



BALI PROCESS ON PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND RELATED TRANSNATIONAL CRIME

Ad Hoc Group Progress Report by the Co-Chairs

[The AHG comprises Afghanistan, Australia, Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, New Zealand, Pakistan, Philippines, Sri Lanka, Thailand, United States, Vietnam as well as the International Organization for Migration and the Office of the United Nations High Commissioner for Refugees]

At the Fourth Bali Process Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in March 2011, Ministers agreed that the Ad Hoc Group be retained as an effective mechanism through which to develop and pursue concrete recommendations to inform future regional cooperation on people smuggling, trafficking in persons and irregular movements.

Ministers directed the AHG to undertake the following key priorities:

- a) Operationalise the regional cooperation framework;
- b) Provide a forum for States to share their experiences and knowledge flowing from arrangements implemented under the regional cooperation framework;
- c) Focus on ways to harmonise processes for dealing with irregular flows in the region;
- d) Enhance cooperation on addressing trafficking in persons issues; and
- e) Expand AHG membership, as determined by the Steering Group, to other interested Bali Process members and participants.

Since March 2011, the AHG has maintained a regular program of activity at both senior official and working group level and has made substantial progress in achieving the objectives set down by Ministers in 2011. While significant milestones have been achieved, addressing people smuggling and trafficking in persons continues to be a challenge for AHG members.

Coordination, funding and administration

The Steering Group has met regularly to oversee the work of the AHG. IOM has provided support on administrative and substantive matters.

Funding for AHG activities and administration has been a mixture of target contributions (notably by the United States, Indonesia, New Zealand, Australia and Japan) and in-kind contributions from countries that have hosted AHG activities (including Sri Lanka, Thailand, Malaysia, Indonesia and India). The Co-Chairs and Steering Group will continue to consider means to secure funding for both specific activities and core funding.

Activities since the Fourth Bali Process Regional Ministerial Conference

AHG Senior Officials' Meetings

The *5th AHG Senior Officials' Meeting (AHG SOM)* held in Sydney on 12 October 2011 agreed to operationalise the Regional Cooperation Framework (RCF) through the establishment of a Regional Support Office (RSO) in Bangkok. The RSO would take forward the development of practical measures to implement the RCF in line with the *Bali Process Steering Group Note on Operationalisation of the Regional Cooperation Framework in the Asia Pacific Region*. It was agreed that a working group of interested members would make recommendations on governance and operational aspects of the RSO. Participants agreed on four RSO foundation projects: a regional data management initiative; a voluntary repatriation capacity building and support initiative; a regional roundtable on irregular movements by sea; and a pilot study on information exchange and data analysis on irregular migration by sea. Participants also agreed to establish more Regional Immigration Liaison Officer Networks (RILONs) and undertake workshops on practical measures to protect and assist trafficking victims, immigration intelligence analysis best practice, and visa integrity issues for foreign mission staff.

The *6th AHG SOM*, held in Bali on 1 June 2012, agreed to recommendations on governance and additional activities for the RSO, proposed by the RSO Working Group, including on technical training and assistance on protection of victims of trafficking, law enforcement and international cooperation in combatting trafficking in persons, and refugee protection and migration management. Participants welcomed a UNHCR project on mapping the protection needs of unaccompanied and separated children who moved irregularly. Participants also agreed to progress the work of the AHG through a variety of workshops and meetings including a workshop on implementation of the UN Convention Against Transnational Organized Crime and its protocols on migrant smuggling and trafficking in persons.

The *7th AHG SOM* is scheduled for 5 March 2013 in Sydney. Final co-chairs' statements from the meetings are available at www.baliprocess.net.

Achieving AHG Objectives

The AHG has effectively advanced priorities set by Ministers in 2011. The AHG has operationalised the RCF through the establishment of the RSO in Bangkok. The RSO, co-managed by Indonesia and Australia, was officially opened in September 2012. UNHCR and IOM have seconded representatives to the office to work on projects. Interested members are encouraged to second officials to the office to work on a short-term project basis. Work on the foundation projects is well underway and future projects are under development. Further information on RSO activities is available at www.baliprocess.net/regional-support-office.

The AHG has encouraged efforts to enhance cooperation on trafficking in persons through activities aimed at strengthening the capacity of all Bali Process members in the areas of prevention, prosecution and victim protection. Workshops have highlighted the importance of comprehensive legal frameworks and policy measures in tackling trafficking and highlighted that the need to protect victims of trafficking is

paramount. Workshops have recognised the benefit of taking a coordinated approach to trafficking in persons across all levels of government as well as engaging with civil society and the private sector as appropriate. International and regional cooperation is considered critical.

