

*Hanoi, 14 July 2004*

**DECISION OF THE PRIME MINISTER**  
**Approval of the National Plan of Action against Crime of Trafficking in Children**  
**and Women during the period of 2004-2010**  
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**THE PRIME MINISTER**

Pursuant to the Organization Laws of the Government dated 25 /12/2001;  
In accordance with the Resolution No. 09/1998/NQ-CP dated 31/7/1998 of the  
Government on strengthening prevention of crime in new situation.;  
Upon the request of the Ministry of Public Security (MoPS);

**HEREBY DECIDES**

**Article 1:** To approve the National Plan of Action (NPA) against crime of trafficking in  
women and children from 2004 to 2010 including the following contents:

**1. Objective**

To make significant changes in awareness and action among different levels,  
departments, mass organizations and the whole society on prevention and combating of  
trafficking in children and women in order to prevent and basically reduce the number of  
trafficked women and children by 2010.

**2. Major components of the NPA:**

- a/ Component 1: Communication and education within community on prevention and  
combating of trafficking in children and women.
- b/ Component 2: Fight against crime of trafficking in children and women
- c/ Component 3: Receipt and support to the returned victims of trafficking
- d/ Component 4: Development and finalization of legal framework related to prevention  
and combating of trafficking in children and women.

**3. Implementation and funding arrangement**

- The MoPS will be a leading agency and coordinating with relevant ministries,  
agencies, mass organizations and the People’s Committees of all provinces and  
cities to implement the NPA.
- Funding from:
  - + The Government budget (central and local budget)
  - + Other legal funds mobilized internationally and domestically and contribution  
from international communities and donors...(Details are attached).

**Article 2:** This Decision will become effective 15 days after publicizing in Official Gazette.

**Article 3:** The Minister of MoPS will be in charge of monitoring and supervision of the implementation.

All Ministers, heads of Government agencies, Chairpersons of the People's Committees of all provinces and cities are responsible to implement this decision./.

On behalf of the Prime Minister  
Deputy Prime Minister  
Pham Gia Khiem

**NATIONAL PLAN OF ACTION AGAINST CRIME OF TRAFFICKING  
IN CHILDREN AND WOMEN DURING 2004-2010**

*(Attachment to the Decision No.130/2004/QĐ-TTg dated 14/7/2004  
of the Prime Minister)*

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**Part I**

**SITUATION OF TRAFFICKING IN CHILDREN AND WOMEN AND  
PREVENTION ACTIVITIES**

**I. THE SITUATION OF TRAFFICKING IN CHILDREN AND WOMEN**

**1. Situation:** In the recent years, especially since the transition of economy into socialism-oriented market mechanism, the situation of trafficking in children and women has become more and more complicated and serious and tends to increase. A proportion of children and women are trafficked within the country, mainly from rural and mountainous areas to cities and towns for prostitution. The remaining is trafficked to other countries in various forms and for different purposes. According to incomplete statistics, there have been, so far, tens of thousands of Vietnamese women and children trafficked across border, mainly through paths and border gates in the Northern and South Western boundaries. In the North, the trafficked children and women are used as prostitutes in service establishments or illegal wives while in the South, most of them work as sex workers in large cities and bordering provinces. These areas are also places to transit victims to further countries in the region. In addition, the deceit and trafficking in women to Taiwan through marriage brokerage, the trafficking in children to aboard in the form of child adoption appears to be extremely complicated and difficult to control over the past few years. Trafficking in children and women has been becoming an urgent and pressing problem, badly affecting the society, customs, tradition, social morals and Government laws, destroying family happiness, increasing the risks of HIV/AIDS transmission and resulting in potential impacts on national and social security.

**2. Cause:**

***Objective cause:***

In the context of market economy and international integration, many socio-economic problems exist, especially the difference between the rich and the poor and unemployment status. In several rural and remote areas, the local people suffer extremely poor living conditions and low level of education. Many women and children in especially difficult circumstances attempt to seek job opportunities in urban areas or

abroad. Furthermore, as influenced by bad factors such as unhealthy cultural flow and social evils including prostitution and drugs within the country and the region, the national criminals in cooperation with the international ones take these as advantages for their illegal practices.

