



Constructive Dialogue on Irregular Migration, People Smuggling and Trafficking in Persons

Bali Process 20th Anniversary Event

Bangkok, 7-8 September 2022

Outcome Report

The Regional Support Office of the Bali Process on People Smuggling, Trafficking in Persons and related Transnational Crime (RSO) held a **Constructive Dialogue on Irregular Migration, Trafficking in Persons, and People Smuggling** (the Dialogue) in Bangkok, on 7-8 September 2022. The Constructive Dialogue was co-chaired by Australian and Indonesian RSO Co-Managers. The Constructive Dialogue was designed to illicit reflections from Dialogue participants on the value and achievements of the Bali Process in its 20th year anniversary, discuss the contributions made by the RSO since its establishment in 2012, and to seek inputs on priorities for future cooperation and activities in the lead up to Bali Process 20th Anniversary Senior Officials Meeting and Ministerial Conference.

40 Member and Observer States and Agencies of the Bali Process were represented at the Dialogue.

The Dialogue discussed current and emerging trends in irregular migration, trafficking in persons, people smuggling and related transnational crime in the Bali Process region, and the priorities of Bali Process Members for addressing them.

The Dialogue also welcomed proposals from Member and Observer States and Agencies on a refreshed Bali Process Strategy for Cooperation that spans all of the Bali Process activities designed to support Bali Process Member States to combat people smuggling, trafficking in persons and related transnational crime and improve irregular migration management.

I. **Irregular Migration, People Smuggling, Trafficking in Persons, and Transnational Crime Trends in the Bali Process Region**

Dialogue participants discussed the regional and national experiences of Bali Process Members and examples of international cooperation in relation to people smuggling, trafficking in persons and related transnational crime.

The need to strengthen border management systems

Multiple countries reported challenges with border management, related to paper-based immigration processes, abuse of visa-free regime systems and counterfeit visas, or the fraudulent use of genuine ones. In part due to their visa-free regime systems, the Maldives, Palau, and Timor-Leste expressed concerns over the influx of foreign nationals into their countries and the heightened risks of people smuggling, trafficking in persons and related transnational crime, including the burden falling on transit countries for the return of the irregular and stranded migrants.

The changing patterns of trafficking in persons in the region

As trafficking trends continue to dramatically evolve, Bali Process Member States that were previously origin countries for victims of trafficking are increasingly also becoming destination countries for trafficking and exploitation. Thousands of well-educated victims from around the region are being lured into forced labor for online scam operations. These operations, managed by transnational criminal networks, have reached an especially concerning scale in specific areas of the Lower Mekong Region, in countries such as Cambodia, Lao PDR and Myanmar.

The regional dimension of migration flows and exploitation of migrants

Multiple Dialogue participants noted the emergence of new drivers and patterns of irregular migration and forms of exploitation, which can be also intertwined with armed conflict and other situations of violence.

These new drivers and patterns are increasingly placing additional pressure on traditional border management systems, particularly following the re-opening of international borders and the easing of international travel restrictions. The Dialogue participants widely recognised the regional and interconnected dimension of irregular migration flows in the Asia-Pacific, and their close and complex relationship with instability, armed conflict and subsequent additional economic challenges, such as in the case of Afghanistan and Myanmar. Thailand highlighted the need for flexible policy measures in managing labour migration and the irregular migration flows from the neighboring countries, as well as the need for addressing the issue of corruption in workers recruitment practices and systems. The IOM noted the increase of women migrants in Asia and the Pacific region and the barriers to accessing legal migration pathways due to policy restrictions and stigmatisation. The UNHCR, the UNODC and the ICRC highlighted the need to support the preparedness of Bali Process Member States to manage potentially larger scale irregular migration flows in the Asia-Pacific region.

The growing role of technology as a facilitator for irregular migration, people smuggling and trafficking in persons

New technologies have emerged as both drivers of and mediums for trafficking and exploitation and are correlated with the emergence of many of the new trafficking and exploitation patterns that were noted during the Dialogue.

