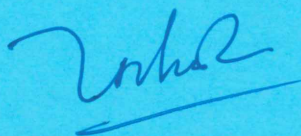


HO CHI MINH NATIONAL ACADEMY OF POLITICS

NGO THI THU

ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING
PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF
THE PUBLIC SECURITY IN THE NORTHWEST PROVINCES,
VIETNAM

SUMMARY OF DOCTORAL THESIS
FIELD: THEORY AND HISTORY OF STATE AND LAW
Code: 9 38 01 06



Trinh Dieu Thao



Hong My Hoa

HANOI - 2024

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**The project was completed at
Ho Chi Minh National Academy of Politics**

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Reviewer 1:
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Reviewer 2:
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Reviewer 3:
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**The thesis will be defended before the Thesis Evaluation Council during
the Academy-level meeting at the Ho Chi Minh National Academy of
Politics.**

At..... hour..... day..... month..... year 20....

**The thesis is available at the National Library and the Library of the Ho
Chi Minh National Academy of Politics**

FOREWORDS

1. Urgency of the topic

Human trafficking (HT) has become a critical issue, threatening the stability of countries worldwide. In Vietnam, human trafficking has been reported in all 63 provinces, with perpetrators using increasingly sophisticated and cunning methods. Our Party has introduced various policies and strategies to combat crime in general, and human trafficking in particular. The legal framework concerning human trafficking has been continuously improved, providing a robust structure to prevent, stop, and penalize human trafficking acts. Under the leadership of the Party, the management of the State, and the involvement of all sectors and society, the enforcement of the Law on Human Trafficking Prevention and Combat (HTPC) in Vietnam has seen positive results. However, there are still weaknesses and limitations within the enforcement of the Law on Human Trafficking Prevention and Combat that impact its effectiveness in human trafficking prevention and combat and human rights protection, particularly in the border areas of the Northwestern provinces.

As a force directly tasked with combating and preventing various crimes, including human trafficking, the Criminal Police of the Public Security in the Northwestern provinces, Vietnam has, in recent years, seen positive advancements and achieved significant results in the enforcement of the Law on Human Trafficking Prevention and Combat. However, human trafficking in the Northwestern provinces remains on the rise, becoming increasingly complex, especially during the two-year period of the COVID-19 pandemic and continuing to the present. Despite progress, limitations persist in the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces: The organization and enforcement of the Law on Human Trafficking Prevention and Combat can be ad hoc; adherence to and enforcement of legal provisions of the Law on Human Trafficking Prevention and Combat are not consistently rigorous; application of Law on Human Trafficking Prevention and Combat remains limited, particularly in areas such as: disseminating legal information on human trafficking prevention and combat; receipt and handling of complaints and reports related to human trafficking; and investigation process of human trafficking cases...

Given these issues, it is essential to further research both the theoretical and practical aspects of the law enforcement. This research will form the foundation for developing viewpoints and proposing feasible solutions to enhance the law

enforcement by the Criminal Police of the Public Security in the Northwestern provinces moving forward. Therefore, the researcher has chosen the topic “*Enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern Provinces, Vietnam*” for this doctoral thesis in Law, specializing in the Theory and History of State and Law.

2. Purpose and research tasks of the topic

2.1. Research purpose

Based on the theoretical analysis and explanation of enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial Public Security, along with an assessment of the current state of law enforcement in the Northwestern provinces, this thesis identifies key perspectives and proposes solutions to strengthen the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces, Vietnam today.

2.2. Research tasks

First, provide an overview of existing research related to the topic.

Second, analyze the theoretical foundation for enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of Provincial-level Public Security in Vietnam; examine the international legal framework on prevention and combat of human trafficking and how this law is implemented by the Criminal Police in various countries, along with the reference values applicable to Vietnam.

Third, analyze the factors affecting the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam; provide an analysis and evaluation of the current state of enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces, Vietnam in recent times.

Fourth, propose perspectives and solutions to strengthen the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam in the future.

3. Subject and scope of the research topic

3.1. Research subjects

The thesis examines both the theoretical foundations and practical application of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam.

3.2. Scope of research

- *Content:* The research on enforcement of the Law on Human Trafficking Prevention and Combat encompasses four main groups of legal regulations: (1) regulations on the prevention of human trafficking; (2) regulations on detecting and handling violations of Law on Human Trafficking Prevention and Combat; (3) regulations on receiving, verifying, protecting, and supporting human trafficking victims; and (4) regulations on international cooperation in the human trafficking prevention and combat.

- *Scope of research:* The thesis addresses both theoretical and practical issues concerning the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam.

- *Timeframe:* The data analyzed in this thesis were collected by the author from 2018 to 2023.

