



NMUN • NY

# COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

## BACKGROUND GUIDE 2011

WRITTEN BY: Kristina Getty, Eva Helena Hernik-Sokolowski, Cassandra Lawyer and Sara Leister



NMUN • NY  
NATIONAL MODEL UNITED NATIONS  
nmun.org

## CONTACT THE NMUN

Please consult the FAQ section of [nmun.org](http://nmun.org) for answers to your questions. If you do not find a satisfactory answer you may also contact the individuals below for personal assistance. They may answer your question(s) or refer you to the best source for an answer.

NMUN Director-General (Sheraton)  
Holger Baer | [dirgen@nmun.org](mailto:dirgen@nmun.org)

NMUN Director-General (Marriott)  
Brianna Johnston-Hanks | [dirgen@nmun.org](mailto:dirgen@nmun.org)

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NMUN Secretary-General  
Ronny Heintze | [secgen@nmun.org](mailto:secgen@nmun.org)

### NMUN•NY 2011 Important Dates

**IMPORTANT NOTICE:** To make hotel reservations, you must use the forms at [nmun.org](http://nmun.org) and include a \$1,000 deposit. Discount rates are available until the room block is full or one month before the conference – whichever comes first. **PLEASE BOOK EARLY!**

31 January 2011	<ul style="list-style-type: none"> <li>• Confirm Attendance &amp; Delegate Count. (Count may be changed up to 1 March)</li> <li>• Make Transportation Arrangements - DON'T FORGET! (We recommend confirming hotel accommodations prior to booking flights.)</li> </ul>
15 February 2011	<ul style="list-style-type: none"> <li>• Committee Updates Posted to <a href="http://www.nmun.org">www.nmun.org</a></li> </ul>
1 March 2011	<ul style="list-style-type: none"> <li>• Hotel Registration with FULL PRE-PAYMENT Due to Hotel - Register Early! Group Rates on hotel rooms are available on a first come, first served basis until sold out. Group rates, if still available, may not be honored after that date. See hotel reservation form for date final payment is due.</li> <li>• Any Changes to Delegate Numbers Must be Confirmed to: <a href="mailto:outreach@nmun.org">outreach@nmun.org</a></li> <li>• Preferred deadline for submission of Chair / Rapp applications to Committee Chairs</li> <li>• All Conference Fees Due to NMUN for confirmed delegates. (\$125 per delegate if paid by 1 March; \$150 per delegate if received after 1 March. Fee is not refundable after this deadline.</li> </ul>
15 March 2011	<ul style="list-style-type: none"> <li>• Two Copies of Each Position Paper Due via E-mail (See Delegate Preparation Guide for instructions).</li> </ul>
NATIONAL MODEL UNITED NATIONS	<p>The 2011 National Model UN Conference</p> <ul style="list-style-type: none"> <li>• 17 - 21 April – Sheraton New York</li> <li>• 19 - 23 April – New York Marriott Marquis</li> </ul> <p>The 2012 National Model UN Conference</p> <ul style="list-style-type: none"> <li>• 1 - 5 April – Sheraton New York</li> <li>• 3 - 7 April – New York Marriott Marquis</li> <li>• 30 March - 3 April – New York Marriott Marquis</li> </ul>

## POSITION PAPER INSTRUCTIONS

**Two copies of each position paper should be sent via e-mail by 15 MARCH 2011**

### 1. TO COMMITTEE STAFF

A file of the position paper (.doc or .pdf) for each assigned committee should be sent to the committee e-mail address listed below. Mail papers by 15 March to the e-mail address listed for your particular venue. These e-mail addresses will be active when background guides are available. Delegates should carbon copy (cc:) themselves as confirmation of receipt. Please put committee and assignment in the subject line (Example: GAPLEN\_Greece).

### 2. TO DIRECTOR-GENERAL

- Each delegation should send one set of all position papers for each assignment to the e-mail designated for their venue: [positionpapers.sheraton@nmun.org](mailto:positionpapers.sheraton@nmun.org) or [positionpapers.marriott@nmun.org](mailto:positionpapers.marriott@nmun.org).

This set (held by each Director-General) will serve as a back-up copy in case individual committee directors cannot open attachments.

*Note:* This e-mail should only be used as a repository for position papers.

- The head delegate or faculty member sending this message should cc: him/herself as confirmation of receipt. (Free programs like Adobe Acrobat or WinZip may need to be used to compress files if they are not plain text.)

- Because of the potential volume of e-mail, only one e-mail from the Head Delegate or Faculty Advisor containing all attached position papers will be accepted.

Please put committee, assignment and delegation name in the subject line (Example: Cuba\_U\_of\_ABC). If you have any questions, please contact the Director-General at [dirgen@nmun.org](mailto:dirgen@nmun.org).

[nmun.org](http://nmun.org)  
for more information

### COMMITTEE

### EMAIL - SHERATON

General Assembly First Committee .....	<a href="mailto:ga1st.sheraton@nmun.org">ga1st.sheraton@nmun.org</a>
General Assembly Second Committee .....	<a href="mailto:ga2nd.sheraton@nmun.org">ga2nd.sheraton@nmun.org</a>
General Assembly Third Committee.....	<a href="mailto:ga3rd.sheraton@nmun.org">ga3rd.sheraton@nmun.org</a>
Human Rights Council.....	<a href="mailto:hrc.sheraton@nmun.org">hrc.sheraton@nmun.org</a>
ECOSOC Plenary .....	<a href="mailto:ecosoc.sheraton@nmun.org">ecosoc.sheraton@nmun.org</a>
Commission on Crime Prevention and Criminal Justice .....	<a href="mailto:ccpcj.sheraton@nmun.org">ccpcj.sheraton@nmun.org</a>
Commission on the Status of Women .....	<a href="mailto:csw.sheraton@nmun.org">csw.sheraton@nmun.org</a>
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United Nations Environment Programme .....	<a href="mailto:unep.sheraton@nmun.org">unep.sheraton@nmun.org</a>
United Nations Population Fund .....	<a href="mailto:unfpa.sheraton@nmun.org">unfpa.sheraton@nmun.org</a>
United Nations Children's Fund.....	<a href="mailto:unicef.sheraton@nmun.org">unicef.sheraton@nmun.org</a>
World Intellectual Property Organization .....	<a href="mailto:wipo.sheraton@nmun.org">wipo.sheraton@nmun.org</a>
African Development Bank .....	<a href="mailto:afdb.sheraton@nmun.org">afdb.sheraton@nmun.org</a>
Group of 20.....	<a href="mailto:g20.sheraton@nmun.org">g20.sheraton@nmun.org</a>
Organization of American States .....	<a href="mailto:oas.sheraton@nmun.org">oas.sheraton@nmun.org</a>
Organization for Security and Co-operation in Europe.....	<a href="mailto:osce.sheraton@nmun.org">osce.sheraton@nmun.org</a>
Security Council.....	<a href="mailto:sc.sheraton@nmun.org">sc.sheraton@nmun.org</a>
Security Council 2.....	<a href="mailto:sc2.sheraton@nmun.org">sc2.sheraton@nmun.org</a>
International Court of Justice.....	<a href="mailto:icj.sheraton@nmun.org">icj.sheraton@nmun.org</a>
Non-Proliferation Treaty Review Conference .....	<a href="mailto:npt.sheraton@nmun.org">npt.sheraton@nmun.org</a>

### COMMITTEE

### EMAIL - MARRIOTT

General Assembly First Committee .....	<a href="mailto:ga1st.marriott@nmun.org">ga1st.marriott@nmun.org</a>
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Human Rights Council.....	<a href="mailto:hrc.marriott@nmun.org">hrc.marriott@nmun.org</a>
ECOSOC Plenary .....	<a href="mailto:ecosoc.marriott@nmun.org">ecosoc.marriott@nmun.org</a>
Commission on Crime Prevention and Criminal Justice .....	<a href="mailto:ccpcj.marriott@nmun.org">ccpcj.marriott@nmun.org</a>
Commission on the Status of Women .....	<a href="mailto:csw.marriott@nmun.org">csw.marriott@nmun.org</a>
Economic and Social Commission for Asia and the Pacific .....	<a href="mailto:escap.marriott@nmun.org">escap.marriott@nmun.org</a>
Economic and Social Commission for Western Asia .....	<a href="mailto:escwa.marriott@nmun.org">escwa.marriott@nmun.org</a>
United Nations Environment Programme .....	<a href="mailto:unep.marriott@nmun.org">unep.marriott@nmun.org</a>
United Nations Population Fund .....	<a href="mailto:unfpa.marriott@nmun.org">unfpa.marriott@nmun.org</a>
United Nations Children's Fund.....	<a href="mailto:unicef.marriott@nmun.org">unicef.marriott@nmun.org</a>
World Intellectual Property Organization .....	<a href="mailto:wipo.marriott@nmun.org">wipo.marriott@nmun.org</a>
African Development Bank .....	<a href="mailto:afdb.marriott@nmun.org">afdb.marriott@nmun.org</a>
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Organization of American States .....	<a href="mailto:oas.marriott@nmun.org">oas.marriott@nmun.org</a>
Organization for Security and Co-operation in Europe.....	<a href="mailto:osce.marriott@nmun.org">osce.marriott@nmun.org</a>
Security Council.....	<a href="mailto:sc.marriott@nmun.org">sc.marriott@nmun.org</a>
Security Council 2.....	<a href="mailto:sc2.marriott@nmun.org">sc2.marriott@nmun.org</a>
International Court of Justice.....	<a href="mailto:icj.marriott@nmun.org">icj.marriott@nmun.org</a>
Non-Proliferation Treaty Review Conference .....	<a href="mailto:npt.marriott@nmun.org">npt.marriott@nmun.org</a>

### OTHER USEFUL CONTACTS

Entire Set of Delegation Position Papers .....	<a href="mailto:positionpapers.sheraton@nmun.org">positionpapers.sheraton@nmun.org</a>
(send only to e-mail for your assigned venue).....	<a href="mailto:positionpapers.marriott@nmun.org">positionpapers.marriott@nmun.org</a>
Secretary-General .....	<a href="mailto:secgen@nmun.org">secgen@nmun.org</a>
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Nick Warino  
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Eddie Cheung &  
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Dear Delegates,

Welcome to the 2011 National Model United Nations (NMUN) Conference! We are honored to serve as your Directors and Assistant Directors for the simulation of the Commission on Crime Prevention and Criminal Justice (CCPCJ) at both the Marriott and Sheraton venues this spring.

Throughout the year we will, as a part of the NMUN Staff, work diligently to ensure your participation in NMUN is a rewarding academic experience. As your executive committee leaders, we are your first point of contact for addressing any questions and concerns that you might have during the preparation process. During the conference, we will provide guidance and facilitate the session. Kristina Getty will serve as your Director at the Sheraton Venue. Kristina is pursuing a MA in International Studies at the University of Denver with concentrations in international administration and international law and organizations. She has served as a delegate and staffed several conferences. This will be her second year on NMUN-NY staff. Cassandra Lawyer, Assistant Director at the Sheraton Venue, is currently applying to law school having received her BS in Psychology from Brigham Young University this past summer. She attended twice before, and this is her first year on staff. Eva H. Hernik-Sokolowski will be Director at the Marriott Venue. Eva holds a BA in International Criminal Justice and a MA in Criminal Justice from John Jay College of Criminal Justice, and is a MA candidate at the City College of New York in the International Relations Program. She will be assisted by Sara Leister, who is a student at Western Washington University completing a BA in Political Science and a minor in Economics with a focus on international affairs. This is her second year at NMUN and her first year on staff. We are all honored to be part of the 2011 NMUN and look forward to continue to contribute to it.

The CCPCJ has a unique role in the UN system. While it discusses complex issues of crime and justice, it is charged to do so in a manner reflective of best practices applicable to addressing issues of crime and deviance faced by the Community of Nations. It recognizes that national policies on these matters have global ramifications, and that effective domestic criminal justice systems and international cooperation are key for preventing and coping with delinquency. In order to prepare, you will be researching your assigned country's stance on the topics at hand, yet we would ask you to also work as experts concerned with developing best practices beneficial to all Member States. We would ask that you also focus on researching the international work and guidelines that have already been developed on the issues, so that you challenge yourselves with the opportunity to propose fresh innovative ideas and solutions. In your groundwork however, please remain considerate of the mandate and limitations of the CCPCJ.

The topics under discussion for the Commission on Crime Prevention and Criminal Justice are:

- I. Combating Transnational Organized Crime to Protect Vulnerable Groups and Countries
- II. Prevention of Youth Crime and the Rehabilitation and Reintegration of Youth Offenders
- III. Responding to Violence Against Migrants, Migrant Workers, and their Families

The following pages of this background guide are intended to serve as an introduction to the topics listed above, and a starting point for your own research and analysis. The topic sections will provide you with a general understanding of the issue and a solid framework, while the bibliographic annotations will give you ideas of other sources to consult for greater depth and detail. Therefore, it is not meant to be exhaustive. Each delegation is required to submit a position paper of the assigned country prior to attending the conference via e-mail by March 15, 2011 Eastern Standard Time (GMT-5). Please refer to the guide for a message from your Directors-General explaining the NMUN position paper requirements and restrictions, which observance of is mandatory.

We look forward to sharing the 2011 NMUN experience with you with all the excitement and challenges that it will bring. Please do not hesitate to contact us with any matters of concern. We wish you all fruitful and fun preparations, and we looking forward seeing you all in April. Cheers!

Best wishes,  
XXX,

*Sheraton Venue*  
Kristina Getty  
Director  
Cassandra Lawyer  
Assistant Director

[ccpcj.sheraton@nmun.org](mailto:ccpcj.sheraton@nmun.org)

*Marriot Venue*  
Eva Helena Hernik-Sokolowski  
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Sara Leister  
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## Message from the Directors-General Regarding Position Papers for the 2011 NMUN Conference

At the 2011 NMUN New York Conference, each delegation submits one position paper for each committee it is assigned to. Delegates should be aware that their role in each committee impacts the way a position paper should be written. While most delegates will serve as representatives of Member States, some may also serve as observers, NGOs or judicial experts. To understand these fine differences, please refer to the Delegate Preparation Guide.

Position papers should provide a concise review of each delegation's policy regarding the topic areas under discussion and establish precise policies and recommendations in regard to the topics before the committee. International and regional conventions, treaties, declarations, resolutions, and programs of action of relevance to the policy of your State should be identified and addressed. Making recommendations for action by your committee should also be considered. Position papers also serve as a blueprint for individual delegates to remember their country's position throughout the course of the Conference. NGO position papers should be constructed in the same fashion as position papers of countries. Each topic should be addressed briefly in a succinct policy statement representing the relevant views of your assigned NGO. You should also include recommendations for action to be taken by your committee. It will be judged using the same criteria as all country position papers, and is held to the same standard of timeliness.

Please be forewarned, delegates must turn in material that is entirely original. ***The NMUN Conference will not tolerate the occurrence of plagiarism.*** In this regard, the NMUN Secretariat would like to take this opportunity to remind delegates that although United Nations documentation is considered within the public domain, the Conference does not allow the verbatim re-creation of these documents. This plagiarism policy also extends to the written work of the Secretariat contained within the Committee Background Guides. Violation of this policy will be immediately reported to faculty advisors and may result in dismissal from Conference participation. Delegates should report any incident of plagiarism to the Secretariat as soon as possible.