Online child abuse and sexual exploitation are on the rise through social media and online platforms. New Zealand expressed concern over the vulnerability of children to online abuse and exploitation, and described its efforts to establish an international child protection unit. Also multiple agencies, including the IOM and the UNODC, highlighted the use of social media and online platforms to recruit new victims. Struggling communities whose livelihoods were negatively impacted during the Covid-19 pandemic are increasingly being targeted, to be smuggled or trafficked in countries where they may be subject to various forms of exploitation and to forced labour. The IOM also reported that the profile of victims of trafficking is becoming more diversified, as highly skilled and tertiary qualified individuals are being recruited online and exploited to work in scam operations and online gambling, especially those from English, Bahasa Malay, Indonesian and Mandarin/Cantonese speaking backgrounds.

The transnational crime threats faced by the region, and the issue of fraudulent documents for irregular migration

New Zealand acknowledged an increase in the number of persons trafficked for forced criminal activities, which can involve illicit activities such as money laundering and drugs trafficking, and stressed the need for promoting victim-centered approaches, inter-agency coordination and partnerships between governments to investigate and prosecute trafficking in persons crimes. With regard to border controls and interception of migrants with counterfeited documents, the IOM noted that male migrants were more likely to be intercepted by authorities, which suggests that women migrants are less visible and hence more vulnerable to the risks associated with irregular migration and people smuggling.

Identification of and assistance for victims of trafficking in persons continues to face a diverse set of challenges

The participants at the Dialogue noted persistent and increasing challenges related to identifying and protecting victims of trafficking and forced labour, as demonstrated by the general reduction in prosecution rates globally.

Investigation and prosecution policies need to be revised and updated taking into consideration the evolving patterns of irregular migration, trafficking, and exploitation. Mixed migration flows, as noted by the UNHCR, also call for the timely identification of trafficking victims and those in need of international protection. Nonetheless, several participants highlighted the progress that has been made in the development of assistance frameworks and procedures for victims of trafficking. Examples are Thailand's efforts to strengthen its national referral mechanism for victims of trafficking; the Plan of Action against Forced Labour, People Trafficking and Slavery launched by New Zealand in 2021; and the establishment of an Inter-Agency Council Against Trafficking by the Philippines.

The safety of life at sea and the ongoing challenges in combating people smuggling by sea

The Dialogue participants discussed the multi-faceted challenges in combating people smuggling by sea and related issues, which require a holistic, integrated, and comprehensive approach to effectively address these challenges.

Sri Lanka discussed the risk of irregular migration by sea in unseaworthy vessels and the vulnerability of South-East Asian waters to irregular migratory activities carried out by smugglers, pirates, and criminal organisations. Both Sri Lanka and Australia noted the need for coordinated efforts and technological advancement to monitor fishing vessels and combat people smuggling by sea, and for promoting awareness of legal migration pathways and the risks associated with irregular migration. The ICRC highlighted the issue of missing, separated and deceased migrants, insisting on the importance of the recovery of the dead and postmortem collection. The ICRC also mentioned that people embarking on dangerous sea journeys, declared missing by their families, are sometimes found in immigration detention facilities on land.

The need for collective efforts in analysing emerging trends of irregular migration in the Bali Process Region

Thailand called for the international community to support refugees-hosting countries and take a coordinated approach to efforts to identify and address the root causes of irregular migration. Thailand specifically highlighted economic vulnerabilities as a main driver of irregular migration, which were compounded by the Covid-19 pandemic and lockdowns, particularly among marginalised groups. Considering the heightened risk of trafficking among refugees, the UNHCR stressed the challenges in effectively mitigating those risks, unless livelihood and education opportunities for refugees are made available. Nepal, Tonga and Palau highlighted climate change and forced migration trends and encouraged continued engagement amongst Bali Process Members to engage on this topic. The IOM reported an increase in child marriage and forced marriage across the region, while the UNODC highlighted trafficking for organ removal as an emerging issue requiring further attention. The ICRC noted the need to address general humanitarian consequences of irregular migration, including on families of missing and deceased migrants.

Corruption as a facilitator of irregular migration is a problem to be reckoned with

Sri Lanka, among other participants, noted that corruption, combined with a lack of resources to tackle false information about migration, pose an ongoing challenge, especially to the countries in crisis, in combating irregular migration. Thailand noted the importance of developing strategic approaches and conducting policy discussions around anti-corruption.

The need to strengthen the justice sector (prosecution, judiciary) to effectively combat people smuggling and trafficking in persons

The Dialogue participants noted that prosecution and international legal cooperation are still limited across the region, despite legislative reforms. Such limitations significantly hinder the ability to effectively investigate and prosecute trafficking and smuggling crimes.

