

**MODEL BILATERAL AGREEMENT ON COOPERATION AND MUTUAL
LEGAL ASSISTANCE IN PROTECTING CHILDREN FROM
TRANS-BORDER TRAFFICKING**

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AGREEMENT BETWEEN THE REPUBLIC OF _____ AND THE REPUBLIC OF _____ FOR COOPERATION AND MUTUAL LEGAL ASSISTANCE IN PROTECTING CHILDREN FROM TRANS-BORDER TRAFFICKING (hereinafter, the “Agreement”)

PREAMBULE

The government of _____ and the government of _____ (hereinafter, “the Parties”);

Bearing in mind the special nature of the problem of Child Trafficking;

Having regard for the urgent need for international cooperation in the suppression of Child Trafficking, which is recognized in the 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially of Woman and Children, which supplements and is interpreted together with the 2000 UN Convention against Transnational Organized Crime (the “Trafficking Convention”);

Recalling that paragraph Article 11 of the 1989 UN Convention on the Rights of the Child (the “CRC”) and Articles 6 and 10 of its 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (the “Second Optional Protocol”), as well as Article 8 of the 1999 ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (“ILO 182”) require the Parties to enter into bilateral arrangements to combat the practice of Child Trafficking;

Emphasizing that Child Trafficking is incompatible with the dignity of human beings and is a violation of child rights according to Article 29 (a) of the 1990 African Charter on the Rights and Well-being of the Child, Articles 11, 21, and 35 of the CRC, Article 2(a) of its Second Optional Protocol and Article 3(a) of ILO 182;

Reaffirming their resolve to collaborate to combat Child Trafficking that is recorded in the 2000 Libreville Common Platform for Action;

Adhering to the principle that the best interests of the Child are to be a primary consideration in all actions concerning children;

Desiring to promote greater cooperation between the Parties in the protection of children from Child Trafficking on the basis of mutual respect for the sovereign equality and territorial integrity of States;

Have agreed as follows:

ARTICLE 1

SCOPE OF THE AGREEMENT

1. The Parties shall, subject to the limitations of their respective legal provisions, afford to each other the widest possible measure of assistance in combating Child Trafficking. In accordance with the terms of this Agreement, the Parties shall cooperate and provide each

other mutual legal assistance in connection with the identification, care, rehabilitation, family reunification social reinsertion and repatriation of Child Victims of Trafficking as well as with the investigation and criminalization of Child Trafficking, the prosecution of Child Traffickers and with ancillary proceedings of any other kind related to the crime of Child Trafficking.

2. Mutual assistance to be afforded in accordance with the present Agreement
Shall include:

- a) Providing protection, care and social welfare services to Child Victims of Trafficking;
- b) Cooperating with non-governmental and other relevant organizations and elements of civil society to protect and care for Child Victims of Trafficking;
- c) Providing assistance and information to Child Victims of Trafficking regarding welfare, administrative and legal processes;
- d) Taking evidence or statements from persons to investigate or prosecute Child Trafficking crimes;
- e) Assisting in the availability of detained persons or others to give evidence or assist in investigations;
- f) Effecting service of judicial documents;
- g) Executing requests for searches and seizures as ordered by the judicial authorities of the Party from which cooperation or assistance is requested (hereinafter, the "Requested State") in accordance with its constitutional and other legal provisions;
- h) Providing information and evidentiary items;
- i) Providing originals or certified copies of relevant documents and records;
- j) Arresting or detaining any person with a view to the extradition of that person;
- k) Enforcing criminal judgments in the Requested State imposed in the State making the request for cooperation or assistance (hereinafter, the "Requesting State"), except to the extent permitted by the law of the Requested State.
- l) Executing requests for the taking of legal measures to immobilize, secure, or forfeit assets as ordered by the judicial authorities of the Requested State in accordance with its constitutional and other legal provisions;
- m) Locating or identifying persons;
- n) Criminalizing Child Trafficking under the respective national legislation of the Parties;
- o) Performing other forms of assistance mutually agreed by the Parties, in conformity with the object and purpose of this Agreement;

3. Subject to the provisions of paragraphs 1 of this Article, requests for assistance under this Agreement will be executed, except that the Requested State may deny a request to the extent that:

