Report on the Consultation Workshop on Strategic Visioning for Post-2013 Coordinated Anti-trafficking Efforts in Vietnam

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Acronyms

**ACWC** ASEAN Commission on the Promotion and Protection of the Rights of Women and Children

**ASEAN** Association of Southeast Asian Nations

**COMMIT** The Coordinated Mekong Ministerial Initiative against Trafficking

**ILO** International Labour Organization

**IOM** International Organization for Migration

**M&E** Monitoring and Evaluation

**MoJ** Ministry of Justice

**MoU** Memorandum of Understanding

**NGO** Non-Governmental organisation

**MPS** Ministry of Public Security

**GMS** Greater Mekong Sub-region

**MOD** Ministry of Defence

**MOFA** Ministry of Foreign Affairs

**MOLISA** Ministry of Labor, Invalids and Social Affairs

**SODC** Standing Office on Drugs and Crimes, General Police Department for Crime Prevention and Suppression

**SPA** Sub-regional Plan of Action

**UNTOC** UN Convention against Transnational Organized Crime

**TIPP** Protocol to Prevent, Suppress and Punish Trafficking in Persons, particularly Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime

**UNIAP** The United Nations Inter-Agency Project on Human Trafficking

**UNODC** United Nations Office on Drugs and Crime
Introduction & Details about the Vietnam Consultation Workshop

The United Nations Inter-Agency Project on Human Trafficking (UNIAP) convened a Consultation Workshop on Strategic Visioning for Post-2013 Coordinated Anti-trafficking Efforts, on 2-3 April 2013, in Halong Bay, Vietnam.

UNIAP was established in 2000 with a central focus on trafficking in persons and a mandate to facilitate a stronger and more coordinated response to trafficking in persons in the GMS. In order to prepare a vision for coordinated anti-trafficking work within the Greater Mekong Sub-region (GMS) beyond 2013, UNIAP has conducted a consultation process with a wide range of anti-trafficking stakeholders. This process took place through a series of consultation workshops at both the national and regional level, with UNIAP functioning as a secretariat to facilitate the workshops. The visioning process was conducted in such a way that it promoted inclusiveness of stakeholders, ensured national ownership and promoted national capacity development. The aim of the consultation process is to develop a vision for anti-trafficking work in the GMS covering a 5-year period including clear, concrete results to be achieved for the vision to become a reality.

This report on the Vietnam Consultation Workshop outlines discussions held on human trafficking in the national context, including current challenges in assisting victims, prosecuting perpetrators, impunity, access to justice, relevant human rights instruments and international standards, good practices, policies, implementation at the country and regional level, and ways forward. The participants at the Vietnam workshop included representatives of various ministries of the Vietnamese Government, the United Nations, other international organisations and civil society organisations from across the country.

The workshop was organised in five sessions:

Session One served as an introduction to the Consultation Workshop and was moderated by the Facilitator who explained to the participants the purpose and aims of the consultation and introduced some basic rules. Participants were then asked to work in groups to discuss and identify the main problems in tackling human trafficking in Vietnam. Problems and challenges were displayed in lists for all participants to review.

In Session Two, participants were asked to prioritise the problems. Each participant voted on what they thought were the three most important problems through the method. The Secretariat and Facilitator then grouped overlapping themes and tallied the votes together to identify six topics for further consideration. Selections were made based on analysis of each problem, but also whether solving these problems would have a significant impact on human trafficking, whether there would be enough support to solve them, and whether there is sufficient capacity and comparative advantage to work on the issues.
In Session Three, stakeholders worked to define the problems and develop the problem analysis. The main purpose of this was to study the root causes and major effects of the problems in order to design better solutions and make the process of developing a results map easier. After the problems were grouped and prioritized, “problem trees” were developed by each group and for each priority problem to support the analysis. This process helped participants develop a clearer understanding, not only of the surface problems, but also their underlying causes and constraints, and through this to develop a common understanding of the most significant problems faced at the regional, country and community level. Participants were asked to be precise and explicit when expanding on the six topics selected. The issue that was identified provided the trunk of the problem tree. Participants then brainstormed on the major causes of the problem, and identified a number of policy constraints, capacity weaknesses, social and cultural norms and attached them to the root of the tree.

In Session Four, participants were split into groups to discuss what their vision for the future is in relation to the problems identified in the previous sessions. The aim was to come up with a clear, realistic and agreed vision of how things will have positively changed over the next five-year period.

In the Final Session, a results map was developed in order to determine what must be in place to achieve the vision developed in each particular area. Once the various prerequisite intermediate changes were identified, stakeholders then worked to identify the interventions necessary to achieve them.

The results maps and strategic visions outlined in this document represent the collective will of a diverse, multi-stakeholder, multi-faceted group of senior government officials and representatives from local and international civil society organisations as well as United Nations Agencies. A number of good practices on tackling trafficking including migration laws, policies and implementation that were discussed by participants and that reflect current practices are included in this report.

**Background Situactor to the Consultative Workshop**

**UNIAP**

UNIAP was established in 2000 to facilitate a stronger and more coordinated response to human trafficking in the GMS and with the aim of creating an ‘overarching mechanism’ for the co-ordination of anti-trafficking initiatives by a wide range of stakeholders. UNIAP is managed by a Regional Management Office (RMO) in Bangkok, with Country Project Offices (CPO) in the capitals of Cambodia, China, Lao PDR, Myanmar, Thailand and Viet Nam.¹ UNIAP has been implemented over three consecutive phases that illustrate the Project’s evolution over time:

- **UNIAP Phase I (2000 - 2003)** -
  The first phase of UNIAP concentrated on creating linkages between the range of different

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¹ See [http://www.no-trafficking.org/how.html](http://www.no-trafficking.org/how.html) for more information.
organisations involved in combating trafficking, using its broad and responsive mandate to address emerging issues, and supporting new small-scale pilot initiatives.

- **UNIAP Phase II (2004 - 2006)**
  The second phase of UNIAP was viewed as a consolidation of its work and achievements under the first phase. It was dominated by the project’s work in facilitating the development of a sub-regional Memorandum of Understanding between the six governments of the Greater Mekong Sub-region, accompanied by a Plan of Action to help governments fulfil the commitments made under the MOU - a process now known as the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).

- **UNIAP Phase III (2007 – 2013)**
  The third and current phase of UNIAP is aimed at building on the achievements of the first two phases, combining support for further consolidation and institutionalization of current approaches. This phase is due to end in December 2013.

