Twelfth United Nations Congress on Crime Prevention and Criminal Justice

Salvador, Brazil, 12–19 April 2010

FACTSHEETS

QUESTIONS AND ANSWERS

› What is the Twelfth United Nations Congress on Crime Prevention and Criminal Justice?

The Twelfth United Nations Congress on Crime Prevention and Criminal Justice is hosted by the Government of Brazil and will take place in Salvador from 12-19 April 2010. United Nations Crime Prevention Congresses have been held every five years since 1955 in different parts of the world, dealing with a vast array of topics. They have made a considerable impact on the field of international crime prevention and criminal justice and influenced national policies and professional practices. As a global forum, the Congresses enable the exchange of information and best practices among States and professionals working in this field. Their overall goal is to promote more effective crime prevention policies and criminal justice measures all over the world.

› What is the theme of this year's Congress?

The theme of the Twelfth Congress is "Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world", as decided by the United Nations General Assembly.

The Twelfth Crime Congress offers a unique opportunity to stimulate in-depth discussion and proposals for action along three principal avenues by:

- Establishing firmly the criminal justice system as a central pillar in the rule of law architecture;
- Highlighting the pivotal role of the criminal justice system in development;
- Emphasizing the need for a holistic approach to criminal justice system reform to strengthen the capacity of criminal justice systems in dealing with crime;
- Identifying emerging forms of crime that pose a threat to societies around the world and exploring ways to prevent and control them.

› What will be discussed at the Congress?

There are eight substantive items on the agenda covering the following issues: children, youth and crime; terrorism; crime prevention; smuggling of migrants and trafficking in persons; money-laundering; cybercrime; international cooperation in fighting crime; and violence against migrants and their families. The Congress will also be the venue of five workshops on: international criminal justice education for the rule of law; survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system; practical approaches to preventing urban crime; links between drug trafficking and other forms of organized crime: international coordinated response; and strategies and best practices against overcrowding in correctional facilities. A high-level segment will be held during the last two days of the Congress, where Heads of State or Government and Ministers and other high-level government representatives will address the main agenda items of the Congress. There will also be numerous other side meetings organized by non-governmental organizations, covering issues relating to crime prevention, criminal justice and the rule of law.

› Who will participate?

The Crime Congress is a global forum that brings together the largest and most diverse gathering of policymakers and practitioners in the area of crime prevention and criminal justice, as well as individual experts from academia, representatives of intergovernmental and non-governmental organizations, specialized agencies and other United Nations entities, and the media.

› What is the expected outcome of the Congress?

The Congress will adopt a single political declaration, which will contain recommendations based on discussions at the various segments of the Congress including the high-level segment and the workshops. The declaration will be submitted to the United Nations Commission on Crime Prevention and Criminal Justice at its nineteenth session from 17-21 May 2010 for appropriate consideration and action.

The Congress will also provide a platform for increased cooperation between governments, intergovernmental and non-governmental organizations on the whole spectrum of crime prevention and criminal justice issues, thus promoting more effective international action in this field.

› What happens in the run-up to the Congress?

In order to provide a regional perspective on the issues to be discussed at the Congress, the United Nations Office on Drugs and Crime (UNODC) organized a series of regional preparatory meetings in 2009, held in San José, Costa Rica; Doha, Qatar; Bangkok, Thailand; and Nairobi, Kenya.

The idea was for participants to highlight their special concerns and share their "lessons learned". At the regional preparatory meetings, participants highlighted special problems and concerns, as well as successful experiences and promising approaches to addressing them.

› How can I follow proceedings if I am not able to come to Salvador, Brazil?

A website will provide live and on-demand webcast coverage of the Congress in English and the original (floor) language, as well as statements (speeches) in text format. The website is: www.un.org/webcast/crime2010

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

unis Vienna
UNITED NATIONS INFORMATION SERVICE

THE STATE OF CRIME AND CRIMINAL JUSTICE WORLDWIDE

While some forms of conventional crime have seen sustained decreases in developed countries in the last five years, other kinds—including some long-forgotten types of crime, have re-emerged and shown significant increases.

Trends in crime and criminal justice over the last five years have been mixed according to the United Nations Secretary-General in his report for the Twelfth Crime Congress, using evidence from the United Nations Survey of Crime Trends and operations of Criminal Justice Systems (UN-CTS).

› The rise of twenty-first century piracy

Piracy, more known from history books than newspapers, was a rare phenomenon until recently. Now, twenty-first century pirates are attacking vessels particularly off the coast of Somalia and in the Gulf of Aden, with more than 140 incidents in the first half of 2009 alone. Piracy of this kind is a form of kidnapping; acquiring vessels and hostages for ransom—not for stealing the ship or its cargo.

Even on land, acts of kidnapping are on the increase in many countries in the Americas. These are often linked to the narcotic drug trade or inter-cartel feuding.

› Homicide

The majority of countries have seen a decline in homicide rates over the last five years, with the decrease notable in some parts of Europe, South America, and East, South-Eastern and South Asia. However, a few countries—particularly those linked to the trade in illicit drugs—are showing an increase in homicides.

The United Nations Office on Drugs and Crime (UNODC) estimates suggest that approximately 490,000 deaths from intentional homicide occurred in 2004, with a world average homicide rate in 2004 of 7.6 per 100,000 population.

Because most killings involve some kind of weapon, rates of homicide can be seen as an indicator of the level of armed violence which may not always be reported to the authorities.

› Conventional crime

Property crimes have also decreased in a group of countries primarily in West, Central and Eastern Europe. Police-recorded burglary and motor vehicle theft almost halved between 1995 and 2008. This consistent decline may be the result of increased deterrent initiatives such as improved household and vehicle security.

