

REPATRIATION AND REINTEGRATION OF TRAFFICKED VICTIMS: THE CASE OF VIETNAM

*Le Thi Hoa**

I. INTRODUCTION

Trafficking in persons, especially women and children, has become a serious concern for many countries in all parts of the world. Considered today as modern slavery, trafficking in persons has become a larger phenomenon assuming different forms and motives. To successfully combat trafficking in persons requires a system of comprehensive measures; policies against trafficking in persons should be considered from multiple approaches, not only from criminal justice approaches, such as preventing, suppressing and punishing trafficking crimes. But they must also be considered from victim-centered and rights-based viewpoints, such as victim protection, repatriation and reintegration. Especially when most victims are women and children, the latter becomes very important to save lives, protect rights and also to prevent re-trafficking.

In many countries, victims of trafficking are denied legal residence status and may be subject to deportation, even before they have the chance to participate in the criminal process or to request compensation. They often have no identification or documents for travel and, therefore, face many problems, including being unable to return to their home countries. If left to travel alone, they are especially vulnerable to being re-trafficked. Moreover, most victims of trafficking are in shock due to the physical, psychological or sexual violence, and therefore they need medical treatment and psychological counselling. Victims are usually in need of housing, financial assistance, education and vocational training, as well as employment; without assistance from concerned authorities and communities, they are vulnerable to being re-trafficked. Thus, the international community has agreed to establish a common legal framework against trafficking in persons, namely the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, which supplements the Convention against Transnational Organized Crime. The Protocol focuses on women and children, as they are the main and especially vulnerable victims, and requires States Parties to fulfill obligations on repatriation and reintegration of trafficked victims.

To combat trafficking in persons and to protect victims, Vietnam has made many efforts against human trafficking and has developed various countermeasures for prevention and suppression. In 2011, the Vietnam National Assembly approved the Law on Prevention and Suppression against Human Trafficking. Besides the Penal Code and the Penal Procedure Code, the Law provides a significant framework to fight against human trafficking in Vietnam. The Government has also issued various anti-trafficking programmes and projects and has strengthened the responsibilities of concerned authorities to combat human trafficking. In December 2011, Vietnam approved the UN Convention Against Transnational Organized Crime and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereinafter the "Protocol" against trafficking in persons). This event expresses determination, commitment and the efforts of Vietnam in the fight against trafficking in persons, as well as the protection of victims. As a source state of trafficking in persons, the number of victims in Vietnam, and those who have returned, have been increasing recently; however, Vietnam has been facing many challenges to support and reintegrate the victims. This paper examines the current situation of human trafficking and how the Vietnamese Government deals with the issues by focusing its policy on repatriation and reintegration of the victims.

* Legal Expert, Ministry of Justice, Vietnam.

II. THE CURRENT SITUATION OF TRAFFICKING IN PERSONS IN VIETNAM

A. The Current Situation

In the context of the country's deepening process of economic globalization, in recent years Vietnam has become a source and also destination point of human trafficking, and it is also at risk of becoming a major transit location for non-Vietnamese victims being trafficked to other countries in the region. The Ministry of Public Security reported that during 2006 and 2007, 537 trafficking cases were reported, with 1,465 women and children trafficked. In 2007, there were 357 cases with 670 perpetrators accused of trafficking 862 women and children.¹ According to the Report assessing five years' (2004-2009) implementation of the Government's programme on combating trafficking in women and children, there were 1,586 cases with 2,888 offenders and 4,008 victims throughout the country. In comparison, within the last five years, the number of cases increased by 1,090 with 2,117 offenders and 2,935 victims. Remarkably, trafficking in newborn babies, fetuses and men is increasing. Also, a trafficking network has been established for the purpose of removal of organs for transport to China.² However, given the lack of official data and estimates of the incidence of human trafficking, the numbers of victims are very limited and generally lack empirical merit; in fact, the number of victims trafficked is much higher.