4. Theoretical basis and research methods

4.1. Theoretical basis

The thesis adopts the methodology of dialectical materialism and historical materialism based on Marxism-Leninism, alongside the viewpoints and guidelines of the Party, as well as the laws of the State regarding law implementation. It also considers the role of the People's Public Security in the prevention of human trafficking crimes in general, and the enforcement of the Law on Human Trafficking Prevention and Combat in particular. The thesis primarily adopts the perspective of general theory of the state and law.

4.2. Research methods

- *Documentary and Synthesis Approach:* The thesis analyzes various documents, including books, newspapers, magazines, statistical data, and reports from relevant authorities, regarding the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam. This method helps clarify the theoretical foundations of enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial-level Public Security and allows for the analysis and evaluation of the successes and challenges in past implementations. Based on this, the thesis proposes solutions to enhance future law enforcement in this area.

- *Historical-Logical Approach:* This method is used to analyze and evaluate the current situation of enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam, and to propose effective measures to improve the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern

provinces of Vietnam in the coming years.

- ***Comparative and Statistical Approach:*** The thesis uses these methods to compile statistical data on the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam in recent years. From this data, the thesis compares the differences between years to assess the advantages and limitations in the process of enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam in the past years. Additionally, these methods are applied to survey and analyze the enforcement of the Law on Human Trafficking Prevention and Combat in countries like the United States, South Africa, and China, with the goal of drawing reference values for Vietnam.

In addition, the thesis utilizes other research methods, including legal document analysis, modeling, etc. to examine the current enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam.

5. New contributions of the Thesis

This thesis is the first comprehensive study on enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam. Specifically, the thesis makes the following contributions:

- The thesis focuses on researching and explaining some basic theoretical issues, including: building related concepts; analyzing the characteristics and role of enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial Public Security; analyzing the content of legal adjustments, forms, and conditions to ensure the effective enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of Provincial Public Security; and researching the international legal framework on the human trafficking prevention. It also examines the international legal framework on human trafficking prevention and combat, enforcement of the Law on Human Trafficking Prevention and Combat in some countries to draw reference values for Vietnam.

- The thesis analyzes the factors affecting the process of enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam. It evaluates the advantages and limitations in the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam for the past years, identifies both the objective and subjective causes behind these advantages and limitations.

- The thesis proposes five viewpoints and five feasible solutions to ensure the effective enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces in the future.

6. Theoretical and practical significance of the Thesis

6.1. Theoretical contribution

The thesis contributes to enhancing, refining, and expanding the theory on enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial Public Security.

6.2. Practical contribution

The research outcomes provide clarity on the practical enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam. The viewpoints and solutions proposed in the thesis offer actionable recommendations that can be applied by relevant agencies, organizations, and individuals in the Northwestern region to strengthen enforcement of the Law on Human Trafficking Prevention and Combat. The results also serve as valuable reference material for those interested in this issue.

7. Structure of the thesis

In addition to the forewords, conclusion, references, and appendices, the thesis consists of four chapters and eleven sections.

Chapter 1

OVERVIEW OF RESEARCH SITUATION

1.1. RESEARCH WORKS RELATED TO THE THESIS TOPIC

1.1.1. Domestic research situation

The thesis reviews a variety of works related to the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam. These include scientific topics, reference books, monographs, doctoral theses, and articles, all of which provide theoretical and practical foundations relevant to the thesis.

1.1.2. International research situation

Through research on foreign scientific works related to the enforcement of the Law on Human Trafficking Prevention and Combat by the Police force, the author has recognized the seriousness of human trafficking in key hotspots both in the region and globally. By analyzing the works of various authors, the researcher has gained a deeper understanding of national legal regulations, as well as the level of awareness and interest of the governments have toward addressing human trafficking.

1.2. EVALUATION OF RELATED RESEARCH WORKS AND UNRESOLVED ISSUES

1.2.1. Evaluation of related research works

Through the study of works related to the thesis topic, it is evident that previous scientific works have made significant contributions to various aspects of the theory and practice of the prevention of human trafficking crimes, Law on Human Trafficking Prevention and Combat, and the enforcement of Law on Human Trafficking Prevention and Combat by the Police force. These works can be referred to and selectively incorporated into the research process of this thesis. However, the studies reviewed so far, although addressing factors such as legal regulations and the coordination between the criminal police force and other related forces, remain fragmented, inconsistent, and are often limited to individual articles. Additionally, previous research on the human trafficking prevention and combat by the Criminal Police primarily adopts criminological and crime prevention perspectives. To date, no research has comprehensively and systematically examined the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam, from the standpoint of state and law theory and history.

1.3.2. Unresolved Issues

*** *Theoretical gaps***

The thesis builds upon the achievements of previous research works, utilizing research methods and approaches from the perspective of state and law theory and history to clarify theoretical issues regarding the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial-level Public Security.

