

THE PRIME MINISTER

No: 17/2007/QD-TT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence – Freedom - Happiness

Hanoi, January 29th 2007

DECISION on

Promulgation of the Regulation on receipt and support to community reintegration of the trafficked women and children returned home from overseas

THE PRIME MINISTER

Pursuant to the Government Organisation Law dated December 25th, 2001;
Considering the proposal of the Minister of labour – Invalids and Social Welfare,

DECIDES:

Article 1. To promulgating together with this Decision the Regulation on receiving and supporting the community reintegration of the trafficked women and children returned home from overseas.

Article 2. This Decision comes into effect 15 days after placing on the official gazette. Previous regulations against this Decision are abrogated.

Article 3. The Ministers, Heads of the ministerial agencies, the Heads of Governmental offices, the Chairmen of People's Committees of provinces and central cities take their responsibility to execute this Decision./.

FOR THE PRIME MINISTER
VICE MINISTER
TRUONG VINH TRONG

Cc:

- The Secretariat of the Central Communist Party;
- Prime Minister, Vice Ministers;
- Ministries, the ministerial offices, governmental offices;
- Office of the Central Committee on anti-corruption;
- The People's Councils, People's Committees of provinces and central cities;
- The Central Office and Committees of the Communist Party;
- The Presidential Office;
- The Council of Ethnic groups and Committees of the National Assembly;
- Office of the National Assembly;
- The People's Supreme Court;
- The People's supreme procuracy;
- State Audit;
- The management Unit of Bo Y International border economic zone;
- The Central offices of mass organisations;
- The National Academic Public Administration;
- The Government Office: The Minister Chairman, the vice ministers, the Government websites, 112 Steering Committee, the spokesman of the Prime Minister, the departments, the official gazette;
- Filed: archives, (5b), Binh 315

**REGULATION on
receipt and support to community reintegration of the trafficked women and children
returned home from overseas**

(Enacted together with Decision No. 17/2007/QĐ-TTg dated January 29th, 2007 of the Prime Minister)

**Chapter I
GENERAL PROVISIONS**

Article 1. Regulation scope

This Regulation prescribes the step order, procedures, regulation and policy, responsibilities and obligations of agencies, organisations in their receipt and support to the community reintegration of the trafficked women, children returned home from overseas.

Article 2. Subjects of application

1. The trafficked women, children returned (hereinafter called as victim) holding their Vietnamese nationality before their being trafficked with their residence in Vietnam.
2. Children, being the victims' children as stipulated at Section 1 of this Article, holding their Vietnamese nationality.

Article 3. Principles of receipt and support to community reintegration

1. The receipt of victims returned by the foreign party has to be verified by the Ministry of Police (or the Police of the bordering province authorized by the Ministry of Police). The rescued and returned victims via the borders and not by the foreign party have to be verified by the provincial border guards.
2. The victims' legal right and benefits have to be respected and no discrimination towards victims has to be exercised.
3. The State encourages the domestic and foreign organisations and individuals to participate the support for the victims to stabilize their lives and reintegrate into their communities.

Article 4. Terminology

Victims as defined in this Regulation are women, children threatened by a person or a group of people resorting to force, threatening to employ force or other types of force, kidnapping, deceiving or misusing their power or position, the vulnerable condition to traffic (deliver, receive money or another materialistic benefit) to take them abroad on the purpose of human exploitation (forced sex or other types of sexual exploitation, labour or forced slavery service or working under slavery condition or taking their body parts).

**Chapter II
STEP ORDER, PROCEDURES TO RECEIVE VICTIMS**

Article 5. Agency to receive information on victims

The diplomatic representation agency, the consulate or other agency assigned to perform their consulship of Vietnam abroad (hereinafter called as the overseas Vietnamese representation agency), the Police agency, the Border Guard have their responsibility to receive and coordinate with the concerned agencies to process information on victims provided by the foreign party.

Article 6. Processing information on victims

1. The Ministry of Police (or the bordering provincial Police authorized by the Ministry of Police) take responsibility to verify, respond to the written requests from either the foreign party or the overseas Vietnamese representation agency with the information on victims staying overseas. The timing of verification, response do not exceed 45 days, since the date of receiving the request.
2. The provincial Border Guard take responsibility to verify the information on the rescued or self-returned via the border (non-returned by foreign party) victims. The timing of verification, response do not exceed 30 days, since the date the victim is rescued or discovered.

