

## ACTION DOCUMENT

### THE EUROPEAN UNION EMERGENCY TRUST FUND FOR STABILITY AND ADDRESSING THE ROOT CAUSES OF IRREGULAR MIGRATION AND DISPLACED PERSONS IN AFRICA

#### 1. IDENTIFICATION

Title	Reference: T05-EUTF- SAH-ML-13 Common Operational Partnership (COP) Mali			
Zone benefitting from the action / Localisation	Mali			
Total cost	Total estimated cost: 2 850 000 EUR Total amount drawn from the Trust Fund: 2 850 000 EUR			
Aid modality(ies) and implementation modality(ies)	Direct management Grant agreement			
DAC – codes	15 130 Legal and judicial development			
Main delivery channels	13 000			
Markers	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participatory development / good governance	<input type="checkbox"/>	X	<input type="checkbox"/>
	Aid to environment	X	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and empowerment of women and girls	<input type="checkbox"/>	X	<input type="checkbox"/>
	Trade development	X	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal , newborn and child health	X	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	X	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition	X	<input type="checkbox"/>	<input type="checkbox"/>
	Disability	X	<input type="checkbox"/>	<input type="checkbox"/>
	Digitalisation	X	<input type="checkbox"/>	<input type="checkbox"/>
	COVID	X	<input type="checkbox"/>	<input type="checkbox"/>
	<b>Rio Markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity	X	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	X	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>Migration marker</b>	<input type="checkbox"/>	<input type="checkbox"/>	X	
SDG	Goal 16 : Peace, Justice and Strong Institutions			
Valetta Action Plan Domains	Irregular migration, migrant smuggling and trafficking in human beings			

Strategic objectives of the Trust Fund	3. Improved migration management 4. Improved governance and conflict prevention
Beneficiaries of the action	Vulnerable migrants, in particular women and children Victims of smuggling and trafficking Communities in regions of emigration The people of Mali
Derogations, authorised exceptions, prior agreements	<u>Events to be reported:</u> <b>(20.b)</b> Use of direct award for grants without call for proposals. For the purpose of humanitarian aid and civil protection operations, emergency assistance (EDF) or crisis situation (following declaration of crisis situation by the DG) <b>(21)</b> Full financing in grants contract, when it proves essential for the implementation of the action

## 2. RATIONALE AND CONTEXT

### 2.1. Summary of the action and objectives

**Based on the achievements of the Joint Investigation Team in Niger, the proposed Action aims at strengthening the capacities of the Malian police unit in charge of investigations on migrant smuggling and trafficking in human beings (BRTMTH), created in October 2019, in order to effectively dismantle criminal networks and prosecute traffickers. Aside from equipment and training, the project, called Common Operational Partnership, will involve the mentoring of Malian officers by European counterparts, sent on detached service from France and Spain, and joint investigations, as requested by the Malian authorities, and as part of a broader partnership between police services. That peer-coaching is the best way to transfer know-how and modern investigation techniques to the Malian officers involved, achieve results in the short term, and gradually conduct complex investigations on international criminal networks.**

**The planned duration of the project is two years, and the COP should result in an increase in the volume of cases of smuggling and trafficking investigated, as well as the corresponding resolution rate. The proposed Action will pay great attention to synergies with other initiatives in Mali, carried out by partners such as UNODC, IOM and INTERPOL, and initiate effective regional cooperation with similar police units in WestAfrica.**

### 2.2. Context

#### 2.2.1. National context

Mali is a key source country for irregular migration in the EU. Notably, Malians represented the 4th group of nationals arriving in Spain, after Moroccans, Algerians and Guineans in December 2019. In May 2020, Mali ranked first.

As travelling through Niger became increasingly difficult, Mali has also become the major transit country in the region as well, with most migrants travelling to Mauritania (and Spain, in particular through the border-post of Gogui), Algeria or Morocco (through Gao and

Timbuktu). In May 2020, in spite of the COVID crisis, 4 719 migrants were recorded by OIM in Mali (1 319 people entering Mali, in particular nationals expelled from Mauritania and Algeria, and 3 400 leaving the country). In that environment, more and more migrants intend to take the Atlantic route through Mauritania: 2 724 migrants reached the Canary Islands in 2019, as compared to 1 307 in 2018. Out of those 2 724 migrants, 1 775 were West Africans, as compared to only 385 in 2018. Criminal networks take advantage of those trends, by smuggling migrants, and trafficking human beings, and offer a range of fraudulent services such as the provision of genuine Malian travel documents using forged breeder documents, so that non-Malian migrants can reach Algeria legally.

On a different front, as the security situation deteriorates, in the particular in the Centre, the issue of internally displaced persons (IDPs) comes to prominence<sup>1</sup>, which makes migration management issues even more complex.

### 2.2.2. Sector context: policies and challenges

Against that background, however, Mali has made several commitments, such as the signing of the Palermo Convention on organised crime, and its additional protocols on migrant smuggling and trafficking in human beings in December 2000. The Convention was ratified by the Parliament in April 2002.

In relation to gender and gender-based violence, in 1985, Mali signed the Convention on the Elimination of All Forms of Discrimination against Women, and, in 2005 the Maputo protocol (The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa). However, the government has never transposed those texts into national law, and the discrepancy between those commitments and international commitments and national law accounts for the persistence of discriminatory legal provisions and practices: harmful traditional practices, such as early or forced marriage or female genital mutilation, restricted access to the job market, education, health and justice.

In July 2012, a decree brought into force the law which prohibits trafficking in human beings, as well as migrant smuggling in Mali, irrespective of the status of the country as origin, transit or destination. The 2012 law also sets forth a National Coordination Committee in the fight against trafficking in human beings and related practices: *Comité National de Coordination de la Lutte contre la Traite de personnes et pratiques assimilées (CNCLTP)*.