*** *Practical gaps***

The thesis has thoroughly analyzed and evaluated the current situation of the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces, Vietnam. It identifies both the advantages and limitations, exploring the objective and subjective causes behind them. Based on this analysis, the thesis systematically presents guiding viewpoints and proposes feasible solutions to ensure the effective enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial-level Public Security in the Northwestern provinces of Vietnam in the future.

1.3. RESEARCH HYPOTHESIS AND QUESTIONS

1.3.1. Research hypothesis

Over the years, the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial Public Security in the Northwestern provinces of Vietnam has seen significant improvements. However, challenges still persist given that the legal provision on human trafficking prevention and combat remains incomplete and unclear in some aspects. The methods of enforcement of the Law on Human Trafficking Prevention and Combat are not consistently effective, and the capacity of the criminal police to enforce the Law on Human Trafficking Prevention and Combat has certain limitations. These issues necessitate the development of viewpoints and the proposal of solutions to enhance the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial Public Security in the Northwestern provinces of Vietnam in the future.

1.3.2. Research questions

Question 1: What is enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial-level Public Security in Vietnam? What are the key components and practices involved in this enforcement? What conditions must be met to ensure its successful enforcement?

Question 2: How has the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam developed in recent times? What are the reasons behind the limitations in the enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam today?

Question 3: What specific and feasible solutions are necessary to ensure the effective enforcement of the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam in the future?

Chapter 2

THEORETICAL BASIS FOR ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF PROVINCIAL-LEVEL PUBLIC SECURITY

2.1. CONCEPT, CHARACTERISTICS, ROLE OF ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF THE PROVINCIAL-LEVEL PUBLIC SECURITY

2.1.1. Concept of Law on Human Trafficking Prevention and Combat and enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial-level Public Security

**** Concept of human trafficking prevention and combat***

Human trafficking prevention and combat refers to the activities carried out by competent State agencies, organizations, unions, and citizens to prevent, detect, and handle human trafficking crimes according to the law.

**** Legal concept on human trafficking prevention and combat***

The Law on Human Trafficking Prevention and Combat is a set of closely related and unified rules that regulate social relations arising in human trafficking prevention and combat activities, expressed through legal documents issued by competent State agencies according to specific procedures and forms to identify, prevent and address human trafficking crimes.

**** Concept of enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of Provincial-level Public Security***

The enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial-level Public Security is a comprehensive and goal-oriented effort. It involves the criminal police force carrying out activities aimed at bringing legal provisions on the prevention and combat of human trafficking to life. This process ensures that these provisions are transformed into practical and enforceable actions by law enforcement entities. By doing so, it contributes to upholding human rights and civil rights, establishing order and discipline, and promoting socio-economic development.

2.1.2. Characteristics of enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of Provincial-level Public Security

First, the enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of the Provincial Public Security is carried out by the criminal police force itself, in close coordination with ministries, branches, and localities at both the national and international levels. *Second*, the implementation of this law by the Criminal Police of Provincial-level Public Security is conducted over a large area, requiring high levels of initiative and flexibility. *Third*, during the implementation process, the criminal police force must fully execute the content within their authority. *Fourth*, the implementation of the law on the prevention of human trafficking crimes by the Criminal Police of Provincial-level Public Security is also accompanied by efforts in propaganda, dissemination, and education on the law to the relevant subjects. *Fifth*, law enforcement is the most common method used by the Criminal Police of Provincial-level Public Security in enforcing the law on the prevention and combat of human trafficking.

2.1.3. The role of the Criminal Police of the Provincial Public Security in enforcing the Law on Human Trafficking Prevention and Combat

Firstly, the enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of Provincial Public Security contributes to putting the Party's guidelines, policies, and the State's laws into practice. It also helps ensure security and order and aids in the development and improvement of the law. *Secondly*, the enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of Provincial-level Public Security contributes to safeguarding human rights and civil rights, preventing, limiting, and promptly addressing violations of the law on human trafficking prevention and combat. *Thirdly*, the enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of Provincial-level Public Security helps improve public awareness, develop human resources, and serves as a foundation for local socio-economic development. *Fourth*, the enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of Provincial-level Public Security contributes to Vietnam's responsibility in addressing regional and international economic issues. *Finally*, the enforcement of Law on Human Trafficking Prevention and Combat by the Criminal Police of Provincial-level Public Security enhances the capacity for international cooperation in crime prevention, particularly in localities, including mountainous and border regions.

2.2. CONTENT OF LEGAL ADJUSTMENTS AND METHODS OF ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF THE PROVINCIAL PUBLIC SECURITY

2.2.1. Contents of legal adjustments on prevention and combat of human trafficking crimes by the Criminal Police of Provincial-level Public Security

First, regulations on the prevention of human trafficking. *Second*, regulations on the detection and handling of human trafficking offenses. *Third*, regulations on the reception, verification, protection, and support of victims of human trafficking. *Fourth*, regulations on international cooperation in human trafficking prevention and combat.