The AHG has enhanced information sharing among members through the development of a secure portal (administered by IOM), accessed from the Bali Process website. Expansion of the RILON continues. RILONs have been established in Colombo, Kuala Lumpur, Bangkok, New Delhi and Canberra. The RILON teams share information on issues related to irregular migration including on visa and fraud trends; modus-operandi of people smugglers and human traffickers; statistical data on irregular migration; and capacity building and training opportunities.

At the Fourth Bali Process Regional Ministerial Conference, Ministers instructed the AHG to expand its membership as appropriate and under the recommendation of the Steering Group. In 2011, Bali Process members the Philippines and Vietnam joined the AHG. The United States also joined the AHG in 2011, with concurrent membership of the Bali Process. The United Arab Emirates has also accepted an invitation to join the AHG with membership of the Bali Process to occur concurrently.

The AHG has continued to implement a substantive program of workshops addressing a number of priority areas identified by AHG members. A list of AHG workshops including a summary of outcomes is attached at Annexure A. Co-Chairs' statements from the workshops are available on the Bali Process website at www.baliprocess.net.

The future for the AHG

The AHG has achieved significant progress in advancing cooperation in the region during the last two years. However despite its success, people smuggling and trafficking in persons remain persistent challenges in the region and beyond.

Looking forward, the AHG will continue to work with the RSO in developing and implementing practical arrangements under the RCF, aimed at reducing irregular movement through the region. Arrangements will be developed by interested States and guided by RCF core principles and considerations as agreed by Ministers at the Fourth Ministerial Conference and reflected in the Co-Chairs' Statement.

Advancing the agenda on trafficking in persons will continue to be a priority. While cooperation has strengthened, members recognise there are opportunities to work together to achieve more effective and coordinated responses to prevent trafficking in persons, investigate and prosecute perpetrators and protect and assist victims. The Co-Chairs encourage the AHG to consider opportunities for developing a more coordinated approach to addressing trafficking in persons issues. The AHG will seek to develop possible approaches to address capacity needs in relation to trafficking in persons and to explore further the extent to which labour trafficking is an issue for member countries, as recommended by members at the 10th Anniversary Forum on Advancing Regional Cooperation on Trafficking in Persons.

The Co-Chairs believe it will be important for the AHG to look to broaden its program of workshops to include practical training opportunities to build capacity and

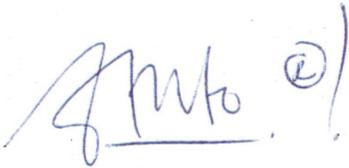
strengthen law enforcement cooperation. This could be done by linking the Bali Process, through the RSO, with centres of excellence in the region.

It will be equally important for the AHG to encourage members to utilise secure information sharing systems, particularly the Bali Process secure portal, which will help to better inform the work of the AHG, and Bali Process more broadly, including in identifying capacity needs and emerging regional issues.

Conclusion

The AHG remains the critical mechanism between Bali Process Ministerial and Senior Officials' meetings for advancing practical cooperation among Bali Process members to respond effectively to persistent and emerging challenges. It has proved particularly effective as a mechanism for cooperation and information sharing among source, transit and destination countries for irregular migration. Interest in the work of the AHG has grown resulting in an expansion in membership. The Co-Chairs strongly encourage members to build on the foundation of the RCF and continue to work through the RSO to develop sustainable and durable responses to irregular migration, people smuggling and human trafficking.

This Co-Chairs' report was considered by Ad Hoc Group Senior Officials at the AHG SOM in Sydney on 5 March 2013.



Febrina A. Ruddyard
Director for International Security and
Disarmament
Ministry of Foreign Affairs
Republic of Indonesia



Craig Chittick
Ambassador for People Smuggling Issues
Department of Foreign Affairs and Trade
Australia

ANNEXURE A

Ad Hoc Group (AHG) Workshop Summaries

10-11 May 2011: *AHG Technical Experts Working Group (TEWG) meeting on Irregular Movement by Air (and second Colombo RILON)*, Colombo. Participants acknowledged that sharing information regularly between members and like-minded countries and agencies was critical to addressing irregular movement of people by air. Participants highlighted the need to reinvigorate the RILON concept, and Australia and Sri Lanka agreed to develop revised RILON guidelines which would be made available on the Bali Process website. India indicated its intention to establish a local RILON; Pakistan was considering establishing a RILON; and Malaysia was seeking approval through the appropriate authority to establish a RILON (India subsequently hosted its first RILON in October 2011 and Malaysia hosted its first RILON in June 2012).

