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**“Collecting crime data indicators and measurement”**



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Editor

SANDEEP CHAWLA

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Collecting crime data: indicators and measurement



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## NOTE FROM THE EDITORIAL BOARD

*Forum on Crime and Society* is a United Nations sales publication issued by the United Nations Office on Drugs and Crime (UNODC), based in Vienna. It is published in the six official languages of the United Nations: Arabic, Chinese, English, French, Russian and Spanish.

*Forum* presents policy-oriented articles on crime prevention and criminal justice. It focuses on trends and practices in the field of criminal justice that are of special significance to the international community.

The present issue of *Forum* is devoted to collecting crime data and monitoring the crime situation. It is the eighth issue of *Forum* to be published and widely distributed to a varied readership. The first issue (vol. 1, No. 1, February 2001) focused on the outcome of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000. The second issue (vol. 1, No. 2, December 2001) was devoted to the theme of organized crime. The third issue (vol. 2, No. 1, December 2002) dealt with corruption, the fourth issue (vol. 3, Nos. 1 and 2, December 2003) with trends in crime, the fifth issue (vol. 4, Nos. 1 and 2, December 2004) with terrorism, the sixth (vol. 5, Nos. 1 and 2) with improving knowledge on crime and the seventh issue (vol. 6, Nos. 1 and 2) with the world's response to the crime of human trafficking.

All contributions to this issue of *Forum* have been written by the authors in their personal capacity and should not be regarded as official views or positions of the institutions they represent.

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## EDITORIAL POLICY AND GUIDELINES FOR PUBLICATION

The Editorial Board invites scholars and experts from around the world to contribute articles to *Forum* on criminological and socio-legal issues. Articles submitted for publication must be original, that is, they should not have been published elsewhere. The length of manuscripts to be considered for publication as articles should not exceed 6,000 words. Manuscripts should be submitted in electronic format, and preferably also in hard copy, and be accompanied by the curriculum vitae of the author and an abstract.

All manuscripts, reviews and correspondence should be addressed to the Managing Editor of *Forum*, either by mail (Policy Analysis and Research Branch, United Nations Office on Drugs and Crime, P.O. Box 500, A-1400 Vienna, Austria), or by e-mail ([forum@unodc.org](mailto:forum@unodc.org)).

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## PREFACE

Data on crime and criminal justice are important for a number of reasons. At the operational level, detailed records are needed for handling specific cases of criminal conduct, determining State responses to such conduct and dealing with perpetrators and victims. At the management level, each criminal justice institution (police, prosecution, courts, prisons) collects and analyses data to monitor and guide the administration and performance of its own organization and to better plan and target its own activities. At the strategic level, aggregate data – statistics – are used to monitor trends and to assess the performance of law enforcement and criminal justice systems. Comprehensive crime and criminal justice statistics are required to evaluate the effectiveness and efficiency of criminal justice policies and interventions. At the international level, a system of comparable crime and criminal justice statistics is needed to make evidence-based choices between alternative laws, criminal justice policies and reform projects and to develop evidence-based responses to transnational crime.

At the same time, it is clear that recorded and reported crime (crime statistics) is not the same as actual crime. Drawing conclusions on underlying crime trends and patterns from administrative statistics is a risky venture that must be balanced with additional information and insights. This is even more the case at the international level, where the comparability of crime and criminal justice statistics is seriously impaired by differences in legal definitions, procedures, institutions, statistical classifications, counting and recording rules and reporting rates. The use of crime and criminal justice statistics for comparative purposes is therefore limited and requires the utmost caution.

This volume of *Forum* presents a number of approaches to improve the collection, reporting and analysis of crime and criminal justice statistics at the international level. This would, in turn, strengthen the capacity of individual States and the international community at large to formulate strategic responses to crime. Some of the articles herein describe how the development of indicators on specific forms of crime, such as trafficking in persons, smuggling of migrants and corruption, can better our understanding of these criminal activities and enhance global efforts to prevent and control them. Other articles address the issue of how to improve the availability and comparability of crime and criminal justice statistics regarding a particular type of crime (trafficking in persons), a specific criminal justice field (juvenile justice) or a particular geographic area (Europe). The last article reports on ongoing efforts to develop an international crime classification system.

In the first article by Fabrizio Sarrica in this volume, the author examines various methodologies applied to measure the extent of trafficking in persons. Taking into account the inevitable limitations of each approach in capturing the phenomenon in all its complexity, he argues that a single indicator may not be sufficient to provide a comprehensive picture of the different forms of trafficking in human beings. He therefore advocates the identification of multiple indicators to represent the different aspects of the crime and the use of such multiple indicators in comparative studies to leverage their explanatory power

In his second methodological article in this volume, Fabrizio Sarrica turns to the options for quantifying the phenomenon of smuggling of migrants. Referring to the conceptual and legal differences between smuggling of migrants and trafficking in persons, he argues that the particular trajectory of smuggling of migrants in space and time (a finite process

involving the crossing of national borders, as opposed to the processes involved in trafficking in persons, which do not necessarily have such specific endpoints) calls for distinct methodologies in measurement and estimation. Within a methodology, the use of multiple geographical indicators that can serve as proxy indicators for trends in smuggling of migrants in countries of departure, transit and arrival is advocated.

In the next article, Michael Jandl addresses some of the major problems in compiling and interpreting criminal justice statistics on trafficking in persons: a complete or partial lack of legislation, differences in legal definitions of trafficking in persons, serious underreporting due to the challenges of correctly identifying the crime, lack of capacity for data collection and a common lack of central databases on the crime. He also explains the major problems encountered when collecting reliable and comparable data on identified victims of human trafficking and the various criteria used in the recognition and recording of trafficking victims by different actors and institutions. He then outlines the efforts on the part of the United Nations Office on Drugs and Crime (UNODC) to overcome the data challenges in the production of the first *Global Report on Trafficking in Persons*, published in 2009.

In his article on standardized indicators on juvenile justice worldwide, Steven Malby examines the difficulties of applying common definitions and measurements across a wide range of institutional responses to juvenile offending and the diverse set of actors involved. He introduces a core list of 15 indicators proposed by the joint United Nations Children's Fund (UNICEF)/UNODC *Manual for the Measurement of Juvenile Justice Indicators*\* and argues that the application of such indicators across juvenile justice systems worldwide has an impact that goes far beyond aggregate measurement and monitoring at the strategic and policy levels. Indeed, putting in place a functioning case-management system capable of tracking and counting each individual child in conflict with the law at each single stage of the criminal justice system (arrest, prosecution, conviction and detention or diversion to alternative measures) may actually help to safeguard the human rights of child offenders and ensure that no single child is "lost" within the system.

Enrico Bisogno provides an overview of the state of the art of measuring corruption, a type of crime that is particularly hard to gauge. While victimization surveys on many common types of crime (such as robbery, assault or theft) have come to be seen as providing useful alternative indicators of crime levels and trends and have become part of the standard tools for measuring crime in many countries, the methodologies for measuring corruption are still under development. The author provides a review of existing approaches to produce corruption indicators and examines their strengths and weaknesses. Drawing on recent insights from representative sample surveys on corruption, he advocates the use of scientific approaches in the measurement of corruption and the use of experience-based indicators rather than perception-based corruption indices.

Giulia Mugellini examines the status of international data collection on crime and criminal justice and provides recent examples of initiatives and programmes to improve cross-national data collections at the European and global levels. Starting with a brief historical note, the author argues that there is a clear need for collecting valid, reliable and comparable crime statistics at the international level and provides an overview of their

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main strengths and weaknesses. She then presents ways to improve current statistics on crime and criminal justice and concludes by presenting the case for alternative sources of information on crime, such as victimization data and socio-economic indicators. Such information sources become particularly useful when combined with administrative crime statistics in order to obtain a more comprehensive and realistic picture of crime, and the response to crime, at the national and the international level.

The last article in this volume presents ongoing work at the international level to improve the consistency and international comparability of crime statistics through the development of an international crime classification system. The value of developing a standard classification of crimes for statistical purposes has been recognized by the international community for many years. In the 1950s, the Social Commission of the United Nations highlighted the importance of “the preparation of a standard classification of offences” in order that “Governments might submit statistical returns on criminality, on standard schedules.”<sup>\*</sup> In the six decades since then there have been several attempts and proposals towards this goal, but no universally recognized international crime classification system has emerged as yet. The latest effort comes from a joint UNODC and Economic Commission for Europe Task Force on Crime Classification. The article presents an abbreviated version of the 2011 report of that Task Force. The main achievements of the Task Force consist of elaborating and testing a set of principles for crime classification and drafting a framework for an international crime classification system for statistical use. The goal is to develop a system that is capable of classifying both survey-based and administrative (police, prosecution, court and prison) data across the entire criminal justice system.

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<sup>\*</sup>Economic and Social Council, Social Commission, “Criminal statistics: recommendations of the Secretary-General” (E/CN.5/233).



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# PART ONE

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## Articles



# MEASURING TRAFFICKING IN PERSONS

By Fabrizio Sarrica\*

## Background

There is a need for instruments that are able to capture the extent of trafficking in persons, at the global as well as the local level. Those instruments must be usable for cross-country comparisons and for measuring trends along a timeline. The ultimate goal is to measure the severity of the phenomenon in order to calibrate the criminal justice response, to measure the impact of reforms and to identify knowledge-based measures to prevent trafficking.

Trafficking in persons is a form of organized crime that is particularly difficult for both social researchers and law enforcement agencies to detect. The difficulties are due to the high level of segregation of trafficking victims, to the huge differences in legislation concerning this form of crime from country to country and to the stigma and fear surrounding most of the persons involved in the trafficking process, including clients, witnesses and victims. In this light, conventional instruments used to detect and measure other forms of crime are not likely to be as effective for trafficking in persons.

Several attempts have been recorded in the last decade to capture the extent of the phenomenon. This article examines some of the methodologies adopted to measure the severity of trafficking. In addition, in the light of experience to date, a new approach for quantifying and qualifying the phenomenon of trafficking in human beings will be proposed, namely, the identification of multiple indicators to represent the different aspects of this crime.

## Methodologies for measuring trafficking in persons

In the last decade, a series of high-quality research projects aimed at estimating the severity of the trafficking phenomenon has been conducted. Given the hidden nature of the crime, such research on trafficking in persons has been based on analysis of the visible part of the phenomenon. The approaches used are based on the assumption that the dimension and the form of the whole iceberg may be estimated by studying the visible part of it. Research on the hidden part of the phenomenon has been mostly lacking so far.

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The estimates derived from different studies, at the global and the local level, have in several cases produced drastically different minimum and maximum numbers. In some other studies, the validity of the resulting estimates is more reliable. In some cases, estimates tend to be quite similar, even if different approaches have been used. Still, what is missing is a systematic methodology able to describe better the trafficking phenomenon in its entirety. It is possible to cluster the studies according to a few similar approaches: measuring the size of the market by estimating the number of victims under exploitation; estimating the victim population on the basis of the number of identified victims; and estimating the victim population on the basis of the number of reported victims. Another approach is to count victims who managed to escape from the trafficking experience. All these approaches start from the assumption that the segment of the victim population studied can be taken as a representative sample of the entire victim population. This assumption may not be correct. Identified, reported or sheltered victims may represent just the most visible part of the trafficking phenomenon. The hidden shape of the iceberg may be different from that of the visible part of it. Owing to limitations of space, just a few of the studies adopting these approaches will be reviewed below.

### **Estimate based on detected victims under exploitation**

Measuring the actual and current number of trafficked victims under exploitation would be the best way to capture the extent of trafficking of persons in a country. In the long run, it would be possible to measure trends and to conduct comparisons between countries.

Unlike victims of other forms of crime, persons trafficked are often segregated and live under continuous threat. Victims may be moved from place to place. Victims of trafficking for forced labour could be working in hidden locations. Victims under current exploitation are extremely difficult to detect, and hence to quantify by inference from estimates. At the same time, it should be noted that victims of different forms of trafficking experience different levels of segregation, and hence of visibility. Inferences should take into account the different levels of segregation.

A Norwegian study estimated the number of trafficking victims under sexual exploitation in Oslo [1]. A combination of methods was used to estimate the number of trafficked prostitutes in Oslo. The capture-recapture technique was used to estimate the number of prostitutes working in the streets.



Field researchers collected prostitution advertisements during a four-month period, and a survey was conducted using the telephone numbers found in the advertisements. The researchers eventually determined how many foreigners were forced to be prostitutes in Oslo at a particular time. The study estimates the number, nationality, age and socio-economic background of prostitutes in Oslo and, through in-depth interviews with a sample of prostitutes, the percentage in a situation of trafficking.

A similar methodology was adopted by Thomas M. Steinfatt [2], [3] in Cambodia, whose study focused on trafficking for sexual exploitation, starting from the assumption that this is a general subset of the overall prostitution sector. The methodology is based on two steps, the first being the identification of the sex-trade venues through local informants.\* After Global Positioning System (GPS) mapping of venues, researchers – impersonating clients – visited each identified venue and estimated the proportion of girls and women who were underage and/or seemed to lack freedom of movement. These two steps would be repeated by different research teams. The overlapping sample resulting from two or three data-collection rounds would be the basis for the capture-recapture determination of the probable number of victims in Cambodia.

The potential expansion of this research approach to other forms of trafficking in persons at the country level, however, raises problems of feasibility. The success of that study was due to the geographical focus (restricted to one city or a small country) and the focus on trafficking for forced prostitution. Applying the same approach to forced labour would require the investigation of all potential locations where trafficked victims were subject to forced labour. This would not necessarily be as easy as for the victims of forced prostitution, as an assessment would have to be conducted in agricultural fields, harbours, mines, contractor's premises and so forth. Indeed, each single estimate would need to be derived through different inferences based on different detection activities.

### **Estimate based on identified victims**

Some studies aimed at estimating the number of victims have been conducted by identifying a multiplier to be applied to the identified trafficking victim population. One example is the Transcrime study [4], which was able to

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\*In this case, the informants were taxi drivers who knew where to take tourists looking for prostitution.

estimate the number of trafficking victims in Italy as a range between minimum and maximum values, and to generate a profile of the victims.

The research first quantified the number of victims registered by the Italian national authorities in a certain period of time. Once those figures had been collected, the researchers estimated the probability that a victim of trafficking would be identified by the national authorities. That probability was used as a coefficient to be applied to the identified victims in order to extrapolate the number of actual victims for that period of time in Italy.

In the case of the Transcrime study, the coefficient used ranged between 10 and 20. By applying the coefficient to the identified victims, estimates of actual victims, ranging between 10 and 20 times the number of victims identified, were derived. According to the results of the study, the largest percentage of the victims consisted of sexually exploited women. From 1996 to 2001, the estimated number of victims trafficked into Italy ranged from 25,000 to 50,000.

As far as the profile of the victim population is concerned, the validity of this methodology depends on how representative the identified victims are of the population of actual victims. As mentioned above, some forms of trafficking are more visible and hence more easily detected. A victim of trafficking for forced prostitution is clearly more likely to be identified than a victim of trafficking for domestic servitude, because the former is made visible to the public, while the latter is kept segregated. Applying the same coefficient to both types of victims would therefore result in an underestimate of domestic servitude.

The second issue is the quantification of the coefficient or multiplier, which should reflect the probability that a victim is identified. The probability will change over time and from place to place, according to the efficiency of the criminal justice sector, legislation and the ability of criminal networks to carry out their illegal activities. Indeed, a fresh quantification of the multiplier is required anytime and anywhere a new estimate is made. In addition, the multiplier would be different according to the type of exploitation. As discussed above, the multiplier for victims of domestic servitude, for instance, will have to be different from that for victims of forced prostitution. In addition, there is no clear methodological frame for the identification of such multipliers.

### **Estimate based on reported victims**

“Identified victims” are a segment of the entire population of trafficking victims. As argued above, the representativeness of that segment as a sample of the entire population of victims may not be valid. “Reported victims”

are another segment of the entire population, consisting of persons whom public open sources report to be or to have been victims of trafficking. This would be the case for episodes of trafficking in human beings reported by the media, governmental publications or international or non-governmental organizations. Through a proactive screening of a representative sample of the reported trafficking victims in an area or a region, it could be possible to derive a profile of the reported victims. Reported victims represent a larger segment of the victim population than identified victims, since the latter are normally reported by governmental sources and media. As such, identified victims are included as a part of the reported victim population. In addition, reported victims include individuals who may not be recognized by the authorities as trafficking victims.

As is the case with regard to identified victims, it is difficult to extrapolate the number and profile of actual victims from a base of reported victims.

In 2005, the International Labour Organization (ILO) [5] was able to estimate the minimum number of people in forced labour, including those who were victims of trafficking in persons. It estimated that at least 2,450,000 people were in forced labour as a result of trafficking at a given time. As indicated by the authors of the ILO study, the figure is a minimum estimate, since it is clear that a part of the victim population is not captured by reporting activity. The results provide a good idea of the dimension of the phenomenon at the global level.

Similarly, the United Nations Office on Drugs and Crime (UNODC) has carried out a study of patterns based on reported trafficking [6]. Although the resulting report did not arrive at a total estimate, reported trafficking was used to identify the main trafficking flows and to profile victims. The results provided a good idea of the patterns of the phenomenon at the global level. Nevertheless, both results may have been affected to some extent by a visibility bias.

As far as the profiling of victims is concerned, some hidden forms of trafficking in human beings can be underestimated if measured using the same basic assumptions used to measure more visible forms of trafficking. As a result, both the ILO and UNODC studies arrived at the conclusion that trafficking for sexual exploitation was the most common form of exploitation.

How much this result is affected by the visibility bias is not known, because the relative probabilities that a victim of sexual exploitation and a victim of domestic servitude are reported are not known. Since the two may be different, however, if the two forms of trafficking are measured according to the same assumptions, the same methodologies and the same tools, then domestic

servitude may be underestimated, with the result that the characteristics of victims connected with that form of trafficking can be misunderstood. Finally, geographical patterns can also be affected, since areas that suffer more from forms of invisible trafficking can be underestimated if compared with areas suffering from more visible forms of trafficking.

### **Estimate based on surviving victims**

Studies have been conducted on the basis of victims who survived the trafficking experience. Such research usually takes the form of face-to-face interviews with victims who have been sheltered. Some studies limit the analysis to a profiling of the victims interviewed, while others attempt to estimate the actual number of victims. Examples of this approach include a number of interesting studies conducted by the International Organization for Migration (IOM), which are based on information contained within the IOM counter-trafficking database. The database information is collected from face-to-face interviews with victims sheltered by the organization around the world. The results provide information on the profiles of victims and on their trafficking experiences.

Another example is the yearly report of the National Rapporteur on Trafficking in Human Beings of the Netherlands [7, 8], which provides information on the number of victims sheltered by some national non-governmental organizations (NGOs) and by the governmental authorities of the Netherlands. Information is also provided on the characteristics of victims and offenders. One of the key pieces of information provided is the nationality of victims. This type of information is used to assess trafficking inflows for destination countries recording the profile of victims, thus providing an indicator of trafficking in human beings by country of origin for the Netherlands. For instance, records of decreasing trends of trafficking flows from Albania to the Netherlands could provide trend information for Albania as a country of origin. This approach is based on the assumption that the victims are a representative sample of the actual victims of trafficking in a given country.

In 2009, UNODC and the Global Initiative to Fight Human Trafficking (UN. GIFT) published the *Global Report on Trafficking in Persons* [9]. The report is based on a few core indicators on detected trafficking victims and offenders officially registered by the national authorities of 155 countries around the world. The core indicators were the nationality, gender and age of detected victims and the nationality and gender of offenders. An analysis of those indicators allows a depiction of flows, trends and patterns of trafficking in human beings around the world.

This approach carries with it the risk that some aspects of trafficking are underrecorded, since not all victims are detected. Trafficking patterns and flows more likely to be detected are thus more prominently represented. NGOs or national legislation might, for example, consider sheltering and protecting women traumatized by sexual exploitation, or child victims, to a greater extent than exploited adult men. As a result, the use of the detected or sheltered population of victims as a representative segment of the entire population of victims might not be appropriate.

Another type of study conducted by IOM at the regional level has tried to explore the “dark number” of trafficking in persons. Those studies have attempted to derive more in-depth information on trafficking in persons from surveys of the general population [10]. The general awareness and vulnerability of the countries surveyed regarding trafficking in human beings are explored. At the same time, the study attempts to estimate the prevalence of persons who have experienced or have actual knowledge of trafficking episodes. The results of the study show different victims and purpose patterns than do the other studies discussed so far. In the five countries under consideration, domestic servitude and forced labour in agriculture are indeed more frequently indicated by the respondents than sexual exploitation. It is clear that the stigma and shame attached to sexual exploitation can affect the results. Nonetheless, the severity of human trafficking for forced labour is, through this approach, more accurately identified.

The methodology of the IOM study seems promising, although, owing to the low response rates, the results produced are not statistically relevant.

Along the same lines, the 2009 ILO report entitled *The Cost of Coercion* [11] included the results of a pilot survey in the Republic of Moldova. Altogether, the survey covered 3,631 migrants working abroad and 2,084 returned migrants. On the basis of the results, ILO estimated the proportion of migrant workers who had experienced severe coercion and the proportion of those who had suffered some form of exploitation. The study concluded that about 25,500 Moldovan migrants (8 per cent of the sampled population) were victims of trafficking for forced labour. One possible limitation of the ILO estimate is the assumption that all trafficked victims have returned, which is not the case. In addition, as in the IOM studies, the victims of sexual exploitation may be reluctant to report their experiences in a survey; thus, that form of exploitation may be underestimated.

## The way forward: multiple trafficking indicators

Trafficking in persons, as described in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime [12], is a criminal process rather than a criminal event. Indeed, the process takes place in different geographical areas, and at each moment of the trafficking process different complex events are occurring. These different events do not represent trafficking per se, but all the events together add up to trafficking.

The identification of instruments capable of capturing the severity of trafficking in persons would require the identification of a set of measurements representing the prevalence of the different phenomena involved in each of the geographical areas affected by the process.

The process can take a particular form (or forms) in the countries of origin of those who will potentially become victims of trafficking in persons. It takes different forms in transit countries and yet other forms in countries of destination. One single country could be affected at the same time by all of the phenomena, owing to internal trafficking, or because it is at same time a country of origin of trafficking towards other regions and a country of destination for victims of trafficking in persons from other countries.

At the same time, the trafficking process takes on different characteristics according to the different types of exploitation. The phenomenon of child soldiers is very different, in form, from forced prostitution, which in turn is very different from trafficking for organ removal or for begging. Thus, it is extremely difficult to develop a research method, an indicator or a research tool able to capture at once different forms of trafficking in human beings.

One tool may be appropriate for one form of trafficking, and even for just one phase of the process, but not for other forms or other phases of trafficking in persons. One single indicator derived from one research tool would not be able to capture equally the severity of trafficking in persons in different countries, and there would always be the risk of biased estimates in one sense or another.

A more comprehensive approach would be to develop a set of indicators of trafficking, possibly through the combined use of different tools. An example can be taken from economics. The inflation rate, for instance, measures the variation of prices over time. That indicator is created as a weighted average of prices of certain selected goods, in selected final markets, in selected areas

of a country. The variation in the prices of those selected goods is compared to the price of the same goods for the previous period. In this way, a measurement is constructed of the variation in prices for the entire country. The precision and the representativeness of the indicator can be questionable, however. Some goods might be more relevant for the everyday life of people and others less relevant. Some areas might be affected by price variations more than other areas. Nonetheless, the inflation rate as calculated is the most widely accepted instrument to measure a country's cost of living. Similarly, the combination of different measurements of trafficking in persons, each referring to different trafficking aspects, could provide a synthetic idea of the size of the problem in a country.

The indicators to be considered for the measurement of trafficking in human beings should be different according to origins and destinations of trafficking and according to the type of exploitation. Thus, at a minimum, four types of indicators should be considered: indicators of origin of trafficking for sexual exploitation, indicators of destination of trafficking for sexual exploitation, indicators of origin of trafficking for forced labour and indicators of destination of trafficking for forced labour.

#### *Indicators of origin of trafficking in human beings*

By making use of official statistics on detected victims and their nationalities, it is possible to derive a good indicator of the origin of victims of trafficking in human beings. Biases are always possible; however, the larger the countries sampled, the smaller the bias. The relevance of a country as an origin of trafficking in human beings could be measured in terms of two dimensions: intensity and scope.