**The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT)**

COMMIT has fuelled major progress in anti-human trafficking efforts since its inception in 2004. In 2004, the six Governments of the Greater Mekong Sub-region (Cambodia, China, Lao PDR, Myanmar, Thailand, and Viet Nam) signed a historic Memorandum of Understanding against Trafficking in Persons. This MOU, signed at the Ministerial level, committed the governments to a response to human trafficking meeting international standards, highlighting the need for multi-lateral, bilateral, and government-NGO cooperation to fight human trafficking.

UNIAP serves as Secretariat to the COMMIT Process, and as such is mandated to provide technical, financial, monitoring, reporting, and logistical support to activities under COMMIT. Based on its existing work and mandate as an inter-agency coordinating body, UNIAP is able to draw on its extensive network of partners throughout the region to provide technical and financial assistance to all aspects of the COMMIT Process, and also works with partners to ensure that programmes and activities are aligned with government priorities in the COMMIT Sub-regional Plans of Action and National Plans of Action.² COMMIT Vietnam is composed of 15 members from 9 ministries and agencies.

**Opening Speeches**

The workshop began with remarks provided by Colonel Mr. Le Van Chuong, Deputy Administrator of the Standing Office on Drugs and Crimes (SODC), General Police Department for Crime Prevention and Suppression. He welcomed participants and thanked the UNIAP Secretariat for initiating the consultation process. He encouraged participants to engage in open discussion in order to make the workshop a productive initiative and so that stakeholders could adopt successful strategies for combating trafficking.

² See http://www.no-trafficking.org/commit.html
Over the last ten years, much had been accomplished by COMMIT member countries through this UNIAP initiative. The COMMIT Taskforce had overseen many achievements including the development of anti-trafficking laws, the ratification of UNTOC, TIPP and the signing of bilateral and multilateral MoU’s. A Counter Trafficking Steering Committees have also been established at the national level through which civil society has continued to contribute to the process of developing policies and other mechanisms designed to reduce trafficking, assist victims and prosecute perpetrators. Vietnam signed a number of MoU’s with other countries including China, Lao PDR, Cambodia and Thailand. These mechanisms were established to share information in traffickers and suppression and to enhance coordination in efforts to support victims. Every year, many anti-trafficking related training sessions were organized across Vietnam. Viet Nam worked to integrate COMMIT Action Plan into Anti-trafficking National Plan of Actions.

Colonel Mr. Le Van Chuong identified six key areas in which objectives had been achieved. These were i) awareness raising, ii) suppression of traffickers, iii) the rescuing and support of victims, iv) improvement of the domestic legislation, v) international cooperation, and vi) capacity building. It was in these key areas that Vietnam witnessed successes in tackling human trafficking.

There are a number of national, regional and global trends in trafficking and addressing these developing trends is challenging. Such work requires continued analysis and suitable actions. For Viet Nam, the following issues needed to be addressed. Firstly, continued enhancement of people’s awareness of the risks associated with working abroad, marrying foreigners and travelling abroad was required. Secondly, there was a need to improve bilateral and multi-lateral cooperation by signing civil and criminal Mutual Legal Assistance Treaties and MoU’s between Vietnam and other countries, particularly destination countries outside the GMS with a high number of Vietnamese victims. Thirdly, the domestic legislation needed to bring it in line with international standards such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (TIPP), Supplementing the United Nations Convention Against Transnational Organized Crime (UNTOC) which Vietnam has ratified. In addition, a common set of victim identification criteria needed to be in place.

Victim identification is a major problem that Viet Nam needs to deal with. The proper identification of victims relates closely to our ability to reintegrate victims back in to the community. 65% of trafficked people returned from China are self-returnees and therefore, it is very difficult to provide proper assistance to them. As a result, it is very difficult to identify victims properly. This is one particular area in which we need more understanding and we need to start collecting more data through different channels. Victim assistance is referred to in the Trafficking in Persons Law of Viet Nam as well as in the National Plan of Action 2011 – 2015, with the expectation that more victims will be assisted under this legal framework. However, due

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to a shortage of funds in the state budget, it is necessary to mobilize resources from other sources such as the private sector, so that the socialisation programmes could be strengthened and victims provided as much assistance as necessary. Cooperation between UNIAP and the Government is very important. In order to establish priorities for 2014 – 2018, we need to listen to each other’s ideas. Colonel Mr. Le Van Chuong stated that participants here are specialists and have expert knowledge on anti trafficking issues in Vietnam. Therefore, he requested all participants work together to identify problems and potential solutions, particularly given their knowledge on the work of UNIAP as Secretariat and the COMMIT process. Colonel Mr. Le Van Chuong said he expected to hear open discussion, that will allow UNIAP to develop a strategic vision. Results of discussions will be synthesized with the regional COMMIT process in order to formulate ideas about what to do over the next five years in order to address trafficking at a national and regional level. Colonel Mr. Le Van Chuong thanked the regional UNIAP team, the conference facilitators and others guests for joining the consultation.

Mrs. Annette Lyth, Regional Project Manager, UNIAP, thanked Colonel Mr. Le Van Chuong for setting out the context in which this workshop is taking place. She then thanked Government and other colleagues for taking the time to discuss their ideas here. This is the third such consultative workshop to have been conducted, with events in China and Cambodia which were conducted in March 2013. This is a process that was requested by the project management team of UNIAP in 2012. The project management team stated that if UNIAP wanted to develop the next phase of its work, UNIAP would need to ask all stakeholders and other actors what is needed and what must be done. Given all of the achievements that have been made in Vietnam and across the region, now is the time to look back and think about how to improve on these efforts in order to combat trafficking. This is why UNIAP decided to analyse efforts in combating trafficking not just in one country, but to look more broadly at trafficking across the region.

Based on this and other consultative workshops in GMS countries, we at UNIAP and other UN agencies will look at how best to do this. All participants can take the results from this workshop and develop their own strategies and programmes. The results do not only belong to the COMMIT Taskforce or UNIAP, but to everyone who wants to work on combating trafficking. In order to conduct consultations in an effective manner, UNIAP hired a facilitator, Mr. Geoff Manthey, to guide participants through this participatory way of working. Mrs. Annette Lyth thanked Mr. Nguyen Ngoc Anh, UNIAP National Project Coordinator, Viet Nam, who will continue to work with you to build on the achievements of this workshop.

