



Conference of the Parties to the United Nations Convention against Transnational Organized Crime

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**Good practices for effective training and legislative
assistance to enhance the implementation of the
United Nations Convention against Transnational
Organized Crime**

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Background paper prepared by the Secretariat

I. Introduction

1. The Education for Justice (E4J) initiative of the Global Programme for the Implementation of the Doha Declaration was adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in 2015 and endorsed by the General Assembly in its resolution [70/174](#). Under the initiative, the United Nations Office on Drugs and Crime (UNODC) recently developed a teaching guide on organized crime, with a focus on the content of the United Nations Convention against Transnational Organized Crime. The guide was designed in the form of modules and is aimed at promoting and enhancing multidisciplinary teaching on the subject at the tertiary education level. The topics covered in the modules include the following: the defining of organized crime; organized criminal markets; infiltration of organized crime; law enforcement tools and cooperation; prosecution strategies; sentencing and confiscation; and international cooperation and prevention. The teaching material also offers guidance on learning methodologies and tools to support the learning process.

2. The present background paper has been prepared with a view to contributing to the deliberations of the Working Group of Government Experts on Technical Assistance under item 2 of the provisional agenda. It provides a brief overview of best practices used by UNODC in the delivery of training to enhance the implementation of the Organized Crime Convention. The paper also highlights some of the contents of the teaching material recently developed on organized crime, with a view to promoting its use in effective training to enhance the implementation of the Convention. Finally, the paper offers recommendations on possible ways to improve such training.

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II. Best practices in the delivery of training by UNODC

3. UNODC aims to provide high-quality training courses and teaching material for systematic capacity-building, with a view to assisting States in implementing the Organized Crime Convention, taking into account the core principles of educational theory. In 2017, UNODC delivered training on the Convention and the Protocols thereto to approximately 9,000 criminal justice practitioners.

4. The delivery of UNODC training activities is aimed at meeting the demands and needs of each beneficiary. Training courses are ideally based on a preliminary needs assessment. Moreover, UNODC strives to be targeted and adaptive in its training delivery. Training activities are therefore implemented in close coordination with the beneficiary countries. Such a collaborative approach promotes partnerships and ensures sustainability of the interventions. In its training activities as well, UNODC follows and promotes a human-rights-based approach and aims to mainstream gender in both the training material and its delivery.

5. As UNODC training activities are results-driven, they contain a monitoring and evaluation component, including lessons learned and a follow-up process. Six months after the completion of the training activity, participants are asked if they are using the skills and knowledge gained from the training in their everyday work. The lessons learned from the training activities also have an impact on the normative and policy work of UNODC, including in the context of the Conference of the Parties to the Organized Crime Convention and its working groups.

6. In addition to the existing material and tools that UNODC uses to deliver training activities related to the Organized Crime Convention, the E4J teaching modules could also be used in universities and by Governments to enhance the skills and knowledge of students and practitioners to prevent and counter organized crime.

III. Education for Justice teaching modules on organized crime

7. Launched in 2016, the E4J initiative is a key component of the Global Programme for the Implementation of the Doha Declaration. The initiative acknowledges the strong links between education and inclusive and peaceful societies. It also acknowledges the fundamental role that education plays in promoting peace, justice and equality, in shaping the values of future generations and in building public awareness. The tertiary-level component of the initiative seeks to support academics in their teaching and research activities related to UNODC mandate areas, including organized crime, corruption, terrorism, cybercrime, criminal justice, trafficking in firearms, trafficking in persons and smuggling of migrants, as well as on integrity and ethics. An overview of the contents of the modules and the main concepts analysed is presented below.

1. Conceptualizing and defining organized crime

8. The E4J modules include an analysis of the concept and definition of organized crime, including a discussion of the text of the Organized Crime Convention. The modules are based on the premise that organized criminal groups seek illicit profits and seize opportunities to infiltrate governments and control markets of illegal goods and services including drugs, falsified medical products, stolen property, counterfeit goods, trafficking in persons and smuggling of migrants. They may use violence and corruption to achieve their goals and often exploit legal persons, using them as shields to commit crimes or launder the proceeds of illegal activities.

9. The teaching material explores the challenges in defining organized crime and makes reference to various definitions used, including the definition contained in the Organized Crime Convention. Common characteristics of the various definitions of organized crime are discussed. Those include: the element of financial gain; the provision of illicit goods and services in response to demand; the enabling factor of

corruption; and the regular use of intimidation, threats or force in carrying out and protecting criminal activities. The similarities of and differences between organized crime and other forms of crime and associated activities are explored, as are the organization and composition of organized criminal groups.

