

The Republic of the Union of Myanmar
State Administration Council
Prevention and Suppression of Trafficking in Persons Law
State Administration Council Law No. (41,2022)
The 3rd Waning Day of Nayon, 1384 M.E
(16 June 2022)

The State Administration Council hereby enacts this Law under section 419 of the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Jurisdiction and Definitions

1. This Law shall be called **the Prevention and Suppression of Trafficking in Persons Law**.
2. This Law shall apply to any of the following offences of trafficking in persons:
 - (a) an offence committed within the State by any person;
 - (b) an offence committed on a vessel or an aircraft registered under the existing law of the State by any person;
 - (c) an offence committed in a foreign country by a Myanmar citizen or a foreigner registration certificate holder who permanently resides in the State or a foreigner who has been granted a permanent residence permit in the State;
 - (d) an offence committed in a foreign country by any person against a Myanmar citizen or foreigner in subsection (c);
 - (e) an offence committed by the accused of trafficking in persons who is within the State when the extradition request made by the relevant foreign country is rejected.
3. The expressions in this Law shall have the meanings given below:
 - (a) **State** means the Republic of the Union of Myanmar;
 - (b) **Trafficking in Persons** means recruitment, transportation, transfer, sale, purchase, lending, hiring, harbouring or receipt of a person by any of the

following means for the purpose of exploitation with or without his/her consent:

- (i) threat, use of force or other forms of coercion;
- (ii) abduction;
- (iii) fraud;
- (iv) deception;
- (v) abuse of power or authority;
- (vi) abuse of a position of vulnerability;
- (vii) giving or receiving money, property or any other benefits to obtain the consent of a person having control over or influence on him/her.

Exception: The recruitment, transportation, transfer, sale, purchase, lending, hiring, harbouring or receipt of a child for exploitation shall be considered as trafficking in persons whether any of the means set forth in subsection (b) is used.

- (c) **Exploitation** includes forced prostitution or other forms of sexual exploitation, forced labour or service, slavery or servitude or, debt-bondage, forced marriage, forced begging, surrogate pregnancy, adoption fraud for any benefit, the removal and sale of organs from the body or abuse of organs of any other persons in any other ways, and direct or indirect receipt of or agreement to receipt of money, property or any other benefits from any of the aforesaid exploitation;

Explanation(1) Forced Prostitution means doing any act, or scheming against, employing, or forcing any person to have sexual intercourse or to engage in any sexual activity for money, property or any other benefits or any other consideration.

Explanation(2) Other forms of Sexual Exploitation means sexual touching, indecent exposure, (presentation of live sex show), or making sexual gestures, or publication of pornography or display of obscene photographs, making and showing pornographic movies, or showing of them through modern

technological means for the purpose of arousing sexual desire.

Explanation(3) Forced Labour or Service means compelling any other persons to work or provide service by means of physical restraint, causing injuries or threat or confiscating his/her passport, other travel documents or other important papers, without his/ her consent or paying decent wages.

Explanation(4)Slavery or Servitude means employing any other persons as a slave without the consent of that person and considering him/her as a human being by controlling him/her in order that he/she cannot escape or change the job.

Explanation(5)Debt-Bondage means the pledge of a debtor's labour or services as a repayment or security for a debt without clearly stating duration and nature of services, or without reasonably defining wages for services to set- off the debt.

Explanation(6)Forced Marriage means a marriage in which a person is married against his or her will or a marriage by fraud or coercion or threat or a marriage to any person by giving money or property or any other benefits to his or her parents or guardians or family or relatives or friends.

Explanation(7)Forced Begging means forcing a person to beg for money, through physical or psychological pressure and threat.

Explanation(8)Adoption Fraud means adopting a child by persuasion of the child or his/her parents or guardians with intent to sell or compel the child to work or to abuse or remove any body organs of the child.

Explanation(9)Surrogate Pregnancy means causing a woman to get pregnant for someone else by threat or fraud, or getting pregnant for someone else by her own consent in order to commit an offence of trafficking in persons.

