

**SIXTH MINISTERIAL CONFERENCE OF THE BALI PROCESS ON  
PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND  
RELATED TRANSNATIONAL CRIME**

**BALI, INDONESIA, 23 MARCH 2016  
CO-CHAIRS' STATEMENT**

We, the Foreign Ministers of Indonesia and Australia, had the honour to co-chair the Sixth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali, Indonesia on 23 March 2016.

**I. Decisions and Recommendations for Future Activities**

1. Ministers acknowledged the unprecedented levels of displacement and mobility seen globally since the last Ministerial Conference. There had been a surge in irregular movements of persons in the Bay of Bengal and Andaman Sea in the first half of 2015, with high fatality rates recorded. Recognising the need for an urgent, and collective response, members adopted a Bali Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime (Attachment A) to reinforce their commitment to tackling these complex challenges.
2. Ministers welcomed progress since the last Ministerial Conference and agreed on a strong program of activities to move the Bali Process forward. Ministers recommended that members review the region's response to Andaman Sea situation of May 2015 to share lessons and work to implement necessary improvements. Ministers agreed the review would consider options for improving national, regional and subregional contingency planning and preparedness for potential large influxes of irregular migrants in the future.
3. In this context, Ministers welcomed the important contribution of the United Nations and the International Organization for Migration (IOM) in helping states to address the challenges posed by irregular migration. The meeting recalled in particular the United Nations Agenda for Sustainable Development, and the five action areas outlined by the UN Secretary General at the General Assembly Plenary Session on irregular migrants (20 November 2015).
4. Ministers further welcomed national and regional efforts to date to respond in a timely manner to the irregular movements in the Andaman Sea and the Indian Ocean, including the Special Meetings on Irregular Migration in the Indian Ocean (29 May and 4 December 2015); the Special Retreat on Irregular Migration in the Indian Ocean (1 February 2016, Bangkok); the Emergency ASEAN Ministerial Meeting on Transnational Crime: Irregular Movement of Persons in the Southeast Asia Region (2 July 2015); and the Jakarta Declaration Roundtable Meeting on Addressing the Root Causes of Irregular Movement of Persons (27-28 November 2015). The Ministers looked forward to the UN Summit on Addressing Large Movements of Refugees and Migrants (to be held in the General Assembly in September 2016).
5. Ministers further acknowledged the need for more agile, timely responses by Bali Process members. To this end, Ministers agreed to have a mechanism which

would authorise the Co-Chairs to consult, and if necessary, convene future meetings to discuss urgent irregular migration issues with affected and interested countries in response to current regional issues or future emergency situations. Participation in the mechanism will be voluntary and non-binding.

6. Ministers noted that more concerted efforts were needed to address the root causes of irregular migration. Until these underlying causes are addressed, people will continue risking their lives on smugglers' boats. Ministers reaffirmed the importance of inclusive socio-economic development, full respect for human rights and measures to reduce statelessness.
7. Ministers noted the importance of civil registration in border management and in providing basic protection for migrants, refugees and asylum seekers. Ministers welcomed advice that a toolkit is being developed to help states strengthen their systems for registering births, deaths and marriages. The project seeks to expand registration and documentation coverage, and in turn, enhance the capacity of states to identify and provide protection to at-risk populations. Member countries were encouraged to participate in the project.
8. Ministers underscored the importance of addressing humanitarian and protection needs in managing irregular migration. Ministers directed that members give priority to coordinating procedures for rescue at sea, identifying predictable places for disembarkation, improving reception and screening systems, and engaging civil society in delivery of post-disembarkation emergency assistance. Ministers also highlighted the importance of temporary protection and local stay arrangements and recommended research into their viability.
9. Ministers further highlighted the importance of information dissemination to raise awareness of the risk of irregular sea voyages, using social media and other innovative platforms. Ministers noted progress towards implementing joint, regional information campaigns, and encouraged this work to continue.
10. Ministers reinforced the need to expand safe, legal and affordable migration pathways, including labour migration and family reunification programs, to provide an alternative to dangerous, irregular movement. Ministers encouraged members to consider how labour migration opportunities can be opened up to persons with international protection needs.
11. Ministers noted that return of persons found not to be entitled to international protection was important to the integrity and efficiency of the orderly migration. Building on outcomes from a 2015 roundtable, Ministers agreed that a Technical Experts Group would be established to exchange best practices with respect to returns and reintegration. Model readmission agreements would also be developed for use by interested member states.
12. Ministers commended the efforts of the Working Group on Trafficking in Persons to strengthen criminal justice responses to trafficking. Ministers welcomed advice that two sets of policy guides have been developed to assist member states criminalise people smuggling and trafficking in persons, and to improve identification and protection of trafficking victims. The guides have been

translated into 14 regional languages and the Working Group on Trafficking in Persons continues to promote them at regional training. Ministers directed that members give priority to implementing the guides' best practice principles.