2. Activities of organized criminal groups: provision of illicit goods and services, and infiltration in business and government

10. Three primary categories of illegal behaviour are highlighted in the modules, based on the descriptions and definitions of organized crime contained in criminal codes and case studies. The three categories, which reflect the individual crimes that are most commonly associated with organized criminal activity, are the provision of illicit services, the provision of illicit goods, and the infiltration of legitimate businesses or Governments. Each category contains specific offences.

11. Within the topic of organized criminal markets, the modules touch upon the different types of illicit goods and services, including the smuggling of migrants and trafficking in drugs, firearms, counterfeit products and persons. With regard to the infiltration of legitimate businesses or Governments, the teaching material covers issues including extortion, money-laundering, the liability of legal persons, and the links between organized crime and corruption.

3. Role of gender in organized crime

12. The modules recognize that organized crime has historically been seen as a “masculine” behaviour, while women have, for the most part, been exploited in the commission of organized criminal activities. In more recent years, however, closer attention has been paid to the active role of women in organized criminal activity.

13. The roles that women play as leaders in organized criminal groups, including organizers of the commission of offences and equal partners in crime, are discussed in the modules. As noted in the teaching material, women too have been found to assume assistant and supporting roles, subordinate to male criminals. Those roles include acting as stable, and often central, support systems (e.g., by taking care of the finances of the organized criminal group). In trafficking in persons cases, women have been found to act as the intermediary between perpetrators and victims, often through a “promotion”, from a victim to a supervisory position. Other analyses have found considerable evidence that women possessed knowledge and awareness of the criminal affiliations of their male counterparts, and in some cases were active participants in maintaining and concealing criminal activity. It is likely that additional investigation and data collection would yield more evidence of female involvement in organized crime.¹

4. Measuring organized crime

14. The challenges in accurately measuring organized crime are discussed in the teaching modules. Factors that affect measurement include efforts by perpetrators to conceal their activities, non-reporting of victims and difficulty in determining the extent to which organized crime is involved in the commission of a particular crime.

¹ *Global Trafficking in Persons Report 2016* (United Nations publication, Sales No. E.16.IV.4), pp. 34–40; Jana Arsovska and Felia Allum, “Introduction: women and transnational organized crime”, *Trends in Organized Crime*, vol. 17, Nos. 1 and 2 (2014), pp. 1–15; Valeria Pizzini-Gambetta, “Organized crime: the gender constraints of illegal markets” in *The Oxford Handbook of Gender, Sex, and Crime*, Rosemary Gartner and Bill McCarthy, eds. (Oxford, Oxford University Press, 2014). Mark Shaw and Luke Lee Skywalker “Gangs, violence and the role of women and girls: emerging themes and policy and programme options drawn from interviews with female gang members in Cape Town” (March 2017). Available at <http://globalinitiative.net/>.

15. Organized crime is a complex phenomenon that consists of multiple overlapping elements, which are often measured separately. There are at least five components of organized crime, namely the following:

- (a) Offenders: the actual perpetrators of crime and their accomplices;
- (b) Products: licit or illicit products that are stolen or smuggled;
- (c) People: persons who are victimized, such as victims of trafficking in humans;
- (d) Proceeds: the profits derived from illicit activity;
- (e) Cybertechnology dimension: using technologies to enable crime and various forms of cybercrime, including online sexual exploitation of children and the dissemination of malicious codes or viruses.²

16. The methodology for measuring organized criminal activity may change depending on what exactly is being measured. The modules therefore provide three perspectives from which to measure crimes of any kind: the perspectives of the offender, the victim and the Government authorities. Moreover, alternative ways of measuring organized criminal activity are also explained, which focus on the nature of specific offences committed by organized criminal groups. The movement of illicit products from the source to the destination allows for measurement (e.g., as contained in the annual UNODC *World Drug Report*, which assesses trafficking in drugs worldwide).³

5. Causes and facilitating factors of organized crime

17. The teaching modules also consider the reasons people engage in crime. Many studies have undertaken to explain and understand the existence of crime. Historical records shows that crime exists in all societies, but levels of crime vary dramatically, both within and among nations, and those levels change over time.