Police-recorded data on conventional crime excluding homicide cannot generally be taken as representative of underlying crime rates, as it may not represent the full extent of criminal acts. However, trends can still be seen from this information.

› Drug-related crime

A proportion of crimes such as robbery, theft, assault or burglary are driven by underlying factors such as drug use but it is not easy to capture the extent of this in the statistics.

Drug offences from possession to drug trafficking, which are more easily recorded, are on the rise but it is difficult to say whether this trend is the result of a growing drug problem or because of increased enforcement activity.

› Trafficking in persons

More than 21,000 victims of human trafficking in 111 countries in 2006 were identified in the UNODC Global Report on Trafficking in Persons. Yet, the total scale of the problem is unknown.

Human trafficking is a crime rarely prosecuted and fewer than half of the countries for which data was available had at least one conviction during the reporting period.

Women make up a larger share of those convicted for human trafficking offences than for most other forms of crime while at the same time, women also make up around two-thirds of those victims in the 61 countries where information was collected.

› Corruption

It is extremely difficult to collect accurate and meaningful data about corruption. Reported cases do not reflect the real extent of the problem so researchers have developed other ways to measure it.

Surveys of representative samples for example, can give information about the number of people who paid a bribe in the previous year. Survey results suggest that bribes paid by businesses are more frequently paid to some government sectors, including the police and medical sectors, than to tax or municipal officials.

A recent UNODC population-based survey on corruption in Afghanistan also found that more than half of Afghans (52 per cent) had to pay at least one bribe when dealing with public officials in the previous 12 months. Afghans ranked public dishonesty as a greater concern than insecurity or unemployment.

> ## Criminal justice systems

The data from the UN-CTS shows a median of approximately 300 police officers per 100,000 population worldwide for 2006 but rates of police officers vary significantly among countries. Rates of prosecution personnel were much lower in all countries, with a median rate of 6 per 100,000 population.

Staff in adult prisons showed huge variations across countries between a minimum of 2 and a maximum of 160 prison staff members per 100,000 population, with a median of 51.

There seems to be no correlation between rates of police personnel and suspects per 100,000 population which suggests that having more police officers will not necessarily lead to higher crime clear-up rates.

> ## Prisons

The number of people in prisons has increased over the last ten years in most countries, with a rise of 60-75 per cent worldwide.

There are a significant number of countries with very high proportions of people detained pending trial which is a major cause of overcrowding in prisons. More than half of the prison population is in pre-trial detention in one third of countries in Africa and the Americas (for which data is available) and the greatest overcrowding is also in countries in these regions.

> ## Conclusion

There is an urgent need to improve on the scarcity of statistics on crime and criminal justice at the national, regional and international level so that a more accurate picture of crime in the world can be formed.

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

UNITED NATIONS INFORMATION SERVICE

CHILDREN AND YOUNG PEOPLE: TOO MANY HELD IN DETENTION WORLDWIDE

More than 1.1 million children and young people are detained through justice systems worldwide at any one time—and that figure may be an underestimate, according to a UNICEF study in 2007-2008. It does not include children who are awaiting trial, detained young children or children held temporarily by the police.

Too many children in conflict with the law are being deprived of their liberty and their rights, despite the existence of Convention of the Rights of the Child which celebrated the 20th anniversary of its adoption in 2009.

› Why detention of children should be a last resort, not a first one

In September 2009, the United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, submitted an interim report to the General Assembly, with specific information on children in detention.

His report found that " …children remain particularly vulnerable in detention; according to cautious estimates, currently more than one million children are deprived of their liberty and held in police stations, pre-trial facilities, prisons, closed children's homes and similar places of detention. The vast majority of these children are accused of or sentenced for a petty offence; contrary to popular belief, only a small fraction is held in relation to a violent crime. Most of them are first-time offenders."

The problem is made worse by the fact that in many countries, the juvenile justice system—if it exists at all—is basic and does not live up to human rights standards. With these limitations, detaining children becomes a matter of course, instead of a matter of last resort. The system also ends up substituting for a welfare system that is either dysfunctional or non-existent. This results in detaining children who have not committed a crime but require welfare assistance, such as street children.

In general, he expressed his alarm at the very low age of criminal responsibility in many countries. Too many of the children he met on his visits were held in severely overcrowded cells, under deplorable sanitary and hygienic conditions. This was particularly true during the pretrial detention period, despite the intention that pretrial detention should be exceptional for children.

Mr. Nowak's report also noted that in some countries, national laws explicitly allow the beating or caning of young offenders as a disciplinary measure—and corporal punishment is often used even in countries where it is prohibited. He described methods including being forced to crouch for one or more hours with bent knees and arms sprawled out; handcuffing to beds for a prolonged period of time; slaps on the head or in the face and beatings with bare hands or instruments, such as truncheons; administering a certain number of strokes with a wooden baton on backs or buttocks; and suspension from window bars. As a means of intimidation, those sanctions were often applied in the presence of other children.

A significant part of the abuse of child detainees is inflicted by other detainees, mainly by adults but also by other children. The forms of abuse can be verbal and psychological but also physical, including rape.

› Stark difference between reality and perception

There is a sharp difference in many countries between the perception by the public and the media of how much children and young people are involved in crime and the reality as contained in data and research studies.

Contrary to popular opinion, children and young people from disadvantaged backgrounds are more likely to be the victims than the perpetrators of violent crime. For example, a public opinion poll carried out in England and Wales showed that 75 per cent of those polled believed the number of young offenders had increased in the previous two years whereas the numbers recorded by the police were actually falling.