- a) Execution of the request would require the Requested State to exceed its legal authority or would otherwise be prohibited by the legal provisions in force in the Requested State, in which case the Coordinating Authorities referred to in Article 3 of this Agreement shall consult with each other to identify alternative lawful means for securing assistance;
- b) The Requested State is of the opinion that the request, if granted, would prejudice its sovereignty, security, public order or other essential public policy or interest;

- c) There are substantial grounds for believing that the request for assistance has been made for the purpose of prosecuting a person on account of that person's race, gender, religion, nationality, ethnic origin or political opinions;
 - d) The request relates to an offence that is subject to investigation or prosecution in the Requested State or the prosecution of which in the Requesting State would be incompatible with the Requested State's law on double jeopardy (ne bis in idem);
 - e) There is an absence of dual criminality. However, the Requested State may, when it deems appropriate, provide assistance, to the extent it decides at its discretion, irrespective of whether the conduct would constitute an offence under the domestic law of the Requested State.
 - f) The request does not comply with the provisions of this Agreement.
4. The Requested State may postpone the execution of the request if its immediate execution would interfere with an ongoing investigation or prosecution in the Requested State.
 5. Before refusing a request or postponing its execution, the Requested State shall consider whether assistance may be granted subject to certain conditions. If the Requesting State accepts assistance subject to these conditions, it shall comply with them.
 6. Reasons shall be given promptly to the Coordinating Authority of the Requesting State for any refusal or postponement of mutual assistance.
 7. This Agreement is intended solely for mutual legal assistance between the Parties. The provisions of this Agreement shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

ARTICLE 2

DEFINITIONS

For the purposes of this Agreement:

1. "Child Trafficking" shall mean the recruitment, transportation, transfer, harboring or receipt of a Child, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over a Child, for the purpose of Exploitation.
2. The recruitment, transportation, transfer, harboring or receipt of a Child for the purpose of exploitation shall be considered "Child Trafficking" even if this does not involve any of the means set forth in paragraph 1 of this article.
3. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;

4. The consent of a Child Victim of Trafficking to the exploitation set forth in paragraphs 1, 2 and 3 of this article shall be irrelevant where any of the means set forth in subparagraph 1 have been used.
5. A “Child victim of trafficking” means any person less than 18 years of age.
6. "Child Trafficker" shall mean any person, agency or institution engaged in any form of Child Trafficking.
7. "Country of Origin" shall mean the country of which the Child Victim of Trafficking is a national or from which the Child was taken or in which the Child had the right of permanent residence at the moment of entry into the territory of the Receiving State.
8. "Receiving State" shall mean the country in which the Child Victim of Trafficking was identified.
9. “Registration” is the compilation of key personal data of Child Victims of Trafficking, such as the Child’s full name, date and place of birth, father’s and mother’s name, former address and present location. This information is collected for the purpose of establishing the identity of the child, for protection and to facilitate tracing of the Child’s family members and previous care-providers.
10. “Documentation” is the process of recording further information about the Child in order to meet the specific needs of the Child, including Tracing and making plans for his or her future. This is a continuation of the Registration process and not a separate undertaking.
11. “Tracing” is the process of searching for the family members or primary legal or customary care-providers of Child Victims of Trafficking. The term also refers to the search for children whose parents are looking for them. The objective of Tracing is Reunification of the Child with parents or other close relatives.
12. “Reunification” is the process of bringing together the Child and his or her own family members or previous care-providers for the purpose of establishing or re-establishing long-term care.
13. "Repatriation" shall mean the return to the Country of Origin of the Child Victim of Trafficking. The process of repatriation shall be voluntary and safe.
14. "Reception and Transit Center” shall mean a center established by government agencies, non-governmental organizations, other relevant organizations or entities or other elements of civil society for the purpose of receiving, caring for, rehabilitating and reinserting into society Child Victims of Trafficking and other groups of vulnerable children.
15. "The Republic of _____" means all territories under the sovereignty of the Republic of _____, including its internal and territorial waters.
16. "The Republic of _____" means all territories under the sovereignty of the Republic of _____, including its internal and territorial waters.

