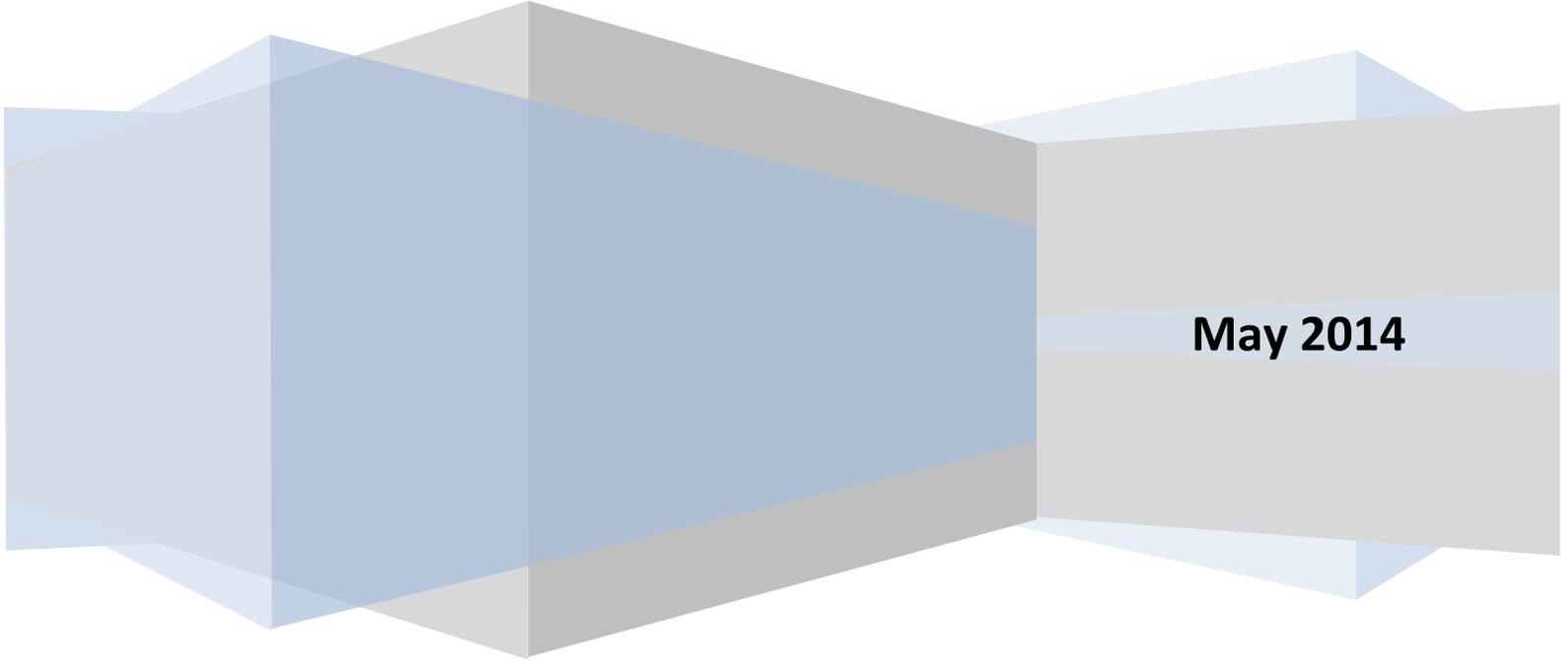


# INTERNATIONAL CLASSIFICATION OF CRIMES FOR STATISTICAL PURPOSES

RESULTS OF THE FINAL TESTING



**May 2014**



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## Introduction

The International Classification of Crimes for Statistical Purposes (ICCS) is a hierarchical classification based on established criteria where data on all forms of crime can be allocated into categories that have a certain degree of similarity in relation to conceptual, analytical and policy areas. The ICCS aims to provide a standard for the systematic production and comparison of data across different criminal justice institutions and jurisdictions. When finalized, it will be possible to use the ICCS for data on all forms of crime that are collected at different stages (recording, investigation, arrest, prosecution, conviction, imprisonment, victim surveys, etc.). The purpose of the ICCS is to enhance consistency and international comparability of crime statistics and improve analytical capabilities at both the national and international levels.<sup>1</sup>

Work on the ICCS started in 2009 when a Task Force of the United Nations Office on Drugs and Crime (UNODC) and the United Nations Economic Commission for Europe started to develop a crime classification framework based on behavioural descriptions rather than legal codes<sup>2</sup>. The need for developing a full-fledged international crime classification was further discussed by the United Nations Statistical Commission and the United Nations Commission on Crime Prevention and Criminal Justice in 2012. In 2013, the two commissions above requested UNODC to develop the international classification of crime for statistical purposes.<sup>3</sup>

The ICCS is the result of close collaboration between national statistical offices, other national government institutions, regional and international organizations, branches and sections of the United Nations Office on Drugs and Crime (UNODC), the National Institute of Statistics and Geography of Mexico (INEGI), and the Center of Excellence (COE).

Following similar exercises in 2009 and 2012, the development of the ICCS has progressed far enough to submit the draft classification to a final testing at the global level. This testing has been carried out in March-May 2014 through written questionnaires sent to participating countries as described below.

The results of the testing will be discussed at the Expert Group Meeting (EGM) on 28-30 May 2014, Vienna. The following analysis gives an overview of the responses, comments and suggestions provided by countries in the ICCS Testing protocols and is intended to facilitate the discussions at the EGM.

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<sup>1</sup> United Nations Economic and Social Council. Statistical Commission. *Report of the National Institute of Statistics and Geography of Mexico and the United Nations Office on Drugs and Crime on a road map to improve the quality and availability of crime statistics at the national and international levels*. Page 5. December 19, 2012. Print

<sup>2</sup> Economic Commission for Europe, Conference of European Statisticians, Principles and Framework for an international classification of crimes for statistical purposes, ECE/CES/BUR/2011/NOV/8/Add.1 of 11 October 2011

<sup>3</sup> ECOSOC CCPCJ (2013). E/RES/2013/37; ECOSOC, Statistical Commission (2012). E/2012/24. P. 7(d).



## Overview of the ICCS Testing

The final test of the International Classification of Crime for Statistical Purposes (ICCS) before it is submitted to the UN Statistical Commission and the UN Commission on Crime Prevention and Criminal Justice for endorsement in 2015 aimed at reviewing the global applicability of the ICCS for all national statistical systems, identifying items that need clearer treatment and areas where special care are needed in developing the ICCS implementation manual. The testing was conducted among countries that, following a request by the United Nations Statistical Division and by UNODC<sup>4</sup>, indicated their interest and availability to participate. In total, 66 countries had indicated their interest and availability to participate in the testing. Each participating country was requested to provide information on at least criminal offences as recorded by the police and fill in an optional second response referring to either prosecution, court or prison data.

The ICCS testing protocol consisted of three separate questionnaires:

- 1) ICCS Testing
- 2) Homicide Testing
- 3) Questionnaire on accessibility of crime data

The ICCS Testing questionnaire is the main testing questionnaire covering all categories of crimes currently included in the ICCS. It is an Excel workbook divided into 11 sheets that correspond to the 11 main categories of the ICCS (Level 1). In each sheet, the names, definitions and exemplary legal inclusions/exclusions are listed for crimes at levels 2, 3 and 4 of the classification. Respondents were asked to respond, for each crime type to what extent data on recorded crime can be produced in their country according to definitions and categories of the ICCS, to provide data wherever available or to provide explanations for the lack of data and to describe differences in categories or definitions used.

In addition to the main ICCS Testing questionnaire, the Homicide Testing questionnaire collected data and other information to build a more precise definition of intentional homicide and to explore feasibility of three different classification criteria of homicide.

Finally, the questionnaire on accessibility of crime data aims to collect information on the statistical infrastructure and production process of crime and criminal justice statistics, and on their adaptability for the adoption of the ICCS. It is a word document with separate question parts for police, prosecution, court and prison data.

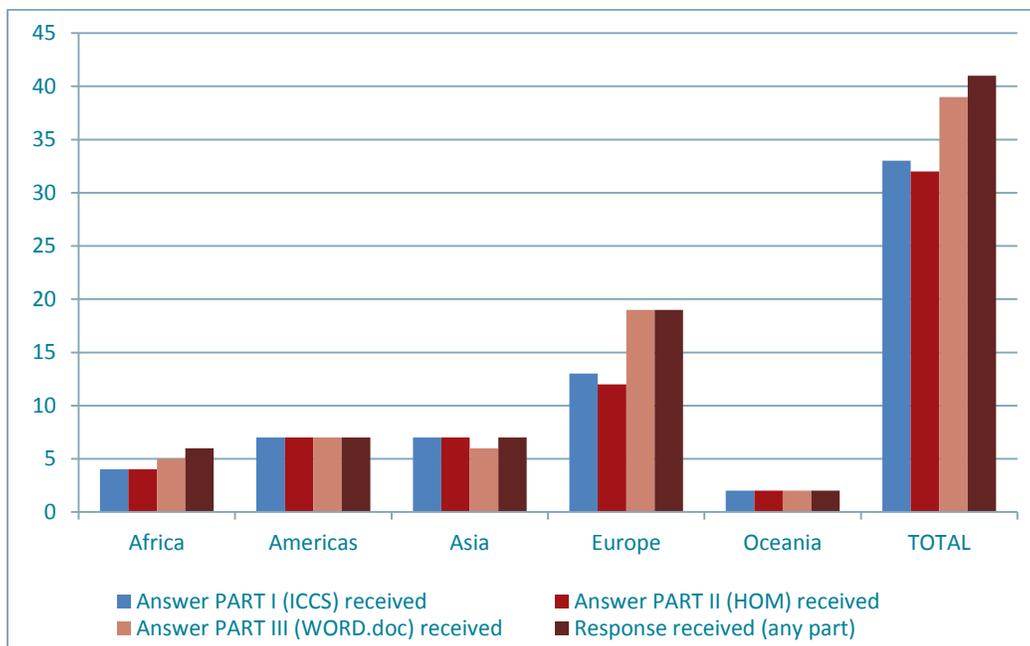
The Testing of the ICCS was carried out from 15 March to 21 May 2014. In total 41 countries provided a substantive response by filling in at least one of the three testing protocols. The total number of

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<sup>4</sup> Note Verbale CU 2013/177/DPA/RAB/SASS of 15 August 2013.

responses by questionnaire as well as the geographical distribution of answers can be seen from the Figure 1:

**Figure 1: Geographic distribution of responses to the ICCS Testing**



Regarding the ICCS Testing protocol, the data and metadata provided refer mostly to the first stage of the criminal justice procedure (police) with some answers from prosecution and courts.

	Police	Prosecution	Court	Prison	Other	n/a
<b>Responses</b>	20	2	2	0	0	13

Countries use different counting units when counting crimes. Most police-recorded crime data refer to offences but some also refer to cases, persons suspected, victims or other units of count.

Offences	Cases	Investigations	Persons suspected/arrested	Victims	Persons prosecuted	Persons convicted	Other	n/a
12	6	0	1	1	1	1	4	11

The following analysis, structured by top-level and lower level categories of the ICCS, gives an overview of the responses, comments and suggestions provided by countries in the ICCS Testing protocols and is intended to facilitate the discussions at the EGM.

## Results of the ICCS Testing

### 1 Acts leading to death or intending to cause death

Under this category, there are 6 level 2 categories, 4 level 3 categories and 2 level 4 categories (Intentional homicide is treated separately and not included in this analysis). Among responding countries, for each category at least some countries stated that statistics are currently produced under this category, and for most categories<sup>5</sup> a significant percentage indicated full correspondence of national data (between 33% and 63%), with the exception of 1.6.1 'euthanasia' (10%). Quantitative data were provided at least by some states under each category, except for 1.6.1 'euthanasia', where no data were provided.

Question 1. Can statistical data currently be produced for this offence in your country?						
	A. Yes	B. Yes, but with differences in the definition	Total Yes (A+B)	C. No	D. Don't know	Sum
<b>1.1 Intentional homicide</b>						
<b>1.2 Attempted intentional homicide</b>	63%	16%	78%	22%	0%	100%
<b>1.3 Non-intentional homicide</b>	53%	28%	81%	19%	0%	100%
<b>1.3.1 Non-negligent manslaughter</b>	33%	10%	43%	57%	0%	100%
<b>1.3.2 Negligent manslaughter</b>	47%	10%	57%	40%	3%	100%
<b>1.3.2.1 Vehicular homicide</b>	37%	20%	57%	43%	0%	100%
<b>1.3.2.2 Non-vehicular homicide</b>	43%	4%	46%	54%	0%	100%
<b>1.4 Assisting suicide</b>	53%	6%	59%	41%	0%	100%
<b>1.5 Illegal abortion</b>	50%	9%	59%	41%	0%	100%
<b>1.6 Other acts leading to death</b>	26%	3%	29%	68%	3%	100%
<b>1.6.1 Euthanasia</b>	10%	3%	13%	81%	6%	100%
<b>1.6.2 Other acts leading to death</b>	13%	7%	20%	70%	10%	100%

The qualitative comments on the definitions and categories also indicated a high degree of congruence with existing categories at the national levels, while pointing to some definitional problems. This is particularly relevant for the definitions of 1.4 'assisting suicide' and 1.5 'illegal abortion'.

#### 1.1 Intentional homicide

<sup>5</sup> Excluding the residual categories 'other'.

Intentional homicide is treated separately from the general discussion of the ICCS.

### **1.2 Attempted intentional homicide**

63% (20/32) of countries reported that statistics can be produced for attempted intentional homicide. This increases to 78% (25/32) with the addition of countries that can produce statistics but with differences in the definition. 7/32 countries cannot produce statistics. 4 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count and 3 have other reasons for the lack of data.

Many comments focused on legal or definitional differences with the ICCS that are difficult to resolve without extensive restructuring. In one country, attempted intentional homicide is considered as aggravated assault while another noted that “the definitions that are given only cover homicide in our laws and attempted homicide does not exist; but, attempted murder exists but is not stored.” Others explained that they cannot separate attempted and completed cases (for any crime) or explained that attempted intentional homicide is considered a “non-index crime” for which data are unavailable.

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

While a few respondents commented that attempted crimes should be identified by the event disaggregation variable and the removal of the attempted intentional homicide category would increase the consistency of the ICCS structure. However, this proposal has been considered in the past and the importance of the intentional homicide category and disaggregating intentional homicide into completed and attempted is a strong argument for keeping this as a separate category in the ICCS.

### **1.3 Non-intentional homicide**

53% (17/32) of countries reported that statistics can be produced for non-intentional homicide. This increases to 81% (26/32) with the addition of countries that can produce statistics but with differences in the definition. 6/32 countries cannot produce statistics. 4 countries with no information available indicate that information is not stored/available, 1 country notes that they have the data but could not produce a statistical count, and 2 cite other reasons for the lack of data.

The positive response for category 1.3 - non-intentional homicide - was accompanied by a lower level of data availability for level 3 and level 4 categories within non-intentional homicide. Several comments were made on the countries inability to separate non-intentional homicide into negligent and non-negligent manslaughter. One country indicated that it had “only two categories for aggravated homicide (non-intentional): aggravated homicide related to dangerous driving and other aggravated homicides.” Others commented that their data excluded death by dangerous driving or that their data on non-intentional homicide would be consistent with the ICCS but currently face incomplete/partial reporting of federal states.

### Summary/conclusion

Test responses do not indicate a need to change this category.

In some legal systems deaths “under circumstances of diminished responsibility, such as provocation” are included within non-intentional homicide. This particular type of death is different than 1.3.1 non-negligent manslaughter which stipulates there is “no intent to cause death or serious injury” and 1.3.2 negligent manslaughter that is “not directed against the victim.” The definition of non-negligent manslaughter could be expanded to include “under circumstances of diminished responsibility” or it could be collected under a new level 3 category called voluntary manslaughter. However, as it is still intentional homicide, even under diminished responsibility, it is proposed to include voluntary manslaughter under intentional homicide. The feasibility of adding a voluntary manslaughter category was tested within the homicide questionnaire.

#### **1.3.1 Non-negligent manslaughter**

33% (10/30) of countries reported that statistics can be produced for non-negligent manslaughter. This increases to 43% (13/30) with the addition of countries that can produce statistics but with differences in the definition. 17/30 countries cannot produce statistics of which 10 indicate that information is not stored/available, 1 country notes that data are available but that it could not produce a statistical count or data are confidential, and 2 having other reasons for the lack of data.

Comments drew attention to the inability to distinguish between negligent and non-negligent manslaughter in their data. One country noted that it cannot identify types of manslaughter until the case has passed through the court. A more fundamental comment came from one country that noted that in its system non-negligent manslaughter is considered as intentional homicide. One country commented that the offence is mentioned in the Penal Code but data for this crime is not available.

### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **1.3.2 Negligent manslaughter**

47% (14/30) of countries reported that statistics can be produced for negligent manslaughter. This increases to 57% (17/30) with the addition of countries that can produce statistics but with differences in the definition. 12/30 countries cannot produce statistics and 1/30 does not know whether it can produce statistics. 8/12 countries with no data indicate that information is not stored/available, 1/12 countries have the data but could not produce a statistical count or data are confidential and 2/12 countries had other reasons for the lack of data. Level 4 categories of 1.3.2 received similar results with 57% (17/30) of countries having data for 1.3.2.1 Vehicular homicide and 46% (13/28) having data for 1.3.2.2 non-vehicular homicide.

1.3.2 received similar comments as 1.3.1 with the major concern being the inability to separately identify negligent and non-negligent (intentional and non-intentional). Many countries, however, do make a distinction between (other) manslaughter and driving causing death. One country makes the distinction for vehicular homicide but its data are incomplete due to partial reporting from federal states.

Comments on vehicular homicide data illustrated the working progress on the capacity to collect data for this category. One country noted that information is available but is confidential due to quality, while another is also currently developing the capacity to produce these statistics. One country noted that their data represents the number of vehicular accidents causing death (death at the moment of the accident), without specifications of the cause, while another noted the inclusion of “grave injury of a person” in addition to deaths.

### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **1.4 Assisting suicide**

53% (17/32) of countries reported that statistics can be produced for assisting suicide. This increases to 59% (19/32) with the addition of countries that can produce statistics but with differences in the definition. 13/32 countries cannot produce statistics of which 11 indicate that information is not

stored/available, 2 note that data are available but could not produce a statistical count, in 1 this is not a criminal offence and 1 has other reasons for the lack of data.

Comments focused on two concepts: the ability to only provide partial data and the inability to disaggregate assisting suicide from other categories. Definitional differences from the ICCS included “persuasion” within the definition of assisting suicide. Similarly, another country included “suicide instigation” and noted the inability to separately identify this data, while another country only collected data for abetment to suicides of children. One country can provide data from an alternative source, while another country commented that they cannot specify on the degree or method of the assistance.

A few countries were unable to disaggregate assisting suicide from other categories. Many included assisting suicide within manslaughter or intentional homicide while others included assisting suicide into “not helping a person in need” and “grave offences against general safety.”

#### Summary/conclusion

The ICCS definition of assisting suicide might be altered to include “persuasion” and “suicide instigation.” The current definition includes the “death of a person who wishes to die” which is different from persuading the person into wanting to die. In addition, the feasibility of adding the assisting suicide category within intentional homicide was tested within the homicide questionnaire.

### **1.5 Illegal abortion**

50% (16/32) of countries reported that statistics can be produced for illegal abortion. This increases to 59% (19/32) with the addition of countries that can produce statistics but with differences in the definition. 13/32 countries cannot produce statistics of which 6 indicate that information is not stored/available, 3 note that data are available but could not produce a statistical count or data are confidential, and 3 have other reasons for the lack of data.

One country commented on the ability to provide data on only feticide and another country noted that aborting a fetus by people lacking medical skills is included within illegal abortion. Other countries indicated that collecting data is difficult due to states having different abortion laws. Abortions may be illegal in certain states or legal all together as long as certain conditions are respected.

#### Summary/conclusion

The EGM may consider whether illegal abortion should be changed to a broader category called Feticide. Feticide is an act that causes the death of a fetus and encompasses illegal abortion and other alternatives that the current category does not cover, such as intentionally causing miscarriages or stillbirths. Broadening the category, however, will not alleviate legal differences faced by illegal abortion. As seen with illegal abortion, some countries may consider feticides as intentional homicide or the legality of feticides may differ among states.

It is also important to highlight the difference between an illegal feticide or abortion and a legal feticide or abortion conducted by a person lacking medical skills. The latter is stipulated as an exclusion and coded to 2.7.1 acts that endanger health.

### **1.6 Other acts leading to death**

26% (8/31) of countries reported that statistics can be produced for other acts leading to death. 21/31 (68%) countries cannot produce statistics of which 17 indicate that information is not stored/available, 1 does not know and 2 have other reasons for the lack of data.

The lack of data in this residual category confirms the exhaustiveness of 1:1 acts leading to death or intending to cause death. The majority of other acts leading to death reported by countries can be allocated in other established categories. These other acts leading to death included abetting or procuring a suicide, infanticide, suicide, and death caused by aggravating circumstances in other criminal offences.

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

#### **1.6.1 Euthanasia**

10% (3/31) of countries reported that statistics can be produced for euthanasia. This increases to 13% (4/31) with the addition of countries that can produce statistics but with differences in the definition. 25/31 countries cannot produce statistics. 19/25 countries with no data indicate that information is not stored/available, 2/25 countries note that this is not a criminal offence in their country, 1/25 do not know and 3/25 countries have other reasons for the lack of data.

Countries commented on the difficulty to separately identify euthanasia from manslaughter or intentional homicide. Other countries included euthanasia with assisting suicide or described their data as “whoever kills a human being on his demand and under the influence of compassion for him.”

#### Summary/conclusion

Mutual exclusivity should be strengthened between euthanasia and assisting suicide. The current definition of euthanasia is broad and can technically include assisting suicide. The definition of euthanasia should mention the death of the person is without consent or involuntary to be mutually exclusive from assisting suicide where the person “wishes to die.” In addition, the feasibility of adding the euthanasia category within intentional homicide was tested within the homicide questionnaire.

#### **1.6.2 Other acts leading to death**

13% (4/30) of countries reported that statistics can be produced for other acts leading to death. 21/30 (70%) countries cannot produce statistics. 18 countries with no data indicate that information is not stored/available, 1 country notes that data are available but could not produce a statistical count, and 2 countries have other reasons for the lack of data.

The lack of data in this residual category confirms the exhaustiveness of 1:1 acts leading to death or intending to cause death. Most comments indicated that submitted data included death during the commission of other crimes such as rape or kidnapping. Another country included suicide cases within this category.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

## 2 Acts causing harm or intending to cause harm to the person

Under this top level category, there are 10 level 2 categories, 31 level 3 categories and 35 level 4 categories. Among responding countries, for each category at least some countries stated that statistics are currently produced under this category<sup>6</sup>, except for 2.3.2.3 'forced labour for the state or armed forces'. For many categories between 20% and 67% of respondents indicated data availability with full correspondence of national data which increased to 30-84% when data availability with differences in the definition are taken into account. Quantitative data were provided for all level 2 and 3 categories, while for some level 4 categories relating to breakdowns of 2.2.1. 'abduction of a minor', 2.3.2 'forced labour', and 2.9.3 'group discrimination', no quantitative data could be provided.

Question 1. Can statistical data currently be produced for this offence in your country?						
	A. Yes	B. Yes, but with differences in the definition	Total Yes (A+B)	C. No	D. Don't know	Sum
<b>2.1 Assaults and threats</b>	61%	18%	79%	18%	3%	100%
<b>2.1.1 Assault</b>	63%	22%	84%	16%	0%	100%
<b>2.1.1.1 Serious Assault</b>	43%	20%	63%	37%	0%	100%
<b>2.1.1.2 Minor Assault</b>	42%	13%	55%	45%	0%	100%
<b>2.1.2 Threat</b>	57%	11%	68%	32%	0%	100%
<b>2.1.2.1 Serious Threat</b>	27%	7%	33%	60%	7%	100%
<b>2.1.2.2 Minor Threat</b>	10%	3%	13%	81%	6%	100%
<b>2.1.3 Other acts intending to cause harm</b>	28%	14%	41%	59%	0%	100%
<b>2.2 Acts against liberty</b>	50%	19%	69%	31%	0%	100%
<b>2.2.1 Abduction of a minor</b>	44%	16%	59%	41%	0%	100%
<b>2.2.1.1 Parental abduction</b>	19%	9%	28%	69%	3%	100%
<b>2.2.1.2 Abduction by another family member</b>	13%	3%	16%	78%	6%	100%
<b>2.2.1.3 Abduction by a legal guardian</b>	13%	3%	16%	78%	6%	100%
<b>2.2.1.4 Other abduction of a minor</b>	16%	6%	22%	72%	6%	100%
<b>2.2.2 Kidnapping</b>	59%	19%	78%	22%	0%	100%
<b>2.2.3 Illegal restraint</b>	42%	10%	52%	48%	0%	100%
<b>2.2.4 Hijacking</b>	16%	16%	31%	69%	0%	100%
<b>2.2.5 Other acts against liberty</b>	19%	19%	38%	59%	3%	100%
<b>2.2.5.1 Illegal adoption</b>	19%	3%	22%	72%	6%	100%
<b>2.2.5.2 Forced marriage</b>	9%	0%	9%	78%	13%	100%
<b>2.2.5.3 Other acts against liberty</b>	9%	6%	16%	75%	9%	100%

<sup>6</sup> Excluding the residual categories 'other'.

