

DRAFT PIDC Regional Immigration Framework to Combat Human Trafficking and People Smuggling

PIDC Regular Annual Meeting 2019

# EXECUTIVE SUMMARY

1. Human trafficking and people smuggling (HTPS) are financially lucrative transnational crimes earning criminal networks worldwide billions of US dollars at the expense of smuggled migrants and trafficked victims, many of them women and children who are robbed of their dignity and freedom. Over the past several years the Pacific region has seen a steady growth in the number of HTPS cases reported, investigated, and prosecuted by PIDC Members.

2. To coordinate PIDC efforts to combat human trafficking and people smuggling, Members at the 2018 Regular Annual Meeting (RAM) in Nadi, Fiji agreed to develop a regional immigration framework.

3. The PIDC Regional Immigration Framework to Combat Human Trafficking and People Smuggling (the “draft Framework”) has been developed as a non-binding, flexible, high-level mechanism to coordinate collective PIDC action to combat HTPS.

4. The draft Framework consists of three parts.

1. **Part One** provides the Framework objectives and identifies the issues and challenges being addressed.
2. **Part Two** provides the Framework machinery and details how it is to be implemented and monitored.
3. **Part Three** provides the text of the Framework identifying and linking:
   1. four Strategic Focus Areas;
   2. ten Implementing Strategies; and
   3. possible activities PIDC Members can choose to implement.

5. The draft Framework recognises that:

1. HTPS are a serious regional issue;
2. for some PIDC Members, HTPS are not a significant priority threat at the national level;
3. due to the complex multi-jurisdictional nature of HTPS cases, multi-agency law enforcement responses are critical;
4. PIDC Members as border agencies have an important law enforcement role to support efforts to combat HTPS;
5. for trafficking cases, a victim centred approach is essential to protect victims from further harm; and
6. immigration agencies in many PICTs are often not the primary law enforcement agencies responsible for leading investigations and prosecutions requiring PIDC Members in some instances to collaborate with and support partner domestic law enforcement agencies.

6. To implement the draft Framework, Members are requested:

1. endorse the framework to guide a regional PIDC approach;
2. identify priority activities that can be implemented or undertaken at the national, regional and Secretariat level;
3. use the PIDC Board and RAM to coordinate and monitor implementation activities by: (i) maintaining human trafficking, people smuggling and the implementation of the Regional Framework as a standing agenda item at the PIDC RAM; and (ii) requiring Members to provide an annual update to the RAM on activities undertaken to implement the Framework.

7. The Framework and its implementation will be reviewed in 2023.

# PART ONE

## 1.1 Introduction

At the 2018 PIDC Regular Annual Meeting held in Nadi Fiji, Members endorsed the development of a PIDC Framework to combat Human Trafficking and People Smuggling in the region as a priority activity of the Annual Work Plan and Budget 2018/19.

## 1.2 Mandate

Article 8 of the PIDC Constitution provides:

*Members will collaborate to achieve the objectives of the PIDC by inter alia establishing appropriate cooperative mechanisms (including the effective exchange of information, to the extent permitted under Members’ domestic legislation and administrative procedures) to contribute to the effective management of irregular migration and serious immigration-related organised crime issues including people smuggling and human trafficking across the region.*

## 1.3 Methodology

The initial draft was developed by the Secretariat based on outcomes from a desktop research of existing international and national Frameworks and policy documents. To support the development of Framework, the Secretariat organised a PIDC Executive Seminar to Combat Human Trafficking and People Smuggling in Apia, Samoa from 13-15 February 2019 which was attended by over 30 Participants including representatives of PIDC Members and experts from partner organisations (outcomes attached as Annex One). The draft was reviewed by Seminar Participants who provided comments which informed the development of the revised draft.

# 2. The Framework Summary

## 2.1 Framework Purpose

The PIDC Regional Immigration Framework to Combat Human Trafficking and People Smuggling (the “draft Framework”) has been developed to provide a flexible high-level mechanism to coordinate collective PIDC action to combat HTPS.

The draft Framework has been designed to:

* 1. identify high level approaches and broad strategies to coordinate PIDC action to combat HTPS;
  2. support Members to develop as necessary more tailored, aligned, and standardised national responses based on possible recommended activities identified in the draft Framework;
  3. provide a regional roadmap of strategies and corresponding activities to be undertaken as appropriate by:
     1. individual PIDC Members at the national level;
     2. PIDC as a collective organisation; and
     3. by the Secretariat;
  4. mobilise resources and knowledge amongst Members and partner organisations in the PIDC region to support implementation;
  5. represent a joint regional commitment to collectively combat HTPS; and
  6. facilitate strategic engagement with partner organisations and the international community to explore support for proposed activities.

2.2 Framework Outline

**PIDC Regional Immigration Framework to Combat Human Trafficking and People Smuggling**

**Four Strategic Focus Areas**

1. Prevention

2. Detection and Enforcement

3. Protection

4. PIDC Coordination

**Ten Strategies**

1. Prevention

* + 1. Establish effective national Policy and Legal Frameworks
    2. Strengthen research and information management
    3. Raise public awareness

2. Detection and Enforcement

1. Strengthen immigration border detection
2. Build capacity of immigration officers and agencies
3. Support HTPS investigations and prosecutions

3. Protection

1. Protect and assist trafficking victims
2. Protect the rights of smuggled migrants as provided by international law

4. PIDC Coordination

1. Strengthen PIDC engagement and collaboration
2. Strengthen national coordination and inter-operability

# 3. International Legal Frameworks

The United Nations Convention against Transnational Organized Crime (UNTOC) is the main international instrument developed to combat transnational organised crime and is supplemented by:

1. the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and
2. the Protocol against the Smuggling of Migrants by Land, Sea and Air.

3.1 Human Trafficking

Human trafficking refers to the recruitment, transportation, transfer, harbouring or receipt of a person by deceptive, coercive, or other improper means, for the purpose of exploiting that person. Trafficking can occur within a country or between countries.

Article 3 of the Trafficking in Persons Protocol to the United Nations Convention Against Transnational Organised Crime provides:

*‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.*

*Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, or practices similar to slavery, servitude, or the removal of organs.*

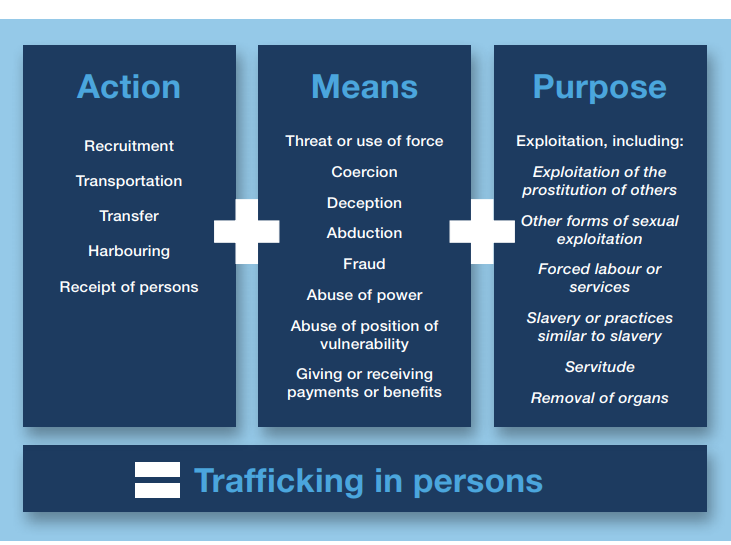


Diagram sourced from Bali Process 2014

3.2 People Smuggling

Article 3 of the Smuggling of Migrants Protocol to the UN Convention against Transnational Organised Crime defines:

*smuggling of migrants as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.*

Article 6 of the Protocol requires the criminalization of such conduct and the producing, procuring, providing, or possessing fraudulent travel or identity documents when that is done for the purpose of enabling the smuggling of migrants.

The UNTOC which the Smuggling of Migrants Protocol supplements, defines “organized criminal group” as a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

## 3.3 Difference between human trafficking and people smuggling

(a) **Consent** – People smuggling generally involves the consent of those being smuggled. Victims of trafficking, on the other hand, have either never consented or, if they initially consented, that consent has been rendered meaningless by the improper means of the traffickers.

(b) **Transnationality** - To smuggle a person means to facilitate the person’s illegal border crossing and entry into another country. Trafficking in persons, on the other hand, need not involve the crossing of any border. Where it does, the legality or illegality of the border crossing is irrelevant. Thus, while people smuggling is always, by definition, transnational, trafficking in persons need not be.

(c) **Exploitation** - The relationship between smuggler and smuggled migrant usually ends after the facilitation of the border crossing. Smuggling fees are paid up front or upon arrival. The smuggler has no intention to exploit the smuggled person after arrival. Smuggler and migrant are partners, albeit disparate, in a commercial operation that the migrant enters willingly. Trafficking involves the ongoing exploitation of the victims in some manner to generate illicit profits for the traffickers. It is the intention of the trafficker that the relationship with the exploited victims will be a continuous one and extend beyond the crossing of the border in the final destination. Smuggling can become trafficking, e.g. when the smuggler sells the person and the accumulated debt, or deceives/coerces/forces the person to work off transportation costs under exploitative conditions.

(d) **Source of the profit** - One important indicator of whether a case is one of smuggling or of trafficking in persons is how the offenders generate their income. Smugglers generate their income from fees to move people. The trafficker in contrast continues to exert control over the trafficked victim in order to achieve additional profits through the ongoing exploitation of the victim.

(e) **Appropriate charges** - As explained above, the offence of trafficking in persons may involve many different acts and many different actors. The offence is committed by acts of recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Trafficking cases, by their nature, are very likely to involve other offences. These offences may be an integral part of the trafficking process, and can be used to prove that an element of the trafficking in persons offence has been committed. They can also be charged separately or utilized as alternative charges, depending on the legal system. They can also be called underlying offences to trafficking. Other offences may be committed against the trafficking victim or others, but would not be an integral part of the trafficking offence. These should be charged separately.

# 4. Global Trends

4.1 Human Trafficking

*Accurate numbers of human trafficking cases worldwide are unknown and difficult to estimate. According to ILO and the Walkfree Foundation, there were 40 million victims of modern slavery in 2016, including 25 million people in forced labour and 15 million people in forced marriage. In 2012, ILO estimated that 19 per cent of labour exploitation and 74 per cent of sexual exploitation involves cross-border movement. Overall, the majority of victims identified by IOM between 2002 and 2016 entered the trafficking process through labour migration (IOM, 2017). The Counter-Trafficking Data Collaborative (IOM, Polaris, Liberty) recorded 7,257 cases of human trafficking in 2017 and 24,226 cases in 2016. Half were women and one in five were minors.*

IOM 2017

## 4.2 People Smuggling

*At a minimum, 2.5 million migrants were smuggled for an economic return of USD5.5-7 billion in 2016 (UNODC 2018). This is equivalent to what the United States of America (some USD7 billion) or the European Union countries (some USD6 billion) spent on humanitarian aid globally in 2016. UNODC (2018) reports that 370,000 migrants were smuggled into the EU by sea in 2016 alone, many of whom may have been victims of human trafficking. Migrants entering countries irregularly sometimes rely on smugglers to enable their travel, though the true number is unknown.*

IOM 2017

# 5. Pacific Environment

The number of travellers entering the PIDC region continues to grow with arrivals (excluding Australia and New Zealand) in 2017 estimated at 5.2 million travellers and this number is projected to grow by about 3% to 4% per annum according to the UN World Tourism Organisation.