Delegation's position papers can be awarded as recognition of outstanding pre-Conference preparation. In order to be considered for a Position Paper Award, however, delegations must have met the formal requirements listed below. Please refer to the sample paper on the following page for a visual example of what your work should look like at its completion. The following format specifications are **required** for all papers:

- All papers must be typed and formatted according to the example in the Background Guides
- Length must **not** exceed two single spaced pages (one double sided paper, if printed)
- Font **must** be Times New Roman sized between 10 pt. and 12 pt.
- Margins must be set at 1 inch for whole paper
- Country/NGO name, School name and committee name clearly labeled on the first page; the use of national symbols is highly discouraged
- Agenda topics clearly labeled in separate sections

To be considered timely for awards, please read and follow these directions:

1. **A file of the position paper** (.doc or .pdf) **for each assigned committee** should be sent to the committee email address listed in the Background Guide. These e-mail addresses will be active after November 15, 2010. Delegates should carbon copy (cc:) themselves as confirmation of receipt.
2. Each delegation should also send **one set of all position papers** to the e-mail designated for their venue: [positionpapers.sheraton@nmun.org](mailto:positionpapers.sheraton@nmun.org) or [positionpapers.marriott@nmun.org](mailto:positionpapers.marriott@nmun.org). This set will serve as a back-up copy in case individual committee directors cannot open attachments. These copies will also be made available in Home Government during the week of the NMUN Conference.

Each of the above listed tasks needs to be completed no later than **March 15, 2010 (GMT-5) for delegations attending the NMUN conference at either the Sheraton or the Marriott venue.**

**PLEASE TITLE EACH E-MAIL/DOCUMENT WITH THE NAME OF THE COMMITTEE, ASSIGNMENT AND DELEGATION NAME (Example: AU\_Namibia\_University of Caprivi)**

*A matrix of received papers will be posted online for delegations to check prior to the Conference. If you need to make other arrangements for submission, please contact Holger Baer, Director-General, Sheraton venue, or Brianna Johnston-Hanks, Director-General, Marriott venue at [dirgen@nmun.org](mailto:dirgen@nmun.org). There is an option for delegations to submit physical copies via regular mail if needed.*

Once the formal requirements outlined above are met, Conference staff use the following criteria to evaluate Position Papers:

- Overall quality of writing, proper style, grammar, etc.
- Citation of relevant resolutions/documents
- General consistency with bloc/geopolitical constraints
- Consistency with the constraints of the United Nations
- Analysis of issues, rather than reiteration of the Committee Background Guide
- Outline of (official) policy aims within the committee's mandate

Each delegation can submit a copy of their position paper to the permanent mission of the country being represented, along with an explanation of the Conference. Those delegations representing NGOs do not have to send their position paper to their NGO headquarters, although it is encouraged. This will assist them in preparation for the mission briefing in New York.

Finally, please consider that over 2,000 papers will be handled and read by the Secretariat for the Conference. Your patience and cooperation in strictly adhering to the above guidelines will make this process more efficient and is greatly appreciated. Should you have any questions please feel free to contact the Conference staff, though as we do not operate out of a central office or location your consideration for time zone differences is appreciated.

Sincerely yours,

*Sheraton Venue*  
Holger Baer  
Director-General  
[holger@nmun.org](mailto:holger@nmun.org)

*Marriott Venue*  
Brianna Johnston-Hanks  
Director-General  
[briannaj@nmun.org](mailto:briannaj@nmun.org)

## Sample Position Paper

The following position paper is designed to be a sample of the standard format that an NMUN position paper should follow. While delegates are encouraged to use the front and back of a single page in order to fully address all topics before the committee, please remember that only a *maximum* of one double-sided page (or two pages total in an electronic file) will be accepted. Only the first double-sided page of any submissions (or two pages of an electronic file) will be considered for awards.

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*Delegation from*  
Canada

*Represented by*  
(Name of College)

### *Position Paper for General Assembly Plenary*

The topics before the General Assembly Plenary are: Breaking the link between Diamonds and Armed Conflict; the Promotion of Alternative Sources of Energy; and the Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa. Canada is dedicated to collaborative multilateral approaches to ensuring protection and promotion of human security and advancement of sustainable development.

#### **I. Breaking the link between Diamonds and Armed Conflict**

Canada endorses the Kimberly Process in promoting accountability, transparency, and effective governmental regulation of trade in rough diamonds. We believe the Kimberly Process Certification Scheme (KPCS) is an essential international regulatory mechanism and encourage all Member States to contribute to market accountability by seeking membership, participation, and compliance with its mandate. Canada urges Member States to follow the recommendations of the 2007 Kimberley Process Communiqué to strengthen government oversight of rough diamond trading and manufacturing by developing domestic legal frameworks similar to the Extractive Industries Transparency Initiative. We call upon participating States to act in accordance with the KPCS's comprehensive and credible systems of peer review to monitor the continued implementation of the Kimberley Process and ensure full transparency and self-examination of domestic diamond industries. We draw attention to our domestic programs for diamond regulation including Implementing the Export and Import of Rough Diamonds Act and urge Member States to consider these programs in developing the type of domestic regulatory frameworks called for in A/RES/55/56. Canada recognizes the crucial role of non-governmental organizations (NGOs) in the review of rough diamond control measures developed through the Kimberly Process and encourages States to include NGOs, such as Global Witness and Partnership Africa Canada, in the review processes called for in A/RES/58/290. We urge Member States to act in accordance with A/RES/60/182 to optimize the beneficial development impact of artisanal and alluvial diamond miners by establishing a coordinating mechanism for financial and technical assistance through the Working Group of the Kimberly Process of Artisanal Alluvial Producers. Canada calls upon States and NGOs to provide basic educational material regarding diamond valuation and market prices for artisanal diggers, as recommended by the Diamond Development Initiative. Canada will continue to adhere to the 2007 Brussels Declaration on Internal Controls of Participants and is dedicated to ensuring accountability, transparency, and effective regulation of the rough diamond trade through the utilization of voluntary peer review systems and the promotion of increased measures of internal control within all diamond producing States.

#### **II. The Promotion of Alternative Sources of Energy**

Canada is dedicated to integrating alternative energy sources into climate change frameworks by diversifying the energy market while improving competitiveness in a sustainable economy, as exemplified through our Turning Corners Report and Project Green climate strategies. We view the international commitment to the promotion of alternative sources of energy called for in the Kyoto Protocol and the United Nations Framework Convention on Climate Control (UNFCCC) as a catalyst to sustainable development and emission reduction. Canada fulfills its obligations to Article 4 of the UNFCCC by continuing to provide development assistance through the Climate Change Development Fund and calls upon Member States to commit substantial financial and technical investment toward the transfer of sustainable energy technologies and clean energy mechanisms to developing States. We emphasize the need for Member States to follow the recommendations of the 2005 Beijing International Renewable Energy Conference to strengthen domestic policy frameworks to promote clean energy technologies. Canada views

dissemination of technology information called for in the 2007 Group of Eight Growth and Responsibility in the World Economy Declaration as a vital step in energy diversification from conventional energy generation. We call upon Member States to integrate clean electricity from renewable sources into their domestic energy sector by employing investment campaigns similar to our \$1.48 billion initiative ecoENERGY for Renewable Power. Canada encourages States to develop domestic policies of energy efficiency, utilizing regulatory and financing frameworks to accelerate the deployment of clean low-emitting technologies. We call upon Member States to provide knowledge-based advisory services for expanding access to energy in order to fulfill their commitments to Goal 1 of the Millennium Development Goals (MDGs). Canada urges States to address the concerns of the 2007 Human Development Report by promoting tax incentives, similar to the Capital Cost Allowances and Canadian Renewable and Conservation Expenses, to encourage private sector development of energy conservation and renewable energy projects. As a member of the Renewable Energy and Energy Efficiency Partnership, Canada is committed to accelerating the development of renewable energy projects, information sharing mechanisms, and energy efficient systems through the voluntary carbon offset system. We are dedicated to leading international efforts toward the development and sharing of best practices on clean energy technologies and highlight our release of the Renewable Energy Technologies Screen software for public and private stakeholders developing projects in energy efficiency, cogeneration, and renewable energy. Canada believes the integration of clean energy into State specific strategies called for in A/62/419/Add.9 will strengthen energy diversification, promote the use of cogeneration, and achieve a synergy between promoting alternative energy while allowing for competitiveness in a sustainable economy.

### **III. Implementation of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Particularly in Africa**

Canada views the full implementation of the treatment and prevention targets of the 2001-2010 International Decade to Roll Back Malaria in Developing Countries, Especially in Africa, as essential to eradicating malaria and assisting African States to achieve Target 8 of Goal 6 of the MDGs by 2015. We recommend Member States cooperate with the World Health Organization to ensure transparency in the collection of statistical information for Indicators 21 and 22 of the MDGs. Canada reaffirms the targets of the Abuja Declaration Plan of Action stressing regional cooperation in the implementation, monitoring, and management of malaria prevention and treatment initiatives in Africa. To fully implement A/RES/61/228, Canada believes developed States must balance trade and intellectual property obligations with the humanitarian objective of the Doha Declaration on the TRIPS Agreement and Public Health. We continue to implement Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health into our compulsory licensing framework through the Jean Chrétien Pledge to Africa Act. We urge Member States to support compulsory licensing for essential generic medicines by including anti-malarial vaccines and initiating domestic provisions to permit export-only compulsory licenses to domestic pharmaceutical manufacturers, similar to Canada's Access to Medicines Regime. Canada calls upon Member States to establish advanced market commitments on the distribution of pneumococcal vaccines to developing States in cooperation with PATH and the Malaria Vaccine Initiative. We emphasize the need for greater membership in the Roll Back Malaria initiative to strengthen malaria control planning, funding, implementation, and evaluation by promoting increased investment in healthcare systems and greater incorporation of malaria control into all relevant multi-sector activities. Canada continues to implement the Canadian International Development Agency's (CIDA) New Agenda for Action on Health to reduce malaria infection rates among marginalized populations in Africa, increase routine immunizations rates, and reduce infection rates of other neglected infections. Canada will achieve the goal of doubling aid to Africa by 2008-2009 by providing assistance to the Global Fund to Fight Aids, Tuberculosis, and Malaria. We urge Member States to increase donations to intergovernmental organizations and NGOs that support malaria programming in Africa, exemplified by CIDA's contribution of \$26 million to the Canadian Red Cross. We continue our efforts to provide accessible and affordable vector control methods to African States through the Red Cross' Malaria Bed Net Campaign and the African Medical Research Foundation Canada by supplying insecticide-treated mosquito nets and Participatory Malaria Prevention and Treatment tool kits.



## History for the Commission on Crime Prevention and Criminal Justice

### *Committee History*

The Commission on Crime Prevention and Criminal Justice (CCPCJ) is the primary intergovernmental body responsible for crime prevention and criminal justice policy-making and the operations of the United Nations Crime Prevention and Criminal Justice Programme (the Program).<sup>1</sup> The CCPCJ reports to the Economic and Social Council (ECOSOC).<sup>2</sup> Criminal justice lies within the scope of ECOSOC because of the relation between social conditions and crime rates and particularly the impact of rising rates on development.<sup>3</sup> The Commission's 40 members are elected by the ECOSOC for three-year terms.<sup>4</sup> The seats are distributed on the principle of equitable geographical distribution as follows: twelve African, nine Asian, four Eastern European, eight Latin American and Caribbean, and seven Western European and other states.<sup>5</sup> Several observers also attend the CCPCJ meetings, including non-elected Member States, intergovernmental groups and agencies such as Interpol and the International Atomic Energy Agency, non-governmental organizations such as International Association of Judges and Muslim World League, and specialized United Nations (UN) bodies.<sup>6</sup> The CCPCJ meets every spring in Vienna, adopting resolutions pertaining to the operations of the Program and recommending drafts to the ECOSOC and the General Assembly (GA).<sup>7</sup>

The CCPCJ was created in 1992 to provide the mechanisms, framework, information exchange, Member State assistance, and resources needed to improve the effectiveness of the crime prevention and criminal justice program.<sup>8</sup> It replaced the 27-member expert advisory Committee on Crime Prevention and Control (CCPC) with a 40-member intergovernmental body.<sup>9</sup> The CCPC faced financial, technical cooperation, and prioritization barriers to effectual operation.<sup>10</sup> After the CCPC called for restructuring to address these issues, an intergovernmental working group and a subsequent ministerial meeting presented the GA with a working paper describing the new Commission.<sup>11</sup> The resulting document, *Creation of an effective United Nations crime prevention and criminal justice programme*, was annexed to GA resolution 46/152 and adopted on December 18, 1991. The ECOSOC adopted the GA decision with resolution 1992/1 and further detailed the mechanics of the restructure in resolution 1992/22.<sup>12</sup>

The GA did not give the CCPCJ a specific mandate but a set of foundational principles. These give the Commission the flexibility to create policies while considering human rights, the different needs of developed versus developing countries, and the importance of gathering data.<sup>13</sup> ECOSOC resolution 1992/22 mandated certain priorities for the first four years and encouraged the CCPCJ to review them as necessary.<sup>14</sup> Currently the Commission focuses on combating national, transnational and organized crime; stopping fraud and money laundering; protecting the

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<sup>1</sup> Economic and Social Council, *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice*, 1992, section 4.4.

<sup>2</sup> The United Nations, *The United Nations Today*, 2008, p. 209.

<sup>3</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme*, 1991, p. 217.

<sup>4</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme*, 1991, Annex paragraph 24; United Nations Office of Criminal Justice and Crime Prevention, *Crime Prevention and Criminal Justice Newsletter*, July 1993, p. 3-4.

<sup>5</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme*, 1991, Annex paragraph 24; United Nations Office of Criminal Justice and Crime Prevention, *Crime Prevention and Criminal Justice Newsletter*, July 1993, p.3-4.

<sup>6</sup> Economic and Social Council, *List of Participants*, 2010, p. 23-8.

<sup>7</sup> Commission on Crime Prevention and Criminal Justice, *Report on the 19<sup>th</sup> Session*, 2010, p. iii-iv.

<sup>8</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme*, 1991, Annex.

<sup>9</sup> Clark, *The United Nations Crime prevention and Criminal Justice Program*, 1994, p. 20.

<sup>10</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme*, 1991, Annex.

<sup>11</sup> Clark, *The United Nations Crime prevention and Criminal Justice Program*, 1994, p. 27.

<sup>12</sup> The United Nations Office on Drugs and Crime, *The Commission on Crime Prevention and Criminal Justice*, 2010, p. 1.

<sup>13</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme*, 1991, Annex paragraph 21.

<sup>14</sup> Economic and Social Council, *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice*, 1992, section 6.1.

environment; preventing urban and juvenile crime and violence; and improving criminal justice administration systems.<sup>15</sup>

### ***The United Nations Crime Prevention and Criminal Justice Program***

As determined by the GA resolution 46/152, the Program assists Member States in crime prevention and criminal justice by sharing data, experience, and training.<sup>16</sup> It enacts CCPCJ resolutions while providing technical cooperation, strengthening the rule of law, implementing and evaluating projects, and training developing countries.<sup>17</sup> One of the main responsibilities of the Program is the collection and exchange of information through studies and surveys, effectively acting as an international crime and criminal justice clearing house.<sup>18</sup> As the primary body responsible for CCPCJ policy implementation, the UNODC administers the Program.<sup>19</sup> The office is mandated to help Member States combat drugs, crime, terrorism, and transnational crime.<sup>20</sup>

The Programme Network (PNI) consists of affiliated institutes around the globe and supports the Program with services such as information exchange, expert research, and training and education.<sup>21</sup> The United Nations Interregional Crime and Justice Research Institute (UNICRI) provides an international perspective on crime and criminal justice issues and coordinates the activities of regional institutes and research centers.<sup>22</sup> UNICRI further assists the dissemination of information by administering the UNICRI Documentation Center, which contains monographs, journals, and legal documents.<sup>23</sup>

An integral part of the Program is the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders (the Crime Congress).<sup>24</sup> This body meets every five years and serves as a forum for international crime prevention and criminal justice views and experiences, subsequently identifying trends and issues in criminal justice and providing suggestions to the CCPCJ.<sup>25</sup> Crime Congresses are preceded by interregional policy expert meetings and five subsequent regional meetings where Member States consider and modify drafts in geographic blocks.<sup>26</sup> Delegations include diplomats, policy experts in human rights and criminal law, penologists, and senior law enforcers.<sup>27</sup> The twelfth and most recent Crime Congress was held in April 2010 in Salvador, Brazil and addressed the modernization and adaptation of criminal justice systems.<sup>28</sup> The resulting Salvador Declaration addressed cybercrime, vulnerable groups, prisoner rights, and financial proceeds of crime.<sup>29</sup>

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<sup>15</sup> The United Nations Office on Drugs and Crime, *The Commission on Crime Prevention and Criminal Justice*, 2010, p. 1.

