

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE KINGDOM OF THAILAND
AND
THE GOVERNMENT OF THE LAO PEOPLE'S DEMOCRATIC
REPUBLIC
ON
COOPERATION TO COMBAT TRAFFICKING IN PERSONS

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THE GOVERNMENT OF THE KINGDOM OF THAILAND
AND THE GOVERNMENT OF THE LAO PEOPLE'S DEMOCRATIC
REPUBLIC (hereinafter referred to as "the Parties):"

HAVING SOUGHT to strengthen a friendly relationship between the two countries and cooperation in prevention, suppression of trafficking in persons including protection, repatriation and reintegration of victims of trafficking in persons;

CONCERNED that trafficking in persons, especially women and children, constitutes a serious violation of human rights, undermines human dignity and adversely affects the physical and psychological development of a person, and jeopardises social cohesion and values;

AIMING to prevent and suppress individuals and transnational organised criminal groups engaging in trafficking in persons, in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime;

REAFFIRMING the principles contained in Bangkok's Declaration on Irregular Migration of 1999 and the ASEAN Declaration Against Trafficking in Persons particularly Women and Children of 2004;

CONVINCED that the suppression of the crime of trafficking in persons, especially women and children, and the protection of the victims of trafficking in persons through cooperation in law enforcement and criminal justice, including other relevant authorities, are effective measures to ensure justice against trafficking in persons;

DESIRING to enhance cooperation of mutual benefit between two countries;

HAVE HEREBY AGREED AS FOLLOWS.

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I. Scope of the Memorandum of Understanding

Article 1

This Memorandum of Understanding shall apply to combating trafficking in persons, especially women and children, as defined in Article 2 of this Memorandum of Understanding.

II. Definitions

Article 2

For the operational purpose of this Memorandum of Understanding,

1. "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

2. The consent of a victim of trafficking in persons to the intended exploitation set forth in paragraph 1 of this article shall be irrelevant where any of the means set forth in paragraph 1 have been used.

3. A child who has been recruited, transported, transferred, harboured or received for the purpose of exploitation shall be considered as a victim of trafficking in persons even if this does not involve any of the means set forth in subparagraph 1 of this article.

4. "Child" shall mean any person under eighteen years of age.

III. Preventive Measures

Article 3

The Parties shall develop or improve their own legislation as may be necessary and take other appropriate measures to ensure that the legal frameworks within their jurisdictions are in conformity with the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Convention on the Rights of the Child, and other relevant international treaties to which the Parties are party.

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Article 4

The Parties shall provide educational and vocational training programmes for persons who are in a situation or environmental condition likely to become at risk of being victims of trafficking in persons in order to improve employment opportunities and reduce the vulnerability of such group being trafficked.

Article 5

1. The Parties shall make their best efforts to prevent trafficking in persons in all aspects, by using the following measures:

- (a) Increasing and providing opportunities to access to necessary social services such as employment services, income-generating programmes and medical care, especially for persons who are in a situation or environmental condition likely to become at risk of being victims of trafficking in persons;
- (b) Promoting educational and vocational training programmes in order to increase education and employment opportunities;
- (c) Promoting public awareness and understanding in issues relating to safe migration and trafficking in persons by:
 - (i) Disseminating data and information to the public regarding risk factors relating to migration including the danger and impact of trafficking in persons;
 - (ii) Supporting the development of community protection by watch group networks, especially in high-risk areas; and
 - (iii) Strengthening cooperation between the Parties and involving private sector in the fight against trafficking in persons.

2. The Parties shall increase stringent measures in issuing and inspecting passports and border passes especially for children, for travelling between the Parties.

IV. Protection of Victims of Trafficking in Persons

Article 6

The Parties shall, in accordance with their national policies, provide justice and legal protection to the victims of trafficking in persons while waiting for the completion of their official repatriation process. The relevant

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authorities of the Parties shall provide temporary shelter and appropriate protection to the victims of trafficking in persons.

Article 7

The Parties shall take appropriate measures against offenders in the cases relating to trafficking in persons, in accordance with their legislation, and provide fair legal assistance to the victims of trafficking in persons.

Article 8

The government agencies concerned of the Parties shall cooperate with other organisations in order to provide legal assistance, health care, and take other necessary measures to protect the victims of trafficking in persons and their families in an appropriate manner.

V. Cooperation in Suppression of Trafficking in Persons

Article 9

The law enforcement agencies of the Parties shall closely cooperate to suppress trafficking in persons, especially women and children particularly in the border areas.

Article 10

1. The Parties shall improve their law enforcement in order to effectively suppress trafficking in persons.

2. The Parties shall, subject to their legislation, cooperate in exchanging information and evidence in investigations, prosecutions of, and judicial proceedings against offenders of trafficking in persons, and widen these processes to include judicial proceedings against all parties involved in trafficking in persons.

3. The Parties shall provide training programmes, individually and jointly, for law enforcement officers regarding legislation, victims of trafficking in persons identification skills, investigations, protection of the victims of trafficking in persons and prosecution in accordance with their policies and legislation.

Article 11

The Parties shall promote cooperation in combating and suppressing transnational trafficking in persons through extradition and mutual legal assistance. The Parties shall afford one another the widest measure of mutual legal assistance in conformity with international agreements to which the Parties are party.

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Article 12

The Parties shall cooperate in the exchange of information relating to trafficking in persons through official communication. In case of urgency, the Parties may informally exchange such information.

Article 13

1. The Parties shall prioritise and take into consideration the roles of the victims of trafficking in persons in criminal proceedings.

2. The Parties shall cooperate to enhance participation of the victims of trafficking in persons in criminal proceedings which will improve the prosecution efficiency.