The 2009 UNODC *Global Report on Trafficking in Persons* showed that East Asian victims of trafficking were detected in all regions of the world, and in all European subregions. East Asians were rarely the largest group among the nationalities detected, but they were detected in at least 25 countries around the world in 2005 and 2006. This clearly indicates that the scope of the trafficking flow of East Asian victims is more relevant than that of other groups detected in fewer countries.

Conversely, Balkan victims were often found to be the largest group detected in some Western European countries. The share of a group among the total detected victims in the destination country represents the intensity of the trafficking from that origin to that destination. By averaging the "shares" of the national groups among all destination countries, the severity of the situation of that country as an origin of trafficking globally or regionally can be measured.

By combining the two dimensions, intensity and scope, it is possible to define a comparable indicator on the relevance of a given country as an origin of trafficking. For instance, if nationals from country A are detected in 30 other countries, with an average share of 10 per cent of the total number of victims detected, that country is more relevant than country B, whose nationals were detected in 15 countries, with an average share of 5 per cent.

The validity of this combined indicator relies on the victims being detected, simultaneously, by the authorities of different countries, meaning different criminal justice systems operating separately from each other. There is a possibility of bias, related to the detecting efficiency of one or more destination countries regarding one or more origin countries versus other origin countries. For instance, if South American victims are normally trafficked to Spain, and if that country detects relatively more victims than other destination countries, then South Americans may be overestimated. This bias is limited by the use of shares to measure the intensity, and could be reduced by converting the indicator to a five-point scale (very low to very high).

Another dimension could be added optionally: the distance of the trafficking flow. If certain nationalities are detected as victims of trafficking just among the neighbouring areas of the country of origin, it implies that the trafficking flow from the country of origin is rather limited to a local area. On the other hand, if victims from the same group were detected in other continents, that would suggest that the trafficking flow had a transregional dimension. The geographical extension of the trafficking flow may not be an indicator of the relevance, but rather of the nature of the organizations fuelling the trafficking flow. The longer the journey the more probable that it is conducted by well-structured organized criminal groups.

The resulting combined indicator does not allow for an estimate of the number of victims trafficked. The number of victims will always represent a part of the phenomenon, and the “dark number” of this crime will still remain unknown. However, if only in relative terms, it allows us to establish baselines and to trace trends. For instance, if within 10 years the number of countries where victims from country A are detected decreases from 30 to 15, with the average share decreasing from 10 per cent to 5 per cent, it could be assumed that the trafficking originating from country A halved during the period considered.

For several reasons, many countries still prosecute trafficking for sexual purposes only. This form of exploitation is much more visible and known to the law enforcement authorities than other forms, such as domestic servitude or other forms of forced labour. As a consequence, victims of sexual



exploitation are much more frequently detected than victims of trafficking for forced labour. Considering all victims of trafficking aggregated into the combined indicator would result in underestimating the trafficking flows of victims exploited in forced labour.

As a consequence, indicators of origin of trafficking in human beings should be differentiated at least into these two indicators:

- Indicators of origin for sexual exploitation
- Indicators of origin for forced labour

### ***Indicators of destination of trafficking in human beings***

According to Christaller's theory of central place hierarchy, the more products a market is able to offer, the higher it will be in the market hierarchy and the more clients (as a minimum threshold) it will serve [13]. By applying the same approach to victims of trafficking, the wider the scope of the origin of trafficking flows into a country the more relevant that country is as a destination. Thus, a cheap and fast method to assess the relevance of a country as a destination of trafficking in human beings could be the number of victims of different nationalities detected in that country. If in country A only victims from country B are detected, while in country C victims from countries B, X, Y and Z are detected, then we can assume that country C is more relevant than country A as a destination of trafficking. Also, the distance covered by the victims to reach the final destination could represent another dimension to measure: the power of attraction of the destination. However, from a purely statistical point of view, the more victims detected, the more nationalities trafficked to the destination. Thus, if the detected number of victims is to serve as a basis for counting the different nationalities of the victims, the basis has to be somehow standardized.

A more thorough (and costly) analysis for destination countries would require data collection that would go beyond the basis of detected victims. The capture-recapture method adopted by Steinfatt has proved to be adequate to measure the number of victims under sexual exploitation. This methodology could also be applied for other possible victims (prostitutes, irregular migrants, unaccompanied minors, beggars, etc.). It is true that this methodology can be applied only to small-dimension local realities; however, the results can be adequately extrapolated to deliver a sound estimate of the population of possible victims in a specific area and a clear understanding of the nationalities of the victims trafficked there.

The methodology requires a number of observations of the target population in specific locations, at different times during a one-month period. On the basis of the number of persons observed each time, and the fraction of persons observed more than once during the month, the probable number of potential victims is calculated for the entire area. Once the number of potential victims is estimated, interviews are conducted with a representative sample of this population in order to identify possible elements\* that could suggest victimization. By a combination of these elements, the probability that the persons interviewed are trafficking victims is derived. The total number of estimated victims is then extrapolated.

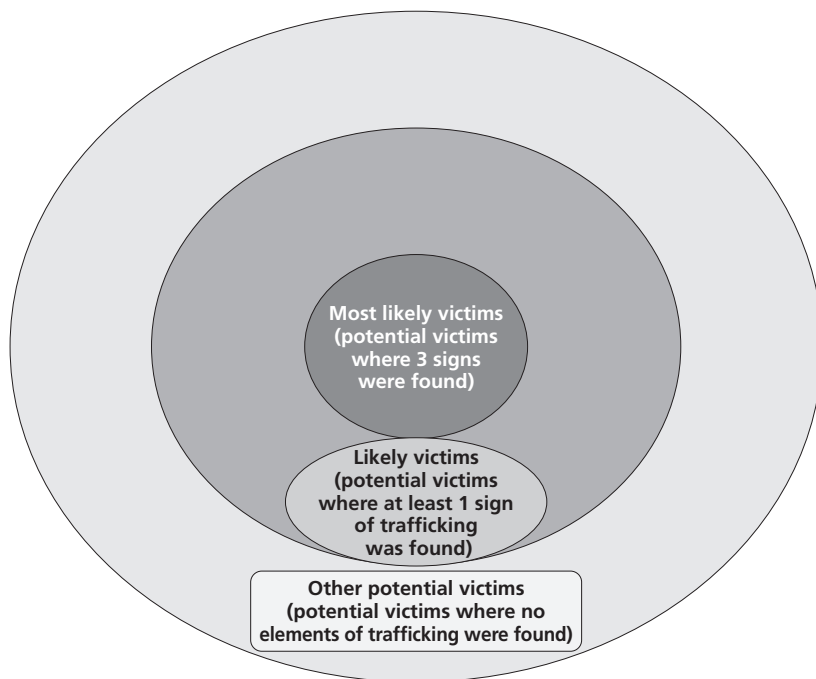
**Figure I. Matrix for recording the number of possible victims according to the presence of elements of trafficking in persons**

	<i>Element 1 (signs of violence)</i>	<i>Element 2 (signs of coercion)</i>	<i>Element 3 (limited freedom)</i>	<i>.....</i>	<i>Element N (etc.)</i>
Prostitutes					
Beggars					
.....					
.....					
Labourers in shadow economy					

The population of possible victims can be separated into three categories (most likely victims, likely victims and other potential victims) according to the quantity and the combination of indicators recorded in each case (signs of violence, signs of coercion, signs of limitation of freedom, overtime at work, withdrawal of passport, etc.).

\*Among the elements that could be considered as indications of trafficking in human beings, the set of internationally accepted indicators resulting from a Delphi survey implemented by the International Labour Office and the European Commission should be used (see [www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_105023.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_105023.pdf)).

**Figure II. Estimated potential victims according to the likelihood of being victims of trafficking**



These inferences should be different according to the economic sectors investigated. Thus, in the case of destination indicators it would also be appropriate to keep the forms of exploitation separated.

As a consequence, as in the previous case, a minimum of two indicators are needed, irrespective of whether the first (cheap and fast) or the second (costly) approach is chosen to assess the severity of the trafficking phenomenon at destination:

- Indicators of destination for sexual exploitation
- Indicators of destination for forced labour

## Conclusions

In the case of trafficking in human beings, one single indicator might not be sufficient to provide a picture of a complex process occurring in different ways and at different locations. A single measurement might not be sufficient to understand the severity of the problem. One research method or one data-collection tool might not be comprehensive enough to capture the different forms of trafficking in human beings.

For these reasons, there is a need to move towards a more complex research approach to the trafficking situation of a country. The trafficking pathology could be better understood by checking multiple symptoms of the disease, and not just one single element. The final goal is to derive greater explanatory power regarding the real extent of trafficking in a geographical area.

The methodology chosen to create such a set of indicators for trafficking in human beings for use in comparative studies should necessarily attempt to embrace as many different forms of trafficking as possible. The methodology should at least be able to detect the severity of the most common forms of human trafficking for labour exploitation and sexual exploitation.

As mentioned above, it is clear that some forms of trafficking in human beings are extremely difficult to assess unless they are targeted with ad hoc research.

The research approach to be selected needs to be feasible in monetary terms, and should be able to provide comparable results among different countries and over time. In the best-case scenario, the chosen research method is used systematically in order to enable the research community to provide comparative reports on the status of trafficking in persons at the international level.

Only with all of the above criteria satisfied can a standardized approach for data collection on trafficking in human beings for policy research be established.

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# MEASURING SMUGGLING OF MIGRANTS

By Fabrizio Sarrica\*

## Background: concepts and definitions

Measuring the smuggling of migrants, like measuring any other form of crime, is extremely complicated. One of the major challenges to the identification of possible indicators relating to this criminal activity is conceptualizing the offence. This includes identifying the roles of the actors involved and the geographical dynamics, as well as distinguishing this crime from other criminal phenomena.

Such a conceptualization requires the analysis to be anchored in the legal definition of the offence. According to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, “smuggling of migrants” is the procurement, for material benefit, of the illegal entry of a person into a State [1]. As a consequence, the smuggling of migrants is not equivalent to migrants benefiting from some favour for which no material benefit is given. For example, the border guard who knowingly allows an irregular migrant to pass for personal, humanitarian or political reasons does not commit the offence of smuggling migrants – at least under the Protocol definition – although he or she may well be committing a civil, administrative or criminal offence under national law. Under the Protocol definition, the offence of smuggling must involve a material benefit for the smuggler.

A common misperception is that the smuggling of migrants and trafficking in human beings are two similar phenomena and to some extent conceptually overlapping. While trafficking in human beings and smuggling of migrants are sometimes represented as sharing a grey area, the two crimes, in international law, are in fact clearly distinguished.\*\* To represent how different the two crimes are, one need only reflect on the fact that the first is a crime in which victims normally undergo severe violations of their fundamental human rights; the second is a crime without victims. Were a grey area to exist between the two, it would require one to imagine a person, a smuggled migrant, who is exploited or segregated only in part and not so much as to be considered a

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\*\*The mistaken idea that trafficking and smuggling often overlap is frequently expressed because smuggled migrants ultimately find themselves in exploitative situations similar to those of trafficked persons.

full victim of trafficking. Such an approach cannot be taken. It is possible to encounter different degrees of exploitation or segregation. However, even in the case of “lighter” exploitation, the exploited person is a trafficking victim, and a trafficking episode must be recorded as such.

While smuggling of migrants and trafficking in human beings are rightly separate crimes in law, it is true that trafficking victims may be smuggled across borders, and that migrants smuggled are often more vulnerable to exploitation. It is also true that they share common modalities in practice. Movement of persons, for example, is a common factor. In the case of smuggling, this movement entails crossing a frontier between countries. Trafficking in persons, however, need not be transnational. Trafficking can occur regardless of whether victims are taken to another State or only moved from one place to another within the same State. Nonetheless, the fact that movement is a common factor suggests that it might be possible to apply the same conceptual research framework to each crime when carrying out cross-country comparisons. In other words, an approach to the measurement of smuggling of migrants may employ tools and methods of counting similar to those used when measuring trafficking in persons.

In addition to distinctions between the smuggling of migrants and trafficking in persons, a further issue requiring clarification is that of the difference between irregular migration and smuggling of migrants. Irregular migrants and smuggled migrants are two different populations that may overlap to some extent or at certain times. A significant proportion of irregular migrants may not have been smuggled into a country, but may have entered legally and overstayed their visa. In such cases, there is no intervention of a smuggler at the time of border crossing. On the other hand, migrants who have an irregular status, or even eventually come to enjoy a legal immigration status, could still have been smuggled at the beginning of their migratory experience.

Another complexity to be considered when measuring smuggling of migrants is the geographical location of the offence. The act of assisting irregular migration is a single action that usually takes place in a specific geographical area, such as a border between two countries. The act of smuggling of migrants, on the other hand, may involve multiple actions in multiple countries, all carried out by different persons. Consider, for example, the case of migrants smuggled into Italy by crossing the Adriatic Sea from Albania. In this case, the country of departure is Albania and the country of arrival is Italy. In the case of persons of the former Yugoslav Republic of Macedonia departing from Albania and being smuggled into Italy, however, what should be considered the departing country? The former Yugoslav Republic of Macedonia or Albania? If the migrant was not smuggled across the border between the



former Yugoslav Republic of Macedonia and Albania, then the act of smuggling takes place just between Albania and Italy. The former Yugoslav Republic of Macedonia is involved only as the country of citizenship of the migrant, despite the fact that that is where the journey originally began. Similarly, the case of a migrant smuggled through the Netherlands, and onwards through the Schengen area to Italy, raises questions as to whether the exact arrival point of the smuggling activity is Italy or the Netherlands.

## **Methodologies for measuring smuggling of migrants**

A significant increase in smuggling of migrants activities in recent years has led to greater efforts by the international community to achieve a better understanding of the phenomenon. In the present section, this article considers some of the methodologies that have been adopted to measure the severity of the phenomenon of smuggling of migrants. It comments on the results achieved and makes observations on the limitation of measurements.

### ***Surveying experts and applying multipliers***

The International Centre for Migration Policy Development (ICMPD) has estimated the numbers of irregular migrants and smuggled migrants within an extended European area through extensive primary collection of data from customs officers. Questionnaires are sent to governmental border services of some 17 Central and Eastern European countries and territories, and 2 Central Asian countries. The survey asks about the number of apprehensions of illegal or irregular migrants crossing the borders as shown in administrative statistics [2]. Further, the ICMPD survey seeks officers' opinions on the extent to which irregular migrants are able to cross borders for which they are responsible. Border officers are also asked about their perceptions concerning the smuggling of migrants. From the results of the survey, ICMPD identifies a multiplier that is applied to the number of recorded apprehensions in order to estimate the overall magnitude of smuggling of migrants and irregular migration. The methodology benefits from being based on concrete apprehension figures. However, it suffers from the fact that results may be heavily affected by personal perceptions on the part of border guards, leading to a bias in the final results, particularly when used for comparative purposes.

A similar methodology has been adopted by other international organizations and academics. The International Organization for Migration (IOM), for instance, has conducted a series of national studies with the aim of estimating

the extent of illegal labour migration at the country level. In-depth surveys were carried out in Hungary, Ukraine and Poland through a combination of primary and secondary data collection [3]. The first phase consisted of the collection of all available information on the topic, including statistical data, legislation, research findings and media coverage. Quantitative information was obtained from the databases of employment offices, labour inspectorates and migration police. The second phase consisted of primary data collection through in-depth interviews with key informants. The key informants were selected from a range of groups with knowledge and experience of the issue, including representatives of government agencies, employers' organizations and non-governmental organizations dealing with illegal labour and migration. Interviews were also carried out with persons identified as responsible for irregular employment of foreign workers. This methodology was used to identify the main flows and trends of illegal migration on a yearly basis. The inclusion of specific questions on the smuggling of migrants enabled information to be obtained on the organization of the smuggling process and methods of smuggling employed.

One difficulty commonly associated with the "key informants" methodology is that information in this type of study is usually derived from government statistics and observations of governmental officials. This raises some concerns as to the partiality of information received. In addition, as noted above, the perception of border officials, based upon which the multiplier is usually calculated, will vary according to the particular experiences of the individual officers surveyed.

### ***Counting irregular migrants***

As described above, the population of smuggled migrants may be viewed as overlapping with that of the population of irregular migrants.

Countries within the European Union collect official information on the number of illegal migrants apprehended, refused entry and regularized every year. This official information is communicated from member States to the authorities of the European Union and is published by the Directorate-General for Home Affairs in its annual report on asylum and migration. Information on migratory experiences, and hence the modalities of smuggling of migrants, may be obtained from such official information as, in particular, reports on regularization programmes. "Regularization" describes the process by which illegal migrants resident in a country under particular circumstances (such as working in that country or having a member of the family as a regular migrant) declare their status to the authorities and apply for authorization to

live in the country legally. During this process, national authorities question irregular migrants on their migratory experiences. The results of the interviews are normally used by national authorities to better understand irregular migration patterns. Such regularization programmes are carried out in some European countries on a repeated basis.

The application of data from one particular population (e.g. irregular migrants identified by regularization programmes) to draw conclusions about a second population (such as an estimate of all illegal migrants) must be done with caution. Some irregular migrants, for instance, do not want to or cannot be regularized. Irregular migrants such as seasonal workers cross borders illegally for a short period and have no real interest in regularization. Others are aware that they do not meet the requirements for regularization and so do not even apply. In particular, smuggled migrants may themselves be underrepresented in the population applying for regularization, resulting in an underestimation of the percentage of illegal migrants who have been smuggled. Any methodology designed to explore the size of the subset of smuggled migrants must take account of such factors.

As a consequence, the information that can be gathered as a by-product of regularizations is far from being an indicator of smuggling of migrants, and surely it cannot be an indicator of the severity of the phenomenon. At any given time, a particular subset of irregular migrants entering a country of transit or destination do so by paying a third party to facilitate their illegal migration. Irregular migration and smuggling of migrants may overlap to a certain degree, as migrants who are smuggled are irregular, and may seek regularization at some point in their migratory experience. However, a large number of irregular migrants do not cross any border clandestinely, and of those who do, even fewer make use of a smuggler to cross borders. Assessing the general irregular migrant population in a country may lead to an understatement of general smuggling patterns and flows, as it is likely that assisted migration follows the same trends as irregular migration.

While official statistics based on regularization data may not be able to indicate as much about smuggled migrants as they do about irregular migration, official data on apprehensions at borders do provide a good indication of the patterns and flows of smuggling of migrants. Migrants apprehended at borders are all attempting to cross the border illegally. In some contexts, for instance in the smuggling of migrants taking place at sea, the border crossing may be possible only with the assistance of smugglers. As indicated in the 2010 report *The Globalization of Crime: A Transnational Organized Crime Threat Assessment* [4], the vast majority of irregular migrants crossing the Mediterranean Sea from Africa to Europe are assisted by professional smugglers. As

a consequence, in this context, the profile of the migrants detected and officially recorded by the authorities should match the profile of the migrants smuggled. Furthermore, the number of migrants detected coincides with the number of migrants who arrived, as most of the smuggled migrants want to be detected by the authorities in order to apply for asylum or for other reasons. This means that, in this case, the population of migrants smuggled coincides with the population of migrants detected, and as a consequence the official statistics will reflect the severity of the phenomenon.

However, even in this case the power of the data to be used as indicators of smuggling of migrants has relevant limitations. First, sometimes migrants report to authorities a nationality other than their own in order to gain easier access to asylum. Second, the coincidence between the severity of the smuggling flow and the numbers detected cannot be generalized, as it occurs only in some specific circumstances. Thus, the feasibility of and rationale for adopting such a methodology should be assessed through qualitative studies conducted before the analysis.

### ***Surveying irregular migrants and applying multipliers***

In addition to official apprehension, refusal of entry and regularization data on illegal migrants, household surveys also offer a route to the quantification of the population of illegal immigrants. In the United States of America, for example, within the framework of the Current Population Survey the United States Census Bureau conducts specific socio-economic and demographic estimates of the foreign-born population. This consists of a voluntary household survey, with an annual sample size of approximately 100,000 addresses. Data collection takes place through telephone and personal-visit interviews. Foreign-born persons are defined as those persons living in the United States who were not United States citizens at birth. According to the Census Bureau, illegal migrants do respond to this voluntary survey, and the data are therefore used to estimate the number of migrants illegally resident in the United States at the time of the survey. The Census Bureau estimate of "illegal aliens" is then based on the responses provided by the foreign-born population in the sample.

Caution must be exercised in applying such methodologies, however. In the first instance, a reasonable estimate of the population of irregular migrants is itself difficult to obtain. The result derived from United States Census Bureau surveys of the foreign-born population is itself a proxy for the irregular migrant population, and an additional key for analysis is required for the identification of the subset of smuggled migrants.

This key could be provided by the same survey on the basis of the experience of the irregular migrants interviewed. The best example in this case is the Mexican Migration Project,<sup>\*</sup> a Mexican-American Think-Tank conducting periodic surveys on Mexican seasonal migrants to the United States, once they are back at home during the winter months. The survey investigates whether or not the migrants made use of smugglers to cross the border, together with other questions such as the prices paid and the motivation to migrate. Furthermore the migrants are asked about being detected at the border. According to the latest data produced by the Mexican Migration Project, about 35 per cent of the migrants interviewed were apprehended during the previous year. This variable, in combination with the number of apprehended migrants recorded by the authorities, is able to provide an estimate of the migrants crossing irregularly, or better, the number of clandestine entries,<sup>\*\*</sup> into United States territory. The probability of apprehension serves as a multiplier to be applied to the official statistics. Unlike the multiplier used by ICMPD, this one is determined on the basis of the experience of the migrants and not on the perception of key informants. In addition, by asking about the use or non-use of a smuggler, such an estimate could be tailored specifically to address smuggling of migrants.<sup>\*\*\*</sup>

### **The way forward: multiple border crossing indicators**

The complexity of the modalities of smuggling of migrants raises a number of questions on how to quantify phenomenon and the role of countries that are neither clearly origin nor destination countries (so-called third countries) in a prospective smuggling-of-migrants indicator that could be used for comparative measurement.

As in the case of trafficking in persons, the measurement of one element alone (such as the number of migrants smuggled out of country as an approximation of the phenomenon as a whole can be misleading. Rather, any variable chosen to act as a proxy for the phenomenon should, at the least, derive from multiple geographical indicators.

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<sup>\*</sup> See <http://mmp.opr.princeton.edu/home-en.aspx>.

<sup>\*\*</sup> One migrant may cross the border many times and may be apprehended many times within a year. Consequently, it is more correct to refer to entries rather than migrants.

<sup>\*\*\*</sup> On the basis of this methodology, the United Nations Office on Drugs and Crime estimated that about 3 million entries occur every year as a result of smuggling activity across the Mexico-United States border.

This article proposes that indicators for smuggling of migrants should refer to the location where the offence of smuggling of migrants takes place. The location is always a border between two countries and therefore requires that a country of departure and a country of arrival be specified. Indicators might refer to those borders where smuggling of migrants most frequently occurs. In the case of the former Yugoslav Republic of Macedonia-Albania-Italy example considered above, if migrants were not smuggled between the former Yugoslav Republic of Macedonia and Albania, then only the Albanian-Italian border would be identified as a site of smuggling of migrants.

It is also clear that information on the nationality and final destination of smuggled migrants is needed in order to draw a complete picture of smuggling patterns.

#### **(a) Country or point of arrival**

Tools for estimating the phenomenon of smuggling of migrants should be aimed specifically at identifying points at which smuggled migrants enter a country. The initial country of arrival following a smuggling event is the first contact opportunity with a smuggled migrant, even if the migrant later moves on to other countries. In addition to identification of the country itself, it is important that indicators provide additional detail concerning specific points or regions where illegal entry occurs. Smuggled migrants arriving in Spain, for example, could be smuggled through the Canary Islands, Ceuta, Melilla or Gibraltar, or through airports. Thus, knowledge of the country of arrival represents only partial information concerning the entry point of a smuggled migrant.

This indicator can be derived by applying a multiplier to the official apprehension statistics. The multiplier can be determined on the basis of surveys conducted among migrants or custom officers.

