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**International cooperation and technical
assistance to prevent and address all forms of
crime**

**International cooperation and technical assistance to
prevent and address all forms of crime: terrorism in all its
forms and manifestations, and new and emerging forms of
crime**

Working paper prepared by the Secretariat

Summary

The present working paper contains an exploration of the strengths and weaknesses of the mechanisms for international cooperation in criminal matters that are currently available, and of the ways in which such mechanisms and technical assistance contribute to the prevention of and response to all forms of crime, in particular crime relating to terrorism, and new and emerging forms of crime.

* A/CONF.234/1.



I. Introduction

1. At the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, participants will discuss challenges faced by the international community in preventing and responding to crime that could hardly have been anticipated at the time the first Congresses were held. Participants will also discuss the benefits of regular exchanges of good practices among authorities.
2. The cross-border trade in goods and services has been growing in scale and complexity, as have the movement of persons and the use of information technology, which is now widespread. In parallel, organized criminal groups have diversified their profit-making criminal activities and related *modi operandi*, and are cooperating opportunistically with entities that have terrorist purposes.
3. Social and economic vulnerabilities and weak rule of law institutions continue to create opportunities for criminal activities.¹ There is a direct relationship between, on one hand, crime prevention and criminal justice strategies and policies, in particular from the perspective of international cooperation and technical assistance, and, on the other hand, the 2030 Agenda for Sustainable Development.² Sustainable Development Goal 16 – which relates to providing access to justice for all and building effective, accountable and inclusive institutions at all levels – depends to a significant extent on effective and harmonious international action to counter crime. The same is true for all the Goals.
4. International cooperation and related harmonized approaches among States have progressively led to the establishment of essential mechanisms for, *inter alia*, the transfer of accused or convicted persons to other jurisdictions, the exchange and use of information and evidence by law enforcement and judicial bodies, and the seizure and confiscation of proceeds of crime. Technical assistance remains an insufficiently exploited resource for increased coordination and strengthened capacities to ensure that sovereign States in all regions of the world cooperate in addressing criminal matters efficiently and in full respect for their national laws and institutions.
5. Member States are also confronted with the need to increase their cooperation in matters relating to new and emerging forms of crime, such as cybercrime, environmental crime, trafficking in cultural property and crime related to falsified medical products. As a result, policymakers and practitioners are required to develop specialized and innovative policies, strategies, operations and tools.
6. Likewise, given the transnational and constantly evolving nature of terrorist threats, no Member State can address terrorism alone. One key element in countering the terrorist threat is to strengthen international, regional, subregional and bilateral cooperation. States must have the capacity to provide swift and effective support to one another in their efforts to rapidly combat evolving global terrorist threats and bring terrorists to justice. International, regional, cross-regional and subregional judicial and law enforcement cooperation must be improved to ensure that suspected terrorists and foreign terrorist fighters are prosecuted in full compliance with the rule of law and the international legal regime on terrorism.

II. International cooperation in criminal matters and technical assistance

A. International cooperation in criminal matters

7. International cooperation plays a central role in addressing all forms of transnational crime, including terrorism and new and emerging forms of crime. Relevant international instruments, including the United Nations Convention against

¹ See [A/CONF.222/8](#).

² See [A/CONF.234/RPM.5/1](#).

Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption and the international conventions and protocols against terrorism, have almost universal adherence. They offer parties a legal basis for judicial and law enforcement cooperation with regard to, in particular, extradition, mutual legal assistance, asset recovery and joint investigations. Their scope of application is sufficiently broad to cover forms of crime that are the most damaging to society.

8. Obstacles to international cooperation continue to exist. Criminal justice and law enforcement officials still face many practical challenges in cases that require various types of international cooperation. Those include:

- Differences in legislation or criminal justice standards
- Insufficient knowledge of the applicable international, regional or bilateral treaties, of the domestic procedural requirements in place in the requested States, or even of the law and prevailing practices regarding national and international extradition and mutual legal assistance
- Lack of communication and coordination among institutions (both within States and between States) and difficulties in identifying the authorities responsible for handling international requests where competent central authorities have not been established
- Lack of trust between agencies and Member States, which results in the absence of meaningful consultations before requests are submitted, and of meaningful consultations about the reasons for which requests may be denied, which in some cases results from uncertainty about the recipient country's ability to maintain the confidentiality of a given request or protect the sources and methods of collection, which, in turn, limits the timely sharing of information
- Difficulties in gathering judicial evidence located abroad, especially in conflict zones, for reasons including the limited capacity of Member States in conflict areas to provide international cooperation
- Absence in many countries of comprehensive domestic legislation for the protection of witnesses of crime, including victims.

9. In international cooperation, electronic evidence presents its own unique challenges. Owing to the volatile nature of electronic evidence, international cooperation in cases involving such evidence requires timely responses and the ability to request specialized investigative actions, including the preservation and production of data by communication service providers. Issues that commonly arise when one jurisdiction requests electronic data from another include delayed responses, difficulties in identifying the jurisdiction in which the data sought are located and hence in identifying the jurisdiction that may grant access to those data, a lack of commitment and flexibility on the part of the authority from which the evidence is being requested, the form in which the evidence is provided, the question whether the evidence is fit for use in criminal proceedings and differences in the definitions of criminal offences between jurisdictions.

