NMUN • NY

COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE
BACKGROUND GUIDE 2015

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Dear Delegates,

We are pleased to welcome you to the 2015 National Model United Nations New York Conference (NMUN•NY)! The staff for the Commission on Crime Prevention and Criminal Justice (CCPCJ) are: Directors Roland Römhildt (Conference A) and Moritz Müller (Conference B), and Assistant Directors Agathe Favetto (Conference A) and Joshua Cummins (Conference B). Roland holds a B.A. in Political Science and is currently studying for his M.A. in that subject from the Freie Universität Berlin, Germany. This will be his second year on staff. Moritz holds an M.A. in Political Science, Management, and Economics from the University of Magdeburg, Germany, and recently finished a trainee program in Credit Risk Management at Commerzbank AG. This will be his fourth year on staff. Agathe is currently studying for a Masters degree in Strategy, Intelligence and Risk Management at Sciences Po in Lille, France, as well as a Bachelors degree in Law from Lille 2. Joshua received his M.A. in International and Comparative Politics from Wright State University in Dayton, Ohio. He works as a research assistant for Lockheed Martin, while also teaching Political Science.

The topics under discussion for CCPCJ are:
  I.   Strengthening Criminal Justice Systems to Better Address Gender-Based Violence
  II.   Prevention, Protection, and International Cooperation against the Use of New Information Technologies to Abuse and Exploit Children
  III. The Rule of Law in the Fight against Transnational Organized Crime and Drug Trafficking

CCPCJ is the principal policymaking body of the United Nations (UN) in the field of crime prevention and criminal justice – a field that affects millions of lives throughout the world. CCPCJ is a governing body of the UN Office on Drugs and Crime (UNODC), and is a functional commission of the Economic and Social Council (ECOSOC); it also approves the budget of the UN Crime Prevention and Criminal Justice Fund.

We hope this Background Guide serves as an introduction to the topics listed. It is not meant to replace individual and further research and, as such, we hope you will find it useful as you research into your Member State. To help you gain a better understanding of your country, we encourage you to use the Annotated Bibliography and Bibliography as tools to further your knowledge of your country's unique position. The Committee Overview is also highly valuable in understanding how CCPCJ functions and what it can implement.

As you prepare for the conference, each delegation will submit a position paper. The position paper will allow you to present your delegation's positions and proposals on the topics before CCPCJ, and accordingly, it is important that it is substantive in content and provide real solutions to the issues that will be discussed in March. Please take note of the NMUN policies on the website and in the Delegate Preparation Guide regarding plagiarism, codes of conduct/dress code/sexual harassment, awards philosophy/evaluation method, etc. Adherence to these guidelines is mandatory.

The NMUN Rules of Procedure are available to download from the NMUN website. This document includes the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure. It is thus an essential instrument in preparing for the conference, and a reference during committee.

If you have any questions concerning your preparation for the Committee or the Conference itself, feel free to contact the Under-Secretaries-General for the Economic and Social Council (ECOSOC) Department, Ardis Smith (Conference A) and Monika Milinauskyte (Conference B). You can reach either USG by contacting them at: usg.ecosoc@nmun.org.

We wish you all the best for your preparations and look forward to seeing you at the conference!

Sincerely,

Conference A	**Conference B**
Roland Römhildt, *Director*	Moritz Müller, *Director*
Agathe Favetto, *Assistant Director*	Joshua Cummins, *Assistant Director*

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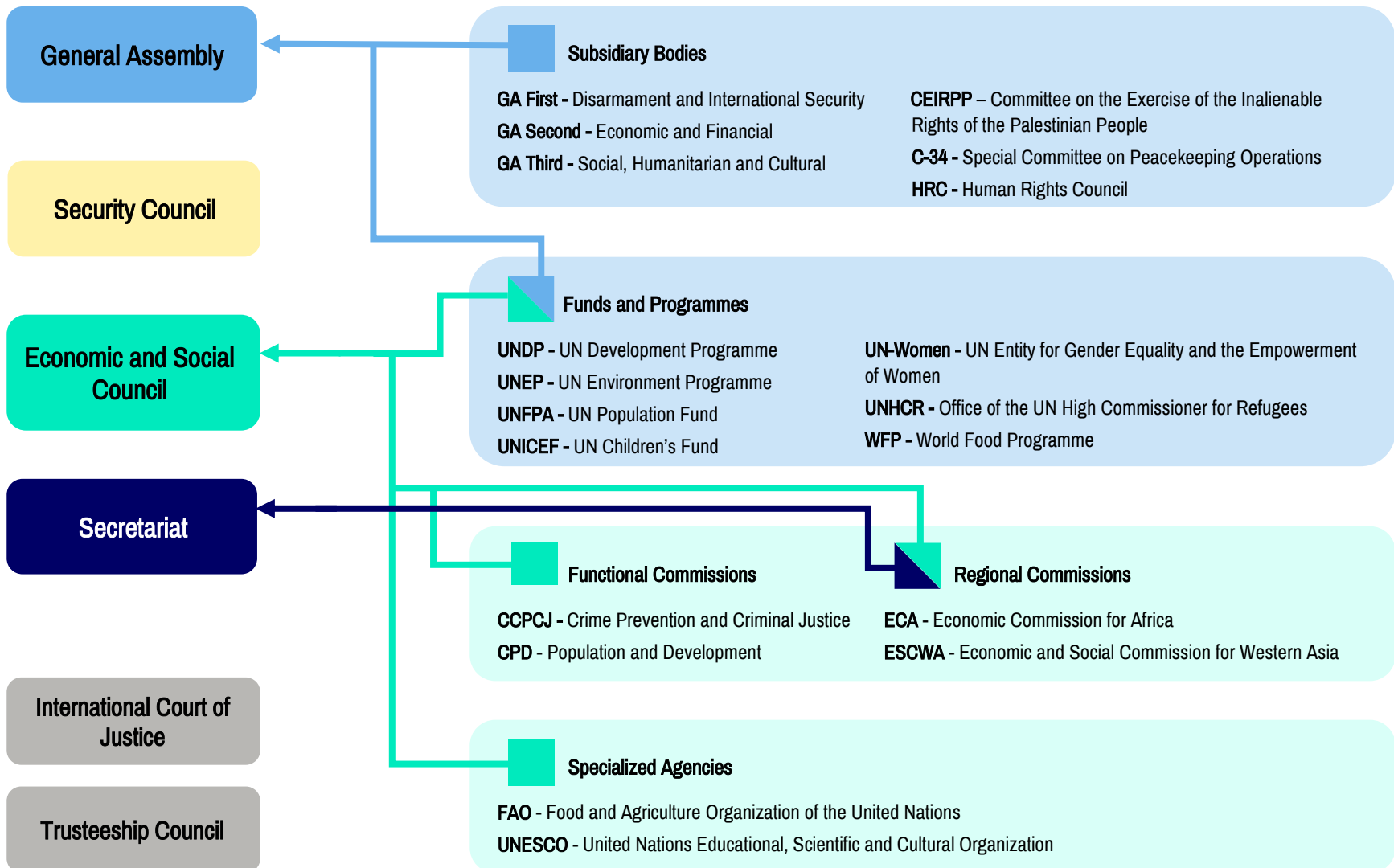
Abbreviations

CCP	Container Control Programme
CCPC	Committee on Crime Prevention and Control
CCPCJ	Commission on Crime Prevention and Criminal Justice
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEOP	Child Exploitation and Online Protection
CND	Commission on Narcotic Drugs
COP	Child Online Protection
CPCJ	Crime Prevention and Criminal Justice
CRC	Convention on the Rights of the Child
CSO	Civil society organizations
DAW	Division for the Advancement of Women
ECOSOC	Economic and Social Council
ECOWAS	Economic Community of West African States
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
FGM	Female genital mutilation
GA	General Assembly
GBV	Gender-based violence
HBV	"Honor" based violence
ICT	Information and communication technologies
ILO	International Labour Organization
INCB	International Narcotics Control Board
IPC	International Prison Commission
IPPC	International Penal and Penitentiary Commission
ITU	International Telecommunication Union
LPO	Liaison and Partnership Office
MDG	Millennium Development Goals
NGO	Non-governmental organization
NIDA	National Institute of Drug Abuse
OC	Organized crime
OCN	Network of Central American Anti-Organized Crime and Drug Prosecution Units
PNI	Institutes of the UN Crime Prevention and Criminal Justice Programme Network
RAPCAN	Resources Aimed at the Prevention of Child Abuse and Neglect
RapidFTR	Rapid Family Tracing
SDG	Sustainable Development Goals
SGB	Secretariat to the Governing Bodies
SHERLOC	Sharing Electronic Resources and Laws on Crime
UN	United Nations
UNICEF	United Nations Children's Fund
UNICRI	UN Interregional Crime and Justice Research Institute
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime and the Protocols Thereto
WHO	World Health Organization

United Nations System at NMUN•NY

This diagram illustrates the UN System simulated at NMUN•NY. It shows where each committee "sits" within the system, to help understand the reportage and relationships between the entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee's position, purpose and powers within the UN System.

General Assembly

Security Council

Economic and Social Council

Secretariat

International Court of Justice

Trusteeship Council

Subsidiary Bodies

GA First - Disarmament and International Security
GA Second - Economic and Financial
GA Third - Social, Humanitarian and Cultural

CEIRPP – Committee on the Exercise of the Inalienable Rights of the Palestinian People
C-34 - Special Committee on Peacekeeping Operations
HRC - Human Rights Council

Funds and Programmes

UNDP - UN Development Programme
UNEP - UN Environment Programme
UNFPA - UN Population Fund
UNICEF - UN Children's Fund

UN-Women - UN Entity for Gender Equality and the Empowerment of Women
UNHCR - Office of the UN High Commissioner for Refugees
WFP - World Food Programme

Functional Commissions

CCPCJ - Crime Prevention and Criminal Justice
CPD - Population and Development

Regional Commissions

ECA - Economic Commission for Africa
ESCWA - Economic and Social Commission for Western Asia

Specialized Agencies

FAO - Food and Agriculture Organization of the United Nations
UNESCO - United Nations Educational, Scientific and Cultural Organization

Committee Overview

Introduction

The United Nations Office on Drugs and Crime (UNODC) estimates that 437,000 people were victims of intentional homicide in 2012.[1] There were great regional disparities in the rates for those deaths.[2] In the same period, there were 426,338 acts of sexual violence that were recorded by police and reported by UN Member States.[3] Member States also reported over 24 million formal contacts of people with police and/or the criminal justice system (i.e. people who were suspected, arrested or cautioned).[4] Overall, formal prosecution against 7 million of these people was initiated.[5] These figures shed light on the importance of crime prevention and criminal justice systems for individuals throughout the world.

> The **United Nations Commission on Crime Prevention and Criminal Justice** (CCPCJ) is a functional commission, reporting to the Economic and Social Council.

The Commission on Crime Prevention and Criminal Justice (CCPCJ) is the main body within the UN that addresses issues of crime prevention and criminal justice; thus, it is a significant actor in the efforts for creating adequate conditions for sustainable development, peace and security.[6] It also manages the finances of the UN Crime Prevention and Criminal Fund.[7] CCPCJ is a subsidiary organ and functional commission of the Economic and Social Council (ECOSOC).[8] Together with the Commission on Narcotic Drugs (CND), CCPCJ is part of the UNODC; CCPCJ and CND both serve as governing bodies of UNODC.[9] The Commission's resolutions are reported to ECOSOC and the Third Committee (Humanitarian and Cultural Affairs) of the General Assembly (GA), and adopted through these entities.[10] This Committee Overview will examine the history, mandate, membership, structure and governance, functions and powers, recent sessions and current priorities of CCPCJ.

History

The Commission on Crime Prevention and Criminal Justice replaced the Committee on Crime Prevention and Control (CCPC) in 1992.[11] CCPC was formally created as a subsidiary organ of ECOSOC in 1971, and originally evolved out of the International Penal and Penitentiary Commission (IPPC); IPPC was founded as the International Prison Commission (IPC) in 1872.[12] CCPC was a technically focused group of appointed experts selected according to their individual capacity.[13] The reason for the creation and integration of CCPCJ into ECOSOC was that ECOSOC had to find a format for the governance issues of crime and criminal justice, as this falls within the scope of its mandate.[14] In 1991, the GA passed a resolution on the "Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme," which was subsequently implemented by ECOSOC.[15] The reform of the governance structures integrated the new body, CCPCJ, fully into the intergovernmental process.[16] Since then,

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[1] UNODC, *Global Study on Homicide 2013: Trends/Contexts/Data*, 2013, p. 23.

[2] Ibid., pp. 23-24.

[3] UNODC, *Statistics on crime: sexual violence*, 2014.

[4] UNODC, *Statistics on criminal justice: Persons brought into formal contact with the police*, 2014.

[5] UNODC, *Statistics on criminal justice: Persons prosecuted*, 2014.

[6] UNODC, *CCPCJ: Mandate and Functions*, 2014.

[7] Ibid.

[8] UNODC, *CCPCJ*, 2014.

[9] UNODC, *Commissions*, 2014.

[10] UNODC, *Commission on Narcotic Drugs and Commission on Crime Prevention and Criminal Justice: General information on draft resolutions and draft decisions*.

[11] UN ECOSOC, *Establishment of the Commission on Crime Prevention and Criminal Justice (E/1992/1)*, 1992.

[12] Clark, *Human Rights and the U.N. Committee on Crime Prevention and Control*, 1989, p. 70; van Dijk, *Criminological Research in the Framework of the United Nations*, 2009, p. 228; UNODC, *International Penal and Penitentiary Commission (IPPC)*, 2014.

[13] Clark, *Human Rights and the U.N. Committee on Crime Prevention and Control*, 1989, pp. 68-69; van Dijk, *Criminological Research in the Framework of the United Nations*, 2009, p. 228.

[14] *Charter of the United Nations,* 1945, Art. 1 (3), 55, 62.

[15] UN General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme (A/RES/46/152)*, 1991; UN ECOSOC, *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice (E/1992/22)*, 1992.