Australia and New Zealand noted that addressing irregular migration requires enhanced international cooperation, a strong judicial system and strategic communications between governments and operating agencies. Member States from the Pacific region noted that trafficking in persons and people smuggling are emerging challenges in the area and there is a need for comprehensive capacity building across law enforcement authorities and victim protection services, to inform national-level strategic and operational responses. Sri Lanka also highlighted the need for state authorities to undertake reforms of national legislative and legal frameworks grounded on an improved understanding of the patterns and underlying causes of people smuggling and trafficking in persons. The ICRC established a parallel with similar regional instruments such as the Khartoum-EU Africa Process and the Rabat Process, parallels drawn in terms of emergency response, and transnational and regional cooperation amongst the states to address said underlying causes.

II. Regional Support Office of the Bali Process

Dialogue participants commended the RSO on its value and contribution in assisting Bali Process Member States to combat trafficking in persons and people smuggling over the past ten years. Dialogue participants particularly acknowledged the RSO's significant contributions since 2012 in addressing irregular migration challenges in Asia and the Pacific Region, for example, through facilitating dialogues, delivering capacity building activities, developing policy guides and toolkits, and through other RSO resources aimed to assist the Bali Process Member States. Dialogue participants recognised that the RSO continued to offer an open and collaborative mechanism for Bali Process Members to discuss priorities for engagement and to propose workplans with the RSO across the Bali Process mandate.

The RSO provided an update on its forward work plan which included:

- Convening conferences and roundtables to discuss the priorities identified by the Bali Process Working Groups, Senior Officials Meeting and Ministerial Conference, and how these priorities could be translated into practical and technical support and action plans with Bali Process Member States.
- Promoting victim-centred and gender-responsive approaches throughout all of the RSO's activities across the Bali Process mandate.
- Enhancing RSO support with regard to digital technology and innovation through online and social media channels and cross-sectoral collaboration, which includes collaboration with private organisations, facilitating engagement between agencies of Bali Process Member States and private organisations, including with respect to trafficking and smuggling data, trends and ethical recruitment.

- Launching of the RSO alumni network, capacity building and policy and partnership strategies, social media strategy, an online learning platform, and new websites for the Bali Process and the RSO.
- Increasing counter people smuggling activities and providing general support to the Bali Process Member States facing or preparing for regional crises.
- Strengthening engagement with the Bali Process Members through stakeholder mapping, delivering valuable information and resources to stakeholders. Additionally, seeking Bali Process Members' input on priorities and ideas for the RSO's Annual Work Plan and Strategic Plan to strengthen practical cooperation and coordination of priorities amongst Bali Process Members.
- Developing a cohort of policy experts across the Bali Process mandate to provide commentary and expertise to the RSO.
- Establishing a framework to support the Member States' funding of the RSO.
- Establishing an online RSO calendar of proposed activities.
- Considering how the RSO can support the establishment of a regional capacity building catalogue that incorporates offerings from the RSO and other partners.

III. Regional Strategic Priorities on Addressing Irregular Migration, People Smuggling and Trafficking in Persons

The Dialogue considered both shared and country-specific priorities for the Bali Process Members on addressing irregular migration, trafficking in persons and people smuggling across land, air and sea borders. It considered proposals and avenues for future work with the RSO and other Bali Process Mechanisms in order to address regional priorities.

Priorities on Addressing Irregular Migration

The Dialogue recognised the growing need for **reviews and updates to national legal frameworks and policies to take place to address changing irregular migration, trafficking in persons and smuggling of migrants' trends**. In this regard, Bali Process Members and Observers called upon the RSO to provide key updates on new developments and policies around trafficking in persons, people smuggling, and modern slavery, by organising periodic thematic dialogues, discussions on irregular migration and continuing the publication of thematic briefs and policy guides. Participants at the Dialogue also requested the RSO provide technical support to the Bali Process Member States in drafting and reviewing national policies and legislation addressing irregular migration, trafficking in persons, or smuggling of migrants.

The Dialogue voiced concerns over the **vulnerability of border management systems to transnational criminal networks using counterfeited documents or exploiting visa systems**, including where visa free regimes are in place. Dialogue participants requested the RSO to provide and facilitate the provision of support on strengthening border management measures, including capacity building and training for front-line immigration, border management and law enforcement officers to combat irregular migration.