Trafficking in persons in Vietnam has changed remarkably from happening in only some provinces to spreading out to many other areas across the whole country; from the mode of domestically trivial acts to transnational organized activities. Women, girls and children have been trafficked domestically from the rural provinces into the sex industry, or they have become domestic workers in big cities.³ At the cross-border level, Vietnam is a source country. Trafficking in women and children from Vietnam occurs in three main lines: from the southern provinces to Cambodia, from the northern provinces to China, and the route to Hong Kong, Macau, Malaysia, Taiwan, and the Republic of Korea.⁴

B. Forms of Exploitation

Victim exploitation is a required component of human trafficking. Victim exploitation has multiple forms such as prostitution, forced labour, and the removal of organs. In the case of Vietnam, women and children are trafficked to Cambodia largely for sexual exploitation and forced labour,⁵ to China in the form of "mail-order brides" or are lured into prostitution. Children are being sold to China for adoption or for their organs. Women are also being trafficked for sexual exploitation, domestic work, fake and servile marriages, forced labour, or prostitution to some other countries in an apparently smaller scale such as Hong Kong, Korea, Taiwan, ect.⁶ Additionally, Vietnam is reportedly the destination for children trafficked from Cambodia for begging, labour and sexual exploitation. Some cases of trafficking in men were discovered in Laocai, Quangninh, Caobang, and Langson provinces; they were trafficked for labour exploitation in the construction and mining industries.

C. Means of Trafficking in Persons

According to Report No. 421/BCA-VPTT130/CP of the Ministry of Public Security,⁷ common tactics used by traffickers are:

- i) Abusing the situation of economic difficulty, as well as the low education of women and children, traffickers trick them by promising that they will have high income jobs, and then the traffickers

¹ Report of Ministry of Justice on Assessment [of the] Vietnamese Legal System on Combating Trafficking in Women and Children – Recommendations, 2008.

² Report No. 421/BCA-VPTT130/CP of the Ministry of Public Security on the assessment of five years (2004-2009) to implement the Government's Program on combating trafficking in women and children, dated 9 October 2009.

³ Report of 130/CP Steering Committee at the Meeting of Implementing National Plan of Actions phase II (2007-2010) Hanoi, 2007, p. 23.

⁴ Report of Ministry of Justice on Assessment [of the] Vietnamese Legal System on Combating Trafficking in Women and Children – Recommendations, 2008, p. 5.

⁵ Annuska Derks, *Combating Trafficking in South-East Asia: A Review of Policy and Program Responses* (Working Paper No 2, IOM, 2000), p. 18.

⁶ Action Aid International Vietnam, 2005, *Synthesis Report: The Trafficking of Vietnamese Women and Children*, at http://www.humantrafficking.org/uploads/publications/AT_Synthesis_report_EN_080906.pdf, accessed 1 June 2012.

⁷ See 2.

sell them to brothels, restaurants or other enterprises in Vietnam and other countries for sexual exploitation or forced labour;

- ii) Taking advantage of the gaps in adoption regulations, traffickers travel around the country to collect new-born babies from provinces; then they collude with organizations masquerading as “humanitarian legal assistance centers” to set up files for abandoned babies. Then they traffic them to foreign countries. In 2010, there were four cases prosecuted in Hoabinh, Ninhbinh, Namdinh and Lamdong provinces. The typical cases: Vu Tien Manh colluded with his accomplices and trafficked 174 babies for international adoption from 1996 to 1998; or the case of Social Sponsor Center of Lynhan District, Namdinh Province, where traffickers collected 253 abandoned babies and trafficked them for international adoption.⁸
- iii) To defraud by promising victims a good marriage. This method is often used by traffickers in the south of Vietnam. In many cases, foreigners collude with Vietnamese procurators by establishing transnational organized groups of trafficking hidden in the form of “marriage procurement centers”. In September 2006, a group of traffickers in Bindinh Province had a pretended wedding in order to procure 266 Vietnamese girls for 41 Koreans. Just in Ho Chi Minh City, there were 38 cases of illegal marriage discovered and 1,772 women chosen by Taiwanese and Korean men⁹;
- iv) Taking advantage of information technology, the traffickers have cheated students by promising them jobs or study abroad programmes but then traffic them abroad (about 7.3% of all victims were trafficked this way) or establish transnational sexual tourism networks;
- v) Taking advantage of deserted mountain areas, an organized crime group of the Vietnamese and Chinese traffickers broke suddenly into a house, killed the parents, kidnapped children and trafficked them to China. Just in Hagiang Province, from 2007 to 2010 there were 49 cases discovered with 7 people killed, 3 people injured and 66 children kidnapped and trafficked.