[16] van Dijk, *Criminological Research in the Framework of the United Nations*, 2009, p. 228.

the debate in the new Commission was gradually politicized as diplomats, rather than experts, hold the deliberations.[17] Those changes reflected, from one perspective, the growing importance that is attached to crime issues within the UN.[18] From another perspective, the former academic atmosphere and scholarly debates are at times affected by politics, limiting the body's independence.[19]

Mandate

The Commission on Crime Prevention and Criminal Justice was created in 1992 by ECOSOC resolutions 1991/1 and 1992/22, upon the recommendation of the General Assembly in resolution 46/152.[20] CCPCJ is mandated to approach national and transnational crime, economic crime and money laundering; to promote criminal law and all forms of crime prevention; and to assist in the management and improvement of criminal justice and related systems, focusing especially on strengthening national capacities in developing and implementing policies.[21] All these measures are aimed at preventing crime within and among Member States, and ameliorating responses to crime.[22] The Commission is also mandated to prepare the UN Congresses on Crime Prevention and Criminal Justice, which have been held every five years since 1955.[23] CCPCJ's mandate was further expanded in 2006, with the additional responsibility to approve the general budget of the UN Crime Prevention and Criminal Justice Fund, thus making CCPCJ a governing body of UNODC.[24]

Membership, Structure and Governance

The Commission consists of 40 Member States; each member serves a three-year term.[25] The members are chosen according to equitable geographical allocation and are composed of 12 African states, nine Asian-Pacific states, four Eastern European states, eight Latin American and Caribbean states, and seven Western European and other states.[26] The body meets twice annually in Vienna, once during the first half of the year and again in December.[27] There are also inter-sessional meetings to finalize the provisional agenda, address formal and substantive matters and to make available effective policy guidance.[28] At each session, the Commission approaches a thematic discussion on a priority issue identified at its previous sessions.[29]

The Bureau and Extended Bureau of the Commission assist CCPCJ in organizing and preparing its work thoroughly and in advance.[30] The Bureau's Chairperson, three Vice-Chairpersons, and Rapporteur rotate after each session amongst Member States, and the Extended Bureau consists of the chairpersons of the five regional groups, the European Union, China, and the Group of 77.[31] The Bureau and Extended Bureau are assisted by the Secretariat to

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[17] van Dijk, *Criminological Research in the Framework of the United Nations*, 2009, p. 228.
[18] Ibid., p. 229.
[19] Ibid., pp. 228-229.
[20] UN ECOSOC, *Establishment of the Commission on Crime Prevention and Criminal Justice (E/1992/1)*, 1992; UN ECOSOC, *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice (E/1992/22)*, 1992; UN General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme (A/RES/46/152)*, 1991.
[21] UN ECOSOC, *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice (E/1992/22)*, 1992.
[22] UN General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme (A/RES/46/152)*, 1991.
[23] UN ECOSOC, *Establishment of the Commission on Crime Prevention and Criminal Justice (E/1992/1)*, 1992; UN ECOSOC, *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice (E/1992/22)*, 1992; UNODC, *United Nations Crime Congresses*.
[24] UN General Assembly, *Questions relating to the programme budget for the biennium 2006–2007 (A/RES/61/252)*, 2006; UNODC, *CCPCJ*, 2014.
[25] UN General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme (A/RES/46/152)*, 1991.
[26] New Zealand, Ministry of Foreign Affairs and Trade, *United Nations Handbook 2013-14*, 2013, pp. 156-158.
[27] UNODC, *Documentation*, 2014; UN ECOSOC, *Frequency and duration of the reconvened sessions of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice (Decision 2009/251)*, 2009.
[28] UNODC, *CCPCJ: Sessions: Thematic Discussion*, 2014.
[29] Ibid.
[30] UNODC, *CCPCJ. Bureau and Extended Bureau*, 2014.
[31] Ibid.

the Governing Bodies (SGB).[32] The Secretariat serves as a link between CCPCJ and CND, as well as other parts of UNODC, and as an administrative link to the General Assembly and ECOSOC.[33] Also, the SGB offers substantial support to CCPCJ when required and assists in preparing the quinquennial UN Crime Congresses.[34]

CCPCJ has several expert and working groups. There is a standing open-ended intergovernmental working group on improving governance and financial situation together with CND; an open-ended intergovernmental expert group that studies cyber crime; another expert group on protection against trafficking in cultural property, and a group on standard minimum rules for the treatment of prisoners.[35] There are also two ad hoc expert group meetings that have been concluded: one on private security firms and their role and another on strengthening the access to legal aid in criminal justice systems.[36] Pursuant to the latter meeting, the "United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems" was adopted by the General Assembly in resolution 67/187 in 2013.[37]

The Commission, like UNODC, is reliant on funding by Member States, the amount of which is largely at the states' own discretion; UNODC's administrative infrastructure and core normative work are financed through a regular budget; yet by far the largest part of its budget is made up of extra-budgetary resources, of which special-purpose funds (i.e. donations by Member States) are most important, composing 85% of the total budget.[38] This can be an obstacle, for example, to adequate empirical research on crime if funds are not allocated to projects that are not welcomed by Member States.[39] Limited budgets can also hinder efficient and strategic planning, which in turn makes donating less attractive.[40] Calls to end the financial drought of UNODC and other programs and institutes, are frequently repeated.[41]

Functions and Powers

The functions of CCPCJ are congruent with its mandate.[42] As one of ECOSOC's functional commissions, CCPCJ's role is to consider and make recommendations to ECOSOC through a deliberative process in its fields of expertise and responsibility.[43] General Assembly resolution 46/152 of 1991, which created CCPCJ, establishes five main functions to be implemented by the Commission: offering policy guidance in the area of crime prevention and criminal justice; designing, monitoring and reviewing the UN crime programme's implementation, taking into account priorities; enabling and coordination assistance for UN entities for the prevention of crime and treatment of offenders; helping Member States become aligned and active for the goals of the programme; and planning and

[32] UNODC, *Secretariat to the Governing Bodies*, 2014.

[33] Ibid.

[34] Ibid.

[35] UNODC, *Open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime*, 2014; UNODC, *Standard Minimum Rules for the Treatment of Prisoners*, 2014; UNODC, *Standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime*, 2014; UNODC, *Third meeting of the Open-ended intergovernmental expert group on protection against trafficking in cultural property, Vienna, 15-17 January 2014*, 2014.

[36] UNODC, *Open-ended intergovernmental expert group meeting on civilian private security services: their role, oversight, and contribution to crime prevention and community safety, 12-14 October 2011, Vienna, Austria*, 2014; UN General Assembly, *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/RES/67/187)*, 2013.

[37] UNODC, *Open-ended intergovernmental expert group meeting on civilian private security services: their role, oversight, and contribution to crime prevention and community safety, 12-14 October 2011, Vienna, Austria*, 2014; UN General Assembly, *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/RES/67/187)*, 2013.

[38] Bewley-Taylor & Trace, *The Funding of the United Nations Office on Drugs and Crime; An Unfinished Jigsaw*, 2006, pp. 2-6; UNODC, *Fundraising Strategy 2012-2015*, 2012, p. 33-34; UN CCPCJ, *Improving the governance and financial situation of the United Nations Office on Drugs and Crime: recommendations of the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime (Resolution 22/2)*, 2013.

[39] van Dijk, *Criminological Research in the Framework of the United Nations*, 2009, p. 249.

[40] Bewley-Taylor & Trace, *The Funding of the United Nations Office on Drugs and Crime; An Unfinished Jigsaw*, 2006, p. 13.

[41] UN CCPCJ, *Compilation on the methods of work of the United Nations CCPCJ,* 2013, p. 34-37; UN General Assembly, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/RES/65/230)*, 2010.

[42] New Zealand, Ministry of Foreign Affairs and Trade, *United Nations Handbook 2013-14*, 2013, p. 257.

[43] UNODC, *CCPCJ*, 2014; Guide to UN Documentation, Dag Hammarskjöld Library at Uppsala University, *Functional Commissions*, 2014.

managing the UN Congresses on Crime Prevention and Criminal Justice.[44] CCPCJ also cooperates with the UN Interregional Crime and Justice Research Institute (UNICRI) and can invite the Institute to report on issues related to its work.[45] Together with UNICRI and other establishments, CCPCJ, as part of UNODC, is part of the UN Crime Prevention and Criminal Justice Programme Network.[46]

An important aspect of CCPCJ's functions is its work with the UN Congresses on Crime Prevention and Criminal Justice.[47] The Congresses no longer have the status as a quasi-legislative body, but play a decisive role in international standard-setting and policy-shaping in crime prevention and criminal justice.[48] Through the preparation of the Congresses, CCPCJ has not only contributed to soft international law in the form of guidelines and other recommendations, but also to hard law via the consolidation of the UN crime program, for instance by initiating the deliberations on the *United Nations Convention against Transnational Organized Crime* (2000).[49] CCPCJ adopts resolutions, which the Commission recommends to ECOSOC for adoption.[50] Adopted resolutions are subsequently reported to the Social, Humanitarian and Cultural Committee of the GA (GA Third Committee).[51]

Current Priorities

One major current focus for CCPCJ is the topic of the forthcoming Thirteenth UN Congress on Crime Prevention and Criminal Justice in 2015 in Qatar, on "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation."[52] The focus on economic and social challenges and the paramount importance of the promotion of the rule of law for those topics also correlates with the preparations for the transition to the post-2015 development agenda and the Sustainable Development Goals (SDGs) after 2015.[53] The effective realization of the rule of law is a central factor in the UN's work and is increasingly seen as passing through the criminal justice system.[54] The rule of law's importance stems from the fact it is closely interwoven with the promotion and reinforcement of peace and security, development, human rights and democracy.[55]

Goals for the current biennium, as well as the post-2015 period, are, inter alia, the promotion of increased ratification and implementation of relevant documents; providing policy advice and legal guidance, capacity-building support; and facilitating the transfer of expertise in the fields of corruption, organized crime and terrorism.[56] Furthermore, increased research capacities and the increased access to produced data, as well the closer cooperation with regional entities and partner countries in the process of design and implementation of measures, are on the agenda for CCPCJ.[57]

Recent Sessions

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[44] UN General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme (A/RES/46/152)*, 1991.
[45] UN CCPCJ, *Strengthening crime prevention and criminal justice responses to counterfeiting and piracy (Decision 19/1)*, 2010.
[46] UNODC, *Institutes of the UN Crime Prevention and Criminal Justice Programme Network (PNI),* 2014.
[47] UNODC, *Previous United Nations Crime Congresses*, 2014; van Dijk, *Criminological Research in the Framework of the United Nations*, 2009, p. 229.
[48] van Dijk, *Criminological Research in the Framework of the United Nations*, 2009, p. 229.
[49] Ibid., p. 229.
[50] UNODC, *The General Assembly and the CND and CCPCJ*, 2014.
[51] Ibid.
[52] UNODC, *Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (Qatar, 2015)*, 2014; UNODC, *While promoting justice, rule of law, Crime Commission paves way to development agenda of the future*, 2014.
[53] UN General Assembly, *Proposed strategic framework for the period 2016-2017 (A/69/6 (Prog. 13))*, 2014; UNODC, *While promoting justice, rule of law, Crime Commission paves way to development agenda of the future*, 2014.
[54] UN General Assembly, *Discussion Guide (A/CONF.222/PM.1)*, 2013; UN Rule of Law, *What is the rule of law?*; UN Rule of Law, *UN engagement*; UN Web TV, *Jan Eliasson, Measuring the Rule of Law and the Post-2015 Development Agenda*, 2014.
[55] UN General Assembly, *Discussion Guide (A/CONF.222/PM.1)*, 2013; UN Rule of Law, *What is the rule of law?*; UN Rule of Law, *UN engagement*; UN Web TV, *Jan Eliasson, Measuring the Rule of Law and the Post-2015 Development Agenda*, 2014.
[56] UN General Assembly, *Discussion Guide (A/CONF.222/PM.1)*, 2013.
[57] UN General Assembly, *Proposed strategic framework for the period 2014-2015 (A/67/6 (Prog. 13))*, 2012.

In the Commission's most recent session, its 23rd, the preparations for the upcoming Thirteenth UN Crime Congress were addressed, and the current implementation of the *Salvador Declaration* (2010), noting that high priority should be given to the results of the upcoming Congress, was discussed.[58] The *Salvador Declaration* addresses the realization of crime prevention and criminal justice under the conditions of the current globalization.[59] Furthermore, other major topics of the most recent deliberations included the *Standard Minimum Rules for the Treatment of Prisoners* (1955), cooperation in combating crime, actions against violence against children and trafficking in cultural property.[60] The 22nd session discussed, amongst other topics, the gender-related killing of women and girls, the rule of law and the Commission's mandate in relation to the post-2015 agenda, counter-terrorism and the strengthening of crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking.[61]

Conclusion

The Commission on Crime Prevention and Criminal Justice is a subsidiary organ of ECOSOC; further, CCPCJ is integrated into UNODC and is connected to its efforts. CCPCJ plays a significant role in the promotion of the rule of law, a continually pertinent international topic in light of the post-2015 development process. While CCPCJ cannot formulate binding decisions for Member States directly, it influences the evolution of soft and hard international law.[62] Crime has a significant direct impact on the lives of millions; those figures are far higher when thinking of the indirect impact and of economic and social consequences.[63] Therefore, the combination of political deliberations that gain attention for the issues that are negotiated by CCPCJ, in addition to the expertise and the actions of the Commission that CCPCJ can undertake according to its mandate, is useful to find comprehensive solutions. It is important to remember CCPCJ's position within the UN crime prevention program, and to see with which other UN entities it can work together effectively to realize the potential that the Commission offers to Member States and the global community.

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[58] UN ECOSOC, *Commission on Crime Prevention and Criminal Justice Report on the twenty-third session (E/2014/30)*, 2014, pp. 2-4.
[59] UN General Assembly, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/RES/65/230)*, 2011.
[60] UN ECOSOC, *Commission on Crime Prevention and Criminal Justice Report on the twenty-third session (E/2014/30)*, 2014, p. iii.
[61] Ibid.
[62] van Dijk, *Criminological Research in the Framework of the United Nations*, 2009, p. 228.
[63] UN General Assembly, *Thematic Debate of the 66th session of the United Nations General Assembly on Drugs and Crime as a Threat to Development: On the occasion of the UN International Day against Drug Abuse and Illicit Trafficking*, 2012.

Annotated Bibliography

United Nations Office on Drugs and Crime, Secretariat to the Governing Bodies. (2013). *Compilation on the methods of work of the United Nations Commission on Crime Prevention and Criminal Justice*. Retrieved 6 July 2014 from:
https://www.unodc.org/documents/commissions/CCPCJ/Working_Methods/Compilation_CCPCJ_working_methods.pdf

> *This compilation of documents by the Commission on Crime Prevention and Criminal Justice (CCPCJ) is highly valuable, as it provides an overview on important rules, resolutions and decisions by the General Assembly (GA), the Economic and Social Council (ECOSOC) and CCPCJ, all impacting CCPCJ's work. It gives a realistic insight into the Commission's work, as it was compiled by a Member State (Canada) and updated by the Secretariat. The document is structured according to topics, which makes it easily accessible. As it lists relevant quotes from original documents, it provides a starting point for in-depth research into CCPCJ's efforts. Furthermore, it provides an extensive chronological index of all contents, which enhances the understanding of the historical genesis of CCPCJ.*

United Nations, Economic and Social Council. (1992). *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice (E/RES/1992/22)* [Resolution]. Retrieved 11 July from:
http://www.un.org/ga/search/view_doc.asp?symbol=e/res/1992/22

> *In reading this resolution, delegates will be able to oversee CCPCJ's mandate and thus the scope of their possible actions. Further, the Annex also enables them to contextualize the mandate and identify its possible focal points. Understanding CCPCJ's role in the broader UN crime program is paramount for realizing the full potential of CCPCJ as a subsidiary organ of ECOSOC. It also helps in envisioning possible and realistic cooperation with other UN entities.*

United Nations, General Assembly. (2011). *Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/RES/65/230)* [Resolution]. Retrieved 10 July 2014 from:
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/230

> *This resolution of the GA on the outcomes of the Twelfth UN Crime Congress, which was held in 2010, is highly informative; the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World in the Annex is particularly important. The outcome-document addresses, inter alia, the relevant issues for CCPCJ – gender-based violence, cybercrime, transnational organized crime, the improvement of criminal justice systems and the rule of law – and thus provides extensive information. In this concise and comprehensive document, it becomes clear which priorities Member States have set for CCPCJ in recent years. It also provides a synopsis of assignments to CCPCJ prior to the next Congress. This is an essential read, as it provides a useful framing of CCPCJ topics.*

United Nations, General Assembly. (2013). *Discussion Guide (A/CONF.222/PM.1)*. Retrieved 10 July 2014 from:
http://www.un.org/en/ga/search/view_doc.asp?symbol=A/CONF.222/PM.1

> *The Guide was compiled by the Secretariat and the institutions of the UN crime program in preparation of the regional meetings in advance of the Thirteenth UN Congress on Crime Prevention and Criminal Justice. Reading the Discussion Guide is highly advisable, as it offers a three-step overview on all relevant topics, giving a background, a substantive overview and offering concrete questions. It can thus induce a problem-oriented approach towards the thematic discussion and help to focus it on areas that have been identified as especially relevant. The background information provided encompasses data and analysis linked to the UN system and the post-2015 development agenda. Especially important are the Questions for Discussion under point C of agenda items 3-6. Therefore, this provides a realistic feeling about the scope of the work of CCPCJ.*

United Nations, General Assembly, Sixty-ninth Session. (2014). *Proposed Strategic Framework for the period 2016-2017 (A/69/6 (Prog. 13))* [Programme planning]. Retrieved 13 August 2014 from: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/69/6%20(Prog.%2013)

> Delegates can gain an insight into the planning of CCPCJ for the period after the transition to the new Sustainable Development Goals (SDGs) by reading this framework proposition. It provides an understanding of current priorities and potential future decisions and actions of the body. The document is very specific on expectations concerning accomplishments of the Secretariat, how to attain these and how to measure the results. Therefore, the Framework is valuable when reflecting on concrete action plans.