ARTICLE 3

COORDINATING AUTHORITIES

1. With the purpose of ensuring due cooperation between the Parties in providing to each other mutual assistance which falls within the scope of this Agreement, the Republic of _____ designates as its Coordinating Authority its Ministry of _____, and the Republic of _____ designates as its Coordinating Authority its Ministry of _____. The Coordinating Authority of the Requested State shall promptly comply with the requests or, when appropriate, shall transmit them to other competent authorities to do so. The competent authorities of the Requested State shall take all necessary measures to promptly execute the requests in accordance with this Agreement.
2. The Coordinating Authorities shall consult regularly with each other in order to secure the most effective implementation of this Agreement and to anticipate and resolve problems that may arise in its application.
3. For those purposes, the Coordinating Authorities shall meet at the request of either one of them and at a time and place to be mutually agreed.
4. The Parties may include representatives from relevant non-governmental organizations and other institutions in civil society to work cooperatively with the Coordinating Authorities in order to most effectively implement this Agreement.

ARTICLE 4

BEST INTEREST OF THE CHILD

In the treatment of Child Victims of Trafficking by their criminal justice, administrative, and social welfare systems, the Parties shall ensure that the best interest of the Child shall be the guiding standard.

ARTICLE 5

NON-DISCRIMINATION

1. Child victims of trafficking are entitled to the same protection and rights, non-national as well as national or resident children. They must be considered as children first and foremost. All considerations of their status, nationality, race, sex, language, religion, ethnic or social origin, birth or other status must be secondary.

2. The Parties further agree to protect such victims from any form of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the victim's parents, legal guardians, or family members.

ARTICLE 6

IDENTIFICATION AND PRESUMPTION OF AGE

1. Pro-active identification measures
 - a) States shall take all necessary measures to establish effective procedures for the rapid identification of child victims.
 - b) Efforts should be made to coordinate information sharing between agencies and individuals (including law enforcement, health, education, social welfare agencies, and NGOs), so as to ensure that child victims are identified and assisted as early as possible.
 - c) Immigration, border and law enforcement authorities shall put in place procedures to identify child victims at ports of entry and in other locations.
 - d) Social service, health or education authorities should contact the relevant law enforcement authority where there is knowledge or suspicion that a child is exploited or trafficked or is at risk of exploitation and trafficking.
 - e) NGOs/civil society organizations should contact relevant law enforcement authorities and/or social service authorities where there is knowledge or suspicion that a child is exploited or trafficked or is at risk of exploitation and trafficking.
2. Presumption of age
 - a) Where the age of the victim is uncertain and there are reasons to believe that the victim is a child, the presumption shall be that the victim is a child.
 - b) Pending verification of the victim's age, the victim will be treated as a child and will be accorded all special protection measures.

ARTICLE 7

ASSISTANCE TO AND PROTECTION OF VICTIMS

1. In appropriate cases and to the extent possible under their domestic laws, the Parties shall protect the privacy and identity of Child Victims of Trafficking, including, inter alia, by keeping welfare, legal and administrative proceedings involving such children confidential.
2. The Parties shall ensure that their respective domestic welfare, legal and administrative systems contain measures that provide to Child Victims of Trafficking, in appropriate cases:
 - a) Information on relevant welfare, administrative and legal proceedings; and
 - b) Assistance to enable the views and concerns of children to be presented and considered at appropriate stages of all welfare, administrative criminal proceedings.

3. The Parties shall ensure that their domestic legal systems contain measures that offer Child Victims of Trafficking the possibility of obtaining compensation for damages suffered.

ARTICLE 9

REHABILITATION AND SOCIAL REINTEGRATION OF VICTIMS

1. The Parties shall implement measures to provide for the physical, psychological and social recovery of Child Victims of Trafficking, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:
 - a) Appropriate housing and nutrition;
 - b) Counseling and information, in particular with regard to their legal rights, in a language that Child Victims of Trafficking can understand;
 - c) Medical, psychological and material assistance; and
 - d) Employment, educational and training opportunities.
3. The Parties commit to reintegrate Child Victims of Trafficking into society, taking into account the age, gender and special needs of the Child, in providing the Child with appropriate housing, nutrition, education and care.
4. Each State Party shall guarantee to provide for the physical safety of Child Victims of Trafficking while they are within its territory.
5. After placing the Child in an environment which facilitates his or her psychological and physical rehabilitation and social reinsertion, the Parties shall conduct periodic follow-up investigations to confirm that such an environment continues to be in the best interest of the Child.

