



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

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Annotated provisional agenda and proposed organization of work

Provisional agenda

1. Organizational matters:
 - (a) Opening of the second session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime;
 - (b) Election of officers;
 - (c) Adoption of the agenda and organization of work;
 - (d) Participation of observers;
 - (e) Adoption of the report of the bureau on credentials.
2. Review of the implementation of the United Nations Convention against Transnational Organized Crime:
 - (a) Consideration of the basic adaptation of national legislation in accordance with the Convention;
 - (b) Commencement of the examination of criminalization legislation and difficulties encountered in the implementation of the relevant provisions of the Convention in accordance with its article 34, paragraph 2;
 - (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Convention.
3. Review of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime:
 - (a) Consideration of the basic adaptation of national legislation in accordance with the Trafficking in Persons Protocol;



- (b) Commencement of the examination of criminalization legislation and difficulties encountered in the implementation of article 5 of the Trafficking in Persons Protocol;
 - (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Trafficking in Persons Protocol;
 - (d) Exchange of views and experience regarding the protection of victims and preventive measures, gained primarily in the implementation of articles 6 and 9 of the Trafficking in Persons Protocol, including awareness-raising.
- 4. 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:
 - (a) Consideration of the basic adaptation of national legislation in accordance with the Migrants Protocol;
 - (b) Commencement of the examination of criminalization legislation and difficulties encountered in the implementation of article 6 of the Migrants Protocol;
 - (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Migrants Protocol;
 - (d) Exchange of views and experience gained in the implementation of articles 15 and 16 of the Migrants Protocol.
- 5. Other matters:
 - (a) Consideration of matters pertaining to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;
 - (b) Relationship of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime with the Commission on Crime Prevention and Criminal Justice and the future Conference of the States Parties to the United Nations Convention against Corruption.
- 6. Technical assistance activities.
- 7. Consideration of mechanisms for achieving the objectives of the Conference of the Parties in accordance with article 32, paragraphs 3-5, of the Convention.
- 8. Consideration of notification requirements in accordance with the relevant articles of the Convention (art. 5, para. 3; art. 6, para. 2 (d); art. 13, para. 5; art. 16, para. 5 (a); art. 18, paras. 13 and 14; and art. 31, para. 6) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (art. 8).
- 9. Provisional agenda for the third session of the Conference of the Parties.
- 10. Adoption of the report of the Conference of the Parties on its second session.

Annotations

1. Organizational matters

(a) Opening of the second session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime

The second session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime will be convened on Monday, 10 October 2005, at 10 a.m.

(b) Election of officers

In accordance with rule 22 of the rules of procedure for the Conference of the Parties, at the opening of each session, a President, eight Vice-Presidents and a Rapporteur shall be elected from among the representatives of the States parties that are present at the session.

In accordance with the same rule, in electing the officers of the session, each of the five regional groups shall be represented by two officers, one of whom shall be from among the representatives of the States that are parties to the Convention and one or more and if possible all the Protocols that have entered into force by the opening of the session. The bureau shall include at least two representatives of States that are parties to all the instruments that have entered into force by the opening of the session.

On the recommendation of its bureau at its first session, the Conference decided that the offices of President and Rapporteur should rotate among the regional groups and that such rotation should take place in alphabetical order. Thus, at the second session, the President of the Conference would be nominated by the Group of Eastern European States and the Group of Asian States would be asked to nominate one Vice-President and the Rapporteur.

(c) Adoption of the agenda and organization of work

At its first session, held in Vienna from 28 June to 8 July 2004, the Conference of the Parties approved the draft provisional agenda and proposed organization of work for its second session (CTOC/COP/2004/L.2). In adopting the provisional agenda for the second session, the Conference undertook to exert every effort at that session to make efficient use of the time available to it.

The provisional agenda and proposed organization of work have been amended in order to accommodate the need for consideration of matters pertaining to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, which entered into force on 3 July 2005.

The annotated provisional agenda and proposed organization of work were prepared, in accordance with rule 8 of the rules of procedure of the Conference, by the Secretariat in consultation with the bureau of the Conference, which met on 25 August 2005.

The proposed organization of work is intended to facilitate consideration of the items on the agenda within the time and in accordance with the resources available to the Conference of the Parties.

The resources available to the Conference of the Parties at its second session will permit the holding of two plenary meetings per day with simultaneous interpretation in the six official languages of the United Nations.

(d) Participation of observers

Rule 14 of the rules of procedure for the Conference of the Parties provides that, subject to prior written notification to the Secretary-General, any State or regional economic integration organization signatory to the Convention in accordance with its article 36, paragraphs 1 and 2, shall be entitled to participate as an observer in the Conference.

Rule 15 of the rules of procedure provides that any other State or regional economic integration organization that has not signed the Convention in accordance with its article 36, paragraphs 1 and 2, may apply to the bureau for observer status, which shall be accorded unless otherwise decided by the Conference.

