



CCPCJ UNITED NATIONS COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE



Commission on Crime Prevention and Criminal Justice

BACKGROUND GUIDE



Table of Contents

1. Letter from the Executive Board	01
2. About the Committee	02
3. Transnational Organised Crime	02
4. Difficulties in Identifying Trends in Transnational Organised Crime	03
5. New Trends in Transnational Organised Crime	03
6. Key Features of Transnational Organised Crime	04
7. Effects of Transnational Organised Crime	05
• Global Public Health	05
• A Resilient and Inclusive Global Economy	05
• A healthy planet	05
• International Peace and Security	06
8. The United Nations Convention Against Transnational Organised Crime	06
9. References and Additional Resources	08



Letter from the Executive Board

Letter from the Executive Board

Greetings Delegates!

Welcome to The Commission on Crime Prevention and Criminal Justice (CCPCJ) being simulated at the Delhi Public School Eldeco Model United Nations 2023. We're thrilled to have you here.

This year, we delve into an agenda of great importance that often gets overlooked when it comes to developing economies. Here at the Commission on Crime Prevention and Criminal Justice, we aim to address the agenda- "Deliberating upon combating transnational organised crime and terrorism in developing economies".

We feel an obligation to warn you: this is a vast agenda with a plethora of directions to steer towards. This background guide serves to be our attempt towards maybe curtailing the vastness just by a bit by dividing the guide into various sections to firstly help you understand all the necessary terms and topics attached to the issue then further diving into detail into the heart of the problem and then witnessing real life examples of the crisis.

However, this background guide in no way should be the entirety of your researching excursions and is rather meant to serve as an inspiration board to your actual research, if you will. It is, in no way, limiting and if you manage to find things outside of this background guide that you feel are important in light of the agenda, nothing would make us happier than for you to bring it up in the conference sessions.

We've put our hearts, souls, minds and bodies into the formulation of this guide and committee and are dedicated towards helping you with all things throughout your journey.

Happy Researching!
Regards,
The Executive Board.

Shimul Goel
Chairperson
+1 (224) 844-5382

Shresth Bindal
Vice Chairperson
+91 9598052303



About the Committee

The Commission on Crime Prevention and Criminal Justice (CCPCJ) was established by the Economic and Social Council (ECOSOC) resolution 1992/1, upon request of General Assembly (GA) resolution 46/152, as one of its functional commissions.

The Commission acts as the principal policymaking body of the United Nations in the field of crime prevention and criminal justice. ECOSOC provided for the CCPCJ's mandates and priorities in resolution 1992/22, which include improving international action to combat national and transnational crime and the efficiency and fairness of criminal justice administration systems. The CCPCJ also offers Member States a forum for exchanging expertise, experience and information in order to develop national and international strategies, and to identify priorities for combating crime.

The CCPCJ holds annual regular sessions as well as intersessional meetings. Towards the end of each year, the CCPCJ meets at a reconvened session to consider budgetary and administrative matters as the governing body of the United Nations crime prevention and criminal justice programme.

In 2006 the GA adopted resolution 61/252 which further expanded the mandates of the CCPCJ to enable it to function as a governing body of the United Nations Office on Drugs and Crime (UNODC), and to approve the budget of the United Nations Crime Prevention and Criminal Justice Fund.

The CCPCJ is the preparatory body to the United Nations Crime Congresses. Declarations adopted by the congresses are transmitted through the CCPCJ and the ECOSOC to the GA for endorsement.

Transnational Organised Crime

Organized crime thrives worldwide, affecting governance and political processes, and weakening the advancement of the rule of law. It encompasses, inter alia, illicit trafficking of firearms, drugs, protected species, cultural property, or falsified medical products and, among its most severe manifestations, human trafficking and the smuggling of migrants. It also includes the laundering of proceeds of crime and obstruction of justice. Moreover, with all forms of organized crime shifting ever more to being dependent on or incorporating online aspects, including the use of virtual assets, its reach and capability of harm is increasing.

Organized criminal groups are flexible in changing or expanding their illicit businesses for profit. They misuse vulnerabilities and crisis situations such as the COVID-19 pandemic, economic downturns, natural disasters, and armed conflicts exploiting them for their own purposes.

