

MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-Region

We, the representatives of the Governments of the Kingdom of Cambodia, the People's Republic of China, the Lao People's Democratic Republic, the Union of Myanmar, the Kingdom of Thailand and the Socialist Republic of Vietnam:

Deeply Concerned over the suffering caused by the trafficking in persons within the Greater Mekong Sub-Region and from the Greater Mekong Sub-Region to other regions of the world;

Asserting that it is completely unacceptable that human beings are traded, bought, sold, abducted, placed, and maintained in exploitative situations, thus being denied their most fundamental and inalienable rights;

Recognizing that poverty, lack of access to education, and inequalities, including lack of equal opportunity, make persons vulnerable to trafficking;

Further recognizing the link between trafficking and the growing demand for exploitative labour and exploitative sexual services;

Acknowledging that trafficking is intensified by discriminatory attitudes, practices and policies based on gender, age, nationality, ethnicity and social grouping;

Emphasizing that children and women who become victims of trafficking are particularly vulnerable, and need special measures to ensure their protection and well being;

Concerned by the involvement of both community members and organized criminal groups in trafficking in persons;

Recognizing the need for a strengthened criminal justice response to trafficking on order to secure justice for victims of trafficking and end impunity for traffickers and others who derive financial benefits from this crime;

Acknowledging the importance of effective and proportionate penalties for traffickers, including provision for freezing and confiscating their assets, and for the proceeds to be used for the benefit of victims of trafficking;

Recognizing the important contribution that survivors of trafficking can, on a strictly voluntary basis, make to developing, implementing, and evaluating anti-trafficking interventions, and in securing the prosecution of traffickers;

Acknowledging the important role played by victim support agencies in the areas of prevention, protection, prosecution, rescue, repatriation, recovery and reintegration, as well as in supporting a strengthened criminal justice response;

Recognizing that each Government hereby undertakes to take steps, individual and through international assistance and co-operation, to the maximum of its available resources, with a view to achieving progressively the full realization of the commitments recognized in this MOU by all appropriate means;

Recalling the Universal Declaration of Human Rights, particularly Article 4, which states that ‘No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms’;

Commending those Greater Mekong Sub-Region States which have ratified and/or acceded to the key international legal instruments concerning trafficking and related exploitation including the :

- United Nations Convention Against Trans-national Organised Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- United Nations Convention on the Rights of the Child (CRC), and its Optional Protocols on the Sale of Children, Child Prostitution and Child Pornography, and on the Involvement of Children in Armed Conflict;
- ILO Forced Labour Conventions (29 & 105);
- ILO Convention (182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

and encourage those States which have not yet done so, to accede to these instruments at the earliest possible time;

Reaffirming the importance of the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking;

Reaffirming existing regional initiatives and commitments to combat trafficking in persons;

Welcoming the pioneering Memorandum of Understanding between Thailand and Cambodia on Bilateral Cooperation for Elimination Trafficking in Children and Women and Assisting Victims of Trafficking (2003) and efforts to develop similar bilateral anti-trafficking arrangements within the Greater Mekong Sub-Region;

Welcoming the importance of bilateral migration agreements, such as the Memoranda of Understanding on Cooperation in the Employment of Workers between Thailand and Cambodia, Lao PDR and Myanmar respectively, in promoting safe, orderly, well-regulated migration as this serves to reduce the demand for illegal migration services which provide opportunities for traffickers;

Intending fully that this MOU reflects the continuing political will of our Governments to cooperate to combat trafficking in persons; and

Calling upon all countries outside the GMS to join our countries in the fight against human trafficking;

Hereby solemnly commit to the following actions;

I. In the area of Policy and cooperation (national and international):

1. **Encouraging** the use of the definition of trafficking contained in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention on Transnational Organised Crime;

2. **Developing** national plans of action against trafficking in persons in all its forms;

3. **Working towards** establishing and strengthening a national, multi-sectoral committee on trafficking in persons with a mandate to coordinate the implementation of the National Plan of Action and other anti-trafficking interventions;
4. **Creating** mechanisms to strengthen regional cooperation and information exchange, and designating a national focal point on combating trafficking;
5. **Improving** regional cooperation against trafficking, in particular through bilateral and multilateral agreements; and
6. **Strengthening** cooperation with international organisations and non-governmental organisations in combating trafficking in persons.

