



**ASEAN DECLARATION ON
STRENGTHENING COOPERATION IN PROTECTING AND ASSISTING WITNESSES AND
VICTIMS OF TRANSNATIONAL CRIME**

The Seventeenth ASEAN Ministerial Meeting on Transnational Crime (“17th AMMTC”) was convened in Labuan Bajo, Indonesia on 21 August 2023;

ACKNOWLEDGING the fact that people suffer harm as a result of crime, including transnational crime, and that the rights of victims and witnesses to such crime may not be adequately recognised;

COGNISANT that victims, witnesses and others who aid them may be unjustly subjected to threats, harassment, loss, damage, injury, and that they may, in addition, suffer hardship, when assisting in the prosecution of offenders;

REAFFIRMING the commitment of the ASEAN Member States to the purposes and principles of the ASEAN Charter, in particular, the respect for, promotion, and protection of human rights as well as fundamental freedom;

BEARING IN MIND the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), particularly Article 14 (Protection of Victims of Trafficking in Persons) and Article 15 (Repatriation and Returns of Victims), and **ACKNOWLEDGING** that States shall subject to their domestic laws, rules, regulations and policies, in appropriate cases consider not holding victims of trafficking in persons criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking;

REAFFIRMING the priority areas stipulated in the ASEAN Plan of Action in Combating Transnational Crime (2016 – 2025) as follows:

- (a) Paragraph 10 of the National Strategies/Action Plans priority area: to strengthen national measures, policies and laws, to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings, and take appropriate measures within its means to provide assistance and protection to victims;
- (b) Paragraph 8 of the Legal Matters priority area: to conduct a study of the possibility of creating a regional programme/arrangement on the protection of witnesses and victims of transnational crimes from retaliation of organised criminal groups;
- (c) Paragraph 8 of the Law Enforcement Matters priority area: to enhance cooperation and coordination among ASEAN law enforcement agencies in protection of witnesses and the protection of, and assistance to, victims of transnational crime; and
- (d) Paragraph 2 of the Training and Institutional Capacity-Building priority area: to conduct workshops and seminars and develop training programmes for ASEAN law enforcement officials, including training modules on the protection of witnesses and the

protection, and assistance to victims of transnational crimes, in full respect of their human rights, including international and ASEAN Human Rights as well as humanitarian instruments;

RECALLING the United Nations General Assembly Resolution 40/34 of 29 November 1985 which adopted the “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” approved by the 7th United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and the United Nations Economic and Social Council resolution 1998/57 of 24 May 1989 entitled “Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power”, which, among other things, recommended that at national, regional and international levels, appropriate steps be taken to develop international cooperation in criminal matters, such as ensuring that those who suffer victimisation in another State receive effective help;

RECALLING that the United Nations Convention against Transnational Organized Crimes, articles 24 and 25, the United Nations Convention against Corruption article 32, and other relevant international instruments provide that State Parties to those instruments take appropriate measures in accordance with its domestic legal system and within its means to protect witnesses and to protect and assist victims from potential retaliation or intimidation;

ACKNOWLEDGING the 21st of August as the International Day of Remembrance of and Tribute to the Victims of Terrorism and also **EMPHASISING** the fact that States have the primary responsibility to support victims of terrorism and uphold their rights.

DO HEREBY DECLARE TO:

1. **CALL UPON** the ASEAN Member States to adopt measures and mechanisms for the effective protection of witnesses from potential retaliation or intimidation of witnesses in criminal proceedings, and the protection and assistance of victims of crime, including transnational crimes, in particular in cases of threat of retaliation or intimidation;
2. **FURTHER CALL UPON** the ASEAN Member States to adopt measures to establish physical protection of witnesses, such as relocation of witnesses, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of witnesses, and to provide evidentiary rules to permit witness testimony to be given in a manner that ensures the safety of the witnesses;
3. **ENCOURAGE** the ASEAN Member States to establish procedures to provide access to compensation and restitution for victims of crimes, including transnational crime, and to enable the views and concerns of victims to be presented and considered at appropriate stages of the criminal proceedings;
4. **FURTHER ENCOURAGE** the ASEAN Member States to consider implementing measures to provide for the physical, medical, psychological and social recovery of victims and as appropriate, witnesses;

5. **EMPHASISE** the importance of providing special attention and treatment for minor witnesses and victims, including those of transnational crime due to the particular trauma and alienation that they may suffer;
6. **FURTHER EMPHASISE** the importance of taking appropriate steps to develop regional cooperation among States at the regional and bilateral levels, such as ensuring that those who suffer victimisation in another State receive effective protection and assistance;
7. **PROMOTE** the participation of civil society in supporting joint efforts in developing national measures and mechanisms for the protection and assistance of witnesses and victims of crimes, and **FURTHER PROMOTE** synergies between civil societies and governmental agencies;
8. **RECOMMEND** follow-up actions to this Declaration, including but not limited to:
 - (a) Collating contact points for effective communication to enhance cooperation and coordination among law enforcement agencies or national agencies responsible for the protection of witnesses and victims of transnational crimes;
 - (b) Seeking the feasibility of establishing a network or a mechanism among law enforcement agencies or national agencies responsible for the protection of witnesses and victims of transnational crime;
 - (c) Conducting a feasibility study on creating a regional programme or arrangement for the protection of witnesses and victims of transnational crime from retaliation by organised criminal groups and terrorist groups; and
 - (d) Seeking technical assistance and capacity-building through workshops, seminars, and trainings for law enforcement agencies or national agencies responsible for the protection of witnesses and victims;
9. **EMPHASISE** the importance of expanding cooperation with ASEAN Dialogue Partners and other external parties, in the spirit of common and mutual benefit for the protection of witnesses and victims; and
10. **TASK** the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) to remain seized of the matter and report the implementation of this Declaration to the AMMTC.

ADOPTED in Labuan Bajo, Indonesia, on the Twenty-First Day of August in the year Two Thousand and Twenty-Three, in a single original copy in the English language.