. Co-operating with families, agencies and organizations to implement measures to prevent and suppress human trafficking.

Article 15. Prevention of Human Trafficking within Business and/or Service Organizations or Establishments

1. Organizations or establishments, which run business and/or provide services in fields of support for marriage between Vietnamese citizens and foreigners, offering or receipt of child for adoption, job placement, taking of Vietnamese persons abroad for labor or study, cultural or tourism services, and other conditional business activities or services that can be easily misused for the commission of the acts stipulated in paragraphs 1, 2, 3, 4 and 5, Article 3 of this Law, shall have the responsibility:

a) To sign labor contracts in writing with laborers; to register laboring with local labor administration agencies;

b) To have information of clients to be provided with services, and notify competent agencies at request for the purpose of management;

c) To undertake to comply with laws and regulations of prevention, suppression against human trafficking;

d) To co-operate with or create favorable conditions for competent agencies in the inspection and checking of the activities of such organizations or establishments.

2. Laborers working in the organizations or establishments stipulated in paragraph 1 of this Article must comply with laws and regulations of permanent residence registration management, and undertake in writing not to violate laws and regulations of prevention, suppression against human trafficking.

Article 16. Mass Media Agencies Taking Part in the Prevention of Human Trafficking

1. Promptly providing precise information of the policies and laws of prevention, suppression against human trafficking; truly showing the human trafficking situation and the prevention, suppression against human trafficking; introducing models of good practices of prevention, suppression against human trafficking, and effective patterns of prevention, suppression against human trafficking.

2. Keeping secret the information of victims.

3. Combining the prevention, suppression against human trafficking with other news and propaganda programs.

Article 17. Vietnam Fatherland Front Committee and Its Member Organizations Taking Part in the Prevention of Human Trafficking

1. Conducting and co-operating with state competent agencies to disseminate and propagate the policies and laws of prevention, suppression against human trafficking; encouraging people to comply laws and regulations of prevention, suppression against human trafficking, and to actively participate in the detection, denunciation and deterrence of the acts stipulated in Article 3 of this Law.

2. Proposing to state competent agencies necessary measures to prevent, detect and handle the acts stipulated in Article 3 of this Law.

3. Providing advice and taking part in the provision of advice on prevention, suppression against human trafficking.

4. Participating in vocational training, employment and other supportive activities to help victims integrate into communities.

5. Monitoring the implementation of laws and regulations of prevention, suppression against human trafficking.

Article 18. Vietnam Federation of Women Unions Taking Part in the Prevention of Human Trafficking

1. Disseminating, educating and encouraging women and children to heighten their awareness of compliance with laws and regulations of prevention, suppression against human trafficking.

2. Taking part in the establishment of networks of grassroots disseminators of prevention, suppression against human trafficking.

3. Performing the responsibilities stipulated in Article 17 of this Law.

CHAPTER III

DETECTION, HANDLING OF ACTS OF VIOLATION OF LAWS AND REGULATIONS OF PREVENTION, SUPPRESSION AGAINST HUMAN TRAFFICKING

Article 19. Denunciation and Notification of Violation Acts

1. Individuals shall have the responsibility to denunciate the acts stipulated in Article 3 of this Law to Public Security Agencies, commune-level People's Committees, or any agencies or organizations.

2. In detecting, or receiving any denunciation or notification of, the acts stipulated in Article 3 of this Law, agencies or organizations shall have the duty to handle such according to their competence or to notify without delay competent agencies of such in accordance with law.

Article 20. Detection of Violation Acts through Inspection or Examination

1. Agencies or organizations shall have the responsibility to regularly examine the performance of their functions and duties by themselves; if any acts stipulated in Article 3 of this Law are detected, they must handle such acts according to their competence or propose the handling of such acts in accordance with law.

2. Competent agencies or organizations shall, through their inspection or examination, actively detect and/or handle the acts stipulated in Article 3 of this Law according to their competence or propose the handling of such acts in accordance with law.