<sup>16</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice program*, 1991, p. 217-8.

<sup>17</sup> Economic and Social Council, *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice*, 1992, paragraph 3.

<sup>18</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme*, 1991, Annex.

<sup>19</sup> The United Nations, *The United Nations Today*, 2008, p. 209.

<sup>20</sup> United Nations Office on Drugs and Crime, *About UNODC*, 2010, p. 1.

<sup>21</sup> United Nations Office on Drugs and Crime, *Institutes of the UN Crime Prevention and Criminal Justice Programme Network*, 2010, p. 1.

<sup>22</sup> United Nations Office on Drugs and Crime, *United Nations Interregional Crime and Justice Research Institute (UNICRI)*, 2010, p. 1.

<sup>23</sup> United Nations Crime and Justice Research Institute, *Services: Documentation Centre*, p. 1.

<sup>24</sup> The United Nations Office on Drugs and Crime, *The Commission on Crime Prevention and Criminal Justice*, 2010, p. 1.

<sup>25</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme*, 1991, Annex paragraph 29.

<sup>26</sup> United Nations General Assembly, *Creation of an effective United Nations crime prevention and criminal justice programme*, 1991, Annex paragraph 30; Clark, *The United Nations Crime prevention and Criminal Justice Program*, 1994, p. 73.

<sup>27</sup> The United Nations, *The United Nations Today*, 2008, p. 210.

<sup>28</sup> United Nations Office on Drugs and Crime, *United Nations Crime Congresses*, 2010, p. 1.

<sup>29</sup> United Nations Office on Drugs and Crime, *Crime Congress wraps up with 'Salvador Declaration'*, 2010, p. 1.

## *Contributions of the CCPCJ to Constructive Criminal Justice Guidelines*

The most prominent themes among CCPCJ resolutions are children and organized transnational crime, as one or both of which have been discussed almost every year.<sup>30</sup> Resolutions concerning children have addressed juvenile justice, the trafficking of children, child victims, and child justice reform.<sup>31</sup> Organized transnational crime has been such a high priority that it was the only non-logistical topic at the first commission.<sup>32</sup> Terrorism has emerged as a major tangential topic to organized transnational crime since 2002.<sup>33</sup> Violence against women was discussed annually during the first six Commissions but then dropped from the agenda until the late 2000s when it was the theme of the 17<sup>th</sup> Commission.<sup>34</sup> Other consistently prominent topics for the CCPCJ include prisons and treatment of prisoners, illegal trafficking in persons, economic crime, corruption, and environmental crime, including illegal trafficking in flora, fauna, and forest products.<sup>35</sup>

The 19<sup>th</sup> Meeting of the CCPCJ had four main foci: follow-up to the 12<sup>th</sup> Crime Congress; violence against women; treatment of women prisoners and offenders; and trafficking in cultural property, which was the 2010 theme.<sup>36</sup>

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<sup>30</sup> Commission on Crime Prevention and Criminal Justice, *Report on the first session*, 1992, p. 12; Commission on Crime Prevention and Criminal Justice, *Report on the second session*, 1993, p. 12; Commission on Crime Prevention and Criminal Justice, *Report on the third session*, 1994, p. iii; Commission on Crime Prevention and Criminal Justice, *Report on the fourth session*, 1995, p. iv; Commission on Crime Prevention and Criminal Justice, *Report on the fifth session*, 1996, p. iv; Commission on Crime Prevention and Criminal Justice, *Report on the sixth session*, 1997, p. iii; Commission on Crime Prevention and Criminal Justice, *Report on the seventh session*, 1998, p. iv; Commission on Crime Prevention and Criminal Justice, *Report on the eighth session*, 1999, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the tenth session*, 2001, p. iii; Commission on Crime Prevention and Criminal Justice, *Report on the eleventh session*, 2002, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the twelfth session*, 2003, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the thirteenth session*, 2004, p. iii; Commission on Crime Prevention and Criminal Justice, *Report on the fourteenth session*, 2005, p. iii; Commission on Crime Prevention and Criminal Justice, *Report on the fifteenth session*, 2006, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the sixteenth session*, 2007, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the seventeenth session*, 2008, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the eighteenth session*, 2009, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the nineteenth session*, 2010, p. iii-iv.

<sup>31</sup> Commission on Crime Prevention and Criminal Justice, *Report on the fourth session*, 1995, p. iii-v; Commission on Crime Prevention and Criminal Justice, *Report on the fifth session*, 1996, p. iii-v; Commission on Crime Prevention and Criminal Justice, *Report on the sixth session*, 1997, p. iii-v; Commission on Crime Prevention and Criminal Justice, *Report on the seventh session*, 1998, p. iv-vi; Commission on Crime Prevention and Criminal Justice, *Report on the eighth session*, 1999, p. iii-vi; Commission on Crime Prevention and Criminal Justice, *Report on the thirteenth session*, 2004, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the fourteenth session*, 2005, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the sixteenth session*, 2007, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the eighteenth session*, 2009, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the nineteenth session*, 2010, p. iii-iv.

<sup>32</sup> Commission on Crime Prevention and Criminal Justice, *Report on the first session*, 1992, p.12.

<sup>33</sup> United Nations Office on Drugs and Crime, *UNODC and terrorism prevention*, 2010, p. 1.

<sup>34</sup> Commission on Crime Prevention and Criminal Justice, *Report on the seventeenth session*, 2007, p.iii.

<sup>35</sup> Commission on Crime Prevention and Criminal Justice, *Report on the first session*, 1992, p. 12-30; Commission on Crime Prevention and Criminal Justice, *Report on the second session*, 1993, p. 1, 3, 8, 14; Commission on Crime Prevention and Criminal Justice, *Report on the third session*, 1994, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the fourth session*, 1995, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the fifth session*, 1996, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the sixth session*, 1997, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the seventh session*, 1998, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the eighth session*, 1999, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the tenth session*, 2001, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the eleventh session*, 2002, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the twelfth session*, 2003, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the thirteenth session*, 2004, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the fourteenth session*, 2005, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the fifteenth session*, 2006, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the sixteenth session*, 2007, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the seventeenth session*, 2008, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the eighteenth session*, 2009, p. iii-iv; Commission on Crime Prevention and Criminal Justice, *Report on the nineteenth session*, 2010, p. iii-iv.

<sup>36</sup> Commission on Crime Prevention and Criminal Justice, *Report on the 17<sup>th</sup> Session*, 2007, p. iii-iv.

Notably the Commission drafted a resolution for the GA to adopt the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules), which supplement the Standard Minimum Rules for the Treatment of Prisoners and consider the unique needs of women.<sup>37</sup> Guided by Salvador Declaration, future themes of the Commission will chronologically address the protection of children in the face of advancing technology; violence against migrants, migrant workers and their families; emerging crime and its impact on the environment; and international cooperation concerning crime.<sup>38</sup>

## **I. Combating Transnational Organized Crime to Protect Vulnerable Groups and Countries**

*“The growth of global crime is a threat to the rule of law, without which there can be no sustainable world development. What people all over the world wish each other at the beginning of a new year, health, peace and prosperity, is what transnational organized crime markets destroy, bringing instead disease, violence and misery to exposed regions and vulnerable populations.”<sup>39</sup>*

### ***Introduction***

Transnational organized crime (TOC) is a constantly evolving threat facing the international community and international law enforcement.<sup>40</sup> The reach of TOC is global, threatening not only individual Member States, but also the progress of numerous United Nations (UN) agencies, particularly those concerned with human rights, economic development, international security, and anti-corruption.<sup>41</sup> The United Nations Convention against Transnational Organized Crime (UNTOC) defines TOC as “any serious transnational offence undertaken by three or more people with the aim of material gain.”<sup>42</sup> The UNTOC and its Additional Protocols are the primary international mechanisms in the fight against TOC and went into effect in September 2003.<sup>43</sup> Today, 154 Member States have ratified the convention, illustrating the global nature of TOC and the willingness of Member States to work together to find lasting solutions.<sup>44</sup> While the creation of the UNTOC is a significant achievement in the fight against TOC, more must be done to curb its steady growth to ensure global development and success.

### ***Forms of Transnational Organized Crime that Affect Vulnerable Groups and Countries***

In accordance with the UNTOC, the UN includes all of the following as elements of transnational organized crime:

“money laundering, terrorist activities, theft of art and cultural objects, theft of intellectual property, illicit trafficking in arms, aircraft hijacking, sea piracy, hijacking on land, insurance fraud, computer crime, environmental crime, trafficking in persons, trade in human body parts, illicit drug trafficking, fraudulent bankruptcy, infiltration of legal business, corruption and bribery of public officials, party officials, and elected representatives as defined in national legislation.”<sup>45</sup>

Although migrant smuggling is not included within the UNTOC’s definition of TOC, the Additional Protocol against the Smuggling of Migrants by Land, Sea and Air highlights migrant smuggling as a crime.<sup>46</sup> Particularly devastating for vulnerable populations are human trafficking, migrant smuggling, cybercrime (including child pornography), drug trafficking, and firearm trafficking, often occurring within the context of corruption and an already weak legal and justice system.<sup>47</sup>

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<sup>37</sup> Commission on Crime Prevention and Criminal Justice, *Report on the 19<sup>th</sup> Session*, 2010, p. 21-43.

<sup>38</sup> Commission on Crime Prevention and Criminal Justice, *Report on the 19<sup>th</sup> Session*, 2010, p. 64.

<sup>39</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 1.

<sup>40</sup> Voronin, *Measures to Control Transnational Organized Crime, Summary*, 2000, p. 1.

<sup>41</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 2.

<sup>42</sup> United Nations, *United Nations Convention Against Transnational Organized Crime*, 2000, Chapter XVIII.

<sup>43</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 2.

<sup>44</sup> United Nations, *United Nations Convention Against Transnational Organized Crime*, 2000, Chapter XVIII.

<sup>45</sup> Stanislawski, *Transnational “Bads” in the Globalized World: The Case of Transnational Organized Crime*, 2004, pp. 155-170.

<sup>46</sup> United Nations, *Protocol against the Smuggling of Migrants by Land, Sea and Air*, 2004.

<sup>47</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 4.

### *Human Trafficking*

Human trafficking remains one of the most concerning problems facing human rights advocates and law enforcement agencies across the globe.<sup>48</sup> It is estimated that, on average, nearly 700,000 people are trafficked annually from and to nearly every region of the world.<sup>49</sup> Trafficking across long distances is becoming increasingly more prevalent, with Europe being the “destination for victims with the widest range of origins” and Asia with victims “trafficked to the widest range of destinations.”<sup>50</sup> Although there are many different forms of trafficking, 79% of trafficking cases are for sexual exploitation, followed by forced labor at 18%.<sup>51</sup> The International Labour Organizations (ILO) estimates that nearly \$32 billion per year is made through the sexual and economic exploitation of trafficked victims.<sup>52</sup> Profit garnered from human trafficking is also used to fuel other organized crime, creating a cycle that is nearly impossible to stop.<sup>53</sup> The U.S. Federal Bureau of Investigation found that money laundering, drug trafficking, document forgery, and human smuggling are strongly connected with human trafficking and have benefited from the increased revenue provided through trafficking.<sup>54</sup>

### *Migrant Smuggling*

Migrant smuggling, has quickly become a highly profitable industry.<sup>55</sup> Due to an emphasis on border control and security, migrants are increasingly turning to smugglers for assistance.<sup>56</sup> In order to cross safely, migrants must pay exorbitant fees for transportation and documentation; those that choose less expensive methods are exposed to higher risks, which can result in serious injuries or death.<sup>57</sup> While many migrants leave their countries with the hope of a better, more economically prosperous life, many are stuck doing menial labor and are found, “in sweatshops, in restaurants, on farms, as domestic servants, or in occupations where few questions are asked by employers, who are often seeking to hire cheap labor.”<sup>58</sup>

### *Child Pornography*

With increased access to the Internet over the past two decades, instances of abuse and exploitation occurring online have risen exponentially. Although previously unprofitable and highly risky, child pornography has ballooned in recent years.<sup>59</sup> According to UNODC, “almost all child pornography transmitted today is in electronic form, typically traded through bilateral or multilateral exchanges. Behind every image of child pornography lies a victim of sexual abuse and, arguably, of human trafficking.”<sup>60</sup> Over 50,000 new images are produced each year, and child pornography produces over \$250 million in revenue annually.<sup>61</sup>

### *Drug Trafficking*

One of the most rampant forms of TOC is drug trafficking. Estimates vary, but “[t]he illicit drug trade is believed to be valued at between \$500 and \$900 billion worldwide,” making drug trafficking the “most profitable criminal activity for transnational groups.”<sup>62</sup> Cocaine and heroin are the drugs that are the most lucrative and thus are trafficked more frequently.<sup>63</sup> Although the cocaine market has decreased since the 1990s, “use of the drug has spread to many more countries, and over the last decade, use has doubled in the high-value European market.”<sup>64</sup> Columbia and Peru are the main source countries for cocaine, whereas Afghanistan accounts for almost 90% of all

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<sup>48</sup> UN, *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, Art. 3, Para. a.

<sup>49</sup> Ndiaye, *The Chain of Trafficking: Supply and Demand*, 2007.

<sup>50</sup> United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons*, 2009, p. 9.

<sup>51</sup> UNODC, *Global Report on Trafficking in Persons*, 2009, p. 10.

<sup>52</sup> International Labour Organization, *Forced Labour Global Report - The Cost of Coercion*, 2009, p. 8.

<sup>53</sup> U.S. Department of State Trafficking, *Trafficking in Persons Report*, 2006, p. 5.

<sup>54</sup> U.S. Department of State Trafficking, *Trafficking in Persons Report*, 2006, p. 5.

<sup>55</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 65.

<sup>56</sup> UNODC, *Migrant Smuggling*, 2010.

<sup>57</sup> UNODC, *Migrant Smuggling*, 2010.

<sup>58</sup> Ward, *Internationalization of Criminal Justice*, 2000, p. 12.

<sup>59</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 212.

<sup>60</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 212.

<sup>61</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 211.

<sup>62</sup> Wagley, *Transnational Organized Crime: Principal Threats and U.S. Responses*, 2006, p. 9.

<sup>63</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 81, 109.