<b>2.3 Slavery and exploitation</b>	22%	13%	34%	63%	3%	100%
<b>2.3.1 Slavery</b>	26%	3%	29%	68%	3%	100%
<b>2.3.2 Forced labour</b>	13%	6%	19%	77%	3%	100%
<b>2.3.2.1 Forced labour for domestic services</b>	7%	0%	7%	90%	3%	100%
<b>2.3.2.2 Forced labour for industry services</b>	3%	0%	3%	90%	7%	100%
<b>2.3.2.3 Forced labour for the State or armed forces</b>	0%	0%	0%	93%	7%	100%
<b>2.3.2.4 Other forced labour</b>	3%	0%	3%	93%	3%	100%
<b>2.3.3 Other acts of slavery and exploitation</b>	3%	6%	10%	81%	10%	100%
<b>2.4 Trafficking in persons (TIP)</b>	67%	9%	76%	24%	0%	100%
<b>2.4.1 TIP for sexual exploitation</b>	26%	6%	32%	65%	3%	100%
<b>2.4.2 TIP for forced labour or services</b>	10%	7%	17%	80%	3%	100%
<b>2.4.3 TIP for organ removal</b>	13%	6%	19%	81%	0%	100%
<b>2.4.4 TIP for other purposes</b>	13%	3%	16%	81%	3%	100%
<b>2.5 Coercion</b>	41%	13%	53%	47%	0%	100%
<b>2.5.1 Extortion or blackmail</b>	50%	13%	63%	38%	0%	100%
<b>2.5.2 Other acts of coercion</b>	16%	3%	19%	72%	9%	100%
<b>2.6 Negligent acts</b>	33%	23%	57%	40%	3%	100%
<b>2.6.1 Negligence related to the duty to care</b>	38%	6%	44%	53%	3%	100%
<b>2.6.1.1 Negligence related to the duty to care for children</b>	26%	10%	35%	65%	0%	100%
<b>2.6.1.2 Negligence related to the duty to care for other dependent persons</b>	19%	6%	26%	74%	0%	100%
<b>2.6.1.3 Other negligence related to the duty to care</b>	20%	0%	20%	80%	0%	100%
<b>2.6.2 Professional negligence</b>	22%	9%	31%	63%	6%	100%
<b>2.6.3 Negligence related to operating a vehicle</b>	25%	13%	38%	59%	3%	100%
<b>2.6.4 Other acts of negligence</b>	22%	13%	34%	63%	3%	100%
<b>2.7 Dangerous acts</b>	29%	19%	48%	45%	6%	100%
<b>2.7.1 Acts that endanger health</b>	31%	13%	44%	50%	6%	100%
<b>2.7.2 Operating a vehicle under the influence of psycho-active substances</b>	32%	13%	45%	55%	0%	100%
<b>2.7.2.1 Operating a vehicle under the influence of alcohol</b>	26%	10%	35%	65%	0%	100%
<b>2.7.2.2 Operating a vehicle under the influence of illicit drugs</b>	10%	10%	20%	77%	3%	100%
<b>2.7.2.3 Operating a vehicle under the influence of other psycho-active substances</b>	3%	3%	7%	86%	7%	100%
<b>2.7.3 Other dangerous acts leading to injury</b>	17%	3%	20%	73%	7%	100%
<b>2.8 Acts intending to induce fear or emotional distress</b>	26%	16%	42%	55%	3%	100%
<b>2.8.1 Harassment</b>	41%	16%	56%	41%	3%	100%

<b>2.8.1.1 Harassment at the workplace</b>	16%	0%	16%	81%	3%	100%
<b>2.8.1.2 Other harassment</b>	13%	3%	16%	81%	3%	100%
<b>2.8.2 Stalking</b>	25%	6%	31%	66%	3%	100%
<b>2.8.3 Other acts intended to induce fear or emotional distress</b>	3%	3%	6%	90%	3%	100%
<b>2.9 Acts preventing the exercise of civil rights</b>	29%	16%	45%	52%	3%	100%
<b>2.9.1 Defamation or insult</b>	34%	9%	44%	53%	3%	100%
<b>2.9.1.1 Defamation or insult due to the victim's characteristics or ascribed attributes</b>	16%	9%	25%	69%	6%	100%
<b>2.9.1.2 Defamation or insult due to the victim's ascribed beliefs or values</b>	6%	10%	16%	77%	6%	100%
<b>2.9.1.3 Other defamation or insult</b>	10%	6%	16%	77%	6%	100%
<b>2.9.2 Personal discrimination</b>	16%	16%	32%	65%	3%	100%
<b>2.9.2.1 Discrimination due to the victim's characteristics or ascribed attributes</b>	16%	6%	22%	72%	6%	100%
<b>2.9.2.2 Discrimination due to the victim's ascribed beliefs or values</b>	16%	6%	22%	72%	6%	100%
<b>2.9.2.3 Other personal discrimination</b>	16%	3%	19%	75%	6%	100%
<b>2.9.3 Group discrimination</b>	6%	3%	10%	84%	6%	100%
<b>2.9.3.1 Discrimination due to the victim's characteristics or ascribed attributes</b>	6%	6%	13%	81%	6%	100%
<b>2.9.3.2 Discrimination due to the victim's ascribed beliefs or values</b>	6%	0%	6%	84%	9%	100%
<b>2.9.3.3 Other group discrimination</b>	6%	0%	6%	84%	9%	100%
<b>2.9.4 Other acts preventing the exercise of civil rights</b>	16%	0%	16%	72%	13%	100%
<b>2.10 Acts that trespass against the person</b>	39%	6%	45%	55%	0%	100%
<b>2.10.1 Invasion of privacy</b>	34%	9%	44%	53%	3%	100%
<b>2.10.2 Other acts that trespass against the person</b>	28%	6%	34%	66%	0%	100%
<b>2.11 Other acts causing harm or intending to cause harm to the person</b>	12%	9%	21%	73%	6%	100%

There are a number of important qualitative comments on the definitions and categories, indicating some substantive differences with definitions provided in the ICCS. In some instances the comments received point to a need for revising existing categories or definitions at levels 2,3 or 4. This applies in particular to 2.2.2 'kidnapping', 2.3 'slavery and exploitation', inclusions in 2.3.2 'forced labour', inclusions in 2.4.4 'TIP for other purposes', 2.6 'negligent acts', definitions under 2.7 'dangerous acts', 2.8 'acts intending to induce fear or emotional distress' and 2.8.2 'stalking', inclusions in 2.9.1

'defamation or insult', categories 2.9.2 'personal discrimination' and 2.9.3 'group discrimination' as well as inclusions in 2.10 'acts that trespass against the person'.

## **2.1 Assault and threats**

61% (20/33) of countries reported that statistics can be produced for assault and threat. This increases to 79% (26/33) with the addition of countries that can produce statistics but with differences in the definition. 6/33 countries cannot produce statistics. 3/6 countries with no information indicate that information is not stored/available, 1/6 have available data but could not produce a statistical count, 1/6 countries have other reasons for the lack of data, and 1/6 does not know whether it can produce statistics.

Generally, the category 2.1 'assault and threats' received a positive response and only a few countries commented on the inability to produce statistics. One country noted that assault and threats are considered a "non-index crime" for which data are unavailable and another country noted that data are insufficient to produce statistical information.

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

One respondent proposed splitting 2.1 assaults and threats into 2.1 assaults and 2.2 threats. As a result, serious assault, minor assault, serious threat, and minor threat would become level 3 categories. This opens level 4 to new categories such as female genital mutilation and other offences driven by policy needs. However, many country responses for 2.1.1 threat and its disaggregation expressed the difficulties of separating threat from assault. For example, a country noted that a threat is included into an assault if there is a belief that the threat could be enacted. Another country commented that a threat becomes an assault if a weapon is involved in the offence. These strong connections between assault and threat for many countries provide a strong argument in favour of the current structure.

#### **2.1.1 Assault**

63% (20/32) of countries reported that statistics can be produced for assault. This increases to 84% (27/32) with the addition of countries that can produce statistics but with differences in the definition. 5/32 countries cannot produce statistics. 3/5 countries with no information indicate that information is not stored/available and 2/5 have available data but could not produce a statistical count.

Level 4 categories of 2.1.1 indicated similar data availability with 63% (19/30) of countries having data for 2.1.1.1 serious assault and 55% (17/21) having data for 2.1.1.2 minor assault.

Comments conveyed the difficulties of separating assault and threat due to their strong connections. One country noted that if there is a “belief that the threat could be enacted” it is included as an assault, while another country cannot separate assaults and threats if it is made against the police or a public servant. Other countries listed the offences that were included into this category or relevant sections within their penal code such as beating within the family; beating outside the family; female genital mutilation; grievous hurt; and serious bodily harm.

Multiple countries commented on the availability of data for 2.1.1.1 serious assault and 2.1.1.2 minor assault but with issues in quality. Other countries commented on their efforts in developing the capacity to collect data for both categories. Countries also noted that they use different legal names such as assault with injury and assault without injury or aggravated and simple assault.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.1.2 Threat**

57% (16/28) of countries reported that statistics can be produced for threat. This increases to 68% (19/28) with the addition of countries that can produce statistics but with differences in the definition. 9/28 countries cannot produce statistics of which 4 indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 2 have other reasons for the lack of data, and 1 does not know whether it can produce such statistics.

Level 4 categories of 2.1.2 indicated lower data availability with 33% (10/30) of countries having data for 2.1.2.1 serious threat and 13% (3/31) having data for 2.1.2.2 minor threat.

2.1.2 received similar comments as 2.1.1 with the major concern being the difficulties of separating assault and threat. Many countries noted that data on threats to kill are available while other threats are allocated to relevant assault categories. As a result, countries also noted the inability to disaggregate

threat into serious and minor threat. One country commented that threats are included into assault if it involved a weapon.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.1.3 Other acts intending to cause harm**

28% (8/29) of countries reported that statistics can be produced for other acts intending to cause harm. This increases to 41% (12/29) with the addition of countries that can produce statistics but with differences in the definition. 17/29 countries cannot produce statistics of which 12 indicate that information is not stored/available, 1 has other reasons for the lack of data, and 1 does not know whether it can produce such statistics.

#### Summary/conclusion

Test responses do not indicate a need to change this category. Most acts provided by countries in this category can be allocated to other established categories such as 2.1.1.2 minor assault for “assault without injury” and 9.4 acts against state security for “rebellion against authority.” Note that if the “rebellion against authority” involved an assault against a public servant or police officer it should be allocated to the proper assault category rather than 9.4 acts against state security.

#### **2.2 Acts against liberty**

50% (16/32) of countries reported that statistics can be produced for acts against liberty. This increases to 69% (22/32) with the addition of countries that can produce statistics but with differences in the definition. 10/32 countries cannot produce statistics. 5 countries with no information indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 2 do not know whether they can produce statistics.

Category 2.2 acts against liberty received a generally positive response and only a few countries commented on the inability to produce statistics. Offences that were included in this category were also consistent with the definition and inclusions: countries included kidnapping, abduction, depriving liberty, hostage taking, and abduction. However, one country reported the inclusion of harassment and

threatening behavior, while another country reported that acts against liberty in their country is placed in “other major crimes against the person” and combined with other offences.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.2.1 Abduction of a minor**

44% (14/32) of countries reported that statistics can be produced for abduction of a minor. This increases to 59% (19/32) with the addition of countries that can produce statistics but with differences in the definition. 13/32 countries cannot produce statistics of which 5 indicate that information is not stored/available, 3 have available data but could not produce a statistical count or data are confidential, 3 have other reasons for the lack of data, and 1 does not know whether it can produce such statistics.

Level 4 categories of 2.2.1 indicated lower data availability with 28% (9/32) for 2.2.1.1 parental abduction, 16% (5/32) for 2.2.1.2 abduction by another family member, 16% (5/32) for 2.2.1.3 abduction by a legal guardian, and 22% (7/32) for other abduction of a minor.

Category 2.2.1 abduction of a minor received a generally positive response and only a few countries commented on definitional differences from the ICCS. These countries noted that data are available for kidnapping and abduction but not separately identified. Level 4 disaggregations received fewer data and countries commented on the inability to disaggregate 2.2.1. Most countries that were able to disaggregate 2.2.1 noted that only data on parental abduction and other abduction was available. One country explained that data only covered parents abducting the child abroad, while another country commented that only data from arrests reported from federal agencies are available.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.2.2 Kidnapping**

59% (19/32) of countries reported that statistics can be produced for kidnapping. This increases to 78% (25/32) with the addition of countries that can produce statistics but with differences in the definition.

7/32 countries cannot produce statistics. 5/7 countries with no information indicate that information is not stored/available, 1/7 have available data but could not produce a statistical count, and 1/7 countries have other reasons for the lack of data.

Many countries were able to provide data for 2.2.2 kidnapping, but this high response rate was partly due to countries submitting data on illegal restraint and hijacking into kidnapping. Countries conveyed definitional differences from the ICCS and noted that data are available for kidnapping, illegal restraint, and hijacking but not separately identified. Similarly, fewer countries noted that kidnapping and abduction are not separately identified. One country commented that according to its legislation kidnapping requires the movement of the victim to another country.

### Summary/conclusion

The EGM may consider adding a new level 3 category that is disaggregated into kidnapping, illegal restraint, hijacking, and other as level 4 categories. Countries indicated the inability or the difficulty of separately identifying kidnapping, illegal restraint, and hijacking. As a result, the countries that cannot provide separate data on these offences can submit data into the new level 3 category and disaggregate data if it is available. This level 3 category could be called ‘deprivation of liberty’ and defined as ‘unlawful detention of a person.’”

Mutual exclusivity should be strengthened between kidnapping and illegal restraint. The current kidnapping definition stipulates the demand of an illicit gain for the detained person’s liberation. However, hostage taking situations are considered as illegal restraint in the ICCS and often entail similar demands for the victim’s liberation. The definition of kidnapping should mention the removal of the victim from their original location to strengthen mutual exclusivity as illegal restraint stipulates the person is not transported to a different location.

### **2.2.3 Illegal restraint**

42% (13/31) of countries reported that statistics can be produced for illegal restraint. This increases to 52% (16/31) with the addition of countries that can produce statistics but with differences in the definition. 15/31 countries cannot produce statistics of which 9 indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, 1 has other reasons for the lack of data, and 2 do not know whether they can produce such statistics.

Many countries commented on the inability to fully disaggregate illegal restraint, kidnapping, and hijacking from each other. Other countries noted that such categories exist but data are not published or reporting is partial.

#### Summary/conclusion

See conclusion for 2.2.2 kidnapping.

#### **2.2.4 Hijacking**

16% (5/32) of countries reported that statistics can be produced for hijacking. This increases to 31% (10/32) with the addition of countries that can produce statistics but with differences in the definition. 22/32 countries cannot produce statistics of which 13 indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 2 do not consider this act as a criminal offence, 2 have other reasons for the lack of data, and 1 does not know whether it can produce such statistics.

2.2.4 received similar comments as 2.2.2 kidnapping and 2.2.3 illegal restraint with the major concern being the inability to separately identify each category. Other countries commented that hijacking is “always terrorism” while another country captures hijacking as robbery and kidnapping. Other countries noted that such categories exist but data are not published or reporting is partial.

#### Summary/conclusion

See conclusion for 2.2.2 kidnapping.

#### **2.2.5 Other acts against liberty**

19% (6/33) of countries reported that statistics can be produced for other acts against liberty. This increases to 31% (12/33) with the addition of countries that can produce statistics but with differences in the definition. 19/33 countries cannot produce statistics of which 14 indicate that information is not stored/available, 2 countries have other reasons for the lack of data, and 2 do not know whether they can produce such statistics.

Level 4 categories of 2.2.5 indicates lower data availability with 22% (7/32) of countries for 2.2.5.1 illegal adoption, 9% (3/32) for 2.2.5.2 forced marriage, and 16% (5/32) for 2.2.5.3 other acts against liberty.

A few countries provided data on illegal adoption and forced marriage. One country noted that their definition entailed “kidnapped and abducted for illegal adoption” or “kidnapped and abducted for marriage.” Another country provided data on “trafficking in minors for adoption.” Other comments described the offences that were included in this category, such as “kidnapped and abducted for camel racing, ransom, revenge, and for unlawful activities.”

#### Summary/conclusion

Test responses do not indicate a need to change this category. Note that kidnapping and abduction for camel racing should be included within 2.3 slavery and exploitation or 2.4 TIP depending on the details.

### **2.3 Slavery and exploitation**

22% (7/32) of countries reported that statistics can be produced for slavery and exploitation. This increases to 34% (11/32) with the addition of countries that can produce statistics but with differences in the definition. 20/32 countries cannot produce statistics and one does not know. 15 countries with no information indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 commenting that this is not a criminal act, and 2 do not know whether they can produce statistics.

Countries commented on the ability to provide data but with differences in the definition. These differences varied between countries with some countries including offences that were more similar to other ICCS categories. One country submitted data on “kidnapped and abducted for exploitative purposes such as illicit intercourse, prostitution, sale, selling body parts and for slavery.” Another country included “employing helpless, homeless and dependent person(s) without payment or with a low wage.” TIP data was also submitted within this category. However, other countries had specific laws against slavery such as “holding in Slavery and Transportation of Enslaved Persons-Art. 390.”

#### Summary/conclusion

Test responses indicate a need to make minor changes to this category. Mutual exclusivity of this category should be strengthened. The current definition of 2.3 slavery and exploitation is “taking away or limiting the movement of a person for the purposes of exploitation for financial or other gain.” This

definition overlaps with 2.4 TIP and may be the reason why countries submitted data for TIP under this category. Therefore, 2.3 slavery and exploitation should explicitly mention “not amounting to TIP” within its definition to emphasize that trafficking in persons is a separate offence from slavery and exploitation.

### **2.3.1 Slavery**

26% (8/31) of countries reported that statistics can be produced for slavery. This increases to 29% (9/31) with the addition of countries that can produce statistics but with differences in the definition. 21/31 countries cannot produce statistics of whom 14 indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 2 countries commenting that this is not a criminal act, and 2 do not know whether they can produce such statistics.

Countries provided data on various offences. One country included data on crimes against humanity, which encompassed slavery, persecution of a recognizable group, and sexual slavery. Another country included "deprivation of liberty/false imprisonment" and could not separately identify slavery. Other countries provided data on slavery but with differences in definition such as “kidnapping and abduction for slavery” and “slavery and transportation of enslaved persons.”

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **2.3.2 Forced labour**

13% (4/31) of countries reported that statistics can be produced for forced labour. This increases to 19% (6/31) with the addition of countries that can produce statistics but with differences in the definition. 25/31 countries cannot produce statistics. 18/25 countries with no information indicate that information is not stored/available, 2/25 have available data but could not produce a statistical count, 2/25 countries have other reasons for the lack of data, 1/25 countries commenting that this is not a criminal offence, and 2/25 does not know whether it can produce statistics.

Level 4 categories of 2.3.2 indicated lower data availability with 7% (2/30) of countries for 2.3.2.1 forced labour for domestic services, 3% (1/30) for 2.3.2.2 forced labour for industry services, 0% (0/30) for 2.3.2.3 forced labour for the state or armed forces, and 3% (1/30) for 2.3.2.4 other forced labour.

Countries with data on forced labour commented on the inability to disaggregate forced labour by the type of labour, but one country was able to provide data on “kidnapping and abduction for exploitation begging”, while another country provided data on forced begging. Others commented that they have laws against forced labour but no statistics. Countries also submitted TIP data into the category or noted that it was included in “deprivation of liberty/false imprisonment and could not be separately identified.

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 2.3.2.4 ‘other forced labour’ should list ‘forced begging’.

### **2.3.3 Other acts of slavery and exploitation**

3% (1/31) of countries reported that statistics can be produced for other acts of slavery and exploitation. This increases to 10% (3/31) with the addition of countries that can produce statistics but with differences in the definition. 25/31 countries cannot produce statistics and 3/31 do not know. 19 countries with no information indicate that information is not stored/available, 3 commenting that this is not a criminal offence, 1 has other reasons for the lack of data, and 1 does not know whether it can produce such statistics.

The lack of data for this residual category confirms the exhaustiveness of 2.3 slavery and exploitation. Countries commented on not having other data to allocate into this category. One country commented that several other forms of exploitation are available but did not provide further details.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **2.4 Trafficking in persons (TIP)**

67% (22/33) of countries reported that statistics can be produced for TIP. This increases to 76% (25/33) with the addition of countries that can produce statistics but with differences in the definition. 8/33 countries cannot produce statistics. 5 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count, and 1 has other reasons for the lack of data.

Category 2.4 TIP received generally a positive response and only a few countries commented on the inability to produce statistics. Most comments noted that disaggregations for TIP are not available or data was only available for sexual exploitation and other trafficking offences. A few countries noted that TIP was included within “immigration offences” or other offences and not separately identified. One country noted that data collection for TIP started in 2013.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.4.1 TIP for sexual exploitation**

26% (8/31) of countries reported that statistics can be produced for TIP for sexual exploitation. This increases to 32% (10/31) with the addition of countries that can produce statistics but with differences in the definition. 20/31 countries cannot produce statistics of which 12 indicate that information is not stored/available, 5 have available data but could not produce a statistical count or data are confidential, 1 has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

While many countries cannot disaggregate TIP, TIP for sexual exploitation received the highest amount of data compared to other TIP categories. One country included “immoral trafficking and buying/selling of girls for prostitution” and another country noted that data collection for TIP for commercial sex acts started in 2013.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.4.2 TIP for forced labour or services**

10% (3/30) of countries reported that statistics can be produced for TIP for forced labour or services. This increases to 17% (5/30) with the addition of countries that can produce statistics but with differences in the definition. 24/30 countries cannot produce statistics of which 14 indicate that information is not stored/available, 6 have available data but could not produce a statistical count or data are confidential, 1 has other reasons for the lack of data, and 1 does not know whether it can produce such statistics.

Comments focused on the inability to disaggregate TIP. However, a country commented that data for TIP for forced labour is available for 2013 and another commented that data collection for human trafficking for involuntary servitude started in 2013.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.4.3 TIP for organ removal**

13% (4/31) of countries reported that statistics can be produced for TIP for organ removal. This increases to 19% (6/31) with the addition of countries that can produce statistics but with differences in the definition. 25/31 countries cannot produce statistics of which 15 indicate that information is not stored/available, 6 have available data but could not produce a statistical count or data are confidential, 1 has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Countries provided similar comments for 2.4.3 to other TIP categories. Most countries cannot disaggregate TIP into further categories. One country commented that data collection for TIP for organ removal started in 2013.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.4.4 TIP for other purposes**

13% (4/31) of countries reported that statistics can be produced for TIP for other purposes. This increases to 16% (5/31) with the addition of countries that can produce statistics but with differences in the definition. 25/31 countries cannot produce statistics of which 15 indicate that information is not stored/available, 4 have available data but could not produce a statistical count, 1 countries have other reasons for the lack of data, 1 commented that this is not a criminal offence, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 2.4 TIP. Most countries cannot disaggregate TIP into further categories. Countries that provided offences under 2.4.4 included TIP for

“exploitation of mendacity”, TIP for “forcing to commit crimes”, and TIP for other purposes than sexual exploitation.

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 2.4.4 TIP for other purposes should stipulate TIP for camel jockeying and TIP to commit crimes.

### **2.5 Coercion**

41% (13/31) of countries reported that statistics can be produced for coercion. This increases to 53% (17/31) with the addition of countries that can produce statistics but with differences in the definition. 15/31 countries cannot produce statistics. 9/15 countries with no information indicate that information is not stored/available, 3/15 have available data but could not produce a statistical count or data are confidential, 1/15 countries have other reasons for the lack of data, and 2/15 does not know whether it can produce statistics.

The majority of comments noted the ability to provide data for blackmail and extortion. Countries also commented that data for blackmail or for blackmail and extortion was only available but is not published due to issues in reporting or quality. Other countries noted that coercion is included within 2.1.2 threat and not separately identifiable.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.5.1 Extortion or blackmail**

50% (16/32) of countries reported that statistics can be produced for extortion or blackmail. This increases to 63% (20/32) with the addition of countries that can produce statistics but with differences in the definition. 12/32 countries cannot produce statistics. 7 countries indicate that information is not stored/available, 4 have available data but could not produce a statistical count or data are confidential, and 1 has other reasons for the lack of data.

Many countries commented on the ability to provide data for this category. Some countries have available data but are not published due to issues in reporting or quality. One country could only provide data on blackmail and not extortion.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **2.5.2 Other acts of coercion**

16% (5/32) of countries reported that statistics can be produced for other acts of coercion. This increases to 19% (6/32) with the addition of countries that can produce statistics but with differences in the definition. 23/32 countries cannot produce statistics of which 18 indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 commented that this is not a criminal offence, and 2 do not know whether they can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 2.5 coercion. One country described their submitted data as “physical powers against a person to force him to do or not to do a thing, or to allow him to perform an act.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **2.6 Negligent acts**

33% (10/30) of countries reported that statistics can be produced for negligent acts. This increases to 57% (17/30) with the addition of countries that can produce statistics but with differences in the definition. 13/30 countries cannot produce statistics. 10/13 countries with no information indicate that information is not stored/available, 2/13 have available data but could not produce a statistical count, and 1/13 does not know whether it can produce statistics.

Comments drew attention to the ability to provide data but with differences in the definition. One country included data on both dangerous and negligent acts, while another country mentioned the difficulties of separately identifying negligent acts from assaults and threats. Other countries noted the

offences included in this category such as “failure to provide medical assistance, medical malpractice, and abandonment of a helpless person, cruelty to children, and other neglect.”

### Summary/conclusion

The EGM may consider strengthening mutual exclusivity between disaggregations of this category and 9.2 acts against health and safety. Countries included data on professional malpractice that is currently allocated to acts against health and safety. However, professional malpractice and 2.6.2 professional negligence is hard to separate. ‘Malpractice’ is often synonymous with ‘negligence’ and too detailed to use as a basis for the category’s mutual exclusivity.

#### **2.6.1 Negligence related to the duty to care**

38% (12/32) of countries reported that statistics can be produced for negligence related to the duty to care. This increases to 44% (14/32) with the addition of countries that can produce statistics but with differences in the definition. 18/32 countries cannot produce statistics. 11/18 countries with no information indicate that information is not stored/available, 3/18 have available data but could not produce a statistical count or data are confidential, 3/18 countries have other reasons for the lack of data, and 1/18 does not know whether it can produce statistics.

Level 4 categories of 2.6.1 indicated lower data availability with 35% (11/31) of countries for 2.6.1.1 negligence related to the duty of care of children, 26% (8/31) for 2.6.1.2 negligence related to the duty of care for other dependent persons, and 20% (6/30) for 2.6.1.3 other negligence related to the duty of care.

Countries commented on the inability to identify this category from broader offences such as “endangering life” or data was not published due to confidentiality issues. Most countries that did provide data noted the ability to separately identify negligence related to the duty to care for children but not other categories. One country provided data on “failure to protect vulnerable adult, provide necessities, neglect of an adult.” Additionally, a country included “failure to provide necessities for a servant/apprentice” within 2.6.1.3 other negligence related to the duty to care.

### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 2.6.1.3 other negligence related to the duty to care should stipulate ‘failure to provide necessities for a servant/apprentice.’

### **2.6.2 Professional negligence**

22% (7/32) of countries reported that statistics can be produced for professional negligence. This increases to 31% (10/32) with the addition of countries that can produce statistics but with differences in the definition. 20/32 countries cannot produce statistics. 12/20 countries with no information indicate that information is not stored/available, 4/20 have available data but could not produce a statistical count, 2/20 countries have other reasons for the lack of data, and 2/20 does not know whether it can produce statistics.

