



# 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, 4 and 5 July 2018

### Annotated provisional agenda

#### Provisional agenda

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda and organization of work.
2. Criminal justice responses, including international cooperation, in investigations and prosecutions of perpetrators of migrant smuggling operations.
3. Preparation of the questionnaire to review the implementation of the Smuggling of Migrants Protocol.
4. Other matters.
5. Adoption of the report.

#### Annotations

##### 1. Organizational matters

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

The fifth meeting of the Working Group on the Smuggling of Migrants will be opened on Wednesday, 4 July 2018, 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 to the United Nations Convention against Transnational Organized Crime decided, inter alia, that the Working Group on the Smuggling of Migrants would be a constant element of the Conference, forwarding its reports and recommendations to it, 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 22 January 2018, the extended Bureau of the Conference of the Parties agreed that the fifth meeting of the Working Group would be held in Vienna on 4 and 5 July 2018. Moreover, on 23 March 2018, the extended Bureau agreed,



using the silence procedure, on the substantive topic of the Working Group for that meeting.

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 will permit the holding of four plenary meetings over two days, with interpretation into the six official languages of the United Nations.

## **2. Criminal justice responses, including international cooperation, in investigations and prosecutions of perpetrators of migrant smuggling operations**

At the second meeting of the Working Group, held in Vienna from 11 to 13 November 2013, the topic to be considered under agenda item 2 was among those recommended for consideration at future meetings.

Under the proposed topic, the Working Group may therefore wish to discuss the current ability of the criminal justice system to engage in effective investigations aimed at dismantling migrant smuggling networks and bringing high-level suspected perpetrators to justice, while ensuring the protection of the rights of smuggled migrants. It may be particularly relevant for the Working Group to focus on challenges to international cooperation in migrant smuggling cases and approaches adopted to overcome them.

For its consideration of agenda item 2, the Working Group will have before it a background paper prepared by the Secretariat on criminal justice responses, including international cooperation, in investigations and prosecutions of perpetrators of migrant smuggling operations.

### *Documentation*

Background paper prepared by the Secretariat on criminal justice responses, including international cooperation, in investigations and prosecutions of perpetrators of migrant smuggling operations (CTOC/COP/WG.7/2018/2)

## **3. 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 Convention 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 following two years, with the assistance of the Secretariat, a short, precise and focused self-assessment questionnaire.

At its fourth meeting, held from 11 to 13 September 2017, the Working Group on the Smuggling of Migrants considered a draft questionnaire prepared by the Secretariat for the review of the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in accordance with Conference resolution 8/2 (see

CTOC/COP/WG.7/2017/2). The comments and suggestions made at the meeting were set out in a non-paper that was circulated at the request of the Chair as an outcome document of the meeting. For its consideration of agenda item 3, the Working Group will have before it a non-paper containing the amended draft questionnaire for the review of the implementation of the Smuggling of Migrants Protocol, in accordance with Conference resolution 8/2 (CTOC/COP/WG.7/2018/CRP.1). No other documentation is currently expected under this agenda item.

*Documentation*

Non-paper containing a draft questionnaire for the review of the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, in accordance with resolution 8/2 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (CTOC/COP/WG.7/2018/CRP.1)

**4. Other matters**

As no issues to be raised under item 4 have come to the attention of the Secretariat, no documentation regarding the item is currently foreseen.

**5. 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.

## Annex

### Proposed organization of work

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
<b>Wednesday, 4 July</b>		
10 a.m.–1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
	2	Criminal justice responses, including international cooperation, in investigations and prosecutions of perpetrators of migrant smuggling operations
3–6 p.m.	2	Criminal justice responses, including international cooperation, in investigations and prosecutions of perpetrators of migrant smuggling operations ( <i>continued</i> )
	3	Preparation of the questionnaire to review the implementation of the Smuggling of Migrants Protocol
<b>Thursday, 5 July</b>		
10 a.m.–1 p.m.	3	Preparation of the questionnaire to review the implementation of the Smuggling of Migrants Protocol ( <i>continued</i> )
3–6 p.m.	4	Other matters
	5	Adoption of the report