10. Such issues are further exacerbated by the time-sensitive nature of electronic evidence, differences between legal systems, the clash of bureaucracies, the protection of sovereignty and, in many instances, the incapacity of law enforcement and States to work together to overcome their differences.³

B. Technical assistance

11. Compliance with certain formal requirements for international cooperation is commonly affected by the capacities of the national competent authorities involved,

³ See [A/CONF.234/RPM.3/1](#).

for instance, the availability of sophisticated equipment for the transmission of foreign requests⁴ and for their execution by law enforcement agents, the completeness of the requests for mutual legal assistance, knowledge about what constitutes admissible evidence in the requesting jurisdiction, and the timeliness of responses, bearing in mind that, in extradition cases, the absence of a timely response may lead to the release of a person urgently sought for prosecution abroad. Participants in the regional preparatory meetings highlighted that the collection of electronic evidence was becoming a crucial part of investigations into most transnational cases involving serious crimes and organized criminal groups.⁵

12. Competent authorities can facilitate the collection of electronic evidence, for example by acting as a channel for consultations even before requests are formally made,⁶ bearing in mind that overcoming practical challenges in a timely manner is crucial.⁷ To ensure effective international cooperation, the capacity of central authorities, prosecutors and law enforcement personnel must be strengthened by ensuring that their knowledge of good practices in relation to procedures for requesting, receiving and sharing electronic evidence in cases involving counter-terrorism and organized crime is kept as up to date as possible. In that regard, the United Nations Office on Drugs and Crime (UNODC), the Counter-Terrorism Committee Executive Directorate and the International Association of Prosecutors have assisted Member States in developing those capacities through the implementation of the joint initiative to strengthen the capacity of central authorities, prosecutors and investigators to preserve and obtain electronic evidence in counter-terrorism and related cross-border investigations into organized crime.⁸

13. UNODC supports several international networks of focal points around the world that facilitate cooperation in criminal matters and the effective exchange of information and expertise, and build trust and create contacts among practitioners. Regional cooperation platforms or networks facilitate expeditious cross-regional cooperation and enhanced inter-institutional coordination in cases related to terrorism and transnational crime. This is demonstrated by the achievements of networks supported by UNODC, such as the Multi-Agency Task Force for the Middle East and North Africa Region, the Network of Prosecutors and Central Authorities from Source, Transit and Destination Countries in response to Transnational Organized Crime in Central Asia and Southern Caucasus, the Sahel Judicial Platform for cooperation in criminal matters and the West African Network of Central Authorities and Prosecutors against Organized Crime.

III. Terrorism in all its forms and manifestations

14. The prevention and countering of terrorism has increasingly posed challenges for individual Member States and for the international community as a whole. Terrorists do not fit a specific profile. They come from diverse backgrounds and are driven by various motivations. Terrorist groups are also diversifying their means of attack. Suicide bombings and improvised explosive devices are commonly used in terrorist attacks, but vehicle-ramming and drone attacks have also occurred. The Internet and social media have enabled terrorists to convey their messages around the world. Many recent terrorist attacks were not carried out by organized terrorist groups, but rather by individuals acting alone, often motivated by ideological considerations, or radicalized to violence through communications and messages delivered online. Terrorists also take aim at a diverse array of soft targets, such as

⁴ See A/CONF.234/11.

⁵ See [CTOC/COP/WG.2/2017/4-CTOC/COP/WG.3/2017/4](#).

⁶ See [CTOC/COP/WG.3/2018/2](#).

⁷ See [CTOC/COP/WG.2/2018/3-CTOC/COP/WG.3/2018/3](#).

⁸ See also *Practical Guide for Requesting Electronic Evidence Across Borders* developed by the United Nations Office on Drugs and Crime (UNODC).

schools, hotels, cafés, restaurants, musical and other cultural events, places of worship and shopping centres.

A. The identities of terrorists

15. Despite its military defeat in Iraq and the Syrian Arab Republic, Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and its affiliates continue to aspire to global relevance and to pose a significant threat worldwide. The threat is taking on a new form, with ISIL favouring insurgent tactics using less visible networks of autonomous individuals and cells. In particular, the dispersal of trained and radicalized returning and relocating foreign terrorist fighters raises major concerns for Member States. The adoption by ISIL of a new *modus operandi* requires a comprehensive and multifaceted approach that includes proactive and preventative measures in relation to foreign terrorist fighters, in particular detection, investigation, prosecution, as well as information-sharing, inter-agency coordination and strengthened international cooperation. In addition, thousands of suspected ISIL fighters and an even greater number of suspected affiliated women and children were detained in Iraq and the Syrian Arab Republic following the loss by ISIL of territorial control. Their detention has raised questions regarding the exercise of jurisdiction, the admissibility of evidence and the adjudication of criminal responsibility. Urgent action is required, taking into account gender considerations, the rule of law and human rights.

16. Terrorist and violent extremist groups are increasingly inspiring individuals to carry out terrorist attacks, in particular through the Internet and social media. In recent years, terrorists acting alone have carried out mass stabbings, shootings and vehicle-ramming attacks against civilians and vulnerable targets. Terrorists acting alone appear to remain in the periphery of the wide spectrum of groups and movements that have inspired them, sometimes making their detection difficult. This is further compounded by the low-cost and limited amount of preparation required to carry out devastating attacks. The threat requires not only technical assistance and specialized training, but also the development of comprehensive prevention and detection strategies and partnerships involving criminal justice systems, law enforcement agencies, security services and civil society actors, including community and religious leaders.

