

**FIFTH MINISTERIAL CONFERENCE OF THE BALI PROCESS ON
PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND
RELATED TRANSNATIONAL CRIME
BALI, INDONESIA, 2 APRIL 2013**

CO-CHAIRS' STATEMENT

We, the Foreign Ministers of Indonesia and Australia, had the honour to Co-Chair the Fifth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali, Indonesia on 2 April 2013.

I. Decisions and Recommendations on Future Activities

1. Ministers welcomed the progress of the Bali Process since the Fourth Ministerial Conference in addressing people smuggling, trafficking in persons and related transnational crime and agreed to a strong agenda for taking the Bali Process forward.
2. Ministers underscored that strengthening efforts to reduce irregular movement in the region was paramount and urged members to further strengthen implementation of the Regional Cooperation Framework (RCF) including through participation in the Regional Support Office (RSO) to develop and implement practical cooperative approaches. Ministers noted the continuing work under the RCF towards consistent assessment process for asylum seekers including, where appropriate and possible, through harmonised arrangements or the establishment of regional assessment arrangements. Ministers encouraged States to second officials to work in the RSO on a project basis and welcomed the participation of Afghanistan as the first country to do so. Ministers also welcomed Thailand's financial contribution towards RSO activities.
3. Ministers recognised that law enforcement cooperation and the integrity of border management systems were critical to addressing irregular movement and combating the activities of people smugglers and traffickers. Ministers highlighted the value of linking the Bali Process with the law enforcement training expertise of existing regional centres of excellence. To this end, Ministers agreed the Bali Process would establish cooperation with the Jakarta Centre for Law Enforcement Cooperation (JCLEC). Ministers directed the RSO to work with JCLEC to develop a program of cooperation and training which would bring together law enforcement and immigration management experts to build capacity and strengthen the capabilities of member States.
4. Ministers welcomed Bali Process activities focussed on addressing trafficking in persons in recent years and urged members to consider opportunities to achieve more effective and coordinated responses to prevention, investigation and prosecution, and victim protection. Ministers agreed that the Bali Process would establish a working group to specifically focus on addressing trafficking in persons issues. The working group would be led by the Bali Process Ad Hoc Group (AHG), but would be open to all interested Bali Process members. Ministers noted concerns had been raised in recent Bali Process meetings, which had identified labour trafficking as an increasing problem for the region. Ministers directed that the new working group explore the extent to which the issue of labour trafficking affected Bali Process States and identify avenues for cooperation to address the issue. Ministers noted the value of work being done by other Regional Consultative

Processes (RCPs) on migration. A range of community, industry and private sector groups also work to address trafficking in persons, including for the purposes of labour exploitation. Ministers urged the working group to tap into the expertise and experiences of such groups and the relevant RCPs in implementing future activities.

5. Ministers welcomed advice from States on progress to strengthen their legal frameworks to criminalise people smuggling and trafficking in persons. Ministers encouraged all States to bolster their legal responses to these crimes and agreed that policy guides be developed to assist policy makers and practitioners to criminalise people smuggling and trafficking in persons. Ministers directed that the RSO, in consultation with interested members, develop guides which could be used by States across a range of domestic agencies to promote a consistent understanding of international legal obligations and assist in developing effective domestic legislation.

6. Ministers acknowledged the unprecedented number of irregular movements by sea through the Asia Pacific region in 2012 and the considerable impact such movements had on the migration systems of affected States and the loss of life at sea. Ministers recommended that members give priority to building on the regional roundtable on irregular movements by sea, hosted by Indonesia and the office of the United Nations High Commissioner for Refugees (UNHCR), and further explore practical ways in which affected States could strengthen cooperation in managing irregular maritime movements including through the development of a protection-sensitive regional approach.

7. Ministers recommended States proactively share migration-related information and e-Learning opportunities to maximise the potential of the new secure portal developed by the International Organization for Migration (IOM) and linked with the Bali Process website. Ministers also encouraged members to participate in the Voluntary Reporting System on Migrant Smuggling and Related Conduct developed by the United Nations Office on Drugs and Crime (UNODC) to strengthen its value as an information database to enhance and better inform policy development in response to migrant smuggling.