#### **(b) Country or point of departure**

Illegal entry into one country necessarily coincides with exit from another country. Persons starting a migratory process from their home country could travel a significant distance to the arrival point. As discussed above, conceptualizing the point of departure is not always easy. An individual's journey may contain both legal movements and movements that fall within the definition of smuggling of migrants. Chinese migrants, for example, may travel to a country such as Angola legally but then be smuggled into Europe by plane. In this case, Angola would be the country of departure, because it is

here that the smuggling event began, even though the migratory experience started in China. Thus, the point of departure can be defined as the country or point where the migrant started his or her smuggling experience, leading to arrival at the destination point. This information can be derived by systematically interviewing apprehended migrants at the destination about the point of departure. When the migration involves the crossing of a single land border, the point of departure can easily be identified; however, in the case of smuggling by sea, this determination may not be so straightforward. In addition, as indicated above, in the case of long-distance smuggling flows it is difficult to assess the real departure point unless it is reported by the migrants.

### **(c) *Citizenship of smuggled migrants***

Smuggling of migrants is a particular event in some migratory processes. Therefore, the citizenship of smuggled migrants is likely, on the whole, to be the same as that of persons who wish to migrate in general, and among them specifically those for whom regular migration is more difficult. That said, where organized criminal groups benefiting from smuggling of migrants focus their activities on particular countries or points of departure, this may lead to a disproportionately high percentage of persons of a particular citizenship migrating with the assistance of smugglers. Thus, the identification of the citizenship of smuggled migrants is important for obtaining an overall picture of the phenomenon. Moreover, it is not sufficient to simply identify the official citizenship of the migrant. Rather, the ethno-linguistic background of smuggled migrants must also be considered. This information can be derived from the official data on the profile of the migrants apprehended. However, attention should be given to those citizenships that may be falsely claimed by migrants to ease their access to asylum. Such data may be adjusted by making use of the expertise of customs officers or other practitioners.

### **(d) *Final destination of smuggled migrants***

The final destination of a smuggled migrant may be defined as the country where the migratory process concludes. As with the citizenship of smuggled migrants, the operation of organized criminal smugglers as a response to a migratory “market” suggests that common final destinations are likely to be similar to those of migrants in general. Also in this case, the method for deriving such an indicator is not easy. Migrants may move constantly during their migratory experience, and their planned destination may change over time. A possible tool to create such an indicator is again the surveying of migrants or would-be migrants about their migratory motivations.

The four indicators presented above could be periodically assessed and then combined in order to have a clear representation of the smuggling phenomenon for comparative purposes. An advantage of measuring four indicators is that analysis of the phenomenon may be adapted to different perspectives according to the final aim of the study. From a country-of-destination point of view, for example, it would be interesting to determine the main citizenship of smuggled migrants and the major point of departure. On the other hand, from the point of view of country of departure, the most relevant information might be the point of arrival and the ultimate destination. In this way, multiple-border-crossing indicators might be used as a sort of prism through which different perspectives could be gained as required.

## Conclusions

The multiple-border-crossing indicators scheme is proposed as an effective approach to the measurement of smuggling of migrants. The consideration of just one or two of the four elements presented above risks an incomplete picture of the phenomenon of smuggling of migrants and leaves open many policy and research questions. An indication of the main point of entry alone, for instance, would leave open the question of how to deal with prevention policies. Similarly, indications of the main citizenships and the main destinations of smuggled migrants alone would leave open questions about border controls. Rather, a system based on measurement of each of the four factors – point of arrival, point of departure, citizenship and ultimate destination – is needed to provide a complete and balanced picture of the smuggling phenomenon.

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# RESEARCH ON TRAFFICKING IN PERSONS: GAPS AND LIMITATIONS IN CRIME AND CRIMINAL JUSTICE DATA

Michael Jandl\*

## Introduction

Over the past decade, after the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime [1] in 2000, international awareness of the crime of human trafficking has increased significantly. This is also reflected in the large number of reports, documents and research studies published on the topic [2]. While many such reports provide valuable qualitative insights into trafficking patterns, research should also be based on hard data, and there is still a lack of quantitative information or understanding regarding the scope and development of the crime of trafficking in human beings around the world. Even basic criminal justice data on trafficking in persons offences is not publicly available for many countries and regions of the world, making the compilation of accurate statistics on trafficking elusive and unreliable at any level. In the absence of systematic and reliable statistical time series, we do not even know with any degree of precision if the number of reported trafficking cases is increasing or decreasing, or why. Compiling reliable and comprehensive statistical time series on the criminal justice response to human trafficking is thus a first step towards a more global understanding of the phenomenon. It is also, as this paper will try to show, quite a challenging task.

The difficulties connected with researching trafficking in human beings are related to the nature of the subject itself. As in many other areas of criminal justice studies, research on the nature and scope of trafficking in persons is considered inherently difficult, as it involves hidden populations. Trafficking in persons is a hidden criminal activity, and, as a consequence, the number of victims that come to the attention of the general public is only a subset of the total population of trafficking victims. This leads to calls for measuring or estimating the “dark figure” of trafficking statistics (see also the first article in this volume). There are various methodologies for estimating total trafficking cases, but it is important to note that most methods for estimating

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\*Research expert, United Nations Office on Drugs and Crime. This paper is a modified version of the background paper of the same title prepared for the workshop on quantifying trafficking, its impact and the response to it, held in the context of the Vienna Forum to Fight Human Trafficking, 13-15 February 2008.

the unknown part of cases of trafficking in persons are based on some form of hard data on known or reported cases.\* The same is true for detecting and interpreting trends in human trafficking. Thus, even for the estimation of the whole universe of trafficking in persons cases, detailed and accurate knowledge on identified cases of victims of trafficking is indispensable.

However, under current circumstances, it is difficult to relate various estimates of the “true” extent of trafficking in human beings put forward by researchers, governments and international organizations to confirmed cases of the crime around the world. At the same time, even unreliable estimates, once quoted, seem to take on a life of their own. Regional or global estimates are frequently based on aggregating smaller-scale estimates that are themselves based on unsound methods. For example, a 2004 data comparison project of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Asia-Pacific Regional Bureau for Education, in Bangkok, has documented a wide range of global estimates (differing by a factor of 10) on human trafficking made by Governments and international organizations.\*\* Clearly, the current uncertainties surrounding the nature and scope of the problem make the development of targeted anti-trafficking responses worldwide a particular challenge.

National governments and the international community are currently investing more and more resources in anti-trafficking initiatives, commonly split into prevention, prosecution and protection efforts. However, to date there is very little measurement of the impact of many initiatives against trafficking in human beings, and consequently, without solid monitoring tools, there is no guidance on where those resources could best be invested. For example, there is as yet a lack of recorded data on the effects of introducing comprehensive anti-trafficking legislation or enhanced law enforcement capacities on the number of investigations, prosecutions and convictions of traffickers in human beings. Similarly, there is little evidence on whether or how information and awareness-raising campaigns among target populations can contribute to reducing the incidence of trafficking in a given country or region.

What is needed for the design of adequate policies, therefore, is a more credible information base for research on trafficking in persons. The most direct

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\*In the absence of comprehensive information on known or reported cases, some researchers have also resorted to estimating the number of reported cases. For example, the International Labour Organization (ILO) estimate of trafficking victims is based on an estimation of reported cases worldwide through the application of the capture-recapture method on known reports that is further extrapolated through multiplication by a factor of 10 to arrive at the ILO global minimum estimate of forced labour (only part of which is then considered trafficking in human beings) [3].

\*\*See the United Nations Educational, Scientific and Cultural Organization Trafficking Statistics Project, available from [www.unescobkk.org/index.php?id=1022](http://www.unescobkk.org/index.php?id=1022).

way of generating such an information base is to focus on the universe of known trafficking cases that result from the criminal justice response to this crime. Gathering accurate criminal justice statistics, supplemented by information on the institutional and legal framework in which the crime of trafficking in persons is defined and pursued, as well as on services available to victims from governmental and non-governmental actors alike, is necessary to understand where the major information gaps are, and how to improve national responses to trafficking in persons.

At present, statistical data on trafficking in persons frequently do not meet the basic standards for statistical accounting: at the global and regional levels, detailed data are simply not available, and even where data are presented, they are frequently incomplete and unreliable. At the national level, the lack of centralized reporting and data-gathering systems in many countries prevents the production of nationwide criminal justice statistics, as data on investigations, prosecutions and convictions are often dispersed across several national institutions and criminal justice agencies. Similarly, data on trafficking victims are often collected by various institutional actors, including criminal justice agencies, victim support structures, non-governmental organizations (NGOs) or international organizations. At the international level, moreover, institutional differences in criminal justice systems and in the legal definitions of offences constituting trafficking in persons present special problems in the comparability of the data. These issues will be further explored below.

In the following sections of this article, the main limitations of data on human trafficking will be discussed and several data gaps will be outlined. The overview will draw both on relevant findings in the literature and on insights gained during a major research project on trafficking in persons implemented by the United Nations Office on Drugs and Crime (UNODC), which will be described further below.

## **General issues concerning data on trafficking in persons**

### ***Lack of legislation***

In many countries there is still a lack of specific legislation against the crime of trafficking in persons in its various forms. Earlier attempts to define the crime of trafficking in persons in international law focused on prostitution or sexual exploitation of women only, a focus that is still reflected in the penal codes of several countries in Africa, Asia and Latin America. For example, in 1921, the International Convention for the Suppression of the Traffic in Women

and Children was concluded in Geneva. That Convention was succeeded in 1949 by the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others [4]. In total, 82 countries have become party to the 1949 Convention.\* However, it is only since the adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in November 2000 that a universal definition of the crime of trafficking in persons has been recognized, and increasingly adopted and implemented in national legislation. The Protocol entered into force on 25 December 2003, and by November 2010 (10 years after its adoption) had 117 signatories and 142 parties.\*\*

While those States that are parties to the Trafficking in Persons Protocol are required to criminalize domestically the conduct of trafficking in persons, as defined in the Protocol, many States, particularly in Africa and Asia, are still not party to the Protocol. For States that do accede to the Protocol, it usually takes some years from the signature and ratification to the adoption of relevant anti-trafficking laws. There are thus still many States without any specific anti-trafficking laws in place.\*\*\*

The lack of specific legislation against trafficking in persons is arguably the most serious obstacle in countering the crime. In the absence of legislation, it is very difficult to punish trafficking and bring the traffickers to justice. However, even where provisions against trafficking in persons exist under national law, they often cover only parts of the crime of trafficking in persons as defined in the Protocol. For example, legislation may still be based on previous conceptions (as in, e.g., the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others mentioned above) of trafficking in women and children and may hence be “limited to equating human trafficking with exploitation in the sex industry while ignoring exploitation in the labour market” [5]. Where this is the case, the focus of activities against trafficking in human beings is then on women forced into prostitution, while trafficking in men (e.g. for exploitation on the labour market) may be dealt with under existing labour laws.

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\* See [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=VII-11-a&chapter=7&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-11-a&chapter=7&lang=en).

\*\* For an up-to-date list of signatories and ratifications, see [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en).

\*\*\* At the same time there are some States not party to the Protocol that nevertheless have anti-trafficking laws in place, even if the definition of trafficking offences may not always conform to that in article 3 of the Protocol.

All this is to say that the understanding of data on trafficking in human beings depends, first and foremost, on the underlying legal instruments that define and criminalize it as well as on the focus of law enforcement efforts dedicated to giving effect to those laws.\*

### ***Underreporting***

As mentioned above, statistics that report on the number of prosecutions, arrests, convictions, or identified victims are necessarily only a subset of the real universe of trafficking in persons cases that come to the attention of the authorities. There are a number of reasons for this, but it is generally accepted that trafficking victims are usually in a very vulnerable position, making them unwilling or unable to report to the police or other authorities. We do not know what share of trafficking cases are detected by law enforcement authorities and subsequently reported in statistics, but we have reason to assume that it is generally only a minority.\*\* It appears, however, the more resources and efforts are invested in investigating and uncovering this particular type of crime, the greater the share of identified cases of trafficking will be. Since the awareness of trafficking and the amount of resources spent on anti-trafficking activities vary widely between countries and regions of the world, we can further assume that the share of actual cases detected also varies widely.

Thus, we can conclude that, in any given trafficking in persons situation, the higher the general awareness of the issue among police, judges and prosecutors, the more personnel and resources devoted to pursuing it and the more coherent the criminal justice response to the challenge, the larger the share of actual cases detected will be. This should be the case not only in comparisons between countries but also over time. It is a common observation in many countries that after the establishment and implementation of a coherent national anti-trafficking strategy – often laid down and promulgated in a specific national plan of action against trafficking – there is a marked increase in criminal justice actions against traffickers in human beings.\*\*\*

The number of reported trafficking cases in any given place and time thus reflects at least as much the collective anti-trafficking efforts as it reflects the underlying problem. This makes comparability across countries nearly

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\* For example, laws that define trafficking in human beings as trafficking for sexual exploitation only will lead to statistical data that show the victims of trafficking to be victims of sex trafficking only.

\*\* For example, the National Rapporteur on Trafficking in Human Beings of the Netherlands has suggested that perhaps 5 per cent of human trafficking cases are detected in the Netherlands [6, 7].

\*\*\* For example, after the introduction of a Plan of Action for Combating Trafficking in Women and Children in Norway in 2003, increased resources were given to the field in a coherent policy and operational response. As a result, the number of identified cases of human trafficking increased from less than a handful to 42 cases in the first 10 months of 2004 [8].

impossible, and it also complicates the interpretation of time trends in any given country: a rising number of detected cases of trafficking in persons (e.g. identified victims, traffickers, convictions) may reflect an increase in total trafficking in persons activity, or it may reflect an increase in the functionality and success rate of law enforcement efforts.

In recent years, there has been an enormous increase in attention paid to trafficking in human beings worldwide, attention that has been further translated into more coherent policy responses and significantly larger amounts of resources spent on combating human trafficking. One straightforward indicator of this trend is the rising number of States that have signed and ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in recent years. In many cases, this has been followed by the elaboration and adoption of national action plans against trafficking in persons, which have often been instrumental for the design and implementation of a coordinated set of measures against trafficking in persons by a multitude of actors at the national level.

## **Limitations concerning criminal justice data on trafficking in persons**

### ***Non-comparable data***

As the ratification of the Trafficking in Persons Protocol by a State is usually followed by the adoption of relevant legislation and national action plans in a matter of years rather than months, the implementation of national anti-trafficking legislation that is in line with the Protocol is often a very lengthy process. Thus, many States (most of those that have not yet ratified the Protocol and many that have) still use different definitions regarding the act of trafficking, the means of trafficking or the purpose thereof. For example, many pieces of national legislation do not include internal trafficking in their definition of trafficking in persons but instead refer to transnational trafficking only, while the Protocol and other national and regional human rights instruments (such as the 2005 Council of Europe Convention on Action against Trafficking in Human Beings) also cover internal trafficking.

In many other countries, it appears that internal trafficking in persons, even if covered by relevant national legislation, receives less attention from law enforcement authorities than transnational trafficking across borders. One reason why transnational trafficking may receive relatively more attention

than internal trafficking is the stronger involvement of international organizations in anti-trafficking activities and victim support services when it comes to cross-border trafficking, which is clearly related to the specific (international) mandates of those service providers.

Another problem arises out of differences over the legal age of minors. Not all countries apply the Protocol's definition of children as persons under 18 years of age, but instead have different definitions of who is a child, including in national family- and child-protection laws. Such differences become especially significant when trying to define and measure trafficking for sexual exploitation of children or trafficking for organ removal, or when trying to decide whether the illicit recruitment or use of children in armed conflicts falls within the definition of trafficking in children. As defined by the Protocol, the crime of trafficking in children does not require the use of criminal means such as coercion or deception, as, for children, the existence of the victim's consent is irrelevant. The problem of trafficking in children and child soldiers has received particular attention in West and Central Africa. In many countries of the region, there are a number of laws on child protection that can be applied even if they are not necessarily specific anti-trafficking laws. However, in the absence of more general anti-trafficking laws in some countries, only children under 18 years of age are taken into consideration by the national legislation against trafficking in persons.

There are also significant differences in various anti-trafficking laws when it comes to the purpose of exploitation. The Protocol leaves the purpose of exploitation of trafficking victims principally open, but states, "exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs" (art. 3 (a)). As mentioned, however, in many countries, the specific offence of trafficking in persons extends only to sexual exploitation while leaving trafficking for other forms of exploitation out.

Where national legislation extends only to trafficking for sexual exploitation, trafficking for some other purposes may be prosecuted under national penal law, for example, under a more general offence of "reducing someone to a condition analogous to slavery" or similar offences. In countries where such provisions are not available under penal law, or where the application of penal law has proved to be too cumbersome in practice,\* the offence of trafficking for forced labour is sometimes also pursued under existing labour legislation

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\*For example, because of the greater burden of proof involved and the longer duration of trials than in civil trials.

rather than criminal law. This means that the resulting penalties are likely to be different from those provided for in criminal or penal law (for example, they may be less severe for the perpetrators or consist of the payment of collective damages rather than incarceration for the same offence). The point here is that, whatever the outcome, such cases would not be recorded in criminal justice statistics on trafficking in human beings, as the prosecutions and convictions would fall under different categories.

As the paragraphs above demonstrate, not all forms and manifestations of the crime defined as trafficking in persons under the Trafficking in Persons Protocol are covered by various national anti-trafficking legislation, and important legislative gaps remain around the world. On the other hand, many crimes that can be considered trafficking in persons in the sense of the Protocol are pursued under other, related offences in national law. For several decades already, many States have identified a number of related offences in their criminal codes that are used to prosecute trafficking in persons offences, albeit under different headings – including offences related to sexual exploitation, forced prostitution, kidnapping, abduction, child sex tourism, child pornography, corruption of minors, child labour and forced labour [9].

Despite this broad range of potential offences that may be used as alternatives to an explicit offence of trafficking in persons, it may still be possible to establish the number of trafficking in persons crimes adjudicated under different offences when looking closely at national crime statistics and records. At the same time, we cannot exclude the possibility that many presented cases involving trafficking in persons activities are left unrecorded (or are recorded in different categories) in national data on trafficking in persons offences.

Finally, when gathering and interpreting data on trafficking in human beings, we should also be aware that, in some countries and regions of the world, not only trafficking in persons laws are lacking but also other legislation that could be used to pursue trafficking in persons offences.

### ***Lack of capacity for systematic data collection on trafficking in persons***

In many of the least developed countries of the world, which are often, but not exclusively, reported to be countries of origin of victims of trafficking in human beings, the capacity for data collection and analysis is often inadequate, owing to a lack of resources, coordination or appropriately trained law enforcement personnel. In many countries, police officers, judges and prosecutors would like to have better criminal justice data to monitor the overall



anti-trafficking efforts in their countries but are faced with severe resource and time constraints to build an appropriate data-collection mechanism that would systematically and consistently track information on trafficking activities and the responses made. As there is no standard methodology for such data collection, data on trafficking in persons are often collected on an ad hoc basis, reflecting different definitions, data sources, geographic and political areas, or various periods of coverage. This is also reflected in the quality and consistency of the data: sometimes the figures for a given year may significantly change in later years simply because of a change in the way the information was gathered or, more often, because of the further development of anti-trafficking legislation and the definitions used.

This lack of capacity for data collection is a widespread problem, even in countries that have recently introduced comprehensive anti-trafficking legislation and stepped up efforts to create a central statistical database. For example, one United Nations Development Programme (UNDP) country report highlights that “the anti-trafficking community and stakeholders in Armenia continue to confront the challenge of lacking up-to-date statistics on identified and assisted victims of trafficking” [10]. Similarly, with respect to the overall European area, a 2005 report of the Office of the United Nations High Commissioner for Refugees (UNHCR) notes: “Presently, there are no reliable and conclusive statistics on the number of trafficking victims in the European region... Regrettably, available data do not record key indicators, including information on age, gender, number of victims as well [as] country of origin... Without this information, it is extremely difficult to raise awareness and effectively deal with the protection and assistance needs of the victims” [11]. To these examples we could add many other similar situations in countries around the world where the capacity for systematic collection of data on trafficking in persons is still weak and needs to be further developed.

### ***Lack of a central database on trafficking in persons***

In recent years, different authorities and institutions in many countries have started to collect “hard data” on trafficking in persons. However, in the great majority of countries, there is a lack of central coordination of such data-gathering activities that could provide common guidelines, definitions and formats for the data to be collected. Even in countries where a great deal of data on trafficking in human beings are collected, the data usually remain dispersed, and there is no central database that would allow the consolidation of statistical information. Hence, criminal justice data on investigations, prosecutions and convictions commonly remain scattered across several national authorities and regional and subregional institutions. Similarly, data

on victims of trafficking are often collected by various institutional actors, including criminal justice agencies, victim support structures, NGOs and international organizations.

The main reason for the widespread absence of a central database lies in the distribution of competencies and mandates among various national agencies. At the same time, data-gathering within public agencies is routinely geared towards use for their own administrative purposes only, rather than for more general statistical purposes. When the competencies for dealing with various forms of trafficking offences (e.g. trafficking in children or sexual exploitation) are divided between various actors (e.g. different law enforcement agencies at the federal and state levels), the resulting data collection will be fragmented and dispersed unless a deliberate effort is made to bring the data together in a central location.

While still the exception rather than the rule, more and more States have reacted to the need for centralized data on trafficking in persons by establishing central focal points that coordinate data gathering and maintain a central database.\* Over the past decade a number of such mechanisms have been developed that can serve as best practices: both the National Rapporteur on Trafficking in Human Beings of the Netherlands and the German Federal Criminal Police Office are collecting and publishing annual detailed statistics on trafficking in persons offences. The reports focus on identified cases of human trafficking, criminal intelligence information, crime groups, victims' profiles and resulting recommendations for law enforcement and policymakers [12, 13]. Nigeria has established the National Agency for the Prohibition of Traffic in Persons and Other Related Matters, which also has a central database on criminal justice data concerning trafficking in persons. Peru has a central database that, since the end of 2005, centrally registers criminal justice statistics on trafficking in human beings. Other countries have appointed national rapporteurs to gather, exchange and process information on trafficking in human beings. Many more countries around the world have already established, or are in the process of establishing, national coordinators, round tables or inter-institutional task forces for anti-trafficking activities, which also collect and disseminate data on trafficking in persons.

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\* For example, a European Parliament resolution on strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation calls for member States to appoint national rapporteurs on anti-human trafficking activities, and stresses the importance of gathering gender-based and comparable data.

## **Additional limitations in criminal justice statistics on trafficking in persons**

As a general observation, whether or not a specific case is to be considered (and hence recorded in the statistics) as a case of trafficking in persons in the terms of the Protocol depends on the nature of the criminal act committed. At a minimum, this involves the combination of the three constituent elements of the definition in the Protocol: actions, means and purpose of exploitation (except in the case of children, where the means are irrelevant). It is clear from this definition that by far not all cases of, for example, slave labour or sexual exploitation are cases of trafficking in human beings cases. Thus, in legal proceedings, as well as in the production and compilation of data, a choice must be made as to whether or not to classify an identified case of exploitation as trafficking in human beings. A priori classifications will have to be revised in the course of investigations and proceedings. A particularity of trafficking in human beings may be that it is often the victims who are accused of and arrested for various offences (e.g. illegal residence, illegal work, procurement) rather than the traffickers and that much investigative effort is required to uncover the exploitative links between trafficker and victim.

In addition, a common problem in compiling comparable criminal justice data is that data are only rarely standardized, owing to wide differences in legal traditions and the institutional structures of national criminal justice systems. To allow for such differences, UNODC, in its regular United Nations Survey of Crime Trends and Operations of Criminal Justice Systems\* around the world, uses composite categories that contain similar law enforcement concepts in one statistical indicator, such as “the number of persons brought into initial formal contact with the police and/or the criminal justice system”. This indicator then encompasses persons suspected, investigated or arrested for trafficking in persons offences. Only a minority of countries can supply additional disaggregations into these three subcategories.

Using a similarly broad definition of “the number of persons against whom prosecution is commenced for trafficking in persons offences”, the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems demonstrates that a number of countries are able to supply such data but that the availability of the data varies widely among regions.

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\*The United Nations Survey of Crime Trends and the Operations of Criminal Justice Systems is now conducted by UNODC annually. Available from [www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html](http://www.unodc.org/unodc/en/data-and-analysis/United-Nations-Surveys-on-Crime-Trends-and-the-Operations-of-Criminal-Justice-Systems.html).