While there is no denying that some countries do have serious problems with youth gangs including an increase in involvement of girls in gangs and of young people committing serious crime, the detention of children should be the last resort of a criminal justice system.

› Too many children suffer or witness violence

According to UNICEF, between 500 million and 1.5 billion children are estimated to experience violence annually. Although some violence is unexpected and isolated, most violence against children is carried out by people children know and should be able to trust and look to for protection and

support, including parents, step-parents or parents' partners, teachers, religious leaders and employers. While the family should be the safest environment for a child, data from 37 countries shows that 86 per cent of children between 2-14 years of age experience physical punishment and/or psychological aggression. Most of these acts are not considered criminal and would not reach the courts.

Another vulnerable category are children who witness violence. In each year, as many as 275 million children worldwide are estimated to witness domestic violence.

❯ What needs to be done

The most important step is for Governments to limit the detention of children. Detention should be a last resort, for the shortest possible time and when there is no alternative way to rehabilitate the child.

Governments need to put the best interest of the child at the centre of their juvenile justice systems and remember that corporal punishment is inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. States are under an obligation to fully implement this prohibition.

Member States should adopt a comprehensive approach to juvenile justice and child victims and witnesses. Measures should also be taken to integrate restorative processes for dealing with children in conflict with the law at all stages of the system.

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

UNITED NATIONS INFORMATION SERVICE

THE SCOURGE OF TERRORISM NEEDS A GLOBAL RESPONSE

At the time of the terrorist attacks of 11 September 2001, only two countries had become parties to the first 12 international legal instruments on terrorism. Now, that number has reached 105. More still needs to be done to fight the scourge of terrorism which threatens all countries and all people.

Through the United Nations Global Counter-Terrorism Strategy, adopted by the General Assembly in September 2006, the international community has resolved to strengthen the global response to terrorism, through a broad range of counter-terrorism measures, underpinned by the commitment to uphold the rule of law and human rights.

The gradual establishment of the common international legal framework of 16 conventions and protocols on the prevention and suppression of terrorism is the cornerstone of the international response.

› Taking stock of the existing conventions on terrorism

The first 12 international legal instruments related to terrorism were agreed by the international community between 1963 and 1999. They were largely responses to specific terrorist incidents such as aircraft hijacking and acts of hostage taking as well as acts of funding the commission of terrorist acts and terrorist organizations.

Until 2001, limited progress had been made in the ratification and implementation of these instruments. This changed drastically after the terrorist attacks of 11 September 2001, when resolution 1373 (2001) adopted by the Security Council called on Member States to become parties to these conventions and protocols.

Since the Eleventh Crime Congress, the international legal framework has further evolved. The International Convention for the Suppression of Acts of Nuclear Terrorism was adopted in 2005 and entered into force on 7 July 2007. The Convention aims to strengthen international cooperation in the investigation, prosecution and extradition of those who commit terrorist acts involving radioactive materials or a nuclear device. As of 1 December 2009, 58 countries have become parties to the Convention.

In 2005, the international community also agreed on substantive changes to the Convention on the Physical Protection of Nuclear Material and to two protocols relating to threats to maritime safety and fixed platforms on the continental shelf. However, these have not yet received sufficient ratifications/accessions to enter into force.

A comprehensive convention on international terrorism is the subject of ongoing negotiations by the Ad Hoc Working Group established by the General Assembly. This would contain a definition of terrorism and fill any gaps left by the other existing treaties. Agreement on the comprehensive convention would be an important political achievement.

› More work to increase ratifications needed

Universal ratification of the 16 existing instruments has not yet been achieved despite significant progress. But it is not just a question of signing and ratifying conventions: States need adequately functioning national counter-terrorism legal regimes as well as the capacity to implement them if the instruments are to be effective.

In 2002, the General Assembly approved an expanded programme of activities for United Nations Office on Drugs and Crime (UNODC's) Terrorism Prevention Branch, focusing on the provision of technical assistance in the legal and related aspects of counter-terrorism to countries upon request.

Since the start of its "Global Project on Strengthening the International Legal Regime against Terrorism" in January 2003, 168 countries have benefited from the specialized legal technical assistance services offered by UNODC's Terrorism Prevention Branch. Its work has contributed to some 515 new ratifications of the 16 international instruments undertaken by assisted Member States and has enabled 67 countries to draft new or amended counter-terrorism legislation.

The Terrorism Prevention Branch has provided training to nearly 9,000 criminal justice officials and it continues to offer assistance in the ratification and legislative implementation of the international instruments, focusing on those with a lower ratification rate.

› The challenges ahead

More needs to be done to reach universal ratification and full implementation of the international instruments. As of 1 December 2009, only 3 of the 192 Member States have become parties to all 16 international legal instruments and only 120 are parties to 12 or more of the instruments.

Ratification alone is not enough. Increased attention also needs to be given to providing assistance to strengthen the capacity of national criminal justice systems to apply the

provisions of the legal regime against terrorism in full conformity with the rule of law and human rights.

The requests for assistance received by UNODC's Terrorism Prevention Branch demonstrate a need for more long-term, in-depth, custom-tailored assistance on the ground, reaching out to the criminal justice practitioners involved in the investigation, prosecution and adjudication of concrete cases. The requests received also display the need for enhanced specialized substantive expertise building and delivery in thematic areas, such as: nuclear, chemical and biological terrorism, maritime issues, financing of terrorism and countering the use of the Internet for terrorist purposes. The Branch is further being called upon to provide capacity building assistance with regard to criminal justice aspects of providing support for victims of terrorism.

