



Tool 4.9 Bilateral and multilateral cooperation agreements or arrangements

Overview

This tool provides examples of promising bilateral and multilateral cooperation agreements and arrangements.

The Organized Crime Convention encourages States parties to consider bilateral or multilateral agreements or arrangements to give effect to their law enforcement or judicial assistance obligations in investigating, prosecuting and trying human traffickers. Bilateral or multilateral agreements and arrangements reflect the realization that transnational crimes, including human trafficking, can be addressed effectively only through the collaboration of law enforcement and judicial agencies.

For more information on cross-border cooperation, refer to Tool 5.11.

INTERPOL model [bilateral] police cooperation agreement

INTERPOL has drafted a model police cooperation agreement for INTERPOL member States looking to increase their level of cooperation. Although drafted as a bilateral agreement, with some amendments the model could be used as a regional agreement.

The model agreement provides for a number of different cooperation methods. The widest possible cooperation is encouraged, but the model is drafted in such a way that the general framework can be adapted by States wishing to limit the ways in which cooperation can be carried out (for instance, by omitting provisions such as those dealing specifically with special investigative techniques), to limit the grounds for cooperation (for instance, by drafting an exhaustive list of offences covered by the agreement) or to limit both the ways in which cooperation is carried out and the grounds on which that cooperation takes place.

The model agreement contains explanatory notes for each article, to facilitate the understanding and amendment of the suggested provisions.



The model agreement is available at:
www.interpol.int/public/ICPO/LegalMaterials/cooperation/Model.asp

Childscope

Child Focus, the European Centre for Missing and Sexually Exploited Children and the Institute for International Research on Criminal Policy collaborated to conduct a three-part research project, entitled Childscope, aimed at promoting the integration of European policies and responses to missing and sexually exploited children. One outcome of this initiative was the drafting of model protocols to facilitate cooperation between civil society organizations and law enforcement authorities, with the intention of their serving as a basis for establishing official relationships between these organizations and authorities throughout European countries. The protocols reflect common European legal standards, and general principles of codes of practice for both law enforcement and civil society organizations.



More information about Childscope is available at:
www.childscope.net

The European Model Protocols of cooperation between law enforcement and civil society organizations are available at:
www.childscope.net/2006/httpdocs/documents/Model%20Protocol.pdf

Promising practice

Treaty on European Union, Title VI, Provisions on police and judicial cooperation in criminal matters

The provisions of the Treaty on the European Union concerning cooperation in criminal matters call for closer cooperation between police forces, customs authorities, judicial authorities and other competent authorities in the member States, both directly and through Europol, for the purpose of preventing and combating crime, including trafficking in persons and offences against children.



The text of the Provisions on police and judicial cooperation in criminal matters is available at:
<http://europa.eu/eur-lex/en/treaties/selected/livre107.html>

Declaration of the OSCE Chiefs of Police Meeting (Brussels Statement)

24 November 2006

On cooperation among national police services to combat organized crime, participants in the OSCE Chiefs of Police Meeting:

- Reaffirmed their resolve to intensify efforts to combat organized crime and to introduce measures to continue and enhance cooperation in this field
- Underscored the need for a clear legal basis as a prerequisite for police cooperation at an intergovernmental level
- Underscored the crucial importance of information-sharing between law enforcement agencies and in that context pointed to the role of data protection and data processing, effective and clear privacy legislation and complementarity of legal procedures
- Recognized the need for effective cooperation among law enforcement officers and prosecutors at an international level
- Reaffirmed that the Convention against Transnational Organized Crime was the major international instrument in the fight against organized crime and called for further and enhanced cooperation with the States parties and UNODC to ensure its full and proper implementation
- Acknowledged the major role of INTERPOL and underscored the need for national police to use operational databases and tools of INTERPOL to their full potential
- Acknowledged the major role of UNODC and other international and regional organizations



The Brussels Statement is available in English, French, German, Italian, Russian and Spanish at:

www.osce.org/spmu/documents.html

Police Cooperation Convention for South-East Europe

Albania, Bosnia and Herzegovina, Moldova, Romania, Serbia and Montenegro, and the former Yugoslav Republic of Macedonia, entered into an agreement to enhance police cooperation and mutual assistance with respect to common security interests. In addition to general cooperation measures, the Convention addresses specific matters, including the exchange of information, liaison officers, training, cross-border surveillance, undercover investigations, joint investigation teams and cross-border cooperation. The Convention was signed on 5 May 2006.



The text of the Police Cooperation Convention for South-East Europe is available at:

www.eu2006.at/de/News/information/SEE_Police_Convention_270406_Final_text.pdf

Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime

The Bali Process is a regional initiative to advance practical cooperation in the Asian and Pacific region. The process started in 2002 when representatives of 38 States in that region attended the first Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime. Fifteen observer States from outside the region also participated.