D. The Causes of Trafficking in Persons

The reasons that human trafficking is an increasing phenomenon in Vietnam are: 1) the root cause of trafficking in persons is the spread of operations of international human trafficking networks and the strong development of the sex industry in the region and in the world; 2) in the country, the negative aspects of the market economy have been creating advantages to spread and develop prostitution as an illegal business sector, which results in trafficking in women and children for the purpose of prostitution; 3) illiteracy, economic difficulties, lack of education and information, and the shortage of awareness and knowledge are also causes leading many women and children to become victims of trafficking; 4) the weak management of authorized agencies in certain areas such as border security, immigration, marriage, and child adoption has also created good conditions for traffickers; 5) the lack and limitation of laws and regulations in certain areas such as marriage, labour, and exportation has created advantages which traffickers exploit to transfer many women abroad illegally.

III. REPATRIATION AND REINTEGRATION OF VICTIMS OF TRAFFICKING UNDER VIETNAMESE LAWS

Returning to their home countries is often a complicated process for victims of trafficking, especially trafficked women and children, in which they face psychological, health, economic and legal troubles and problems in the reintegrating process. The Training Manual for Combating Trafficking in Women and Children, developed as part of the United Nations inter-agency project on trafficking in women and children in the sub-Mekong region, undertaken in cooperation with International Organization for Migration (IOM), confirmed the importance of repatriation as going beyond returning the trafficked person home safely and voluntarily.¹⁰ In particular, actions undertaken before the victims return to their homes are significant in the prevention of trafficking. Besides the economic and political conditions of the country to which victims return, social values and patterns of thinking, which victims are driven into, are contributing factors for

⁸ Ibid.

⁹ Ibid.

¹⁰ Training Manual for Combating Trafficking in Women and Children, at www.un.or.th/traffickingProject/trafficking_manual.pdf, accessed 5 June 2012.

second- and third-time trafficking. The “pre-departure” activities are extremely important since the victims that are returning have the potential to be the strongest anti-trafficking advocates in the communities to which they return.¹¹

Further, most victims of trafficking, especially women and children, need assistance to reintegrate into their communities and recover from the trauma they experienced. Providing services such as shelter, financial support, counselling, and vocational training not only facilitates their reintegration but also prevents them from being re-trafficked or falling into the sex industry or exploitation. Since many rescued trafficked women and children suffer from sexually transmitted diseases, regulations on free, quality medical services and rehabilitation to these trafficked victims is also essential to ease the reintegration process. Child victims of trafficking are particularly vulnerable, and thus it is necessary for special programmes and services to provide proper care and rehabilitation.

From an international perspective, the community has made strong commitments to protect victims through various legal instruments and toolkits, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; the toolkit of the Global Programme Against Trafficking in Human Beings (United Nations Office on Drugs and Crime — UNODC); the 2002 UNOHCHR Guidelines; the United Nations Declaration of Basic Principles; and the International Labor Organization (ILO) 182.¹² Those documents provide the principal criteria to countries to protect, repatriate and reintegrate trafficked victims.

A. Vietnam's Current Situation of Repatriation and Reintegration of Victims

Recently, the number of victims of trafficking, especially women and children, returning to Vietnam has been increasing. During 2005 and 2006, over 1,200 women and children had either self-returned or had been deported from a foreign country back to Vietnam. As the initial result of data analysis surveyed on the situation of repatriation of trafficked victims in several provinces, 75% of the victims self-returned (ran away from detention, harbours), 20% were officially deported and 5% were released by traffickers after they were accused. In fact, the number of victims who returned to Vietnam is very small — only 8% of women and children trafficked — and most victim receipt cases were implemented unofficially; therefore, the management and support of the victims has faced many difficulties and challenges.¹³