International cooperation continues to be crucial as often the suspect, victim, evidence, witnesses, expertise or the proceeds of crime are outside the jurisdiction of one single country. Criminal justice practitioners need to be able to deal with terrorist crimes as well as those linked to terrorism such as trafficking and smuggling in drugs, firearms and persons, money-laundering, corruption, cybercrime and identity-related crime. Many of the proven methods of fighting organized crime are also relevant to the fight against terrorism.

The Terrorism Prevention Branch currently relies on extra-budgetary funding to cover more than 90 per cent of its delivery. Sufficient resources need to be made available to make the branch's technical assistance work sustainable, through an adequate increase in regular budget resources and through the provision of predictable and multi-year, extra-budgetary resources.

Establishing a rule of law-based criminal justice response to terrorism is key to a global counter-terrorism efforts and the backbone and prerequisite for other components. The international community is now at a crossroads: impressive progress has been made in terms of ratification and implementation of the international Conventions and protocols relating to terrorism. However, much work remains to be done to achieve universal ratification and full implementation of these international legal instruments.

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

unis Vienna
UNITED NATIONS INFORMATION SERVICE

MAKING THE UNITED NATIONS GUIDELINES ON CRIME PREVENTION WORK

A safe and just society is a prerequisite for development. The impact of crime is felt most by the poor—just one of the reasons why crime prevention should be part of the rule of law system of any country. Crime and victimization affect development: it degrades the quality of life of citizens and it impedes access to employment by driving away business. Unless security is established, the costs of crime and criminal justice reduce the funds available for social development.

Besides increasing the efficiency and capacity of the justice system, it is important to address the factors that contribute to crime, such as lack of post-prison reintegration (after care) programmes, unemployment and limited access to good health and housing services.

› Three types of crime prevention

Extensive experience and academic studies have identified at least three different types of crime prevention which have proven effective in reducing crime rates either individually or used in combinations. These are: social, community-based and situational crime prevention.

Social crime prevention strategies attempt to increase the well-being of the target group. By increasing access to social goods such as health, a safe and healthy environment, employment and education, social crime prevention aims reduce the "push" factors that make marginalized citizens look to crime as a viable career option.

Community-based crime prevention aims to change the conditions in deprived neighbourhoods with low levels of social cohesion, where the risks of becoming involved with crime or being victimized are high.

Situational crime prevention aims to reduce the opportunities and incentives for offending, so maximizing the risks of being caught and minimizing the benefits of crime through such techniques as good environmental design of public spaces and housing and providing assistance to victims.

› The secrets of successful crime prevention programmes

There are well-documented and evaluated examples which have used the three types of crime prevention mentioned above to effectively reduce crime rates. The following eight principles form the common background for these successful crime prevention programmes:

(i) Government leadership at all levels to create and maintain an institutional framework for crime prevention;

(ii) Integration of crime prevention into policies for socio-economic development;

(iii) Cooperation between government institutions, civil society and the business sector;

(iv) Sustainability and accountability, especially providing adequate long-term funding for establishing, maintaining and evaluating programmes;

(v) Knowledge-based action;

(vi) Respect for human rights, the rule of law and the promotion of a culture of lawfulness;

(vii) Consideration of the links of local offending to transnational organized crime; and

(viii) Different strategies for special groups, particularly for boys and girls, men and women, and vulnerable members of society.

For less developed countries, these principles may seem daunting but as one Government put it: "Crime prevention may appear costly at the beginning, but over the long term, it is less expensive than the alternative in terms of quality of life and direct expenses on crime."

› Establish a crime prevention plan and review it

A national crime prevention and coordination plan needs to involve various sectors of government and society. It should clearly identify the challenges, their causes, set priorities, and possible solutions besides outlining who is responsible for implementation and indicate the resources available. At the local level, the plan should go into full details.

While creating a comprehensive plan is a first step, strategies and objectives should be reviewed regularly in order for it to remain up-to-date, relevant and effective. Professional evaluation is an important part of the process and the plan needs sustainable funding in the short, medium and long term.

› Increasing level of knowledge on crime prevention

Information on effective practices and successful programmes on specific issues ranging from safe schools to management of public spaces is available to be shared with other countries. However the crime prevention programmes used in developed countries may not be applicable in other countries,

especially when local data on crime is not available. There is a need to tailor strategies to the needs and circumstances of individual countries.

❯ Establishing partnerships

While establishing working links among various sectors and the public is an important aspect of crime prevention, it is not easy to achieve. For instance, the public may assume that ensuring safety is the task of the police, or government agencies may be reluctant to share information with other partners due to confidentiality agreements.

Public education is one way to try and change attitudes. For example, as part of its strategy to prevent violence against women, the Federal Government of Brazil launched a public campaign. It included information on the services available, a 24-hour hot-line for victims, and a series of public forums on women's safety to raise awareness and stimulate public debate on the issues.

❯ Challenges and solutions

It is not feasible, ethical or prudent to respond to crime with deterrent or judicial measures alone. Effective crime prevention is critical to ensuring sustainable development, as reducing crime and insecurity improves the conditions for business and employment and permits channeling resources into socio-economic progress instead of crime control.

It is nearly ten years since the United Nations Guidelines on crime prevention were adopted and the Twelfth Crime Congress offers a unique opportunity to examine where the guidelines have proved workable and effective and where they could be improved upon.

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

UNIS Vienna
UNITED NATIONS INFORMATION SERVICE

HUMAN TRAFFICKERS AND SMUGGLERS OF MIGRANTS: EXPLOITING THOSE SEEKING A BETTER LIFE

A diverse spectrum of trafficking and smuggling operations exists around the world, from small entrepreneurial operations involving a handful of perpetrators to large transnational organized criminal groups with both licit and illicit actors involved. These are serious forms of transnational organized crime that need national and international responses.

