

CRIMINAL JUSTICE (FOCUS ON INVESTIGATION, PROSECUTION, ADJUDICATION AND INTERNATIONAL COOPERATION)

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I. OVERVIEW ON TRAFFICKING IN PERSONS IN LAOS

It is known widely that trafficking in persons is a serious social problem because it poses a very large threat to fundamental human rights, the right to life, to free movement and the right to be free of torture. It is a serious organized transnational crime problem with many forms, many methods, transnational networks, and a complex nature. The main purpose of trafficking in persons is to exploit labour and sex, which generates enormous profits to traffickers.

A country's involvement in trafficking in persons may be classified as that of an origin, transit or destination country. The Lao PDR is one of many countries experiencing issues of trafficking in persons in which in most cases is considered as an origin country. For instance, trafficking in persons occurs from the Lao PDR to Thailand, People's Republic of China, Malaysia, Indonesia, and the Socialist Republic of Vietnam. The Lao PDR is also considered as a destination country which involves cases where people are trafficked from Vietnam to the Lao PDR and as a transit country for cases of trafficking in persons moving from Vietnam through Laos and finally to China. According to the geographical position of the Lao PDR, as it shares borders with many countries such as China, Thailand, Vietnam, Cambodia and Myanmar, due to its strategic location which makes it simple for both foreigners and Lao locals to enter and exit the country, as well as its rapid economic development and rising labour needs.

Trafficking in persons crimes in Laos are caused by a number of factors including poverty, a lack of awareness of the law, a lack of vigilance and a limited comprehension of the practice. Over time, trafficking in persons has increased and occurred in various forms, through which victims are deceived and lured by offers of travel, work in restaurants and enter fraudulent marriages with foreigners through means of engagement as well as promise of work for migrant labourers illegally without going through the official process in which these people were subjected to high risks of becoming victims of trafficking in persons. Another apparent risk lays within entertainment venues, cafes, massage parlours, bars, nightclubs, guest houses, hotels and other establishments that provide a cover for prostitution. This phenomenon is occurring nationwide in which the underlying root causes are due to social trends, unsecured and unstable family livelihoods, limited level of education, and labour skills mismatch with labour market demands. All of the issues mentioned above are the underlying factors that have propelled the youth to seek job opportunities in larger districts and cities within the country or abroad so that they can generate income to secure their families or in hopes of acquiring a better life.

It is considered that most cases of trafficking in persons in Laos are due to great poverty of the country as an origin country and the good conditions or labour demands in the destination countries. Traffickers entice victims through job offers in which women are lured through the promise of high pay, good working conditions and the chance to escape oppressive conditions. Traffickers also use fraud, deception, false marriage, intimidation, threats, beatings, outright kidnapping, torture, rape and sexual exploitation, and traffickers also make use of Lao territory to transport foreign victims to other countries in the region. Laos is primarily a source country for human trafficking.

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II. THE LEGAL SYSTEM DEALING WITH TRAFFICKING IN PERSONS IN LAOS

The Law on Anti-Trafficking in Persons was enacted and promulgated in 2015. The law defines the principles, rules and measures regarding the administration, monitoring, supervision and inspection of anti-trafficking in persons activities in order for them to be systematic and effective with a view to protecting the rights, interests, lives, health, dignity, freedom of the citizens and fine national traditions and customs aiming at keeping the society safe and secure, in good order and contributing to the national development and protection.

Both the law on Anti-Trafficking in Persons and the Penal Code state that trafficking in persons shall mean recruitment, abduction, movement, transportation or transfer, harbouring or receipt of persons, by means of persuasion, recommending, deception, payment or giving benefit, inducement, incitement or abuse of power, the use of threat or other forms of coercion, debt bondage, concealed child adoption, concealed engagement, concealed marriage, pregnancy for other, forced begging, producing, showing and publishing pornographic materials or by other forms for the labour exploitation, sexual exploitation, slavery, prostitution, involuntary prostitution, removal of organs for purpose of trade and other forms of unlawful conduct contradicting the national culture and traditions or for other purposes to gain benefits. Also, with the focus on sexual exploitation, the law states that sexual exploitation shall mean forcing another person into sexual slavery, prostitution, pornography activities or to provide other forms of sexual services (article 3).

The law also defined various forms of trafficking in persons such as the recruitment, abduction, movement, transportation or transferring or receipt of persons in the country or abroad, harbouring (article 10). In addition, means of trafficking in persons under this law shall mean persuasion, recommending, deception, payment or giving benefit, inducement, incitement or abuse of power, the use of threat or other forms of coercion, debt bondage, concealed child adoption, concealed engagement, concealed marriage, pregnancy for other, forced begging, producing, showing and publishing pornographic materials or other forms (article 11). Finally, the purposes of offence shall include labour and sexual exploitation, slavery, prostitution, involuntary prostitution, removal of organs for the purpose of trade and other forms of unlawful conduct contradicting to the laws and national culture and traditions (article 12).