18. Relatively little attention has been paid to the causes and the facilitating factors of organized crime. In addition, mobilizing factors — that is, the circumstances that draw actors together — play an important role in creating and facilitating organized crime, and predominantly concern the motivations and personal reasons of the key stakeholders to engage in criminal activities. The Organized Crime Convention includes, as part of its definition of an organized criminal group, the goal of its participants, which is to obtain, directly or indirectly, a financial or other material benefit in the commission of crimes. Profit is therefore the ultimate objective of organized criminal groups. Nonetheless, that motive does not fully explain why participants in organized criminal groups use criminal planning and ongoing schemes to commit crimes on a systematic basis.

² Phil Williams, “Organizing transnational crime: networks, markets and hierarchies” in *Combating Transnational Crime: Concepts, Activities and Responses*, Phil Williams and Dmitri Vlassis, eds. (London, Frank Cass Publishers, 2001).

³ *World Drug Report 2017* (United Nations publication, Sales No. E.17.IX.6).

19. The teaching modules organize existing explanations for criminal conduct into a four-part typology made up of the positivist,⁴ classical,⁵ structural,⁶ and ethical⁷ approaches, utilizing case studies to show how these explanations can apply to individual instances of organized crime. The analysis of the causes and facilitating factors of organized crime can offer clear information on how criminal decisions are made and how those decisions might be prevented in the future.

6. Models of organized criminal groups

20. Similarly, it is very difficult to categorize the different types or models of organized criminal groups according to time, location and crime types. Nonetheless, a large number of empirical studies have identified three general models: groups with hierarchical or organizational structure; groups based on local, cultural or ethnic connections; and groups relying on economic business-type relationships (i.e., the enterprise model). There is overlap between these models, and few organized criminal groups exist as a distinct type, but there are important differences between the models, which are discussed in the modules.

21. Moreover, a new structure of organized crime occurs in the virtual world. Cyberspace offers an electronic marketplace in which illicit goods and services are sold, and businesses sometimes infiltrated, without physical contact between the supplier and customer. One of the modules is therefore devoted to linking organized crime and cybercrime, based on the recognition that organized criminal groups both utilize and operate digital services, for financial or other material benefits.⁸

7. Law enforcement tools and law enforcement cooperation

22. As organized criminal groups adapt and offenders commit crimes in more than one State, it is necessary to reduce or eliminate jurisdictional gaps that enable fugitives to find safe havens. The modules address the issue of jurisdiction in accordance with the Organized Crime Convention, as well as the topics of reactive and proactive policing and the use of special investigative techniques, which must balance the competing interest of ensuring public safety with the need and obligation to ensure the human rights of individuals.

23. With regard to investigative techniques and intelligence-gathering, the modules discuss the use of controlled delivery, physical and electronic surveillance, undercover operations, financial analysis and use of informants. The use of such techniques involves more planning, organization and time-intensive efforts than

⁴ See Matthew W. Logan and Brandon Dulisse, “Positive criminology” in *Encyclopedia of Criminology and Criminal Justice*, Jay Albanese, ed. (Hoboken, New Jersey, Wiley-Blackwell, 2014); Ronald L. Akers, Christine S. Sellers and Wesley G. Jennings, *Criminological Theories: Introduction, Evaluation, and Application*, 7th ed. (Oxford, Oxford University Press, 2016); Franklin P. Williams III and Marilyn D. McShane, *Criminological Theory*, 7th ed. (London, Pearson, 2017).

⁵ See Cesare Beccaria, *On Crimes and Punishments* (Indianapolis, United States, Bobbs-Merrill, 1967), first published in 1764; Bob Roshier, *Controlling Crime: The Classical Perspective in Criminology* (Chicago, Lyceum Books, 1989); Matthew Valasik, “Classical criminology” in *Encyclopedia of Criminology and Criminal Justice*, Jay Albanese, ed. (New York, Wiley-Blackwell, 2014).

⁶ See Hung-En Sung, “State failure, economic failure, and predatory organized crime: a comparative analysis”, *Journal of Research in Crime and Delinquency*, vol. 41, No. 2 (2004), pp. 111–129.

⁷ See Darcia Narvaez “Integrative ethical education” in M. Killen and J. Smetana, eds., *Handbook of Moral Development*, M. Killen and J. Smetana, eds. (Mahwah, New Jersey, Erlbaum, 2006); Larry Nucci, Darcia Narvaez and Tobias Krettenauer, eds., *Handbook of Moral and Character Education*, 2nd ed. (New York, Routledge, 2014).