Rule 16 of the rules of procedure provides that, subject to prior written notification to the Secretary-General, representatives of entities and organizations that have received a standing invitation from the General Assembly to participate as observers in the sessions and work of all international conferences convened under its auspices, representatives of United Nations bodies, specialized agencies and funds, as well as representatives of functional commissions of the Economic and Social Council, shall be entitled to participate as observers, without the right to vote, in the plenary meetings of the Conference.

Rule 17 of the rules of procedure provides that relevant non-governmental organizations having consultative status with the Economic and Social Council may apply to the bureau for observer status, which should be accorded unless otherwise decided by the Conference. Should relevant non-governmental organizations not having consultative status with the Economic and Social Council apply for observer status, the Secretariat will circulate a list of such organizations in accordance with rule 17 of the rules of procedure.

(e) Adoption of the report of the bureau on credentials

According to rule 19 of the rules of procedure for the Conference, the bureau shall examine the credentials of representatives of each State party and the names of the persons constituting the State party's delegation and submit its report to the Conference of the Parties. According to rule 20 of the rules of procedure, pending a decision of the bureau upon their credentials, representatives shall be entitled to participate provisionally in the session. Any representative of a State party to whose admission another State party has made objection shall be seated provisionally with the same rights as other representatives of States parties until the bureau has reported and the Conference has given its decision.

2. Review of the implementation of the United Nations Convention against Transnational Organized Crime

- (a) Consideration of the basic adaptation of national legislation in accordance with the Convention**
- (b) Commencement of the examination of criminalization legislation and difficulties encountered in the implementation of the relevant provisions of the Convention in accordance with its article 34, paragraph 2**
- (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Convention**

In its decision 1/2, the Conference of the Parties decided to carry out the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime by, inter alia, establishing a programme of work that it would review at regular intervals. The Conference endorsed the questionnaire on the implementation of the Convention (CTOC/COP/2004/L.1/Add.2) for submission to States parties and signatories with a view to obtaining the required information in the following areas, as determined by the Conference, for consideration at its second session:

(a) Basic adaptation of national legislation in accordance with the Convention;

(b) Examination of criminalization legislation and difficulties encountered in implementation in accordance with article 34, paragraph 2, of the Convention;

(c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in implementing the Convention.

In the same decision, the Conference requested the Secretariat to prepare an analytical report based on the responses to the questionnaire and to submit it to the Conference at its second session.

The Conference may wish to review the information contained in the analytical report and consider the effects that legislative convergence as a result of the implementation of the Convention might have for the common efforts against transnational organized crime. The Conference may also wish to deliberate on the effect of the lack of information from some States parties on the analysis of that information and of the efforts of the Conference to build a knowledge base to guide its future activities in compliance with its mandate. In this connection, the Conference may wish to consider whether the failure to provide information might be due to the lack of capacity of some States parties and seek the most appropriate ways of addressing this matter. The Conference may further wish to debate on which provisions of the Convention information would be sought from States parties for its third session.

Documentation

Analytical report of the Secretariat on the implementation of the United Nations Convention against Transnational Organized Crime (CTOC/COP/2005/2).

- 3. Review of the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime**
- (a) Consideration of the basic adaptation of national legislation in accordance with the Trafficking in Persons Protocol**
- (b) Commencement of the examination of criminalization legislation and difficulties encountered in the implementation of article 5 of the Trafficking in Persons Protocol**
- (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Trafficking in Persons Protocol**
- (d) Exchange of views and experience regarding the protection of victims and preventive measures, gained primarily in the implementation of articles 6 and 9 of the Trafficking in Persons Protocol, including awareness-raising**

In its decision 1/5, the Conference of the Parties decided to carry out the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime with respect to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention, by, inter alia, establishing a programme of work that it would review at regular intervals. The Conference endorsed the questionnaire on the implementation of the Trafficking in Persons Protocol (CTOC/COP/2004/L.1/Add.1) to be sent to States parties and signatories with a view to obtaining the required information in the following areas, as determined by the Conference, for consideration at its second session:

- (a) Basic adaptation of national legislation in accordance with the Trafficking in Persons Protocol;
- (b) Examination of criminalization legislation and difficulties encountered in implementation of article 5 of the Protocol;
- (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in implementing the Protocol;
- (d) Views and experience regarding the protection of victims and preventive measures, gained primarily in the implementation of articles 6 and 9 of the Protocol, including awareness-raising.

In the same decision, the Conference requested the Secretariat to prepare an analytical report based on the responses to the questionnaire and to submit it to the Conference at its second session.

The Conference adopted the decision on the understanding that the exchange of views on and experience in the implementation of measures on protection of victims and preventive measures would not imply collection of information by the Secretariat but would serve as a guide for preparations by States parties and observers for the second session of the Conference.