Article 21. Detection, Prevention of Violation Acts through the Prevention, Suppression against Crimes

Agencies, units or individuals under People's Public Security Force or People's Army that are assigned with duties of prevention, suppression against human trafficking shall have the competence and responsibility:

1. To act as focal points or co-operate with relevant agencies in detecting, preventing and handling the acts stipulated in paragraphs 1, 2, 3, 4 and 5, Article 3 of this Law in the areas they are in charge of;

2. To apply prescribed reconnaissance measures to detect or deter the acts stipulated in paragraphs 1, 2, 3, 4 and 5, Article 3 of this Law;

3. To request individuals, agencies or organizations to provide related information or documents for the detection, investigation and handling of the acts stipulated in paragraphs 1, 2, 3, 4 and 5, Article 3 of this Law;

4. To apply necessary measures to protect victims, denunciators, witnesses and their relatives in case their life, health, honor, dignity and property are infringed upon, or are threatened to be infringed upon.

Article 22. Dealing with Notification or Denunciation of Violation Acts

1. Dealing with notification or denunciation of human trading crimes shall be conducted in accordance with provisions in the Criminal Procedure Code.

2. Denunciation of violation acts of laws and regulations of prevention, suppression against human trafficking shall be dealt with in accordance with law on denunciation.

Article 23. Handling of Violation

1. Any person who commits the acts stipulated in Article 3 of this Law shall, depending on the nature and extent of the violation, be disciplined or prosecuted for criminal liability; if damage occurs, he/she shall be held liable for compensation in accordance with law.

2. Any person who abuses his/her power or position to shield, ignore, wrongly handle, or not to handle the acts stipulated in Article 3 of this Law shall, depending on the nature and extent of the violation, be disciplined or prosecuted for criminal liability; if damage occurs, he/she shall be held liable for compensation in accordance with law.

3. Any person who assumes false position as a victim shall, in addition to being handled in accordance with law, be obliged to reimburse the sum that he/she has received as financial aid.

CHAPTER IV

RECEIPT, VERIFICATION AND PROTECTION OF VICTIMS

Section 1

RECEIPT, VERIFICATION OF VICTIMS

Article 24. Receipt, Verification of Domestically Trafficked Victims

1. Victims or their lawful representatives may come to commune-level People's Committees, or agencies or organizations at the nearest to declare their trafficking cases. Agencies or organizations that receive the declaration shall have the responsibility to transfer the victims to commune-level People's Committees in the areas where the head offices of the agencies or organizations are located. The commune-level People's Committees shall notify such to Divisions on Labor, War Invalids and Social Affairs. In case of necessity, the commune-level People's Committees that have received the victims shall meet the essential needs of victims.

2. Within a 3-day time limit as of when they receive the notification from the commune-level People's Committees, the Divisions on Labor, War Invalids and Social Affairs shall receive and support victims, and co-operate with Public Security Agencies at corresponding level in identifying preliminary information of the victims in case the victims haven't possessed one of the papers or documents stipulated in Article 28 of this Law.

3. After receiving the victims, the Divisions on Labor, War Invalids and Social Affairs shall, on basis of the papers or documents stipulated in Article 28 of this Law, or the identifying results of preliminary information of the victims, provide traveling expenses to the victims in case they return their place of residence by themselves; inform their relatives so that the relatives come to receive the victims, or designate persons to take the victims to the areas where the victims' relatives reside in case the victims are children; do procedures to transfer the victims to social welfare institutions or victim supporting institutions in case the victims are in need of health or psychological care, and express their will to remain in social welfare institutions or victim supporting institutions. In case, the victims haven't possessed any papers or documents that prove them victims, the Divisions on Labor, War Invalids and Social Affairs shall request Public Security Agencies at corresponding level to conduct verification.

4. Within a 20-day time limit as of the date of receipt of the requests made by the Divisions on Labor, War Invalids and Social Affairs, the Public Security Agencies at corresponding level shall have the responsibility to verify and respond in writing to the Divisions. For cases of complex nature, the time limit may be extended but not exceeding 2 months.

