

## **TERMS OF REFERENCE**

### **NATIONAL REPRESENTATIVES FOR THE IMPLEMENTATION OF ASEAN CONVENTION AGAINST TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN (ACTIP) (NATIONAL ACTIP REPRESENTATIVES)**

#### **I. INTRODUCTION**

1. The Association of Southeast Asian Nations (ASEAN) Member States have demonstrated collective efforts to address Trafficking in Persons (TIP). The commitments were further consolidated through the adoption and signing of the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP) by the ASEAN Leaders at the 27<sup>th</sup> ASEAN Summit on 21 November 2015 in Kuala Lumpur, Malaysia. ACTIP entered into force on 8 March 2017, following the ratification by six ASEAN Member States. ACTIP was ratified by all 10 ASEAN Member States on 24 April 2020.
2. Article 24 (Monitoring, Reviewing and Reporting) of ACTIP stipulates that “the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) shall be responsible for promoting, monitoring, reviewing and reporting periodically to the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) on the effective implementation of this Convention.” It also provides that “the ASEAN Secretariat shall provide the support for supervising and coordinating the implementation of this Convention and assist the SOMTC in all matters relating thereto.”
3. On 5 May 2017, the Meeting on Strengthening the Implementation of ACTIP through the Establishment of a System of National ACTIP Representatives held in Cebu, Philippines, discussed the establishment of a focal point system for the national ACTIP representatives. The Meeting recommended the need to use existing ASEAN mechanisms and strengthen the role of SOMTC for the establishment of a system of National ACTIP Representatives. The recommendations from the Meeting were considered by the 14<sup>th</sup> SOMTC Working Group on TIP held in May 2017 in Vientiane, Lao PDR.
4. The recommendations were further discussed during the ASEAN Cross-Sectoral Consultative Meeting on the Implementation of the Bohol TIP Work Plan 2017-2020, which was held on 04-07 March 2019 in Bohol, Philippines. The Philippines, as the SOMTC Voluntary Lead Shepherd for TIP priority area, presented the Discussion Note on Options for the Monitoring and Reporting Mechanism of the ACTIP. Subsequently, on 23 September 2019, the Concept Paper for the ASEAN National Workshop on the Establishment of a Focal Point System of National ACTIP Representatives was endorsed by SOMTC. Thereafter, a series of ASEAN National Workshops with each ASEAN Member State was conducted by SOMTC-Philippines which started in September 2019 until March 2020, and due to the pandemic, it was gradually continued in September 2021 up to January 2022.
5. These country-level workshops further discussed the proposal and gathered comprehensive views on the establishment of a focal point system of National ACTIP

Representatives on what would work best for ASEAN. Specifically, the country-level workshops gathered information on the manner of TIP monitoring and reporting, in line with the implementation of ACTIP, in each ASEAN Member State. In addition, the said workshops provided an opportunity for the national line agencies of the respective ASEAN Member State, such as the social welfare sector, justice sector and health sector, among others, to provide inputs on the proposed mechanism for ACTIP monitoring and reporting. Moreover, the workshops also served as venue to further socialise the Bohol TIP Work Plan 2017-2020, which significantly contributed to the effective implementation of ACTIP. The Bohol TIP Work Plan 2017-2020 is expected to be succeeded by a new cross-sectoral work plan, as noted during the 17<sup>th</sup> SOMTC Working Group on TIP, held virtually on 26 July 2021.

## **II. OBJECTIVES OF THE NATIONAL ACTIP REPRESENTATIVES**

6. The National ACTIP Representatives shall serve the following objectives:
  - a. To enhance the efforts/activities of the ASEAN Member States in promoting, monitoring, reviewing, and reporting on the implementation of ACTIP; and
  - b. To establish an effective and efficient channel to facilitate linkages, coordination, and complementarity between regional and national activities to implement ACTIP.

## **III. SELECTION OF NATIONAL ACTIP REPRESENTATIVES**

7. The National ACTIP Representative shall be appointed in consideration of the following:
  - a. To be appointed either as an individual, or designated to a permanent office/role within the ASEAN Member States' relevant agencies.
  - b. To be selected by the respective SOMTC Leader of the ASEAN Member State, in consultation with relevant ASEAN Sectoral Bodies.<sup>1</sup>
  - c. To be lodged under SOMTC, and with the SOMTC Leader at the national level.
8. The details of the appointed National ACTIP Representatives, including the name, office address, and contact details shall be communicated to and managed by the SOMTC Voluntary Lead Shepherd for TIP priority area, with a copy to the ASEAN Secretariat. Any changes on the contact details of the National ACTIP Representatives should likewise be communicated.