<sup>64</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 81.

heroin production.<sup>65</sup> The continued trafficking of heroin is particularly problematic because heroin usage can spread blood-borne diseases, such as HIV/AIDS, and heroin is currently the leader in drug related deaths.<sup>66</sup>

#### *Firearm Trafficking*

Unlike other forms of trafficking, firearm trafficking is the most sporadic because individuals often have access to firearms locally and firearms are “durable goods” that tend to last significantly longer if they are maintained well.<sup>67</sup> Reports vary, but the estimated value of illicit trafficking is between \$170 million and \$320 million per year.<sup>68</sup> Firearm trafficking often occurs during periods of armed conflict when militant groups prepare for mobilization, or “states subject to international embargoes try and circumvent these controls.”<sup>69</sup>

#### ***Factors that make Countries Vulnerable to Transnational Organized Crime***

Corruption, armed conflict, poverty, and weak legal systems are some of the factors that leave a country particularly vulnerable to transnational organized crime. Corruption can affect all aspects of a society, occurring simultaneously, and often fuelling, crime by undermining “even the best designed regulatory system.”<sup>70</sup> Political actors are often given “dirty money” so that organized crime groups can gain control of political groups and affect election campaigns.<sup>71</sup> Not only does this allow organized crime groups to infiltrate governments on all levels, but also creates distrust for “emerging democratic and market economy institutions” and breeds “disillusionment with reforms in general.”<sup>72</sup>

War-torn and post-conflict societies are also highly vulnerable to TOC. During and in the aftermath of conflict, governments are particularly susceptible to corruption and political instability, and TOC can thrive in environments “where the state is either too poor to assert authority or where insurgent groups have assumed some degree of control.”<sup>73</sup> These states often lack a solid form of government or are in a transitional period where new figures are stepping into office.<sup>74</sup> During this time period, it is increasingly possible for representatives of crime groups to “assume key positions in the incipient legislatures” and further the interest of the crime group at the expense of the well-being of the population.<sup>75</sup> During post-conflict situations, displaced persons can also be easily exploited by organized crime groups.<sup>76</sup>

Although many factors contribute to the growth and prevalence of TOC, states that face higher degrees of poverty are more prone to TOC.<sup>77</sup> Less affluent countries have a much harder time fighting TOC because they lack the resources needed for prevention and protection.<sup>78</sup> Poverty not only provides a “greater supply of potential illegal labour for organized criminal activities,” but creates a “favourable environment for criminals to exploit the social fabric of countries as a foundation for organized crime.”<sup>79</sup>

#### ***Transnational Organized Crime and Women***

##### *Human Trafficking*

According to the 2006 U.S. Department of State Trafficking in Persons Report, “of the estimated 600,000 to 800,000 men, women, and children trafficked across international borders each year, approximately 80 percent are

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<sup>65</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 83, 109.

<sup>66</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 109.

<sup>67</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 129.

<sup>68</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 129.

<sup>69</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 129.

<sup>70</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 160.

<sup>71</sup> Center for the Study of Democracy, *Corruption, Contraband and Organized Crime in Southeast Europe*, 2003, p. 24.

<sup>72</sup> Center for the Study of Democracy, *Corruption, Contraband and Organized Crime in Southeast Europe*, 2003, p. 3.

<sup>73</sup> Philip de Andrés, *Organised crime, drug trafficking, terrorism: the new Achilles' heel of West Africa*, 2008, p. 3.

<sup>74</sup> Shelley, *Transnational Organized Crimes: An imminent threat to the Nation state?*, 1995, p. 6.

<sup>75</sup> Shelley, *Transnational Organized Crimes: An imminent threat to the Nation state?*, 1995, p. 6.

<sup>76</sup> UNODC, *People vulnerable to human trafficking*, 2010.

<sup>77</sup> Buscaglia and van Dijk, *Controlling Organized Crime and Corruption in the Public Sector*, 2003, p. 11.

<sup>78</sup> UN, *Aspects of UN Convention Against Transnational Organized Crime Discussed by 19 Government Representatives*, 2000.

<sup>79</sup> Buscaglia and van Dijk, *Controlling Organized Crime and Corruption in the Public Sector*, 2003, p. 5.

women and girls.”<sup>80</sup> These women tend to be between age 10 and 35 and are “impoverished, uneducated or from indigenous, ethnic minority, rural or refugee groups.”<sup>81</sup> Although many factors contribute to the growth of human trafficking, cultural beliefs that discriminate against women and condone violence against women only encourage further exploitation of women and “further diminish women's opportunities and lead to further marginalization and commodification.”<sup>82</sup> While men are typically the main perpetrators of most forms of crime, men and women equally commit crimes of human trafficking.<sup>83</sup> The International Organization of Migration (IOM) estimates that “52% of [human trafficking recruiters] are men, 46% are women, and 6% are both men and women.”<sup>84</sup> Many women serve as recruiters to gain victims’ trust and encourage cooperation during the trafficking process.<sup>85</sup> Most victims are recruited on the basis of lies.<sup>86</sup> They are enticed by the prospect of better job opportunities or fooled by false marriage proposals, and eventually end up trapped in debt bondage.<sup>87</sup>

### *Migrant Smuggling*

Research has shown the gradual “feminization of migration, with more women migrating than before.”<sup>88</sup> Like most migrants, women flee their countries to escape rampant poverty, conflict, and inadequate opportunities, among other things.<sup>89</sup> As border controls and security increases, and without proper documentation, more and more women turn to smugglers for assistance; however, they are often “deceived, coerced or forced into an exploitative situation later in the process.”<sup>90</sup> Violence against women is common during the migration process, and some migrants even lose their lives because of the actions of smugglers.<sup>91</sup> If they arrive to their new destinations, women often face a difficult time finding resources to help them gain employment, and often accept severely low wages.<sup>92</sup> It is not uncommon for migrant workers to face “debt bondage, passport retention, illegal confinement, rape and physical assault” while working.<sup>93</sup> Furthermore, women must still face acceptance and integration concerns and must work through cultural identity issues.<sup>94</sup>

### *Transnational Organized Crime and Children*

#### *Human Trafficking*

Children are heavily impacted by trafficking and up to 50% of human trafficking victims are minors.<sup>95</sup> Although some children are abducted, most trafficking “involves payment to a parent or guardian in order to achieve cooperation.”<sup>96</sup> Parents are often deceived into thinking their children are being offered employment or other positions, when in actuality they are exploited for cheap labor and illegal sexual activities.<sup>97</sup> In 1998, the ILO found that profit stemming from child sex tourism accounted for “2-14% of the gross domestic product of Indonesia, Malaysia, the Philippines, and Thailand,” indicating that the exploitation of children is only growing.<sup>98</sup>

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<sup>80</sup> U.S. Department of State Trafficking, *Trafficking in Persons Report*, 2000, p. 5.

<sup>81</sup> United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), *Gender and Human Trafficking*, 2010.

<sup>82</sup> United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), *Gender and Human Trafficking*, 2010.

<sup>83</sup> United Nations Global Initiative to Fight Human Trafficking, *Human Trafficking: The Facts*, p. 2.

<sup>84</sup> United Nations Global Initiative to Fight Human Trafficking, *Human Trafficking: The Facts*, p. 2.

<sup>85</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 4.

<sup>86</sup> Woolf, *Sex Trafficking*, 2010.

<sup>87</sup> Woolf, *Sex Trafficking*, 2010.

<sup>88</sup> UNODC, *Migrant Smuggling FAQs*, 2010.

<sup>89</sup> UNODC, *Migrant Smuggling FAQs*, 2010.

<sup>90</sup> UNODC, *Migrant Smuggling FAQs*, 2010.

<sup>91</sup> UNODC, *Migrant Smuggling FAQs*, 2010.

<sup>92</sup> International Council on Human Rights Policy, *Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence*, 2010, p. 13.

<sup>93</sup> OHCHR, *General Recommendation No.30: Discrimination Against Non Citizens*, 2004, Art. 7, Para. 34.

<sup>94</sup> International Council on Human Rights Policy. *Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence*, p. 13.

<sup>95</sup> U.S. Department of State Trafficking, *Trafficking in Persons Report*, 2000, p. 5.

<sup>96</sup> United Nations Economic and Social Commission for Asia and the Pacific, *Violence against and Trafficking in Women as Symptoms of Discrimination: The Potential of CEDAW as an Antidote*, 2005, p. 8.

<sup>97</sup> United Nations Economic and Social Commission for Asia and the Pacific, *Violence against and Trafficking in Women as Symptoms of Discrimination: The Potential of CEDAW as an Antidote*, 2005, p. 8.

<sup>98</sup> U.S. Department of Justice Child Exploitation and Obscenity Section (CEOS), *Sex Tourism*, 2010.

### *Cyber Crimes and Child Pornography*

Although child pornography is not as profitable as adult pornography, the continued growth of child pornography could lead to eventual interest from organized crime groups and further victimization of children.<sup>99</sup> Poverty stricken areas would be particularly at risk if child pornography were to become increasingly popular.<sup>100</sup> Likewise, an increase in the growth and demand for child pornography would affect other markets where children are victimized, such as child prostitution and sex tourism.

### ***The International Response to Transnational Organized Crime***

One of the most important international mechanisms created to combat TOC is the 2000 UN Convention against Transnational Organized Crime (Palermo Convention) and its additional protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air.<sup>101</sup> The UNCTOC “represents a major step forward in the fight against transnational organized crime and signifies the recognition by Member States of the seriousness of the problems posed by it.”<sup>102</sup> The United Nations also created The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) to support the global fight on human trafficking, based on international agreements reached at the UN.<sup>103</sup>

The United Nations fight against all forms of transnational organized crime is far reaching. Since 1955, the United Nations has held Congresses on the Prevention of Crime and Treatment of Offenders.<sup>104</sup> As the threat of TOC has steadily increased, these congresses have focused more and more on issues of drugs, child abuse and pornography, sex tourism, human trafficking, and violence against women and children.<sup>105</sup> With the rampant spread of drugs, the UN has held numerous conventions to find solutions. Treaties, such as 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, meet the growing challenges of combating the insidious nature of the drug trade, and provide legal mechanisms for fighting drug trafficking.<sup>106</sup>

The United Nations has also recognized the need to protect vulnerable groups, especially children and women. Organizations such as the United Nations Children’s Fund (UNICEF) and the United Nations Development Fund for Women (UNIFEM) were implemented to safeguard and protect the rights of women and children and are pivotal in the fight against TOC.<sup>107</sup> The 1959 Declaration of the Rights of the Child and the 1989 Convention on the Rights of the Child provide protection to children, ensure their basic rights, and confirm that children must be treated uniquely.<sup>108</sup> The 1979 Convention on the Elimination of all Forms of Discrimination against Women, the 1993 Declaration on the Elimination of Violence against Women, the 1995 Beijing Declaration, and the 1995 Platform for Action all promote women’s rights and gender equality.<sup>109</sup> Other UN offices, such as the UN Trust Fund for Human Security, the United Nations Office on Drugs and Crime (UNODC), the Office of the High Commissioner for Human Rights (OHCHR), the ILO, and the IOM, are also vital in the fight against TOC.

### *Regional Approaches*

Recognizing that the fight against TOC cannot be achieved without cooperation, regional organizations have gathered together to combat TOC by creating actions plans and holding specialized conventions. For example, the European Union created the EU Action Plan to Combat Organized Crime, seeing “the need for a coherent and coordinated approach by the Union” to fight against TOC.<sup>110</sup> The Organization for Security and Cooperation in Europe (OSCE) also created an action plan, implementing the OSCE Action Plan to Combat Trafficking in Human

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<sup>99</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 13.

<sup>100</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 13.

<sup>101</sup> United Nations, *United Nations Convention against Transnational Organized Crime*, 2000.

<sup>102</sup> UNODC, *Treaties*, 2010.

<sup>103</sup> United Nations, *About UN.GIFT*, 2010.

<sup>104</sup> United Nations, *1st - 11th United Nations Congresses on the Prevention of Crime and the Treatment of Offenders*, 1955-2005.

<sup>105</sup> United Nations, *1st - 11th United Nations Congresses on the Prevention of Crime and the Treatment of Offenders*, 1955-2005.

<sup>106</sup> UNODC, *Treaties*, 2010.

<sup>107</sup> United Nations Children’s Fund, *About UNICEF*, 2010.

United Nations Development Fund for Women, *About UNICEF*, 2010.

<sup>108</sup> United Nations Children’s Fund, *About UNICEF*, 2010.

<sup>109</sup> United Nations Development Fund for Women, *About UNICEF*, 2010.

<sup>110</sup> European Union, *Action Plan to Combat Organized Crime*, 1997, p. 1.



Beings.<sup>111</sup> The Council of Europe also made human trafficking a top priority during its Convention on Action against Trafficking in Human Beings.<sup>112</sup> In 2006, the Organization of American States (OAS) “condemned transnational organized crime” and implemented the Hemispheric Plan of Action Against Transnational Organized Crime, renewing “their commitment to fighting it by strengthening the domestic legal framework, the rule of law, and multilateral cooperation, while respecting the sovereignty of each state.”<sup>113</sup>

### *State Responses*

Many states have implemented legislation to combat transnational organized crime. The United States Congress passed the Victims of Trafficking and Violence Protection Act of 2000 to provide more services to victims of violence, encourage law enforcement to reduce violence against women, and educate the population about the negative impact of sex trafficking.<sup>114</sup> Three year later, the US passed the Protect Act of 2003 to “comprehensively strengthens law enforcement’s ability to prevent, investigate, prosecute and punish violent crimes committed against children.”<sup>115</sup> Japan also saw the need to protect the vulnerable and passed the Law for Punishing Acts Related to Child Prostitution and Child Pornography.<sup>116</sup>

### *Conclusion*

The Commission on Crime Prevention and Criminal Justice (CCPCJ) has been vital in the fight against Transnational Organized Crime (TOC). Since its inception in 1992, the CCPCJ has held yearly sessions focusing specifically on crime prevention and the role of criminal law and criminal justice administration systems.<sup>117</sup> The Commission has presented many recommendations, such as:

- Encouraging governments to understand the profile of criminal groups within the context of their communities,
- Giving special assistance to developing countries to help strengthen their data gathering, analysis, utilization and reporting capabilities for use in developing and implementing targeted policies,
- Strengthening domestic justice capacities and helping governments improve the criminal justice process,
- Providing specialized education and training for judges, prosecutors, and law enforcement officials in all areas of TOC,
- Gathering pertinent information and sharing information locally, regionally and internationally, and
- Creating an integrated crime prevention action plan which can occur on various levels, considers the nature and type of crime within the context of the community and the available actors that can help implement the plan, and focuses on preventing recidivism and protecting victims.<sup>118</sup>

However, it was not until the past few years that the CCPCJ began to focus significant sections of its resolutions on women and children, recognizing their special needs as vulnerable groups.<sup>119</sup> It is evident that the CCPCJ must draft further resolutions that are catered to these vulnerable groups and remain committed to providing assistance to developing and vulnerable countries.

Despite the participation of most members of the international community in the fight against transnational organized crime, perpetrators are particularly aggressive in their determination to commit illicit activities and elude law enforcement officials, often at the expense of victims.<sup>120</sup> TOC’s allure is strengthened by its lucrative nature, providing organized criminal groups with strong economic incentives to participate in these activities. It is clear that demand for prostitutes, drugs, weapons, and other illicit goods and services drives the illicit markets, making the current solutions necessary, but not adequate.<sup>121</sup>

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<sup>111</sup> Organization for Security and Cooperation in Europe (OSCE), *Action Plan to Combat Trafficking in Human Beings*, 2003.

<sup>112</sup> Council of Europe, *Convention on Action against Trafficking in Human Beings*, 2005.

<sup>113</sup> Organization of American States, *Hemispheric Plan of Action Against Transnational Organized Crime*, 2006.

<sup>114</sup> United States Congress, *Victims of Trafficking and Violence Protection Act of 2000*, 2000.

<sup>115</sup> Department of Justice, *Fact Sheet Protection Act*, 2003.

<sup>116</sup> United Nations, *United Nations Convention against Transnational Organized Crime*, 2000.

<sup>117</sup> UNODC, *The Commission on Crime Prevention and Criminal Justice*, 2010.

<sup>118</sup> Commission on Crime Prevention and Criminal Justice, *CCPCJ Reports*, 2010.

<sup>119</sup> Commission on Crime Prevention and Criminal Justice, *CCPCJ Reports*, 2010.

<sup>120</sup> United Nations, *United Nations Convention Against Transnational Organized Crime*, 2000, p. 5.

<sup>121</sup> UNODC, *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, 2010, p. 5.