It is also noteworthy that, when we look at the availability of data on convictions for trafficking in persons offences, we find that, when such data are available at all, the numbers are generally very low compared to the numbers of investigations and prosecutions. On the one hand, this is related to the well-known difficulties of convicting the traffickers in human beings on the basis of available evidence (for example, when the victims of trafficking are not able to testify against the perpetrators because they have been returned to their countries of origin). Thus, data on a relatively low number of convictions also provide an important indicator that may lead to direct policy implications.\* On the other hand, the very low number of convictions is also likely to indicate the weaknesses of current legislation or enforcement efforts, which may lead to trafficking offences being punished under other, related offences such as sexual exploitation, assault or even immigration offences. In fact, this is often the only option available to punish traffickers in persons in the absence of any anti-trafficking legislation, but it may also be a frequent phenomenon in countries with comprehensive legislation when related offences are easier to prove in court. The point here is that the actual number of convictions of traffickers in persons may be understated (to an unknown extent), when such convictions are done and recorded under a different criminal offence. There is also the real possibility that some corrupt public officials may deliberately choose to treat a case of trafficking in human beings in court as a less serious offence in return for financial rewards.\*\*

Finally, we should note another issue arising out of the complexity of adjudicating trafficking in human beings cases in court, namely their long duration. It is quite common for such trials to last up to two years – and in many cases much longer – in which case data on the number of convictions in one year reflect cases in which prosecution was commenced several years earlier. Given the growing number of prosecutions in many countries over the past decade, we may expect the number of convictions to grow as well, albeit with a considerable time lag.

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\*Several countries have introduced temporary residence permits for victims of human trafficking cooperating with law enforcement agencies. For example, under United States law trafficking victims willing to assist prosecutors can obtain a so-called T-visa which allows them to stay in the country for up to three years. The Council of Europe Convention on Action against Trafficking in Human Beings has introduced an obligatory recovery and reflection period for a minimum of 30 days for undocumented victims and many European States have introduced temporary visas for a reflection period of six months ([14], p. 48).

\*\*On the relationship between corruption and trafficking in persons, see Richards [15]. The point here is that, in the presence of a significant level of corruption, the incentives for providing accurate and comprehensive criminal justice data on human trafficking diminish rapidly.

## Limitations related to data on victims of trafficking in persons

### *Non-reporting to the authorities*

As mentioned above, there are a number of reasons why victims of trafficking in persons are unable or unwilling to report to the police or to seek assistance from outsiders. Fear of the consequences of engaging with the police and a perception of the hopelessness of obtaining justice when cooperating with law enforcement authorities are two important reasons for not coming forward. This may be true even in cases in which victims of trafficking come into direct contact with the police, for example during raids on workplaces or brothels. However, there are a number of supporting mechanisms that can contribute to the incentives for victims of trafficking to come forward and report their case to the police. One important support mechanism is provided by organizations that provide services, such as shelter and reintegration support programmes, for victims of trafficking.\* Other mechanisms are provided by many States in the form of witness protection programmes and temporary residence permits for victims of trafficking. It is also clear, however, that not all States provide such protection programmes or any services to victims of trafficking at all (owing in part also to the absence of legislation), and we can therefore expect that the incentives for victims of trafficking to come forward and report to the police will vary widely among different countries. We can further expect that this situation is also reflected in the data on trafficking victims, with countries offering more comprehensive protection programmes achieving a larger share of victims who eventually report to the police than those that offer fewer services and less protection.

### *Different criteria for registering victims of trafficking in persons*

Beyond the general problem of obtaining information on the actual numbers of victims of trafficking, there are other issues that need consideration when analysing and interpreting data on identified trafficking victims. The first questions we need to ask are who identifies the victim and what are the criteria for identifying someone as a victim. The answers vary from country to country but usually involves the police and official law enforcement authorities of a country. However, there are also cases where the police have little or no legal basis to identify victims of trafficking. In such cases, there may still be organizations providing services to victims of trafficking in persons according

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\*The United Nations High Commissioner for Human Rights recommended in 2002 that support and care should not be made conditional upon the capacity or willingness of trafficked persons to cooperate in legal proceedings [16].

to their own criteria, and the only data that are available come directly from those service providers. Thus, data on victims of human trafficking obtained from such service providers can provide valuable indicators on national trafficking in human beings responses.

However, it should be kept in mind that the primary mandate of those service providers is to help victims in distress and not to collect standardized data. Thus, as those organizations will collect and compile data for their own purposes and with their own definitions and criteria, it is important to distinguish such data clearly from official data collected from law enforcement authorities, which usually have to abide by certain legal criteria and procedures for identifying and processing cases of trafficking in human beings. An example, taken again from a UNODC country assessment paper, illustrates the difficulties: "There are currently no common criteria for data collection on trafficking victims in Moldova ... Organizations continue to collect information using their own diverse methodologies. Not all service providers distinguish clearly between potential and actual victims, or the types of exploitation" [17]. Data from providers of services to victims of trafficking are also decentralized, more difficult to collect, less standardized and may even be kept deliberately secret to protect rescued victims.

Looking more closely now at official data and the criteria for determining (and thus counting) victims of trafficking, it appears that there are significant differences among countries. In some countries, most persons who identify themselves as victims of trafficking will initially be counted in statistics, while further investigations will determine how to proceed in any specific case. In other countries, only persons who have been preselected by the police as potential victims of trafficking will be registered as identified victims of trafficking. In yet other countries, only the number of officially "certified" victims of trafficking in persons will be reported ([18], pp. 16 ff). Still other countries apply even stricter criteria for counting victims of trafficking where even identified victims of trafficking will be recorded by official bodies (police, prosecutors, etc.) only if they are willing to press charges and/or to testify against their traffickers.

It is true, of course, that in many countries data on victims of trafficking in persons obtained from official governmental bodies (such as the federal police, national anti-trafficking coordinators, the ministries of justice, etc.) will be similar to data obtained from service providers. This is especially likely where law enforcement agencies and NGOs cooperate closely in assisting victims of human trafficking. To enhance this cooperation, a number of countries have now instituted so-called national referral mechanisms for victim assistance where victims identified by the police are referred to NGOs for

shelter and assistance. In other countries where such mechanisms are not formally in place, victims may be referred to service providers in an informal manner on a routine basis.

Finally, one potentially serious problem in monitoring and aggregating data on victims of trafficking in human beings across different countries needs to be addressed – the statistical problem of double-counting, namely of victims who are returned from destination countries to their countries of origin (either officially through victim support programmes or otherwise). In this case, victims may turn out to be counted both in the data on victims in the destination countries and in their countries of origin where they are received and are often provided with further support.

### **Data collection in the United Nations Office on Drugs and Crime**

To alleviate the shortage of data on global responses to trafficking in human beings, a special research project within the Policy Analysis and Research Branch of UNODC was established in 2007 with the goal of systematically collecting official crime and criminal justice-related data on trafficking in persons and its victims. The research generated knowledge on national responses to trafficking in human beings at the global level, first, by developing methodologies for improved data collection and, second, by actually gathering and reporting available primary data and information on trafficking in human beings.

The data-collection exercise focused on data in three areas:

(a) Institutional framework: existence of trafficking in human beings legislation, identification and quantification of national law enforcement personnel combating such trafficking, national action plans, victim support programmes;

(b) Criminal justice response: investigations, arrests, prosecutions, convictions and sentences for trafficking in persons offences;

(c) Services provided to victims of trafficking in persons: referral mechanisms, victims identified, forms of exploitation, victims sheltered by authorities and NGOs, number of sheltering facilities and beds available for victims of trafficking.

To meet the challenges of comprehensively gathering and compiling these data at the global level, the information was proactively collected by researchers who acted as regional focal points deployed at UNODC field offices throughout the world. The researchers had been chosen on the basis of their regional expertise on human trafficking and were trained in a uniform data-gathering methodology. Their role was mainly to solicit the various national authorities involved in anti-trafficking activities to provide the information sought and to gather information from other sources (NGOs, international organizations) where required.

In the end, that research exercise was able to gather data from 155 countries and territories, while also highlighting the major information gaps still existing. It resulted in the first *Global Report on Trafficking in Persons*, which provides a global overview of the existing trafficking information for the international community based on official data [19]. Following the launch of the first *Global Report*, UNODC was mandated to produce a *Global Report on Trafficking in Persons* every two years, with the second report due in 2012.

## Conclusion

The present paper has sketched some of the major problems in compiling and interpreting criminal justice statistics on trafficking in human beings: a complete or partial lack of legislation, differences in existing legal definitions of trafficking in persons, serious underreporting because of the challenges of correctly identifying the crime, lack of capacity for data collection and a common lack of central databases on the crime. Given all these constraints, it is not surprising that it is difficult to supply reliable official data on law enforcement activities against trafficking in human beings. Similarly, there are major problems in obtaining and compiling reasonably complete, comparable and accurate data on identified victims of trafficking. Apart from the familiar problems of non-reporting to the authorities, there are also different criteria used for recording, certifying or generally recognizing victims of trafficking in persons, which seriously affect the comparability of data across countries. The *Global Report on Trafficking in Persons*, published regularly by UNODC and specifically established to systematically collect and disseminate official crime and criminal justice-related data on trafficking in persons and its victims around the world, has started to address the data problems identified here and to contribute to improved collection of data on this issue around the world.



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# JUVENILE JUSTICE INDICATORS

By Steven Malby\*

## Introduction

It is commonly reported that the estimated global number of children deprived of liberty as a result of conflict with the law is more than 1 million [1]. Beyond this, however, at the global level, we know very little in terms of hard numbers concerning children who have committed, or have been accused of having committed, a criminal offence.

We may have fragmented or anecdotal evidence that large numbers of children are detained. We may recognize that this is often for petty crimes, and that the majority of detained children are either awaiting trial or a final decision on their case ([1], p. 280). We may postulate that this experience is rarely in the best interests of such children, or even of the societies that such actions are meant to protect. We may suspect that mistreatment and abuse in detention are common, and that nearly all of these problems are avoidable when appropriate systems are in place and used. However, such suppositions are exactly that: educated conjecture, frequently lacking a solid statistical basis, let alone the ability to systematically compare situation analyses across countries, across regions or worldwide.

Exactly how many children are deprived of liberty today? Are they separated from adults? What proportion of them are in pretrial detention? How long on average does a detained child spend behind bars? How many children in conflict with the law have their cases diverted away from contact with the formal justice system? Which countries do not yet have a specialized juvenile justice system? Which countries do not allow independent bodies to visit detention facilities where children are held?

Such questions extend far beyond the interests of international child rights advocates, criminologists or statisticians. Indeed, in as much as information at the global level is essentially derived from information reported by States, any evident lack of information at the international level may be symptomatic of a lack of information at the national level. In turn, if government officials and the institutions making up the juvenile justice system themselves do not have information about the functioning of the system or the children who are

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in contact with it, abuse, violence and exploitation can occur with impunity, and the experience of the child is unlikely to be in his or her best interests. A child may spend long periods deprived of liberty, or be sentenced to a measure that is inappropriate for ensuring his or her welfare. A delay in a child's case before the courts may go unnoticed for months or even years. Government officials may find it difficult to assess the impact of new juvenile justice policies or guidelines.

In short, a failure to carefully record and make strategic use of juvenile justice-related information contributes to a failure to ensure the protection of the child in conflict with the law.

The collection of hard and systemic data could make a significant difference, and not only through the uses to which such data could be put once collected. Rather, the process of information collection is itself capable of contributing significantly to the protection of the child in conflict with the law. Where government officials – be they police officers, prosecutors, judges, detention centre staff, social or probation workers – have a daily focus on case information collection and management, children in contact with the formal justice system should be less able to “slip through the net”, should be tracked carefully through the system and should be more likely to receive the support they require for successful reintegration into society and the prevention of reoffending.

It is in this context that juvenile justice indicators are examined in the present article. The primary focus of this article, however, is not the protection of the child *per se*. Rather, it is the overall utility of juvenile justice indicators and the methodology of their measurement. Nonetheless, throughout the discussion that follows, the reader will do well to bear in mind that the measurement of indicators is not an academic exercise. On the contrary, it is the output of a child-centred process that begins with the individual child, includes the situation of that child in a global figure and, ultimately, seeks the protection of each child to which the indicator relates.

### **Indicator development**

The term “indicator” has received particular attention in recent years, not least within the areas of crime, development and human rights. Indicators have been developed, or are under development, for – among others – the assessment of the observance and fulfilment of human rights standards [2], monitoring the Millennium Development Goals [3] and monitoring trends in

conventional crime, corruption, transnational organized crime and trafficking in and smuggling of migrants [4]. The context in which an indicator is used has a particular bearing on its meaning. Indeed, numerical figures frequently termed “indicators” may refer, non-exhaustively, to either: (a) a quantitative measure that is commonly accepted as informative about some larger phenomenon – such as the use of homicide rates as a key crime indicator [4]; or (b) the assignment of some numerical value to a qualitative phenomenon following its standardized assessment – such as the assignment of indicators to facets of governance by the World Bank.\* Such indicators may be used for any number of purposes, including the tracking of trends in the occurrence of a particular phenomenon over time, or the measurement of a state of affairs against some predetermined benchmark or standard.

In the case of juvenile justice, the field has benefited from a relatively high degree of attention in the area of international law, standards and norms. As a result, a substantive body of jurisprudence and international instruments set out both binding and non-binding standards concerning the treatment of children in conflict with the law by the State.\*\* An extensive set of standards naturally raises the question of how compliance by States might be assessed. It was this need, among others, that led United Nations Children’s Fund (UNICEF) in 2003 to initiate a process of identifying a manageable set of global priority indicators for juvenile justice. Such a set of indicators was intended to improve the availability of data on children’s rights within juvenile justice systems, enable countries to compare progress towards increased protection for children in conflict with the law and aid reporting by States to the Committee on the Rights of the Child under the Convention on the Rights of the Child.

The UNICEF juvenile justice indicator project began life as a list of some 60 variables that were considered suitable as possible juvenile justice indicators. The list included both quantitative measures (such as the number of children arrested within a particular time frame) and significant qualitative factors (such as whether a State operates a specialized juvenile justice system). The list of 60 possible indicators was reviewed at a meeting of juvenile justice experts in November 2003, and participants in the meeting produced a list of 9 priority indicators from the original 60. The list was subsequently

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\* See for instance <http://info.worldbank.org/governance/wgi/index.asp>.

\*\*The most important of these being: Convention on the Rights of the Child; United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines); United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules); United Nations Rules for the Protection of Juveniles Deprived of their Liberty; United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules); Guidelines for Action on Children in the Criminal Justice System; basic principles on the use of restorative justice programmes in criminal matters; and Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

expanded to 12 indicators and, following a substantive field test in the Philippines [5], was finalized as 15 global justice indicators approved by the Interagency Panel on Juvenile Justice.\*

Subsequent cooperation between the United Nations Office on Drugs and Crime (UNODC) and UNICEF led to the publication of the *Manual for the Measurement of Juvenile Justice Indicators* in 2007 [6]. The aim of the *Manual* was not only to introduce the 15 indicators, but also to describe their utility and provide practical guidance, strategies and tools for information collection, collation and calculation of the indicators.

### The juvenile justice indicators

The 15 global indicators – which are listed below – are based on, and designed to aid assessment of compliance with, the relevant international standards in juvenile justice. As a result, the *Manual* adopts the definition of an indicator as “a common way of measuring and presenting information that reveals whether standards are being met” ([6], p. 2). In order to fulfil this demanding aspiration with respect to the array of international standards in juvenile justice, the 15 global indicators were chosen to include: (a) 11 quantitative indicators – requiring the collection of numerical information about children in conflict with the law; and (b) 4 policy indicators – enabling the assignment of a basic numerical value to descriptive information about juvenile justice law and policy, following its standardized assessment. At the same time, the fact that particular measurements were excluded from the final list of 15 indicators is not to imply that such measurements should not also be made by national justice systems where possible. The list of indicators used in the field test in the Philippines, for instance, included an indicator on the distribution of the State juvenile justice budget between detention and community-based sentencing options – an indicator that was not ultimately included in the final 15 ([5], p. 6). Rather, the list of 15 indicators is intended only to provide a consensus-based list of variables that, if measured, should provide a basic and standardized picture of compliance with international juvenile justice standards. The 15 indicators are listed in the table below.

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\*The Interagency Panel on Juvenile Justice (formerly: Inter-Agency Coordination Panel on Juvenile Justice) was created by Economic and Social Council resolution 1997/30 to improve coordination and action among United Nations agencies and international non-governmental organizations active in this area. Panel members are the Committee on the Rights of the Child, the Office of the United Nations High Commissioner for Human Rights, the United Nations Children’s Fund, the United Nations Office on Drugs and Crime, the United Nations Development Programme, the Department of Peacekeeping Operations of the Secretariat, Defence for Children International, Terres des hommes: aide à l’enfance, the World Organization against Torture, and Penal Reform International.

## The fifteen global juvenile justice indicators

Indicator		Definition
<i>Quantitative indicators</i>		
1	Children in conflict with the law	• Number of children arrested during a 12-month period per 100,000 child population
2	Children in detention	• Number of children in detention per 100,000 child population
4	Duration of pre-sentence detention	• Time spent in detention by children before sentencing
5	Duration of sentenced detention	• Time spent in detention by children after sentencing
6	Child deaths in detention	• Number of child deaths in detention during a 12-month period, per 1,000 children detained
7	Separation from adults	• Percentage of children in detention not wholly separated from adults
8	Contact with parents and family	• Percentage of children in detention who have been visited by, or visited, parents, guardian or an adult family member in the last 3 months
9	Custodial sentencing	• Percentage of children receiving a custodial sentence
10	Pre-sentence diversion	• Percentage of children diverted or sentenced who enter a pre-sentence diversion scheme
11	Aftercare	• Percentage of children released from detention receiving aftercare
<i>Policy indicators</i>		
12	Regular independent inspections	<ul style="list-style-type: none"> <li>• Existence of a system guaranteeing regular independent inspection of places of detention</li> <li>• Percentage of places of detention that have received an independent inspection visit in the last 12 months</li> </ul>
13	Complaints mechanism	<ul style="list-style-type: none"> <li>• Existence of a complaints system for children in detention</li> <li>• Percentage of places of detention operating a complaints system</li> </ul>
14	Specialized juvenile justice system	• Existence of a specialized juvenile justice system
15	Prevention	• Existence of a national plan for the prevention of conflict with the law among children

Source: *Manual for the Measurement of Juvenile Justice Indicators* (United Nations publication, Sales No. E.07.V.7), p. 5.

In order to provide a standard form of measurement, and hence comparability, the quantitative indicators request information with reference to defined periods of time (such as a 12-month period) or defined numbers of children (such as per 100,000 child population). All of the indicators may be tied to relevant provisions of international instruments, such as the requirement that the arrest, detention or imprisonment of a child be in conformity with the law and be used only as a measure of last resort and for the shortest appropriate period of time.\* Thus, the quantitative indicators ask basic numerical questions that are pertinent to assessing compliance with these standards, such as “How many children are in pre-sentence detention per 100,000 child population on a particular date?” (indicator 3), or “What percentage of children sentenced during a defined 12-month period were sentenced to deprivation of liberty?” (indicator 9). Importantly, the quantitative indicators seek information on the concept of diversion, whereby the case of a child in conflict with the law may be resolved without recourse to a formal hearing before the relevant competent authority or court. International standards – primarily in the form of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)\*\* – encourage such action where appropriate, and indicator 10 (pre-sentence diversion) attempts to probe the extent to which this is carried out in practice.

It is not only quantitative information that the global indicators seek. International standards also cover law and policy-oriented qualitative aspects of a juvenile justice system. These include whether a complaints system exists for children in detention (indicator 13) and whether a State has put in place a national plan for the prevention of child involvement in crime (indicator 15). In addition, indicator 14 attempts to capture whether a State has created a justice system specialized for children. The policy indicators examine such features by asking whether the feature is enshrined in national law or policy. This information, of course, is in non-numerical form. As a result, the *Manual for the Measurement of Juvenile Justice Indicators* contains a policy analysis tool for each policy indicator. The tools contain sets of standardized questions based on the relevant international standards, each of which can be answered by a simple “yes” or “no” response. The subsequent counting of responses allows the assignment of a numerical level to the (otherwise) qualitative indicator. The four levels proposed by the *Manual* are level (1) – [feature] does not exist in law or policy; level (2) – [feature] is only weakly protected by law or policy; level (3) – [feature] is moderately protected by law or policy; and level (4) – [feature] is extremely well protected by law or policy.

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\* Convention on the Rights of the Child, article 37 (b).

\*\* See, for instance, rule 11.



Such an approach may be open to some criticism for being a relatively blunt instrument. In this respect, it is certainly true that the proposed levels blur the many nuances and complexities of a juvenile justice system in national law and policy. Nonetheless, the essence of the policy indicators is to provide a standard, and simple, method for representing what is – of necessity – a complex phenomenon: society’s response to children who commit criminal offences. To some extent it is inevitable that the whole picture cannot be captured by four qualitative indicators. Nonetheless, it is important to note that the approach taken by the *Manual for the Measurement of Juvenile Justice Indicators* should be taken only as a starting point for indicator measurement by States and international and non-governmental organizations. The qualitative indicator level system can, for instance, be expanded as appropriate to include further levels. The law and policy analysis tools may also be expanded to cover implementation of law and policy in practice. Indeed, a State that is serious about assessing its juvenile justice system against international standards will likely collect and analyse a greater degree of information than that required solely by the *Manual’s* tools. Any collection and presentation of information additional to the indicators can only contribute to the protection of children in conflict with the law and the global knowledge base on the operation of juvenile justice systems.

### **A question of definitions**

One important use of the global juvenile justice indicators is to enable comparability of results across countries and regions, as well as globally. Government systems for responding to children in conflict with the law, however, typically vary in name and approach according to the country context. Children may be dealt with through the formal justice or court system, by the State welfare system or, for minor offences, by an administrative offence system. Such systems may function within the context of the adult criminal justice system, or may operate largely outside of the judicial system through committees, commissions or administrative panels. Nonetheless, wherever the system contains a degree of specialization for children – whether the system is based on courts, the welfare system or an administrative system – it is frequently known as a juvenile justice system. The *Manual for the Measurement of Juvenile Justice Indicators* therefore uses the term “juvenile justice system” to refer to the “laws, policies, guidelines, customary norms, systems, professionals, institutions and treatment specifically applicable to children in conflict with the law” ([6], p. 1).

The problem remains, however, that the range of different juvenile justice systems can give rise to a very different range of responses, to the extent that even the definition of “in conflict with the law” itself may vary between States. In addition to being arrested for the committal of a clear offence under national law, children may be arrested as a result of being found to be “at risk of delinquency” or in an “irregular situation”. They might even find themselves in detention as a result of law enforcement authorities acting improperly or arbitrarily. Further, at the institutional level of places of detention, the juvenile justice or adult criminal justice system may meet the child protection or social welfare system. Children in some countries may, for instance, be sent to the same place of detention as children in conflict with the law by a social worker because the child is without his or her primary carer and is deemed to be in need of care and protection. Further definitional problems exist with respect to the age at which a child may be considered by the national juvenile justice system to be capable of committing a criminal offence, the age at which a child may be dealt with by the adult criminal justice system and the age at which a child may be sentenced to deprivation of liberty.

It quickly becomes clear that if the global juvenile justice indicators are to be effective, there is a need for a consistent approach to definitions and measurement. The *Manual for the Measurement of Juvenile Justice Indicators* sets a number of markers to assist in this respect. In particular, the *Manual* proposes that figures concerning children who are detained for reason of “conflict with the law” should include any child who has “arrived in a place of detention mainly by way of the juvenile justice or adult criminal justice system”, even when this is due to a situation (such as “risk of delinquency”) that should more properly have been regarded as a need for care and protection, and subject to the concern of a social or welfare officer ([6], p. 27). Similarly, the *Manual* addresses juvenile justice systems that are predominantly welfare-oriented with a high age of criminal responsibility, such as 17 or 18 years. Under such systems, children are typically not described as having committed an offence, but may nonetheless be sentenced to deprivation of liberty at an institution such as a “closed educational establishment” by a commission or committee-oriented body. The *Manual* recommends that children who have had contact with such a competent authority (other than solely because of a requirement for care and protection) should also be counted for the purposes of the applicable indicators ([6], p. 27). Such an approach is aimed at capturing the essence of what it means for a child to be in conflict with the law, and at including such children in the indicator figures irrespective of the particularities of national juvenile justice regimes.