B. Means for and vectors of terrorist attacks

17. Terrorist groups now fully utilize the Internet as an operational tool for recruitment, for facilitating and financing attacks, and for inciting violence. Social media, the Internet and other means of telecommunication have greatly facilitated terrorist operations across the globe. Crimes involving electronic tools present unique challenges for criminal justice agencies. Such challenges are further exacerbated by the wide availability of digital tools and the volatile nature of electronic evidence. Tailored policy responses are required to face the challenges involved in effectively preventing and countering violent extremism as and when conducive to terrorism, incitement, and the recruitment of individuals for terrorist purposes, which often takes place around the world through the Internet, in particular through social media. In the field of special investigation techniques, UNODC has assisted several countries in building the capacity of their criminal justice and law enforcement officers to conduct open-source online investigations and to transform the results of those investigations into evidence admissible in court. The technical assistance has contributed to successful investigations and prosecutions.

18. Terrorists also make use of the Internet and digital technologies to perpetrate terrorist acts and cyberattacks. Sophisticated cyberattacks can cause kinetic effects by broadly disrupting critical infrastructure and industrial control systems. Online technologies and their global character enable terrorists to act remotely on a specific target, thereby hampering investigations and prosecutions and exacerbating the

consequences of the attack. Less advanced operations include distributed denial of service attacks, by which the perpetrators temporarily disable websites. Such attacks are no less impactful, given that they cause confusion by disrupting website operations and harming the credibility of the website owners. Terrorists also make use of digital techniques to obfuscate their communications and activities. They may use criminal markets where cyberattacks are offered as a service. The lack of a universally agreed upon definition of cyberterrorism complicates the design of effective countermeasures. A multilateral response requires effective measures from Member States in line with international human rights norms to prevent terrorists from accessing weapons and disposing of them using information and communications technologies.

19. Terrorists have increasingly weaponized vehicles by driving cars, trucks or vans into crowds in public spaces or running over pedestrians, resulting in multiple casualties. Sometimes, such actions are combined with secondary attacks using explosives or guns and automatic rifles, causing even more fatalities. There have been at least 40 vehicle-ramming terrorist attacks between 2016 and early 2019, which have led to at least 197 deaths and 1,066 injured.⁹ Member States must strengthen their counter-terrorism efforts in this regard and adopt effective security measures to keep pace with the evolution of the threat. In particular, it is crucial to continue enhancing the timely exchange of information, including in cross-border cooperation, among stakeholders and promoting a better understanding and increasing capacity related to communications technologies and how they may be misused by terrorist groups.

20. Terrorist groups can benefit from transnational organized crime, for example illicit trafficking in arms, persons, drugs, cultural property and cultural artefacts, and the illicit trade in natural resources such as precious metals, minerals, wildlife, charcoal and oil. They also benefit from kidnapping for ransom and other crimes such as extortion and bank robbery.¹⁰

21. Several terrorist groups use kidnapping for ransom to raise funds, in particular in the Middle East, North Africa and West Africa. In most cases, the hostages are captured by organized criminal networks and then sold to terrorists. Trafficking in persons and sexual violence have also been used widely as a tactic for terrorist groups to attract new recruits and terrorize populations, particularly vulnerable groups and ethnic minorities. Illicit trafficking in firearms is another catalytic element that provides both terrorist groups and organized criminal groups with material and financial means, as terrorist groups can use illicitly trafficked or acquired firearms in the commission of terrorist acts or as a source of funding.

22. Cultural property and artefacts have deliberately been destroyed or trafficked in Afghanistan, Iraq, Libya, Mali, the Syrian Arab Republic, among other countries. ISIL has profited from selling artefacts looted from archaeological sites and museums on the black market and from imposing “taxes” on the movement of such objects through the territories under its control. The looting of cultural artefacts is not a new phenomenon, especially not in countries where State institutions are weak. Nonetheless, the trade in cultural artefacts remains the largest unregulated market in the world and an attractive channel through which to launder money.

23. Terrorist groups use the weaknesses of the international financial system to their advantage. Weak spots include cash-only, low-supervision, illegal money and value transfer systems used for fundraising, training and operations. At the same time, terrorist groups exploit the weaknesses of the system to channel funds from and to financially integrated regional economies that present numerous forms of financial intermediation with an international reach and opportunities for lucrative investment. Member States need to develop measures to prevent terrorist groups from exploiting the financial system. Related policies need to cover the basics of supervision,

⁹ See Counter-Extremism Project, “Vehicles as weapons of terror” (October 2019).

¹⁰ Security Council resolutions [2199 \(2015\)](#), [2347 \(2017\)](#) and [2482 \(2019\)](#).

customer due diligence and know-your-customer rules, as well as responses to requests for information (inter-agency and international cooperation) and responses to the decline in banking services in some areas. In many respects, the private sector is the first line of defence against the financing of terrorism. Furthermore, the operational and investigative capabilities of actors in the criminal justice systems of Member States need to be reinforced to enable them to conduct robust financial investigations and ensure an adequate criminal justice response to the financing of terrorism. Investigation and prosecution strategies need to be convergent with national policies and adapted to the evolving *modi operandi* of those who finance terrorism.¹¹ UNODC collaborates with the Office of Counter-Terrorism, the Counter-Terrorism Committee Executive Directorate and other partners to develop tools with which to support Member States in their efforts to counter the financing of terrorism.

24. The acquisition and use of chemical, biological, radiological and nuclear weapons and materials by non-State actors continues to pose a serious threat to international peace and security. In all probability, the threat is increasing, bearing in mind that globalization facilitates linkages between, on the one hand, entities and individuals who have the required expertise and access to materials, and, on the other, those who seek to use them. As a first step, Member States should become parties to the international legal instruments on terrorism that deal with chemical, biological, radiological and nuclear weapons and materials.¹²

25. States parties to the International Convention for the Suppression of Acts of Nuclear Terrorism are urged to inform the Secretary-General of their competent authorities and liaison points responsible for sending and receiving the information referred to in article 7 of the Convention, bearing in mind that currently only one quarter of the parties have fulfilled this obligation.

