

Sharm El Sheikh Declaration of 20 September 2018

We the participants of the First Africa-Europe Prosecutors Conference on International Cooperation in Criminal Matters to Combat Trafficking in Persons and the Smuggling of Migrants, without prejudice to international obligations and national legislations:

Acknowledging the need to strengthen effective prosecution of the crimes of trafficking in persons and the smuggling of migrants as forms of transnational organized crime through international cooperation in criminal matters, and **pledging** to undertake this task;

Understanding the importance of international cooperation in criminal matters to combat transnational organized crime, and **undertaking** to support it;

Expressing our readiness to strengthen international cooperation in criminal matters in combatting transnational organized crime, and in particular the crimes of trafficking in persons and the smuggling of migrants;

Realizing the fact that concrete results and lasting achievements in tackling trafficking in persons and the smuggling of migrants as forms of transnational organized crime can only be attained in a consistent manner through international cooperation in criminal matters between law enforcement and judicial authorities of concerned countries, evidence gathering and prosecution;

Recognizing that differences between national legislations may pose difficulties in the gathering and admissibility of evidence across different jurisdictions;

Underscoring the importance of promoting reciprocal cooperation amongst public prosecutors, judges and law enforcement authorities for the prevention of the crimes of trafficking in persons and smuggling of migrants, and of providing assistance in the investigation and effective prosecution in this regard;

Expressing deep concern about the criminal use of modern information and communication technology, specifically the internet, in facilitating the commission of the crimes of trafficking in persons and the smuggling of migrants, the transfer of funds and the concealment of criminal proceeds; recalling in this respect the need to promote provisions guaranteeing the conservation of technical data by communication operators and service providers during set periods of time in line with timeframes of criminal investigations and criminal practices, and ensuring access to investigators and judicial authorities to such data;

Seeking the promotion of international and regional responsiveness to combat trafficking in persons and the smuggling of migrants as forms of transnational organized crime in accordance with the United Nations Convention on Transnational Organized Crime and the supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as well as the Protocol against

the Smuggling of Migrants by Land, Sea and Air; and offering all guarantees, which provide the authorities with all necessary information to conduct investigations;

Stressing that transnational organized crime can only be overcome by a sustained and comprehensive approach involving the active participation of all concerned states and international and regional organizations to prevent the commission of such crimes, impair, isolate and incapacitate the criminal groups involved;

Recognizing the persistent challenges related to strengthening international cooperation in criminal matters to combat trafficking in persons and the smuggling of migrants as forms of transnational organized crime, including the strengthening of international cooperation in criminal matters in collecting and transferring evidence across different jurisdictions;

Acknowledging the benefits of close collaboration of relevant authorities, international and regional organizations in combating trafficking in persons and the smuggling of migrants, in particular through continued capacity building of criminal justice practitioners, and mainly by the United Nations Office on Drugs and Crime;

Recommend the following:

Address the inherent challenges of international cooperation in criminal matters in the prosecution of trafficking in persons and the smuggling of migrants, overcoming the obstacles of legal or practical nature, and considering means to facilitate cooperation between concerned prosecution authorities in our states;

Strengthen cooperation to deny safe haven to those who finance, direct, support or commit the crimes of trafficking in persons and the smuggling of migrants by providing the utmost assistance under relevant international commitments and existing national laws, and in particular those related to investigations of criminal proceeds funding transnational organized crime;

Consider ways to ensure streamlining and expediting extradition and mutual legal assistance requests within the framework of bilateral and multilateral treaties for extradition and exchange of legal assistance in criminal matters related to transnational crime and in particular trafficking in persons and the smuggling of migrants;

Promote formal and informal contacts among public prosecution offices in respective states to exchange relevant information on transnational organized crime, and in particular on the crimes of trafficking in persons and the smuggling of migrants;

Develop appropriate mechanisms to help strengthening communication between concerned states through designating focal points in public prosecution and law enforcement authorities to be concerned with legal assistance and extradition in trafficking in persons, migrant smuggling and related offences;

Take all necessary measures to implement international and regional initiatives to combat transnational organized crime and to preserve, gather and admit evidence obtained through international judicial cooperation mechanisms, as well as encourage the confiscation and freeze of offenders' assets;

Share experiences and best practices in the field of international cooperation in criminal matters, the use of mutual legal assistance instruments and extradition - in addition to promoting access to the relevant mechanisms of investigation and prosecution of the crimes of trafficking in persons and the smuggling of migrants;

Create a working group to consider a suitable legal framework for establishing a judicial platform to enhance the means of international cooperation in criminal matters amongst the concerned states and prosecute trafficking in persons and migrant smuggling offenders;

Acknowledge the usefulness of developing a framework agreement among African states to combat transnational organized crime and in particular the crimes of trafficking in persons and the smuggling of migrants;

Reaffirm the importance of regional consultative meetings between law enforcement authorities and public prosecution offices in order to overcome obstacles of judicial cooperation and resolve them, and to promote bilateral meetings, understandings and arrangements in this regard, including the conclusion of Memorandums of Understanding between states to facilitate forms and means of mutual judicial cooperation and overcoming them;

Convert this conference into an annual regular platform to discuss regional and cross regional trends of transnational organized crime; appropriate measures for investigation, prosecution and exchange of information; assess impact on public prosecution and law enforcement authorities; communicate data and results of field studies and consider drafting observations to be shared among states.

Advocate on the importance of continuous training and capacity-building for relevant criminal justice authorities in the field of combating trafficking in persons and the smuggling of migrants;

Stress the importance of ratifying the United Nations Convention against Transnational Organized Crime and the Protocols Thereto which includes the Trafficking in Persons and the Smuggling of Migrants Protocols, updating national legislative frameworks accordingly, and providing support, legal assistance and expertise through bilateral and/or multilateral cooperation;

Make efforts to enhance mutual cooperation and exchange of information, experiences and best practices regarding victim and witness protection.