Traditional, territorial-based criminal groups have evolved or have been partially replaced by smaller and more flexible networks with branches across several jurisdictions. Criminal actors, witnesses, victims and proceeds of crime may be located in many different States. It is therefore evident, that joint efforts from States across the world are required as organized crime cannot be tackled in isolation.

Organized crime has been defined as 'illegal activities, conducted by groups or networks acting in concert, by engaging in violence, corruption or related activities in order to obtain, directly or indirectly, a financial or material benefit'. Transnational organized crime occurs when these activities, or these groups or networks, operate in two or more countries.



Transnational organized crime can take many forms and is constantly evolving. The groups and networks involved are fluid, and channels for trafficking one commodity are often used for others. Some of the typical activities carried out by transnational criminal organizations are trafficking in humans, arms, drugs, minerals and wildlife; production and trade of counterfeit goods; fraud and extortion; money laundering and cybercrime.

Globalization, digitization and other advances in technology are further changing the nature of illicit markets and the *modi operandi* of transnational organized crime, recently including the emerging use of cryptocurrencies that make illicit financial flows harder to trace.

Difficulties in Identifying Trends in Transnational Organised Crime

The notion of a trend in organised crime contains two elements which are separable in principle but often mixed up in practice. The first is the evolution of how criminals organise themselves and relate to each other – the “organised” bit. The second is the evolution of what sorts of crimes are being committed, to what extent, and with what social effects – that related to “crime” and “harm”.

When describing apparent shifts in activities or forms of criminal association as changes or trends in organised crime, the difficult task is to allow for changes in our focus, in technology and in human sources, when recognising, tracking and evaluating what is changing. Sometimes things may seem worse only because we know more about what was happening than in the past, rather than because they have actually become worse. Our awareness of trends is only as good as the underpinning data, derived usually from policing intelligence but also sometimes from academic and civil society research.

Therefore variations in intelligence efforts among States and in the penetrability of their targets are a constraint that we should take into account. To identify trends relating to TOC we must try to combine official sources, academic sources and information derived from investigative journalism or other civil society sources. The group considers the gathering of reliable and homogeneous data on TOC crimes at national level a priority: only on the basis of reliable figures and criminal statistics can such a complex phenomenon be efficiently addressed at political, judicial and law enforcement levels.

New Trends in Transnational Organised Crime

Over the last few years we have witnessed the emergence of the following features (and dimensions) of modern crime: the transnational nature of criminal activities and their organisational dimension.

The former is due to three fundamental factors:

1. The mobility of trafficked goods and persons: if in the past the interests of criminals were oriented towards immovable goods (in the field of agriculture, public contracts and construction), now there is increasing criminal interest in movable goods such as weapons, drugs, hazardous wastes, metals, various counterfeit goods and persons through trafficking in human beings or smuggling of migrants. The pursuit of these new criminal targets and their transfer from the country of origin or production to their final destination is a generating factor of this new dimension;



1. The mobility of trafficked goods and persons: if in the past the interests of criminals were oriented towards immovable goods (in the field of agriculture, public contracts and construction), now there is increasing criminal interest in movable goods such as weapons, drugs, hazardous wastes, metals, various counterfeit goods and persons through trafficking in human beings or smuggling of migrants. The pursuit of these new criminal targets and their transfer from the country of origin or production to their final destination is a generating factor of this new dimension;
2. Institutional and political developments, particularly the abolition of the external borders of some specific areas and regions. A good example of this is the EU, where the abolition of its internal boundaries has facilitated the free movement of people, goods, capital and services, as well as criminals, illegal merchandise and services and illicit money;
3. Technological developments that allow and encourage swift communications, transactions and circulation, but also rapid transfer through money laundering of illicit money gained through crime (the proceeds of crime).

As for the organisational dimension, it is common knowledge now that criminals are becoming more affiliated with each other, since they recognise the added value of working together to carry out illegal activities. Of course, when we speak about the organisational dimension we are referring not to the simple situation in which more people are involved in carrying out a crime, playing a different role in order to reach the final illicit aim, but to a situation in which the group is not randomly set up but has a stable dimension, with a structure that is sometimes sophisticated and quite essential, in order to pursue a programme which goes beyond a single crime. This structure is instrumental in obtaining profits for the members of the group.

