

**FIRST AD HOC GROUP MEETING
BALI, INDONESIA, 27-29 JULY 2009**

CO-CHAIRS' STATEMENT

1. The Co-Chairs of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) hosted the first Meeting of the Ad Hoc Group in Bali, Indonesia on 27 - 29 July 2009. The meeting was attended by representatives of Afghanistan, Australia, Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, New Zealand, Pakistan, Sri Lanka, Thailand, as well as representatives from the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the United Nations Office on Drugs and Crime, and the ASEAN Secretariat as an observer.

2. The Third Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (BRMC III), held in Bali from 14-15 April 2009, agreed to reactivate the Ad Hoc Group mechanism of the Bali Process with the terms of reference: (a) to develop practical outcomes at the operational level to assist countries to mitigate increased irregular population movements; (b) to enhance information sharing arrangements between most-affected countries; and (c) to report to Co-Chairs through the Steering Group with concrete recommendations to inform future regional cooperation on people smuggling and trafficking in persons.

Proceedings

3. The Meeting was opened by the Co-Chairs and subsequently the agenda and programme of work were adopted. The Co-Chairs recalled the Co-Chairs' Statement of BRMC III which agreed to reactivate the Ad Hoc Group mechanism of the Bali Process.

4. The Co-Chairs affirmed that the reasons for irregular movements in the region were numerous and involved economic, social and political aspects. Poverty, economic disparities, labour market opportunities, conflict, deterioration of human rights situation, and insecurity significantly contributed to the continuing prevalence of people smuggling and human trafficking in the region. Continued capacity development would help strengthen governance

and provide greater opportunities to address some of the underlying factors which made individuals vulnerable to irregular migration.

5. The Co-Chairs underlined the importance of the Meeting to produce substantive and actionable proposals to maintain the momentum of closer regional engagement on combating people smuggling and human trafficking as articulated by Ministers at the BRMC III.

6. On agenda item 2: “Overview on Irregular People Movement in the Region”, the Meeting took note of the presentations by representatives of the IOM, UNHCR and UNODC which highlighted the continuing challenge of irregular migration in the region, based on their respective works and roles. The IOM and UNHCR also presented three important caseloads currently transpiring in the region, namely irregular and onward movement of Afghans, Sri Lankans and people from northern Rakhine State. In addition the UNODC presented on the findings of recent UNODC reports on trafficking in persons and new challenges in East Asia related to infrastructure development.

7. On agenda item 3: “Review of Domestic and Bilateral Responses”, participants provided invaluable insights into their experiences of people smuggling and trafficking in persons. The views expressed by participants evolved around four pertinent issues which were prevention; legislation, criminalization and prosecution; protection and victim support; and for common regional responses to address current irregular people movement cases.

8. On the areas of prevention, participants stressed the importance of promoting awareness-raising programmes of the risks associated with people smuggling and trafficking in persons, as an important endeavour to prevent people being vulnerable to exploitation by syndicates of trafficking in persons and people smuggling. Participants affirmed that the root causes of people smuggling and trafficking in persons should be addressed in a cooperative and comprehensive manner. Participants re-affirmed that addressing social-economic development and conditions in the areas of origin was an important part of addressing issues at the source. Participants expressed the need to address the factors influencing trafficking in persons and people smuggling in destination countries, in promulgating a balanced approach towards addressing the issues related to trafficking in persons and people smuggling.

9. On the areas of legislation, criminalization and prosecution and harmonization of legislation, the Meeting emphasized criminalization of trafficking in persons and people smuggling in accordance with relevant international instruments. The Co-Chairs further emphasized the importance of utilizing the United Nations Convention against Transnational Organized Crime (UNTOC), and its two protocols thereto, namely the Protocol to Prevent, Suppress and Punish Trafficking Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, to enhance cooperation among States in the region. UNODC presented its role in the promotion of the two Protocols among Member States.

10. On the areas of protection and vulnerability reduction, participants were of the view that safeguarding and protecting women and children was a priority. Participants supported the need to enhance victim support and protection for victims of trafficking in persons, particularly women and children. Participants expressed the view that illegal migrants should be treated in a dignified and humane manner, as enshrined in the Protocol on Smuggling of Migrants supplementing the UNTOC.

11. Participants discussed the needs for short-term, long-term activities and areas of cooperation for common regional responses to address current irregular people movement cases: (a) the need to establish Standard Operating Procedures (SOPs) between countries facing irregular migrations in various situations at high seas and territorial waters; (b) the need to intensify coordinated patrols to monitor movement of people by sea; (c) the need to strengthen border controls, identifying fraudulent documents and identity theft, and computer-based training for law enforcement and immigration officers; (d) strengthening immigration systems, including registration systems; (e) establishment of liaison officers to detect fraudulent documents at major airports in countries of origin, transit and destination; (f) the need to address transit countries' impediments in lack of resources and facilities, including temporary shelters; (g) the need to expedite the safe return or repatriation and reintegration support of illegal migrants assessed to be "economic migrants" and the appropriate responses to victims of trafficking and asylum seekers with protection needs, including through resettlement to third countries; and (h) strengthening cooperation on law enforcement, intelligence exchange, and mutual legal assistance issues.

