

**Note to Ad Hoc Group members: Working Group on the Disruption of Criminal Networks involved in People Smuggling and Trafficking in Persons**

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At the first Bali Process Ministerial Meeting in 2002, *“Ministers noted with concern that many of the smuggling and trafficking activities were being orchestrated by criminal networks that were also involved in the trafficking of narcotics, document fraud, money laundering, arms smuggling and other transnational crimes. They expressed deep concern about possible links between terrorist elements and people smuggling and trafficking operations....”*<sup>1</sup>

Although a number of Bali Process initiatives have aimed to strengthen regional law enforcement cooperation, collaboration among transnational people smugglers and traffickers has also improved. To more effectively identify and disrupt regional transnational criminal networks involved in people smuggling and trafficking, New Zealand and Sri Lanka propose the establishment of a Bali Process Working Group on the Disruption of Criminal Networks involved in People Smuggling and Trafficking in Persons.

This Working Group would fill an important gap under the Bali Process. No forum currently exists for national security, law enforcement, and border control officials to target the perpetrators of transnational crime. This Working Group is proposed as a new activity under the draft Bali Process Strategy (which will be considered at the next meeting of the Ad Hoc Group on 6 August 2014).

**Draft terms of reference for the working group are attached** for consideration by Ad Hoc Group members.

For its first term (two years), it is proposed that this Working group be co-chaired by New Zealand and Sri Lanka.

The co-chairs will put forward these draft terms of reference to the Ad Hoc Group for consideration at its next meeting on 6 August 2014 (via the Steering Group). Following endorsement of the terms of reference, the working group will be established and an initial Roundtable held to develop an annual work plan.

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<sup>1</sup> See Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime Co-Chairs' Statement 26–28 February 2002.

## **Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime**

### **WORKING GROUP ON DISRUPTION OF CRIMINAL NETWORKS INVOLVED IN PEOPLE SMUGGLING AND TRAFFICKING IN PERSONS Terms of Reference**

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#### **Background**

Taking effective measures against criminal networks has been a key objective of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) since its inception in 2002. At the first Bali Process Ministerial Meeting in 2002, *“Ministers noted with concern that many of the smuggling and trafficking activities were being orchestrated by criminal networks that were also involved in the trafficking of narcotics, document fraud, money laundering, arms smuggling and other transnational crimes. They expressed deep concern about possible links between terrorist elements and people smuggling and trafficking operations....”*<sup>1</sup>

Although a number of Bali Process initiatives have aimed to strengthen regional law enforcement cooperation, collaboration among transnational people smugglers and traffickers has also improved. Transnational criminal networks work across borders and have established regional structures that threaten states’ national security and border management systems. Moreover, transnational people smugglers and traffickers target vulnerable groups of migrants - refugees, asylum seekers, economic migrants, and unaccompanied and separated children, to name just a few. As such, it is vital to increase cooperation, as well as the sharing of information and best practices at all levels, to prevent and dismantle networks that endanger and exploit the lives of irregular migrants.

#### **Purpose of the Working Group**

The Bali Process Working Group on the Disruption of Criminal Networks involved in People Smuggling and Trafficking in Persons (Working Group) is a network of officials involved in aspects of national security, law enforcement, and border control with active roles in targeting transnational people smugglers and traffickers within the Bali Process Ad Hoc Group countries.

The Working Group provides a forum for interested Bali Process Ad Hoc Group member states to share information and best practices in order to dismantle

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<sup>1</sup> See Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime Co-Chairs’ Statement 26–28 February 2002.

transnational criminal networks involved in people smuggling and trafficking in persons in the region.

### **Role of the Working Group**

The Working Group will:

- Discuss the role of transnational networks in people smuggling and trafficking in persons
- Foster a better understanding of the routes, modus operandi, hierarchies, and criminal activities of transnational people smugglers and traffickers and their cross border movements (e.g. by examining past and/or ongoing investigations)
- Suggest strategies to strengthen national and regional law enforcement efforts and discuss avenues for improved information sharing amongst law enforcement, security, and border agencies
- Promote effective and coordinated approaches in the investigation and prosecution of people smuggling and trafficking in persons crimes
- Identify ways to strengthen the operational capacities of participating agencies to disrupt the transnational crimes of people smuggling and trafficking in persons
- Build trust and confidence among law enforcement, security, and border agencies to ensure information and intelligence is appropriately managed and protected
- Share examples of best practice in tackling transnational crime (e.g. extradition, seizing assets, and mutual legal assistance)
- Recognise existing operational level multilateral law enforcement forums and working groups focussing on people smuggling and trafficking in persons and ensure activities of this Working Group complement strategies and activities undertaken in those forums wherever possible
- Propose relevant initiatives related to combating regional transnational networks involved in people smuggling and trafficking and related crime for consideration in the forward work plan of the Regional Support Office (RSO) to the Bali Process
- Consider other issues determined by the Working Group as relevant to fulfilling its role.

