

ASEAN HEADS OF SPECIALIST ANTI-TRAFFICKING UNITS

(HSU PROCESS)

TERMS OF REFERENCE

Introduction

The Heads of Specialist Anti-trafficking Units (HSU) Process was established in April 2004 and has, since February 2010, been functioning under the auspices of the SOMTC Working Group on Trafficking in Persons (TIP). The decision made in February 2010 by the SOMTC Working Group stated that further deliberation and agreement by the ASEAN Member States on the operational aspects and role of HSU within SOMTC would need to be undertaken. These Terms of Reference represent the outcome of those deliberations.

1: Role and Objectives

In accordance with domestic law and policies, the HSU Process is responsible to the SOMTC Working Group on TIP for ensuring that the following objectives are achieved:

To cooperate closely on a regional and bi-lateral level to combat trafficking in persons effectively in order to;

- *Secure justice for trafficked victims; and*
- *Reduce the current level of impunity enjoyed by traffickers.*

These two core objectives are to be achieved by effective operational co-operation between the specialist units within the following three key areas of activity:

1. *Identification and removal from harm of trafficked victims*
2. *Identification and investigation of traffickers and their networks*
3. *Collection and sharing of intelligence on trafficking crime to reduce and prevent this crime*

(NB: The term "intelligence" should be interpreted as meaning "any information concerning victims of trafficking, suspected traffickers, and trafficking modus operandi" and all such references to "intelligence" in this document should be interpreted accordingly).

To facilitate the attainment of these objectives, the HSU Process will:

1. Meet in accordance with the following two-tiered schedule:
 - a) Annually as required by the SOMTC Working Group on TIP, with this meeting being closely aligned with those of the SOMTC Working Group on TIP and the full annual SOMTC meeting;
 - b) On an ad-hoc basis according to bi-lateral or multi-lateral needs.
2. Serve as the focal point for ASEAN Member States on law enforcement cooperation on TIP cases;

3. Develop an Annual Work Plan;
4. Report annually to the SOMTC Working Group on TIP on the implementation of the Work Plan; and
5. Facilitate cooperation on TIP cases between ASEAN Member States.

2: Membership and structure

The HSU Process membership and structure will be as follows:

Membership

The membership of each ASEAN Member State delegation to the HSU Process will comprise

- At a minimum, the Head of the Specialist Anti-trafficking Unit from each ASEAN Member State or his/her nominated representative;
- One representative from the law enforcement agency responsible for the investigation or facilitation of cross-border cooperation on TIP cases or a representative from the Interpol Bureau of each ASEAN Member State; and
- HSU delegations must be able to work in the English language.

(NB: In respect of those ASEAN Member States that do not currently have a specific Specialist Anti-Trafficking Unit, the delegation will be led by the Head of the investigative unit that has responsibility for investigating TIP cases, or his/her nominated representative).

Structure

To facilitate the HSU Process and maintain the SOMTC Working Group on TIP overview, the membership will be augmented as follows:

- One representative from the ASEAN Secretariat;
- Other sources of technical assistance as deemed necessary by the HSU Process and / or SOMTC Working Group on TIP;
- The Chairperson of the annual HSU Meeting will be the Head of the Specialist Unit or equivalent of the ASEAN Member States that holds the current chair of the SOMTC; and
- HSU Permanent Secretariat.

3: Duties of HSU Process Members

The HSU Members will perform the following duties as representatives of the specialist law enforcement response to TIP cases in their respective States.

For the HSU Meeting:

- Attend the annual and any additional ad hoc meetings as required;
- Prepare national update reports according to the agreed format and present these to the meeting; and
- Participate in bi-lateral and multi-lateral meetings attached to the annual HSU meeting.

