

**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**

The Government of the Kingdom of Thailand and the Government of the Lao People's Democratic Republic, hereinafter referred to as "the Parties";

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

AIMING at the prevention and suppression of transnational organized criminal groups and gangs directly engaged 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 Organized Crime 2000;

RECOGNIZING to the principles contained in the "Bangkok Declaration on Irregular Migration of 1999";

BEING CONVINCED that the suppression of the crime of trafficking in persons, especially women and children, through cooperation in law enforcement and criminal proceedings is an efficient measure;

DESIRING to enhance cooperation of mutual benefit between the two countries,

HAVE HEREBY AGREED AS FOLLOWS:

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.

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Definition**Article 2**

For the operational purpose of this Memorandum of Understanding:

a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat, 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 the exploitation of others through prostitution or other forms of sexual exploitation, forced labour or service, slavery or practices similar to slavery, servitude or the removal of organs;

b) "Children" shall mean persons under eighteen years of age, unless the laws of the Parties stipulate otherwise.

Preventive Measures**Article 3**

The Parties shall improve their legislation as may be necessary and take appropriate measures to ensure the implementation of its laws and the exercise of their national jurisdictions in conformity with the Universal Declarations or International Conventions to which the Parties have acceded to.

Article 4

The Parties shall provide educational and vocational training programmes for women and children in order to create employment opportunities and reduce the risks of their being trafficked.

Article 5

The Parties shall make their best efforts to take measures to prevent trafficking in persons, especially women and children, by providing educational and vocational training programmes and improved social services, such as employment, income generation and health care for women and children, who are vulnerable to trafficking, and disseminating to the public information regarding the risk factors that lead to trafficking in women and children.

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Protection of Victims of Trafficking in Persons, especially Women and Children

Article 6

The victims, especially women and children, shall receive justice and legal protection while awaiting the completion of the procedures for their official repatriation. The concerned institutions of the Parties shall provide temporary housing and appropriate protection to the victims in accordance with the policies of each country.

Article 7

The Parties shall take appropriate measures against traffickers in cases relating to trafficking in persons in accordance with national law of each country and provide due and just legal assistance to the victims, especially women and children.

Article 8

The government agencies concerned shall cooperate with other organizations to provide legal assistance, health care and take other necessary measures to protect the victims, especially women and children and their families in an appropriate manner.

Cooperation in Suppression of Trafficking in Women and Children

Article 9

The Parties' institutions responsible for law enforcement of both countries, in particular in the border areas shall closely cooperate with one another to discover trafficking in persons, especially women and children, both within the territory and across border.

Article 10

The Parties shall individually or jointly provide training programmes for their concerned agencies to enhance their capacity for implementing the laws in force, for the investigation and prosecution of offenders and the protection in the cases relating to trafficking in persons, especially of women and children.

Article 11

(a) The Parties shall promote bilateral cooperation in order to combat and prevent trafficking in persons, such as the prosecution of transnational traffickers, extradition, mutual assistance in criminal matters; and

(b) The Parties shall afford one another the widest mutual legal assistance in prosecution in relation to trafficking in women and children in accordance with existing agreements signed by the government of the two countries.

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Article 12

The concerned agencies of the two countries shall cooperate in compiling and exchanging data and information and collecting of evidence relating to trafficking in persons, such as routes, places, networks, means and methods of trafficking in persons, including the personal records of the traffickers.

Article 13

The concerned agencies of the two countries shall formulate plans for protection to ensure the safety of victims, especially women and children and witnesses as appropriate from acts of revenge or threats during the conduct of and/or after the conclusion of legal proceedings.

Repatriation**Article 14**

(a) In executing the repatriation of the victims, especially women and children, each Party shall inform in advance the names of and data and information relating to the victims to the other Party through diplomatic channels for the purpose of arranging the return and acceptance of the victims, especially women and children, as mutually agreed upon by the Parties in accordance with the provisions of this Memorandum of Understanding.

(b) The victims, especially women and children, 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 latter.

Article 15

(a) The Parties shall assign a government agency, which has relevant responsibilities, to be a focal point for the purpose of executing the return and acceptance of the victims, especially women and children;

- (b) The focal point shall have the following responsibilities:
- 1) arranging the return and acceptance of the victims, especially women and children;
 - 2) executing the return and acceptance of the victims, especially women and children according to predetermined schedules;
 - 3) ensuring the safety of the victims, especially women and children in the execution of their return and acceptance;
 - 4) monitoring of trafficking in persons, especially women and children;
 - 5) establishment of information networks for the purpose of monitoring

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works concerning trafficking in persons, especially women and children, between law enforcement agencies, national and international organizations dealing with the protection of victims, especially women and children and relevant organizations.

Reintegration into Society

Article 16

The Parties shall undertake every measure to help the victims, especially women and children to safely and efficiently reintegrate themselves into society and their families in order that their dignity, freedom, and self-esteem are restored.

Article 17

The Parties shall create vocational training programmes, including training in life skills to increase the opportunities for alternative ways of leading their life and their efficient reintegration into society, awareness-raising programmes for the officials whose functions are concerned with the development of the victims, especially women and children.

Joint Action

Article 18

(a) The Parties shall establish a joint working group for joint operations, drawn from relevant government agencies and organizations dealing with combating trafficking in persons.

(b) The joint working group shall hold ordinary or extraordinary meetings as the need arises.

(c) The joint working group shall have the following functions:

- 1) Planning of joint action and implementation of the provisions of this Memorandum of Understanding;
- 2) Taking joint action to combat trafficking in persons, especially women and children;
- 3) Coordinating with other relevant organizations in drawing up strategic plans, guidelines and necessary frameworks in combating trafficking in persons, especially women and children, in accordance with the provisions of this Memorandum of Understanding;
- 4) Evaluating the joint works of the Parties and regularly reporting the outcomes to the agencies concerned of each Party;
- 5) Making proposals for enhancing mutual cooperation between the Parties in combating trafficking in persons, especially women and children; and

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- 6) Triennially reviewing, together with the other Party, the implementation of this Memorandum of Understanding.

Final Provisions

Article 19

The Parties shall endeavour to settle disputes concerning the interpretation and implementation of this Memorandum through negotiation.

Article 20

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

Article 21

(a) This Memorandum of Understanding shall become effective upon signature.

(b) Either Party may denounce this Memorandum of Understanding at any time by written notification to the other Party through diplomatic channels. Such denunciation shall become effective six months after the date of receipt by other Party of such notification.

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

DONE at Bangkok, on this 13th day of July 2005, in duplicate in three authentic texts, each in Thai, Lao and English languages. In case of divergence of interpretation, the English text shall prevail.

**For the Government
of the Kingdom of Thailand**


**(Mr. Pracha Maleenont)
Minister for Social Development and
Human Security**

**For the Government
of the Lao People's Democratic Republic**


**(Mr. Le Kakanhya)
Acting Minister of Labour and
Social Welfare**