Working Group members may self-nominate to implement specific initiatives and/or fund these initiatives under the auspices of the Bali Process.

Examples of initiatives include, but are not limited to:

- Cataloguing and mapping of regional transnational networks involved in people smuggling and trafficking in persons
- Scenario-driven activities and table-top exercises focusing on investigations
- Regional alerts/bulletins relating to regional transnational networks involved in people smuggling and trafficking in persons

- Secure data sharing through the Bali Process Members' Portal
- Bilateral and/or regional memorandums of understanding (MOUs) and/or other agreements between member states to provide a sound basis for effective information and intelligence sharing
- Strengthening legislation and regulations to assist efforts to combat people smuggling and trafficking in persons
- Capacity building and awareness raising activities for the Bali Process membership or a specific sub-set as appropriate to the issue under consideration.

The Working Group will propose relevant initiatives for consideration in the forward work plan for the RSO, including coordinating with existing work conducted under the auspices of the RSO as well as other Working Groups under the Bali Process (e.g. the Working Group on Trafficking in Persons) and other regional consultative processes, as appropriate.

### **Chairing arrangements**

The Working Group will be co-chaired on a rotational basis by two members of the Bali Process Ad Hoc Group. The maximum term for a co-chair will be two years, unless otherwise agreed by Working Group members. One of the co-chairs will rotate annually to ensure continuity. The co-chair positions will be voluntary. Ad Hoc Group members will be invited to nominate for the position of co-chair each year or as needed. Co-chairs will be decided at the Ad Hoc Group Senior Officials Meeting. A roster system will be implemented to ensure continuity of the position.

For its first term (two years), it is proposed that the Working Group be co-chaired by New Zealand and Sri Lanka.

With administrative support of the RSO, the co-chairs will:

- Identify meeting dates and locations
- Identify meeting objectives, prepare agendas, arrange speakers, and identify issues/initiatives for consideration by the Working Group
- Consult with the RSO on initiatives that will be considered by the Working Group for suggested inclusion in the RSO work plan
- Inform working group members of key developments
- Share appropriate information with the Working Group on Trafficking in Persons to ensure consistent approaches to combating trafficking in persons
- Take forward actions arising from meetings of the Working Group, and
- Report on meetings and activities of the working group through Bali Process mechanisms (as outlined below)

### **Membership**

The Working Group will comprise officials involved in aspects of national security and law enforcement with active roles (e.g. investigation officer, deputy director) in

targeting transnational people smugglers and traffickers from each Ad Hoc Group member state. Other Bali Process members and observers will be invited to meetings of the Working Group on a case-by-case basis, as agreed by the Working Group co-chairs. Due to the sensitive nature of the topic being discussed and to facilitate frank, open discussions, participants will be required to hold a national level security clearance.

### **Meeting Arrangements and Reporting**

The Working Group will meet once or twice a year, or as deemed necessary by the Working Group co-chairs.

Meetings of the Working Group may be held back to back with the Ad Hoc Group Senior Officials Meeting or other Bali Process forums at the same location. Otherwise, meetings of the Working Group will be held one or twice a year at a time and location to be determined by the co-chairs.

Meetings of the Working Group will be arranged by the Working Group co-chairs and supported administratively by the RSO in consultation with the Ad Hoc Group and/or Bali Process forum co-chairs.

Meetings of the Working Group may be conducted under the *Chatham House Rules*, which provide that '*participants are free to use the information received, but neither the identity nor affiliation of the speaker(s), nor that of any other participant, may be revealed*'.

The Working Group may report on its activities through public statements or updates, which will be developed by the Working Group co-chairs and made available on the Bali Process website.

The Working Group co-chairs will report on initiatives each year to:

- The Bali Process Steering Group through the Bali Process co-chairs, in writing; and
- The Ad Hoc Group Senior Officials Meeting, through an oral update.

These reports will be an opportunity for the Working Group co-chairs to seek the Steering Group's direction on any issues or disputes that may need to be resolved

### **Budget**

The co-chairs will determine arrangements for funding the Working Group meeting, which will be held once or twice a year, or as determined by the co-chairs.

### **Duration**

Once the terms of reference are approved by the Ad Hoc Group, the Working Group will commence its work with an initial Roundtable, scheduled to be held on 24

September 2014 in Bangkok, Thailand. The focus of this initial Roundtable will be to develop a forward work plan for the Working Group. The Working Group will be established for an initial period of up to two years, during which time the Ad Hoc Group, through the Bali Process Steering Group, will assess progress to date against the Working Group's terms of reference and consider the Working Group's future role and terms of reference, including the supporting administrative role of the RSO.