Traffickers and smugglers are looking to profit from people's vulnerabilities by offering incentives and the means to migrate to those looking for better opportunities. Their crimes go largely unpunished and conviction rates remain low.

› The difference between trafficking in persons and smuggling of migrants

Trafficking involves the use of force, coercion, deception or some abuse of power which renders the consent of the person irrelevant and includes an element of exploitation. The profits for traffickers come from exploiting the victims in some way whereas for smugglers the fee paid by the migrant is the major source of revenue and usually once the migrant has arrived at his/her destination, there is no further relationship with the smuggler.

› The legal framework

There are two protocols which have been adopted and entered into force: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which has 135 States parties and the Protocol against the Smuggling of Migrants by Land, Sea and Air, with 122 States parties both supplementing the United Nations Convention against Transnational Organized Crime with 154 States parties.

› Diverse criminal enterprises: from small scale to organized trafficking gangs

Two or three perpetrators may work together, recruiting, transporting and, in the case of trafficking, exploiting limited numbers of people at any given time. Despite the small size of their operations, such groups can earn significant sums of money over a short period.

On the other hand, there are major transnational networks with large numbers of perpetrators operating across wide geographical areas. They move larger numbers of people through their networks constantly and tend to be more innovative, continually searching for new routes or ports of entry. They may also engage in narcotics trafficking and arms smuggling. These large organized criminal groups are more likely than small groups to be connected to the "upperworld" through corrupt businesses or government officials.

By and large, smuggling of migrants follows the same model but evidence suggests it is more closely associated with organized crime. Migrant smugglers continue to match the increased sophistication of Member States' efforts to thwart them.

› Detection, investigation, prosecution and adjudication of these crimes

A number of problems may impede efforts to investigate trafficking in persons and smuggling of migrants. Lack of human and material resources to support investigations is the most prominent of these problems. Infrastructure is another major issue. Some units may lack transportation or communications equipment. Another problem is corruption and collusion of government officials and law enforcement units. Examples range from officials collecting rents or bribes to protect traffickers and smugglers, to officials who participate in trafficking and smuggling, including the ownership or control of brothels using trafficked women.

Many of the problems can be remedied through providing training to investigators, police, prosecutors and judges. Focused training can help early identification of victims of trafficking or recognition of smuggled migrants as witnesses.

› Smuggled migrants

The death and serious injury toll from smuggling has dramatically increased in recent years, illustrating the cost of this crime in human lives. Smuggled migrants often suffer inhuman or degrading treatment or life-threatening situations while in transit and at the country of destination.

Unless the rights of smuggled migrants are upheld when found, criminal justice systems are not likely to be able to use smuggled migrants as witnesses in cases against their smugglers. In fact, debriefing those who have been smuggled is

probably the most overlooked area in migrant smuggling investigations. Smuggled migrants are often simply sent back to their country of origin.

❯ Protection of victims of trafficking

Those likely to be in contact with victims from the police and justice officials to health and social services staff should be trained to enable them to identify victims of trafficking and be sensitive to their needs.

Prosecutors and judges too need to understand the nature of trafficking and avoid secondary victimization. There are many ways victims can be protected and supported in court proceedings, such as by using videotaped testimonies or ensuring shields to prevent a victim from facing their trafficker in court.

States should monitor victims after they have been repatriated to avoid further victimization or potential re-trafficking. Finally, in line with the principle of non-punishment of victims, States should avoid imposing legal or financial penalties on victims after their return.

❯ Prevention of trafficking and smuggling

Effective action to prevent and combat trafficking in persons requires a comprehensive international approach including awareness-raising and reducing the demand for trafficked victims. Awareness campaigns help to reduce the pool of potential victims, but the cycle of trafficking cannot be broken without dealing with demand.

The root causes of the supply are factors such as poverty, gender inequality, corruption and socioeconomic pressure, but there is no denying that demand in the destination countries is what underpins the profits traffickers reap.

Preventing smuggling requires dismantling the networks that do it as well as addressing the conditions in which they can flourish, while protecting the rights of smuggled migrants.

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

UNIS Vienna
UNITED NATIONS INFORMATION SERVICE

FULLER IMPLEMENTATION OF UNITED NATIONS CONVENTIONS NEEDED TO COMBAT MONEY-LAUNDERING

More international cooperation is needed to combat money-laundering and bring the criminals involved to justice. Currently various legal and practical obstacles stand in the way of Member States being able to more effectively investigate money-laundering. To detect, seize and confiscate illicit assets, States often need to cooperate with each other but in practice this can be difficult to achieve.

Cooperation among Member States is based on the principle of mutual legal assistance as set out in several internationally binding instruments. The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (the 1988 Convention), United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC), contain specific requirements for Member States to adopt measures to combat money-laundering.

However, differing legal systems among Member States, and limits to their financial and human resources affect their ability to implement the relevant provisions of the Conventions to enable effective cooperation. On top of this, new money-laundering techniques and schemes, which involve the misuse of trade transactions, complex corporate structures, new payment methods and alternative remittance systems, make the problem hydra-headed.

› What are the legal obstacles

The most elementary stumbling block in providing mutual legal assistance is establishing dual criminality: an act has to be deemed a criminal offence under the laws of both the requesting and the requested State. When too strictly applied, this sometimes has the unintended consequence of stopping one State from assisting another in an investigation.

Many Member States have yet to fully comply with measures in the UNTOC and the UNCAC to address this problem, namely to criminalize a detailed list of acts when committed intentionally.

