



Institute for Legal Support and Technical Assistance

# Conference Report 2016

**National Capacity Building Conference to Counter the Global Threats of Human Trafficking, Smuggling of Migrants and Organised Crime**

November 28-30, 2016 Vientiane, Lao PDR



Organised by  
**Office of the Supreme People's Prosecutor (OSPP)**

&



**Institute for Legal Support and Technical Assistance (ILSTA)**

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Institute for Legal Support and Technical Assistance

## **Conference Report 2016**

### **National Capacity Building Conference to Counter the Global Threats of Human Trafficking, Smuggling of Migrants and Organised Crime**

*November 28-30, 2016 Vientiane, Lao PDR*



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# Key Notes:

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## Mrs Bounthai Pankeo

*Head of Planning and International Cooperation Department of the office of the Supreme People's Prosecutor of Lao PDR*

Thank you and welcome to all distinguished guests and participants. This conference is an important opportunity for all relevant agencies: prosecutors, police and judiciary, as well international partners, to learn and exchange best practice in the fight against transnational crime.

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## Mr Richard Philippart

*President of the Institute for Legal Support and Technical Assistance*

Welcome to all distinguished guests and participants, and thank you to the Supreme People's Prosecutor for co-organising this inaugural annual conference.

With the world becoming increasingly interconnected and globalised, organised crime proliferates across borders, and it is important to cooperate and collaborate between states to fight back against transnational organised crime groups. This conference aims to provide information on anti-money laundering, human trafficking, smuggling of migrants and organised crime. The conference will show how all of these issues are interlinked, and is a chance to develop relationships between key national agencies and partners who work against these criminal activities.

I am very pleased to see that all 17 provinces of Laos are represented here over the coming three days.



## H.E. Mr Claude Jentgen

*Chargé d'Affaires a.i. of the Embassy of Luxembourg in Lao PDR*

Laos and Luxembourg have enjoyed a long and fruitful relationship, with projects in various fields such as rural development, healthcare and vocational education and training.

We are pleased now to have ILSTA as an implementing partner for Luxembourg's support in the important area of good governance. I would like to thank all of the partners who have assisted in the organisation of the conference, in particular the Office of the Supreme People's Prosecutor and the Ministry of Foreign Affairs of Lao PDR

A strong, coordinated response is required if we are to be successful in combating organised crime, in particular the smuggling of migrants and human trafficking.

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*H.E. Ms Lee-Anne Hermann*  
*Chargé d'Affaires, Embassy of Canada in Lao PDR*

Thank you to ILSTA for the opportunity to address these important issues at this conference. The Canadian government is pleased to work with ILSTA to provide support in capacity building in governance, the legal sector and financial institutions, and support agencies that combat illegal transnational activities.

Canada and ASEAN have a long history of mutual support, and benefit from a strong working relationship.

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*H.E. Mr Khamsane Souvong*  
*President of the Supreme People's Prosecutor of Lao PDR*

Welcome to all distinguished guests and participants. This conference continues the theme from the recent ASEAN and China meetings on Human trafficking, Narcotics and Transnational Crime Prevention.

As globalisation increases, transnational crime and human trafficking proliferates, it is our responsibility to combat this. The conference over the next three days will build capacity to address these issues. We will hear from the Ministry of Public Security, look at case studies and best practice from ILSTA, IOM, UNODC, and hear about the protocols in seven provinces to combat human trafficking. We will also look in detail at the issues of corruption and money laundering.

I urge all participants to play an active role, enjoy the conference and take home lessons to develop your work in these areas.

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# Presentations

Day 1, November 28, 2016



*H.E. Mr Ket Kiettisack  
Vice Minister of Justice, Lao PDR*

## *Progress on the drafting of the new Lao Penal Code*

Mr Kiettisack explained the reasons why Laos is drafting a new Penal Code, among them the fact that the present code dates from 1989 with amendments from 2001, 2005 and 2012, the need to recognise new forms of criminal behaviour, and the Lao PDR's obligation to insert necessary provisions of international law in the Lao system.

Mr Kiettisack outlined how the process of preparation had been carried out, involving ministries, government and non-government agencies and consultation with the general public. He explained the main structure and features of the new code, including such aspects as the continued existence of the death penalty and procedures for the imposition of fines, how the new code differs from its predecessor, and concluded with the expected procedures and timescale for its approval and enactment. The new code will be vastly more comprehensive, incorporating 416 Articles, and is expected to enter into force in 2017.