2.2.2. Methods of enforcement of the law on human trafficking prevention and combat by the Criminal Police of Provincial-level Public Security

First, compliance with the law on human trafficking prevention and combat. *Second*, enforcement of laws on human trafficking prevention and combat. *Third*, application of the law on human trafficking prevention and combat. *Fourth*, utilization of the law on human trafficking prevention and combat.

2.3. CONDITIONS TO ENSURE ENFORCING THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF THE PROVINCIAL PUBLIC SECURITY

2.3.1. Political security conditions

2.3.2. Conditions to ensure the legal system

2.3.3. Conditions to ensure structure, organization; facilities and financial resources

2.3.4. Conditions to ensure communication work and cultural and cognitive levels of the subjects

2.3. 5. Conditions to ensure international cooperation in the context of regionalization, globalization

2.4. ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT IN SOME COUNTRIES IN THE WORLD AND REFERENCE VALUES FOR VIETNAM

2.4.1. International legal framework on preventing and combating human trafficking crimes

2.4. 2. Enforcement of the law on human trafficking prevention and combat in some countries around the world

First, in the United States

Second, in South Africa

Third, in China

2.4. 3. Reference values for Vietnam

First, Vietnam should promptly complete and improve legal regulations on human trafficking prevention and combat to align with international standards.

Second, Vietnam must prioritize the protection and assistance of victims of human trafficking.

Third, the law on human trafficking prevention and combat should be integrated with economic, cultural, and social development programs.

Fourth, international cooperation is essential for enforcement of law on human trafficking prevention and combat by the Criminal Police of Provincial-level Public Security in Vietnam.

Chapter 3

FACTORS AFFECTING AND REALITY OF ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF THE PUBLIC SECURITY IN THE NORTHWEST PROVINCES, VIETNAM

3.1. FACTORS AFFECTING ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE

CRIMINAL POLICE OF THE PUBLIC SECURITY IN THE NORTHWEST PROVINCES, VIETNAM

3.1. 1. Natural characteristics of the Northwest region

The Northwest is a strategically significant region in terms of politics, economy, culture, society, national defense, security, and foreign affairs. It receives special attention from the State and society, which results in the development of specific policies and laws. This presents favorable conditions for the enforcement of laws on human trafficking prevention and combat by the Criminal Police Force of Public Security in the Northwest provinces. However, the long border, dotted with hundreds of small roads and spontaneous civilian paths, allows drug traffickers to exploit these routes, making it difficult to patrol, manage, and enforce the law on human trafficking prevention and combat by the Criminal Police Force. Additionally, the rugged terrain in the region complicates the ability to gather intelligence and assess local situations.

3.1.2. Economic characteristics of the Northwest region

While the Northwestern provinces have made notable progress in development, they remain among the most economically disadvantaged regions of the country. The underdeveloped economic conditions contribute to a lack of awareness and compliance with legal regulations among the local population. In remote areas, traditional customs and practices are still prevalent, which exacerbates human trafficking issues. Furthermore, the lack of economic opportunities leads many individuals to seek out alternative sources of income, making them more vulnerable to traffickers. These economic challenges also hinder the ability of the Criminal Police of Public Security to effectively implement human trafficking prevention measures.

3.1.3 Population Characteristics and Educational Level in the Northwest Region

The Northwest region has a population of 4,852,838 people, accounting for 4.86% of the country's total population. The region's population density is 96 people per square kilometer, but it is unevenly distributed, posing challenges for security and law enforcement management. Many people in the area still face significant economic difficulties, with unemployment rates being high, which compels individuals to seek work elsewhere, often falling prey to traffickers. Additionally, the education level in many parts of the region is low, and opportunities for improving knowledge are limited. This lack of education and awareness makes people more trusting and, unfortunately, more susceptible to exploitation by traffickers.

3.1.4. Situation of human trafficking crimes in the Northwestern provinces

In recent years, human trafficking has been a growing issue in the Northwestern provinces, especially along the Vietnam-China border. From 2018 to December 15, 2023, 106 trafficking cases were detected in the region, with an average of 21.2 cases per year. While the overall number of trafficking cases has decreased, criminals have expanded their operations, using more sophisticated and aggressive methods, which presents ongoing challenges for law enforcement agencies.

3.1.5. Structure, organization, assignment, and decentralization in preventing and combating human trafficking crimes by the Criminal Police of the Public Security in the Northwestern Provinces

In the Northwestern provinces, the task of preventing and combating human trafficking is assigned to the Criminal Investigation Department. Following Circular No. 56 issued by the Minister of Public Security on November 16, 2017, which regulates criminal investigations in the People's Public Security, the Public Security of the Northwestern provinces have implemented the regulations effectively. This includes the separation, merger, and reorganization of professional forces, combining reconnaissance and investigation units under the management and command of the Chief (or Deputy Chief) of the Investigation Police Agency at the same level. However, there is no specialized human trafficking prevention and combat team in many localities. Depending on the locality's specific characteristics, specialized officers are placed within general investigative teams or other investigative teams under the Criminal Investigation Department. Currently, there is a shortage of personnel to monitor the assigned routes and areas comprehensively. As a result, it is difficult to conduct continuous and thorough human trafficking prevention work across the entire region.