- (d) **Victim** means any person who has been identified and determined as a victim under this Law or any person against whom the offence of trafficking in persons has been committed;
- (e) **Money, Property or other Benefits** includes monetary or nonmonetary incentives, bribes, rewards, proceeds, sexual entertainment, special opportunities or any other services;
- (f) **Organized Criminal Group** means a systematic structured group of three or more persons for a certain period with the aim of committing serious crimes in order to obtain directly or indirectly money, property or any other benefits;

Explanation **Systematic Structured Group** means a group that is not randomly organized for the immediate commission of an offence but a group which is systematically organized in advance to commit offences. It does not need to have principles relating to the roles and duties of the members, continuity of membership, or extension of structure of group;

- (g) **Serious Crime** means an offence punishable with imprisonment for a term of four or more under any existing law;
- (h) **Transnational Crime** means an offence committed in more than one state, or an offence committed in a state but a substantial part of its preparation, planning, direction or control takes place in another state or an offence committed by offenders who involve in an organized criminal group of another state or an offence committed in a state but has substantial effects in another state;
- (i) **Controlled Delivery** means a method that a member of Anti-Trafficking in Persons Police Force or an enforcement officer identifies and takes action against a principal offender by controlling the offender with the permission of Working Committee on Prevention of Trafficking in Persons and Protection of Trafficked Victims if it is found that an offender of trafficking in persons enters, passes through or departs from the territory

of the State or one or more states, or imports or exports property relating to trafficking in persons;

- (j) **Property** means movable or immovable property including animals, whether corporeal or incorporeal, tangible or intangible in any form.
This expression also includes legal documents or instruments evidencing title to, or interest in, such property;
- (k) **Fund of the Central Body** means the fund established by the Central Body under this Law;
- (l) **Regional Fund** means the fund established by the Bodies for the Suppression of Trafficking in Persons of relevant Region or State and Union Territory under this Law;
- (m) **Child** means any person who has not attained the age of 18 years;
- (n) **Imprisonment for Life** means any sentence of imprisonment for an offence under which a convicted person is to remain in prison until death;
- (o) **Member State** means the Member States of the United Nations Convention Against Transnational Organized Crimes ratified by the state and the additional protocols on trafficking in persons, of regional, sub-regional or bi-lateral agreements;
- (p) **Central Body** means the Central Body for the Suppression of Trafficking in Persons formed under this Law;
- (q) **Ministry** means the Ministry of Home Affairs of the Union Government;
- (r) **Working Committee** means the Working Committees on the Suppression of Trafficking in Persons formed by the Central Body under this Law;
- (s) **Regional Body for Suppression of Trafficking in Persons** means different levels of the Body for the Suppression of Trafficking in Persons of the relevant Regions or States, the Union Territory, Self-Administered Division or Zones, Districts, Townships and Wards or Village Tracts formed under this Law;
- (t) **Anti- Trafficking in Persons Police Force** means Anti- Trafficking in Persons Division under the Myanmar Police Force;

- (u) **Enforcement Officer** means any officer entrusted with the duties and powers in Chapter VIII of this Law for the suppression of trafficking in persons;
- (v) **Community-based Trafficking in Persons Screening and Identification Team** means teams for identification of trafficking in persons formed under this Law, based on the relevant wards and village tracts in townships.

Chapter II

Objectives

4. The objectives of this law are:
 - (a) to comprehensively and effectively prevent and suppress trafficking in persons as a national duty;
 - (b) to protect and assist victims, especially women, and children;
 - (c) to reduce and eliminate trafficking in persons by identifying offenders of trafficking in persons and imposing appropriate punishment on offenders of trafficking in persons in accordance with law;
 - (d) to rescue, repatriate, protect, assist and rehabilitate victims, and reintegrate them into the society;
 - (e) to cooperate with international organisations and the Member States in accordance with international conventions, protocols, regional and sub-regional agreements, and bi-lateral agreements with regard to prevention and suppression of trafficking in persons.

Chapter III

Formation of the Central Body, and its Functions and Authority

5. The Union Government:
 - (a) shall form the Central Body for Suppression of Trafficking in Persons comprising the Union Minister of the Ministry of Home Affairs as the Chairperson, representatives from the relevant government departments and organisations, representatives from the Region or State Government and the Nay Pyi Taw Council and representatives from non-governmental

organisations, representatives from civil society organisations, and suitable persons as members;

- (b) shall select Vice Chairperson, Secretary and Joint Secretary out of the members and assign the task to them, in forming the Central Body;
- (c) may re-form the Central Body if necessary.