*Mr Richard Philippart  
President of the Institute for Legal Support and Technical Assistance*

## *Human trafficking - a global threat*

The presentation began with a dramatic case study detailing the stories of two girls and how they were trafficked into prostitution in America. Natasha, a 21-year-old Uzbekistani, accepted a job as a waitress in Los Angeles, believing that she could provide a better future for her son. She was beaten and forced into prostitution upon her arrival in the US, sold on and forced to take drugs. Ana, a 13-year-old Mexican, was kidnapped and also forced into prostitution in the US. Situations like these occur on a daily basis.

The presentation then focused on the national and international legal provisions available to combat human trafficking and presented statistics on the numbers of trafficking victims, their countries of origin, the industries they are trafficked into, routes and destination countries.

Mr Philippart stressed the need for international cooperation and highlighted the international conventions known as the Palermo Protocols, which provide clear legal provisions to counter transnational organised crime groups and their illicit activities.





*Ms Siliphaithoun Xayamoungkhoun*  
*UNODC, Laos*

***The human trafficking situation in the Lao PDR***

Information and data were presented on the current human trafficking situation in the Lao PDR. Major routes into, out of and through the Lao PDR were identified with the Lao-Thai border identified as the main problem area. Details were given of the means by which people are tricked or deceived into traveling and a range of recent media stories highlighting the issue. Female victims considerably outnumber male but those in more remote areas are not necessarily at higher risk. The issue of 'ranking' countries for their performance in this area was raised, with a reminder of the possible negative consequences for the Lao PDR of a low ranking.

Government and non-governmental efforts to aid victims were described and challenges that remain to be addressed were given, such as the availability of trained counsellors and social workers and the lack of coordination and information-sharing between the various organisations and agencies involved.



*Mr James Lette*  
*International Organization for Migration (IOM)*  
*in Lao PDR*

***Identifying victims of human trafficking***

Identifying human trafficking victims is not straightforward, two main issues being a lack of adequate screening and confusion over what actually constitutes human trafficking. The law promulgated in the Lao PDR clearly defines various forms of human trafficking, including debt bondage, forced marriage and commercial sexual exploitation, though victims can end up in a wide variety of situations.

Once victims have left the jurisdiction, action becomes much more difficult, which is why screening is so important. The key elements are 'first contact', which must be done by persons who know the most important indicators to look out for - age, gender, nationality, and signs of abuse. Traffickers often travel with the victims and speak for the victims so it is essential that victims are separated from the trafficker in order to protect them; a properly trained professional must formally interview them; and then a formal assessment must be made. Where there is doubt about whether someone is a victim of trafficking, authorities must err on the side of adjudging someone a victim and offer him or her full support.







*Mr John Connolly  
Institute for Legal Support and Technical Assistance (ILSTA)*

***Smuggling of migrants***

The presentation began with two case studies, giving local examples of how migrants can become involved in illegal smuggling across international borders. It showed the important role migrants play in the world economy, giving the example of the remittances sent to Laos from Lao migrants working abroad. Many Lao migrants work without legitimate papers in neighbouring countries because it is initially cheaper to do so. There is huge demand for Lao migrants in Thailand, and employment agencies advertise in Laos for work in housekeeping, construction and other industries.

Mr Connolly outlined the protocols and conventions covering smuggling of migrants, and explained the legal difference in the elements of human trafficking and smuggling of migrants, namely the lack of exploitation in the case of smuggling, but showed that smuggling a migrant across a border leaves the migrant in a vulnerable position, open to abuse and exploitation, which can in turn lead to cases of human trafficking.



*Mr Raymond Forte  
Royal Canadian Mounted Police*

***Organised crime – a law enforcement perspective***

This presentation gave a brief introduction to Canada; its geography, and ethnic make-up of the population, the Royal Canadian Mounted Police in Canada, the RCMP International network of offices, and transnational organised crime.

Mr Forte defined organised crime groups and gave examples of such groups in Canada and their area of activity. He stressed that the proliferation of organised crime affects all aspects of society and financial markets, undermining the security of the state and the population.



To counteract and combat organised crime groups, RCMP has a national Law Enforcement Strategy, and has also established an international network of offices, placed in key strategic cities, to address specific regional issues and facilitate collaboration across departments and agencies to prevent serious crime and share best practice. They focus on drug trafficking, cybercrime, financial crime and illegal smuggling of migrants.



*Mr Richard Philppart*  
*Institute for Legal Support and Technical Assistance*  
*(ILSTA)*

***Anti-money laundering and organised crime***

Organised crime is a huge business worldwide and exists to make money, but this money needs to be laundered, the 'dirty' money made clean and legal. If money laundering can be prevented, criminal activities will be hampered or even stopped. Because of its role in the financing of terrorism, the topic of money laundering has become even more of a hot issue in recent years and the Financial Action Task Force (FATF) checks that countries implement the requirements at the national level.

