



**Asia-Pacific
Economic Cooperation**

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Viet Nam Assets Recovery Overview

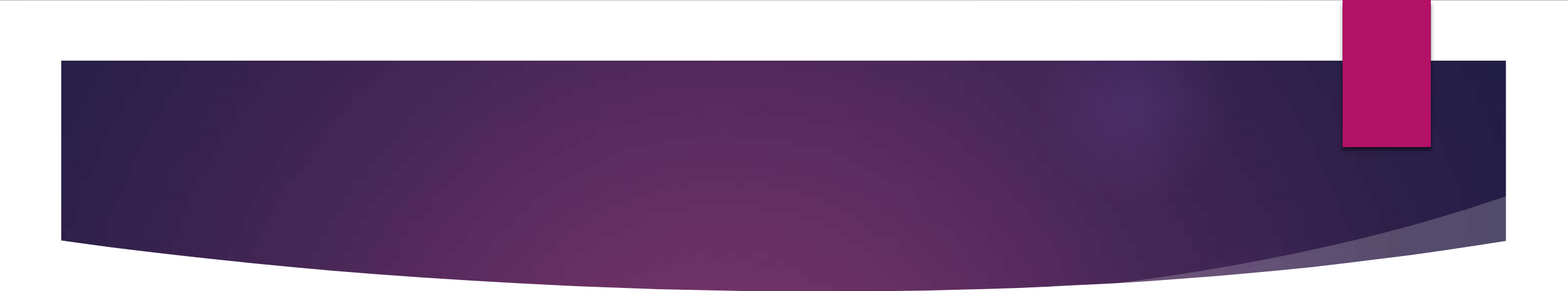
Submitted by: Viet Nam



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VIETNAM ASSETS RECOVERY OVERVIEW

MARCH 2018

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- ▶ 1 – Vietnam's legal framework for assets recovery
 - ▶ 2 – Reasons for low rate of assets recovery
 - ▶ 3 – Measures for effective assets recovery

1 – Vietnam's legal framework for assets recovery

- ▶ Anti-corruption Law
 - ▶ All levels and industries timely implement the Law as the key task.
 - ▶ National Strategy on Anti-corruption by 2020
 - ▶ Ministries, industries and provinces set up and carried out the action plans, anti-corruption programs
- ▶ Specilized Law regulates the
 - ▶ Legal Assistance Law, Anti-corruption Law, Inspection Law, Anti-money Laundry Law, Criminal Code, Civil Law, Law on Enforcement of Civil Judgments, Civil Procedure Law, Criminal Procedure Law

1 – Vietnam's legal framework for assets recovery

▶ UNCAC

- ▶ Chapter V: Vietnam is now on the process of institutionalizing the UNCAC into the national legal system.
- ▶ preventing and discovering the transfer of corrupt assets (financial institutions and banks;
- ▶ issuing the order of recovering the corrupt assets (the Court);
- ▶ freezing, temporarily remanding in custody (the Court, Supreme People's Procuracy and investigation agency for each proceedings period)
- ▶ identifying, tracing and freezing or temporarily remanding the assets in custody (the Court, Supreme People's Procuracy, investigation agency for each proceedings period);
- ▶ requesting the mutual legal assistance on civil, administrative, criminal cases (Ministry of Justice, Supreme People's Procuracy)
- ▶ executing the civil parts of the criminal judgments on corruption (Ministry of Justice – the agency executing the civil cases judgment)
- ▶ Etc

2 – Reasons for low rate of assets recovery

- ▶ Regulations on corrupt assets recovery have not been completed.
 - ▶ No regime for controlling and managing the assets and incomes of the whole society.
 - ▶ the identification and trace of assets for executing the judgments face with many obstacles.
- ▶ Regulations of Anti-corruption Law and Criminal Acts have not created the regime for successfully recovering the corrupt assets.
 - ▶ The definition of corrupt assets in regulations is still narrow.
 - ▶ Long process of investigation, prosecution, adjudication

2 – Reasons for low rate of assets recovery

- ▶ Cashes are used in most of transaction
 - ▶ Focus on investigating, prosecuting and adjudicating the original crime
- ▶ No provision on criminalizing the illegal enrichment behavior
- ▶ Anti-corruption agencies focus on proving the behavior of crime but not the assets distraintment and account freeze.
- ▶ Order, procedures are long-lasting, inappropriate.

3 – Measures for effective assets recovery

- ▶ Revising the Anti-corruption Law comprehensively
- ▶ Completing the assets and income transparency regulations
- ▶ Strengthening measures for anti-corruption law dissemination, education
- ▶ Strengthening the collaboration between inspection, examination, audit, investigation, procuracy and adjudication agencies
- ▶ Proactively conclude the mutual legal assistance treaties on criminal and civil matters.



THANK YOU FOR YOUR ATTENTION !

EMAIL: DAOTHIPHUONG@GMAIL.COM