The Way Forward

12. On agenda item 4: “Identifying Possible Regional Responses” and agenda item 5: “Developing Areas for Future Cooperation”, the meeting agreed as follows:

Tackling Irregular Movements

13. The Meeting welcomed the proposal to establish a sub-group, or cluster, of affected countries of the Ad Hoc Group to better focus immediate efforts to coordinate regional responses to specific caseloads of irregular migrants. The cluster would provide a practical approach to cooperative engagement to address root causes of irregular migration and provide a forum for intelligence and information sharing, border immigration management, law enforcement and legal cooperation. While acknowledging the importance of targeted regional engagement, the Meeting recommended that the cluster be open-ended and self-selecting to ensure the participation of interested members of the Bali Process [Ad Hoc Group]. The first caseload to be considered by the cluster will be the irregular movement of Sri Lankans. The Co-Chairs will support the efforts of key affected countries to establish the initial membership of the cluster. The Meeting noted that additional clusters could be established in the future.

Law Enforcement and Legal Assistance

14. In recognition of the need for enhanced regional efforts to prosecute the criminal syndicates organising and profiting from people smuggling, the Meeting strongly supported the proposal to convene technical expert meetings of senior law enforcement and border agency officials to coordinate investigations and prosecutions of people smugglers, and legal experts to harmonise legal frameworks on people smuggling and human trafficking. Two technical expert meetings were agreed, as follows:

- a. The technical expert meeting on law enforcement cooperation which will be held from 29 September to 1 October 2009 at the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Semarang, Indonesia. The meeting for senior law enforcement officers will focus on arrangements for enhanced intelligence exchange and practical measures to combat people smuggling and trafficking in persons syndicates.

b. The Meeting welcomed the offer of Thailand to host an expert meeting on law enforcement and mutual legal assistance. This meeting would serve to bring relevant border protection and law enforcement agencies (i.e. Attorney General's Office, Police and Investigators, Immigration and Justice) to discuss law enforcement and legal assistance issues, including to explore harmonization of laws and law enforcement activities, using three caseloads and using available information and intelligence regarding these caseloads as case studies. This expert meeting will be conducted some time in November 2009.

15. Underlying the hazardous nature of maritime people smuggling ventures, the Meeting acknowledged the need for regional governments to address safety at sea issues to protect the lives of vulnerable people. The Meeting agreed to a technical meeting to explore the possibility of developing a standard regional approach to the management of irregular maritime ventures in international and territorial waters in accordance with relevant international instruments, particularly the UNCTOC Protocol on People Smuggling and UN Convention on the Law of the Sea of 1982. The Meeting took note of the idea for coordinated maritime patrols to monitor the movement of people by sea and to verify the safety of vessels, crews and passengers, and explore the possibility for a regional Standard Operating Procedure (SOPs) in dealing with irregular people movements and boat arrivals.

16. The Meeting noted that irregular migration by air continued to undermine national border management arrangements. To assist countries to better understand irregular movements by air and to examine appropriate arrangements to deter this practice, the Meeting supported the proposal to have a technical expert working group to develop practical measures around greater regional cooperation, information sharing and capacity building. An element of this approach would be to consider the feasibility of establishing a regionally-focused airline liaison officer network.

Communication Strategies

17. The Meeting welcomed the offer by IOM to convene a workshop to share best practices on developing and implementing information campaigns from the perspectives of source, transit and destination countries. The workshop will be convened before the end of 2009.

Further Work on Protection Issues

18. The Meeting agreed to the proposal by UNHCR to make available an information paper as a framework for further discussion on the challenges of managing mixed migration flows, including the benefits of implementing a registration system to ensure states are able to better understand and appropriately manage the movement of people across borders.

19. The Meeting highlighted the benefit of consistent practices among countries in the region to the protection, resettlement and timely repatriation, where appropriate, of irregular migrants with special consideration given to victims of trafficking and others who need protection. It was acknowledged that this was an important area for immediate consideration, and the Co-Chairs would consult with members on identifying opportunities for further work in this area.

20. The Co-Chairs acknowledged the support of the IOM in assisting all invited members to participate in the first Ad Hoc Working Group.

21. The Meeting expressed its appreciation to the Government of Indonesia for its generosity and hospitality in hosting the first Ad Hoc Group meeting.