6. The functions and authority of the Central Body are as follows:

- (a) establishing the policies and guidelines for the successful implementation of the objectives of this Law with regard to the suppression and prevention of trafficking in persons;
- (b) guiding and coordinating with working committees, regional bodies for suppression of trafficking in persons, and Anti-Trafficking in Persons Police Force in order that they can assist in the implementation of the function of the Central Body;
- (c) forming research working groups, monitoring and evaluation teams and other necessary teams comprising experts, assigning tasks to and guiding them for conducting research activities and obtaining the necessary substantive information in order to effectively prevent and suppress trafficking in persons;
- (d) establishing and providing awareness programmes to make the people aware of the causes and consequences of trafficking in persons;
- (e) taking necessary measures to provide training through modern technology for members of Anti-Trafficking in Persons Police Force and enforcement officers, and facilitating their technology exchange and cooperation with experts from other countries relating to prevention and suppression of trafficking in persons;
- (f) cooperation with the relevant government departments, organisations, non-governmental organisations and civil society organisations in adopting preventive measures and establishing programmes on reduction and elimination of trafficking in persons;

- (g) information exchange and cooperation with border control agencies from Member States in prevention and suppression of trafficking in persons which has arisen from illegal cross-border movements of people;
- (h) paying respect for dignity of trafficked men, women, transgender people and children, and due regard to their physical and psychological safety, and their well-being;
- (i) supervising the establishment, maintenance, use and management of the fund under this Law;
- (j) coordination with local and international organisations and relevant government departments and organisations in extradition and mutual assistance in trafficking in persons in accordance with the existing law;
- (k) ensuring that the immovable property kept as evidence is sealed before prosecution of the case under this Law or returned on a bond, if necessary;
- (l) prohibiting the transfer of money, property or other benefits in banks and financial institutions by any means, issuing a permit to inspect and copy financial records, and seize them as evidence;
- (m) examining the victim who involves in an offence in any other existing laws which arises from trafficking in persons, granting a pardon to him/ her or sanction to take action against him/ her;
- (n) adopting measures for protection of victims, their safety, and relief operations;
- (o) developing standard operating procedure-SOP for functions and duties relating to the prevention and suppression of trafficking in persons and prosecuting measures;
- (p) communication and cooperation with local and international organisations, Member States concerned, government departments and organisations and non-governmental organisations, if necessary, in prevention and suppression of trafficking in persons, and in relief,

repatriation, protection, providing assistance to and rehabilitation of victims, and re-integration of them into the society;

- (q) cooperation with Member States concerned in extradition of offenders of trafficking in persons in accordance with the Extradition Law and in mutual legal assistance in criminal matters in accordance with the Mutual Assistance in Criminal Matters Law;
- (r) taking measures to reward informers for giving information on an offence punishable under this Law and persons who brilliantly perform in investigation and prosecution, with the approval of the Union Government;
- (s) holding regular meetings and special meetings of the Central Body in accordance with the stipulations;
- (t) submitting reports on the performance of the Central Body to the Union Government from time to time;
- (u) carrying out other functions and duties assigned by the Union Government from time to time.

Chapter IV

Forming the Working Committees, the Regional Bodies for Suppression of Trafficking in Persons and Specifying their Functions and Duties

7. The Central Body shall from the following Working Committees comprising appropriate persons, headed by the Vice Chairperson or any member of the Central Body, and shall specify their functions and duties for the effective implementation of the provisions of this Law:

- (a) Working Committee on Prevention of Trafficking in Persons and Protection of Trafficked Victims;
- (b) Working Committee on International Relations and Cooperation;
- (c) Working Committee on Legal Affairs and Prosecuting Measures;
- (d) Working Committee on Repatriation, Reintegration and Rehabilitation of Trafficked Victims;
- (e) other necessary Working Committees.

8. The Central Body shall form the Body for the Suppression of Trafficking in Persons of the relevant Region or State and the Union Territory comprising representatives from Region or State level government departments or organisations and suitable persons in coordination with the Nay Pyi Taw Council or relevant Region or State Government, and specify their functions and duties.

9. The Nay Pyi Taw Council shall form the following different levels of Regional Body for Suppression of Trafficking in Persons comprising representatives from its relevant Region or Township level government departments and organisations, representatives from the ward or village tracts and suitable persons, and the relevant Region or State Government shall form the following different levels of Regional Body for Suppression of Trafficking in Persons comprising representatives from their respective self-administrated division or self-administrated zones, districts, and township-level government departments and organisations, representatives from the wards or village tracts, and suitable persons, and specify their functions and duties:

- (a) Body for the Suppression of Trafficking in Persons of self-administrated division or self-administrated zone;
- (b) Body for the Suppression of Trafficking in Persons of the District;
- (c) Body for the Suppression of trafficking in persons of the Township;
- (e) Body for the Suppression of trafficking in persons of the Ward or Village Tract.