ARTICLE 10

PROTECTION OF VICTIMS AGAINST INCARCERATION

The Parties agree that Child Victims of Trafficking shall not be classified as having violated the law of either State Party for any actions taken in the context of their victimization by, or escape from, Child Traffickers, and the Parties shall take all possible measures to protect such children from being subject to incarceration, abuse, torture or punishment.

ARTICLE 11

FAMILY REUNIFICATION

1. The Parties shall take all possible measures to ensure that Child Victims of Trafficking are reunited with their family members or previous care-providers, regardless of whether such relatives or providers are in the Receiving State, the Country of Origin or a third State.
2. The views of the child should be taken into consideration when considering family reunification and/or return to the country of origin and in identifying a durable solution for the child
3. Where authorities are unable to reunite the Child Victim of Trafficking with his or her family members, the Parties agree that such authorities must devise strategies for the Child's family or previous care-providers to be identified and to maintain contact with the Child. Where direct contact between the Child and such relatives or providers is not possible, authorities should periodically inform the family of the whereabouts and well being of the child until Reunification becomes possible.
4. The Parties shall take special measures where Child Victims of Trafficking have been involved in armed violence against their own community. Preparations for the Reunification of these children must take into account the need to protect them from discrimination, targeted attacks and further recruitment.

ARTICLE 12

REPATRIATION OF VICTIMS

1. After trained professionals have determined that Repatriation is in the best interest of a Child Victim of Trafficking, the Country of Origin shall facilitate and accept, with due regard for the safety of the Child, the return of the Child without undue or unreasonable delay.
2. In determining whether a Child should be repatriated, the Parties shall first consider whether the measures made available to that Child in Article 11 of the present Agreement offer the Child a safer and more appropriate alternative to Repatriation.
3. At the request of a Receiving State, the Requested State shall, without undue or unreasonable delay, verify whether it is the Country of Origin of a Child Victim of Trafficking.
4. In order to facilitate the Repatriation of a Child Victim of Trafficking who is without proper documentation, the State Party that is the Child's Country of Origin shall agree to issue, at the request of the Receiving State, such travel documents or other authorization as may be necessary to enable the Child to travel to and re-enter the Country of Origin.
5. As soon as possible after a Child has been repatriated, the Country of Origin shall provide the Child with physical and psychological rehabilitation and social reinsertion, educational opportunities and protection from re-victimization.
6. This article shall be without prejudice to any right afforded to Child Victims of Trafficking by any domestic law of the Receiving State.

ARTICLE 13

ENABLING VICTIMS TO REMAIN IN RECEIVING STATE

The Receiving State shall adopt legislative, administrative and any other appropriate measures to permit Child Victims of Trafficking to remain in its territory, temporarily or permanently, in appropriate cases, especially where transfer of the Child to his Country of Origin or another State may result in harm to the health, life or general well-being of the Child, or where competent authorities judge that it is in the best interest of the Child to stay temporarily or permanently in the Receiving State.

In situations where the safe return of the child to his/her country of origin and the integration in the country of destination are not possible, or where these solutions would not be in the child's best interest, the states in both countries should ensure the child victim's resettlement in a third country. Such arrangements should favour family- and community-based arrangements rather than residential care.

ARTICLE 14

REGISTRATION AND DOCUMENTATION OF VICTIMS

1. The Parties agree to Register each Child Victim of Trafficking found in their territory as soon as possible after that child is found.
2. The Parties shall also carry out the process of Documentation for each Child Victim of Trafficking as soon as possible after that child is discovered in the territory of the Parties.
3. In Registering and Documenting such victims, any relevant identification or Documentation forms shall always be kept by or with the child and a record made of any change of location.
4. In Registering and Documenting such victims, each Child should be interviewed in a quiet place by trained staff and made to feel as secure as possible.
5. All authorities involved in the Registration and Documentation of each Child shall keep the confidential all information collected concerning the Child.
6. Wherever possible, the Parties shall encourage authorities responsible for the Documentation of Child Victims of Trafficking to take photographs of such victims to facilitate Reunification of such children with their families.