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I. Strengthening Criminal Justice Systems to Better Address Gender-Based Violence

Introduction

According to the United Nations (UN) Population Fund, one-third of women worldwide have experienced physical and/or sexual violence.[64] The International Labour Organization (ILO) has found that about 20.9 million people are currently victims of forced labor, including human trafficking, and 4.5 million of these individuals were forced into sexual exploitation, with 98% of the latter group are women.[65] Gender-based violence (GBV) is any harmful act that is perpetrated against a person's will and is based upon socially ascribed differences between men and women.[66] This definition emphasizes a broad conceptualization of the term, making GBV a matter of concern for all and not just for women.[67] Other definitions also highlight related issues to GBV, such as article 1 of the *UN Declaration on the Elimination of Violence against Women* (1993), which states that "the term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."[68] It is crucial to enhance criminal justice mechanisms for protecting victims of GBV.[69] The UN has implemented effective approaches in advancing effective crime prevention and criminal justice strategies; still, GBV remains a pertinent topic for the international community, and criminal justice systems must continue to be strengthened in order to reduce GBV and further include women within criminal justice systems.[70]

International and Regional Framework

As a significant global issue, women's rights and GBV have been addressed numerous times by the UN and other pertinent bodies. The 1945 *Charter of the United Nations* and the 1948 *Universal Declaration of Human Rights* recognize the importance of equal rights.[71] The *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) of 1979 is a key document in denouncing gender-specific acts of discrimination in spheres such as education (article 10), employment (article 11) and political and public life (article 7).[72]

The Economic and Social Council (ECOSOC) has discussed this topic; for example, ECOSOC adopted resolution 1996/12 on the *"Elimination of Violence against Women,"* which emphasizes that those within the UN working towards crime prevention and criminal justice give more priority to GBV and which urges Member States to implement gender-oriented policies.[73] The General Assembly (GA) has also approached the issue of GBV, such as with the 1993 *Declaration on the Elimination of Violence against Women,* and the 2014 "Model strategies and practical measures on the elimination of violence against women in the field of crime prevention and criminal justice," which focuses on the improvement of the quality and availability of statistics on crime and criminal justice.[74] This document also calls for policy development by Member States, ensuring accountability and punishing perpetrators should be a priority.[75] The General Assembly has also discussed the issue of gender stereotypes and their impact on sexual violence in conflict and domestic violence.[76]

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[64] UN Population Fund, *Gender Equality*, 2014.

[65] International Labour Organization, *Global estimate of forced Labour: results and methodology, 2002-2011*, 2012.

[66] UN General Assembly, *Declaration on the Elimination of Violence against Women (A/RES/48/104)*, 1993.

[67] UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 43.

[68] UN General Assembly, *Declaration on the Elimination of Violence against Women (A/RES/48/104)*, 1993.

[69] United States Department of State, Bureau of International Narcotics and Law Enforcement Affairs, *INL Guide to Gender in the Criminal Justice System*, 2013, p. 2.

[70] UNODC, *Thematic programme. Crime Prevention and Criminal Justice Reform (2012-2105)*, 2012, p. 26; UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 41.

[71] *Charter of the United Nations*, 26 June 1945; UN General Assembly, *Universal Declaration of Human Rights (A/RES/217 A (III))*, 1948.

[72] UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*, 1979.

[73] UN ECOSOC, *Elimination of violence against women* **(E/RES/1996/12), 1996.**

[74] UN General Assembly, *Declaration on the Elimination of Violence against Women (A/RES/48/104)*, 1993; UN General Assembly, *Model strategies and practical measures on the elimination of violence against women in the field of crime prevention and criminal justice (E/CN.15/2014/L.12/Rev.1)*, 2014, p. 9.

[75] UN General Assembly, *Model strategies and practical measures on the elimination of violence against women in the field of crime prevention and criminal justice (E/CN.15/2014/L.12/Rev.1)*, 2014, p. 21, 30.

[76] UN General Assembly, *Declaration on the Elimination of Violence against Women (A/RES/48/104)*, 2003.

The Security Council has also approached GBV and increased participation of women within peace processes, in documents such as resolutions 1325 (2000) and 2106 (2013) on "Women, Peace, and Security."[77] Another significant aspect of recent UN efforts is the Millennium Development Goals (MDGs), eight development goals established for the international community to achieve by 2015; MDG 3 aims to increase global gender equality and empowerment.[78] Progress has been achieved, such as equality in primary education or political participation; nevertheless GBV continues to undermine efforts to reach all goals.[79] Therefore, as the UN currently discusses what should be the post-2015 development process following the expiration of the MDGs in 2015, GBV and the rights of women remain a significant discussion to be incorporated into the post-2015 development agenda.[80]

It is also important to recall regional efforts in approaching GBV and strengthening criminal justice systems. For example, the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* (1995) lists rights of individuals and duties of Member States while encouraging legal measures and awareness campaigns to properly address the different types of violence against women.[81] The Council of Europe's *Convention on Preventing and Combating Violence against Women and Domestic Violence* (2011), sometimes referred to as the Istanbul Convention, mentions the need to integrate the media and the private sector into the creation of awareness campaigns.[82] This Convention stresses important issues, such as the need for transparency and accountability in criminal justice systems and for educational programs for all individuals affected by the topic.[83]

Role of the International System

Many bodies within the UN have discussed topics related to GBV and strengthening criminal justice systems. The Commission on Crime Prevention and Criminal Justice (CCPCJ) has repeatedly called for improvements in criminal justice systems to better address GBV and reported on this topic.[84] In 2006, CCPCJ encouraged the further development of training materials on criminal justice programs to assist in the reintegration of victims, highlighting past best practices such as one-stop centers that can provide needed assistance and services to victims of GBV.[85] Such initiatives have proven to be efficient in creating safe havens for victims and successful in strengthening multi-sector collaboration between health sectors, police, criminal courts, and social services in providing adequate treatment for rape survivors.[86] CCPCJ has also called for an enhancement in the access to restitution, compensation and rehabilitation to assist victims.[87] Concerning law enforcement, in a recent report on "National measures taken to prevent, investigate, prosecute and punish gender-related killings of women and girls," CCPCJ cited examples of improvement in Palestine and Mexico through the incorporation of gender more prominently in their national policies.[88] In 2013, CCPCJ also recommended to ECOSOC its adoption of resolution 2013/36 (2013) on "Taking action against gender-related killing of women and girls."[89] In addition, the UN Office on Drugs and Crime (UNODC) has discussed the incorporation of GBV within criminal justice systems. UNODC published in 2009 a "Handbook and Supplement for legislation on violence against women" in collaboration with the UN Division for the Advancement of Women (DAW).[90] One recent UNODC effort was a project conducted in five countries in

[77] UN Security Council, *Resolution 1325 (2000) (S/RES/1325)*, 2000; UN Security Council, *Resolution 2106 (2013) (S/RES/2106)*, 2013.

[78] Irish Consortium on Gender Based Violence, *Integrating Gender Based Violence into the post-2015 development agenda*, 2014, p. 1; United Nations, *Goal 3. Promote Gender Equality and Empower Women*, 2014.

[79] Irish Consortium on Gender Based Violence, *Integrating Gender Based Violence into the post-2015 development agenda*, 2014, p. 2.

[80] Ibid., p. 6.

[81] Organization of American States, *Inter-American convention on the prevention, punishment and eradication of violence against women "convention of Belém do Prá,"* 1994.

[82] Council of Europe, *Convention on preventing and combating violence against women and domestic violence*, 2011, p. 7.

[83] Ibid.

[84] UN CCPCJ, *National measures taken to prevent, investigate, prosecute and punish gender-related killings of women and girls (E/CN.15/2014/CRP.4)*, 2014.

[85] UN ECOSOC, *Crime prevention and criminal justice responses to violence against women and girls*, 2006.

[86] UN-Women, *Intimate Partner Violence and/or Sexual Assault (one-stop) Centres*.

[87] UN CCPCJ, *Aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice (E/CN.15/2008/CRP.1)*, 2008.

[88] UN CCPCJ, *National measures taken to prevent, investigate, prosecute and punish gender-related killings of women and girls (E/CN.15/2014/CRP.4)*, 2014.

[89] UN ECOSOC, *Taking action against gender-related killing of women and girls* (*E/RES/2013/26)*, 2013.

[90] UN Division for the Advancement of Women, *Handbook and Supplement for legislation on violence against women*, 2010.

South America to provide more developed support to victims of GBV through national and civil society efforts and through a study on national and regional approaches to GBV.[91]

Other UN efforts have contributed to international discussions on GBV and criminal justice systems. One significant initiative is the UN Trust Fund to End Violence Against Women (UN Trust Fund).[92] It was created by GA resolution 50/166 in 1996, and the UN Entity for Gender Equality and the Empowerment of Women (UN-Women) facilitates its work.[93] The UN Trust Fund distributes grants on a global level to finance initiatives that prevent GBV; provide legal, social and medical services to victims of GBV; and to further increase the efficacy of criminal justice systems in monitoring and documenting abuse and in strengthening laws.[94] UN-Women also works in other methods to combat GBV and strengthening criminal justice systems.[95] It has helped Member States at the national level in strengthening legislation on violence against women.[96] Another important effort is Secretary-General Ban Ki-moon's UNiTE to End Violence Against Women campaign, which calls upon many partners and members of society, including Member States, non-governmental organizations (NGOs) and other civil society groups, youth, and men and women to work together to eliminate violence against women.[97] Recently, UN-Women launched the HeForShe campaign, aiming to pledge one billion men and boys to stand up for gender equality and against violence against women and girls.[98] The UN Action Against Sexual Violence in Conflict, known as Stop Rape Now, aims to increase accountability and prosecution of perpetrators of sexual violence in conflicts and highlights under-reported and controversial topics such as sexual abuse of ethnic women by armies, while addressing the need for increased medical and legal services for victims of sexual abuse in conflict-affected regions.[99]

The work of intergovernmental organizations and civil society organizations (CSOs) is an important actor in this field. A session of the Open-ended Intergovernmental Expert Group Meeting on gender-related killing of women and girls was held in November 2014 in Bangkok.[100] The Expert Group discussed concrete measures to strengthen national criminal justice systems, such as the implementation of special units and specialized expertise within police structures, prosecution, and courts, as well as the training of criminal justice officials in charge of investigation and prosecution.[101] In addition, the work of civil society is significant in relation to this topic; many Member States recognize the need for governments to work with civil society in order to better understand local grievances and to properly respond to women's needs, and NGOs are often better equipped to respond to daily problems invisible to governments or international organizations.[102] Indeed, the UN Secretary-General has encouraged Member States to participate in regional and/or thematic meetings organized by NGOs to develop and maintain strong partnerships with the private sector and CSOs.[103] Mindful of this appeal, CCPCJ welcomed 81 individuals from 37 NGOs during its 23rd annual session in May 2014 to discuss ways to more effectively prevent, prosecute and punish in cases of gender-related killings.[104] Another effort to consider is the Alliance of NGOs on Crime Prevention and Criminal Justice (CPCJ), which is currently preparing for participation in the Thirteenth Annual UN Congress on Crime

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[91] UNODC, Liaison and Partnership Office (LPO) in Brazil, *Addressing gender-based violence*.
[92] UN-Women, *UN Trust Fund to End Violence against Women*.
[93] Ibid.
[94] Ibid.
[95] UN-Women, *Annual Report 2013 – 2014*, 2014.
[96] The Institute for Social Justice, *The Prevention of Anti Women Practices Act*, 2011.
[97] United Nations Secretary-General's Campaign, UNiTE to End Violence against Women, *About UNiTE*.
[98] UN-Women, *HeforShe: UN-Women Solidarity Movement for Gender Equality*, 2014.
[99] UN Action Against Sexual Violence in Conflict, *Stop Rape Now,* 2014; Women's League of Burma, *Same Impunity, Same Patterns*: *Sexual abuses by the Burma Army will not stop until there is a genuine civilian government*, 2014; World Health Organization, *Building national system capacity for Medico-legal evidence for sexual violence in conflict-affected settings*, 2013.
[100] UN General Assembly, *Taking action against gender-related killing of women and girls (A/RES/68/191),* 2013; UNODC, *Open-Ended Intergovernmental Expert Group Meeting on gender-related killing of women and girls,* 2014.
[101] The Alliance of NGOs on Crime Prevention and Criminal Justice, *Femicide*; The Alliance of NGOs on Crime Prevention and Criminal Justice*, Relevant 2015 Crime Congress Sites*; UN CCPCJ, *National measures taken to prevent, investigate, prosecute and punish gender-related killings of women and girls (E/CN.15/2014/CRP.4)*, 2014, p 12.
[102] United Kingdom, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Basic Standards of Best Practice on the Documentation of Sexual Violence as a Crime under International Law*, 2014, p. 31.
[103] UN ECOSOC, *Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice*, 2013, p. 3.
[104] UNODC, *NGOs*, 2014.

Prevention and Criminal Justice in Doha, Qatar in 2015.[105] The Alliance also engaged in considerations related to the 2014 meeting of the Open-ended Intergovernmental Expert Group.[106]

Gender-Based Violence

Gender-based violence can appear in multiple forms. This topic highlights in particular two prevalent types of GBV: sexual violence in times of conflict and domestic violence.

Sexual Violence in Conflict Areas
Sexual violence often occurs in situations of conflict, due to accompanying factors such as governmental and community structural collapse and familial hardships.[107] For example, 60,000 women were raped in Croatia and Bosnia-Herzegovina during the 1990s.[108] Similar acts of violence occurred during the Rwandan genocide.[109] Rape as a weapon of war has been discussed more frequently in recent years; it is considered as one of the oldest, yet least condemned, crimes amongst humanity.[110] These violent acts not only affect the victims, but also their families.[111] The idea can also exist, which is important to counter that rape in wartime is somehow a lesser crime.[112] Moreover, during peacebuilding processes, sexual violence makes the reintegration of victims into their community difficult.[113]

Both Margot Wallström, the former UN Secretary-General's Special Representative on Sexual Violence in Conflict, and Zainab Bangura, the current Special Representative, have underlined the importance of the involvement of men and especially of political and religious authorities to combat the harms of GBV in society.[114] In June 2014, the Global Summit to End Sexual Violence in Conflict was held in London, with delegates from over 100 countries and many experts, NGOs, sexual violence survivors, faith leaders, and international organizations, in order to discuss sexual violence in conflict and address the need of additional research on this issue.[115] In particular was discussed the need to put an end to the culture of impunity through the implementation of the *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict*.[116] The Protocol can assist in strengthening prosecutions of rape, thus increasing successful convictions.[117]

Domestic Violence
Domestic violence is another important subtopic when considering GBV, as it affects women worldwide and comes in many forms.[118] It can be composed of physical abuse, pressure for sex from intimate partners, or attempted total control over someone's life.[119] Domestic violence has been increasingly discussed in recent decades; for example, in Canada, the number of domestic violence shelters increased from 20 in 1975 to 569 in 2007.[120] However, it remains an internationally pertinent issue.[121] In 2012, approximately half of women killed were murdered by their partner or a member of their family.[122] Domestic violence is often not reported; in a European Union study, it was found that only 14% of women who had experienced domestic abuse had reported it to authorities.[123] Effective strategies for

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[105] The Alliance of NGOs on Crime Prevention and Criminal Justice, *Relevant 2015 Crime Congress Sites*.
[106] The Alliance of NGOs on Crime Prevention and Criminal Justice, *Femicide*.
[107] World Health Organization, *Sexual violence*.
[108] Vlachova & Biason, *Women in an Insecure World – Violence against women: Facts, figures and analysis*, 2005.
[109] Ibid.
[110] UN Development Fund for Women, *Rape as a tactic of war*, 2013, p. 1; Foreign & Commonwealth Office, *A Declaration of commitment to end sexual violence in conflict*, 2013, p. 1.
[111] UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 5.
[112] UK Foreign & Commonwealth Office et al., *Preventing conflict in fragile states*, 2012.
[113] UN Development Fund for Women, *Rape as a tactic of war*, 2013, p. 2.
[114] Ibid.
[115] Government of the United Kingdom, *Global Summit to End Sexual Violence in Conflict*, 2014.
[116] UK Foreign & Commonwealth Office, *International Protocol on the Documentation and Investigation of Sexual Violence in Conflict: Basic Standards of Best Practice on the Documentation of Sexual Violence as a Crime under International Law*, 2014.
[117] Ibid.
[118] This is Abuse, *Home*.
[119] This is Abuse, *Worried about abuse?*
[120] UK Foreign & Commonwealth Office, *Declaration of commitment to end sexual violence in conflict*, 2013, p. 1; Hotton Mahony, *Women and the Criminal Justice System*, 2011, p. 14.
[121] UN-Women, *Facts and Figures: Ending Violence against Women*.
[122] Ibid.
[123] Ibid.