Article 7. Procedures of receipt

1. Within the duration of 2 days, since the date of receiving the verification results, the Ministry of Police (or Police of the provinces, central cities authorized by the Ministry of Police), the provincial Border guard have to notify the agencies specified in Article 5 of this Regulation to respond to the foreign party with the list of victims either agreed or refused (clearly mentioning the reason why not) to receive, to agree on the timing, location and organisation of receipt.
2. After receiving the returned victims, the responsible receiving agency has responsibility to make procedures to clarify their personal records, identity, reason of being trafficked; make the personal record for each victim for the management, statistics, follow-up.
3. The Ministry of Police (or the bordering provincial Police authorized by the Ministry of Police) issue the home return certificate to use on travel and to re-register their resident records with the local authorities.

Article 8. Certification of self-returned non-received victims

1. The People's Committees of communes, where the non-received victims return have responsibility to collect information, make records and prepare a document letter of transfer to the district Labour – Invalids and Social Welfare division for certification and send to request the Labour – Invalids and Social Welfare Department for certification of victim.
2. Within the period of 05 days, since the date of receiving the record and letter of request from the commune People's Committees, the Labour – Invalids and Social Welfare Department has responsibility to make a list of all victims and prepare a document letter to request the provincial Police agency for verification.
3. Within 15 days, since the date of receiving the letter of request from the Labour – Invalids and Social Welfare Department, the provincial Police agency has responsibility to provide the office response on verification result in writing for the Labour – Invalids and Social Welfare Department to consider, make decision of handling in line with its competence.

Article 9. Post-receipt support

Within the maximum of 03 days, sine the date of receiving victims, the receiving agency has to handle the support to victims as follows:

1. To notify the victims' families and their local authorities (via the Labour – Invalids and Social Welfare Department) on their wish of home return and to provide them travel costs, food expenses for their self return.
2. The receiving units hand over the victims in need of pre-community reintegration health care, psychological care to their Labour – Invalids and Social Welfare Department to continue the care right at the victim community integration supporting units (hereinafter called as the victim supporting unit).

For the children victim alone, the victim supporting units have responsibility to notify their relatives to receive them or allocate someone to take them to their relatives' residence; to coordinate with the concerned agencies to transfer the orphans, supportless children to the social sponsoring unit for management, fostering.

Chapter III

ORGANISATION AND OPERATION OF UNITS IN CHARGE OF RECEIVING AND SUPPORTING VICTIMS

Article 10. Units in charge of receiving victims

1. The Police posts at the International airports, the Police of bordering districts selected by the provincial, city Police assigned by the Ministry of Police, the Border Guard posts organise the receiving units for victims returned home from overseas.
2. The Ministry of Police, the Ministry of National Defence consider, decide the establishment, dissolution and specific regulation on organisation, operation of the victim receiving units according to the specifications of this Regulation.

Article 11. Tasks of units in charge of receiving victims

1. To receive victims returned home from overseas
2. To coordinate with the concerned agencies, organisations: Labour – Invalids and Social Welfare, Health, the Committee for Population, Family and Children, the Women's Union the receiving units, to provide first support on food, accommodation, health and counselling to victims; to transfer the victims to the Labour – Invalids and Social Welfare agency of the receiving place.

Article 12. Units in charge of supporting victims

1. The victim supporting unit is an entity established by the Chairman of the provincial People's Committee, where the bordering entry belongs to. The Department of Labour – Invalids and Social Welfare assists the Chairman of the People's Committee to consistently handle the state management on the victim supporting units.
2. The Chairman of the provincial People's Committee considers, decides the establishment or utilisation of the social units, medical facilities under the local Labour – Invalids and Social Welfare sector in service to the victim support.
3. Up to the actual conditions, situation of the receiving and supporting victims to community reintegration, the Chairman of the provincial People's Committee regulates the scale, rule and personnel (or use the staff contingency of the social units, medical facilities) in service to this work.

Article 13. Tasks of units in charge of supporting victims

1. To organise the support on health, psychology, education to victims after receiving in line with their age, wishes and the carrying capacity of the units.
2. To educate victims the living skills, occupation orientation and job introduction.
3. To evaluate the victims' community integration ability, to provide information on policies, services in support to victims at the communities.
4. To support the concerned agencies to continue their verification of victims' records, addresses and taking them home with their families, communities.

