

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE LAO PEOPLE'S DEMOCRATIC REPUBLIC
AND
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM
ON
COOPERATION IN PREVENTING AND COMBATING TRAFFICKING
IN PERSONS AND PROTECTION OF VICTIMS OF TRAFFICKING**

The Government of the Lao People's Democratic Republic and the Government of the Socialist Republic of Viet Nam hereinafter referred to as "the Parties":

Being deeply concerned about trafficking in persons, which is considered as a serious violation of human rights, undermining human dignity and adversely affecting the health, psychology, emotion and morality of a person, and doing harm to social relations and moral values;

Aimed at preventing, suppressing and punishing traffickers, especially transnational organized criminal groups directly involved in trafficking in persons, and protecting victims in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially in Women and Children supplementing the United Nations Convention against Transnational Organized Crime; in accordance with the existing laws of each Party respectively;

Being convinced that mutual cooperation in law enforcement and criminal investigation is an efficient measure;

Desiring to enhance cooperation on the basis of respecting independence, sovereignty, equality and mutual benefits;

Have hereby agreed as follows:

Article 1

Term Interpretation

Under this Agreement framework, the following terms are interpreted as follows:

1. "Trafficking in Persons" means the recruitment, transportation, transferring, sheltering or receiving persons by means of threatening, using force, or other forms of coercion; abduction, deception, the abuse of power or making use of a vulnerable situation of victim; the giving or receiving of money or other benefits to achieve the consent of a person, who has been controlling another person for the purpose of exploitation, which consists of: sexual exploitation, forced labor, slavery, the removal of body organs, or for other inhumane purposes.

The recruitment, transportation, transferring, sheltering or receiving of those under the age of 18 (eighteen) for exploitation constitutes trafficking in persons, though the means defined in Section (1) of this Article are not used;

2. "Victim(s)", who are trafficked, are Lao and Vietnamese citizens residing either in the Lao People's Democratic Republic or the Socialist Republic of Vietnam respectively, who have been exploited by a person or a group using one or more of the means defined in Section (1) of this Article.

Article 2

The Scope of Cooperation

In accordance with the Agreement provisions, the existing laws of each Party, and other international treaties related to trafficking in persons ratified or acceded by each Party, the two Parties commit to cooperate at the maximum level on the following matters:

1. Prevention of trafficking in persons;
2. Detection, investigation and prosecution of trafficking in persons;
3. Protection of victims, and
4. Capacity building in regards to the prevention and combating of human trafficking.

Article 3

Preventive Measures

1. The Parties will amend their legislation as necessary, and take appropriate measures to ensure the law enforcement and the authority of their national jurisdictions is in conformity with the International Declarations and Instruments ratified or acceded to by the Parties.

2. The Parties shall provide vocational training and education; programs of creating jobs; promotion of social services such as medical, psychological, and legal support...and coordinate to implement media campaigns in domestic and border areas in order to raise awareness of trafficking in persons for people in communities, especially for high-risk groups.

Article 4

Victim Protection and Assistance Measures

1. The Parties commit to take appropriate measures to protect victims. The Parties' competent authorities must ensure the victims' safety as follows:

- a) Being treated equally and provided with legal support; not detained and/or punished for illegal immigration or any other related administrative offence;
- b) Being provided with food and accommodation, and protected according to the policies and legal regulations of each country while awaiting the completion of the procedures for their repatriation;
- c) Being treated humanely, their safety and confidentiality of information is ensured, and dignity is respected during the phase of protection, repatriation and during participation in any criminal proceedings;

- d) Being provided with the support of psychological treatment, health care and other necessary services in accordance with the conditions of each country and each individual case.
2. Victims under the age of 18 (eighteen) will be taken care of in an age-appropriate manner during protection, repatriation and participation in any criminal proceedings.
3. Victims' children who are under the age of 18 (eighteen) and in the company of the victim shall be granted the same protection policy as being provided to victims.
4. The Parties' competent authorities need to take appropriate measures to ensure the safety of victims, witnesses and their families against revenge or threats, during and after investigation.

Article 5

Cooperation on Combating Trafficking in Persons

1. The competent authorities of both Parties being responsible for investigation and prosecution of trafficking in persons, especially in the border areas, shall: closely cooperate; schedule exchange visits periodically or urgently upon the mutual consent of the Parties to exchange information on victims and crime of trafficking in persons, and to develop plans and measures for effective cooperation.
2. The Parties shall provide training programs for their relevant agencies' officers in order to enhance their law enforcement capacity in the prevention, investigation and prosecution of trafficking in persons cases; and in the protection of victims.

3. The Parties shall conduct activities of collecting and compiling information, materials and evidence; detecting, arresting and transferring criminals; rescuing victims in conformity with the existing laws, the Treaty on Mutual Legal Assistance in Criminal Matters among ASEAN Member States (signed in Kuala Lumpur on 29 November 2004), the Joint-Declaration on Cooperation to Combat Trafficking in persons in the Greater Mekong Sub-region (signed in Beijing on 14 December 2007), and the Agreement Between the Lao People's Democratic Republic and the Socialist Republic of Vietnam on Mutual Legal Assistance on Civil and Criminal Matters signed in Hanoi on 6 July 1998.

4. The Parties' competent authorities shall cooperate on collecting and exchanging information of trafficking in persons cases, such as routes, suspected refugees, individual suspects, means and methods of trafficking in persons, and traffickers and their personal information.

