



# Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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**Working Group on the  
Smuggling of Migrants**  
Vienna, 11-13 September 2017

## **Annotated provisional agenda**

### **Provisional agenda**

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda and organization of work.
2. Preparation of the questionnaire to review the implementation of the Smuggling of Migrants Protocol.
3. Use of the United Nations Convention against Transnational Organized Crime to address challenges relating to the smuggling of migrants.
4. Examination of the “financial and material benefit” aspect of the definition of smuggling of migrants.
5. Other matters.
6. Adoption of the report.

### **Annotations**

#### **1. Organizational matters**

##### **(a) Opening of the meeting**

The fourth session of the Working Group on the Smuggling of Migrants will be opened on Monday, 11 September 2017, at 10 a.m.

##### **(b) Adoption of the agenda and organization of work**

In its resolution 7/1, entitled “Strengthening the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto”, the Conference of the Parties decided, inter alia, that the Working Group on the Smuggling of Migrants would be a constant element of the Conference of the Parties, forwarding its reports and recommendations to the Conference, and encouraged the Working Group to consider meeting on an annual basis, as needed, and to hold its meetings consecutively with other working groups of the Conference, in order to ensure the effective use of resources.



At its meeting on 7 April 2017, the extended Bureau of the Conference of the Parties agreed on the provisional agenda for the fourth meeting of the Working Group, to be held in Vienna from 11 to 13 September 2017.

The proposed organization of work (see annex) was prepared in accordance with Conference resolution 7/1 in order to enable the Working Group to perform its mandated functions within the time and according to the conference services available to it. The resources available to the Working Group will permit the holding of five plenary meetings over two and a half days, with interpretation into the six official languages of the United Nations.

## **2. Preparation of the questionnaire to review the implementation of the Smuggling of Migrants Protocol**

In its resolution 8/2, the Conference decided to continue the process of establishing the mechanism for the review of the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto based on the recommendations contained in the report on the open-ended intergovernmental meeting to explore all options regarding an appropriate and effective review mechanism for the United Nations Convention against Transnational Organized Crime and the Protocols thereto, held in Vienna on 6 and 7 June 2016 (CTOC/COP/WG.8/2016/2). In the same resolution, the Conference also decided to elaborate specific procedures and rules for the functioning of the review mechanism, for consideration and adoption by the Conference at its ninth session, which was to be guided by the principles and characteristics set out in Conference resolution 5/5.

Also in its resolution 8/2, the Conference decided that the review mechanism should progressively address all the articles of the Convention and the Protocols thereto for each of the instruments that States parties are parties to, grouped in thematic clusters in accordance with the content of their provisions, and that, in order to review each thematic cluster of articles, the relevant working group should define, in the next two years, with the assistance of the Secretariat, a short, precise and focused self-assessment questionnaire.

For its consideration of agenda item 2, the Working Group will have before it a draft questionnaire prepared by the Secretariat to review the implementation of the Smuggling of Migrants Protocol. It is envisaged that the questionnaire will be endorsed by the Working Group for submission to and final adoption by the Conference at its ninth session.

### **Documentation**

Draft questionnaire prepared by the Secretariat for the review of the implementation of the Smuggling of Migrants Protocol, in accordance with Conference resolution 8/2 (CTOC/COP/WG.7/2017/2)

## **3. Use of the United Nations Convention against Transnational Organized Crime to address challenges relating to the smuggling of migrants**

During deliberations at the eighth session of the Conference, speakers stressed, among other things, that organized criminal networks were closely involved in the smuggling of migrants and that urgent solutions were needed to dismantle such networks, and called for the enhancement of international and regional coordination and cooperation as an essential component of an effective response to the smuggling of migrants.

At its second meeting, the Working Group on the Smuggling of Migrants recommended to the Conference that the topic of organized crime aspects of the smuggling of migrants be considered at future meetings of the Working Group.

For its consideration of agenda item 3, the Working Group will have before it a background paper prepared by the Secretariat on the use of the United Nations

Convention against Transnational Organized Crime to address challenges relating to the smuggling of migrants.

#### **Documentation**

Background paper prepared by the Secretariat on the use of the United Nations Convention against Transnational Organized Crime to address challenges relating to the smuggling of migrants (CTOC/COP/WG.7/2017/3)

#### **4. Examination of the “financial and material benefit” aspect of the definition of smuggling of migrants**

The Smuggling of Migrants Protocol, adopted in 2000, provided, in its article 3 (a), the first internationally agreed definition of smuggling of migrants, and required States parties to enact and enforce legislation criminalizing the smuggling of migrants when committed intentionally and in order to obtain, directly or indirectly, a financial or other material benefit (article 6 (1) (a)).

Successive resolutions on migrant smuggling adopted by the Conference of the Parties, the Economic and Social Council and the General Assembly<sup>1</sup> have called for the criminalization of the smuggling of migrants in national legislation in line with the Smuggling of Migrants Protocol.

Furthermore, in its issue paper entitled “The concept of ‘financial or other material benefit’ in the Smuggling of Migrants Protocol”, the United Nations Office on Drugs and Crime identified existing related practices and specific issues for further consideration and discussion.

For its consideration of agenda item 4, the Working Group will have before it a background paper prepared by the Secretariat on the examination of the “financial and material benefit” aspect of the definition of smuggling of migrants.

#### **Documentation**

Background paper prepared by the Secretariat on the examination of the “financial and material benefit” aspect of the definition of smuggling of migrants (CTOC/COP/WG.7/2017/4)

#### **5. Other matters**

As no issues to be raised under agenda item 5 have come to the attention of the Secretariat, no documentation regarding the item is currently foreseen.

#### **6. Adoption of the report**

The Working Group is expected to adopt a report on its meeting, the draft of which will be prepared by the Secretariat.

<sup>1</sup> For example, Conference of the Parties resolution 6/3, Economic and Social Council resolution 2014/23 and General Assembly resolution 71/1.

## Annex

### Proposed organization of work

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
<b>Monday, 11 September</b>		
10 a.m.-1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Preparation of the questionnaire to review the implementation of the Smuggling of Migrants Protocol
3-6 p.m.	2	Preparation of the questionnaire to review the implementation of the Smuggling of Migrants Protocol ( <i>continued</i> )
<b>Tuesday, 12 September</b>		
10 a.m.-1 p.m.	3	Use of the United Nations Convention against Transnational Organized Crime to address challenges relating to the smuggling of migrants
3-6 p.m.	4	Examination of the “financial and material benefit” aspect of the definition of smuggling of migrants
<b>Wednesday, 13 September</b>		
10 a.m.-1 p.m.	5	Other matters
	6	Adoption of the report