The specific objectives of the Bali Process are:

- To develop more effective information and intelligence sharing between participating States
- To improve cooperation among regional law enforcement agencies to deter and combat people smuggling and trafficking networks
- To enhance cooperation on border and visa systems to detect and prevent illegal movements
- To increase public awareness
- To enhance the effectiveness of return as a strategy to deter people smuggling and trafficking
- To increase cooperation in verifying the identity and nationality of illegal migrants and trafficking victims
- To promote the enactment of national legislation to criminalize people smuggling and trafficking
- To provide appropriate protection and assistance to victims of trafficking, in particular women and children
- To tackle the root causes of illegal migration, including by increasing opportunities for legal migration between States
- To assist countries to adopt best practices in asylum management, in accordance with the Convention relating to the Status of Refugees

The Bali Process is not meant to duplicate other work under way on related issues, either at the bilateral or the regional level. Trafficking in persons is still an area of concern and a future streamlined programme of action has been recommended, with a focus on the following areas:

- (a) Regional law enforcement cooperation, including border controls;
- (b) Regional training for law enforcement officers in dealing with the victims of trafficking and in combating trafficking;
- (c) Public awareness of people smuggling and trafficking;
- (d) Child sex tourism;
- (e) Mutual assistance and extradition;
- (f) Development of policy and/or legislation on lost and stolen passports;
- (g) Targeting people smugglers and traffickers.



For more information on the Bali Process, visit:
www.baliprocess.net

Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Subregion

In October 2004, a memorandum of understanding was signed by the Coordinated Mekong Ministerial Initiative against Trafficking. After a year of negotiations, ministerial representatives of Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam signed the comprehensive memorandum of understanding and committed themselves to taking joint action to combat all aspects of trafficking in persons. It is the first of its kind in the Asian and Pacific region and it clearly lays out methods and areas of policy and cooperation at both the national and international levels with regard to the legal framework, law enforcement, criminal justice, protection, the recovery and reintegration of victims and preventive measures.

In the areas of the legal framework, law enforcement and justice the six States have committed themselves to:

- Quickly adopting and enforcing appropriate legislation against trafficking in persons
- Providing training to officials to permit the rapid and accurate identification of trafficked persons
- Developing efficient cooperation in the criminal justice system
- Strengthening cross-border cooperation in law enforcement among the six States to combat trafficking through the criminal justice process
- Providing the necessary personnel and budgetary support for trafficking response capacities within national law enforcement authorities
- Promoting bilateral or multilateral agreements among the participating States to assist each other in the judicial process



The memorandum of understanding can be found at:
www.no-trafficking.org/content/COMMIT_Process/commit_pdf/final%20commit%20mou.pdf

Cooperation Agreement to Prevent, Suppress and Punish Trafficking in Persons with an Emphasis on Trafficking in Women and Children (Benin and Nigeria)

On 9 June 2005, the Governments of the Republic of Benin and the Federal Republic of Nigeria signed the Cooperation Agreement to Prevent, Suppress and Punish Trafficking in

Persons with an Emphasis on Trafficking in Women and Children with the aims of developing a common front against trafficking and protecting, rehabilitating and reintegrating victims of trafficking and promoting friendly cooperation between Benin and Nigeria to achieve these objectives. In the lead up to the signing of the agreement, three meetings were held between the two countries, with the support of UNICEF. These meetings (in March 2004, June 2004 and April 2005) enabled the preparation of the cooperation agreement and the establishment of a joint committee against trafficking in persons for the implementation of a joint action plan against trafficking. A notable feature of the cooperation agreement is that it provides for a joint security surveillance team to patrol the borders of both countries.



Source:

www.unicef.org/media/media_27309.html

Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa

The contracting parties of the Multilateral Cooperation Agreement are Governments of member States of the Economic Community of Central African States or the Economic Community of West African States. The Multilateral Cooperation Agreement entered into force in July 2006. Its aims, as set out in article 2, are:

- To develop a common front to prevent, fight, suppress and punish trafficking in persons by mutual cooperation at the international level
- To protect, rehabilitate and reintegrate victims of trafficking
- To give assistance to each other in the investigation, arrest and prosecution of traffickers through the respective competent authorities of the parties
- To promote friendly cooperation between the parties with a view to attaining these objectives

Article 14 of the Agreement contains measures for mutual assistance and article 16 sets out the required contents of requests for such assistance.