According to a report of the Ministry of Justice, the initial result of the survey conducted in several provinces predicted that most trafficked women and children came from rural areas, hinterlands, and distant regions or mountain villages; they were not educated (70% were illiterate).¹⁴ Most of them suffered from economic difficulties, were homeless, landless, and jobless, and suffered from poverty and famine. Most women and girls who had worked in the sex industry usually do not share their real experiences or situations with their families and communities because they feel ashamed. Many of them came back with an illness caused by the conditions in which they were exploited, by alcohol or drug abuse, or by physical or sexual abuse. Most of them have emotional or psychological problems, spinal injuries, respiratory problems, tuberculosis, malnutrition, mental problems, sexually transmitted diseases, including HIV/AIDS, injuries from assault and complications from abortion.¹⁵ Many of them could not get identification cards issued; therefore, they could not re-register for permanent residence, which causes many negative consequences in their lives.¹⁶ At the same time, the community often discriminates against them, considers them to be spoiled and unfit for marriage and as having a corrupting influence on other young people.¹⁷ Meanwhile, the victims do not know where and which authorities are responsible to assist them, and local authorities have not yet paid much attention to them or provided support and assistance for their integration. Moreover, even the procedure and mechanism for receipt and reintegration of victims still lacks specific and concrete guidelines and suffers from financial limitations, the weakness of concerned authorities, poor facilities, etc.

¹¹ Ibid.

¹² ILO, <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C182>, accessed June 5, 2012.

¹³ Report of the Ministry of Justice on Assessment [of the] Vietnamese Legal System on Combating Trafficking in Women and Children – Recommendations, 2008.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Ibid.

B. Vietnam's Legal Framework on Repatriation and Reintegration of Victims

Before the Law on Prevention and Suppression Against Trafficking in Persons was enacted, the important legal document that provided the framework for repatriation and integration of victims was the Decision on the National Plan of Action Against Crime of Trafficking in Children and Women during the period of 2004-2010 approved by the Prime Minister in July 2004; the Decision No 17/2007/QĐ-TTg (January 2007) on promulgation of the Regulation on Receipt and Support to Community Reintegration of the Trafficked Women and Children Returned Home from Overseas, and the Inter-Ministries Circular No. 116/2007/TTLB/BTC-BLDTBXH between the Ministry of Finance and the Ministry of Labour, Invalids and Social Affairs (MoLISA) guiding the financial spending on identification and receipt of trafficked women and children. These documents created concrete obligations of the concerned Ministries, relevant agencies and organizations to receive and support community reintegration of the trafficked women and children.

Since 2012, the repatriation and integration of trafficked victims are provided for in the Law Against Trafficking in Persons, as follows:

i) Victim Receipt Procedures:

a) Receipt of Domestically Trafficked Victims¹⁸

Victims or their lawful representatives may go to commune-level People's Committees, or other local agencies or organizations, to report trafficking cases. Agencies or organizations that receive the report 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 the Division of Labor, War Invalids and Social Affairs of the report. In case of necessity, the commune-level People's Committees that have received the victims shall meet the essential needs of victims. Within three days of the date they receive the notification from the commune-level People's Committees, the Division of Labor, War Invalids and Social Affairs shall receive and support victims, and cooperate with Public Security Agencies at corresponding levels in identifying preliminary information of the victims in case the victims are not in possession of one of the papers or documents stipulated in the Law. After receiving the victims, the Division of Labor, War Invalids and Social Affairs shall provide travelling expenses to the victims in case they return to 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; conduct procedures to transfer the victims to social welfare institutions or victim support 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-support institutions. If the victims do not possess any papers or documents that prove them to be victims, the Division of Labor, War Invalids and Social Affairs shall request Public Security Agencies at corresponding levels to conduct verification.

b) Receipt of Rescued Victims¹⁹

Public Security Agencies, Border Military or Marine Police that have rescued victims have the responsibility to meet the essential needs of the victims and transfer them to the Division of Labor, War Invalids and Social Affairs near the areas where the victims have been rescued. After receiving the victims, the Division of Labor, War Invalids and Social Affairs shall provide supports as mentioned above. In case the victims have not been confirmed as victims by the rescuing agencies, the Division shall cooperate with the Public Security Agencies at corresponding levels to identify the preliminary information of the victims prior to the provision of travelling expenses to the victims or the transfer of the victims to social welfare institutions or victim support institutions.