***Subjective cause:***

The awareness of the seriousness, necessity and responsibilities for the prevention and combating of trafficking in children and women amongst Party Committees, authorities, agencies and mass organizations at different levels is still limited. The prevention and combating of trafficking in children and women has not been done in a comprehensive and synchronous way. There is lack of close coordination among relevant authorities. The implementation structure is not well established to meet the requirements on prevention and fight against trafficking in children and women in a new context.

## **II. PREVENTION AND FIGHT AGAINST TRAFFICKING**

### **2.1. Achievements in prevention and combating activities**

Over the past few years, the prevention and combating of trafficking in children and women are always set in line with the prevention and combating of criminals and social evils in general. After the approval of the Directive No. 766/TTg dated September 17<sup>th</sup>, 1997 of the Government and the Resolution 09/1998/NQ-CP dated July 31<sup>st</sup> 1998 with regards to “**Strengthening the prevention, combating of criminals in the new situation**”, the prevention and combating of trafficking in children and women has been given more attention by the concerned authorities and achieved some initial results.

- The prevention focuses on communication and education on laws and policies, tricky practices of traffickers in order to enhance the local people’ awareness and vigilance; state management of security, management over hotels, guest houses, restaurants,... management over the brokerage business of marriage with foreigners, child adoption by foreigners, entry-exit management,.. in order to timely discover criminals and trafficking cases. For the returned victims, relevant agencies such as Border Guard, Police, MOLISA and mass organizations in close cooperation with local authorities help these people settle down their livings, seek jobs, and reintegrate into the community.

- Combating trafficking: While the trafficking in children and women is getting more and more serious, the police force acting as the lead agency in combating crimes, implement different measures to discover, prevent and combat the crime of trafficking in children and women in collaboration with other relevant authorities.

As reported by police from provinces and cities, the police forces at all levels have disclosed and arrested thousands of trafficking cases with thousands of traffickers in women and children (both inside and outside the country). Of this, 1,818 cases were prosecuted with 3,118 criminals committed trafficking of women; 451 cases were

prosecuted with 672 criminals committed trafficking, exchanging or abusing children (According to Article 119, 120 of the 1999 Criminal Code). During 5 years alone of implementing Directive No. 766/TTg of the Prime Minister (1998-2002), the police and border guard forces at all levels quashed 921 cases with 1,807 traffickers in children and women.

Many large-scale and well-organized networks of trafficking in children and women to other countries in the region have been disclosed and handled by the police and border guard agencies. From 1998 to 2002, the People's Courts at all levels prosecuted thousands of criminals committed trafficking in children and women in accordance with the Article 119, 120 of the Criminal Code (1999). Most criminals were sentenced strictly in conformity with the laws.

- International cooperation: Over the past years, the international cooperation in actions against trafficking in children and women has strengthened significantly. Vietnam has been involved in related international documents, signed Agreements of bilateral legislative support and particularly coordinated with neighbouring countries to fight against crimes, especially the cross-border trafficking in children and women.

Under the leadership of the Government, several relevant Ministries and agencies have implemented anti-trafficking projects funded by international organizations such as UNICEF, ILO, IOM, UNODC and others.

In general, the implementation of the projects have made significant contribution to prevention and combating of trafficking in children and women, especially in the fields of communication and education, legal study, situation survey and analysis, capacity building training to the staff of key Ministries, agencies and localities.

## **2.2. Some constraints in the prevention and combating of crime of trafficking in children and women**

Though some results have been achieved, there remains a lack of synchronous coordination among agencies from the central to grassroots levels in prevention and combating of trafficking in children and women. A leading agency responsible for setting up a collaboration mechanism does not exist. The proportion of investigating and disclosing trafficking cases remains very low compared to the actual situation. The investigation into the situation appears to be occasional and untimely. It is passive in disclosing trafficking cases that are mainly based on the complaints from victims or their families. The residence management (both permanent and temporary) has not been done properly, especially in remote and rural areas. The legislative system relating to prevention and combating of trafficking in children and women has not been completed. In particular, the number and status of the trafficked children and women living abroad has not been known.

