

Working Group on the Disruption of Trafficking in Persons and People Smuggling Networks

Refreshed Concept Note 2020

Background

1. The Bali Process Working Group on the Disruption of People Smuggling and Trafficking in Persons Networks (“Disruption Working Group”) was established in 2014. It serves as a forum for interested Bali Process Ad Hoc Group (AHG)¹ 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.
2. From 2014 to 2019, the focus of the Working Group has been on action-oriented opportunities for enhancing co-ordination to combat people smuggling and trafficking in persons networks, while respecting national jurisdictions. As endorsed by Bali Process AHG Senior Officials, the Working Group was conceptualised as a mechanism to plan, co-ordinate, and carry out a Joint Day of Action (*later called a Joint Period of Action*) to disrupt people smuggling and trafficking in persons criminal networks.
3. The Disruption Working Group is unique among the four Bali Process working groups in that it brings together *operational* staff to simultaneously target the same people smuggling and/or trafficking syndicates through information exchange and co-ordinated efforts in participating countries. It is also the only working group within the Bali Process that focuses on both people smuggling and trafficking in persons. The Disruption Working Group contributes to the Bali Process’ strategic objectives by supporting collaboration, enhanced co-ordination and collective commitment.
4. Since its inception in 2014, the Disruption Working Group’s Joint Periods of Action have resulted in a number of successful cross-border investigations. Highlights include the successful prosecutions of 10 facilitators and organisers of a failed maritime people smuggling venture in 2015; cross-border detection of networks involved in the trafficking of Bali Process nationals, including minors, for the purposes of sexual servitude; and cross-border investigations of suspects engaged in trafficking for the purpose of forced labour.

Rationale for refresh

5. Following the conclusion of the 5th Joint Period of Action in December 2019, the current co-chairs New Zealand and Fiji sought to refresh the group’s work programme to ensure that participants’ priorities continue to be reflected in the group’s work.

¹AHG 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.

6. The results of a survey among participating countries noted that the Working Group has enabled connections with investigators or other law enforcement officials from participating countries, helped develop their understanding about disruption activities in other countries, and facilitated new or helped maintain existing bilateral relationships.
7. However, participants also noted that the format of the Working Group would benefit from changes to reflect participants' interests in progressing training opportunities and presentations on trends, policies and tools by international organisations or other Ad Hoc Group members.
8. There is also a need to ensure that any adjustments to the Working Group's work programme complement rather than duplicate the activities of the other Bali Process working groups.

Proposed changes to the Disruption Working Group

9. The Joint Periods of Action will continue to be the centrepiece of the Disruption Working Group. The purpose of the Joint Periods is to enable interested Ad Hoc Group member states to carry out co-ordinated law enforcement operations against criminal networks involved in people smuggling and/or trafficking in persons over a designated period of time.
10. In the past, Joint Periods of Action have taken place over a six-month time period. The co-chairs propose the **Joint Periods extend to 12-month cycles**, allowing tangible outcomes from larger and longer-term investigations to be progressed and reported on.
11. Additionally, the co-chairs propose that the Disruption Working Group complement Joint Periods with one or more existing and new activities as follows:
 - a. Simulation-based exercises on people smuggling and trafficking in persons investigations. It is intended that such exercises would help develop strong networks between practitioners to effectively detect, investigate and prosecute people smuggling and trafficking in persons enterprises operating along migration routes in and through the Asia-Pacific;
 - b. A compendium of successful cross-border people smuggling and trafficking in persons joint operations and cases based on historical Joint Periods of Action;
 - c. Engagement with experts on topics of interest to members for example, open source intelligence, financial investigations, and victim support;
 - d. Collaboration with the Working Group on Trafficking in Persons on, for example, enhancing a victim-centred approach and identifying trafficking indicators in cases of smuggling;
 - e. Collaboration with the Returns and Reintegration Working Group on, for example, operationalising repatriation; and

- f. Collaboration with the Task Force on Planning and Preparedness on, for example, maritime people smuggling and enhancing co-operation between origin, transit and destination countries.

12. It is intended that the Working Group's forward work programme will closely align with the following four pillars of the Bali Process' Strategic Plan for 2018-2020:²

- Increasing co-operation and strengthening capability of Member States in countering people smuggling, trafficking in persons and related transnational crime, including current and emerging issues;
- Encourage unified regional action on refugee protection and international migration, including human trafficking, smuggling and border management, through information sharing including the exchange of best practice and matching expertise between Bali Process Member States;
- Enhancing the region's capacity to collaborate on large-scale irregular movements at sea; and
- Bolstering regional states' capacity to transfer personal information securely.

How often will the Working Group meet?

13. In responding to feedback from participating countries, it is proposed the Disruption Working Group meet once annually in person. If and when in-person meetings are not possible, the co-chairs will endeavour to convene a virtual meeting.

14. In between annual meetings, the co-chairs envisage convening *ad hoc* intersessional meetings to focus on progressing joint investigation plans.

What are the expected outcomes?

15. The overarching aim of the Disruption Working Group is to illustrate how co-ordinated efforts under the Bali Process can lead to effective law enforcement action against people smuggling and trafficking in persons networks.

16. The refresh of the work programme seeks to improve on the original proposal for the Working Group in order to more work more effectively towards the following outcomes:

- Enhanced law enforcement co-operation at the regional level towards the disruption of people smuggling and trafficking in persons networks;
- Enhanced level of intelligence gathering at national and regional levels;
- Increased opportunities to identify facilitators of people smuggling and trafficking in persons;
- Increased opportunities to identify and rescue victims of trafficking;
- Fostered trust, confidence, and open communication among agencies;

² Regional Support Office of the Bali Process – Strategic Plan 2018-2020

<https://www.baliprocess.net/UserFiles/baliprocess/File/RSO%20Strategic%20Workplan%202018-2020v1.pdf>

- Enhanced exchange and sharing of information on people smuggling and trafficking in persons networks;
- Established network of high-level regional contacts to progress operational issues relating to trafficking in persons and people smuggling;
- Identified gaps and challenges in 'real time' national and regional responses;
- Identified opportunities for additional common operations and parallel investigations; and
- Raised awareness about the crime of people smuggling and trafficking in persons networks.

17. The Co-Chairs envisage that the reformatted Working Group will facilitate these outcomes and have an enduring positive impact on curtailing the people smuggling and trafficking in persons trade. Ultimately, success will depend on the commitment of the participating AHG member states.