Over the last two years, Mali has taken additional steps that turn out to be more decisive. In March 2018, Mali signed the Niamey Declaration aimed at improving coordination in the fight against migrant smuggling and trafficking in human beings, along with 12 other countries, and has been part of the working group ever since. The Parliament and the government are currently drafting a bill of law on trafficking of human beings, which will update and improve the law passed in 2012

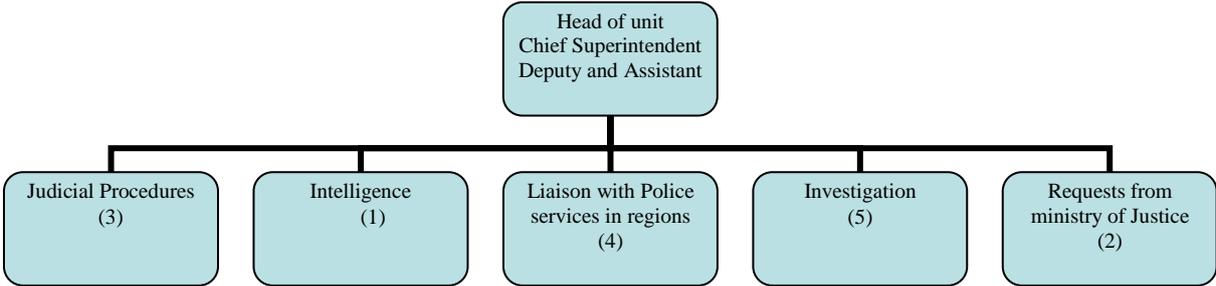
That process culminated in the setting up of the *Brigade de Répression du Trafic de Migrants et la Traite des êtres Humains (BRTMTH)*, with authority over the whole Malian territory over migrant smuggling and trafficking issues.

To date, the BRTMTH, under the authority of the Chief of Police, already has a staff of 17 police officers (2 superintendents, 6 officers, 9 non-commissioned officers), and pursues 9 cases.

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<sup>1</sup> In Mai 2020, 239 484 IDPs were registered in Mali.

See organigram below



The BRTMTH has already investigated several cases that involved mostly domestic trafficking of human beings (trafficking and forced labour of children on goldmining sites, Nigerian women lured under false pretences in Mali, smuggled with fake IDs, trafficked and forced into prostitution).

However, the Malian authorities made it clear that this new specialised unit needs assistance, through equipment, training and mentoring, in order to deliver on its mandate and conduct complex investigations in compliance with applicable law.

**2.2.3. Justification for use of EUTF funds for this action**

The contribution of the Dutch ministry of Foreign Affairs will transit through the European Union Emergency Trust Fund for Africa (EUTF).

The proposed action is in line with the objectives of the Trust Fund, as stated in its Constitutive agreement, that is “support all aspects of stability and contribute to better migration management” (§ Art.2). Specifically, as set out in Annex I to the Agreement, the COP project conforms with two sets of priorities financed by the EUTF:

“2.2 Improving migration management in all its aspects in line with the Global Approach to Migration and Mobility [...] containing and preventing irregular migration and fight against trafficking of human beings, smuggling of migrants and other related crimes”

“2.4 Supporting improvements in the overall governance [...] addressing human rights’ abuses and enforcing the rule of law, including through capacity building in support of security and development as well as law enforcement including border management and migration-related aspects”.

Besides, this project contributes to the objectives of the Partnership for Security and Stability, P3S (Pillar 3), under the overall responsibility of the EU.

**2.3. Lessons learnt**

Mentoring officers in specialized units and conducting joint investigations has proven successful, in particular in Niger. In that country, the work of the JIT has been instrumental in the prosecution and dismantling of criminal networks involved in migrant smuggling and trafficking<sup>2</sup>. Setting up in Mali, at this point in time, a Common Operational Partnership, as

<sup>2</sup> On August, 6th, 2020: 379 suspected smugglers and traffickers have been brought to the courts by the JIT. Out of those 379, 369 have been jailed. 120 criminal networks have been uncovered . In the course of the investigation, the JIT has seized 101 vehicles and 183 forged documents.

developed in Senegal, is relevant, as the country meets the criteria needed for that purpose: an appropriate legal framework for the prosecution of migrant smuggling and trafficking in human beings (2012 law), a specialised unit in charge of investigating those crimes (BRTMTH), and the support of authorities (see §2.5).

Based on the experience collected in neighbouring countries, where similar initiatives have been set up (Mauritania in 2006, Niger since 2017), with the benefit of hindsight, we can highlight the following lessons learnt and success factors:

- Coordination between partner institutions: in order for the investigations to bear fruit, there must be intense and continual cooperation between the authorities of the country, the police service and the justice sector at every rung of the ladder
- The mandate of the joint investigation team must be carefully drafted, clear and in line with the objective of the project
- The experts must adjust to their cultural environment. In that respect, the project will have to recruit experts with relevant track record, e.g. with experience of postings overseas
- The team of investigators must be small, in order to build trust and work smoothly
- Interpersonal relationships are key, which means that the project must reduce the turnover of staff and make sure the experts are committed in the medium/ long term

Taking into account the precedent in Agadez in 2017-2018, the proposed Action will consider the impact of trafficking on the local economies. In that regard, the first step, from the outset, will be to ensure coordination with ongoing development projects funded by the EUTF in the field of resilience and employment, in order to provide alternative sources of income.

In that respect, two ongoing projects are particularly relevant: *Appui au Développement Economique Local et à la prévention des conflits dans les régions de Tombouctou et Gao* (ADEL- budget, EUR 13 M, implemented by LUXDEV), and Youth Employment creates opportunity at home in Mali (budget EUR 20 M, managed by SNV).

If the COP meets its objectives and reduces trafficking substantially, research will be provided to assess the actual impact of smuggling and trafficking at granular level, along with specific mitigating measures.

