

**CO-CHAIRS' SUMMARY REPORT**  
**ARF Workshop on Trafficking in Persons**  
**Semarang, Indonesia, 4-5 April 2017**

## Introduction

- Pursuant to the decision of the 22nd Ministerial Meeting of the ASEAN Regional Forum (ARF) held in Kuala Lumpur, Malaysia on 6 August 2015, the ARF Workshop on Trafficking in Persons (TIP) was convened in Semarang, Indonesia on 4-5 April 2017. The Workshop was co-chaired by Indonesia and the European Union, with the support from the Government of the Kingdom of the Netherlands.
- This first ever dedicated ARF Workshop on TIP was held few weeks after the entry into force of the groundbreaking ASEAN Convention against Trafficking in Persons (ACTIP).
- Representatives from ARF participants, including Australia, Bangladesh, Cambodia, China, the European Union, Indonesia, Lao PDR, Malaysia, Mongolia, Myanmar, New Zealand, Pakistan, Philippines, Republic of Korea, Sri Lanka, Timor-Leste, and the United States attended the meeting. The List of Participants is attached as **ANNEX A**.

## Opening Session

- In the opening remarks, Mr. M. Chandra W. Yudha, Director for ASEAN Political-Security Cooperation, Ministry of Foreign Affairs of the Republic of Indonesia and his fellow Co-Chairs, Mr. Basil Vasilica Constantinescu, *Chargé d'Affaires* of the European Union Mission to ASEAN, welcomed all delegations to Semarang, Indonesia, and stressed the importance for the ARF to strengthen its cooperation to prevent and combat trafficking in persons (TIP), especially since the adoption of the ASEAN Convention against Trafficking in Persons, especially Women and Children (ACTIP) in 2015 and its entry into force on 8 March 2017. The Co-Chairs welcomed the convening of the first ARF workshop on TIP after several years of efforts to include this issue as a new priority area of the ARF Work Plan on Counter Terrorism and Transnational Crime. The Co-Chairs shared their aspirations for a successful workshop that could contribute to the global efforts to combat the complex and ever-changing issue of TIP.
- An address was also conveyed by Mr. Ferdinand Lahnstein, Minister Plenipotentiary of the Embassy of the Kingdom of the Netherlands, who shared the Dutch Government's efforts to combat TIP in the region, including its membership in the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. He emphasized that international approach and close cooperation with other countries are crucial to address TIP.

## Introduction to TIP: Threat Assessment and Strategy Building (chaired by Indonesia)

- The Workshop noted presentations delivered by Dr. Arne Feickert (Judge, Desk Officer International Cooperation against Terrorism, Drug Trafficking, Organised Crime and Corruption, Federal Foreign Office of the Federal Republic of Germany), Stefanie Schwartz (Immigration Liaison Officer at the Embassy of the Kingdom of the Netherlands in Bangkok), Benoit Godart (EUROPOL Liaison Officer, INTERPOL Global Complex for Innovation, Police Attaché to the EU Delegation to Singapore), and George Gigauri (Deputy Chief of Mission, International Organization for Migration - Indonesia).
- Dr. Feickert highlighted that Germany has been a country of destination for TIP activities of which most of the victims and suspects came from Romania, Bulgaria, and Hungary. Main purposes of trafficking activities are sexual exploitation for female and labor exploitation for male victims. Although data is available, its reliability depends on the willingness of the victims to report and cooperate in providing evidence. He pointed out that prior to 2016, Germany faced difficulties due to the inadequacy of national legislation. Thus in October 2016, Germany established a new bill of legal improvements in combating human trafficking. Such bill complies better with the relevant international legal instruments and includes new relevant provisions, such as on forced prostitution and forced labour, criminalization of clients, and assistance of human trafficking victims. Dr. Feickert underscored the need to further refine international legal instruments, improve national legislation, and conduct studies on other aspects of TIP and people smuggling in order to comprehensively address the issue. The presentation appears as **ANNEX B**.
- Ms. Schwartz underlined that Netherlands perceived TIP as a serious crime and a violation of human rights. She identified the three elements to define human trafficking, namely the act, the means, and the purpose (exploitation, forced labor, slavery, etc.). Furthermore, she highlighted the different nature of TIP and human/people smuggling. Human smuggling involves consent and is regarded as a crime against the state whereas TIP is normally without consent and is regarded as a crime against individuals. However, she also emphasized that the distinction between TIP and people smuggling is very subtle and often overlaps. She further reiterated the Dutch Government's contribution to the efforts in combating TIP and human smuggling on the prevention, prosecution, protection, and partnership aspects. That includes collecting data, register data and information, coordinating with various agencies, and many others. Ms. Schwartz also introduced the Barrier model used in the Netherlands to counter migrants smuggling. The presentation appears as **ANNEX C**.
- Mr. Godart briefed the Workshop on the EUROPOL's efforts in combating TIP. He highlighted that a dedicated project was established in 2017 as a tool to support live investigations affecting at least two member states in the field of combating TIP. The project (called Focal Point Phoenix) provides dedicated database and team of specialists and analysts with deployment capability. The distinction between TIP and