The Lao government has made a very strong commitment to combating money laundering, including adopting a comprehensive anti money laundering law in 2015, as well as detailed proposals in Article 130 of the new draft Penal Code. Through this law, banks that are found to be failing in their duty to carry out their AML responsibilities, such as by not properly implementing the "Know Your Customer" policy, or by accepting illicit revenues will face serious consequences.





# Presentations

Day 2, Tuesday, 29 November 2016



**Mr Khampane Sayyavong**  
*Head of Division*  
*Anti-Human Trafficking Department,*  
*Ministry of Public Security*

## ***Combating human trafficking (part 1)***

The Anti-Human Trafficking Department was created in 2011 and disseminates information, trains staff and has just published the first hardcopy of the new law on combating human trafficking. A history of the development of Lao law on this issue was presented, an issue that is relatively new for the Lao PDR. The key factors distinguishing Lao victims were identified—poverty, lack of education, unemployment, hunger, and a wish to travel.

Traffickers use a range of tactics in trying to lure victims, for example, by arranging bogus marriages. Victims are ruthlessly controlled and savagely treated in cases of disobedience or escape attempts, including the use of narcotics to create addiction. The effects, both long- and short-term, are physical, mental, and emotional. Currently, one major problem is general confusion over what exactly constitutes human trafficking and how to distinguish it from illegal smuggling of migrants.

## ***Combating human trafficking (part 2)***

Laos is party to many international treaties, conventions and protocols, which can give valuable assistance in international cooperation efforts. The victims of trafficking are the most important individuals in trafficking cases. Assistance for victims must be timely and tailored to the circumstances of the case; otherwise, there is a danger that victims may suffer further harm, often resulting in the victim deciding not to give evidence towards the prosecution of the traffickers. The safety of victims and confidentiality whilst investigations and arrests are made is paramount.

Assistance centres for victims of trafficking must provide for basic needs: a safe residence; legal assistance; medical assistance; vocational training and education; and financial assistance. As convictions for human trafficking result in high penalties, the need for concrete evidence and correct identification of victims is very important.

Prevention of human trafficking relies on the general public being aware of the danger signs and being prepared to report suspicious activity on dedicated phone lines in countries throughout the region.



## Remarks from the floor:

### *Mr Langsy Sibounheuang, Former Deputy Prosecutor General of Lao PDR*

Transnational offences such as human trafficking and people smuggling affect all countries in the region and are a major challenge for investigating officers. New international agreements and conventions require appropriate and effective legislative, administrative, and procedural responses at national level. From the original adoption of the Criminal Law in 1989, the Lao PDR has been adapting and developing its response in this areas, becoming a party to the 2003 UNTOC, and amending the Criminal Law in 2005 in alignment with the Palermo Protocols. Looking at case studies is a good way of raising awareness and ensuring laws are properly drafted to address issues such as these.



### *Mr Saikham Sithorlak, Deputy Prosecutor of Luang Prabang Province*

Many provincial authorities find instances of human trafficking occurring in their provinces. The crime of human trafficking is now recognised under the new law, but it has been happening for many years. Human trafficking must have three identifiable elements, as discussed previously (or element 1 and 3 if referring to minors). Human trafficking across international borders is complicated by the differences between states' domestic legislation and legal definitions. Governments want to protect their own citizens and sometimes can refuse to assist foreign states in the prosecution of cases.

### *Mr Khamphet Sorsamphanxay, Xieng Khuang Public Security Office*

Mr Khamphet asked questions as follows:

If a Lao citizen introduces a foreign national to a Lao female for the purposes of marriage, and the Lao female goes to live in the spouse's home country, but the marriage fails and the woman accuses the spouse of abuse, can the Lao citizen (the broker) be prosecuted for human trafficking?

How can prosecutors get evidence and witness statements from foreign countries?



### *Mr Khamphane Sayyavong*

responds to comments and questions from the floor:

To identify a clear case of human trafficking, there must be all three elements present in the case. In the case mentioned, the final element of 'for the purpose of exploitation' would have to be decided by the court based on evidence that there was coercion, deceit or force on the part of the Lao citizen. If we cannot identify the purpose, then it will be difficult to prove that this is a case of human trafficking.

In Lao-Thai cases, on many occasions, it is difficult to collect evidence and witness statements, and this prolonged process give opportunity for perpetrators to flee before prosecution cases can be filed. Witness statements and evidence must be collected quickly so that they can be used in the prosecution of cases.