26. UNODC recently launched an e-learning module on the international legal framework against chemical, biological, radiological and nuclear terrorism. Member States have requested the Office to continue to develop its specialized knowledge of the international legal framework for combating chemical, biological, radiological and nuclear terrorism as enshrined in the conventions and protocols on terrorism so that it may continue to provide assistance to requesting Member States in the prevention and countering of those forms of terrorism.

C. Terrorist targets

27. Aircraft, airports, ships, seaports, energy plants and water plants continue to be vulnerable to terrorist attacks. Recent attacks on transportation systems and repeated acts of sabotage against dams, oil pipelines and bridges by Al-Qaida and ISIL demonstrate that terrorist groups and individual terrorists continue to have an interest in attacking critical infrastructure. An effective legal regime and adequate criminal justice responses will contribute to more effective efforts to prevent and counter terrorist attacks and serious criminal offences against means of transportation.

28. Terrorist groups encourage attacks against civilians and soft targets, as those wreak havoc and garner media and government attention. As shown in the analytical brief of the Counter-Terrorism Committee Executive Directorate entitled “Responding to terrorist threats against soft targets” of September 2019, terrorist

¹¹ See the International Convention for the Suppression of the Financing of Terrorism.

¹² International Convention for the Suppression of Acts of Nuclear Terrorism; Convention on the Physical Protection of Nuclear Material and Nuclear Facilities; Amendment to the Convention on the Physical Protection of Nuclear Material; International Convention for the Suppression of Terrorist Bombings; 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation; 2005 Protocol to the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf; and Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation.

attacks against soft targets have remained stable in number since 2012, but have become more lethal. The term “soft targets” refers to public spaces that are easily accessible and have few security measures in place. Preventing attacks on soft targets is a challenging task because of, inter alia, their ubiquity and the lack of control that Governments have over what are often privately-owned spaces. Protecting soft targets requires preparedness at the level of the Member States, where local governments, international organizations and the private sector need to cooperate. States should ensure that all stakeholders are involved in establishing an effective national counter-terrorism framework that clarifies responsibilities for soft target preparedness in the areas of prevention, protection, mitigation, response and recovery.

29. Terrorism has tragic effects on victims and their families. Terrorist organizations have adopted techniques and strategies ranging from sexual violence to suicide attacks aimed at causing death, instilling fear, traumatizing societies and ultimately compromising development, peace and security. While terrorism continues to present a profoundly serious and ongoing threat to international peace and security, counter-terrorism efforts of States are often solely focused on investigating crimes and prosecuting the perpetrators, rather than the rights and needs of the victims who were the targets. As a result, despite the important role they should play as key stakeholders within the criminal justice process, victims of terrorism often struggle to have their voices heard and their basic rights and needs fulfilled. It is essential to incorporate the rights of victims into the criminal justice system by recognizing their status and role in the administration of justice, supporting their access to justice and their legal representation, ensuring their full protection during criminal proceedings and enhancing their access to remedies and reparation. In that regard, the specific needs of children, women, internationally displaced persons and other vulnerable groups are of particular importance.

D. Effective government responses to terrorism in all its forms and manifestations

30. To counter the terrorist threat, including the threat posed by returning and relocating foreign terrorist fighters, it is essential to strengthen international, regional, subregional and bilateral cooperation. States must have the capacity to provide swift and effective support to one another in their efforts to combat evolving global terrorist threats rapidly and bring terrorists to justice. International cooperation is no longer a recommendation but a requirement, as emphasized by, among other things, Security Council resolutions [2178 \(2014\)](#), [2253 \(2015\)](#), [2322 \(2016\)](#) and [2396 \(2017\)](#), in which, in particular, the Council calls upon all Member States to intensify and accelerate the exchange of operational information and enhance the coordination of efforts at all levels to combat the threat posed by foreign terrorist fighters. Recent developments in the modus operandi of foreign terrorist fighters necessitate a comprehensive set of measures, such as the sharing of information about or detection of individuals travelling back to their home country or to a third country. Only a multifaceted approach involving various actors at the national and international levels constitutes an effective response.

31. In almost all transnational cases involving terrorist activities and organized crime, assistance is required in areas such as lawfully targeted online surveillance, the securing of electronic evidence and requests to preserve or remove information from online sources. Service providers play an important role in the accessibility of electronic evidence. National laws on privacy, digital evidence, cybercrime and information technologies affect the ability of communication service providers to share information with authorities and also affect the use that can be made of electronic evidence in cases related to terrorism. Crimes involving electronic evidence present unique challenges to international cooperation. Owing to the volatile nature of electronic evidence, international cooperation to combat crimes involving such evidence requires a timely response and the ability to request specialized

investigative actions, including the preservation and production of data by providers in the private sector.

32. In that connection, UNODC has, in cooperation with the Counter-Terrorism Committee Executive Directorate and the International Association of Prosecutors, developed the *Practical Guide for Requesting Electronic Evidence Across Borders* with the aim of helping criminal justice and law enforcement officials to identify steps at the national level to gather, preserve and share electronic evidence with the overall aim of ensuring efficiency in the collection and use of such evidence in criminal cases and enhancing international cooperation mechanisms.