The Conference may wish to review the information contained in the analytical report and consider the effects that legislative convergence as a result of the implementation of the Protocol might have for the common efforts against

trafficking in persons. The Conference may also wish to deliberate on the effect of the lack of information from some States parties on the analysis of that information and of the efforts of the Conference to build a knowledge base to guide its future activities in compliance with its mandate. In this connection, the Conference may wish to consider whether the failure to provide information might be due to the lack of capacity of some States parties and seek the most appropriate ways of addressing this matter. The Conference may further wish to debate on which provisions of the Protocol information would be sought from States parties for its third session.

Documentation

Analytical report of the Secretariat on the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2005/3).

- 4. 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**
- (a) Consideration of the basic adaptation of national legislation in accordance with the Migrants Protocol**
- (b) Commencement of the examination of criminalization legislation and difficulties encountered in the implementation of article 6 of the Migrants Protocol**
- (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Migrants Protocol**
- (d) Exchange of views and experience gained in the implementation of articles 15 and 16 of the Migrants Protocol**

In its decision 1/6, the Conference of the Parties decided to carry out the functions assigned to it in article 32 of the United Nations Convention against Transnational Organized Crime with respect to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention, by, inter alia, establishing a programme of work that it would review at regular intervals. The Conference endorsed the questionnaire on the implementation of the Migrants Protocol (CTOC/COP/2004/L.1/Add.4) for submission to States parties and signatories with a view to obtaining the required information in the following areas, as determined by the Conference, for consideration at its second session:

- (a) Basic adaptation of national legislation in accordance with the Migrants Protocol;
- (b) Examination of criminalization legislation and difficulties encountered in implementation of article 6 of the Protocol;
- (c) Enhancing international cooperation and developing technical assistance to overcome difficulties identified in the implementation of the Protocol;
- (d) Views and experience gained in the implementation of articles 15 and 16 of the Protocol.

In the same decision, the Conference requested the Secretariat to prepare an analytical report based on the responses to the questionnaire and to submit it to the Conference at its second session.

The Conference adopted the decision on the understanding that the exchange of views on and experience in the implementation of articles 15 and 16 of the Protocol would not imply collection of information by the Secretariat, but would serve as a guide for preparations by States parties and observers for the second session of the Conference.

The Conference may wish to review the information contained in the analytical report and consider the effects that legislative convergence as a result of the implementation of the Protocol might have for the common efforts against smuggling of migrants. The Conference may also wish to deliberate on the effect of the lack of information from some States parties on the analysis of that information and of the efforts of the Conference to build a knowledge base to guide its future activities in compliance with its mandate. In this connection, the Conference may wish to consider whether the failure to provide information might be due to the lack of capacity of some States parties and seek the most appropriate ways of addressing this matter. The Conference may further wish to debate on which provisions of the Protocol information would be sought from States parties for its third session.

Documentation

Analytical report of the Secretariat on the implementation of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (CTOC/COP/2005/4).

5. Other matters

(a) Consideration of matters pertaining to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

By its resolution 55/255 of 31 May 2001, the General Assembly adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime.

The Firearms Protocol entered into force on 3 July 2005, in accordance with article 18, paragraph 1, of the Protocol.

In accordance with rule 76 of the rules of procedure, when the Conference of the Parties undertakes deliberations concerning the Firearms Protocol, any recommendation or decision pertaining solely to that Protocol shall be taken only by the States parties to the Protocol present and voting.

In line with the practice it has established for the Convention and the other two Protocols, the Conference may wish to consider whether information should be sought from States parties to the Protocol and, if so, on which of the provisions of the Protocol.

(b) Relationship of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime with the Commission on Crime Prevention and Criminal Justice and the future Conference of the States Parties to the United Nations Convention against Corruption

At the first session of the Conference, many speakers voiced the need for the Conference to articulate its relationship with the Commission on Crime Prevention and Criminal Justice and the future Conference of the States Parties to the United Nations Convention against Corruption. The Conference decided to consider the matter at its second session under this agenda item and requested the Secretariat to prepare a concept paper, in consultation with Member States to assist it in its consideration of the matter.

Documentation

Report of the Secretariat on the relationship of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime with the Commission on Crime Prevention and Criminal Justice and the future Conference of the States Parties to the United Nations Convention against Corruption (CTOC/COP/2005/5).

6. Technical assistance activities

In its decision 1/4, on technical assistance activities for the implementation of the Convention that could be envisaged in accordance with article 32, paragraph 3 (a), the Conference of the Parties requested the Secretariat to prepare a working paper for submission to it at its second session that would provide information on technical assistance provided by the Secretariat, as well as readily available information on technical assistance provided by other relevant international and regional organizations. The paper would also contain a description of the methodology applied by the Secretariat in providing technical assistance and would include information on relevant action taken by bodies similar to the Conference of the Parties, as well as on methods used and experience gained by such bodies in the financing of their technical cooperation activities.