Chapter V

Formation of the Community-based Trafficking in Persons Screening and Identification Teams and their Functions and Duties

10. The Body for the Suppression of Trafficking in persons of the relevant Region or State and the Union Territory:

- (a) shall form Community-based Trafficking in Persons Screening and Identification Team with a minimum of five to a maximum of seven suitable persons and representatives from the relevant township level government departments and organisations other than the members of Myanmar Police Force, non-governmental organisations, civil society

organisations, and ward or village tract, in the relevant wards or village tracts in accordance with the stipulations to report the record of identification of trafficking in persons under the guidance of the Central Body, and specify their functions and duties;

- (b) may re-form the Community-based Trafficking in Persons Screening and Identification Teams formed under subsection(a) if necessary.

11. The Community-based Trafficking in Persons Screening and Identification Teams:

- (a) shall inquire the persons concerned about trafficking in persons/ about the persons concerned in accordance with the stipulations, summon and examine them, and make record on the identification of trafficking in persons when they receive information on trafficking in persons;
- (b) shall submit the record of identification of trafficking in persons under subsection (a) to the Body for the Suppression of Trafficking in Persons of the Township;
- (c) shall request for help to the relevant police force and transfer victims to the Body for the Suppression of Trafficking in Persons of the Township when they are at risk;
- (d) shall submit again the record of identification of trafficking in persons with complete information when the relevant Body for the Suppression of Trafficking in Persons instructs them to make further investigation and submit it again, if necessary;
- (e) may submit the record of identification of trafficking in persons as evidence in court through its members.

12. The Body for the Suppression of Trafficking in Persons of the Township shall:

- (a) instruct the Community-based Trafficking in Persons Screening and Identification Team to make further investigation and submit the record of identification of trafficking in persons with complete information, if necessary;
- (b) send the record of identification of trafficking in persons to Anti-Trafficking in Persons Police Force or enforcement officers or the police

station in order to use it as evidence when trafficking in persons case is filed in a court;

- (c) take measures as may be necessary as soon as possible in coordination with relevant government departments and organisations if it is found that the victim loses his legal rights according to the record of identification of trafficking in persons or when a victim is transferred under subsection (c) of section 11.

Chapter VI

Protection of and Assistance for victims and Witnesses

13. In order to protect and assist victims of and witnesses for trafficking in persons in accordance with the policies and guidelines established by the Central Body, the relevant working committee shall, in coordination with the Supreme Court of the Union and the relevant government departments and organisations:

- (a) take measures to keep information on personal safety of victims and their families, and their personnel data and information confidential, and not to disclose and leak such confidential information with regard to legal proceedings for trafficking in persons;
- (b) take measures to hold a trial in camera if the relevant court thinks that the trial should not be held in public for the dignity of and physical and psychological safety of trafficked women and children, or by the request of the victims;
- (c) not allow to view, copy, and disclose facts, papers in the case file and documents with regard to victims by any means except as permitted by law;
- (d) issue a press release, and disseminate information with regard to trafficking in persons in accordance with the existing laws;
- (e) provide necessary protection for victims of and witnesses for trafficking in persons against intimidation and harm, who come to testify in a court.

14. With regard to claim for compensation or damages for physical, psychological and social suffering or the safety of, and protection for victims especially women and children, the relevant Working Committee shall:

- (a) notwithstanding offender of trafficking in persons is being prosecuted under this Law, request the Legal Aid Body to give legal advice and appear for the victims, hire lawyers if necessary, assist in hiring a legal interpreter to communicate with the Court, and take necessary measures through diplomatic channel if a victim is a foreigner where the victim brings a civil suit against the offender of trafficking in persons to pay compensation or damages for his/ her suffering resulting from trafficking in persons;
- (b) arrange for counselling victims who are physically and psychologically affected by exploitation;
- (c) establish programmes on health care for, safety and any other necessary protection of victims for a period during which an offender of trafficking in persons is being examined for any offence in this Law or the victim brings a civil suit against the offender of trafficking in persons to pay compensation or damages.

15. With regard to victims, witnesses and their relatives who give testimony for trafficking in persons, members of Anti-Trafficking in Persons Police Force, enforcement officers, investigation officers and relevant court, in accordance with the provisions:

- (a) shall take appropriate safety measures to protect witnesses including victims from potential intimidation or retaliation against them;
- (b) shall move them to an appropriate place or arrange a temporary shelter for them and keep their personal data and information confidential for their safety;
- (c) may examine witnesses and record the testimonies through video conferencing by using electronic communication equipment for the safety of the witnesses;
- (d) may submit and accept the testimonies recorded through video conferencing in the court as evidence.