Mr. Geoff Manthey, UNIAP Consultant and Conference Facilitator, set out the process UNIAP have under-taken in order to develop its post 2013 strategic vision. UNIAP Regional Management Office will analyze the reports from the in-country consultation workshops. Once all the consultations (in-country and regional) have been held, UNIAP will review, aggregate and analyze the data in the consultation workshop reports, the independent evaluation of the COMMIT Process and the internal review of successes and failures in UNIAP’s work in order to a proposal for a new project that may follow post-2013.

Mr. Geoff Manthey asked participants to introduce themselves. He emphasized that participant’s voices and opinions are very important in order to review what has been achieved and what still needs to be done. He then set out some basic rules for the consultation process which related
to engaging in open, lively debate, whilst respecting the views of all participants. He outlined the agenda and set out the plan for the opening session, during which we will work to identify the problems that challenge us in Vietnam, and at the regional and international level. We will then engage in deeper analysis of cause and effects.

Identifying Main Problems

Participants worked in groups to discuss and set out what the main problems in tackling human trafficking are at the regional, country and community level. Questions were posed to guide discussion. Participants were asked what the critical problems that need to be addressed by anti-trafficking work were, and whether current anti-trafficking efforts adequately address the problems facing men, women and children. Participants were split into four groups and identified the following themes and specific issues.

Group One

1. Human trafficking occurs both inside and across Vietnam, but also across international borders.
2. Victims are women, men and children. An estimated 60% of victims are from rural areas who live in poor conditions and with low education levels. Previously, most victims tended to be women and children. Men and students with good education levels are now victims of trafficking as well.
3. Diversified forms and manifestation of human trafficking. Besides the more traditional forms of trafficking for sexual exploitation or forced marriages, various new forms of human trafficking have emerged such as labor trafficking, organ removal, child adoption and surrogacy.
4. There are a wide variety of perpetrators including Vietnamese nationals and also foreigners (who are living both in and out of Viet Nam). Some victims become perpetrators. Traffickers can be individuals or organisations. Perpetrators are engaging in illegal activities which are hidden and difficult to detect. As a result, it is difficult to identify victims. To measure the increase in the number of activities of perpetrators is difficult as the systems they employ are very complicated. Perpetrators focused on women and children in the past, however, men and boys are also being succumbed into labor trafficking. Perpetrators move victims to different parts of the country and sell them.
5. Victim identification is difficult because due to lack of resources and mechanisms. When victims return, they sometimes feel hesitant to cooperate with formal investigations because they are afraid that once their identification is disclosed, it might make it more difficult to reintegrate into their communities as they are discriminated and stigmatized by their own neighbours. If there is a request made for a victim to return who has been trafficked from within Vietnam, it is easier to work with them. However, if the victim returns back from abroad independently, it is more difficult to get them to cooperate.
6. The national legal system is not comprehensive enough to adequately address trafficking occurring in Vietnam. Currently, human trafficking in Viet Nam is defined in Articles 119 and 120 of the Penal Code (1992). TIP Law was issued in March 2011; however it is still lacking the required circulars needed to implement the law. A lack of legal aid agreements and bilateral agreements also creates limitations in cooperation with neighbouring countries.

7. Coordination is a major issue. Through the National Plan of Action 2011 – 2015, different functions and responsibilities are given to different stakeholders; however there is still limited cooperation between these stakeholders.

8. We suffer from a shortage of resources. In particular, we lack sufficient human resources. Border guards and police are the two main forces tackling trafficking, however they don’t have "specialized forces" for anti human trafficking. Secondly, there is a shortage in finance and equipment. Staffing budgets are too small for proper support. We need to mobilize the private sector and the support of international organisations in law enforcement effort. We need more in-depth investigations to secure prosecution of perpetrators.

9. Re-integration is another issue. Facilities to aid re-integration are limited and we are lacking comprehensive assistance services that could be provided to victims. Some services are provided to victims, however not enough to ensure positive impacts.

10. M&E is also an issue. It has not been conducted properly yet and therefore we haven’t understood to what extent previous interventions were effective. What are the strengths,
weaknesses and limitations? It is necessary to review existing laws and policies in order to ensure that the law stays up to date with the developing context of trafficking in the country.

**Group 2**

1. The public and authorities have limited awareness of human trafficking and insufficient knowledge on traffickers. People fall victim too easily as awareness of current risks is limited. We need to improve on dissemination of information, particularly information related to different kinds of trafficking. The awareness of relevant authorities and stakeholders is also limited. Many stakeholders are not aware of the different forms of trafficking. Some stakeholders do not mobilize the strength of society in order to combat trafficking. Some stakeholders presume that trafficking relates only to sexual trafficking for example.

2. The resources of the police are still very limited. The military has a small unit for anti-trafficking at the provincial level; however there is nothing at district level. We need officers in charge at the district level. Moreover, human trafficking is often hidden and perpetrators use various tricks. We need to learn from the experiences of international partners and the regional community in order to properly support law enforcement officers’ deal with cases.

3. The differences in the legal frameworks between neighbouring countries are problematic. Even understanding of the term “trafficking” in the Vietnamese language is not interpreted in the same way by all stakeholders. Terminology is confusing and not set out properly in relevant laws.

4. Unemployment and lack of stable incomes are two major contributing factors which increase the risk of being trafficked. People tend to migrate out of their communities for job opportunities while perpetrators take advantage of this by promising good jobs with high salaries. When trafficking victims return to their community, they remain at risk of being re-trafficked if they don’t have a stable income.

5. Cooperation between Vietnam and other countries on identifying victims is too limited, even with countries who have signed MOU’s.

**Group 3**

The first major problem identified was victim identification. Victim identification remains difficult and shortcomings still exists. The criteria used for victim identification differs depending on the legal systems used.

The Department of Immigration, Ministry of Public Security of Viet Nam is assigned as the lead agency in victim identification. The agency established a mechanism for victim identification with other countries including China and Lao PDR several years ago; however we are yet to see concrete results. Viet Nam has developed an SOP with Cambodia, Lao PDR and Thailand. However, we still lack common criteria in identifying victims of trafficking, which is why a person may be considered a victim in this country whilst in other countries they may not be.