## A methodology for measurement

As stated by the *Manual for the Development of a System of Criminal Justice Statistics*: “Any organization or agency should be capable of monitoring its own activities” ([7], p. 1). This premise applies equally to State authorities that are responsible for dealing with children in conflict with the law within the juvenile justice or adult criminal justice system. Such authorities will typically consist of police or security forces, prosecution services, courts, places of detention and welfare or probation services. The 11 quantitative indicators require basic numerical information concerning numbers of children in the system. The system is itself responsible for admitting such children. Thus, the starting premise is that the system should be capable of supplying the required information.

Of course, this is not always the case and, in practice, national juvenile justice systems may find it extremely difficult to provide accurate information for use in indicator calculation. For the 72 countries that responded to the Eleventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (covering the period 2007 to 2008), for instance, response rates to questions involving juvenile justice statistics averaged only 56 per cent, representing a global response rate to these questions of less than 25 per cent.\* Unfortunately, the difficulties of obtaining accurate and meaningful statistics on the operation of criminal justice systems are all too well known. In particular, this can be due to decentralized record-keeping by different governmental agencies (police, prosecution, courts and places of detention), a lack of resources and capacity for data collection and updating, or even a lack of political will to closely monitor the operation of the criminal justice system. The difficulties are augmented, however, when it comes to juvenile justice owing, as discussed above, to variations in the age of criminal responsibility, the use of administrative sanctions and procedures in relation to juveniles and the very different nature of laws, policies and practices applied across States [8].

In order to assist in overcoming such hurdles, the *Manual for the Measurement of Juvenile Justice Indicators* offers some practical suggestions for a standardized methodology for measurement of the global juvenile justice indicators. As a method for the measurement of a discrete set of criminal justice system-related indicators, this methodology is proposed to represent a coherent approach that balances both the need to obtain information rapidly where necessary against the longer-term aim of building capacity for the development of

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\*Figure calculated from UNODC observations concerning the responses to the Eleventh United Nations Survey of Crime Trends and Operations of Criminal Justice Systems.

information systems within the criminal justice system. Indeed, the lessons learned from application of the juvenile justice indicator methodology may prove highly informative in other areas, such as the measurement of justice-related indicators in post-conflict situations, gender-related justice indicators or indicators designed to assess the performance of a criminal justice system in priority areas such as trafficking in persons.

In essence, the *Manual* methodology may be viewed as a three-stage (ongoing) process. Ideally, this process should be directed by a government-led management team that may contain representatives of relevant government ministries (such as ministries of justice, interior or social affairs). The three stages consist of: (a) the collection of information (at the level of the smallest possible organizational unit for the quantitative indicators, and at the central level for the policy indicators); (b) collation of information (at the district, regional or central level); and (c) calculation of the indicators (at the central level) ([6], p. 37). In other words, the *Manual* envisages a flow of information from the local level – such as a local police station – to the central level – such as a national statistical institute. In order to ensure that all necessary data are captured, the *Manual* suggests that those responsible for the national juvenile justice indicator measurement process first generate a system “map” of the context in which information for the indicators will be collected. Such a map should include the identification of (a) information sources and (b) relevant child populations.

An information source will usually be a single institution or individual that forms part of the juvenile justice system and is responsible for taking key decisions that affect children in conflict with the law. Information sources usually have direct contact with such children and include, for instance, individual local or district police stations, places of detention such as individual prisons or remand homes, and competent authorities such as magistrates’ courts or juvenile courts. Child populations, on the other hand, are particular groups of children that must be counted in order to measure a particular indicator. These could be, for example, “all children in detention on a particular date” or “all children leaving detention during the course of 12 months”, depending upon which indicator is being measured.

Subsequent to the production of such a map, the focus is on assessing the extent to which information sources already record accurate information about individual children in conflict with the law. Where information sources do systematically record information (such as the date on which a child was arrested, or the offence that he or she is alleged to have committed), the body or institution that records the information may be said to operate an “information system”. Information systems can range from a simple manual

log book recording the entry and exit of children into and from a single place of detention, to a computer system used to record information from many different authorities, such as the police or public prosecutors.

Once the extent of existing information-recording by information sources has been determined, the *Manual* recommends that the management team direct the transfer of existing information from the local level, via regional institutions, to a designated central body, such as a national statistical institute. Wherever possible, raw information should be forwarded to the designated central body at the level of the individual child. As compared with aggregated, summary or “total population” information, data concerning individual children contain significantly more detail, allow greater flexibility in information analysis and allow information quality to be verified ([6], pp. 37-38).

Thus, ideally a local court, for instance, would forward to the designated central body a list of juvenile cases determined each month, including a record of whether each child was acquitted or convicted, and whether a custodial or non-custodial sentence was imposed. The designated central body, upon receiving information from all local courts, should then be in a position to collate and analyse the data, leading ultimately to the calculation of the relevant indicator, according to its definition as set out in the table above.

A key task of the management team is to work with information sources to improve the extent and quality of information recording. Ongoing measurement of the global juvenile justice indicators can be achieved only where adequate information systems are in place in the juvenile justice system. Indeed, careful examination of the definitions of a number of the quantitative indicators reveals that 7 of the 11 quantitative indicators require historical data for measurement. That is, those indicators cannot be measured according to their agreed definition unless relevant data records cover a period of at least one year. Indicator 5 (duration of sentenced detention), for instance, requires an individual record of the date of commencement and date of completion of sentenced detention for each child completing sentenced detention during a 12-month period.

Aside from the demands of indicator measurement, however, investment in information systems within the justice sector makes good sense. Criminal justice systems need a functioning case-management and information system to achieve greater efficiency and respect for the human rights of all involved. Moreover, as noted at the beginning of this article, from the child-protection point of view, the implementation of information systems within bodies or institutions, such as places of detention, contributes significantly to decreasing the risk that children in conflict with the law will be exposed to abuse,

violence or exploitation, and to ensuring that each child is treated in a way that is in his or her best interests. This is because information systems enable more efficient administration and oversight of system institutions, assist in the planning of resources and help to ensure that individual children are not “lost” within the system.

The development of information systems, particularly computerized systems, requires considerable thought, and it is not the purpose of this article to consider in depth the way in which such systems might be designed and implemented. Suffice it to say that measurement of the global juvenile justice indicators does not require sophisticated information technology investment. An efficient paper filing or card system might be preferable to a computerized system if no resources are available for setting up, maintaining and updating such a system and if resources are scarce. The *Manual* aims to offer some assistance in this respect through the provision of basic pre-formatted Excel spreadsheets that can be used by police stations, courts and places of detention to record details of children in conflict with the law, using one spreadsheet line per child. These tools are available on the CD-ROM version of the *Manual*.

UNODC and UNICEF are currently engaged in a programme of regional training based on the *Manual* with a view to supporting countries in the development of juvenile justice information systems. To date, regional training workshops have been carried out in Nepal for South Asia (November 2008), Jordan for the Middle East (May 2009), Morocco for North Africa (March 2010) and Belgium and Bulgaria for South-Eastern Europe and the Eastern European neighbourhood countries (June and October 2010). Individual country workshops have also been held with the support of UNODC and UNICEF in a number of countries, including Benin and the Russian Federation.

Notwithstanding the longer-term development of information systems, the *Manual for the Measurement of Juvenile Justice Indicators* also examines the potential for rapid information collection through sampling. Such an approach might be appropriate in the first instance where, in a particular country context, it is not yet possible to obtain existing written or recorded information about every child in contact with the juvenile justice system. A local police station, for example, may record the details of every child that it arrests, but the wrong date of birth might be noted in over 70 per cent of cases. The local court may omit to record whether a decision applies to an adult or a juvenile, even given that a record is made of each judicial decision. Where the capacity to provide and collate existing information is limited in this way, information may initially be collected from only part of the whole population. Twenty local police stations, for example, might be selected as information

sources, rather than the whole population of 200 police stations. While caution must be exercised as to the true randomness of each sample, it may, nonetheless be possible to draw inferences about the population as a whole. The *Manual* suggests statistical methodology for such an approach, including techniques based on simple random, stratified and cluster sampling for the estimation of population proportions and population totals within confidence limits ([6], appendix 2). As with the development of information systems, it is somewhat outside the scope of this article to address this approach in depth.

## Conclusion

Following the brief survey of the content of the 15 global juvenile justice indicators and the challenges and methodology of measurement, it is instructive to finish with a final review of the utility of the indicators.

As alluded to in a number of places above, first and foremost, the juvenile justice indicators are about engaging local actors in information collection, with a view to preventing children from “slipping through the net”, thereby introducing accountability into the juvenile justice system and increasing protection for children in conflict with the law. If a police officer is expected to file a report upon each arrest of a child, which must be handed to his superior, and onwards to his regional command, with ultimate inclusion in records for the ministry of interior, he is less likely to exercise his power of arrest arbitrarily, or to keep the child in police detention for an indefinite period of time. The methodology envisaged for indicator measurement places an emphasis on national ownership of the information collection process and the engagement of actors at the local level.

Secondly, the indicators provide a global baseline definition for monitoring progress towards the fulfilment of international standards. They may be used in advocacy initiatives by international and non-governmental organizations and assist State reporting to the Committee on the Rights of the Child. Where a national indicator information process is additionally able to produce disaggregated indicator measurements – such as by gender – then the scope for advocacy is further increased as concerns the existence of inequalities or discrimination within the juvenile justice system.

Thirdly, the indicators offer States an opportunity for their own serious internal review of national policy, programmes and practice in the area of juvenile justice. Where information collection is not a matter of routine, local juvenile justice systems may be unaware of gaps in the system or of issues that

have economic or fiscal implications – such as lengthy pre-sentence detention times – that need to be addressed. The indicators offer the opportunity for a quantitative assessment of new policies or programmes, including the option of monitoring the impact of such initiatives over time.

Measurement of the indicators in isolation contributes little. The real engagement of all elements of the juvenile justice system in information collection, collation and analysis, however, offers the possibility of change and, ultimately, visibility and protection for children in conflict with the law.

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# THE MEASUREMENT OF CORRUPTION

By Enrico Bisogno\*

## Introduction

Over the past two decades, several attempts have been made to conduct quantitative assessments of corruption. Researchers and statisticians have explored ways to generate hard data to inform public debates and policy developments on corruption. Such attempts, however, have faced several methodological and operational challenges. Corruption is a crime, and collecting accurate data on it is as challenging as gathering evidence on other forms of crime. Illicit behaviours are hidden, and victims are not always willing or able to report to authorities. In the case of corruption, the collection of statistical evidence is further complicated by three additional factors:

(a) When national legislation is not fully consistent with the United Nations Convention against Corruption [1], borders between licit and illicit, or appropriate and inappropriate behaviours are often blurred;

(b) As chapter III of the Convention calls for the criminalization of a catalogue of offences of corruption, an accurate assessment would require the collection of data on each of those offences of corruption, a daunting task;

(c) In comparison to victims of other offences, victims of corruption are less prone to report to competent authorities, for reasons such as fear of retaliation or reluctance to fight an established practice, or because to some extent they share responsibility for the crime.

The difficulty of collecting evidence- or experience-based data has favoured the use of indirect approaches to measure corruption, such as methods based on experts' assessments and re-elaboration of available data (i.e. composite indices).

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## Indirect methods of assessing corruption

Two indirect approaches have been widely used in the assessment of corruption, at both the national and the international level:

(a) Expert assessments: according to this approach, a selected group of experts is asked to provide an assessment of corruption trends and patterns in a given country or group of countries. The basic idea behind experts' assessments is to collect summary information from a selected set of individuals who are supposedly familiar with the information sought;

(b) Composite indices: this approach is a method of combining a variety of statistical data into a single indicator; it is often used to quantify multidimensional concepts succinctly or to assemble data generated by diverse sources.

### *Expert assessments*

A number of existing tools have made use of the methodology of expert assessment; this approach involves targeting a group of experts as respondents to questionnaires. Research of this type limits the scope of data collected, but has the advantage of generating relatively complete data sets. Such assessments have generally been carried out within the framework of governance assessments with a view to assessing risks and rating countries. Thus, corruption is only one of the dimensions that expert assessments of governance deal with. Results can, nonetheless, be useful for qualifying perceptions and raising awareness of investors and/or donors on specific situations that need to be addressed. They may, however, be much less useful in measuring the impact of actions or programmes and as performance indicators.

Such expert governance assessments have included the World Bank's Country Policy and Institutional Assessment, the United Nations University World Governance Survey in late 2000 and early 2001,\* the European Bank for Reconstruction and Development 2004 Legal Indicator Survey on Insolvency and the Human Rights Report of the Department of State of the United States of America.\*\* These assessments attempt to capture a range of indicators, including "transparency, accountability and corruption in the public sector" (World Bank), the extent to which "influences" might intrude on both courts and office holders (European Bank for Reconstruction and

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\* [www.odi.org.uk/WGA\\_Governance/About\\_WGA.html](http://www.odi.org.uk/WGA_Governance/About_WGA.html).

\*\* [www.state.gov/g/drl/rls/hrrpt/2005/index.html](http://www.state.gov/g/drl/rls/hrrpt/2005/index.html).

Development) and allegations of corruption in the executive or legislative branches of government (Department of State of the United States).

In addition to governmental and intergovernmental organizations, expert assessments have also been carried out by commercial risk-rating agencies. Perhaps among the best known of these are the risk event indices of Global Insight which include the risk of “losses and costs of corruption”;<sup>\*</sup> reports by the Economist Intelligence Unit;<sup>\*\*</sup> the Qualitative Risk Measure in Foreign Lending-Financial Ethics Index of Business Environment Risk Intelligence;<sup>\*\*\*</sup> and the Political Risk Services and International Country Risk Guide produced by the Political Risk Services Group.<sup>\*\*\*\*</sup> Corruption in Asia has also been examined in particular by the Political and Economic Risk Consultancy (PERC) survey, which solicits the views of regional managers of multinational companies on corruption in the places where they are stationed and their country of origin. The 2010 PERC survey received 2,174 responses from 16 countries in Asia. Using a grading system of 0 to 10 (with 10 being a measure of corruption as a “very serious” problem), responses to perception-based questions were used to establish an overall corruption “grade” for the 16 countries. The results ranged from about 3 for Singapore to scores on the order of 6 or 7 for Thailand and India. Other international private sector surveys of business leaders include the “International business attitudes to corruption: survey 2006”,<sup>\*\*\*\*\*</sup> published by the Control Risks Group [Ltd.] and Simmons and Simmons. The report on that survey, published in October 2006, was based on responses from 350 senior businesspersons from seven countries in three continents. The survey included a measure of the extent to which business leaders perceived international competition to be affected by varying degrees of compliance with the United Nations Convention against Corruption.

Non-governmental organizations and academics have also engaged in expert assessment of the extent of corruption. The Freedom House Nations in Transit series, for instance, examines democratization and reform in former communist States of Central Europe and Eurasia. The study includes an analysis of perceptions of corruption, business interests of policymakers, laws on financial disclosure and conflict of interest, and the effectiveness of anti-corruption initiatives.<sup>\*\*\*\*\*</sup>

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<sup>\*</sup> [www.globalinsight.com](http://www.globalinsight.com).

<sup>\*\*</sup> [www.eiu.com](http://www.eiu.com).

<sup>\*\*\*</sup> [www.beri.com](http://www.beri.com).

<sup>\*\*\*\*</sup> [www.prsgroup.com/ICRG.aspx](http://www.prsgroup.com/ICRG.aspx).

<sup>\*\*\*\*\*</sup> [www.controlrisks.com/SitePages/Home.aspx](http://www.controlrisks.com/SitePages/Home.aspx)

<sup>\*\*\*\*\*</sup> [www.freedomhouse.org/template.cfm?page=17&year=2006](http://www.freedomhouse.org/template.cfm?page=17&year=2006).

Overall, the use of expert assessment methodology for the measurement of corruption is seen to have a number of strengths and weaknesses. While it is usually relatively easy to obtain responses from expert groups, it must be borne in mind that the group chosen is not necessarily representative of the country or region in which corruption is to be assessed. Expert assessment has the advantages of being relatively cheap and straightforward to repeat at intervals. However, the method has also been criticized as imprecise (being based predominantly on perceptions), with results subject to a high degree of subjective interpretation.

### ***Composite indices***

As the name suggests, composite corruption indices are a method of integrating corruption data from a range of different sources. Two such established indices are the Corruption Perceptions Index and the World Bank governance indicators. Transparency International was the first organization to attempt the integration of data from a number of sources. This was done with a view to compensating for missing data and to providing an overview of the corruption situation based on a range of sources and from a variety of points of view (including experts, individual citizens and businesses). While these are obvious benefits, the aggregation of data in such a way has also led to criticism that such indices reduce the specificity of information. The simplicity of the outcome from composite indices further makes “ranking” of countries particularly straightforward, with the result that users may tend to attribute greater value to the ranking of a country than the individual measured corruption value itself.

The Corruption Perceptions Index itself gathers data from sources covering the two years previous to the year to which the index relates.\* The criteria for inclusion of a source in the index are that the source must measure the overall extent of corruption (separately from other issues such as political instability), provide an assessment of multiple countries and be able to rank those countries through the assignment of a quantitative value. In order to achieve this, the source must have applied the same methodology across the countries it includes. Sources may, however, be based on either surveys or expert assessment, and be either perception- or experience-based. Each source is given equal weight, but a country is included in the Index only if three or more sources are available. In the 2010 Index, the following sources were used:

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\*The Corruption Perceptions Index can be found on the website of the Internet Center for Corruption Research ([www.icgg.org](http://www.icgg.org)), a joint initiative of the University of Passau, Germany, and Transparency International.

(a) “Country performance assessment ratings”, 2010, Asian Development Bank (transparency, accountability and corruption in the public sector);

(b) “Country policy and institutional assessments”, 2010, African Development Bank (transparency, accountability and corruption in the public sector);

(c) “Bertelsmann Transformation Index”, 2009, Bertelsmann Foundation (the government’s capacity to punish and contain corruption);

(d) “Country policy and institutional assessment”, 2010, World Bank, International Development Association and the International Bank for Reconstruction and Development (transparency, accountability and corruption in the public sector);

(e) “Country risk service and country forecast”, 2010, Economist Intelligence Unit (misuse of public office for private or political party gain, including corruption in public procurement, misuse of public funds, corruption in public service, prosecution of public officials);

(f) “Nations in transit”, 2010, Freedom House (extent of corruption as practiced in governments, as perceived by the public and as reported in the media, as well as the implementation of anti-corruption initiatives);

(g) “Country risk ratings”, 2010, Global Insight (likelihood of encountering corrupt officials, ranging from petty bureaucratic corruption to grand political corruption);

(h) “IMD World Competitiveness Yearbook”, 2009 and 2010, IMD International, Switzerland, World Competitiveness Center (category institutional framework – State efficiency);

(i) “Asian Intelligence Newsletter”, 2009 and 2010, Political and Economic Risk Consultancy.

In addition to the Corruption Perceptions Index, a further composite index may be found in the form of the Global Integrity Index, produced by Global Integrity, a non-governmental organization dealing with governance and corruption trends at the international level through local-level assessments carried out by researchers and journalists.\*The Global Integrity Index is aimed at assessing the existence and implementation of anti-corruption

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\* [www.globalintegrity.org/index.cfm](http://www.globalintegrity.org/index.cfm).

law and regulations in different countries. Public integrity is measured by aggregating more than 300 indicators, organized into 6 key categories and 23 subcategories. The resulting Global Integrity Report collects national assessments combining qualitative commentary with the integrity indicators. The 2010 report grouped countries by level of integrity as “very strong” (index score greater than 90), “strong” (greater than 80), “moderate” (greater than 70), “weak” (greater than 60), and “very weak” (less than 60).

The international financial institutions have also generated composite corruption indices. The Control of Corruption Indicator of the World Bank governance indicators is one example [2]. As noted above, this indicator is one of the many located within the context of a wider governance measure. The governance indicators themselves measure six dimensions, including the control of corruption. They cover 213 countries for the years 1996 to 2005 and are based on several hundred individual variables, drawn from 31 different organizations. The control of corruption element of the governance indicators is based on approximately 20 sources, 8 of which overlap with the Corruption Perceptions Index of Transparency International. The contributing sources are combined, standardized and presented with a confidence interval based on the number and variability of the sources for each country. In contrast to the Transparency International index, however, each source is given a different weight, with only one source required to be available for the inclusion of a country in the index.

At the regional level, the Mo Ibrahim Foundation is in the process of developing an index of African governance. “The Ibrahim Index of African Governance will focus on sustainable economic development, health and education, transparency and empowerment of civil society, democracy and human rights, and the rule of law and security. At the time of writing, the first Ibrahim Index had not yet been published; the methodology associated with the corruption component is therefore not known yet. Nonetheless, according to the Foundation, data will be drawn from a wide range of sources under the direction of the Program on Intrastate Conflict and Conflict Resolution of the Kennedy School of Government, Harvard University.

While composite corruption indices frequently attempt to capture many aspects of corruption – including bribery, embezzlement and favouritism, in both the public and the commercial sphere – there are also composite indices that focus on specific elements. Transparency International, for example, in addition to its CPI, also publishes the Bribe Payers Index, a ranking of leading exporting countries according to the propensity of firms with headquarters in

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\* [www.moibrahimfoundation.org/en](http://www.moibrahimfoundation.org/en).

those countries to pay bribes when operating abroad. The 2008 Bribe Payers Index was carried out between August and October 2008. Survey responses were solicited from 2,742 business executives of companies in 26 countries. The countries were selected on the basis of their foreign direct investment inflows and imports and their importance in regional trade patterns. The Index was then calculated by converting answers to a score between 0 and 10, and a ranking was generated.

Like expert assessments alone, composite indices possess both strengths and weaknesses. By combining multiple existing sources, composite indices are able to cover a large number of countries and benefit from wide source data. In principle, a composite index should be capable of presenting a broader and more balanced picture of corruption than individual sources. On the other hand, critics of composite indices note that it is frequently unclear exactly what is being measured by the index. This problem is compounded where the index methodology is not clearly described. Further, where the same methodology is not used consistently from year to year, time-series comparisons of indices that look otherwise identical may carry significant risks. Composite indices do have the advantage of allowing a straightforward ranking of countries. Rank positions can be easily communicated and are useful in raising awareness about corruption. However, the rank of a country is rarely appropriate as a performance measure and, as noted above, there can be a tendency to focus on a country's rank to the exclusion of the relevant absolute index value.

### ***Some conclusions on indirect methods to measure corruption***

As this short review shows, several examples of indirect assessments of corruption have been produced over the last two decades. Results derived from such assessments have often attracted considerable attention from the media, policymakers and the public at large. Furthermore, the generation of quantitative assessments of corruption in the form of rankings or indices has conveyed the message that the measurement of corruption is possible and necessary.

Assessments based on indirect methods, however, present major weaknesses with regard to their validity and the relevance of produced indicators. Statisticians question whether such assessments measure what they intend to measure and meet users' needs.

The validity of such assessments is put into question by the fact that they are typically based on opinions or perceptions, not on experience or evidence. The use of perception data requires particular attention, since individuals'

opinions on corruption are the final outcome of a complex process. The type of information available to persons is the first factor influencing their opinion. Mass media usually play a major role in shaping public perceptions by, for instance, focusing on specific episodes of corruption while neglecting others. Furthermore, the same information can be interpreted in different ways by different people, depending on their culture, values, socio-economic status, occupation and other variables. Hence, data based on perception can be very useful, but because of their interplay with subjective elements, they cannot simply be used as a proxy indicator of corruption trends.

The second major weakness of such approaches is that they are not able to produce detailed information on corruption. They are not able to produce actionable indicators to be used to identify corruption-prone areas, procedures or positions or to monitor trends over time. The final result of composite indices, for instance, is represented by the ranking of countries, which does not constitute an actual measurement of corruption, and neither does it provide information that can be used directly for policymaking purposes.

Some of the drawbacks of indirect methods of assessing corruption can be overcome by using different approaches aimed at collecting evidence-based information on corruption through statistical and standardized procedures.