Member States may grant or deny mutual legal assistance for various reasons, as stipulated in the UNTOC and the UNCAC but in some cases, these are unduly restrictive. There are other less formal channels for mutual legal assistance such as Memoranda of Understanding between national counterparts as well as within regional or international organizations such as INTERPOL, and the Egmont Group of Financial Intelligence Units.

Even where clear information exchange gateways exist, Member States should ensure that overly strict secrecy laws do not hamper the ability to access and obtain information covered by financial, professional or commercial secrecy or to share such information with foreign counterparts. Furthermore, international assistance through less formal channels should not be limited to cooperation upon request but allow for a spontaneous exchange of information that is believed to be useful for the authorities in another jurisdiction.

› Challenges in the fight against money-laundering

Laundering money via the international trade system by either under or over-invoicing poses a serious challenge. Multiple invoicing of goods is also a commonly used technique. The ability to exchange and compare trade data on a domestic and international level is crucial to detect and investigate this crime.

The anonymity that is provided by the speed and size of international commerce can make tracking down and prosecuting money-laundering offences even more complicated.

With the volume of international trade ever-burgeoning, most countries do not have the resources to fully monitor all export-import trade transactions. Combined with the ease with which corporate entities and legal arrangements can be set up and dismantled, and the availability of shell companies and other possibilities in international trading, it makes identifying the person behind an operation almost impossible.

Alternative remittance systems that bypass the formal banking sector when transferring money across borders—often in the form of cash—are another money-laundering phenomenon which is difficult to track and trace. But while these systems provide an easy way for criminals to launder the proceeds of their crime, they are also used by migrant workers to send money home to their families, which provides a significant source of revenue for some countries in the developing world.

Finally, the anonymity provided by Internet payment systems, prepaid cards and mobile payments provides ideal and

easy means for money launderers to abuse. For instance, pre-paid cash cards issued by credit card companies may be used to purchase goods or withdraw cash worldwide. By buying them in large quantities, a criminal can abuse this facility. In addition, the transnational character of many of these systems make it difficult for Member States to regulate or sanction companies operating them.

❯ **What needs to done?**

Member States need to:
- Define the money-laundering offences as contained in the United Nations Conventions;
- Coordinate more to improve data collection and analysis at the global level including on trade and alternative remittances;
- Ensure domestic authorities have sufficiently wide powers to investigate money-laundering crimes;
- Ensure that the provision of mutual legal assistance is not subject to unduly restrictive conditions;

- Provide better training and knowledge to relevant authorities;
- Encourage spontaneous exchange of information and cooperation domestically;
- Consider appointing liaison officers for international cooperation;
- Impose internationally harmonized regulations to ensure that criminals may not abuse new payment methods for money-laundering purposes.

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

unis Vienna
UNITED NATIONS INFORMATION SERVICE

TOO LITTLE INTERNATIONAL COOPERATION ALLOWS CYBERCRIMINALS AN EASY GETAWAY

The fast-developing and changing nature of information technology along with the rapid expansion of the Internet over the last decade, plus the exponential growth in the speed of information exchange, has made the investigation of cybercrime especially challenging. At the end of 1997, only 1.7 per cent of the world's population—70 million people—used the Internet. In 2009, the number of users has risen to an estimated 1.9 billion people—which is 26 per cent of world population, according to the latest figures from the International Telecommunication Union (ITU).

Yet despite a half-century of debate, the misuse of technology in the form of cybercrime in recent years continues to pose a serious problem to law enforcement and law makers alike. As compared to "traditional" crimes, international cooperation in tackling electronic/cyber crimes is strikingly underdeveloped given its importance.

› The nature and extent of the problem

The global availability of electronic/cyber services means that cybercrime naturally has a transnational dimension. Even for something as simple as sending an e-mail from a sender to a recipient in the same country, there is a transnational element if one of them uses an e-mail service operated by a provider outside the country. Some popular e-mail services which have millions of users worldwide provide an idea of the scale that transnational cybercrime can take.

Timely and effective cooperation among countries is critical in ensuring the success of an investigation, for unlike a traditional criminal investigation, the timeslot available to a cybercrime investigator is very short. Large files can be downloaded in minutes! Though some mutual legal assistance agreements are already in place, establishing procedures for quick response and international cooperation are vital.

Despite almost universal agreement on the fact that cybercrime is an urgent issue that needs immediate and coordinated response among countries, it is difficult to even quantify the extent of the problem, let alone follow its myriad and mutating avatars. Even basic national crime statistics do not always list cybercrime separately—thus, reliable information on arrests, prosecutions and convictions is often hard, if not impossible, to collate.

Cybercrime is often not reported for various reasons, for example, financial sector victims such as banks may not report cybercrime as they fear loss or damage to their reputations if they report hacking attacks.

› The importance of a global, speedy response network

The fact that a cybercrime can be perpetrated even when the criminals and targets are not in the same location makes it critical that nations develop a well-coordinated system to work together. However, regional differences in laws can be a stumbling block when it comes to cybercrime—content that is deemed illegal in one country can be made lawfully available on a server in another country. Most mutual legal assistance is based on dual criminality where investigations are done for issues that are criminalized in all affected areas, so when legislation does not converge, this can be a problem.

Preventing safe havens for criminals is thus a key challenge in the prevention of cybercrime. Safe havens enable criminals to carry out their activities and hamper investigations. One example is the "Love Bug" computer worm developed in the Philippines in 2000, which affected millions of computers worldwide.

› Links between organized crime and cybercrime

The nature of the involvement of organized crime in cybercrime is of two sorts: the use of information technology by traditional organized criminal groups and organized crime groups focusing on committing cybercrime.

Reports have indicated that the trend is towards traditional organized criminal groups becoming involved in high-tech crimes, such as software piracy as well as child pornography and ID theft.

