

Working Group on the Disruption of Trafficking in Persons and People Smuggling Networks and a proposed Joint Period of Action

Concept Note

Background

At the Eighth meeting of the Bali Process Ad Hoc Group (AHG) Senior Officials Meeting (SOM) on 6 August 2014 in Canberra, AHG member states endorsed the establishment of a *Working Group on the Disruption of People Smuggling and Trafficking in Persons Networks* [the Working Group] under the Bali Process. The Governments of New Zealand and Sri Lanka will co-chair the Working Group for its first two year term (2015 – 2016).

The Working Group provides a forum for interested Bali Process AHG¹ member state officials involved in aspects of national security, law enforcement, and border control to share information and best practices in order to disrupt and dismantle transnational people smuggling and trafficking in persons networks.

An initial Roundtable on Migration and Transnational Crime was held on 24 September, 2014 in Bangkok, Thailand to develop a forward work plan for the Working Group. The Roundtable recommended that the Working Group should focus on:

- Assessments of syndicates, hierarchies, modus operandi, financial networks and methodologies used by people smuggling and trafficking criminal networks;
- Operational responses to future trends including identifying push and pull factors which may impact the region;
- Opportunities for enhancing coordinated activities to combat people smuggling and human trafficking networks while respecting jurisdictional limitations as well as national sovereignty and privacy legislation;
- Sharing current effective practices, tips, tools, and information on capacity building and awareness raising activities;
- Understanding the work of other regional forums to ensure that discussions and outcomes are complementary to other initiatives; and
- Mechanisms which support regional information exchanges.

These activities are to be supported through table top exercises, panel discussions, case studies, and scenario driven activities focused on improving action to combat people smuggling and trafficking in persons.

¹ AHG members are Afghanistan, Australia, Bangladesh, India, Indonesia, Malaysia, Maldives, New Zealand, Myanmar, Pakistan, Philippines, Sri Lanka, Thailand, United Arab Emirates (UAE), United States of America (USA), and Viet Nam. The International Organisation for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), and United Nations Office on Drugs and Crime (UNODC) are also members of the AHG; however, they are not members of Working Group.

What is proposed?

AHG member states recommended that the Working Group focus on action-oriented opportunities for enhancing coordination to combat people smuggling and trafficking in persons networks while respecting national jurisdictions. Accordingly, it is proposed that the Working Group works collectively to plan, coordinate, and carry out a Joint Period of Action to disrupt people smuggling and trafficking in persons criminal networks. Although this is a tried and tested and successful concept (e.g. through EUROPOL), a Joint Period of Action would be the first initiative of its kind under the Bali Process.

Where will the activities take place?

Initial planning meetings will take place in Bangkok, Thailand while the Joint Period of Action will occur within the national jurisdictions of participating AHG member states. A debrief meeting will be held in Bangkok, Thailand after the Joint Period of Action activities are completed.

What are the main objectives of the Joint Period of Action?

The effective disruption of people smuggling and trafficking in persons networks necessitates coordinated and concentrated action. Thus, the main objective of the Joint Period of Action is to enable interested AHG member states to carry out coordinated law enforcement operations against criminal networks involved in people smuggling and / or trafficking in persons over the same designated time period.

How will the Joint Period of Action be implemented?

As previously stated, under the proposed Joint Period of Action, participating AHG member states would carry out coordinated law enforcement operations against individuals and criminal networks involved in people smuggling and / or trafficking in persons over the same designated time period. In this context, law enforcement authorities in each country shall cooperate at an informal level, for example, by meeting in advance to discuss tactics to coordinate their actions so as not to hinder each other's investigations or to discuss the possibilities of sharing evidence. This approach does not imply that law enforcement authorities from different member states work jointly. Rather, they work within their own jurisdictions.

The focus of the Joint Period of Action will be determined by the priorities and capacities of the AHG member states. However, a number of different approaches could be taken:

- Investigations through intensive checks at airports to disrupt criminal networks providing fraudulent documents to irregular migrants.
- Investigations through intensive checks at transit hubs (e.g. border crossings, train stations, ports, etc.) assessed to be used by trafficking in persons and/or people smuggling networks.
- Investigations through increased police and/or immigration checks of venues of employment (e.g. factories, restaurants, entertainment venues such as brothels, etc.) or employers suspected of trafficking in persons.

- Investigations targeting a specific organised crime network operating in the Bali Process region.

To implement the initiative, the co-chairs will seek out interest and participation of AHG member states (e.g. through face to face meetings, emails, and telephone calls). It is anticipated that the initiative has a greater chance of success with a smaller group of states (e.g. four to six AHG member states), at least at the outset. As such, there is no expectation that all AHG member states will participate.

Implementation:

1. AHG countries as well as key partners will be approached to discuss the concept and secure their buy-in.
2. Once the commitment of a small group of states is obtained, the first official Working Group meeting will be convened with the full AHG. Its aim will be to introduce the Joint Period of Action, seek AHG endorsement, and secure the participation of a select group of states. This first meeting could also be used for a preliminary discussion about the practicalities of Joint Period of Action (e.g. priorities and capacities of participating member states to undertake different approaches).
3. The second meeting will only involve AHG member states participating in the Joint Period of Action. Its aim will be to lay the groundwork for the initiative (e.g. establish a clear operational plan, including goals and objectives, clarify roles and responsibilities, consider risk assessment, discuss timeframes, level of assistance required and special support available, etc.) and run a table top exercise to work through the practicalities of the Joint Period of Action.
4. The Joint Period of Action will be carried out over a designated time period. Media coverage at national and regional levels will be encouraged to promote Joint Period of Action achievements (template press release will be provided to ensure consistency).
5. A debrief meeting with participating AHG member states will be held to discuss what worked, what did not work, what should be done differently, and the next steps under the Working Group.

The timing of these meetings is still to be determined, but at the very least, the proposed Joint Period of Action will be highlighted at the upcoming SOM and Ministerial meetings, even if the Period itself occurs in late 2015.

What are the expected outcomes?

The overarching aim of the Joint Period of Action is to illustrate how coordinated efforts under the Bali Process can lead to effective law enforcement action against people smuggling and trafficking in persons networks.

Specifically, the expected outcomes are as follows:

1. Enhanced law enforcement cooperation at the regional level towards the disruption of people smuggling and trafficking in persons networks;
2. Enhanced level of intelligence gathering at national and regional levels;
3. Increased opportunities to identify facilitators of people smuggling and trafficking in persons;
4. Increased opportunities to identify and rescue victims of trafficking;
5. Fostered trust, confidence building, and open communication among agencies;
6. Enhanced exchange and sharing of information on people smuggling and trafficking in persons networks;
7. Established network of high level regional contacts to progress operational issues relating to trafficking in persons and people smuggling;
8. Identified gaps and challenges in 'real time' national and regional responses;
9. Identified opportunities for additional common operations and parallel investigations; and
10. Raised awareness about the crime of people smuggling and trafficking in persons networks.

It is hoped that the support provided to law enforcement through the Joint Period of Action will facilitate these outcomes and have an enduring impact on the people smuggling and trafficking in persons trade. Ultimately though, success will depend on the commitment of the participating AHG member states.