5.1 Irregular Migration

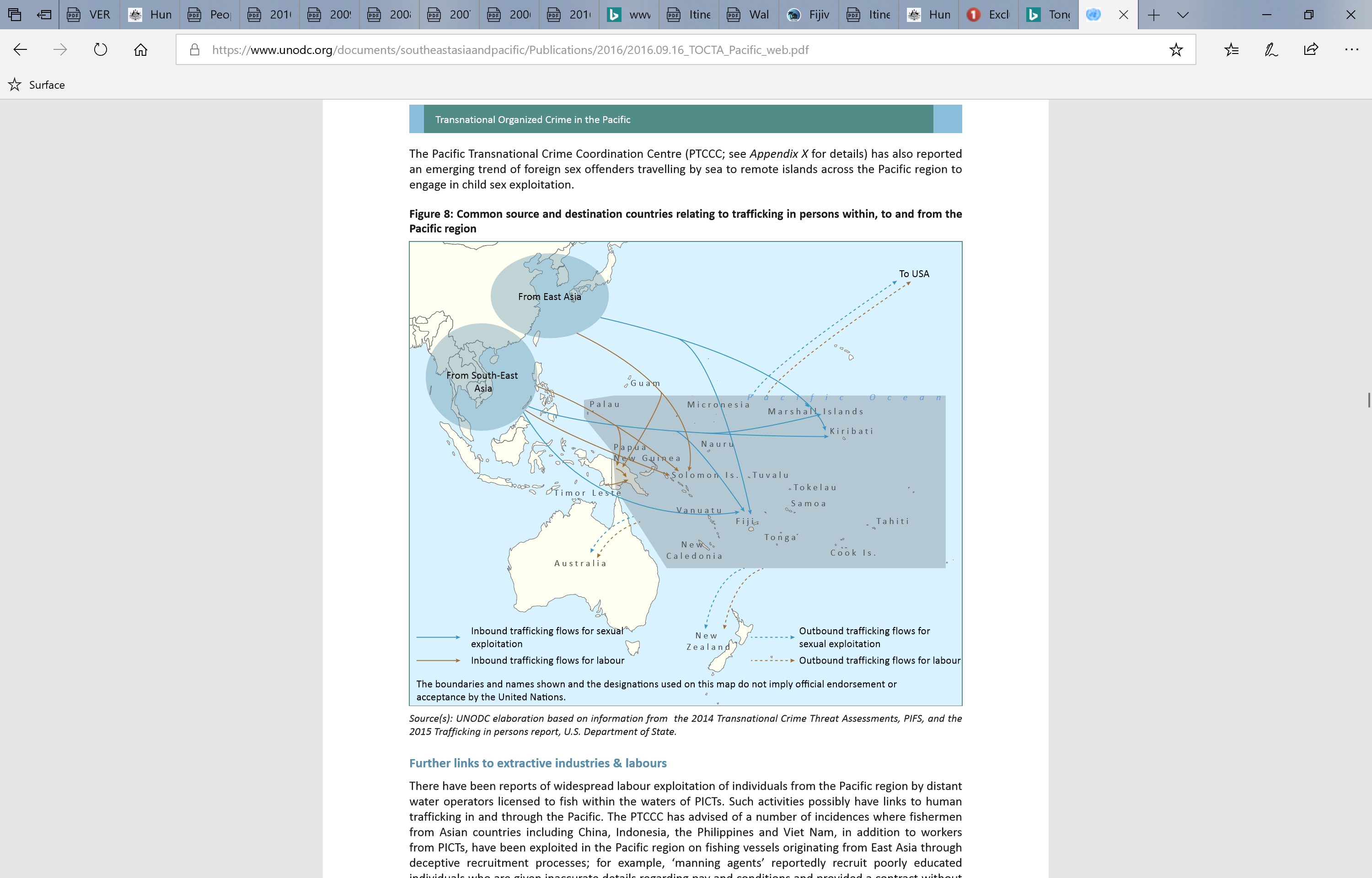
Current irregular movement trends in the Pacific indicate that the region is a transit and destination location for smuggled and trafficked migrants and victims attempting to enter Australia, New Zealand, the United States and Canada.

The PIDC Irregular Migration report and recent documented cases in the Pacific indicate that:

* + 1. while the number of cases continue to change from year to year, it is evident that HTPS crimes continue to be perpetrated regularly in the region (a list of significant Case Studies is available from the PIDC Secretariat) including in Australia, New Zealand, Fiji, Vanuatu, Tonga, Palau, and the Solomon Islands;
    2. reported cases of border refusals, returns, and immigration related fraud in the region continue to grow annually indicating possibly an increasing number of attempts to enter the Pacific region illegally;
    3. the Asia region continues to be the major source of smuggled migrants and trafficked victims;
    4. HTPS continue to be linked mainly to local and regional commercial and extractive industries, including fishing, logging, and mining. (For example, in 2018 Vanuatu detained and charged two Bangladesh nationals with Human trafficking involving more than 90 Bangladesh victims);
    5. Fiji and Papua New Guinea are highlighted as a major transit destinations with Palau, Guam and to a lesser extent the Federated States of Micronesia also considered as transit destinations.
    6. Irregular migration in the Pacific is driven by a number of factors including:

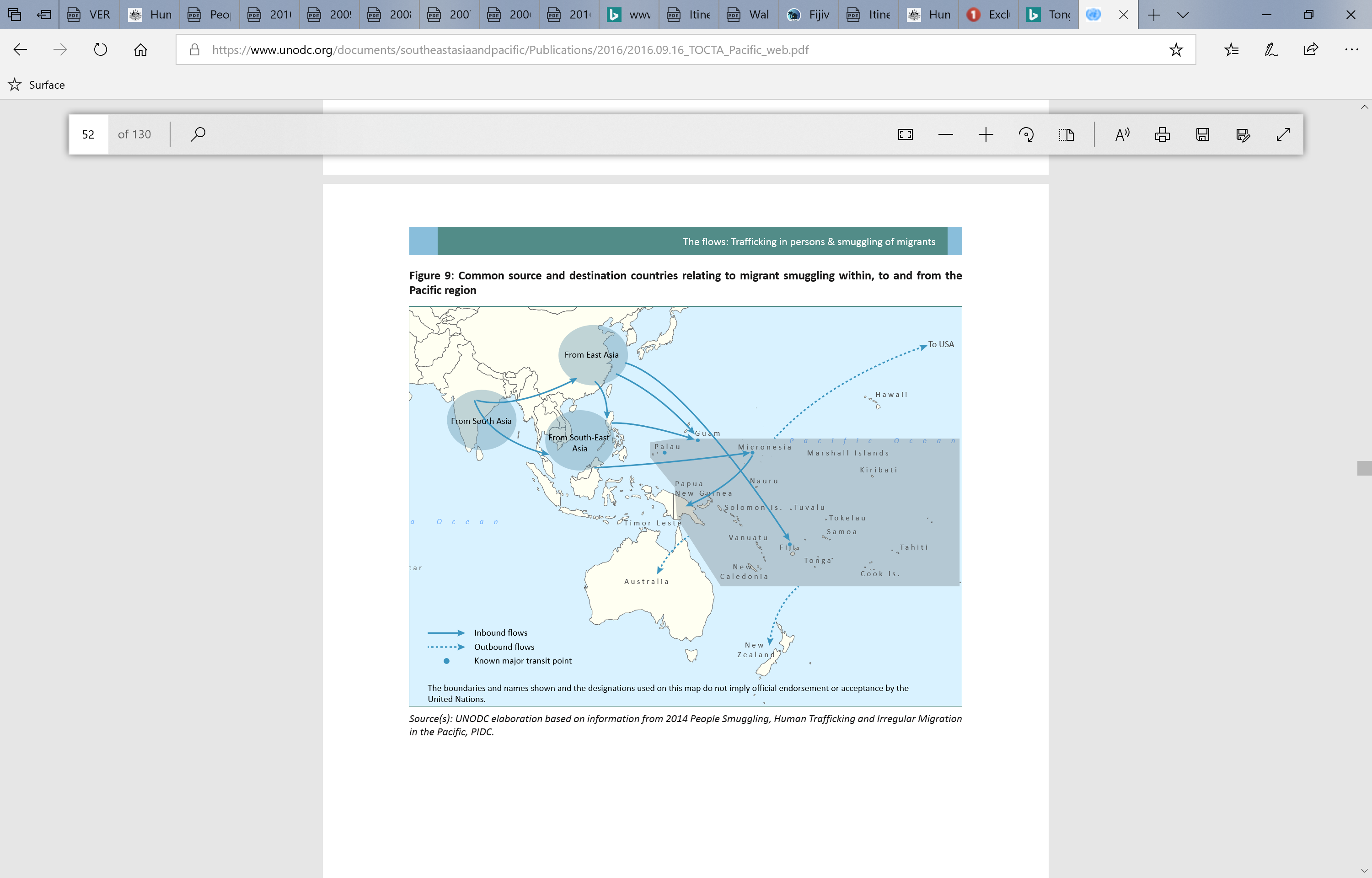
1. the Region’s close proximity to Asia and national special relationships with more affluent countries such as Australia, New Zealand, and the United States;
2. increasing direct flights from Northern Pacific into Asia (Taiwan, Japan, Philippines, Hong Kong, and Macau);
3. increasing flights from Southern Pacific into Asia (Hong Kong, Seoul, Singapore, Japan, and the Philippines); and
4. visitor visa free and visa on arrival regimes existing in a number of Pacific Island Countries and Territories (PICTs).

##### Map 1: human trafficking routes from source, transit, and destination countries



Source: UNODC Transnational Organised Crime Report based on PIDC Report, September 2016

##### Map 2: People smuggling routes for source, transit, and destination countries

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Source: UNODC Transnational Organised Crime Report based on PIDC Report, September 2016

# 6. National and International Response Frameworks

Due to the complexity of the criminal offences, a number of international and national coordination frameworks and plans have been developed to support Countries combat HTPS.

While the approaches of the various frameworks vary to a degree, there are generally 5 main work areas that have been developed to coordinate law enforcement responses across jurisdictions and across national agencies.

## FIVE PILLARS

* Prevention
* Detection and Investigation
* Prosecution
* Protection
* Coordination

Not all the activities for these Pillars fall within the mandate of PIDC and its Members. Many crucial activities require Police, Labour or Health intervention especially in regards to protection, prosecution, and coordination.

For PIDC purposes, this Framework focuses on the immigration aspects and how it can be used to support a whole of government approach to combat HTPS.

# 7. Challenges in developing the Framework

There are a number of challenges facing PIDC and PIDC Members in establishing this Framework.

#### Competing national priorities

Not all PIDC Members view HTPS as a priority threat to national security due to competing priorities with a few Members advising that they have not witnessed any criminal activity at the domestic level.

#### Human trafficking and people smuggling cases are relatively complex

HTPS cases are often complex and multi-layered occurring across several jurisdictions with criminals located in foreign countries (source, transit, and destination) linked only by financial transactions and electronic communications. This makes cases often difficult to investigate and prosecute requiring a significant investment of time and resources many PIDC Members do not have.