For example, in 2012, we identified and returned ten surrogate mothers from Thailand. They were not designated as victims of trafficking because they agreed to go to Thailand as surrogate mothers. They understood what they were doing before departure. Some government agencies
said they were victims so allocated the victims spaces in a shelter for several months and then helped them return to Vietnam. The fathers who were from Taiwan then came to Vietnam to take the children to Taiwan.

Another case involved 65 labourers in Cao Bang province who were lured to China to work in a factory. Initially, they were informed that the duration of work would be 6 months, that they would be paid RMT3000/month and that they would receive a lump sum after completing the 6 working months. Unfortunately, they were arrested by Chinese police during the fifth month of work because of their illegal entry into China, and were forced to return to Vietnam without any payment. When they returned to their community, the People’s Court of Cao Bang issued administrative sanctions related to illegal migration and the traffickers were judged to have illegally brought Vietnamese labours in to the country from overseas. The case should have resulted in prosecution under the crime of human trafficking, however it was not.

This case demonstrates that knowledge of human trafficking in general and the TIP law in particular is still very limited, with local authorities in particular. As the result, victims’ rights are not being protected by the law. The Department of Immigration is designing a process for receiving victims from other GMS countries. Although Vietnam has signed agreements with Thailand and Cambodia, implementation is proving difficult. Local focal points are required in different agencies in Vietnam as additional stakeholders are involved. In Cambodia, the equivalent partner is the Ministry of Social Affairs, Veteran and Youth Rehabilitation, where as in Thailand it is the Ministry of Social Development and Welfare, so different ministries need to interact. At the central level this is easier, but the transfer of information to local levels of governance is difficult. When Vietnam agrees to standardized processes with other countries, it is a positive step forward, however we still have to follow our own national legal system, and the two don’t always work in harmony.

A lack of resources is also an issue, human resources in particular. The Department of Immigration, for example, is responsible for identification of victims in regions in which they have nobody in charge of this process, nor any specialized office or officers. More training is required, and a specialized unit should be established to provide assistance across the regions.

Assistance to victims - victims sometimes don’t want to disclose personal information and let others know about their experiences. Moreover, many assistance services are not available; we lack social staff with enough skills to provide adequate services. Finance and budget allocation for anti-trafficking activities from the government and international organisations are insufficient. Items of spending are not flexible; when we want to organise a conference or workshop the budgets are often too small. Itemized budgets do not provide enough flexibility, i.e. focus placed on these particular activities is too narrow. Conferences and workshops should focus more on cross-border issues. Previously trafficking used to affect mostly women but it is increasingly affecting men as well there hasn’t been enough focus on this. There is also a lack of research and discussion on internal trafficking.

**Group 4:**

Group four identified specific areas requiring particular attention:
• Awareness raising
• Identification of victims
• Support for victims
• Legislative improvements and international cooperation

Group four agreed with the conclusions of group three with regards to awareness raising of human trafficking issues. In the past, most attention was focused on cross-border trafficking of women and children, with less attention on labour exploitation carried out internally. We need common understanding of what constitutes labour and sexual exploitation.

Communication via the mass media is still limited. Community communication is too general, not specific enough and lacks focus on high risk targeted groups. In addition, most communication activities were conducted through projects with small scope and through sporadic activities that creates any impact on the general public. Moreover, communication activities are usually carried out after human trafficking cases have occurred. Preventive measures are not as effective as they should be.

We need to develop a legal framework on bilateral basis. To date, Viet Nam has signed MOUs with China, Cambodia and Lao, and has signed an SOP with Thailand and Cambodia. However, coordination of activities and strategies is still very limited.

Mechanisms for coordination of investigations and prosecutions - we lack a specialized force to combat trafficking. Many cases are initiated; however, we lack personal working on in depth investigations and prosecutions. We need more support to develop these specialized forces.

Victim identification - we have regulations to protect victims, however they are only legal documents and we lack a specific body to implement the legal procedures. How do we protect victims at shelters or when they return to their communities? Another problem is the lack of coordination between stakeholders and other agencies in other countries. Referrals and support are two of the key challenges. The government has allocated funding for these processes; however it is limited. Itemized budgets need to be changed to allow more flexibility on what money is spent on exactly.

Victim assistance needs to be improved. At present, we don’t have comprehensive package to support victims in reintegration. A victim-centred methodology is not applied. Victims are interested in training and gaining new skills, however such courses are often not available in their community. Lack of staff in providing assistance as well as the weak capacity of social staff is a major shortcoming in victim assistance.

Improvement on legal framework in Vietnam is required to ensure it complies with international standards such as the UNTOC. We need to ensure that definitions of trafficking employed in Vietnam are in line with international definitions. The criminal law should be amended to ensure that it is in line with international standards.

Trafficking is a cross-cutting issue. In Vietnam, no agency can say precisely how many cases of labour trafficking or sexual exploitation occur. We have no reliable picture with accurate
statistics. We need more collection of data and information to get a better understanding of human trafficking. A study covering the situation within the country is needed.

Group three’s representative commented that group four’s analysis regarding awareness of people is correct. Viet Nam completed the 1st National Plan of Action 2005 – 2010 which focused on raising awareness. However, behaviour among people hasn’t changed much. In future, behavioural changes and communication needs more focus to achieve better results.

Organizing and Prioritizing Main Problems

Participants worked together under the instructions of the facilitator to group and prioritize the main problems from the list of identified problems above. The criteria for making the prioritization included i) whether solving this problem would have significant impact on human trafficking; ii) whether there would be enough support to solve the problem; and iii) would we have the capacity and comparative advantage to work on the problem. As a means to prioritize the issues identified, each participant was asked to place coloured dots next to the three subjects that they felt were most pressing. The facilitator then grouped overlapping themes and tallied the votes together to identify five topics. The issues selected as most important would then be adopted as the chosen themes for further analysis.