33. Prosecutors face challenges in securing evidence from conflict, post-conflict or hostile environments. Where the military is engaged in counter-terrorism operations, it can play an important role in helping civilian police and investigators to obtain evidence in such situations. However, prosecutors need to make sure that information collected by the military is admissible as evidence in court and that the right to a fair trial and other fundamental rights and freedoms are respected. Accordingly, UNODC provides technical assistance relating to the admissibility and use before national criminal courts of information that may have evidentiary value and has been collected, identified, handled, preserved and shared by the military.

34. Large numbers of individuals associated with terrorist groups, including women and children, are in prisons, military and administrative detention facilities, and in camps for internally displaced persons. Authorities can face difficulties in determining the extent to which each individual may have committed offences related to terrorism, the specific role they may have played and the extent to which their association with the relevant terrorist group was voluntary.

35. Member States are dealing with those challenges in various ways, such as by conducting summary trials, placing persons suspected of association with terrorist groups in protracted administrative detention, developing rehabilitation programmes focused on disengagement, and allowing persons who voluntarily disengage from terrorist groups to return to their communities without being subjected to the criminal justice process. Furthermore, Member States increasingly recognize the importance of involving the social service and education sectors and non-governmental organizations alongside the security and justice sectors in their efforts to deal with persons associated with terrorist groups. However, these measures are often adopted without a comprehensive strategic approach. Addressing these complex challenges requires the development and implementation of comprehensive, coherent and tailored strategies for the prosecution, rehabilitation and reintegration of persons associated with terrorist groups.

36. Also, Member States need to ensure that they take gender-sensitive measures when interacting with female suspects, witnesses and victims. When dealing with children associated with terrorist and violent extremist groups, Member States need to ensure that those children are protected and treated in accordance with international standards. While children recruited by terrorist groups are primarily victims, they may still be held accountable for offences that they may have committed. In all cases, juvenile justice principles must be applied when dealing with children who are alleged to have committed terrorist offences.

37. In recent years, a stronger emphasis has been placed on preventing and countering violent extremism as and when conducive to terrorism. The prevention and countering of violent extremism focuses on a broader spectrum of conduct and acts that may not always be qualified as terrorist acts. Such acts include, for instance, the radicalization, recruitment and mobilization of individuals into terrorist groups and the incentivization of individuals to become foreign terrorist fighters. Mitigating the appeal of violent extremism as and when conducive to terrorism among communities and vulnerable groups, in particular young people, is becoming a high priority for Member States. Moreover, the roles of families and close societal networks are given increased attention. In his Plan of Action to Prevent Violent Extremism, the Secretary-General recommends that Member States engage in early,

comprehensive and coordinated action against the drivers of violent extremism as and when conducive to terrorism. While the international community can set broad parameters for action, it is action at the local, national and regional levels that will have the most impact. To that end, participation of civil society actors and the local community is essential.

IV. New and emerging forms of crime

A. Characteristics of new and emerging forms of crime

38. The term “new and emerging forms of crime” is used by Member States to designate specific forms of crime as distinct as piracy, cybercrime, environmental crime and trafficking in cultural property. They are frequently regarded as being high-profit and low-risk, which distinguishes them from more traditional types of crime.

39. These offences have in common that a specific global and uniform approach on the part of the international community is lacking, which includes a lack of sufficient national and international regulation, a lack of coordination among national authorities and a lack of focus on the part of policymakers and law enforcement agencies in many countries. This may be due to varying perceptions of priority at the international, regional and domestic levels. Harm perception is often higher in those countries from which illicitly trafficked cultural goods or wildlife products originate, or in which cybercrime offences cause more immediate damage. Consequently, the transnational character and the impact of such offences may for a long time appear more modest than they actually are. This creates opportunities and gaps that are exploited by organized criminal groups, which thus become more powerful and produce devastating consequences to common values and interests of humankind, such as the environment, cultural heritage, or security at sea and in cyberspace.

40. The General Assembly has reaffirmed that the Organized Crime Convention and the Protocols thereto is the most important tool that the international community has to address transnational organized crime,¹³ including new and emerging forms of crime.

41. Relevant United Nations system entities have also called on Member States to consider designating some of the above-mentioned types of crime as serious crime within the meaning of article 2 (b) of the Organized Crime Convention.¹⁴

42. Several of these forms of crime require coordination at the national level among stakeholders that normally do not cooperate in criminal matters, including agencies with responsibilities for the protection of the environment, health or cultural heritage, as well as representatives of the private sector. Such cooperation is crucial not only for domestic investigations and prosecutions, but also in the execution of foreign requests. To conduct their operations effectively, authorities should be in a position to share information and expertise in a timely manner. At the international level, a variety of organizations are responsible for aspects of certain forms of crime. For instance, the United Nations Environment Programme, the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the United Nations Educational, Scientific and Cultural Organization and the World

¹³ See the General Assembly resolutions [73/186](#), [72/196](#) and other resolutions on strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity.

¹⁴ See, for example, General Assembly resolution [68/186](#), Security Council resolution [2347 \(2017\)](#), Economic and Social Council resolution [2013/40](#) and resolutions [23/1](#), [27/5](#) and [28/3](#) of the Commission on Crime Prevention and Criminal Justice (see, respectively, [E/2014/30-E/CN.15/2014/20](#), [E/2018/30-E/CN.15/2018/15](#), and [E/2019/30-E/CN.15/2019/15](#)), which pertain to trafficking in cultural property and in wildlife, in particular in protected species of wild fauna and flora, trafficking in forest products, including timber, and the smuggling of commercial goods.