combating domestic violence include addressing domestic violence and its underlying causes directly, such as through national prevention campaigns like the "This is Abuse" campaign in the United Kingdom; approaching domestic violence through legal and legislative methods; bettering criminal justice systems in approaching, prosecuting, punishing, and treating perpetrators of domestic violence; supporting victims of domestic violence; and providing united efforts amongst many invested partners.[124]

Strengthening Criminal Justice Systems in Addressing Gender-Based Violence

CCPCJ has stressed that the number of violent acts against women and girls remains too high and that criminal justice systems often are not fully successful in preventing GBV.[125] Also, a detriment is that women unfamiliar with criminal justice system procedures can perceive systems as overwhelming, intimidating, and confusing.[126] As violence against women often goes unreported, accessibility within criminal justice systems also means making guidance available to inform women of their rights.[127] Indeed, access to legal aid is recognized by the international community as an essential element for a just and functioning criminal justice system.[128] It is important for criminal justice systems to enhance legal literacy knowledge for victims of GBV in order to avoid re-victimization and mistrust of criminal institutions and to increase reporting of situations of violence.[129] Moreover, a key element in addressing GBV within criminal justice systems is the empowerment of survivors, only possible with the existence of gender responsive courts that encourage men's and women's full participation at all levels of the judiciary systems.[130] The implementation of specific courts, like courts for rape or domestic violence, could also be a valuable initiative to create a safer environment for women to report GBV.[131] Proving the efficiency of justice and promoting increased trust in criminal justice systems prevents intimidation and encourages victims to discuss violence.[132] UNODC has also emphasized the inclusion of gender-specific efforts and consideration of GBV in relation to criminal justice systems and the post-2015 development agenda.[133]

Another limit to strengthening the approaches of criminal justice systems in situations of GBV is the fact that it is often difficult to fully monitor the number of occurrences of violence.[134] Acknowledging the difficulty in assessing the number of women and girls suffering because of GBV is crucial, as not doing so can weaken proper criminal justice responses to GBV.[135] Gathering data remains challenging for a myriad of reasons: first, many women do not seek help, support or assistance from the authorities, as they fear for their own and their children's lives.[136] Victims of GBV can also suffer from guilt, shame, and rejection from both their families and their communities.[137] In Rwanda, for instance, during a time period studied it was found that there were no rape charges in 70% cases investigated, and of the remaining 30% of adjudicated cases, only 10% of the accused were found guilty.[138] Women belonging to minority groups, indigenous women, refugee women, and migrants are particularly at risk of

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[124] United Nations Office at Vienna, Centre for Social Development and Humanitarian Affairs, *Strategies for Confronting Domestic Violence: A Resource Manual*, 1993; This is Abuse, *Home*.

[125] UN CCPCJ, *Crime Prevention and criminal justices responses to violence against women and girls*, 2006; Grotius International, *Criminal justice and gender based violence in Pakistan: a biased and ineffective system*.

[126] The National Center for Victims of Crimes, *The Criminal Justice System*.

[127] UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 43.

[128] UN General Assembly, *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/67/458)*, 2013, p. 5.

[129] UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 39; General Assembly, *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (A/67/458)*, 2013, p. 6.

[130] UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, pp. 19, 21.

[131] UNODC, *Accounting for Security and Justice in the Post-2015 Development Agenda (A/CONF.222/PM/CRP.2)*, 2014, p. 57.

[131] UN General Assembly, *In-depth study on all forms of violence against women (A/61/122/Add.1)*, 2006, p. 88; UN CCPCJ, *National measures taken to prevent, investigate, prosecute and punish gender-related killings of women and girls*, 2006.

[133] UNODC, *Accounting for Security and Justice in the Post-2015 Development Agenda (A/CONF.222/PM/CRP.2)*, 2014.

[134] Irish Consortium on Gender Based Violence, *Integrating Gender Based Violence into the post-2015 development agenda*, 2014, p. 3.

[135] Ibid.

[136] UN-Women, *Annual Report 2013-2014*, 2014.

[137] UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 9.

[138] Campbell, *The Gender of Transitional Justice: Law, Sexual Violence and the International Criminal Tribunal for the Former Yugoslavia*, p. 425.

victimization, due to disadvantaged positions in society.[139] While statistics remain important within criminal justice systems, the manner in which they are collected do not always reflect gender-sensitive issues related to crime, and different Member States have varying types of laws that approach situations of GBV, with this sometimes being approached differently by different criminal justice systems within Member States as well.[140] Accordingly, it is important for Member States to gather statistics on violence experienced by women and to incorporate into their Member States laws and procedures that appropriately address the different types of GBV that women experience.[141]

Cultural patterns and traditions can also influence criminal justice systems.[142] In some countries, such as Iraq and the Central African Republic, courts exist that promote traditional laws and customary practices, which can contribute to the reinforcement of unjust and unfair judgments in relation to situations of GBV.[143] Courts based on traditional customs can also sometimes condone male violence while punishing women.[144] Traditional practices related to gender roles can increase acts of GBV; examples of this include female genital mutilation (FGM) and child marriage.[145] The notion of honor killings is likewise a matter of GBV that has been increasingly discussed in recent years; it is estimated that about 5000 women a year are victims of honor killings, and many more are victims of "honor" based violence (HBV).[146] There is accordingly a need for criminal justice systems and legislative initiatives to address HBV and traditional customs that can influence GBV, while also remaining culturally sensitive.[147]

Significant progress has been made by Member States to recognize gender-based killings or femicide, defined as "the killing of females by males because they are females," as a specific crime.[148] In Canada, for example, gender killing comes with aggravated sentences.[149] In 2007, Mexico passed a law that triggers emergency measures to force the authorities to rapidly address GBV and to ensure a quick access to justice for victims and witnesses to target these specific violations better.[150] Law enforcement within Member States can also be improved through increased female access to positions dealing with GBV, such as police officers, policymakers, and health professionals; the support of Gender Advisors can further assist in this matter.[151] The aforementioned actors can also ensure that gender-friendly perspectives are effectively mainstreamed in policy planning and implementation.[152] The involvement of women in gender-oriented policies has been proven effective: victims have said to feel better understood in systems where this is in place, which reduces their fear and shame in talking about GBV.[153]

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[139] UN ECOSOC, *Elimination of violence against women*, **1996.**

[140] UN General Assembly, *In-depth study on all forms of violence against women (A/61/122/Add.1)*, 2006, pp. 63-64.

[141] Ibid.

[142] UN General Assembly, *Strengthening crime prevention and criminal justice responses to violence against women (A/RES/65/228)*, 2011.

[143] Grotius International, *Criminal justice and gender based violence in Pakistan: a biased and ineffective system*; UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 22; Heartland Alliance International, *Iraq: Gender-Based Violence Prevention: Legal, Medical and Psychosocial Services*.

[144] Heartland Alliance International, *Iraq: Gender-Based Violence Prevention: Legal, Medical and Psychosocial Services*.

[145] UN Population Fund, *Addressing Gender-Based Violence*, 2013.

[146] Honor Based Violence Awareness Network, *Historical Overview*; Honor Based Violence Awareness Network, *Today*.

[147] Heartland Alliance International, *Iraq: Gender-Based Violence Prevention: Legal, Medical and Psychosocial Services*; UN Population Fund, *Addressing Gender-Based Violence*, 2013.

[148] UN CCPCJ, *National measures taken to prevent, investigate, prosecute and punish gender-related killings of women and girls (E/CN.15/2014/CRP.4)*, 2014, p. 4; UN CCPCJ, *Information on gender-related killings of women and girls provided by civil society organizations and academia (E/CN.15/204/CRP.5)*, 2014, p. 2.

[149] UN CCPCJ, *National measures taken to prevent, investigate, prosecute and punish gender-related killings of women and girls (E/CN.15/2014/CRP.4)*, 2014, p. 4.

[150] Católicas por el Derecho a Decidir and Comisión Mexicana de Defensa y Promoción de los Derechos Humanos, *Femicide and Impunity in Mexico: A context of structural and generalized violence*, 2012, p. 11; Secretaria de Relaciones Exteriores, *General Law on Women's Access to a Life Free of Violence*, 2014.

[151] UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 9; Women Watch, *What is a Gender Advisor?*, 2013.

[152] UN CCPCJ, *Aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice (E/CN.15/2008/CRP.1)*, 2008; UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 21.

[153] Ibid.

Information campaigns are a useful tool in approaching and reducing GBV.[154] Awareness campaigns, in order to be successful, must combat the perception of gender-attributed roles, stereotypes and prejudices.[155] The role of social media to raise awareness and change perceptions for both the victims and the rest of the population (especially among young people) is increasingly recognized and should not be underestimated.[156] Information campaigns are also seen as a method through which to improve data collection on situations of GBV in criminal justice systems and the international community.[157] Many awareness campaigns have been successful in bringing attention to GBV, such as Rutger's "16 days of activism against gender violence initiative" launched in 2010 by its Center for Women's Global Leadership; the Half the Sky Movement; the UNiTE to End Violence Against Women campaign; and the "HeforShe" campaign, which can help reduce GBV through the inclusion of men and boys in gender equality.[158]

Conclusion

Much has been accomplished in addressing gender-based violence and strengthening criminal justice systems to more fully approach GBV; however, despite international commitments and improvements, many challenges and questions remain unanswered in addressing GBV. Thus, efforts of the international community to reduce GBV should continue to focus on criminal justice system reform as a method to ameliorate GBV. This could include enhancement of already existing laws and the implementation of new laws, as well as common, coherent and comprehensive training of all actors involved with the topic. Furthermore, the participation and empowerment of victims is of paramount importance when addressing any deficit in criminal justice systems. The strengthening of criminal justice systems in all Member States will allow for the better prosecution and punishment of perpetrators of GBV, and will also reduce and prevent future circumstances of GBV in the global community.

Further Research

Delegates can use the following questions to guide their research: how can conflict-affected countries be supported in strengthening their criminal justice systems to prevent and respond to GBV? How can data collection be improved? What data and statistics exist for the number of women within law enforcement, as well as for female trust of criminal justice systems? What should be the roles of Member States, the international community, and civil society organizations to reduce GBV? What priority should CCPCJ give to education and various forms of information for stakeholders in relation to this topic? How can CCPCJ cooperate with clinics, women's groups, shelters and other social institutions, and other different but complementary actors within criminal justice systems?

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[154] UNODC, *Gender in the Criminal Justice System Assessment Tool, criminal justice assessment toolkit*, 2010, p. 43.
[155] UN General Assembly, *Strengthening crime prevention and criminal justice responses to violence against women (A/RES/65/228)*, 2011.
[156] UN General Assembly, *In-depth study on all forms of violence against women (A/61/122/Add.1)*, 2006, p. 97.
[157] UN General Assembly, *Strengthening crime prevention and criminal justice responses to violence against women (A/RES/65/228)*, 2011.
[158] Rutgers School of Arts and Science, *Center for Women's Global Leadership*; Half the Sky Movement, *Movement*; UN-Women, *HeforShe: UN-Women Solidarity Movement for Gender Equality*, 2014; United Nations Secretary-General's Campaign, UNiTE to End Violence against Women, *About UNiTE*.

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> *With a consultative status with the Economic and Social Council, the members of the CPCJ Alliance are relevant actors in topics on crime prevention and criminal justice. Accordingly this website can be a valuable source for delegates. Indeed, it provides information on different events concerning this topic, such as the upcoming UN Congress on Crime Prevention and Criminal Justice and the Open-ended Intergovernmental Expert Group Meeting on gender-related killing of women and girls in November 2014. The website also provides many documents and recommendations from congresses and meetings on various and specific topics, such as femicide in abusive relationships.*

Council of Europe. (2011). *Council of Europe Convention on preventing and combating violence against women and domestic violence*. Retrieved 4 September 2014 from: http://conventions.coe.int/Treaty/EN/Treaties/Html/210.htm

> *This regional agreement is a recent Convention dealing with gender-based violence. It presents clear objectives: protecting women by contributing to the elimination of all forms of discrimination against women and creating a global framework of policies and measures of protection to support and assist organizations involved in this topic. The document is important as it defines many relevant terms for the topic at hand. It tackles crucial and current problems such as the cooperation between Member States and civil society and the gathering of data on GBV. It also explains comprehensively topics such as substantive law or criminal procedures, which will allow delegates to familiarize themselves with proper terminology.*

United Nations Action Against Sexual Violence in Conflict. (2013). *Stop Rape Now* [Website]. Retrieved 4 September 2014 from: http://www.stoprapenow.org/

> *Stop Rape Now is an international awareness campaign launched by the UN against sexual violence in conflict. It addresses gender-based violence in conflicting countries and gathers organizations and individuals for a positive leadership change to prevent rape in those countries, to protect the civilians and persons that survive rape, to demand justice for all those crimes, and to prosecute persecutors. The campaign's website is very comprehensive and provides interesting reports by countries and many articles from relevant stakeholders such as the Office of the UN High Commissioner for Refugees, UN Population Fund, and the International Rescue Committee. It also has its own resources that can be found under the tab "Advocacy resources." Finally, it is a valuable source to find NGOs relevant for the topic.*

United Nations, Commission on Crime Prevention and Criminal Justice. (2008). *Aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice (E/CN.15/2008/CRP.1)* [Note by the Secretariat]. Retrieved 2 August 2014 from: https://www.unodc.org/pdf/criminal_justice/Note_by_the_Secretariat_on_Aspects_of_Violence_against_Women_that_Pertain_Directly_to_the_CCPCJ.pdf

> *This document was written to prepare the 2008 thematic discussion of the Commission on Crime Prevention and Criminal Justice (CCPCJ). Conceived as a guide for Member States, it introduces a series of questions for consideration, including effective strategies and practices to support the victims of violence and to implement a criminal justice response to violence against women. It also highlights successful practices and approaches issues not as commonly discussed, such as Member State responsibility and the involvement of men in gender equality. Finally, the document ends with an informative list of international and regional instruments dealing with violence against women, which can be useful to guide delegates' work.*

United Nations, Commission on Crime Prevention and Criminal Justice. (2014). *Information on gender-related killings of women and girls provided by civil society organizations and academia (E/CN.15/2014/CRP.5)* [Provisional Agenda]. Retrieved 2 August 2014 from: https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_23/E-CN15-2014-CRP5_E.pdf

This source gives a comprehensive overview on gender-related killings. Through multiple references from civil society awareness campaigns, statistics and national legislation, the document also reflects strengths and weaknesses of countries' policies, thus addressing challenges and changing priorities. Moreover, this document provides a series of recommendations that can help delegates with concrete ideas that could be reasonably raised within the framework of CCPCJ.