## **2.4. Complementary actions and synergies**

### **In the field of border management**

The International Organisation for Migrations (IOM) has renovated 5 border posts, with Japanese funding, and deployed its MIDAS database. IOM also plans on setting up a Police/Gendarmerie Customs Coordination Centre (PGCCC), operating across the borders of Mauritania, Senegal and Mali. That centre should bring together liaison officers from the law enforcement agencies of the 3 countries, to better monitor cross border activities, collect and exchange information on cross border crime, better coordinate intervention and hot pursuit, inter alia.

The regional programme GAR SI, funded by the EUTF, is being rolled out in Mali. GAR SI are mobile, versatile gendarmerie units, in charge of providing security in cross border regions and remote areas of Sahel countries (G5 Countries and Sénégal), with the appropriate equipment and logistics for long missions away from their base. GAR SI units control the territory (e.g. checkpoints, search and sweep operations, support to tactical units) but also collect evidence on crime scene and collect intelligence, in particular by building trust with the communities they serve. One unit has been deployed in Mali and up to three more could be set up over the next two years.

The PARSEC programme, implemented by Expertise France (budget EUR 29 M, EUTF), supports the return of law enforcement agencies and the return of State services in key areas of Central Mali, for instance by building infrastructures for the *Gendarmerie*, in Youwarou or Koro Circles or along the border with Burkina Faso (for the *Garde Nationale*).

### **In the field of migration management**

EBCGA/ FRONTEX is about to appoint its regional liaison officer, currently based in Niger, as representative in Mali as well, which is in line with the status of Mali as key transit country.

Furthermore, FRONTEX implements the Africa Frontex Intelligence Community (AFIC) project. The project seeks to consolidate inter-agency and inter-regional information-sharing structures of authorities to contribute to effective border management; improve operational capabilities of the partner countries; and increase the capacities of beneficiary countries to draft and share strategic and operational risk analyses/assessments. Mali has been participating in a number of activities such as [Joint Analytical Field Visits](#), [regional meetings](#) as well as [risk analysis trainings](#). The establishment of a Risk Analysis Cell has been proposed, but not confirmed.

IOM, as part of the EU IOM Joint Initiative for migrant protection and reintegration, is managing voluntary returns, reintegration of migrants with a budget of 11,8 M EUR from the EUTF. As part of that contract, IOM also provides statistics on flows of people entering and leaving the country, through Flow monitoring points (FMP).

Meanwhile, *Agencia Española de Cooperación Internacional para el Desarrollo* (AECID) is in charge of conducting awareness campaign on the risks of migration across the country (budget EUR 3,2 M).

### **In the field of policing**

Since 2012, INTERPOL has rolled out the WAPIS programme in Mali, one of the 4 pilot countries, along with Niger, Bénin and Ghana. The objective of WAPIS is to digitize existing police data, currently on paper form, and create national databases, that can be accessed and fed by all law enforcement agencies (police, gendarmerie, Customs, Guard). At this stage, the national datacentre collecting all data from workstations is about to be connected to I 24 7, INTERPOL secure communication system. The programme has reached its third phase and covers all ECOWAS countries and Mauritania, with a budget of EUR 28 M (funding EDF, Regional programming).

As part of the deployment of the G5 Joint Force, the SOCOP (*Soutien à la Composante Police*) project supports the Malian unit of the police in charge of counterterrorism investigations called BIS (*Brigade d'Investigations Spéciales*), in order to provide a legal finish to CT operations conducted by FAMa. That initiative, funded by the IcSP and implemented by CIVIPOL is relevant to the COP project. To a degree, those two projects share the same objective: transferring modern investigation techniques and skills to the Malian police so that they can pursue complex cases with major impact on organised crime, whether in smuggling/ trafficking or CT.

### **In the field of migrant smuggling and trafficking**

UNODC launched in 2018 the PROMIS project, with funding from the Netherlands (EUR 4.5 M) and Italy (EUR 1.5 M). The project makes it possible to send on detached service in

Europe African liaison magistrates who are specialised in trafficking in human beings, part time. That direct channel facilitates the exchange of information, the handling of requests for mutual legal assistance and the conduct of investigations. To date, two Nigerian, one Eritrean and one Ethiopian magistrates have been deployed. Although the projects focuses on Nigeria to date, that initiative could facilitate the work of the COP in Mali, in particular as many trafficking networks in Mali have ramifications in Nigeria. Cooperation and exchanges will be established from the outset.

OCWAR T (EDF, budget EUR 20 M), implemented by GIZ, aims at preventing and managing conflicts and threats in the ECOWAS region through a more coordinated and comprehensive fight against illicit drug trafficking, trafficking in human beings, the proliferation of small arms and light weapons, and the support to the fight against terrorism. Specifically, in connection with the proposed Action, the programme looks to improve the protection of vulnerable populations from becoming victims of human trafficking and the assistance of victims of trafficking. OCWAR T will also strengthen the governance framework for combating organised crime with ECOWAS, its Member states and civil society organisations

N.B.: From February and until June 2020, France sent a police officer on detached service to support the BRTMTH specifically, lay the groundwork for the project, and provide material for detailed formulation of activities, with the support of the Spanish Police Attaché.

## **2.5. Donor coordination**

Coordination is a key success factor for the Action, considering the number of agencies present in Mali, and the wide array of initiatives launched in the area of smuggling and trafficking, but also in related fields (organised crime, policing, migration management at large).

In that respect, it is worth noting that the support to BRTMTH specifically corresponds to need #5 in the document drafted by the EU Delegation to Mali and EU Member States, as part of the proposals made in response to the *Partenariat pour la Sécurité au Sahel* (P3S) in October 2019. That list of proposals was endorsed by the cabinet of the Prime minister on December, 20<sup>th</sup>, 2019.

Besides, coordination meetings have been set up in February 2020 in Bamako to bring together all partners of the project (Malian authorities, Dutch, French and Spanish Embassies, IOM, UNODC, EUCAP Mali inter alia).