c) Receipt of Victims Who Return from Abroad²⁰

Foreign-based Vietnamese Representative Missions shall receive and review the documents of the victims and cooperate with the Ministry of Public Security in verifying the identity record of the victims, issuing necessary documents and conducting procedures to take them back to Vietnam. The competent agencies of the Ministry of Public Security or the Ministry of National Defence shall receive the victims,

¹⁸ Article 24 of the Law on Prevention and Suppression against Trafficking in Persons.

¹⁹ Ibid. at Article 25.

²⁰ Ibid. at Article 26.

provide fares and food expenses during their travelling and guide them as they apply for supportive measures stipulated in the Law if the victims express their desire to return to their place of residence on their own. If they do not have any place of residence or they express their desire to remain in social welfare institutions or victim support institutions, the competent agencies shall transfer them to such institutions.

ii) The assistance policy for reintegration of victims

Victims who are Vietnamese citizens or stateless persons permanently residing in Vietnam are entitled to supportive measures, including: essential needs and travelling expenses, medical support, psychological support; legal aid; educational training, vocational training; loans or short-term allowances for overcoming difficulty. Foreign-national victims trafficked in Vietnam are supported for essential needs and travelling expenses, medical support, psychological support, and legal aid. Minors who accompany victims are also provided support for integration.

iii) Agencies and Organizations Providing Support for Victims:

According to the Law Against Trafficking in Persons²¹:

- 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.
- The Division on Labor, War Invalids and Social Affairs shall provide travelling expenses to victims in case they desire to return to their places of residence by themselves.
- Social welfare institutions, victim support institutions shall provide support to meet the essential needs of victims, and provide psychological support and medical support to victims.
- State-run legal aid centers and other organizations that provide legal aid services shall provide legal aid to victims.
- The Department for Labor, War Invalids and Social Affairs shall provide short-term allowances to help victims overcome their difficulties; cooperate with Health Departments and Departments for Education and Training in providing health, educational training and vocational training support to victims.

Publicly run social welfare institutions shall support victims by receiving them and providing them with shelter; providing victims with support for their essential needs, health care and psychological support according to their sex and age, according to their will, and on the basis of the institutions' resources and ability; providing education on living skills and vocational guidance to victims; evaluating victims' possibility of integration into communities, and providing information on supportive policies, measures and services for victims in communities; providing necessary information to functional agencies for the prevention and suppression of all acts of human trafficking; cooperating with relevant agencies to take victims to their places of residence. The Law also provides that victim support institutions, which are established by Vietnamese individuals or organizations in conformity with their establishment permits, may take part in the performance of the above-mentioned duties to support victims.

C. The Effort of Vietnam on International and Regional Cooperation

Recently, the Vietnamese government has been paying more attention to the problem of trafficking in women and children and has made efforts to prevent and reduce it, including participating in related international instruments such as CEDAW (ratified 17 February 1982), the Convention on the Rights of the Child (ratified 28 February 1990), Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography and Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (ratified 20 December 2001), the ILO Convention No.182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labor (ratified 19 December 2000) and the Convention against Transnational Organized Crime (ratified on 8 June 2012). Furthermore, Vietnam has entered into bilateral agreements with China, Australia, Cambodia, and Thailand concerning cooperation in combating certain crimes, including illegal immigration and trafficking in women and children. Those documents create a legal basis for Vietnam to cooperate with other states and organizations to prevent trafficking in women and children as well as to provide support and assistance for trafficked victims.

²¹ Ibid. at Article 39.