The agreed prioritized problems based on the voting process amongst participants were:

- Awareness of human trafficking
- Lack of definitions on human trafficking / compatibility with international standards
- Coordination mechanisms
- Bilateral cooperation
- Legal issues
- Resources
- Re-integration and victim identification

M&E was included as a separate issue, because whilst many participants identified it, it is an issue that touches upon all areas outlined above. Mr Manthey proposed that either the existing groups conduct four or five problems analysis exercises at first, and then take on further issues afterwards if time permits, or split into smaller groups and address all eight problems simultaneously, with just three of four participants per group. Participants agreed to focus on four issues to begin with, and to address more if time permits. The four most commonly identified problems selected for further analysis were:

- Lack of definitions on human trafficking / compatibility with international standards
- Awareness of human trafficking
- Legal issues
- Coordination mechanisms
Problem Analysis

After the five main problems were prioritized, Mr. Manthey, divided the participants into five groups, where each group was given one main problem for close scrutiny and analysis, where “problem trees” were developed for each priority problem to support the analysis. Beginning with the problem that was identified and positioned as the trunk of the problem tree, participants then brainstormed about the major causes of the problem by asking, “what is causing this to happen?” They then identified a number of policy constraints; capacity weaknesses, social problems and cultural norms, and these became the roots of the tree. The problem analysis was designed to help participants develop a clear understanding not only of the surface problems, but also their underlying causes and constraints. The aim was to help all participants develop a common understanding of the chosen topics.

Stakeholders were also asked to discuss the effects of the problems. ‘Branches’ were created on the problem tree to illustrate how the problem affects the region, country or community. The process involved identifying the most direct effects of the problem, classified under the same categories as were used for the analysis of the causes. In the problem tree, the effects of the higher-level problems are captured in the boxes above the trunk.

Participants engage in the voting process to select issues for further analysis
Group I: Definitions

Group one identified two central causes:

- The law on anti-human trafficking is not in line with other laws such as the Penal Code.
- Enactment of the law was carried out before Vietnam ratified the UNTOC in December 2011. Therefore, the National law is not in line with international standards.

Besides these two main causes, participants identified other causes such as; anti-human trafficking efforts are difficult to implement due to interconnectedness with other laws and limitations set forth in the Penal Code. Law makers are not realistic when developing new laws. Awareness of law makers on human trafficking issues varies between different ministries and agencies. This impacts on definitions set out in the law.

From these causes, participants identified effects resulting from the lack of definitions that fall in line with the Palermo Protocol. Many victims are not properly identified, particularly those trafficked and forced to work. Many victims are not supported which leads to crimes that are not reported. Definitions of human trafficking are too narrow which leads to insufficient implementation of preventative measures.

There is a lack of an overall picture on human trafficking in the country. This leads to the lack of overall policy intervention. Stakeholders and society in general suffer from a poor understanding of human trafficking issues. Relevant agencies and stakeholders, particularly the Ministry of Labour, Invalids and Social Affairs, are not fully involved in anti-human trafficking or associated activities.

A participant commented that we do not have a common understanding on the definition of human trafficking with other countries and therefore do not have good cooperation in this regard with other countries, especially on victim identification. This results in crimes that are not investigated and unfair verdicts are issued with regard to trials in cases that deal with human trafficking. This will result in under development of sufficient preventive intervention of human trafficking in cases of forced labour. The very narrow definition of trafficking does not adhere to internationally accepted definitions.

The example quoted earlier involving 65 workers who were trafficked from Cao Bang province of Vietnam to China was highlighted once more. In this case, due to different opinions and understanding of human trafficking concepts employed by certain actors, the case was not resolved properly.
Lack of definitions in line with Palermo Protocol

- Many victims are not supported
- Insufficient understanding of competent authorities/agencies/communities human trafficking
- Weak participation and involvement of stakeholders such as the Labour Administration Agency
- Lack of overall picture on human trafficking impact on policy making and interventions

Group 1 Definitions

- Lack of preventative interventions on human trafficking for forced labour
- Crimes are not identified
- Many victims of forced labour who returned of the own accord are not identified

Anti-human trafficking law is difficult to implement due to limitations of related laws such as Criminal Law

- Anti-human trafficking law was issued before the ratification of the Palermo Protocol
- Criminal Law is not in line with international standards
- Lawmakers are not fully aware of anti-trafficking issues
- Different understanding of human trafficking issues between human trafficking and law makers (Ministries and Agencies)
Group II: Awareness

This was described as a particularly sensitive and difficult topic to address which centred on two main themes:

- People’s perception of legislation on anti-human trafficking and the tricks employed by traffickers.
- Stakeholders lack understanding of their roles and responsibilities in countering human trafficking.

One of the main causes of the problem is that some people, particularly those in rural and remote areas, lack information and knowledge of relevant laws and the crime of trafficking, while perpetrators use diversified and sophisticated tactics. This is due to insufficient communication and awareness raising activities. Families do not have televisions or radios in rural areas. This is a key reason why people have been trafficked and become victims.

Victims generally have very limited knowledge about risks and perpetrators take advantage to deceive victims. Different parts of the population can also be affected. Students, who have multiple sources of information through the internet and television, sometimes engage in ‘negative’ lifestyles, wherein, they engage in activities such as online gaming and chatting on social media sites. They neglect their studies and this increases their risk of falling prey to criminal networks.

Another cause relates to information communicated. Perpetrators employ various means to trick potential victims and these methods constantly change. Awareness raising activities responding to this are too general. Forecasting and predicting of trends is not good. Therefore, dissemination of information is insufficient. These are all root causes.

Victims are often unemployed which is another root cause. They fall into the trap of job creation - job seekers may follow potential avenues of employment which result in labour exploitation.

Vietnam has agencies responsible for combating trafficking; however trafficking is both a national and international crime. Not all agencies are functional and authorities are not always aware of the true scale of this problem. This point outlines the limitation of stakeholders who lack the capacity and understanding to address trafficking properly.

Adverts on radio and television can be very effective. The group representative described a course he attended in Thailand during which groups designed leaflets and flyers on anti-trafficking; ‘We designed and used leaflets that conveyed very powerful messages - we should employ such strategies through the media in Vietnam. We need to strengthen awareness raising activities in all forms, particularly through the media. Campaigns often lag behind trends in trafficking’.

The effect of a lack of awareness among people or functional agencies reduces efficiency in the ability to combat trafficking.
A participant commented that while social impacts, we not only talk about lack of awareness, but also about how an increase in communication impacts on changes in behaviour. It is necessary to focus on skills of behavioural changes. The group representative agreed that the ultimate objective is to change the behaviour of people.

Another participant commented on the lack of legal knowledge and responsibilities of local authorities. The group representative responded that the authorities who are not wholly responsible for human trafficking have many different priorities so may place insufficient attention on trafficking issues.
Lack of awareness & understanding of the tricks employed by perpetrators, of applicable legal standards, and of the importance of countering human trafficking.