16. Victims shall not have action taken against them, shall not be arrested, detained and punished for committing an offence of trafficking in persons due to any of the following:

- (a) involving in an offence of trafficking in persons with or without their consent;
- (b) illegal entry, passage through or departure from, illegal residence or working in a foreign country; or
- (c) taking or keeping in possession of fraudulent travel documents or identity papers.

17. The members of Anti-Trafficking in Persons Police Force, enforcement officers and investigation officers shall obtain sanction from the Central Body through the relevant Working Committee if it needs to take action against victims who involves in an offence in any other existing laws, which arises from trafficking in persons.

Chapter VII

Repatriation, Reintegration and Rehabilitation of Victims

18. The Embassy of the State in a Member State shall make an effort to repatriate victims in that state without delay with due regard to their safety and arrange to issue valid documents to them who do not have valid travel documents and identity papers.

19. In order to facilitate the repatriation of victims who are trafficked into a foreign country where Embassy of the State does not exist, the Embassy of the State in a foreign country closet to that country shall make an effort to repatriate victims without delay with due regard to their safety and arrange to issue valid documents to them who do not have valid travel documents and identity papers.

20. The Embassy of the State shall implement necessary screening process on repatriation under sections 18 and 19 in accordance with the existing laws, rules, and procedures in coordination with persons concerned from the relevant government departments and organisations.

21. The relevant Working Committee, the Anti-Trafficking in Persons Police Force and enforcement officers shall arrange a secure place or appropriate shelter for

temporary stay of the victims who return to the State with their own arrangement and who are repatriated from other countries to the State, with due regard to their desire.

22. The victims who have returned to the State in accordance with sections 18,19, 20 and 21 shall be protected and assisted in accordance with the provisions of Chapter VI of this Law.

23. With regard to physical, psychological and social recovery of victims, especially women and children, the relevant Working Committee shall, with the support of the Central Body from its fund:

- (a) send them back to their parent or guardian if their return to the parent or guardian is in their best interests;
- (b) arrange for a secure place or appropriate shelter or charity house for them when it is impossible or inappropriate to send them back to their parent or guardian;
- (c) pay due regard to freedom of expression and freedom of choice depending on their age and maturity;
- (d) endeavor to recover their physical and psychological suffering and provide special medical care under their consent;
- (e) create educational opportunities for their living, and livelihood, and employment opportunities;
- (f) take necessary measures in taking into account the age, gender and special needs of victims;
- (g) provide necessary protection and assistance for any victims while they are in the State.

Chapter VIII

Prevention, Search, Arrest and Seizure of Property relating to Trafficking in Persons

24. (a) The police officers of Myanmar Police Force shall have the duties and authorities to act as enforcement officers with regard to any offences in this Law.
- (b) Immigration officers and custom officers who check arrival and departure of passengers at checkpoints, stations, ports and airports shall have the

duties and authorities to act as enforcement officers while they are on duty.

25. Where any adequate information is received that a person commits or attempts to commit any offence of trafficking in persons at a house, apartment, building or premises or any vehicle, which is inaccessible to the public, the following procedures shall be followed when entering and searching the aforesaid places, arresting the offender(s), seizing property relating to trafficking in persons and other benefits and rescuing the victims:

- (a) if a person to perform the above- mentioned duties is a township police commander or a police officer who directly supervises him, he shall perform such duties himself, or direct a police officer not below the rank of a police second lieutenant to perform such duties by issuing a search warrant;
- (b) if a person to perform the above-mentioned duties is a commander, or a deputy commander or a general staff(Grade one) (General, Adjutant, Quartermaster)or a sub-commander or a platoon commander or a commander of task force or a police officer performing the duties on behalf of him, he shall perform such duties himself, or direct a police officer not below the rank of a police second lieutenant to perform such duties by issuing a search warrant;
- (c) the officer who performs the duties himself shall show his police ID card, or a police officer not below the rank of a police second lieutenant who is directed to perform such duties with a search warrant shall show the search warrant to a person to be searched when performing the duties under subsections (a) and (b).