Most comments focused on the inability to separately identify professional negligence from broader categories such as "other dangerous or negligent acts." Other countries included data on "medical malpractice, unconscious inspection of foodstuff" and "causing bodily injury or illness in connection with a work accident." One country noted that this is a subcategory that data are not yet collected.

#### Summary/conclusion

See conclusion for 2.6 negligent acts.

### **2.6.3 Negligence related to operating a vehicle**

25% (8/32) of countries reported that statistics can be produced for negligence related to operating a vehicle. This increases to 38% (12/32) with the addition of countries that can produce statistics but with differences in the definition. 20/32 countries cannot produce statistics. 12/20 countries with no information indicate that information is not stored/available, 4/20 have available data but could not produce a statistical count, 3/20 countries have other reasons for the lack of data, and 1/20 does not know whether it can produce statistics.

Countries noted that information is available but is not published due to conceptually inconsistent traffic offences between states or traffic offences are separate from "real crime offences" and collected by a different bureau. One country included data on "endangering road traffic" but noted that their category is broader than the ICCS definition.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.6.4 Other acts of negligence**

22% (7/32) of countries reported that statistics can be produced for other acts of negligence. This increases to 34% (11/32) with the addition of countries that can produce statistics but with differences in the definition. 20/32 countries cannot produce statistics. 14/20 countries with no information indicate that information is not stored/available, 1/20 have available data but could not produce a statistical count, 4/20 countries have other reasons for the lack of data, and 1/20 does not know whether it can produce statistics.

Comments conveyed the different offences that were submitted under this category. Countries provided data on similar residual categories such as “miscellaneous crimes against society” and “misc endanger offences.” Other countries included “involuntary beating or wounding; involuntary administrating substances that are nuisible; causing a train accident; being bitten by a dog; not helping a person in need; failure to offer aid to an injured person in a car accident” and “any act or omission to do any act which is his duty to do.”

#### **Summary/conclusion**

The EGM may consider adding a new level 3 category. A common offence that countries provided under this residual category is the failure to help a person in need. Creating a new level 3 category under 2.6 ‘negligence’ called ‘negligence related to the duty to provide assistance to a person in need’ can capture this type of offence.

#### **2.7 Dangerous acts**

29% (9/31) of countries reported that statistics can be produced for dangerous acts. This increases to 48% (15/31) with the addition of countries that can produce statistics but with differences in the definition. 15/31 countries cannot produce statistics. 11/15 countries with no information indicate that information is not stored/available, 1/15 have available data but could not produce a statistical count, 2/15 countries have other reasons for the lack of data, and 1/15 does not know whether it can produce statistics.

Comments drew attention to the inability to separate dangerous and negligent acts. Other comments described the offences that were included into this category such as “criminal offences against general safety of people and property” and “creating danger for another person.” A few countries commented on the ability to produce data on endangering life, dangerous driving, driving under influence, and misbranding and adulteration.

### Summary/conclusion

The EGM may consider strengthening the mutual exclusivity between negligent acts and dangerous acts should be strengthened. The current ICCS definition of a dangerous act is an act or behavior that is able or likely to inflict injury or harm. Consequently, a person's negligence can result in a dangerous act. The concept of intent should be included within the definition of dangerous act, which will require the person to intentionally behave dangerously or intentionally conduct a dangerous act. Within this new definition, a person's negligence that resulted in a dangerous act will be excluded, as the intent to cause the dangerous act is absent from negligence.

#### **2.7.1 Acts that endanger health**

31% (10/32) of countries reported that statistics can be produced for acts that endanger health. This increases to 44% (14/32) with the addition of countries that can produce statistics but with differences in the definition. 18/32 countries cannot produce statistics. 12/18 countries with no information indicate that information is not stored/available, 3/18 have available data but could not produce a statistical count, 1/18 countries have other reasons for the lack of data, and 2/18 does not know whether it can produce statistics.

Comments noted the difficulties on providing data within this category. Relevant inclusions for this category are spread throughout different categories such as "public health and safety offences" or "neglect or ill-treatment of person under care." Countries that provided data for this category included creating danger for a person, exposing a person to immediate danger, and adulteration/misbranding of food and drugs.

### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.7.2 Operating a vehicle under the influence of psycho-active substances**

32% (10/31) of countries reported that statistics can be produced for operating a vehicle under the influence of psycho-active substances. This increases to 45% (14/31) with the addition of countries that can produce statistics but with differences in the definition. 17/31 countries cannot produce statistics. 12 countries with no information indicate that information is not stored/available, 3 have available data

but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 2.7.2 indicated lower data availability with 35% (11/31) of countries providing data for 2.7.2.1 operating a vehicle under the influence of alcohol, 20% (6/30) for 2.7.2.2 operating a vehicle under the influence of illicit drugs, and 7% (2/29) for 2.7.2.3 operating a vehicle under the influence of other psycho-active substances.

Countries noted that information is available but is not published due to conceptually inconsistent traffic offences between states, under regulatory driving offences but not in police data sets, or traffic offences are considered as separate from “real crime offences” and collected by a different bureau. Other countries noted that dangerous and negligent operation of a vehicle cannot be separated.

Countries that submitted data commented on the ability to identify driving under the influence of alcohol but face difficulties with illicit drugs or other psychoactive substances. One country commented that drug levels are impossible to detect unless a court order is obtained for a blood sample and another country noted that offences are not identified unless it causes death.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **2.7.3 Other dangerous acts leading to injury**

17% (5/30) of countries reported that statistics can be produced for other dangerous acts leading to injury. This increases to 20% (6/30) with the addition of countries that can produce statistics but with differences in the definition. 22/30 countries cannot produce statistics of which 16 indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 2 have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data in this residual category confirms the exhaustiveness of 2.7 dangerous acts. One country commented that setting and leaving mantraps is its own category, while another country noted that setting mantraps is under “acts intended to cause injury.”

### Summary/conclusion

Test responses do not indicate a need to change this category. A few countries noted the inclusion of setting mantraps under this category but the amount of data submitted within this category does not represent a need to create a new category for setting mantraps.

## **2.8 Acts intending to induce fear or emotional distress**

26% (8/31) of countries reported that statistics can be produced for acts intending to induce fear or emotional distress. This increases to 42% (13/31) with the addition of countries that can produce statistics but with differences in the definition. 17/31 countries cannot produce statistics. 13/17 countries with no information indicate that information is not stored/available, 2/17 have available data but could not produce a statistical count or data are confidential, 1/17 countries have other reasons for the lack of data, and 1/17 does not know whether it can produce statistics.

Comments focused on offences that were included within this category. One country described that data included invasion of privacy and explicitly mentions actions can be “face-to-face, written, or made through a carriage service (e.g. phone, computer etc.)” Countries also noted that data are not published due to confidentiality/quality issues or relevant laws exist to prevent offences under this category but statistics are not collected. One country considers 2.8 offences under “defamation or threatening and coercion” and could not separately identify the data.

### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 2.8 acts intending to induce fear or emotional distress should stipulate ‘persistently calling a person.’

## **2.8.1 Harassment**

41% (13/32) of countries reported that statistics can be produced for harassment. This increases to 56% (18/32) with the addition of countries that can produce statistics but with differences in the definition. 13/32 countries cannot produce statistics. 8/13 countries with no information indicate that information is not stored/available, 3/13 have available data but could not produce a statistical count or data are confidential, and 2/13 countries have other reasons for the lack of data.

Level 4 categories of 2.8.1 indicated lower data availability with 16% (5/32) of countries providing data for 2.8.1.1 harassment at the workplace and 16% (5/32) for 2.8.1.2 other harassment.

Countries noted the different offences that were included under this category such as harassment and nuisance. One country provided data on “cruelty to women by her husband or relatives of the husband” and another country included “person who physically molests or by discharging a firearm, throwing stones, making loud noise or other reckless conduct, molests another.” Other countries noted that data are not published due to issues in confidentiality/quality.

The majority of countries could not provide data on harassment at the workplace. One country noted that this category is under development. Another country commented that “menacing phone calls” could also be considered as stalking.

#### Summary/conclusion

Test responses indicate minor changes to this category. Menacing phone calls listed in the inclusions for 2.8.1 should stipulate ‘not amounting to stalking.’

#### **2.8.2 Stalking**

25% (8/32) of countries reported that statistics can be produced for stalking. This increases to 31% (10/32) with the addition of countries that can produce statistics but with differences in the definition. 21/32 countries cannot produce statistics. 15/21 countries with no information indicate that information is not stored/available, 2/21 have available data but could not produce a statistical count or data are confidential, 3/21 countries have other reasons for the lack of data, and 1/21 does not know whether it can produce statistics.

Many countries commented that information is available but there are issues in quality or capacity to collect data are currently under development. One country noted that “stalking became a criminal offence in 2012 and police began recording data in April 2014.” One country commented that stalking is an offence of a sexual nature.

#### Summary/conclusion

The EGM may consider changing the definition of stalking. One country noted that the definition of stalking should include “repetitive behaviour that causes fear, anxiousness, and harassment”.

Another country proposed that harassment encompasses stalking but 2.8 acts intending to induce fear or emotional distress only contains three level 3 categories: 2.8.1 harassment, 2.8.2 stalking, and 2.8.3 other acts intending to induce fear or emotional distress. Aside from the residual category, harassment and stalking are the only level 3 disaggregations in 2.8 and as a result, category 2.8 adequately captures the data from countries that cannot separate harassment and stalking and it is unnecessary restructure 2.8 to combine harassment and stalking.

### **2.8.3 Other acts intended to induce fear or emotional distress**

3% (1/31) of countries reported that statistics can be produced for other acts intended to induce fear or emotional distress. This increases to 6% (2/31) with the addition of countries that can produce statistics but with differences in the definition. 28/31 countries cannot produce statistics of which 20 indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 4 have other reasons for the lack of data, 1 commented that this is not a criminal offence, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 2.8 acts intending to induce fear or emotional distress. Countries explained that relevant data are allocated to other categories within 2.8 and cannot provide data under this category. One country noted that they are revising their current classification and data may be available in the future.

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **2.9 Acts preventing the exercise of civil rights**

29% (9/31) of countries reported that statistics can be produced for acts preventing the exercise of civil rights. This increases to 45% (14/31) with the addition of countries that can produce statistics but with differences in the definition. 16/31 countries cannot produce statistics. 10/16 countries with no information indicate that information is not stored/available, 1/16 have available data but could not produce a statistical count, 1/16 countries have other reasons for the lack of data, 2/16 countries commented that this is not a criminal offence, and 2/16 does not know whether it can produce statistics.

Countries commented on having no data for this category or noted that this is a civil matter. Other countries explained that data are only from federal agencies or data collection is under development. One country included total number of cases for “violation of civil rights of schedule castes and schedule tribes.”

#### Summary/conclusion

Test responses do not indicate a need to change this category. One country submitted data on “violent behaviour at sporting events or public gatherings” which should be allocated to 8.1.2 ‘acts related to social and religious public order norms and standards.’

#### **2.9.1 Defamation or insult**

34% (11/32) of countries reported that statistics can be produced for defamation or insult. This increases to 44% (14/32) with the addition of countries that can produce statistics but with differences in the definition. 17/32 countries cannot produce statistics. 10/17 countries with no information indicate that information is not stored/available, 4/17 have available data but could not produce a statistical count or data is confidential, 1/17 countries have other reasons for the lack of data, 1/17 countries commented that this is not a criminal offence, and 1/17 does not know whether it can produce statistics.

Level 4 categories of 2.9.1 indicated lower data availability with 25% (8/32) of countries for 2.9.1.1 defamation or insult due to the victim’s characteristics or ascribed attributes, 16% (5/31) for 2.9.1.2 defamation or insult due to the victim’s ascribed beliefs or values, and 16% (5/31) for 2.9.1.3 other defamation or insult.

Countries commented on the ability to provide data for defamation or insult while not being able to disaggregate the category. Few countries noted that data from public fear, alarm or distress, and privacy offences are included, while one country collects data that are not published due to issues in confidentiality/quality. Another country provided data for all disaggregations describing the data under 2.9.1.1. as “defamation with the intention to harm the honor, reputation or dignity of a person” and describing the data under 2.9.1.2 as “defamation due to disclosure, change or attempts to spread religious, social, philosophical beliefs, opinions.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 2.9.1.3 other defamation or insult should stipulate defamation or insult to honor and dignity.

### **2.9.2 Personal discrimination**

16% (5/31) of countries reported that statistics can be produced for personal discrimination. This increases to 32% (10/31) with the addition of countries that can produce statistics but with differences in the definition. 20/31 countries cannot produce statistics. 13 countries with no information indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 1 has other reasons for the lack of data, 2 commented that this is not a criminal offence, and 1 does not know whether it can produce statistics.

Level 4 categories of 2.9.2 indicated lower data availability with 22% (7/32) of countries providing data for 2.9.2.1 discrimination due to the victim's characteristics or ascribed attributes, 22% (7/32) for 2.9.2.2 discrimination due to the victim's ascribed beliefs or values, and 19% (6/32) for 2.9.2.3 other personal discrimination.

Many comments focused on the inability to disaggregate discrimination into personal and group. One country noted that discrimination in their country was disaggregated into racism, homophobia and other discrimination. Another treated discrimination as a civil offence rather than a criminal. Additionally, all comments from 2.9.3 group discrimination noted the inability to separately identify group discrimination.

### **Summary/conclusion**

The EGM may consider the possibility of combining 2.9.2 personal discrimination and 2.9.3 group discrimination. 2.9.2 personal discrimination and 2.9.3 group discrimination received overwhelming responses on the inability to disaggregate discrimination by personal and group. However, it is important to note that group discrimination and personal discrimination are two clearly different offences.

### **2.9.3 Group discrimination**

6% (2/31) of countries reported that statistics can be produced for group discrimination. This increases to 10% (3/31) with the addition of countries that can produce statistics but with differences in the definition. 26/31 countries cannot produce statistics of which 20 indicate that information is not

stored/available, 2 have available data but could not produce a statistical count, 1 has other reasons for the lack of data, 1 commented that this is not a criminal offence, and 1 does not know whether it can produce statistics.

Level 4 categories of 2.9.3 indicated similar data availability with 13% (4/32) of countries for 2.9.3.1 discrimination due to the victim's characteristics or ascribed attributes, 6% (2/32) for 2.9.3.2 discrimination due to the victim's ascribed beliefs or values, and 6% (2/32) for 2.9.3.3 other group discrimination.

2.9.3 received similar comments as 2.9.2 with the major concern being the inability to disaggregate discrimination into personal and group. One country noted that discrimination is a civil offence rather than a criminal offence, while another country noted that discrimination is an aggravating circumstance to be used with other offences.

#### Summary/conclusion

See conclusion for 2.9.2 personal discrimination.

#### **2.9.4 Other acts preventing the exercise of civil rights**

16% (5/32) of countries reported that statistics can be produced for other acts preventing the exercise of civil rights. 23/31 countries cannot produce statistics and 4/31 do not know. 18/23 countries with no information indicate that information is not stored/available, 2/23 have available data but could not produce a statistical count, 2/23 countries have other reasons for the lack of data, and 1/23 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 2.9 acts preventing the exercise of civil rights. Countries explained that relevant data are allocated to other categories within 2.9 and cannot provide data under this category. One country provided data from a similar residual category, while another country provided data on offences against electoral rights, which should be allocated to 8.7 acts related to democratic elections.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

## **2.10 Acts that trespass against the person**

39% (13/33) of countries reported that statistics can be produced for acts that trespass against the person. This increases to 45% (15/33) with the addition of countries that can produce statistics but with differences in the definition. 18/33 countries cannot produce statistics of which 14 indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, and 1 has other reasons for the lack of data.

Comments focused on the ability to provide data for this category. Few countries included computer hacking within their submitted data, while another country included “private life abuse” and “unlawful house entry and intruding upon private areas” which should be included under 5.1 burglary. Another country noted that data includes acts that trespass against companies.

### **Summary/conclusion**

Test responses indicate minor changes to this category. Inclusions within 2.10 acts that trespass against the person should stipulate private life abuse. Data on acts that trespass against companies can be identified by the victim disaggregation variable.

## **2.10.1 Invasion of privacy**

34% (11/32) of countries reported that statistics can be produced for invasion of privacy. This increases to 44% (14/32) with the addition of countries that can produce statistics but with differences in the definition. 18/32 countries cannot produce statistics. 13/18 countries with no information indicate that information is not stored/available, 1/18 have available data but could not produce a statistical count, 2/18 countries have other reasons for the lack of data, 1/18 countries commented that this is not a criminal offence, and 1/18 does not know whether it can produce statistics.

Countries commented on the inability to separately identify this category. One country submitted data on a “person who enters the house of someone else without permission, reading the mail of another person, and secret telecommunication.”

### **Summary/conclusion**

Test responses do not indicate a need to change this category. A person who enters the house of someone else without permission should be allocated to 5.1 burglary.

### **2.10.2 Other acts that trespass against persons**

28% (9/32) of countries reported that statistics can be produced for other acts that trespass against the person. This increases to 34% (11/32) with the addition of countries that can produce statistics but with differences in the definition. 21/32 countries cannot produce statistics. 16 countries with no information indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 3 have other reasons for the lack of data, 1 commented that this is not a criminal offence, and 1 does not know whether it can produce statistics.

Countries provided various offences within this category such as “damaging a grave; organs” and “causing harm to worship places or related premises.” Other countries noted that data are not separately available for this category.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **2.11 Other acts causing harm or intending to cause harm to the person**

12% (4/33) of countries reported that statistics can be produced for other acts causing harm or intending to cause harm to the person. This increases to 21% (7/33) with the addition of countries that can produce statistics but with differences in the definition. 25/33 countries cannot produce statistics. 19/25 countries with no information indicate that information is not stored/available, 1/25 have available data but could not produce a statistical count, 4/25 countries have other reasons for the lack of data, and 1/25 does not know whether it can produce statistics.

Countries provided many offences under this category. These offences included “deliberately not giving care or food to a child or help needing person; renting a very bad house for a very high price to people in big problems; exploitation of begging; abuse of weaknesses of persons.” Other offences included “administering poison (where further intent is unknown). Drink/food spiking (where further intent is unknown). Set mantraps. Stupefy. Administer a sedative or hypnotic drug (where further intent is unknown).” Another country provided data on unlawful interception or recording of communication.

## Summary/conclusion

One respondent recommended changing the name of category 2 'acts causing harm or intending to cause harm.' The respondent explained that this category covers offences not concerning harm, such as invasion of privacy and defamation. There is no official definition of harm within this category, but it is implied that harm covers not only physical harm but emotional harm, harm to one's reputation, etc. To explain the concept a definition for harm will be included in the manual.

Most of the included offences can be allocated to established ICCS categories. "Deliberately not giving care or food to a child or help needing person" should be categorized into 2.6.2 negligence related to duty to care and its disaggregations. "Administering poison", "drink/food spiking", and "administer a sedative or hypnotic drug" should be categorized into 2.2.1 assault and is already mentioned within its inclusions. "Renting a very bad house for a very high price to people in big problems" can be allocated to 7.1.2 other acts of fraud. "Unlawful interception or recording of communication" should be allocated to 2.10.1 invasion of privacy or 9.4 acts against state security depending on the victim.

"Exploitation of begging", "stupefy", and "abuse of weaknesses of a person" requires additional details to properly allocate the offence into an ICCS category, but it is not necessary to derive a new category based on these offences.

### 3 Injurious acts of a sexual nature

Under this category, there are 3 level 2 categories, 6 level 3 categories and 10 level 4 categories. Among responding countries, for each category at least some countries stated that statistics are currently produced under this category.

For most level 2 and 3 categories (except residual categories) between 21% and 74% of respondents indicated data availability with full correspondence of national data which increased to 28-90% when data availability with differences in the definition are taken into account. Quantitative data were provided for all level 2, 3 and 4 categories by at least four or more countries..

<b>Question 1. Can statistical data currently be produced for this offence in your country?</b>						
	<b>A. Yes</b>	<b>B. Yes, but with differences in the definition</b>	<b>Total Yes (A+B)</b>	<b>C. No</b>	<b>D. Don't know</b>	<b>Sum</b>
<b>3.1 Sexual Violence</b>	63%	23%	87%	13%	0%	100%
<b>3.1.1 Rape</b>	74%	16%	90%	10%	0%	100%
<b>3.1.1.1 Rape with force</b>	35%	0%	35%	65%	0%	100%
<b>3.1.1.2 Rape without force</b>	16%	0%	16%	77%	6%	100%
<b>3.1.1.3 Statutory rape</b>	39%	10%	48%	52%	0%	100%
<b>3.1.1.4 Other rape</b>	29%	0%	29%	65%	6%	100%
<b>3.1.2 Sexual assault</b>	37%	20%	57%	43%	0%	100%
<b>3.1.2.1 Physical sexual assault</b>	21%	7%	28%	62%	10%	100%
<b>3.1.2.2 Non-physical sexual assault</b>	21%	7%	28%	66%	7%	100%
<b>3.1.2.3 Other sexual assault not amounting to rape</b>	10%	3%	14%	79%	7%	100%
<b>3.1.3 Other acts of sexual violence</b>	20%	0%	20%	73%	7%	100%
<b>3.2 Sexual exploitation</b>	43%	13%	57%	40%	3%	100%
<b>3.2.1 Sexual exploitation of adults</b>	37%	10%	47%	53%	0%	100%
<b>3.2.2 Sexual exploitation of children</b>	33%	17%	50%	50%	0%	100%

<b>3.2.2.1 Child pornography</b>	43%	7%	50%	50%	0%	100%
<b>3.2.2.2 Child prostitution</b>	36%	0%	36%	64%	0%	100%
<b>3.2.2.3 Other sexual exploitation of children</b>	30%	7%	37%	63%	0%	100%
<b>3.2.3 Other acts of sexual exploitation</b>	23%	3%	27%	67%	7%	100%
<b>3.3 Other injurious acts of a sexual nature</b>	20%	3%	23%	73%	3%	100%

There are a number of qualitative comments on the definitions and inclusions in some level 3 and 4 categories, indicating differences with definitions provided in the ICCS. In some instances the comments received indicate a need for reviewing and modifying the definitions. This applies in particular to 3.1 ‘sexual violence’, 3.1.1 ‘rape’ and 3.1.3 ‘other acts of sexual violence’. Under 3.2.2 ‘sexual exploitation of children’, a new level 4 category 3.2.2.3 for ‘sexual grooming of children’ should be considered.

### **3.1 Sexual violence**

63% (19/30) of countries reported that statistics can be produced for sexual violence. This increases to 83% (26/30) with the addition of countries that can produce statistics but with differences in the definition. 4/30 countries cannot produce statistics. 3 countries with no information indicate that information is not stored/available, 1 has available data but could not produce a statistical count, and 1 has other reasons for the lack of data.

This category received a generally positive response and only a few countries commented on the inability to produce statistics. One country included only forcible rape and female victims. Another country provided data on “rape and molestation and assault on women to outrage her modesty.” Another country commented that “violence related to sexual violation” is a broad category and disaggregated by relationship between the victim and perpetrator or location. For example, “sexual violence towards children or mentally unable people, sexual violence perpetrated by a public officer; sexual violence by a parent or a foster; at school and in training institute; sexual violence by a group of people; and sexual violence of a child for the purposes of producing child pornography.”

#### Summary/conclusion

Test responses minor changes to this category. ‘Incest not amounting to rape’ should be listed under exclusions and coded to 8.2.3 ‘other acts against public order sexual standards.’

One country commented that sexual violence is generally disaggregated by the relationship between the victim and perpetrator or the location. Victim and perpetrator disaggregations and event disaggregations can capture this data.

### **3.1.1 Rape**

74% (23/31) of countries reported that statistics can be produced for rape. This increases to 90% (28/31) with the addition of countries that can produce statistics but with differences in the definition. 3/31 countries cannot produce statistics. 1/3 countries with no information indicate that information is not stored/available, 1/3 have available data but could not produce a statistical count or data are confidential, and 1/3 countries have other reasons for the lack of data.

Level 4 categories of 3.1.1 indicated lower data availability with 35% (11/31) of countries having data for 3.1.1.1 rape with force, 16% (5/31) for 3.1.1.2 rape without force, 48% (15/31) for 3.1.1.3 statutory rape, and 29% (9/31) for 3.1.1.4 other rape.

This category received a generally positive response and only a few countries commented on the inability to provide statistics. A few countries have information on “aggravated sexual assault”, “rape, strong arm rape, carnal abuse, sexual assault, and sodomy” but these data are not published due to issues in confidentiality/quality or impartial reporting.

Comments for level 4 categories conveyed the difficulties of separating rape into rape with force and without force. One country noted that “rape is always with force” even if it is not physical force. Another country collected data but only with partial reporting. Comments, however, conveyed the ability to provide data on statutory rape and countries noted the specific age of consent within their country.

### **Summary/conclusion**

Test responses indicate minor changes to this category. Inclusions within 3.1.1.1 rape with force should stipulate sexual penetration with physical force. Definitions for 3.1.1.2 rape without force should stipulate sexual penetration without valid consent inflicted upon a person without physical force and inclusions should include also ‘through abuse of a position’.

### **3.1.2 Sexual assault**

37% (11/30) of countries reported that statistics can be produced for sexual assault. This increases to 57% (17/30) with the addition of countries that can produce statistics but with differences in the definition. 13/30 countries cannot produce statistics of which 5 indicate that

information is not stored/available, 3 have available data but could not produce a statistical count or data are confidential, 3 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 3.1.2 indicated lower data availability with 28% (8/29) of countries having data for 3.1.2.1 physical sexual assault, 28% (8/29) for 3.1.2.2 non-physical sexual assault, and 24% (4/29) for 3.1.2.3 other sexual assault not amounting to rape.

Comments conveyed the inability to disaggregate sexual assault by physical and non-physical. A few countries have data on “non-aggravated sexual assault”, “forcible fondling, sexual assault, and strong arm sexual assault” but faced issues in confidentiality/quality or partial reporting. One country noted that sexual harassment cases are included within harassment and not separately identified.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

A few countries submitted offences that should be allocated into other established ICCS categories. “Pimping and procuring” should be coded to 3.2 sexual exploitation, “procuring and possession of pornographic materials” should be coded to 8.2.2 pornography offences, and “juvenile pornography” should be coded to 3.2.2.1 child pornography.

### **3.1.3 Other acts of sexual violence**

20% (6/30) of countries reported that statistics can be produced for other acts of sexual violence. 22/30 countries cannot produce statistics. 17/22 countries with no information indicate that information is not stored/available, 1/22 have available data but could not produce a statistical count, 3/22 countries have other reasons for the lack of data, and 1/22 does not know whether it can produce statistics.