› What is being done—what is not

Several regional initiatives have been set up to attempt the development and standardization of legislation.

The Commonwealth Model Law on Computer and Computer Related Crime contains provisions on criminal

and procedural law and international cooperation. However, the impact is limited to the Commonwealth countries.

The European Union (EU) has also taken several approaches including the Directive on Electronic Commerce, the Directive on Data Retention and the Amendment of the Framework Decision on Combating Terrorism. The implementation of EU instruments is mandatory for all its 27 member States.

The Council of Europe has developed three major instruments to harmonize cybercrime legislation—the most well known being the Convention on Cybercrime that was developed between 1997 and 2001. The Convention contains provisions on substantive criminal law, procedural law and international cooperation. A First Additional Protocol to the Convention on Cybercrime was introduced in 2003. In 2007, the Council of Europe's Convention on the Protection of Children was opened for signature. It contains specific provisions criminalizing the exchange of child pornography as well as obtaining access, through communication technologies, to child pornography.

In addition, there are several scientific initiatives such as the Stanford Draft International Convention (CISAC) that was developed as a follow up to a conference hosted by Stanford University in the United States in 1999 and the ITU Cybercrime Legislation Toolkit, that was developed by the American Bar Association and other experts. However, the global impact of these approaches is limited as they are applicable only to their member States. Currently, the Council of Europe Convention on Cybercrime has the broadest reach—signed by 46 States and ratified by 26.

With new Internet public security phenomena—such as terrorist use of the Internet for propaganda purposes, financing of terrorism by means of Internet-related payments and collecting information about a possible target, the need for nations to act together is stronger than ever.

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

unis Vienna
UNITED NATIONS INFORMATION SERVICE

STRENGTHENING INTERNATIONAL COOPERATION IS ESSENTIAL IN THE STRUGGLE AGAINST TRANSNATIONAL CRIME

Criminal enterprises are already operating effectively across geographic, linguistic and legal borders. Meanwhile, criminal justice authorities are struggling to achieve even slow, incomplete and inefficient cooperation. Rigid legal systems with out-of-date practices inhibit change, while adaptable criminals are growing ever more powerful in the global economic system and in national societies.

If transnational criminals adapt to the changing global environment more rapidly than Governments, the criminals will grow stronger, gain increased control of resources, and profit at the expense of lawful societies.

Unlike Governments which must observe the rule of law, criminals have no ethical or legal restraints. Moreover, unquestionable improvements are being made in achieving international cooperation in criminal matters. Nevertheless, radical improvement in the speed, facility and frequency of cross-border cooperation is long overdue. Extradition practice, mutual assistance, asset confiscation and other forms of international cooperation must evolve, and do so more rapidly, if transnational criminality is to be effectively controlled.

› The legal framework for international cooperation

A significant landmark for international cooperation in criminal matters was established in 1988 with the negotiation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. This agreement imposed obligations to extradite or prosecute accused drug offenders, to provide mutual legal assistance, to cooperate in restraining and confiscating drug proceeds or property of corresponding value and to engage in law enforcement cooperation.

With criminals ready to engage in any profitable enterprise regardless of its nature or location, the United Nations Convention against Transnational Organized Crime of 2000 provides a comprehensive legal framework to deter and punish those involved in serious cross-border criminality.

These Conventions provide the necessary infrastructure for cooperation against all types of profit-oriented criminal groups. However, there are obstacles to their effective use.

› Difficulties in extradition requirements, mutual legal assistance and double criminality

The issue of double criminality meaning that the offence for which cooperation is sought is punishable under the laws of both the requesting and requested States has often been a stumbling block in extraditions and even mutual legal assistance.

With regard to extradition, the United Nations Convention against Corruption allows for a State to grant extradition for any of the Convention offences that are not punishable under its own domestic law. This is a significant departure from traditional extradition treaties, but it may be an evolution whose time has come.

There is a need to simplify extradition proceedings. Many procedural obstacles create delay and waste resources, regardless of the basis for extradition.

International cooperation in the area of mutual legal assistance could be dramatically improved through the use of a computer application developed by the United Nations Office on Drugs and Crime (UNODC) called the Mutual Assistance Request Writer Tool.

States should recognize that they need legislation to establish the necessary procedures for international cooperation in the areas of extradition, mutual assistance and restraint and confiscation in order to allow the drug and crime conventions to be used to their full potential.

› Cooperation in investigations:

The global model for investigative cooperation is INTERPOL, with National Central Bureaus in 184 countries, which is supplemented by regional police cooperation networks around the world. Most of these networks maintain both open and restricted websites. The open websites make an important contribution to the transparency and effectiveness of international cooperation by making accessible the relevant legislation of network members. Knowledge of foreign law and international practice can make the difference between a successful and an unsuccessful request.

One example of success is INTERPOL's database of nearly 20 million stolen or lost passports. These travel

documents are used by cross-border criminals to commit offences and to escape justice. Now, Member States can scan a travel document or manually enter its number into the INTERPOL Network Database and know within seconds if a lost or stolen travel document is being used.

› Conclusions and recommendations

If national authorities do not adapt mechanisms for international cooperation to make them more effective and do it quickly, then they will lose ground in the governance of their economies and societies to their more flexible, imaginative and successfully evolved criminal competitors.

Addressing the Security Council on the threat to international peace and security from drug trafficking in December last year, United Nations Secretary-General Ban Ki-moon noted that no country can face such a transnational threat alone. He concluded that: "This fight requires a comprehensive international approach based on a strong sense of shared responsibility. States must share intelligence, carry out joint operations, build capacity, and provide mutual legal assistance. So far, cooperation between Governments is lagging behind cooperation between organized crime networks."