#### Several key activities to combat human trafficking and people smuggling lie outside the mandate of many pidc members and immigration agencies

To combat transnational crimes, a multi-agency approach involving Police, Customs, Labour, Foreign Affairs, Financial Intelligence Units, and Immigration is required ensure information is effectively collected to identify possible instances of trafficking and smuggling. In many PIDC jurisdictions, immigration agencies are not the primary law enforcement agency coordinating activities to combat HTPS. Investigations for example are often led by Police while detection and identification of trafficking victims often occurs through Health or Labour agencies.

#### Lack of empirical data and awareness

Data collection regarding HTPS in the PIDC Membership remains problematic. As such, limited resources are directed towards combatting HTPS in the Pacific Islands because of a lack of awareness and knowledge of the extent of trafficking. Labour trafficking in particular remains a hidden and misunderstood phenomenon.

#### Limited resources

Most PIDC Members have law enforcement agencies that work in relative isolation where national coordination of law enforcement activities could be significantly improved. Many PIDC Members operate with limited resources, obsolete legislation and procedures not specifically drafted to combat or target transnational crime activities. In addition to geographical challenges such as porous borders, scattered islands, and isolated locations, limited or costly internal transport and communication infrastructure and services also challenge the capacity of Members to combat HTPS.

#### Difficult to combine human trafficking and people smuggling into one framework as they are two distinct crimes.

Human trafficking and people smuggling are two separate distinct crimes and are covered by two separate Protocols under the United National Convention Against Transnational Organised Crime. With both crime types having different elements of criminality, it is difficult to establish a Framework that can effectively support PIDC Members to combat both.

#### Mixed migration flows

In practice, it may be difficult to distinguish between trafficking in persons and people smuggling. For example, a trafficked person might begin his or her journey as a smuggled migrant. She or he may have contracted an individual or a group to assist in their illegal movement in exchange for a financial payment. However, the smuggled migrant might then be compelled (through the use of coercion, threat, or deception) into a state of debt bondage to pay off ‘costs’ (financial or other) allegedly owed, or into a state of forced labour because of the migrant’s illegal status in the destination country. Thus, a smuggled migrant can become a trafficking victim.

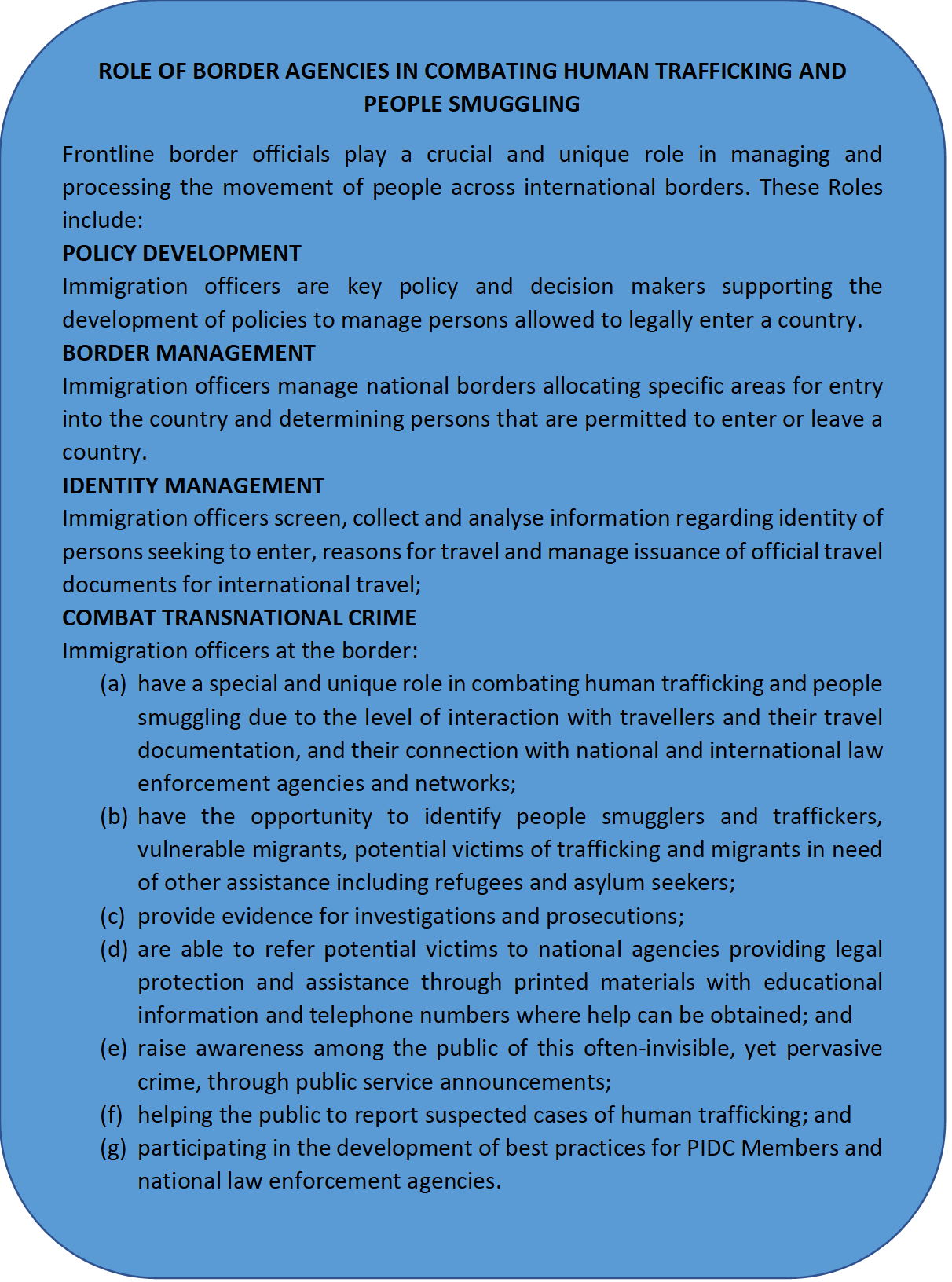
## Response to Challenges

The PIDC Framework is an immigration framework to guide activities of PIDC Members. It provides a flexible multi-tiered approach that Members can adapt and implement based on national circumstances.

The draft Framework prioritises actions to guide PIDC Members not only in playing their primary border control role to combat HTPS but also identifies activities when required to fulfil their support role in investigations and protection of victims. Actions that can be undertaken by border agencies to combat HTPS are listed in the Box below.

Where HTPS are not perceived as a significant national priority then there are still a number of core strategies and activities that can be applied to support the PIDC membership based on the scope and extent of the criminal threat faced by Members

The PIDC Framework recognises the different crime types and the different treatment required to combat each. Both crime types have similarities in that they operate across borders and require multi-agency public sector responses. The PIDC Framework supports the establishment, where required, of a whole of government approach utilising trusted private sector partners and multi-agency national structures to identify, detect, investigate, and prosecute trafficking and smuggling cases.



# PART TWO

# 8. The Framework Objectives and Principles

Objective of the PIDC Regional Framework to Combat HTPS and principles that underpin its implementation.

## 8.1 Objective

To provide a strategic framework to guide and coordinate activities of the Pacific Immigration Development Community to combat human trafficking and people smuggling at the national and regional level.

## 8.2 Framework Principles

In establishing the regional framework, there are several key principles that underpin PIDC activities.

1. **Rule of Law and Sovereignty**- The Framework has been developed to provide an overarching guide for activities Members should consider to undertake to combat HTPS as per national circumstances. ***None of the activities identified in the Framework are to be construed as placing an obligation on Members to act against any existing national laws or policies regarding HTPS***.
2. **Collaboration in Good Faith** - This Framework builds upon the values contained in the PIDC Constitution calling for Members to collaborate in good faith and in a spirit of teamwork with due respect to the underpinning principles of good governance and the Rule of Law. In sharing of information PIDC Members will look to advance their work in the spirit of the Memorandum of Arrangement signed in 2018 by the PIDC Regular Annual Meeting.
3. **Activities must be appropriate to the identified risk or threat** - Due to limited resources available to PIDC Members, national activities are to be implemented as appropriate based on the level of threat to national security, local communities, and national reputation as well as the resources available. Where possible, Members are encouraged to develop simple, pragmatic approaches supported by law enforcement collaboration at the national and regional level.
4. **Human rights-based approach** - The human rights of trafﬁcked persons should be at the centre of all efforts to prevent and combat trafﬁcking and to protect and assist victims. Measures to combat trafficking should be applied in a non-discriminatory manner and respect the human rights and dignity of persons especially those trafﬁcked, including unaccompanied and separated children, and displaced persons, refugees, and asylum-seekers.

Smuggled migrants also have rights arising from international legal frameworks that should be respected by anti-smuggling measures and the Smuggling of Migrants Protocol stresses that measures to combat migrant smuggling must not discriminate against smuggled migrants for the fact of having been smuggled.

1. **Interdisciplinary, coordinated, integrated approach** - Due to the complex nature of HTPS, effective national responses require bilateral and multilateral mechanisms for the sharing of information and the coordination of operational activities among agencies and other relevant actors.
2. **The Framework promotes an ‘Immigration Leadership’ approach** - where PIDC members if required by national circumstances, promote coordination among the government agencies as well as cooperation with NGOs and with other countries. This does not mean that immigration should lead coordination structures but be proactive in their establishment.
3. **Gender-sensitive approach** - A gender-sensitive approach recognises the unique threats and violations faced by both men and women. PIDC Members should recognise that these issues exist and ensure that anti-trafﬁcking strategies address gender-based discrimination and violence, and promote gender equality and the realization of human rights for both women and men.

The challenges and criminality faced by men, women, and children due to smugglers must be addressed in efforts to combat people smuggling in countries of origin, transit, and destination. The needs of migrants based on their gender should be addressed throughout the criminal justice process and PIDC Members need to ensure they have necessary processes established.

1. **Child-Rights approach and child participation** - All activities that impact children should be guided by applicable human rights standards. Special protection measures are provided for child victims of trafficking regardless of their legal status both as victims and as children, in accordance with their special rights and needs. In all actions concerning children at risk and child victims, the best interest of the child shall be the primary consideration
2. **Evidence-based approach** - Policies and measures to prevent and combat human trafficking and people smuggling should be developed and implemented based on data collection and research and regular monitoring and evaluation of responses.
3. **Comprehensive international approach** - Effective action to prevent and combat human trafficking and people smuggling requires a comprehensive international approach in the countries of origin, transit and destination that includes prevention, detection, and prosecution measures as well as adequate protection and support to victims of trafﬁcking and smuggled migrants. This Framework provides a regional mechanism to coordinate activities and promote a common regional position on how to combat HTPS.
4. **Flexibility** - The Framework has been designed to provide flexibility for implementation by PIDC Members for the following reasons:
   * The level of threat posed by HTPS activities and their impacts differ across the PIDC Membership;
   * Many Members have already developed a range of national responses to combat HTPS some of which are coordinated across agencies;
   * Not all activities to combat HTPS are undertaken by immigration agencies and therefore in many instances PIDC Members are encouraged to promote an activity or engagement to influence partner organisations; and
   * There are specific resources identified to support the full implementation of the Framework which is to be supported through the AWPB and strategic engagement with partner organisations.