Key Features of Transnational Organised Crime

1. Every criminal act places a burden on society, but when it comes to TOC, which has the capacity to penetrate the economic and social fabric of society and poses a serious threat to individual rights and freedoms, the rule of law, the reliability of the financial system and democracy, the damage caused is much higher than that caused by any other type of crime;
2. Organised criminal groups have both local and cross-border dimensions, not only with regard to their composition and *modi operandi*, but also with regard to the activities they carry out and their consequences. Furthermore, these groups demonstrate a high capacity to adapt their criminal schemes and *modi operandi* quickly due to their flexibility;
3. Technological advancements not only facilitate TOC but also pave the way for new types of crime. For example, counter activities against online phishing, banking fraud, and cyber-attacks on information systems, databases and personal computers have become part of the daily work of law enforcement agencies;
4. Although terrorist groups and transnational organised criminal groups have different aims in the long run, the continuity of their criminal acts depends on their financial power. In particular, illegal drug trafficking stands out in the category of narco-terrorism due to the high financial gains it yields;
5. Groups of organised crime tend to specialise in providing particular services, even if they work in networks. These include drug importation, drug concealment, drug distribution, fraudulent documentation or racketeering.



Effects of Transnational Organised Crime

Global Public Health

Transnational organized crime can negatively impact global public health through the widespread and increasing production and trafficking of counterfeit medicines. The problem especially afflicts low- and middle-income countries, where according to the World Health Organization an estimated one in ten medical products is either substandard or falsified. In 2015 the prevalence was estimated to be as high as 70 per cent in some parts of Africa and Asia. The trade in counterfeit medicines often has a transnational element, as the drugs are manufactured in one country (China, India and Singapore being major source countries) and then distributed to many others, and inserted into legitimate global medicine supply chains.

Counterfeit medicines may be ineffective at treating the targeted disease, and at worst may seriously harm or kill those who take them. The WHO estimates that over 1 million deaths per year worldwide result from substandard or falsified medicines, the largest number of cases (200 000) occurring in Africa.

Counterfeit antibiotics are the leading type of counterfeit medicine, and have been directly linked to the rise in acquired bacterial resistance to antibiotics, including the global rise in drug-resistant tuberculosis.

A Resilient and Inclusive Global Economy

Another global public good identified is a 'more sustainable, inclusive and resilient global economy'. Financial integrity and combating tax evasion are key here. Transnational organized crime directly affects the public financing capacities of states and can obstruct economic development through tax evasion and illicit financial flows. This is especially corrosive for developing countries, depriving state treasuries of finances badly needed for investment in public goods like health, education and infrastructure. Transnational organized crime can also undermine the economic stability of a country by draining foreign exchange reserves and affecting asset prices.

Money laundering involves a diverse range of financial, legal and commercial actors deliberately helping criminals to convert the proceeds of criminal income into assets that cannot be traced back to the underlying crime, and channeling illicit funds into the legitimate economy. Illicit financial flows involve the movement of money across borders that is illegal in its source, transfer or use, according to the International Monetary Fund. These flows can have consequences for local markets and societies. For example, several advanced economies have seen illicit financial flows distorting their property markets, as in Germany and the United Kingdom, exacerbating housing problems for local residents.

As the Panama Papers and subsequent Pandora Papers document leaks showed, a vast global offshore economy operates alongside the legitimate international economy, with an estimated 10 per cent of the world's wealth concealed in offshore financial assets by many of the world's richest and most powerful individuals and entities, including former heads of state, heads of government and public officials, and members of the business elite.



A Healthy Planet

Transnational organized crime has also undermined conservation of the environment and sustainable management of natural resources. Organized environmental crime is a broad field stretching from illegal logging, illegal natural resource extraction, and trade in protected species to the dumping of banned chemicals and waste. While the immediate impacts are often localized, with devastating effects on communities and ecosystems, the consequences can also be global. For example, organized environmental crime is reportedly a primary driver of deforestation in Central and South America, harming biodiversity and releasing vast amounts of carbon that contributes to global climate change.

Another example is the illicit production and smuggling of synthetic refrigerants, hydrofluorocarbons (HFCs), which is undermining the achievements of the Montreal Protocol in reducing the production and use of ozone-depleting substances. HFCs are considered 'super pollutants' because they can be hundreds to thousands of times more potent than carbon dioxide in contributing to climate change, per unit of mass. Europe has seen significant smuggling of HFC refrigerants, an unintended consequence of the agreed 2016 phase-down in their production, skyrocketing prices and the low risk of serious penalties for smuggling.

