

**MULTILATERAL COOPERATION
AGREEMENT
TO COMBAT
CHILD TRAFFICKING IN WEST AFRICA**

PREAMBLE

The Governments of the Republics of Benin, Burkina, Côte d'Ivoire, Guinea, Liberia, Mali, Niger, Nigeria and Togo

Hereinafter referred to as « The Contracting Parties »,

Recalling the ties of solidarity and cooperation established between them through history and geography;

Deeply concerned with the increasing scope of the phenomenon of child trafficking;

Considering their common commitment to promoting and protecting human rights in general and giving to children in particular, all the attention required with a view to ensuring their total and harmonious self-realization;

Reaffirming their commitment to international, regional and legal instruments listed below:

- The ILO convention N 29 concerning Forced or Compulsory labour of 1930
- The 1948 Universal Declaration of Human Rights;
- The UN supplementary Convention on the Abolition of Slavery, 1956
- The ILO convention N 105 on the Abolition of Forced Labour of 1957
- The 1973 Convention N° 138 of the International Labour Organization (ILO) concerning Minimum Age for Admission to Employment;
- Treaty of Economic Community of West African States (ECOWAS), revised in 1993 and the protocol relating to free Movement of Persons and Goods.
- United Nations Convention on the Elimination of All Forms of Discrimination against Women; 1979
- African Charter of Human and Peoples' Rights; 1981
- United Nations Convention on the Rights of the Child and its additional protocol of 2000 relating to the sale of children, child prostitution and pornography; 1989
- African Charter of the Rights and Welfare of Children; 1990
- The Convention on joint judiciary assistance between West African States adopted in Dakar in 1992;
- The 1993 Hague Convention on the Protection of Children and Cooperation in the field of international adoption;
- The Extradition Convention between West African States adopted in Abuja in 1994;
- The 1999 Convention n° 182 of the International Labour Organization (ILO) on the worst forms of child labour and immediate action to eliminate them;

- The 2000 United Nations Convention against organized trans-national criminality and its additional protocol aimed at preventing, repressing and punishing the trafficking of persons, particularly, women and children (the Palermo Protocol) ;
- The 2000 Constitutive Act of the African Union ;

As enshrined in the framework of the Libreville 1 common Platform of action, some guidelines for the design of the Libreville 2 Convention on Child Trafficking in West and Central Africa and the harmonization of national legislations;

Drawing on the bilateral Agreement existing in West Africa, particularly between Côte d'Ivoire and Mali (2000), Burkina Faso and Mali (2004), Senegal and Mali (2004), Mali and Guinea (2005), Benin and Nigeria (2005) in the action to control the cross-border trafficking of children;

Recalling further the ECOWAS protocol on the mechanism relating to conflict prevention, management, resolution, peacekeeping and security of 10 December 1999 and its provisions on the control of transborder crimes

Considering the Millennium Development Goals (MDG);

Considering the commitment of the ECOWAS Heads of States through the 2001 Dakar Plan of Action relating to the action to combat the trafficking of persons;

Recalling the Declaration and Plan of Action deriving from the United Nations General Assembly Extraordinary Session devoted to children held in May 2002;

Noting with satisfaction the initiatives taken by the agencies of the United Nations System and international organizations, bilateral cooperation, international and national non-governmental cooperation as well as organizations of the civil society and other partners, regarding the scope of child trafficking in West and Central Africa;

Recognizing that child victims of trafficking need special protection measures for their development, well-being and self-realization;

Knowing that the action to combat child trafficking is an emerging priority of the authorities of the countries concerned, which calls for concerted and urgent action;

Noting that the actions required, inter alia, the implementation of programmes of prevention against the child trafficking phenomenon as well as the reintegration of those who are victims of it;

Convinced that a multilateral legal instrument constitutes a necessary tool for the elimination of child trafficking and respect for their harmonious development and observance of their fundamental rights.