Article 25. Receipt, Verification of Rescued Victims

1. Public Security Agencies, Border Military or Marine Police that have rescued victims shall, in case of necessity, have the responsibility to meet the essential needs of victims, and transfer them to Divisions on Labor, War Invalids and Social Affairs near the areas where the victims have been rescued.

2. After receiving the victims, the Divisions on Labor, War Invalids and Social Affairs shall implement the provisions stipulated in paragraph 3, Article 24 of this Law. In case the victims haven't been confirmed as victims by the rescuing agencies, the Divisions on Labor, War Invalids and Social Affairs shall co-operate with the Public Security Agencies at corresponding level to identify the preliminary information of the victims prior to the provision of traveling expenses to the victims or the transfer of the victims to social welfare institutions or victim supporting institutions.

Article 26. Receipt, Verification of Victims Who Return from Abroad

1. Receipt and/or verification of victims who return from abroad through diplomatic representative missions, consulates or other agencies authorized to conduct consulate functions of Vietnam in foreign countries (hereinafter referred to as "Foreign-based Vietnamese Representative Missions") shall be conducted as follows:

a) Foreign-based Vietnamese Representative Missions shall receive and deal with the information and/or documents on the victims, and co-operate with the Ministry of Public Security in verifying the identity record of the victims, issuing necessary documents and doing procedures to take them back the country;

b) The competent agencies of the Ministry of Public Security or the Ministry of National Defense shall receive the victims, and shall provide fares and food expenses during their traveling and guide them to apply for the supportive regimes stipulated in Articles 34, 35, 36, 37 and 38 of this Law if the victims express their will to return their place of residence by themselves. If they do not have any place of residence or they express their will to remain in social welfare institutions or victim supporting institutions, [the competent agencies] shall transfer them to such institutions. [If] the victims are children, [the competent agencies] shall inform their relatives so that the relatives come to receive the victims, or designate persons to take the victims to the areas where the victims' relatives reside; [if] the victims are helpless children, [the competent agencies] shall do procedures to transfer them to social welfare institutions or victim supporting institutions.

2. The receipt of abroad-trafficked victims who meet the requirements to return Vietnam under bilateral agreements shall be conducted in accordance with such bilateral agreements.

3. The receipt and/or verification of abroad-trafficked victims who return the country by themselves shall be conducted in accordance with provisions in Article 24 of this Law.

Article 27. Grounds for Identifying as Victims

1. A person may be identified as a victim if one of the following grounds is found:

a) Such person is a person who is trafficked, transferred or received as stipulated in paragraphs 1 and 2, Article 3 of this Law;

b) Such person is a person who is recruited, transported or harbored as stipulated in paragraph 3, Article 3 of this Law.

2. The Government shall specify paragraph 1 of this Article.

Article 28. Papers, Documents Proving as Victims

1. Written confirmation made by district-level People's Security Agencies in accordance with paragraph 4, Article 24 of this Law.

2. Written confirmation made by rescuing agencies in accordance with Article 25 of this Law.

3. Written confirmation made by investigating agencies, agencies designated to perform a certain number of investigative activities, People's Procuracies or People's Courts.

4. Paper or document proving as victims that are issued by foreign agencies and legalized by Foreign-based Vietnamese Representative Missions or by the Ministry of Foreign Affairs.

Section 2 PROTECTION OF VICTIMS

Article 29. Rescue, Protection

Where there is ground to believe that a person is trafficked, the agencies, units or individuals stipulated in Article 21 of this Law shall have the responsibility to apply necessary measures to rescue [the person]; in case the person is likely to have his/her life, health, honor, dignity and property infringed upon, protective measures shall be applied.

Article 30. Protection of the Safety of Victims, the Relatives of Victims

1. Measures to protect the safety of victims and their relatives shall include:

a) Provision of temporary shelter in case the life or health of victims or their relatives is likely to be threatened;

b) Keeping secret the places of residence, work or study of victims and their relatives;

c) Measures to prevent acts of infringement upon or threatening to infringe upon the life, health, honor, dignity or property of victims or their relatives in accordance with law;

d) Other protective measures as stipulated by criminal procedure law.