The Commission needs to focus on the role of transparency, accountability, consistency and cooperation not only on an administrative level, but also in law enforcement, the legal system and the political system. Although many Member States have drafted laws to fight the different forms of TOC, these laws are often inadequate and limited in nature. Furthermore, Member States, especially those that are particularly vulnerable due to corruption, armed conflict, and poverty, are ill equipped to provide an efficient legal system necessary to persecute criminals and often lack the required resources to combat TOC. The Commission should also explore other topics that may help strengthen vulnerable groups and populations, such as poverty alleviation and women's empowerment.

TOC occurs across borders and therefore delegates need to consider many relevant questions: What are the major issues the CCPCJ faces regarding domestic and international jurisdiction? How can the Commission work with the differences in each Member State's justice system to prosecute offenders? In order to utilize the legal system and prosecute offenders, witness accounts are useful and often necessary. Witnesses, especially women and children, may be unwilling or unable to testify based on fear or retaliation, the inability to emotionally handle the situation, etc. How do we encourage and protect these individuals during the criminal justice process? TOC is fueled by demand so, how can the CCPCJ educate the community on their role in the encouragement of TOC? How can the CCPCJ help strengthen vulnerable countries?

## II. Prevention of Youth Crime and the Rehabilitation and Reintegration of Youth Offenders

*"No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime. Young people must be included from birth. A society that cuts off from its youth severs its lifeline."<sup>122</sup>*

### *United Nations Juvenile Justice Standards*

Children, youth and crime have been at the forefront of the United Nations Crime Prevention and Criminal Justice Programme since 1947.<sup>123</sup> Since then the topic has been repeatedly addressed by various bodies of the United Nations (UN), consequently leading to the creation of landmark documents, which not only reflect the growing international consensus on the importance of it, but also on the methods of addressing it.

From amongst six models of juvenile justice (participatory, welfare, corporatism, modified justice, justice, and crime control) the UN adopts, applies and advocates the approach consistent with the Declaration of the Rights of the Child (CRC), which places the well-being of youth offenders as a priority, and is commonly known as the welfare system.<sup>124</sup> It is characterized by social work agencies and childcare experts as approaching understanding of the delinquent behaviors in the pathology/environmental determination framework, for the purpose of providing treatment, rehabilitation, and responding to individual circumstances and needs.<sup>125</sup> It is clearly reflected under Rule 5.1 of the Standard Minimum Rules for the Administration of Juvenile Justice that "the juvenile justice system shall emphasize the well-being of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence."<sup>126</sup>

There are four distinctive areas developed by the UN with respect to juvenile justice, namely the administration, prevention, non-custodial measures, and protection of incarcerated youth.<sup>127</sup> They are addressed in the UN standards and norms in juvenile justice, which are composed from four major resolutions.<sup>128</sup>

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<sup>122</sup> Koffi Annan, *United Nations Habitat. Report on the Opening Session for Global Youth Congress*. UNHABITAT

<sup>123</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010, A/CONF.213/4.

<sup>124</sup> Winterdyk, *Juvenile Justice Systems: International Perspectives*, 2002, pp. XXII-XXIII; Winterdyk, *Juvenile Justice Systems: International Perspectives*, 2002, p. XXI.

<sup>125</sup> United Nations Children's Fund, *Guidance Note for CEE/CIS on Juvenile Justice Programming*, 2010.

<sup>126</sup> United Nations, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")*, 1985, A/RES/40/33.

<sup>127</sup> United Nations General Assembly, *United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)*, 1990, A/RES/45/110.

<sup>128</sup> United Nations Economic and Social Council, *Administration of Juvenile Justice*, 1997.

The Beijing Rules, also known as the UN Standard Minimum Rules for the Administration of Juvenile Justice is noted as one the first significant steps towards setting international standards in the field of justice for children in conflict with the law.<sup>129</sup>

The United Nations Guidelines for the Prevention of Juvenile Delinquency, also known as the Riyadh Guidelines, reflect a comprehensive, multidisciplinary, and child-oriented approach to offsetting conditions “that adversely influence and impinge on the healthy development of the child.”<sup>130</sup> The Guidelines focus on early preventive intervention modalities and aim at promoting, with intensive determination, a positive potential of mass media and the community, as well as the youth.<sup>131</sup>

The United Nations Rules for the Protection of Juveniles Deprived of the Liberty set regulations pertaining to all juveniles “held in any form of detention, and in any type of facility.”<sup>132</sup>

Guidelines for Action on Children in the Criminal Justice System, 1997 United Nations Economic and Social Council Res1997/30, annex (ECOSOC) were formulated by an international body of experts, in collaboration with the United Nations Children’s Fund (UNICEF), CRC and interest-bearing non-governmental organizations (NGOs), pursuant to the ECOSOC Resolution 1996/13 is a toolbox for “elaboration of a programme for action to promote the effective use and application” of the benchmarks already in place.”<sup>133</sup>

The Convention on the Rights of Child, and the Tokyo Rules, formally known as the United Nations Standard Minimal Rules for Non-Custodial Measures—though not specifically designed with the youth offenders in mind, “shall be applied without any consideration on the grounds of” age among other things, are the fundamental building blocks of those resolutions, and therefore the international juvenile justice framework.<sup>134</sup>

### ***Juvenile criminality and deviance: Theories and the current state***

Criminological theories on juvenile delinquency point to a variety of factors that—together or separately—may impact the life and decisions of youth significantly enough to detract them to adopting antisocial and criminal behaviors.<sup>135</sup> The Expert Group Meeting on Goals and Targets for the World Programme of Action for Youth highlighted the applicable theories: social learning theory, which ascribes deviance to the lack of positive and consistent parenting and guidance; social strain theory, which explains criminality and deviance by unavailability of means towards achieving desirable goals; social bond theory, which is based on the premise of assuming criminal behaviors from family and peers; labeling theory, which is proposing that youth choose acting out behaviors that had been ascribed to them believing that “consequences for delinquent behavior are better than feeling isolated and lonely due to neglect.”<sup>136</sup>

At the United Nations Compendium, Member States voiced their great concern with regards to juveniles in difficult family and socioeconomic circumstances, as they are at a greater “risk of becoming delinquent or easy candidates for recruitment by criminal groups, including groups involved in transnational organized crime.”<sup>137</sup> The parties committed themselves to “undertaking countermeasures to prevent this growing phenomenon by including

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<sup>129</sup> United Nations, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (“The Beijing Rules”), 1985, A/RES/40/33.

<sup>130</sup> Neudek, *Juvenile Justice: The Role of the United Nations: Crime Prevention and Criminal Justice Branch*, 1994, p. 87.

<sup>131</sup> Neudek, *Juvenile Justice: The Role of the United Nations: Crime Prevention and Criminal Justice Branch*, 1994, p. 88.

<sup>132</sup> Neudek, *Juvenile Justice: The Role of the United Nations: Crime Prevention and Criminal Justice Branch*, 1994, p. 88.

<sup>133</sup> United Nations Economic and Social Council, *Administration of Juvenile Justice*, 1997; United Nations Office on Drugs and Crime, *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, 2006.

<sup>134</sup> United Nations General Assembly, *United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)*, 1990.

<sup>135</sup> United Nations, *Expert Group Meeting on Goals and Targets for the World Programme of Action for Youth: Youth Civil Society and Youth and Their Well-Being*, 2008.

<sup>136</sup> United Nations, *Expert Group Meeting on Goals and Targets for the World Programme of Action for Youth: Youth Civil Society and Youth and Their Well-Being*, 2008.

<sup>137</sup> United Nations Office on Drugs and Crime, *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, 2006.

provisions for juvenile justice in national development plans and international development strategies, and including funding policies for development cooperation.”<sup>138</sup>

Based on the available data, it is difficult to establish whether there is currently a global increase or decrease in youth delinquency.<sup>139</sup> At the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, UNICEF presented an estimate of more than 1.2 million youth that were detained by justice system worldwide in 2007-2008 at any one time.<sup>140</sup> This number is close to the one presented by the Special Rapporteur on Torture, estimated at over one million, classifying youth as from early childhood to the age of 18.<sup>141</sup> However, the numbers are deemed significantly underestimated due to the difficulties in obtaining data and notorious underreporting.<sup>142</sup> The European Institute for Crime Prevention and Control published a comprehensive study of global crime trends composed strictly on the data collected by the 6<sup>th</sup> through 10<sup>th</sup> United Nations Crime Trend Statistics surveys (UN-CTS), which, though imperfect, offers a valuable insight.<sup>143</sup> Looking at persons convicted as a percentage of suspected offenders, the median for all countries is 60% for adults and 35% for juveniles.<sup>144</sup> Out of all arrests, the proportion of juveniles is about 7% for persons prosecuted and 6% for persons convicted, which in comparison to previous years represents a decrease.<sup>145</sup>

### ***Guidelines for Punishment***

The minimum age of criminal responsibility varies greatly across the UN Member States, falling anywhere between 0 and 16 years of age.<sup>146</sup> According to the Beijing Rules, “the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity.”<sup>147</sup> In his speech to the Twelfth UN Congress on Crime Prevention and Criminal Justice, the Special Rapporteur on Torture and other cruel, inhuman and degrading treatment, Mr. Nowak voiced being alarmed by the very low age of criminal responsibility in many countries worldwide, and suggested raising it “at least to 12 years but more appropriately to 14.”<sup>148</sup>

Reviewing the experience of his fact-finding missions, Mr. Nowak concluded that too many children are deprived of their liberty, in violation of the standards outlined by the UN.<sup>149</sup> In many countries, the juvenile justice system, if it exists at all, is rudimentary and does not live up to human rights standards, as found in the Universal Declaration on Human Rights.<sup>150</sup> Abuse in juvenile detention facilities is rampant and can be verbal, psychological but also physical, including rape.<sup>151</sup> A significant part of this abuse is perpetrated by other detainees; usually adults but in some cases this abuse is perpetrated by other children.<sup>152</sup>

The UN Rules for the Protection of Juveniles Deprived of their Liberty advise that when institutionalized “juveniles should be provided with the opportunity to perform paid labor, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities.”<sup>153</sup> The Rules, however, recognize the necessity of resorting to instruments of restraint and force, which “can only be used in exceptional cases, where all other control methods have been

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<sup>138</sup> United Nations Office on Drugs and Crime, *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, 2006.

<sup>139</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010.

<sup>140</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010; Nowak, “*Children, Youth and Crime*”, 2010.

<sup>141</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010; Nowak, “*Children, Youth and Crime*”, 2010.

<sup>142</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010.

<sup>143</sup> Smit, Harrendorf *Responses of the Criminal Justice System*, 2010, p. 87.

<sup>144</sup> Smit, Harrendorf, *Responses of the Criminal Justice System*, 2010.

<sup>145</sup> Smit, Harrendorf, *Responses of the Criminal Justice System*, 2010.

<sup>146</sup> Human Rights Watch, *The Last Holdouts: Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*, 2008, p. 1.

<sup>147</sup> United Nations, Beijing Rules, 1985.

<sup>148</sup> Nowak, “*Children, Youth and Crime*”, 2010.

<sup>149</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010, p.

<sup>150</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010, p.

<sup>151</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010, p.

<sup>152</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010, p.

<sup>153</sup> United Nations, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, 1990, (Art.45).

exhausted and failed, and only as explicitly authorized and specified by law and regulation.”<sup>154</sup> Such measures must reflect the recommendations of the CRC and “not cause humiliation or degradation, and should be used restrictively and only for the shortest possible period of time.”<sup>155</sup>

In the spectrum of juvenile sentencing, the unlawfulness of the death penalty on persons younger than 18 years of age at the time of the commission of a crime is established by the Member States through the Convention on the Rights of the Child, with 193 states party to the convention, and the International Covenant on Civil and Political Rights, with 161 states party to the covenant.<sup>156</sup> As this prohibition has been regarded as a part of international customary law, it is not a subject to reservations.<sup>157</sup> According to Human Rights Watch, as of 2008 death penalty for juvenile offenders remains practiced in five states: Iran, Saudi Arabia, Pakistan, Yemen, and Sudan.<sup>158</sup>

With youth’s best interest in mind, the UN stresses the importance of diversion from the formal judicial system at the discretion of the police, prosecution, or the agency in charge, and whenever possible and appropriate, replacing it with community programs, and options such as “temporary supervision and guidance, restitution, and compensation of victims.”<sup>159</sup> According to Beijing Rules alternative to juvenile institutionalization should be available and flexible in application, and can range from “care, guidance and supervision orders, probation, community service orders, financial penalties, compensation and restitution,” to orders of intermediate treatment and other treatment orders, participation in group counseling and similar activities, orders concerning foster care, living communities or other educational settings, or other relevant instructions.<sup>160</sup>

Restorative juvenile justice is much different from the globally popular retributive approach in that it places the emphasis on reparation rather than on the punishment, restoration as opposed to deterrence, and including victims directly in the process.<sup>161</sup> It aims not only to teach youth to take responsibility for their actions, instead of promoting resistance and anger, but also for direct repentance and forgiveness from victims, and immediate reintegration effort.<sup>162</sup> Key elements of restorative juvenile are based in diversion of delinquent youth from the formal criminal justice system and offering alternatives to detention, which is to be considered a “measure of a last resort” and applied for the shortest time possible.<sup>163</sup> What makes the methodology further unique is its design for use not only on criminal youths, but with other youth in conflict with the law, and can be often administered by the community or educational institutions that are completely removed from the formal criminal justice system.<sup>164</sup> The most common initiatives under restorative juvenile justice are conflict resolution counseling, peer mediation, and youth offender panels/teams stressing the importance of reparation.<sup>165</sup>

In recent years the UN turned its attention to the special needs of women and girls that come in conflict with the law, and drafted the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).<sup>166</sup> This landmark development recognizes that “in view of the great variety of legal, social, economic and geographical conditions in the world, not all of the rules can be applied equally in all places and at all times.”<sup>167</sup> It encourages the Member States to “adopt legislation to establish alternatives to imprisonment and to give priority to the financing of such systems, as well as to the development of the mechanisms

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<sup>154</sup> United Nations, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, 1990, (Art. 45).

<sup>155</sup> United Nations, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, 1990 (Art.64).

<sup>156</sup> Human Rights Watch, *Enforcing Prohibition of Juvenile Death Penalty*, 2008, p.

<sup>157</sup> Human Rights Watch, *The Last Holdouts: Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*, 2008, p. 2.

<sup>158</sup> Human Rights Watch, *The Last Holdouts: Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*, 2008, p. 1.

<sup>159</sup> United Nations, Beijing Rules, 1985, Art. 11.1-11.4.

<sup>160</sup> United Nations, Beijing Rules, 1985, Art.18.

<sup>161</sup> Juvenile Justice Panel. Juvenile Justice Panel website: *Additional Information – More About Restorative Justice*, 2010.

<sup>162</sup> Juvenile Justice Panel. Juvenile Justice Panel website: *Additional Information – More About Restorative Justice*, 2010.

<sup>163</sup> Juvenile Justice Panel, *Juvenile Justice*, 2010.

<sup>164</sup> United Nations Office on Drugs and Crime, *Handbook on Restorative Justice Programmes*, 2006, p.26.

<sup>165</sup> United Nation Office on Drugs and Crime, *Handbook on Restorative Justice Programmes*, 2006, p.26-28.

<sup>166</sup> United Nations Economic and Social Council, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*, 2010, p.1.