migrant smuggling was underlined based on relationship, type of crime, border crossing, and consent. On the relationship aspect, TIP is based on exploitation, has longer term, and traffickers are usually the ones who approach victims. On the other hand, migrant smuggling is based on transporting people, has shorter term, migrants are usually the ones who approach smugglers. On the type of crime aspect, TIP is a crime against persons whereas migrant smuggling is a crime against the State. On the border aspect, TIP activity does not necessarily have to cross the border while migrant smuggling does. Although differs in several aspects, both TIP and migrant smuggling have relatively the same push and pull factors. The push factors include: adverse personal circumstances, lack of education, high levels of unemployment, low living standards, gender discrimination or inequalities in the labor market, human rights violations and abusive situations, and fleeing from conflict zones. The pull factors include general high living standards, employment opportunities, increasing demand for cheap labor services, foreign diaspora communities, and difference on the national legislations. Mr. Godart brought to the attention of the audience that Europol and ASEANAPOL agreed upon enhanced cooperation made official through the signing of a Letter of Intent in November 2016. The presentation appears as **ANNEX D**.

- Mr. Gigauri delivered presentation on how IOM address the issue of TIP in Indonesia. IOM, which covers a wide range of migration issues including TIP, established five pillar strategies in combating trafficking in persons, namely policy, prevention, protection, prosecution, and partnership. He underlined that on national and regional policy, it is essential to promote evidence-based policymaking, promote the application of democratic process in policymaking, ensure the response of the whole aspects of the government, and provide technical assistance and information-sharing. On prevention, it is paramount to create enabling environment to prevent TIP that includes capacity development, livelihood assistance/education, and access to information/awareness-raising. On protection, a cycle of assistance should be provided to victims starting from victim's identification, shelter and recovery, integration and reintegration process. He highlighted that in protecting and empowering individuals, it is best to provide options for them within a protective framework. On prosecution, strengthening criminal justice response is a key to increase the number of conviction of trafficking cases by developing guidelines/modules/curricula, holding workshop/trainings, and increasing community awareness and public participation. On partnership, the IOM employs a multi-stakeholder and human rights approach by involving elements from the government, migrants and victims, civil societies, host communities, and private sectors. The presentation appears as **ANNEX E**.
- The Workshop further discussed the issue of marriage trafficking; the importance of understanding the distinction between TIP and people smuggling; the vulnerabilities of fishing industry to illegal activities or crimes, such as TIP; the need to effectively detect and identify victim of TIP; and the necessary to address the pull and push factors so as to fill the gap in the prevention aspects of combating TIP.

## Legal Frameworks as Concrete Foundation in Combating TIP (Chaired by the European Union)

- The Workshop noted presentations delivered by Collie Brown (UNODC Country Manager – Indonesia), Benoit Godart (EUROPOL Liaison Officer, INTERPOL Global Complex for Innovation, Police Attaché to the EU Delegation to Singapore), Police Commissioner General Ari Dono Sukmanto (Head of Criminal Investigation Board, Indonesian National Police), and Dicky Komar (Director of Human Rights and Humanitarian Affairs, Ministry of Foreign Affairs Indonesia).
- Mr. Brown briefed the Workshop on the framework to combat TIP in Southeast Asia. He elaborated on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (TIP Protocols) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (SOM Protocols) as the two protocols under the UN Convention against Transnational Organized Crime, which have entered into force since 2003 and 2004 respectively. Those two protocols provide definition and elements that enable distinction between TIP and SOM by the notion of consent, exploitation, transnationality, victims, and source of profit. He highlighted that the UNODC has established port intelligence units as national coordination hub and cooperation between front line maritime border and law enforcement agencies across national borders. This unit enables rapid exchange of intelligence and information as well as conducts joint operations. The presentation appears as **ANNEX F**.
- Mr. Godart presented the EU's Legal and Policy Framework in addressing TIP. He elaborated on the EU Directive 36/2011 as the legal framework to combat TIP. As at the operational level, the EU has the Policy Cycle on Serious Organised Crime and the European Platform against Criminal Threats – EMPACT in place. At the political and policy level, the EU developed the Strategy towards the Eradication of Trafficking in Human Beings 2012-2016. He emphasized that the key success of the efforts in combating TIP in the EU was mainly the result of the consolidated legislation across EU Member States. The presentation appears as **ANNEX G**.
- Police Commissioner General Ari Dono Sukmanto, as the current Chair of ASEAN Senior Officials' Meeting on Transnational Crime (SOMTC), delivered presentation on the ASEAN Convention against Trafficking in Persons, especially Women and Children (ACTIP). He pointed out that combating TIP has been a high priority for ASEAN since late 1990s. He mentioned several ASEAN Sectoral Bodies/Subsidiaries that engage directly and actively in curbing TIP, such as the AMMTC/SOMTC, DGICM, ASEANAPOL, AICHR, ACWC, and SOMSWD. Those efforts culminated in 2015 when the ACTIP was established and then entered into force on 8 March 2017. The areas of cooperation in ACTIP include efforts to discourage demands; to strengthen policies and programs to prevent TIP; to promote capacity-building; to strengthen bilateral, regional and international cooperation; to enable free movement of persons; to further strengthen cooperation on investigation and prosecution; to ensure perpetrators are brought to justice; and to exchange information. The presentation appears as **ANNEX H**.