ARTICLE 15

TRACING

1. The Parties shall carry out the process of Tracing on behalf of each Child Victim of Trafficking as soon as possible after that Child has been found in order to assist in the Reunification of the Child with his or her family members.
2. In cases where Tracing may endanger the safety or life of the Child, the Parties agree to delay the Tracing process until it will not endanger the life or well being of the Child.
3. The Parties agree to use compatible approaches to Tracing, with standardized forms and systems to facilitate cooperation and information sharing and to prevent duplication of activities.

ARTICLE 16

RECEPTION AND TRANSIT CENTERS

The Parties shall consider establishing within their territories Reception and Transit Centers for Child Victims of Trafficking in order to provide such victims with temporary protection and accommodation as well as to collect information regarding the child's identity, family, special needs with regard to care and protection, and to determine if it is in the best interest of the Child to be Repatriated or to find a different solution.

ARTICLE 17

PREVENTION OF CHILD TRAFFICKING

1. States Parties shall establish comprehensive policies, programs and other measures:
 - a) To prevent and combat Child Trafficking; and
 - b) To protect Child Victims of Trafficking from re-victimization.
2. States Parties shall endeavor to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat Child Trafficking.
3. Policies, programs and other measures established in accordance with this article shall, as appropriate, include cooperation with non-governmental organizations, other relevant organizations and other elements of civil society.
4. States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make children vulnerable to Trafficking, such as poverty, underdevelopment and lack of equal opportunity.
5. States Parties shall adopt or strengthen legislative or other measures, such as educational and medical services, income and employment generating activities, the administration of birth registrations, and other social or cultural measures, including through bilateral and multilateral cooperation, to address the social and economic problems underlying all forms of exploitation of children and that lead to Child Trafficking.

ARTICLE 18

CRIMINALIZATION AND LAW ENFORCEMENT

1. The Parties shall adopt such legislative and other measures as may be necessary to establish as criminal all forms of Child Trafficking.
2. The Parties shall also adopt such legislative and other measures as may be necessary to establish as criminal offences:
 - a) Subject to the basic concepts of their legal systems, attempting to commit any form of Child Trafficking;
 - b) Participating as an accomplice in any form of Child Trafficking; and
 - c) Organizing or directing other persons to commit any form of Child Trafficking.
3. The Parties shall exercise their best efforts to create parallel legislation with regard to Child Trafficking, including parallel:
 - a) Definitions of the crime of Child Trafficking in line with the Palermo Protocol;
 - b) Evidentiary requirements for prosecuting Child Traffickers; and
 - c) Statutes of limitation and other legal procedural requirements, as necessary.
4. The Parties shall also adopt legislative or other measures to monitor the movement of children across their national borders and across borders within their national territory.
5. The Parties shall adopt legislative and other measures ensuring that children crossing borders possess legal identification papers.
6. The Parties shall establish effective law enforcement mechanisms, such as specialized police brigades and tribunals, to enforce national legislation criminalizing Child Trafficking.

ARTICLE 19

JURISDICTION

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over Child Trafficking when:
 - (a) The offence is committed in the territory of that State Party; or
 - (b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.
2. Each State Party may also establish its jurisdiction over any such offence when:
 - (a) The offence is committed against a national of that State Party;

- (b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or
 - (c) The offence is committed outside the State Party's territory with a view to the commission of Child Trafficking within its territory;
3. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that one or more other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.
 4. Without prejudice to norms of general international law, this Agreement does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

ARTICLE 20

EXTRADITION

1. The Parties agree that any form of Child Trafficking shall be an extraditable offence under their respective national legislation.
2. Child Trafficking shall be deemed to be included as an extraditable offence in any extradition agreement existing between the Parties.
3. If the Parties do not enter into an extradition agreement and one State receives a request for extradition from the other State, the Requesting State may consider the Trafficking Convention the legal basis for extradition in respect of Child Trafficking.
4. The Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

ARTICLE 21

BORDER MEASURES

1. Without prejudice to international commitments in relation to the free movement of people, the Parties shall strengthen, to the extent possible, border detection capabilities as may be necessary to prevent and detect Child Trafficking.
2. The Parties shall adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers from being used in the commission of practices related to any form of Child Trafficking.
3. The Parties shall require all children crossing borders to have legal identification documents. If such documents are missing for a Child, the Parties shall take measures to obtain such documents for that Child.