<sup>167</sup> United Nations Economic and Social Council, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial*

*Measures for Women Offenders (the Bangkok Rules)*, 2010, Art. 4-5.

needed for their implementation.”<sup>168</sup> Further, as it has been established that detention, as well as alternative measures and diversion programs have not been gender-sensitive, a design to fit the competencies and special needs for girls is strongly recommended, in particular with respect to education, trauma recovery, family relationships, mental health, substance abuse, and medical needs.<sup>169</sup> Access to gender-specific services “requires development of collaborative approaches between levels and branches of government, as well as development of advocacy practices for programs and attorneys representing girls in the system.”<sup>170</sup>

### ***Guidelines for Reintegration***

According to the norms set by article 13.5 of Beijing Rules, imprisoned juveniles should be prepared for their post-incarceration social reintegration and “shall receive care, protection and all necessary individual assistance – social, educational, vocational, psychological, medical and physical – that they may require in view of their age, sex and personality.”<sup>171</sup> In that respect, a juvenile detention facility would provide positive and personalized conditions for the inmates, and allow for regular contact with the outside world, in particular with the family.<sup>172</sup> Under articles 28-29 of the CRC “juveniles of compulsory school age have the right to education and to vocational training in prison.”<sup>173</sup>

United Nations Rules for the Protection of Juveniles Deprived of their Liberty charges each State’s competent authorities to “provide or ensure services to assist juveniles in re-establishing themselves in society and to lessen prejudice against such juveniles.”<sup>174</sup> These services should strive to provide housing, employment, and other sufficient means indispensable upon release in order to facilitate successful reintegration.<sup>175</sup> Agents of authorities providing such services should be consulted pre-release, at which time they should start preparing juveniles for their return and successful reintegration to the community.”<sup>176</sup>

### ***International and regional cooperation***

The UN honors the significance of international cooperation through the UN crime prevention and criminal justice network.<sup>177</sup> In his report at the 19<sup>th</sup> session of the CCPCJ on the activities of the institutes of the United Nations Crime Prevention and Criminal Justice program network, Secretary General Ban Ki-Moon noted The Latin Institute for the Prevention of Crime and the Treatment of Offenders, Australian Institute of Criminology, Korean Institute of Criminology, and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law for undertakings affiliated with works of the UNODC on juvenile justice (training of judges, prosecutors and public defenders; juvenile custodial detention; recidivism prevention program; and standards for the system of investigating juvenile offenders).<sup>178</sup>

In 2009 the ECOSOC adopted resolution E/2009/26 on supporting national and international efforts for child justice reform, addressing specifically the necessity of advancing coordination in technical assistance among States, in a

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<sup>168</sup> United Nations Economic and Social Council, *United Nations Rules for the Treatment of Women Prisoners and Non-custodial*

*Measures for Women Offenders* (the Bangkok Rules), 2010, Art. 4-5.

<sup>169</sup> United Nations Office on Drugs and Crime. *Afghanistan. Justice for Children in Conflict with the Law: A Training Manual for Judge and Prosecutors*, 2008, p. 335.

<sup>170</sup> United Nations Office on Drugs and Crime. *Afghanistan. Justice for Children in Conflict with the Law: A Training Manual for Judge and Prosecutors*, 2008, p. 336.

<sup>171</sup> United Nations, Beijing Rules, 1985, Art. 13.5.

<sup>172</sup> United Nations Office on Drugs and Crime, *Custodial and Non-Custodial Measures: Social Reintegration. Criminal Justice Assessment Toolkit 4*, 2006, p.

<sup>173</sup> United Nations, Convention on the rights of the Child, 1989, Art. 28-29.

<sup>174</sup> United Nations, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, 1990, Art. 80.

<sup>175</sup> United Nations, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, 1990, Art.80.

<sup>176</sup> United Nations, *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*, 1990, Art.80.

<sup>177</sup> United Nations Economic and Social Council, *Activities of the Institute of the United Nations Crime Prevention and Criminal Justice Programme Network*. Report of the Secretary General, 2010, pp. 3.

<sup>178</sup> United Nations Economic and Social Council, *Activities of the Institute of the United Nations Crime Prevention and Criminal Justice Programme Network*. Report of the Secretary General, 2010, pp. 4-5,11,20-21.

large part by providing and exchanging available capacities and resources, setting up national data collection and criminal justice information systems, as well “increase[ing] the effectiveness of programme implementation, including, joint programming, and development of common tools and awareness-raising.”<sup>179</sup>

## *Afghanistan*

As a country leaning heavily on the Sharia law, Afghanistan has undergone broad political, economic and social changes, in as little as the past decade, now “placing a tremendous stress on formal and informal protection mechanisms and exposing vulnerable populations, in particular women and children.”<sup>180</sup> The Juvenile Code of Afghanistan was adopted by the Afghan Cabinet in February 2005 and signed 9 March 2005 by the President.<sup>181</sup> It was a key step in restructuring the legal system, improving protections for youth based on principles contained in the Convention on the Rights of the Child—rehabilitation, re-education, and imprisonment as a measure of last resort.<sup>182</sup> Successful application of the Juvenile Code was obstructed by the “absence of functioning juvenile justice institutions, and the severe lack of social services in the community, which are the cornerstone for fulfilling the non-custodial provisions of the Juvenile Code.”<sup>183</sup> In addition to structural challenges, “inadequate preparation of judges and prosecutors on the application of the juvenile code and the absence of juvenile judges and prosecutors, with the exception to Kabul, is another obstacle.”<sup>184</sup>

Even though the new Juvenile Code provides for diversion mechanism and alternatives to imprisonment, such as performing social services, issuing warnings, trial postponing, suspension of punishment or home confinement, Afghans face difficulties with implementation “due to the lack of programmes to which juveniles may be diverted and the acute shortage of social services to take care of their rehabilitative needs.”<sup>185</sup> According to the UNODC report, in 2007 91% of juveniles were either eligible for non-custodial sanctions or suspensions.<sup>186</sup> Further, the report finds that “an analysis of statistics relating to all 455 juveniles imprisoned in Afghanistan in 2008 found that 96 per cent of cases were pre-trial or under-trial detainees, with only 4 per cent of sentences having been confirmed by the Supreme Court.”<sup>187</sup>

Even though Afghanistan faces a lot of challenges and difficulties with fully implementing and putting into operation its new Juvenile Code with appropriate justice processes and correctional practices, it offers a valuable example for other Member States. First and foremost being the recognition and effort put into creating juvenile justice code reflective of international standards in the midst in the midst of social and political turmoil, and political system significantly rooted in the Sharia law tradition. Secondly, taking advantage of the available international resources, such as those provided by the UNICEF exemplifies global cooperation and unity on the importance of the subject matter, as reflected by the 15 April 2010 meeting of Afghan leaders and UNICEF officers addressing possible advancements and solutions to challenges posed by enhancing the juvenile justice system.<sup>188</sup>

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<sup>179</sup> United Nations Economic and Social Council, *Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance*, E/2009/26.

<sup>180</sup> United Nations Children’s Fund, *Justice for Children in Afghanistan Series: The Role of Social Workers in Juvenile Justice*, 2008, p.2.

<sup>181</sup> United Nations Office on Drugs and Crime, *Afghanistan: Implementing Alternatives to Imprisonment, in Line with International Standards and National Legislation*, 2008, p.31.

<sup>182</sup> United Nations Office on Drugs and Crime, *Afghanistan: Implementing Alternatives to Imprisonment, in Line with International Standards and National Legislation*, 2008, p.31.

<sup>183</sup> United Nations Office on Drugs and Crime, *Afghanistan: Implementing Alternatives to Imprisonment, in Line with International Standards and National Legislation*, 2008, p. ix.

<sup>184</sup> United Nations Office on Drugs and Crime, *Afghanistan: Implementing Alternatives to Imprisonment, in Line with International Standards and National Legislation*, 2008, p. ix.

<sup>185</sup> United Nations Office on Drugs and Crime, *Afghanistan: Implementing Alternatives to Imprisonment, in Line with International Standards and National Legislation*, 2008, p.31.

<sup>186</sup> United Nations Office on Drugs and Crime, *Afghanistan: Implementing Alternatives to Imprisonment, in Line with International Standards and National*, 2008, p. 36.

<sup>187</sup> United Nations Office on Drugs and Crime, *Afghanistan: Implementing Alternatives to Imprisonment, in Line with International Standards and National Legislation*, 2008, p. ix.

<sup>188</sup> United Nations Children’s Fund, *Afghan leaders meet to address juvenile justice*, 2010.

## **Conclusion**

Criminal justice system and practices fall under domestic jurisdiction of states and vary “in name and approach according to the country context.”<sup>189</sup> With the proliferation and recognition of human rights, the Member States saw developing guidelines and rules for juvenile justice systems as an important tool for the protection and growth of the future generations.<sup>190</sup> Gradually, the areas covered by the UN have expanded to cover not only the minimum age of criminal responsibility and administration of juvenile justice, but also youth deviance prevention measures, protection during imprisonment, non-custodial punishment measures, or juvenile girl offenders.<sup>191</sup> With the ever growing scientific research cooperation, the UN-sponsored technical assistance allocation, tremendous work of NGOs such as the Juvenile Justice Panel, spreading popular awareness, and the Congress on Crime Prevention and Criminal Justice offering a forum for inter-governmental debate, there is a growing hope for developing a functional juvenile justice system that would both punish, educate and protect modern youth.<sup>192</sup> There are a number of additional issues that could be considered during the committee simulation session. Should mental disorders have an impact on severity of administered punishment? Should history of abuse on juveniles be considered a mitigating circumstance in judicial sentencing? How should the juveniles who commit criminal acts during the time of war be treated? Should criminal records of youth offenders be cleared upon completion of the sentence and reaching adulthood? Should there be a mandatory universal minimum age of criminal responsibility be set?

### **III. Responding to Violence Against Migrants, Migrant Workers, and their Families**

*“Public perceptions reflect real issues and real problems, but they also reflect ignorance, prejudices and fear.” - Commission for Social Development<sup>193</sup>*

## **Introduction**

Migration, in its most basic form, is the movement of people that causes many different ethnic, cultural, linguistic, and religious groups to come into contact.<sup>194</sup> By this very nature, it is prone to create challenges, but with globalization, this mixing has reached new levels that force communities to cope with the issues of increased social and cultural diversity.<sup>195</sup> Ways of coping, however, are varied and evidence suggests in some countries that “it may be difficult to reconcile the increasing diversity with social harmony and social cohesion.”<sup>196</sup> This inability manifests itself, as the United Nations General Assembly condemns in Resolution 184 (2009) on Protection of Migrants, in acts of violence and “acts of racism, racial discrimination, xenophobia, and related intolerance against migrants the stereotypes often applied to them.”<sup>197</sup> In order to treat migrants, migrant workers, and their families as global citizens protected by the United Nations Declaration on Human Rights (UDHR) (1948) from these acts, specifically of violence, the Commission on Crime Prevention and Criminal Justice has been invited to consider this issue and to help Member States take “immediate steps to incorporate into international crime prevention strategies and norms measures to prevent, prosecute, and punish crimes involving violence against migrants, as well as violence associated with racism, xenophobia and related forms of intolerance.”<sup>198</sup>

## **Migrants in a Changing World**

### *The Status of Migrants and Migrant Workers*

There is no set profile for what type of person a migrant or migrant worker is, rather, an international migrant is “a

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<sup>189</sup> United Nations Office on Drugs and Crime, *Manual for the Measurement of Juvenile Justice Indicators*, p. 1.

<sup>190</sup> Neudek, *Juvenile Justice: The Role of the United Nations: Crime Prevention and Criminal Justice Branch*, 1994, p. 87.

<sup>191</sup> United Nations, *Twelfth United Nations Congress on Crime Prevention and Criminal Justice*, 2010, p. 6.

<sup>192</sup> United Nations Economic and Social Council, *Supporting National and International Efforts for Child Justice Reform, in Particular Through Improved Coordination in Technical Assistance*, 2009, p. 1.

<sup>193</sup> IOM, *The Image of Migrants in Society*, 2004, p. 2.

<sup>194</sup> Hugo, *Migrants in Society: Diversity and Cohesion*, 2005, p. 1.

<sup>195</sup> Hugo, *Migrants in Society: Diversity and Cohesion*, 2005, p. 1.

<sup>196</sup> Hugo, *Migrants in Society: Diversity and Cohesion*, 2005, p. 1.

<sup>197</sup> United Nations General Assembly, *Protection of Migrants*, 2009, p. 5.

<sup>198</sup> ECOSOC, *Twelfth UNCCPCJ: Note by the Secretariat*, 2010, p. 10.



person who lives outside his or her country of origin.”<sup>199</sup> Anyone who freely makes the decision to migrate for reasons of “personal convenience” and who migrates “without intervention of an external compelling factor” is considered a migrant.<sup>200</sup> To be considered a migrant worker, an individual must be engaged or previously engaged in an activity for which he or she received payment in a country in which the individual is not a citizen.<sup>201</sup> Definitions are important because in many countries, migrants are not granted legal rights, or certain types of migration and work, such as in domestic service, are not regulated and granted legal status which denies migrants in those sectors protection.<sup>202</sup> It is also important to differentiate between migrants who migrate legally, receiving proper paperwork such as work permits, and those that migrate illegally.<sup>203</sup> Increasingly, illegal or irregular migrants, as literature also refers to them, suffer acts of violence because they are particularly seen as negatively affecting society.<sup>204</sup>

#### *The Situation of Migrants and Migrant Workers*

As the International Organization for Migration (IOM) reports, much discrimination and many acts of violence against migrants occur because there is a lack of understanding about current migration patterns and misinformation pervades.<sup>205</sup> According to the report from the Twelfth Congress:

*At present, there are 214 million international migrants, representing about 3.1 per cent of the world population. Significantly, only 37 per cent of migratory movements are made from developing to developed countries. Most international migratory movements occur between countries at the same level of development: about 60 per cent of migrants move either between developing or between developed countries. The remaining 3 per cent move from developed to developing countries.*<sup>206</sup>

For example, these figures contrast starkly to common perceptions that much migration occurs in a South-North direction.<sup>207</sup> International migration is also characterized by an expanding scope; not just the number of migrants has increased, but the number of countries as well: "In 1970, international migrants accounted for more than 10 per cent of the population in 48 countries. By 2000, this number of countries had risen to 70."<sup>208</sup> Feminization of migration has also occurred in recent years and, for example, in 2005 about 49.5% of all migrants or 94.5 million migrants total were women.<sup>209</sup> These changes in migration trends reflect the fact that there are multiple types of migration and multiple reasons why migrants might choose to leave. Migrants leave for a variety of reasons including to find better socioeconomic situations, to escape poverty, to find better jobs, or to support their families.<sup>210</sup> Despite their intentions when moving, often times migrants find entirely different situations of violence, hatred, xenophobia, and a misunderstanding of why they have migrated, their values, and their beliefs.<sup>211</sup>

In terms of violence, refugees and migrants have increasingly become targets of hate crimes and exploitative practices.<sup>212</sup> This can occur because not only is there a misunderstanding of the situation, but public perception of migrants seems to be “overwhelmingly negative.”<sup>213</sup> A belief that migrants take from society instead of contributing to society pervades.<sup>214</sup> Some negative perceptions may be due to the confusion between who is a migrant and who

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<sup>199</sup> IOM, *Migration and Gender*, n.d.

<sup>200</sup> IOM, *Migration and Gender*, n.d.

<sup>201</sup> IOM, *Migration and Gender*, n.d.

<sup>202</sup> United Nations. General Assembly. *Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families*, 2009; Varia, N., *Migration for Domestic Work*, 2010.

<sup>203</sup> IOM, *Irregular Migration*, n.d.

<sup>204</sup> IOM, *Irregular Migration*, n.d.

<sup>205</sup> IOM, *The Image of Migrants in Society*, 2004, p. 2.

<sup>206</sup> Twelfth United Nations Congress on Crime Prevention and Criminal Justice, *Crime Prevention and Criminal Justice Responses to Violence Against Migrants, Migrant Workers and Their Families*, 2010, p. 2.

<sup>207</sup> IOM, *The Image of Migrants in Society*, 2004, p. 2.

<sup>208</sup> Global Commission on International Migration. *Migration in an Interconnected World: New Directions for Action*, 2005, p. 42.