26. When the member of the Anti-Trafficking in Persons Police Force and police officers not below the rank of police second lieutenant receive any information on commission of an offence of trafficking in persons at a public accessible area or any building or vehicle or premises, or are assigned the task, they shall:

- (a) investigate, examine, inquire about and search the person who may commit an offence of trafficking in persons and potential victims;
- (b) arrest offenders of trafficking in persons or suspicious persons or suspects of trafficking in persons and rescue victims;
- (c) search money, property and other benefits, documents relating to trafficking in persons and related materials and seize them as evidence.

27. The Enforcement Officer may:

- (a) seal and seize the immoveable property relating to an offence in accordance with the written directive of the Central Body or return it on a bond;
- (b) submit a report on money, property, or other benefits obtained from change, transfer, concealment, obliteration, destruction, or conversion of any property relating to trafficking in persons to the Working Committee on Prevention of Trafficking in Persons and Protection of Trafficked Victims in order to transfer them to the Anti-Money Laundering Central Board in order that it may make necessary inquiry and take necessary action in accordance with the Anti-Money Laundering Law.

28. If a member of the Anti-Trafficking in Persons Police Force receives information on trafficking in persons, he/ she shall, in accordance with the stipulations:

- (a) prohibit the transfer of money, property or other benefits in banks and financial institutions by any means, inspect financial records, copy and seize them as evidence with the permit of the Central Body;
- (b) investigate, monitor and identify transnational crimes and organized criminal groups through controlled delivery system by using electronic communication device with the permission of the Working Committee on Prevention of Trafficking in Persons and Protection of Trafficked Victims;
- (c) investigate and identify offences and offenders of trafficking in persons in cooperation with members of the Anti-Trafficking in Persons Police Force and other Member States with the permit of the Central Body.

29. The relevant Working Committee may, with the permission of the Central Body, assign the following tasks to the members of the Anti-Trafficking in Persons Police Force:

- (a) instructing the relevant operators to cut-out, restrict and intercept the electronic communication among the offenders of trafficking in persons;
- (b) inspecting records of crimes, copying and seizing them as evidence;
- (c) sending the copy of the permit of the Central Body to the Ministry of Transport and Communications.

30. Notwithstanding anything contained in any existing law, persons concerned from banks and financial institutions shall take the following measures under this Law with regard to money, property or other benefits relating to offences of trafficking in persons after obtaining the permit issued by the Central Body:

- (a) allowing the relevant persons to inspect financial records, copy and seize them as evidence;
- (b) keeping financial records, money, property or other benefits relating to the offence in accordance with the stipulations without returning and, or transferring them before the case is completed.

31. The Anti-Trafficking in Persons Police Force shall, in accordance with the orders and directives of the Central Body, identify, and arrest principal offenders of trafficking in persons, local and international gangs and members by tracking through controlled delivery system and through informers under the permission of the Working Committee on Prevention of Trafficking in Persons and Protection of Trafficked Victims.

Chapter IX

Mutual Assistance among Member States

32. With the permission of the Central Authority formed under the Mutual Assistance in Criminal Matters Law, the Central Body shall:

- (a) submit the request to the competent authority of relevant Member State for the purpose of obtaining permission for search and seizure of money and moveable property relating to an offence of trafficking in persons,

which is situated in its territory through diplomatic channel in accordance with the stipulations, and proceed to take the necessary action against offenders of trafficking in persons;

- (b) transfer money and moveable property relating to an offence situated in the State to the requesting Member State having jurisdiction over an offence committed by a foreign national offender after scrutinizing the request if the Member State makes request for the purpose of seizure of them through diplomatic channel in accordance with the stipulations.

33. The Central Body shall make request for assistance or assist in investigation in to, prosecution and judicial proceedings for transnational crimes on trafficking in persons with the permission of the Central Authority formed under the Mutual Assistance in Criminal Matters Law if the Central Body wishes to make request for assistance to the Authority of the relevant Member State or any Member State makes request for assistance to the State or if the assistance is necessary under the provisions of the Mutual Assistance in Criminal Matters Law.

34. With regard to an offence in this Law committed in any Member State by a Myanmar citizen, a foreign registration certificate holder who permanently resides in the State or a foreigner who has been granted a permanent residence permit in the State, the Central Body shall facilitate taking testimony or statement, giving effect to judicial documents, identifying offender's address, location of property relating to trafficking in persons and other necessary information, searching, seizing, controlled delivery of property relating to trafficking in persons, issuing an injunction and seizing them in accordance with the Mutual Assistance in Criminal Matters Law with the permission of the Central Authority formed under that Law.