**Mr Phoukhong Sisoulath**  
*Director General, Department of Treaties and Law,  
Ministry of Foreign Affairs*

***Human rights and human trafficking***

Mr Phoukhong first iterated the importance of this topic and noted the devastating effects that human trafficking can have on people and states. He presented briefly the conventions and protocols that Laos has ratified which deal with the area of human rights and human trafficking, and specifically referred to the UN process of Universal Periodic Review, in which Laos has adopted more than 116 recommendations.



As the current chair of the ASEAN Intergovernmental Commission on Human Rights (AICHR), Mr Phoukhong gave a brief overview of the work of the commission and also outlined the international agencies working in Laos to assist in combating human trafficking and in assisting victims. The final point of the presentation was that human rights protection is steadily becoming a priority for nations as globalisation increases and technology brings nations closer together. This conference provided a valuable opportunity for dialogue on human rights, which are protected by the Lao constitution.

**Mr Vernsavanh Sivily**  
*Vice-Director, Anti-Money Laundering Intelligence Office  
(AMLIO), Bank of the Lao PDR*

***Anti-money laundering***

The process of money laundering (Placement, Layering, Integration) was explained and illustrated and its connection to terrorism emphasised. The serious consequences for countries of failing to take appropriate action and being put on the 'blacklist' were stressed. The roles of the four main international organisations (UN, Basel Committee, Egmont Group, FATF) were explained, as well as that of the APG.

The particular situation of the Lao PDR was described: having oscillated in recent years between 'grey' and 'dark grey' status, it has remained for some time now at 'grey,' and firmly hopes to escape this designation completely in the near future. The exact legislative and administrative measures taken in recent years to achieve this were described in detail, focusing in particular on the role of AML/CFT, as well as the challenges that remain for the future, in particular, preparations for the International Country Risk Guide (ICRG) inspection in 2020.







*Mr Erik Haggqvist  
Institute for Legal Support and Technical Assistance  
(ILSTA)*

***Corruption facilitates crime***

The presenter introduced pertinent statistics on corruption in Laos, and emphasised that corrupt practices are being reported more frequently in the press, and discussed by the public. Corruption was defined as “the abuse of public office for private gain” and figures relating to global corruption were presented. The presenter drew a clear link between corruption and the breakdown of the public’s trust in the state, along with the cost to the public. A link was made between weak state institutions and organised crime, and how organised crime syndicates will actively seek weak states to operate in. Mr Haggqvist introduced the Corruption Perception Index produced by Transparency International, and showed the rank and score of Laos as compared to other ASEAN nations.

The final point of the presentation was to reiterate the link between corruption and organised crime; supported by a comparative study by the OECD, and the fact that corruption is already criminalised by the UN Convention Against Corruption, which Laos ratified in 2009.





# Presentations

Day 3, Wednesday 30th November 2016



*Mr Phouvanh Xayyasith  
Department of Immigration*

## *Ministry of Public Security*

Mr Phouvan gave an overview of the situation regarding immigration throughout the country. In total there are 107 border points, including 27 international checkpoints. In total Laos has 32 border points with Vietnam; 54 with Thailand; 12 with Cambodia; nine with China; and two with Myanmar. More border points will be introduced in the future. There are also 48 customary checkpoints, where locals from both sides of the border can cross for trade and to visit family members. Laos has four international airports, namely Savanakheth, Pakse, Luang Prabang and Wattay in Vientiane. The Lao Law on Immigration and the Control of Foreigners was adopted in 2014. Australia has been providing support to Lao Immigration Department since 1999 with more than 1,000 staff working in immigration control. According to statistics, 80% of people moving across the Lao border have legal border documentation.



## Cooperation in case procedure – Provincial level

A representative from seven provinces gave a short presentation summarising facts and statistics about human trafficking and smuggling of migrants, along with some examples of recent cases. They also talked about the assistance available and cooperation with both internal and international authorities and agencies in their province.







## Savannakhet Province

*Mr Bounthan Sengdara  
Deputy Head of the Provincial Prosecutor's Office*



With a population of 900,000 and a shared border with both Thailand and Vietnam, Savannakhet Province is both a destination and transit point for victims of human trafficking. Of 15 districts in the province, evidence of human trafficking has been found in five. The provincial authorities coordinate with the Lao Women's Union, Sengsavang Centre, the courts and the health authorities to provide protection and assistance to victims. The Department of Labour and Social Welfare either arrange for victims to return to their hometown, or provide shelter if this is not possible. The Health Department provides health checks and injury treatment. MOUs between districts exist, and there is a regular exchange of experiences through frequent meetings. From 2010 to present, there have been nine cases, involving 18 perpetrators and 16 victims (two of which were minors). Coordination and cooperation are promoted through the established Committee on Protection of Women and Children, however there is a lack of funding for transportation of victims and training, along with a lack of awareness raising activities targeting at-risk groups.