Health Organization have been vested with key mandates on the protection of wildlife, cultural property and public health, and are thus natural partners in the prevention and countering of related forms of crime. The International Criminal Police Organization (INTERPOL) and the World Customs Organization are also partners in operations and capacity-building efforts in relation to several forms of crime. This requires constant efforts to coordinate actions, seek synergies and build on the specificity of each other's mandates and comparative advantages.

43. Strategic partnerships with international organizations, civil society, local communities and the private sector also play a role in fostering international cooperation to address these types crime of crime.¹⁵ For example, over the last five years, several national authorities have increased the engagement of local communities and civil society in the combat against illicit trafficking in wildlife products, forest products and cultural property. Both civil society and the private sector play a key role in facilitating access to evidence, including electronic evidence, during investigations and in assisting in the implementation of good practices and educational programmes that foster a culture of compliance and respect for the rule of law.

B. Cybercrime

44. The use of information technology for criminal purposes is a relatively new phenomenon and challenges traditional responses to transnational crime. The methods of cybercriminals constantly evolve at the speed of technological advancements, while the development of national and international standards and mechanisms that regulate the actions of and cooperation among law enforcement agencies follow a more modest pace.

45. Efforts have recently been made to ensure the integrity and safekeeping of electronic evidence,¹⁶ and to build the capacity of authorities to work on cybercrime cases. For example, with its Global Programme on Cybercrime, UNODC aims to support Member States in establishing specialized international investigative cooperation in the field of cybercrime, based on best practices, that is proportionate, legal, accountable and necessary.¹⁷ In general terms, however, those efforts have not yet facilitated the real-time exchange of information among law enforcement and judicial authorities, nor have they led to simplified mutual legal assistance proceedings or ongoing cooperation mechanisms with private sector entities, such as Internet service providers. Nonetheless, private sector entities are essential for the detection of cybercrime and the timely collection of evidence needed to bring perpetrators to justice. Furthermore, in developing countries, technological and financial hurdles need to be overcome to ensure continuing access to the latest technologies and training on their use. Other hurdles are normative in nature, given that appropriate domestic legislation and legal bases for international cooperation are not always in place.

46. Like other new and emerging forms of crime, most offences that come under the umbrella term "cybercrime" are committed for the profit they bring, often by organized criminal groups. It is therefore necessary to strengthen the capacity of national agencies to address all aspects of cybercrime. That includes their capacity to conduct investigations involving cryptocurrencies and the darknet, which may be used for illicit trafficking in, among other things, controlled substances, cultural goods, wildlife products, falsified medical products and firearms.¹⁸ In that regard,

¹⁵ See [A/CONF.234/RPM.1/1](#).

¹⁶ See [A/CONF.234/11](#).

¹⁷ See, inter alia, [UNODC/CCPCJ/EG.4/2019/2](#). See also the [Practical Guide for Requesting Electronic Evidence Across Borders](#) published in 2018 by UNODC, the Counter-Terrorism Committee Executive Directorate and the International Association of Prosecutors.

¹⁸ See [A/CONF.234/RPM.3/1](#).

UNODC has developed a cryptocurrency investigation course as part of its Global Programme against Money-Laundering.

47. The relevance of international cooperation to combat cybercrime and related challenges is reflected in the fact that the Commission on Crime Prevention and Criminal Justice has convened meetings of its Expert Group to Conduct a Comprehensive Study on Cybercrime. It is also reflected in a number of regional initiatives, notably those taken in the European region, such as the Council of Europe Convention on Cybercrime and the European Judicial Cybercrime Network. A group of Member States has been calling for the negotiation of a new international legal instrument on countering the use of information and communications technologies for criminal purposes. Other Member States are of the view that the existing legal bases are sufficient for international action and that efforts should focus on building capacity among relevant officials. In its resolution 74/247, the General Assembly decided to establish an open-ended ad hoc intergovernmental committee of experts, representative of all regions, to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes, taking into full consideration existing international instruments and efforts at the national, regional and international levels.

C. Environmental crime

48. The world continues to witness an unprecedented surge in wildlife trafficking that irreversibly destroys the natural wealth of countries and undermines conservation efforts. Some positive developments have been noted, such as a decrease in ivory and rhino horn prices, which may indicate decreased demand. Other developments have been more worrisome, such as the increase in pangolin trafficking,¹⁹ the continuing threat faced by more than 7,000 species of plants and animals that are illicitly being trafficked in large volumes and, in some regions, the associated insecurity, underdevelopment and funding for insurgent groups.

49. Wildlife and forest crime are in many ways comparable to other forms of serious crime. Their perpetrators use similar trafficking routes and facilitators. Since the Thirteenth Crime Congress was held in 2015, the United Nations has encouraged Member States to prioritize wildlife and forest crime, recognize it as a serious crime within the meaning of the Organized Crime Convention and strengthen their legislation and institutions, from crime scene to court, to ensure that they can adequately respond to this form of organized crime. UNODC has supported countries in taking an approach based on prevention and risk mitigation and in conducting parallel financial investigations to target the upper echelons of organized criminal groups.

50. While there is a need to continue to strengthen and enforce legislation at the national, regional and international levels, and to coordinate the criminal justice response across source, transit and destination countries, it is still important to improve the knowledge and the collection of data about the actors involved and the vulnerabilities in the trafficking chain. International cooperation on intercepting, investigating and prosecuting wildlife and forest crime can eliminate safe havens and have a dissuasive effect on organized criminal groups. As with other forms of crime that target finite assets of incalculable value for humankind, focus on prevention is essential. An integral approach involving multiple agencies is required and should include the establishment of specialized task forces.

