

Memorandum of Understanding
between
the Government of the Union of Myanmar
and the Government of the People's Republic of China
on
Strengthening the Cooperation on Combating Human Trafficking

The Government of the Union of Myanmar and the Government of the People's Republic of China (hereinafter referred to as "the two parties")

RECOGNIZING the fact that human trafficking activities can be effectively curbed through mutual anti-trafficking cooperation;

WHEREAS, with an aim to strengthen the law enforcement cooperation to prevent, check and punish transnational human trafficking activities, and to provide necessary protection and relief to the victims; and

WHEREAS, to deepen the friendship between the two countries, hereby reach an agreement as follows:

Article 1

For the purpose of this Memorandum of Understanding, Trafficking in Persons shall be defined according to the relevant national laws of each country.

Article 2

The two parties shall carry out cooperation in the following aspects in compliance with their respective domestic laws and regulations and relevant international conventions acceded by the two parties:

1. Prevent and combat human trafficking between the two countries, and protect victims of trafficking;
2. Jointly investigate human trafficking cases involving both countries, hand over suspects, and repatriate the victims of trafficking;
3. Conduct joint training in the fields of investigation of transnational human trafficking cases and protection of the victims of trafficking;
4. Exchange information concerning transnational human trafficking criminal cases and pertinent laws and regulations; and
5. Establish anti-trafficking liaison offices in the border areas to consolidate communication and collaboration between the two countries' border police on combating transnational human trafficking crimes and providing victim protection services.

Article 3

The confidentiality principle must be rigorously complied by the two parties when conducting intelligence exchanges. No information shall be disclosed to any third party without prior written consent given by the providing party.

Article 4

The two parties shall formulate criteria for identifying victims of transnational trafficking involving both countries, and shall conduct timely identification of victims.

Article 5

Both parties shall take appropriate measures to protect victims of trafficking, who shall be treated as the victims of criminal behaviour rather than the offenders or criminal suspects. Therefore,

1. Neither party shall punish the victims for illegal entry to or exit from its territory, or any other offences arising directly resulting from human trafficking;
2. Persons who have been identified as victim of trafficking shall not be deported but formally repatriated in a timely manner;
3. As they wait for a formal repatriation, the victims of trafficking shall be assisted by relevant departments and/or victim support agencies;
4. The two parties shall protect the safety, privacy and confidentiality of victims, and provide them with appropriate assistance and protection, where possible and not limited to, shelter, legal assistance, health care, counselling and necessary social support;
5. In the process of identification, interim assistance, repatriation and judicial proceedings, the victims shall be entitled to humanitarian and dignified treatment;
6. Provided the victims are children, they shall be accommodated with special care and assistance in the process of protection, repatriation and judicial proceedings, and the best interest of such victims shall be taken into constant consideration.

Article 6

Both parties shall cooperate with each other to ensure a safe and timely repatriation of the victims.

1. In the process of repatriating the victims, one party shall notify the other in advance of the names, relevant statistics and information through diplomatic or police affairs cooperation channels in order that the two parties can hold consultations on and make arrangements for repatriations.
2. To ensure the victims can be repatriated in a safe and timely way, the two parties shall simplify the repatriation proceedings, smooth the repatriation channels through common procedures. Either party shall finish the said verification process concerning

the citizenship and identity of the victims within 30 days upon receiving the verification request from the other party.

Article 7

The executing agencies of the present MOU are the Ministry of Home Affairs of the Union of Myanmar and the Ministry of Public Security of the People's Republic of China. The said two executing agencies, being the national focal points for anti-trafficking, shall consult and collaborate with relevant government departments. They shall alternately hold annual meetings in the two countries for consultations over the matters related to anti-human trafficking cooperation. In case of any emergency, the two parties may hold additional consultations over the determination of the time and place of temporary meetings.

In light of the present MOU, the international travel expenses of the mutually dispatched delegations (groups) shall be borne by the dispatching parties, respectively, whereas the expenses incurred during the stay of such a visiting delegation shall be borne by the receiving party, except that the two parties have otherwise a separate agreement in this regard.

Article 8

The present MOU shall not affect the fulfilment of the international obligations under any other international treaties concluded or acceded by either of the two parties, respectively.

Article 9

Any dispute arising from the execution of the present MOU shall be settled through consultation in the spirit of friendship promotion and mutual understanding.

Article 10

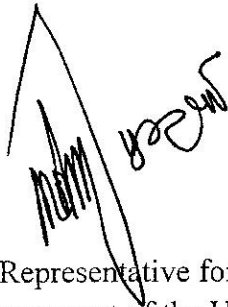
By mutual consent after consultation, the present MOU may be supplemented and/or amended.

Article 11

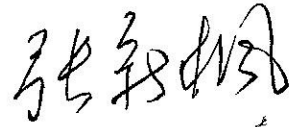
The present MOU shall enter into force as of the date of signature. The MOU may be terminated by either party by notifying the other in writing. And the present MOU shall become null and void in three months upon the other party's receiving such a notice.

The present MOU is signed in Beijing on eleventh November 2009, in duplicate with

each text written in Myanmar, Chinese and English, and all the said three versions are deemed as equally authentic. In case of any interpretation dispute, the English version shall prevail.



Representative for the
Government of the Union of
Myanmar



Representative for the
Government of the People's
Republic of China