3.2. STATUS OF ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF THE PUBLIC SECURITY IN THE NORTHWEST PROVINCES, VIETNAM

3.2.1. Advantages in implementing the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern Provinces, Vietnam

3.2.1.1. Advantages in Implementing the Law on Human Trafficking Prevention and Combat

Firstly, compliance with the law on human trafficking prevention and combat is strictly enforced by all relevant subjects, with effective coordination between competent authorities.

Second, the enforcement of the law on human trafficking prevention and combat is carried out proactively, systematically, and with comprehensive measures by the Criminal Police of the Public Security in the Northwestern provinces.

3.2.1.2. Advantages in implementing the laws on detecting and handling violations of law on human trafficking prevention and combat.

First, compliance with the law on detecting and handling violations related to human trafficking is rigorously carried out.

Second, the detection and handling of violations are well-organized and executed according to the assigned functions and tasks, supporting the prosecution and investigation of trafficking cases.

Third, enforcement of laws on detecting and addressing violations is proactive, contributing to the identification and strict handling of human trafficking-related violations.

3.2.1.3. Advantages in implementing the laws on receiving, verifying, protecting and supporting victims of human trafficking crimes

First, the law on receiving, verifying, and protecting victims of human trafficking is implemented in accordance with legal provisions regarding the subjects and authority.

Second, the application of laws on supporting victims of human trafficking is carried out actively, ensuring the protection and rehabilitation of victims, thus fostering trust and cooperation from them and supporting functional agencies in anti-trafficking efforts.

3.2.1.4. Advantages in implementing the laws on international cooperation in preventing and combating human trafficking crimes

First, compliance with the law on international cooperation in combating human trafficking is strictly adhered to, in line with the new requirements in the fight against trafficking.

Second, international cooperation efforts are effectively implemented, mobilizing the active participation of competent agencies and units.

Third, international cooperation laws in preventing and combating human trafficking crimes are applied proactively, enhancing information exchange and seeking support from police agencies of other countries in preventing and controlling human trafficking.

3 3.2.2. Limitations in implementing the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern Provinces, Vietnam

3.2.2.1. Limitations in implementing laws on preventing human trafficking crimes

First, compliance with the law on preventing human trafficking crimes

Awareness of human trafficking prevention and combat measures among officials is still inconsistent, with inadequate investment in their implementation. Social prevention efforts, including reporting and spreading awareness about trafficking, are also challenging. Additionally, some officers' skills and capacities in detecting and enforcing trafficking-related laws are still limited.

Second, compliance with the law on preventing human trafficking crimes

Propaganda, legal education, and public awareness campaigns on preventing human trafficking are still insufficient in the Northwestern provinces, with results often being weak and unstable. Prevention work is not always carried out consistently or effectively in some areas.

3.2.2.2. Limitations in implementing the laws on detecting and handling violations of law on human trafficking prevention and combat

In the implementation of laws related to the detection and handling of violations regarding the human trafficking prevention and combat, the Criminal Police of the Public Security in the Northwestern provinces primarily relies on law enforcement methods. However, this process also reveals several limitations, including: challenges in investigation, verification, arrest, and handling of suspects and criminal activities; difficulties in detecting and addressing violations of the law on human trafficking prevention and combat; and issues with collecting sufficient evidence to prove human trafficking offenses.

3.2.2.3. Limitations in implementing the laws on receiving, verifying, protecting and supporting victims of human trafficking crimes

First, the application of laws regarding the reception, verification, and protection of victims of human trafficking

Victims of human trafficking in the Northwestern provinces are primarily transported through border areas, making them unfamiliar with the terrain and causing difficulties in reporting to the authorities. While many victims have been discovered and rescued, they often face challenges in providing accurate statements due to prolonged captivity or language barriers. This complicates the process of identifying the victims and completing the necessary reception procedures.

Second, the implementation of laws related to supporting victims of human trafficking

In cases of human trafficking in the Northwest, denunciations often come from the victims' relatives, which makes it difficult for the Criminal Police of the Public Security in the Northwest Provinces to gather documents and evidence to prove the criminal activities of the traffickers. Many victims of human trafficking have low levels of education, which further complicates the identification process and the provision of career guidance and training. Additionally, coordination between the Legal Aid Center and the Criminal Police of the Public Security in the Northwest Provinces is sometimes delayed or not timely, limiting the ability to address the legal aid needs of trafficking victims. Notably, there is still discrimination against victims upon their return to their communities in the Northwestern provinces, largely due to a lack of public awareness and understanding. Furthermore, the Criminal Police of the Public Security in the Northwest Provinces faces significant challenges in supporting and reintegrating victims into society, with many obstacles hindering the process.

