

## **SEVENTH MEETING OF AD HOC GROUP SENIOR OFFICIALS**

### **SYDNEY, AUSTRALIA, 5 MARCH 2013 CO-CHAIRS' STATEMENT**

1. The Co-Chairs of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) hosted the Seventh Meeting of Ad Hoc Group (AHG) Senior Officials in Sydney, Australia on 5 March 2013. The meeting was attended by representatives of Afghanistan, Australia, Bangladesh, Indonesia, Malaysia, Maldives, Myanmar, New Zealand, Pakistan, Philippines, Sri Lanka, Thailand, United States and Vietnam as well as representatives from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). Canada and the United Nations Office on Drugs and Crime (UNODC) attended the meeting as observers.
2. The purpose of the meeting was to assess AHG activities and achievements since the Fourth Bali Process Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali from 29-30 March 2011, and to make recommendations to the Bali Process Senior Officials Meeting on 1 April 2013 and the Fifth Bali Process Regional Ministerial Conference on 2 April 2013.

#### **Proceedings**

3. The Co-Chairs recalled that Co-Chair Ministers at the Fourth Ministerial Conference, had tasked the AHG with: operationalising the Regional Cooperation Framework (RCF); providing a forum for States to share their experiences and knowledge flowing from arrangements implemented under the RCF; focusing on ways to harmonise processes for dealing with irregular flows in the region; enhancing cooperation on trafficking in persons issues; and expanding the AHG membership to interested Bali Process members and participants.
4. The meeting reviewed the activities undertaken since the sixth meeting of AHG Senior Officials in June 2012 and welcomed reports by countries and international organisations on their support for and actions taken to further develop and implement the AHG's objectives.
5. The meeting considered the AHG Progress Report (attached), prepared in advance by the Bali Process Co-Chairs, which provided a summary of AHG activities and achievements in progressing priorities set by Ministers at the Fourth Ministerial Conference. In particular, participants noted that the operationalization of the RCF through the establishment of the Regional Support Office (RSO) was a key milestone which had resulted from the strong support of members seeking to advance effective cooperation in the face of shared challenges. Sustaining and strengthening the RSO and its work program was recognised as paramount to the effective implementation of the RCF.

6. The meeting agreed that the AHG had made significant progress in achieving the objectives set by Ministers through the development of new initiatives, the establishment of the RSO for members and through a regular program of targeted activities at both senior official and working group level.

### **Key Themes**

7. The meeting recalled that 2012 had marked the 10<sup>th</sup> Anniversary of the Bali Process. A successful two-day commemorative event with the Chairs of other regional consultative processes (RCPs) on migration had provided a useful opportunity for Bali Process members to share experiences, lessons learned, strategies for addressing common challenges and possible ways forward for the Bali Process into the next decade. Event participants had recognised that to effectively manage challenges, Bali Process members needed to continue to work together while strengthening networking and cooperation with other RCPs.
8. The RCF provided a strong foundation for advancing cooperation and burden sharing and the RSO provided a mechanism through which the Bali Process could broaden its response to irregular movement including humanitarian and protection needs of irregular migrants. The meeting welcomed the operationalisation of the RCF and encouraged members to build on the foundation it provided for strengthening cooperation. Participants welcomed advice from the RSO co-managers that the substantive work plan of the RSO was well underway, including the development of a roster of legal, policy and operational experts. Participants welcomed reports from UNHCR and IOM on the progress of the four foundation projects. In particular, members welcomed the Regional Roundtable on Irregular Movements by Sea to be co-hosted by UNHCR and Indonesia from 18-20 March 2013 and looked forward to substantive outcomes.
9. The meeting acknowledged that while cooperation on addressing trafficking in persons had strengthened, there were opportunities to achieve more effective and coordinated responses on prevention, investigation, prosecution and victim protection. Participants noted that the *10<sup>th</sup> Anniversary Forum on Advancing Regional Cooperation on Trafficking in Persons* had identified labour trafficking as an important issue and had recommended that the extent to which labour trafficking affected Bali Process members be further explored. The meeting welcomed a presentation on Australia's work on trafficking, including the new Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) to begin from mid-2013. AAPTIP will work with ASEAN countries in support of the criminal justice sector to reduce incentives and opportunities for trafficking in persons, including labour trafficking. Members welcomed advice that as AATIP scaled-up, options to support the work of Bali Process members would be explored.
10. Members further noted that the 10<sup>th</sup> Anniversary Forum had acknowledged the value of engaging with civil society organisations and the private sector on trafficking in persons issues where appropriate. Members also recommended strengthening dialogue and information exchanges between members including through the Bali Process secure web portal.