Article 14. Victims' stay in Units in charge of receiving victims and Units in charge of supporting victims

1. The victims' period of stay at the receiving units does not exceed 15 days, since the date of receiving.
2. The victims' period of stay at the supporting units does not exceed 30 days; victims in need of health, education support, children in difficult family status can extend their stay longer but not over 60 days, since the date of receiving.

Chapter IV REGULATIONS AND POLICY FOR VICTIMS

Section 1 ALLOWANCE REGULATION AT UNITS IN CHARGE OF RECEIVING VICTIMS AND FOR VICTIMS FINANCED BY OVERSEAS FUNDING SOURCE, OVERSEAS VICTIMS

Article 15. Management system

Victims staying at the receiving and support units have to be managed, to abide by their rules and the related legal regulations.

Article 16. Allowance regulation

1. After being received, victims are given once clothes, blanket, mosquito net, necessary personal supplies.
2. The victims' monthly food norm at the receiving and supporting units is applied as those of the social units managed by the Labour – Invalids and Social Welfare sector.
3. During the period of stay at the receiving units, victims' accommodations are arranged in line with their age, sex and health status.
4. When returning to their home residence, victims are supported to travel expenses, food while travelling, entitled to policies on support to community reintegration as regulated.

Article 17. Medical support regulation

1. Victims in need of medical treatment to recover their health are considered to support their medical check-up and medicament expenses.
2. The in-hospital expenses are covered by the Department of Labour – Invalids and Social Welfare from the state budget line to support victims as regulated on the partial payment of hospitalisation fee at the public health units.

Article 18. Regulation for dead victims during their stay at the units in charge of receiving and supporting victims

Within the period of stay, if the victim is dead, the victim receiving unit or victim supporting unit has to immediately notify the Investigation Police, the People's procuracy and the concerned residential agencies, close relatives (if any) to handle as legally regulated.

Article 19. Support to victims received according to the bilateral agreement and overseas victims

1. The returned victims with the financial support from the foreign party or international organisation are entitled to regulations specified in the agreements with the concerned foreign party or international organisation.
2. The victims' return organised by the overseas Vietnamese representative without foreign financial support will be considered to provide the return expenses and food, accommodation expenses within the waiting period to return home in addition to their entitlement of regulation for the post-received victims.

Section 2

POLICY TO SUPPORT COMMUNITY REINTEGRATION

Article 20. Psychological support

The functional agencies when performing their receiving and supporting victims should have measures to help victims with their psychological stabilization right at the time of receipt and long the whole process of community reintegration.

Article 21. Legal procedure support

The victims returned to their residence are considered to re-issue their records, identity cards. The victims' children accompanying their mothers with no birth certificate are entitled to make their birth procedure according to the current legal regulation.

Article 22. Education learning and vocational training support

1. Children victims continue their schools are financially supported for their textbooks and learning aids in their first school year.
2. The victims returned to their home areas are considered to participate in the vocational training. Vocational training is performed by the local system of Vocational Training Centres.

Article 23. Initial difficulty and loan support

1. The returned victims under the poor household or difficult family status are supported once with the initial difficulty allowance.
2. The victims in need of loan for production, business are considered, facilitated with loan from the Bank for Social Policy, the Poor Women support Fund as legally regulated.

Chapter V EXECUTION PROVISIONS

Article 24. The Ministry of Labour – Invalids and Social Welfare

1. To preside over the community reintegration support to victims; to perform the first support to victims at the receiving units in coordination with the Ministry of Police, the Ministry of National Defence (the High Command of Border guard).
2. To study and enact the policy on support to victims; to instruct the establishment and organisation of operation of the victim support units, assistance regulation for vocational training, loan support; to guide the operation of supporting activities to victims transferred by the Ministry of Police, Border Guards; to instruct the Departments of Labour – Invalids and Social Welfare of the provinces, central cities to organise the performance of first support to victims at the receiving, supporting units for victims' community reintegration, the verification of self-returned non-received victims.
3. To preside over, guide the organisation of operation the statistics, survey on the situation of returned victims, to evaluate the receipt, support to victims' community reintegration, to make reports to the Government on a periodical basis.
4. to perform the international cooperation in the area of support to victims; to develop projects to submit to the Government in case of foreign funding.