United Nations, Commission on Crime Prevention and Criminal Justice. (2014). *United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice (E/CN.15/2014/L.12/Rev.1)* [Revised Draft Resolution]. Retrieved 31 August 2014 from: http://srsg.violenceagainstchildren.org/sites/default/files/documents/docs/UN_Model%20Strategies_%20on_Elimination_of_Violence_against_Children_in_Crime_Prevention_and_Criminal_Justice_EN.pdf

> *This draft resolution is especially valuable on this topic because of its specificity in discussing violence against children, which includes violence against the girl child. This CCPCJ source will be resourceful to delegates, as it highlights many policies regarding investigation, prosecution or protection. While writing their position papers, delegates could also use this document for multiple data examples. Because it is a recent document, it identifies key themes that still need to be targeted. With the approaching post-2015 period, this draft resolution will help delegates understand what challenges remain in relation to gender-based violence.*

United Nations, General Assembly. (1993). *Declaration on the Elimination of Violence against Women (A/RES/48/104)*. Retrieved 4 September 2014 from: http://www.un.org/documents/ga/res/48/a48r104.htm

> *As a significant document on violence against women, this GA resolution introduces basic concepts and definitions of gender-based violence (GBV). Reading this document will also allow delegates to better appreciate the improvements that have been made since 1993. This declaration is usually seen as a complement of the Convention on the Elimination of All Forms of Discrimination against Women, another milestone in the topic of GBV.*

United Nations, Security Council, 4213th Meeting. (2000). *Resolution 1325 (S/RES/1325)*. Retrieved 2 September 2014 from: http://www.un.org/ga/search/view_doc.asp?symbol=s/res/1325%20%282000%29

> *Even though not completely focused on GBV, this resolution is very important in this context, as it was the first time that the Security Council addressed the disproportionate impact of armed conflicts on women and connected linked women with the maintenance of peace and security. The resolution stresses the importance of the active participation of women for the prevention and resolution of conflict and for peacebuilding and peacekeeping. It calls for Member States to put women on an equal footing and to implement measures and policies according to those insights.*

UN-Women. (2014). *Annual Report 2013-2014*. Retrieved 8 September 2014 from: http://www.unwomen.org/~/media/58ED9AE6A3B544149C9DEFA302CC9884.ashx

> *The 2013-2014 annual report of UN-Women discusses recent actions of the UN in empowering women. It is a very comprehensive document to start researching this topic. Indeed, what makes it significant is the overview that it gives about women's situation today. It stresses priority areas of intervention – leading political transformation, claiming economic rights, ending violence against women and girls, making equality central to peace, planning and budgeting for empowerment – allowing delegates to better address challenges ahead.*

Vlachova M. & L Biason. (2005). *Women in an Insecure World – Violence against women: Facts, figures and analysis* [Executive Summary]. Retrieved 26 October 2014 from: http://www.unicef.org/emerg/files/women_insecure_world.pdf

> *Written in collaboration with the Geneva Centre for the Democratic Control of Armed Forces, this book highlights the difficulty of holding perpetrators accountable for their crimes due to the lack of societal and political will to denounce their crimes and the little evidence that is sometimes found. The authors address the roots of this violence and the reasons behind them. They discuss "gendercide," implying that women are subject to violence due to their gender and that the structures they live in allow violence to occur. The book is an in-depth analysis of the reasons behind gendercide and provides rather poignant figures that will help delegates to comprehend the extent of gender-based crimes. Another part of the analysis is the widespread violence towards*

women and the extent of it. Many of these facts and figures are accompanied by different analysis
made by the World Health Organization (WHO) and the United Nations Children's Fund
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II. Prevention, Protection, and International Cooperation against the Use of New Information Technologies to Abuse and Exploit Children

"The exploitation of children is not a new phenomenon, but the digital age has exacerbated the problem and created more vulnerability to children."[159]

Introduction

The exploitation and abuse of children through the use of new information and communication technologies (ICTs) is a growing concern for the international community.[160] As ICT devices become more affordable, and access to the Internet expands, more children are using the Internet and child predators are finding new ways to exploit these children.[161] The International Telecommunication Union (ITU), the United Nations' (UN) agency responsible for issues regarding ICTs, reported that there are nearly 3 billion Internet users and nearly 7 billion mobile-cellular subscriptions worldwide as of 2014.[162] According to Sesame Workshop, a non-profit organization in the United States, nearly 80% of American children five years old and younger use the Internet at least once a week.[163] Due to the evolving nature of cybercrime and the abuse of children related to new ICTs, an international framework and definition of these crimes has yet to be fully recognized.[164] The 2014 report of the Secretary-General on "Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children" (E/2014/7) explains that abuse and exploitation of children through new ICTs can take multiple forms including child sexual abuse material, commercial sexual exploitation of children, and problematic online conduct which includes cyber-harassment, cyber-stalking, and cyber-bullying.[165] Human rights organizations, such as Human Rights Watch, cite new technological advancements as a contributing factor in the increase in the use of child soldiers in armed conflict.[166] While the abuses that result from new ICTs sometimes share many common traits to forms of abuse that have existed for decades, other abuses that result from new ICTs have become so transformational that they have taken entirely different forms.[167] These types of abuses have been altered because of enhanced access to victims and abuse materials, increased profits for criminal enterprises, reduced risk of detection, and increased level of harm on victims.[168] These are some of the most dangerous forms of abuse and exploitation because traditional ways of countering abuses are not effective and therefore must be adapted using these new ICTs.[169] Recent efforts have been made by the international community to address this problem, but Member States should continue strengthening collaboration to increase cross-border coordination, training of detection and investigation personnel, and the establishment of "supportive government structures."[170]

International and Regional Framework

Historically, legislative efforts on human rights for children began being discussed in the late 19th century, but it was not until 1924 that the League of Nations adopted the *Geneva Convention on the Rights of the Child*, which was the first international instrument to acknowledge the rights of children.[171] The *Geneva Convention on the Rights of the Child* was an essential first step in providing children with human rights, but it also had shortcomings such as the fact that it placed no legal obligations on States.[172] The international community took another step when the General Assembly adopted the *Universal Declaration of Human Rights* in 1948, which recognized that children have human

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[159] *Fedotov, UN Crime Body to Combat Online Child Abuse*, 2014.
[160] UN Office on Drugs and Crime, *UN Crime Body to Combat Online Child Abuse*, 2014.
[161] UN Office on Drugs and Crime, *UNODC Launches Study on Online Child Abuse and Exploitation*, 2014.
[162] ITU, *The World in 2014: ICT Facts and Figures*, 2014.
[163] Kessler, *Study: 80 percent of children under 5 use Internet weekly*, 2011.
[164] UN CCPCJ, *Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children: Report of the Secretary-General* (E/2014/7), 2014, p. 1.
[165] Ibid., pp. 4-5.
[166] Human Rights Watch, *Facts about child soldiers*, 2008.
[167] UN CCPCJ, *Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children: Report of the Secretary-General (E/2014/7)*, 2014, p. 6.
[168] Ibid., pp. 6-8
[169] Ibid., p. 8.
[170] Ibid., pp. 13-14.
[171] Ibid., p. 1; UN OHCHR, *Legislative History of the Convention on the Rights of the Child*, 2007, p. 3.
[172] UN OHCHR, *Legislative History of the Convention on the Rights of the Child*, 2007, p. 3.

rights, but a legal definition outlining children's rights was not established.[173] In 1959, the General Assembly adopted the *Declaration of the Rights of the Child*, however, a legal framework for protecting children was still not instituted.[174] The UN began to take a more active role in protecting children with the adoption of General Assembly (GA) resolution 31/169 of 21 December 1976 on the "International Year of the Child."[175] Nearing the 20th Anniversary of the *Declaration of the Rights of the Child*, a majority of Member States noted to the Commission on Human Rights that further work was necessary in creating an international legal binding instrument in the form of a convention.[176] This led to the consultation of UN human rights experts, the United Nations Children's Fund, and a non-governmental organization (NGO), Save the Children, in developing the articles and ultimately adopting the *Convention on the Rights of the Child* (CRC) in 1989.[177]

In 2000, the *First Optional Protocol to the Convention on the Rights of the Child* was adopted, which restricts children, under the age of 18, from being involved in armed conflict, from being conscripted, or from taking part in any hostilities.[178] The General Assembly also adopted the *Second Optional Protocol to the Convention on the Rights of the Child*, which prohibits the sale of children, child prostitution and child pornography.[179] This protocol entered into force in 2002 and defines and criminalizes these acts at the international level. The Second Optional Protocol defines the "sale of children as any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration."[180] Furthermore, the Second Optional Protocol defines child prostitution as "the use of a child in sexual activities for remuneration or any other form of consideration."[181] Lastly, child pornography is defined by the Second Optional Protocol as "any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes."[182] To this date, one hundred and 11 Member States have signed and ratified the Second Optional Protocol, which criminalized the above acts, considered the rights and interests of victims, and established detailed requirements for Member States to meet.[183]

Role of the International System

International cooperation with various UN entities, such as the United Nations Office on Drugs and Crime (UNODC), the United Nations Children's Fund (UNICEF), ITU, and the Commission for Crime Prevention and Criminal Justice (CCPCJ) is fundamental in preventing and protecting children from abuse and exploitation. The UNODC actively fights cybercrime and abuses of children, and launched a study in May 2014 to explore the effects of new technologies on the abuse and exploitation of children.[184] The study, which was commissioned by the CCPCJ, recommended Member States to implement training and technical assistance programs, recruit specialized personnel and utilize all available technological resources to combat the abuse of children more effectively.[185] UNICEF works to implement the CRC and prevent exploitation and abuse of children through its "End Violence against Children Global Initiative."[186] Through this initiative, UNICEF sends teams on the ground around the world to partner with Member States, local organizations, and agencies to promote awareness through the media, and immediately report on any instances of violence against children.[187] The ITU created the Child Online Protection (COP) Initiative in November 2008 to serve as a forum for international dialogue between Member States and

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[173] UN GA, *Universal Declaration of Human Rights*, 1948.
[174] UN GA, *Declaration of the Rights of the Child*, 1959.
[175] UN OHCHR, *Legislative History of the Convention on the Rights of the Child*, 2007.
[176] Ibid.
[177] UN OHCHR, *Convention on the Rights of the Child*, 1990.
[178] UN OHCHR, *Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*, 2002.
[179] UN OHCHR, *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, 2002.
[180] Ibid.
[181] Ibid.
[182] Ibid.
[183] UNICEF, *Convention on the Rights of the Child: Advancing the CRC*, 2014.
[184] United Nations Information Service, *UNODC launches study on online child abuse and exploitation*, 2014.
[185] UN CCPCJ, *Study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children (E/2014/CRP.1)*, 2014, pp. vii-x.
[186] UNICEF, *End Violence Against Children*, 2014.
[187] UNICEF, *Our Story 2013,* 2013.

NGOs to further international cooperation, strengthen legal measures, and capacity-building on children protection.[188]

Furthermore, the International Criminal Police Organization (INTERPOL) established centralized databases to coordinate investigations and aid Member States with victim identification.[189] Managed by INTERPOL, the "International Child Sexual Exploitation" image database is a sophisticated investigative tool, which allows for intelligence sharing between Member States and uses image comparison software to draw connections between victims, abusers and places.[190] ECOSOC further showed its dedication to resolving the issue of ICTs and child abuse when its members adopted resolution 2011/33 and when its functional commission, the CCPCJ, issued the report by the Secretary-General (E/2014/7), in order to draw attention to the role new technologies are having on child exploitation.[191]

NGOs are essential actors at international, regional, and national levels with regard to preventing and protecting children from abuse and exploitation. Not only do NGOs contribute to the development of normative frameworks on this topic, they collaborate with civil society and the international community to ensure that the rights of children are being protected and upheld. Organizations such as End Child Prostitution Child Pornography & Trafficking of Children for Sexual Purposes (ECPAT) work with the international community and civil society in over 74 Member States to prevent the commercial sexual exploitation of children.[192] In 2008, ECPAT collaborated with the NGO group for the Rights of the Child and UNICEF to organize the 3rd World Congress against Sexual Exploitation of Children which resulted in the *Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*, which calls on Member States to continue to implement international child rights instruments, establish effective extraterritorial jurisdiction, and develop "holistic national protection systems that aim to protect children from all forms of" exploitation and abuse.[193]

Child Rights Connect, an NGO that monitors the implementation of the CRC, played a leading role in adopting the Third Optional Protocol to the CRC in April 2014.[194] The Third Optional Protocol established a communication procedure, which enables children to bring complaints about abuses of their rights directly to the CRC if they have not been fully resolved by their local or national level court system.[195] Childnet International is a non-profit organization in the United Kingdom, which works at the national and international level to ensure Internet safety for children by sharing educational resources with teachers, educators, parents, and children on topics such as cyber-bullying and child sexual abuse material.[196] Other NGOs, such as Tomorrow's Youth Organization and Defense for Children International work on a local level to prevent violence against children by educating adults to use computers and new technologies while also raising awareness on human rights in order to empower people and protecting their children from Internet threats.[197] NGOs often fill a gap that governments cannot fill by providing essential services at a local level, which address the unique needs of the local population.

Regional and State Initiatives to Protect and Prevent Child Abuse and Exploitation

The Council of Europe has been a leader in regional cooperation, with its *Convention on Cybercrime*, which was adopted in 2001 and is the first international legally binding instrument on the issue of cybercrime.[198] State parties to this Convention cooperate with criminal justice practices, focus on capacity-building, cyber forensics, and gather

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[188] ITU, *About the Child Online Protection Initiative,* 2008.

[189] UN CCPCJ, *Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children: Report of the Secretary-General (E/2014/7)*, 2014, p. 13.

[190] INTERPOL, *Victim Identification*, 2014.

[191] UN CCPCJ, *Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children: Report of the Secretary-General (E/2014/7)*, 2014, p. 1.

[192] ECPAT, *What We Do,* 2014.

[193] UNICEF, *World Congress III against Sexual Exploitation of Children and Adolescents,* 2008; ECPAT International, *World Congress III against the Commercial Exploitation of Children,* 2008.

[194] Child Rights Connect, *Connect with the UN: OP3 CRC*, 2014.

[195] Ibid.

[196] Childnet International, *What We Do*, 2013.

[197] Tomorrow's Youth Organization, *Like or Dislike: The Women's Group Takes on Social Media,* 2014; Defense for Children International, *Reducing violence against children with special focus on sexual exploitation of children and child sex tourism,* 2014.

[198] Council of Europe, *Action against economic crime: cybercrime*, 2014.

electronic evidence in order to protect victims and prevent Internet related crimes.[199] The European Commission also created the "EU Kids Online Project" through the auspices of the "Safer Internet Plus Programme," which coordinated research in European States on how children use new types of ICTs.[200] The report conducted interviews of more than 25,000 European children in 25 countries and concluded that parents play a critical role in educating their children on safe Internet practices and reducing the threat of exploitation.[201] Furthermore, the Child Exploitation and Online Protection Centre (CEOP) is a regional body based in the United Kingdom and established in 2006, which addresses the issue of digital media and new technologies and their relationship to child abuse and cybercrime.[202] CEOP partners NGOs and government entities with the private sector and law enforcement to facilitate child protection capabilities and provide education and awareness raising programs, which are essential to protecting children from online abuse and exploitation.[203] State sponsored non-profit groups also serve as valuable tools for protecting children and preventing child abuse. South Africa's "Resources Aimed at the Prevention of Child Abuse and Neglect" (RAPCAN) works nationally to prevent child sexual abuse, corporal and humiliating punishment, and sexual and violence offenses towards children.[204] RAPCAN participates in legislation reform activities, which has led to the creation of the *Sexual Offenses Act* and the *Child Justice Bill* while also ensuring that South Africa's constitution is in line with its international commitments to uphold children's rights.[205]

Forms of Child Abuse and Exploitation Through ICTs

One of the major issues facing the international community is defining and classifying the malicious use of ICTs so that proper measures can be taken to protect children and prevent further abuses. In his report (E/2014/7), the Secretary-General states, "owing to the comparatively recent emergence of forms of cybercrime and, specifically, child abuse and exploitation facilitated by ICTs, internationally agreed definitions of these phenomena are still evolving."[206] The forms of child abuse and exploitation that have been most affected by the emergence of new information technologies include: the production and dispersal of child sexual abuse material, commercial sexual exploitation of children, and problematic online conduct, which includes cyber-harassment, cyber-stalking, and cyber-bullying.[207]

Child Sexual Abuse Material
Child sexual abuse material or child pornography consists of a recording, in the form of an image or video, which portrays a child engaged in sexual activity or any representation of a child engaged in sexual activities.[208] Child sexual abuse material may take different forms, including photographs, negatives, videos, movies, slides, magazines, books, drawings, and computer files.[209] It is often sold, shared, or traded between adults, and the trading of this material may occur in a child's school or community.[210] New information technologies such as the Internet, e-mail, and mobile phones have expanded opportunities for trading of child sexual abuse material by providing a secret, instant, and global means of distributing images and videos.[211] Mobile smart phones in particular provide offenders with a powerful new tool to create, store, and distribute child sexual abuse material; meaning that a sexual assault can be recorded, altered and uploaded on to the Internet or e-mailed/MMS to a related network without ever using a home computer.[212] These types of new ICT technology such as mobile broadband, anonymous social networks, and smartphones make it much more challenging for law enforcement to trace and prevent the creation and distribution and child sexual abuse material.[213]

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[199] Council of Europe, *Action against economic crime: cybercrime*, 2014.
[200] Livingstone, *EU Kids Online*, 2011.
[201] Ibid.
[202] Child Exploitation and Online Protection Centre, *CEOP Overview*, 2014.
[203] Ibid.
[204] RAPCAN, *About Us,* 2014.
[205] RAPCAN, *Advocacy*, 2014.
[206] UN CCPCJ, *Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children: Report of the Secretary-General (E/2014/7),* 2014, p. 3.
[207] Ibid.
[208] Ibid., p. 4.
[209] Ibid.
[210] UNICEF, *Child Sexual Abuse and Commercial Sexual Exploitation of Children in the Pacific: A Regional Report*, 2006.
[211] Ibid.
[212] McCartan & McAlister, *Mobile Phone Technology and Sexual Abuse*, 2013, pp. 2-3.
[213] Ibid., pp. 2-3.