2. The Government shall specify the protection of the safety of victims, their relatives.

Article 31. Protection of the Personal Information Secret of Victims

1. Agencies, organizations or individuals shall have the responsibility to keep secret the information of victims, unless otherwise as provided for by law.

2. At the request of victims or their lawful representative, courts shall consider and/or decide the commencement of closed court sessions on human trafficking cases.

**CHAPTER V
SUPPORT FOR VICTIMS**

Article 32. Eligible Persons And Supportive Regimes

1. Victims who are Vietnamese citizens or stateless persons permanently residing in Vietnam shall, depending on the circumstances stipulated in Articles 33, 34, 35, 36, 37 and 38 of this Law, are entitled to the following supportive regimes:

a) Support for essential needs and traveling expenses;

b) Medical support;

c) Psychological support;

d) Legal aid;

- e) Support for educational training, vocational training;
- f) Short-term allowances for overcoming difficulty, and loaning.

2. Victims as foreigners who are trafficked in Vietnam shall, depending on the circumstances stipulated in Articles 33, 34, 35 and 36 of this Law, be entitled to the supportive regimes stipulated in subparagraphs a, b, c and d, paragraph 1 of this Article.

3. Minors who accompany victims shall, depending on the circumstances stipulated in Articles 33, 34 and 35 of this Law, be entitled to the supportive regimes stipulated in subparagraphs a, b and c, paragraph 1 of this Article.

4. The Government shall specify the supportive regimes, the procedures for implementation of the supportive regimes for victims.

Article 33. Support for Essential Needs And Traveling Expenses

In case of necessity, victims shall be provided with temporary housing, clothing, food and other necessary personal tools on basis of actual conditions, and according to their sex, age, health characteristics. If victims are willing to return their places of residence but are unable to pay their fares and foods during their traveling, they shall be provided with such expenses.

Article 34. Medical Support

During victims' stay in social welfare institutions or victim supporting institutions, provision of health care and/or medical treatment expenses to victims shall be taken into consideration if they are in need of health care for health recovery.

Article 35. Psychological Support

Psychological support shall be provided to victims to help them have their psychology stabilized during their stay in social welfare institutions or victim supporting institutions.

Article 36. Legal Aid

1. Victims shall be provided with legal counseling for the purpose of prevention of re-trafficking, and with legal aid to apply for permanent residence registration, civil status registration, entitlement to supportive regimes, to claim compensation, and to participate in litigation and other legal procedures in connection with the human trafficking cases.

2. The procedures for legal aid shall be implemented in accordance with legal aid law.

Article 37. Support of Educational Training And Vocational Training

1. Victims who are minors in poor household families shall be provided with tuition fees, and expenses for purchase of textbooks and school items for their first school year if they continue their schooling.

2. Provision of vocational training to victims shall be taken into consideration when they return their areas if they are poor household family members.

Article 38. Short-Term Allowance for Overcoming Difficulty And Loaning

1. Victims on return to their areas shall be once provided with short-term allowance for overcoming difficulty if they are poor household family members.

2. Loans to victims shall be taken into consideration in accordance with law if victims are in need of capital for production or business.

Article 39. Agencies, Organizations Providing Support for Victims

1. Commune-level People's Committees that have received victims, or Public Security Agencies, Border Military or Marine Police that have rescued victims shall provide support to the victims to meet their essential needs.

2. Divisions on Labor, War Invalids and Social Affairs shall provide traveling expenses to victims in case they return their places of residence by themselves.

3. Social welfare institutions, victim supporting institutions shall provide support to meet the essential needs of victims, and provide psychological support and medical support to victims.

4. State-run legal aid centers and other organizations that provide legal aid services shall provide legal aid to victims.

5. Departments for Labor, War Invalids and Social Affairs shall provide short-term allowance for overcoming difficulty to victims; co-operate with Health Departments and Departments for Education and Training in providing health, educational training and vocational training supports to victims.