# 9. FRAMEWORK STRUCTURE

#### 9.1 Outline of Framework

The Framework is made up of:

1. Strategic Focus Areas;

3. Implementation Strategies at national, regional and Secretariat level; and

4. Specific implementation activities at national, regional and Secretariat level

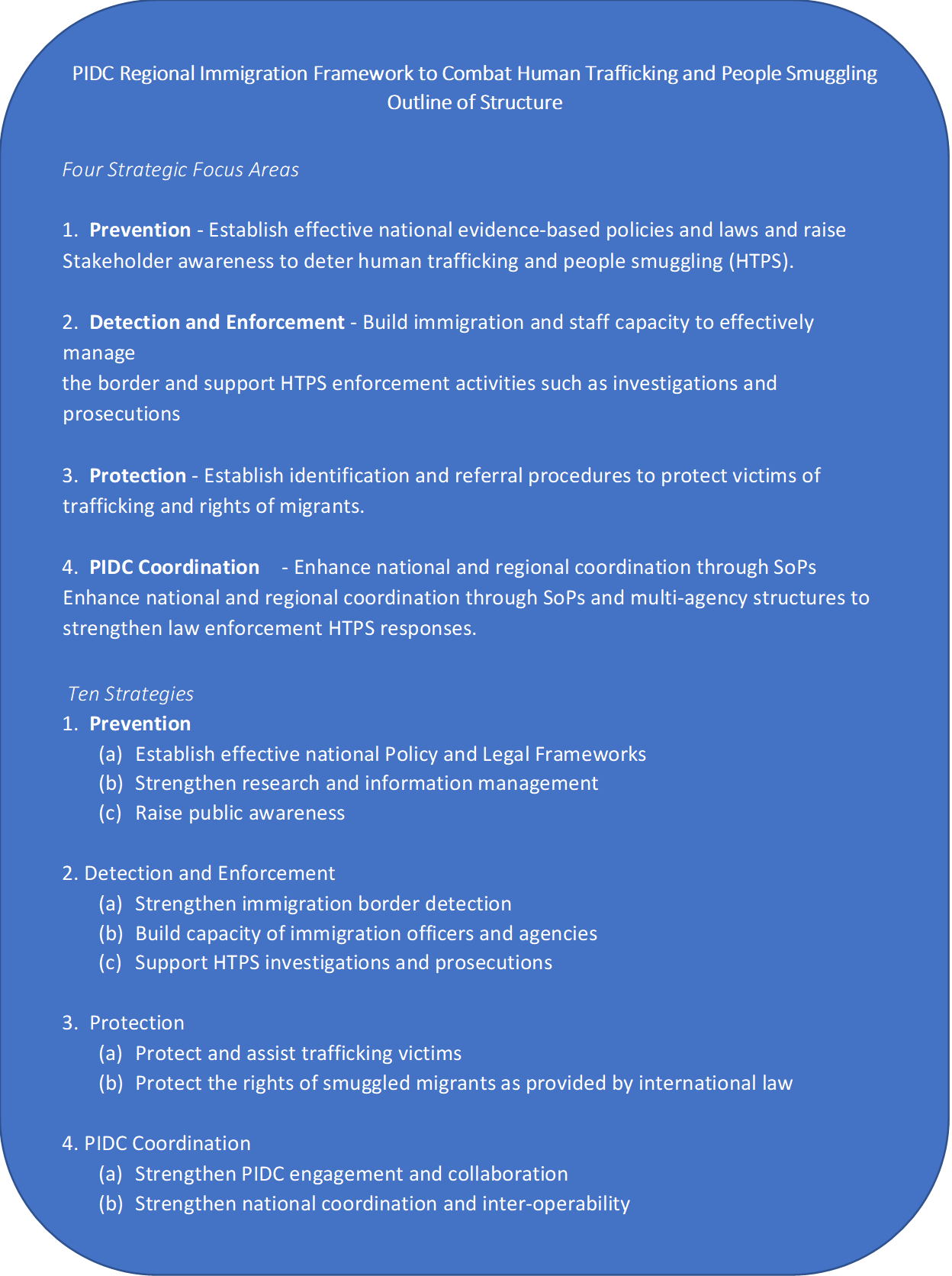
#### 9.2 Strategic Focus Areas

The Regional Framework provides four high level Strategic Focus Areas that group common strategies and activities for Members to consider providing broad, high level coordination pathways for the Membership to combat HTPS.

1. **Prevention** - Establish effective national evidence-based policies and laws and raise Stakeholder awareness to deter human trafficking and people smuggling.
2. **Detection and Enforcement** - Build immigration and staff capacity to effectively manage the border and support HTPS enforcement activities such as investigations and prosecutions
3. **Protection** - Establish identification and referral procedures to protect victims of trafficking and rights of migrants.
4. **PIDC Coordination** - Enhance national and regional coordination through Standard Operating Procedures (SoPs) and multi-agency structures to strengthen law enforcement HTPS responses.

#### 9.3 Implementation Strategies

Each Strategic Focus Area has two or three Implementation Strategies (ten in total) to guide implementation at the national, regional and Secretariat level.



#### 9.4 Specific Implementation Activities

The Framework provides a number of possible activities for each Strategy that can be undertaken by:

1. individual Members;
2. collectively by PIDC as an organisation; or by
3. the Secretariat to support Members in implementing the Framework.

These proposed implementation activities are provided in Annex Two and Members are encouraged to identify activities that can be implemented based on national circumstances and priorities.

# 10. Implementation

Members are encouraged to select activities to implement based on national circumstances, domestic priorities, and resources available. Activities will be implemented on three levels.

**National Activities**

(a) Members implement national priority initiatives as appropriate to domestic circumstances to strengthen border operations and coordinate law enforcement action through including introduction of National Action Plans, multi-agency structures, data collection, targeting procedures and information sharing.

**Regional Coordination Activities**

(b) PIDC as a collective organisation through its Board meetings and the Regular Annual Meeting coordinate regional PIDC activities including through sharing resources and information (including model policies, training material and intelligence products) and development of regional best practices and model resources.

**Secretariat support Activities**

(c) The Secretariat to act as a focal point to coordinate and support the implementation of the Framework and to explore possible resources available to support activities undertaken by Members at the national level.

# 11. Monitoring

PIDC Members will report to the Regular Annual Meeting on activities undertaken to combat HTPS which will be compiled into an annual update report by the Secretariat.

The draft Framework will be reviewed after three years to determine effectiveness and identify additional priorities.

# PART THREE

The PIDC Framework.

# 12. How to use the Framework

The Framework is a flexible high-level document that can be adapted by Members to be advanced based on national priorities and circumstances. To ensure flexibility, the guide is to be used as outlined below.

1. **The Framework is non- binding.** 
   * Not all Strategies and activities are relevant to the entire PIDC Membership. As such the strategies and activities are non-binding and each Member shall select initiatives and activities that are appropriate to their national circumstances.
2. **Not all strategies and tasks are relevant to immigration agencies.**
   * Strategies and activities in italics signify that while the proposed activity is important, immigration is not the primary or sole agency responsible for this activity.
   * This means that immigration’s role is to encourage and not implement the specific activity.
3. **The Activity Tables list a number of activities that can be undertaken at the national[[1]](#footnote-1), regional[[2]](#footnote-2) and Secretariat[[3]](#footnote-3) level.**
   * Members can select unilaterally to undertake/ implement an activity at the national level;
   * Members through the Board meetings and RAM consider and select what regional or Secretariat priority activities are to be implemented.
4. **The activities are colour coded for ease of reference**:
   * + National Activities

- Members implement national priority initiatives as appropriate to domestic circumstances to strengthen border operations and coordinate law enforcement action through including introduction of National Action Plans, multi-agency structures, data collection, targeting procedures and information sharing.

* + - Regional Coordination Activities

- PIDC as a collective organisation through its Board Meetings and the Regular Annual Meeting coordinate regional PIDC activities including through sharing resources and information (including model policies, training material and intelligence products) and development of regional best practices and model resources.

* + - Secretariat Support Activities

- The Secretariat to act as a focal point to coordinate and support the implementation of the Framework and to explore possible resources available to support activities undertaken by Members at the national level.

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# 13. Framework Text

# PIDC REGIONAL IMMIGRATION FRAMEWORK TO COMBAT HUMAN TRAFFICKING AND PEOPLE SMUGGLING

**The Framework Objective:** To provide a strategic framework to guide and coordinate activities of the Pacific Immigration Development Community to combat human trafficking and people smuggling at the national and regional level.

**STRATEGIC FOCUS AREAS**

There are four Strategic Focus Areas for the Framework.

1. **Prevention** - Establish effective national evidence-based policies and laws and raise Stakeholder awareness to deter human trafficking and people smuggling.

2. **Detection and Enforcement** - Build immigration and staff capacity to effectively manage the border and support HTPS enforcement activities such as investigations and prosecutions.

3. **Protection** - Establish identification and referral procedures to protect victims of trafficking and rights of migrants.

4. **PIDC Coordination** - Enhance national and regional coordination through SoPs and multi-agency structures to strengthen law enforcement HTPS responses.



# Strategic Focus Area One: Prevention

**Strategic Objective**: Establish effective national evidence-based policies and laws and raise Stakeholder awareness to deter human trafficking and people smuggling.

**Strategies**

1. Establish effective national Policy and Legal Frameworks - PIDC Members establish appropriate national action plans and enact laws aligned to international standards to criminalise and combat HTPS.
2. Strengthen research and information management - PIDC Members strengthen immigration data collection, research, and analysis to assess national threats and support detection activities.
3. Raise public awareness - PIDC Members engage stakeholders and partner agencies to strengthen law enforcement HTPS response.

Prevention is a crucial aspect of effective anti-human trafﬁcking and people smuggling responses. PIDC Members need to proactively develop national polices and legal frameworks to criminalise HTPS and provide authorities with sufficient powers to disrupt and dismantle criminal networks.

For PIDC Members that view HTPS as a significant threat, the Framework proposes the development of a National Action Plan as an effective coordinating mechanism to ensure that all the various complex issues are addressed systematically, the various anti-HTPS processes and procedures developed collaboratively, and the roles of responsibilities of the various agencies clearly identified and articulated.

Under the Framework this Strategic Focus Area:

1. at the national level provides both a policy and legal structure for whole of government responses;
2. at the regional level ensures high level engagement is maintained for HTPS issues through the PIDC Board and RAM; and
3. at the Secretariat level, supports priority activities through the AWPB as endorsed by Members at the Regular Annual Meeting.