<sup>209</sup> Twelfth United Nations Congress on Crime Prevention and Criminal Justice, *Crime Prevention and Criminal Justice Responses to Violence Against Migrants, Migrant Workers and Their Families*, 2010, p. 11.

<sup>210</sup> United Nations General Assembly, *Protection of Migrants*, 2009.

<sup>211</sup> United Nations General Assembly, *Protection of Migrants*, 2009, p. 5.

<sup>212</sup> UNODC, *Handbook on Justice for Victims*, 1999, p. 6.

<sup>213</sup> IOM, *The Image of Migrants in Society*, 2004, p. 1.

<sup>214</sup> IOM, *The Image of Migrants in Society*, 2004, p. 1.

is an asylum-seeker, one typically seen as wanting to abuse the system.<sup>215</sup> No matter the reason, violence and discrimination against migrants occurs. Due to events and terrorist activities in cities like New York, Madrid, Amsterdam and London, there is also growing anti-Muslim prejudice.<sup>216</sup> Indeed, immigrants from countries in the Middle East are now viewed as threats to local values, identities, and securities.<sup>217</sup> With the economic crisis, for example, in the United Kingdom, "There have been instances of discrimination and xenophobia against migrant men and women, who are mistakenly perceived as taking the jobs of local workers particularly in low- skilled sectors of the labor market."<sup>218</sup> Additionally, as the UN Special Rapporteur reports in June of 2010, "One only needs to mention the recent tragic events in Rosarno, Italy, where xenophobic violence targeted migrants or the sound rise of far-right political parties in several European States which are openly xenophobic, to understand how migrants are easy targets of manifestations of racism and xenophobia."<sup>219</sup> In the context of migration, it is notable that the issue is not just of violence towards migrants, migrant workers and their families while actually residing in a host country, but violence may occur against those migrants who return to their origin countries and are viewed as having abandoned their people and country or as being "less" national after returning.<sup>220</sup>

### *Legal and United Nations Framework*

At the recent Twelfth United Nations (UN) Congress on Crime Prevention and Criminal Justice, Member States present agreed that human rights are central to creating and maintaining an "effective, fair and humane criminal justice system."<sup>221</sup> Though the Salvador Declaration (2010) passed by the Twelfth Congress reiterates the centrality of human rights, migrants have always been protected by the UDHR.<sup>222</sup> The UDHR proclaims all human beings are born free and equal, being granted the same rights and freedoms free from discrimination based on race, color, or national origin.<sup>223</sup> Additionally, the UDHR reaffirms the "right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country."<sup>224</sup> Because of these basic rights and the complex nature of migration, it is important to frame the discussion in terms of human rights as the United Nations General Assembly stresses.<sup>225</sup>

There are also several other key documents that protect migrants and migrant workers such as the International Covenant on Economic, Social and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966) and the Optional Protocols (1966) in relation to the covenant.<sup>226</sup> In 2003, the International Convention on the Rights of All Migrant Workers and Member of Their Families was also adopted by the General Assembly. As of May 2009, 41 States were parties to this Convention.<sup>227</sup> These represent only a few of the key documents related to the rights of migrants and the protection of migrants, migrant workers and their families. Many other documents exist for the protection of special groups of migrants, such as women migrant workers. Several organizations also all collaborate on the issue of migration including: the International Labour Organization; the UN Department of Economic and Social Affairs; the UN Population Fund; the Office of the UN High Commissioner for Refugees; the UN High Commissioner for Refugees; the UN Education, Social and Cultural Organization; the Commission on the Status of Women; and the UN Development Programme.<sup>228</sup> With both framework and many organizations working on the issue, the difficulty, therefore, in acting to prevent violence is

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<sup>215</sup> IOM, *The Image of Migrants in Society*, 2004, p. 1.

<sup>216</sup> Global Commission on International Migration, *Migration in an Interconnected World: New Directions for Action*, 2005, p. 43.

<sup>217</sup> IOM, *The Image of Migrants in Society*, 2004, p. 1.

<sup>218</sup> IOM, *The Impact of the Global Economic Crisis on Migrants and Migration*, 2009, p. 3.

<sup>219</sup> Muigai, *Human Rights and Migration*, 2010, p. 2.

<sup>220</sup> IOM, *The Image of Migrants in Society*, 2004, p. 4.

<sup>221</sup> United Nations Information Service, *Treatment of Prisoners, Child Protection, Violence against Women, Migrants Highlighted as Crime Congress Adopts Salvador Declaration*, 2010.

<sup>222</sup> Twelfth United Nations Congress on Crime Prevention and Criminal Justice, *Crime Prevention and Criminal Justice Responses to Violence Against Migrants, Migrant Workers and Their Families*, 2010, p. 4.

<sup>223</sup> United Nations General Assembly, *Protection of Migrants*, 2009, p. 1.

<sup>224</sup> United Nations General Assembly, *Protection of Migrants*, 2009, p. 1.

<sup>225</sup> United Nations General Assembly, *Protection of Migrants*, 2009, p. 1.

<sup>226</sup> Twelfth United Nations Congress on Crime Prevention and Criminal Justice, *Crime Prevention and Criminal Justice Responses to Violence Against Migrants, Migrant Workers and Their Families*, 2010, p. 4.

<sup>227</sup> United Nations. General Assembly. *Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families*, 2009, p. 1.

<sup>228</sup> Global Commission on International Migration, *Migration in an Interconnected World: New Directions for Action*, 2005, p. 73.

the lack of a UN migration focused agency to clearly oversee implementation and adherence.<sup>229</sup> Though the IOM does vast work related to migrants, the IOM does not contain a specific mandate for protection of these groups.<sup>230</sup>

### ***Understanding Violence***

The issue of violence has long been a focus of the UN and is addressed in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985).<sup>231</sup> This document defines victims as “persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are violations of national criminal laws or of internationally recognized norms relating to human rights.”<sup>232</sup> As the Twelfth Conference declares, “Violence can take many forms, ranging from exploitation in the form of trafficking in persons or the risk to life related to the smuggling of migrants, to a combination of racial prejudice and competition for economic and social opportunities between nationals and migrants.”<sup>233</sup> It is most important to consider that an act of violence does not only affect the victim, but the “victim’s immediate family and relatives, neighbours and acquaintances.”<sup>234</sup> The effects of violence are also not just physical and the emotional consequences of violence can last for years or even a lifetime, sometimes affecting subsequent generations, even in the cases of crimes less severe than murder or rape such as assault or robbery.<sup>235</sup> Being a victim of a violent act makes one feel powerless, insecure, angry and afraid.<sup>236</sup> Violence is also especially devastating because of its effects on communities and its reinforcing nature.<sup>237</sup> The IOM best explains: “Lack of active promotion of tolerance and understanding in a diverse community can lead to discrimination and social exclusion of migrants. In turn, socio-economic and political frustration and alienation among migrant communities can create conditions which could trigger potentially harmful situations.”<sup>238</sup>

In terms of violence against migrants, immigrant migration and migrant smuggling are both important concepts to understand. The link between the two, and the necessity to explore the link, is also stressed by the General Assembly resolution 58/126 of 10 February 2004 on “violence against migrant women workers.”<sup>239</sup> A migrant worker is someone who is paid for services in a country other than their own. Trafficking, on the other hand, “includes any act of recruitment, transport, transfer, receipt, sale, or purchase of human beings by force, fraud, deceit, or other coercive tactics for the purpose of placing them into conditions of forced labor or practices similar to slavery or servitude.”<sup>240</sup> Migration and trafficking are interlinked, as traffickers often exploit the processes by which individuals migrate. Recruiters may deceive prospective domestic workers about their actual working conditions or recruit them as paid migrants before depriving them of pay.<sup>241</sup> In terms of violence, trafficking is considered to be one of the worst forms of violence against women migrants often because of the physical violence inflicted.<sup>242</sup>

### ***Violence Against Women Migrant Workers and Children***

Across the wide-range of violence against migrants, migrant workers and their families, one of the greatest areas for concern is violence against women migrant workers. As the IOM notes, “for migrants, gender is perhaps the most important single factor shaping their experience – more important than their country of origin or destination, their

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<sup>229</sup> Global Commission on International Migration, *Migration in an Interconnected World: New Directions for Action*, 2005, p. 73.

<sup>230</sup> Global Commission on International Migration, *Migration in an Interconnected World: New Directions for Action*, 2005, p. 63.

<sup>231</sup> UNODC, *Handbook on Justice for Victims*, 1999, p. iv.

<sup>232</sup> UNODC, *Handbook on Justice for Victims*, 1999, p. iv.

<sup>233</sup> Twelfth United Nations Congress on Crime Prevention and Criminal Justice, *Crime Prevention and Criminal Justice Responses to Violence Against Migrants, Migrant Workers and Their Families*, 2010, p. 2.

<sup>234</sup> UNODC, *Handbook on Justice for Victims*, 1999, p. 5.

<sup>235</sup> UNODC, *Handbook on Justice for Victims*, 1999, p. 5.

<sup>236</sup> UNODC, *Handbook on Justice for Victims*, 1999, p. 5.

<sup>237</sup> UNODC, *Handbook on Justice for Victims*, 1999, p. 5.

<sup>238</sup> IOM, *The Image of Migrants in Society*, 2004, p. 3.

<sup>239</sup> United Nations. General Assembly, *Violence Against Migrant Women Workers*, 2004, p. 2.

<sup>240</sup> Human Rights Watch, *“As If I Am Not Human”: Abuses Against Asian Domestic Workers in Saudi Arabia*, 2008, p. 40.

<sup>241</sup> Human Rights Watch, *“As If I Am Not Human”: Abuses Against Asian Domestic Workers in Saudi Arabia*, 2008, p. 40.

<sup>242</sup> IOM, *Taking Action Against Violence and Discrimination Affecting Migrant Women and Girls*, p. 3.

age, class, race or culture."<sup>243</sup> Migrant women are subject to a variety of forms of violence including, but not limited to: rape, physical abuse, psychological abuse, and racism. One rampant issue is that migrant workers in several countries often are refused pay, and because women migrant workers increasingly migrate to support their families through remittances, or are the main source of income for the family, this has drastic effects on her family.<sup>244</sup>

The framework for understanding the rights and protections due to migrant workers is vast and spread out including the documents previously mentioned as well as The UN Convention on the Elimination of all forms of Discrimination against Women (1979) and The International Convention on the Elimination of All Forms of Racial Discrimination (1969).<sup>245</sup> These documents are all important to contextualizing and understanding the work done to protect migrant women workers, but, as they illustrate, the issues facing women migrant workers are broad and varied. One of the main concerns is that the majority of women work in the domestic sector which is largely unregulated leaving women poorly protected from acts of violence.<sup>246</sup> Isolated in private homes, they are particularly vulnerable to physical, psychological, and sexual violence.<sup>247</sup> Additionally, there are no restrictions on hours women may work or requirements for days off and decent working conditions.<sup>248</sup> Moreover, certain countries require that domestic workers not have their own houses which makes them easy targets for violence within the household.<sup>249</sup> Violence against women may also even occur when women are trying to seek help because there are many instances of male police and immigration officers admitting to raping migrant domestic workers in their charge.<sup>250</sup>

While much focus is on acts of violence against migrant women workers from their employers, other acts of violence are common. For example, violence occurs to migrants from migrants such as migrant women abusing other migrant women or helping to smuggling them in and violence against migrant women and girls also can occur within the family because migration may trigger or aggravate domestic violence.<sup>251</sup> European studies suggest that "migrant women make up a significant percentage of women who report intimate partner violence."<sup>252</sup> This is because men will use violence to assert their role or as a response to shift in gender roles, job insecurity, money, and other changes due to migration.<sup>253</sup> Additionally, it has been shown that adapting to being a migrant, living in a new country and facing new situations and circumstances, combined with issues of integration may place pressure on adhering to cultural practices from country of origin which are also violent such as female infanticide and female genital mutilation/cutting, early marriage.<sup>254</sup> These acts occur because of failed attempts to integrate migrants into society. No matter the type of violence or reason for violence suffered by migrant women workers, "lack of local language skills, inadequate access to appropriate jobs, limited knowledge of their rights and, in certain cases, earlier experiences of violence in their home communities all combine to reduce migrant women's capacity to protect themselves against abusive situations."<sup>255</sup> Lastly, violence against women is not only important because of the violent acts themselves, but because of its relationship to the HIV and AIDS epidemic which, as the Commission on AIDS in Asia 2008 Report concludes, is largely drive by migration.<sup>256</sup> Not just migration, but raping, sexual abuse, "limited preparedness and poor access to information and services render migrant women vulnerable to HIV."<sup>257</sup>

In addition to women, children are especially vulnerable to being targets for violence.<sup>258</sup> Children are exceptionally

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<sup>243</sup> IOM, *Gender and Migration Fact Sheet*, 2002, p. 1.

<sup>244</sup> IOM, *The Impact of the Global Economic Crisis on Migrants and Migration*, 2009, p. 5.

<sup>245</sup> Bach, & Kin-Armbrust, *ENAR Fact Sheet 42: Gender and Migration*, 2010, p. 4.

<sup>246</sup> IOM, *The Impact of the Global Economic Crisis on Migrants and Migration*, 2009, p. 5.

<sup>247</sup> Human Rights Watch, *Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East*, 2010, p. 7.

<sup>248</sup> Varia, N., *Migration for Domestic Work*, 2010, p. 2.

<sup>249</sup> United Nations General Assembly, *Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families*, 2009, p. 36.

<sup>250</sup> Human Rights Watch, *Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East*, 2010, p. 20.

<sup>251</sup> IOM, *Taking Action Against Violence and Discrimination Affecting Migrant Women and Girls*, p. 2.

<sup>252</sup> IOM, *Taking Action Against Violence and Discrimination Affecting Migrant Women and Girls*, p. 2.

<sup>253</sup> IOM, *Taking Action Against Violence and Discrimination Affecting Migrant Women and Girls*, p. 2.

<sup>254</sup> IOM, *Taking Action Against Violence and Discrimination Affecting Migrant Women and Girls*, p. 2.

<sup>255</sup> IOM, *Taking Action Against Violence and Discrimination Affecting Migrant Women and Girls*, p. 1.

<sup>256</sup> Regional HIV and Development Programme, *HIV Vulnerabilities Faced by Women Migrants: From Asia to the Arab States: From Silence, Stigma and Shame to Safe Mobility with Dignity, Equity and Justice*, 2008, p. 5.

<sup>257</sup> Regional HIV and Development Programme, *HIV Vulnerabilities Faced by Women Migrants: From Asia to the Arab States: From Silence, Stigma and Shame to Safe Mobility with Dignity, Equity and Justice*, 2008, p. 6.

<sup>258</sup> Touzenis, *Human Rights of Migrant Children*, 2008, p. 11.

susceptible to violence such as theft or exploitation especially during migration process often due to situations of homelessness or type of work.<sup>259</sup> Articles of the Convention on the Rights of the Child (CRC) (1989) protect children from all forms of violence and exploitation.<sup>260</sup> States are also required by Article 19 of the CRC to protect children from all forms of violence.<sup>261</sup> Nonetheless, violence against children migrants is still a growing concern. Migrant children are often discriminated against because they do not receive full access to education and are denied health and emergency services.<sup>262</sup> Children migrants are also like to suffer violence at the hands of the State at detention centers or by law enforcement personnel in general.<sup>263</sup>

### ***Crime Prevention and Norms to Prevent, Prosecute, and Punish***

There are several general ways in which the international community can aim to respond to violence against migrants, migrant workers, and their families including through utilizing existing resources.