The Ministry of Labor, Invalid and Social Affairs (MoLISA) has been assigned by the Government to act as the national central authority of Vietnam to participate in the two projects of the Mekong sub-region on prevention of trafficking in women and children sponsored by ILO/PEC and UNDP. These projects are implemented with the cooperation of the Vietnam Women's Union, the Ministry of Public Security, the Border Military and other concerned agencies, and their purposes are to strengthen dialogue, coordination of actions and mutual assistance among national and regional agencies in the prevention and suppression of trafficking in women and children; to support, develop and implement basic initiatives concerning detection, protection and rehabilitation of trafficked women and children; and to promote national and regional cooperation in areas of law, policy and law enforcement in prevention and suppression of trafficking in women and children.²² The project sponsored by ILO's purpose is to contribute to eliminating labour exploitation of women and children in the Mekong sub-region, including all of Vietnam; the immediate objective is to reduce re-trafficking in women and children for labour exploitation by developing, implementing and monitoring overall national and sub-regional programmes, projects and plans. In order to achieve the objectives, three intervention measures are taken, namely: capacity-building, awareness enhancement and direct activities such as improving knowledge and skills, setting up groups for prevention and suppression of trafficking in women and children in residential quarters in cities, supporting vocational training of women and children in need and jobs recommendation, working out sustainable financial savings programmes, etc.²³ Those projects and models of reintegration are implemented in a variety of provinces, such as Thanhhoa, Langson, Bacgiang, Quangninh, Cantho, and Ho Chi Minh City, and have achieved encouraging results.²⁴

D. Assessment on Repatriation and Reintegration of Victims in Vietnam

Trafficking in women and children, though it emerged in Vietnam more than a decade ago, has been afforded significant attention and deep concern by the Government and community because of its complicated and multiple characteristics, as well as its serious consequences on victims, families and society. Many efforts have been made, such as amending and improving the legal framework to prosecute and judge traffickers of women and children, as well as implementing measures to ensure and protect the victims. However, there are still many issues such as the rapidly increasing number of victims, the ineffectiveness of the legal system at preventing human trafficking crimes and protecting the victims, weak legal enforcement, etc.

In fact, the number of trafficked women and children of Vietnam has been increasing recently in line with the number of criminal trafficking cases investigated; the number of trafficked women and children who return to Vietnam has been increasing. As mentioned above, most trafficked women and children have suffered from economic difficulties and are homeless, landless, jobless, and poverty and famine stricken; and because they had worked in the sex industry, they feel ashamed to share their real experiences with their families and communities. Many of them return with illnesses caused by the conditions in which they were exploited, by alcohol or drug abuse, or by physical or sexual abuse, and have emotional or psychological problems, spinal injuries, respiratory problems, tuberculosis, malnutrition, mental problems, sexually transmitted diseases, including HIV/AIDS, injuries from assault and complications from abortion. However, when they return, the community does not sympathize with their experiences but rather discriminates against them and treats them as criminals. Local authorities have not yet paid attention to them and have not yet provided support and assistance for their reintegration. This makes the victims more vulnerable and increases their risks of being re-trafficked.

From a legislative perspective, it can be said that, basically, the legal framework in Vietnam, upon receipt and reintegration for trafficked women and children, meets the requirements of the Trafficking in Persons Protocol. The Government of Vietnam has been focused on completing the legal framework as the most important step to establishing a system and mechanism on receipt and integration of trafficked victims by enacting the Law on Prevention and Suppression Against Trafficking in Persons. The Government has

²² Report of the Ministry of Justice on Assessment [of the] Legal System in Vietnam in Comparison with the UN Protocol on Trafficking in Persons and Smuggling of Migrants, supplementing the UN Palermo Convention, 2004, p. 51.

²³ Ibid, p. 52.

²⁴ Ibid.

been also making great efforts towards international cooperation by ratifying a number of international conventions related to women's and children's rights in general, particularly related to repatriation and reintegration, and cooperating with international organizations such as the UNODC, IMO, and the Asia Foundation to implement various projects related to the issues.

Vietnamese law provides measures on repatriation and reintegration of trafficked victims; however, the real concern is whether and how such measures are taken into account while dealing with the issues in practice or whether these measures are mere "paper tigers." And the practice, as mentioned above, has proved that such regulations are good, but sadly, the authorities have been implementing them ineffectively. More particularly, although the procedures of identifying, receiving and supporting trafficked women and children are provided in the Law on Prevention and Suppression Against Trafficking in Persons as mentioned above, Vietnam have not yet had specific, comprehensive guidelines, and the implementation of these measures is too slow and inefficient.