13. Ministers welcomed updates from states on progress to effectively criminalise people smuggling and trafficking in persons. Ministers noted the importance of complementary obligations to criminalise money laundering and proceeds of crime, in order to target the financial incentives for people smuggling and trafficking in persons. Ministers recommended that the Working Group on Trafficking in Persons deliver training and develop regional guidance on this topic to help countries further bolster their legal frameworks.
14. Ministers acknowledged the critical role of the private sector in preventing and detecting trafficking in persons. Ministers noted the importance of engaging constructively with private industry in a genuine partnership to combat trafficking in our region and promote good practices in their supply chains.
15. Ministers welcomed the establishment of a Working Group on Disruption of Criminal Syndicates involved in People Smuggling and Trafficking in Persons. Ministers noted an update on the initial Joint Period of Action, which saw eight countries conduct separate, but coordinated, law enforcement operations against criminal syndicates. In total, authorities made 32 arrests and launched eight new investigations. Ministers commended the initiative as an example of successful operational outcomes that can be achieved when members work together in a practical way. Ministers recommended that the follow up Joint Period of Action focus on strengthening cross border cooperation.
16. Ministers further recommended that members maximise information-sharing networks to assist law enforcement and justice officials trace and recover criminal assets associated with people smuggling and trafficking across borders.
17. Ministers noted the value of biometric data sharing for verifying traveller identities and tracking migration flows. Ministers welcomed advice that a regional biometric data-sharing system has been developed. The voluntary, non-binding arrangement provides a secure, electronic means of sharing biometric data, within a policy framework that ensures privacy and data protection.
18. Ministers recognised the value of the Bali Process Strategy for Regional Cooperation in guiding the work of members and noted the Ad Hoc Group will continue updating it to reflect ministerial priorities.

## **II. Review of Progress since the Fifth Bali Process Ministerial Conference**

19. Ministers acknowledged the Co-chairs' Statements from the AHG Senior Officials Meeting in Bangkok, Thailand on 2 February 2016 and the report of activities implemented since the Fifth Bali Process Ministerial Conference as stated in the Senior Officials Meeting Co-chairs' Statement on 22 March 2016 (Attachment B).
20. Ministers commended member efforts in implementing Ministerial objectives set out at the Fifth Ministerial Conference in April 2013, as outlined in the Progress

Report of the Ad Hoc Group. Ministers welcomed the funding and personnel contributions of members towards the Regional Support Office (RSO). Ministers encouraged countries to send officials to the RSO on a project basis.

### **III. Participants**

21. The Sixth Ministerial Conference was attended by representatives of Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Fiji, France (New Caledonia), Hong Kong SAR, India, Indonesia, Iran, Iraq, Japan, Jordan, Lao PDR, Macau SAR, Malaysia, Maldives, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Syrian Arab Republic, Sri Lanka, Thailand, Timor-Leste, Tonga, Turkey, United Arab Emirates, United States of America, Vanuatu, Viet Nam, International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC). Canada, European Commission, Finland, Germany, Italy, Netherlands, Poland, Russian Federation, Spain, Switzerland, Sweden, the United Kingdom, International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC), International Labour Organization (ILO), INTERPOL and United Nations Development Programme (UNDP) attended the meeting as observers.
22. Ministers expressed its appreciation to the Government of Indonesia for its generosity and hospitality in hosting the Sixth Ministerial Conference.

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

**The Sixth Ministerial Conference of the Bali Process on  
People Smuggling, Trafficking in Persons and Related  
Transnational Crime**

**Bali, 23 March 2016**

1. We, Ministers and representatives of member states and organisations of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, note with concern the growing scale and complexity of irregular migration challenges, both within and outside the Asia Pacific region. We are particularly concerned by the tragic loss of life at sea, and by the abuse and exploitation of migrants and refugees at the hands of people smugglers and human traffickers. We also acknowledge that irregular migration poses social, economic, and security concerns for affected countries, with implication for regional and global stability.
2. We welcome the important contributions of member states and the support provided by member organisations in addressing the challenges posed by irregular migration. We welcome regional efforts to date, particularly by the most affected countries, in responding to the irregular movement of persons in the region, including in the Andaman Sea and the Indian Ocean. We note the decline in irregular movement of persons in these waters in the second half of 2015, attributable to the resolute actions by

affected countries to disrupt smuggling networks, among other factors.

3. While recognising the sovereign rights and legitimate interests of states to safeguard their borders and determine their migration policies, consistent with relevant international law, we underline that the transnational nature of irregular migration requires a comprehensive regional approach, based on the principles of burden sharing and collective responsibility. We reaffirm our commitment to our respective international legal obligations and encourage members to identify and provide safety and protection to migrants, victims of human trafficking, smuggled persons, asylum seekers and refugees, whilst addressing the needs of vulnerable groups including women and children, and taking into account prevailing national laws and circumstances.
  