⁸ See Roderic Broadhurst and others, “Organizations and cyber crime: an analysis of the nature of groups engaged in cyber crime”, *International Journal of Cyber Criminology*, vol. 8, No. 1 (2014); Kim-Kwang Raymond Choo and Russell G. Smith, “Criminal exploitation of online systems by organised crime groups”, *Asian Journal of Criminology*, vol. 3, No. 1, pp. 37–59.

traditional law enforcement tools, but they are often necessary in investigating the activities of organized crime.

8. Prosecution, sentencing, confiscation and international cooperation in organized criminal cases

24. The modules also discuss prosecution strategies to combat organized crime, which examine the role of prosecutors, the differences between the adversarial and the inquisitorial legal systems and measures to cooperate with law enforcement (e.g., mitigating punishment, granting immunity from prosecution, and witness protection).

25. In addition, the modules address the philosophy and principles underlying criminal sentencing around the world, examining the purposes of sentencing, aggravating and mitigating factors, and sentencing options related to organized crime, including the position of the United Nations regarding the death penalty. The confiscation and disposition of seized assets and the protection of the rights of third parties are also discussed, as are the tools to facilitate cooperation among countries in criminal matters. Such tools include mutual legal assistance, extradition, and international cooperation for the transfer of criminal proceedings and the transfer of sentenced persons.

IV. Use of educational theory to understand the nature of organized crime

26. The E4J teaching modules take into account the core principles of educational theory, including the concept of prior knowledge and the idea that students should change and expand their pre-existing mental models when learning new concepts. One of the most effective ways to assist students in accomplishing such a change is by having them articulate and reflect upon their prior knowledge and mental models before learning new concepts. When students are invited to discuss their understanding and experiences of a subject before they have gained initial exposure to it, it prepares the student for the prospect of change and also helps teachers recognize the specific misconceptions and problems students may have in order to address them more effectively.

27. To that end, the modules on organized crime include icebreakers, case studies, quizzes and other methods to engage with students in order to expand their knowledge and challenge their pre-existing assumptions. An example of such a method is to present students with a few simple quiz questions on the subject of the Organized Crime Convention, as provided below.

Example of a quiz contained in the E4J modules

An “organized criminal group” shall mean a structured group of _____ or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with the United Nations Convention against Transnational Organized Crime.

- (a) Two
- (b) Three
- (c) Four

“Serious crime” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least _____.

- (a) One year
- (b) Two years
- (c) Three years
- (d) Four years
- (e) None of the above

According to the Organized Crime Convention, which of the following reflects the motivation of most organized criminal groups?

- (a) Social doctrine
- (b) Political beliefs
- (c) Ideological change
- (d) All of the above
- (e) None of the above

According to the Organized Crime Convention, which of the following is a criterion for a criminal activity to be recognized as “transnational organized crime”?

- (a) Crime committed in more than one State
- (b) Crime committed in one State but prepared in another State
- (c) Crime involves a criminal group active in different States
- (d) Crime committed in one State but has a substantial effect on another State
- (e) All of the above

28. The modules include a broad range of activities that allow students to engage actively with the material using a variety of methods (listening, reading, viewing, speaking, writing and acting). Students are also encouraged to apply their new knowledge to situations outside of the classroom: for example, through the study of real examples of organized crime from different parts of the world, including from their countries and/or regions. Many of the modules on organized crime also recommend having students engage in debates, role play or other activities, which are followed by debriefing and reflection, including discussions or writing activities.

V. Follow-up and possible recommendations

29. States may wish to encourage their training and learning institutes to participate in the development, dissemination and utilization of training materials and tools developed by UNODC, including the newly developed E4J teaching modules on organized crime.

30. States may further wish to actively communicate with UNODC regarding their technical assistance and capacity-building needs and on the feedback and impact of the assistance received.

31. States may also wish to request UNODC to continue developing training and teaching materials and tools on selected key issues pertaining to the implementation of the Organized Crime Convention and other related cross-cutting issues. Such issues could include participation in an organized criminal group, as well as organized crime and its relationship to terrorism, cybercrime, corruption, gender and human rights.

32. States may also wish to request the delivery of technical assistance utilizing the teaching modules and tools, and may wish to provide extrabudgetary resources for that purpose.

33. For purposes of training and legislative assistance, States may also consider providing additional examples of legislation and case law through the knowledge management portal known as Sharing Electronic Resources and Laws on Crime (SHERLOC).

34. States may wish to consider providing extrabudgetary resources to support the delivery of training activities and the development of training materials and tools by UNODC for promotion of the implementation of the Convention and the Protocols thereto.