Have agreed as follows;

TITLE I: GENERAL PROVISIONS

Chapter I: Definitions

Article 1: For purposes of the present Agreement, the following definitions shall apply :

- a) **Child:** means any human being aged below 18;
- b) **Child trafficking:** means the recruitment, transportation, transfer, harboring or receipt of children, for the purpose of exploitation, regardless of the means;

Exploitation: means, among others, all forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs;

- c) **Country of origin:** means the country of which a child victim of trafficking is a national, or in which the child had permanent residence at the time of his/her entry into the country of destination;
- d) **Country of destination:** means the country in which the child victim of trafficking was finally identified;
- e) **Transit Country:** reflects the country through which the child passes en route to his/her final destination;
- f) **Identification:** is the process of obtaining through competent services, information likely to facilitate the repatriation and/or reintegration of the child;
- g) **Repatriation:** denotes the safe process consisting of ensuring the return of one or several child victims of trafficking to the Country of origin taking into account his/her best interest. It involves the identification, provision of basic care, particularly, accommodation, provision of medical care, food, psychosocial support and transport to the country of origin;
- h) **Rehabilitation:** set of actions that aim at enabling the child to regain his/her dignity or social status as a human being;
- i) **Reintegration:** a process whereby a child is brought back to and resettled into his social and cultural environment;
- j) **Repression:** appropriate action to be taken to prosecute and punish perpetrators or accomplices of child trafficking;
- k) **Prevention:** denotes a set of steps taken to prevent child trafficking;
- l) **Protection:** set of steps aimed at ensuring full respect of the rights of the child victim of trafficking;
- m) **Reunion:** process of reuniting the child with members of his/her family or foster family so as to establish or re-create long-term relationship;

- n) **Cooperation:** set of strategies developed by Countries jointly with international organizations, civil society and community-based organizations to create enabling conditions for effective partnership against child trafficking;

Chapter II: Principles

Article 2: Child trafficking for whatever purposes and in whatever form shall be forbidden.

Article 3: All identified child victims, be they nationals or foreigners, shall be treated with respect to their dignity without discrimination.

Article 4: When the age of the victim cannot be properly ascertained, there shall be a presumption in favor of the victim as a child.

Article 5: The Contracting Parties agreed to promote the best interest and welfare of the child in all actions and decisions affecting a child as a victim of trafficking.

Chapter III: Scope of application

Article 6: This agreement shall apply to measures to combat child trafficking in the fields of:

- a) prevention
- b) protection
- c) repatriation
- d) reunion
- e) rehabilitation
- f) reintegration
- g) repression
- h) cooperation

TITLE II: OBLIGATIONS OF THE PARTIES

Chapter I: Common obligations

Article 7: The Contracting Parties shall put in place by mutual agreement, appropriate mechanisms such as registration, documentation, establishment and family reintegration for the identification of child victims of trafficking.

Article 8: The Contracting Parties shall pledge to :

- a) take the necessary steps to prevent and control child trafficking;
- b) prepare and implement plans of action, regional and national programmes and projects to combat child trafficking;
- c) set up national agencies in charge of following up the plan of action against Child trafficking;

- d) mobilize necessary resources for the implementation of programs and the proper functioning of bodies combating child trafficking;
- e) exchange detailed information on the identity of child victims, traffickers, their accomplices, current repatriation sites and operations;
- f) preserve the identity of the child and the confidentiality of the information pertaining to the child in conformity with the national legislation;
- g) publish each year, identity of persons finally convicted for child trafficking and wherever possible, with their photographs in conformity with the national legislation;
- h) incriminate and severely sanction any activity that promotes child trafficking;
- i) extradite at the request of the Contracting Parties traffickers and their accomplices or facilitate the process of their handing over;
- j) take the necessary steps to harmonize their legislation in the control of child trafficking;
- k) develop specific programs and permanent mechanisms to improve registration of children at birth;
- l) develop partnership with organizations of the civil society and technical and financial partners.
- m) produce an annual report on the state of implementation of this agreement;

