

908th Plenary Meeting

PC Journal No. 908, Agenda item 3

DECISION No. 1038
AGENDA, TIMETABLE AND OTHER ORGANIZATIONAL
MODALITIES OF THE 2012 HUMAN DIMENSION SEMINAR

Warsaw, 14–16 May 2012

Rule of law framework for combating trafficking in human beings

I. Agenda

1. Opening of the Seminar
2. Opening plenary: Keynote addresses
3. Discussion in four working groups
4. Closing plenary: Summing up and closing of the Seminar

II. Timetable and other organizational modalities

1. The Seminar will open on Monday, 14 May 2012 at 10 a.m. It will close on Wednesday, 16 May 2012 at 6 p.m.
2. All plenary sessions and working group sessions will be open to all participants.
3. The closing plenary session, scheduled for the afternoon of 16 May 2012, will focus on practical suggestions and recommendations for addressing the issues discussed during the working group sessions.
4. The plenary and working group sessions will take place in accordance with the work programme below.
5. A representative of the ODIHR will chair the plenary sessions.
6. The Rules of Procedure of the OSCE and the modalities for OSCE meetings on human dimension issues (Permanent Council Decision No. 476) will be followed, *mutatis mutandis*, at the Seminar. Furthermore, the guidelines for organizing OSCE meetings (Permanent Council Decision No. 762) will also be taken into account.

7. The discussions during the plenary and working group sessions will be interpreted from and into the six working languages of the OSCE.

Working group I: The primacy of human rights and the rule of law – Establishing domestic legislative framework compliant with OSCE commitments and international standards: Key challenges to implementation

- The importance of a strong legal framework to combat all forms of trafficking in human beings (THB) and related issues. Key elements of a robust legal framework in compliance with human rights and internationally agreed standards; such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;
- Challenges of establishing a clear definition of THB that can provide the basis for effective prosecutions. Use of related offences to prosecute THB: Opportunities and risks;
- Legal protections for victims: The main issues that should be addressed in law;
- Key challenges on implementing the legislative framework: Victim identification and the special needs of child victims; Safe and voluntary return: Due process and the principle of *non-refoulement*.

Working group II: Criminalization, punishment and redress – Effective investigation, prosecution and adjudication of trafficking: Establishing an appropriate institutional framework

- Establishing effective national referral mechanism for protection and assistance of trafficked persons;
- Standards and good practices in co-operation between victim support providers and criminal justice agencies;
- Specialization of the investigatory and prosecutorial functions: Modalities, opportunities, risks and good practices;
- Institutional support for bilateral and international legal co-operation, (capacity and effective communication among central and regional/local authorities within States; bilateral and regional co-operative arrangements among them including provision for extradition): Gaps, strengths and opportunities;
- Training of criminal justice officials: Assessing needs and measuring impact.

Working group III: The victim in the criminal justice process: A focus on justice and human rights

- Evidentiary challenges in prosecuting THB cases and the crucial role of victims. Challenges in securing the co-operation of victims and how these can be addressed;

- The commitments that victims of trafficking do not face prosecution solely because they have been trafficked and are not penalized for their involvement in unlawful activities to the extent that they have been compelled to do so: Practical implementation issues;
- Practical aspects of involving victims in the trial process: How to ensure victims can testify safely and effectively. Legal assistance, protection and temporary residence permits: Support to victim witnesses; protection from re-victimization;
- The criminal justice system as a source of justice and redress for victims and ensuring access to effective remedies: Challenges and good practices. Accessing justice and redress through labour and civil proceedings.

Working group IV: Issues of accountability, accessibility and justice: Preventing all forms of trafficking in human beings

- Fair trial and due process safeguards and appropriate sentencing: Special consideration in THB prosecutions;
- Monitoring the impact of anti-trafficking measures to ensure that they do not adversely affect established rights;
- Prevention through labour protection and the provision of safe migration opportunities;
- Tackling corruption: State responsibility and due diligence in eradicating public-sector involvement in trafficking;
- Addressing the root causes of human trafficking in countries of origin, transit and destination and the factors that increase the vulnerability of certain groups and individuals to being trafficked. Ensuring reintegration and social inclusion of victims of trafficking upon return to prevent re-trafficking.

Work programme

Working hours: 10 a.m.–1 p.m.
3–6 p.m.

	Monday 14 May 2012	Tuesday 15 May 2012	Wednesday 16 May 2012
Morning	Opening plenary session	Working Group II	Working Group IV
Afternoon	Working Group I	Working Group III	Concluding plenary session