**Prevention Implementation Strategies**

1. **Establish effective national Policy and Legal Frameworks**

|  |  |  |
| --- | --- | --- |
| **PIDC Member to:** | **PIDC Organisation to:** | **PIDC Secretariat to:** |
| 1. Establish National Action Plans\* | 1. Maintain high level engagement to support development of national HTPS policies | 1. Support Members to implement Framework |
| 1. Strengthen and align legal frameworks | 1. Support ratification or accession to international conventions and protocols | 1. Support alignment of Members’ legal frameworks |
| 1. Monitor and assess activities |  | 1. Monitor impact of national activities on implementation of Framework |

1. **Strengthen research and information management**

|  |  |  |
| --- | --- | --- |
| PIDC Member to: | PIDC Organisation to: | PIDC Secretariat to: |
| 1. Undertake threat assessments to determine national context | 1. Monitor regional threats through PIDC RAM | 1. Implement and coordinate PIDC research projects as part of AWPB |
| 1. Strengthen national immigration data collection | 1. Prioritise support for national data collection capacity building activities |  |
| 1. Support research and analysis | 1. Prioritise organisational research support |  |

1. **Raise public awareness**

|  |  |  |
| --- | --- | --- |
| PIDC Member to: | PIDC Organisation to: | PIDC Secretariat to: |
| 1. Raise awareness of public, travel industry and private sector of harm caused by HTPS[[4]](#footnote-4) | 1. Monitor regional threats through PIDC RAM | 1. engage with regional and international Stakeholders to raise awareness on HTPS. |
|  |  |  |
|  |  |  |

# Strategic Focus Area Two: Detection and Enforcement

**Strategic Objective**: Build immigration and staff capacity to effectively manage the border and support HTPS enforcement activities such as investigations and prosecutions.

**Strategies**

1. Strengthen immigration border detection - PIDC Members to strengthen use of law enforcement intelligence and multi-agency collaboration to better develop and recognise national HTPS indicators.
2. Build capacity of immigration officers and agencies - PIDC Members strengthen training systems and staff capacity to improve detection of HTPS indicators and support investigations and prosecutions.
3. Support HTPS investigations and prosecutions - PIDC Members establish SoPs and prioritise support for HTPS investigations and prosecutions.

Detection and Enforcement is a core Strategic Focus Area for PIDC Members as it pertains directly to border management and enforcement which is a critical concern for PICTs and immigration agencies. HTPS cases remain largely under-prosecuted and punished in the Pacific Region due to the complexity of the cases. Although many countries have a speciﬁc offences criminalizing these activities in all or most of its forms, many countries still do not have a legal framework covering all provisions of the Protocols in a comprehensive manner.

The Framework calls for Members to strengthen training and information management capacity to improve border management and also support partner law enforcement agencies responsible for investigations and prosecutions.

Key activities for this Focus Area include:

* + 1. strengthening detection capability (for PIDC Members this is primarily through border detection although most human trafficking cases are detected internally) through strengthening law enforcement intelligence collection and sharing;
    2. developing HTPS indicators; and
    3. strengthening PIDC Member capacity to lead/ support investigations and support prosecution of HTPS cases.

At the regional level Members collectively are encouraged to share information and intelligence bilaterally or through established PIDC structures underpinned by the PIDC Memorandum of Arrangement on Information Sharing.

At the Secretariat level, key activities include acting as a regional focal point for capacity building and information collection and sharing through the PIDC information products that are developed and shared through the NCPs and the Profiling and Intelligence Support Group.

**Detection and Enforcement Implementation Strategies**

1. **Strengthen immigration Border detection**

|  |  |  |
| --- | --- | --- |
| PIDC Member to: | PIDC Organisation to: | PIDC Secretariat to: |
| 1. strengthen use and sharing of intelligence to combat HTPS | 1. promote sharing of information | 1. support PIDC information sharing platforms |
| 1. Develop common national indicators\* | 1. Develop regional HTPS indicators | 1. Coordinate development of indicators |
| 1. Encourage multi-agency responses | 1. Encourage multi-agency responses | 1. Encourage multi-agency responses. |

1. **Build capacity of immigration officers and agencies to detect human trafficking and people smuggling**

|  |  |  |
| --- | --- | --- |
| PIDC Member to: | PIDC Organisation to: | PIDC Secretariat to: |
| 1. Strengthen capacity of staff through training and adoption of appropriate SOPs | 1. develop regional training resources | 1. support development of regional training resources |
| 1. strengthen HTPS investigations |  |  |
| 1. support prosecution of HTPS cases 2. manage HTPS victims |  |  |

1. **Support human trafficking and people smuggling investigations and prosecutions**

|  |  |  |
| --- | --- | --- |
| PIDC Member to: | PIDC Organisation to: | PIDC Secretariat to: |
| 1. Strengthen operational enforcement and compliance capacity | 1. Develop regional resources | 1. Revise PIDC model regional resources |

# Strategic Focus Area Three: Protection

**Strategic Objective**: Establish identification and referral procedures to protect victims of trafficking and rights of migrants.

**Strategies**

1. Protect and assist trafficking victims - PIDC Members to establish and strengthen identification and referral systems for human trafficking victims.
2. Protect the rights of smuggled migrants as provided by international law - PIDC Members establish SoPs aligned to international standards that respect the dignity of smuggled migrants.

This Strategic Focus Area highlights the rights of human trafficking victims and smuggled migrants to be protected under international law.

Many victims of trafﬁcking are not identiﬁed and therefore remain unprotected. The identiﬁcation of trafﬁcked persons is a prerequisite for their access to assistance and protection and many countries in the Pacific still need to establish effective victim identiﬁcation processes and the corresponding referral mechanisms. This Strategic Focus Area therefore highlights the development of identification and referral processes for border agencies to guide PIDC activities and procedures.

This Strategic Focus Area also calls for the treatment of smuggled migrants with dignity and compassion even as they are being returned to their origin countries. Effective protection and assistance mechanisms for intercepted smuggled migrants need to be established. Such mechanisms need to ensure a balance between protecting smuggled migrants while upholding the integrity of state borders. Necessary to these efforts is the application of international standards, including those set out in international humanitarian, refugee, and human rights law.

**Protection Implementation Strategies**

1. **Protect and assist trafficking victims**

|  |  |  |
| --- | --- | --- |
| PIDC Member to: | PIDC Organisation to: | PIDC Secretariat to: |
| 1. Protect and assist victims of trafﬁcking | 1. Promote development, universal adoption, and implementation of PIDC regional best practices, laws, and procedures | 1. Support national efforts to align policy and legal frameworks |
| 1. Strengthen national identiﬁcation and referral processes |  |  |
|  |  |  |

1. **Protect the rights of smuggled migrants**

|  |  |  |
| --- | --- | --- |
| PIDC Member to: | PIDC Organisation to: | PIDC Secretariat to: |
| 1. Protect rights of smuggled migrants | 1. Promote development, universal adoption, and implementation of PIDC regional best practices, laws, and procedures | 1. Support national efforts to align policy and legal frameworks |

# Strategic Focus Area Four: PIDC Coordination

**Strategic Objective**: Enhance national and regional coordination through SoPs and multi-agency structures to strengthen law enforcement HTPS responses.

**Strategies**

1. Strengthen PIDC engagement and collaboration - PIDC Members to establish national capacity to collaborate effectively with PIDC Members and engage with the international law enforcement community.
2. Strengthen national coordination and inter-operability - PIDC Members strengthen and promote national multi-agency approaches to better combat HTPS activities.

Human trafficking and people smuggling are primarily complex, multi-faceted and often multi-jurisdictional crimes. To combat these crimes requires the involvement of all sectors of society and a wide range of national and international institutions. Inter-agency coordination and cooperation mechanisms are essential to avoid duplication of effort, inefﬁcient use of resources, piecemeal interventions and support effective operations. Such mechanisms allow for effective information exchange, strategic planning, division of responsibilities and sustainability of results.

For this reason, PIDC with its existing regional framework based on the rule of law, transparency and good governance plays a crucial role in mobilising and prioritising collective responses to HTPS and promoting collaboration among PICT law enforcement and border security agencies.

Key priorities for this Strategic Focus Area include:

1. establishing internal PIDC Member capacity to collaborate;
2. strengthening international engagement with regional and international partner countries and international organisations;
3. strengthening internal agency and domestic coordination through the use of multi-agency structures such as CLAGs and TCUs to combat HTPS; and
4. using the Secretariat with the PIDC regional resources (Model Policy and Legislation Framework and Model Standard Operating Procedures) to support national activities.

**PIDC Coordination Implementation Strategies**

1. **Strengthen PIDC engagement and collaboration**

|  |  |  |
| --- | --- | --- |
| PIDC Member to: | PIDC Organisation to: | PIDC Secretariat to: |
| 1. Strengthen national capacities to engage and cooperate with other PIDC States | 1. Provide primary regional immigration forum to combat HTPS | 1. Coordinate implementation of Framework as focal point. |
| 1. Strengthen international engagement |  | 1. Engage with relevant partner organisations to seek support for PIDC Member activities |
|  |  |  |

1. **Strengthen national coordination\* and inter-operability**

|  |  |  |
| --- | --- | --- |
| PIDC Member to: | PIDC Organisation to: | PIDC Secretariat to: |
| 1. Strengthen national coordination by supporting establishment of multi-agency structures and joint investigation teams | 1. Promote establishment of multi-jurisdictional groups to combat HTPS | 1. Support national implementation of multi-agency approach |



Pacific Immigration Development Community

## ANNEX ONE

## Apia, Samoa: 13-15 February 2019

## PIDC EXECUTIVE SEMINAR TO COMBAT HUMAN TRAFFICKING AND PEOPLE SMUGGLING

***Introduction***

The PIDC Executive Seminar to Combat Human Trafficking and People Smuggling (HTPS) was held in Apia, Samoa from 13-15 February 2019. The Seminar was coordinated and facilitated by the PIDC Secretariat and supported by experienced experts from the International Organisation for Migration (IOM), United Nations Office for Drugs and Crime (UNODC), Bali Process Regional Support Office (RSO), UN High Commissioner for Refugees (UNHCR), International Labour Organisation (ILO), EU-ACP Migration Action Technical Assistance for PIDC (EU-ACP) and experts from the PIDC Membership.

The Seminar was attended by 30 participants, representing immigration departments from the Governments of Australia, Cook Islands, Fiji, French Polynesia, Kiribati, New Zealand, Nauru, Niue, Papua New Guinea, Palau, Samoa, Solomon Islands, Tonga, and Vanuatu.

A participant from the Pacific Dialogue, a Fiji based civil society organisation also facilitated sessions during the seminar.

The Seminar was opened by Mr. Agafili Shem Leo, Chief Executive Officer of the Ministry of the Prime Minister and Cabinet of Samoa. The Chief Executive Officer welcomed participants and noted that this was the first human trafficking and people smuggling seminar hosted by PIDC since obtaining its legal entity status in 2016. He reiterated the objectives of the seminar and the need for participants to use the opportunity to share experiences and build their understanding of trends and methods of human trafficking and people smuggling in the region.

Mr Leo reinforced the need for immigration officers to share information and identify commonalities in business requirements and approaches to human trafficking and people smuggling operations in the Pacific. Participants were challenged to use this opportunity to share knowledge and experiences, and make strong recommendations to support the development of a draft regional HTPS framework.

## Objectives

The purpose of the seminar is to:

* allow Members and Stakeholders to share experiences to establish a regional context on the scope of Human Trafficking and People Smuggling in the Pacific;
* map activities and programmes delivered in the region by Members and Stakeholders to combat Human Trafficking and People Smuggling;
* support Members to develop a Regional PIDC Framework to combat Human Trafficking and People Smuggling and coordinate PIDC and stakeholder efforts to avoid duplication of activities;
* identify possible collaborative programmes and activities to support Members; and
* identify key national activities to be undertaken by Members to combat Human Trafficking and People Smuggling.

