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

**Working Group of Government Experts
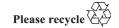on Technical Assistance**
Vienna, 23–27 May 2022
Item 3 of the provisional agenda*
**Effective strategies to prevent and combat
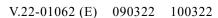organized crime, including mainstreaming of
gender and human rights**

Effective strategies to prevent and combat organized crime, including mainstreaming of gender and human rights

Background paper prepared by the Secretariat

I. Introduction

1.   Transnational organized crime remains a complex and multidimensional phenomenon, continuously adapting to and exploiting structural changes at the local, national and international levels. Its effects are felt around the globe, eroding governance, infiltrating political processes, fuelling corruption and violence, exploiting vulnerable persons, undermining legitimate markets and posing a growing environmental threat. It follows that any response to organized crime must therefore be inclusive, addressing the many drivers and enablers that together underpin criminal activity. The acknowledgement of the transnational nature of organized crime and the need for increased international cooperation were key rationales for the adoption of the United Nations Convention against Transnational Organized Crime.

2.   At the same time, experience in combating organized crime gained since the adoption of the Organized Crime Convention has highlighted the importance of comprehensive, multisectoral strategies that build upon robust analyses and threat assessments and integrate gender and human rights considerations. Such strategies offer a mechanism not only for increasing cooperation between the different sectors of society but also for enhanced international collaboration.

3.   Accordingly, the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, in its resolution 10/4, adopted in October 2020, requested the United Nations Office on Drugs and Crime (UNODC) to continue to provide technical assistance and capacity-building to Member States, upon request, to support their capacity to prevent and combat transnational organized crime, including through, inter alia, the provision of assistance in the development of national strategies to prevent and fight such crime.

4.   Responding to that request, the present background paper provides an overview of the role and components of evidence-based strategies to prevent and combat

_____

* CTOC/COP/WG.2/2022/1-CTOC/COP/WG.3/2022/1.

Please recycle ♻

organized crime, drawing on the UNODC publication entitled "Organized crime strategy toolkit for developing high-impact strategies".[1] The present background paper highlights the ways in which strategies and accompanying analysis can provide a critical edge in countering organized criminal groups operating in the modern world.

II. Role of strategies to prevent and combat organized crime

5.   Today's organized criminal groups increasingly operate across both borders and societal sectors, targeting marginalized communities for the purposes of recruitment, exploitation and the laundering of financial proceeds through the licit economy. Criminal business supply chains involve, inter alia, commodity sourcing, extraction and/or production, the transport and sale of illicit goods, the trafficking and smuggling of persons, the provision of key services, including Internet-based services, the co-option of State institutions and the acquisition of assets. No single sector, stakeholder or State can tackle the problem in isolation. Instead, only nuanced, multi-stakeholder whole-of-society approaches can realistically have an impact on the problem.

6.   National strategies also provide an essential mechanism for integrating and implementing some of the main provisions of the Organized Crime Convention – the main international instrument against transnational organized crime – as part of a wider, holistic approach. Such strategies can help to fulfil the overall purpose of the Organized Crime Convention, which is to promote cooperation to prevent and combat transnational organized crime more effectively. They can also provide a mechanism for eliminating safe havens for organized crime, shielding legal markets from infiltration and, just as importantly, applying legislative frameworks that meet the key requirements of the Convention. These requirements include criminalizing the following: participation in an organized criminal group (article 5) on the basis of a conspiracy-style offence and/or as an offence based on criminal association; money-laundering (article 6); corruption (article 8); and obstruction of justice (article 23). Beyond this, strategies can help to realize the Convention's aim of promoting international cooperation through measures such as extradition (article 16), the transfer of sentenced persons (article 17), mutual legal assistance (article 18), joint investigations (article 19), the transfer of criminal proceedings (article 21) and law enforcement cooperation (article 27).

7.   While the specific legal requirements of the Organized Crime Convention could be met without developing national strategies to combat organized crime, adhering to the overarching vision of the Convention requires close alignment of national objectives, capabilities and levers in a way that can only be truly delivered through a clear and integrated strategic framework. Strategies are therefore useful tools in that they offer a mechanism for bringing together multiple actors from across society, including along routes and supply chains, as well as disparate capabilities, in pursuit of common visions and goals. They also constitute a strong signal of political intent both nationally and internationally, justifying increased action and the mobilization of efforts and resources. By bringing together different sectors and nations, national and regional strategies can effectively help to build international networks of resilience that can defend against and respond to the problem at the local, regional and global levels. The different components that make up strategic approaches to preventing and combating organized crime are outlined below.

_____

[1] Available at https://sherloc.unodc.org.

III. Components of strategies to prevent and combat organized crime

A. Research, data collection, analysis and threat assessments

8.   Analysis provides the overall evidence base for strategies and high-impact interventions. It can uncover many of the characteristics of organized crime, including its manifestations, trajectories, vulnerabilities and impact on public and human security, and can serve to evaluate the efficacy of the existing State response, providing the basis for the development of specific, measurable, accepted, realistic and time-bound objectives that are tailored to the context. Analysis that is conducted jointly by multidisciplinary teams (such as those comprising a combination of academics, researchers, criminal justice practitioners, and representatives of the private sector and civil society) increases buy-in with regard to national level responses and provides a stronger mandate for subsequent multi-stakeholder responses. Strategic analysis may also be incorporated within transnational organized crime threat assessments, providing the authoritative view on the character of organized crime in any given jurisdiction or region.