Commercial Sexual Exploitation of Children
The sexual exploitation of children for commercial means is a fundamental violation of children's rights in which the child is treated as a commercial and sexual object including the trafficking of children for sexual purposes, child prostitution, and child sex tourism.[214] Child trafficking is the "recruitment, transportation, transfer, harboring or receipt of children for the purpose of exploitation."[215] Child prostitution happens when a child is made available for sexual purposes as part of a commercial transaction.[216] Child sex tourism occurs when a person travels within their own country or internationally for the purposes of engaging in sexual acts with a child.[217] Child prostitution and child sex tourism are a direct result of child trafficking and therefore will not be addressed as separate types of abuse but instead will be referred to as commercial sexual exploitation of children.[218] ECPAT estimates that there are nearly 1.8 million children exploited in prostitution and that 80% of all trafficking in persons is for sexual exploitation, with over 20% of the victims being children.[219] The emergence of new ICTs is affecting these types of abuses by providing new avenues for recruitment, transit, advertising, and money exchange.[220] Perpetrators are now using platforms such as social media to target and coerce victims, and after victims are obtained, the traffickers are using technologies such as mobile phones and GPS systems to transit victims.[221] Technology also plays a role in the advertisement and sale of victims as these criminals use digital technology and the Internet to advertize the selling of children, and digital monetary services like PayPal to conduct the transactions.[222]

Another form of commercial sexual exploitation of children that is directly linked to the emergence of new ICTs is the use of child soldiers.[223] The Coalition to Stop the Use of Child Soldiers estimates that nearly 300,000 children in over 40 countries are currently engaged in armed conflict, while another 500,000 are being recruited into paramilitary organizations, civil militias, and guerilla groups in 85 countries.[224] The Dallaire Initiative argues that in order to be moved from one battlefield to another, "the very act of child soldiering constitutes a crime of trafficking."[225] In times of peace, these children are trafficked and used for forced labor, prostitutes, or drug mules, but in times of war these children are transformed into child soldiers.[226] Similarly to other forms of child trafficking, new technologies such as the Internet, GPS systems, and mobile phones are used to recruit, transit, and mobilize these victims.[227]

Cyber-harassment, Cyber-stalking, and Cyber-bullying
In his report titled, "Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children" (E/2014/7), the Secretary-General also highlights the link between new ICTs and problematic online conduct, which is not always criminalized such as cyber-harassment, cyber-stalking, and cyber-bullying.[228] The Secretary-General defines cyber-harassment as "intimidation, repeated or otherwise, of one individual by another person or group, perpetrated using electronic means."[229] Similarly, cyber-stalking is characterized by the repeated nature of online conduct such as harassment, manipulation, surveying, or other behavior, which causes a person distress.[230] Cyber-bullying also encompasses the use of new ICTs to

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[214] ECPAT, *CSEC FAQs*, 2014.

[215] UNICEF, *Child protection from violence, exploitation, and abuse*, 2014.

[216] ECPAT, *What We Do*, 2014.

[217] Ibid.

[218] United States of America, *The Link Between Prostitution and Sex Trafficking*, 2004.

[219] ECPAT, *What We Do*, 2014.

[220] Boyd, et al., *Human Trafficking and Technology: A framework for understanding the role of technology in the commercial sexual exploitation of children in the U.S.*, 2011, pp. 4-5.

[221] Ibid.

[222] Ibid., pp. 5-6.

[223] Campbell, *Dallaire Initiative launches report on interplay between child trafficking and child soldiering*, 2013, p. 1.

[224] Revaz, *The Optional Protocols to the UN Convention on the Rights of the Child on Sex Trafficking and Child Soldiers*, 2001.

[225] Campbell, *Dallaire Initiative launches report on interplay between child trafficking and child soldiering*, 2013, p. 1.

[226] Ibid.

[227] Boyd, et al., *Human Trafficking and Technology: A framework for understanding the role of technology in the commercial sexual exploitation of children in the U.S.*, 2011, pp. 4-6.

[228] UN CCPCJ, *Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children: Report of the Secretary-General (E/2014/7)*, 2014, p. 5.

[229] Ibid.

[230] Ibid.

humiliate, harass, or threaten individuals in deliberate, repeated and hostile ways.[231] Cyber-bullying differs from the traditional form of bullying in that it may "include the use of the Internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person."[232] UNICEF has noted that cyber-bullying can be more dangerous than traditional bullying because it may be less visible to adults, it creates a permanent record, and children are never out of reach of the bullies, which may cause lasting physical and mental effects.[233] Cyber-bullying allows perpetrators to remain anonymous with the use of ICTs such as mobile phones, social media, and text messaging, with the potential of turning masses of children into bystanders of a highly malicious nature of social bullying.[234]

Information and Communication Technologies' Role in Preventing Crimes Against Children

To counter the aforementioned types of abuse, investigators and law enforcement must adapt and use new ICTs against the perpetrators of child abuse.[235] New ICTs can be used for information sharing between Member States, disrupting online distribution rings, and tracking offenders that leave digital traces.[236] In his report (E/2014/7), the Secretary-General argues that digital evidence and traces can still be left, even when perpetrators try carefully to avoid linking themselves to the crime.[237] New information technologies such as mobile device forensics can be a valuable tool for catching perpetrators, as it can be used to retrieve deleted images and messages from mobile phones and computers.[238] In addition, skilled digital investigators may be able to uncover patterns in mobile phone calls, credit card transactions, plane tickets, or GPS use to expose child trafficking or prostitution rings.[239] New ICTs also give law enforcement innovative techniques in tracing child abuse material such as image analysis and image databases which have become vital in identifying victims and catching offenders.[240] New image analysis technologies such as Microsoft's PhotoDNA detects, removes, and traces the origin location of child sexual abuse material on the Internet, which has become a vital tool for law enforcement.[241] For example, INTERPOL's International Child Sexual Exploitation Image Database has the image comparison software which helps tracing connections between victims, abusers, and places which can be vital to identifying and rescuing previously unidentified victims and stopping perpetrators.[242] New ICTs, such as Internet protocol connection logs and digital surveillance technologies, also allow law enforcement to set up undercover operations in which officers pose as children in chat rooms and social networks in order to catch offenders who are attempting to distribute child abuse material.[243] Unlike most types of law enforcement undercover operations, ICT facilitated operations are not time consuming, cost very little, and are effective at preventing online child abuse and exploitation. Boyd also argues that new ICTs such as the Internet and social media create more avenues for prevention and education programs that have an increased possibility to reach more potential victims than ever before.[244] For example, the International Centre for Missing and Exploited Children is utilizing the Internet and social media to expand the audience for its education and prevention programs in order to reach out to at risk children before child predators can contact them.[245]

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[231] UN CCPCJ, *Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children: Report of the Secretary-General (E/2014/7)*, 2014, p. 5.
[232] Ibid.
[233] UNICEF Canada*, Bullying and Cyberbullying: Two Side of the Same Coin*, 2012.
[234] Ibid.
[235] UN CCPCJ, *Prevention, protection and international cooperation against the use of new information technologies to abuse and/or exploit children: Report of the Secretary-General (E/2014/7*), 2014, p. 11.
[236] Ibid., pp. 11-13.
[237] Ibid., p. 11.
[238] Ibid., p. 11.
[239] Boyd, et al., *Human Trafficking and Technology: A framework for understanding the role of technology in the commercial sexual exploitation of children in the U.S.*, 2011, pp. 4-6.
[240] UN CCPCJ, *Study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children (E/2014/CRP.1)*, 2014, pp. 44-45.
[241] ECPAT, *End Child Pornography*, 2014.
[242] INTERPOL, *Victim Identification*, 2014.
[243] UN CCPCJ, *Study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children (E/2014/CRP.1)*, 2014, p. 47.
[244] Boyd, et al., *Human Trafficking and Technology: A framework for understanding the role of technology in the commercial sexual exploitation of children in the U.S.,* 2011, p. 4.
[245] Ibid.

ICTs may also impact government accountability and decision-making with regard to the exploitation of children. A 2014 report from UNICEF claims that ICTs can increase government accountability by making children more visible and countable.[246] This can be accomplished by using new technologies such as mobile phones to record birth registration and medical interventions.[247] Some academics argue that birth registration via mobile phones can reduce the risk of child trafficking, child marriage, and child labor.[248] Utilizing mobile phone technologies such as Rapid Family Tracing (RapidFTR) to record health interventions can also make children more visible, thus making governments more accountable for them.[249] Furthermore, with the advancement of ICTs such as mobile technology and social media, governments have more access to data and information than ever before.[250] With the increase in data collection via ICTs, evidence of child abuse and exploitation are more readily available to governments, but policy makers have been slow to act.[251] Although ICTs have improved data collection on child abuse issues, this has yet to translate into direct policy changes that address this issue. Efforts have been made by Member States to utilize new ICTs in order to prevent future exploitation and abuse, but more work can be done. International cooperation is necessary to implement data and information sharing initiatives, establish victim identification and protection programs, and enact policy changes that more effectively address the issue of child abuse and exploitation.[252]

Conclusion

As discussed above, new information technologies have had major effects on the abuse and exploitation of children. Rapid advances in technology have provided criminals with new opportunities to misuse ICTs in order to harm children.[253] This also comes at a time when more children than ever have access to the Internet. As a result, old and new forms of abuses such as the distribution of child sexual abuse material, commercial exploitation of children, and cyber-bullying are being affected by new information technologies, which are posing problems for law enforcement. However, law enforcement can also use new ICTs to identify victims, track down criminals, and break up child sexual abuse material rings. International and regional cooperation in the form of data transfers, information sharing, and mutual legal assistance can facilitate new ICTs in order to prevent future abuse and exploitation of children.

Further Research

While researching this topic, delegates should consider the following questions. What further technological developments and political commitments are needed in order for Member States to share relevant data and information regarding child protection? How can new ICTs be used to facilitate international and regional measures to protect children? What law enforcement measures have been implemented at the domestic, regional, and international level? Further research should be conducted on what the CCPCJ can do, within its mandate, to prevent child sexual abuse and protect children from exploitation.

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[246] Kleine, et al., *Children, ICT and Development: Capturing the potential, meeting the challenges*, 2014, p. 12.
[247] Ibid.
[248] Ibid.
[249] Ibid., pp. 12-13.
[250] Meier, *New information technologies and their impact on the humanitarian sector*, 2011, p. 1240.
[251] World Health Organization, *Preventing child maltreatment: a guide to taking action and generating evidence*, 2006, p. 30.
[252] UN CCPCJ, *Study facilitating the identification, description and evaluation of the effects of new information technologies on the abuse and exploitation of children (E/2014/CRP.1)*, 2014, p. 47.
[253] Ibid., p. vii.

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> *This article was written to analyze the links between human trafficking and advances in new technologies, specifically ICTs. Boyd discusses both the positive and negative effects of technology on human trafficking. This article is integral to research on this topic because it performs in-depth investigation on the negative consequences of technology while also addressing how technology can be used to prevent trafficking in children.*

Buckinghamshire Safeguarding Children Board. (2011). *Child Abuse and Information Communication Technology*. Retrieved 9 July 2014 from: http://www.bucks-lscb.org.uk/wp-content/uploads/BSCB-Procedures/Child_Abuse_and_Information_Communication_Technology_ICT.pdf
> *This document explains how children are exploited and abused through the use of ICTs. It is valuable for delegates because it discusses how Internet chat rooms, discussion forums, and bulletin boards become a tool by predators to lure and exploit children. Adults can also expose children to inappropriate material on the Internet, which is another form of abuse. It determines that the more often children are exposed to ICTs, the chance of being exploited greatly increases.*

Campbell, M. (2013). *Dallaire Initiative launches report on interplay between child trafficking and child soldiering*. Retrieved 8 August 2014 from: http://www.childsoldiers.org/dallaire-initiative-launches-report-on-interplay-between-child-trafficking-and-child-soldiering/
> *This report discusses the connections between child trafficking and the use of child soldiers during wartime. The report concludes that any time child soldiers are used; it is a result of child trafficking. This is important for delegates to read because it discusses the links between trafficking and issues of forced labor and prostitution during peacetime and trafficking and the use of child soldiers during wartime.*

Defense for Children International. (2014). *Reducing Violence against Children, with Special Focus on Sexual Exploitation of Children and Child Sex Tourism*. Retrieved 8 August 2014 from: http://www.defenceforchildren.org/images/stories/Press_Release_DCI_ECPAT_Netherlands_Project.pdf
> *This press release explains the initiative overseen by the NGO, Defense for Children International. It is a civil society international effort to reduce violence and exploitation against children. It is important for delegates to research because it gives valuable examples of how awareness raising campaigns can be used against issues such as child sex tourism.*

McCartan, K. & R. McAlister. (2013). *Mobile Phone Technology and Sexual Abuse*. Retrieved 8 August 2014 from: http://www.academia.edu/4106823/Mobile_Phone_Technology_and_Sexual_Abuse
> *This study looks at the links between sexual abuse and emerging advances in mobile phone technology. The authors argue that mobile phone technology is a driving factor in both physical, sexual abuse as well as the use of child sexual abuse material. This is an important read for delegates because the study looks at how mobile phone technology effects child abuse at the local, national, regional, and international levels.*

United Nations, Comission on Crime Prevention and Criminal Justice. (2014). *Prevention protection and international cooperation against the use of new information technologies to abuse and/or exploit children: Report of the Secretary-General (E/2014/7)*. Retrieved 9 July 2014 from: http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_23/_E-CN15-2014-07/E-CN15-2014-7_E.pdf
> *ECOSOC resolution 2011/3 requested the UNODC to carry out a study describing the effects of new information technologies on the abuse and exploitation of children. This report includes the summary of these findings and an assessment of the needs of States for training and coordination to prevent future abuses of children. This report is important because it states the specific issues related to this topic, gives background information, and suggestions for further action.*

United Nations, General Assembly. (1989, November 20). *Convention on the Rights of the Child (A/RES/44/25)*. Retrieved 27 August 2014 from: http://www.ohchr.org/en/professionalinterest/pages/crc.aspx
> *This is one of the core human rights treaties by the United Nations that protects the rights of children. It defines a child as anyone under the age of 18, and it establishes civil, political, economic, social, health and cultural rights for children. Nearly every Member State of the United Nations is a party to the convention except Somalia, South Sudan, and the United States, which have not ratified it yet. This is a valuable resource for delegates because it is the foundation for the current status of children's rights.*

United Nations Information Service. (2014). *UNODC launches study on online child abuse and exploitation* [Press Release]. Retrieved 9 July 2014 from: http://www.unis.unvienna.org/unis/en/pressrels/2014/uniscp764.html
> *This is a press release that details the UNODC study, which investigates online child abuse and exploitation. The study partnered with scholars and members of law enforcement to bring child abusers into the spotlight. This study is essential to delegates because it found that low prices of ICT devices and widely available access to the Internet leads to sex offenders having unlimited access to children. The study determines that international cooperation is required to investigate and prosecute these crimes.*

United Nations Office on Drugs and Crime. (2014). *Children, Victims, and Women's Issues* [Website]. Retrieved 9 July 2014 from: http://www.unodc.org/unodc/en/justice-and-prison-reform/childrensvictimswomensissues.html
> *This source lays out UNODC policies on children's issues including justice for children within the social welfare and security sectors of the justice system. The UNODC offers technical assistance, research and analysis, legal assistance, and communication strategies. This webpage is very useful to delegates because it gives them the UNODC's policy on children's issues and it also provides links to useful documents and resolutions.*