The Agreement can be found at:

www.ceeac-eccas.org/img/pdf/Multilateral_Agreement_Trafficking-1184251953.doc

Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa

In 2005, the Governments of Benin, Burkina Faso, Côte d'Ivoire, Guinea, Liberia, Mali, Niger, Nigeria and Togo entered into a cooperative agreement with respect to the trafficking of children. The agreement draws upon the bilateral agreements existing between Côte d'Ivoire and Mali (2000), Burkina Faso and Mali (2004), Senegal and Mali (2004), Mali and Guinea (2005) and Benin and Nigeria (2005), and other international and regional cooperative instruments. The agreement appropriately emphasizes the protection of child victims as its key priority. Article 8 of the agreement pledges contracting parties:

- To take the necessary steps to prevent and control trafficking of children
- To prepare and implement plans of action, regional and national programmes
- To establish national agencies to implement action plans
- To mobilize the necessary resources for the implementation of programmes and the proper functioning of bodies combating child trafficking
- To exchange detailed information on the identity of child victims, traffickers, sites of repatriation and operations
- To preserve the identity of the child and the confidentiality of information pertaining to the child
- To publish annual reports on persons convicted for child trafficking
- To incriminate and severely sanction any activity that promotes child trafficking
- To extradite, at the request of contracting parties, traffickers and their accomplices or to facilitate the process of handing them over
- To take the necessary steps to harmonize legislation on the control of child trafficking
- To develop specific programmes and permanent mechanisms to improve the registration of children at birth
- To develop partnerships with organizations of civil society and with technical and financial partners
- To produce an annual report on the state of implementation of the agreement



The Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa is available at:

www.cacao.ci/commun/documents/accord_MultilateralVA_ministres_27072005.pdf

Memorandum of understanding between Nigeria and Italy

Technical assistance was provided by UNICRI and UNODC as part of a programme of action against trafficking in young women and minors from Nigeria into Italy for the

purpose of sexual exploitation. Part of the technical assistance provided to Nigeria was focused on strengthening the bilateral cooperation between the two countries and enhancing the capacity of relevant Nigerian agencies to prevent, investigate and prosecute human trafficking. Guidelines on how to improve bilateral cooperation were developed and a memorandum of understanding was signed in 2004 by the Attorney General and Minister of Justice of Nigeria and the National Anti-Mafia Prosecutor of Italy. The memorandum of understanding outlined areas of future cooperation between the two countries, including:

- Exchange of information and documents on trafficking in persons and other related organized crime and on the people involved, in compliance with investigation secrecy requirements
- Adoption of measures necessary for the effective and prompt execution of any request for extradition and legal assistance in criminal matters relevant to trafficking in persons and other related organized crime
- Development of professional contacts and relations between members of their respective offices in order to facilitate exchanges of data, legal information and expertise on human trafficking

Cooperation Agreement between Mali and Côte d'Ivoire on Combating the Transborder Trafficking of Children

In 2000, Mali and Côte d'Ivoire signed an agreement to enhance their anti-trafficking efforts, both nationally and bilaterally. The agreement sets out the obligations attaching to both the country of origin and the country of destination with respect to a child's repatriation and the sharing of relevant information in combating trafficking.

Agreement between the Government of the Hellenic Republic and the Council of Ministers of the Republic of Albania for the Protection and Assistance of Child Victims of Trafficking

The Agreement seeks to create a cooperative spirit between the two States and sets out specific obligations with respect to prosecution, prevention and protection. With respect to prosecutorial obligations, article 3 of the Agreement specifies the strengthening of border official and police cooperation.

Memorandum of understanding between the Government of the Lao People's Democratic Republic and the Government of Thailand on cooperation to combat trafficking in persons, especially women and children

The Governments of the Lao People's Democratic Republic and Thailand signed a memorandum of understanding on 13 July 2005, addressing issues of prevention, protection, cooperation in the suppression of trafficking, and repatriation. The articles of the memorandum relating to cooperation particularly emphasize the need to cooperate at the cross-border level. Both parties committed themselves to promoting bilateral cooperation with respect to prosecuting traffickers, extradition and mutual assistance, and to affording each other wide mutual legal assistance.

Memorandum of understanding between the United Kingdom and the United States to improve international cooperation to combat human trafficking

The Association of Chief Police Officers and the UK Human Trafficking Centre entered into an arrangement with the Operations of Immigration and Customs Enforcement of the United States Department of Homeland Security on 6 June 2007. The memorandum is intended to enhance the capacity of United States and United Kingdom law enforcement agencies to share information and intelligence about criminal organizations with respect to human trafficking.

Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Viet Nam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking

The bilateral cooperation agreement signed in 2003 by the Government of Cambodia and the Government of Viet Nam commits the two States to undertake joint training and to share information and evidence. Article 7 of the agreement states that the competent authorities in the two countries shall work in close cooperation, especially at the border, with respect to both domestic and cross-border trafficking of women and children.