## Khammouan Province

### *Lieut-Colonel Bounseum Phommachanh Immigration Police*

Khammouan Province has a population of approximately 350,000 and borders both Vietnam and Thailand. It is key transport and trade route linking the east-west corridor of Vietnam, Laos and Thailand. All areas of government therefore, stressed Lieut-Colonel Bounseum must educate their citizens and monitor procedures for entry and exit, to maintain political stability and public order. In Khammouan, smuggling of Lao citizens has reached eight cases, with 17 perpetrators involved, of which four were female. These cases are still under investigation. Other cases involved foreign migrants, from Thailand, Vietnam, China, India, the USA, Korea, Israel and Britain.







## Bokeo Province

*Lieut-Colonel Kaiyasone Singvixay  
Deputy Head of Bokeo Public Security Office*

Although Bokeo Province is geographically the smallest province in Laos, it shares borders with both Thailand and Myanmar, and has three international checkpoint crossings, with two further crossing points for locals only. In 2015, of nine cases of illegal entry into Laos, concerning 55 people (none were females), three were Thai, two Chinese and two from Myanmar. Eight foreigners were reported to the Department of Immigration (four Koreans, one Myanmar, one Swiss and two New Zealand). Thailand repatriated seven Lao citizens.







## Luang Prabang Province

*Mr Saikham Sithorlak  
Deputy Prosecutor of Province*

Luang Prabang is a busy tourist destination and UNESCO World Heritage site, so local and international tourists are constantly moving in and out of the province. The province shares a border with Vietnam. Traffickers have demonstrated links to China and Thailand. Traffickers have growing networks and continue their trade due to the high return of profits, despite putting their victims through hellish situations. All related authorities must cooperate to prevent and suppress traffickers. In 2015-16, five traffickers were arrested, with nine concerned victims. Lao authorities demonstrated that they were willing to cooperate and successfully applied the Penal Code in those cases. However, international cases are slow to process.

Some traffickers abuse the trust of Lao women by deceiving them about the type of work, and then exploiting the women. Many young women want to go to work in Thailand and send remittances home, as they see their peers doing. Some pay money to employment brokers to find them work and willingly go, but are then taken advantage of in the foreign country. Identifying cases of trafficking is a huge challenge. Where traffickers are found in Laos, prosecutions are easier.







## Champasak Province



*Lieut-Colonel Soukan Taixayyavong  
Deputy Head of Champasak Public Security Office*



Champasak has a population of 600,000 and shares a border with Thailand and Cambodia. There are three international check-points: the airport, Vangtao – Chongmek (Thailand) and the Cambodian border crossing, plus three crossing points available to locals only. Thailand is attractive to migrants due to the development and employment opportunities available.



The Office of the Provincial Governor focuses on combating human trafficking through awareness raising with at-risk groups, plus cooperating with international assistance (Village Focus International, Swiss Government, Thai Anti-Human Trafficking Network and others). to provide shelter and vocational training skills. From 2008 to 2016, there were 16 reported cases of human trafficking, involving 33 offenders. Networks and agents were identified, and links to slave labour, factory work and the fishing industry were uncovered. In 2015-16, there were 119 illegal crossings to Thailand, of which 45 were females. The provincial authorities are looking for closer cooperation with law enforcement agencies in Laos and neighbouring countries to resolve cases more quickly.







## Xieng Khuang Province

*Mr Khamphet Sorsamphanxay  
Xieng Khuang Public Security Office*

Xieng Khuang is a mountainous region in northern Laos with a population of 240,000. The region was heavily bombed 40 years ago, and since 1975 the government has focused on rehabilitation and improving the living conditions, which has led to economic growth and development.

Human trafficking impacts the stability of the region, and there are many ways that people are tricked into becoming victims. Marriage agents give false hope to young women in rural areas. The agent may follow the local and/or ethnic customs, pay the dowry, legally enter the country, and so the victim willingly accompanies the agent abroad, but once out of the country, the victim is forced into a different and exploitative situation. Government officials and agencies must work to combat the methods of these agents, and share their knowledge at district and village level. Thirty-two cases of human trafficking have been prosecuted in Xieng Khuang Province, with two cases ongoing.







## Bolikhambxay Province



*Ms Sibounyone Phimmason  
Vice President of Bolikhambxay Provincial People's Court*

### *Cases of human trafficking and smuggling of migrants*

Bolikhambxay Province borders both Thailand and Vietnam so it is an important trade and transport hub in the region; this geographical importance leads to issues of human trafficking and smuggling of migrants.

