



# Foreword



## Foreword by the Secretary-General of ASEAN

Over the past several years, there has been increasing awareness and recognition amongst ASEAN Member States, of the need for an effective and coordinated response to trafficking in persons (TIP). The crime of trafficking in this region, as in all others, is often transnational in both commission and effect. Suspects, victims and evidence can be located in two or more countries, further complicating the investigation and prosecution of an already complex crime. International and ASEAN standards are clear on the point that laws, policies and processes should ensure there are no safe havens for traffickers or their assets.

However, there are, at present, very few instances of legal cooperation requests being made or met in relation to TIP cases. Obstacles that have been identified by ASEAN practitioners include: unfamiliarity with the use and application of legal cooperation tools; unsuitability of some tools for TIP-related offences; lack of awareness of trafficking within relevant units / authorities; and differences in laws, standards and priorities between countries. It is generally acknowledged that more work needs to be done to address entrenched obstacles to effective legal cooperation and to identify ways of maximizing the practical utility and effectiveness of the major tools of cooperation. There is also growing recognition of the importance of well-developed bilateral and regional networks for prosecutors and central authority lawyers that are reinforced through regular meetings and exchanges of information, best practice and case-based discussions.

Here, I would like to pay a well deserved tribute to the ASEAN's Senior Officials Meeting on Transnational Crime (SOMTC) that has been active on the issue of TIP for some years, focusing particularly on the development of common standards and approaches within and between ASEAN Member States. In 2008 SOMTC endorsed the development of a *Handbook on International Legal Cooperation on Trafficking in Persons Cases*.

I am proud to introduce this unique Handbook, aimed at judicial officials, prosecutors and other criminal justice officials at national level, who are likely to be involved in informal or formal requests for regional international cooperation. The Handbook is based on international legal and criminal justice standards as they relate to trafficking in persons. It provides criminal justice officials with basic information on cooperation tools including mutual legal assistance and extradition as well as guidance on how these tools can be used most effectively in the specific context of regional and international cooperation in TIP cases. I am also mindful that this Handbook will set the high standards of achievement in ASEAN's response to transnational organized crime.

This Handbook forms part of a collection of tools and resources developed by and for the Member States of ASEAN, through the Asia Regional Project on Trafficking in Persons (ARTIP), aimed at strengthening national and regional responses to TIP. I take this opportunity to urge relevant officials of ASEAN Member States to familiarize themselves with these tools and resources, which now include a comprehensive series of training materials for criminal justice professionals including judges and prosecutors, investigators and front line law enforcement officials.

ASEAN is now recognized as a global leader in relation to criminal justice responses to trafficking. While we can be proud of our many achievements, it is essential to acknowledge that much remains to be done. In every part of the world, including our own, traffickers are rarely identified, prosecuted and convicted. This is a particular problem for countries of destination, where the most serious forms of exploitation usually take place. In addition, victims of trafficking rarely receive any form of justice or redress for the harms committed against them. These challenges should not give us cause for despair. For, we, in ASEAN, have shown a capacity to change, and an ability for innovation. I have no doubt that we can continue to work steadily towards our avowed goal of *ending impunity for traffickers and securing justice for those who have been wronged*.

On behalf of ASEAN, I take this opportunity to express our profound gratitude to the Australian Government for their commitment to ASEAN through the technical assistance rendered under the auspices of the Asia Regional Cooperation to Prevent People Trafficking (ARCPPT) and Asia Regional Trafficking in Persons (ARTIP) Projects, spanning the period of nearly a decade, and for providing the technical expertise required to bring this Handbook to fruition. My sincere appreciation also goes to the Expert Team of ARTIP for its dedication and commitment to ASEAN, and last but not least to the practitioners who contributed to ensuring the relevance of the Handbook for every ASEAN Member State.



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**Secretary-General of ASEAN**

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