9.   Effective analysis should cover different dimensions. It should seek to understand the environmental and structural drivers of organized crime (factors such as social exclusion, inequality, gaps in the rule of law, insecurity, and inefficiencies in the legislative or administrative framework and corruption that allow it to flourish within any given context) and the impact that organized crime has on sustainable development, peace and security. It should also map the markets, including key sectors, goods, services, profiles of perpetrators and victims, geographical hotspots and enablers, that underpin criminal economies and the mechanisms used by organized criminal groups to infiltrate legal economies. Finally, it should describe the types of organized criminal groups involved in criminal activities, including, where possible, their relationships both within the State and across borders (as analysis of such cross-border relationships offers an important mechanism for triggering international cooperation). Such a comprehensive approach to analysis can also help to identify the risks involved in specific activities, such as the risk of displacing criminal activity to other geographical areas or the risk of power vacuums emerging following disruption operations.

B. Development of strategic principles and objectives

10.   Organized crime manifests itself in many different ways and at multiple levels. Every country and region in the world is unique in this regard. At the same time, the analysis of strategies and responses to counter organized crime points to four overarching principles that are broad enough to be applied to most contexts and that can act as broad conceptual pillars within which more tailored and specific objectives can subsequently be situated. These principles are:

    (a)   Prevent organized crime from infiltrating or reinfiltrating communities, the economy and political institutions. This principle seeks to build resilience to organized crime, denying it the ability to penetrate society;

    (b)   Pursue organized criminal groups and their illicit gains, as their activities increase business costs and risks. This principle is aimed at degrading and disrupting the organized crime economy;

    (c)   Protect vulnerable persons and victims from harm or further harm. This principle recognizes the damage and harm that organized crime inflicts on individuals

and communities by emphasizing a victim-centred approach that incorporates human rights and gender considerations, in line with the principle of "leave no one behind"; [2]

(d) Promote partnerships and cooperation at all levels, including across international borders, thereby taking a whole-of-society approach. This principle, which lies at the very heart of the Organized Crime Convention, highlights the importance of partnerships at the local, national and international levels, working across the public, private and civil society sectors.

11. While the recognition of these principles is nearly universal, their application, as well as the balance between them with regard to effort and resources, may vary in different contexts. The principles, moreover, have the additional benefit of pointing to key areas within which new partnerships and higher levels of integration can be achieved. For example, the "prevent" principle may act as a catalyst for exploring new opportunities for collaboration between Governments, local community leaders and civil society to address specific vulnerabilities within society.

12. More specific objectives can in turn be categorized under the four overarching principles in a way that reflects the findings of the strategic analysis process described above. In this respect, such objectives represent a bridge between visions and higher-level objectives and tangible, real-world outcomes and activities. As a general rule, strategies to prevent and combat organized crime and the outcomes specified within them will need to reflect a long-term view and take into account the need for strategic patience. However, to ensure that objectives and outcomes can lead to the type of systemic change required to address the phenomenon of organized crime, it is critical that they be clearly formulated. Objectives can be wide-ranging in nature, but might include the following purely illustrative examples:

(a) Under the "prevent" principle: addressing local drivers of recruitment into organized crime; making local institutions and economies more resilient to infiltration by organized criminal groups, including by providing sustainable alternatives for income generation; challenging the narratives of organized criminal groups; providing ways out for members of organized criminal groups, including through rehabilitation and reintegration; and maintaining communication with local communities to raise awareness of risks;

(b) Under the "pursue" principle: detecting organized crime activity; increasing the capacity to investigate, prosecute and adjudicate organized crime cases; disrupting, and increasing the level of risk within, organized crime business models; and denying organized criminal groups their financial gains, including by seizing their assets and targeting supply chains;

(c) Under the "protect" principle: safeguarding victims and vulnerable individuals from abuse and harm; supporting and compensating victims of organized crime; repairing harm; protecting supply chains from interference by organized criminal groups; and protecting persons within vulnerable sectors from exploitation by such groups;

(d) Under the "promote" principle: adopting a multisectoral and multi-stakeholder approach to combating organized crime; sharing responsibility for and ownership of the problem; and enhancing cooperation at every level, including at the international level.