- This Session also contained presentation by Mr. Komar which provide TIP perspective from human rights approach. He underscored TIP as a violation of the Universal Declaration of Human Rights article 1,3, and 4 that stipulate that everyone has the right to life, to liberty and security as well as the right not to be submitted to slavery, servitude, forced labor or debt bondage labor. TIP is also identified as gender-based violence according to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The human-rights approach in combating TIP specifically addresses socio-economic inequality and vulnerability of men, women, and children to trafficking. This approach touches upon aspects that have not been covered by criminal and legal approach. Under human rights-based approach, every aspect of the national, regional and international response to TIP should take into account the norms and standards derived from international human rights law. This approach does not solely focus to end impunity of the traffickers, but also to identify and redress the discriminatory practices and inequalities that underline trafficking as well as to provide justice and protection to the victims. He underscored that the humanrights approach would mutually reinforce the Trafficking Protocol and therefore benefits the victims of TIP. The presentation appears as **ANNEX I**.

### **Multi-Level Efforts against TIP (Chaired by the European Union)**

- The Workshop contained presentations by Dr. Sridanti Anwar (Senior Advisor on Family Development, Ministry of Women’s Empowerment and Child Protection – Indonesia), Collie Brown (UNODC Country Manager – Indonesia), Faizal Chery Sidharta (Deputy Director of the Directorate of International Security and Disarmament, Ministry of Foreign Affairs - Indonesia), and Malcolm Galwey (Representative of the Regional Support Office of the Bali Process).
- Dr. Anwar, as the former Chief Secretariat of the National Anti-Trafficking Task Force of Indonesia, presented the Indonesian efforts against TIP. As a sending and transit country for TIP, Indonesia has conducted many efforts against TIP through several legislations and action plans. The current one is the National Action Plan on Anti-Trafficking in Persons 2015-2019, as the guidance for members of the National Task Force to formulate strategies and steps, programs and activities to combat and handle TIP. Its activities are undertaken under the 6 Anti-Trafficking Sub-Task Forces, which each of them cover the element of: i) prevention and child participation; ii) health rehabilitation; iii) social rehabilitation, repatriation and social integration; iv) legal norms development; v) law enforcement; and vi) coordination and collaboration. Indonesia has also been developing future strategies that reach community level (by providing capacity building to empower communities economically and to increase awareness of TIP), national level (by enforcing Law 21/2007, increasing border security and surveillance, and increasing security at immigration points, promoting labor opportunities, increasing education and skills trainings), and international level (by promoting cooperation and collaboration, joint supervision and operation, and setting up organizations/instruments).

- Dr. Anwar also highlighted the importance to address the “iceberg phenomenon”, where the number of cases recorded is outweighed by those that remain undiscovered. It is considered as one of the main challenges on the efforts to curb TIP activities, which is caused by the lack of awareness from the community and the unwillingness/inability of the victims to report to the authorities. The presentation appears as **ANNEX J**.
- To share efforts taken at regional level, Mr. Sidharta and Mr. Galwey briefed the Workshop on the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) and its Regional Support Office in Bangkok, Thailand. Co-managed by Indonesia and Australia, the Bali Process currently has 45 countries/territories and 3 international organizations as members. Its main objective is to raise awareness and develop a higher level of cooperation between regional countries in order to combat people smuggling and trafficking. The framework is voluntary, non-binding, and promotes regional cooperation by encouraging and discussing the development of policy, subject and root cause definition, research, data, law enforcement agencies, legislation and funding. They emphasized on the huge potential of cooperation between the Bali Process and the ASEAN Regional Forum. Furthermore, Mr. Sidharta proposed the ARF to consider the possibility to convene interface with the Bali Process and to work closely with the 3 partner international organizations of the Bali Process. He also touched upon the merit for the Bali Process to have collaboration with the ASEAN Coordinating Centre for Humanitarian Assistance on disaster management (AHA Centre) and support the extrapolation of the ACTIP in the future. The presentation appears as **ANNEX K**.
- At multilateral level, Mr. Brown briefed the Workshop on the Inter-Agency Coordination Group against Trafficking in Persons (ICAT). He underlined the ICAT as the policy forum mandated by the UN General Assembly to improve coordination among UN agencies and other relevant international organizations as well as to facilitate a holistic and comprehensive approach in preventing and combating trafficking in persons. The forum consists of 18 member agencies, with UNODC serves as the secretariat. The forum’s recent program is the regionalization of ICAT by conducting joint activities with various regional bodies.
- Taking into consideration of various efforts taken at all levels, the Workshop outlined the need to strengthen coordination and synergy between the relevant cooperative mechanisms. The ARF should definitely take into account the work of other mechanisms, including the Bali Process, in moving forward its cooperation in addressing TIP issue.

