BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE PHILIPPINE NATIONAL POLICE AND THE SWEDISH POLICE AUTHORITY ON LAW ENFORCEMENT COOPERATION

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The Philippine National Police (PNP) and the Swedish Police Authority, hereinafter referred to as the "Participants";

Recognizing the importance of strengthening and developing law enforcement cooperation in combating crime;

Considering that such cooperation should take place in as effective manner as possible, while taking due account of prevailing laws and regulations as well as policies of Participants;

Giving highest regard to the value of human dignity and respect for the rights of every individual; as guaranteed under international treaties and the domestic laws of the Philippines and Sweden;

Acknowledging the need to raise the consciousness of all PNP and Swedish Police Authority personnel of the universal principles of human rights in the discharge of their functions and to develop their utmost capacity in favor of human rights.

Guided by principles of mutual respect for sovereignty, equality, reciprocity and mutual benefit, as well as respect human rights, and the rule of law;

Noting with concern the links between international terrorism and transnational organized crime;

HAVE REACHED THE UNDERSTANDING AS FOLLOWS:

PARAGRAPH 1
OBJECTIVE

This Memorandum of Understanding will provide a framework for cooperation between the Participants in the prevention and combating of transnational crime, on the basis of reciprocity, mutual benefit and non-interference in internal affairs.

This Memorandum of Understanding will:

- Provide a framework for cooperation between the Participants in the prevention and combating transnational crime, on the basis of reciprocity, mutual benefit, and non-interference in internal affairs; and

- Concretize the collaborative effort between the Participants for the monitoring, promotion, and protection of Human Rights and observance of International Humanitarian Law in all instances of police intervention/operation

PARAGRAPH 2
AREAS OF COOPERATION

The Participants will cooperate in the prevention and combating of the following crimes:

- Sexual abuse against minors with international connections;

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- Terrorism in all forms;

- Illicit Drug Trafficking;

- Money Laundering, Financial Crimes and other Economic Crimes;

- Trafficking in persons and smuggling of migrants;

- Arms Smuggling;

- Cyber-crimes;

- Counterfeiting and forging documents;

- Intellectual property theft and

- Any other crimes or new crime/s which the international community or the Participants may consider later on of having transnational character in the future.

The Participants shall jointly develop and implement a special human rights training course for police officers designed to substantially orient/re-orient the police officers and personnel along human rights norms, standards and principles, as well as on the role of the PNP and Swedish National Police in the protection and promotion of the human rights of the people, particularly those arrested, under police custody or deprived of liberty

PARAGRAPH 3
FORMS OF COOPERATION

The Participants will cooperate through:

- Information exchange on intelligence, laws and regulations, analytical and other materials on problems of combating crime;

- Possibility of rendering assistance by sending and receiving experts, by training, re-training and advanced training of personnel;

- Conduct of capacity-building activities, including participation in seminars, workshops and other activities organized by the other Participants as;

- Coordinated bilateral law enforcement activities; and

- Other forms of cooperation as may be jointly decided by the Participants.

PARAGRAPH 4
IMPLEMENTATION

To implement this Memorandum of Understanding, the Participants may conclude arrangements for the purpose of implementing the provisions of the agreement.

PARAGRAPH 5
COOPERATION MECHANISM

1.

In accordance with the laws of their respective countries, the Competent Authorities of the Participants will formulate and develop mechanisms and arrangements for the implementation of this Memorandum of Understanding.

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2.

The Competent Authorities of the Participants will be:

a)

For the Philippine National Police, the Chief, PNP or his duly designated representative;

b)

For the Swedish Police Authority, the National Police Commissioner, or his/hers duly designated representative.

PARAGRAPH 6
REQUESTS FOR COOPERATION

1.

A request for cooperation will be submitted formally in writing, including through mail, facsimile, or other means of electronic communication. In urgent cases, the Competent Authorities may provide advance information orally in order to comply with the requirements of this Memorandum of Understanding, and confirm the request in writing within 72 hours.

2.

The request shall include the following information:

- Name of the law enforcement agency conducting the investigation or within whose jurisdiction the matter lies;

- Subject and nature of the request;

- Description of the type of information or other cooperation being sought;

- Purpose for which the information or other cooperation is being requested;

- Date by which the information or cooperation is desired; and

- Other information to enable the requested Participant to act responsively to the request.

3.