### **Evidence-based methods of assessing corruption**

Unlike opinion-based methods, evidence-based approaches to assess corruption, and vulnerability to it, collect information on the evidence or experience of the phenomenon under study, and analyse such information through scientific, non-subjective procedures. More specifically, statistical tools are used to ensure that collected information is as accurate and objective as possible. There are two principal ways to collect statistical, experience-based information on corruption:

(a) Collection and use of official data on reported cases of corruption from a variety of sources (police, prosecutors, courts, anti-corruption agencies);

(b) Conduct of sample surveys on corruption and integrity. Random sample surveys allow for the direct collection of data on the experience of representative samples of a given population, such as households or businesses.



Official data on reported crime can represent the initial step towards the assessment of corruption, its extent and vulnerability to it. Given the usually low reporting rates, these data describe more the response of law enforcement and criminal justice systems rather than providing information about the true extent of the crime itself. However, the availability of detailed data on offences committed and officials involved can provide some interesting insights into specific areas of vulnerability to corruption.

Sample surveys allow for the collection of information on direct experiences of corruption. The strategy adopted in such surveys is to ask respondents whether they have been victims of episodes of corruption. If conducted according to strict methodological standards (appropriate questionnaire structure and wording, proper sample design and size, random selection of respondents, proper and professional conduct of interviewers), sample surveys can produce important indicators on the extent and prevalence of corrupt practices. More importantly, the wealth of information gathered through sample questionnaires can shed light on the modalities of corruption and the sectors, positions and administrative procedures that are more at risk than others.

The search for information on areas more vulnerable to corruption is especially capable of deriving strong evidence from sample surveys on the experience of corruption.

Sample surveys, when conducted in a methodologically sound manner, can give an answer to a range of questions, such as:

- What proportion of individuals (or enterprises) had to pay a bribe in a given year?
- What are the characteristics of victims and perpetrators?
- Has the level of corruption changed over time?
- Are there certain population groups more at risk of being victims of corruption (i.e. vulnerable groups)?
- What are the sectors/regions most affected by corruption?
- How much corruption is reported to competent authorities?
- What operations are more at risk of corruption?
- How and by whom is corruptive behaviour initiated (e.g. who offers or requests bribes)?

What amounts are paid? When and by whom?

Sample surveys, however, have weaknesses too. When using data from sample surveys on corruption and integrity, the following should be borne in mind:

(a) Not all offences of corruption generate individual victims. In cases of embezzlement, abuse of function or illicit enrichment, to name a few, it is often not possible to identify direct victims, and therefore these crimes cannot be investigated through a sample survey;

(b) In corruption offences, the concept of victim can be blurred. In many instances, the underlying agreement between the bribe-giver and the bribe-taker makes respondents reluctant to disclose a case.

In order to collect information on the different actors involved in corruption schemes, various typologies of surveys have been developed. Each of them targets different groups with different roles and experiences of corruption:

- Surveys on individuals or households
- Surveys on the private sector at large or specific industries
- Surveys on civil servants or specific sectors (i.e. the police, the judiciary)

### ***Household surveys***

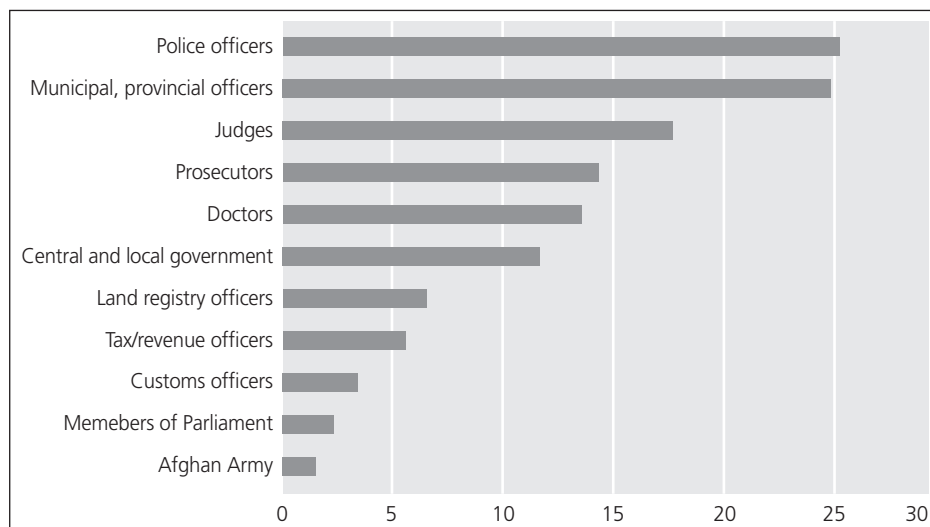
In household sample surveys, respondents are asked primarily about their experience of corruption as victims. Several aspects of corruption episodes can be fully investigated, and the relationship between public officials, services provided and private citizens can be analysed in detail. In addition to the prevalence of corrupt practices, it is also possible to explore how corruption takes place, for what purposes, in which sector and in connection with the delivery of which public service. Survey results set baseline data for monitoring and evaluation. They can assist in identifying corrective measures and in measuring and monitoring their impact over time.

A recent example of the type of information generated by sample surveys is the assessment recently conducted by the United Nations Office on Drugs and Crime (UNODC) in Afghanistan [3]. The study reveals the incidence of bribery among the total population in its interaction with public officials.

The ability of household sample surveys to identify specific areas of vulnerability to corruption emerges from the analysis of figures I and II. Figure I shows the percentage of the population who had to pay a bribe to public officials in the previous 12 months. From those data, it emerges that ordinary citizens frequently pay bribes to police officers and officials of local authorities. However, if the analysis is to focus on the identification of sectors more prone to corrupt practices, it should be taken into account that bribes can be paid only when there is an actual interaction between citizens and civil servants. Figure II captures only individuals who had contact with various civil servants and shows the percentage of citizens who had to pay a bribe to the public officials concerned. From these data it emerges that when Afghan citizens deal with representatives of the judiciary, police and customs administration, they are asked for bribes in about 50 per cent of cases.

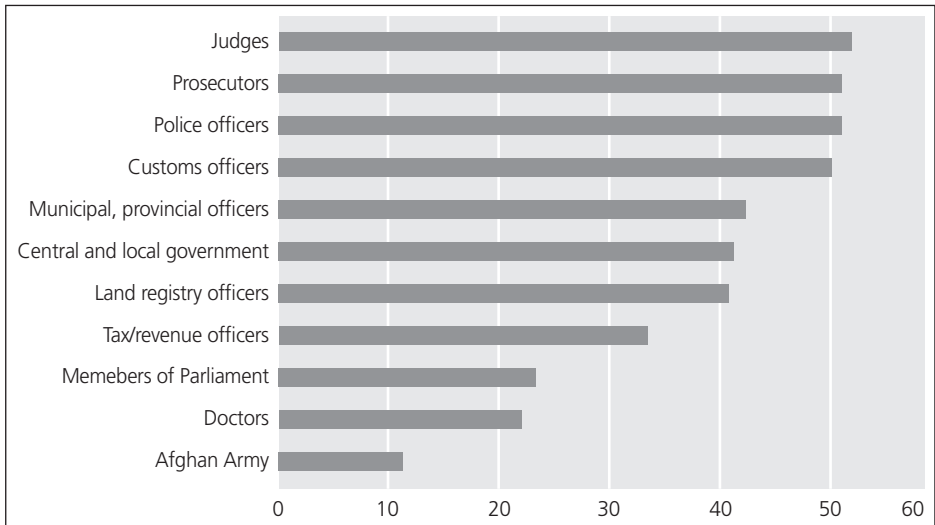
Furthermore, by eliciting supplementary information on bribes paid, sample surveys generate additional knowledge of vulnerabilities to corruption. Such information relates to the administrative procedures in connection with which bribes were paid, specific purposes of the bribes, modalities of payments and their amounts. Household surveys can also contribute to the collection of information on other forms misconduct, such as that taking place when citizens apply for jobs in the public service or during election campaigns.

**Figure I. Percentage of population who paid at least one bribe in the past 12 months, by type of official requesting the bribe (Afghanistan, 2009)**



Source: "Corruption in Afghanistan: bribery as reported by the victims".

**Figure II. Percentage of population who paid bribes after interaction with selected public officials (Afghanistan, 2009)**



Source: "Corruption in Afghanistan: bribery as reported by the victims".

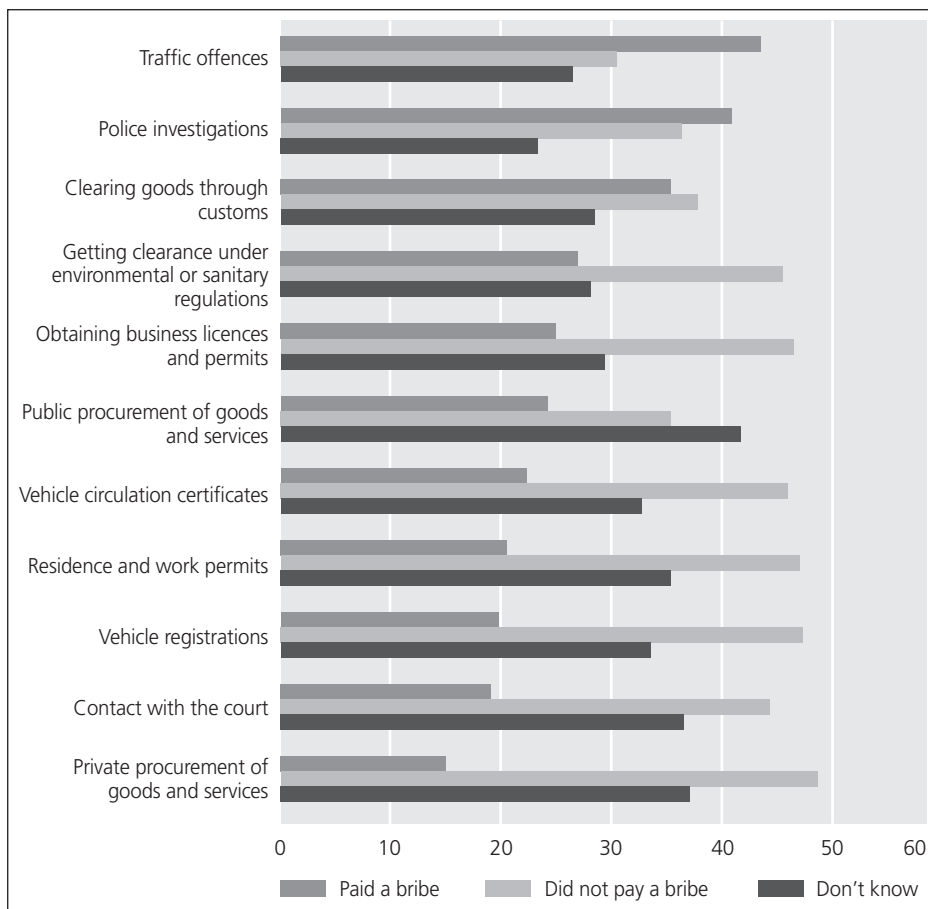
### ***Business surveys***

Sample surveys can also be conducted in the private sector, where respondents are executives of a random sample of enterprises. The aim is to measure the frequency and impact of corrupt practices among the business community. Results from a survey conducted under UNODC supervision by the National Bureau of Statistics of Nigeria [4] in 2007 indicate that almost 10 per cent of the entire sample had to pay bribes in the year before the survey. When restricting the findings to businesses that had at least one contact with public officials in the year before the survey, the proportion of those that had to engage in corrupt practices increases to 34 per cent. Interviewed businesses reported that, when dealing with police investigations or traffic offences, they were requested to pay a bribe in more than 40 per cent of cases (see figure III). When clearing goods at customs, the percentage of businesses requested to pay a bribe was considerable (almost 35 per cent), while the lowest percentage was recorded with regard to courts (19 per cent).

This and other similar surveys give prominence to misbehaviours in the private-public relationship. Forms of corruption in the private-private sphere remain largely unexplored, with the exception of some elementary forms of corruption in the private sector, such as misappropriation of goods

by companies' personnel. Corruption in the private sector still represents a largely unexplored topic.

**Figure III. Percentage of businesses that had to pay bribes in selected areas of activity (Nigeria, 2006)**



Source: NBS/EFCC Business Survey on Crime and Corruption and Awareness of EFCC in Nigeria, 2007: Summary Report.

**Surveys of civil servants**

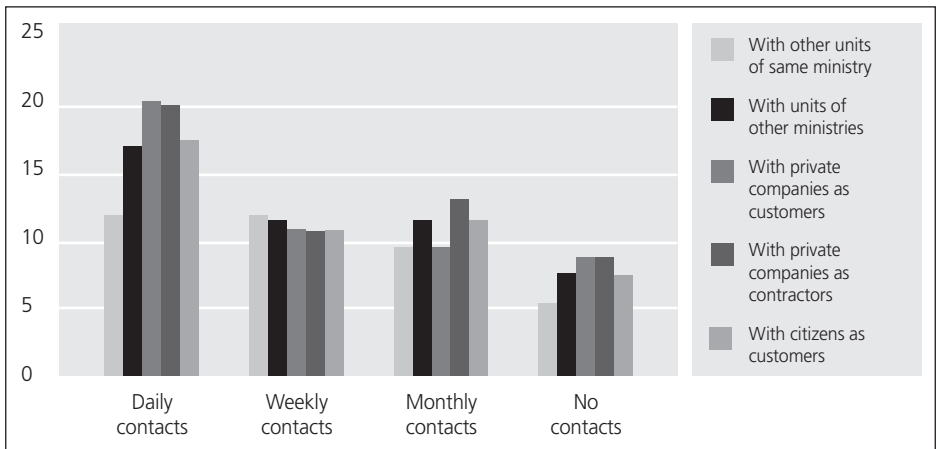
Other sample surveys target public officials directly and frequently focus on specific groups, such as the police or the judiciary. Such surveys are aimed at collecting information on the working conditions of civil servants with a view to identifying weak practices and vulnerabilities to corrupt behaviours.

Information on recruitment and promotion practices, job mobility, frequency of training, work incentives, salary and career satisfaction is crucial for elaborating policies and measures for the civil service, especially when coupled with information on corruption experiences.

A pilot survey recently conducted by the National Statistical Office of Iraq under UNODC supervision provides an example of the indicators that can be produced by such surveys.

The survey found that some 10 per cent of the civil servants interviewed had been offered a bribe in the previous 12 months. When interpreting this figure, it should be taken into account that civil servants perform heterogeneous tasks, also within the same ministry, and that they are not exposed to the same risk of bribery. For example, figure IV shows that the frequency of interactions with external actors can have a significant impact on civil servants' exposure to corrupt practices. Officials with daily interactions with external entities, especially with private companies, are more frequently offered bribes. Some 20 per cent of officials with daily contacts with private companies received at least one offer of a bribe in the previous 12 months. The risk of being offered a bribe decreases for staff who have only weekly or monthly contacts with outside counterparts, or no contacts at all.

**Figure IV. Civil servants who were offered bribes in the past 12 months, by frequency of interaction with selected actors (Iraq, 2010)**



Source: Methodologies, including evidence-based approaches, for assessing areas of special vulnerability to corruption in the public and private sectors: background paper prepared by the Secretariat (CAC/COSP/WG.4/2010/4).

As the above examples show, evidence-based approaches to assess corruption and identify vulnerabilities to it can provide valuable information to develop and monitor anti-corruption policies. However, despite being based on “hard” evidence elicited by scientific approaches, important methodological challenges still need to be met for evidence-based approaches to develop their full informative potential.

### **Conclusions and recommendations**

Scientific, detailed and articulated information on corruption is crucial to develop, implement, monitor and evaluate evidence-based anti-corruption policies and measures. Conversely, the lack of accurate and scientific information is a major obstacle to the fight against corruption. As Secretary-General Ban Ki-moon recently stated:

One major handicap is that we don't know how to measure it [corruption] – a crucial need in our fight against an unseen foe. The best we can do right now is to gauge public perception of corruption. But gauging perception is like measuring smoke rather than seeing the fire. The creation of a precise body of knowledge about a poorly researched and little-understood subject will shed more light on murky deals. If we can calculate inflation and GDP, it should not be beyond our abilities to develop an effective and scientific measure of corruption. As knowledge deepens and spreads, it will create the conditions for change, enabling Governments and other stakeholders to make evidence-based policies”.\*

In addition to the few examples of surveys documented in the present report, other entities have been active in the field of measuring corruption, at both the national and the international level. At the national level, the establishment and growth of anti-corruption bodies have given new impetus to quantitative methods to assess corruption. At the international level, various organizations have produced assessments and collated methodological documentation. The diagnostic surveys of corruption produced by the World Bank, the corruption surveys conducted by UNODC and the analytical and methodological publications issued by the United Nations Development Programme are only a few examples.

In spite of all these initiatives, there is as yet no consolidated methodology to produce reliable and standardized measurements of corruption and vulnerabilities to it. The approaches taken to date have not been translated

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\*Remarks to inaugural conference of the International Anti-Corruption Academy, Vienna, 2 September 2010.

into a standard statistical apparatus (concepts, survey methods and tools, indicators), and the lack of standards can produce disappointing results. Two sample surveys conducted in the same country and in the same period can lead to substantially dissimilar results because of different methodological options pursued.

Against this background, it is not only necessary, but also possible to build on past and present experiences and lessons learned to consolidate and improve evidence-based methods, thus generating a shared and scientifically sound body of knowledge on assessing corruption. This can be achieved by fostering an international scientific dialogue to consolidate existing methodological approaches and by developing methodological documentation, including guidelines and good practices. Such a dialogue would also promote further research on those areas and typologies of corruption for which evidence-based assessments are still at their early stages. These include the assessment of corruption in the private sector or the assessment of those typologies such as embezzlement and grand corruption that are not covered by traditional sample surveys.

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# **INTERNATIONAL CRIME STATISTICS: WHY THEY ARE NEEDED, HOW THEY SHOULD BE IMPROVED AND WHAT HAS BEEN DONE SO FAR**

By Giulia Mugellini\*

## **Introduction**

The search for empirical evidence to support cross-national crime research has been one of the most demanding efforts since the emergence of the first comparative studies. Neapolitan ([1], pp. xii-xiii) clearly pointed out that the first thing necessary in cross-national research is to obtain crime data for a number of nations.

International crime statistics have contributed greatly to the rise of cross-national research into crime and also to the rise of empirical criminology [2]. Basing the study of crime on a solid foundation of empirical observation helps to clarify conceptual issues about the relationship between macro-level processes and crime ([3], p. 299). Therefore, the availability of data sources that can ensure a reliable comparability of crime data from different countries has become increasingly essential in the last decade.

This article first considers the origins of international crime statistics and describes the main complexities and pitfalls related to the problems of validity, reliability and comparability of crime statistics. Then it turns to initiatives from the past, including recent initiatives, at the international and the European level, aimed at improving crime statistics to meet those challenges.

## **International crime statistics: the empirical language of comparative criminology**

Studying criminology from a comparative perspective means systematically studying crime, law and social control in two or more cultures [4].\*\* This allows a comparison and contrast of the problems of crime across nations;

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\*\*“Comparative criminology” is intended here as a synonym of what Stamatel ([5], p. 4) defines “cross-national criminology”. The latter term emphasizes the research on crime, its actors, and its victims across two or more countries.

the testing of theories about the social causes of crime in different contexts; a better understanding of national crime problems; and the consequent better organization of criminal justice and legal reforms. Cross-national criminology makes it possible to look at national crime problems from an international perspective and to borrow solutions for crime from other countries [6, 7, 8].

Comparative criminology has four main objectives:

(a) Identifying the extent to which structures and cultures at the national level affect the degree, types, distributions and characteristics of crime and crime control, within and across countries ([9], p. 221, [5], pp. 5-9);

(b) Developing criminology from a theoretical point of view by assessing the applicability of important criminological theories beyond cultural and national boundaries [9], [10], [5];

(c) Assessing the performance of the national criminal justice systems and evaluating the efficacy of national, European and international criminal justice policies in different countries. "The more one knows about another people, society or culture, the greater the potential for understanding their actions and responses to the problems and situations" [11];

(d) Understanding the operational strengths and weakness of crime control systems in order to develop coordinated law enforcement responses to transnational crime ([6], p. 147). Offences such as money-laundering, drug trafficking, trafficking in human beings and some forms of professional vehicle theft are some of the results of the globalization of crime and therefore have to be countered globally. As van Dijk consistently highlights, "national crime prevention requires reliable international intelligence on domestic crime across the world" ([12], p. 4).

In short, as Bennet and Lynch ([13], p. 153) wrote decades ago, "cross-national studies of crime and criminal justice play an important role in building a theory and guiding policy", and this is particularly true in today's globalized world. In order to reach these goals, reliable and comparable criminal justice data across nations are needed.

Indeed, empirical cross-national comparisons developed as soon as crime statistics were available for a few countries, and were then strongly sustained with the beginnings of scientific criminology at the end of the nineteenth century ([2]).

Criminal statistics saw their beginnings in Western Europe, during the eighteenth century,<sup>\*</sup> with the collection of judicial data. That can be considered one of the oldest data collection activities carried out by governments to meet “administrative bookkeeping needs”, such as the need to control the operations of the judicial apparatus ([14], p. 39). And this very *raison d’être* resulted in the main pitfalls of administrative statistics on crime.<sup>\*\*</sup>

## Complexities and pitfalls of administrative crime statistics

### *Reliability and validity problems*

Reliability refers to consistency and/or stability of measurement over repeated trials and the capacity of an instrument or an analytical procedure to yield similar measurements under similar conditions. Validity is concerned with the accuracy of measurement, with the extent of congruence between the operational definition and the concept it purports to measure ([16], [17], p. 27).

The number of crimes recorded by the police is often considered to be the best official measure of the nature and extent of crime. Indeed, if compared to prosecutorial, judicial and correctional data, crimes known to the police can be considered more reliable and valid than these other official measures of crime because they are “closer” to what has to be detected: the actual level of crime.<sup>\*\*\*</sup> They are also more comprehensive in their coverage of types of criminal offences and include information on incidents, even when the offender has not been identified ([16], p. 83).

The more one advances through the “funnel” of judicial statistics, the more one moves away from the “source”: the number of crimes committed in societies. As a consequence, the “dark number”<sup>\*\*\*\*</sup> increases. Police data and official

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<sup>\*</sup>The first judicial data collections are reported from England and France. The English jurist Jeremy Bentham was the first, in 1778, to plan a collection of information on crime. In 1827 Peyronnet, Chief of the Paris Police, published the first detailed presentation of French criminal statistics. England waited until 1834, when Samuel Redgrave edited the first comprehensive publication of English criminal statistics ([2], p. 139).

<sup>\*\*</sup>Official or administrative statistics may be defined as “statistics that governments produce, finance, or routinely incorporate into their decisions” ([15], p. 8).

<sup>\*\*\*</sup>According to Aebi ([15], p. 208) crimes recorded by the police present different levels of reliability and validity related to the moment when data are collected. Data recorded when the police have completed the investigation (output statistics) are more reliable, but at the same time less valid, than data recorded when the offences are reported to the police, or when police officers observe or discover them (input statistics).

<sup>\*\*\*\*</sup>The difference between the number of crimes committed and the number of officially recorded crimes.

crime data in general, have serious problems of reliability and validity owing, in particular, to the impact of this dark number.

According to the results of the European Crime and Safety Survey 2004-2005,\* on average, roughly 50 per cent of the five crimes considered (burglary, thefts from cars, robbery, sexual incidents, and assaults and threats) were reported to the police ([19], p. 70). The dark number therefore obscures a large percentage of the actual volume of crime, and it cannot be ignored or neutralized.\*\*

What clearly emerges is that reported crime is not the same as actual crime, mainly because official crime statistics have been developed for administrative purposes and not for satisfying research interests ([20], pp. 3-6). Indeed, official crime statistics can be considered social constructs, influenced principally by politics.

Bentham defines crime statistics as “a kind of political barometer by which the effect of every legislative operation relative to the subject may be indicated and made palpable” ([21], p. 428). The problem, according to Lodge, is that “the calibrations of this barometer are not always perfectly clear” ([2], p. 159) and may be manipulated by politics.