The Dialogue recognised the need for **increased discussion and analysis of the root causes of irregular migration**, particularly with respect to climate-induced migration and growing refugee populations. Maldives highlighted that Small Island States are particularly exposed to climate change and the limited resources available to address the related irregular migration, trafficking in persons and people smuggling activities. Participants at the Dialogue requested the RSO to convene periodic thematic dialogues and targeted discussions with Bali Process Members on irregular migration as well as to facilitate discussion and formulate coordinated action plans to address these issues.

Priorities on Addressing Trafficking in Persons

The Dialogue acknowledged the need for Bali Process Members to strengthen their **understanding of the growing role of technology, both as a facilitator of irregular migration and exploitation, and as a potential resource and tool to be used to address and investigate these crimes**. In this regard, participants at the Dialogue recognised the RSO's role in fostering fruitful exchanges of information and sharing of experiences between the Bali Process Members and Observers, especially between the operational agencies with a focus on the technology that traffickers rely on to target, recruit, and exploit victims and that are used by smugglers to market their services. Dialogue participants called for additional facilitation of information exchange with private industry, especially around the use of data to inform law enforcement counter trafficking and smuggling investigations.

The Dialogue recognised that patterns of trafficking in persons have rapidly shifted and become even more complex, in terms of the modalities used by traffickers to recruit and exploit their victims. The rise of online/cyber scams has resulted in a surge of trafficking and exploitation reports involving casinos, scam operations and online gambling, especially in the Special Economic Zones of the Lower Mekong Region. The Dialogue also encouraged the RSO and other Bali Process Mechanisms, including the Taskforce on Planning and Preparedness (TFPP), to facilitate **discussions on how source countries have transitioned into becoming also destination countries for irregular migration and trafficking in persons**. In addition, participants called for **discussions and the establishment of action plans to address gaps in response to this new trend**.

The Dialogue noted the **increased prominence of modern slavery and the key role played by the private sector to support efforts to prevent and address modern slavery and exploitation**. It was suggested that the Bali Process should continue to address forced labour issues through the Government and Business Forum (GABF), with additional input from the GABF to other Bali Process workstreams. There were also calls from some Members and Observers to continue to strengthen engagement with business, civil society and community-level partners regarding modern slavery issues.

Priorities on Addressing People Smuggling

The Dialogue acknowledged that the influx of refugees in Bali Process regions can represent a business and profit opportunity for traffickers and smugglers, who often target vulnerable people engaging in seasonal work, living in rural areas, in areas characterised by conflict or widespread insecurity, and in conditions of economic marginality. It was also noted that false information can play a key role in luring people into irregular migration and people smuggling situations, which can put migrants' lives at risk. In

this regard, the Dialogue recognised the need to **support vulnerable communities with information about the risks connected with irregular migration and people smuggling**, by means of targeted public information and awareness raising campaigns and the promotion of information on alternative legal pathways for economic migrants.

The Dialogue also acknowledged that **corruption hinders the Members' efforts in addressing irregular migration, trafficking, and exploitation**. In this regard, it noted that corruption cannot be addressed only through ad-hoc initiatives such as capacity building: it requires broader and more systemic interventions at the policy and advocacy level, as well as strategic information campaigns to raise awareness on corruption. The Dialogue also commended addressing the collusion of corruption and recruitment through evidence-based advocacy and policy discussions on anti-corruption.

Priorities on Addressing Transnational Crime Threats

The Dialogue noted the **increase of transnational crime activities and the nexus to increased trafficking in persons and people smuggling**, specifically involving illicit activities such as trafficking in drugs and firearms, sexual exploitation, money laundering and forced criminality. The Dialogue further called for a wide range of measures, including collective efforts on collaborative data and trends analysis, enhanced cooperation and partnerships among agencies and governments, strong judicial and legislative responses, appropriate victim protection and survivor-centred approaches, and capacity building across law enforcement agencies to support up-to-date, effective and technology informed investigation and prosecution practices and techniques.