There are three main activities for combating trafficking in persons, which include the following activities:

- 1) Control – by stipulating methods and measures as provided for in the laws and regulations to control the relevant stakeholders not to commit trafficking in persons, as well as to control the target groups not to fall into victims.
- 2) Monitoring the targeted persons which are targeted groups of trafficking in persons
- 3) Prohibition – by applying the methods and taking measures as provided for in the laws and regulations in order to forbid individuals, legal entities and organizations to remain free from any act of trafficking in persons.

A. The Characteristic of a Case Proceeding on Trafficking in Persons

Trafficking in persons cases shall proceed as follows: 1. Case reporting; 2. Receiving of case reporting; 3. Documentation of case reporting; 4. Proceedings against offenders.

1. Case Reporting

A report of trafficking in persons can be made orally or in writing. The persons who have the right and obligation to report are the following: 1. Victims of trafficking in persons; 2. Family members of victims of trafficking in persons; 3. Close relatives, neighbours, other persons, domestic and international organizations that know, see or receive information or a source of information on trafficking in persons.

2. Receiving of Case Reporting

The persons who have authority to receive case reporting are police officers. In case of necessity and urgency, individuals, legal entities or other organizations can receive the reports and then submit to the police officers immediately in order to rescue and assist the victims of trafficking in persons and initiate the

criminal proceedings against the offenders in accordance with the laws.

3. Documentation of Case Reporting

The police officer that receives a case report shall prepare a record that should contain the following key information: 1. Place, date, time, name and surname, and position of the person receiving the case report; 2. Name and surname, age, occupation, place of residence or workplace of the victim, victim's parents and the reporter; 3. Name and surname, age, occupation, place of residence or workplace of the accused person; 4. Description of the incidence as reported by the reporter, such as: time, date and place of incidence, witnesses, clues, relevant photos, and other evidence. When a report has been recorded, the receiver must read all contents of the records to the reporter and other participants sign and put their fingerprints on that record.

4. Case Proceedings against Offenders

When a report on trafficking in persons is given by individuals, legal entities or organizations or the offender had reported him- or herself or a suspicious incidence about trafficking in persons was found, relevant officers shall inspect, verify information, take statements from the victims or the reporter, including witnesses, and apply investigation-interrogation methods and measures in accordance with the law on criminal procedures, while maintaining confidentiality and safety of those who are involved.

Trafficking in persons proceedings are almost the same as criminal proceedings in Laos. However, the differentiation is that the trafficking in persons case allows other relevant stakeholders to receive the report in a necessary case other than the police. This will facilitate the case proceeding in time. According to the report on the implementation of the national plan of action on trafficking in persons 2023, 11 cases were successfully prosecuted in court including 12 accused and 23 victims in which women under 18 years old accounted for 23, and there are 10 cases being investigated.

B. Victim Assistance

The victims of trafficking in persons shall have rights to access to the necessary assistance provided by relevant authorities including: 1. Temporary shelter; 2. Legal assistance; 3. Medical treatment; 4. Education and vocational training; 5. Economic support; 6. Reintegration support.

III. RAISING AWARENESS, PROTECTION AND ASSISTANCE MEASURES FOR VICTIMS OF TRAFFICKING IN PERSONS

A. Awareness-Raising Campaigns

The ministries and organizations in charge of trafficking in persons organized campaigns to raise awareness about trafficking in persons in many forms and methods, such as the development of a television and radio programme on combating trafficking in persons, as well as creating and posting awareness-raising advertisements on billboards to disseminate information on the negative impacts of trafficking in person at border checkpoints and airports in 13 provinces and sticker advertisements on the government's bus transportation system. In addition, Laos created the National Committee on Anti-Trafficking in Persons website, url: laosncatip.gov.la, and a YouTube channel to publish communication materials on anti-trafficking in persons so that the public is aware, understands, and can protect themselves from becoming victims of trafficking in persons.

Significantly, the meetings, trainings, seminars and outreach activities were organized along the borders and in areas where there are risks of trafficking in persons. Information has also been disseminated nationwide on domestic laws, the laws of destination countries, safe migration and contact information for organizations that offer assistance to victims abroad. Finally, we completed the development and revision of relevant laws and legislation on trafficking in persons, namely the introduction of Article 215 on Trafficking in Persons in the Penal Code, the Law on Anti-Trafficking in Persons, the Guidelines on Victim Identification and the Textbook on Conducting Investigations on Trafficking in Persons cases.