- Lack of relevant information
  - Sophisticated tricks used by perpetrators
    - Limited skills of people to fight trafficking
    - Limited education
  - Lack of employment opportunities
- Limited skills of people to fight trafficking
- Limited education
- Priorities of responsible agencies vary
- Some people adopt a "negative" style of living
- Contents of communication are not realistic
- Lack of coordination
- Lack of awareness raising programmes
- Lack understanding of the different roles and responsibilities of stakeholders
- Lack means of communication
- Increased social crimes related to trafficking
- More victims
- More cases of human trafficking occur
- Reduced efficiency
Group III: Coordination

The group analysing the issue of coordination primarily discussed coordination between Vietnam and other countries in the region. Vietnam has a law on anti-human trafficking and a National Plan of Action on counter human trafficking in place. This plan has five ongoing projects and the Ministry of Public Security is the focal point, coordinating other ministries to implement projects. Under the National Action Plan, different ministries are allocated for different responsibilities. In other GMS countries however, they have different mechanisms and systems in place. In Cambodia for example, it is the Ministry of Women’s Affairs which takes primary responsibility in countering human trafficking. It is not always the equivalent ministry in a neighbouring country that we need to coordinate actions with. Another issue is human resources. We have a specific agency working at the central level in charge of victim identification. However, there are no specific units or specialized staff at lower levels. Another participant stated that problems also relate to financial constraints, as the state budget allocated by the Government for counter trafficking is limited.

Coordination with agencies in China is a major concern. Due to different systems employed in each country, different applicable legislation, and the different understandings of the definitions of human trafficking and victim identification make coordination and the exchange of information between police departments difficult. When Vietnamese police officials request an investigation, sometimes there is very little response from their Chinese counterparts.

There are a number of impacts which relate to insufficient information, lack of investigations and the tracing of crimes. This makes it harder to rescue victims and to help them repatriate.

Vietnam has signed agreements with China, Lao PDR, Thailand and Cambodia. With the signing of agreements strengthening legal frameworks, we have better coordination mechanisms with these neighbouring countries.

However, Vietnam still faces some shortcomings because of the differences between national laws and regulations. We need to identify deeper roots to the causes of these problems.

Another participant stated that the disparities between countries who have signed the UNTOC will be narrower; however, there is still a gap in defining the concept of what is human trafficking. This gap causes difficulties in coordination among countries relating to victim identification and protection. Mr Geoff Manthey highlighted that non-ratification of a treaty is an issue that should be placed in the ‘legal issues’ problem tree. Non-implementation is a different issue. Different legal mechanisms should be listed above this root cause in the problem analysis tree. If countries have not ratified a particular convention and that is a root cause of trafficking, UNIAP can work with governments in the region to encourage ratification.

Group 3 Coordination

- Limitations in exchanging information
- Impact on implementation of the National Action Plan
- Difficulties in rescuing and repatriating victims
- Difficulties in investigating crimes and making arrests
- Different understanding of approaches to combat human trafficking
- Different legal mechanisms
- Limited budget and human resources
- Different management mechanisms
Group IV: Legal Issues

Causes were identified as a lack of guidelines and legal documents relating to human trafficking. We lack appropriate criminal and administrative sanctions. There are insufficient criteria for victim identification and we do not have adequate enforcement agencies.

Existing legal documents are not consistent or relevant. During the drafting consultation process, we were not able to fully participate before legal documents are finalised. As a result, they are not feasible or in line with international standards.

A lack of proper attention is placed on legal documents. Leaders and law makers may not consider the issue of anti-trafficking as important as issues such as socio-economic development. The capacity of law makers is limited. We lack specialized staff on anti-human trafficking. We also lack proper funding for legislation development; i.e. for carrying out necessary surveys, studies and counselling workshops. The process for participation in the development of legal documents and standards is not clear. Drafts are not sent to the correct persons and people are not given enough time to consult (sometimes just one or two days) and not enough time to properly respond to draft laws.

Institutional budgets for repatriation are insufficient. We lack the ability to properly monitor or conduct social criticism/feedback. Low participation of people or lower level authorities in policy making processes is also a problem. A lack in legal authority or guidelines results in crimes remaining un-investigated. Preventative measures are not strong enough. Different agencies and stakeholders have different responsibilities and there is a lack of overall responsibility.

These causes have led to different effects. We do not have an accurate picture of the overall situation of trafficking in Vietnam. The lack of coordination between different stakeholders results in the loss of trust in the legislation and law enforcement. Ultimately, overall impact of this is that human trafficking continues.

A participant commented on insufficient guidelines relating to victim identification and criminal sanctions. These causes are general and not specific. The lack of financial resources is not a problem; we enjoy significant assistance from the international community and do not lack funding to carry out surveys or workshops. Another participant added that in Vietnam, we already have a law on the development of legal documents – and that includes very specific steps. So the development of the Anti-human trafficking law has to follow these steps. In addition, the Law has implementing guidelines including two Decrees and four Circulars. They are sufficient as legal tools on this issue.

The group representative responded that the legal issues group was analysing challenges outlined earlier in the day during the morning workshop session. The Law on Anti Human Trafficking was raised, as that lacks guideline documents, as well as the issue of the enforcement of the Law in Vietnam and harmonisation of Vietnamese and international laws. Some of the writing on the problem tree is not specific enough however.

A participant asked the group to explain the cause phrased as ‘feasibility’? The group representative stated that during the morning session, we discussed the feasibility of assisting
victims. Legal documents outlining means of assistance are not feasible or realistic. The participant replied that the issue of feasibility corresponds to the needs of victims. Feasible is the wrong word. In fact, legal documents are unrealistic in what they set out.

A participant commented on the lack of a specialized agency in charge of anti-human trafficking. Even if a new law is passed, new staff are not provided for implementation. Rather, Vietnam should use existing staff to implement new laws. So the lack of professional officers is the real problem.

Another participant disagreed with the point on the procedure for participation. We have particular steps that are required to be taken with regards to the implementation of international laws, so this point should be removed from the problem tree. A comment was also made in regards to the enforcement of procedures in law making which are not strong enough, i.e. in relation to time provided for feedback on draft laws. This should be corrected and phrased as the 'implementation of a proper consultation process'.
Group 4: Legal

- Lack of responsibility
- Lack of cooperation
- Human trafficking continues on broader scale
- Unable to implement laws. Too costly to do so.
- Loss of trust in law enforcement agency

Lack of guideline documents related to:
- Criteria of victim identification
- Criminal and administrative sanctions
- Tasks and responsibilities of law enforcement agencies.