Chapter X

Offences and Penalties

35. Whoever is convicted of an offence of trafficking in women and children shall be punished with imprisonment for a term which may extend from a minimum of ten years to a maximum of imprisonment for life and may also be liable to a fine.

36. Whoever is convicted of an offence of trafficking in persons other than women, and children shall be punished with imprisonment for a term which may extend from a minimum of five years to a maximum of ten years and may also be liable to a fine.

37. Whoever, other than a victim, is convicted of any of the following acts, to depart from or enter the State with intent to commit an offence of trafficking in persons shall be punished with imprisonment for a term which may extend from a minimum of three years to a maximum of seven years and may also be liable to a fine:

- (a) making or forging a fraudulent travel document or identity papers;
- (b) illegally obtaining, giving, selling, taking in possession or using a fraudulent travel document or identity papers.

38. If any person:

- (a) commits an offence of trafficking in persons as provided in section 35 with an organized criminal group, each member of the organized criminal group shall, on conviction, be punished with imprisonment for a term which may extend from a minimum of 20 years to a maximum of imprisonment for life and may also be liable to a fine whether the offence is committed himself/ herself or not;
- (b) commits an offence of trafficking in persons as provided in section 36 with an organized criminal group, each member of the organized criminal group shall, on conviction, be punished with imprisonment for a term which may extend from a minimum of 10 years to a maximum of 20 years and may also be liable to a fine whether the offence is committed himself/ herself or not;

39. Whoever, in commission of an offence of trafficking in persons:

- (a) commits any serious crime shall, on conviction, be punished with imprisonment for life;
- (b) commits an offence that can cause death, or permanently disability to a victim in which situation the victim always needs any assistance from others shall, on conviction, be punished with death sentence.

40. If a person having a previous conviction for any offence of trafficking in persons is convicted of an offence of trafficking in persons, he shall be liable to a maximum punishment provided for such subsequent offence.

41. Whoever is convicted of violation of any of the following prohibitions shall be punished with imprisonment for a term which may extend from a minimum of one year to a maximum of three years and may also be liable to a fine:

- (a) disclosing, showing or disseminating personal data or information on victims and their family, and their safety by any means with regard to prosecution of trafficking in persons cases;
- (b) viewing, copying, disclosing, showing or disseminating case information or data on victims, papers and documents in the case files by any means except as permitted by law;
- (c) press-release and dissemination information on trafficking in persons not in accordance with the existing law.

42. If any authorities in banks and financial institutions prohibits, or obstructs any activity undertaken by or fails to comply with any instructions given by the enforcement officer under subsection (a) of section 28, they shall, on conviction, be punished with imprisonment for a term which may extend to three years and may also be liable to a fine. If the offender is a company or an institution, such company or institution shall be liable to a fine from a minimum of 30 million kyats to a maximum of 50 million kyats.

43. If any person, institution or telecommunications operator holding a business license issued under the Telecommunications Law prohibits, obstructs any activities undertaken by or, fails to comply with the instructions given by the Anti-Trafficking Police Force under subsections (a) and (b) of section 29, he/she shall, on conviction, be punished with imprisonment for a term which may extend to three years and may also be liable to a fine. If the offender is a company or institution, such company or institution shall be liable to a fine from a minimum of 30 million kyats to a maximum of 50 million kyats.

44. Whoever prepares, attempts, conspires, organize, directs, administers, abets, or provides financial assistance to commit any offence or involves in any stage of commission of an offence in this Law shall be liable to the punishment for such offence in this Law.

45. The court:

- (a) shall pass an order to confiscate or dispose money, property or any other benefits relating to the offence in this Law or both in accordance with the stipulations;
- (b) may pass an order against the person convicted of an offence of trafficking in persons to pay appropriate compensation or damages to the victims.

46. The victims may sue the person who is convicted of an offence of trafficking in persons to pay compensation or damages whether the relevant court passes an order to pay compensation or damages under subsection (b) of section 45.

Chapter XI

Establishment, Maintenance, Use and Management of a Fund

47. The Central Body shall establish the fund of the Central Body with the following receipts to incur the necessary expenditures and provide necessary assistance in implementation of the objectives of this Law:

- (a) grants from the Union Budget approved by the Union Government;
- (b) donations from domestic and international organisations, civil society organisations, non-governmental organisations and well-wishers;
- (c) money legally accrued from the fund of the Central Body.

48. The Central Body shall form the Fund Management Body comprising appropriate persons and specify its functions and duties for the maintenance, use and management of the fund of the Central Body.