B. Protection and Assistance Measures for Victims

According to the implementation of trafficking-in-persons measures so far, the ministries have applied various forms to provide necessary assistance to victims, such as temporary safe accommodations, including

food, clothing, mental rehabilitation treatment, legal assistance, medical assistance, education and professional training, and repatriation to family and society. Based on the statistics for 2023, there were 135 victims and vulnerable groups from trafficking in persons, including 122 women, and there were 132 victims of trafficking in persons, of whom women account for 199 victims who entered the rehabilitation centre.

C. Cooperation on Trafficking in Persons in Regions

In order to tackle trafficking in persons, the government of the Lao PDR cooperated with neighbouring countries as part of a bilateral and multilateral cooperation project on anti-trafficking in persons, such as the Laos-Vietnam Cooperation Agreement for the Prevention, Combat of Trafficking in Persons, and Assistance of Victims of Trafficking in Persons signed on 3 November 2010; cooperation between the Lao PDR and China; and cooperation between the Lao PDR and Thailand.

The Lao PDR has also attached importance to enhancing the Party's foreign policies to facilitate multilateral cooperation. A significant highlight was the Lao PDR's ratification of the ASEAN Convention against Trafficking in Persons especially for Women and Children in 2017. Furthermore, the Lao PDR also participated in the Senior Officials Meeting on Combating Transnational Crimes, the Technical Working Group Meetings on Anti-TIPs for the 6 Greater Mekong Sub-Region countries as well as the Workshop for Law Enforcement Authorities in ASEAN; Management of Investigations of Cross-Border Trafficking in Persons Cases.

The Lao PDR cooperates with various international organizations and NGOs to implement projects to prevent and combat trafficking in persons namely: cooperation with the Government of Australia to implement the ASEAN-Australia Counter Trafficking (ASEAN-ACT), cooperation with UN-ACT to implement projects to enhance coordination and synergies on combating TIPs. Furthermore, the Lao PDR also cooperates with UNODC, UNICEF, and IOM to implement the Global Action Against Trafficking in Persons and the Smuggling of Migrants (GLO-ACT).

IV. CURRENT SITUATIONS, CHALLENGES AND POSSIBLE SOLUTIONS TO TRAFFICKING IN PERSONS IN LAOS

Over the past year, human trafficking has been found in Laos, including tricking Lao victims to go abroad or tricking foreigners into Laos to force labour and forced sex, as well as trafficking in persons in the form of live broadcasts involving nudity and having sex on social media, which occurs continuously. The most prominent situation regarding trafficking in persons is that group traffickers have lied and deceived through social media, causing young men and women to believe in and go to work with them, to get married, to travel, and then to be exploited sexually or through illegal labour practices.

The implementation of trafficking in persons in Laos still has challenges, particularly in advertising and organizing campaigns against trafficking in persons, which are not as broad as they should be and do not reach all target groups, and the collection of information, performance, and statistics on trafficking in persons cases is delayed and not detailed. Moreover, the rehabilitation centre for victims of trafficking in persons is still not sufficient in quantity and quality, and special examination rooms for victims in some hospitals are not yet available as well. Other than that, the monitoring and evaluation of the victims after returning to the family and society is not performed continuously and regularly.

Trafficking in persons will continue to happen because our country shares borders with five countries with different political conditions, economic development, and labour demand in this region, the growth of development is still high, and the remuneration from trafficking in persons is still high. The forms of trafficking in persons will also occur in various forms, such as forced labour, sexual coercion by means of offering high returns and lying to work in high-risk areas, hiring for pregnant women, illegal migration to get a job, fraudulently marrying a foreigner, and so on. The mentioned issues occur due to the fact that the trafficker utilizes various forms of high and modern technology to persuade the victims and utilize it to communicate with each other in committing crimes, which makes it difficult to monitor and bring them to trial, as well as the fact that the author of the crime commanding a gang in Laos is a foreigner living abroad, while those arrested and prosecuted are mostly mercenaries who were hired to commit crimes.

PARTICIPANTS' PAPERS

The possible solutions to be applied for resolving trafficking in persons should be:

- Continue to increase efforts to disseminate, implement, and train police and border officials on the national victim protection and referral guidelines;
- Proactively screen for trafficking indicators among vulnerable groups, including Lao and foreign workers on large infrastructure, mining and agricultural projects;
- Further train law enforcement officials at the national and local level on the Lao Penal Code to improve their ability to investigate, prosecute and convict traffickers;
- Continue to strengthen efforts at diplomatic missions overseas to identify and assist Lao victims of sex and labour trafficking.