The lack of data in this residual category confirms the exhaustiveness of 3.1 sexual violence. Most countries explained that data are not available for this category. One country commented on including assault with intent to rape and another country included “violation of sexual integrity by abuse of position.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 3.1.2.1 physical sexual assault should list sexual assault by abuse of position.

### **3.2 Sexual exploitation**

43% (13/30) of countries reported that statistics can be produced for sexual exploitation. This increases to 57% (17/30) with the addition of countries that can produce statistics but with differences in the definition. 13/30 countries cannot produce statistics. 7/13 countries with no information indicate that information is not stored/available, 3/13 have available data but could not produce a statistical count, 2/13 countries have other reasons for the lack of data, and 1/13 does not know whether it can produce statistics.

Countries listed a number of specific offences that were included in this category. One country included “insult to modesty of women”, while another country included data on human trafficking. A country also noted that data are collected on “assisting or promoting prostitution” but that these are not published due to partial reporting.

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **3.2.1 Sexual exploitation of adults**

37% (11/30) of countries reported that statistics can be produced for sexual exploitation of adults. This increases to 47% (14/30) with the addition of countries that can produce statistics but with differences in the definition. 16/30 countries cannot produce statistics. 10/16 countries with no information indicate that information is not stored/available, 3/16 have available data but could not produce a statistical count or data are confidential, 2/16 countries have other reasons for the lack of data, and 1/16 does not know whether it can produce statistics.

Comments focused on offences that were included into this category. A few countries have data on “sexual servitude offences” and “assisting or promoting prostitution” but these are not published due to issues in confidentiality/quality or impartial reporting. Other countries noted relevant laws or provided their definition of sexual exploitation of an adult.

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **3.2.2 Sexual exploitation of children**

33% (10/30) of countries reported that statistics can be produced for sexual exploitation of children. This increases to 50% (15/30) with the addition of countries that can produce statistics but with differences in the definition. 15/30 countries cannot produce statistics. 10 countries with no information indicate that information is not stored/available, 3 have available data but could not produce a statistical count or data are confidential, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 3.2.2 also indicated a widespread availability of data with 50% (15/30) of countries indicating that data are available for 3.2.2.1 child pornography, 36% (9/35) for 3.2.2.2 child prostitution, and 37% (11/30) for 3.2.2.3 other sexual exploitation of children.

This category received generally positive comments in regards to the compatibility of data with the ICCS. One country provided data on “abuse of children through prostitution and pornography”, while another country could only provide data on child pornography and child grooming. Countries also noted that only federal arrest data are available or data are not published due to issues in confidential/quality. Additionally, one country cannot separate child pornography and child prostitution.

#### **Summary/conclusion**

Countries commented on the ability to provide data for sexual grooming of children and the EGM may consider adding a new level 4 category under 3.2.2 for ‘sexual grooming of children.’

The suggested definition for this new category is ‘making contact with children in order to expose them gradually to sexually explicit material or for sexual purposes.’<sup>7</sup>

### **3.2.3 Other acts of sexual exploitation**

23% (7/30) of countries reported that statistics can be produced for other acts of sexual exploitation. This increases to 27% (8/30) with the addition of countries that can produce statistics but with differences in the definition. 20/30 countries cannot produce statistics. 15/20 countries with no information indicate that information is not stored/available, 2/20 have

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<sup>7</sup> "Sexual violence against children - The European legislative framework and outline of Council of Europe conventions and European Union policy.", Page 63. Council of Europe, n.d. Web. <<http://www.coe.int/t/dg3/children/1in5/Source/PublicationSexualViolence/Ruelle.pdf>>.

available data but could not produce a statistical count, 2/20 countries have other reasons for the lack of data, and 1/20 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 3.2.3 sexual exploitation. Countries included “publicizing sexual favors” or “abuse of computer networks and other methods of electronic communication to commit criminal offences against sexual freedom of minors.”

#### Summary/conclusion

Test responses do not indicate a need to change this category. Related offences can be allocated to other established ICCS categories. Note that “publicizing sexual favors” should be coded to 8.2.1 prostitution offences and “abuse of computer networks and other methods of electronic communication to commit criminal offences against sexual freedom of minors” can be coded to the proposed category called 3.2.2.3 sexual grooming of children.

### **3.3 Other injurious acts of a sexual nature**

20% (6/30) of countries reported that statistics can be produced for other injurious acts of a sexual nature. This increases to 23% (7/30) with the addition of countries that can produce statistics but with differences in the definition. 22/30 countries cannot produce statistics of which 17 indicate that information is not stored/available, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 3.3 other injurious acts of a sexual nature. Countries commented that data are not available for this category. One country included “administering a substance with intent, committing an offence with intent to commit sexual offences, trespass with intent to cause sexual offence.”

#### Summary/conclusion

Test responses do not indicate a need to change this category. Acts listed by countries in this category can be allocated in other established ICCS categories. “Administering a substance or committing an offence with intent to commit sexual offences” should be coded to 3.1.2.1 physical sexual assault and “trespass with intent to cause sexual offence” should be coded to 3.1.2.2 non-physical sexual assault.

## 4 Acts against property involving violence against a person

Under this top level category, there are 2 level 2 categories, 5 level 3 categories and 7 level 4 categories. Among responding countries, for each category at least some countries stated that statistics are currently produced under this category. For level 3 categories between 28% and 38% of respondents indicated data availability with full correspondence of national data which increased to 31-59% when data availability with differences in the definition are taken into account. Quantitative data were provided for all level 2, 3 and 4 categories by at least two or more countries.

<b>Question 1. Can statistical data currently be produced for this offence in your country?</b>						
	<b>A. Yes</b>	<b>B. Yes, but with differences in the definition</b>	<b>Total Yes (A+B)</b>	<b>C. No</b>	<b>D. Don't know</b>	<b>Sum</b>
<b>4.1 Robbery</b>	81%	9%	91%	9%	0%	100%
<b>4.1.1 Robbery from the person</b>	38%	21%	59%	38%	3%	100%
<b>4.1.1.1 Robbery from the person in a public location</b>	26%	16%	42%	55%	3%	100%
<b>4.1.1.2 Robbery from the person in a private location</b>	28%	13%	41%	56%	3%	100%
<b>4.1.1.3 Other robbery from the person</b>	26%	3%	29%	68%	3%	100%
<b>4.1.2 Robbery of valuables or goods in transit</b>	28%	6%	34%	63%	3%	100%
<b>4.1.2.1 Robbery of a car or vehicle</b>	31%	6%	38%	59%	3%	100%
<b>4.1.2.2 Other robbery of valuables or goods in transit</b>	27%	0%	27%	70%	3%	100%
<b>4.1.3 Robbery of an establishment or institution</b>	37%	3%	40%	57%	3%	100%
<b>4.1.3.1 Robbery of a financial institution</b>	34%	9%	44%	53%	3%	100%
<b>4.1.3.2 Robbery of a non-financial institution</b>	31%	9%	41%	56%	3%	100%

<b>4.1.4 Robbery of livestock</b>	28%	3%	31%	66%	3%	100%
<b>4.1.5 Other acts of robbery</b>	29%	3%	32%	65%	3%	100%
<b>4.2 Other acts against property involving violence against a person</b>	17%	3%	21%	72%	7%	100%

There are a number of minor qualitative comments on the definitions that point to a need to make minor modifications to definitions or to legal inclusions/exclusions. This applies in particular to 4.1 robbery, 4.1.1.3 other robbery from the person, 4.1.2.1 robbery of a car or vehicle, 4.1.2.2 other robbery of valuables or goods in transit, 4.1.3.2 robbery of a non-financial institution, 4.1.5 other acts of robbery and 4.2 other acts against property involving violence against a person.

**4.1 Robbery**

81% (26/32) of countries reported that statistics can be produced for robbery. This increases to 91% (29/32) with the addition of countries that can produce statistics but with differences in the definition. 3/32 countries cannot produce statistics. 2/3 countries with no information indicate that information is not stored/available and 1/3 have available data but are confidential.

This category received a generally positive response, but comments varied between countries. A few countries commented that robbery can only be “committed towards a person and not an organization or machine.” Another country noted that information is available through victimization surveys and administrative records. One country commented that robbery is broken down between aggravated and non-aggravated but that data are not published due to issues in confidentiality/quality. One country commented that the definition should explicitly state the use of force or threat to use force towards the person.

Summary/conclusion

Test responses indicate minor changes to this category. The ICCS definition of robbery is the “unlawful taking or obtaining property with the use of force or threat of force with the intent to permanently or temporarily deprive it from a person or organization.” This definition should stipulate the use of force or threat of force ‘against a person’.

#### **4.1.1 Robbery from the person**

38% (11/29) of countries reported that statistics can be produced for robbery from the person. This increases to 59% (17/29) with the addition of countries that can produce statistics but with differences in the definition. 12/29 countries cannot produce statistics. 9/12 countries with no information indicate that information is not stored/available, 2/12 have available data but could not produce a statistical count, and 1/12 countries have other reasons for the lack of data.

Level 4 categories of 4.1.1 indicated a lower availability of data with 42% (13/31) of countries having data for 4.1.1.1 robbery from a person in a public location, 41% (13/32) for 4.1.1.2 robbery from a person in a private location, and 29% (9/31) for 4.1.1.3 other robbery from the person.

Many countries commented on the inability to disaggregate robbery into robbery from the person and robbery of an establishment. Others could not distinguish robbery from a person from robbery of valuables or goods in transit. Additionally, another country noted the ability to identify the place of robbery but not the difference between a person and an establishment.

#### **Summary/conclusion**

Test responses indicate minor changes to this category. Inclusions within 4.1.1.3 other robbery from the person should stipulate robbery of a person with a disability and robbery from persons in miscellaneous locations.

#### **4.1.2 Robbery of valuables or goods in transit**

28% (9/32) of countries reported that statistics can be produced for robbery of valuables or goods in transit. This increases to 34% (11/32) with the addition of countries that can produce statistics but with differences in the definition. 21/32 countries cannot produce statistics. 11 countries with no information indicate that information is not stored/available, 3 have available data but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Some level 4 categories of 4.1.2 indicated a higher availability of data with 38% (12/32) of countries providing data for 4.1.2.1 robbery of a car or vehicle, and 27% (8/30) for 4.1.2.2 other robbery of valuables or goods in transit.

Comments focused on the ability to provide data but with differences in the definition. One country cannot differentiate between “crimes against individuals and crimes against institutions.” Another country noted that it is not possible to make the “distinction between robbery from the person operating a vehicle and other robberies from a vehicle.” One country provided data for robbery on a “highway, road, and alley” but was restricted by partial reporting. One country also noted that other data for robbery of valuables or goods in transit are under development and should be available next year.

#### Summary/conclusion

Test responses indicate minor changes to this category. The definition of 4.1.2.1 robbery of a car or vehicle should be refined to specify robbery from the person operating the vehicle and its passengers. As a result, the new definition for 4.1.2.1 should be ‘robbery of a vehicle in transit from the person operating the vehicle or its passengers.’

Additionally, inclusions within 4.1.2.2 other robbery of valuables or goods in transit should stipulate “robbery in or from a railway”, “robbery of a security van”, and “taxi robbery.”

#### **4.1.3 Robbery of an establishment or institution**

37% (11/30) of countries reported that statistics can be produced for robbery of an establishment or institution. This increases to 40% (12/30) with the addition of countries that can produce statistics but with differences in the definition. 17/30 countries cannot produce statistics. 8 countries with no information indicate that information is not stored/available, 6 have available data but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 4.1.3 indicated a higher availability of data with 44% (14/32) of countries providing data for 4.1.3.1 robbery of a financial institution, and 41% (13/32) for 4.1.3.2 robbery of a non-financial institution.

Many comments focused on the inability to differentiate robbery between robbery of a person and robbery of an institution or conveyed the differences in definition. One country included “robbery and

dacoity in bank and commercial places.” Another country noted that data includes individuals being robbed of business property.

4.1.3.2 robbery of a non-financial institution received data on “robbery and dacoity in residential places” and “shop robbery.” One country commented that robbery from financial institutions other than banks such as exchange bureaus cannot be distinguished from robbery from shops.

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 4.1.3.2 robbery of a non-financial institution should stipulate “shop robbery.” The remaining data does not illustrate the need to change this category.

#### **4.1.4 Robbery of livestock**

28% (9/32) of countries reported that statistics can be produced for robbery of livestock. This increases to 31% (10/32) with the addition of countries that can produce statistics but with differences in the definition. 21/30 countries cannot produce statistics. 15 countries with no information indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

One country noted that data is available with a specific query. Another country included cattle rusting within this category, while one country noted 4.1.4 robbery of livestock is defined as theft of livestock.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **4.1.5 Other acts of robbery**

29% (9/31) of countries reported that statistics can be produced for other acts of robbery. This increases to 32% (10/31) with the addition of countries that can produce statistics but with differences in the definition. 20/31 countries cannot produce statistics of which 11 indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 3 other reasons for the lack of data, and 2 do not know whether they can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 4.1 robbery. Some countries explained that relevant data are allocated into other categories within 4.1 and cannot provide data under a specific category. One country noted the inclusion of “robbery in river/sea”, while another country included “robbery without aggravating circumstances and robbery extorted in person by menace.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 4.1.5 other acts of robbery should stipulate robbery on the river or sea. The remaining data does not illustrate the need to change this category.

#### **4.2 Other acts against property involving violence against a person**

17% (5/29) of countries reported that statistics can be produced for other acts against property involving violence against a person. This increases to 21% (6/29) with the addition of countries that can produce statistics but with differences in the definition. 21/29 countries cannot produce statistics of which 13 indicate that information is not stored/available, 5 have other reasons for the lack of data, and 2 do not know whether they can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 1:4 acts against property involving violence against a person. Most countries explained that relevant data are allocated into other categories within category 4 and cannot provide data under lower level categories. One country noted the inclusion of “theft escalating into robbery.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 4.2 other acts against property involving violence against a person should stipulate theft escalating into robbery. The remaining data does not illustrate the need to change this category.

## 5 Acts against property only

Under this top level category, there are 5 level 2 categories, 13 level 3 categories and 12 level 4 categories. Among responding countries, for each category at least some countries stated that statistics are currently produced under this category. For level 2 categories between 50% and 67% of respondents indicated data availability with full correspondence of national data which increased to 53-87% when data availability with differences in the definition are taken into account (excluding residual categories 'other'). For level 3 categories between 26% and 52% of respondents indicated data availability with full correspondence of national data which increased to 35-68% when data availability with differences in the definition are taken into account, with the exceptions of 5.2.4 'theft of public property (26%) and 5.4.2 'damage of private property' (19%).

Quantitative data were provided for all level 2, 3 and 4 categories by at least two or more countries, with the exception of 5.2.3.2. 'Damage of private property' where only one country provided the count of offences.

Question 1. Can statistical data currently be produced for this offence in your country?						
	A. Yes	B. Yes, but with differences in the definition	Total Yes (A+B)	C. No	D. Don't know	Sum
<b>5.1 Burglary</b>	65%	19%	84%	16%	0%	100%
5.1.1 Burglary of business premises	39%	16%	55%	45%	0%	100%
5.1.2 Burglary of residential/private premises	52%	10%	61%	39%	0%	100%
5.1.3 Other acts of burglary	33%	3%	37%	57%	7%	100%
<b>5.2 Theft</b>	67%	20%	87%	13%	0%	100%
5.2.1 Theft of a vehicle or parts thereof	35%	32%	68%	29%	3%	100%
5.2.1.1 Theft of a car, van or truck	39%	23%	61%	39%	0%	100%
5.2.1.2 Theft of a motorcycle	35%	10%	45%	55%	0%	100%
5.2.1.3 Illegal use of a vehicle	35%	6%	42%	55%	3%	100%
5.2.1.4 Theft of parts of a motor vehicle	35%	13%	48%	52%	0%	100%
5.2.1.5 Other vehicle theft	23%	10%	33%	67%	0%	100%
5.2.2 Theft of personal property	35%	13%	48%	52%	0%	100%
5.2.2.1 Theft of personal property from a person	35%	19%	55%	45%	0%	100%
5.2.2.2 Theft of personal property from a vehicle	20%	17%	37%	60%	3%	100%
5.2.2.3 Other theft of personal property	10%	14%	24%	72%	3%	100%

<b>5.2.3 Theft of business property</b>	16%	23%	39%	58%	3%	100%
<b>5.2.3.1 Theft from a shop</b>	35%	19%	55%	42%	3%	100%
<b>5.2.3.2 Theft from another type of business premises</b>	13%	16%	29%	68%	3%	100%
<b>5.2.4 Theft of public property</b>	10%	16%	26%	68%	6%	100%
<b>5.2.5 Theft of livestock</b>	42%	13%	55%	45%	0%	100%
<b>5.2.6 Theft of services</b>	29%	16%	45%	55%	0%	100%
<b>5.2.7 Other theft</b>	37%	17%	53%	37%	10%	100%
<b>5.3 Intellectual property offences</b>	50%	3%	53%	47%	0%	100%
<b>5.4 Property damage</b>	52%	17%	69%	31%	0%	100%
<b>5.4.1 Damage of public property</b>	26%	10%	35%	65%	0%	100%
<b>5.4.2 Damage of private property</b>	13%	6%	19%	77%	3%	100%
<b>5.4.2.1 Damage of personal property</b>	6%	10%	16%	81%	3%	100%
<b>5.4.2.2 Damage of private business property</b>	6%	10%	16%	81%	3%	100%
<b>5.4.3 Other damage of property</b>	26%	10%	35%	61%	3%	100%
<b>5.5 Other acts against property only</b>	23%	7%	30%	63%	7%	100%

A review of the structure of sub-categories under 5.1 and 5.4 indicates the addition of additional categories 5.1.3 ‘burglary of public premises’ and 5.4.3 ‘damage of business property’. In addition, there are a number of minor qualitative comments that point to minor modifications to definitions or to legal inclusions/exclusions. This applies in particular to 5.1.1 ‘burglary of business premises’, 5.1.2 ‘burglary of residential/private premises’, 5.2.1 ‘theft of a vehicle or parts thereof’, 5.2.2 ‘theft of personal property’, 5.2.3 ‘theft of business property’, 5.4. ‘property damage’ and 5.4.2 ‘damage of private property’ .

## **5.1 Burglary**

65% (20/31) of countries reported that statistics can be produced for burglary. This increases to 84% (26/31) with the addition of countries that can produce statistics but with differences in the definition. 5/31 countries cannot produce statistics. 4 countries with no information indicate that information is not stored/available, 1 has available data but could not produce a statistical count, and 1 has other reasons for the lack of data.

This category received a generally positive response from countries. Comments focused on definitional differences or the inability to disaggregate burglary by the type of premises. One country noted that “burglary is always theft (or attempted theft)” and their data also contains robberies. Another country commented that the offence must be committed at night for it to be burglary.

### Summary/conclusion

Test responses indicate a need to change this category. One country commented that the ICCS definition of burglary should explicitly stipulate that the use of force is directed towards the property to gain access and not the person. The current definition is “gaining unauthorized access to a part of a building/dwelling or other premises by use of force, with the intent to commit an offence.” This definition can encompass offences where the use of force is against a person to gain access to a premise.

#### **5.1.1 Burglary of business premises**

39% (12/31) of countries reported that statistics can be produced for burglary of business premises. This increases to 55% (17/31) with the addition of countries that can produce statistics but with differences in the definition. 14/31 countries cannot produce statistics. 8/14 countries with no information indicate that information is not stored/available, 3/14 have available data but could not produce a statistical count, 2/14 countries have other reasons for the lack of data, and 1/14 does not know whether it can produce statistics.

Comments drew attention to the different interpretations of business premises that were included in this category. Countries included locations such as shops, offices, clubs, banks, pharmacies, factories, service stations, casinos, liquor stores, churches, public institutions, libraries, and doctor’s premises. One country commented that burglary of a ship or boat could be both burglary of business premises and burglary of residential/private premises.

### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 5.1.1 burglary of business premises should stipulate burglary of shops, offices, clubs, banks, pharmacies, factories, service stations, casinos, liquor stores and other business premises.

#### **5.1.2 Burglary of residential/private premises**

52% (16/31) of countries reported that statistics can be produced for burglary of residential/private premises. This increases to 61% (19/31) with the addition of countries that can produce statistics but with differences in the definition. 12/31 countries cannot produce statistics. 6 countries with no information indicate that information is not stored/available, 3 have available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

Comments drew attention to the different interpretations of residential/private premises that were included in this category. Countries included locations such as spare time residences, summerhouses, mobile homes, and dwellings. One country noted that data do not include outer buildings such as sheds and garages, while another country commented that burglary of a ship or boat could be both burglary of business premises and burglary of residential/private premises.

#### Summary/conclusion

Test responses indicate minor changes to this category. The current definition of residential/private premises is real estate owned by a person but this should be expanded to include residential/private premises that are rented or leased. The new definition should be real estate owned, rented, or leased by a person.

#### **5.1.3 Other acts of burglary**

33% (10/30) of countries reported that statistics can be produced for other acts of burglary. This increases to 37% (11/30) with the addition of countries that can produce statistics but with differences in the definition. 17/30 countries cannot produce statistics of which 13 indicate that information is not stored/available, 1 has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 5.1 other acts of burglary. Countries noted the locations that were included under this category such as schools, government buildings, railways, river, sea, lakes, highways, public places, libraries, care centers, sports facilities, churches, museums,

#### Summary/conclusion

The EGM may consider creating a new category under 5.1 'burglary.' Countries included burglary of public places or institutions that do not fully meet the definition of burglary of business premises. A new category should be created under 5.1 burglary of public premises.

Summerhouses, mobile homes, and other secondary houses should be included under 5.1.3 'other acts of burglary.' These homes are often vacated for an extended period of time and do not fully identify as residential premises.

In addition, inclusions within 5.1.3 other acts of burglary should stipulate premises that cannot be identified as public, private, or business, such as ships and boats that can act as both private and business premises.

## **5.2 Theft**

67% (20/30) of countries reported that statistics can be produced for theft. This increases to 87% (26/30) with the addition of countries that can produce statistics but with differences in the definition. 4/30 countries cannot produce statistics. 3/4 countries with no information indicate that information is not stored/available and 1/16 does not know whether it can produce statistics.

This category received a generally positive response from countries. Comments focused on definitional differences or the inability to disaggregate theft by the stolen property. One country noted the difficulties of separating robbery, burglary, and theft as these crimes often happen together: burglary to commit theft or theft turning into robbery. Another country noted that theft is disaggregated by “where/how the perpetrator acted” rather than by the stolen property.

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

#### **5.2.1 Theft of a vehicle or parts thereof**

35% (11/31) of countries reported that statistics can be produced for theft of a vehicle or parts thereof. This increases to 68% (21/31) with the addition of countries that can produce statistics but with differences in the definition. 10/31 countries cannot produce statistics. 7/10 countries with no information indicate that information is not stored/available, 1/12 have available data but could not produce a statistical count, 1/10 countries have other reasons for the lack of data, and 1/10 does not know whether it can produce statistics.

Level 4 categories of 5.2.1 indicated a lower availability of data with 61% (19/31) of countries providing data for 5.2.1.1 theft of a car van or truck, 45% (14/31) for 5.2.1.2 theft of a motorcycle, 42% (13/31) for 5.2.1.3 illegal use of a vehicle, 48% (15/31) for 5.2.1.4 theft of parts of a motor vehicle, and 33% (10/30) for 5.2.1.5 other vehicle theft.

This category received a generally positive response from countries but with various differences in definition. Many countries considered theft of motor vehicle parts as theft from a vehicle. Additionally, countries noted the confusion on where to allocate bicycle theft. Few countries noted that theft of a vehicle cannot be disaggregated by type of vehicle while another country commented that carjacking and other theft involving violence are included in the data. One country conveyed that theft of a vehicle could only be disaggregated by registered and unregistered vehicle.

Countries noted that information for illegal use of a vehicle is available but not published due to issues in confidentiality/quality or partial reporting. Countries also commented that there is no difference between permanent and temporary theft and illegal use of vehicle is not considered a theft. In category 5.2.1.5 other vehicle theft, countries listed the type of vehicles that were included in this category such as scooters, bicycles, and mopeds.

#### Summary/conclusion

Test responses indicate a need to change this category. Category 5.2.1 'theft of vehicle or parts thereof' should focus explicitly on motorized vehicles. The category should be renamed to theft of a motorized vehicle or parts thereof with the definition of motorized vehicle being 'all land vehicles with an engine that run on the road, including cars, motorcycles, buses, lorries, construction and agricultural vehicles.'

Appropriately, 5.2.1.1 'theft of a car, van or truck' and 5.2.1.2 'theft of a motorcycle' should be combined to form 5.2.1.1 'theft of a motorized vehicle.' Other level 4 categories should be renamed accordingly to 'illegal use of a motorized vehicle', 'theft of parts of a motorized vehicle', and 'other motorized vehicle theft.'

#### **5.2.2 Theft of personal property**

35% (11/31) of countries reported that statistics can be produced for theft of personal property. This increases to 48% (15/31) with the addition of countries that can produce statistics but with differences in the definition. 16/31 countries cannot produce statistics. 7/16 countries with no information indicate that information is not stored/available, 4/16 have available data but could not produce a statistical count or data are confidential, 4/16 countries have other reasons for the lack of data, and 1/16 does not know whether it can produce statistics.

Some level 4 categories of 5.2.2 indicated a higher availability of data with 55% (17/31) of countries providing data for 5.2.2.1 theft of personal property from a person, 37% (11/30) for 5.2.2.2 theft of personal property from a vehicle, and 24% (7/29) for 5.2.2.3 other theft of personal property.

Comments conveyed various differences in definition or the inability to separately identify whether the stolen property is personal property. Countries reiterated the inability to distinguish theft of vehicle parts from theft of personal property from a vehicle. One country disaggregated theft by location such as train, ship, plane, bus, airport, and train station.

One country noted that 5.2.2.1 includes theft with violence while another country included theft from residential premises where entry was lawfully gained. Comments under category 5.2.2.3 listed the offences that were included in this category such as theft of bicycles; theft of fishing tackle; theft from dwellings, summerhouses, basements and attics; and theft of a weapon.

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 5.2.2.3 other theft of personal property should stipulate theft from residential premises where entry was lawfully gained. Countries that included the theft of specific items such as fishing tackle or weapon cannot be allocated to a level 4 category unless the location of the theft is known.