University of Southern California. (2014). *Technology & Human Trafficking* [Website]. Retrieved 9 July 2014 from: http://technologyandtrafficking.usc.edu/
> *This website documents the University of Southern California initiative to examine and conduct research on the links between human trafficking and the use of new information communication technologies. This source contains reports, studies, and projects related to these topics. This initiative has looked at the role of social media, mobile phones, and Internet use in relation to human trafficking. It is also a very valuable source for delegates because it contains studies that specifically look at the rise in child trafficking and child slavery.*

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III. The Rule of Law in the Fight against Transnational Organized Crime and Drug Trafficking

Introduction

With the adoption of the *Charter of the United Nations* (1945), the concept of "rule of law" was codified in an international treaty.[254] The concept was deemed fundamental for the work of the United Nations (UN) so that authors of the Charter decided to include in the preamble that one of the aims of the UN is "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained."[255] It is important to understand that the rule of law needs to be strengthened at both the national and international level.[256] The UN considers a constitution or its equivalent as the highest law that not only applies to every person of the country, regardless gender or social status, but the government must adhere to the principles and implement them respectively.[257] Moreover, such document should address the rights and specific vulnerabilities of groups subject to marginalization.[258] This process is difficult and complex as the eventual success depends on the commitment and leadership of national stakeholders to ensure the implementation of the constitution.[259]

At the international level, rule of law defines the necessary elements of multilateral relations and is embedded in the *Charter of the United Nations* (1945).[260] General Assembly resolution 25/2625 of 24 October 1970 emphasizes the link between the international rule of law and the United Nations with their core values noted in the Charter.[261] In particular, this resolution emphasizes the need of respect for the sovereign equality of states, the need for the peaceful settlement of conflicts and disputes, and the respect for and protection of human rights.[262] One of the most important things is the implementation of norms and standards that adhere to international law.[263] In his 2013 report on "Strengthening and coordinating United Nations rule of law activities" (A/68/213), the Secretary-General asked for strengthening the promotion of the rule of law at the international level.[264]

Transitional Justice

One element of the rule of law is transitional justice, which has been the key in addressing possibilities for long-lasting peace, reconciliation and democracy in places with large-scale human rights abuses and victims of such atrocities.[265] The approach emerged in the late 1980s and early 1990s because a practical response to political changes in both Latin America and Eastern Europe was needed.[266] These changes were called "transitions to democracy" and hence led to the field of "transitional justice" with a non-exclusive list of basic approaches adopted by the governments of that time.[267] These basic approaches are criminal prosecutions; truth commissions; reparations programs; gender justice; security system reform; and memorialization efforts.[268]

It is important to understand that transitional justice consists of both judicial and non-judicial processes and mechanisms.[269] When developing approaches to address human rights violations it is particularly important to ensure that every program and measure must be in accordance with international legal standards and obligations, such as

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[254] United Nations, *What is the rule of law?*
[255] Ibid; *Charter of the United Nations,* 1945, Preamble.
[256] United Nations, *Rule of law at the national and international levels*.
[257] United Nations, *What is the rule of law?*
[258] United Nations, *Rule of law at the national and international levels*.
[259] Ibid.
[260] United Nations, *What is the rule of law?*
[261] UN General Assembly, *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (A/RES/25/2625)*, 1970, para. 1; United Nations, *What is the rule of law?*
[262] UN General Assembly, *Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (A/RES/25/2625)*, 1970, para. 1.
[263] United Nations, *Rule of law at the national and international levels*.
[264] UN General Assembly, *Strengthening and coordinating United Nations rule of law activities: Report of the Secretary-General (A/68/213),* 2013, p. 3.
[265] International Center for Transitional Justice, *What is Transitional Justice?*, 2009.
[266] Ibid.
[267] Ibid.
[268] Ibid.
[269] UN General Assembly, *United Nations Approach to Transitional Justice: Guidance Note of the Secretary-General,* 2010.

respect for equality and adherence to human rights.[270] For instance, tribunals established in the aftermath of conflicts should not allow capital punishment of the perpetrators and will not be assisted by the UN.[271]

Gender Justice

As transitional justice is considered to be a holistic approach, it also needs to entail a gender perspective since women and men perceive and experience conflict and harm differently.[272] In particular, gender-based violence and discrimination is often exacerbated in the times of conflict and women tend to suffer even more than men due to the absence of effective justice systems, an unreformed security sector, and large-scale impunity.[273] Moreover, gender-based discrimination is often manifested in laws, policies, and practices of institutions.[274] Even though equal rights for women and men are often guaranteed by constitutional laws in many countries, discriminatory practices by acting officers, lawyers, and judges might violate the rights of women and girls. Consequently, any effort in gender justice needs to ensure women's equal access to redress of human rights violations, include prosecution of perpetrators, and institutional reform that promotes women's access to justice.[275] In his report on *the rule of law and transitional justice in conflict and post-conflict societies* (S/2011/634) the Secretary-General points out that since 2004, progress has been made in terms of ensuring procedures, mandates, and organizational cultures to strengthen gender justice which has led to a number of perpetrators of gender-based violence to be brought to justice.[276] Yet, he underlines that there is still work to be done in order to achieve sustainable gender justice, and one way to do so is the full ratification and implementation of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW) (1979) by all 193 Member States [277] The Convention includes a definition of discrimination and calls for the improvement in women's lives by asking countries to "embody the principle of the equality of women and men in their national constitutions or other appropriate legislation."[278] Another notable document is the Security Council resolution 1325 (2000) on "Women, Peace and Security," which requires that peace agreements include measures that ensure the protection of and respect for women's and girls' human rights.[279] Accordingly, resolutions 1820 (2008) and 1888 (2009) of the Security Council stress the need to end impunity for sexual violence during and after conflicts and fostering capacities of national institutions respectively.[280]

The rule of law plays an instrumental role in addressing the issues such as transnational organized crime and drug trafficking that threaten international peace and security and impact the lives of local communities. This section looks specifically how the concept of the rule of law might facilitate the ways to resolve these issues and provides an overview on the key elements of the concept and how it can be applied internationally. It reveals the role of the UN, other international organizations and civil society in dealing with drug trafficking and transnational organized crime. This guide also introduces the key resolutions, conventions, and other documents that help better understand the concept of the rule of law and how it can be implemented. Finally, this guide looks into the linkages between transnational organized crime and drug trafficking and raises several questions for further research for the delegates.

International and Regional Framework

Currently, there is no effective transnational legal instrument to address transnational organized crime and drug trafficking. Nevertheless, there have been attempts by the international community to mobilize action around these issues and discuss ways how to tackle them. The key guiding documents, action plans and programs that were developed to address these issues are: *United Nations Convention against Transnational Organized Crime and the Protocols Thereto* (UNTOC) (2000), *United Nations Convention against Corruption* (UNCAC) (2003), *Single*

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[270] United Nations, *Transitional Justice*.

[271] Ibid.

[272] International Center for Transitional Justice, *What is Transitional Justice?*, 2009.

[273] UN Security Council, *The rule of law and transitional justice in conflict and post-conflict societies: Report of the Secretary-General (S/2011/634),* 2012, p. 12; UN WOMEN, *Women, Rule of Law and Transitional Justice,* 2014.

[274] United Nations, *Gender equality*.

[275] International Center for Transitional Justice, *What is Transitional Justice?*, 2009.

[276] UN Security Council, *The rule of law and transitional justice in conflict and post-conflict societies: Report of the Secretary-General (S/2011/634),* 2012, p. 13.

[277] Ibid.

[278] UN General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women,* 1979.

[279] UN Security Council, *Women, Peace and Security (S/RES/1325 (2000)),* 2000.

[280] UN Security Council, *Women and Peace and Security (S/RES/1820 (2008)),* 2008.

Convention on Narcotic Drugs, *Convention on Psychotropic Substances* (1971), and *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (1988).[281]

The *Single Convention on Narcotic Drugs* (1961) is an international treaty that attempts to limit the availability of drugs.[282] It is enhanced by the two subsequent conventions, the *Convention on Psychotropic Substances* (1971), and *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (1988), which focus more explicitly on specific substances such as ephedrine or hydrochloric acid, as well as their usage and distribution.[283] These three international documents are the basis for the global control of drugs and define the substances that are not allowed to be distributed or consumed. In addition to this, the *United Nations Convention against Transnational Organized Crime and the Protocols Thereto* (UNTOC) of 2000, also known as the *Palermo-Convention,* defines and regulates the efforts against organized crime on a global scale. It was adopted by General Assembly resolution 55/25 of 15 November 2000 and sets ground rules for the prevention of organized crime and coordinated police efforts.[284] Parties to the convention pledge to declare membership in organized crime group and money laundering as criminal activities according to their respective national legislation.[285]

On a national level, the United States Drug Enforcement Agency has been effectively dealing with law enforcement on illegal drug trade and trafficking.[286] The agency not only carries investigations and prosecutes criminals who are involved in drug trade but it also manages national drug intelligence program which helps with evidence gathering on illicit drug trafficking and dissemination of information to federal, state governments and foreign officials.[287] This organization also has a number of wide-scope programs and operations directed towards reduction of drug demand, research on high-intensity drug trafficking areas, victim assistance and other intelligence sharing initiatives to prevent drug trafficking.[288]

Role of the International System

The Commission on Crime Prevention and Criminal Justice (CCPCJ) supports the work of the United Nations Office on Drugs and Crime (UNODC) which seeks to implement the rule of law in fair criminal justice systems and overall crime prevention initiatives. For the period 2012 – 2015 UNODC's thematic program provides a framework for the work of CCPCJ.[289] The main focus areas among others are crime prevention, police reform, and cross-cutting issues such as women in the criminal justice system.[290]

According to resolution 19/1 of 2010, CCPCJ sees strategic engagement with the private sector for advancing United Nations mission to maintain international peace and security, even though Member States are considered to have primary responsibility for public order, safety and security.[291] Consequently, CCPCJ proposed that Member States should cooperate with the private sector according to their national priorities and legislation, to counter all forms of transnational organized crime and drug trafficking.[292] Furthermore, resolution 17/2 of 2008 on "Strengthening the rule of law through improved integrity and capacity of prosecution services" stressed the need for clarification of standards of professionalism, essential duties, and rights of prosecutors.[293] The Secretary-General

[281] UNODC, *Convention against Transnational Organized Crime and the Protocols thereto,* 2004; UNODC, *Convention against Corruption,* 2000; UN General Assembly, *Single Convention on Narcotic Drugs,* 1961; UN General Assembly, *Single Convention on Narcotic Drugs*, *Convention on Psychotropic Substances,* 1971; UN General Assembly, *Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, 1988.
[282] UN General Assembly, *Single Convention on Narcotic Drugs,* 1961.
[283] UN General Assembly, *Single Convention on Narcotic Drugs*, *Convention on Psychotropic Substances,* 1971; UN General Assembly, *Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, 1988.
[284] UN General Assembly, *United Nations Convention against Transnational Organized Crime (A/RES/55/25),* 2000.
[285] Ibid.
[286] United States, *DEA Mission Statement*.
[287] Ibid.
[288] Ibid.
[289] UNODC, *Thematic Programme: Crime Prevention and Criminal Justice Reform,* 2012.
[290] Ibid.
[291] UN CCPCJ, *Strengthening public-private partnerships to counter crime in all its forms and manifestations (Resolution 19/1)*, 2010.
[292] Ibid.
[293] UN CCPCJ, *Strengthening the rule of law through improved integrity and capacity of prosecution services (Resolution 17/2),* 2008.

in his 2011 report (E/CN.15/2011/8) recognized the importance of improving prosecution services, and recommended that Member States promote a more strategic and proactive role for prosecutors and that UNODC can continue providing technical assistance if needed.[294] The resolution 20/4 on *Promoting further cooperation in countering transnational organized crime* has also stressed the importance for Member States to share responsibility regarding the fight against transnational organized crime and strengthen collaboration with international organizations.[295] Consequently, CCPCJ called upon Member States to promote and foster the analysis of trends in transnational organized crime with the adoption of resolution 22/5 in order to develop an evidence base and strategies to counter such crime.[296]

On the other hand, UNODC provides useful resources for practitioners and officers in the field. Regarding drug trafficking, UNODC published the *International Standards of Drug Use Prevention,* which offers best practices of effective national drug prevention programs, and policies.[297] It comprises the work of several organizations, such as the National Institute of Drug Abuse (NIDA) and the World Health Organization (WHO).[298] In order to reveal the existing threats of organized crime, UNODC also compiled several assessment reports of various risks that stem from such crime.[299] For example, in March 2014 the UNODC published an assessment of the *Illicit Drug Trade through South-Eastern Europe* giving an overview of relevant actors dealing with this issue, and provided statistical data and informing about remaining challenges and lessons learnt.[300] The Executive Director of the UNODC in his 2013 report recommended to expand crime prevention policies, strategies and programs that rely on evidence and which provide an understanding of the root causes of crime and "build the resilience of local communities as well as to continue to assist Member States by providing e-learning programs for officials."[301] For further information on implementing UNTOC and its three protocols, a database and a knowledge management portal called "Sharing Electronic Resources and Laws on Crime" (SHERLOC) was established by UNODC.[302] It entails information about legislation, a case law database, and the Directory of Competent National Authorities.[303] Another notable tool maintained by UNODC is "goCASE," which is a government office case management system that supports analysts and investigators in identifying patterns and developing hypothesis.[304] Furthermore, in 2004, UNODC in cooperation with the World Customs Organization launched the UNODC-WCO Container Control Programme (CCP) in order "to assist governments in establishing effective container selections and controls to prevent drug trafficking and other illicit cross-border activities."[305] UNODC discovered that 500 million containers are shipped yearly and of this amount, less than 2% are inspected.[306] Most of those containers carry licit goods, but some often have drugs, weapons, and people, therefore, the program was created to respond to such issue.[307]

The General Assembly has also been playing a leading role in the discussion on crime prevention and criminal justice. It adopted the resolution 67/184 of 20 December 2012 which determined the agenda items for the workshops of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, which will be taking place in Doha in 2015.[308] Participants will be discussing successes and challenges in implementing comprehensive crime prevention and criminal justice policies; international cooperation, including at the regional level, to combat transnational organized crime; and national approaches to public participation in strengthening crime prevention and

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[294] UN ECOSOC, *Strengthening the rule of law through improved integrity and capacity of prosecution services: Report of the Secretary-General (E/CN.15/2011/8),* 2011, pp. 17-18.

[295] UN CCPCJ, *Promoting further cooperation in countering transnational organized crime (Resolution 20/4)*, 2011.

[296] UN CCPCJ, *Strengthening of international cooperation to promote the analysis of trends in transnational organized crime (Resolution 22/5)*, 2013, paragraph 2.

[297] UNODC, *International Standards on Drug Abuse Prevention,* 2014.

[298] Ibid.

[299] UNODC, *Transnational organized crime threat assessments,* 2014.

[300] UNODC, *The Illicit Drug Trade Through South-Eastern Europe*, 2014.

[301] UN ECOSOC, *Activities of the United Nations Office on Drugs and Crime: Report of the Executive Director (E/CN.7/2014/2-E/CN.15/2014/2),* 2013, p. 20.

[302] UNODC, *SHERLOC*, 2014.

[303] Ibid.

[304] UNODC, *goCASE,* 2014.

[305] World Customs Organization, *The UNODC-WCO Container Control Programme*, 2014.

[306] UNODC, *UNODC-WCO Global Container Control Programme*, 2014.

[307] UNODC, *The UNODC-WCO Container Control Programme (CCP)*, 2014.