11. Thailand and Australia advised the meeting of outcomes from a workshop in December 2012 at which participants had expressed interest in having regionally-focused policy guides which could support countries in implementing obligations under the United Nations Convention against Transnational Organized Crime (UNTOC) and its migrant smuggling and trafficking in persons protocols, in particular obligations related to criminalisation. The workshop had recommended that the policy guides complement existing legal tools, such as the UNODC model laws on migrant smuggling and trafficking in persons, and be considered for inclusion in the forward work plan for the RSO.
12. Members reaffirmed their commitment to strengthening border integrity and law enforcement cooperation. Participants noted there were opportunities for strengthening members' capacity through establishing cooperation with regional centres of excellence. To this end, members welcomed a presentation from the Jakarta Centre for Law Enforcement Cooperation (JCLEC) on its activities, noting the potential benefits for the Bali Process in establishing cooperation with JCLEC, particularly in strengthening regional law enforcement cooperation and maximising training and capacity building opportunities.
13. Participants noted that the growth of transnational crime in the region had a clear impact on the security interests of States and welcomed a presentation from UNODC on research it had undertaken on migrant smuggling in the region as part of a regional Transnational Organized Crime Threat Assessment (TOCTA) for East Asia and the Pacific. Members commented that the TOCTA provided a useful source of research and analysis to help policymakers develop new approaches towards combating transnational organised crime in the region.
14. Participants welcomed an update from IOM on the development of the Bali Process secure web portal, noting it had advanced significantly. Members were encouraged to nominate national focal points as soon as possible to enable the sharing of country and immigration-related information and analysis. The portal would provide members with access to relevant immigration-related information, e-Learning courses, including a document examination course being developed by Australia, and other training materials.
15. Co-Chairs encouraged members to participate in the UNODC-managed Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC). Participants welcomed a demonstration of the system by the UNODC and were appreciative of feedback provided by member countries who had participated in the pilot phase. Members welcomed advice that the VRS-MSRC would be launched in mid-2013.
16. Participants welcomed advice of the United Arab Emirates' intention to accept the Steering Group's invitation to join the Bali Process and AHG. The meeting noted the UAE would be the first Gulf Cooperation Council country to join the Bali Process and looked forward to working with the UAE on common challenges. Participants recalled that, as directed by Ministers at the Fourth Ministerial Conference, the Steering Group had expanded AHG membership which, along with the UAE, now included the United States, the Philippines and Vietnam. Participants also welcomed the intention of the UNODC to become a member of the Bali Process and looked

forward to the endorsement of the UNODC's application by the Bali Process Senior Officials at their next Meeting.