#### **5.2.3 Theft of business property**

16% (5/31) of countries reported that statistics can be produced for theft of business property. This increases to 39% (12/31) with the addition of countries that can produce statistics but with differences in the definition. 19/30 countries cannot produce statistics. 12/19 countries with no information indicate that information is not stored/available, 3/19 have available data but could not produce a statistical count, 3/19 countries have other reasons for the lack of data, and 1/19 does not know whether it can produce statistics.

Some level 4 categories of 5.2.3 indicated a higher availability of data with 55% (17/31) of countries providing data for 5.2.3.1 theft from a shop, and 29% (9/31) for 5.2.3.2 theft from another type of business premises.

Comments drew attention to the different interpretations of shop and other type of business premises. Additionally, countries provided data on theft by employees and making off without payment. Others noted that data is only for shoplifting or that information is available but not published due to issues in confidentiality/quality or partial reporting.

One country has data on thefts by servants or clerks, while another country noted that a “specific ad hoc query” is necessary to retrieve data. Countries also listed their included offences such as theft in banks; theft in hotels, cafes, restaurants, cinemas, theatres, places of entertainment, industrial plants, workshops, and repair shops, offices and docks.

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 5.2.3 theft of business property should stipulate theft by employees and inclusions within 5.2.3.2 theft from another type of business premises should stipulate hotels, cafes, restaurants, cinemas, theatres, places of entertainment, offices, industrial plants, and workshops.

#### **5.2.4 Theft of public property**

10% (3/31) of countries reported that statistics can be produced for theft of public property. This increases to 26% (8/31) with the addition of countries that can produce statistics but with differences in the definition. 21/30 countries cannot produce statistics. 15/21 countries with no information indicate that information is not stored/available, 3/21 have available data but could not produce a statistical count, 2/21 countries have other reasons for the lack of data, and 1/21 does not know whether it can produce statistics.

Most comments under this category conveyed the offences that were included in this category. One country noted that it is not always possible to distinguish between different types of property. One country noted the inclusion of thefts of cultural property including antiques, while another country mentioned theft from schools, churches, libraries, museums, and centers for culture.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

Countries provided data on thefts of cultural property; and theft from schools, churches, libraries, museums, etc. These offences cannot be stipulated within the inclusions, as the mentioned property is not universally considered as public property—thrift from schools, museums, churches, etc. that are private are not considered as theft of public property.

### **5.2.5 Theft of livestock**

42% (13/31) of countries reported that statistics can be produced for theft of livestock. This increases to 55% (17/31) with the addition of countries that can produce statistics but with differences in the definition. 14/31 countries cannot produce statistics. 11/14 countries with no information indicate that information is not stored/available, 2/14 have available data but could not produce a statistical count, and 1/14 does not know whether it can produce statistics.

Countries noted the inability to distinguish the difference between theft of livestock and theft of a pet. One country commented that only theft of cattle is included in this category.

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **5.2.6 Theft of services**

29% (9/31) of countries reported that statistics can be produced for theft of services. This increases to 45% (14/31) with the addition of countries that can produce statistics but with differences in the definition. 17/31 countries cannot produce statistics. 13/17 countries with no information indicate that information is not stored/available, 3/17 have available data but could not produce a statistical count, and 1/17 countries have other reasons for the lack of data.

This category received only a few comments. These comments conveyed the type of services included in this category. Some countries could only provide data for theft of electric power or dishonest use of electricity. One country included utility services (water, gas, electricity), while another country noted the theft of energy.

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **5.2.7 Other theft**

37% (11/30) of countries reported that statistics can be produced for other theft. This increases to 53% (16/30) with the addition of countries that can produce statistics but with differences in the definition. 11/30 countries cannot produce statistics and 3/30 do not know. 8 countries with no information indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 1 has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Many countries included specific items such as firearms and postal packets that cannot be allocated to non-residual categories without distinguishing the difference between the types of property. For example, if the postal packet was business related it would be categorized under 5.2.3 theft of business property.

Most comments in this category listed the offences that were included in this category. These offences included theft out of and from a motor vehicle; theft out of a boat (no engine); unlawful diversion of energy; theft of tram, train, ship, aircraft, vessel, or any non-motorized vehicle, theft from an automatic machine or meter, theft from coin-operated machines.

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **5.3 Intellectual property offences**

50% (15/30) of countries reported that statistics can be produced for intellectual property offences. This increases to 53% (16/30) with the addition of countries that can produce statistics but with differences in the definition. 14/30 countries cannot produce statistics of which 7 indicate that information is not stored/available, 5 have available data but could not produce a statistical count or data are confidential, and 1 does not know whether it can produce statistics.

This category received only a few comments. One country commented that data are available but are not published due to issues in confidentiality/quality, while one country only submitted data on copyright infringement.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **5.4 Property damage**

52% (15/29) of countries reported that statistics can be produced for property damage. This increases to 69% (20/29) with the addition of countries that can produce statistics but with differences in the definition. 9/29 countries cannot produce statistics. 6/9 countries with no information indicate that information is not stored/available, 2/9 have available data but could not produce a statistical count or data are confidential, and 1/9 does not know whether it can produce statistics.

Comments focused on the inability to disaggregate property damage by public private. One country can disaggregate the data by fire, graffiti, and other, while another country can disaggregate the data by “moving property (cars..etc) and real estate.” Other comments listed offences that were included in this category such as vandalism, sacrilege, kill/injure cattle or other animals, tamper with a motor vehicle (where no property is taken).

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 5.4 property damage should stipulate “tampering with a motor vehicle (where no property is taken).” Other included offences are already stipulated under inclusions or can be allocated to other established ICCS categories, such as sacrilege and kill/injure cattle or other animals should be coded to 10.5.1 acts against animals.

#### **5.4.1 Damage of public property**

26% (8/31) of countries reported that statistics can be produced for damage of public property. This increases to 35% (11/31) with the addition of countries that can produce statistics but with differences in the definition. 20/31 countries cannot produce statistics of which 11 indicate that information is not stored/available, 4 have available data but could not produce a statistical count, 1 has other reasons for the lack of data, 1 comments that this is not a criminal offence, and 1 does not know whether it can produce statistics.

Many comments noted the inability to disaggregate data by private and public property. One country could only provide data on “destruction of monuments and similar”, while another country provided data on “hospitals, public road/public places, water/lake/harbours.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **5.4.2 Damage of private property**

13% (4/31) of countries reported that statistics can be produced for damage of private property. This increases to 19% (6/31) with the addition of countries that can produce statistics but with differences in the definition. 24/31 countries cannot produce statistics of which 15 indicate that information is not stored/available, 4 have available data but could not produce a statistical count, 2 have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 5.4.2 indicated a lower availability of data with 16% (5/31) of countries providing data for 5.4.2.1 damage of personal property, and 16% (5/31) for 5.4.2.2 damage of private business property.

Comments noted the inability to disaggregate data by private and public property. Countries commented that data only included damage to a dwelling under 5.4.2.1 damage of personal property. Under category 5.4.2.2 damage of private business property, countries listed locations such as “bank, pharmacy, factory, service station, office, casino, liquor store, doctors rooms, and shop” or provided data on “criminal damage to a building other than a dwelling - so wider than just business.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Categories under 1:5 ‘acts against property only’ are disaggregated by private, public, and business property. All levels under category 5 should be disaggregated in a consistent manner and as a result, category 5.4.2.2 ‘damage of private business property’ should be moved to a level 3 category under 5.4 ‘property damage’ and labeled as ‘damage of business property.’ 5.4.2.1 ‘damage of personal property’ should then be eliminated.

### **5.4.3 Other damage of property**

26% (8/31) of countries reported that statistics can be produced for other damage of property. This increases to 35% (11/31) with the addition of countries that can produce statistics but with differences in the definition. 19/31 countries cannot produce statistics of which 14 indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 has other reasons for the lack of data, and 2 do not know whether they can produce statistics.

Comments noted the inability to disaggregate data by private and public property or listed their included offences. One country included “racially or religiously aggravated offences and criminal damage to a vehicle”, while another country included reckless endangerment, arson and gross arson.

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **5.5 Other acts against property only**

23% (7/30) of countries reported that statistics can be produced for other acts against property only. This increases to 30% (9/30) with the addition of countries that can produce statistics but with differences in the definition. 19/30 countries cannot produce statistics of which 12 indicate that information is not stored/available, 1 has available data but could not produce a statistical count or data are confidential, 2 have other reasons for the lack of data, and 3 do not know whether they can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 1:5 acts against property only. One country provided data on “misappropriation of property; squandering of property; misappropriation of a found item,” while another country included data on “taking unlawful path.”

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

## 6 Acts involving controlled psycho-active substances or other drugs

Under this top level category, there are 2 level 2 categories, 7 level 3 categories and 9 level 4 categories. While data coverage is generally lower than for other categories among responding countries, for each category at least some countries stated that statistics are currently produced under this category, except for 6.2.1.1 'unlawful possession or use of alcohol products'. For level 2 categories between 25% and 67% of respondents indicated data availability with full correspondence of national data which increased to 32-80% when data availability with differences in the definition are taken into account (excluding residual categories 'other'). For level 3 categories between 53% and 60% of respondents indicated data availability with full correspondence of national data which increased to 63-73% when data availability with differences in the definition are taken into account, with the exceptions of 6.2.1 'unlawful production, handling, possession or use of alcohol products (7%) and 6.2.2 'unlawful production, handling, possession or use of tobacco products (14%).

Quantitative data were provided for all level 2, 3 and 4 categories by at least two or more countries, with the exception of 6.1.3.1. 'street-level selling of minor quantities of illicit drugs', 6.2.1.1 'unlawful possession or use of alcohol products', 6.2.1.2 'unlawful production, trafficking or distribution of alcohol products', where no country provided the count of offences.

<b>Question 1. Can statistical data currently be produced for this offence in your country?</b>						
	<b>A. Yes</b>	<b>B. Yes, but with differences in the definition</b>	<b>Total Yes (A+B)</b>	<b>C. No</b>	<b>D. Don't know</b>	<b>Sum</b>
<b>6.1 Unlawful acts involving controlled drugs or precursors</b>	67%	13%	80%	20%	0%	100%
<b>6.1.1 Unlawful possession or use of controlled drugs for personal consumption</b>	60%	13%	73%	27%	0%	100%
<b>6.1.2 Unlawful cultivation or production of controlled drugs</b>	53%	10%	63%	37%	0%	100%
<b>6.1.3 Unlawful trafficking or distribution of controlled drugs</b>	53%	10%	63%	37%	0%	100%
<b>6.1.3.1 Street-level selling of minor quantities</b>	14%	7%	21%	79%	0%	100%

<b>of illicit drugs</b>						
<b>6.1.3.2 Wholesale trading of drugs</b>	14%	7%	21%	79%	0%	100%
<b>6.1.3.3 Other trafficking or distribution of illicit drugs</b>	11%	0%	11%	89%	0%	100%
<b>6.1.4 Other unlawful acts involving controlled drugs, controlled psycho-active substances, or precursors</b>	31%	7%	38%	62%	0%	100%
<b>6.2 Acts involving alcohol, tobacco or other controlled substances</b>	25%	7%	32%	68%	0%	100%
<b>6.2.1 Unlawful production, handling, possession or use of alcohol products</b>	7%	7%	14%	83%	3%	100%
<b>6.2.1.1 Unlawful possession or use of alcohol products</b>	0%	0%	0%	96%	4%	100%
<b>6.2.1.2 Unlawful production, trafficking or distribution of alcohol products</b>	14%	0%	14%	86%	0%	100%
<b>6.2.1.3 Other unlawful handling, possession or use of alcohol products</b>	4%	4%	7%	93%	0%	100%
<b>6.2.2 Unlawful production, handling, possession or use of tobacco products</b>	14%	3%	17%	83%	0%	100%
<b>6.2.2.1 Unlawful possession or use of tobacco products</b>	4%	0%	4%	96%	0%	100%
<b>6.2.2.2 Unlawful production, trafficking or distribution of tobacco products</b>	4%	0%	4%	96%	0%	100%
<b>6.2.2.3 Other unlawful handling, possession or use of tobacco products</b>	7%	4%	11%	89%	0%	100%
<b>6.2.3 Other unlawful acts involving alcohol, tobacco, or other controlled substances</b>	3%	7%	10%	86%	3%	100%

There are a number of qualitative comments that point to a need to make minor modifications to definitions or to legal inclusions/exclusions. This applies in particular to 6.1.3.3 'other trafficking or distribution of controlled drugs', 6.2.1.2 'unlawful production, trafficking or distribution of alcohol products'.

### **6.1 Unlawful acts involving controlled drugs or precursors**

67% (20/30) of countries reported that statistics can be produced for unlawful acts involving controlled drugs or precursors. This increases to 80% (24/30) with the addition of countries that can produce statistics but with differences in the definition. 6/30 countries cannot produce statistics of which 4 indicate that information is not stored/available and 1 has available data but could not produce a statistical count.

This category received generally a positive response and only a few countries provided comments on this category. One country noted that unlawful acts involving controlled drugs or precursors are considered a "non-index crime" for which data are unavailable. Another country noted that the "list of drugs covered by the misuse drugs act may be different to the 1988 convention."

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **6.1.1 Unlawful possession or use of controlled drugs for personal consumption**

60% (18/30) of countries reported that statistics can be produced for unlawful possession or use of controlled drugs for personal consumption. This increases to 73% (22/30) with the addition of countries that can produce statistics but with differences in the definition. 8/30 countries cannot produce statistics. 4/8 countries with no information indicate that information is not stored/available, 1/8 have available data but could not produce a statistical count, 1/8 countries commenting that this is not a criminal offence, 1/8 countries have other reasons for the lack of data, and 1/8 does not know whether it can produce statistics.

This category received generally a positive response and only a few countries provided comments on this category. One country noted that data are for all possession and cannot identify possession for only personal consumption. Another country noted that the "list of drugs covered by the misuse of drugs act maybe different to the 1988 convention."

### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **6.1.2 Unlawful cultivation or production of controlled drugs**

53% (16/30) of countries reported that statistics can be produced for unlawful cultivation or production of controlled drugs. This increases to 63% (19/30) with the addition of countries that can produce statistics but with differences in the definition. 11/30 countries cannot produce statistics. 10 countries with no information indicate that information is not stored/available, 1 has available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

Comments under this category focused on definitional differences. One country commented that unlawful production and distribution of drugs are regarded as the same offence, while another country noted that this is a sub-classification under “trafficking in controlled drugs” and data are not yet collected. Another country noted that data are for “Sale and manufacturing.”

### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **6.1.3 Unlawful trafficking or distribution of controlled drugs**

53% (16/30) of countries reported that statistics can be produced for unlawful trafficking or distribution of controlled drugs. This increases to 63% (19/30) with the addition of countries that can produce statistics but with differences in the definition. 11/30 countries cannot produce statistics of which 8 indicate that information is not stored/available, 1 has available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

Level 4 categories of 6.1.3 indicated a lower availability of data with 21% (6/29) of countries providing data for 6.1.3.1 street-level selling of minor quantities of controlled drugs, 21% (6/29) for 6.1.3.2 wholesale trading of drugs, and 11% (3/28) for 6.1.3.3 other trafficking or distribution of controlled drugs.

Comments conveyed the inability to disaggregate this category by the quantity of distributed drugs or the inability to separately identify trafficking and distribution from production and cultivation. One country noted that information is available on the quantity of drugs seized for an offence, which can be used to determine street-level selling or wholesale. Another country included “facilitating the taking of narcotics” into category 6.1.3.3 other trafficking or distribution of controlled drugs.

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 6.1.3.3 other trafficking or distribution of controlled drugs should stipulate ‘facilitating a drug trafficking operation.’ The remaining data do not indicate the need to change this category and the inability to provide data or differences from the ICCS is rooted in differences in national legislation or statistical classification that the ICCS cannot resolve without extensive restructuring.

#### **6.1.4 Other unlawful acts involving controlled drugs, psycho-active substances or precursors**

31% (9/29) of countries reported that statistics can be produced for other unlawful acts involving controlled drugs, psycho-active substances or precursors. This increases to 38% (11/29) with the addition of countries that can produce statistics but with differences in the definition. 18/29 countries cannot produce statistics. 13 countries with no information indicate that information is not stored/available, 1 has available data but could not produce a statistical count or data are confidential, 1 has other reasons for the lack of data, and 2 do not know whether they can produce statistics.

The lack of data in this residual category confirms the exhaustiveness of 6.1 unlawful acts involving controlled drugs or precursors. Countries submitted data on their residual category for illicit drug offences or commented that data are available but are not published due to issues in confidentiality/quality. One country noted the inclusion of “illegal possession of narcotic drugs.”

#### Summary/conclusion

Test responses do not indicate a need to change this category. Illegal possession of narcotic drugs should be coded to 6.1.1 unlawful possession or use of controlled drugs for personal consumption.

#### **6.2 Unlawful acts involving alcohol, tobacco, or other controlled substances**

25% (7/28) of countries reported that statistics can be produced for unlawful acts involving alcohol, tobacco, or other controlled substances. This increases to 32% (9/28) with the addition of countries that can produce statistics but with differences in the definition. 19/28 countries cannot produce statistics. 10 countries with no information indicate that information is not stored/available, 3 have available data but could not produce a statistical count or data are confidential, 4 commented that this is not a criminal offence, and 1 has other reasons for the lack of data.

Comments conveyed the inability to disaggregate data in accordance to this category. Countries provided data on “liquor law violations” and “liquor and tobacco offences” but could not further disaggregate the data. One country commented that police do not prioritize alcohol, tobacco, and doping/hormones offences and other ministries, such as the Ministry of Health or Ministry of Economic Affairs, focus more attention on these offences. One country noted that data are only collected on “notifiable offences” which do not include this category.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **6.2.1 Unlawful production, handling, possession or use of alcohol products**

7% (2/29) of countries reported that statistics can be produced for unlawful production, handling, possession or use of alcohol products. This increases to 14% (4/29) with the addition of countries that can produce statistics but with differences in the definition. 24/30 countries cannot produce statistics. 13 countries with no information indicate that information is not stored/available, 3 have available data but could not produce a statistical count, 4 commented that this is not a criminal offence, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 6.2.1 indicated a lower availability of data with 0% (0/28) of countries providing data for 6.2.1.1 unlawful possession or use of alcohol products, 14% (4/28) for 6.2.1.2 unlawful production, trafficking or distribution of alcohol products and 7% (2/28) for 6.2.1.3 other unlawful handling, possession or use of alcohol products.

Comments conveyed the inability to provide data for this category. One country commented that data are only collected on “notifiable offences” which do not include this category, while another country noted that this is not a crime and only “considered as an administrative breach.”

Others provided data on liquor laws but could not further disaggregate the data or listed offences that were included in this category such as “public drunkenness, giving alcohol to a drunk person, illegal brewing, and non-respect of the close hour for bars.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 6.2.1.2 unlawful production, trafficking or distribution of alcohol products should stipulate ‘illegal brewing’ and ‘giving alcohol to a drunk person.’ Other crimes that were included in this category can be categorized under other established ICCS categories. ‘Public drunkenness’ should be categorized to 8.1.2 acts related to social and religious public order norms and standards.

#### **6.2.2 Unlawful production, handling, possession or use of tobacco products**

14% (4/29) of countries reported that statistics can be produced for unlawful production, handling, possession or use of tobacco products. This increases to 17% (5/29) with the addition of countries that can produce statistics but with differences in the definition. 24/29 countries cannot produce statistics. 17 countries with no information indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 5 commented that this is not a criminal offence, 1 has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 6.2.2 indicated a lower availability of data with 4% (1/28) of countries providing data for 6.2.2.1 unlawful possession or use of tobacco products 4% (1/28) for 6.2.2.2 unlawful production, trafficking or distribution of tobacco products, and 11% (3/28) for 6.2.2.3 other unlawful handling, possession or use of tobacco products.

Comments conveyed the inability to provide data for this category. One country commented that data are only collected on “notifiable offences” which do not include this category, while another country noted that “Customs service or Ministry of Health” collects such data rather than the police. One country included data on “smoking where it is not allowed (bars, restaurants, schools, train stations, working place...).”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **6.2.3 Other unlawful acts involving alcohol, tobacco or other controlled substances**

3% (1/29) of countries reported that statistics can be produced for other unlawful acts involving alcohol, tobacco or other controlled substances. This increases to 10% (3/29) with the addition of countries that can produce statistics but with differences in the definition. 25/29 countries cannot produce statistics. 18/25 countries with no information indicate that information is not stored/available, 1/25 have available data but could not produce a statistical count, 3/25 countries commenting that this is not a criminal offence, 1/25 countries have other reasons for the lack of data, and 2/25 does not know whether it can produce statistics.

The lack of data in this residual category confirms the exhaustiveness of 6.2 unlawful acts involving alcohol, tobacco or other controlled substances. Countries listed offences that were included in this category such as hormone and doping offences, “unlawful selling of industrial alcohol”, “unlawful production of wine and beer”, and “unlawful handling of alcoholic beverages.”

#### Summary/conclusion

Test responses indicate minor changes to this category. A new level 2 residual category is required to capture data that 6.1 ‘acts involving controlled psycho-active substances or other drugs’ and 6.2 ‘unlawful acts involving alcohol, tobacco, or other controlled substances’ cannot encompass. This new category should be labeled 6.3 ‘other acts involving controlled psycho-active substances or other drugs’.

## 7 Acts involving fraud, deception, or corruption

Under this top level category, there are 4 level 2 categories, 14 level 3 categories and 4 level 4 categories. For each category at least four countries stated that statistics are currently produced under this category, except for 7.1.2 'other acts of fraud'. For level 2 categories between 43% and 58% of respondents indicated data availability with full correspondence of national data which increased to 57-81% when data availability with differences in the definition are taken into account (excluding residual categories 'other'). For level 3 categories between 24% and 57% of respondents indicated data availability with full correspondence of national data which increased to 31-64% when data availability with differences in the definition are taken into account, with the exceptions of the residual categories 'other'.

Quantitative data were provided for all level 2, 3 and 4 categories by at least two or more countries.

Question 1. Can statistical data currently be produced for this offence in your country?						
	A. Yes	B. Yes, but with differences in the definition	Total Yes (A+B)	C. No	D. Don't know	Sum
<b>7.1 Fraud</b>	58%	23%	81%	19%	0%	100%
<b>7.1.1 Finance fraud</b>	37%	15%	52%	44%	4%	100%
<b>7.1.1.1 Finance fraud against the state</b>	21%	11%	32%	64%	4%	100%
<b>7.1.1.2 Finance fraud against natural or legal persons</b>	21%	11%	32%	64%	4%	100%
<b>7.1.2 Other acts of fraud</b>	22%	19%	41%	56%	4%	100%
<b>7.2 Forgery/Counterfeiting</b>	52%	14%	66%	34%	0%	100%
<b>7.2.1 Counterfeiting means of payment</b>	48%	7%	55%	45%	0%	100%
<b>7.2.2 Counterfeiting product offences</b>	24%	14%	38%	55%	7%	100%
<b>7.2.3 Other acts of forgery/counterfeiting</b>	25%	14%	39%	61%	0%	100%
<b>7.3 Corruption</b>	48%	11%	59%	41%	0%	100%
<b>7.3.1 Bribery</b>	57%	7%	64%	36%	0%	100%
<b>7.3.1.1 Active bribery</b>	28%	7%	34%	66%	0%	100%
<b>7.3.1.2 Passive bribery</b>	24%	3%	28%	72%	0%	100%
<b>7.3.2 Embezzlement</b>	45%	7%	52%	45%	3%	100%
<b>7.3.3 Abuse of function</b>	41%	10%	52%	45%	3%	100%
<b>7.3.4 Trading in influence</b>	31%	3%	34%	59%	7%	100%
<b>7.3.5 Illicit enrichment</b>	34%	0%	34%	52%	14%	100%
<b>7.3.6 Other acts of corruption</b>	21%	10%	31%	62%	7%	100%
<b>7.4 Acts involving proceeds of crime</b>	43%	14%	57%	43%	0%	100%
<b>7.4.1 Money laundering</b>	52%	10%	62%	34%	3%	100%
<b>7.4.2 Illicit trafficking in cultural property</b>	24%	10%	34%	62%	3%	100%
<b>7.4.3 Other acts involving proceeds of crime</b>	34%	14%	48%	45%	7%	100%

There are a number of qualitative comments that point to a need to make minor modifications to definitions or to legal inclusions/exclusions. This applies in particular to 7.1.2 ‘other acts of fraud’, the possible creation of two sub-categories under 7.2.1 ‘counterfeiting means of payment’, the possible creation of further sub-categories under 7.2 ‘forgery/counterfeiting’.

### **7.1 Fraud**

58% (15/26) of countries reported that statistics can be produced for fraud. This increases to 81% (21/26) with the addition of countries that can produce statistics but with differences in the definition. 5/26 countries cannot produce statistics. 4/5 countries with no information indicate that information is not stored/available and 1/4 have available data but could not produce a statistical count.

Generally, this category received a positive response but with definitional differences. Countries listed the included offences such as “obtain benefit by deception” and “cheating and criminal breach of trust.” Others noted that data may include insider trading or covers “estafa only”.

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **7.1.1 Finance fraud**

37% (10/27) of countries reported that statistics can be produced for finance fraud. This increases to 52% (14/27) with the addition of countries that can produce statistics but with differences in the definition. 12/27 countries cannot produce statistics. 8/12 countries with no information indicate that information is not stored/available, 3/12 have available data but could not produce a statistical count, and 1/12 countries have other reasons for the lack of data.

Level 4 categories of 7.1.1 indicated lower data availability with 32% (9/28) of countries for 7.1.1.1 finance fraud against the state, and 32% (9/28) for 7.1.1.2 finance fraud against natural or legal persons.

Countries conveyed the structural differences between the ICCS and their classification. One country noted that financial fraud cannot be disaggregated and certain aspects of the offence are under “obtain benefit by deception”, while another country noted that finance fraud is split across categories. Other countries noted that such categories exist but data are not published or reporting is partial.

Offences under 7.1.1.1 ‘finance fraud against the state’ included tax fraud and one country noted that it is not under the police’s jurisdiction. Countries also listed “cheques without coverage” and “people who abuse money of the company they own” under 7.1.1.2 ‘finance fraud against natural or legal persons.’

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **7.1.2 Other acts of fraud**

22% (6/27) of countries reported that statistics can be produced for other acts of fraud. This increases to 41% (11/27) with the addition of countries that can produce statistics but with differences in the definition. 15/27 countries cannot produce statistics of which 10 indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential and 2 countries have other reasons for the lack of data.