IV. The Way Forward: Engagement with the RSO of the Bali Process and other Bali Process Mechanisms

The Dialogue consistently highlighted the need to further strengthen regional cooperation on irregular migration issues and the value of the RSO and the Bali Process as facilitation platforms. Bali Process Member States further were seeking increased opportunities for shared learning and coordinated efforts on addressing people smuggling, trafficking in persons, and related transnational crime. Therefore, the Dialogue proposed:

- The Bali Process to consider establishing a central secretariat hub for coordination for Bali Process Members and for the Bali Process Working Groups to facilitate improved communication on Bali Process activities and meeting outcomes. Participants stressed the need for a central gateway and point of contact for Bali Process Member States so that the Bali Process Members could be informed on and participate in the Bali Process and RSO-led activities, training, and discussions. Some participants identified that the RSO should be considered to carry out the Bali Process Secretariat function given its dedicated role to support the Bali Process.
- The RSO to coordinate with researchers to facilitate country and sub-region-specific studies designed to tailor support for the Bali Process Member States.

- The RSO to implement stakeholder mapping among Bali Process Member and Observer agencies involved in irregular migration management, counter trafficking and smuggling and combatting transnational crime to establish and maintain an accurate record of focal points to support more regular, effective and targeted engagement.
- The RSO to optimise the use of an online platform to facilitate an exchange of best practices, thematic dialogues, roundtable discussions, capacity-building and pre-briefing meetings with the Bali Process Members.
- The RSO to collaborate more closely with the Bali Process Member States to further develop strategic relationships with the Member States, including the secondment of officials and the launch of an alumni network.

V. Participation and Support

Representatives from Australia, Bangladesh, Belgium, Brunei, Cambodia, France, Indonesia, Japan, Jordan, Lao Peoples Democratic Republic, the Maldives, Mongolia, Nepal, the Netherlands, New Zealand, Norway, Palau, the Philippines, Russia, Sri Lanka, Sweden, Switzerland, Thailand, Timor-Leste, Tonga, the United Kingdom, the United States of America, Viet Nam, UNODC, UNHCR, IOM, the ICRC, and the IFRC attended the Dialogue **in-person**.

Additional representatives from Australia, Austria, Bangladesh, Brunei, the Budapest Process, Canada, Indonesia, INTERPOL, Lao PDR, New Zealand, Poland, Thailand, the Bali Process Trafficking in Persons Working Group, UNHCR, UNODC, IOM, ILO, the IFRC attended the Dialogue **virtually**.

The RSO expresses its appreciation to the representatives from the Bali Process Members and Observers who attended the Dialogue.

VI. Glossary

COVID-19	Coronavirus disease (COVID-19) is an infectious disease caused by the SARS-CoV-2 virus
GABF	Bali Process Government and Business Forum
IACAT	Inter-Agency Council Against Trafficking
ICRC	International Committee of the Red Cross
IFRC	The International Federation of Red Cross and Red Crescent Societies
ILO	International Labour Organization
INTERPOL	The International Criminal Police Organization
IOM	International Organisation for Migration (or) IOM-UN Migration Agency

NRM	The National Referral Mechanism
PPMS	Bali Process Member States
RSO	The Regional Support Office of the Bali Process
SEZs	Special Economic Zones
TFTP	Bali Process Taskforce on Planning and Preparedness
UNODC	United Nations Office for Drugs and Crime
UNHCR	United Nations High Commissioner for Refugees

VII. The Bali Process Member and Observer States and Agencies

There are 45 member states, 4 member agencies and 27 observers to the Bali Process.

Member states to the Bali Process:

Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, DPK Korea, Fiji, France, Hong Kong SAR, India, Indonesia, Iran, Iraq, Japan, Jordan, Kiribati, Lao People’s Democratic Republic, Macau SAR, Malaysia, Maldives, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Rep. of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Timor-Leste, Tonga, Turkey, UAE, USA, Vanuatu, and Viet Nam.

Member Agencies to the Bali Process:

ILO, IOM, UNHCR and UNODC

Observer States and Agencies to the Bali Process:

Austria, Belgium, Canada, Denmark, European Commission, Finland, Germany, Italy, Netherlands, Norway, Poland, Romania, Russian Federation, South Africa, Spain, Sweden, Switzerland, United Kingdom.

Asian Development Bank (ADB), APC Migration (APC), International Centre for Migration Policy Development (ICMPD), ICRC, IGC (Intergovernmental Consultations on Migration, Asylum and Refugees), IFRC, INTERPOL, UNDP and the World Bank.

VIII. Annex (s)

- Annex 1: Concept Note of the Dialogue
- Annex 2: Agenda of the Dialogue
- Annex 3: Participant List of the Dialogue