In Bolikhambxay Provincial Court in 2012 there were three cases of human trafficking, with three suspects (one female, two male) and six victims. Of the three suspects, one received a fifteen-year prison sentence, the other two seven years each. Since 2012, there have not been any other cases involving human trafficking before the courts.

No cases of smuggling of migrants appeared before the courts as all were handled administratively, as were other cases of human trafficking. The new law means there is now an efficient legal instrument specifically designed for this area, but major difficulties still exist in trying to help victims outside the national boundary.



*Mr Nalonglith Norasing,  
Director-General  
Department of International Cooperation,  
Ministry of Justice*

***Understanding and moving forward  
– mutual legal assistance***

States must abide by the United Nations Convention against Transnational Organized Crime (UNTOC) in exchanging information with other states in the pursuit of criminal justice. They must facilitate the collection of physical evidence and statements. Article 271 allows that Laos may receive requests from other countries to provide assistance if the other party has also ratified the convention. All requests must not conflict with Lao law, public security and the stability of the country. Laos requires a new domestic law covering requests for assistance from abroad. The legal framework at present allows for receipt of requests through diplomatic channels. If Laos has a strong mechanism, then cooperation is easier and prosecutions are on firmer grounds. The Penal Code is not yet strong enough and needs other mechanisms to provide responses to requests of assistance from foreign countries. Collaboration at this time is hindered, and the timeframes are too long. To better respond to the increasing needs, the Ministry of Justice requires capacity building activities, especially language training for its staff.

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*Mr Chanthy Polivanh  
Criminal Case Inspections Department,  
Office of the Supreme People's Prosecutor*

***Principles in human trafficking case procedure***

The current legal situation and the basic procedures involved in cases of human trafficking were outlined and the importance at every stage of comprehensive gathering of evidence and acting in accordance with clear guidelines was stressed, right up to the level of the courts.

The importance and utility of having the new specific law on human trafficking was emphasised. Capacity building and training in the area are continuing and the development of anti-money-laundering legislation has also been of assistance. Overall, human trafficking remains a relatively small percentage of criminal cases but the seriousness of its consequences emphasises the need for raising awareness and having significantly stricter sanctions for this offence.

***Cooperation in case procedure – Provincial level***

A representative from seven provinces gave a short presentation summarising facts and statistics about human trafficking and smuggling of migrants, along with some examples of recent cases. They also talked about the assistance available and cooperation with both internal and international authorities and agencies in their province.







*Ms Marika McAdam*  
*UNODC*

***International Legal Standards***

The speaker opened with a brief exploration of how criminals can exploit globalisation for their own ends. The United Nations Convention against Transnational Organized Crime (UNTOC) signed in Palermo in 2000 represents a coordinated international response to transnational crime, providing a framework for cooperation, with mutual legal assistance, extradition, and the enshrining of agreed offences in national laws.

It has three protocols: human trafficking, smuggling of migrants, and traffic in firearms. Human trafficking is differentiated from smuggling of migrants, emphasizing that in the latter the target is the smugglers, not the migrants. The key common elements between the two protocols are to prevent the crime, protect the victims, and promote international cooperation.

The promotion of international cooperation is an especially difficult area but is critical for tackling the criminals. The UNODC provides a wide range of free support facilities and resources for those working in this area, available online at [www.unodc.org](http://www.unodc.org)



*Mr John Connolly*  
*Institute for Legal Support and Technical Assistance*

***International criminal justice cooperation***

This presentation provided an overview of the tools that states have to aid cooperation in criminal justice in tackling organised crime. Globalisation has seen an explosion in the volume of transnational organised crime and a major need for international cooperation to combat it. The United Nations Convention Against Transnational Organised Crime (UNTOC) and its accompanying protocols are a major component of this response.

UNTOC promotes information sharing, inter-agency cooperation, mutual legal assistance (MLA), and extradition agreements. Extradition and MLA are formal processes and can be laborious and complicated with a multiplicity of different national procedures. However, Article 16 of UNTOC can function as an extradition treaty even where no formal bilateral treaty exists; the same applies to Article 18 for MLA, which covers a comprehensive range of legal issues and investigative activities.

For the future, increased staffing for MLA, thorough training at all levels, a standardised request form, and a move to electronic systems need to be prioritised.