The staff working in this area in relevant agencies at all levels has not been updated with basic knowledge; There lacks internal and external information; distribution

of its force and facilities for combating traffickers of women and children fails to meet the requirements in the current situation.

**Part II**  
**CONTENTS OF THE NATIONAL PLAN OF ACTIONS AGAINST  
TRAFFICKING IN CHILDREN AND WOMEN DURING 2004-2010**

**I. LEADING POINT OF VIEWS**

1. Prevention and combating of trafficking in children and women is a significant social issue which needs to be put in the relationship between prevention and combating of crimes and socio-economic issues under the leadership of the Party Committees and authorities at various levels with the involvement of different agencies, mass organizations and the whole society.

2. Focus is given to prevention. There is a need for close linkage between prevention and fighting against trafficking in children and women and community re-integration for victims in line with the Party's guidelines and policies, Government laws and international laws.

**II. OBJECTIVES**

**1. General objective**

To make significant changes in awareness and actions among different levels, departments, mass organizations and the whole society on prevention and combating of trafficking in children and women in order to prevent and basically reduce the number of trafficked women and children by 2010.

**2. Specific Objectives**

***2.1. From 2004-2006***

- Raise the awareness and understanding of the community on the tricks, causes and consequences of trafficking in children and women; Improve the respect and implementation of laws on prevention and combating of trafficking in children and women in particular and crimes in general of every citizen and organization.
- Develop and mandate legal executing agencies; Reinforce the legislation and social management to prevent and combat trafficking in children and women.
- Prevent and combat trafficking to reduce 20% of crimes related to trafficking in children and women in target areas.

***2.2 From 2007-2010***

Synchronize preventive measures and actively combat trafficking to reduce more than 50% of trafficked children and women nationwide; Provide assistance to trafficked women and children who return to their hometown for re-integration into the community.

### **III. CONTENTS AND MAIN COMPONENTS OF THE NPA**

#### **1. Contents**

- 1.1 Basic survey, situation analysis and forecast of trafficking criminals; Setting up of database related to trafficking in children and women.
- 1.2 Communication, education and encouragement of local people to identify, prevent and combat traffickers.
- 1.3 Synchronization of preventive measures among the families, communities, agencies and organizations.
- 1.4 Fight against trafficking in children and women and other related crimes, especially highly-organized transnational crimes of trafficking in children and women.
- 1.5 Support to education, job opportunities, community re-integration for trafficked women and children. Funding and construction of receiving centers for returned victims.
- 1.6 Strengthening and capacity building training to staff working on prevention and combating of trafficking in children and women.
- 1.7 Development and finalization of legal documents related to prevention and combating of trafficking in children and women.
- 1.8 International cooperation in prevention and combating of trafficking in children and women, especially cross-border trafficking in conformity with the national and international laws.

#### **2. Main components of NPA**

##### ***2.1. Component 1: Education and communication in the community on prevention and combating of trafficking in children and women***

Focus on regular advocacy and education communication under various forms; Organize communication campaigns at-risk target groups in the whole country, especially in targeted areas; Integrate the advocacy on prevention and combating of crimes and social evils; Develop cultural families, healthy communes, streets without social evils; Provide support and counseling to the families of victims and vulnerable women and children.

The Central Viet Nam Women' Union is the key agency with the involvement of the Committee for Population, Family and children, Ministry of Culture and Information, Youth Union and other Ministries and Departments.

### ***2.2. Component 2: Combating trafficking in children and women***

Focus on prevention, identification, investigation and sanction of trafficking in children and women and women and other related crimes, particularly cross-border trafficking in children and women and internationally organized crimes.

Arrest criminals who are hidden themselves, prevent them from committing further crimes and becoming new criminal organizations.

Sub-component 1: the Ministry of Public Security is the key agency to implement in the inland areas.

Sub-component 2: the Ministry of Defense (Border Guard Command) is the key agency to implement in the bordering areas.

The Committee for Population, Family and Children, Ministry of Justice, Ministry of Foreign Affairs, People's Supreme Court, People's Court of Investigation and other ministries and department will coordinate with these key ministries.

