

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.