The lack of data for this residual category confirms the exhaustiveness of 7.1 fraud. Comments listed the offences that were included in this category such as “hiding or destroying money, papers, objects; swindle with or without Internet; abuse of confidence; forging of papers.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 7.1.2 ‘other fraud’ should stipulate hiding or destroying money. Other listed offences are already mentioned under inclusions or can be coded into other established ICCS categories. Forging of papers should be coded to 7.2.3 ‘other acts of forgery/counterfeiting’, while “abuse of confidence” requires additional details to properly allocate the offence into an ICCS category.

### **7.2 Forgery/counterfeiting**

52% (15/29) of countries reported that statistics can be produced for forgery/counterfeiting. This increases to 66% (19/29) with the addition of countries that can produce statistics but with differences in the definition. 10/29 countries cannot produce statistics. 6/10 countries with no information indicate that information is not stored/available and 4/10 have available data but could not produce a statistical count or data are confidential.

This category received only a few comments. One country noted that information on forgery and counterfeiting is available but data are not published. Others provided data on counterfeiting money or only on forgery.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **7.2.1 Counterfeiting means of payment**

48% (14/29) of countries reported that statistics can be produced for counterfeiting means of payment. This increases to 55% (16/29) with the addition of countries that can produce statistics but with differences in the definition. 13/29 countries cannot produce statistics of which 8 indicate that information is not stored/available and 4 have available data but could not produce a statistical count or data are confidential.

Countries noted that information on counterfeiting means of payment is available but data are not published or are considered a sub-classification and data are not yet collected. One country included “forgery and misuse of credit cards”, while another country listed relevant articles in their criminal code.

#### Summary/conclusion

Test responses indicate the need to change this category. One respondent recommended disaggregating 7.2.1 ‘counterfeiting means of payment’ by cash (notes and coins) and non-cash forms of payment. Additionally, preparatory offences such as the making of an instrument for counterfeiting means of payment should be stipulated as an inclusion in 7.2.1.

#### **7.2.2 Counterfeit product offences**

24% (7/29) of countries reported that statistics can be produced for counterfeit product offences. This increases to 38% (11/29) with the addition of countries that can produce statistics but with differences in the definition. 16/29 countries cannot produce statistics of which 11 indicate that information is not stored/available, 3 have available data but could not produce a statistical count or data are confidential, and 1 does not know whether it can produce statistics.

This category received only a few comments. One country noted that information on “possessing equipment to make a false/illegal instrument” is available but data are not published, while another country noted that 7.2.2 ‘counterfeit product offences’ is considered a sub-classification and data are not yet collected.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **7.2.3 Other acts of forgery/counterfeiting**

25% (7/28) of countries reported that statistics can be produced for other acts of forgery/counterfeiting. This increases to 39% (11/28) with the addition of countries that can produce statistics but with differences in the definition. 17/28 countries cannot produce statistics. 10 countries with no information indicate that information is not stored/available, 4 have available data but could not produce a statistical count or data are confidential, 1 has other reasons for the lack of data and 1 does not know whether it can produce statistics.

One country noted that information on “forgery of documents” is available but data are not published, while another country noted that 7.2.3 ‘counterfeit product offences’ is considered a sub-classification and data are not yet collected. One country noted that data covered “counterfeiting official documents and personal certificates.”

#### Summary/conclusion

Test responses indicate the need to change this category. One respondent recommended creating additional level 3 categories under 7.2 ‘forgery/counterfeiting’ for ‘counterfeiting documents and forging signatures’ and ‘counterfeiting visa.’

### **7.3 Corruption**

48% (13/27) of countries reported that statistics can be produced for corruption. This increases to 59% (16/27) with the addition of countries that can produce statistics but with differences in the definition. 11/27 countries cannot produce statistics of which 9 indicate that information is not stored/available and 1 has available data but could not produce a statistical count.

Comments conveyed the inability to separately identify 7.3 ‘corruption’ from other categories or data only consisted of federal arrests. One country noted that “criminal offences committed by public officials are reported to the Office of the Ombudsman.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **7.3.1 Bribery**

57% (16/28) of countries reported that statistics can be produced for bribery. This increases to 64% (18/28) with the addition of countries that can produce statistics but with differences in the definition. 10/28 countries cannot produce statistics. 9/10 countries with no information indicate that information is not stored/available and 1/10 has available data but could not produce a statistical count or data are confidential.

Level 4 categories of 7.3.1 indicated lower data availability with 34% (10/29) of countries for 7.3.1.1 active bribery, and 28% (8/29) for 7.3.1.2 passive bribery.

Countries commented that bribery is recorded in various places in their classification, while another country noted that this is considered a sub-classification and data are not yet collected. Others commented on the inability to disaggregate this category by active and passive bribery. One country noted that bribery is disaggregated by private and public. Another country commented that data only cover public officials.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **7.3.2 Embezzlement**

45% (13/29) of countries reported that statistics can be produced for embezzlement. This increases to 52% (15/29) with the addition of countries that can produce statistics but with differences in the definition. 14/29 countries cannot produce statistics. 11/14 countries with no information indicate that information is not stored/available, 2/14 have available data but could not produce a statistical count, and 1/14 countries commenting that this is not a criminal offence.

Countries submitted data on “dishonest conversion”, while one country noted that “embezzlement and forgery are together.” Others commented that this category is considered a sub-classification and data are not yet collected or another office collects the data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **7.3.3 Abuse of function**

41% (12/29) of countries reported that statistics can be produced for abuse of function. This increases to 52% (15/29) with the addition of countries that can produce statistics but with differences in the definition. 13/29 countries cannot produce statistics of which 10 indicate that information is not stored/available, 1 has available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

Countries commented that abuse of function is recorded in various places in their classification, such as “deceptive business/government practices, including misrepresentation of professional status, and other fraud and deception.” One country noted that this is considered a sub-classification and data are not yet collected, while another country included data on abuse of authority.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **7.3.4 Trading in influence**

31% (9/29) of countries reported that statistics can be produced for trading in influence. This increases to 34% (10/29) with the addition of countries that can produce statistics but with differences in the definition. 17/29 countries cannot produce statistics of which 14 indicate that information is not stored/available, 1 has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received only a few comments. One country noted that this is considered a sub-classification and data are not yet collected. Another country noted that it became an offence in 2012, while one country commented that another office collects such data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **7.3.5 Illicit enrichment**

34% (10/29) of countries reported that statistics can be produced for illicit enrichment. 15/29 countries cannot produce statistics and 4 /29 do not know. 11/15 countries with no information indicate that information is not stored/available, 1/15 has available data but could not produce a statistical count, 2/15 countries commenting that this is not a criminal offence, and 1/15 does not know whether it can produce statistics.

This category received only a few comments. One country noted that this is considered a sub-classification and data are not yet collected. Another country noted the inclusion of “when a public servant asks or receives taxes, while he knows they are not due.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **7.3.6 Other acts of corruption**

21% (6/29) of countries reported that statistics can be produced for other acts of corruption. This increases to 31% (9/29) with the addition of countries that can produce statistics but with differences in the definition. 18/29 countries cannot produce statistics of which 15 indicate that information is not stored/available, 1 has available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 7.3 ‘corruption’. Countries listed the offences that were submitted in this category, such as “breach of trust”, “dishonesty in relation to taxes”, “dishonest under any written law relating to elections of persons to public office”, “improper benefits to trustees for appointments”, “bid rigging”, and “dealing with suspect property.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

“Dishonest under any written law relating to elections of persons to public office” can be coded to 8.7 ‘acts related to democratic elections.’ “Improper benefits to trustees for appointments” can be coded to 7.3.5 ‘illicit enrichment.’ “Dishonesty in relation to taxes” can be coded to 7.1.2 ‘other acts of fraud.’ Other listed offences should remain under 7.3.6 ‘other acts of corruption.’

#### **7.4 Acts involving proceeds of crime**

43% (12/28) of countries reported that statistics can be produced for acts involving proceeds of crime. This increases to 57% (16/28) with the addition of countries that can produce statistics but with differences in the definition. 12/28 countries cannot produce statistics. 7/12 countries with no information indicate that information is not stored/available, 4/12 have available data but could not produce a statistical count or data are confidential, and 1/12 does not know whether it can produce statistics.

Comments conveyed the ability to provide data on ‘money laundering’ but not ‘illicit trafficking in cultural property.’ One country submitted data on “handling stolen goods and profiting from/concealing proceeds of crime”, while another country only included “smuggling of antiquities and cultural properties.” Others noted that information is available but data are not published or parts of this offence may be covered under “dishonest conversion.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **7.4.1 Money laundering**

52% (15/29) of countries reported that statistics can be produced for money laundering. This increases to 62% (18/29) with the addition of countries that can produce statistics but with differences in the definition. 10/29 countries cannot produce statistics of which 6 indicate that information is not stored/available and 3 have available data but could not produce a statistical count.

This category received only a few comments. Countries provided data on “handling proceeds of crime” and “profiting from/concealing proceeds of crime.” Others noted that data only included federal arrests or data on acts of fraud are not available in police databases.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **7.4.2 Illicit trafficking in cultural property**

24% (7/29) of countries reported that statistics can be produced for illicit trafficking in cultural property. This increases to 34% (10/29) with the addition of countries that can produce statistics but with differences in the definition. 18/29 countries cannot produce statistics of which 13 indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 1 has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Countries provided data on the definitional differences between the ICCS. One noted that there are different “notions of what is cultural with Indigenous Maori.” As a result, these offences can be included in “receive or handle proceeds of crime” or “other miscellaneous offences such as environmental regulatory offences.” One country commented that “amounting to theft is included”, while others submitted data on “illegal commerce of objects of art” and “smuggling of antiquities and cultural properties.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **7.4.3 Other acts involving proceeds of crime**

34% (10/29) of countries reported that statistics can be produced for other acts involving proceeds of crime. This increases to 48% (14/29) with the addition of countries that can produce statistics but with differences in the definition. 13/29 countries cannot produce statistics. 10/13 countries with no information indicate that information is not stored/available, 2/13 have available data but could not produce a statistical count, and 1/13 does not know whether it can produce statistics.

This category received only a few comments. One country noted that data indicated “offences concerning property obtained through crime”, while another country submitted data on “purchase or acceptance of property acquired through committing an offence.”

Summary/conclusion

Test responses do not indicate a need to change this category.

## 8 Acts against public order or authority

This is a very comprehensive category. Under this top level category, there are 9 level 2 categories, 26 level 3 categories and 3 level 4 categories. Among responding countries, for each category at least two countries stated that statistics are currently produced under this category, with the exception of 8.8.1 'collective labour law violations', where only one country indicated data availability. For level 2 categories between 19% and 43% of respondents indicated data availability with full correspondence of national data which increases to 26-54% when data availability with differences in the definition are taken into account. For level 3 categories between 14% and 43% of respondents indicated data availability with full correspondence of national data which increased to 17-59% when data availability with differences in the definition are taken into account, with the exceptions of residual categories 'other' and categories 8.7.1 'acts intended to unduly influence voters at elections' (8%), 8.8.1 'collective labour law violations (7%)' and 8.8.2 'individual labour law violations (14%)'. )

Quantitative data were provided for all level 2, 3 and 4 categories by at least one or more countries, with the exception of 8.8.2 'individual labour law violations' where no country provided the count of offences.

Question 1. Can statistical data currently be produced for this offence in your country?						
	A. Yes	B. Yes, but with differences in the definition	Total Yes (A+B)	C. No	D. Don't know	Sum
<b>8.1 Acts against public order behavioural standards</b>	43%	11%	54%	39%	7%	100%
8.1.1 Violent public disorder offences	38%	10%	48%	45%	7%	100%
8.1.2 Acts related to social and religious public order norms and standards	31%	10%	41%	55%	3%	100%
8.1.3 Other acts against public order behavioural standards	29%	4%	32%	64%	4%	100%
<b>8.2 Acts against public order sexual standards</b>	36%	18%	54%	39%	7%	100%
8.2.1 Prostitution	21%	14%	34%	66%	0%	100%
8.2.2 Pornography offences	38%	21%	59%	41%	0%	100%
8.2.3 Other acts against public order sexual standards	31%	10%	41%	55%	3%	100%
<b>8.3 Acts related to freedom of expression or control of expression</b>	19%	7%	26%	70%	4%	100%
8.3.1 Acts against freedom of expression	14%	3%	17%	76%	7%	100%
8.3.2 Acts related to expressions of controlled social beliefs and norms	17%	14%	31%	62%	7%	100%
8.3.2.1 Violations of norms on religious beliefs/views	17%	3%	21%	72%	7%	100%
8.3.2.2 Violations of norms on	17%	7%	24%	62%	14%	100%

<b>intolerance and incitement to hatred</b>						
<b>8.3.2.3 Other acts related to expressions of controlled social beliefs and norms</b>	7%	3%	10%	76%	14%	100%
<b>8.3.3 Other acts related to freedom of expression or control of expression</b>	10%	0%	10%	83%	7%	100%
<b>8.4 Acts contrary to public revenue or regulatory provisions</b>	27%	12%	38%	62%	0%	100%
<b>8.4.1 Acts against public revenue provisions</b>	29%	14%	43%	50%	7%	100%
<b>8.4.2 Acts against commercial or financial regulations</b>	18%	7%	25%	64%	11%	100%
<b>8.4.3 Acts against regulations on betting</b>	36%	7%	43%	54%	4%	100%
<b>8.4.4 Smuggling of goods</b>	43%	7%	50%	50%	0%	100%
<b>8.4.5 Market manipulation or insider trading</b>	21%	7%	29%	68%	4%	100%
<b>8.4.6 Other acts against public administration or regulatory provisions</b>	15%	8%	23%	69%	8%	100%
<b>8.5 Acts related to migration</b>	43%	11%	54%	43%	4%	100%
<b>8.5.1 Smuggling of migrants offences</b>	38%	7%	45%	55%	0%	100%
<b>8.5.2 Other unlawful acts related to migration</b>	34%	7%	41%	55%	3%	100%
<b>8.6 Acts against the justice system</b>	38%	14%	52%	45%	3%	100%
<b>8.6.1 Obstruction of justice</b>	28%	24%	52%	45%	3%	100%
<b>8.6.2 Breach of justice order</b>	29%	14%	43%	54%	4%	100%
<b>8.6.3 Criminal intent</b>	21%	7%	28%	69%	3%	100%
<b>8.6.4 Conspiracy</b>	31%	7%	38%	59%	3%	100%
<b>8.6.5 Other acts against the justice system</b>	17%	7%	24%	66%	10%	100%
<b>8.7 Acts related to democratic elections</b>	41%	7%	48%	52%	0%	100%
<b>8.7.1 Acts intended to unduly influence voters at elections</b>	17%	0%	17%	83%	0%	100%
<b>8.7.2 Other acts related to democratic elections</b>	24%	3%	28%	66%	7%	100%
<b>8.8 Acts contrary to labour law</b>	34%	7%	41%	59%	0%	100%
<b>8.8.1 Collective labour law violations</b>	3%	3%	7%	86%	7%	100%
<b>8.8.2 Individual labour law violations</b>	7%	7%	14%	86%	0%	100%
<b>8.9 Other acts against public order or authority</b>	31%	7%	38%	55%	7%	100%

There are a number of qualitative comments that point to a need to make modifications to definitions or to add additional legal inclusions/exclusions. This applies in particular to 8.1.1 'violent public disorder offences', 8.2.3 'other acts against public order sexual standards', 8.4.4 'smuggling of goods', 8.4.5 'market manipulation or insider trading', 8.4.6 'other acts against public administration or regulatory

provisions’, 8.6.1 ‘obstruction of justice’, 8.6.2 ‘breach of justice order’, 8.6.5 ‘other acts against the justice system.’ 8.8 ‘acts contrary to labour law’, within 8.8.2 ‘individual labour law’ .

### **8.1 Acts against public order behavioural standards**

43% (12/28) of countries reported that statistics can be produced for acts against public order behavioural standards. This increases to 54% (15/28) with the addition of countries that can produce statistics but with differences in the definition. 11/28 countries cannot produce statistics of which 8 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

Countries listed the offences that were included in this category. One country submitted data on “crimes against the public order, against the tranquility, against the public faith, against life, against body and health, against liberty, against the public administration between other.” Another country submitted data on “drunkenness, disorderly conduct, and vagrancy”, while another country noted that “litter offences are recorded; organizing an unlawful assembly offences are recorded although some ambiguity; hooliganism not recorded but maps to invade pitch of major sporting event.”

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

Some included offences should be coded to other established ICCS categories. “Crimes against liberty” should be coded to 2.2 ‘acts against liberty’; “crimes against life” should be coded to one of the categories under 1:1 acts leading to death or intending to cause death; and “crimes against body and health” should be coded to one of the categories under 1:2 acts causing harm or intending to cause harm.

### **8.1.1 Violent public disorder offences**

38% (11/29) of countries reported that statistics can be produced for violent public disorder offences. This increases to 48% (14/29) with the addition of countries that can produce statistics but with differences in the definition. 14/29 countries cannot produce statistics of which 10 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

This category received only a few comments. One country included data on “disorderly conduct” which includes trespassing. Others included data on riot, violent disorder, affray, and violent behavior at sporting events.

#### **Summary/conclusion**

Test responses indicate minor changes to this category. Inclusions within 8.1.1 ‘violent public disorder offences’ should stipulate ‘violent behaviour at sporting events.’ The remaining data do not illustrate the need to change this category.

### **8.1.2 Acts related to social and religious public order norms and standards**

31% (9/29) of countries reported that statistics can be produced for acts related to social and religious public order norms and standards. This increases to 41% (12/29) with the addition of countries that can produce statistics but with differences in the definition. 16/29 countries cannot produce statistics of

which 11 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Comments varied between definitional differences or listed offences that were included in this category. One country noted that there are “significant conceptual differences” between their public order offences and the ICCS category, but did not provide additional details. Another country noted that some “parts of this definition are criminal offences, but not a notifiable offence or parts of other offences against the state of public disorder.”

Others listed the offences that were included under this category, such as “public drunkenness, noise during the night”; disorderly conduct; offensive language or behaviour; litter offences; vagrancy; “obscenity, public peace, disorderly”; loitering; and noise complaints.” One country noted the inclusion of arson.

#### Summary/conclusion

Test responses do not indicate a need to change this category. Most offences included in this category are stipulated under the inclusions and the inability to provide data or differences from the ICCS is rooted in differences in national legislation or statistical classification that the ICCS cannot resolve without extensive restructuring. Arson should be coded to 5.4 ‘property damage.’

### **8.1.3 Other acts against public order behavioural standards**

29% (8/28) of countries reported that statistics can be produced for other acts against public order behavioural standards. This increases to 32% (9/28) with the addition of countries that can produce statistics but with differences in the definition. 18/28 countries cannot produce statistics of which 14 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count, and 1 country has other reasons for the lack of data.

The lack of data for this residual category confirms the exhaustiveness of 8.1 ‘other acts against public order behavioural standards.’ Countries commented on the inability to provide data or described the offences that were included in this category, such as organizing an unlawful assembly.

#### Summary/conclusion

Test responses do not indicate a need to change this category. Most offences included in this category are stipulated under the inclusions and data do not illustrate the need to derive a new category from the included offences.

### **8.2 Acts against public order sexual standards**

36% (10/28) of countries reported that statistics can be produced for acts against public order sexual standards. This increases to 54% (15/28) with the addition of countries that can produce statistics but with differences in the definition. 12/28 countries cannot produce statistics of which 8 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Countries noted that ‘acts against public order sexual standards’ exist but data are not published or reporting is partial. One country included “prostitution, pornography/obscene materials “ and “prostitution and commercialized vice.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.2.1 Prostitution offences**

21% (6/29) of countries reported that statistics can be produced for prostitution offences. This increases to 34% (10/29) with the addition of countries that can produce statistics but with differences in the definition. 19/29 countries cannot produce statistics. 11 countries indicate that information is not stored/available, 4 have available data but could not produce a statistical count or data are confidential, 3 countries commenting that this is not a criminal offence, and 2 countries have other reasons for the lack of data.

Countries noted the availability of data for prostitution offences and procuring sexual services. One country could not separately identify pimping and prostitution. Others noted that such categories exist but data are not published or reporting is partial. Another country noted that prostitution is legal, while one country reported data on immoral trafficking,

#### Summary/conclusion

Test responses do not indicate a need to change this category. Note that “immoral trafficking” should be coded to 2.4 TIP.

#### **8.2.2 Pornography offences**

38% (11/29) of countries reported that statistics can be produced for pornography offences. This increases to 59% (17/29) with the addition of countries that can produce statistics but with differences in the definition. 12/29 countries cannot produce statistics of which 9 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count, 1 country has other reasons for the lack of data.

Comments conveyed that this category exists but data are not published or reporting is partial. One country noted that it is included as part of “offences against public order sexual standards” but not separately available, others included data on “obscene publication under cybercrimes” and “juvenile pornography.”

#### Summary/conclusion

Test responses do not indicate a need to change this category. Note that “juvenile pornography” should be coded to 3.2.2.1 child pornography.

#### **8.2.3 Other acts against public order sexual standards**

31% (9/29) of countries reported that statistics can be produced for other acts against public order sexual standards. This increases to 41% (12/29) with the addition of countries that can produce statistics but with differences in the definition. 16/29 countries cannot produce statistics of which 11 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

A few comments conveyed that this category exists but data are not published or reporting is partial. Others listed the offences that were included under this category, such as “writing, pictures, or objects that are indecent”, “inducing a minor to attend sexual acts”, incest, and “familial sexual offences.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 8.2.3 ‘other acts against public order sexual standards’ should stipulate sexual indecent writing, pictures, or objects. Other listed offences are already mentioned under inclusions or can be coded into other established ICCS categories. It is important to note that “inducing a minor to attend sexual acts” should be coded to 3.2.2 ‘sexual exploitation of children.’

### **8.3 Acts related to freedom of expression or control of expression**

19% (5/27) of countries reported that statistics can be produced for acts related to freedom of expression or control of expression. This increases to 26% (7/27) with the addition of countries that can produce statistics but with differences in the definition. 19/27 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 4 countries commenting that this is not a criminal offence, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received only a few comments. Some countries noted that data do not exist for this category.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.3.1 Acts against freedom of expression**

14% (4/29) of countries reported that statistics can be produced for acts against freedom of expression. This increases to 17% (5/29) with the addition of countries that can produce statistics but with differences in the definition. 22/29 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count or data are confidential, 3 countries commenting that this is not a criminal offence, 3 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received only a few comments. Most countries do not have data or do not consider this as an offence. One country noted that information is available for “censorship offences” but data are not published.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.3.2 Acts related to expressions of controlled social beliefs and norms**

17% (5/29) of countries reported that statistics can be produced for acts related to expression of controlled social beliefs and norms. This increases to 31% (9/29) with the addition of countries that can produce statistics but with differences in the definition. 19/29 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 2 countries commenting that this is not a criminal offence, 3 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 8.3.2 indicated a lower availability of data with 21% (6/29) of countries providing data for 8.3.2.1 violations of norms on religious beliefs/views, 24% (7/29) providing data for 8.3.2.2 violations of norms on intolerance and incitement to hatred, and 10% (3/29) for 8.3.2.3 other acts related to expressions of controlled social beliefs and norms.

Countries noted the offences that were included within this category. One country included data on various unlawful social beliefs, such as “inciting murder, disorder, violence, lawlessness, obstruction, racial disharmony, and illegal migration.” Others provided data on “obscene publications and other protected sexual material.”

Comments under level 4 categories noted that data are not available or the inability to disaggregate 8.3.2 ‘acts related to expressions of controlled social beliefs and norms.’ Others reported that data are available for 8.3.2.2 ‘violation of norms on intolerance and incitement to hatred’ but data are not published. One country included “inciting others to obstruct/resist/hinder, and other inciting/encouraging offences, and treason, and sedition” under 8.3.2.3 ‘other acts related to expressions of controlled social beliefs and norms.’

#### Summary/conclusion

Countries provided data on inciting to commit a specific crime, such as “inciting/encouraging offences, and treason and sedition.” These offences should be coded into other established ICCS categories and labeled with the ‘incitement’ data description tag to identify the inclusion of such data. For example, inciting to cause treason should be coded to acts against state security and tagged with the ‘incitement’ data description.

#### **8.3.3 Other acts related to freedom of expression or control of expression**

10% (3/29) of countries reported that statistics can be produced for other acts related to freedom of expression or control of expression. 24/29 countries cannot produce statistics of which 17 countries indicate that information is not stored/available, 2 countries commenting that this is not a criminal offence, 3 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 8.3 ‘acts related to freedom of expression or control of expression.’ Most comments noted that data are not available or that this is a sub-classification and data are not yet collected.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.4 Acts contrary to public revenue or regulatory provisions**

27% (7/26) of countries reported that statistics can be produced for acts contrary to public revenue or regulatory provisions. This increases to 38% (10/26) with the addition of countries that can produce statistics but with differences in the definition. 16/26 countries cannot produce statistics of which 13 of these countries indicating that information is not stored/available, 1 nothing that data are available but could not produce a statistical count, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics

One country noted that other agencies have data on tax evasion and corporate offences, while another country noted that this is a sub-classification for which data are not yet collected. Others only included offences on illegal gambling.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.4.1 Acts against public revenue provisions**

29% (8/28) of countries reported that statistics can be produced for acts against public revenue provisions. This increases to 43% (12/28) with the addition of countries that can produce statistics but with differences in the definition. 14/28 countries cannot produce statistics of which 10 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Countries noted the relevant articles in their criminal code, while one country commented that other relevant agencies have data. One country noted that this is a sub classification and data are not yet collected.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.4.2 Acts against commercial or financial regulations**

18% (5/28) of countries reported that statistics can be produced for acts against commercial or financial regulations. This increases to 25% (7/28) with the addition of countries that can produce statistics but with differences in the definition. 18/28 countries cannot produce statistics of which 14 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

This category received only a few comments. One country noted that data are available for many of the listed inclusions except usury and investment or stock/shares offences, while insider-trading data may be available through another agency. One country noted that this is a sub classification and data are not yet collected.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.4.3 Acts against regulations on betting**

36% (10/28) of countries reported that statistics can be produced for acts against regulations on betting. This increases to 43% (12/28) with the addition of countries that can produce statistics but with differences in the definition. 15/28 countries cannot produce statistics of which 7 countries indicate that information is not stored/available, 4 have available data but could not produce a statistical count or data are confidential, 1 country commenting that this is not a criminal offence, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Countries noted that information is available but data are not published or that this is a sub classification for which data are not yet collected.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.4.4 Smuggling of goods**

43% (12/28) of countries reported that statistics can be produced for smuggling of goods. This increases to 50% (14/28) with the addition of countries that can produce statistics but with differences in the definition. 14/28 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, and 1 country has other reasons for the lack of data.