49. The Fund Management Body formed under section 48 shall maintain, use and manage the fund of the Central Body in accordance with the financial regulations adopted in coordination with the Ministry of Planning and Finance and approved by the Central Body.

50. The Central Body shall:

- (a) have its accounts audited by its auditors and the Office of the Auditor General of the Union;
- (b) prepare the annual balance sheet and budgetary financial statements and report it to the Union Government through the Ministry.

51. The Body for Suppression of Trafficking in Persons of the Region or State shall establish the regional fund with the following receipts by obtaining the permission of the relevant Region or State Government to provide necessary funds in implementation of the provisions of this Law for the prevention and suppression of trafficking in persons in their Regions in accordance with the guidance of the Central Body:

- (a) grants from the relevant Region or State Budget;
- (b) donations from domestic and international organisations, civil society organisations, non-governmental organisations and well-wishers;
- (c) money legally accrued from the regional fund.

52. The Body for Suppression of Trafficking in Persons of the Union Territory may request the necessary fund from the Union Budget to the Union Government through the Nay Pyi Taw Council to use it in implementation of the provisions of this Law for the prevention and suppression of trafficking in persons in its region in accordance with the guidance of the Central Body and establish the regional fund of the Union Territory. In addition, the Body may also receive the donations as receipts from the domestic and international organisations, civil society organisations, non-governmental organisations, and well-wishers, and contribute to the regional fund of the Union Territory.

53. If the regional fund established under section 51 is not sufficient, the Body for Suppression of Trafficking in Persons of the Region or State may, with reasons, request the relevant Region or State Government to provide the required amount of funds from the relevant Region or State's Government Fund.

54. The Central Body may contribute to any regional fund from the fund of the Central Body.

55. The relevant Bodies for Suppression of Trafficking in Persons of the Region or State and the Union Territory shall form the Fund Management Body of the relevant Region or State and the Union Territory with appropriate persons and specify their functions and duties for maintenance, use and management of the regional fund.

56. The Regional Fund Management Body formed under section 55 shall maintain, use and manage the regional fund in accordance with financial regulations adopted in coordination with the relevant Office of the Auditor General of the State or Region and the Union Territory, and approved by the relevant Body for Suppression of Trafficking in Persons of the Region or State and the Union Territory.

57. The relevant Body for Suppression of Trafficking in Persons of the Region or State and the Union Territory Shall:

- (a) have its fund accounts audited by its auditors regularly and the Office of the Auditor General of the Region or State and the Union Territory;
- (b) prepare the annual balance sheet and budgetary financial statements and report it to the Region or State Government and the Nay Pyi Taw Council.

Chapter XII

Miscellaneous

58. (a) The required staff office shall be formed in accordance with the Civil Service Personnel Law in order to carry out the functions and duties of the Central Body and the Working Committees.

- (b) The expense of the Central Body, Working Committees and staff office shall be incurred by the Ministry's Budget.

59. Notwithstanding anything contained in any existing laws, offenders of trafficking in persons shall have action taken against them only under this Law.

60. The State and other Member States shall extradite victims in accordance with the Extradition Law.

61. If a member of the Anti-Trafficking in Persons Police Force, enforcement officer or investigation officer, law officer or judicial officer discloses any information on investigation, inquiry and trial to any authorized person under this Law or any authorized person discloses such information as a duty, this disclosure shall not be considered as an offence prescribed in section 41.

62. In prosecution against any person for any offence under this Law, prior sanction of the Central Body or the relevant Body for Suppression of Trafficking in Persons of the Region or State or the Union Territory authorized by the Central Body shall be obtained.

63. Any member of the bodies or committees formed and assigned under this Law, who is not a civil servant shall be considered as a public servant under section 21 of the Penal Code while performing any duty assigned by this Law.

64. No suit, prosecution or other legal proceedings shall lie against any member of any bodies or committees assigned to perform any duty in this Law for any act done in good faith.

65. When implementing the provisions of this Law:

- (a) the Ministry may issue the necessary rules, regulations and by-laws with the approval of the Union Government;
- (b) the Central Body and the Ministry may issue notifications, orders, directives and procedures.

66. The Anti-Trafficking in Persons Law (The State Peace and Development Council Law No. 5/2005) is hereby repealed.

I hereby sign under section 419 of the Constitution of the Republic of the Union of Myanmar.

(Sd.) Min Aung Hlaing
Senior General
Chairman
State Administration Council