On a different note, funding the project through the EUTF will also make it possible to coordinate the project with similar EUTF initiatives (JIT Niger, COP Senegal which started in November), in particular by drawing lessons learnt and best practices from other projects and consolidating results.

Besides, that setup will facilitate synergies with other EU initiatives in the region, whether supported by the EEAS (EUCAP Mali, RACC), DEVCO (WAPIS programme inter alia) or DG HOME (COP Guinea, COP Côte d'Ivoire, possibly COP the Gambia).

DG HOME also considers supporting the collaboration of the various COPs and JITs against migrant smuggling and trafficking in human beings in the region, in particular those that are backed by the EUTF or DG HOME own funding (Internal Security Fund – Police).

N.B.: Thanks to that specific assistance for exchange of intelligence and regional cooperation (if confirmed), the COP Mali project will focus resources on operational activities in-country, and make the most of the available budget. However, regional cooperation will be incorporated in the daily operation of the unit: identification of points of contacts in similar units, design of protocols for exchange of information, exchange of intelligence, setup of operational meetings, and possibly joint operations.

### **3. DETAILED DESCRIPTION**

#### **3.1. Objectives and expected outputs**

The **overall objective** (expected impact) of this action is to contribute to the fight against criminal networks involved in irregular migration, migrant smuggling and trafficking in human beings in Mali.

The specific objectives (expected outcomes) are the following:

1. Strengthening the capacities, at operational and judicial levels, of the Malian police unit in charge of pursuing and prosecuting criminal networks (notably in the areas of irregular migration, migrant smuggling and trafficking in human beings), and in so doing improving border management
2. Increasing the volume of cases on criminal networks involved in migrant smuggling and trafficking in human beings (with specific attention to women victims of trafficking) investigated by the police and improving the corresponding resolution rate, including through regional cooperation with similar police units in the region

An indicative logical framework reflecting objectives and results is included in Annex 2 of this Action Document

#### **3.2. Main activities**

##### **3.2.1. *Activities associated with each result***

**Result 1:** The capacities, at operational and judicial levels, of the Malian police service in charge of pursuing and prosecuting criminal networks (notably in the areas of irregular migration, migrant smuggling and trafficking in human beings) are strengthened.

Specific result 1.1.: The operational capacities of the Malian unit in the field of intelligence and investigation are assessed and an action plan is proposed in order to improve consistency in approach and coordination of actions

Activities:

- 1.1.1: Mapping of all law enforcement agencies and units in charge of irregular migration, document fraud and trafficking in human beings
- 1.1.2: Qualitative assessment of the judicial procedures drafted by those units

Result indicator: number of assessment reports drafted

Specific Result 1.2: The Malian Police officers of the COP are able to collect, exploit intelligence regarding migrant smuggling and trafficking in human beings, feed their database and operational tools (such as investigation and case management softwares)

Activities:

1.2.1 Training in criminal intelligence collection

1.2.2 Training in handling and analysis of operational information, including information provided by similar units in the region

1.2.3 Exploitation and integration of the information into the judicial system through criminal proceedings

Result indicator:

- Number of officers trained
- Volume of criminal proceedings drafted by the joint investigation unit

Specific Result 1.3: The Malian police officers of the joint investigation unit have gained a command of the skills and techniques needed for modern investigations

Activities:

1.3.1 Training in the detection of forged documents

1.3.2 Training in handling and crosschecking of technical data

1.3.3 Training in investigation techniques and their integration into criminal proceedings

Result indicator:

- Number of training sessions delivered
- Number of forged documents detected

In that area, the project will try to set up joint training sessions with magistrates and/or relevant law enforcement agencies, make the best possible use of the support from EUCAP Mali and relevant projects

Specific Result 1.4: The BRTMTH is properly equipped and its offices are fit for purpose

Activities:

1.4.1. Needs assessment for infrastructure and equipment, in particular tools for investigations (e.g. cameras, BGAN terminals, GPS tracking chips, software such as Analyst Notebook, tools for extraction and analysis of mobile phone data)

1.4.2 Procurement and refurbishing of the office

**Result 2:** The volume of cases on criminal networks investigated, and the corresponding resolution rate have increased

Specific result 2.1: The Common Operational Partnership is set up as part of a broader overhaul of BRTMTH

Activities:

2.1.1: Design of the statute, mandate and roles and responsibilities of each partner within the COP notably through a Memorandum of Understanding between the partners

2.1.2.: Support to the designation of prosecutor in charge of handling cases managed by the BRTMTH and design of protocols for cooperation with the ministry of Justice

2.1.3.: Review of the structure and roles and responsibilities within the team

2.1.4.: Training needs assessment of the police officers of BRTMTH, including on gender-based violence and handling of vulnerable groups in the course of investigation

Result indicator:

- Legal framework for the COP is set up
- Updated organigram and workflows are delivered
- Training needs assessment is drafted

Some officers have been trained by other partners (e.g. by the PROMIS project on trafficking), but they need a more consistent curriculum (including notably investigation techniques) and mentoring.

