

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES THE GOVERNMENT OF AUSTRALIA FOR JOINT ACTION TO COMBAT CHILD SEXUAL ABUSE AND OTHER SERIOUS...

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The Government of the Republic of the Philippines and the Government of Australia, hereinafter referred to as "the Parties",

GUIDED by their Treaty on Mutual Assistance in Criminal Matters which entered into force on 19 December 1993;

ABHORRING child sexual abuse crimes;

REALISING the international character of the incidence of these crimes;

CONSCIOUS of the effects of these crimes on the victims;

DESIRING to undertake renewed joint action in the fight against child sexual abuse and other serious crimes in both countries;

RECOGNISING the close cooperation between their relevant authorities;

DECIDING to formalise and strengthen this cooperation;

Have reached the following understanding:

I. RELEVANT AUTHORITIES

The relevant authorities for the purpose of this Memorandum of Understanding (MOU) are:

For the Government of the Republic of the Philippines:

- The Department of Foreign Affairs
- The Department of Justice with its law enforcement agencies;
- The Department of Interior and Local Government, with its law enforcement agency;
- The Department of Social Welfare and Development;
- The Department of Tourism;
- The National Economic Development Authority; and
- Any other agency notified to the Australian Minister for Foreign Affairs by the Philippine Secretary of Foreign Affairs.

For the Government of Australia:

- Department of Foreign Affairs and Trade;
- The Department of Immigration and Multicultural Affairs;
- The Australian Embassy, Manila
- The Australian Federal Police, including the Police Liaison Office in Manila;
- The Australian Agency for International Development;
- Any other agency notified to the Philippine Secretary of Foreign Affairs by the Australian Minister for Foreign Affairs.

II. COOPERATION BETWEEN RELEVANT AUTHORITIES

1. The Parties, through their respective relevant authorities, will cooperate fully in combating child sexual abuse and other serious crimes which affects both countries and their region.
2. In carrying out this commitment, the relevant authorities of a Party will provide an initial response within seven (7) days to any request for assistance from a relevant authority of the other Party relating to child sexual abuse or other serious crimes.
3. The relevant authorities of a Party will make their best endeavors to provide assistance requested by a relevant authority from the other Party in the prevention and investigation of serious crimes, and will provide this assistance promptly and confidentially.
4. Where investigations necessitate the attendance of an investigator in the territory of the other Party, the host Party will provide assistance in relation to the visit.
5. The Parties will, in appropriate circumstances, engage in joint investigations in relation to cases of child sexual abuse or other serious crimes.
6. Consistent with their respective rules and regulations, the Parties will strengthen and maintain immigration procedures to ensure that children will not be placed at risk of harm or exploitation and, at all times in appropriate cases, their sponsors are carefully screened. In this context, the Australian Department of Immigration and Multicultural Affairs (DIMA) will continue to provide training as needed to relevant DIMA staff.

III. EXCHANGE OF INTELLIGENCE

1. The relevant authorities listed above, under paragraph I, will share with each other intelligence relating to known and suspected serious criminals that have operated or are operating or may be likely to do so in the other's territory.
2. This intelligence will be provided on the basis that it remains confidential and is not to be made public except with the written authority of the providing relevant authority.
3. Where this intelligence relates to the movement of criminals with the suspected intent of committing crimes, the relevant authorities receiving the intelligence will act on it promptly, and inform the providing relevant authority of the steps they have taken.

IV. EXCHANGE OF INFORMATION

1. The Parties will provide to each other necessary information relating to child sexual abuse and other serious crimes, which may include:

- Copies of laws and regulations;
- Government and police procedures and best practice papers;
- Assessments of trends in child sexual abuse and other serious crimes;
- Information which may assist in identifying groups and individuals of interest to relevant authorities of the other Party in efforts to prevent child sexual abuse and related serious crimes; and
- Research projects on child sexual abuse and other serious crimes undertaken by either of the Parties.

V. INTERNATIONAL CONSULTATION AND COOPERATION

The Parties will closely consult and cooperate in international efforts aimed at combating sexual exploitation of children.

VI. COOPERATION IN FUNDING OF ACTIVITIES

The Government of Australia will consider requests from the Government of the Philippines for assistance in the area of child sexual abuse in accordance with the provisions of the General Agreement on Development Cooperation between the Government of Australia and the Government of the Philippines. This Agreement governs Australia's Development Cooperation Program with the Philippines which engages in a number of projects aimed at combating child sexual abuse and the reintegration of the victims into society and focuses on preventive activities aimed at poverty alleviation and the education of poor families and street children.

VII. CONTACT POINTS AND COOPERATION

1. For the purposes of this MOU, the relevant authorities listed above, under paragraph I, will use as primary points of contact for law enforcement issues, the Police Liaison Officer of the Australian Embassy in Manila on the Australian side and the Office of Intelligence Services, Department of Foreign Affairs and/or Philippine law enforcement agencies on the Philippine side.

2. While the cooperation between contact points is expected to satisfy the need for contact in relation to this MOU, the Parties may meet from time to time to discuss issues relevant to this MOU including:

- To monitor cooperation concerning child sexual abuse and related crimes and identify areas for improvement;
- To monitor the exchange of intelligence;
- To identify fruitful areas for information exchange; and
- To explore other areas of cooperation as appropriate.

VIII. ACTIONS BY THE PARTIES

The Parties will inform the appropriate law enforcement and other agencies of the contents of this MOU.

IX. CONFIDENTIALITY

Information exchanged under the provisions of this MOU will not be used for any purpose other than that for which it was originally provided without the prior approval of the originating Party.

X. INTERPRETATION

The Parties will render the assistance specified in this MOU subject to the requirements of applicable international agreements and the domestic laws and policies of each Party.

XI. DISPUTES

Disputes concerning the application or interpretation of this MOU will be resolved by consultation between the Parties and will not be referred for settlement to any national or international tribunal or third party for settlement.

XII. ENTRY INTO EFFECT AND TERMINATION

1. This MOU will come into effect on the date of signature but for the Philippines will be subject to notification that its domestic legal requirements have been completed.
2. Either Party may terminate this MOU by written notice at any time, which termination will be in force sixty (60) days after such notice.

Signed in Manila, Philippines on this 11th day of October 1997.

(Sgd.)

For the Government
of the Republic of the Philippines

(Sgd.)

For the Government of Australia

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