Chapter II: Special Obligations

Article 9: The country of origin shall undertake to :

- a) facilitate the return of the child in the best conditions and within possible time frames;
- b) register where necessary, the repatriated child with the appropriate body or restore the fundamental aspects of his identity, particularly, his name, nationality and descendants;
- c) involve the community of origin of the child, youths, inter alia, parents, children, schools, associations, administrative and political as well as customary and religious authorities, technical and financial partners in the action to combat child trafficking;
- d) identify the zones of origin, transit, itineraries, map them out and dismantle the child trafficking networks;
- e) prosecute and punish traffickers and their accomplices involved in child trafficking;
- f) set up a management system for the purpose of following up on the repatriation, rehabilitation, protection and survival of the child victim;
- g) Contribute to the repatriation cost of child victims with the support of relevant partners.

Article 10: The country of destination shall undertake to:

- a) Immediately withdraw and assume responsibility for the child victim of trafficking after his/her identification, bearing in mind his/her best interest and opinion;
- b) Issue to the child victim of trafficking, in close collaboration with the administrative authorities, diplomatic and/or consular representation of the documents adapted to his situation which shall protect him up to the period of his repatriation;
- c) facilitate the reintegration on its territory of the child victim of trafficking;
- d) identify the zones of origin, transit, itineraries, map them out and dismantle the child trafficking networks;
- e) prosecute and punish child traffickers and their accomplices;
- f) organize the repatriation of children in the best conditions possible in collaboration with the authorities and communities of the country of origin;
- g) contribute to assuming full responsibility for the repatriation of child victims of trafficking with the support of relevant partners;
- h) retrieve and restore to the child victim of trafficking, the goods, remunerations, allowances or any other forms of compensation due to him, in line with the legislation in force.

Article II: The Transit country shall

- a) identify the zones of origin, transit, itineraries, map them out and dismantle the child trafficking networks;
- b) ensure the protection of the child victim of trafficking on its territory;
- c) prosecute and punish child traffickers and their accomplices;
- d) issue to the child victim of trafficking the administrative documents adapted to his situation that protect him up to the time of his repatriation;
- e) organize in close collaboration with the administrative authorities diplomatic and/or consular representation of the country of origin the repatriation of the children in the best conditions;
- f) facilitate the passage through its territory of the partners involved in the control of child trafficking;
- g) contribute to meeting the cost of repatriation of child victims with the support of partners without prejudice to legal process;
- h) secure the temporary care of child victims through specialized services or departments pending their repatriation.

Chapter III: Monitoring Mechanism

Article 12: A Permanent Regional Monitoring Commission (PRMC) of this Agreement shall be created and shall have a Secretariat.

Article 13: The Secretariat of the PRMC shall be based in Abidjan, Côte d'Ivoire. When the need arises it shall be transferred to any other Contracting Party.

Article 14: The Commission shall be responsible for :

- a) following up and evaluating the activities conducted by the contracting Parties within the framework of the implementation of the agreement on the basis of annual reports;
- b) proposing approaches to the solutions of problems with which the agencies of child trafficking control may be confronted;
- c) exchanging experiences regarding the care and reintegration as well as information on the identity of child victims, traffickers and their accomplices, the measures taken against them, current repatriation sites and operations;
- d) receiving and reviewing the applications for being a party to the present agreement
- e) formulating views and recommendations.

Article 15: Each country shall be represented at the Permanent Regional Monitoring Commission by three (3) members including one (1) drawn from the civil society, appointed by the National Monitoring Commission as mentioned in article 18 of this agreement;

The Contracting Parties may appoint resource persons, individuals or corporate bodies, to participate in the proceedings of the Permanent Regional Monitoring Commission.

Article 16: The Permanent Regional Monitoring Commission shall establish its Rules of Procedure.

Article 17: The Permanent Regional Monitoring Commission shall meet once every year, in one of the Countries Parties on a rotating basis. However, it may meet in an extraordinary session at the request of 2/3 of the Contracting Parties.