Specific Result 2.2.: Joint investigation processes are in place, internally and in coordination with partners

Activities:

2.2.1. Design of internal procedures, templates and tools for the daily operation of the team: planning, reporting, archiving, inter alia

2.2.2. Mentoring of the investigators by European counterparts on a daily basis (peer-coaching)

2.2.3. Strengthening of the cooperation with the ministry of Justice, and of the criminal justice system as a whole

2.2.4 Development of working protocols with organisations in charge of referring migrants and/or protecting victims of trafficking, in particular vulnerable groups, such as IOM and UNICEF respectively

Result indicators:

- The procedures for the operation of the team and the database are operational
- Number of smugglers and traffickers identified and brought to courts
- Number of criminal networks identified, whether national or international
- Details of police seizures
- Partnerships with organisations protecting victims of trafficking and referring migrants such as IOM and UNICEF are in place

### **3.2.2. Target groups and final beneficiaries**

The target groups are:

- The BRTMTH, and the Malian police service at large
- The ministry of Security and Civil Protection (MSPC) and the ministry of Justice
- The CNCLTP (*Comité National de Coordination de Lutte contre la Traite des personnes*)
- The victims of trafficking
- The Malian people at large

### 3.3. Risks and assumptions

Risk	Level of risk	Mitigating measures
Financial interests in smuggling and trafficking impede the joint investigations	<b>High</b>	The project is part of a broader political dialogue between Mali, the EU and its member States. To that end, the EU Delegation to Mali convenes the working group on migration which brings together EU MS and partners. The project team will follow up closely changes in context and will plan and carry out the activities in partnership with the Malian authorities The JIT project in Niger shows that those issues can be addressed
Several police officers and public servants across ministries oppose or resist the new policies and guidelines in the field of smuggling and trafficking	<b>High</b>	The authorities, starting with senior police officers, will communicate internally to make sure the officers are engaged and aware of the progress made, and design appropriate measures to boost morale and engagement of the officers.
The security situation deteriorates to such an extent that the activities are put on hold, but the experts can stay in the country	<b>Medium</b>	A contingency plan will be drafted to make sure the experts can work in a degraded environment Experts with relevant track record in unstable environments will be selected for key positions
Security of the European officers sent on detached service to support the BRMTEH, as they will work on sensitive cases	<b>Medium</b>	Spain and France have their own security plan (early warning, SOPs for security of experts, contingency plans). The European officers will not conduct investigations, but support Malian officers through mentoring
The COP team is perceived as a parallel/ competing structure within the police service	<b>Medium</b>	The whole project is first and foremost a transfer of skills between peers/ fellow police officers. On the contrary, by bringing together police officers and magistrates, the COP should be instrumental in improving the criminal justice system
Turnover or resignation of Malian officers that have joined the COP	<b>Medium</b>	Aside from mentoring and training, the project will provide attractive work conditions for the officers (modern office and equipment, missions) The Malian officers joining the COP will gain genuine skills in investigation (know-how, modern techniques), which are an asset in career development
Low engagement of the judiciary in the conduct of investigations	<b>Medium</b>	The project team will obtain buy-in of the magistrates, in particular through awareness raising Support from the ministry of Justice will be sought at all times, in particular in the dialogue with the authorities. EU MS bilateral initiatives, EUCAP Mali and UNODC (Promis) will back that effort and act as facilitators

The assumptions for the success of the project and its implementation include the continued engagement of Malian authorities in the fight against migrant smuggling and trafficking in human beings.

### **3.4. Mainstreaming**

The Action will have a positive impact on a range of cross-cutting issues. Firstly, the project will contribute to the mainstreaming of good governance, by strengthening the capacities of the law enforcement agencies, under the supervision of the judiciary. The action will step up the capacity of the Malian police in the field of judicial investigation, in compliance with applicable law, under the supervision of a magistrate, which improves the quality of criminal proceedings and the accountability of the police service at large.

Migrant smuggling and trafficking in human beings constitutes serious violations of human rights. In that respect, the Action will have a positive impact, in particular towards vulnerable groups such as women and children, which are major victims of trafficking. The training curriculum for the Malian officers, and the day-to-day mentoring scheme, will pay due attention to the gender issues and gender-based violence.

Aside from training, through mentoring, the project will ensure that investigations are carried out in compliance with human standards at all stages (e.g. custody, questioning), and that those standards can be mainstreamed across the police service to the extent possible.

The issue of sustainability must also be addressed across the board. The proposed Action will focus on getting results on the ground in the short term, with a limited budget, in order to achieve proof of concept and create a good climate with the authorities. If the authorities are involved, and the project achieves results on the ground, a second, more ambitious, phase of the project could address issues such as cooperation with other forces (Gendarmerie, National Guard) as the BRTMTH has authority on migrant smuggling/ trafficking over the whole territory, or the setup of regional offices outside Bamako. In any case, the project will first and foremost invest in people, through mentoring. There are few police officers in Mali that can conduct complex investigations using modern investigation techniques, over several months. The expertise gained by officers of BRTMTH could be transferred in other units and areas of policing, either through training of trainers or mobility within the police service after several years within the unit.

Finally, the Action will promote gender equality. To date, the BRTMTH comprises 17 police officers, including 4 women (1 at senior/ management level), which is well above the average in Malian law enforcement agencies. Female police officers of the unit already have a key role when it comes to conducting hearings of victims of trafficking (in particular women and children). The mentoring scheme will make it possible for those female police officers to get opportunities for career development, as qualified investigators are a valuable resource in the Malian police.

### **3.5. Stakeholder analysis**

#### **EUCAP Mali**

EUCAP Mali will be a key partner of the project, based on its mandate, means capacities and longstanding support to the Malian law enforcement agencies. The Mission will continue its support to Malian internal security forces in the domain of irregular migration by providing the assistance of 3 experts (2 European police officers and Malian magistrate). EUCAP could also deliver several sections of the curriculum for the Malian officers of BRTMTH, following the example of JIT Niger and the role played by EUCAP Niger there.

#### **MINUSMA**

MINUSMA is a stakeholder of the project insofar as the mission provides technical assistance for the drafting of a legal framework investigation techniques, and victims/ witness protection. MINUSMA also trains specialised magistrates.

#### **EBCGA/ FRONTEX**

EBCGA has designated a regional Liaison officer covering Niger and Mali, and is also active in the country through the AFIC project (see §2.4 for details on AFIC)

#### **INTERPOL**

Aside from the WAPIS programme (see §2.4), INTERPOL is a key partner for the preparation and coordination of large scale operations such as Horonya, which took place from October 3rd until October 11th, 2019 and resulted in 64 victims of smuggling and trafficking being rescued and gave a blow to the criminal networks involved.