Article 6

Victim Identification and Transfer

1. The Parties pledge to cooperate to ensure that victims are identified as well as repatriated safely and quickly.

2. The basis to identify the victims:

- a) Evidence and materials provided by the two Parties;
- b) Statement and evidence provided by victims;
- c) Screening results gained by Lao Ministry of Public Security and the Vietnamese Public Security Forces, Vietnamese Border Guard Force;
- d) Statements given by the person conducting trafficking in persons;
- e) Information provided by relevant international organizations and non-governmental organizations;
- f) Information from other sources.

3. The focal point agency for victim identification and repatriation of the focal point unit of the Lao People's Democratic Republic is the Police Criminal

Investigation Department, Ministry of Public Security. The Socialist Republic of Vietnam is the Immigration Department under the Ministry of Public Security.

The Parties' focal point agencies shall be responsible for:

- a) Identification of the victims' identity and nationality;
- b) Making arrangements on the return and readmission of victims;
- c) Conducting the return and readmission of victims according to the planned schedules;
- d) Ensuring the safety of the victims during the process of their return and readmission;

4. Procedures for the identification and transferring of victims:

- a) The focal point agency of the requesting Party shall send the requested Party's focal-point agency a request about victim identification and readmission. The request shall consist of: a written document requesting the victim identification and readmission (in English or the language of the requested Party), the self-statement form agreed by the two Parties (with photo attached), and other materials supporting the identification of the victims' relatives and nationality (if any).
- b) The focal point agency of the requested Party will conduct identification processes and inform the focal point agency of the requesting Party about its results as soon as possible, but not more than 30 (thirty) working days from the date of receiving the request on whether victim readmission is accepted or not. In case of request acceptance, the focal point agency of the requested Party will issue official travel documents or assign the diplomatic mission, consular section, or other assigned agencies having the consular function of the requested Party (hereinafter referred to as "Representative Agencies"), to issue official travel document(s) for the victim(s).
- c) After receiving the written acceptance of victim readmission, the focal-point agency of the requesting Party will inform the focal point agency of the requested Party at least 5 (five) working days in advance, about the list of

victims, means of transportation, date and time of transportation, and the international border checkpoint for victim return;

- d) Method of file transfer: via the Representative Agencies or transfer directly to the focal point agency of each Party respectively;
- e) Victim return has to be at the international border checkpoint at the agreed and specified time. Authorized officers of both Parties shall duly sign the minute of transfer and readmission.

Article 7

Community Reintegration for Victims

- 1. The Parties pledge to take any possible measures to support the victims in their reintegration back into society and their families safely.
- 2. The Parties will coordinate to support setting up and implementing training programs on capacity building for officers working in the field of community reintegration.

Article 8

Central Authorities

- 1. To implement this Agreement, the two Parties appoint a central authority respectively, namely:
 - a) The Ministry of Public Security for the Lao People's Democratic Republic.
 - b) The Ministry of Public Security for the Socialist Republic of Vietnam;
- 2. The central authority of both Parties will be responsible for consulting and unanimously taking necessary measures to implement this Agreement.
- 3. The central authorities are in charge of:

- a) Developing the joint strategy and plan, and the coordination of the relevant agencies of the Parties to implement this Agreement;
- b) Annually evaluating the coordinated activities and making proposals to promote cooperation on the implementation of this Agreement, and reporting to the Government of each Party respectively;
- c) Proposing exchange visits periodically or urgently to evaluate implementation of this Agreement;
- d) Setting up case files and database on preventing and combating trafficking in persons by law enforcement agencies, domestic agencies of each Party and relevant international organizations.

Article 9

Confidentiality

Material and information exchanged must be kept confidential in accordance with the laws of each Party. The exchanged information and materials should be used only for Agreement implementation of the requesting Party and not revealed to any third parties without written consent of the providing Party.

Article 10

Unaffected Provisions

The provisions of this Agreement will not affect the rights and obligations of the Parties under international treaties to which they were a party before signing this Agreement.

Article 11

Settlement of Disputes

Any disputes arising from the interpretation or implementation of this Agreement must be settled amicably through consultation or diplomatic channels by the Parties.

Article 12

Amendment and Modification of the Agreement

This Agreement can be modified or amended in written form by mutual consent through diplomatic channels.

Article 13

Suspension of the Agreement Implementation

Each Party can suspend the implementation of this Agreement partly or wholly, for the reason of public order, national security, public health or other reasons. Any suspension of this Agreement or termination of the suspension of this Agreement shall be made to the other Party in written form through diplomatic channels.

Article 14

Entry into Force and Termination

1. This Agreement will enter into force after 30 (thirty) days following the date of the latest written notification through diplomatic channels regarding the respective completion of their internal legal procedures required to allow the Agreement to enter into force in accordance with the domestic laws of each Party.
2. This Agreement will be valid indefinitely unless each Party sends the required written notification through diplomatic channels about the termination of this Agreement to the other Party. The termination will take effect 90 (ninety) working days from the date of receiving this notice.
3. In the case of termination, this Agreement shall still apply to any request for cooperation made prior to the date of termination of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

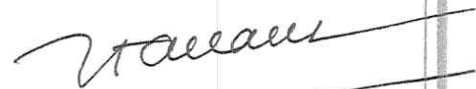
Signed and witnessed in Hanoi, the capital city of the Socialist Republic of Viet Nam in two authentic copies, each in the Lao, Vietnamese and English on the third (3rd) of November 2010. In case of divergence of interpretation, the English text shall prevail.

FOR
THE GOVERNMENT OF THE
LAO PEOPLE'S DEMOCRATIC REPUBLIC



Thongbanh SENGAPHONE
Minister of Public Security

FOR
THE GOVERNMENT OF THE
SOCIALIST REPUBLIC OF VIET NAM



Le Hong Anh
Minister of Public Security