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<sup>1</sup> At minimum, the relevant ASEAN Sectoral Bodies are those apart from SOMTC that are indicated as Lead Sectoral Bodies in the Bohol TIP Work Plan 2017-2020, namely ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs (DGICM), ASEAN Intergovernmental Commission on Human Rights (AICHR), ASEAN Law Senior Officials Meeting (ASLOM), Senior Labour Officials Meeting (SLOM), Senior Officials Meeting on Education (SOM-ED), and Senior Officials Meeting on Social Welfare and Development (SOMSWD).

#### **IV. ROLES AND RESPONSIBILITIES OF NATIONAL ACTIP REPRESENTATIVES**

9. The National ACTIP Representatives are expected to provide instrumental information and data for regional monitoring and reporting on ACTIP implementation. The National ACTIP Representatives shall have the following roles and responsibilities:
  - a. ACTIP Reporting:
    - i. To collect and compile national-level information and data which may include:
      1. National-level ACTIP implementation progress, including enhancement of policies, enforcement, protection services, and public awareness efforts;
      2. Progress of Implementation of the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA), and successor cross-sectoral TIP work plans to the Bohol TIP Work Plan 2017-2020;
      3. Lessons learned, replicable processes, progress reporting and evolution of government efforts to counter TIP; and
      4. Aggregate quantitative indicators related to TIP. Such indicators would be collectively agreed by SOMTC and other relevant ASEAN Sectoral Bodies.
    - ii. To submit the national-level information and data to SOMTC Leaders of their respective countries for approval and onward submission to the SOMTC Voluntary Lead Shepherd for TIP priority area.
  - b. Coordination with relevant ASEAN Sectoral Bodies at the national level:
    - iii. To collaborate and consult with other ASEAN Sectoral Bodies on countering TIP efforts in order to:
      1. collect and compile information and data for the ACTIP reporting; and
      2. raise awareness of and advocate for the implementation of ACTIP
  - c. Coordination with national inter-agency mechanisms on countering TIP:
    - iv. To closely coordinate with national inter-agency mechanisms on countering TIP including in soliciting, collecting, and compiling information and data for the ACTIP reporting.
10. Each National ACTIP Representative will report to the SOMTC Leader and Focal Points of their respective country.
11. The National ACTIP Representatives shall assist and support the SOMTC Leader to undertake ACTIP-related functions at national level, and may perform other roles and responsibilities based on demands of their countries as requested by their respective SOMTC Leaders.

**V. FREQUENCY OF REPORTING AND ARRANGEMENT FOR SHARING THE CONSOLIDATED REPORT**

12. The modality of submission of ACTIP Report shall be through the following process, with its simultaneous and continuous coordination with the ASEAN Secretariat:
  - a. The reporting shall be annual.
  - b. The report shall be submitted to the SOMTC Voluntary Lead Shepherd for TIP priority area by the National ACTIP Representatives after approval by the respective SOMTC Leader of the ASEAN Member State.
  - c. The SOMTC Voluntary Lead Shepherd on TIP priority area shall consolidate the submitted reports from the SOMTC Leaders of the AMS into a regional ACTIP Report.
  - d. The regional ACTIP Report will be submitted to SOMTC through the SOMTC Working Group on TIP, for notation, before its subsequent circulation to the relevant ASEAN Sectoral Bodies.
  - e. The regional ACTIP Report shall be treated with confidentiality in line with Article 25 of ACTIP on Confidentiality of Documents, Records and Information.
  - f. SOMTC will determine the extent of the regional ACTIP Report that can be shared with external parties or the public.

**VI. FUNDING AND RESOURCE MOBILISATION**

13. Each ASEAN Member State shall be responsible for covering the costs including necessary administrative services and support of its National ACTIP Representative in carrying out the roles and responsibilities.

**VII. AMENDMENTS**

14. This TOR is a living document and subject to amendments by SOMTC, after consultation and concurrence of relevant ASEAN Sectoral Bodies, based on consensus and as deemed necessary.

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