Countries commented on the inability to separately identify this offence. One country explained that data are included in “obtain benefit by deception”, while another country noted that this is the priority of the customs service. Others conveyed that data are collected on smuggling of goods and illegal traffic in contraband but may overlap with import/export offences.

#### Summary/conclusion

Test responses indicate minor changes to this category. Exclusions within 8.4.4 ‘smuggling of goods’ should stipulate that import/export offences are coded to 8.4.2 ‘acts against commercial or financial regulations.’ The remaining data do not illustrate the need to change this category and the inability to provide data or differences from the ICCS is rooted in differences in national legislation or statistical classification that the ICCS cannot resolve without extensive restructuring.

#### **8.4.5 Market manipulation or insider trading**

21% (6/29) of countries reported that statistics can be produced for market manipulation. This increases to 29% (8/28) with the addition of countries that can produce statistics but with differences in the definition. 18/28 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 1 country commenting that this is not a criminal offence, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Comments conveyed that data are available but not published or collected under a broader category. One country noted that this offence is included in a broader group called “fraudulent trade practices” but is not separately available, while another country also noted that this is a sub classification for which data are not yet collected.

#### Summary/conclusion

One respondent noted that the new EU directive on criminal sanctions for insider dealing and market manipulation will soon be adopted and published. The definitions and inclusions/exclusions could be adapted accordingly as well as footnote 60.

#### **8.4.6 Other acts against public administration or regulatory provisions**

15% (4/26) of countries reported that statistics can be produced for other acts against public administration or regulatory provisions. This increases to 23% (6/26) with the addition of countries that can produce statistics but with differences in the definition. 18/26 countries cannot produce statistics of which 14 countries indicate that information is not stored/available, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 8.4 'acts contrary to public revenue or regulatory provisions. One country noted that this is a sub classification and data are not yet collected.' One country also commented that misuse of cultural heritage is not recorded but is comparable to their "racial disharmony offences."

#### Summary/conclusion

Test responses indicate minor changes to this category. "Illicit trafficking in cultural property or property damage" should be taken out of the inclusions within 8.4.6 'other acts against public administration or regulatory provisions.' Illicit trafficking in cultural property is coded to 7.4.2 'illicit trafficking in cultural property', while property damage is coded to 5.4 'property damage.' In addition, use of personal data offences should be taken out of the exclusions and listed in the inclusions of 7.1.2 'other fraud' or 2.10.1 'invasion of privacy' depending on the circumstances.

### **8.5 Acts related to migration**

43% (12/28) of countries reported that statistics can be produced for acts related to migration. This increases to 54% (15/28) with the addition of countries that can produce statistics but with differences in the definition. 12/28 countries cannot produce statistics. 9 countries indicate that information is not stored/available, 3 countries note that data are available but could not produce a statistical count or is confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Comments noted that information is available but data are not published or that this category is a sub classification for which data are not yet collected. Others noted that data are recorded for offences stipulated under the inclusions except for unlawfully employing or housing a foreigner.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.5.1 Smuggling of migrants offences**

38% (11/29) of countries reported that statistics can be produced for smuggling of migrants offences. This increases to 45% (13/29) with the addition of countries that can produce statistics but with differences in the definition. 16/29 countries cannot produce statistics of which 8 countries indicate that information is not stored/available, 4 have available data but could not produce a statistical count or data are confidential, 3 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Comments conveyed that information is available but data are not published or reporting is partial. One country only had data on federal arrest, while another country provided data on "illegal crossing of state border and human trafficking."

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.5.2 Other unlawful acts related to migration**

34% (10/29) of countries reported that statistics can be produced for other unlawful acts related to migration. This increases to 41% (12/29) with the addition of countries that can produce statistics but with differences in the definition. 16/29 countries cannot produce statistics of which 10 countries indicate that information is not stored/available, 3 have available data but could not produce a

statistical count, 1 country commenting that this is not a criminal offence, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received only a few comments. One country noted that data include “illegal entry, false citizenship, and other immigration offences” but only from federal arrests. Another country commented that “unlawfully employing or housing a foreigner” is not recorded.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **8.6 Acts against the justice system**

38% (11/29) of countries reported that statistics can be produced for acts against the justice system. This increases to 52% (15/29) with the addition of countries that can produce statistics but with differences in the definition. 13/29 countries cannot produce statistics. 10 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received only a few comments. Comments conveyed that data are available or data are only available for certain offences. One country included data for “criminal offences against the judiciary” and another country noted that some disaggregations under this category are not criminal offences.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.6.1 Obstruction of justice**

28% (8/29) of countries reported that statistics can be produced for obstruction of justice. This increases to 52% (15/29) with the addition of countries that can produce statistics but with differences in the definition. 13/29 countries cannot produce statistics. 8 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count or data are confidential, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Most comments listed the offences that were included in this category. One country noted that data are available on all offences stipulated under inclusions except for “failure to comply with jury summons” and “failure to report a crime.” One country included “prison regulation offences”, others noted the inclusion of “perjury, attempt to influence fair trial, influence judicial bodies, expertise or interpretation contrary to truth” and “perjury, contempt, failure to appear, obstruction.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 8.6.1 ‘obstruction of justice’ should stipulate attempt to influence a fair trial. Other listed offences are already stipulated within the inclusions. One country submitted data on contempt of court and it is important to note that this offence should be coded to 8.6.2 ‘breach of justice order.’

#### **8.6.2 Breach of justice order**

29% (8/28) of countries reported that statistics can be produced for breach of justice order. This increases to 43% (12/28) with the addition of countries that can produce statistics but with differences

in the definition. 15/28 countries cannot produce statistics. 11 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count or data are confidential, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Most comments listed the offences that were included in this category. One country provided data for “escape from prison; no return to prison after holiday; non respect of electronic house-arrest”, while another country included data on “riots by detainee/convict in detention/prison.” Others included “absconding from lawful custody, perverting the course of justice and bail offences” and “contempt, escape, bail, probation, post-incarceration supervision.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 8.6.2 ‘breach of justice order’ should stipulate post-incarceration supervision offences. Other listed offences are already stipulated within the inclusions. Note that “riots by detainee/convict in detention/prison” is a prison regulation offence and should be coded to 8.6.5 ‘other acts against the justice system.’

#### **8.6.3 Criminal intent**

21% (6/29) of countries reported that statistics can be produced for criminal intent. This increases to 28% (8/29) with the addition of countries that can produce statistics but with differences in the definition. 20/29 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, 1 country commenting that this is not a criminal offence, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Comments conveyed that information is available but data are not published or this is a sub classification and data are not yet available. Others listed the offences that were included in this category, such as “undertaking an offence, producing a false offence and destruction, concealing or changing of evidence.”

#### Summary/conclusion

Test responses do not indicate a need to change this category. Note that “destruction, concealing or changing of evidence” should be coded to 8.6.1 ‘obstruction of justice.’

#### **8.6.4 Conspiracy**

31% (9/29) of countries reported that statistics can be produced for conspiracy. This increases to 38% (11/29) with the addition of countries that can produce statistics but with differences in the definition. 17/29 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

One country noted that conspiracy offences are spread throughout their classification and not separately identified. Others included data on “conspiracy for unconstitutional activity” and “conspiracy, aiding and abetting.” Another country commented that ‘conspiracy’ is not a crime against the justice system and should be categorized somewhere else.

#### Summary/conclusion

One respondent noted that the conspiracy tag can identify conspiracy and it is not clear when to use the tag and when to allocate data into this category. The conspiracy tag should be used when the involvement of a perpetrator in a particular offence consisted in conspiring to commit this act (rather than perpetrating it). Data should be classified under 8.6.4. 'conspiracy' if the perpetrator is suspected/arrested, prosecuted or convicted under a separate article of the criminal code that relates to 'conspiracy'.

#### **8.6.5 Other acts against the justice system**

17% (5/29) of countries reported that statistics can be produced for other acts against the justice system. This increases to 24% (7/29) with the addition of countries that can produce statistics but with differences in the definition. 19/29 countries cannot produce statistics of which 14 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 8.6 'acts against the justice system.' Countries listed offences that were included into this category, such as "contempt of court/insulting the court" and insulting "the organs and institutions of the State, Illegal transfer of forbidden properties into prison, restricting use of rights and supply of food in prison."

#### **Summary/conclusion**

Test responses indicate minor changes to this category. 'Inclusions within this category should stipulate illegal transfer of "forbidden properties into prison." One country included insulting the "organs and institutions of the state" which should be coded to 8.9 'other acts against public order or authority.'

#### **8.7 Acts related to democratic elections**

41% (12/29) of countries reported that statistics can be produced for acts related to democratic elections. This increases to 48% (14/29) with the addition of countries that can produce statistics but with differences in the definition. 15/29 countries cannot produce statistics of which 11 countries indicate that information is not stored/available and 3 have available data but could not produce a statistical count or data are confidential.

Comments noted the inability to further disaggregate their submitted data. One country noted that data are included in a broader group called "offences against government operations nec" but is not separately available. Others noted the inclusion of vote buying, electoral fraud, campaign finance laws, election law violations, and "all election process violations."

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

#### **8.7.1 Acts intended to unduly influence voters at elections**

17% (5/29) of countries reported that statistics can be produced acts intended to unduly influence voters at elections. 24/29 countries cannot produce statistics of which 19 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, and 2 countries have other reasons for the lack of data.

This category received only a few comments. One country noted that data are included in a broader group called "offences against government operations nec" but are not separately available, while

another country noted that this is a sub-classification but data are not yet collected. Another country mentioned that vote coercion is often corruption and it is important to note the difference.

#### Summary/conclusion

Test responses indicate minor changes to this category. Exclusions within 8.7.1 'acts intending to unduly influence voters at elections' should list corruption which is coded to 7.3 'corruption'

#### **8.7.2 Other acts related to democratic elections**

24% (7/29) of countries reported that statistics can be produced for other acts related to democratic elections. This increases to 28% (8/29) with the addition of countries that can produce statistics but with differences in the definition. 19/29 countries cannot produce statistics of which 16 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.<sup>16</sup>

The lack of data for this residual category confirms the exhaustiveness of 8.7 'Acts related to democratic elections.' One country commented that data are recorded on all offences listed in the inclusions except for "unlawful manipulation of the democratic process during elections", while another country noted that this is a sub-classification but data are not yet collected.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.8 Acts contrary to labour law**

34% (10/29) of countries reported that statistics can be produced for acts contrary to labour law. This increases to 41% (12/29) with the addition of countries that can produce statistics but with differences in the definition. 17/29 countries cannot produce statistics of which 14 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count and 1 country commenting that this is not a criminal offence.

Countries noted that some of the offences within this category are not criminal offences. One country commented that data are included in a broader group called "occupation health and safety offences" but are not separately identified. Another country explained that more relevant ministries possess data such as the Ministry of Work or Social Affairs. Others included "labour disputes, wrong transfer from work, wrongful dismissal" into this category.

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 8.8 'acts contrary to labour law' should stipulate "wrongful transfer from work and wrongful dismissal." Other listed offences are already stipulated within the inclusions.

#### **8.8.1 Collective labour law violations**

3% (1/29) of countries reported that statistics can be produced for collective labour law violations. This increases to 7% (2/29) with the addition of countries that can produce statistics but with differences in the definition. 25/29 countries cannot produce statistics of which 18 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 2 countries commenting that this is not a criminal offence, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received only a few comments. One country noted that data are included in a broader group called “occupation health and safety offences” but are not separately identified. Others noted that this is a civil matter or other relevant ministries possess data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **8.8.2 Individual labour law violations**

7% (2/29) of countries reported that statistics can be produced for individual labour law violations. This increases to 14% (4/29) with the addition of countries that can produce statistics but with differences in the definition. 25/29 countries cannot produce statistics of which 17 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 3 countries commenting that this is not a criminal offence, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received only a few comments. One country noted that data are included in a broader group called “occupation health and safety offences” but are not separately identified. Another country noted that this is a civil matter. Others conveyed that other relevant ministries possess data or listed offences that were included in this category, such as “labour disputes, wrong transfer from work, and wrongful dismissal.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 8.8.2 ‘individual labour law’ should stipulate “wrongful transfer from work and wrongful dismissal.” Other listed offences are already stipulated within the inclusions.

#### **8.9 Other acts against public order or authority**

31% (9/29) of countries reported that statistics can be produced for other acts against public order or authority. This increases to 38% (11/29) with the addition of countries that can produce statistics but with differences in the definition. 16/29 countries cannot produce statistics of which 14 countries indicate that information is not stored/available, 1 country commenting that this is not a criminal offence, and 1 does not know whether it can produce statistics.

Countries listed the offences that were included in this residual category. One country listed “identity card (refusing to show,...); Encouraging to commit crimes; Non paying of money to live (divorced parents); non respect of right to visit (divorced parents); Pretending one has an official function when it is not the case.” Others noted the inability to provide data on unlawfully giving, receiving or soliciting a dowry and insult of the sovereign, the state, nation or state symbols.

#### Summary/conclusion

Test responses do not indicate a need to change this category. Note that “pretending one has an official function when it is not the case” should be coded to 7.1.2 other fraud and is mentioned within the inclusions as ‘false representation of identity or professional status.’ “Encouraging to commit crimes” is incitement to crime recorded under the relevant crime and marked with the description tag ‘incitement to’.

## 9 Acts against public safety and state security

This is a very comprehensive and wide-ranging category. Under this top level category, there are 8 level 2 categories, 12 level 3 categories and 8 level 4 categories. Among responding countries, for each category at least three countries stated that statistics are currently produced under this category, with the exception residual categories 'other'. For level 2 categories between 29% and 61% of respondents indicated data availability with full correspondence of national data which increases to 33-71% when data availability with differences in the definition are taken into account. For level 3 categories between 36% and 43% of respondents indicated data availability with full or partial correspondence of national data, with the exceptions of residual categories 'other' and categories 9.1.2 'trafficking of weapons and explosives' (25%), 9.5.1 'participation in an organized criminal group (15%)' and 9.6.1 'participation in a terrorist group (19%)'.

Quantitative data were provided for all level 2, 3 and 4 categories by at least one or more countries.

Question 1. Can statistical data currently be produced for this offence in your country?						
	A. Yes	B. Yes, but with differences in the definition	Total Yes (A+B)	C. No	D. Don't know	Sum
<b>9.1 Acts involving weapons, explosives and other destructive materials</b>	61%	11%	71%	29%	0%	100%
<b>9.1.1 Possession or use of weapons and explosives</b>	43%	11%	54%	46%	0%	100%
<b>9.1.1.1 Unlawful possession or use of firearms</b>	25%	18%	43%	54%	4%	100%
<b>9.1.1.2 Unlawful possession or use of other weapons or explosives</b>	14%	11%	25%	68%	7%	100%
<b>9.1.1.3 Unlawful possession or use of chemical, biological or radio-active, or nuclear materials</b>	21%	0%	21%	71%	7%	100%
<b>9.1.1.4 Other acts related to possession or use of weapons and explosives</b>	18%	7%	25%	64%	11%	100%
<b>9.1.2 Trafficking of weapons and explosives</b>	25%	7%	32%	68%	0%	100%
<b>9.1.2.1 Trafficking of firearms</b>	21%	4%	25%	71%	4%	100%
<b>9.1.2.2 Trafficking of other weapons or explosives</b>	14%	4%	18%	75%	7%	100%
<b>9.1.2.3 Trafficking of chemical, biological, radio-active, or nuclear materials</b>	11%	0%	11%	82%	7%	100%
<b>9.1.2.4 Other acts related to trafficking of weapons and explosives</b>	7%	0%	7%	89%	4%	100%
<b>9.1.3 Other acts relating to weapons and explosives</b>	18%	7%	25%	68%	7%	100%
<b>9.2 Acts against health and safety</b>	29%	18%	46%	43%	11%	100%

<b>9.3 Acts against computer systems</b>	40%	4%	44%	52%	4%	100%
<b>9.3.1 Unlawful access to a computer system</b>	42%	8%	50%	46%	4%	100%
<b>9.3.2 Unlawful interference with a computer system or computer data</b>	38%	4%	42%	50%	8%	100%
<b>9.3.3 Unlawful interception or access of computer data</b>	33%	0%	33%	56%	11%	100%
<b>9.3.4 Other acts against computer systems</b>	30%	4%	33%	59%	7%	100%
<b>9.4 Acts against state security</b>	41%	19%	59%	33%	7%	100%
<b>9.5 Acts related to organized criminal groups</b>	30%	4%	33%	59%	7%	100%
<b>9.5.1 Participation in an organized criminal group</b>	15%	4%	19%	73%	8%	100%
<b>9.5.2 Other acts related to an organized criminal group</b>	12%	0%	12%	81%	8%	100%
<b>9.6 Terrorism</b>	43%	14%	57%	39%	4%	100%
<b>9.6.1 Participation in a terrorist group</b>	19%	7%	26%	70%	4%	100%
<b>9.6.2 Financing of terrorism</b>	26%	4%	30%	67%	4%	100%
<b>9.6.3 Other acts related to the activities of a terrorist group</b>	22%	4%	26%	70%	4%	100%
<b>9.7 Non-injurious traffic violations</b>	29%	11%	39%	57%	4%	100%
<b>9.8 Other acts against public safety and state security</b>	21%	7%	29%	68%	4%	100%

There are a number of qualitative comments that point to a need to make modifications to definitions or to add additional legal inclusions/exclusions. This applies in particular to 9.1.3 'other acts relating to weapons and explosives', a possible breakdown of category 9.3.2 'Unlawful interference with a computer system or computer data' into two separate level 3 categories and 9.4 'acts against state security'.

### **9.1 Acts involving weapons, explosives and other destructive materials**

61% (17/28) of countries reported that statistics can be produced for acts involving weapons, explosives and other destructive materials. This increases to 71% (20/28) with the addition of countries that can produce statistics but with differences in the definition. 8/28 countries cannot produce statistics of which 4 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, and 1 does not know whether it can produce statistics.

Comments noted the compatibility of data under this category. One country commented that unlawful use, possession, or trafficking are not differentiated, while another country included all possession of weapons offences. One country also noted that this is a non-index crime for which data are not collected.

### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **9.1.1 Possession or use of weapons and explosives**

43% (12/28) of countries reported that statistics can be produced for possession or use of weapons and explosives. This increases to 54% (15/28) with the addition of countries that can produce statistics but with differences in the definition. 13/28 countries cannot produce statistics of which 6 countries indicate that information is not stored/available, 4 have available data but could not produce a statistical count or data are confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 9.1.1 indicated a lower availability of data with 43% (12/28) of countries providing data for 9.1.1.1 unlawful possession or use of firearms, 25% (7/28) providing data for 9.1.1.2 unlawful possession or use of other weapons or explosives, 21% (6/28) providing data for 9.1.1.3 unlawful possession or use of chemical, biological, or radioactive materials, and 25% (7/28) for 9.1.1.4 other acts related to possession or use of weapons and explosives.

Comments conveyed the inability to disaggregate their data into specific types of weapons or the inability to differentiate between possession, manufacturing, and trafficking. One country noted that information is available on "sell, possess or use of prohibited weapons" and "unlawfully obtain or possess regulated weapons", but data are not published. Another country can provide data on all categories except for possessing chemical, biological or radioactive materials, while one country included fireworks into the residual category.

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **9.1.2 Trafficking of weapons and explosives**

25% (7/28) of countries reported that statistics can be produced for trafficking of weapons and explosives. This increases to 32% (9/28) with the addition of countries that can produce statistics but with differences in the definition. 19/28 countries cannot produce statistics of which 11 countries indicate that information is not stored/available, 6 have available data but could not produce a statistical count or data are confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Level 4 categories of 9.1.2 also indicated low availability of data with 25% (7/28) of countries providing data for 9.1.2.1 trafficking of firearms, 18% (5/28) providing data for 9.1.2.2 trafficking of other weapons or explosives, 11% (3/28) providing data for 9.1.2.3 trafficking of chemical, biological or radio-active materials, and 7% (2/28) for 9.1.2.4 other acts related to trafficking of weapons and explosives.

This category and its disaggregations received very few comments. Comments conveyed the inability to disaggregate this category by the type of weapon or data on possession, manufacturing, and trafficking are not separately identified. One country noted the availability of information for "import or export prohibited weapons" and "deal or traffic regulated weapons" but data are not published. One country also commented that 9.1.2.3 'trafficking of chemical, biological, or radioactive materials' is considered as terrorism.

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **9.1.3 Other acts relating to weapons and explosives**

18% (5/28) of countries reported that statistics can be produced for other acts relating to weapons and explosives. This increases to 25% (7/28) with the addition of countries that can produce statistics but with differences in the definition. 19/28 countries cannot produce statistics of which 14 countries indicate that information is not stored/available, 1 country has other reasons for the lack of data, 1 country commenting that this is not a criminal offence, and 2 do not know whether it can produce statistics.

This category received very few comments. One country included “illegal collective teaching of weapons use”, while another country provided data on “possession or delivery of hazardous substances without permission.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 9.1.3 ‘other acts relating to weapons and explosives’ should stipulate “illegal collective teaching of weapons use.” One country submitted data on “possession or delivery of hazardous substances without permission” but details on the definition for “hazardous substances” is necessary to properly code the offence into an ICCS category.

### **9.2 Acts against health and safety**

29% (8/28) of countries reported that statistics can be produced for acts against health and safety. This increases to 46% (13/28) with the addition of countries that can produce statistics but with differences in the definition. 12/28 countries cannot produce statistics. 10 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

This category received very few comments. Countries listed the included offences, such as “criminal offences against general safety of people and property”, “health and safety, drugs-health and safety”, and “public health offences and health and safety offences.” One country noted that relevant offences are spread through their classification and not separately identified.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **9.3 Acts against computer systems**

40% (10/25) of countries reported that statistics can be produced for acts against computer systems. This increases to 44% (11/25) with the addition of countries that can produce statistics but with differences in the definition. 14/25 countries cannot produce statistics of which 11 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received very few comments. One country noted that relevant offences are spread through their classification and not separately identified, while another country noted that this is a sub classification and data are not yet collected. Others included the offences submitted into this category such as “malicious communication” and “criminal offence against security of computer data.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **9.3.1 Unlawful access to a computer system**

42% (11/26) of countries reported that statistics can be produced for unlawful access to a computer system. This increases to 50% (14/26) with the addition of countries that can produce statistics but with differences in the definition. 13/26 countries cannot produce statistics of which 9 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received very few comments. One country noted that relevant offences are spread through their classification and are not separately identified, while others included “hacking”, computer fraud, “unauthorized access to computer, and computer network or electronic data processing.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **9.3.2 Unlawful interference with a computer system or computer data**

38% (10/26) of countries reported that statistics can be produced for unlawful interference with a computer system or computer data. This increases to 42% (11/26) with the addition of countries that can produce statistics but with differences in the definition. 14/26 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, and 1 does not know whether it can produce statistics.

One country noted that relevant offences are spread through their classification and not separately identified, while another country noted that this is a sub classification and data are not yet collected. Others included data on “sabotage” and “damaging computer data and programs.”

#### Summary/conclusion

One responded recommended that in order to be consistent with the EU Directive 2013/40 on attacks against information systems, this category should be broken down into its two components at the same level: 9.3.2 Unlawful interference with a computer system 9.3.3 Unlawful interference with computer data and existing codes 9.3.3 and 9.3.4 renumbered accordingly.

### **9.3.3 Unlawful interception or access of computer data**

33% (9/27) of countries reported that statistics can be produced for unlawful interception or access of computer data. 16/27 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, and 1 does not know whether it can produce statistics.

This category received very few comments. One country noted that relevant offences are spread through their classification and not separately identified, while another country noted that this is a sub classification and data are not yet collected. Others included “fraud and falseness” and “creating and introducing of computer viruses.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

It is important to note that “creating and introducing of computer viruses” should be coded to 9.3.4 ‘other acts against computer systems’ as it entails the production of computer viruses.

#### **9.3.4 Other acts against computer systems**

30% (8/27) of countries reported that statistics can be produced for other acts against computer systems. This increases to 33% (9/27) with the addition of countries that can produce statistics but with differences in the definition. 16/37 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

One country noted that relevant offences are spread through their classification and not separately identified, while another country noted that this is a sub classification and data are not yet collected. Others included data on “illegal creation of unauthorized commands for electromagnetic records” and “computer sabotage.”

#### **Summary/conclusion**

Test responses do not indicate a need to change this category. Note that “computer sabotage” should be coded to 9.3.2 ‘unlawful interference with a computer system or computer data.’

#### **9.4 Acts against state security**

41% (11/27) of countries reported that statistics can be produced for acts against state security. This increases to 59% (16/27) with the addition of countries that can produce statistics but with differences in the definition. 9/27 countries cannot produce statistics. 9 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, and 1 does not know whether it can produce statistics.

This category received very few comments. One country noted that information is available for “offences against government security nec” but data are not published, while another country noted that this is a sub classification and data are not yet collected. Others listed offences that were included in this category, such as rebellion, terrorism, “insurrection, foreign aggression, foreign relations”, and “treason, espionage, desertion.”

#### **Summary/conclusion**

Test responses indicate minor changes to this category. Inclusions within 9.4 ‘acts against state security’ should stipulate rebellion against the state, insurrection, desertion, and espionage. Note that terrorism should be coded to 9.6 terrorism.

#### **9.5 Acts related to organized criminal groups**

30% (8/27) of countries reported that statistics can be produced for acts related to organized criminal groups. This increases to 33% (9/27) with the addition of countries that can produce statistics but with differences in the definition. 17/27 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count or data are confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received very few comments. One country included data on “criminal organizations and criminals who work together”, while another country mentioned that data is not collected on “the number of offences involved in an offence, as police recorded crime is a victim-based count.”

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

#### **9.5.1 Participation in an organized criminal group**

15% (4/26) of countries reported that statistics can be produced for participation in an organized criminal group. This increases to 19% (5/26) with the addition of countries that can produce statistics but with differences in the definition. 19/26 countries cannot produce statistics. 16 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received very few comments. One country noted the inability to disaggregate 9.5 'acts related to organized criminal groups.' Others conveyed that data are not available.

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

#### **9.5.2 Other acts related to organized criminal groups**

12% (3/26) of countries reported that statistics can be produced for other acts related to organized criminal groups. 22/26 countries cannot produce statistics of which 18 countries indicate that information is not stored/available, 2 countries have other reasons for the lack of data, and 2 do not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 9.5 'acts related to organized criminal groups.' One country noted that data is only available for "all acts related to organized criminal groups" and "participating in the activities of an organized criminal group."