4. We underline the need to address the root causes of irregular movement of persons and forced displacement, and the frequent linkage between the breakdown of good governance and the ease of people smuggling and irregular migrant ventures. Our collective response should promote good governance, rule of law, full respect for human rights and fundamental freedoms, a sense of security and belonging, inclusive economic growth, livelihood opportunities, access to basic services, social tolerance and understanding, and measures to prevent and reduce statelessness, consistent with relevant international instruments. We note with appreciation the humanitarian and development assistance offered by partner countries through bilateral, regional and multilateral arrangements towards at-risk communities, and

we encourage continued, inclusive development cooperation within the region. We recognise the need to enhance safe and orderly migration pathways, including for migrant workers, to provide an alternative to dangerous irregular movement.

5. We acknowledge the importance of a comprehensive approach to managing irregular migration by land, air and sea, including victim-centered and protection-sensitive strategies, as appropriate. We recognise the need to grant protection for those entitled to it, consistent with relevant international legal instruments and in all cases, the principle of *non-refoulement* should be strictly respected. Against a backdrop of increasingly mixed migratory movements, we welcome efforts by member states to improve identification of those with protection needs, including through effective and efficient screening processes, paying particular attention to the needs of vulnerable groups. We encourage states to work to identify more predictable disembarkation options. We welcome efforts by members to strengthen information sharing to provide accurate data on the whereabouts of migrants and vessels stranded at sea. We encourage further capacity building of the relevant agencies in search and rescue operations.

6. We encourage member states to explore potential temporary protection and local stay arrangements for asylum seekers and refugees, subject to domestic laws and policies of member states. We acknowledge the need for adequate access to irregular migrants wherever they are, by humanitarian providers especially the UNHCR and the IOM, as appropriate. We

encourage member states to explore alternatives to detention for vulnerable groups.

7. We acknowledge the importance of civil registration in providing identity and basic protection for individuals, as well as helping states track migration flows. We recall the 2014 Ministerial Conference on Civil Registration and Vital Statistics in Asia and the Pacific which proclaimed a shared vision that, by 2024, all people in Asia and the Pacific should benefit from universal and responsive civil registration and vital statistics systems. We therefore encourage members to continue working towards this target.
8. We are deeply concerned by the activities of transnational organised criminal groups that profit from smuggling and trafficking of human beings and continue to put lives at risk. We recognise that although people smuggling and trafficking in persons are distinct crime types, they often overlap. We encourage members to effectively criminalise people smuggling and trafficking in persons, in accordance with relevant international law, and regional instruments. We acknowledge the need for robust mechanisms that promote international cooperation, including law enforcement cooperation, mutual legal assistance and extradition, if applicable, to facilitate timely investigation and prosecution of offenders. We recognise that trafficking in persons constitutes a serious violation of human rights and that trafficking victims should be provided with assistance and protection. We encourage further law enforcement capacity building to combat

people smugglers and human traffickers, and to target the financial incentives of related transnational crimes.

9. We recognise the need for comprehensive and long-term solutions for mixed migration flows, which by definition can include refugees and irregular migrants, and the collective role of countries in the region in finding solutions. We welcome provision of resettlement places which allow refugees to start new lives in safety, subject to the domestic laws and policies of member states. We also welcome appropriate local solutions.

10. We recognise that timely, safe and dignified return of those found not to be entitled to international protection is an important element of orderly migration. We acknowledge that while voluntary return is preferred, a comprehensive and balanced approach to migration management may include involuntary return of those found not to be entitled to international protection, consistent with human rights and humanitarian laws. We encourage members to ensure that all returns are carried out in full respect of human rights, and recognise the responsibility of states to accept the return of their nationals. We should improve cooperation on sustainable return and reintegration strategies, including supporting source countries' initiatives to enhance their absorption capacity particularly through community-based investments in return areas, and by sharing information and good practices.

11. We recognise that the large flows of people in the Asia-Pacific provide both challenges and opportunities for governments in

the region. We therefore welcome efforts and initiatives by member states to expand safe, legal and affordable migration pathways and reduce migrant exploitation, including by regulating and legalising labour migration flows, ensuring transparent and fair recruitment processes and exploring viable temporary migration schemes.

12. We recognise the need to engage constructively with the private sector to expand legal and legitimate opportunities for labour migration and to combat human trafficking and related exploitation, including by promoting and implementing humane, non-abusive labour practices throughout their supply chains.
13. We intend to scale up public information campaigns to raise awareness of the risks of irregular migration, the existing regular migration pathways, and the serious determination of law enforcement authorities to bring smugglers and traffickers to justice.
14. We reaffirm the value of the Bali Process as a voluntary, inclusive, non-binding forum for policy dialogue, information-sharing and capacity building, and we are committed to have a mechanism of the Bali Process to facilitate timely and proactive consultation to respond to emergency situations. We underline the need to translate political commitments into concrete actions. We acknowledge the tangible efforts by governments and also welcome the work of the Regional Support Office in this regard. We acknowledge the role that international organisations, the

private sector and civil society play to help address the challenges caused by human trafficking and irregular migration, and encourage members to engage with them accordingly. We also recognise the need for enhanced cooperation and coordination among members, and with other ongoing regional and global initiatives.