3.2.2.4. Limitations in implementing laws on international cooperation in preventing and combating human trafficking crimes

First, the compliance with the law on international cooperation in preventing and combating human trafficking crimes

Most cases of human trafficking involving foreign elements face challenges in verifying, arresting, and handling individuals abroad. As a result, many cases are temporarily suspended or postponed due to the involvement of foreign countries, causing delays in the verification and rescue of victims. The process of classifying, verifying, and identifying victims of trafficking lacks uniformity between the parties involved. Additionally, cooperation with law enforcement agencies from other countries, particularly in combating networks involving Chinese nationals, remains limited.

Second, the application of laws on international cooperation in preventing and combating human trafficking crimes

The implementation of judicial mandate in the investigation and handling of human trafficking remains challenging. The coordination between countries in investigating human trafficking cases requires numerous discussions, while funding for international affairs is still insufficient to meet the needs of the work. Additionally, the level and professional capacity of officers involved in law enforcement and international cooperation on human trafficking are limited, particularly in areas such as foreign law, foreign languages, and experience in cross-border coordination...

3.3 CAUSES OF SITUATION OF ENFORCEMENT OF LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF THE PUBLIC SECURITY IN THE NORTHWEST PROVINCES, VIETNAM

3.3.1. Causes for advantages

3.3.1.1. Objective causes

Firstly, our Party consistently prioritizes crime prevention and combat, which plays a crucial role in ensuring national security and order.

Secondly, human trafficking prevention and combat are recognized in international law, with Vietnam having signed and ratified most international conventions and treaties related to this issue.

Thirdly, the law on preventing and combating human trafficking, along with the authority and responsibilities of the Criminal Police of the provincial-level Public Security, is clearly defined and has shown progress in implementation.

Fourthly, the socio-economic development in the Northwestern provinces has provided favorable conditions for enforcement of law on human trafficking prevention and combat by the Criminal Police of the Public Security in the Northwest provinces.

3.3.1.2. Subjective causes

Firstly, the Party Committees and leaders of the Police in the Northwestern provinces consistently demonstrate strong leadership and responsibility in guiding the Criminal Police in enforcement of law on human trafficking prevention and combat.

Secondly, there is effective coordination among various subjects and international cooperation in implementing the law on human trafficking prevention and combat by the Criminal Police of the Public Security in the Northwest provinces.

Thirdly, the responsibility and working capacity of Criminal Police of the Public Security in the Northwest provinces for enforcement of law on human trafficking prevention and combat are regularly supported and enhanced.

Fourthly, the educational level in the Northwest region is steadily improving, contributing to the success of crime prevention efforts.

3.3.2. Causes of limitations

3.3.2.1. Objective causes

Firstly, the geographical location and natural conditions of the Northwestern provinces are not conducive to efficient crime investigation and prevention, making the enforcement of law on human trafficking prevention and combat by the Criminal Police more challenging.

Secondly, the resources available for socio-economic development in the Northwestern provinces, and specifically for human trafficking prevention and combat efforts, are still limited.

Thirdly, Vietnam's legal system and policies on human trafficking prevention and combat still contain gaps and are not fully aligned with international standards.

Fourthly, the ongoing impacts of the COVID-19 pandemic have significantly complicated efforts in human trafficking prevention.

3.3.2.2. Subjective causes

Firstly, some local Party Committees and authorities in the Northwest have not fully recognized the importance of leading and organizing the enforcement of law on human trafficking prevention and combat by the Criminal Police.

Secondly, the number and quality of Criminal Police personnel in the Northwestern provinces remain insufficient to meet the demands and challenges of the current situation.

Thirdly, coordination between the Criminal Police of the Public Security in the Northwest provinces and other internal and external forces involved in enforcement of law on human trafficking prevention and combat is not always optimal.

Fourthly, victims of human trafficking often hinder the investigation and prosecution process, complicating the work of the Criminal Police of the Public Security in the Northwest provinces.

Fifthly, the public awareness campaigns on human trafficking prevention have not been sufficiently effective, with limited and non-diverse methods of promoting laws and education on the issue.

Chapter 4

VIEWPOINTS AND SOLUTIONS TO ENSURE ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF THE PUBLIC SECURITY IN THE NORTHWEST PROVINCES, VIETNAM

4.1. VIEWPOINTS ON ENSURING ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF THE PUBLIC SECURITY IN THE NORTHWEST PROVINCES, VIETNAM

4.1.1. In implementing the Law on Human Trafficking Prevention and Combat, the Criminal Police of the Public Security in the Northwestern

provinces of Vietnam must thoroughly grasp the Party's viewpoints and policies on preventing and combating crimes and ensuring human rights.