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

### **9.6 Terrorism**

43% (12/28) of countries reported that statistics can be produced for terrorism. This increases to 57% (16/28) with the addition of countries that can produce statistics but with differences in the definition. 11/28 countries cannot produce statistics. 8 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, and 2 countries have other reasons for the lack of data.

One country noted that terrorism is not separately identified, while another country explained that data are not accurate due to issues in reporting. Others included data on "terrorist and disruptive activities" or federal terroristic offences.

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

#### **9.6.1 Participation in a terrorist group**

19% (5/27) of countries reported that statistics can be produced for participation in terrorist group. This increases to 26% (7/27) with the addition of countries that can produce statistics but with differences in the definition. 19/27 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count or data are

confidential, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received very few comments. Countries noted that terrorist acts are not separately identified or terrorism data cannot be further disaggregated.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **9.6.2 Financing of terrorism**

26% (7/27) of countries reported that statistics can be produced for financing of terrorism. This increases to 30% (8/27) with the addition of countries that can produce statistics but with differences in the definition. 18/27 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 3 have available data but could not produce a statistical count or data are confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received very few comments. Countries noted that terrorist acts are not separately identified or terrorism data cannot be further disaggregated. One country noted that there was “only a very limited recording of terrorism acts.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **9.6.3 Other acts related to the activities of a terrorist group**

22% (6/27) of countries reported that statistics can be produced for other acts related to the activities of a terrorist group. This increases to 26% (7/27) with the addition of countries that can produce statistics but with differences in the definition. 19/27 countries cannot produce statistics of which 14 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 9.6 ‘terrorism.’ Countries noted that terrorist acts are not separately identified or terrorism data cannot be further disaggregated. One country noted that there was “only a very limited recording of terrorism acts”, while another country included data on “other terrorist acts excluded from 9.6.1 and 9.6.2.”

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **9.7 Non-injurious traffic violations**

29% (8/28) of countries reported that statistics can be produced for non-injurious traffic violations. This increases to 39% (11/28) with the addition of countries that can produce statistics but with differences in the definition. 16/28 countries cannot produce statistics of which 10 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, 3 countries commenting that this is not a criminal offence, and 1 country has other reasons for the lack of data.

Comments focused on the inability to provide data due to partial recording or that this offence is not a “notifiable offence” for which data are not collected. One country commented that their classification does not cover “traffic offences due to inconsistencies in recording and availability of data between states. This is an area of ongoing development.” Another country noted that traffic offences are separate from “real crime” offences but data are available through another bureau.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **9.8 Other acts against public safety and state security**

21% (6/28) of countries reported that statistics can be produced for other acts against public safety and state security. This increases to 29% (8/28) with the addition of countries that can produce statistics but with differences in the definition. 19/28 countries cannot produce statistics of which 16 indicate that information is not stored/available, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received very few comments. One country providing data on “offences concerning damage to structures by inundation and obstructing water utilization”, while another country provided data on “private militias, mercenaries, hiding a criminal or a dead body, and wear a burqa.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 9.8 ‘other acts against public safety and state security’ should list forming a militia, hiring a mercenary, and hiding a dead body. Note that “damage to structures by inundation” should be coded to 5.4 property damage and hiding a criminal should be coded to 8.6 ‘acts against the justice system.’

## 10 Acts against the natural environment

Under this top level category, there are 5 level 2 categories, 14 level 3 categories and 2 level 4 categories. For each category at least two countries stated that statistics are currently produced under this category. The availability of data for crimes against the environment is generally lower than for other categories. For level 2 categories between 28% and 45% of respondents indicated data availability with full correspondence of national data which increased to 33-59% when data availability with differences in the definition are taken into account (excluding residual categories 'other') . For level 3 categories between 11% and 32% of respondents indicated data availability with full or partial correspondence of national data, with the exceptions of the residual categories 'other' and 10.3.2 'trade or possession of prohibited or controlled species of animals' (11%).

Quantitative data were provided for all level 2, 3 and 4 categories by at least one or more countries, except for 10.3.1.2 'trafficking of protected species across national borders' where no responding country provided offence counts.

<b>Question 1. Can statistical data currently be produced for this offence in your country?</b>						
	<b>A. Yes</b>	<b>B. Yes, but with differences in the definition</b>	<b>Total Yes (A+B)</b>	<b>C. No</b>	<b>D. Don't know</b>	<b>Sum</b>
<b>10.1 Acts that cause environmental pollution or degradation</b>	45%	14%	59%	38%	3%	100%
<b>10.1.1 Acts that cause the polluting or degrading of air</b>	14%	11%	25%	71%	4%	100%
<b>10.1.2 Acts that cause the polluting or degrading of water</b>	14%	18%	32%	64%	4%	100%
<b>10.1.3 Acts that cause the polluting or degrading of soil</b>	11%	11%	21%	71%	7%	100%
<b>10.1.4 Other acts that cause the polluting or degrading of the environment</b>	11%	0%	11%	82%	7%	100%
<b>10.2 Acts involving the movement or dumping of waste</b>	34%	3%	38%	59%	3%	100%
<b>10.2.1 Acts involving the movement or dumping of waste within national borders</b>	10%	7%	17%	76%	7%	100%
<b>10.2.2 Acts involving the movement or dumping of waste across national borders</b>	14%	3%	17%	76%	7%	100%
<b>10.3 Trade or possession of protected or prohibited species of fauna and flora</b>	28%	10%	38%	59%	3%	100%
<b>10.3.1 Trade or possession of protected species of wild fauna and flora</b>	15%	11%	26%	70%	4%	100%
<b>10.3.1.1 Trade or possession of protected species within national borders</b>	7%	4%	11%	81%	7%	100%
<b>10.3.1.2 Trafficking of</b>	7%	7%	15%	81%	4%	100%

protected species across national borders						
10.3.2 Trade or possession of prohibited or controlled species of animals	11%	4%	15%	81%	4%	100%
10.4 Acts that result in the depletion or degradation of natural resources	30%	7%	37%	59%	4%	100%
10.4.1 Illegal logging	21%	14%	36%	57%	7%	100%
10.4.2 Illegal hunting, fishing or gathering of wild fauna and flora	32%	11%	43%	54%	4%	100%
10.4.3 Illegal mining	21%	4%	25%	68%	7%	100%
10.4.4 Other acts that result in the depletion of natural resources	11%	7%	18%	71%	11%	100%
10.5 Other acts against the natural environment	30%	4%	33%	59%	7%	100%
10.5.1 Acts against animals	32%	7%	39%	54%	7%	100%
10.5.2 Other acts against the natural environment	21%	4%	25%	64%	11%	100%

There are few qualitative comments that point to a need to make minor modifications to legal inclusions/exclusions. This applies in particular to 10.4.3 ‘illegal mining’, 10.5 ‘other acts against the natural environment’ and 10.5.1 ‘acts against animals’.

### **10.1 Acts that cause environmental pollution or degradation**

45% (13/29) of countries reported that statistics can be produced for acts that cause environmental pollution or degradation. This increases to 59% (17/29) with the addition of countries that can produce statistics but with differences in the definition. 12/29 countries cannot produce statistics of which 9 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, and 1 country has other reasons for the lack of data.

Comments drew attention to the inability to disaggregate this category by different types of pollution. One country noted that information is available for environmental pollution but data are not published, while others noted that data on environmental issues are collected by regional administrations, local administrations or other relevant ministries. One country noted that data collection started in 2014.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **10.1.1 Acts that cause the polluting or degrading of air**

14% (4/28) of countries reported that statistics can be produced for acts that cause the polluting or degrading of air. This increases to 25% (7/28) with the addition of countries that can produce statistics but with differences in the definition. 20/28 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 5 have available data but could not produce a statistical count or data are confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Countries noted the inability to disaggregate data on environmental pollution by type of pollution. A few countries have information on “air pollution offences”, but data are not published, while another country noted that data collection started in 2014.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **10.1.2 Acts that cause the polluting or degrading of water**

14% (4/28) of countries reported that statistics can be produced for acts that cause polluting or degrading of water. This increases to 32% (9/28) with the addition of countries that can produce statistics but with differences in the definition. 19/28 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 4 have available data but could not produce a statistical count or data are confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received similar comments as 10.1.1 ‘acts that cause the polluting or degrading of air.’ Countries noted the inability to disaggregate data on environmental pollution by type of pollution. A few countries have information on “water pollution offences”, but data are not published, while another country noted that data collection started in 2014. One country noted that other relevant ministries collect data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **10.1.3 Acts that cause the polluting or degrading of soil**

11% (3/28) of countries reported that statistics can be produced for acts that cause the polluting or degrading of soil. This increases to 21% (6/28) with the addition of countries that can produce statistics but with differences in the definition. 20/28 countries cannot produce statistics of which 14 of these countries indicate that information is not stored/available, 4 countries note that data are available but could not produce a statistical count or is confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received similar comments as 10.1.1 ‘acts that cause the polluting or degrading of air.’ Countries noted the inability to disaggregate data on environmental pollution by type of pollution. A few countries have information on “soil pollution offences”, but data are not published, while another country noted that data collection started in 2014. One country noted that other relevant ministries possess data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **10.1.4 Other acts that cause the polluting or degrading of the environment**

11% (3/28) of countries reported that statistics can be produced for other acts that cause the polluting or degrading of the environment. 23/28 countries cannot produce statistics of which 16 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 10.1 ‘acts that cause the polluting or degrading of the environment.’ One country has information on “noise pollution offences” and “environmental pollution nec”, but data are not published, while another country noted that data collection started in 2014. One country noted that data includes noise and nuclear pollution offences.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **10.2 Acts involving the movement or dumping of waste**

34% (10/29) of countries reported that statistics can be produced for acts involving the movement or dumping of waste. This increases to 38% (11/29) with the addition of countries that can produce statistics but with differences in the definition. 17/29 countries cannot produce statistics of which 15 indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Comments focused on the inability to disaggregate data by national and international movement. One country commented that this offence is included within a broader category called “environmental pollution nec” but not separately identified. Others included general categories covering “sanitation offences and disease prevention offences” or noted that data collection started in 2014.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

One country provided data on “sanitation offences and disease prevention offences.” Note that these offences should be coded to 9.4 ‘acts against health and safety’ where they are already stipulated under the inclusions.

### **10.2.1 Acts involving the movement or dumping of waste within national borders**

10% (3/29) of countries reported that statistics can be produced for acts involving the movement or dumping of waste within national borders. This increases to 17% (5/29) with the addition of countries that can produce statistics but with differences in the definition. 22/29 countries cannot produce statistics of which 17 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 country commenting that this is not a criminal offence, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Comments conveyed the inability to disaggregate data by national or international movement. One country noted that data collection started in 2014, while others commented that other relevant ministries and environmental regulators record data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **10.2.2 Acts involving the movement or dumping of waste across national borders**

14% (4/29) of countries reported that statistics can be produced for acts involving the movement or dumping of waste across national borders. This increases to 17% (5/29) with the addition of countries that can produce statistics but with differences in the definition. 22/29 countries cannot produce statistics of which 17 indicate that information is not stored/available, 1 has available data but could not

produce a statistical count, 1 country commenting that this is not a criminal offence, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received similar comments as 10.2.1 'acts involving the movement or dumping of waste within national borders.' Comments conveyed the inability to disaggregate data by national or international movement. One country noted that data collection started in 2014, while others commented that other relevant ministries and environmental regulators record data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **10.3 Trade or possession of protected or prohibited species of fauna and flora**

28% (8/29) of countries reported that statistics can be produced for trade or possession of protected or prohibited species of fauna and flora. This increases to 38% (11/29) with the addition of countries that can produce statistics but with differences in the definition. 17/29 countries cannot produce statistics of which 15 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, and 1 country has other reasons for the lack of data.

One country commented that this offence is included within a broader category called "environmental pollution nec" but not separately identified. Others noted that other ministries, agencies, or environmental regulators record data. One country explained that it is covered in "environmental pollutions nec" and "possessing native game/animal illegally, and illegal fishing."

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **10.3.1 Trade or possession of protected species of wild fauna and flora**

15% (4/27) of countries reported that statistics can be produced for trade or possession of protected species of wild fauna and flora. This increases to 26% (7/27) with the addition of countries that can produce statistics but with differences in the definition. 20/27 countries cannot produce statistics of which 17 countries indicate that information is not stored/available, 1 country commenting that this is not a criminal offence, and 2 countries have other reasons for the lack of data.

Level 4 categories of 10.3.1 indicated a lower availability of data with 11% (3/27) of countries providing data for 10.3.1.1 trade or possession of protected species of wild fauna and flora and 15% (4/27) providing data for 10.3.1.2 trafficking of protected species across national borders.

Comments conveyed the inability to separately identify the offence from a broader category or the inability to disaggregate data between possession and trafficking. One country commented that data collection started in 2014, while others noted that other relevant ministries and environmental regulators record data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **10.3.2 Trade or possession of prohibited or controlled species of animals**

11% (3/27) of countries reported that statistics can be produced for trade or possession of prohibited or controlled species of animals. This increases to 15% (4/27) with the addition of countries that can

produce statistics but with differences in the definition. 22/27 countries cannot produce statistics of which 17 countries indicate that information is not stored/available, 1 country commenting that this is not a criminal offence, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received similar comments as 10.3.2 'trade or possession of protected species of wild fauna and flora.' Comments conveyed the inability to separately identify the offence from a broader category, such as "environmental regulation offences" or "trade of possession of protected or prohibited species of fauna and flora." One country commented that "possess native game/animal illegally" is available under a general category.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **10.4 Acts that result in the depletion or degradation of natural resources**

30% (8/27) of countries reported that statistics can be produced for acts that result in the depletion or degradation of natural resources. This increases to 37% (10/27) with the addition of countries that can produce statistics but with differences in the definition. 16/27 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Comments conveyed the inability to separately identify the offence from a broader category, such as "environmental regulation offences", "environmental pollution", and "environmental protection measures." Additionally, countries noted that other relevant ministries collect data or data collection started in 2014.

#### Summary/conclusion

Test responses do not indicate a need to change this category. Note that "environmental pollution" should be coded to 10.1 'acts that cause environmental pollution or degradation.'

#### **10.4.1 Illegal logging**

21% (6/28) of countries reported that statistics can be produced for illegal logging. This increases to 36% (10/28) with the addition of countries that can produce statistics but with differences in the definition. 16/28 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 1 country commenting that this is not a criminal offence, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received similar comments as 10.4 'acts that result in the depletion or degradation of natural resources.' Comments conveyed the inability to separately identify the offence from a broader category, such as "environmental regulation offences" or "commercial/industry/financial regulation." Others noted that data are not collected or other relevant ministries and environmental regulators record data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **10.4.2 Illegal hunting, fishing or gathering of wild fauna and flora**

32% (9/28) of countries reported that statistics can be produced for illegal hunting, fishing or gathering of wild fauna and flora. This increases to 43% (12/28) with the addition of countries that can produce statistics but with differences in the definition. 15/28 countries cannot produce statistics of which 14 countries indicate that information is not stored/available and 1 country has other reasons for the lack of data.

This category received similar comments as 10.4 'acts that result in the depletion or degradation of natural resources.' Comments conveyed the inability to separately identify the offence from a broader category, such as "environmental regulation offences", "commercial/industry/financial regulation", "disobey rules of parks/crown land", and "crime of trade of possession of protected or prohibited species of fauna and flora." Others noted that data collection started in 2014 or other relevant ministries and environmental regulators record data.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **10.4.3 Illegal mining**

21% (6/28) of countries reported that statistics can be produced for illegal mining. This increases to 25% (7/28) with the addition of countries that can produce statistics but with differences in the definition. 19/28 countries cannot produce statistics of which 16 countries indicate that information is not stored/available, 1 country have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

One country submitted data on sand mining, while other countries conveyed the inability to separately identify the offence from a broader category, such as "environmental regulation offences", "commercial/industry/financial regulation", and "disobey rules of parks/crown land." Others noted that data collection started in 2014 or other relevant ministries and environmental regulators record data.

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 10.4.3 'illegal mining' should stipulate sand mining.

#### **10.4.4 Other acts that result in the depletion of natural resources**

11% (3/28) of countries reported that statistics can be produced for other acts that result in the depletion of natural resources. This increases to 18% (5/28) with the addition of countries that can produce statistics but with differences in the definition. 20/28 countries cannot produce statistics of which 16 countries indicate that information is not stored/available, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 10.4 acts that result in the depletion or degradation of natural resources. Most comments conveyed the inability to separately identify the offence from a broader category, such as "environmental regulation offences" and "commercial/industry/financial regulation." One country noted that data collection or this offence started in 2014.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

### **10.5 Other acts against the natural environment**

30% (8/27) of countries reported that statistics can be produced for other acts against the natural environment. This increases to 33% (9/27) with the addition of countries that can produce statistics but with differences in the definition. 16/27 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received only a few comments. One country included quarantine offences, which include “failure that entail a threat or potential threat to the health and well being of plants of animals under regulatory public order offences.”

#### **Summary/conclusion**

Test responses indicate minor changes to this category. Inclusions within 10.5 ‘other acts against the natural environment’ should stipulate ‘quarantine offences’ and ‘failure to protect the health and well being of flora or fauna’.

### **10.5.1 Acts against animals**

32% (9/28) of countries reported that statistics can be produced for acts against animals. This increases to 39% (11/28) with the addition of countries that can produce statistics but with differences in the definition. 15/28 countries cannot produce statistics of which 12 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count or data are confidential, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

One country commented that information is available for “cruelty to animals” but data are not published, while others submitted data on “cruelty/ill-treatment of animals” and “cruelty to animals.” Another country commented that other relevant ministries or environmental regulators record data.

#### **Summary/conclusion**

Test responses indicate minor changes to this category. Inclusions within 10.5.1 ‘acts against animals’ should stipulate cruelty to animals and ill treatment of animals.

### **10.5.2 Other acts against the natural environment**

21% (6/28) of countries reported that statistics can be produced for other acts against the natural environment. This increases to 25% (7/28) with the addition of countries that can produce statistics but with differences in the definition. 18/28 countries cannot produce statistics of which 14 countries indicate that information is not stored/available, 3 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 10.5 ‘Other acts against the natural environment.’ One country submitted data on “urbanism and permissions”, while another country commented that other relevant ministries or environmental regulators record data.

#### **Summary/conclusion**

Test responses do not indicate a need to change this category.

## 11 Other criminal acts not elsewhere classified

This is a residual category. Under this top level category, there are 3 level 2 categories, 6 level 3 categories and no level 4 categories. Among responding countries, for each category at least two countries stated that statistics are currently produced under this category. For level 2 categories between 25% and 26% of respondents indicated data availability with full or partial correspondence of national data. For level 3 categories between 14% and 20% of respondents indicated data availability with full correspondence of national data which increased to 14-33% when data availability with differences in the definition are taken into account, with the exception of 11.2.2 'other acts contrary to youth regulations and acts on minors' (11%). )

Quantitative data were provided for all level 2 and 3 categories by at least one or more countries.

Question 1. Can statistical data currently be produced for this offence in your country?						
	A. Yes	B. Yes, but with differences in the definition	Total Yes (A+B)	C. No	D. Don't know	Sum
<b>11.1 Acts under universal jurisdiction</b>	26%	4%	30%	67%	4%	100%
11.1.1 Torture	17%	3%	21%	72%	7%	100%
11.1.2 Piracy	14%	0%	14%	79%	7%	100%
11.1.3 War crimes, genocide, crimes against humanity, crimes of aggression	25%	8%	33%	63%	4%	100%
11.1.4 Acts under universal jurisdiction not described in level 11.1.	11%	0%	11%	79%	11%	100%
<b>11.2 Acts contrary to youth regulations and acts on minors</b>	25%	7%	32%	61%	7%	100%
11.2.1 Status offences	25%	7%	32%	61%	7%	100%
11.2.2 Other acts contrary to youth regulations and acts on minors	11%	4%	14%	79%	7%	100%
<b>11.3 Other criminal acts not elsewhere classified</b>	26%	0%	26%	67%	7%	100%

There are few qualitative comments that point to a need to add additional legal inclusions/exclusions. This applies in particular to 11.1.4 'other acts under universal jurisdiction' and 11.2.2 'other acts contrary to youth regulations and acts on minors'.

### **11.1 Acts under universal jurisdiction**

26% (7/27) of countries reported that statistics can be produced for acts under universal jurisdiction. This increases to 30% (8/27) with the addition of countries that can produce statistics but with differences in the definition. 18/27 countries cannot produce statistics for which 11 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1

country commenting that this is not a criminal offence, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received very few comments. One country commented that this should be under 1:2 'acts causing harm', while others noted that data are not available.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **11.1.1 Torture**

17% (5/29) of countries reported that statistics can be produced for torture. This increases to 21% (6/29) with the addition of countries that can produce statistics but with differences in the definition. 21/29 countries cannot produce statistics for which 14 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count or data are confidential, 2 countries commenting that this is not a criminal offence, and 2 countries have other reasons for the lack of data.

Countries commented that torture is included in broader categories such as "assault with intent to cause serious harm" or "serious assault resulting in injury" and not separately identified. One country provided data on "causing bodily harm to, torture or other inhuman treat of persons protected under international humanitarian law."

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **11.1.2 Piracy**

14% (4/29) of countries reported that statistics can be produced for piracy. 24/29 countries cannot produce statistics for which 18 countries indicate that information is not stored/available, 2 have available data but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 2 do not know whether it can produce statistics.

Countries commented that piracy is included in broader categories such as "Offences against government security nec" and not separately identified, while one country included offences under the "law against counterfeit."

#### Summary/conclusion

Test responses do not indicate a need to change this category. Note that offences under the "law against counterfeit" should be coded to 7.2 'forgery/counterfeiting.'

#### **11.1.3 War crimes, genocide, crimes against humanity, crime of aggression**

25% (6/24) of countries reported that statistics can be produced for war crimes, genocide, crimes against humanity, crime of aggression. This increases to 33% (8/24) with the addition of countries that can produce statistics but with differences in the definition. 15/24 countries cannot produce statistics for which 13 countries indicate that information is not stored/available and 1 does not know whether it can produce statistics.

Countries commented that war crimes, genocide, crimes against humanity, crime of aggression are included in broader categories and not separately identified. One country provided data on "genocide;

war crimes and crimes against humanity” but “these are often/mostly related to the presence of nuclear weapons in an army base.

#### Summary/conclusion

Test responses do not indicate a need to change this category

#### **11.1.4 Other acts under universal jurisdiction**

11% (3/28) of countries reported that statistics can be produced for other acts under universal jurisdiction. 22/28 countries cannot produce statistics for which 15 countries indicate that information is not stored/available, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 11.1 ‘acts under universal jurisdiction.’ One country provided data on forming organized groups with the intention of committing war crimes, genocide, crimes against humanity, and crimes of aggression, while another country included “inhuman treatment and degrading treatment.”

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 11.1.4 ‘other acts under universal jurisdiction’ should stipulate forming groups with the intention of committing acts under universal jurisdiction. The remaining data do not illustrate the need to change this category.

#### **11.2 Acts contrary to youth regulations and acts on minors**

25% (7/28) of countries reported that statistics can be produced for acts contrary to youth regulations and acts on minors. This increases to 32% (9/28) with the addition of countries that can produce statistics but with differences in the definition. 17/28 countries cannot produce statistics for which 14 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

This category received very few comments. One country noted that offences are spread throughout their classification and not separately identified. Another country submitted data on “non-assaultive sexual offences against a child” and “child pornography offences” and noted that truancy is prosecuted by the Ministry of Education and does not appear in police statistics. Similarly, marriage offences are prosecuted by the department of internal affairs and do not appear in police statistics.

#### Summary/conclusion

Test responses do not indicate a need to change this category. Note that offences under “non-assaultive sexual offences against a child” and “child pornography offences” should be coded to 3.2.2.1 ‘child pornography’ and 3.2.2.3 ‘other sexual exploitation of children.’

#### **11.2.1 Status offences**

25% (7/28) of countries reported that statistics can be produced for status offences. This increases to 32% (9/28) with the addition of countries that can produce statistics but with differences in the definition. 17/28 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 1 country commenting that this is not a criminal offence, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

Countries noted that offences are a spread throughout their classification and not separately identified. One country included selling tobacco to minors, but noted that the ministry of health and ministry of economic affairs collect data on providing alcohol to minors.

#### Summary/conclusion

Test responses do not indicate a need to change this category.

#### **11.2.2 Other acts contrary to youth regulations and acts on minors**

11% (3/28) of countries reported that statistics can be produced for other acts contrary to youth regulations and acts on minors. This increases to 14% (4/28) with the addition of countries that can produce statistics but with differences in the definition. 22/28 countries cannot produce statistics of which 13 countries indicate that information is not stored/available, 1 has available data but could not produce a statistical count, 2 countries have other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of 11.2 'acts contrary to youth regulations and acts on minors.' One country noted that offences are spread through their classification and not separately identified. Another country submitted data on "non-declaration of birth to the authorities; not giving a child one has found; and custody violations."

#### Summary/conclusion

Test responses indicate minor changes to this category. Inclusions within 11.2.2 'other acts contrary to youth regulations and acts on minors' should stipulate not declaring a birth to the authorities and not giving a child one has found. The remaining data do not illustrate the need to change this category. Note that custody violations should be coded to 8.9 'other acts against public order or authority.'

#### **11.3 Other criminal acts not elsewhere classified**

26% (7/27) of countries reported that statistics can be produced for other criminal acts not elsewhere classified. 18/27 countries cannot produce statistics of which 15 countries indicate that information is not stored/available, 1 country has other reasons for the lack of data, and 1 does not know whether it can produce statistics.

The lack of data for this residual category confirms the exhaustiveness of '1:11 Other criminal acts not elsewhere classified.' One country included "gambling" and "entering a country without permission", others noted that there are no data to include in this category.

#### Summary/conclusion

Test responses do not indicate a need to change this category. Note that gambling offences should be coded to 8.4.3 'acts against regulations on betting' and entering a country without permission should be coded to 8.5.2 'other unlawful acts related to migration.'

#### **Disaggregating variables and tags**

One respondent commented on the disaggregating variables and tags. The victim offender relationship's label 1 could be split to make a useful distinction between current and former intimate partner/spouse. Additionally, under the motivation disaggregation, if the intention here is to have Hate Motivation then the label "gender-based" should become "gender-based hate crime" to avoid confusion with the broader concept of gender-based violence.