II. In the area of Legal Frameworks, Law Enforcement and Justice:

7. **Adopting and enforcing**, as quickly as possible, appropriate legislation against trafficking in persons;
8. **Adopting** appropriate guidelines and providing training for relevant officials to permit the rapid and accurate identification of trafficked persons and to improve the prosecution process;
9. **Investigating**, arresting, prosecuting, and punishing perpetrators of trafficking according to law;
10. **Making** available to trafficked persons legal assistance and information in a language they understand;
11. **Developing** realistic and effective cooperation in the criminal justice system to remove impunity for traffickers and provide justice for victims;
12. **Strengthening** cross-border cooperation in law enforcement among the six GMS countries to combat trafficking through criminal justice process; and
13. **Providing** the necessary personnel and budgetary support for trafficking response capacities within national law enforcement authorities.
14. **Promoting** bilateral or multilateral agreements among the GMS countries to assist each other in the judicial process;

III. In the area of Protection, Recovery, and Reintegration:

15. **Promoting** greater gender and child sensitivity in all areas of work dealing with victims of trafficking;
16. **Ensuring** that persons identified as victims of trafficking are not held in detention by law enforcement authorities;
17. **Providing** all victims of trafficking with shelter, and appropriate physical, psycho-social, legal, educational, and health-care assistance;
18. **Adopting** policies and mechanisms to protect and support those who have been victims of trafficking;

19. **Strengthening** the capacity of the embassies and consulates to ensure that they can more effectively assist trafficked persons;
20. **Ensuring** cross-border cooperation in the safe return of trafficked persons, including support to ensure their well-being; and
21. **Working together** to facilitate the successful recovery and reintegration of trafficked persons and to prevent them from being re-trafficked.

IV. In the area of Preventive Measures:

22. **Adopting** measures to reduce vulnerability including: supporting poverty reduction programs; increasing economic opportunities; ensuring access to quality education and skill training; and providing necessary personal legal documentation, including birth registration;
23. **Supporting** the development of community protection and surveillance networks for early identification and intervention for those at risk;
24. **Raising** public awareness at all levels, including through public information campaigns and advocacy, both of the dangers and negative impacts of trafficking, and of assistance available to victims;
25. **Applying** national labour and other laws to protect the rights of all workers based on the principles of non-discrimination and equality;
26. **Encouraging** destination countries including those from outside the Greater Mekong Sub-Region to effectively enforce relevant national laws in order to reduce acceptance of exploitation of persons that fuels the continuing demand for the labour of trafficked persons, and to suppress the crime of trafficking in women and children through mutual cooperation; and
27. **Increasing** cooperation with the private sector, especially the tourism and entertainment industries, to take an active role in the fight against trafficking.

V. In the area of Mechanisms for Implementation, Monitoring and Evaluation of this Memorandum of Understanding:

28. **Developing** an initial Sub-Regional Plan of Action against Trafficking in Persons, 2005-2007 and undertaking all necessary efforts to fully implement this Plan;
29. **Developing** procedures for the collection and analysis of data and information on trafficking cases and ensuring that anti-trafficking strategies are based on accurate and current research, experience and analysis;
30. **Establishing** a monitoring system for the implementation of the Plan of Action to evaluate the status quo and the progress of each country in implementing the commitments covered in this MOU including, at the minimum annual senior official meetings;
31. **Reviewing** the implementation of the Plan of Action and adopting a new Sub-Regional Plan of Action through a GMS Ministerial meeting in late 2007;

32. **Creating** a national task force to collaborate with the COMMIT Secretariat (United Nations Inter-Agency Project against Trafficking in the Greater Mekong Sub-Region) and other partners; and

33. **Inviting** government funding agencies, as well as relevant United Nations and other intergovernmental and non-governmental organizations and the private sector, to provide financial, material and technical assistance to support GSM countries in their anti-trafficking efforts, including the implementation of this MOU and the forthcoming Plan of Action; and

34. **Recognizing** that amendments to this MOU may be desirable in the future, the Governments set out that following process for amending this MOU: (1) if four of the six undersigned Governments believe that the MOU should be changed, and inform the Secretariat in writing, a procedure to consultation shall be undertaken by the Secretariat in a mutually convenient manner; (2) the purpose of such a procedure shall be to propose changes to the MOU; (3) any change to the MOU shall be agreed to unanimously by the six Governments, and the approval of each Government shall be communicated to the Secretariat in writing.

Done at Yangon, on this 29th day of October 2004.

FOR THE GOVERNMENT
OF THE KINGDOM OF CAMBODIA

Original signed

Ith Samheng
Minister of Social Affairs,
Veterans and Youth Rehabilitation

FOR THE GOVERNMENT
OF THE PEOPLE'S REPUBLIC OF CHINA

Original signed

Huang Qingyi
Vice Chairperson
National Working Committee
for Children & Women under the State Council

FOR THE GOVERNMENT
OF THE LAO PEOPLE'S
DEMOCRATIC REPUBLIC

Original signed

Somphanh Phengkhammy
Minister of Labour and Social Welfare

FOR THE GOVERNMENT
OF THE UNION OF MYANMAR

Original signed

Colonel Tin Hlaing
Minister of Home Affairs

FOR THE GOVERNMENT
OF THE KINGDOM OF THAILAND

Original signed

FOR THE GOVERNMENT
OF THE SOCIALIST REPUBLIC OF VIETNAM

Original signed

Wanlop Phloytabtim
Permanent Secretary
Ministry of Social Development
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Lieutenant-General Le The tiem
Vice Minister of Public Security