#### **EUROPOL**

EUROPOL is involved in migrant smuggling through 2 structures: the Information Clearing House, which acts as a repository of operational information collected by EU Member States and third party States ; and the European Migrant Smuggling Centre (EMSC), which supports the EU MS in investigations, in particular complex/ far-reaching cases. The Action will maintain exchanges with EUROPOL, in compliance with the mandate of the organisation and its regulation, in particular regarding protection of personal data.

#### **IOM**

IOM plays a key role in return and reintegration of migrants through the ETM. The organisation is also involved border management in Mali, through infrastructure and provision of statistics. (see §2.4)

## **4. IMPLEMENTATION ISSUES**

### **4.1. Financing agreement, if relevant**

Non applicable

### **4.2. Indicative operational implementation period**

The implementation period will start as of the last signature date of the contract implementing the present action fiche and will last until 31/12/2024.

This operational implementation period will be followed by a closure period of 18 months that will end on 30/06/2026.

### **4.3. Implementation modalities**

The Action will be carried out through a direct grant to CIVIPOL, the implementing agency of the French ministry of the Interior, in partnership with the French and Spanish Police service.

#### **Implementing agency : CIVIPOL**

Civipol is the implementing agency and mandated body of the French Ministry of Interior. Civipol assists the Ministry and partner countries in setting up responses to shared security challenges.

Civipol is present in more than 80 countries, with a strong footprint in Africa. Civipol helps build operational security cooperation in order to address main threat factors targeting partner states and step up their capacity to protect their people and their assets.

Civipol's expertise applies to the fundamentals of state security: identity, to consolidate secure civil registry systems; monitoring and controlling of all types of flows, to fight against all forms of trafficking and organized crime; control of the territory and deployment of law enforcement agencies.

Civipol enables foreign States to benefit from the expertise of the top experts of the French Police and Gendarmerie and the most renowned specialists of security issues. CIVIPOL puts these expert skills at the disposal of its clients, to carry out auditing, consulting, technical support and training missions.

Civipol's privileged connections to all departments of the French Ministry of Interior, its selection of experts and experience in the administrative, financial and technical management of international projects guarantee the quality of the services it provides.

Through its partnership with the French Ministry of Interior, CIVIPOL benefits from a direct access to high-level institutional training centres such as the *Ecole Nationale Supérieure de Police* (French Police Academies), which can support the development of specialised training.

#### **CIVIPOL's engagement in Mali**

Civipol has a long-standing experience in technical assistance in West Africa and in particular in Mali, where it has been delivering and still delivers major technical assistance projects, in relation to security, migration and identity management:

- **Support to the operationalization of the police component of the joint force of the G5 Sahel in Mali (SOCOP Mali)**

The project (January 2020- July 2021, 3,5M€) aims to operationalize the police component of the Joint Force in order to ensure the legal finish of Joint Force operations, see §2.4.

- **Programme d'Appui au Renforcement de la Sécurité (PARSEC)**

The project (led by Expertise France, September 2018- August 2020; 29M€/Civipol 900K€) is contributing to increasing the security of populations and control of the territory while respecting the rule of law, improving the management of border areas by state services including cross-border cooperation Mali, Burkina Faso and Niger.

- **Programme d'Appui à la Normalisation et à la Résilience au Mali (PANORAMA / CORSEC):**

This capacity building project (December 2016 – November 2018, 5M€) has allowed to provide the Ministry of Security with trained personnel, equipped situation rooms and intervention, as well as to create a dialogue between the civilian population and the internal security forces to build trust and promote a more peaceful social climate.

- **Support program for the functioning of civil registry in Mali: assistance for the establishment of a secure information system**

The project (2018-2022, 8M€) aims at consolidating the Malian civil registry system, notably by setting up a central database for civil registry and vital statistics, connected with civil registry centres.

- **Programme d'Appui au G5 pour la Sécurité au Sahel (PAGS)**

The project (PAGS I, 8/2016 – 11/2019, 7M€; PAGS II 11/2019-11/2022, 9,9M€) has been supporting the Permanent Secretariat (SP) of the G5 Sahel through international technical assistance in the areas of security and the management of borders and migratory flows and to structuring the Collège Sahélien de Sécurité, located in Bamako, thereby also supporting Mali as G5 member State.

- **GAR-SI Sahel**

The project (led by FIIAPP, 2017-2021, 3,5M€ for Civipol) has set up “Groupes d'Action Rapide - Surveillance and Intervention for the Sahel”), see §2.4: Civipol has the lead position in Senegal and Burkina Faso and supports FIIAPP in Mali.

### **CIVIPOL's experience with common operational partnerships to fight migrant smuggling and trafficking in human beings**

Moreover, Civipol and the ICD are already delivering or starting to deliver three common operational partnerships similar to the one planned for Mali in Senegal, Ivory Coast and Guinea.

- **COMMON OPERATIONAL PARTNERSHIP in the fight against irregular immigration, migrant smuggling and trafficking in human beings in Senegal (COP SENEGAL)**

The project (11/2019 - 10/2022, 9M€ EUTF) works on developing a structured interagency and inter-ministerial approach to the fight against criminal networks linked to irregular migration and notably provides operational support and mentoring to the *Division Nationale de Lutte contre le Trafic de migrants et les pratiques associées* (DNLTM), the specialised police unit with a mandate to dismantle criminal networks involved in migrant smuggling and trafficking all over the country.

- **COP-North Africa/Sahel against Migrant SMUGGLing and THB (SMUGG)**

As part of this project implemented by a consortium of EU member states lead by Austria including France, Germany, Italy and the Netherlands, Civipol/DCI will deliver from summer 2020 on two “COPs”:

- **COP Ivory Coast**

The sub-project (7/2020-6/2022, 900K€ ISF) aims to Prevent and fight against migrant smuggling and trafficking in human beings in Côte d'Ivoire by strengthening the institutional capacity of the border police (SD-PAF) and to strengthening the operational capacities of departments to control flows and territories.