# SEMINAR OUTCOMES

Supplementary activities through the PIDC typically arise from ideas generated at workshops and seminars, which are presented in the form of an Outcomes Summary – a document formulated by Seminar participants and agreed upon for publication on the PIDC website.

The Outcomes Summary represents a tentative plan for future action (e.g. further workshops and other collaborative projects) and in-principle agreement to the high-level concepts discussed throughout a seminar.

All plans for future action, such as workshops, projects, and other activities, must be endorsed by the PIDC Board or Members at the Regular Annual Meeting. Although the Outcomes Summary does not represent a firm commitment to future action, it does represent in-principle agreement to progress the ideas contained in the Outcomes Summary.

**Outcomes as agreed upon by Seminar participants**

**General Comments**

1. Participants at the PIDC Executive Seminar to Combat Human Trafficking and People Smuggling:

1. **expressed** appreciation for the support provided by PIDC and its partner organisations; the United Nations Office on Drugs and Crime (UNODC), International Organisation for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), Bali Process Regional Support Office (RSO), ACP-EU Migration Action and International Labour Organisation (ILO) in hosting the seminar on human trafficking and people smuggling;
2. **acknowledged** and **thanked** with appreciation the Resource Persons and experts from IOM, UNODC, UNHCR, RSO, ILO, the ACP- EU Migration Action and the Pacific Dialogue (Fiji based civil society organisation);
3. **recognised** the value of holding regional fora to discuss the specific and unique needs and operating environments of immigration agencies in Pacific Islands Countries and Territories;
4. **encouraged** thePIDC Board and Secretariat, to continue supporting the implementation of further consultative forums to combat Human Trafficking and People Smuggling in the PIDC Membership; and
5. **acknowledged** the increase in people movement and irregular migration into the region and the challenges posed on immigration agencies border control systems and processes;

**General Recommendations**

2. To combat human trafficking and people smuggling, Participants further:

1. **agreed** that the development of a draft regional framework on Human Trafficking and People Smuggling was a useful approach to ensure regional efforts contributed to and supported national activities;
2. **agreed** that where appropriate, Members needed to develop National Action Plans to coordinate national activities noting that implementation and monitoring were crucial;
3. **recognised** that development of NAPs required thorough planning, wide stakeholder consultation and the need for an agreed lead agency to lead and drive the consultation and NAP development process;
4. **agreed** that where appropriate regional and international agencies should look to support Members to develop National Action Plans to combat human trafficking and people smuggling;
5. **recognised** that the majority of PIDC Members did not have guiding policies and procedures to address irregular arrivals and the investigation of people smuggling and human trafficking cases; and **agreed** that support needed to be provided to develop these documents;
6. **recognised** the need for immigration agencies to combine efforts and resources with national and regional partner agencies to disrupt and deter human traffickers and people smugglers from operating in our borders;
7. **noted** that a number of PIDC Member countries have successful experiences of inter-agency cooperation and coordination which Members could use as reference points.
8. **encouraged** PIDC Members to adopt Interagency structures to address Human Trafficking and People Smuggling;
9. **supported** the development and delivery of specialised training packages for immigration officers especially for investigation and media engagement skills;
10. **encouraged** joint training programmes for customs, police, and partner law enforcement agencies delegated to undertake immigration roles under Members’ respective laws;
11. **noted** that victims of trafficking required special treatment and there was a need to deliver specialist “Victim of Trafficking” training programmes to immigration officers.
12. **encouraged** PIDC to continue strengthening Members’ capacity to share information throughout the PIDC Membership;
13. **requested** PIDC to coordinate and strengthen information circulation in the Pacific and **encouraged** Member immigration agencies to continue working together to disrupt Human Trafficking and People Smuggling operations; and
14. **recognised** the need to increase visibility of modern-day trafficking and smuggling to increase the general public’s understanding of the elements and indicators of human trafficking and people smuggling.
15. **recognised** that majority of PIDC Members do not have centralized databases for proper documentation and information dissemination of human trafficking and people smuggling;
16. **recognised** that monitoring and collecting people movement data in the Pacific high seas and sea ports continues to be a challenge for immigration and law enforcement agencies in the Pacific;
17. **requested** PIDC to continue supporting Members’ data management processes through the PIDC data collection prototype programme to encourage Members to work toward centralising data collection on human trafficking and people smuggling;
18. **agreed** that cases bearing indicators of Human Trafficking should be afforded a separate data field in national and PIDC collection plan templates;
19. **recognized** that the technical assistance provided by the ACP-EU Migration Action was expected to strengthen PIDC’s data collection process;
20. **encouraged** Members to support and contribute to PIDC’s revised Annual Collection Plan survey to inform the 2018 Irregular Migration Report; and

1. **encouraged** participants at this workshop to take back lessons and recommendations from this seminar to their home nations to improve national processes and systems that will complement and strengthen their HTPS processes.

**PIDC Specific Recommendations**

3. In addition, Participants **recommended** that PIDC through its Board and the Secretariat:

1. **finalise** the draft regional framework for human trafficking and people smuggling to be presented to the PIDC Board and 2019 RAM for Members’ endorsement;
2. **consult** with regional and international partner organisations to support Members seeking to develop National Action Plans for human trafficking and people smuggling;
3. **explore** the development of a human trafficking and people smuggling investigation specialist course/programme package for immigration officers in the Pacific;
4. **recognise** that most Members do not have national human trafficking and people smuggling training packages and depend on PIDC and partner organisations to provide specialist training programmes;
5. **strongly recommend** that PIDC should work towards developing human trafficking and people smuggling training packages that can be sustained into the future;
6. **work** with PIDC Members to collate Members’ responses to the 2019 Annual Collection Plan Survey programme;
7. **seek** funding options for the implementation of future workshops for PIDC Members, and partner law enforcement colleagues such as police and customs including training and secondment opportunities in human trafficking and people smuggling operations;
8. **develop** a network of practitioners in the PIDC Membership that can provide advice and guidance on human trafficking and people smuggling issues to the PIDC Membership when required or needed; and
9. **seek** to ensure outcomes from the seminar are reflected in the PIDC Secretariat workplan.

ANNEX TWO

# TABLE OF ACTIVITIES

# SFA One. Prevention

|  |  |  |  |
| --- | --- | --- | --- |
| **Strategy** | **National activities** | **Regional activities** | **Secretariat** |
| **Establish effective National Policy and Legal Frameworks** | **(a)** **Establish effective national Policy and Legal Frameworks** to strengthen national immigration HTPS policy framework.  PIDC Member to:   1. *support development of evidence-based* ***National Action Plans*** *or national policy documents to coordinate multi-agency whole of government activities[[5]](#footnote-5); and* 2. *establish comprehensive policies, procedures, and programmes to prevent human trafficking & people smuggling.* | **(a) Maintain high level engagement** to support development of national HTPS policies.  PIDC organisation to:   1. *maintain HTPS as standing agenda item at annual Regular Annual Meeting; and* 2. *promote immigration related activities to combat human trafficking and people smuggling.* | **(a)** **Support Members to implement Framework**.  PIDC Secretariat to:   * 1. *develop PIDC Model National Action Plan to Combat HTPS with partner organisations for Members to adapt as required.* |
| (b) **Strengthen and align national legal frameworks** **with international standards** and best practices contained in PIDC Model Policy and Legislation Framework.  PIDC Member seek at a minimum to:   1. *strengthen visa application processes (visitor and labour) to support legitimate travellers and migrants;* 2. ***criminalise human trafficking and people smuggling*** *and provide powers needed to support PIDC Members prevent, detect, investigate, and prosecute these offences*[[6]](#footnote-6); 3. *ensure that penalties and sanctions are appropriate and proportionate to the gravity of the crime and that proceeds of trafﬁcking in persons and people smuggling are conﬁscated*; 4. *support implementation of international standards to prevent human trafficking & people smuggling; and* 5. *adopt or amend the necessary legislative measures for comprehensive protection of and assistance to victims of trafﬁcking and protect the rights of smuggled migrants*. | **(b) Support ratification or accession to international conventions and protocols** to strengthen universal adoption of international legal frameworks on human trafficking and people smuggling.  PIDC organisation to:   1. *encourage ratification or accession to international conventions and protocols as appropriate to national circumstances and priorities;* 2. *encourage Members to continue strengthening and modernising national immigration legal frameworks to align with relevant international and regional standards and best practices. Appropriate to prevent and combat human trafficking & people smuggling; and* 3. *continue to advocate for introduction by Members of laws and procedures to protect victims of human trafficking and the rights of smuggled migrants.* | **(b) Support alignment of Members’ legal frameworks** with relevant regional and international standards and best practices.  PIDC Secretariat to:   1. *continue using Model Policy and Legislation Framework**HTPS provisions as regional baseline model[[7]](#footnote-7) for national immigration legislation reviews; and* 2. *continue engagement with partner organisations to ensure PIDC Model Framework provisions remain current.* |
| **(c)** **Monitor and assess anti-HTPS activities** to regularly assess progress and impact.  PIDC Member to:   1. *promote agreement amongst law enforcement agencies on how to measure impact of human trafficking and people smuggling activities;* 2. *promote development of effective monitoring and evaluation systems for national strategies and/or plans of action to assess progress and impact; and* 3. *report to PIDC RAM on impact of Anti-HTPS activities.* | **(c)** **Monitor impact of national activities** **on implementation of Framework.** throughout Membership[[8]](#footnote-8).  PIDC Secretariat to:   1. *monitor implementation of Framework through Board and annual Regular Annual Meeting reports.* |
| **Strengthen research and information management** | **(a)** **Undertake threat assessments** to determine national context of human trafficking and people smuggling to identify gaps and guide responses.  PIDC Member to:   1. *undertake national threat assessments to identify national vulnerable sectors, travel routes, Person of Interest, and criminal organisations and networks.* | (a) **Members monitor regional threats through PIDC RAM** with regular annual consolidated report.  PIDC Organisation to:   1. *use RAM to monitor national threat assessments through implementation of Framework.* | **(a)** **Support Members undertake base threat assessment t**o develop a simple regional baseline to determine scope and extent of HTPS issues throughout Membership[[9]](#footnote-9).  PIDC Secretariat to:   1. *engage and seek support for national assessments from relevant partner organisations; and* 2. *develop simple regional baseline for HTPS in Member States.* |
| **(b) Strengthen national immigration data collection** to support decision making, border assessment and investigations.  PIDC Member to:   1. *strengthen national electronic data collection to capture, store, and analyse immigration data[[10]](#footnote-10) (promote use of national automated immigration platforms, PEDCT or VRS-MSRC); and* 2. *prioritise analysis of immigration data to support research, targeting, reporting, identification of trends and border assessments.* | **(b) Prioritise national data collection** capacity buildingactivities to strengthen Member and regional analysis.  PIDC Organisation to:   1. *support through RAM and PIDC AWPB the use of PIDC Enforcement Data Collection Tool (PEDCT) where appropriate to collect and analyse relevant human trafficking and people smuggling information;* 2. *promote use of the VRS – MSRC to strengthen collection and analysis of relevant data; and* 3. *promote automation of border management systems in PIDC Members.* | **(b) Support data collection projects** as part of PIDC core business and to implement the Framework.  PIDC Secretariat to:   1. *support implementation of PEDCT to countries that do not have existing electronic data capture and analysis functionality;* 2. *encourage data entry into VRS – MSRC to strengthen collection and analysis of relevant data; and* 3. *support Members to identify possible automated border management systems for smaller PICTs.* |
|  | **(c) Support research and analysis** to develop knowledge products regarding of cases, trends, and threats to inform PIDC decision making at all levels.  PIDC Member to:   1. *provide timely responses to research surveys coordinated through Secretariat;* 2. *support the development of the annual PIDC People Smuggling, Human Trafficking and Irregular Migration Report; and* 3. *monitor media and vulnerable travel pathways to detect human trafficking and people smuggling routes.* | **(c) Prioritise organisational research support** to build national and regional knowledge of HTPS.  PIDC Organisation to:   1. *identify annual research priorities and projects through RAM and PIDC AWPB;* 2. *support regional information collection campaigns/ operations through Profiling and Intelligence Support Group for specific data fields under the PIDC Memorandum of Arrangement;* 3. *develop regional immigration toolbox to support research; and* 4. *share volumetric immigration information regarding POI, investigations, convictions, and intelligence as part of PIDC Memorandum of Arrangement.* | **(c) Implement and coordinate PIDC research projects** as part of AWPB.  PIDC Secretariat to:   1. *support PIDC[[11]](#footnote-11) and collaborative research with independent research institutions, academic institutions, partner organisations and civil society organisations; and* 2. *establish database of PICT case studies and HTPS methods for each country.* |
| **Raise public awareness** | **(a) Raise awareness** of public, travel industry and private sector of harm caused by HTPS[[12]](#footnote-12).  PIDC Member to:   1. *establish national support by implementing whole of government and community (including Church, traditional Leaders and CSO) awareness campaigns on harm and violence caused;* 2. *develop and disseminate educational materials.* 3. *develop public awareness and media campaigns to educate the community and local industries on common forms of HTPS;* 4. *engage with civil society, private sector, traditional and religious authorities, and media to obtain community support for proposed law enforcement activities;* 5. *establish law enforcement – industry partnerships where appropriate; and* 6. *establish community hot lines to facilitate reporting of possible criminal activity.* | **(a) Maintain high level engagement on HTPS** through RAM to continue highlighting need for regional approach with partner law enforcement agencies.  PIDC Organisation to:   1. *monitor regional threats through regular annual report* | **(a) engage with regional and international Stakeholders** tocontinue to collect, analyse and disseminate PIDC information on HTPS.  PIDC Secretariat to:   1. *continue to raise HTPS awareness for Members’ and law enforcement partners.* |