4. Without prejudice to article 27 of the Trafficking Convention, States Parties shall consider strengthening cooperation among border control agencies by, inter alia, establishing and maintaining direct channels of communication.

ARTICLE 22

INFORMATION EXCHANGE AND TRAINING

1. The Parties' law enforcement, immigration or other relevant authorities shall, as appropriate, cooperate with one another to collect data and exchange information, in accordance with their domestic law, to enable them to determine:
 - a) Whether individuals crossing or attempting to cross an international border with travel documents belonging to other persons or without travel documents are perpetrators of Child Trafficking or Child Victims of Trafficking;
 - b) The types of travel documents that individuals have used or attempted to use to cross an international border for the purpose of Child Trafficking; and
 - c) The means and methods used by organized criminal groups for the purpose of Child Trafficking, including the recruitment and transportation of victims, routes and links between and among individuals and groups engaged in such trafficking, and possible measures for detecting them.
2. The Parties shall provide or strengthen training for law enforcement, immigration and other relevant officials in the prevention of Child Trafficking.

ARTICLE 23

SECURITY AND CONTROL OF TRAVEL OR IDENTITY DOCUMENTS

1. Each State Party shall take such measures as may be necessary, within available means, to ensure that travel or identity documents issued by it are of such quality that they cannot easily be misused and cannot readily be falsified or unlawfully altered, replicated or issued.

ARTICLE 24

CONTENTS OF THE REQUEST FOR MUTUAL ASSISTANCE

1. Requests for assistance will be submitted in writing and translated into the language of the Requested State. In urgent cases, the request may be submitted orally and the Requested State will take the necessary measures it is competent to undertake, with the understanding that as soon as possible the request will be formalized in writing.
2. The request will include the following data:

- a) The name of the competent authority or institution providing the service or conducting the investigation, prosecution or proceeding to which the request relates;
 - b) The subject matter and nature of the procedure, investigation, or prosecution;
 - c) A description of the services, information or evidence sought and a statement or text of the relevant laws supporting such a request, except in cases of a request for service of documents;
 - d) The purpose for which the services, information, evidence or other assistance is sought; and the method of execution to be followed.
3. To the extent necessary and possible, a request shall also include:
- a) Available information on the identity or physical description and whereabouts of a person to be located, whether that person is a Child Victim of Trafficking, his or her family member or care-provider, a suspected Child Trafficker or any other individual needing to be located;
 - b) The identity, physical description and location of a person to be served, that person's relationship to the investigation, prosecution or proceeding, and the manner in which service is to be made;
 - c) The identity, physical description and location of persons from whom information or evidence is sought;
 - d) The reasons for, and details of, any particular procedure or requirement that the Requesting State wishes to be followed, including a statement as to whether sworn or affirmed evidence or statements are required;
 - e) Specification of any time-limit within which compliance with the request is desired; and
 - f) Any other information necessary under the laws of the Requested State to permit the execution of the request.
4. A request shall be executed in accordance with the domestic law of the Requested State and, to the extent not contrary to the domestic law of the Requested State and where possible, in accordance with the procedures specified in the request.
5. In cases of requested service of documents that are to be processed by the Coordinating Authority, those documents will be attached to the request and duly translated, certified, and authenticated.
6. The Requested State shall keep confidential a request and its contents unless otherwise authorized by the Coordinating Authority of the Requesting State. If the request cannot be executed without breaching the required confidentiality, the Coordinating Authority of the Requested State shall so inform the Coordinating Authority of the Requesting State, which shall then determine whether the request should nevertheless be executed. In such a case, the Coordinating Authorities shall consult to determine mutually agreeable conditions of confidentiality in accordance with Article 1 of this Agreement.
7. If the Requested State considers that the information contained in the request is not sufficient to enable the request to be executed, it may request additional information.