*Dr Xoukiet Panyanouvong*  
*UN-ACT*

***Regional COMMIT cooperation on anti-human trafficking in the Mekong Sub-Region***

Dr Xoukiet gave a presentation on the regional COMMIT agreement. COMMIT is the Coordinated Mekong Ministerial Initiative Against Trafficking, and applies to Cambodia, China, Laos, Thailand, Myanmar and Vietnam. Dr Xoukiet also highlighted the associated National Action Plans that have been developed since the initial COMMIT MOU was signed. The initial MOU stipulates that neighbouring countries must sign bilateral agreements on combating human trafficking. Laos' National Action Plan is in the process of being endorsed by the Ministry of Public Security. Dr Xoukiet stressed the need for regional cooperation and effective coordination between states, agencies and civil society, as in cases of human trafficking it is vital to react quickly. It is also essential to coordinate with the private sector. Large companies must ensure and be held accountable that working conditions are safe and fair for labourers, for example in Laos' Special Economic Zones, which provide employment opportunities for thousands of Lao people.



## **Closing Remarks**



*Co – Chair, Mr Richard Philippart*  
*Institute for Legal Support and Technical Assistance*

It has been an honour for ILSTA to be co-chairing this conference. I would like to congratulate the chairpersons from OSPP. All participants can see how important this topic is, and how all of the issues are interlinked. In order to combat human trafficking and the smuggling of migrants, a coordinated response is needed.

Thank you to the experts from the Supreme People's Prosecutor, the Ministry of foreign Affairs, the Bank of Laos, the Ministry of Justice, the Ministry of Public Security, provincial representatives and all others. Also, thank you to UNODC, IOM, UN-ACT, the Government of Canada and all other international partners.

ILSTA will seek opportunities, in partnership with OSPP, to provide further capacity building activities in the coming year. The conference report will be available shortly.







*Chair, H.E.*

*Mr Bounyang Chandalararn*

*Office of the Supreme People's Prosecutor of Lao PDR*

First of all I would like to thank the efforts of Mr Richard Philippart of ILSTA, and former Deputy Chief Prosecutor, Mr Langsy Sybounheuang for their great contributions to this conference. We have enjoyed a lively environment of discussion and achieved our objectives. The OSPP committee and ILSTA have done a great job in organising the conference.

We have heard and shared on important topics about the many elements of human trafficking, smuggling of migrants and organised crime from both international and provincial experts. There are participants in attendance from the central and provincial levels, and all 17 provincial courts are represented. This has been an opportunity to hear from the provincial level and to hear about the cooperation in case procedure in the provinces.

Although the number of cases is small, it does not mean this is not a serious issue in Laos. The government views this conference as an important opportunity to discuss the challenges and concerns related to human trafficking and organised crime. We thank all organisers and supporters again for the financial support and for the time and effort they sacrificed to provide this opportunity.

Human trafficking is a harmful and criminal act. The government actively promotes measures to combat human trafficking and is aware of the impact on both a social and economic level. After this successful conference, we can all take what we have learned and apply it to our daily work. Participating in this conference will help all participants to understand the many interlinked issues and better cope with a fast-changing world.



### ***Recommendations:***

- Establish the Conference as an annual meeting for capacity building and to discuss lessons learned;
- Institutionalise the Meeting Steering Committee (MSC) to support coordinated responses;
- Inform all levels of society of the dangers of human trafficking, smuggling of migrants and organised crime and emphasise the risk to development;
- Strengthen awareness on organised crime, human trafficking and smuggling of migrants at grassroots level;
- Develop capacity for the collection and analysis of crime data; participants should conduct further study to understand the law and how it should be implemented; all key staff in the provinces should apply these lessons to their work;
- Develop and support “case study approach” in capacity building sessions;
- Raise awareness in the provinces of the risk of human trafficking. Protect at-risk groups in local communities; and
- Commit to closer coordination with all related agencies to combat human trafficking.