# SFA Two. Detection and Enforcement

|  |  |  |  |
| --- | --- | --- | --- |
| **Strategy** | **National activities** | **Regional activities** | **Secretariat activities** |
| **Strengthen immigration Border detection** | **(a)** **strengthen use and sharing of immigration intelligence to combat HTPS**.  PIDC Member to:   1. *strengthen national immigration information analysis[[13]](#footnote-13)to target, detect, investigate, and prosecute HTPS, target high risk flights, and* *sectors and use and develop immigration analysis and intelligence collection;* 2. *strengthen identity management and biometrics to reduce possible travel document fraud for HTPS purposes;* 3. *strengthen information sharing[[14]](#footnote-14) both nationally and regionally through liaison officers and contact points to ensure relevant immigration information is available to target, detect, investigate, and prosecute HTPS activities; and* 4. *introduce legislation and processes, where appropriate, to support the use of special investigative techniques (undercover operations, inﬁltration, surveillance, use of informants etc.) in place to reduce reliance on victim testimony and corroborate evidence.* | **(a)** **promote sharing of immigration information**.    PIDC Organisation to:   1. *coordinate through RAM information collection and research of specific types of data under the PIDC Memorandum of Arrangement;* 2. *strengthen use of PIDC Accredited Network of Contact Points and Profiling and Intelligence Support Group to share HTPS information; and* 3. *including on POI, investigations, convictions, and intelligence as part of PIDC Memorandum of Arrangement.* | **(a) support PIDC information sharing platforms** through the PIDC Memorandum of Arrangement on Information Sharing.  PIDC Secretariat to:   1. *act as focal point to coordinate information collection through the PIDC Information and Intelligence Network (PIDC Accredited Network of Contact Points and Profiling and Intelligence Support Group);* 2. *continue development and distribution of PIDC intelligence products to Members;* 3. *facilitate dissemination of intelligence products between Members and partner organisations[[15]](#footnote-15); and* 4. *engage with partner organisations such as PTCN, OCO, PICP, IOM, and the proposed Pacific Fusion Centre and Pacific Security College* |
|  | **(b)** **Develop common national indicators** for HTPS.  PIDC Member to:   1. *develop national set of HTPS indicators[[16]](#footnote-16) tailored to national circumstances identifying vulnerable sectors, migrants, and common indicators.* | **(b) Develop common regional HTPS indicators** for Members to adapt as necessary and review on a regular basis.  PIDC Organisation to:   1. *task Profiling and Intelligence Support Group to develop common regional indicators for HTPS.* | **(b)** **Coordinate development of regional indicators** with Profiling and Intelligence Support Group.  PIDC Secretariat to:   1. *support PIDC Members develop national set of human trafficking and people smuggling indicators tailored to national circumstances identifying vulnerable sectors, migrants, and common indicators.* |
| **(c) Encourage multi-agency responses (refer pillar 4 on National and Regional Coordination), Members**, PIDC and the Secretariat encourage law enforcement partner organisations to establish multi-agency groups (or use existing CLAGS and TCUs) to target transnational crime networks. | | |
| **Build capacity of immigration officers and agencies to detect human trafficking and people smuggling** | **(a) strengthen border detection to recognise HTPS indicators**.  PIDC Member to:   1. *Train frontline officers to recognise HTPS indicators and respond appropriately;* 2. *include HTPS modules in national immigration training programmes;* 3. *disseminate pocket guides on indicators and develop SOPs;* 4. *promote advanced training for senior immigration officers; and* 5. *improve procedures and practices, where appropriate, for the identification of inbound and outbound trafficked and smuggled persons (including for detection of trafficked and smuggled persons already in-country).* | **(a) (b) (c) (d) develop regional training resources for Members to adapt as required**.  PIDC Organisation to:   1. *Include training modules in PIDC Model Curriculum[[17]](#footnote-17) on human trafficking and people smuggling, investigation, and prosecution;* 2. *report at RAM on current Member capacity to investigate and support prosecutions of immigration offences;* 3. *encourage larger PIDC Members and partner organisations to provide specialist training to PIDC Members (For example through IBCP, Hakili Matangi, Pacific Fusion Centre and Pacific Security College);* 4. *Support regional PIDC training provided through RSDP, Havili Matagi and partner organisations;* 5. *consider establishing a core group of subject matter experts (Similar to RSO TEWG on human trafficking) supported by the Secretariat to develop intelligence products to support national Enforcement for PIDC Members and also provide strategic guidance;* 6. *train national officers on human rights and child centred approaches to human trafficking and people smuggling; and* 7. *strengthen relationships with partner agencies and relevant actors to provide assistance and support where possible to trafficked victims and smuggled migrants.* | **(a) (b) (c) (d)** **support development of regional training resources** for Members to adapt as required.  PIDC Secretariat to:   1. *continue acting as focal point for engagement with partner organisations to coordinate training activities as part of PIDC Capacity Building Programme;* 2. *continue to support development of national training modules by Bali Process RSO, UNODC and IOM for PIDC Members to adapt as required;* 3. *continue to engage with partner organisations to seek advanced training opportunities for Members;* 4. *support in-country technical assistance to establish training curriculum and modules for Members through AWPB;* 5. *incorporate skills and knowledge relevant to anti-HTPS activities into regular PIDC Training Needs Analysis;* 6. *compile best practices and develop SOP for investigations to be disseminated to Members; and* 7. *promote cooperation and joint programming among international and regional organizations for the development and implementation of common strategies and programmes.* |
| **(b) strengthen investigations** by building immigration capacity to lead or support HTPS investigations.  PIDC Member to:   1. develop/ strengthen national capacity to lead/ support immigration related investigations with multiple partner agencies; and 2. promote case management and investigations as part of formal training programme. |
| (c) **support prosecution of HTPS** cases.  PIDC Member to:   1. *develop/ strengthen national capacity to support immigration related prosecution case with partner law enforcement agencies; and* 2. *develop case management, interviewing, and evidence collection as part of formal training programme[[18]](#footnote-18).* |
| **(d) manage HTPS victims** according to appropriate international standards and best practices.  PIDC Member to:   1. *strengthen relationships with domestic and international agencies and relevant actors to provide assistance and support to trafficked victims and smuggled migrants.* |
| **Support human trafficking and people smuggling investigations and prosecutions** | **(a)** **Strengthen operational enforcement and compliance capacity** to combat HTPS.  PIDC Member to:   1. *develop standard operating procedures for border interventions, investigations, and prosecution support;* 2. *prioritise and support HTPS investigations and prosecution cases; and* 3. *ensure immigration legislation and investigative/prosecution approaches address other key modalities of HTPS activities to ensure greatest likelihood of successful prosecution of organisers, for example, ensuring false statement/documents are criminalised, unauthorised entry & departure criminalised, etc.* | **(a) Develop regional resources** such asstandard operating procedures and guidelines to build capacity of Members to support HTPS investigations and prosecutions.  PIDC Organisation to:   1. *support implementation of Model PIDC SoPs for suspected trafficked victims; and* 2. *prioritise development of standard operating procedures for investigations and prosecutions.* | **(a) Revise PIDC model regional resources** for Members to adapt as required to strengthen operational enforcement and compliance capacity.  PIDC Secretariat to:   1. *update the PIDC Model Standard Operating Procedures Manual, the Model Policy and Legislation Framework, and similar resources.* |