51. As an illustration of such an approach, several global UNODC programmes are concerned with forest-related crime, wildlife crime, anti-money-laundering, inspections of containers, and transnational organized crime, with a focus on judicial international cooperation. Under those programmes, countries are being supported in their efforts to ensure the success of seizures, backtracking investigations,

¹⁹ UNODC, “Research brief: Wildlife crime status update 2017”, pp. 13–14.

prosecutions and the building of sustainable connectivity between customs and other national agencies, including forestry agencies, prosecution services and the police.

52. Resource-dependent communities must be engaged, and sustainable livelihoods must be sought for them, as their support can be essential both for the commission, at low-level participation, and for the detection and prosecution of wildlife trafficking offences.

53. Another type of complex crime that has drawn the attention of the international community is the nexus of trafficking in precious metals, illegal mining and transnational organized crime.²⁰ There is an awareness that high-value supply chains necessarily involve transnational elements, that they are vulnerable to being exploited by organized criminal groups, and that they therefore require regulation to ensure their integrity. In addition to posing a threat to the environment, this type of crime is associated with health risks for vulnerable members of society and with other offences, such as money-laundering and corruption.

D. Trafficking in cultural property

54. The involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences has been the subject of concern for the international community for many years.²¹ Cultural property is being stolen or unlawfully excavated, and illicitly exported to many parts of the world with the help of modern and sophisticated techniques. Trafficking in cultural property has also been identified as a source of financing for terrorist activities, notably in zones of armed conflict. In its resolution 2199 (2015), the Security Council condemned the destruction of cultural heritage in Iraq and the Syrian Arab Republic, in particular by Islamic State in Iraq and the Levant and Nusrah Front, and recognized the close link between trafficking in cultural property and the financing of the terrorist activities of those entities and other individuals and entities associated with Al-Qaida.²²

55. There continues to be a lack of reliable data for the international community on the transnational dimensions of trafficking in cultural property, in particular with regard to its routes, its extent and the *modi operandi* relating to it.²³

56. Trafficking in cultural property needs to be addressed on a global scale. The response should comprise the development or strengthening of legislative frameworks and related policies, and the building of investigative capacity of stakeholders, notably with regard to the use of special investigative techniques and financial investigations. Other areas that should be developed or strengthened are prosecution and adjudication, including the ability to request and offer legal assistance in criminal matters to foreign counterparts. In targeting organized criminal groups and their links with the financing of terrorism, responses should also involve legal persons, such as auction houses, art handlers and museums. In that regard, consideration should be

²⁰ See Economic and Social Council resolutions 2019/23 and 2013/38.

²¹ See General Assembly resolutions 66/180 and 68/186, and Economic and Social Council resolutions 2004/34, 2008/23, 2010/19. See also the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences, adopted by the Assembly in its resolution 69/196. See further the *Practical Assistance Tool to Assist in the Implementation of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences* published by UNODC in 2016. For other recent examples, see resolutions 24/2 and 27/5 of the Commission on Crime Prevention and Criminal Justice contained in E/2015/30-E/CN.15/2015/19 and E/2018/30-E/CN.15/2018/15, respectively.

²² See also Security Council resolution 2347 (2017) and the report of the Secretary-General on its implementation (S/2017/969).

²³ See, inter alia, N. Brodie and others, *Illicit Trade in Cultural Goods in Europe: Characteristics, Criminal Justice Responses and an Analysis of the Applicability of Technologies in the Combat against the Trade*. The work covers challenges concerning data collection, the measurement of the phenomenon and the identification of routes, and an analysis of data and information available in the European Union.

given to the review and strengthening of standards of due diligence, as well as to legal and regulatory systems for corporate liability.

E. Trafficking in human organs and trafficking in persons for the purpose of organ removal

57. In general, the pace of trafficking in human organs and trafficking in persons for the purpose of organ removal is dictated by the shortage of organs on the global market. Demand is coupled with supply, often artificially created by organ “brokers” who recruit donors from among vulnerable members of society. Those donors may, in some cases, receive an agreed financial payment. It is estimated that 5 to 10 per cent of all kidney and liver transplantations are conducted with illegally obtained organs.²⁴ However, as is common in situations of trafficking in persons for any exploitative purpose, the provision of the “service” is often driven by poverty and the use of improper means such as abuse of a position of vulnerability. According to the UNODC Global Report on Trafficking in Persons 2018, trafficking in persons for the purpose of removal of organs remains an underreported offence whose victims are difficult to detect. Only about 100 victims, all adults, were detected and reported to UNODC between 2014 and 2017.