## Delegations of the provinces



1. Bokeo Province



2. Bolikhamxay Province



3. Attapeu Province



4. Huaphanh Province



5. Khammouan Province



6. Champasak Province



7. Phongsaly Province



8. Xieng Khouang Province





**9. Luang Namtha Province**



**10. Luang Prabang Province**



**11. Oudomxay Province**



**12. Savannakhet Province**



**13. Xaisomboun Province**



**14. Xaiyabouli Province**



**15. Vientiane Province**



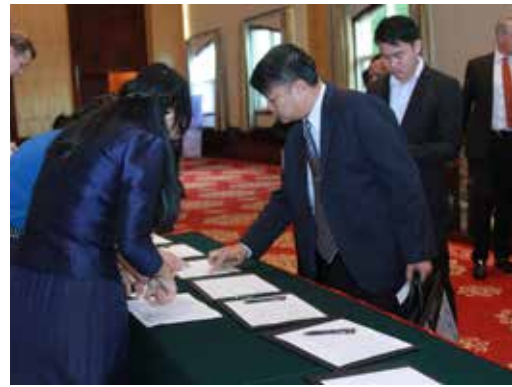
**16. Sekong Province**



**17. Saravan Province**



## Pictures of the conference























# ທ່ານ ທີ່ບໍ່ຮູ້ວ່າ ການຟອກເງິນ ແມ່ນຫຍັງ???

ມາດຕາ 2 ຂອງ ກົດໝາຍວ່າດ້ວຍ ການຕ້ານສະກັດກັ້ນການຟອກເງິນ ແລະ ການສະໜອງທຶນ ໃຫ້ແກ່ການກໍານານຮ້າຍ (ເລກທີ 50/ສພຊ, ລົງວັນທີ 21 ກໍລະກົດ 2014)

ການຟອກເງິນ ແມ່ນ ການປ່ຽນຮູບ, ນໍາໃຊ້, ເຄື່ອນຍ້າຍ, ແລກປ່ຽນ, ໄດ້ມາ, ຄອບຄອງ, ໂອນ ກໍາມະສິດທີ່ແທ້ຈິງ ຂອງເງິນ ຫຼື ຊັບສິນອື່ນ ທີ່ ບຸກຄົນ, ນິຕິບຸກຄົນ, ຫຼື ການຈັດຕັ້ງ ໂດຍທິຮູ້, ໄດ້ຮູ້ ຫຼື ສົງໄສວ່າ ເງິນ ຫຼື ຊັບສິນນັ້ນ ມາຈາກການກະທໍາຜິດຕົນ ເພື່ອປົກປັດ ຫຼື ຊຸກເຊືອງ ຄຸນລັກສະນະ, ທີ່ມາຂອງເງິນ, ທີ່ຕັ້ງ ຂອງຊັບສິນ ເພື່ອເຮັດໃຫ້ເງິນ ຫຼື ຊັບສິນດັ່ງກ່າວ ຖືກຕ້ອງ ຕາມກົດໝາຍ.

## ການຟອກເງິນ ເປັນການກະທໍາຜິດທາງອາຍາ

(ມາດຕາ 66 ມາດຕະການທາງອາຍາ ຕໍ່ການຟອກເງິນ  
ກົດໝາຍວ່າດ້ວຍ ການຕ້ານ ສະກັດກັ້ນການຟອກເງິນ ແລະ ການສະໜອງທຶນ ໃຫ້ແກ່ການ  
ກໍານານຮ້າຍ  
ເລກທີ 50/ສພຊ, ລົງວັນທີ 21 ກໍລະກົດ 2014)



BANK OF THE LAO PDR  
Anti Money Laundering Intelligence Office



Government  
of Canada



THE GOVERNMENT  
OF THE GRAND DUCHY OF LUXEMBOURG  
Ministry of Foreign and European Affairs



# 1.

# STOP HUMAN TRAFFICKING!

# ຢັດ ການຄ້າມະນຸດ!

ມາຄູຕາ 134  
ຂອງ ກົດໝາຍອາຍາລາວ

Human Trafficking:  
ການຄ້າມະນຸດແມ່ນ

1+  
ພຶດຕິກຳ(ການກະທຳ)+

2+  
ດ້ວຍວິທີການ +

3+  
ເພື່ອຈຸດປະສົງຂູດອິດ



# SMUGGLING OF MIGRANTS IS A SERIOUS CRIME!

# 2.

## ການລັກລອບນຳຄົນ ຕ່າງດ້າວເຂົ້າເມືອງແມ່ນ ອາຊະຍາກຳຮ່າຍແຮງ!



ສິ່ງທີ່ຄວນຮູ້:  
ອາຊະຍາກຳ ການລັກລອບນຳຄົນຕ່າງດ້າວເຂົ້າເມືອງ  
ແມ່ນແຕກຕ່າງ ຈາກອາຊະຍາກຳ  
ການຄ້າມະນຸດ!

ຄວາມແຕກຕ່າງລະຫວ່າງການລັກລອບນຳ  
ຄົນຕ່າງດ້າວເຂົ້າເມືອງ ແລະ ການຄ້າມະນຸດ

	ການຍືນຍອມ	ການກົດຂີ່ຂັດຮົດ	ການຂ້າມເຂດຊາຍແດນ
ການລັກລອບນຳຄົນຕ່າງ ດ້າວເຂົ້າເມືອງ	ຕ້ອງການ	ບໍ່ຕ້ອງການ	ຕ້ອງການ
ການຄ້າມະນຸດ	ບໍ່ກ່ຽວຂ້ອງ	ຕ້ອງການ	ບໍ່ຕ້ອງການ





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