The socio-political actors and institutions decide not only what types of behaviour should be labelled crime, but also what kind of data about crime should be released to the public and how. Thus, crime statistics measure “criminalization” (what a specific society criminalizes) better than they do actual criminal behaviours ([3], p. 299).

### ***Comparability problems***

The socially and politically constructed aspects of national official crime statistics make them even more problematic if employed for cross-national comparisons.

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\*The survey was carried out in the 15 “old” member States of the European Union plus Estonia, Hungary and Poland.

\*\*The dark number is not constant but depends on many factors ([2], p. 150): the type of crime and criminals; the level of professionalism, efficiency, recording procedures and police forces’ ability to collect data [6, 12]; the demographic and socio-economic characteristics of the victims, which influence the likelihood of reporting suspected crimes and alleged offenders; the changing methods of recording complaints made to the police, which affect the efficiency and efficacy of recording the offences; etc.

Von Hofer ([22], pp. 77-78) describes cross-national comparisons of crime, based on national official crime statistics, as “hazardous”, because of the use of different “construction rules” from one country to another. In particular, he has identified three main types of factors as influencing the outcome of criminal statistics: substantive, legal and statistical factors. Substantive factors depend on the likelihood that citizens will report offences to the police, on the criminal justice system’s propensity for and efficiency in recording crime, and on the actual level of crime in different countries.\* Legal factors refer to the different ways in which crime is defined in each country and to the characteristics of its legal procedures.\*\* Statistical factors refer to different methods in which statistics are elaborated, i.e. to the statistical counting rules used to collect crime data.\*\*\*

Comparing administrative statistics on reported crime across countries and over time is a difficult task. It is not easy to reconcile cultural barriers, different

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\*Young ([23], p. 18) hypothesized, for example, that countries with low levels of actual violence “may well have low levels of tolerance with violence and thus report acts which other, more tolerant/violent nations, might ignore”. These different attitudes with respect to crime may result in different levels of recorded crime data. Also the confidence in police professionalism, or the perception of the collusion between the authorities and the criminals can strongly affect the level of crimes reported to law enforcement agencies ([24], p. 125, [25]). Many researchers have pointed out that not only the likelihood of reporting crimes to the police but also police capacity for recording crime is related to the level of national economic and human development ([3], p. 299, [26], [27], pp. 167-173 [19], pp. 109-110, [28], p. 43). It is no coincidence that all the countries with relatively high rates of reported crimes are among the world’s wealthiest. Analysis of recorded violent crime rates and homicide crime rates in the 27 member States of the European Union (Eurostat data) show that the former are higher in countries with high levels of human development and an efficient welfare State, while the contrary applies for homicide rates. This is because in countries where the welfare State works well, there are likely to be more efficient police services and frequent improvements in the crime data collection system, as well as more trust in government institutions among citizens and more likelihood of reporting crime to the police. This implies higher rates of recorded crimes ([29], analysis presented at the Stockholm Criminology Symposium). Moreover, developed countries usually present high levels of health care. It has been demonstrated that the presence and quality of health care have a significant influence in terms of decreasing the lethality of violent assaults. This in turn results in a decrease in homicide rates but an increase in recorded violent crime rates [30].

\*\*As crime and crime statistics are a social construct, it can also happen that acts that are criminalized in some countries (i.e. the possession of drugs) may not be so in other countries ([20], p. 4). With respect to the different legal procedures, one standard example refers to the use of the legality or the opportunity (expediency) principle. In countries where the former is applied, the police and the prosecution service are required to prosecute all offences of which they become aware; where the latter governs, a crime is punished only if the public prosecutor considers it opportune. This means that the “legality principle” leads to a more frequent registration of offences ([22], p. 84, [20], p. 4).

\*\*\*In particular, according to Aebi [18], six main variables should be analysed before comparing data across different European countries: (a) the presence of written rules regulating the way in which data are recorded; (b) the counting unit used in the statistics; (c) the way in which an offence committed by more than one person is counted; (d) the application of the principal offence rule: some countries deal with simultaneous offences by recording only the most serious one (principal offence rule), whereas others record each offence independently, and this increases their level of recorded crimes; (e) the way in which multiple offences are counted: if a victim reports the same crime more than once, in some countries this would be recorded as one offence, while in others as multiple offences; and (f) the time when data are collected for crime statistics.

crime problems, policy priorities and the different methods that criminal justice systems use for collecting and presenting data on crime.

Despite this, cross-national comparison is necessary to advance criminological research, and many efforts have been made to increase the reliability of international crime statistics to be used for comparison purposes.

### **International crime statistics and measurements: past experiences, recent developments and present needs**

#### ***International administrative crime statistics: a language of consonants***

It was only after the Second World War that the Secretariat of the United Nations was able to start collecting crime statistics, in 1947. In 1950 the “Statistical report on the state of crime 1937-1946”<sup>\*</sup> was published, reporting a number of critical observations on the classification of offences, and especially on the difficulties of establishing comparable data. As a result, it was suggested that both the Social Commission and the Statistical Commission should ask the Secretariat “to proceed with the task of drafting basic classification of crime and minimum standards for the compilation and the presentation of criminal statistics”<sup>\*\*</sup> ([2], pp. 155-156, [31], p. 1).

International organizations such as the International Criminal Police Organization (INTERPOL) and the United Nations were the first to start collecting crime statistics from a large number of countries. Following those first initiatives, European agencies, too, began to gather comparable crime data across countries.

In considering administrative statistics, there are four main sources of quantitative cross-national crime and criminal justice data: INTERPOL with the international crime statistics database,<sup>\*\*\*</sup> the United Nations Survey of Crime

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<sup>\*</sup>E/CN.5/204. [EN].

<sup>\*\*</sup>Ibid., p. 27.

<sup>\*\*\*</sup>The INTERPOL international crime statistics database is the oldest quantitative cross-national data source. It has been collecting annual data on 14 types of crime since 1950, in about 180 countries all over the world, through a standard form sent to each country. INTERPOL stopped publishing the international crime statistics in 2006. Data are now available only for the representatives of the police forces across countries ([32], p. 3, p. 51); [33, 34].

Trends and Operations of Criminal Justice Systems,\* *the European Sourcebook of Crime and Criminal Justice Statistics,\*\** and Eurostat.\*\*\*

These international sources of administrative crime data share the same goal of providing consistent, reliable and comparable annual measures of crime and the operations of criminal justice systems across countries. The challenges faced by these data collections are related mainly to the factors mentioned in the previous section: substantive, legal and statistical. Since their very beginning, international data collections have tried to cope with these problems through different technical efforts (see below), and several improvements have been developed in this regard.

### Use of “standard classification” and “standard definitions” of crime

The “standard definition”, or “operational definition” used to describe a specific offence is the essential requirement to compare data across countries; the “backbone of comparability” ([36], p. 121). It helps to overcome the problems related to the comparison of different legal definitions of crime across countries (von Hofer’s legal factors).

The international and European data collections provide standard operational definitions of the phenomena under investigation and require countries to adapt their national-level statistics to fit the standard categories of crime and justice and to indicate potential deviations from these standard definitions.

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\*The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems started in the 1970s. Its aim is to collect data on the incidence of reported crime and the operations of criminal justice systems with a view to improving the analysis and dissemination of that information globally (United Nations Office on Drugs and Crime, 2007). Since then there have been 12 surveys. The questionnaire is complex and gives the countries the opportunity to provide metadata and indicate potential deviations from the standard definitions provided in the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems.

\*\*The European Sourcebook was born of an initiative of the Council of Europe, and was inspired by the American Sourcebook of Crime and Criminal Justice Statistics (1973). The working group coordinating the initiative has set up a network of national correspondents in each country. The European Sourcebook covers all criminal justice sectors: police, prosecution, courts and corrections. The focus is on 14 types of crime ([35], p. 24, [33], p. 19). The fourth and most recent edition was published in 2010, considering crime data from 2003 to 2007.

\*\*\*The Eurostat data collection on crime started not long ago, in 2004, to produce crime and criminal justice statistics of the member States, complemented with data from the European Union candidate countries and the European Free Trade Association (EFTA)/European Economic Area (EEA) countries. The results of the collection of data are presented annually in *Statistics in Focus*, published on the Eurostat website. The topics covered include crimes recorded by the police (total crime, homicide, violent crime, robbery, domestic burglary, motor vehicle theft and drug trafficking), information about the prison population and the number of police officers.

These standard definitions use a non-legal, standardized language and cover the structural elements of the offence considered: the *modus operandi*, the target of the offence, the place in which the offence is perpetrated and the consequences of the offence. They are devised in order to allow the same understanding of the crime events in different contexts.

One of the major challenges in this regard is the harmonization of these definitions across different data collections, in order to obtain data that are comparable not only across different countries but also across data collections and to reduce the burden for countries for the compilation of the different questionnaires.

To start meeting this challenge, in 2010, the operational definitions used in the Tenth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems were largely aligned with those of Eurostat and the *European Sourcebook of Crime and Criminal Justice Statistics*.

Moreover, recent studies at the European and the international level have worked or are working towards an international crime classification. A recent study of the European Commission, which was aimed at developing a European Union-level system for the classification of criminal offences, resulted in the European Union-level Offence Classification System (EULOCS) created by Unisys Belgium and the Institute for International Research on Criminal Policy.\*

Since 2009 the Economic Commission for Europe (ECE)/UNODC Task Force on Crime Classification has been working on the production of a set of principles on international crime classification systems for improving the consistency and international comparability of crime statistics. The results of this work will be presented at the next joint ECE/UNODC meeting, in early 2011.

### **Collection of metadata related to counting rules and recording practices in different countries**

For many years, the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems has been annotating extended metadata on the

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\*The aim of this classification system was to become a reference index, a benchmark, that could be used in the area of justice and home affairs to increase the internal coherence of European Union criminal policy [37]. However, this classification system has been criticized mainly because it differs greatly from all the other existing classification systems, and would thus lead to a break in the time series collected so far.



way in which the police, prosecution and courts record offences and offenders in their statistics (counting rules) and on the way the statistics collected by those agencies are organized in each country.\*

The *European Sourcebook of Crime and Criminal Justice Statistics* also collects systematic information on the counting rules used by criminal justice agencies to record data in their statistics.

The metadata are produced as a step towards knowing the different procedures within criminal justice systems in various countries. Even if the rules are not yet harmonized across countries, looking at the metadata could help one to understand whether the differences in crime figures across countries were due to differences in the actual level of crime or to different practices in recording offences in statistics. One of the major problems in this regard is related to the fact that in many countries the rules are not formally documented and no reliable information can be provided.

### Coverage of non-conventional crime

For many years, one of the major pitfalls of international data collections was their lack of information on non-conventional crime.\*\* There were very little data on, for example, corruption, economic crimes, trafficking in persons or smuggling of migrants ([20], p. 6). A recent major aim of international data collections is the measurement of such non-conventional crimes, which, especially as a consequence of globalization processes, often become transnational. International organizations aim to counter such offences in cooperation with their member States, making it even more important to gather comparable measures of these offences at the international level.

The fourth edition of the *European Sourcebook of Crime and Criminal Justice Statistics* covers four non-conventional crimes: fraud, computer-related offences, corruption and money-laundering. In 2009, the Eurostat task force on crime data availability started to collect data on money-laundering and

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\*These data include information on units of counting and counting rules and whether the data provided cover the entire geographical territory of the country; whether they cover offences and offenders recorded at both federal and state levels; and whether there is central coordination for the collection of statistics coming from different police offices, prosecution offices and courts districts.

\*\*In criminological literature, crimes such as theft, burglary, robbery, rape and murder are often referred to as “common”, “volume” or “conventional” crimes and distinct from “complex crimes” or “non-conventional crimes” such as organized crime, drug trafficking, trafficking in human beings, smuggling of migrants, corruption, money-laundering and other economic and financial crimes ([12], p. 17).

trafficking in human beings. Since its first wave, the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems has been covering fraud, kidnapping, embezzlement, bribery and corruption in its questionnaire. Starting from the Tenth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems the definitions of bribery and corruption have been better detailed, in line with those used by the *European Sourcebook of Crime and Criminal Justice Statistics*. Since the Eleventh Survey, ad hoc thematic modules, changing every year, have been dedicated to specific types of non-conventional crimes: corruption, trafficking in human beings, smuggling of migrants.

### Quality control measures

Quality control measures to check the data collected through international surveys can improve their reliability. *The European Sourcebook of Crime and Criminal Justice Statistics* checks the data collected by comparing them with those of previous editions of the *European Sourcebook*, by calculating rates per 100,000 inhabitants and comparing them across countries, highlighting potential outliers; and by contacting national correspondents for further assessment of data. The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems has also improved data quality control measures. In particular, three types of “consistency checks” have been developed: “Trend checks” (checks for consistency of data with responses provided for previous waves of the Survey); “internal consistency check” (checks for internal consistency of counts within responses provided for different questions in the Survey; and “other available source check” (checks for consistency of data with other known crime statistics sources, where available). Moreover, the data collected are also reviewed in cooperation with external experts.

### Frequency of the data collection

The reliability of international crime statistics is also related to their updating. As the statistics can be analysed to inform public national and international policies and research, the more they are updated the more closely they reflect the crime levels across countries and the more helpful they can be. The United Nations Survey of Crime Trends and Operations of Criminal Justice Systems recently improved in this regard, as in 2010 it started being conducted annually instead of biennially. *The European Sourcebook of Crime and Criminal Justice Statistics* collects and publishes data every three years. In general, the most up-to-date data collections are those of the United Nations

Survey and Eurostat (the latest data available are usually published 15 to 20 months after the end of the reference year).

International data collections have gathered data on crime and criminal justice for more than 30 years (1976-2008), on about 40 countries in Europe and more than 100 around the world, covering about 16 different types of crime, both conventional and non-conventional.

Besides the improvements in data collections described above, international organizations, and especially the United Nations, have invested much effort in projects related to technical assistance to countries for collecting better statistics on crime and criminal justice. The starting point for improving the reliability and consistency of crime statistics at the international level is the improvement of the systems for collecting data on crime and criminal justice at the national level. In order to meet this challenge, in 2003 the United Nations, in cooperation with international experts in statistics, produced the *Manual for the Development of a System of Criminal Justice Statistics* [38].\* Besides that *Manual*, specifically aimed at the improvement of systems for collecting administrative statistics on crime and justice, two others have been produced: the *Manual for the Measurement of Juvenile Justice Indicators* [39]\*\* (2006) and the *Manual on Victimization Surveys* [36].\*\*\*

The United Nations is also conducting programmes of technical assistance in specific countries in which there is a strong and internationally recognized need for better knowledge of crime phenomena. There are two exemplary recent projects in this regard:

- (a) The “Data for Africa” programme;\*\*\*\*

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\* Available from: [http://unstats.un.org/unsd/publication/SeriesF/SeriesF\\_89E.pdf](http://unstats.un.org/unsd/publication/SeriesF/SeriesF_89E.pdf).

\*\* Available from: [www.unodc.org/pdf/criminal\\_justice/06-55616\\_ebook.pdf](http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf).

\*\*\* Available from:

[www.unodc.org/documents/data-and-analysis/Crime-statistics/Manual\\_on\\_Victimization\\_surveys\\_2009\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/Crime-statistics/Manual_on_Victimization_surveys_2009_web.pdf).

\*\*\*\*The programme was launched in 2005 with the objective of improving knowledge on drug and crime phenomena in Africa, as a result of the poor response rate to the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems from African countries (in 2006 only 7 out of 53 African countries responded). The programme assists African countries in strengthening their data-collection systems and thus improving the reporting and analysis of data on crime and drugs. In order to reach this overall aim, the programme foresees: (a) the conduct of victimization surveys; (b) workshops and trainings; and (c) publications ([www.unodc.org/unodc/en/data-and-analysis/Data-for-Africa.html](http://www.unodc.org/unodc/en/data-and-analysis/Data-for-Africa.html)).

(b) The European Union-funded project “Monitoring instrument for judicial and law enforcement institutions in the western Balkans”.<sup>\*</sup> Preliminary results of the project demonstrate that the first benefit of technical assistance – the improvement and consolidation of national systems for collecting crime and criminal justice statistics – leads to an important second benefit – the initiation of the process of harmonization of crime and criminal justice statistics with international standards.

All these efforts, improvements and concrete projects represent fundamental steps towards the process of comparability of international official measures of crime. But what about their validity?

### ***International victimization surveys: the key vowels for interpreting the language of crime***

Even if the recent improvements introduced by international data collections have helped in solving many problems related to the comparability of crime statistics across countries, the statistics are based on administrative crime data and as such present inherent critical limits. Those limits are related mainly to the fact that administrative statistics reflect more the level of efficiency of recording procedures of criminal justice agencies than the actual level of crime in societies. They are the result of legal standards and political and administrative needs [6, 12].

Official crime statistics should be considered orientation, “a language of consonants only, which needs the addition of vowels to be understandable” (G. Tarde, cited in [2]), they need to be interpreted on the basis of other statistical measures, such as information on the victims of crime ([2], pp. 152-153, [40], p. 24).

In order to get around the validity problems inherent to administrative statistics and to complement the picture drawn by official data on crime, victimization surveys were developed in the late 1960s. Those surveys produce crime measures independently of police activities and political or administrative manipulations, by interviewing a representative sample of individuals about their experiences of crime. In this way they also partially overcome the problem of the dark number.

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<sup>\*</sup>The programme aims at bringing existing national statistics mechanisms in justice and home affairs institutions (police, prosecution and courts) of the region towards compliance with relevant international and European Union acquis, standards and best practices. After intensive research resulting in technical assessment reports and programme guidelines for each country, the project developed and implemented specific training sessions in each country, carried out by international experts ([www.unodc.org/southeasterneurope/en/cards-project.html](http://www.unodc.org/southeasterneurope/en/cards-project.html)).

The first International Crime Victim Survey was carried out in 1989, by the United Nations, with the purpose of providing data on crime and victims independently of administrative needs. It offered social scientists an alternative source of crime data, with which they could track trends and test theories of crime causation cross-nationally [7, 41]. To date, over 140 surveys have been carried out in over 70 different countries. The last International Crime Victim Survey was carried out in 2004/2005 and a pilot survey was carried out in 2010 in six countries (Canada, Denmark, Germany, Netherlands, Sweden and United Kingdom) to test the use of mixed-mode interviewing, including the Internet (computer-assisted web interviewing (CAWI)), with a view to minimizing survey costs for future waves [42].\* The sixth round of the complete survey is scheduled for 2013. This is undoubtedly the most important recent development in the collection of international crime statistics, a cornerstone of empirical criminology ([12], p. 7).

Recent initiatives of international and European agencies confirm this increasing interest in victim surveys as a data-collection tool able to enhance the comparability of crime data across countries and to integrate the information provided by the administrative sources of crime statistics. At the international level, the Economic Commission for Europe and UNODC produced the *Manual on Victimization Surveys*; Eurostat is working on the development of a European safety survey (at present in its piloting phase) and of a European Union survey module on crimes against business.

The *Manual on Victimization Surveys* is aimed at providing methodological guidelines to help countries in designing national crime victim surveys ([31], p. 232; [36]). It proves the need to enlarge the diffusion of victimization surveys across countries, by providing useful suggestions to those nations that are planning to develop a victimization survey for the first time and have limited experience in this field.

These initiatives also demonstrate that the partial success that victimization surveys have already achieved as complementary sources of information on crime have not yet internationally reached the regular and systematic level that would be required if they were to serve as a systematic parallel source to what is currently available from police sources ([43], p. 53).

However, crime victimization surveys also face some limitations in comparability, related mainly to methodological problems and to the fact that they are carried out with a sample of residents and reflect crime problems as perceived and remembered by citizens\*\* [14, 44].

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\*See [http://62.50.10.34/icvs/About\\_ICVS\\_2010/History\\_and\\_new\\_pilot](http://62.50.10.34/icvs/About_ICVS_2010/History_and_new_pilot).

\*\* Crime is a social construct and its perception and interpretation can vary across citizens of different countries, especially for the types of crime where perceptions may be most culture-bound (i.e. sexual assault, domestic violence). Also the different respondents' likelihood of revealing particular types of crime they have suffered, i.e. rape, or sexual assaults, can affect survey results ([41, 17]).

It has been shown that the above-mentioned sources of error tend to result in underestimates rather than overestimates of the number of victims of crime. In some way victimization surveys are hampered by their own dark number. Thus, both administrative crime statistics and victimization data present different problems hampering the reliability and comparability of crime data across countries.

Victimization surveys and administrative statistics are thus conceived more and more as complementary measures, rather than competing measures, to be further integrated with variables related to the sociological and economical contexts under investigation ([12], pp. 14-15).

### **Conclusions: improving existing data collections and integrating different crime measurements for a better understanding of crime phenomena**

Two main aspects concerning the improvement of international crime statistics in terms of comparability have been identified. They can be expressed through the concepts of “input harmonization” and “output harmonization” ([36], p. 119).

The former refers to the expedients used to enhance comparability by acting on the characteristics of the data-collection instrument. The present article has analysed the features of existing international data collections and the most recent improvements developed to enhance the comparability of crime data across countries. Future developments in this regard could concern the standardization of counting rules across countries and the unification of the different international data collections in just one broad survey.

“Output harmonization” seeks to deal with the problem of comparability of crime data across countries by critically comparing them to alternative measurements of crime.

The data on victims, together with indicators not directly connected to crime, such as demographic and economic variables, should be used to complement the crime picture drawn by official statistics, by creating crime indicators that synthesize the three areas of information ([45], [20], pp. 7-12 [17], pp. 23-27). The basic idea is that “several unsatisfactory measures, if combined, represent a more robust and often more valid measure of the phenomenon under study” [45]; this is called triangulation.

Indeed, the integration of different data sources, administrative and survey-based, and contextual variables not directly connected to crime is now considered one of the most promising areas in comparative research on crime ([46], [47], [48], [35], [49], [40], [50], [51], [28]).

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## PART TWO

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Notes and action



# TOWARDS AN INTERNATIONAL CRIME CLASSIFICATION SYSTEM

## United Nations Office on Drugs and Crime / Economic Commission for Europe Task Force on Crime Classification \*

### Background and introduction

In order to improve the consistency and international comparability of crime statistics and to facilitate the international reporting of consistent crime data, a joint Economic Commission for Europe (ECE) and United Nations Office on Drugs and Crime (UNODC) meeting on crime statistics in October 2008 proposed to establish a task force to work on the principles and a framework for an international crime classification system. The Task Force on Crime Classification received its mandate and terms of reference from the Conference of European Statisticians in October 2009 and completed a draft report that was circulated among countries for consultation in early 2011. The draft report will be reviewed by the Bureau of the Conference of European Statisticians in November 2011. The main achievements of the Task Force are an agreed set of principles and a draft framework for an international crime classification system for statistical use. This article presents the principles used for building the crime classification and the main points of the 2011 draft report of the Task Force.

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\*The United Nations Office on Drugs and Crime (UNODC)/Economic Commission for Europe (ECE) Task Force on Crime Classification was set up in late 2009 under the Conference of European Statisticians to work on a crime classification. Its members comprised representatives from national statistical institutes, international organizations and research institutes. The following individuals were part of the task force: Soula Macfarlane and Fiona Dowsley (Australian Bureau of Statistics); Rosane Teixeira de Siqueira e Oliveira (Brazilian Institute of Geography and Statistics); John Turner (Statistics Canada); Maria Giuseppina Muratore (National Institute of Statistics, Italy); Frits Huls (Statistics Netherlands); Pedro Ruiz (National Statistics Institute, Spain); Gordon Barclay (United Kingdom of Great Britain and Northern Ireland); Allen Beck (United States of America); Athina Karvounaraki (European Commission); Cynthia Tavares (Eurostat); Marcelo Aebi (University of Lausanne/Council of Europe Penal Statistics); Kauko Aromaa (European Institute for Crime Prevention and Control, affiliated with the United Nations); Joerg-Martin Jehle and Paul Smit (European Sourcebook of Crime and Criminal Justice Statistics); and Anna Alvazzi del Frate (Friend of the Task Force). Steven Malby, Enrico Bisogno and Michael Jandl (UNODC) and Paolo Valente (ECE) acted as secretariat to the Task Force.