The Conference may wish to deliberate on the role that it might wish to assume, in line with its mandate according to the Convention, on the identification of needs for technical assistance for the implementation of the Convention and its Protocols and the most appropriate ways and activities to meet those needs. In this connection, the Conference may wish to consider the parameters and modalities of that role for the purpose of discharging its mandated functions. The Conference may wish to consider whether the knowledge it has begun to acquire through the collection and analysis of information from States parties would serve to underpin the functions and activities of the Conference on technical assistance.

Documentation

Working paper prepared by the Secretariat on technical assistance (CTOC/COP/2005/6).

7. Consideration of mechanisms for achieving the objectives of the Conference of the Parties in accordance with article 32, paragraphs 3-5, of the Convention

In accordance with article 32 of the Convention, the Conference of the Parties shall agree upon mechanisms for improving the capacity of States parties to combat transnational organized crime and to promote and review the implementation of the Convention.

At its first session, the Conference decided to establish a programme of work that would be reviewed at regular intervals. The Conference may wish to review its programme of work for its third and subsequent sessions.

8. Consideration of notification requirements in accordance with the relevant articles of the Convention (art. 5, para. 3; art. 6, para. 2 (d); art. 13, para. 5; art. 16, para 5 (a); art. 18, paras. 13 and 14; and art. 31, para. 6) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (art. 8)

In accordance with its decision 1/3, the Conference of the Parties requested the Secretariat to prepare a report containing the full text of notifications, declarations and reservations submitted by the States parties to the Convention for submission to it at its second session. The Conference endorsed the questionnaire on basic reporting obligations (CTOC/COP/2004/L.1/Add.3) to be sent to States parties with a view to obtaining the required information.

Documentation

Note by the Secretariat on notifications, declarations and reservations received by the Secretary-General (CTOC/COP/2005/7).

9. Provisional agenda for the third session of the Conference of the Parties

The Conference of the Parties is to consider and approve a provisional agenda for its third session, which shall be drawn up by the Secretariat in consultation with the bureau.

10. Adoption of the report of the Conference of the Parties on its second session

The Conference of the Parties is to adopt a report on its second session, the draft of which will be prepared by the Rapporteur.

Proposed organization of work

<i>Date</i>	<i>Time</i>	<i>Item</i>	<i>Title or description</i>
Monday, 10 October	10 a.m.-1 p.m. and 3-6 p.m.	1 (a)	Opening of the session
		1 (b)	Election of officers
		1 (c)	Adoption of the agenda and organization of work
		1 (d)	Participation of observers
		1 (e)	Adoption of the report of the bureau on credentials
		2	Review of the implementation of the Convention
Tuesday, 11 October	10 a.m.-1 p.m. and 3-6 p.m.	2	Review of the implementation of the Convention (<i>continued</i>)
Wednesday, 12 October	10 a.m.-1 p.m.	2	Review of the implementation of the Convention (<i>continued</i>)
	3-6 p.m.	3	Review of the implementation of the Trafficking in Persons Protocol
Thursday, 13 October	10 a.m.-1 p.m. and 3-6 p.m.	3	Review of the implementation of the Trafficking in Persons Protocol (<i>continued</i>)
Friday, 14 October	10 a.m.-1 p.m. and 3-6 p.m.	4	Review of the implementation of the Migrants Protocol
Monday, 17 October	10 a.m.-1 p.m.	4	Review of the implementation of the Migrants Protocol (<i>continued</i>)
	3-6 p.m.	5 (a)	Other matters: consideration of matters pertaining to the Firearms Protocol
Tuesday, 18 October	10 a.m.-1 p.m.	5 (b)	Other matters: consideration of relationship between the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, the Commission on Crime Prevention and Criminal Justice and the Conference of the States Parties to the United Nations Convention against Corruption
	3-6 p.m.	6	Technical assistance activities
Wednesday, 19 October	10 a.m.-1 p.m. and 3-6 p.m.	6	Technical assistance activities (<i>continued</i>)

<i>Date</i>	<i>Time</i>	<i>Item</i>	<i>Title or description</i>
Thursday, 20 October	10 a.m.-1 p.m. and 3-6 p.m.	7	Consideration of mechanisms for achieving the objectives of the Conference of the Parties in accordance with article 32, paragraphs 3-5, of the Convention
Friday, 21 October	10 a.m.-1 p.m. and 3-6 p.m.	8	Consideration of notification requirements in accordance with relevant articles of the Convention and the Migrants Protocol
		9	Provisional agenda for the third session of the Conference of the Parties
		10	Consideration and adoption of the report of the Conference of the Parties on its second session