### **Action Items**

17. Participants welcomed a proposal by Indonesia and Australia to establish cooperation between the Bali Process RSO and JCLEC. Such cooperation could strengthen regional law enforcement responses; assist to build the capacity of Bali Process members through targeted, needs-based training to better address trafficking in persons and people smuggling; enhance consistency in approaches to the management of irregular migration; establish professional networks and a regional pool of subject matter expertise; and minimise duplication of training initiatives in the region. Participants noted a partnership could assist the RSO take forward training-related activities in its current work program and also deliver on the agreement of the 4<sup>th</sup> Technical Experts Working Group on Irregular Movements to develop a regional training program on border management. Members noted that the Bali Process could consider in the future establishing cooperation with other centres of excellence in the region.
18. The Meeting welcomed a proposal by Indonesia for a working group to be established, under the purview of the Ad Hoc Group, and agreed that it be established to better coordinate Bali Process responses to trafficking in persons issues including on prevention, prosecution and victim protection. Activities of the working group would be open to all interested Bali Process members where appropriate. Future activities of the working group would be put to AHG meetings for consideration. In that context, the Meeting also welcomed a proposal from Australia for a symposium to further explore the extent to which labour trafficking was an issue for members in the region. The symposium which could include engagement with NGOs and the private sector could be the first activity to be considered by the new working group.
19. The meeting welcomed a proposal from Australia to develop policy guides targeted at policy makers and practitioners which could be used by countries across a range of domestic agencies to promote a consistent understanding of legal obligations under the UNTOC and its migrant smuggling and trafficking in persons protocols, and to assist countries in developing effective legislation. These policy guides could be part of a series developed over time with future topics identified through workshops and meetings.
20. The Meeting welcomed participants' commitment to further progress the ongoing program of AHG activities in undertaking to deliver the following:
  - a fifth meeting of the Technical Experts Working Group on Irregular Movements which will explore the feasibility of establishing a framework to facilitate the sharing of immigration-related information and intelligence;
  - a workshop on biometrics which will explore data exchange frameworks and modalities and future directions for biometric technologies; and
  - a workshop on airport security for Bali Process members to exchange ideas and consider how collaboration, technology and risk management practices

could achieve better client service, improved airport security and manage irregular migration.

21. The Meeting reaffirmed the relevance and utility of the Regional Immigration Liaison Officer Network (RILON) concept and commended Sri Lanka and Malaysia for hosting meetings in the period since the sixth meeting of the AHG. The meeting requested that countries continue to progress the establishment of the RILON through their internal mechanisms.
22. The meeting endorsed the content of the AHG Progress Report and commended it to Ministers and Bali Process Senior Officials as an accurate reflection of the AHG's work program and focus over the past two years.

### **The Way Forward**

23. Participants agreed to recommend to Ministers and Bali Process Senior Officials that:
  - the AHG be retained as an effective mechanism to cooperate to better address irregular migration, including people smuggling and trafficking in persons;
  - Bali Process officials be encouraged to continue to implement the RCF through the development of cooperative arrangements and to participate in the work of the RSO including the seconding of country officials on a project basis;
  - cooperation be established between the Bali Process and regional centres of excellence on law enforcement including JCLEC and that the RSO be tasked with developing a program for cooperation in consultation with JCLEC, the Bali Process Steering Group and interested members of the Bali Process;
  - a working group be established by the AHG and open to all Bali Process members, where appropriate, to specifically focus on addressing trafficking in persons issues and that the working group consider a proposal for a symposium on labour trafficking as a possible first activity;
  - the trafficking in persons working group engage with civil society organisations and the private sector where appropriate;
  - the RSO be tasked to develop policy guides to assist policy makers and practitioners in implementing international obligations under the UN Convention Against Transnational Organized Crime and its protocols on migrant smuggling and trafficking in persons;
  - responses to irregular maritime movements be strengthened in light of outcomes of the Regional Roundtable on Irregular Movements by Sea co-hosted by Indonesia and UNHCR from 18-20 March 2013;
  - members maximise the potential of the Bali Process secure web portal as a vehicle for information sharing and e-Learning including by nominating national focal points to contribute and share country and immigration-related information and resources;

- members be encouraged to participate in the VRS-MSRC to strengthen its value as a tool to enhance and better inform policy development;
  - members work together to address root causes of irregular movement; and
  - the RSO be commended for its substantive work program and further directed to raise public awareness of people smuggling, trafficking in persons issues and Bali Process activities through information campaigns and by promoting broader public engagement including through the media.
24. The Co-Chairs acknowledged the support of the IOM in assisting all invited members to participate in the seventh meeting of AHG Senior Officials.
25. The Meeting expressed its appreciation to the Government of Australia for its generosity and hospitality in hosting the seventh meeting of AHG Senior Officials.