

## **SIXTH MEETING OF BALI PROCESS AD HOC GROUP SENIOR OFFICIALS**

**BALI, INDONESIA, 1 JUNE 2012**

### **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 Sixth Meeting of Ad Hoc Group (AHG) Senior Officials in Bali, Indonesia, on 1 June 2012. The meeting was attended by representatives of Afghanistan, Australia, Bangladesh, Indonesia, Malaysia, Maldives, Myanmar, New Zealand, Pakistan, Philippines, Sri Lanka, Thailand, and Vietnam as well as representatives from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). Canada and the United Nations Office on Drugs and Crime (UNODC) attended the meeting as observers.
2. The purpose of the meeting was to take stock of progress since the Fifth AHG Senior Officials' Meeting (SOM), held in Sydney on 12 October 2011, and to take forward implementation of the Regional Cooperation Framework (RCF) through establishment of a Regional Support Office (RSO).

#### **Proceedings**

3. The Meeting was opened by the Co-Chairs and the agenda and program of work were adopted. The Co-Chairs recalled outcomes from the Fifth AHG SOM, in particular members' agreement to establish an RSO to operationalize the RCF, as directed by Ministers at the Fourth Bali Process Ministerial Conference in March 2011. The meeting reviewed activities undertaken since the fifth meeting of AHG Senior Officials in support of Ministers' objectives, including efforts to enhance cooperation in combating trafficking in persons.

#### **Key Themes**

4. Participants welcomed a report from Sri Lanka on progress in the Technical Experts Group on Irregular Movement by Air and noted the expansion of the group's mandate to address irregular movement by land and sea, as endorsed by the Fifth AHG SOM. Participants noted that Technical Experts Group members had agreed to undertake a range of activities to strengthen domestic visa and other entry processes. Participants welcomed advice that Australia and the Maldives had developed a concept paper for a professional development program for immigration managers which would be taken forward at the next meeting of the Technical Experts Group on Irregular Movement in Malaysia.
5. Sri Lanka reported that members of the Technical Experts Group had also reinforced the value of the Regional Immigration Liaison Officer Network (RILON) as a forum for sharing information on irregular movements by air in major hub locations and had welcomed progress reports from Thailand and Sri Lanka on recent RILON meetings and future work programs.

6. Participants welcomed reports from New Zealand and Australia on the Immigration Intelligence Analysis Best Practice Workshop which recommended that the AHG continue to focus activities to improve immigration intelligence capabilities across agencies, with other government agencies and international partners. It was noted that members could refer to two United Nations instruments in their consideration to review their country's authority to share immigration related information and intelligence.
7. Australia reported on outcomes from the Workshop on Biometrics for Identity and Integrity in Immigration noting that the workshop had agreed to increase cooperation among Bali Process countries to optimise the use of biometrics to strengthen authorised migration and disrupt irregular migration. Participants welcomed advice that the workshop had agreed to consider developing a framework of voluntary minimum standards to facilitate sharing biometrics to strengthen immigration integrity within the legal framework of member countries. Australia agreed to finalise the framework and circulate to members within the next month for comment. Participants noted the use of biometrics in immigration enhanced border security, disrupted criminal activities and facilitated bona fide travel.
8. Participants welcomed updates from UNODC on Phase 1 of the Bali Process Evidence Base Project and development of the Voluntary Reporting System on Migrant Smuggling and Related Conduct in support of the Bali Process. UNODC noted that the Voluntary Reporting System (VRS-MSRC) was close to completion and called for expressions of interest from members in participating in a pilot phase to test the system. Co-Chairs supported the VRS pilot phase and encouraged members to participate.
9. Participants reaffirmed the value of having an information resource on policies, procedures and approaches to Protection, Repatriation and Resettlement in the region and welcomed an update from Australia on a research project which aims to identify needs and opportunities for members to better manage irregular migration. Participants were advised that country papers had been drafted for country endorsement. UNHCR and IOM were asked to review relevant statistics in the draft country reports.
10. Participants noted the importance of information sharing and welcomed a presentation by IOM on development of the secure portal on the Bali Process Website. IOM provided details on how the Secure Portal on Effective Exchange of Data (SPEED) website is being designed to provide a secure and centralised portal to facilitate timely information collection and dissemination among members.
11. Participants noted the considerable work which had already been done in response to the directive of Bali Process Ministers to enhance cooperation on trafficking in persons. Participants acknowledged the value of recent workshops hosted by Malaysia and Indonesia which highlighted that, while considerable progress had been made by Bali Process countries over the last 10 years to amend, enact, and strengthen anti-trafficking legislation, challenges still remained.
12. Participants welcomed reports from Malaysia on a workshop which focused on strengthening responses and capacities to combat trafficking and protect and support victims. Participants also welcomed reports from Indonesia and Australia on outcomes from the Technical Experts Workshop on Combating Trafficking in Persons. Participants noted the value of the workshop in providing an opportunity to

exchange information and practices on legal and operational frameworks and practices and to examine ways in which to improve interagency cooperation.