3. The Parties shall encourage law enforcement authorities to conduct timely criminal proceedings and take into consideration the rights of victims of trafficking in persons. In case the victim is a child, the best interest of the child shall also be taken into consideration.

Article 14

The Parties shall cooperate in parallel criminal proceedings for trafficking in persons cases carried out by both Parties. In such case, the cooperation will be provided in a timely manner.

Article 15

1. Police officers and other relevant officials of the Parties shall take necessary measures to protect the safety of victims of trafficking in persons and their families, and witnesses during and after the criminal proceedings.

2. Relevant agencies of both Parties shall cooperate to provide necessary support in order to encourage the victims of trafficking in persons to fully participate in any criminal proceedings for the best interests of those victims of trafficking in persons.

VI. Repatriation

Article 16

1. The Parties shall work closely together on repatriation.

2. The timely repatriation of victims of trafficking in persons shall be arranged and undertaken with consideration for the safety and dignity of the victims.

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3. Officials in charge of repatriation shall use diplomatic channels to notify the other Party in advance of arrangements for the repatriation of victims of trafficking in persons.

4. Victims of trafficking in persons shall be repatriated according to the provisions set forth in this Memorandum of Understanding and not extradited or repatriated according to the procedures prescribed by immigration laws.

5. The victims of trafficking in persons must have been registered or have their domiciles or residence in the accepting country or are certified as residents thereof by the local authorities of the letter.

VII. Reintegration

Article 17

1. The Parties shall undertake measures to reintegrate victims of trafficking in persons to their families and society in a safe and effective manner, in order that their dignity and well-being can be restored.

2. The Parties shall undertake measures with consideration to age and gender sensitivity for the best interest of victims of trafficking in persons in order to attain the following objectives:

- (a) Victims of trafficking in persons shall not be subjected to further victimisation or trauma in legal proceedings;
- (b) Victims of trafficking in persons shall not be subjected to stigmatisation or social branding;
- (c) School-age child victims of trafficking in persons shall be provided with appropriate educational opportunities;
- (d) The Parties shall provide continued social, medical, psychological and other necessary support to the victims of trafficking in persons and their families, particularly those who are pregnant, disabled persons or persons infected with sexually transmitted diseases, including HIV/AIDS;
- (e) The Parties shall closely monitor and manage the reintegration of victims of trafficking in persons; and
- (f) The Parties shall monitor and set forth effective measures for preventing the revictimisation of victims of trafficking in persons.

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3. The Parties shall closely oversee the reintegration of victims of trafficking in persons by exchanging information on the reintegration of victims of trafficking in persons.

Article 18

The Parties shall individually or jointly provide the following training programmes for the purpose of effective reintegration of victims of trafficking in persons:

1. Vocational training programmes for victims of trafficking in persons to increase their employment opportunities;
2. Training programmes to raise awareness of staff working with victims of trafficking in persons on child development, child rights and children/gender issues in concurrence with international standards; and
3. Training programmes for service providers and monitoring the results of that training.

VIII. National Focal Points and Joint Working Group

Article 19

1. To implement this Memorandum of Understanding, the Parties appoint national focal points namely:
 - (a) For the Government of the Kingdom of Thailand, the Office of the Permanent Secretary, the Ministry of Social Development and Human Security; and
 - (b) For the Government of the Lao People's Democratic Republic, the Secretariat to the National Committee on Anti Trafficking in Persons, the Ministry of Public Security.
2. The Parties shall establish a joint working group.
3. The joint working group shall meet as necessary at a time and place agreed to by both Parties.
4. The joint working group shall have the following functions:
 - (a) Developing Plans of Actions (POA);
 - (b) Reporting and reviewing the progress of implementation of the (POA);

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- (c) Developing guidelines and necessary frameworks including Standard Operating Procedures (SOP) in accordance with the provisions of this Memorandum of Understanding;
- (d) Developing proposals to enhance mutual cooperation between the Parties in combating trafficking in persons; and
- (e) Promoting participation and cooperation between developmental sector, civil society sector and the private sector on combating trafficking in persons, sexual and labour exploitation, and forced labour.

IX. Confidentiality

Article 20

The Parties shall observe the confidentiality and secrecy of documents, information and other data received or supplied to them by the other Party during the course of the implementation of this Memorandum of Understanding or any other agreements made pursuant to this Memorandum of Understanding.

X. Final Provisions

Article 21

The Parties shall endeavour to amicably settle disputes concerning the interpretation and implementation of this Memorandum of Understanding through negotiation between the Parties without reference to any third party.

Article 22

This Memorandum of Understanding may be amended by the mutual agreement of the Parties.

Article 23

1. This Memorandum of Understanding shall become effective upon signature.
2. Either Party may terminate this Memorandum of Understanding at any time by written notification to the other Party through diplomatic channels. Such termination shall become effective six months after the date of receipt by the other Party of such notification.

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Article 24

1. This Memorandum of Understanding shall supersede the Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, especially women and children signed on 13 July 2005, which shall be terminated upon the entry into force of this Memorandum of Understanding.

2. Activities carried out prior to the expiry of the Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic on Cooperation to Combat Trafficking in Persons, especially Women and Children signed on 13th July 2005, shall be continued under provisions of this Memorandum of Understanding.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorised thereto by their Governments, have signed this Memorandum of Understanding.

DONE at Luang Prabang on this 12th day of July 2017, in duplicate, in Thai, Lao and English languages, all texts being equally authentic. In cases of any divergence of interpretation, the English text shall prevail.

For the Government of the
Kingdom of Thailand

For the Government of the Lao
People's Democratic Republic

Pol Gen *Adul Sangsingkeo*

Somkeo Sylavong
Pol. Maj. Gen.

(Adul Sangsingkeo)
Minister of Social Development and
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(Somkeo Sylavong)
Minister of Public Security