### ***2.3. Component 3: Receipt and support to women and children victims returning from abroad***

Focus on close monitoring border gates: Coordinate with public security forces and border guards of bordering countries and relevant authorities to make necessary procedures to receive and provide support to returned victims.

The Border Guard Command will be the key agency in-charge-of receiving victims and complete handing over procedures. MoLISA will coordinate with other ministries, departments and local authorities to carry out education activities and help the victims quickly settle down their livings and re-integrate into the community.

### ***2.4 Component 4: Development and strengthening of legal framework in relation to the prevention and combating of crime of trafficking in children and women***

Conduct research; Develop and strengthen legal framework as well as legal documents relating to prevention and combating of trafficking in children and women in terms of: criminal law, administration, marriage, child adoption involving foreigners, tourism and labor export, exit-entry management, prosecution, and community reintegration of victims.

Ministry of Justice will be the key agency in this component with the involvement of Ministry of Foreign Affairs, Ministry of Public Security, Ministry of Defense (Border Guard Command) and other Ministries and departments.

### **Part III**

## **IMPLEMENTATION ARRANGEMENT**

### **I. Management**

- The contents of the NPA relate to different areas under the management of various Ministries and agencies. Therefore, the NPA needs to be synchronously implemented under close cooperation among Ministries, agencies and mass organizations.
- It is imperative to set up a National Steering Committee for the National Plan of Action against crimes of trafficking in children and women chaired by a Deputy Prime Minister. Vice Chairperson is an official from MoPS. Its members are from other relevant ministries, agencies such as Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour, Invalids and Social Affairs, Vietnam Central Women' Union, Committee for Population, Family and Children, Ministry of Planning and Investment and Ministry of Finance.
- Provincial Steering Committees will be established with the similar memberships.

### **II. Assignment of Responsibilities**

#### **1. Ministry of Public Security:**

- Act as standing agency of the National Steering Committee, responsible for assisting the Government in coordinating and implementing the NPA; Appoint a full-time taskforce in-charge-of prevention and combating of trafficking in children and women; Provide guidance and instruction to provincial Police Departments to implement the NPA.
- Act as a focal point in cooperation with other relevant ministries, agencies and People's Committees of provinces and cities, to monitor the situation and collect the statistics of the women and children trafficked or illegally transported to other countries.
- Identify the targeted areas; Instruct the police forces at all levels to strongly apply professional practices in order to disclose, prevent and quash trafficking networks. Manage temporary and permanent residence at commune, ward and town levels; Mobilize people, in cooperation with the Vietnam Fatherland Front and mass organizations, to participate in the prevention, disclosure and fighting against crimes, and in maintaining social security.

- Together with relevant departments and local People's Committees, examine and handle illegal matching service establishments, child adoption involving foreigners, and tourism and labor export services violating the laws in sending people abroad.
- Strengthen organizational structure and specialized staffs from the central to local levels to timely detect, quickly investigate and strictly handle the organizations and individuals breaking the laws on prevention and combating of trafficking in children and women and illegal sending of women and children abroad.
- Be a focal point in international co-operation in prevention and combating of trafficking in children and women; Coordinate with Interpol and the Police of neighboring countries, especially China, Cambodia to detect, prevent, and combat cross-border trafficking in children and women.
- Regularly update the situation and prepare annual report to the Prime Minister with recommendations for difficulties and constraints.

## **2. Ministry of Defense (Border Guard Command)**

- Strengthen control measures at border gates in order to prevent illegal sending of women and children abroad.
- Act as a lead agency and co-operate with relevant Ministries and Departments to receive and support the returned women and children victims who are trafficked outside the country boundary.
- Collaborate with the national and international Police such as China, Cambodia,... to detect and prevent the illegal cross – border transportation of women and children.
- Coordinate with relevant agencies in propagating and mobilizing people in border areas to involve in combating trafficking in children and women.