Article 40. Social Welfare Institutions, Victim Supporting Institutions

1. Public-run social welfare institutions shall perform the following duties to support victims:

- a) Receiving and providing shelter for victims;
- b) Providing support for essential needs, health care and psychological support to the victims according to their sex, age and will, and on basis of the institutions' availability;
- c) Providing education on living skills and vocational guidance to victims;
- d) Evaluating victims' possibility of integration into communities, and providing information of supportive policies, regimes and services for victims in communities;
- e) Providing necessary information to functional agencies for the prevention, suppression against the acts stipulated in Article 3 of this Law;
- f) Co-operating with relevant agencies to take victims to their places of residence;
- g) Co-operating with Public Security Agencies to verify victims.

2. Victim supporting institutions are institutions established by Vietnamese individuals or organizations in conformity with their establishment permits to take part in the performance of the duties stipulated in paragraph 1 of this Article; their establishment and operation shall not be borne by state budget.

The Government shall specify the conditions and procedures for the establishment of victim supporting institutions.

CHAPTER VI

RESPONSIBILITIES OF THE GOVERNMENT, MINISTRIES, AGENCIES AND LOCAL GOVERNMENTS IN THE PREVENTION, SUPPRESSION AGAINST HUMAN TRAFFICKING

Article 41. State Management Responsibility for the Prevention, Suppression against Human Trafficking

1. The Government conducts the uniform state management of the prevention, suppression against human trafficking.

2. The Ministry of Public Security shall have the responsibility to assist the Government in performing the state management of the prevention, suppression against human trafficking, and in performing the duties and powers as stipulated in Article 42 of this Law.

3. The Ministry of National Defence, the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Health, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Culture, Sports and Tourism, the Ministry of Education and Training, the Ministry of Information and Communications and other ministries and ministerial-level agencies shall, within their respective [prescribed] duties and powers, co-operate with the Ministry of Public Security in the performance of the state management of the prevention, suppression against human trafficking, and in the performance of the duties and powers as stipulated in Articles 43, 44, 45, 46, 47, 48, 49 and 50 of this Law and related laws.

4. People's Committees at all levels shall, within their respective [prescribed] duties and powers, have the responsibility to perform the state management of the prevention, suppression against human trafficking in their areas, and to perform the duties and powers as stipulated in Article 52 of this Law.

Article 42. Responsibility of the Ministry of Public Security

1. In performing the state management of the prevention, suppression against human trafficking, the Ministry of Public Security shall be responsible for:

a) Proposing to the Government the development and improvement of laws and regulations of prevention, suppression against human trafficking; concluding or acceding to international legal instruments relating to the prevention, suppression against human trafficking;

b) Drafting and submitting to competent agencies to promulgate, or promulgating according to its competence normative legal documents, programs and/or plans on prevention, suppression against human trafficking;

c) Acting as the focal point, or co-operating with relevant ministries, agencies and People's Committees of provinces or centrally-run cities in organizing the implementation of normative legal documents, programs and/or plans on prevention, suppression against human trafficking;

d) Acting as the focal point and co-operating with relevant agencies and organizations in the issuance and implementation of regulations of training and re-training for officials working in the field of prevention, suppression against human trafficking;

e) Acting as the focal point and co-operating with relevant agencies and organizations in making statistical reports of the prevention, suppression against human trafficking; in making of summing-ups of experience and practices, and multiplying patterns on prevention, suppression against human trafficking;

f) Inspecting and checking the implementation of laws and regulations of prevention, suppression against human trafficking;

g) Effecting international co-operation of prevention, suppression against human trafficking.

2. In the prevention, suppression against human trafficking, the Ministry of Public Security shall be responsible for:

a) Arranging forces for the performance of duties of prevention, suppression against human trafficking;

b) Managing social order and safety to prevent human trafficking;

c) Instructing Public Security Agencies to perform duties of receiving, verifying, supporting victims in accordance with provisions in Articles 24, 25 and 26 of this Law;

d) Launching movements with public participation in the prevention, detection and suppression against crimes, and in the maintenance on social order and safety.

Article 43. Responsibility of the Ministry of National Defence

1. Acting as the focal point and co-operating with relevant ministries and agencies in disseminating and encouraging people in border areas and islands to take part in the prevention, suppression against human trafficking.