The implementation of the law on preventing human trafficking crimes by the Criminal Police of the Public Security in the Northwestern provinces must consistently uphold the constitutional principles regarding human rights and civil rights. Additionally, Party committees at all levels, along with authorities, organizations in the political system, and society as a whole, must thoroughly comprehend and deeply internalize the Party's policies on crime prevention and human rights protection. This collective understanding will foster unity in both perception and action, ensuring the effective enforcement of the law on preventing and combating human trafficking crimes.

4.1.2. Enforcement the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam must be associated with the development and improvement of the law on crime prevention and combat.

To bring the law on the prevention of human trafficking crimes into practice and enhance its role in regulating social relations in the Northwestern provinces, the Criminal Police of the Public Security in the Northwestern provinces must integrate research, development, and improvement of laws on crime prevention and control during the implementation of the law. This principle serves as a guiding viewpoint throughout the entire process of law enforcement, both in general and specifically in the context of human trafficking prevention and combat by the Criminal Police of the Public Security in the Northwestern provinces.

4.1.3. Enforcement the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam must be associated with the specific characteristics and goals and tasks of socio-economic development of each locality.

The implementation of the law on the prevention and combat of human trafficking crimes by the Criminal Police of the Public Security in the Northwestern provinces in Vietnam must align with the specific characteristics and practical conditions of both the country and each locality. Special attention should be given to advising on the development of suitable institutions and structures to ensure the feasibility of policies and laws in preventing and combating human trafficking, in accordance with the principles of equality, non-discrimination, and fairness. Additionally, preferential policies should be established to support areas with difficult conditions, as well as to assist disadvantaged groups, vulnerable populations, and those at high risk of becoming victims of human trafficking.

4.1.4. Enforcement the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam must be associated with promoting the combined strength of the political system at the grassroots level.

Each organization within the grassroots political system in the Northwest region of Vietnam has its own specific functions and tasks. The key challenge is to enhance the active, proactive, and creative roles of these subject to build a unified strength in the implementation of laws on the prevention and combat of human trafficking crimes by the Criminal Police of the Public Security in the Northwestern provinces. It is crucial to clearly define the functions and specific tasks of various organizations, forces, and political-social unions in relation to the Criminal Police to ensure effective collaboration and coordination in addressing human trafficking.

4.1.5. In implementing the Law on Human Trafficking Prevention and Combat by the Criminal Police of the Public Security in the Northwestern provinces, Vietnam must increase the application of scientific and technological achievements and be consistent with the trend of international integration.

The transnational nature of human trafficking crimes requires active bilateral and multilateral cooperation between countries. Furthermore, enhancing the application of scientific and technological advancements in the enforcement of laws on the prevention of human trafficking by the Criminal Police of the Public Security in the Northwestern provinces of Vietnam will help strengthen their capacity for international integration in crime prevention and combat, ensuring they do not fall behind in addressing this issue.

4.2. SOLUTIONS TO ENSURE ENFORCEMENT OF THE LAW ON HUMAN TRAFFICKING PREVENTION AND COMBAT BY THE CRIMINAL POLICE OF THE PUBLIC SECURITY IN THE NORTHWEST PROVINCES, VIETNAM

4.2.1. Political security solutions

To effectively implement this solution, the thesis proposes focusing on the following actions: *First*, strengthening and improving the capacity of the Party to formulate policies, guidelines, and strategies for the prevention of human trafficking crimes, as well as ensuring the successful implementation of these policies and laws in the Northwestern provinces. *Second*, reinforcing the leadership and direction of Party committees at all levels in the enforcement of laws on the prevention and combat of human trafficking in the Northwestern provinces. *Third*, promoting the pioneering and exemplary role of the Criminal Police of the Public Security in the Northwestern provinces, alongside Party

organizations and Party members in the People's Public Security, in the implementation of laws on preventing and combating human trafficking.

4.2.2. Legal security solutions

To effectively implement this solution, the thesis proposes the following actions: *First*, improving the provisions of the 2015 Penal Code, as amended and supplemented in 2017, along with the supporting documents that guide its implementation. *Second*, amending and supplementing various laws and related legal documents to ensure unity and synchronization, contributing to the effectiveness of applying the provisions of the 2015 Penal Code (as amended and supplemented in 2017) in the prevention and combat of human trafficking crimes. This includes the Law on Human Trafficking Prevention and Combat (2011) and the Law on Children (2016). *Third*, researching and considering the promulgation of regulations on the protection and assistance of victims of human trafficking. *Fourth*, strengthening the process of collecting feedback and social criticism regarding the implementation of policies and laws.