Moreover, there is still a lack of cooperation between governmental authorities because the repatriation, receipt and reintegration of trafficked victims needs to be implemented by the cooperation of multiple sectors; as such, the labour, invalid and social affairs sector should take main responsibility in dealing with the issues, and the receipt of victims should be implemented by the Border Army while the Public Security offices are responsible for identifying the victims. There also remains a lack of synchronous coordination among agencies from the central to grassroots levels in receiving and the reintegration of trafficked victims. A leading agency responsible for setting up a collaborative mechanism does not exist. Moreover, the multiple staffs working in this area in the relevant agencies at all levels have not been trained in legal knowledge and working skills.

On the other hand, financial and job opportunities in Vietnam are still limited, and these factors obstruct the effective repatriation and reintegration of victims. There are many measures to assist victims of trafficking, which, however, have not fully materialized. The Government has failed to effectively assist victims in generating income due to the lack of financial support or available credit. Moreover, caused by limited budgets, very few shelters are built; thus, there are not enough places for them to live prior to reintegrating into their respective communities.

IV. CONCLUSION AND RECOMMENDATIONS

Vietnam has been constructing a legal framework for the protection of human rights in general, and for women's and children's rights in particular. In the context of trafficking in women and children, this crime is increasing and is becoming more complicated. Therefore, it is very necessary to have concrete and comprehensive guidelines established by law. Moreover, the implementation of the law needs to be strengthened in order to repatriate and reintegrate trafficked victims, which has been limited and inefficient. In order to improve the effectiveness of the fight against trafficking, as well as protection of the victims of trafficking, this paper recommends the following actions.

Firstly, the Law Against Trafficking in Persons provides a framework for repatriation and reintegration of victims. However, the provisions of the law mentioned above need to be guided concretely and comprehensively, especially relating to procedures, mechanisms, responsibilities of agencies, and coordination between agencies in receiving and reintegrating victims of trafficking. The return and reintegration into communities is usually a complicated and difficult process for the victims in which they are faced with many problems, such as the lack of travel or identity documents and discrimination from the community. Therefore, they need immediate assistance, such as legal procedures, identification, housing, employment, counselling, and vocational training, in all aspects of their lives from concerned authorities. Without concrete and appropriate guidelines, it is hard to support victims sufficiently. Therefore, guideline documents should provide detailed scopes; measures to reintegrate victims into communities; support and assistance measures for victims; financial support and loans; job training; reissued identification, as well as permanent residence certificates and birth certificates for the victims' children; and medical, educational and legal support. Children especially, because of their vulnerability and inability to take care of themselves, require special assistance, and thus different measures should be provided.

Secondly, although the Vietnamese Government has ratified the Convention against Transnational

Organized Crime and its Protocol Against Trafficking in Persons, that is only the first step. In order to fully meet the requirements under such international legal instruments, there is still much work to be done, such as improving laws and regulations, strengthening the effectiveness of the implementation of laws as well as strengthening cooperation with party members.

Thirdly, dealing with trafficked women and children outside of Vietnamese borders requires regional and international cooperation. Therefore, it is recommended that Vietnam should continue its efforts to develop bilateral agreements with countries of destination in the Mekong region such as China, Thailand, Cambodia, or other destinations, including Malaysia, Taiwan, and Korea. Also, Vietnam should follow up with the criteria set out by international organizations as mentioned above. These agreements can be used to develop a system for financing the return of victims and providing contributions towards their reintegration. Vietnam also needs to provide a mechanism to protect and repatriate foreign trafficked victims in cases where Vietnam is used as a transfer location or destination.

Fourthly, improving and strengthening coordination between concerned agencies is very necessary in order to provide effective support to, and the reintegration of, victims.

Finally, Vietnam should also establish mechanisms and policies to encourage NGOs' participation in the reintegration of trafficked women and children. Therefore, Vietnam should design model rehabilitation and community-reintegration centers and open professional training courses for concerned persons who work at such centers in order to improve their knowledge and skills to respond to the needs of victims of trafficking.