ARTICLE 25

LIMITATIONS ON USE OF INFORMATION OR EVIDENCE

1. The Requesting State shall not, without the consent of the Requested State, use or transfer information or evidence provided by the Requested State for investigations or proceedings other than those stated in the request. However, in cases where the charge is altered, the material provided may be used in so far as the offence, as charged, is an offence in respect of which mutual assistance could be provided under this Agreement.
2. The Requesting State shall comply with a request from the Requested State that information rendered by the latter remain confidential.
3. Any property, as well as original records or documents, handed over to the Requesting State under this Agreement shall be returned to the Requested State as soon as possible unless the latter waives its right of return thereof.
4. The use of any information or evidence obtained under this Agreement that has been made public in the Requesting State in a proceeding resulting from the investigation or proceeding described in the request shall not be subject to the restriction referred to in paragraph 1 of this article.

ARTICLE 26

SERVING DOCUMENTS

1. The Requested State shall cause to be served any legal document transmitted by the Coordinating Authority of the Requesting State for the purpose of service.
2. Any request for the service of a document requiring the appearance of a person before an authority in the Requesting State shall be transmitted within a reasonable time before the scheduled appearance.
3. The Requested State shall return proof of service as specified in the request.

ARTICLE 27

TESTIMONY IN THE REQUESTED STATE

1. The Requested State shall, in conformity with its law and upon request, take the sworn or affirmed testimony, or otherwise obtain statements of persons or require them to produce items of evidence for transmission to the Requesting State.

2. Upon the request of the Requesting State, the Parties to the relevant proceedings in the Requesting State, their legal representatives and representatives of the Requesting State, subject to the laws and procedures of the Requested State, shall be present at the proceedings.
3. Any claim of immunity, incapacity, or privilege under the laws of the Requesting State shall be resolved exclusively by the competent authorities of the Requesting State. Accordingly, the testimony shall be taken in the Requested State and forwarded to the Requesting State where such claims will be resolved by its competent authorities.
4. Documents, records, and copies thereof shall be certified or authenticated in accordance with the procedures specified in the request. If certified or authenticated in such manner, they shall be admissible in evidence as proof of the truth of the matters set forth therein.

ARTICLE 28

AVAILABILITY OF PERSONS IN CUSTODY TO GIVE EVIDENCE OR TO ASSIST IN INVESTIGATIONS

1. Upon the request of the Requesting State, and if the Requested State agrees and its law so permits, a person in custody in the latter State may, subject to his or her consent, be temporarily transferred to the Requesting State to offer evidence for, or to assist in, investigations.
2. While the person transferred is required to be held in custody under the law of the Requested State, the Requesting State shall hold that person in custody and shall return that person in custody to the Requested State at the conclusion of the matter in relation to which transfer was sought or at such earlier time as the person's presence is no longer required.
3. Where the Requested State advises the Requesting State that the transferred person is no longer required to be held in custody, that person shall be set at liberty and be treated as a person referred to in article 27 of the present Agreement.

ARTICLE 29

AVAILABILITY OF OTHER PERSONS TO GIVE EVIDENCE OR ASSIST IN INVESTIGATIONS

1. The Requesting State may request the assistance of the Requested State in inviting a person:
 - (a) To appear in proceedings as a witness or expert in relation to a criminal matter in the Requesting State unless that person is the person charged; or
 - (b) To assist in the investigations in relation to a criminal matter in the Requesting State.

ARTICLE 30

SAFE CONDUCT

1. Subject to paragraph 2 of the present article, where a person is in the Requesting State pursuant to a request made under article 26 or 27 of the present Agreement:
 - (a) That person shall not be detained, prosecuted, punished or subjected to any other restrictions of personal liberty in the Requesting State in respect of any acts or omissions or convictions that preceded the person's departure from the Requested State;
 - (b) That person shall not, without that person's consent, be required to give evidence in any proceeding or to assist in any investigation other than the proceeding or investigation to which the request relates.
2. Paragraph 1 of the present article shall cease to apply if that person, being free to leave, has not left the Requesting State within a period of 15 consecutive days, or any longer period otherwise agreed on by the Parties, after that person has been officially told or notified that his or her presence is no longer required or, having left, has voluntarily returned.
3. A person who does not consent to a request pursuant to Article 26 or accept an invitation pursuant to Article 27 shall not, by reason thereof, be liable to any penalty or be subjected to any coercive measure, notwithstanding any contrary statement in the request or summons.