## **The need for an international crime classification**

As soon as crime statistics from any source are available, there is an interest in comparison with other available statistics. Comparison may be required across time, between sources within one country, with statistics from other countries or with regional or global averages. Comparison is important for discerning whether changes in crime levels have occurred over time, for evaluating the effects of policy and as a starting point for understanding the underlying factors that may be responsible for different crime rates in different contexts.

Meaningful and effective comparison of crime statistics is subject to a number of challenges, however. One of the most important of these is the issue of crime definition. As described below, crime statistics from different sources are typically generated using different definitions. As a result, a simple comparison of the number of crimes in different countries that appear, on the face of it, to be recorded under similar headings, may in fact be highly misleading.

The purpose of a classification is to group and organize information meaningfully and systematically into a standard format that can be used to determine the similarity of ideas, events, objects or persons. A classification of crime developed at the international level would have the potential to serve as a common definitional framework for both the initial recording and subsequent reporting of data. When the initial coding and recording of acts and events at the point of reporting to and registration by the police according to the international crime classification system is not possible, its use in a system of parallel coding or a recoding of individual records following the international crime classification system may be possible. If none of these is possible, the international crime classification system will still provide a common basis for the “translation” or mapping of existing statistical data into a standard, agreed format. Moreover, insofar as the international crime classification system is event-based, it may also offer a standard format for comparison not only of police statistics across countries, but also of statistics derived from crime victimization surveys with police statistics.

## **The nature of crime and criminal justice statistics**

From the legal perspective, an event is a crime only when defined as such by law. Although national legal systems vary, the range of actions considered to constitute crimes is usually codified in the form of a national criminal law or penal code.\*

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\*Differences in the source of criminal law vary depending upon national legal traditions and origins, whether Roman or civil law, common law or Islamic law. Some jurisdictions do not have just one criminal or penal code, and certain offences may not even be codified. For an overview see Katz [1].



National criminal laws are not homogeneous, however. It is well known that different legal traditions deal with basically similar events in different ways or use similar terms for different events. Some actions may be crimes in one country but not in another. The act of unauthorized entry to a house with intent to steal for example, may be called burglary under the law of one country but aggravated theft in another. The crime called assault may require physical contact in one country, but not in another.

While differences exist between national criminal laws, a core set of actions that are universally considered to constitute crimes can nonetheless be identified. The technicalities of legal language aside, basic acts such as taking a person's property without consent and injuring or killing a person are defined as offences (in many different ways) in the law of every country.

These two conceptions of crime – the technical legal definition and the common unacceptable action – represent the foundation of two primary sources of crime statistics: police-recorded crime and victimization survey-based data. Both are considered in this paper in the context of crime classification.

The starting point for the interpretation of administrative crime statistics is the recognition that aggregate statistics generated from police, prosecution, court and corrections records are, in the first place, administrative working statistics of the relevant authorities. Statistics on police-recorded crime, for example, do not measure crime, as such, but rather provide information about those crimes that have come to the attention of the police and have been recorded for operational purposes.

Rates of reporting to the police vary significantly between countries and as between types of crime within a country. It is clear, however, that large numbers of crimes are not reported to the police. Average reporting rates across a number of types of crime are typically found to be less than 50 per cent.\*

For those crimes that are reported, police systems for registering the reported event are not often designed primarily with statistical purposes in mind. Rather, police systems are more usually optimized for operational purposes, including the need to record evidence for use in identifying and charging suspects, as well as ongoing criminal intelligence requirements. As such, the description of the crime event is frequently recorded using operational crime definitions, developed by the police for such purposes. Nonetheless, police recording systems usually have some link with the criminal code or equivalent

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\*Reporting to the police for theft from a car, bicycle theft, burglary, attempted burglary and theft of personal property [2].

legal definition of the crime. This makes sense, since any person suspected of having committed the act must eventually be charged with the violation of a specific law. While some police recording systems simply reproduce all relevant articles of the criminal code, others have categories created from the aggregation of particular articles of the criminal code. In countries where not all offences are codified, the police recording system may consist of broad categories (such as “crime against religion”) referring to a range of courses of conduct.\* Police crime statistics are derived from the total number of reported offences recorded in each particular category used by the police.

Crime statistics from police records suffer from three main limitations on cross-national comparability:

- Differences between the definitions and classifications of crime events
- Differences in recording practices and counting and coding rules
- Differences in reporting behaviours of crime victims and witnesses

The development of a common classification for statistical purposes may go some way towards addressing the comparability challenges arising from differences in definitions. However, a common classification alone would not solve comparability issues arising from differences in recording practices. The application (or not), for example, of a “principle offence rule” (by which only the most serious offence is counted) can have a significant effect on police-recorded statistics reflecting multiple crime events, such as a combined sexual assault and robbery. In the same way, the use of different counting units, such as “victim” or “offence” for intentional homicide, may result in different figures for the same number of violent deaths in different countries.

The effect of counting rules and recording practices on the comparability of police-recorded crime statistics is outside the scope of this article. In this respect, international standards and European Union *acquis* on crime and criminal justice statistics are at a comparatively early stage of development, and little exists in terms of binding cross-national rules [4]. Nonetheless, this article recognizes that in order for an international crime classification to increase the comparability of crime statistics, such a classification must be applied in a common manner in national contexts. This implies the development of further (cross-national) guidance and standards on the way in which events are counted and recorded by national police institutions.

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\*In Islamic law, for example, codification of *ta’zir* offences, which violate the public welfare or undermine the essential precepts of Islam, may be seen as conflicting with principles related to the discretion of the sharia court [3].

In addition to police statistics, an international crime classification would also be relevant for statistics collected from population-based victimization surveys. When compared with police statistics, victimization surveys have two main advantages: (a) proximity to the crime event through direct contact with persons who have been or may have been victims of crime and (b) standardized wording for the capture of crime events that does not rely on legal code definitions. Victimization survey data are nonetheless subject to their own limitations, including those of response rates and accurate recall of events by respondents. There are also issues of cross-national comparability in the way surveys are carried out, including survey modes, sample frames, questionnaire wording, interviewer training and quality.\* In addition, victimization surveys provide little information about the progress of cases of reported crime events through the criminal justice system.

The approach of victimization surveys is often described as a behavioural or event-based approach, as survey instrument questions attempt to describe the crime event in straightforward language, focusing on the main attributes of the offence. This of course is also true, to some extent, for criminal codes. National criminal legislation, while sometimes couched in complex legal language, nonetheless has the aim of describing the core elements of the action or activity to be criminalized.

Even so, there is frequently a degree of disconnect between the event described in the victimization survey question and criminal code articles. An event described by a victimization survey, such as “being personally attacked or threatened in a frightening way, with injury suffered”, may be divided among a number of criminal code articles, depending on the degree of severity of the attack in terms of injury suffered, the use of a weapon and the context of the attack. German criminal legislation, for example, distinguishes between “dangerous and serious” bodily injury, “(intentional) slight” bodily injury and “(negligent) bodily injury”. It also has a subcategory for dangerous and serious bodily injury in streets, lanes and public places.\*\* In other countries, the basis or terms used for such distinctions may be stated differently.

As a result, the process of comparing specific crime rates calculated from crime victimization surveys with those calculated from police records may often be far from straightforward. The challenge is even greater when it comes to cross-national comparison. Crime statistics derived from victimization surveys using equivalent questionnaire wording in different countries may be comparable to some extent. However, this is heavily dependent upon factors such as the choice of sample frame, survey mode and survey methodology.

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\*See *Manual on Victimization Surveys* [5].

\*\*German police statistics crime classification system provided to the Task Force by the German Bundeskriminalamt (Federal Criminal Police Office).

## Developing an international crime classification

The Task Force decided to begin with both a deductive approach, starting from basic principles of statistical classification as applicable to crime classification, and an inductive approach that started with a survey of existing statistical work based on national crime classification schemes.

### *Principles of classification*

A statistical classification represents an “exhaustive and structured set of mutually exclusive and well-described categories” [6]. This definition makes reference to four distinct elements:

(a) Exhaustiveness: the classification should include every possible manifestation of the phenomenon under study;

(b) Structure: to create a structure, all possible values of the classification should be grouped in homogeneous categories, which will eventually be aggregated at different hierarchical levels. A classification is different from a list of values of the variable under examination;

(c) Mutual exclusiveness: every elementary manifestation of the phenomenon under study should be assigned to one and only one category of the classification so that there are no overlaps;

(d) Description: every unit of the classification needs to be described in objective and detailed terms so that observable occurrences can be unequivocally assigned to categories of the classification.

In some sense, where national criminal laws are well drafted and codify the whole range of possible offences, something similar to a crime classification already exists at the national level. Criminal code articles frequently consist, for example, of a systematic breakdown of actions and their constituent elements, including both the nature of the act itself and the mental element related to the offence.

Criminal laws by themselves, however, cannot automatically be assumed to correspond strictly to a (national) crime classification. Offences may exist in multiple, sector-specific, laws or as uncodified common law, such that the primary criminal code does not fulfil the principle of exhaustiveness. In addition, criminal code articles are unlikely to be organized hierarchically, but rather tend to be grouped in thematic chapters or sections.

## ***Survey of crime classification schemes***

In order to determine how these principles could be applied to the development of an international crime classification system, the Task Force secretariat sent a questionnaire to the institutions responsible for national crime statistics via the members of the Eurostat Working Group on Crime and Criminal Justice Statistics. Some 26 responses were received, together with 20 complete national crime classification systems and one regionally proposed classification scheme.

Among the respondents, 35 per cent of national statistical offices indicated that they had access to anonymous crime and criminal justice microdata (such as individual crime event or suspect records), while 65 per cent reported that they received data from national police with some degree of prior aggregation.

Furthermore, two different approaches to classification at the national level were apparent from the survey: (a) an approach based on legal code definitions, whether reproducing all criminal code articles or aggregated categories of articles; and (b) a mixed-approach classification, based on both legal and behavioural criteria. About 40 per cent of national crime classifications examined were derived directly from legal code definitions, while the other 60 per cent adopted a mixed legal/behavioural approach. The one regional example examined (that of the European Union-level Offence Classification System) appeared to show a primarily legal code-based approach, in an attempt to achieve compatibility with national criminal codes ([7], p. 31).

In addition to the main variable of the type of offence (described by the national crime classification), countries also reported using descriptive variables, including whether the offence was completed or attempted; the date, time and location of the offence; the means (or *modus operandi*) by which the offence was committed; objects or weapons used in the offence; the nature and value of damage caused; and case/investigation progress variables. All countries also indicated that they collected basic suspect/offender data such as sex, age, nationality, residence status, employment and education. Some countries included information on the influence of drugs or alcohol, motive and relationship to the victim(s). While most countries reported collecting some basic data on victims, not all did so, and the number of descriptive variables for victims was typically lower than for suspects and offenders.

### ***Unit of classification***

In the light of the different approaches seen in national crime classifications, the Task Force considered that it was first important to define the unit of classification of a possible international crime classification.

In spite of their many limitations, crime statistics – whether police-recorded or derived from victimization surveys – are often used as proxies for the true, underlying number of crime events. The Task Force decided that the unit of classification should be the act or event that may constitute a crime. Depending on the applicable criminal law, the same act or event may not necessarily be a crime in all countries, or may constitute different criminal, or even administrative, offences. However, for a crime classification at the international level, under the principle of exhaustiveness, it would be necessary to cover, so far as possible, all possible acts or events that could carry criminal responsibility and sanctions anywhere in the world.

As such, an international crime classification system would be primarily event-based. That is, the range of entities classified would have behavioural and contextual attributes, rather than strictly legal attributes. This approach would also enable an international crime classification system to be used irrespective of the source of input data – whether crimes registered by the police, or incidents reported by respondents in a crime victimization survey.

Being event-based, an international crime classification system would be used to classify crime events for the purposes of reporting the number of particular types of crimes. It could also be used, however, to describe the crime event of which a person is suspected or accused, for which a person is arrested or of which a person has been a victim. Indeed, it is important that crime and criminal justice information systems allow the possibility of linking crime events, perpetrators and victims. In this way, a “vertical” crime event classification could be supplemented by “horizontal” information on perpetrators and victims.

### ***Application of the principles to the development of an event-based crime classification system:***

#### *1. Exhaustiveness*

The principle of exhaustiveness must be balanced against the practicality and policy relevance of an international crime classification. The range of events that may constitute offences under national and international criminal law is extensive, continuously changing (as new laws are developed) and unknown (subject to a complete survey of all in-force national and international criminal laws). While aiming to capture all possible criminal events, the scope of the classification must necessarily be limited in practice to those events that are generally known to constitute offences.

It must also be borne in mind, however, that some countries may criminalize events that are not considered to be crimes by the majority of countries. Such events may even be specifically prohibited from being defined as crimes by international law or standards. The question remains whether such events should be included in an international crime classification system. The international collection of data on such cases is important from a policy perspective. At the same time, however, the Task Force considered it important that an international crime classification system not be perceived to legitimize the criminalization of conduct in a manner incompatible with international law and standards, including international human rights law.

Finally, the principle of exhaustiveness must be interpreted in the light of a *de minimis* principle. Events that constitute crimes are often assigned different legal labels depending upon their seriousness. National legal systems may characterize serious crimes, for example, as felonies or indictable offences. Less serious crimes may be characterized as misdemeanours, summary offences or contraventions. Some of those events may technically constitute crimes under criminal law but involve very slight damage or loss (such as the shoplifting of a one-cent sweet). Other acts may be characterized as administrative offences, or infractions, in national law, rather than crimes per se (such as late payment of tax or contravention of vehicle parking restrictions). Such events are typically not recorded or reported in police statistics, either because they are “no-crimed” by the police (being deemed too small to deal with), or are dealt with and recorded by other systems, such as tax authority enforcement units or other local or municipal civil authorities. Under the principle of exhaustiveness, an international crime classification system should include all events punishable by criminal law, whether characterized as misdemeanours or felonies. Under the *de minimis* principle, however, an international crime classification would not include classification categories for events that generally constitute administrative offences. Nor would it include specific categories for very minor crimes that are typically “no-crimed” or otherwise not recorded by police systems. Further, a *de minimis* restriction on an international classification may also be considered a counting rule during the application of the classification. For example, a classification category corresponding to shoplifting may specify that only events involving goods of more than a certain value should be reported and counted in that category.

## 2. Structure

In order to ensure manageability, there should not be too many hierarchical levels in an international crime classification system. As many crimes contain multiple attributes – such as appropriation of property and injury or harm to a person – broad divisions such as “crimes against the person” may not

be suitable as structural classes. Rather, the top-level class may itself already consist of a reasonably large number of divisions based on attributes of the act or event. Overall, the structure of an international crime classification should be designed in accordance with the principles of simplicity and clarity. If it is to be successfully used for enhancing cross-national comparability of crime statistics, an international crime classification would need to be understandable at the police-station level in a very broad range of country and capacity contexts.

### 3. *Mutual exclusiveness*

One behaviour, or series of behaviours, can have the potential to breach a number of provisions of criminal law, with the result that several offences are committed. A person who uses a computer to access another person's credit card number, which the former then uses to purchase goods, for example, may be charged with the offences both of fraud and of misuse of computer systems under national criminal law.

In order to avoid ambiguity as to how behaviour is classified, it is important that an international crime classification system be able to assign the constituent acts and events of the behaviour to discrete categories. Each constituent act or event must have a distinct start and end, and be identifiable (and therefore describable) by particular attributes. Possible act and event attributes are discussed under the principle of "description" below. With respect to the principle of mutual exclusiveness and the example at hand, however, an international crime classification must ensure that the act or event of unauthorized computer access is capable of being coded to one discrete category. The act or event of use of the credit card number must be capable of being coded to another category. It must also be clear whether the category to which use of the credit card number is coded falls hierarchically within the higher-level category corresponding to taking the property of another person (theft) or the higher-level category of obtaining money or benefit by deceit or dishonest conduct (fraud).

The classification may further provide a means to link the events, such that the dishonest use of the credit card number could be identified as enabled by computer misuse. This could be achieved, for example, by the use of a "tag" for computer-facilitated crime. Overall, however, the important point is that discrete acts and events can be successfully coded in a mutually exclusive way.

As long as an international crime classification system is able to make such distinctions clear, then the question as to whether the behaviour (in this example) results in one or two recorded acts or events in practice is (at least



vis-à-vis the design of the classification) almost immaterial. As discussed above, an international crime classification system alone is not able to solve all problems related to the comparability of crime statistics. For police-recorded statistics, the way in which this particular behaviour is recorded will depend primarily upon counting rules (such as the “principal offence” rule). Indeed, the example highlights the fact that the effectiveness in practice of an international crime classification system will depend upon the way in which it is used.

#### 4. *Description*

This principle of classification requires that every unit of the classification be described in objective and detailed terms. To describe acts or events that may constitute crimes, a number of act or event attributes may be defined that assist in the description of classification categories. The criteria underlying an attribute must be defined in such a way that they make it possible to typify the whole act or event. An attribute always predicates something of the act or event as a whole. For example, for an object characterized by its colour and its shape, attribute lists for both colours and shapes would be needed to describe or typify the object [8]. Some attributes may be composite-attributes, insofar as several criteria are required to describe the attribute. Possible attributes for an event-based international crime classification may include:

(a) The target of the act or event. The target is the main entity against which the act is directed or which the event primarily involves. This may be a person, a tangible object, an intangible object (such as financial holdings or computer data), an animal, a state institution, or a communal value or concept, such as public safety or morals;

(b) The seriousness of the act or event. Seriousness is determined by the harm and consequences of the act or event for the victim(s) and the community. Indications of the seriousness of a particular event may be defined in law, in terms of concepts such as indictable or non-indictable offences or the severity of sentences. However, for the purposes of an event-based classification, it is important that the attribute reflect the inherent damage caused by the act or event. At the top of this scale, the death of a person is arguably the most serious event. Events involving bodily injury may also be ranked according to seriousness, using established medical scores to assess trauma severity (such as the injury severity score). Crimes may also have serious consequences, however, that do not involve death or bodily injury. Crimes involving restriction of freedom of movement, those involving the use of weapons and those where significant monetary loss occurs may also rank highly under the seriousness attribute;

(c) The intent of the perpetrator of the act or event. An act cannot be divorced from the perpetrator of the act. Thus, the intent of the perpetrator is an important attribute of classification categories, because the mere facts of the act or event are not sufficient to fully describe its nature. "Death of a person", for example, can occur under many different circumstances, ranging from the non-intentional (or negligent), to the intentional. "Intent" also covers the motivation of the perpetrator. In this respect, the distinction between sexual motivation and non-sexual motivation is one important attribute criterion, as is the motivation of provoking a state of terror in the general public, a group of persons or particular persons;

(d) The modus operandi of the act or event. An act may be enabled by the use of force, threats, deception or pretence, dishonesty, intimidation or unauthorized access. These attributes are central to the nature of the event and represent an important element in describing and classifying it.

(e) The degree of completion of the act or event. A particular act can be planned, attempted or completed. As these different degrees of completeness result in different consequences of the act, it is important that this attribute be included;

(f) The degree of co-responsibility of other persons involved in the act or event. An act or event constituting a crime is not always carried out in isolation by one person. When other persons are involved, their actions may include incitement to carry out a criminal act or event, aiding or abetting the criminal act or event, or acting as an accessory or accomplice. The acts of these co-responsible persons are usually themselves criminal events that require classification;

(g) The sex and age of victims and perpetrators of the act or event. These are important attributes, as they provide context to the full nature of the act or event. They often have implications with respect to the characterization of the event under criminal law;

(h) The policy area of the act or event. The promulgation of criminal laws is driven by policy needs, whether the maintenance of public welfare and safety, the protection of property rights or the protection of the integrity of the State. As such, acts or events that constitute crimes cannot be divorced from the surrounding policy environment. Particular acts or events, such as those with sexual motivation or those involving the offering of undue incentives (bribes) have a particularly high policy relevance in many countries, necessitating the reflection of this attribute in an international crime classification, especially with a view to the building categories of crime at higher aggregation levels.

## 5. *Progressive implementation*

In addition to the four principles of classification identified in the work of the Statistical Commission, the Task Force considered that a fifth principle, “progressive implementation”, was required with respect to the development of an international crime classification system. The work of the Task Force, including the survey of crime classification schemes conducted, indicated that the development of an international crime classification system was challenging because of significant differences between existing national crime classification systems. As such, the eventual development of a full international crime classification should be carefully piloted using a limited number of crimes in the first instance. At least at the initial stage, substantial work would be required to either “parallel-code” recorded crime events using an international classification or to “cross-code” from existing national classifications to an international classification. In order to ensure that lessons learned are integrated into this process, any international crime classification should be developed in a consultative manner and implemented progressively both within and across countries.

### ***A proposed framework for an international crime classification system***

The main objectives of the Task Force on Crime Classification were to develop a set of principles on international crime classification systems for statistical use, in particular to improve the consistency and international comparability of crime statistics, and to undertake case studies of defining and classifying selected offences. In order to further develop and test the application of the above principles, in its report from 2011 [9] the Task Force proposed a first framework for a classification system based on the above principles. That framework consists of:

- Three event-based classification levels
- Horizontal attribute “tags”
- Accompanying act or event elements
- Accompanying legal inclusions

Level one of the proposed framework consists of 10 categories with descriptions based primarily on the target, seriousness, modus operandi and policy relevance attributes. The approach of a relatively broad level one with 10 categories was taken to avoid the difficulties of highly aggregated act or event

categories such as “acts against the person” or “acts against property”. Level two of the framework consists of subcategories for each of the level one categories. The number of level two categories ranges between 1 and 10 subcategories. Level three of the framework is not complete but rather contains key categories that should be included at this level in any full international crime classification scheme. As the proposal consists of a framework and not a complete crime classification system, further levels have not been added.

In addition to attributes that are inherent to the different classification categories, a number of attributes – such as the degree of completion of the act or event, the degree of co-responsibility of persons involved in the act or event, the location of the event (residential premises, business premises or public area (urban/rural)), and the sex and age of victims and perpetrators of the act or event – can be considered to apply at the horizontal level, across all classification categories. These and additional attributes are coded in the framework as “tags” that can be added to almost any individual category. For example, an act such as a member of an organized criminal group shooting at, but missing, a female with intent to kill or seriously injure, would be coded as “1.1.At.Fi.FV.OC”, where 1.1 is the category for intentional homicide and “At” represents the tag for attempted, “Fi” for use of a firearm, “FV” for female victim and “OC” for involvement of an organized criminal group.

In addition to the commonly used shorthand names of acts or events in national and international law (such as “rape”), the act or event categories are also more fully described in the framework classification through an indication of the attributes and elements that make up the act or event (such as “the act of sexual intercourse without consent”).

While the framework adopts an event-based approach, one of the likely uses of a full international crime classification would be the coding of crimes already registered by the police or criminal justice institutions to the international system. The legal inclusions in the framework therefore provide guidance on the “translation” of existing records within the criminal justice system into the event-based international system and list typical criminal code offences that may fall into a corresponding category of the framework (for example, the crimes of wounding, inflicting grievous bodily harm, battery, poisoning, female genital mutilation and child cruelty may be coded under “serious assault”).

The proposed framework is now being shared with further stakeholders and interested parties worldwide and is subject to further discussion and review to determine whether the model is an appropriate starting point for further work on the development of a full international crime classification system.

## Task Force conclusions and recommendations

At the end of its report, the Task Force presented its conclusions and recommendations. First, the Task Force considered that the five principles of exhaustiveness, structure, mutual exclusiveness, description and progressive implementation represented an appropriate basis on which to found an international classification of crimes for statistical purposes. The Task Force further found that an act/event-based classification was the required unit of classification and that in order to accurately describe crime acts or events, any international crime classification would need to examine attributes of the target of the act or event, the seriousness of the act or event, the intent of the perpetrator, the modus operandi of the act or event, the degree of completion of the act or event, the degree of co-responsibility of other persons involved in the act or event, the sex and age of victims and perpetrators and the policy area of the act or event.

When these principles were tested through the construction of a framework for an international crime classification, the Task Force found that an appropriate structure might consist of classification levels described by act or event elements, with accompanying horizontal attribute “tags”. Guidance as to common legal crime definitions that may be included in each classification category may be required in the form of “legal inclusions”. An international crime classification built on the identified principles and in a manner similar to the framework presented in the report of the Task Force should be capable of classifying both data at the point of recording and existing statistical data, for both administrative and survey-based systems. In principle, such an international crime classification could be applied throughout the criminal justice system.

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