8. Ministers welcomed the achievements of the AHG in progressing activities aimed at reducing irregular movement in the region and agreed that it be retained as an effective mechanism for taking forward the Bali Process program of work under the direction of the Bali Process Steering Group.

II. Review of Progress since the Fourth Bali Process Ministerial Conference

9. Ministers commended the efforts of Bali Process officials in implementing Ministerial objectives set out at the Fourth Ministerial Conference in March 2011 and achievements as outlined in the Progress Report of the Co-Chairing Ministers on activities of the Bali Process, including of the AHG. Ministers endorsed the Co-Chairs' Statements from the AHG Senior Officials' Meeting (SOM) in Sydney on 5 March 2013 and the Bali Process SOM in Bali on 1 April 2013 and welcomed the recommendations for the forward Bali Process work program.

10. Ministers particularly welcomed the establishment of the RSO by the AHG, under the management of Indonesia and Australia, and noted the practical initiatives being implemented under the RCF towards strengthening regional cooperation to better manage the irregular movement of people. Ministers noted projects already underway, led by IOM and

UNHCR, were achieving results. In particular, Ministers welcomed outcomes from the IOM-managed RSO project on assisted voluntary returns which had seen the voluntary return of 66 irregular migrants from the region to their country of origin. A further 72 had been assessed and were awaiting return. Ministers noted that these efforts were making an important contribution to enhancing regional cooperation and confidence building.

11. Ministers acknowledged the practical activities undertaken by members in building law enforcement capacity and border management integrity and encouraged this work to continue. Ministers welcomed activities for the future work program including on strengthening airport security to better manage irregular migration, the use of biometrics in immigration systems, and the ongoing work of the Technical Experts Working Group on Irregular Movements which will explore the feasibility of establishing a framework to facilitate the sharing of immigration-related information and intelligence. Ministers reaffirmed the utility of the Regional Immigration Liaison Officer Network and commended the efforts of Sri Lanka, Malaysia, Thailand and India in hosting RILON activities during the period since the Fourth Ministerial Conference.

12. Ministers recalled the decision of the Fourth Ministerial Conference to expand the Bali Process and AHG as appropriate and welcomed the United States and the United Arab Emirates to the Bali Process and AHG, and the UNODC to the Bali Process. Ministers commended the United States of America, United Arab Emirates and UNODC on their constructive contribution as observers and looked forward to their enhanced engagement as members.

III. General Principles

13. Ministers noted that 2012 had marked the 10th anniversary of the Bali Process which was commemorated in Bali in November 2012. In looking to the next decade, Ministers reaffirmed their commitment to increasing efforts to combat people smuggling and trafficking in persons including by: enhancing and implementing national legislation to criminalise these activities; strengthening interagency cooperation to prevent and address these crimes; building greater consistency in legal regimes and processing of irregular migrants; and strengthening law enforcement mechanisms and cooperation and immigration systems in the prosecution of these activities. Ministers underscored the importance of addressing humanitarian and protection needs in managing irregular movement.

14. Ministers recognised that the root causes of irregular movements in the region were complex and multi-dimensional and encouraged members to continue to work with countries of origin, including through development cooperation, to address where possible underlying factors which made people vulnerable to irregular movement.

IV. Participants

The Fifth Ministerial Conference was attended by Afghanistan, Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Fiji, Hong Kong SAR (China), India, Indonesia, Iraq, Japan, Lao PDR, Malaysia, Maldives, Mongolia, Myanmar, Nauru, Nepal, New Caledonia (France), New Zealand, Pakistan, Papua New Guinea, the Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Thailand, Timor-Leste, United Arab Emirates, United States of America, Viet Nam, International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office

on Drugs and Crime (UNODC). Canada, Russia, Spain, Switzerland, the United Kingdom, International Federation of Red Cross and the Red Crescent Societies (IFRC), International Committee of the Red Cross (ICRC) and International Labour Organization (ILO) attended the meeting as observers.