# SFA Three. Protection

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| **Strategy** | **National activities** | **Regional activities** | **Secretariat activities** |
| **Protect and assist trafficking victims** | **(a)** **Protect and assist victims of trafﬁcking**  PIDC Member to:   1. *promote application of international standards and a human rights-based approach to victim protection and assistance irrespective of their cooperation with law enforcement, taking into account the special needs of children;* 2. *establish legal frameworks and processes[[19]](#footnote-19) to provide comprehensive protection and assistance to victims of trafﬁcking; and* 3. *ensure that the return of a trafﬁcked person is undertaken on a voluntary basis and that any decision to return is preceded by a risk assessment and with due regard for his/her safety.* | **(a)** **Promote development, universal adoption, and implementation of PIDC regional best practices**, laws, and procedures to protect victims of human trafficking[[20]](#footnote-20).  PIDC Organisation to:   1. *continue advocating for introduction by Members of laws and procedures to protect victims of human trafficking.* | **(a)** **Support national efforts to align policy and legal frameworks** with relevant PIDC Model Policy and Legislative Framework.  PIDC Secretariat to:   1. *engage with partner organisations to ensure PIDC Model Framework provisions remain current.* |
|  | (b) **Strengthen national identiﬁcation and referral processes** for immigration agencies.  PIDC Member to:   1. *strengthen border identiﬁcation guidelines, procedures and other effective identiﬁcation techniques;* 2. *strengthen border referral mechanisms for victim protection and assistance, including referral to the asylum-system where appropriate; and* 3. *develop immigration Standard Operating Procedures for identification and referral.* |
| **Protect the rights of smuggled migrants** | **(a) Protect rights of smuggled migrants** by encouraging national application of international standards and best practices.  PIDC Member to:   1. *encourage the establishment of legal frameworks and processes (SoPs) with a human rights-based approach to victim protection and assistance irrespective of their cooperation with law enforcement, taking into account the special needs of children;* 2. *encourage national measures be introduced so that the return of smuggled migrants is not tantamount to refoulement and that return procedures are carried out in a safe, orderly, and dignified manner;* 3. *encourage national processes to ensure that the return of smuggled migrants who have no entitlement to remain in country is carried out in an orderly manner and with regard for the safety and dignity of the person; and* 4. *strengthen national border referral mechanisms for victim protection and assistance, including referral to the asylum-system where appropriate.* | **(a)** **Promote development, universal adoption, and implementation of PIDC regional best practices, laws, and procedures to protect the rights of smuggled migrants**[[21]](#footnote-21).  PIDC Organisation to:   1. *continue advocating for introduction by Members of laws and procedures to protect rights and dignity of smuggled migrants.* | **(a)** **Support national efforts to align policy and legal frameworks** with relevant PIDC Model Policy and Legislative Framework.  PIDC Secretariat to:   1. *work with partner organisations such as IOM, UNHCR to identify/ develop appropriate guidelines and procedures to be adapted by Members.* |

# SFA Four. PIDC Coordination

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| **Strategy** | **National activities** | **Regional activities** | **Secretariat activities** |
| **Strengthen PIDC engagement and collaboration** | **(a)** **Strengthen national capacities to engage and cooperate with other PIDC States** (destination, transit, and origin) to combat HTPS.  PIDC Member to:   1. *strengthen formal and informal capacity to engage with PIDC Network to combat HTPS;* 2. *strengthen* ***formal capacity*** *to cooperate in investigations and prosecutions for HTPS through extradition, mutual legal assistance, transfer of sentenced persons, joint investigations, international cooperation for purposes of conﬁscation; and* 3. *strengthen* ***informal capacity*** *to cooperate by enhancing networks and bilateral and multi-lateral relationships to combat HTPS.* | **(a) (b) PIDC provides primary regional immigration forum to combat HTPS** and coordinate high level engagement to advance implementation of Framework.  PIDC Organisation to:   1. *ensure high level engagement for HTPS and implementation of the Framework as standing items in the PIDC RAM Agenda and Annual Work Plan and Budget;* 2. *coordinate implementation of Framework through RAM by:*    * *planning regional priorities and allocating PIDC resources to support Members[[22]](#footnote-22); and*    * *utilising PIDC structures to support Framework implementation[[23]](#footnote-23).* 3. *standardise and align where possible activities to combat* *HTPS[[24]](#footnote-24) through legal provisions in the Model Policy and Legislation Framework;* 4. *continue to encourage and support Members to modernise immigration legislation including HTPS provisions;* 5. *engage with law enforcement partners such as PICP, OCO, PIFS, PILON, PTCCC, the Bali Process, IOM, UNHCR and UNODC to encourage the development of regional activities to combat HTPS[[25]](#footnote-25); and* 6. *promote streamlined and standardised cooperation where possible between PIDC Members to combat HTPS*. | **(a) Secretariat coordinates implementation of Framework** as focal point.  PIDC Secretariat to:   1. *continue acting as focal point for implementation of Framework;* 2. *report on implementation of Framework to PIDC Board and RAM; and* 3. *incorporate measures to combat human trafficking and people smuggling into strategic and annual work plans.* |
| **(b) Strengthen international engagement** with partner organisations and PIDC Stakeholders.  PIDC Member to:   1. *encourage cooperation with international law enforcement partner organisations;* 2. *utilise available networks through the NCPs, PIDC, UNHCR, IOM, Bali Process and UNODC to promote cooperation;* 3. *engage bilaterally with international partner organisations to advance anti- HTPS activities; and* 4. *strengthen engagement and cooperation with other States involved in specific cases of human trafficking and people smuggling (destination, transit, and origin).* | **(b)** **Secretariat engages with relevant partner organisations to seek support for PIDC Member activities**[[26]](#footnote-26).  PIDC Secretariat to:   1. *promote immigration’s role in combating HTPS;* 2. *continue to engage with partner organisations for technical support to implement human trafficking and people smuggling measures;* 3. *promote cooperation and joint programming among international and regional organizations for the development and implementation of common anti-HTPS strategies and programmes; and* 4. *encourage coherence in policy recommendations and technical assistance provided by international and regional organizations.* |
| **Strengthen national coordination and inter-operability** | **(a)** **Members strengthen national coordination by supporting establishment of multi-agency structures and joint investigation teams** across multiple jurisdictions to combat HTPS and other transnational crimes.  PIDC Member to:   1. *encourage collaboration through specialised multi -agency teams with Police, Customs, Health and Labour to combat HTPS (can be ad hoc informal teams or more formal using existing CLAGS and TCUs, or specialised teams established specifically to combat HTPS[[27]](#footnote-27));* 2. *promote coordination and cooperation within and among agencies and other relevant actors to prevent HTPS[[28]](#footnote-28);* 3. *strengthen engagement and cooperation with other States involved in specific cases of human trafficking and people smuggling (destination, transit, and origin);* 4. *allocate adequate resources to combat HTPS;* 5. *develop national SoPs for multi-agency coordination;* 6. *encourage partner organisations to formalise cooperation to establish communications procedures, and information and data exchange;* 7. *utilise the PIDC information and intelligence Network to support exchange of information through use of Memorandum of Arrangement (NCPs, Profiling Group, Secretariat, VRS-MSRC where appropriate); and* 8. *encourage inter-agency exercises and operations.* | **(a)** **Promote establishment of multi-jurisdictional groups** to combat HTPS.  PIDC Organisation to:   1. *promote multi-agency approaches through advocacy and PIDC resources;* 2. *advocate for effective national inter-agency responses to combat human trafficking and people smuggling; and* 3. *utilise available networks through the NCPs, PIDC, UNHCR, IOM, Bali Process and UNODC to promote cooperation and seek support for Members.* | **(a)** **Secretariat supports national implementation of multi-agency approach**.  PIDC Secretariat to:   1. *update PIDC resources to ensure support for multi-agency approaches (PIDC Regional Model Policy and Legislation Framework, PIDC Model Regional Standard Operating Procedures, and PIDC Policy Development Framework) and;* 2. *develop model resources such as MoUs and engage with partner organisations to promote multi-agency approaches, operations, and planning across all levels; and* 3. *explore further opportunities for collaboration under the PIDC, OCO and PICP Declaration of Partnership.* |

1. National activities [↑](#footnote-ref-1)
2. Regional Coordination Activities [↑](#footnote-ref-2)
3. Secretariat Support Activities [↑](#footnote-ref-3)
4. Public often unaware of the harm and violence associated with human trafficking and people smuggling and also the organised crime groups that commit these crimes in their countries. [↑](#footnote-ref-4)
5. Due to the complex transnational nature of the criminal activities, single crimes are often committed in multiple countries involving multiple criminal activities regulated by multiple law enforcement agencies. Coordination is essential and PIDC Members should support the development of these documents to develop agreed roles, responsibilities and procedures that operate within national frameworks. [↑](#footnote-ref-5)
6. Members should consider additional measures where appropriate that may include: providing extra-territorial jurisdiction, preventing means of transport operated by commercial carriers from being used in committing offences, taking measures to permit where appropriate the denial of entry, the revocation of visas or possibly the temporary detention of persons implicated in committing human trafficking and people smuggling offences. [↑](#footnote-ref-6)
7. PIDC Model Policy and Legislation Framework HTPS provisions based on Pacific Islands Forum Secretariat and UNODC Model Law on Transnational Crime updated in 2015. [↑](#footnote-ref-7)
8. Results to be included in the PIDC Annual People Smuggling, Human Trafficking and Irregular Migration Report. [↑](#footnote-ref-8)
9. Results to be included in the PIDC Annual People Smuggling, Human Trafficking and Irregular Migration Report. [↑](#footnote-ref-9)
10. support available from PIDC Secretariat (PIDC Enforcement Data Collection Tool), UNODC Voluntary Reporting System and Migrant Smuggling and Related Conduct (VRS – MSRC) [↑](#footnote-ref-10)
11. Including PIDC Annual People Smuggling, Human Trafficking and Irregular Migration Report. [↑](#footnote-ref-11)
12. Public often unaware of the harm and violence associated with human trafficking and people smuggling and also the organised crime groups that commit these crimes in their countries. [↑](#footnote-ref-12)
13. Using PIDC Memorandum of Arrangement on Information Sharing as a multi-lateral basis for sharing information. [↑](#footnote-ref-13)
14. Using PIDC Memorandum of Arrangement on Information Sharing as a multi-lateral basis for sharing information. [↑](#footnote-ref-14)
15. Including PTCN, Pacific Fusion Centre (TBD), OCO Members, and partner organisations. [↑](#footnote-ref-15)
16. Indicators to be based on information provided through partner organisations and the PIDC Profiling and Intelligence Support Group. [↑](#footnote-ref-16)
17. Adapt training modules with support of Bali Process Regional Support Office, UNODC and IOM. [↑](#footnote-ref-17)
18. important to ensure removal/deportation arrangements are coordinated with investigations and prosecutions of organisers to ensure witnesses are not removed. [↑](#footnote-ref-18)
19. Refer to PIDC Regional Model Standard Operating Procedures. [↑](#footnote-ref-19)
20. Refer to PIDC Regional Model Standard Operating Procedures and Model Policy and Legislation Framework. [↑](#footnote-ref-20)
21. Refer to PIDC Regional Model Standard Operating Procedures and Model Policy and Legislation Framework. [↑](#footnote-ref-21)
22. Through engagement at the PIDC Board and RAM. [↑](#footnote-ref-22)
23. PIDC RAM to task Secretariat, ISWG and PISG to develop regional HTPS indicators relevant to PICTs. [↑](#footnote-ref-23)
24. This may include support for national agencies undertaking related activities to combat human trafficking and people smuggling in areas such as extradition, mutual legal assistance, transfer of sentenced persons, joint investigations, international cooperation for purposes of conﬁscation. [↑](#footnote-ref-24)
25. Activities include measures for HTPS prevention and deterrence, detection and investigation, prosecution and compliance, and victim support and protection. [↑](#footnote-ref-25)
26. Useful platforms for engagement include PIDC Partner organisations, Boe Declaration and Regional Law Enforcement Declaration of Partnership. [↑](#footnote-ref-26)
27. model can be based on Fiji, Samoa, Solomon Islands with agencies including law enforcement agencies, judicial authorities, labour inspectorates, immigration and asylum authorities, non-governmental organizations, victim service providers, health institutions, child protection institutions, trade unions, workers’ and employers’ organizations, and the private sector. [↑](#footnote-ref-27)
28. PIDC Members to advocate nationally for appropriate division of labour in multi-agency mechanisms based on organisations’ mandates and core competencies in order to avoid unnecessary duplication of efforts and to rationalize activities to make them cost-effective. [↑](#footnote-ref-28)