Article 18: A National Monitoring Commission of this agreement shall be created in each country and shall be responsible for :

- a) developing technical and financial partnership strategies for its proper functioning;
- b) ensuring the follow-up to the implementation of the special obligations set forth in chapter 2 of this agreement;
- c) proposing solutions to the problems facing agencies of child trafficking control at the national level;

- d) documenting the experiences in the area of prevention, care and reintegration as well as information on identity of child victims, traffickers and their accomplices, and the measures taken against them;
- e) preparing in consultation with relevant institutions, reports on the status of implementation of this agreement;
- f) preparing and participating in meetings of the Permanent Monitoring Commission;
- g) formulating views and recommendations.

Article 19: The National Monitoring Commission shall be composed of members appointed from the public administration and the civil society.

It may appoint resource persons, individuals or corporate bodies to participate in its meetings.

Article 20: The National Monitoring Commission shall perform its duties under the responsibility of the Ministry responsible for issues relating to child trafficking.

Article 21: The National Monitoring Commission shall establish its Rules of Procedure.

Article 22: The National Monitoring Commission shall meet at least once every quarter. However, it may meet in an extraordinary session at the request of 2/3 of its members.

TITLE III: FINAL PROVISIONS

Article 23: This agreement shall be opened to countries of the West African Sub region wishing to adhere thereto.

Article 24: Any west African country wishing to be a party to this agreement shall send a notification to the secretariat of the regional follow up commission which informs the States Parties

The notification signed by the relevant state authority commits the requesting State to observe the provisions contained in this agreement

45 days after the notification to contracting parties, if no reply is obtained, the requesting country shall be considered as a party to the agreement. The requesting country will have to take necessary steps to provide the secretariat with its membership documentation.

Article 25: The Contracting Parties may adopt stricter measures than those set forth in the present Agreement as long as these measures aim at strengthening child protection and are not contrary to the spirit or letter of the present Agreement and the ECOWAS Convention relating to the free movement of persons and goods.

Article 26: The Contracting Parties may by mutual consent, amend or modify the provisions of the present Agreement. These amendments or modifications shall come into force upon adoption by the Contracting Parties.

Article 27: Any dispute stemming from the application or interpretation of the present Agreement shall be settled through diplomatic means and amicably between the Contracting Parties.

Article 28: This Agreement shall not exclude the signature of bilateral Agreements between signatory States.

Article 29: The present Agreement shall come into force with effect from the date of its signature and shall cease to have effect six (6) months after its denunciation or termination by simple majority of the States parties.

In nine (9) original copies; French and English, the nine versions being equally authentic;

Done in Abidjan, on 27 July 2005

Signed on this date:

For the Government of the Republic of Benin

Lea D. AHOUGBENOU HOUNKPE
Minister of the Family , Social Protection and Solidarity

For the Government of the Republic of Côte d'Ivoire

Jeanne PEUHMOND
Minister of Family, Women, and Child

For the Government of the Republic of Liberia

David F. FORLEH
Assistant Minister for Planning and Research
Ministry of Gender and Development

For the Government of the Republic of Niger

Ibrahima HALILOU
Secretary General at the Ministry of Women Promotion and Child Protection

For the Government of the Republic of Burkina

Mariam LAMIZANA TRAORET
Minister of Social Action and National Solidarity

For the Government of the Republic of Guinea

Hadja Mariama ARIBOT
Minister of Social Affairs, Women and Childhood Promotion

For the Government of the Republic of Mali

His Excellency Colonel Sada SAMAKE
Ambassador of the Republic of Mali in Côte d'Ivoire

For the Government of the Republic of Nigeria

Dr Rosemary A. ABDULLAHI
Director, Child Development, Federal Ministry of Women Affairs, Abuja

For the Republic of Togo

Dr Kanny SOKPOH-DIALLO-
Minister of Population, Social Affairs
and Women Promotion