## **3. Ministry of Foreign Affairs**

- Act as leading agency and coordinate with the Ministry of Public Security in political issues and external relations; Cooperate with foreign countries to prevent and combat of trafficking in children and women to abroad; Update the situation and number of trafficked children and women who are living abroad; Establish appropriate policies to work with international organizations and countries involved in elimination of illegal sending of Vietnamese women and children abroad.
- Co-operate with mass organizations and people to mobilize and take advantage of the assistance from international NGOs in handling this issue.

## **4. Ministry of Labor, Invalids and Social Affairs**

- Act as a lead agency and co-operate with the Ministry of Public Security, Border Guard Command, the Ministry of Public Health, Committee for Population, Family and Children, Vietnam Central Women' Union, People's Committees at various levels to organize vocational training, job placement, community re-integration for the cross-border trafficked women and children who returned home and send whom suffering from social diseases to health treatment centers.
- Conduct research and update the list of jobs and vocations in which the use of woman and child labor is prohibited with the aim to prevent them from being abused.

#### **5. Ministry of Justice**

- Act as a lead agency and co-operate with other Ministries and Departments to develop and strengthen the legal system on prevention, combating and handling of crimes relating to woman and child trafficking; Organize legal dissemination and education on prevention and combating of trafficking in children and women.

#### **6. Ministry of Planning and Investment**

- Coordinate with the Ministry of Finance to allocate budget to anti-trafficking programme and include it in the annual plan to be submitted to the Prime Minister for consideration and approval.

#### **7. Ministry of Finance**

- On annual basis, provide guidance to prepare cost estimate for the NPA until 2010 in accordance with the State Budget Law; Examine the management and utilization of budget; Take the lead role in review of appropriate measures and propose them to the relevant authorities in order to mobilize funding from national and international sources.

#### **8. Vietnam Central Women' Union**

- Act as a lead agency and co-operate with relevant Ministries, departments, agencies mass organizations and local authorities to organize dissemination, education and counseling activities at the community on prevention and combating of women and child trafficking.
- Coordinate with the Ministry of Labour, Invalids and Social Affairs to provide support and assistance to returned victims for re-integration into the community.

#### **9. Committee for Population, Family and Children**

- Act as a lead agency and co-operate with relevant Ministries, departments and agencies to prevent child trafficking and commercial sexual exploitation.

## **10. Ministries, Ministerial – level agencies and Government agencies**

- Work out plans to direct the implementation of measures to combat and prevent woman and child trafficking within their responsibilities and authority.

## **11. People’s Committees of provinces and cities**

- Be responsible to implement the NPA and its components, especially the Component 1, 2 and 3; Develop specific plans suitable to the local situation; Select locations for pilot implementation to draw lessons learnt; Clearly define the responsibilities of the Chairmen of district and commune People’s Committee in the implementation of the NPA.

## **12. Supreme People’s Court, Supreme People’s Court of Investigation**

- Strengthen instructions to branch agencies at local levels; Closely co-operate with other law enforcement agencies in investigating, prosecuting and handling crimes of trafficking in children and woman in a timely and strict manner.

## **11. Vietnam Fatherland Front, Vietnam General Confederation of Labour, Vietnam Veterans’ Union, Vietnam Farmers’ Union, Vietnam Central Women’s Union, Central Youth Union**

- Closely co-operate with Ministries, departments, and authorities of different levels to advocate and mobilize local people to actively involve in prevention and combating of woman and child trafficking.

## **III. Funding for implementation of the NPA**

### **Funding is mobilized from various sources:**

- 1. State budget:** Every year, the Government reserves an amount of funds to implement the NPA, objectively support key tasks and components.
- 2. Local budget:** On annual basis, the locality should actively develop plans and allocate funding for prevention and combating of woman and child trafficking, and integrate it into other programs and projects in the area.
- 3. Other sources inside and outside the country (contributions of community and international sponsors...)**

The funding from the state budget allocated annually according to the State Budget Law is to be planned and submitted by the Steering Committee to the Government for approval.

The Ministries, Departments, People's Committees of provinces and cities are responsible to implement, regularly monitor and follow-up the NPA, develop periodic and yearly plans to appropriately and effectively implement the NPA and projects.

**FOR THE PRIME MINISTER  
VICE MINISTER**

**Pham Gia Khiem**