Article 25. The Ministry of Police

1. To preside over the receipt of victims returned by the bilateral agreements or via the diplomatic way; to directly receive at the airports, at the bordering ports in coordination with the Ministry of National Defence (the High Command of Border Guard).
2. To preside over and to guide the step order, verification procedures, receipt of victims in coordination with the Ministry of National Defence, the Ministry of Foreign Affairs, the Ministry of Labour – Invalids and Social Welfare.
3. To guide the Police of bordering provinces to arrange the receiving places and instruct the receipt of victims returned by the foreign party; to guide the control, check the number of returned victims to re-register their records, issuance of their personal identity cards.
4. To guide the statistics, definition of the number of self-returned victims in coordination with Ministry of Labour – Invalids and Social Welfare. To perform the legal regulations on protection, support to victims; the international cooperation in the area of receipt as per the assigned tasks.

Article 26. The Ministry of National Defence

1. To guide the High Command of Border Guard to preside over the receipt of the rescued victims, victims returned via the border and not returned by the foreign party; to directly or in coordination with the Ministry of Police receive victims returned by the foreign party at the bordering entry points according to the bilateral agreements or via the diplomatic way.
2. To guide the provincial Border guard force the organisation of receiving units at the Border posts.

Article 27. The Ministry of Foreign Affairs

To guide the overseas Vietnamese representative agencies in coordination with the functional agencies at home and the concerned agencies abroad on the verification, receipt

and protection of the overseas victims' legitimate rights and benefits, to employ the international cooperation in the receipt of victims.

Article 28. The Ministry of Justice

1. To guide the local legal department to operate the legal aid activities for victims; to instruct the birth registration procedures for the victims' children.
2. To study, develop and complete the legal system on victim protection, support in coordination with the concerned Ministries, sectors and organisations.

Article 29. The Ministry of Finance

1. To allocate fund to the Ministries, sectors, localities according to the current state budget allocation and in coordination with the concerned Ministries, sectors to control the utilization of fund to operate the receipt and support to community reintegration for victims.
2. To preside over, coordinate with the Ministry of Labour – Invalids and Social Welfare, the Ministry of Police, the Ministry of National Defence (the High Command of Border Guard), the Ministry of Foreign Affairs the specific regulation on different norms of victim support, expenses for verification, receipt activities and to guide the utilisation of foreign funding sources.

Article 30. The Ministry of Planning and Investment

In coordination with the Ministry of Finance to allocate state budget in the annual budget plan, submit to the Prime Minister for consideration, approval. To develop the working mechanism in support to the localities having difficulty in their building and upgrading the social facilities to support the returned trafficked women, children.

Article 31. The Committee for Population, Family and Children

To guide the Committees for Population, Family and Children of the provinces, the central cities in coordination with the local concerned sectors to operate the receipt, support to community reintegration for children victims, children of the trafficked women returned home from overseas; to control, inspect the enforcement of child rights (victims and victims' children) after their community reintegration.

Article 32. The Ministry of Health

To instruct the Health Departments of the provinces, the central cities in coordination with the local concerned Department, Committees, sectors to organise the medical check-up for victims when required by the units in charge of receiving and supporting victims.

Article 33. The Central Vietnam Women's Union

To guide and steer its various levels in coordination with the concerned sectors to provide the supporting services to victims during the process of receipt and support to community reintegration.

Article 34. The People's Councils, People's Committees of provinces and central cities;

3. To guide the operation of the local concerned sectors on receipt and support to community reintegration for victims.
4. To arrange fund for the receipt and support to the victims' community reintegration. To organise the mobilisation of local funding sources to assist victims' life stabilization.
5. To guide the concerned sectors' operation on reporting, statistic regulations in the receipt and support to community reintegration for victims.

Article 35. Funding

1. The fund to operate the receiving and supporting activities of community integration for the victims consists of:
 - a) Expenditure on investment in upgrading, building facilities, equipment, devices in service to the receipt and support to victims;
 - b) Expenditure on the organisation of verification, receipt and support activities of the functional concerned agencies to victims;
 - c) Expenditure on support to community integration for victims according to the specifications in Section 1 and 2 Chapter IV of this regulation.
2. The funding source to spend on what specified in Item 1 of this Article is allocated in the annual state budget of the ministries, the sectors and localities according to the current state budget allocation and is mobilized from the domestic and foreign organisations, individuals in line with the legal regulation./.

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