

COOPERATION AGREEMENT
BETWEEN
THE ROYAL GOVERNMENT OF THE KINGDOM OF CAMBODIA AND
THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF VIETNAM
ON
STANDARD OPERATING PROCEDURES (SOPs)
FOR
THE IDENTIFICATION AND REPATRIATION OF TRAFFICKED
VICTIMS

The Royal Government of the Kingdom of Cambodia and the Government of the Socialist Republic of Vietnam (hereafter referred to as the “Parties”)

Pursuant to Articles 11, 12 and 13 of the Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking, signed on October 10th 2005 in Hanoi, the Socialist Republic of Vietnam

Referring to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially in Women and Children supplementing the United Nations Convention against Transnational Organized Crime.

Referring to the Treaty on Mutual Legal Assistance in Criminal Matters among the Association of Southeast Asian Nations (ASEAN), signed on 29th November 2004 in Kuala Lumpur, Malaysia and the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding (MOU) on Cooperation Against Trafficking in Persons in the Greater Mekong Sub- Region, signed on 29th October 2004, in Yangon, Union of Myanmar.

In a spirit of cooperation, solidarity, and a victim-centered approach to provide trafficked victims with the most appropriate services;

In a spirit of sincere humanitarian purpose and under their respective legal systems;

have agreed to establish the Agreement on Standard Operating Procedures (SOPs) for the identification and repatriation of trafficked victims, as follows:

Article 1

Criteria to identify trafficked victims

a) Trafficked victims (hereafter as “victim”) are those who have been selected, transported, illegally transferred, from Cambodia to Vietnam or from Vietnam to Cambodia by means of threat, use of force, kidnapping, deception, abuse of power or other forms of coercion for the purpose of exploitation.

b) A victim is identified based on:

- Documentary evidence provided by the two Parties;
- Testimonies and evidence given by the victim;
- Results of verification by the police force and the border guards of Vietnam and the Ministry of Interior (MoI) and the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) of Cambodia.
- The testimony of those accused of the crime of trafficking in women and children;
- Information provided by Non-Governmental Organizations (NGOs) involved in the rescue;
- Information from other sources.

Article 2

Focal authorities for receiving information

a) For Vietnam: The Immigration Department - Ministry of Public Security (MPS) or the provincial immigration authority with powers delegated by the Ministry of Public Security

b) For Cambodia: The Department of Social Welfare (Anti- Trafficking and Reintegration Office) of the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) or the Provincial/Municipal Departments of Social

Affairs, Veterans and Youth Rehabilitation with powers delegated by the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY).

Article 3

Steps and procedures for verification and identification of victims

When the authorities of the Parties discover or rescue a victim they shall implement the following procedures:

a) Whilst awaiting the results of the verification and identification process, the victim shall be moved to the nearest support center and be provided with necessary services such as psychological assistance, health care, meals and accommodation.

b) At support centers for victims, the related authorities shall be responsible for opening a preliminary case file using an agreed standardized form and shall contact the focal authorities of the other Party, to request verification of the nationality and identification of the victim.

c) After receiving the victim's information and documentation

- The focal authorities (as defined by Article 2) shall cooperate with their related authorities to identify and verify the victim's nationality and conduct family tracing.

- Where an official request is received, the Requested Party shall carry out the verification as soon as possible, and whether the victim has been identified or not, within a maximum period of 30 working days, should promptly inform in writing to the Requesting Party about the results and confirm whether they agree to receive the victim.

d) The victim's file shall include:

- Victim's declaration form with a code which the two Parties jointly agree to use

- Victim's résumé (with a photo);

- Victim's finger prints;

- A document requesting the Receiving Party to identify and receive the victim;

- In case the victim is not in good health, the Handover Party shall inform the Receiving Party in advance.

e) Transfer of documents

- The file for the verification and identification of the victim should be transferred through the Diplomatic Mission/Representative of Foreign Affairs or Consular Post of the Requested Party to the focal authorities.

- The letter requesting the verification and reception of the victim should be in both Khmer and Vietnamese languages

Article 4

Steps and procedures for the handover and reception of victims

a) Within five working days of receipt of acceptance from the Receiving Party, the focal authorities of both Parties shall develop a handover plan which includes a list of victims to be returned, the date and time, transportation means, and indicates the international border gate for reception.

b) The Diplomatic Mission/Representative of Foreign Affairs or the Consular Posts of the Receiving Party shall issue a laissez passer for the victim and the Immigration authorities of the Handover Party are responsible for issuing an exit permit for the victim.

c) The focal authorities of the Receiving Party are responsible for collaboration with relevant agencies to organize the victim's reception and provide preliminary support to the victim

d) Procedures for the handover and reception of the victim at the border gate:

- The focal authorities are responsible to forward detailed information, including confirmation of the time and place of reception. The place of the victim's reception shall be the international border gate which is nearest to the temporary centre where the victim is staying and being supported.

To expedite the handover and reception process, the focal authorities are encouraged to cooperate with the International Organizations (IOs) and Non-Governmental Organizations (NGOs) in their country

Steps involved in the victim handover - reception process:

+ *Step 1:* The focal authorities, in cooperation with the concerned agencies of the Handover Party are responsible for escorting the victim to the international border-gate where the victim handover and reception will take place.

+ *Step 2:* The focal authorities of the Receiving Party shall receive all related documents, confirm and verify whether the victim is on the agreed list, and sign the handover minutes for the victim's reception.

+ *Step 3:* The authorities of the Receiving Party accept and transport the victims back to their place of residency or to a victim support center in accordance with the regulations of the Receiving Party.

- Documents exchanged between the two Parties shall include:

+ A list of victims;

+ Laissez-passer and the exit permit as defined in Article 4, point b) for the victims to return to their home country.

+ Handover minutes of the victim's handover and reception;

+ Personal identification documents (if any).

+ Documents related to victim identification

+ Health record of the victim.

Article 5

-Working Group

According to this Agreement, the focal authorities of each Party shall establish a Working Group with the following roles and responsibilities:

a) Receive and analyze any information related to the verification, identification, reception and repatriation of the victim.

b) Develop an action plan for the implementation of the Agreement

c) Manage, monitor and evaluate the implementation of the Agreement of the related authorities of each Party.

d) Cooperate to resolve any problems incurred during the implementation of the Agreement. In the case of any disagreement, the Working Group shall report

the problem to the focal authorities requesting the Government of the two Parties for an agreed solution.

e) If necessary, the Working Groups will organize a bilateral meeting. The time and location of the meeting will be discussed and agreed by both Parties' focal authorities

Article 6

Implementation

a) This Agreement could be amended or supplemented on the basis of written consensus of both Parties. Articles and Points that are agreed by both Parties for amendment or supplement shall be considered as part of the Agreement and having the same effect as the Agreement.

b) This Agreement shall take effect on the date of receipt of written notification confirming that both Parties have completed the internal legal procedures required for the entry into force of this Agreement. The remaining in force and validity of this Agreement shall comply with Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam and on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking, signed on October 10th 2005 in Hanoi, the Socialist Republic of Vietnam

c) This Agreement is done at Phnom Penh, on 3rd December 2009 in two originals, each in Khmer, Vietnamese and English languages; all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

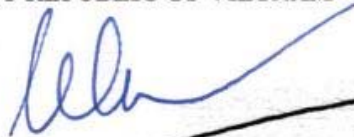
**FOR THE ROYAL GOVERNMENT OF
THE KINGDOM OF CAMBODIA**



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**FOR THE GOVERNMENT OF THE
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