2. Instructing Border Military, Marine Police to perform duties of prevention, suppression against human trafficking in border areas and on the sea in accordance with law, [and] to receive, support victims in accordance with provisions in Articles 25 and 26 of this Law.

3. Managing security and safety in border areas, islands and on the sea for the purpose of preventing human trafficking.

4. Effecting international co-operation of prevention, suppression against human trafficking according to its competence.

Article 44. Responsibility of the Ministry of Labor, War Invalids and Social Affairs

1. Drafting and submitting to competent agencies for issuance of supportive policies for victims; providing guidance on the implementation of supportive measures for victims according to the competence.

2. Managing, guiding, checking and inspecting the support for victims.

3. Instructing the combination of the prevention, suppression against human trafficking with programs of poverty alleviation, vocational training, job placement, prevention and suppression against social evils, gender equality and child protection.

4. Providing guidelines to social welfare institutions, victim supporting institutions in providing support to victims.

5. Co-operating with the Ministry of Health, the Ministry of Education and Training in instructing the provision of health, educational and vocational training supports.

6. Managing, guiding, checking and inspecting the job placement, the taking of Vietnamese persons abroad for laboring, and the recruitment of foreigners for working in Vietnam for the purposes of preventing and combating the misuse of such activities for human trafficking.

6. Effecting international co-operation of prevention, suppression against human trafficking according to the competence.

Article 45. Responsibility of the Ministry of Health

Instructing, guiding health institutions to co-operate with social welfare institutions and victim supporting institutions in the provision of health support to victims.

Article 46. Responsibility of the Ministry of Foreign Affairs

1. Providing instructions and guidelines to foreign-based Vietnamese representative missions in the protection of Vietnamese citizens who are abroad-trafficked victims; co-operating with Vietnamese competent agencies and foreign competent agencies in verifying victims and doing procedures to take victim as Vietnamese citizens back the country.

2. Co-operating with the Ministry of Public Security and other agencies competent to effect international co-operation of prevention, suppression against human trafficking.

Article 47. Responsibility of the Ministry of Justice

1. Co-operating with the Ministry of Public Security and relevant agencies in the drafting of, improvement of, and monitoring the implementation of laws and regulations of prevention, suppression against human trafficking.

2. Organizing, guiding the legal dissemination and education on prevention, suppression against human trafficking.

3. Managing, guiding, checking and inspecting supportive activities for marriage, the offering and receipt of children for adoption for the purposes of preventing and combating the misuse of such activities for human trafficking.

4. Guiding state-run legal aid centers, and organizations that provide legal aid to provide legal aid to trafficked victims in accordance with law.

5. Co-operating with the Ministry of Public Security and relevant agencies in effecting international co-operation of prevention, suppression against human trafficking.

Article 48. Responsibility of the Ministry of Culture, Sports and Tourism

1. Instructing the combination of the prevention, suppression against human trafficking with cultural, tourism and family programs.

2. Managing, guiding, checking and inspecting international and domestic tourism activities, and the activities of establishments for tourist stay and of tourist service providers for the purposes of preventing and combating the misuse of such activities for human trafficking.

3. Organizing and guiding the dissemination on prevention, suppression against human trafficking in local areas, and in the business activities of establishments for tourist stay and tourist service providers.

Article 49. Responsibility of the Ministry of Education and Training

1. Instructing the combination of knowledge of prevention, suppression against human trafficking with extra-curricular programs to the extent of being suitable to the requirements of different grades and disciplines; the dissemination and education on prevention, suppression against human trafficking for pupils, students and trainees.

2. Instructing schools and educational institutions under the national educational system to perform the duties stipulated in Article 14 of this Law.

3. Managing, guiding, checking and inspecting the taking of persons abroad for study for the purposes of preventing and combating the misuse of such activity for human trafficking.

Article 50. Responsibility of the Ministry of Information and Communications

1. Instructing mass media organizations to perform the duties stipulated in Article 16 of this Law.

2. Strictly managing, and regularly checking and inspecting postal, telephone, telex and internet services for the purposes of preventing and combating the misuse of such services for human trafficking.