58. Typically, organized criminal groups involved in trafficking in persons for the purpose of organ removal are able to operate across borders in collusion with medical professionals and rely on corrupt and fraudulent practices. At the international level, opaque regulatory systems for transplantations and the lack of harmonized legislative frameworks allow traffickers to operate transnationally to recruit victims, find accomplices and engage with recipients of the trafficked organs. While, in some cases, there may be direct collusion on the part of medical staff, in other cases, medical staff are deceived into believing that the arrangements in place are legitimate, which underlines the level of sophistication of the traffickers’ manipulative skills.²⁵

F. Other new and emerging forms of crime

59. Crime related to falsified medical products constitutes a public health threat and can lead to increased morbidity and mortality, higher disease prevalence, progression of antimicrobial resistance and a loss of confidence in health systems. It knows no geographical boundaries and uses the same routes and techniques as other types of illicit trade.²⁶ Criminal groups exploit gaps and discrepancies in national legislation and criminal justice systems that result from the lack of agreed international standards.²⁷ Nonetheless, the lack of an international commonly agreed approach has not prevented regional initiatives, such the Council of Europe Convention on the Counterfeiting of Medical Products and Similar Crimes Involving Threats to Public Health, which entered into force in January 2016, and the African Union Model Law on Medical Products Regulation, officially endorsed by African Heads of State and Government in January 2016. The definition of the term “falsified medical products” was endorsed by the World Health Assembly in 2017, as “medical products that deliberately/fraudulently misrepresent their identity, composition or source”.²⁸ Considerations related to intellectual property rights do not fall within this definition.

²⁴ Michael Bos, *Trafficking in Human Organs* (European Parliament, 2015), p. 8. See also General Assembly resolution [71/322](#).

²⁵ See UNODC, *Assessment Toolkit: Trafficking in Persons for the Purpose of Organ Removal* (2015).

²⁶ See World Health Organization (WHO), *A Study on the Public Health and Socioeconomic Impact of Substandard and Falsified Medical Products* (2017); WHO, *WHO Global Surveillance and Monitoring System for Substandard and Falsified Medical Products* (2017); and UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment* (2010).

²⁷ See UNODC, *Guide to Good Legislative Practices on Combating Falsified Medical Product-Related Crime* (2019).

²⁸ See World Health Assembly document A70/23, annex, appendix 3, para. 7 (c).

Deliberate and fraudulent misrepresentation refers to any substitution, adulteration or reproduction of an authorized medical product or the manufacture of a medical product that is not an authorized product. Crime related to falsified medical products has greatly increased its reach by virtue of illicit trade through the Internet.

60. Another form of crime with public health dimensions that has gained increasing attention is the smuggling of tobacco products, which also requires a multidisciplinary approach that involves ministries of health and trade, customs, police and judicial authorities. In September 2018, the Protocol to Eliminate Illicit Trade in Tobacco Products to the World Health Organization Framework Convention on Tobacco Control entered into force. To secure the supply chain of tobacco products, the Protocol makes use of international cooperation in criminal matters, which is likely to ensure an increasing harmonization of national approaches.

61. Finally, maritime crime, which encompasses several types of crime committed at sea, including piracy, is also often referred to as a new and emerging form of crime, given the array of challenges raised by crimes committed on the high seas, the considerable discrepancies in national legal frameworks and the essential role that mechanisms of international cooperation play in effectively addressing them.²⁹ As an example of technical assistance aimed at building bridges among national authorities, the global UNODC Maritime Crime Programme has been supporting maritime law enforcement dialogues between States in the same region with a focus on developing operational frameworks and standard operating procedures to make the patrolling of large areas of water more efficient and comprehensive. Furthermore, regional networks have been established and supported in the Indian Ocean, South-East Asia and the Gulf of Guinea, providing a forum for the sharing of trends and good practices.

V. Conclusions and recommendations

62. Taking into account the outcomes of the regional preparatory meetings, the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice may wish to consider the following recommendations addressed to Member States:

International cooperation

(a) Establish or strengthen competent central authorities and increase their ability to cooperate through simplified procedures for the exchange of information and the gathering of evidence, including electronic evidence, in order to dismantle organized criminal and terrorist groups;

(b) Continue supporting regional judicial cooperation networks and facilitate active dialogue among central authorities of Member States;

Terrorism in all its forms and manifestations

(c) Strengthen cooperation at the international, regional and subregional levels to address threats posed by terrorism including foreign terrorist fighters, hostage-taking for ransom and the financing of terrorism, and enhance timely information-sharing and coordination among relevant authorities, logistical support for and capacity-building of practitioners in that regard;

(d) Encourage the strengthening of effective channels of communication and exchange of information, including with a view to strengthening cooperation to deal with, among other things, foreign terrorist fighter-related cases, such as through UNODC-supported networks;

²⁹ See, inter alia, UNODC, *Maritime Crime: A Manual for Criminal Justice Practitioners* (second edition, 2019).

(e) Identify and assess the risks of terrorist financing within national economies, including the risks of the misuse of funds of non-profit organizations and charitable funds for terrorist funding, and take appropriate measures in response;

(f) Undertake further research on the linkages between transnational organized crime and terrorism in all its forms and manifestations, with a view to providing policymakers with valuable information on ways in which to address gaps that may exist, and related challenges;

New and emerging forms of crime

(g) Increase, in collaboration with UNODC, the capacity to collect and analyse data about new and emerging forms of crime and ensure the development, implementation, monitoring and evaluation of comprehensive and evidence-based policies to prevent and combat those forms of crime, taking into consideration their transnational nature, and build awareness and support among civil society, including by underscoring the responsibility of relevant private sector entities;

(h) Consider the scope of national criminalization, including penalties at a threshold that may allow for offences to be deemed as serious crime within the meaning of the Organized Crime Convention and procedural law frameworks at the domestic, regional and international levels, that may be instrumental in preventing and countering new and emerging forms of crime, and increase their support for concerted actions based on available legal instruments;

(i) Strengthen the ability of law enforcement and criminal justice officers to conduct investigations and prosecutions, and cooperate with international and regional counterparts, including by considering the creation of specialized units, in order to dismantle organized criminal groups responsible for new and emerging forms of crime and to prevent them from benefiting from the proceeds of their criminal undertakings.