30 May – 1 June 2011: *AHG workshop on Mutual Legal Assistance and Law Enforcement Cooperation*, Bangkok. The workshop facilitated the exchange of information on relevant legislation criminalising trafficking in persons and people smuggling activity and identified gaps and obstacles which impede cooperation in the criminal justice process. Participants noted the value of having opportunities to update each other on developments regarding domestic frameworks on people smuggling and trafficking in persons as well as on arrangements for mutual legal assistance, extradition and related issues and called for strengthened cooperation.

14-16 November 2011: *The Third AHG TEWG on Irregular Movement by Air (and RILON)*, Negombo. Participants discussed the challenges in establishing identity of persons refused entry (or detained) and possible mitigation strategies, and challenges for facilitating the return of improperly documented arrivals. Members agreed to undertake a range of activities domestically to ensure visa and other entry processes are strengthened. Members also agreed that Australia and the Maldives would develop a concept paper for a possible training program for immigration managers prior to the next TEWG meeting.

25 November 2011: *An informal meeting of AHG members*, Bangkok. The meeting provided an opportunity to share ideas on governance and operational aspects of a possible RSO.

7-10 February 2012: *AHG Immigration Intelligence Analysis Best Practice Workshop*, Auckland. Participants recognised the importance of immigration intelligence to border management and operational processes, and were seeking to improve their capabilities. Participants recommended the AHG continue to focus activities to improve immigration intelligence capabilities across agencies, with other government agencies and international partners. Members also recommended for the Steering Committee to consider the feasibility of establishing a framework to facilitate the sharing of immigration-related information and intelligence.

18 April 2012: *Bali Process Working Group meeting on the RSO* for interested AHG members, Bangkok. The purpose of this meeting was to discuss activities and prioritisation of the RSO work program. Participants agreed to recommend to the 6th AHG SOM in Bali priorities for the first year of operation of the RSO, which

included: the establishment of a list of national contact points; progressing a regional data sharing initiative; commencing a pilot study on information exchange and data analysis on irregular migration by sea; supporting the design and implementation of information campaigns to address irregular migration, human trafficking and smuggling; and organising a regional roundtable on irregular movements by sea.

23-26 April 2012: *AHG workshop on Biometrics for Identity Integrity in Immigration*, New Delhi. Participants agreed to increase cooperation to optimise the use of biometrics to strengthen authorised migration and prevent or disrupt irregular migration. Participants also agreed to consider developing a framework of voluntary minimum standards to facilitate sharing biometrics and to help facilitate faster implementation of biometric capabilities for countries in the early stages of biometric development. Participants also agreed to identify opportunities to negotiate bilateral or multilateral arrangements for the mutual benefit of members.

11-14 June 2012: *AHG Technical Experts Working Group meeting on Irregular Movement*, Kuala Lumpur. Participants emphasised the need to develop credible and effective solutions for regional and international partners to detect criminal networks that underpin people smuggling, human trafficking and terrorism. Participants considered the proposal for a Regional Training Program and requested further work be undertaken to develop the proposal. Australia and the Maldives agreed to further explore possible training modules and curricula to cater to members' training needs and capacities, and identify relevant expertise that could be drawn upon to facilitate a regional training program.

23-26 July 2012: *AHG Visa Integrity Workshop for Foreign Mission Staff*, Bangkok. Participants agreed that all officers involved in visa issuing processes should receive appropriate training in visa integrity principles and necessary technical skills. Participants noted that opportunities existed to further develop training modules through other regional training proposals. These include those under consideration by the Bali Process TEWG; e-Learning courses being developed for the Bali Process secure website portal; and modules from existing training packages of partner countries and international organisations.

Regional Immigration Liaison Officer Network (RILON) meetings: The RILON is an AHG initiative established in 2009 which addresses immigration issues and related capacity building activities. RILON meetings held since March 2011 include:

Bangkok (28 April 2011);

Colombo (11 May 2011, 22 August 2011, 29 February 2012, 7 November 2012);

Kuala Lumpur (15 June 2012, 7 February 2013); and

New Delhi (20 October 2011).

Each RILON includes host country agencies and foreign missions located in-country, and shares information on issues related to the irregular movement of people by air, including travel documentation, visa issuance, and vulnerabilities at airports. Through sharing information and immigration intelligence, countries gain a better understanding of irregular movements, including the modus operandi of people smuggling and human trafficking networks and travel documentation being used by people travelling irregularly.