

Note to Ad Hoc Group members:

Working Group on Trafficking in Persons

At the Fifth Bali Process Ministerial Conference on 2 April 2013, Ministers directed the Bali Process Ad Hoc Group to establish a working group to specifically address trafficking in persons issues.

Draft terms of reference for the working group are attached for consideration by Ad Hoc Group members.

For its first term, it is proposed that this working group be co-chaired by Indonesia and Australia, as co-chairs of the Bali Process.

The co-chairs will put forward these draft terms of reference to the Ad Hoc Group for consideration at its next meeting in August 2014 (via the Steering Group). Following endorsement of the terms of reference, the working group will be established.

It is proposed that the first meeting of the working group be held back to back with its first activity – a regional symposium on trafficking for the purposes of labour exploitation. This activity would be held in the first half of 2015 (prior to the next Ministerial Conference).

**Ad Hoc Group
of the Bali Process on People Smuggling, Trafficking in Persons and
Related Transnational Crime**

**WORKING GROUP ON TRAFFICKING IN PERSONS
Terms of Reference**

Background

Trafficking in persons has been a focus of the *Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime* (Bali Process) since its establishment in 2002. At the Fifth Bali Process Ministerial Conference on 2 April 2013, Ministers urged Bali Process members to consider opportunities to achieve more effective and coordinated responses to prevention, investigation and prosecution, and victim protection. In this context, Ministers directed the Bali Process Ad Hoc Group to establish a working group to specifically address trafficking in persons issues. Ministers also directed the new working group to “explore the extent to which the issue of labour trafficking affected Bali Process States and identify avenues for cooperation to address the issue”. Ministers also recommended that the working group draw on the expertise of community, industry and private sector groups and other relevant Regional Consultative Processes in implementing future initiatives.

Purpose

The Bali Process Working Group on Trafficking in Persons (Working Group) is a network of experts on trafficking from Bali Process member countries and organisations, led by the Ad Hoc Group. The Working Group is a mechanism through which Bali Process members may share information on key initiatives, trends and issues related to trafficking in persons, identify opportunities for cooperation and capacity building needs.

Role of Working Group

The Working Group will:

- promote effective and coordinated approaches amongst members to prevent, investigate and prosecute trafficking in persons crimes and protect and assist trafficked people
- identify specific capacity building needs of Bali Process members and ways to address those needs
- explore the extent to which issues of increasing importance, such as trafficking for the purposes of labour exploitation, affect Bali Process members, and identify avenues for cooperation to address emerging issues
- share information on trends, issues, and initiatives related to trafficking in persons
- identify ways in which the Bali Process can complement, draw from and coordinate with the efforts of other fora/organisations or programs working to address trafficking in persons, including other Regional Consultative

Processes on migration (RCPs); and community, industry and private sector groups

- propose relevant initiatives on trafficking in persons and related issues for inclusion in the forward work plan for the Regional Support Office to the Bali Process (RSO), including coordinating with existing work conducted under the auspices of the RSO
- consider other issues determined by the Working Group as relevant to fulfilling its role.

Working Group members may self-nominate to implement specific initiatives and/or to fund these initiatives under the auspices of the Bali Process.

Examples of initiatives include, but are not limited to:

- capacity building activities for the Bali Process membership or a specific sub-set as appropriate to the issue under consideration
- training curriculum and/or training resources
- research projects
- development of publications in hard copy and/or online such as policy guides, standard operating procedures, templates, brochures, handbooks, and e-learning programs
- information or awareness-raising campaigns, and
- partnerships with other programs/fora/RCPs/organisations on specific anti-trafficking projects.

The RSO will be invited to meetings of the Working Group. The Working Group will propose relevant trafficking in persons initiatives for inclusion in the forward work plan for the RSO, including coordinating with existing work conducted under the auspices of the RSO

Chairing arrangements

The Working Group will be co-chaired on a rotational basis by two members of the Bali Process Ad Hoc Group. The maximum term for a co-chair will be two years, unless otherwise agreed by Working Group members. One of the co-chairs will rotate annually to ensure continuity. The co-chair positions will be voluntary. Ad Hoc Group members will be invited to nominate for the position of co-chair at the annual meeting of the Working Group each year or as needed. Co-chairs will be decided at the Ad Hoc Group Senior Officials Meeting. A roster system will be implemented to ensure continuity of the position.

The first two co-chairs will be Australia and Indonesia as co-chairs of the Bali Process.

The co-chairs will:

- identify meeting dates and locations
- identify meeting objectives, prepare agendas, arrange speakers and identify issues/initiatives for consideration by the working group
- consult with the RSO on any initiatives that will be considered by the working group for suggested inclusion in the RSO work plan

- keep working group members informed of key developments
- take forward actions arising from meetings of the working group, and
- report on meetings and activities of the working group through Bali Process mechanisms (as outlined below).

Membership

The Working Group will comprise technical experts on trafficking in persons issues from each Ad Hoc Group member country or organisation. The Working Group will be led by the Ad Hoc Group but activities will be open to any interested Bali Process member country or organisation. Membership is on a voluntary basis.¹

Bali Process observers will be invited to activities of the Working Group on a case-by-case basis, as agreed by the Working Group co-chairs.

Participation of community, industry, business and other groups will be considered by the Working Group on a case-by-case basis and determined during the development of a proposed initiative with Working Group project leads, in consultation with Working Group co-chairs.

Meeting Arrangements and Reporting

The Working Group will meet at least once a year, or as deemed necessary by the Working Group co-chairs.

Meetings of the Working Group will be led by Ad Hoc Group members and may be held back to back with the Ad Hoc Group Senior Officials Meeting or a Bali Process forum related to trafficking in persons, at the same location.² Additional meetings of the Working Group will be held as required and at a time and location to be determined by the co-chairs.

Meetings of the working group will be arranged by the Working Group co-chairs in consultation with Ad Hoc Group and/or Bali Process forum co-chairs as relevant to the timing of the meeting.

Meetings of the Working Group will be conducted under the *Chatham House Rules*, which provide that ‘participants are free to use the information received, but neither the identity nor affiliation of the speaker(s), nor that of any other participant, may be revealed’. The Working Group may report on its activities through public statements or updates, which will be developed by the Working Group co-chairs and made available on the Bali Process website.

The Working Group co-chairs will report on initiatives each year to:

- the Bali Process Steering Group through the Bali Process co-chairs, in writing, and

¹ Countries/organisations may nominate an expert to represent them in the meeting/activity of the working group

² For example, a Bali Process workshop related to trafficking issues could include a session for a meeting of the working group. This session would be led by the Working Group co-chairs.

- the Ad Hoc Group Senior Officials Meeting, through an oral update.

These reports will be an opportunity for the Working Group co-chairs to seek the Steering Group's direction on any issues or disputes that may need to be resolved.

Budget

In recognition of the fact that the Working Group does not have an operating budget, annual meetings may be held back-to-back with meetings of the Ad Hoc Group Senior Officials or trafficking-related workshops/meetings held under the auspices of the Bali Process.

Duration

The Working Group will commence its work as soon as its terms of reference have been approved by the Ad Hoc Group. The Working Group will be established for an initial period of up to two years, during which time the Ad Hoc Group, through the Bali Process Steering Group, will assess progress to date against the Working Group's terms of reference and consider the Working Group's future role and terms of reference including with regard to the role of the RSO in the Working Group.

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