The requested Participant shall promptly inform the requesting Participant the outcome of request.

PARAGRAPH 7
DENIAL OR DEFERMENT OF REQUESTS

1.

The requested Participant may deny a request if:

- The request is not submitted in conformity with this Memorandum of Understanding;

- Compliance with the request is contrary to its laws and regulations; or

- Compliance with the request poses a threat to its sovereignty or security.

2.

The requested Participant may defer compliance of the request if the request would unduly prejudice its own investigation or with judicial proceedings.

3.

In case of denial or deferment of cooperation, the requested Participant will:

- Promptly inform the requesting Participant of the reason for denial or deferment; and

- Consult with the requesting Participant to determine whether cooperation is possible on other jointly acceptable terms.

PARAGRAPH 8
DATA PROTECTION ADEQUACY

1.

The exchange of personal data, in accordance with this Agreement, shall be subject to the national legislation of the Participants. Each Participant has the right to refuse a request if the level of data protection is deemed to be inadequate. Existing international treaties on data protection should be used as guidelines for assessing the level of data protection afforded by the requesting Participant.

2.

When assessing the adequacy of the level of protection afforded by the requesting Participant, the Swedish Police Authority will apply data protection principles in accordance with the Council of Europe Convention 1981 for the Protection of Individuals with regard to automatic processing of personal data.

3.

When assessing the adequacy of the level of protection afforded by the requesting Participant, The Philippine National Police will apply data protection in accordance with its relevant existing national laws.

PARAGRAPH 9
LANGUAGE OF COMMUNICATION

All requests and communications arising out of this Memorandum of Understanding will be in English, otherwise, it will be accompanied by an official translation in English.

PARAGRAPH 10
FINANCIAL ARRANGEMENTS

Unless otherwise decided upon, each Participant will be responsible for its own costs in the implementation of this Memorandum of Understanding.

PARAGRAPH 11
DISCLOSURE OF INFORMATION

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1.

Information received under Paragraph 6 of this Memorandum of Understanding will be used solely for the specific purposes for which the information or document was sought or provided except upon prior written consent of the other Participant.

2.

Any information arising out of or document obtained under this Memorandum of Understanding will not be disclosed to any third Participant without the prior written consent of the other Participant.

PARAGRAPH 12
CONFIDENTIALITY

Any information acquired or document obtained in application of this Memorandum of Understanding and the fact that the information or document was provided will be kept confidential in accordance with respective national legislation.

PARAGRAPH 13
RELATION TO OTHER UNDERSTANDING

1.

This Memorandum of Understanding will not affect the implementation of agreements between the Participants on mutual legal assistance in criminal matters, transfer of sentenced persons and extradition.

2.

This Memorandum of Understanding will not affect compliance with other bilateral and multilateral agreements on law enforcement cooperation to which they are Participants.

PARAGRAPH 14
DISPUTE SETTLEMENT

Any dispute arising out of the interpretation, application or implementation of this Memorandum of Understanding will be resolved amicably by consultations or negotiations.

PARAGRAPH 15
AMENDMENTS

Any amendment to this Memorandum of Understanding will be done by joint written consent. Such amendment will become effective in accordance with Paragraph 16 (1).

PARAGRAPH 16
ENTRY INTO FORCE, VALIDITY AND TERMINATION

1.

This Memorandum of Understanding will enter into force upon signature.

2.

This Memorandum of Understanding will be valid for five years and will be automatically renewed for similar periods, unless one Participant notifies the other in writing of its intent ion to suspend or terminate this

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Memorandum of Understanding, at least ninety days prior to the intended date of termination.

3.

Each of the Participants should be entitled to terminate the agreement during each validity period of five years at any time with a notice of six months. Notwithstanding the termination of this Memorandum of Understanding, this provision on confidentiality will remain inforce between the Participants.

4.

The termination of this Memorandum of Understanding will not affect the implementation and completion of any on-going activities or projects, unless both Participants jointly decided otherwise.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective responsible authority, have signed this Memorandum of Understanding.

Signed in Manila on the 31st day of January in the year 2018 in two copies in English.

(Sgd.) (Sgd.)

DAN ELIASSON
NATIONAL POLICE COMMISSIONER
SWEDISH POLICE AUTHORITY RONALD M. DELA ROSA
POLICE DIRECTOR GENERAL
PHILIPPINE NATIONAL POLICE

Entry into Force: January 31, 2018

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