Adopted HSU TOR

At all other times, where practicable and in accordance with domestic laws and policies of the respective ASEAN Member States, the HSU Members are expected to undertake the following activities, where practicable and in accordance with the domestic laws and policies of the respective ASEAN Member States, in order to contribute towards the attainment of the HSU objectives:

- To facilitate effective cross-border cooperation on TIP cases between ASEAN Member States;
- To participate in cross-border bi-lateral and multi-lateral meetings to share intelligence on TIP cases;
- To receive requests from ASEAN Member States for operational assistance on the investigation of TIP cases and to coordinate and ensure the timely delivery of the requested assistance;
- To coordinate the sending of operational requests for assistance from their own States to other ASEAN Member States;
- To develop and coordinate investigations of transnational TIP cases;
- To maintain good working relations with Heads of Specialist Units or the equivalent in other ASEAN Member States;
- To ensure the current accuracy of the HSU Passport document, each HSU will immediately notify any changes to the details of the three points of contact specified for their respective unit. This notification will be made to the HSU Permanent Secretariat who undertakes to disseminate the changes to the rest of the specialist units. To reinforce this duty, each Head of Unit will also confirm to the annual meeting the accuracy of their entry in the Passport;
- The information contained in the Passport is sensitive and will be treated as confidential and handled in a secure way at all times. The data contained within it will not be disseminated outside of the specialist units without the prior permission of the data holder and any loss or theft of the document must be immediately reported to the current Chair of the HSU Process, the HSU Permanent Secretariat and the other specialist units;
- To contribute to the development and implementation of the Annual Work Plan of the HSU Process;
- To contribute to the preparation and delivery of the annual report to the SOMTC Working Group on TIP on performance in relation to the Work Plan;
- To draft national update reports on TIP and present it at the HSU Meeting; and
- To report back to their respective national police agencies on the outcomes of the HSU meeting process.

4: Duties and Responsibilities of the HSU Permanent Secretariat

- Responsible in the updating and consolidating the HSU Focal Points. The HSU Permanent Secretariat must be kept updated on any changes on the HSU Focal Points of respective Member States;
- Prepare an Annual Report to the SOMTC Working Group on TIP on the implementation of the Work Plan;
- Responsible in circulating all related documents to all HSU Focal Points , copy the SOMTC Focal Points;
- Responsible on drafting the Minutes of the regular Meetings of the HSU;

Adopted HSU TOR

- Provide assistance to the current Chair of the HSU and host country on the preparation and compilation of documents for the HSU regular meetings;
- The HSU Permanent Secretariat must be present in every meetings and workshops related to the HSU or shall be furnished a copy of the Minutes or report and any related documents of the meeting/workshop sponsored by External Partners;
- Perform such other functions as may be determined by the HSU Meeting; and
- Maintain close coordination with the current Chair of the HSU for the conduct of the regular meetings of the HSU.

5. Organisation and Reporting

In accordance with the domestic laws and policies of the respective ASEAN Member States, the HSU Meeting shall function within the following organisational and reporting guidelines:

- The HSU Process operates under the auspices of the SOMTC Working Group on TIP;
- The HSU Process will meet in accordance with the schedule set out in these Terms of Reference under the heading "Roles and Responsibilities";
- The scheduling of the date of the annual meeting will be agreed through close coordination between the current Chair of the HSU Process, the SOMTC Lead Shepherd for TIP and the ASEAN Secretariat;
- The HSU Process will draft an Annual Work Plan for the next year and submit it to the SOMTC Working Group on TIP for approval;
- The HSU Process will report on the implementation of the Work Plan to the SOMTC Working Group annually;
- The HSU Process may meet on an ad hoc basis as required and according to the approved Annual Work Plan;
- The chair of the HSU Meeting for the specific year shall be appointed by the ASEAN Member States chairing SOMTC;
- The SOMTC Lead Shepherd on TIP shall provide the secretariat function for the HSU Meeting;
- The ASEAN Member States serving as the current Chair of the HSU Process will be responsible for the coordination of the dates and organisation of the annual meeting and for the provision of the venue and refreshments for each meeting;
- Individual ASEAN Member States delegations will be responsible for the funding of their travel and accommodation expenses associated with attendance at the meeting(s);
- The host country to provide accommodation and the HSU Permanent Secretariat to cover travel expense for the attendance of two staff of the HSU Permanent Secretariat on the regular meetings of the HSU; and
- Minutes shall be kept of each HSU Meeting and the minutes should include specific detail of the representatives present at each meeting, the decisions of the Meeting, the actions that are agreed at the meeting and the timeframe and details of the officials that will be responsible for the completion of the actions.