- **COP Guinea**

The sub-project (7/2020-6/2022, 900K€ ISF) aims to strengthen the institutional and operational capacities of the services dedicated to the fight against irregular migration networks in Guinea through the improvement of investigation capacities, by creating and accompanying a “*Section de Recherche*” (Gendarmerie unit specialised in judicial and complex investigations, in charge of one region) in Conakry, and a “brigade de recherche” (equivalent of *Section de Recherche* for a smaller precinct/ subdivision of a region), in Kankan.

### **Partner: International Cooperation Department (ICD) /French Ministry of Interior**

The international Cooperation Department (ICD) was founded on the 1st September 2010, by merging the Police International technical Cooperation Service (SCTIP, founded in 1961) and the gendarmerie International Cooperation Sub-Directorate (SDCI, founded in 1985). The ICD is the first joint department of the French police and Gendarmerie. Under the authority of both police and gendarmerie general directors, the ICD takes part in the implementation of the international strategy of the Ministry of Interior; it leads and coordinates the technical, operational and institutional cooperation of the Internal Security Services (ISS).

With the ICD, France has the world’s leading network of international police cooperation, covering a total of 156 countries from its 90 foreign offices.

To fulfill its missions, the ICD relies on:

- Its headquarters in Nanterre-Paris-La-Défense, with 230 police officers, gendarmes and administrative staff,
- Its network of offices established abroad with 260 police officers or gendarmes under the authority of the Internal Security Attachés (ISA)

In addition, ICD is the Ministry of Foreign and European Affairs’ contact for the human resources management and the deployment of the 430 police officers and gendarmes in charge of French diplomats’ security worldwide.

At the request of partner countries, the ICD implements technical cooperation actions (training courses, seminars, expert missions abroad, study visits to France...) in order to share common standards, contribute to the prevention of and the fight against crime and to enhance the rule of law. One of the main missions of the ISA and ISS is to pre-empt all forms of international crime. It enables early detection of risks. A 24/7 office at Nanterre-Paris-La-Défense ensures constant information exchanges between French police and gendarmerie services and their foreign counterparts. The ICD leads institutional cooperation and, relying

on all relevant expertise, elaborates the common position of the police and gendarmerie within international strategy in the field of preventive action and crisis management abroad. It offers coordinated deployment for the French Police and the Gendarmerie officers in civil police missions. Specifically, the ICD leads 3 networks: the FONTANOT Group (for West Africa), the FRANCOPOL (francophone police training cooperation)

### **Partner: French Border Police**

The French Border Police/ Direction Centrale de la Police aux Frontières (DCPAF) is a specialised directorate of the French Police, created in 1999. The Missions of are border security, fight against irregular migration, illegal labour, and deportation of illegal residents. The French Border police has a total staff of 9,500, all over the territory.

### **Partner: Spanish Police Service**

The Spanish Police service assists the authorities in Mali, through several projects at bilateral level, such as the support to border police (budget 187 000 €), and the provision of training on border checks at the airport and detection of forged travel documents in September 2019. Four senior officers of the police will be trained in smuggling and trafficking in Madrid in June 2020.

As far as EU initiatives are concerned, Spain has sent on detached 3 police officers to EUCAP Sahel Mali. The Guardia Civil is rolling out the GAR SI programme in Mali, with possibly a total of 4 units deployed in the country by the end of the programme. Finally, the Police Attaché of the Spanish Embassy in Bamako already advises the BRTMTH, in partnership with his French counterpart and the officer sent on detached service for that purpose.

#### 4.4. Indicative budget

<b>Component</b>	<b>Amount EUR</b>
<b>Direct Management Grant to CIVIPOL Conseil for the Action</b>	2 800 000
<b>Direct Management Monitoring, evaluation and audit</b>	50 000
<b>Total</b>	<b>2 850 000</b>

#### 4.5. Monitoring and reporting

The implementing partner must establish a permanent internal, technical and financial monitoring system for the action and prepare regular progress reports and final reports.

In the initial phase, the indicative logical framework agreed in contract and / or the agreement signed with the implementing partner must be complemented with baselines, milestones and targets for each indicator. Progress reports provided by the implementing partner should contain the most recent version of the logical framework agreed by the parties and showing the current values for each indicator. The final report should complete the logical framework with initial and final values for each indicator.

The final report, financial and descriptive, will cover the entire period of the implementation of the action.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

The implementing partner(s) will report on a number of common EUTF indicators of the selected results for this Action<sup>3</sup> (see list in English published on the EUTF website). As relevant, other indicators can be selected and reported on from the lists of sector indicators defined with thematic units.<sup>4</sup>

Project Implementing Partners will be required to provide regular data, including the evolution of the actual values of the indicators (at least every three months) to the contracting authority, in a format which is to be indicated during the contract negotiation phase. The evolution of the indicators will be accessible to the public

<sup>3</sup> EN : [https://ec.europa.eu/trustfundforafrica/sites/eutf/files/eutf\\_results\\_indicators\\_41.pdf](https://ec.europa.eu/trustfundforafrica/sites/eutf/files/eutf_results_indicators_41.pdf)

<sup>4</sup> <http://indicators.developmentresults.eu> User name/password: results

through the EUTF website (<https://ec.europa.eu/trustfundforafrica/>) and the Akvo RSR platform (<https://eutf.akvoapp.org/en/projects/>).

#### **4.6. Evaluation and audit**

If necessary, ad hoc audits or expenditure verification assignments could be contracted by the European Commission for one or several contracts or agreements.