4.2.3. Solutions for assurance of organization, apparatus and staff of the Criminal Police of the Public Security in the Northwestern provinces, Vietnam

To implement this solution, it is necessary to focus on the following contents: *First*, supplement and build a specialized force on human trafficking prevention and combat. *Second*, strengthen training and professional development in human trafficking prevention and combat. *Third*, promote the active role of self-study and improve the knowledge and skills in enforcement of the law on human trafficking prevention and combat among officers and soldiers. *Fourth*, enhance the combined strength of the Criminal Police and ensure close coordination with forces inside and outside the police sector.

4.2.4. Solutions for socio-cultural and international cooperation assurance

To implement this solution, the thesis proposes to focus on the following contents: *Firstly*, improve the effectiveness of propaganda, dissemination, and legal education on human trafficking prevention and combat, including: (i) Fully identify the characteristics of the subjects that need to carry out propaganda, dissemination, and legal education; (ii) Diversify the forms of propaganda, dissemination, and legal education; (iii) Conduct regularly and continuously; promote the responsibility and coordination of subjects in propaganda, dissemination, and legal education. *Secondly*, strengthen international cooperation in enforcement of the law on human trafficking prevention and combat, including: (i) Proactively advise Party committees and local governments of the Northwestern provinces to organize interdisciplinary survey

teams in some countries; (ii) Proactively advise and propose to the Ministry of Public Security, within its authority, to negotiate and sign cooperation agreements in human trafficking prevention and combat; (iii) Establish a mechanism for comprehensive exchange and cooperation with countries sharing borders with the Northwestern provinces; (iv) Maintain regular meetings and spontaneous encounters to improve the quality of exchanged information and documents.

4.2.5. Solutions for economic assurance and application of science and technology

In this solution, it is necessary to study and implement the following contents: *First*, implement social security policies, develop the economy, and invest reasonable funds to support the enforcement of the law on human trafficking prevention and combat by the Criminal Police of the Public Security in the Northwestern provinces. This includes: (i) Party Committees and leaders of the Northwestern provinces need to focus on effectively implementing national programs and economic development goals; (ii) Invest in specialized vehicles suitable for the terrain, fully equipped with weapons and support tools; (iii) Advise and propose to competent authorities to increase funding for the construction and investment in smart surveillance systems and cameras in key areas and locations for crime prevention and control. *Second*, apply scientific and technological achievements in the enforcement of the law on human trafficking prevention and combat by the Criminal Police of the Public Security in the Northwestern provinces. This includes: (i) Regularly and continuously implement and use digital technology applications in communication activities related to crime prevention and control; (ii) Research or advise competent authorities to build a network of databases on human trafficking and victims of trafficking; (iii) Maximize the value and effectiveness of the National Database on Population, Citizen Identification, and the results of implementing Project 06 of the Government.

CONCLUSION

The enforcement of the law on human trafficking prevention and combat by the criminal police of the provincial-level public security involves purposeful activities aimed at bringing legal provisions into practice. These activities ensure that the law is applied effectively, enabling agencies, organizations, and individuals to identify, prevent, stop, and address human trafficking crimes, as well as provide protection and support for victims. In recent times, while the implementation of the law by the Criminal Police of the Public Security in the

Northwestern provinces of Vietnam has yielded certain advantages, it still faces many limitations. Therefore, thorough and synchronized research, both theoretical and practical, is essential to propose suitable and feasible solutions to enhance the strengths and address the challenges, making this an important and necessary task.

The thesis on the topic *“Enforcement of the law on human trafficking prevention and combat by the Criminal Police of the Public Security in the Northwestern Provinces, Vietnam”* focuses on clarifying the following theoretical and practical issues:

Overview of related research: The thesis evaluates existing research works, assesses their value, and identifies aspects that can be referenced and inherited. It also highlights gaps in research that need further investigation, both theoretically and practically.

Basic theoretical issues: The thesis delves into fundamental concepts related to human trafficking prevention and combat, including the role and characteristics of enforcement of the law on human trafficking prevention and combat by the Criminal Police of the Provincial Public Security. It also explores the content of legal adjustments, forms, and conditions necessary to ensure effective enforcement of the law on human trafficking prevention and combat by the Criminal Police of the Provincial Public Security, and examines how other countries enforce crime prevention laws to draw valuable insights for Vietnam.

Analysis of influencing factors and current status: The thesis examines the factors influencing the enforcement of the law on human trafficking prevention and combat by the Criminal Police of the Provincial Public Security in the Northwestern provinces, Vietnam. It evaluates the current status of law enforcement in this area across four key areas, highlighting strengths, limitations, and their causes.

Proposed viewpoints and solutions: The thesis presents five viewpoints and five solutions aimed at ensuring the effective implementation of the law on human trafficking prevent and combat. These solutions are tailored to the specific needs and challenges faced by the Criminal Police of the Public Security in the Northwestern provinces. The proposed system of solutions emphasizes the importance of serious, synchronous, and active implementation to achieve tangible results.

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