The Secretary-General's observation on the global community's inadequate response to drug trafficking is applicable to other forms of organized crime. Cooperation between Governments is falling substantially behind that needed to confront the global nature of crime and the cooperation within and between organized crime networks. The resulting security gap is widening as criminals become progressively more agile, while criminal justice authorities struggle against outdated procedures that no longer serve the world's needs.

Every country should have a basic set of foreign assistance laws allowing international cooperation whenever it serves the national interest, whether based upon reciprocity, comity, ad hoc agreement or conventional treaty.

Radical change is needed to allow lawful society to compete effectively against international criminal groups.

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

unis Vienna
UNITED NATIONS INFORMATION SERVICE

DISCRIMINATION, VIOLENCE AND ABUSE: TOO OFTEN A REALITY FOR MIGRANTS

It is not an easy thing to leave home, often family, and all that is familiar—no matter what the circumstances that prompt the move—to an alien land, where everything from the language to the food, culture and people are different, maybe not even knowing whether one will reach the final destination alive. Yet there are 214 million international migrants, representing 3.1 per cent of the world's population today. Contrary to popular perception, only 37 per cent of migration movements are from developing to developed countries—most people move between countries in the same categories of development.

In their search for a better life—often while fleeing from traumatic circumstances such as war, civil unrest, and natural disasters, migrants can be the target of violence and victimization. This takes many forms: from being exploited as victims of trafficking, facing the risk of not making it through the journey alive if one is smuggled, to facing discrimination in education, economic and social opportunities—even finding a house, or employment.

Though migration is a phenomenon that touches upon every country, either as a place of origin, transit, or destination, "for too many migrants, the reality is discrimination, exploitation and abuse" in the words of United Nations Secretary-General Ban Ki-moon.

The current economic crisis has further aggravated the factors that make migrants vulnerable and more likely to be victimized.

Though the protection of migrants is addressed in several conventions and international agreements, the importance of the Protocol on the Smuggling of Migrants, ratified as of 5 January 2010, by 122 States, lies in the fact that it constitutes the first legally binding global instrument with an agreed definition of smuggling of migrants as distinct from trafficking in persons. Another important document is the United Nations Convention on the Protection of the Rights of all Migrant Workers and Their Families (ICRMW), adopted by the General Assembly in 1990, which entered into force in 2003. It is the most comprehensive international human rights treaty protecting the rights of migrant workers, both regular and irregular.

Measuring the extent of victimization of migrants is difficult—data is scarce and its interpretation highly controversial. To begin with, there is natural resistance among migrants to report the crimes they suffer. Victimization surveys often use categories such as foreigners/minority groups which do not fit the definition of a migrant. "Irregular" migrants who are not officially recorded are not included in these surveys.

The data available suggests that migrants fall victim to a wide variety of crime that often goes unreported. For instance, in the 27 members States of the European Union, one in every four people belonging to a minority group was a victim of crime at least once in 2008.

❯ Violence against migrant workers: the nature of the problem

In many Western European countries, the foreign-born proportion of the work force is around 10 per cent. This number is also substantial and growing in several countries in Africa, Asia and the Americas, reaching as much as 60 to 80 per cent in certain Gulf States.

Many migrant workers face various forms of violence and abuse, especially in the area of employment. This includes low-paid (or unpaid) work, short-term contracts or no contracts at all, longer working hours for a minimum wage or less, or 3-D jobs (dirty, dangerous and difficult).

Many internal and international migrant workers face slave-like conditions in mines, agricultural work and other jobs. Often misled by promises of a bright future, they find themselves deeply in debt and facing violence and coercion when they try to leave.

Women are especially vulnerable—about 94.5 million women migrated in 2005, making them nearly 50 per cent of migrants worldwide.

Besides physical violence, migrants are usually the target of high levels of discriminatory treatment which leads to victimization. A European study, for instance, shows that discrimination in education and employment is a particular problem for some groups, keeping them from tapping into available opportunities.

Another area where migrants face non-equal treatment is in the criminal justice system. Across most Western countries, foreigners appear to be increasingly overrepresented in

the penal system, making up more than 30 per cent of the overall prison population in some places.

❯ Tackling the problem

The issue needs to be addressed at various levels. The basic rights of migrants—both regular and irregular—need to be recognized. Victims need to be educated on their rights and legislation. Employers should be aware that safety measures are their responsibility and finally, migrants should be encouraged to acquire local language proficiency which will empower them.

The biggest challenge by far is facilitating migrants' access to justice and improving relations between migrants and the police. Awareness-raising campaigns and empowering migrant communities is a first step towards achieving this goal.

While the international framework to protect the rights of migrants, migrant workers and their families is in place, it has yet to be fully implemented. It is important for Member States to review their legislation in order to be able to prosecute migrant smugglers, human traffickers and other offenders and identify and protect the rights of the victims of violence.

For this, it is necessary to strengthen the skills and capacity of criminal justice agencies and increase the training (and personnel, if needed) for national and local officials whose work relates to migration-related protection, prosecution and labour enforcement. All actors involved in countering violence should have the capacity to identify victims of violence and to ensure that their rights are protected. Social welfare agencies responsible for protecting the rights of migrants and victims of crimes should also be strengthened. Finally support should be tailored to address the different aspects and needs of specific communities.

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010

UNODC
United Nations Office on Drugs and Crime

unis Vienna
UNITED NATIONS INFORMATION SERVICE

For further information, visit:
www.unis.unvienna.org
www.unodc.org
www.crimecongress2010.com.br

To view live webcast, visit:
www.un.org/webcast/crime2010