Article 51. Responsibility of People's Procuracies and People's Courts

1. People's Procuracies and People's Courts shall, within their respective functions, duties and powers, handle strictly and without delay acts of violation of laws and regulations of prevention, suppression against human trafficking; have the responsibility to co-operate with relevant agencies and organizations in the prevention, suppression against human trafficking.

2. The Supreme People's Procuracy shall make statistics on human trafficking crimes.

Article 52. Responsibility of People's Committees at All Levels

1. Within their functions, duties and powers, People's Committees at all levels shall have the responsibility:

a) To combine the prevention, suppression against human trafficking with socio-economic development programs;

b) To organize the implementation of the prevention, suppression against human trafficking;

c) To allocate budget for the prevention, suppression against human trafficking;

d) To handle strictly and without delay acts of violation of laws and regulations of prevention, suppression against human trafficking;

e) To conduct the management of safety and social order for the purposes of prevention and suppression against human trafficking.

2. In addition to the implementation of the provisions in paragraph 1 of this Article, commune-level People's Committees shall have the responsibility:

a) To act as focal points and co-operate with Vietnam Fatherland Front Committees at corresponding level and their member organizations to facilitate the provision of advice on the prevention, suppression against human trafficking at grassroots level.

- b) To receive victims and to support victims in accordance with provisions in paragraph 1, Articles 24 of this Law;
- c) To create favorable conditions for victims to integrate into communities.

CHAPTER VII INTERNATIONAL CO-OPERATION IN THE PREVENTION, SUPPRESSION AGAINST HUMAN TRAFFICKING

Article 53. International Co-operation Principles

The State of Vietnam shall implement its international co-operation policies in the prevention, suppression against human trafficking on basis of equality, voluntariness, respect for independence, sovereignty.

Article 54. Effecting International Co-operation

1. On basis of provisions in this Law and the relevant international treaties of which Vietnam is a member, Vietnamese competent authorities shall effect co-operation programs with relevant agencies of other countries, international organizations, foreign individuals and organizations in strengthening legal capacity, information provision, technology and training of prevention, suppression against human trafficking.

2. Co-operation between Vietnamese relevant agencies and relevant agencies of foreign countries in dealing with specific cases on human trafficking must be in accordance with provisions of the international treaties of which Vietnam and related countries are members.

In case Vietnam and related countries haven't acceded to the same international treaties, Vietnamese functional competent agencies shall effect international co-operation on basis of reciprocity and in accordance with Vietnamese national law, and international law and practices.

Article 55. Co-operation of Rescue and Repatriation of Victims

1. The State of Vietnam shall create favorable conditions for Vietnamese functional agencies to co-operate with relevant agencies of other countries in the rescue and protection of trafficked victims.

2. The State of Vietnam shall create favorable conditions for the repatriation of victims who are foreigners to the countries where they hold the nationalities or their last places of residence are; apply appropriate measures for

the repatriation of victims in accordance with the prescribed procedures and the agreements between Vietnam and foreign countries, and protect the life, health, honor and dignity of victims.

Article 56. Mutual Legal Assistance

Mutual legal assistance relationship between Vietnam and related countries shall be conducted in accordance with international legal instruments of which Vietnam and such countries are members, or on basis of reciprocity accordance with Vietnamese national law, and international law and practices.

The State of Vietnam shall give priority to countries that sign bilateral legal instruments with Vietnam on mutual legal assistance in the prevention, suppression against human trafficking.

**CHAPTER VII
IMPLEMENTATION PROVISIONS**

Article 57. Implementation Effect

This Law shall come into force on 1st January 2012.

Article 58. Implementation Guidance

The Government shall specify the Articles and provisions in the Law that the Government is designated to do so; provide guidelines on other necessary contents of this Law to meet the state management requirements.

This Law was passed by the National Assembly of the Socialist Republic of Vietnam, Legislature XII at its 9th session on.....March 2011.

PRESIDENT OF THE NATIONAL ASSEMBLY

Nguyen Phu Trong

The translation of this law is brought to you by:



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