Audits and expenditure verification assignments will be carried out in conformity with the risk analysis in the frame of the yearly Audit Plan exercise conducted by the European Commission. The amount allocated for external evaluation and audit purposes should be shown in EUR. Evaluation and audit assignments will be implemented through service contracts, making use of one of the Commission's dedicated framework contracts or alternatively through the competitive negotiated procedure or the single tender procedure.

#### **4.7. Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU. This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, which will be developed early in the implementation. The measures are implemented by the Commission, the partner country, the contractors, the beneficiaries and / or the entities responsible in terms of legal obligations regarding communication and visibility. Appropriate contractual obligations will be included in the financing agreement, purchase and grant agreements and delegation as well as contribution agreements.

Communication and visibility requirements for the European Union are used to establish the communication and visibility plan for the action and the relevant contractual obligations.

Given the sensitivity of this action, it is necessary to foresee communication and visibility measures that will be established at the beginning of implementation on the basis of an Action Plan. Nevertheless, the visibility of the European Union will be ensured taking into account the evolution of the local security context and according to the sensitivity of the activities carried out, so as not to threaten the security of the organization, the donor and the final beneficiaries, and in particular humanitarian organizations, in order not to compromise their principles of neutral and independent humanitarian action.

## List of acronyms

Acronym	Standing for
AFIC	Africa Frontex Intelligence Community
AECID	Agencia Española de Cooperación Internacional para el Desarrollo
ADEL	Appui au Développement Economique Local et à la prévention des conflits dans les régions de Tombouctou et Gao
BRTMTH	Brigade de Répression du trafic de Migrants et de lutte contre la Traite des êtres Humains
BIS	Brigade des Investigations Spéciales
CCPGD	Centre de Coopération Police Gendarmerie Douanes
CNCLTP	Comité National de Coordination de la Lutte contre la Traite des Personnes
COP	Common Operational Partnership
CORSEC	Contribution aux efforts de réforme du Secteur de la Sécurité
CT	Counter Terrorism
DCPAF	Direction Central de la Police aux Frontières
DCI	Direction de la Coopération Internationale du Ministère de l'Intérieur français
DST	Direction de la Surveillance du Territoire
DIS	Division des Investigations Spéciales
DNLTM	Division Nationale de Lutte contre le Trafic de Migrants et les pratiques associées
ECOWAS	Economic Community of West African States
EBCGA	European Border and Coast Guards Agency
EDF	European Development Fund
EMSC	European Migrant Smuggling Centre
EU	European Union
EUCAP Mali	European Union Capacity Building Mission in Mali
EUTF	European Union Emergency Trust Fund for Africa
FMP	Flow Monitoring Points
FILAPP	Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas
GIZ	Gesellschaft für Internationale Zusammenarbeit
GAR SI	Groupe d'Action Rapide - Surveillance et Intervention
IcSP	Instrument contributing to Stability and Peace
IODP	Internally Displaced Person
ICD	International Cooperation Department of the French ministry of the Interior
IOM	International Organization for Migration
JIT	Joint Investigation Team
MIDAS	Migration Information and Data Analysis System
MSPC	Ministère de la Sécurité et de la Protection Civile
MINUSMA	Mission multidimensionnelle intégrée des Nations unies pour la stabilisation au Mali
NAPTIP	National Agency for the Prohibition of Trafficking In Persons
OCWAR T	Organised Crime West African Response - Trafficking
P3S	Partenariat pour la Sécurité et la Stabilité au Sahel
PANORAMA	Programme d'Appui à la Normalisation et à la Résilience au <b>Mali</b>
PAGS	Programme d'Appui au G5 pour la Sécurité au Sahel
PARSEC	Programme d'Appui au Renforcement de la Sécurité
PROMIS	Protection of Migrants: Justice, Human Rights and Migrant Smuggling
RACC	Regional Advisory and Coordination Cell
SOCOP	Soutien à l'Opérationnalisation de la Composante Police
SNV	Stichting Nederlandse Vrijwilligers
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
WAPIS	Western African Police Information System

**Annex: Indicative Logical Framework Matrix**

	<b>Results chain: Main expected results</b>	<b>Indicators (at least one indicator per expected result)</b>	<b>Sources and means of verification</b>	<b>Assumptions</b>
<b>Impact (Overall objective)</b>	Contributing to the fight against criminal networks involved in irregular migration, migrant smuggling and trafficking in human beings in Mali.	Increase of the number of resolved cases concerning migrant smuggling and trafficking in human beings by at least 30%	Statistics of the MSPC  External evaluation  Thematic reports by other partners such as EUCAP Mali	<i>The authorities in Mali remain engaged in the fight against migrant smuggling and trafficking, and support the unit</i>

<p><b>Outcome(s) (Specific Objective(s))</b></p>	<p>SO 1: Strengthening the capacities, at operational and judicial levels, of the Malian police unit in charge of pursuing and prosecuting criminal networks (notably in the areas of irregular migration, migrant smuggling and trafficking in human beings), and in so doing improving border management</p> <p>SO 2: Increasing the volume of cases on criminal networks involved in migrant smuggling and trafficking in human beings investigated by the police and improving the corresponding resolution rate</p>	<p><i>- Number of police officers trained, disaggregated by gender</i></p> <p><i>-Number of police officers mentored by European counterparts , disaggregated by gender</i></p> <p><i>- Number of cases investigated by the BRTMTH, disaggregated by type of crime and gender of victim</i></p> <p><i>- Resolution rate of those cases</i></p> <p><i>- Number of exchanges of information at regional level (incidents, intelligence) and resulting arrests</i></p> <p><i>- Number of requests for judicial assistance received</i></p> <p><i>- Number of requests for extradition</i></p>	<ul style="list-style-type: none"> <li>- Statistics from the Malian ministry of Interior</li> <li>- Reporting from project</li> <li>- Reports from external partners in the field (e.g. EUCAP Mali, UNODC, INTERPOL)</li> </ul>	
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