[308] UN General Assembly, *Follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and Preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice (A/RES/67/184)*, 2012.

criminal justice.[309] On 18 December 2013, the General Assembly also adopted resolution 68/197 addressing international cooperation against the world drug problem.[310] It urged Member States to implement comprehensive measures that include every member of society in tackling the problem of drug abuse.[311] It called Member States to promote intelligence sharing and cross-border cooperation in order to develop best practice models in dealing with this issue.[312]Another important document is the resolution 68/188 adopted by the General Assembly (GA) on 18 December 2013, which gives an outlook what still needs to be done in the field of the rule of law, crime prevention, and criminal justice beyond 2015.[313] The GA identified several issues of highest priority such as assistance to Member States emerging from conflict, the importance of gender-sensitive institutions of governance, and the improvement of data-collecting systems.[314]

The Economic and Social Council (ECOSOC) has also recognized the urgency to tackle transnational organized crime and adopted several resolutions with key recommendations for the international community to take action on. In particular, the resolution 2012/14 encouraged all Member States to "enhance bilateral, regional and international cooperation, in accordance with their domestic legislation, to counter the challenges posed by transnational organized crime and drug trafficking."[315] It also called upon CCPCJ to include issues of the rule of law in their programs in order to disclose links between transnational organized crime, drug trafficking, and corruption.[316] Furthermore, with the adoption of ECOSOC resolution 2012/19 of 17 September 2012 on "Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations," Member States underlined the need for a broad definition that covers goods which are either stolen, looted, or unlawfully imported or exported in order to foster effective national legislation that impedes transnational organized crime and illicit drug trafficking.[317]

One of the key in-depth monitoring bodies mandated to track the implementation of UN conventions regarding the topic is the International Narcotics Control Board (INCB).[318] The INCB was established in 1968 according to the Convention on Narcotic Drugs which was adopted several years earlier, in 1961.[319] INCB's main area of work is "to regulate, track the distribution of illicit drugs and usage of them as well as identify weaknesses in national and international control systems and provide recommendations on how to strengthen them."[320] Every year the INCB publishes a report providing an overview of their work, an analysis of the current situation in the world regarding narcotics and drugs, and this report is submitted to ECOSOC. In this year's report, the INCB recommends that "governments enhance their cooperation at all levels and exchange pertinent and timely information with all relevant national, regional and international counterparts to support domestic and international investigations targeting organized criminal networks."[321] Further, the board recommends that UNODC develops and implements a program for building national capacities that allow the control of internationally controlled substances and training of national drug control administrators.[322] It was also recommended that UNODC alongside Economic Community of West African States (ECOWAS) and INTERPOL direct their efforts towards strengthening security in West Africa where drug smuggling is particularly widespread. [323]

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[309] UNODC, *Thirteenth United Nations Congress on Crime Prevention and Criminal Justice*, 2014.

[310] UN General Assembly, *International Cooperation against the World Drug Problem (A/RES/68/197)*, 2013, p. 1.

[311] Ibid., p. 5.

[312] Ibid., p. 6.

[313] UN General Assembly, *The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015 (A/RES/68/188)*, 2013, p. 1.

[314] Ibid., pp. 4-5.

[315] UN ECOSOC, *Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking (E/RES/2012/14)*, 2012, p. 3.

[316] Ibid., p. 4.

[317] UN ECOSOC, *Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations (E/RES/2012/19)*, 2012, p. 5.

[318] International Narcotics Control Board, *Mandate and Functions*, 2014.

[319] Ibid.

[320] Ibid.

[321] International Narcotics Control Board, *Report of the International Narcotics Control Board for 2013*, 2013, p. 95.

[322] Ibid., p. 96.

[323] Ibid.

INTERPOL has also contributed significantly towards dismantling transnational organized crime and trafficking of illicit goods. It is an intelligence and data gathering organization which focuses on identifying new drug trends and informing national and local authorities about trafficking routes and inflow of illicit drugs in their territories.[324] INTERPOL also launched "Project White Flow" which aims to boost intelligence exchange on South-American produced cocaine which is trafficked to Europe.[325] Another measure is "Operation Ice Trail" which targets organized crime groups that are engaged in the shipment and distribution of huge quantities of methamphetamine and other substances from Iran via Turkey to destinations in Southeast Asia and the Pacific.[326]

Linkages Between Transnational Organized Crime and Drug Trafficking

Transnational organized crime is defined as organized crime that is committed in more than one state or is committed in one state but a substantial part of its preparation, planning, direction or control takes place in another state.[327] Drug trafficking, on the other hand, is the "global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws."[328] It is important to understand that drug trafficking is a widespread business in many countries which often relates to transnational organized crime.[329] The linkage between both areas, however, is still not well understood, and further research is needed to address the problem adequately. Furthermore, impact of legislation regarding transnational organized crime and drug trafficking can be evaluated only if it is appropriately measured through reliable data gathering and regular monitoring efforts.[330] The social and health impacts, on the other hand, are relatively well examined. Still, more analysis on drugs that have the highest negative impact on health in each region is needed.[331] Notably, different types of drugs make for different demands of treatment. For instance, opioids dominate the Asian and South-Eastern Europe region, whereas cocaine is a major contributor for demand for treatment in the Americas.[332] A major concern is the prevalence of HIV among people who inject drugs. Again, the proper collection of data is necessary in order to address this issue effectively.[333]

There have been a few successful attempts to address transnational organized crime and drug trafficking, namely the Triangular Initiative and the Rainbow Strategy. The former focused on improving cross-border cooperation between Afghanistan, Pakistan, and Iran.[334] It was fostered by the aforementioned Member States and initiated trust building measures and joint operations that eventually led to intelligence sharing.[335] The latter, *Rainbow Strategy* is an umbrella framework assisting the implementation of actions, ideas, and measures identified by the members of the *Paris Pact Initiative*.[336] It operationalizes the ideas that stem from Paris Pact Experts Round Tables and is considered "a regional solution to a national problem."[337] The *Paris Pact Initiative* was launched by UNODC in September 2004 after 55 countries and international organizations agreed on the principle of shared responsibility.[338] The first phase of the initiative concentrated on strengthening border controls, developing regional cooperation, and fostering legal reform and institutional frameworks.[339]

In terms of regional initiatives and programs that have attempted to address these pressing issues, two world regions are of special importance: Central Asia including Afghanistan and Central America including Mexico.[340] The creation of the Regional Programme in Central Asia was proposed originally by the Commission on Narcotic Drugs

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[324] INTERPOL, *Drug trafficking*, 2012.
[325] Ibid.
[326] Ibid.
[327] UNODC, *Convention against Transnational Organized Crime and the Protocols thereto*, 2004, pp. 5-6.
[328] UNODC, *Drug Trafficking*, 2014.
[329] Ibid.
[330] UNODC, *World Drug Report 2014,* 2014, p. 3.
[331] Ibid.
[332] Ibid.
[333] Ibid., p. 6.
[334] UNODC, *Triangular Initiative*, 2014.
[335] Ibid.
[336] Paris Pact Initiative, *What is it?*.
[337] UNODC, *Rainbow Strategy*, 2008.
[338] Paris Pact Initiative, *What is it?*.
[339] Ibid.
[340] UNODC, *Drug Trafficking*, 2014.

(CND) and then agreed upon by UN Security Council.[341] It was developed in order to reduce the increasing opium production in Afghanistan and attempted to strengthen cooperation and strategic work between the Member States of the region along with the international community.[342] In order to increase effectiveness in the fight against drugs, the program aimed at enhancing border controls and establishing information exchange amongst the Member States of the region.[343]

Significant attempts to tackle drug trafficking and transnational organized crime have also been made in Central America. The region has been particularly affected by drug trade, especially cocaine which is transported to North America through Mexico and to European markets through Peru and Colombia.[344] In order to enhance policy coordination around drug trafficking and organized crime Santo Domingo Pact / SICA-UNODC Mechanism was created which follows a four-fold approach including: 1) the coordination of regional and national policies; 2) developing an analysis capacity of organized crime and drug trafficking trends; 3) ensuring an exchange of information between partners in order to avoiding duplication of work; and 4) assisting countries in implementing UNTOC, UNCAC, and the three drug conventions.[345] Along with situation reports that constantly track the status of implementation, needs assessments and national / regional workshops on criminal intelligence and analysis were conducted.[346] The project also fostered bilateral meetings and exchange of ideas and best practices between Member States.[347] This resulted in the creation of special anti-narcotic and organized crime units (OC units) within the police in several countries, such as the Dominican Republic, Mexico, and Costa Rica.[348] In order to be able to better deal with transnational cases of drug trafficking and to improve regional and interregional operational and judicial cooperation, the Government of Canada supported the creation of the Network of Central American Anti-Organized Crime and Drug Prosecution Units (OCN).[349] The OCN comprises all prosecuting officials who work in specialized organized crime and narcotics units of the participating countries.[350] The network enables prosecutors and investigators to handle transnational organized crime cases by facilitating the exchange of intelligence about transnational trends in organized crime and providing information about best practices, routes and methods of drug trafficking.[351]

Conclusion

The rule of law is a powerful concept, which enables Member States to implement comprehensive and fair constitutions. However, the implementation of the rule of law needs to be strengthened nationally and internationally in order to limit the trafficking of illicit narcotics. The international community has a number of tools and guiding documents in place that can help tackling the issue of transnational organized crime and drug trafficking. The adherence to these international agreements and conventions is the key and should be further strengthened. It is also essential to consider the lessons learned from a few successfully implemented regional and international initiatives that attempted to address both issues. One of the continuous hindrances towards the comprehensive implementation of the rule of law is likely to be the lack of willingness of governments to actually adhere to fair and just constitutions or even to create them. It is also important to ensure governments are made aware of the potential implications when international agreements, conventions and guidelines are not followed properly. Another difficulty and a major challenge in the fight against transnational organized crime and drug trafficking is the deeply rooted business channels which bring significant profits for various actors involved in drug production and sales.

Further Research

Since the sovereignty of every Member State is one of the core principles of the United Nations, every single Member State needs to create and implement national legislation by itself, but in accordance to existing international

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[341] UNODC, *Afghanistan*, 2014.
[342] Ibid.
[343] UNODC, *Central Asia*, 2014.
[344] UNODC, *Mexico, Central America, and the Caribbean*, 2014; UNODC, *World Drug Report 2014*. 2014, p. 38.
[345] Ibid.
[346] Ibid.
[347] Ibid.
[348] Canada, *Project profile: Central American Network of Anti-Organized Crime/Narcotic Prosecution Units (OCN),* 2014.
[349] Ibid.
[350] UNODC, *Mexico, Central America, and the Caribbean*, 2014.
[351] Canada, *Project profile: Central American Network of Anti-Organized Crime/Narcotic Prosecution Units (OCN),* 2014.

rules and to be created international frameworks that include the different concepts of the rule of law. How can this be achieved? How to ensure that governments adopt and implement gender-sensitive national legislation? What can the international community and Member States do against organized crime groups that exploit different legislation in different Member States, i.e. how can the United Nations assist to harmonize national legislation regarding that issue? How can CCPCJ channel more financial resources towards technical assistance in the field? What needs to be done by CCPCJ regarding both the follow-up of the last and preparation of the next UN Congress on Crime Prevention and Criminal Justice? How can the work and efforts of the UN Crime Prevention and Criminal Justice Programme Network be supported and further promoted?

Annotated Bibliography

International Narcotics Control Board. (2013). *Report of the International Narcotics Control Board for 2013*. Retrieved 12 July 2014 from: http://www.incb.org/documents/Publications/AnnualReports/AR2013/English/AR_2013_E.pdf

> *This report is a contribution by INCB to the high-level review of the implementation of the Political Declaration and Plan of Action to counter the issue of drug trafficking. It deals with the economic consequences of drug abuse, explains the functioning of the international drug control system, analyzes the situation in different regions in the world, and gives recommendations on how to effectively deal with the issue at hand. This report is an excellent compilation of data and information covering the various fields of action of this topic.*

United Nations, Commission on Crime Prevention and Criminal Justice. (2011). *Promoting further cooperation in countering transnational organized crime (Resolution 20/4)* [Resolution]. Retrieved 7 September 2014 from: http://www.unodc.org/documents/commissions/CCPCJ/Crime_Resolutions/2010-2019/2011/CCPCJ/Resolution_20-4.pdf

> *Delegates should familiarize themselves with this important resolution which called the Member States to strengthen their commitment to addressing the threats of transnational organized crime by closer collaboration with relevant UN agencies. This resolution identifies the remaining gaps such as lack of commitment towards full ratification and implementation of the key international conventions to address transnational organized crime, and the need for stronger evidence base to inform policymakers about the emerging challenges of transnational organized crime. This document emphasizes the importance of research; analysis and technical assistance that UNODC can provide to Member States and delegates should research further how evidence-based policies could be better implemented.*

United Nations, General Assembly. (1961). *Single Convention on Narcotic Drugs*. Retrieved 11 August 2014 from: https://www.unodc.org/pdf/convention_1961_en.pdf

> *The Single Convention on Narcotic Drugs compiles information and actions from various preexisting multilateral treaties on the control of narcotic drugs into a single instrument. Delegates will find detailed information on international control organs and the creation of committees to focus on the specific varieties of narcotic drugs. Resolutions adopted by the Conference are also found in the Annex of the Final Act of the Single Convention on Narcotic Drugs. There are currently 184 Member States are currently party to the Convention.*

United Nations, General Assembly. (1988). *Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*. Retrieved 12 July 2014 from: http://www.unodc.org/pdf/convention_1988_en.pdf

> *This convention is a very comprehensive document dealing with all challenges that arise in the context of drug trafficking and organized crime, from cultivation and distribution to legalities involving extradition and sanctions. It can be seen as the basic document every delegate should know before starting his or her research on the topic. The convention defines what can be seen as a narcotic drug or psychotropic substance, as well as enumerating relevant resolutions adopted by the convention. As of today, 189 Member States are party to the convention.*

United Nations, General Assembly, Sixty-eighth session. (2013). *International Cooperation against the World Drug Problem (A/RES/68/197)* [Resolution]. Retrieved 15 August 2014 from: http://undocs.org/A/RES/68/197

> *Delegates should consult this resolution to better understand the impact of the world drug problem on socioeconomic, political stability, and sustainable development realms. It looks into various ways how Member States can collectively combat the world drug problem, either through promotion and development of social programs or through counteractive strategies both legal and technical. Reading this resolution will help delegates to realize the dimensions of the issue of drug abuse.*

United Nations, General Assembly, Sixty-eight session. (2013). *Strengthening and coordinating United Nations rule of law activities: Report of the Secretary-General (A/68/213)*. Retrieved 7 August 2014 from: http://undocs.org/A/68/213

Submitted in accordance with General Assembly resolution 67/97, this report analyzes key achievements and challenges in implementing the rule of law at both national and international levels from 2012-2013. Delegates are encouraged to review this document to better understand the scope of the rule of law activities undertaken by the United Nations entities, as well as the cooperation required to effectively carry out projects and initiatives that strengthen the implementation of the rule of law. Measures to enhance coordination and coherence are also presented in this report.

United Nations, Office on Drugs and Crime. (2004). *Convention against Transnational Organized Crime and the Protocols thereto*. Retrieved 11 July 2014 from:https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf

> *This convention is the main instrument in the fight against transnational organized crime and must be known when dealing with the topic. The convention has three protocols that deal with specific areas of organized crime. These documents are very comprehensive and will give delegates a good overview what organized crime entails and what problems and challenges it raises.*

United Nations, Office on Drugs and Crime. (2011). *Estimating Illicit Financial Flows Resulting from Drug Trafficking and Other Transnational Organized Crimes*. Retrieved 11 July 2014 from: https://www.unodc.org/documents/data-and-analysis/Studies/Illicit_financial_flows_2011_web.pdf

> *By reading this research report, delegates will get a first glance at the financial realm of transnational organized crime and will learn about the mechanisms of illicit financial flows. Further, the report is pertinent to the topic since the authors focused their research on financial flows in drug trafficking. The text will provide delegates mainly with quantitative data for understanding the globalized financial scope of illicit drug trafficking and organized crimes. It will also help delegates to understand how patterns in illicit financial flows vary between developed and developing countries.*

United Nations, Office on Drugs and Crime. (2014). *World Drug Report 2014*. Retrieved 11 July 2014 from: http://www.unodc.org/documents/wdr2014/World_Drug_Report_2014_web.pdf

> *This annual publication compiles current trends and statistics on drug markets. Additionally, it provides information on various drug categories, explains how drugs are produced and trafficked, and how new routes and modalities are developed in drug trafficking industry. This is an excellent resource which will help delegates understand the drug market in all its characteristics and functions.*

United Nations, Security Council, 4213th Meeting. (2000). *Women, Peace and Security (S/RES/1325 (2000))*. Retrieved 10 August 2014 from: http://undocs.org/S/RES/1325 (2000)

> *Delegates should utilize this resolution to strengthen their understanding on the role women play in prevention and resolution of conflicts and in peacebuilding. This resolution further notes the necessity to include gender perspectives in judicial systems and international law. It also enumerates various international conventions and protocols pertaining to the rights and protection of women and girls.*

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