Existing legal documents are not consistent, relevant or realistic.

Lack of clear responsibilities amongst stakeholders in developing legal documents.

Inconsistencies between Vietnamese laws and International Laws (ratified or used by UN).

Differences of political systems (institutions, interests, opinions)

Monitoring and Social Peer Reviews are limited

Lack of real information from local level

Lack of participation by relevant stakeholders

Limited capacity of officers and legal document writers

Lack of professional officers

Lack of proper attention to development of legal documents

Weak in taking necessary actions to tackle trafficking

Unable to identify crimes

Different enforcement of laws
Vision Statements

Mr. Manthey divided the participants into five groups in order to brainstorm the development of a vision statement. He asked each group to develop a vision statement that provided a clear goal for the country’s anti-trafficking community to aim for over the next five-year period, to address each of the five main problems identified above. Mr. Manthey emphasized that the vision statements should be high-level goals on which the anti-trafficking community as a whole can focus their efforts.

After the brainstorming session, the participants listed out the following vision statements from each of five groups.

**Group I: Definitions Vision Statement**

**Vision:** *The Penal Code has specific regulations on sanctions compatible with prohibited behaviours in line with Article 3 of the new Anti-Human Trafficking Law.*

The objective is to revise the Penal Code because the Anti-Human Trafficking Law was passed in March 2011. It requires time to implement and before its impact can be reviewed in order to revise the law accordingly. The National Assembly plans to revise the Penal Code, so it is the right time to propose to revise the two articles in the Penal Code that are related to human trafficking. More acts related to human trafficking should be criminalized under the new Penal Code.

Mr. Geoff Manthey asked if the revision of the Penal Code is an opportunity to include trafficking activities. The group representative responded that the content of the definition under UNTOC has already been integrated into the Anti-Human Trafficking Law. However, definitions in the Anti-Human Trafficking Law are narrower than the Palermo Protocol definition.

Mr. Geoff Manthey praised the vision statement of this group as a good example of where opportunities have arisen, and that this is a chance to implement change.

**Group II: Awareness Raising Vision Statement**

*Communication for education on anti-human trafficking issues is strengthened to increase awareness and stimulate changes in behaviour across society which reduces on trafficking.*

The aim is to achieve the following goals by 2018:

1). Strengthen communication and education to increase awareness. People have knowledge and skills to protect themselves and others and to be responsible for human trafficking.
2.) Strengthen roles and responses at the central level.
3.) Integration of communication into social development programmes.

Mr. Geoff Manthey clarified that awareness raising should not be considered a vision. We need to integrate this into the wider problem. The group representative responded by saying that the group will consider revising the vision statement. The points above are expected results. i.e. protection skills of people in the community are enhanced through awareness raising.
A participant commented that point one could be merged with point three to become ‘development of the skills of self-protection’. Points two and three relate to integration of anti human trafficking communication into social programmes, and roles and responsibilities are strengthened – these are more expected results than a vision.

Mrs. Annette Lyth commented that the third point is concrete and measurable and that we can look at steps on the way to reach that goal; these are the activities we can conduct. A participant stated that the vision is about what we want to achieve. Integration of communication into social programmes is more of an activity. How do we measure this? Is point three a vision? What we are doing is to facilitate community understanding so that they are aware of human trafficking and are able to self-protect and protect other community members.

Mr. Geoff Manthey asked why would we be engaging in awareness raising with the community? What sort of change do we wish to achieve from this? The group representative replied that people need to protect themselves first and then their community. They must be aware of human trafficking related crimes. Mr. Geoff Manthey asked if the vision of a society is to protect itself from human trafficking?

A participant commented that point three currently relates to the work of the Ministry for Public Security and the Women’s Union, however we need more stakeholders. We should aim to strengthen the role of all stakeholders, at all levels both central and local, in the fight against trafficking.

Mr. Geoff Manthey stated that our vision is for Vietnamese people to be informed and to protect themselves. We are not talking about whether it is possible. We would work to achieve this through many different partners, through awareness raising and through multiple means. But the vision is protection itself. The vision is not about how we achieve this.

A participant responded that this is five year vision and not a 20 year vision, so if the vision is too ambitious, it becomes unachievable. Mr. Manthey agreed and said that the vision should not be too broad or ambitious but that it should not be an activity either, it is a vision for an end state. He suggested that the group re-formulate the vision using the ideas debated here.

The Vision statement was eventually changed to:

**Vision**: *Communication and education on TIP Law is strengthened to raise awareness and lead to behavioural changes of the public on human trafficking issues.*

**Group III: Coordination Vision Statement**

**Vision**: *Strengthen international cooperation to establish, consolidate and improve bilateral and multilateral coordination mechanisms on anti human trafficking.*

Expected Results:

- Signing of bilateral agreements with all GMS countries and others in the region.
- Fully implemented international treaties on anti-human trafficking that Vietnam has signed and implemented.
• Developing and improving mechanism for information exchange between GMS countries.
• Developing an effective coordination mechanism between GMS countries with regard to cases of human trafficking, rescuing, identification and repatriation of victims.

A participant suggested removing the term ‘strengthen’ in the vision statement. Mr. Geoff Manthey enquired whether the group is trying to improve cooperation or to create better dialogue? What are we hoping to do? Strengthening mechanisms as a result is not a vision. Is the vision good cooperation between different countries and agencies?

Mrs. Lyth asked what is the purpose of the activities outlined? She asked where the group wanted to go with these activities. Why have a mechanism in place and for what point are the meetings planned? What is the ultimate goal? The group representative responded that the goal is close cooperation between countries in the region. We see a low level of cooperation at present and the aim is to improve this. The group representative clarified that the vision was based on causes outlined in the previous workshop sessions.

Mrs. Lyth asked participants to imagine that we are in 2018 and are looking back. She asked what has been achieved, what has changed and what is different? If all activities were completed, what would strengthened cooperation lead to? The group representative responded that the result would be the signing of additional bi-lateral agreements and that multi-lateral coordination mechanism would have been strengthened.

Mr Manthey asked what the purpose of collaboration is. Is it an increased number of prosecutions or a decrease in the numbers of people trafficked? What will the mechanism deliver? The group representative responded by saying that this vision is for good employment opportunities for Vietnamese people working overseas.