**Criminal and Police Aspects of TIP, including Organized Crime Network and the Identification of Victims (chaired by Indonesia)**

- This Session contained presentations by Chief Commissary Cristian Duță (Former Operations Director of Southeast European Law Enforcement Center - SELEC), Police Grand Commissioner Daniel Silitonga (Indonesian National Police), and Cristina Dragotă (Chief Inspector, National Agency against Trafficking in Persons, Romania). An example of regional law enforcement cooperation to curb transnational organized crime network was presented in the workshop by Chief Commissary Duță. He outlined the Southeast European Law Enforcement Center (SELEC) which is a cooperation platform for the police and customs authorities of 12 member states that are equipped with analytical capabilities. Mr. Duță recalled the context in the Balkans preceding the inception of SELEC, stressing the historical distrust and lasting conflicts in the powder keg of Europe amid longstanding rivalries (Turkey/Greece, Serbia/Albania, Serbia/Montenegro). Its main mission is to provide support for member states and enhance coordination in preventing and combating transnational organized crime, including TIP and people/migrant smuggling. He underlined the advantages of this organization which, among others, are its focus on operational aspects (information exchange, intelligence-led joint investigations, supports and trainings), its coverage (close coordination from 24 customs and police agencies), its network of national focal points, its secure and modern communications network, its engagement with prosecutors, and its analytical capabilities. The presentation appears as **ANNEX L**.
- Police Grand Commissioner Silitonga presented data on TIP cases in Indonesia in the last 6 years. The total cases were fluctuated with a declining trend since 2013. The major modus operandi for TIP cases in Indonesia comes from the deployment of migrant workers abroad, which was conducted illegally and/or without proper documents. He further outlined that the network of traffickers usually presented the victim's family with an amount of money in order to convince them, manipulated the victim's identity and forged documents to obtain license, burdened them with debt bondage, withheld their passport, and blocked any communication from/to their family. The presentation appears as **ANNEX M**.
- Ms. Dragotă briefed the Workshop on the protection and social reintegration of victims of TIP. She highlighted the National Agency against Trafficking in Persons (ANITP) which has conducted several measures, including legal and institutional framework, support for assisted repatriation, recovery and reintegration, and support during criminal proceedings. The ANITP is organized by the Romanian Ministry of Internal Affairs and is responsible for policy development, prevention, and monitoring. The agency consists of multi-disciplinary team from the national police, social workers, and psychologists, which covers 15 regional centers across Romania. It acts as the national focal point for transnational referral of victims from destination countries and coordinates the assisted repatriation of victims, facilitates victims' access to specialized services, monitors the assistance provided, and provides support for victims during criminal proceedings. The presentation appears as **ANNEX N**.
- This Session observed that trust and confidence are essential as the basic for

developing cooperation, especially when it comes to data, information and intelligence sharing.

### **Way Forward: Opportunities and Challenges in the ARF**

- The Co-Chairs presented a draft of key points of the workshop to all participants and invited their comments and inputs. The document covers the highlight of the discussions and provides basis for future deliberation and cooperative activities on the issue. The key points is attached as **ANNEX O**.
- All partners pondered how to establish a pathway to the ACTIP's promotion as a source of inspiration beyond ASEAN borders. Following this, a first-ever reference to the South Asian Association for Regional Cooperation (SAARC) has been added in the key points of the workshop.

### **Closing Session**

- In their closing remarks, the Co-Chairs noted with appreciation the speakers' and participants' insights on the issue of TIP. As the first ARF workshop on TIP, the workshop was a successful avenue to share common views on the urgency of strengthening cooperation to address TIP. Information sharing, exchange of lessons learned and best practices, inter-agency collaboration/networking, capacity and capability building, as well as to strengthen national capacity, are some of the key points that were materialized from the discussion to further strengthen the ARF's commitment to the development of concrete and effective regional responses to deal with TIP.
- The Co-Chairs thanked all of the participants and the representative from ASEAN Secretariat for their active participation and contributions to the Workshop and the participants expressed high appreciation for the convening of this valuable Workshop.

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