13. Participants welcomed a presentation by the UNODC on the United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocols on Migrant Smuggling and Trafficking in Persons and guidance on implementation. Australia led discussion on the utility of Bali Process model laws on trafficking in persons and migrant smuggling as legal tools. Participants welcomed the discussion, acknowledging that while the model laws had been a significant and useful achievement in 2003, they had not kept up with legal developments and did not include all elements set out in the UN Smuggling and Trafficking Protocols. Participants welcomed a proposal from Thailand to host a workshop on ratification and implementation of the UNTOC and Protocols. The workshop could usefully include further discussion on the utility of existing Bali Process Model Laws and cross border jurisdictional issues and include members' experience in implementing relevant laws. Members expressed interest in developing a practical tool for designing and implementing legislation, which complements existing tools.

### **Action Items**

14. Participants agreed to progress the work of the AHG in undertaking:

- to further progress the establishment of RILON through States' internal mechanisms;
- a Technical Experts Working Group on Irregular Movements to be hosted by Malaysia;
- a workshop on integrity of visa processes for foreign mission staff, to be hosted by Thailand.

Participants further agreed to include on the current AHG work program:

- a workshop on ratification and implementation of the UNTOC and its protocols on migrant smuggling and trafficking in persons, to be hosted by Thailand, which will include consideration of existing Bali Process model laws.

15. Participants agreed to the recommendations of the workshops on combating trafficking in persons, including the utilization of the Bali Process as a platform to strengthen cooperation among members to address the problem of trafficking in persons. Members also acknowledged the recommendation to explore the possibility to develop a formal networking mechanism as a means of information sharing among officials. Participants also considered that similar workshops be conducted within the Bali Process, including workshops that specifically catered to the needs of law enforcement officials, including judges, to ensure a robust and coordinated approach to criminal justice challenges to combat trafficking in persons.
16. Participants recalled the decision of the Fifth AHG SOM to establish a Regional Support Office to take forward the development of practical measures to implement the RCF and welcomed advice that Bali Process Co-Chair Ministers had confirmed their agreement to the RSO. Participants reiterated their appreciation of Thailand's offer to facilitate the establishment of the RSO in Bangkok. Australia provided members with an overview of recommendations from the RSO Working Group,

including on governance and reporting structures and an initial 12-month work plan. It was noted the work of the RSO would reflect all Bali Process themes: people smuggling, trafficking in persons and related transnational crime.

17. Members recalled the agreement of the Fifth AHG SOM to RSO foundation projects - a regional data harmonisation initiative; a voluntary repatriation capacity building and support project, which would raise awareness of voluntary repatriation opportunities for irregular migrants and enhance the capacity of governments to facilitate voluntary returns; a regional roundtable on irregular movements by sea; and a pilot study on information exchange and data analysis on irregular migration by sea. Participants welcomed an update from UNHCR on planning for the roundtable and noted the value of promoting a common understanding of conceptual issues on irregular movements by sea with a view to informing development of future arrangements among interested States.
18. Members further agreed to the Working Group's recommendations for additional RSO activities including the provision of technical training and assistance on protection of victims of trafficking, law enforcement and international cooperation in combating trafficking in persons, and refugee protection and migration management. UNHCR proposed an additional activity focussed on mapping the protection needs of unaccompanied and separated children who moved irregularly.
19. The Co-Chairs thanked members for their constructive feedback on the RSO Working Group recommendations. Australia outlined next steps in operationalising the RSO, noting that Australian and Indonesian co-managers would be appointed shortly. Members were encouraged to give early consideration to seconding a government official to the office for six to 12 months to undertake specific project-based work.
20. Members noted the Steering Group had endorsed the RSO Working Group recommendations at its meeting on 31 May 2012. Ad Hoc Group members agreed to the recommendations and that the RSO would be operational by early July 2012. Members also agreed that AHG SOM Co-Chairs would report to Bali Process Co-Chair Ministers on the SOM decision.
21. Members endorsed a Steering Group recommendation to invite the United Arab Emirates (UAE) to become a member of the Bali Process and Ad Hoc Group, subject to the endorsement of Bali Process members.
22. Members recalled that 2012 marked the 10<sup>th</sup> anniversary of the Bali Process and discussed possible ways of commemorating this milestone. Co-Chairs welcomed ideas from around the table and undertook to consider members' views and report back out of session on a decision as soon as possible.
23. The Co-Chairs acknowledged the support of the IOM in assisting all invited members and observers to participate in the sixth meeting of AHG Senior Officials.
24. The Meeting expressed its appreciation to the Government of Indonesia for its generosity and hospitality in hosting the Sixth AHG SOM.

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