A participant commented that the strengthening of cooperation will result in more agreements being reached that allows consensus on issues such as agreed definitions between countries on who is a victim of human trafficking. This will lead to an increase in efficiency of anti human trafficking efforts and greater prosecution of trafficking related crimes.

Group IV: Legal Issues Vision Statement

Vision: Human trafficking related documents of Vietnam are compatible with international standards set out in the UN TOC, Palermo Protocol, and other related treaties and agreements.

The group representative clarified that the focus here should be on legal documents produced in Vietnam; this is not a vision relating to amending existing international legal standards.
Results Map

Participants created a “Results Map” following discussions on the measures (and structures) that need to be in place to achieve the vision and objectives identified above. The guiding question for this exercise was “what must be done and put in place to achieve the vision that has been developed in a particular area?” Participants were encouraged to take each major problem identified on the trunk of the problem tree and reword it as the immediate positive result with longer-term positive results or effects, articulated as clearly and concretely as possible. The approach taken by participants in developing the results map was to set out the targeted aims in the following lists.

Group I Results: Definitions

1. Successfully conduct a study to review existing legal documents which require amendment.
2. Recommendation to make revision of laws outlined to the drafting Committee.
3. Consultation conducted with relevant stakeholders to get inputs for the development of Circular outlining guidelines on implementation of activities combating forced labour.
4. Violations related to human trafficking are punished either by administration or criminal sanctions / review forbidden acts stated in the Article 3 of the Anti Human Trafficking Law. Activities of perpetrators not currently sanctioned by relevant laws such as the Penal Code are added to the statute book and become prohibited.
5. The law making and law enforcement agencies have understanding of human trafficking issues that is compatible with the Palermo Protocol.

Group II Results: Awareness Raising

1. To provide support, assistance and services to trafficking victims - 100% of trafficking victims are provided with support services to reintegrate into their community. They are provided with knowledge and skills to protect themselves and to avoid being re-trafficked.
2. Carry out communication campaigns aimed at the community level.
4. Training is conducted for communicators.
5. Revise content and methods of communication strategies.
6. More focus is placed on communication with vulnerable groups and high risk areas.
7. Communication through mass media is carried out frequently.
8. Building capacity for local communicators/educators (those who run communication campaigns), and for officials who run anti human trafficking programmes.
9. Organise vocational training courses for victims to aid re-integration and integrate human trafficking prevention topics into socio-economic programs.
10. Develop models of behavioural changes that can be replicated.
A participant suggested adding to the list of results: mobile prosecution team visiting communities so that public know about cases. This point corresponds closely with the result: mobile outreach missions for court officials to visit communities.

**Group III Results: Coordination**

3. Study tour and exchange visits with neighbouring countries for federal and local level officials.
4. Develop bilateral and multilateral Standard Operating Procedures on counter human trafficking and protection of victims.
5. Agreement on victim identification criteria between GMS countries and broader ASEAN region.
6. Enhance cooperation between provinces from both sides which share borders through signing of MOUs.
7. Signing of bilateral agreements with all GMS countries and others in the region.
8. Fully implemented international treaties on anti-human trafficking that Vietnam has ratified and implemented.
9. Developing and improving mechanisms for information exchange between GMS countries.
10. Developing an effective coordination mechanism between GMS countries with regard to cases of human trafficking, rescue, identification and repatriation of human trafficking victims.

A participant suggested adding the reaching of an agreement defining human trafficking as a crime.

**Group IV Results: Legal Issues Group**

1. Article 119 and 120 of the Penal Code (1992) are revised and are compatible with the Palermo Protocol.
2. An inter-ministry Circular on guidelines for prosecution of perpetrators allocates specific responsibilities to stakeholders.
3. The law on sending Vietnamese workers abroad defines responsibilities between agencies and private enterprises in order to ensure the protection of Vietnamese workers.
4. Develop and improve the Decrees and Circulars providing detailed guiding implementation of anti human trafficking Law.
5. Develop mechanisms with indicators for monitoring of crimes and victims in human trafficking cases for the purpose of forced labour.

Mr Manthey pointed out that these results focus largely on domestic issues, and asked participants if they had anything they wished to add?

A participant commented on the last result relating to indicators for monitoring crimes. They suggested that this idea is not feasible. There are many agencies monitoring human trafficking.
at present. We would need to separate these roles further to monitor labour exploitation specifically.

The group representative clarified that joint Circulars outlining guidelines to monitor violations of adolescents rights already exists. We need to develop a similar system for adults — the importance of indicators is necessary for the development of a database.

**Monitoring and Evaluation**

Additional analysis of M&E issues was also discussed. The lack of accurate information means that M&E activities are very difficult to carry and enjoy limited success, as a result. Training on M&E is not conducted and we don’t have sufficient resources for M&E. A proper, functioning M&E system requires very specific data. Due to the lack of M&E work, we do not revise policies or regulations regularly or appropriately. This negatively impacts on all our work.

**Closing Speeches**

Mr. Geoff Manthey provided some concluding observations. He stated that although we identified many problems, we have chosen to analyze just four. This process involved many steps such as identifying root problems, causes and effects and looking at how to address these issues. We have seen some old ideas presented but also some new ideas. This event provides us with a good opportunity to take these ideas to other countries and to use them for future strategic planning. The workshop required detailed analysis and resulted in positive outcomes. He thanked participants for their excellent contributions and the UNIAP country team for organizing the workshop.

Mrs. Annette Lyth thanked all participants for their time and efforts during the two days of the workshop. UNIAP would extract the best ideas to take forward and develop a strategy at the regional level. At the national level, participants could take this workshop report to move forward in developing national level strategies and activities. UNIAP would invite representatives from this workshop to attend the UNIAP regional visioning workshop in Bangkok in order to feed in what was debated. This process was very useful in order to take a step back and to reflect on what were the real problems UNIAP needed to address. She expressed confidence in the UNIAP’s regional office to improve the effectiveness of responses to human trafficking in the future.
Participants gather for a joint photo at the end of the event
Annex: Participant List

Consultation Workshop on Strategic Visioning for Post-2013 Coordinated Anti-trafficking Efforts in Vietnam

Ha Long, Viet Nam 1-3 April

<table>
<thead>
<tr>
<th>No</th>
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