C. Implementation and methods of delivery

13. Having clarified the overarching principles and objectives, effective strategies can then also identify the ways and means, including activities, tools and tactics,

---

[2] See also the discussion of the principle of "leave no one behind", one of the central commitments made in the 2030 Agenda for Sustainable Development, on the website of the United Nations Sustainable Development Group. Available at https://unsdg.un.org/2030-agenda/universal-values/leave-no-one-behind.

required to address organized crime across different sectors. This might involve the application and coordination of existing instruments and levers, or the development of new, specifically tailored capabilities. Illustrative examples of such approaches and tools include the following:

(a)   Under the "prevent" principle: incorporating awareness of organized crime within educational curricula; providing sustainable alternatives for income generation, vocational training and assistance in at-risk communities; improving the management of public finances and public procurement processes; putting in place mechanisms that prevent criminal activity within private sector supply chains; establishing mechanisms to report corruption at the local level; promoting and protecting investigative journalism; delivering rehabilitation programmes for offenders, including in prisons; and conducting risk-awareness campaigns, including at the community level and by working with role models and local businesses;

(b)   Under the "pursue" principle: developing new technology-enabled capabilities such as databases and apps; introducing and implementing legislation and accompanying enforcement regimes across vulnerable sectors; conducting intelligence-led investigations, including through the use of special investigative techniques and standard informant handling procedures; assembling inter-agency units and task forces; and enhancing the skills of law enforcement officials and members of the judiciary;

(c)   Under the "protect" principle: introducing effective national victim referral mechanisms and witness protection programmes; developing family-focused and gender-sensitive approaches to identifying and protecting victims; and providing psychological and social support and compensation to victims;

(d)   Under the "promote" principle: establishing frameworks for cooperation, including mutual legal assistance, at the international level; carrying out strategies and joint threat assessments at the regional level, including in relation to shared risks; developing service-level agreements between the public and private sectors; and ensuring effective law enforcement and judicial cooperation on the basis of the Organized Crime Convention.

14.   In order to ensure the successful implementation of strategies, new structures may also be required at the national level. These might include multi-agency strategic analysis units, including multi-agency units, tasked with developing the overall understanding of the problem, and policy and planning units responsible for the coordination and overall implementation of strategies, as well as relevant reporting. The demonstration of clear political ownership of policies on organized crime through accountability to the relevant executive authority will typically also be necessary.

15.   Furthermore, robust monitoring and evaluation processes help to measure the overall impact of the strategy against key outcomes, as well as to identify potential areas for improvement, using additional sources to monitor impact, beyond only detection and criminal justice indicators. While difficult, using both qualitative and quantitative indicators relating to different principles and objectives may nevertheless point to strategic trends, gains or losses, thus giving a sense of the overall direction and impact of the strategy.

16.   Finally, in order to be effective, strategies to prevent and combat organized crime must integrate human rights and gender considerations at every level. This is imperative not only as a means of adhering to the relevant international treaties and customary legal norms but also to prevent harm, unintended negative consequences and potential grievances arising from different interventions. Consultation with actors from different sectors of society, including civil society advocacy groups, can help to identify potential areas of risk, as well as potential mitigation processes, while also offering a lens through which to understand the ways that gender- and human rights-sensitive strategies can address vulnerabilities to organized crime at the community level. In order to correctly balance the rights of individuals with any national security or criminal justice initiative, it is of fundamental importance to undertake a series of

enquiries, including the following: Is the proposed strategy likely to have an unintentional impact on one or more sectors or groups? Are new measures and capabilities likely to be used to target excluded or marginalized groups? If so, what are the mechanisms through which corrective action can be taken? Are human rights violations documented? Are data that are disaggregated by gender and age available and used? What is the gender composition of the criminal justice workforce, including all of its components? Can any gender bias be identified?[3]

IV. Topics for consideration

17.   The Working Group may wish to focus its deliberations on the following topics:

(a)   Particularly impactful activities or innovative strategies to prevent and combat organized crime that can be incorporated into best practice and the ongoing provision of technical assistance;

(b)   Impactful ways and means to mainstream gender and human rights considerations into strategies to prevent and combat organized crime;

(c)   Sharing information obtained from domestic serious organized crime threat assessments, or any other robust empirical research, knowledge-based reports or documents related to organized crime that may be used as an evidence base for such strategies;

(d)   Sharing views on the type of thematic or geographical analysis relating to organized crime threats at the global level that would be useful to Member States in preventing and combating transnational organized crime;

(e)   Identifying needs for capacity-building in the development of strategies to prevent and combat organized crime, including in relation to the mainstreaming of gender and human rights considerations within such strategies.

V. Follow-up and possible recommendations

18.   The Working Group may wish to make the following recommendations:

(a)   States should consider developing strategies to prevent and combat organized crime, using a whole-of-society approach;

(b)   States should mainstream gender and human rights considerations into their strategies to prevent and combat organized crime;

(c)   States should consider developing strategic analyses, including through regional and national threat assessments, as the basis for high-impact strategies to prevent and combat organized crime;

(d)   States may wish to consider requesting technical assistance relating to the development of high-impact strategies to prevent and combat organized crime;

(e)   UNODC should continue to provide technical assistance in the development of strategies to prevent and combat organized crime and in mainstreaming gender and human rights considerations into such strategies;

(f)   UNODC should continue to develop global and regional transnational organized crime threat assessments to inform the development of such strategies.

---

[3] At the time of writing, UNODC was preparing two issue papers relevant to the present discussion, one on the Organized Crime Convention and international human rights law and one on gender issues relating to the Organized Crime Convention.