



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

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## Working Group on Trafficking in Persons Vienna, 29 and 30 June 2022

### Annotated provisional agenda

#### Provisional agenda

1. Organizational matters:
  - (a) Opening of the meeting;
  - (b) Adoption of the agenda and organization of work.
2. Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked.
3. Best practices in joint investigations and specialized prosecutions.
4. Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto.
5. Other matters.
6. Adoption of the report.

#### Annotations

##### 1. Organizational matters

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

The twelfth meeting of the Working Group on Trafficking in Persons will be opened on Wednesday, 29 June, at 10 a.m.<sup>1</sup>

###### (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 Trafficking in Persons would be a constant element of the Conference, 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

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<sup>1</sup> If the meeting has to be held in a hybrid format, updates and changes of the proposed organization of work, including the starting time, will be shared on the web page of the twelfth meeting of the Working Group on Trafficking in Persons.



other working groups of the Conference, in order to ensure the effective use of resources.

On 30 July 2021, the extended Bureau of the Conference agreed by means of a silence procedure on the meeting plan for 2022, including the dates for the twelfth meeting of the Working Group on Trafficking in Persons, to be held in Vienna on 29 and 30 June 2022.

Moreover, on 2 March 2021, the extended Bureau agreed by means of a silence procedure that the Working Group would revisit the substantive topics of its tenth meeting, with the aim of finalizing expert deliberations and negotiations on recommendations that had not been concluded during that meeting due to the restrictions imposed at the meeting in response to the coronavirus disease (COVID-19) pandemic.

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

*Impact of the coronavirus disease (COVID-19) pandemic on the organization of work and possible changes*

Owing to the impact of the ongoing coronavirus disease (COVID-19) pandemic, including travel restrictions, changes to the meeting format might become necessary on short notice, such as holding the meeting in a hybrid format that combines an in-person component with online participation. Owing to the time limitations necessitated by the use of a remote interpretation platform, the duration of hybrid meetings is restricted to two hours, and thus, if a hybrid format became necessary, a slight adjustment of the agenda would be required. The secretariat is monitoring the situation closely and will provide timely updates on the organization of work, subject to approval by the extended Bureau. Delegations are therefore advised to regularly consult the web page of the Working Group.

**2. Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked**

Under the agenda item on guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked, the Working Group may wish to further the discussions initiated at its tenth meeting on ways in which the principle of non-punishment of victims of trafficking can be implemented in national criminal justice systems to ensure just outcomes for victims of trafficking who have been compelled to commit offences as a result of their being trafficked. This discussion may be informed by relevant developments that have taken place in the past two years, including the evolution of the non-punishment principle at the international level and the ways in which the principle has been implemented in national justice systems.

The Working Group may wish to examine how the non-punishment principle may be implemented through laws and/or policies related to each stage of the criminal justice system, from sentencing to the post-conviction stage, bearing in mind the differences in national legal systems.

The Working Group may wish to further discuss some of the key issues associated with the non-punishment principle, such as victim identification, the precise parameters of key concepts such as “compelled to commit offences” or “crimes committed as a consequence” and the scope of the non-punishment principle.

For its consideration of this agenda item, the Working Group will have before it a background paper prepared by the Secretariat for its tenth meeting, entitled “Guidance on the issue of appropriate criminal justice responses to victims who have been

compelled to commit offences as a result of their being trafficked”, as well as an additional background paper prepared by the Secretariat providing updates on recent developments on the subject matter.

Furthermore, the Working Group may wish to refer to the draft recommendations on this topic resulting from its tenth meeting and the related post-meeting comments provided by delegations. The Working Group had been unable to complete line-by-line negotiations to adopt recommendations on this topic at its tenth meeting. The secretariat, on behalf of the Chair of the Working Group, circulated on 25 September 2020, in a non-paper, the draft recommendations of the meeting for comments and inputs by delegations, which were then made available to the Conference of the Parties at its tenth session in a conference room paper (CTOC/COP/2020/CRP.2). In response, the Conference, in its resolution 10/3, requested that the Working Group on Trafficking in Persons build upon the experience and outcomes of its tenth meeting and make every possible effort towards agreeing on recommendations during its future meetings, in line with usual practice. Subsequently, the Chair of the Working Group at its eleventh meeting proposed that the discussion to finalize and adopt recommendations on this topic should continue at the Group’s twelfth meeting, with a view to bringing those recommendations to the Conference of the Parties at its eleventh session for endorsement.