Organized environmental crime has grown rapidly as a result of being highly lucrative yet coming with low risk. For example, one study of a small sample of 27 cases of illicit dumping of waste and toxic materials found them to have generated proceeds ranging from US\$175 000 to \$58 million. The lack of consensus on what constitutes organized environmental crimes; countries' differing approaches to criminalization and enforcement; and 'forum shopping' by criminals have enabled many of them to evade enforcement efforts.

International Peace and Security

Organized crime undermines international peace and security by sustaining violence and armed conflict. The illicit arms trade is ranked as the third most pervasive illicit market globally. The illicit flow of arms escalates conflict and heightens conflict risk, and facilitates violent crime and other organized criminal activities. In conflict zones, non-state armed groups engage in illicit markets as a means of support, including illicit extraction and trade in natural resources and various forms of smuggling. Nevertheless, the involvement of non-state armed groups in transnational criminal markets is often eclipsed by the role of state actors, underscoring the close links between transnational organized crime, political power and public institutions, and corruption in many parts of the world.

Annual casualty rates from organized crime often far exceed those from armed conflicts. Organized crime-related violence particularly afflicts several countries in Central and South America. The corrosive transnational effects of organized crime-related violence are increasingly visible in Central and South America, as destabilization and violence are spreading into some of the region's smaller, formerly peaceful countries.

The challenge now confronting the international community is how to address transnational organized crime as an obstacle to development, and at international level, how to stop it undermining global public goods.

The United Nations Convention Against Transnational Organised Crime



The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It opened for signature by Member States at a High-level Political Conference convened for that purpose in Palermo, Italy, on 12-15 December 2000 and entered into force on 29 September 2003. The Convention is further supplemented by three Protocols, which target specific areas and manifestations of organized crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. Countries must become parties to the Convention itself before they can become parties to any of the Protocols.

The Convention represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it, as well as the need to foster and enhance close international cooperation in order to tackle those problems. States that ratify this instrument commit themselves to taking a series of measures against transnational organized crime, including the creation of domestic criminal offences (participation in an organized criminal group, money laundering, corruption and obstruction of justice); the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation; and the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities.

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, was adopted by General Assembly resolution 55/25. It entered into force on 25 December 2003. It is the first global legally binding instrument with an agreed definition on trafficking in persons. The intention behind this definition is to facilitate convergence in national approaches with regard to the establishment of domestic criminal offences that would support efficient international cooperation in investigating and prosecuting trafficking in persons cases. An additional objective of the Protocol is to protect and assist the victims of trafficking in persons with full respect for their human rights.

The Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by General Assembly resolution 55/25, entered into force on 28 January 2004. It deals with the growing problem of organized criminal groups who smuggle migrants, often at high risk to the migrants and at great profit for the offenders. A major achievement of the Protocol was that, for the first time in a global international instrument, a definition of smuggling of migrants was developed and agreed upon. The Protocol aims at preventing and combating the smuggling of migrants, as well as promoting cooperation among States parties, while protecting the rights of smuggled migrants and preventing the worst forms of their exploitation which often characterize the smuggling process.

The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition was adopted by General Assembly resolution 55/255 of 31 May 2001. It entered into force on 3 July 2005. The objective of the Protocol, which is the first legally binding instrument on small arms that has been adopted at the global level, is to promote, facilitate and strengthen cooperation among States Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition. By ratifying the Protocol, States make a commitment to adopt a series of crime-control measures and implement in their domestic legal order three sets of normative provisions: the first one relates to the establishment of criminal offenses related to illegal manufacturing of, and trafficking in, firearms on the basis of the Protocol requirements and definitions; the second to a system of government authorizations or licensing intending to ensure legitimate manufacturing of, and trafficking in, firearms; and the third one to the marking and tracing of firearms.



References and Additional Resources

<https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

https://www.unodc.org/pdf/crime/a_res_55/res5525e.pdf

<https://www.unodc.org/documents/treaties/UNTOC/Publications/A-RES%2055-255/55r255e.pdf>