ARTICLE 31

PROVIDING RECORDS OF GOVERNMENT AGENCIES

1. The Requested State shall provide the Requesting State with copies of publicly available records of government departments and agencies in the Requested State.
2. If its legal provisions do not prohibit it, the Requested State may provide any record or information in the possession of a government office or agency, but not publicly available, to the same extent such documents would be available to its own welfare, law enforcement or judicial authorities.

ARTICLE 32

SEARCH AND SEIZURE

1. A request for search, seizure and delivery of any object acquired thereby to the Requesting State shall be executed if it includes the information justifying such action under the laws of the Requested State, provided that the rights of bona fide third parties are protected.
2. The authority that has executed a request for search and seizure shall provide to the Coordinating Authority such certification as may be specified in the request concerning the identity of the object seized, the integrity of its condition, and the continuity of custody

thereof. Such certification shall be admissible in evidence in the Requesting State as proof of the truth of the matters set forth therein.

ARTICLE 33

COSTS

In advance of signing this Agreement, the Parties shall consult to determine the terms and conditions of sharing the costs of executing requests pursuant to this Agreement. In making such determinations, if one State Party has significantly greater financial resources than the other State Party, that Party shall consider bearing the larger portion of expenses related to realizing the objectives of this Agreement.

ARTICLE 34

SETTLEMENT OF DISPUTES

1. The Parties shall endeavor to settle disputes concerning the interpretation or application of this Agreement through negotiation.
2. Any dispute between the Parties concerning the interpretation or application of this Agreement that cannot be settled through negotiation within a reasonable time shall, at the request of one of the Parties, be submitted to arbitration. If, six months after the date of the request for arbitration, the Parties are unable to agree on the organization of the arbitration, either of the Parties may refer the dispute to the International Court of Justice by request in accordance with the Statute of the Court.

ARTICLE 35

COMPATIBILITY OF THIS AGREEMENT WITH OTHER INTERNATIONAL AGREEMENTS AND DOMESTIC LAWS

1. Assistance and procedures provided by this Agreement shall not prevent a State Party from granting assistance through the provisions of other international agreements to which it may be a party or through the provisions of its national laws. The Parties may also provide assistance pursuant to any bilateral or multilateral arrangement, agreement, or practice that may be applicable.
2. Nothing in this Agreement shall affect the rights, obligations and responsibilities of States and individuals under international law, including international humanitarian law and international human rights law and, in particular, where applicable, the 1951 Convention and the 1967 Agreement relating to the Status of Refugees and the principle of non-refoulement as contained therein.

ARTICLE 36

RATIFICATION, ENTRY INTO FORCE AND TERMINATION

1. This Agreement is subject to (ratification, acceptance or approval). The Parties shall exchange instruments of ratification, acceptance or approval as soon as possible after the final draft of this Agreement is approved by the Parties.
2. This Agreement shall enter into force on the thirtieth day after the day on which the instruments of ratification, acceptance or approval are exchanged.
3. This Agreement shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.
4. Either State Party may terminate this Agreement by giving notice in writing to the other State Party. Such denunciation shall take effect six months following the date on which it is received by the other State Party.

ARTICLE 37

REVIEW

The Parties shall meet at least every two years from the date of entry into force of this Agreement, at a time and place to be mutually agreed upon, in order to review the effectiveness of its implementation and to agree on whatever individual and joint measures are necessary to improve its effectiveness.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at _____, on the ____ day of the month of _____ of the year of _____, in two originals, in the English and French languages, both texts being equally authentic.

For the Government of the Republic of _____:

[Title of Representing Individual]

For the Government of the Republic of _____:

[Title of Representing Individual]