### **Documentation**

Background paper prepared by the Secretariat containing updates and developments related to the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked (CTOC/COP/WG.4/2022/2)

Background paper prepared by the Secretariat on guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked ([CTOC/COP/WG.4/2020/2](#))

Conference room paper containing the comments of States parties and observers on the outcome of the tenth meeting of the Working Group on Trafficking in Persons (CTOC/COP/2020/CRP.2)

### **3. Best practices in joint investigations and specialized prosecutions**

Under the agenda item on best practices in joint investigations and specialized prosecutions, the Working Group may wish to further the discussions initiated at its tenth meeting on the topics of joint investigations and specialized prosecutions of cases of trafficking in persons, including the different modalities for their implementation and solutions to practical operational, legal and procedural challenges that may hamper their effective use.

This discussion may be informed by relevant new and promising practices that have emerged at the national, regional and international levels in the past two years, including cost-effective examples that are implementable even where resources are limited.

For its consideration of this agenda item, the Working Group will have before it a background paper prepared by the Secretariat for its tenth meeting, entitled “Best practices in joint investigations and specialized prosecutions”, as well as an additional background paper prepared by the Secretariat providing updates on recent developments on the subject matter.

Furthermore, the Working Group may wish to refer to the draft recommendations on this topic resulting from its tenth meeting and the related post-meeting comments provided by delegations. As with the topic of agenda item 2, as described in the annotations above, for the substantive topic of this agenda item, the Working Group had been unable to complete line-by-line negotiations of the draft recommendations proposed at its tenth meeting. The conference room paper subsequently prepared, containing comments by delegations, was made available to the Conference of the

Parties at its tenth session (CTOC/COP/2020/CRP.2). The Chair of the Working Group at its eleventh meeting proposed that the discussion to finalize and adopt recommendations should continue at the Group's twelfth meeting, with a view to bringing those recommendations to the Conference of the Parties at its eleventh session for endorsement.

#### **Documentation**

Background paper prepared by the Secretariat containing updates and developments related to best practices in joint investigations and specialized prosecutions (CTOC/COP/WG.4/2022/3)

Background paper prepared by the Secretariat on best practices in joint investigations and specialized prosecutions (CTOC/COP/WG.4/2020/3)

Conference room paper containing the comments of States parties and observers on the outcome of the tenth meeting of the Working Group on Trafficking in Persons (CTOC/COP/2020/CRP.2)

#### **4. Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto**

According to paragraph 12 of the procedures and rules for the functioning of the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the Conference and its working groups shall add the matter of the review process to their agendas as an item consistent with their areas of expertise and without prejudice to their respective existing mandates. Taking into consideration the progressive nature of the review, the content of the agendas and scheduling of the meetings of the working groups will be decided by the Conference or the extended Bureau in a timely manner. In order to ensure that the working groups may contribute to the Mechanism while also carrying out their respective existing mandates, each working group should dedicate no more than one agenda item per session to matters pertaining to the functioning of the review process.

While progress in the first phase of the Mechanism will not yet have been sufficient, by the time of the meeting of the Working Group, to enable a discussion of the outcomes, the agenda item is aimed at providing the Working Group with a short update on the current developments and progress with regard to the Mechanism and providing an opportunity for States parties to share their experiences so far.

No documentation regarding the item is currently foreseen.

#### **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.

## Annex

Proposed organization of work<sup>1</sup>

<i>Date and time</i>	<i>Agenda item</i>	<i>Title or description</i>
<b>Wednesday, 29 June</b>		
10 a.m.–1 p.m.	1 (a)	Opening of the meeting
	1 (b)	Adoption of the agenda and organization of work
3–6 p.m.	2	Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked
	2	Guidance on the issue of appropriate criminal justice responses to victims who have been compelled to commit offences as a result of their being trafficked ( <i>continued</i> )
	3	Best practices in joint investigations and specialized prosecutions
<b>Thursday, 30 June</b>		
10 a.m.–1 p.m.	3	Best practices in joint investigations and specialized prosecutions ( <i>continued</i> )
	4	Matters pertaining to the Mechanism for the Review of the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto
3–6 p.m.	5	Other matters
	6	Adoption of the report

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