#### *Prevention*

The simplest way to protect migrants, migrant workers, and their families from violence is to offer opportunities not to migrate at all by improving education and employment opportunities for women and girls, for example, or by helping to improve economic situations in sending countries.<sup>264</sup> Even if migrants do choose to leave their homes, in host countries, pre-departure trainings can prepare migrants for their lives in host countries and educate them on their rights and on available avenues and means of seeking help.<sup>265</sup>

In host countries, in order to truly combat the problem and reduce xenophobic attitudes, the problem of violence and the situation of migrants must also be better researched.<sup>266</sup> Based on understanding the issue, host governments can work to curtail xenophobic acts through legislation and social projects that aim to support multicultural initiatives and reduce prejudice.<sup>267</sup> The IOM notes “most migration-related policies and regulations are not gender specific” in spite of the fact that gender is the factor that most affects a migrant’s experience.<sup>268</sup> Receiving countries focus more on immigration and border control than on incorporating gender-analysis into their planning to better foresee and address problems.<sup>269</sup> The issue is the need to create gender neutral and not gender-blind programs and policies.<sup>270</sup> Also, though governments may ask for technical assistance, national governments need to be supported to take full ownership of programs for crime prevention and criminal justice while making sure to address the whole systemic need as opposed to working on solely one aspect.<sup>271</sup> More specifically, the UN Special Rapporteur on the Human Rights of Migrants has also called for Member States to “provide appropriate training to civil servants working in the area of migration and health and sensitize them on the issues of discrimination against migrants, particularly with respect to migrant women and girls and children.”<sup>272</sup>

The General Assembly has also noted previously, that working with civil society organizations and the media is an effective way to change perceptions of migrants and prevent violent acts towards migrants before they happen.<sup>273</sup> Working with the media is important because media sources often predominately portray migrants in a negative context such as in criminal or illegal behavior.<sup>274</sup> Media campaigns can therefore work to change public perceptions

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<sup>259</sup> Touzenis, *Human Rights of Migrant Children*, 2008, p. 11.

<sup>260</sup> Touzenis, *Human Rights of Migrant Children*, 2008, p. 21.

<sup>261</sup> Touzenis, *Human Rights of Migrant Children*, 2008, p. 28.

<sup>262</sup> Touzenis, *Human Rights of Migrant Children*, 2008, p. 28.

<sup>263</sup> Touzenis, *Human Rights of Migrant Children*, 2008, p. 28.

<sup>264</sup> Varia, *Migration for Domestic Work*, 2010.

<sup>265</sup> Regional HIV and Development Programme, *HIV Vulnerabilities Faced by Women Migrants: From Asia to the Arab States: From Silence, Stigma and Shame to Safe Mobility with Dignity, Equity and Justice*, 2008.

<sup>266</sup> IOM, *Working to Prevent and Address Violence Against Women Migrant Workers*, 2009, p. 26.

<sup>267</sup> UNODC, *Handbook on Justice for Victims*, 1999, p. 104.

<sup>268</sup> IOM, *Gender Issues and Migration Policy*, n.d.

<sup>269</sup> IOM, *Gender Issues and Migration Policy*, n.d.

<sup>270</sup> IOM, *Gender Issues and Migration Policy*, n.d.

<sup>271</sup> United Nations General Assembly, *Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in Particular its Technical Cooperation Capacity*, 2008, p. 11.

<sup>272</sup> Human Rights Council, *Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante*, 2010.

<sup>273</sup> United Nations General Assembly, *Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families*, 2009.

<sup>274</sup> IOM, *The Image of Migrants in Society*, 2004.

of migrants to prevent violence from occurring.<sup>275</sup> As an IOM campaign in Kosovo did, they can also educate people about the plight of trafficked women and work to empower women victims to become survivors.<sup>276</sup> Lastly, media can also play a role in educating employers about laws of which they may be ignorant.<sup>277</sup> Not just governments and civil organizations are working and can work to benefit migrants, but "The private sector is slowly recognizing the benefits of addressing this image through creating appropriate working conditions for migrants."<sup>278</sup> One the most notable tools in this effort is the UN's Global Compact which organizations can participate in and which holds organizations to 10 basic principles including that "businesses should uphold the elimination of discrimination in respect of employment and occupation."<sup>279</sup>

### *Prosecution*

The issue of improving prosecution is two fold. First, "In many countries, migrants face unequal or even discriminatory treatment by the criminal justice system."<sup>280</sup> This happens in many ways: crimes by migrants are more likely to be reported, they are more likely to end up in detention centers because they do not have the support of the court, and they are more vulnerable in detention centers when awaiting trial or when serving a sentence. In general, migrant victims face insensitive treatment by the police, prosecutors and court officials, causing a "second injury."<sup>281</sup> Combating these issues is difficult, but anti-discrimination legislation and an anti discrimination body could improve implementation of laws and work to create a system of incentives and sanctions.<sup>282</sup> The other side of this issue is about increasing the amount of individuals who commit violent acts against migrants who are prosecuted. It has been suggested this could be done through supplementing the UN Convention against Transnational Organized Crime (2000) or through the creation of regional responses.<sup>283</sup>

### *Punishment*

Finally, in order to deter those who commit violent crimes both in the short and long-term it is necessary to focus on the punishment of national crimes. While there are differing national standards and the CCPCJ cannot mandate sentences, the Commission can write in favor of creating general guidelines that reflect the need to try perpetrators of violence against migrants, migrant workers and their families as just that, violent acts. Dubai has been exceptionally successful in deterring criminals by harsher punishments; for example, "Since January 2008, sponsors of housemaids in Dubai who abet maids in carrying out illegal work will be charged with the crime of human trafficking and face 10 years in jail or more."<sup>284</sup> This is important because before this law, "sponsors who released their housemaids for a fee to carry out jobs illegally were charged with the crime of selling visit/residence visa."<sup>285</sup>

### *Conclusion*

The Commission on Crime Prevention and Criminal Justice is charged with a difficult and large issue when looking at preventing violence against migrants, migrant workers, and their families. Overall, this Commission must consider what it can do in the context of its work supporting the UNODC which, on this matter: urges continued work to ratify documents related to combating migrant smuggling, recommends providing increased technical assistance to understand the issue of violence against migrants and specifically women migrant workers, and encourages Member States to use existing manuals, handbooks, and model legislation and legislative guides as best

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<sup>275</sup> Gender Issues Coordination, *Italy: Overturning Negative Perceptions of Migrants*, 2010.

<sup>276</sup> IOM, *Gender and Migration Fact Sheet*, 2002, p. 3.

<sup>277</sup> Fernández-Alfaro & Acosta, *The Case of Domestic Workers in Costa Rica*, 2010.

<sup>278</sup> IOM, *The Image of Migrants in Society*, 2004, p. 7.

<sup>279</sup> Global Commission on International Migration, *Migration in an Interconnected World: New Directions for Action*, 2005, p. 46.

<sup>280</sup> United Twelfth Nations Congress on Crime Prevention and Criminal Justice, *Crime Prevention and Criminal Justice Responses to Violence Against Migrants, Migrant Workers and Their Families*, 2010, p. 13.

<sup>281</sup> UNODC, *Handbook on Justice for Victims*, 1999, p. 1.

<sup>282</sup> Twelfth United Nations Congress on Crime Prevention and Criminal Justice, *Crime Prevention and Criminal Justice Responses to Violence Against Migrants, Migrant Workers and Their Families*, 2010, p. 17.

<sup>283</sup> General Assembly, *Protection of Migrants*, 2009.

<sup>284</sup> Regional HIV and Development Programme, *HIV Vulnerabilities Faced by Women Migrants: From Asia to the Arab States: From Silence, Stigma and Shame to Safe Mobility with Dignity, Equity and Justice*, 2008, p. 7.

<sup>285</sup> Regional HIV and Development Programme, *HIV Vulnerabilities Faced by Women Migrants: From Asia to the Arab States: From Silence, Stigma and Shame to Safe Mobility with Dignity, Equity and Justice*, 2008, p. 7.

practice guides for general standards and norms in the area of crime prevention and criminal justice.<sup>286</sup> The UNODC's first recommendation may seem obvious, but certain experts in the field are cautious to focus too much on ratifying the UN Convention on the Protection of the Rights of All Migrant Workers because it has not been ratified by major host countries and focus on ratification diverts resources from other ways to address and respond to violence against migrants, migrant workers, and their families.<sup>287</sup> Additionally, in the context of violence against women migrant workers, focus on the Convention "would allow states to minimise the obligations they owe to women migrants under existing human rights law regardless of their decision to sign, ratify, or ignore this new treaty."<sup>288</sup>

Therefore, this Commission again needs to consider its own specific mandate and the ways in which it may help evaluate laws and practices and develop helpful resources for Member States and to support preventing violence, protecting migrants, and punishing perpetrators. This requires prevention, prosecution, and punishment and prioritizing these actions considering that responding to all three of these aspects of the problem is necessary to provide long-term and long-lasting solutions. When evaluating the issue in general it is necessary to focus on the difference between addressing the symptoms and actually solving the causes of violence against migrant women.<sup>289</sup> Without looking at the causes, solutions "perpetuate [sic] the risks and vulnerabilities of these women."<sup>290</sup> The need to address the issue is also necessary to avoid a "race to the bottom" in which migrant rights are exceptionally poor in certain countries as a matter of economic convenience. In order to do this, the overall important strategy is to focus on promoting international cooperation and oversight on the regulation, recruitment, and response to abuse of migrant workers.<sup>291</sup> As part of recognizing this, the UN General Assembly in Resolution 184 (2009) on Protection of Migrants, stresses the importance of international, regional, and bilateral cooperation and holistic approaches when working towards effective means for prevention, prosecution, and punishment.<sup>292</sup>

Lastly, despite international and regional work being key to ending violence against migrants, migrant workers and their families, the issue of preventing xenophobia, racism, and intolerance, though a large part of the United Nation's goals, remains one situated within societies and individual Member States. The Commission must consider its own limitations, be they legal, cultural, or logistic, and work to overcome these to the benefit of migrants, migrant workers, and their families.

## Annotated Bibliography

### *Committee History of the Commission on Crime Prevention and Criminal Justice*

Clark, R. (1994). *The United Nations Crime Prevention and Criminal Justice Program*. Philadelphia: University of Pennsylvania Press.

*Written in the early 1990s, Clark describes in detail the evolution of international bodies addressing crime and criminal justice and how the CCPCJ resulted from that history. He also describes how the Commission was created and details the bodies involved in the international crime prevention and criminal justice process. This is a good source for surveying and comprehending the parts of the Program and how they fit together.*

United Nations. Department of Economic and Social Affairs. (2010). *Commission on Crime Prevention and Criminal Justice: Nineteenth Session List of Participants*. Vienna. Retrieved September 9, 2010 from <http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.15/2010/INF/1>.

*Listed within the document are the participants and observers of the nineteenth session of the CCPCJ. It provides specific examples of which non-Member States and entities attend the*

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<sup>286</sup> United Nations General Assembly, *Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in Particular its Technical Cooperation Capacity*, 2008, p. 11, 21.

<sup>287</sup> Bach, A., Carles, I., & Kin-Armbrust, C. *ENAR Fact Sheet 42: Gender and Migration*, 2010, p. 4.

<sup>288</sup> Bach, A., Carles, I., & Kin-Armbrust, C. *ENAR Fact Sheet 42: Gender and Migration*, 2010, p. 4.

<sup>289</sup> IOM, *Taking Action Against Violence and Discrimination Affecting Migrant Women and Girls*, p. 4.

<sup>290</sup> IOM, *Taking Action Against Violence and Discrimination Affecting Migrant Women and Girls*, p. 4.

<sup>291</sup> Varia, N., *Migration for Domestic Work*, 2010, p. 2.

<sup>292</sup> General Assembly, *Protection of Migrants*, 2009, p. 1.

*Commission. These attendees include non-Member States and entities, the UNODC, UNHCR, UNOHCHR, affiliated institutes of the Program Network, specialized agencies such as the IAEA, intergovernmental organizations, non-governmental organizations, and special groups. Also detailed are which delegates each participant sent, including their name and position.*

United Nations. Department of Economic and Social Affairs. (1992). *Commission on Crime Prevention and Criminal Justice: Report on the first session*. Vienna. Retrieved August 10, 2010 from <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/053/10/img/N9405310.pdf>.

*The first meeting of the Commission was primarily dealt with functional and structural issues of the CCPCJ and the Program. The only unrelated draft resolution was one addressing organized transnational crime. All of these decisions as well as draft resolutions for the attention of ECOSOC and preparations for the 9<sup>th</sup> Crime Congress can be found in this report. It allows the reader to see the how the Commission clarified its purpose and started creating functions to meet them.*

United Nations. Department of Economic and Social Affairs. (2008). *Commission on Crime Prevention and Criminal Justice: Report on the 17<sup>th</sup> Session*. Vienna. Retrieved August 10, 2010 from <http://documents-dds-ny.un.org/doc/UNDOC/GEN/V07/886/89/pdf/V0788689.pdf>.

*This report includes all resolutions and draft resolutions resulting from the 17<sup>th</sup> Crime Congress in 2008 and so provides a summary of which issues were important to the international community in 2008. The theme was “Aspects of violence against women that pertain directly to the Commission on Crime Prevention and Criminal Justice.” Resulting resolutions and decisions addressed “strengthening crime prevention and criminal justice responses to violence against women and girls” and human trafficking.*

United Nations. Department of Economic and Social Affairs. (2010). *Commission on Crime Prevention and Criminal Justice: Report on the 19<sup>th</sup> Session*. Vienna. Retrieved August 10, 2010 from <http://documents-dds-ny.un.org/doc/UNDOC/GEN/V10/541/37/pdf/V1054137.pdf>.

*The nineteenth and most recent session of the CCPCJ addressed the issue of “Illicit trafficking in cultural property.” This report contains all the resolutions and decisions passed by the Commission as well as draft resolutions recommended to ECOSOC and the GA. The Salvador Declaration is annexed within the report and describes the outcomes of the 12<sup>th</sup> Congress on Crime Prevention and Criminal Justice. It shows which issues are most relevant and provides examples of current international consensus.*

United Nations. Department of Economic and Social Affairs. (1992). *Economic and Social Council Resolution 1992/22*. Retrieved August 17, 2010 from <http://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/015/28/img/NR001528.pdf>.

*Entitled “Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice,” resolution 1992/22 utilizes GA resolution 46/152 to restructure the Program. It establishes the CCPCJ and describes its structure, function, powers, and mandates.*

United Nations. Crime and Justice Information Network. (1993). *Crime Prevention and Criminal Justice Newsletter*. Vienna. Retrieved August 17, 2010 from [www.uncjin.org/Documents/Newsletter/nl2223.pdf](http://www.uncjin.org/Documents/Newsletter/nl2223.pdf).

*The Crime Justice Information Network provides a brief and comprehensive description of the establishment of the CCPCJ. It also details the geographical membership of the body, the election process, and the original States elected to the Commission. It clearly summarizes the actions of the first two meetings of the Commission and describes standing agenda items.*

United Nations. Crime and Justice Research Institute. (N/A). *Services: Documentation Centre*. Retrieved August 17, 2010 from [http://www.unicri.it/documentation\\_centre/](http://www.unicri.it/documentation_centre/).

*Administered by UNICRI, the Documentation Center gathers data pertaining to international crime and justice to better disseminate information among Member States. Documents include journals and monographs while sources include the UN, nongovernmental organizations, and*



*regional and interregional institutes. The Centre also analyzes and publishes reports the data it collects, helping states and criminal justice scholars access global information.*

United Nations. General Assembly. (1991). *General Assembly Resolution 46/152*. Retrieved August 17, 2010 from <http://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/582/40/img/NR058240.pdf>.

*Entitled "Creation of an effective United Nations crime prevention and criminal justice programme", resolution 46/152 establishes the need for the Economic and Social Council to reorganize the Crime Prevention and Criminal Justice Programme. Annexed is a report that describes what the Commission should look like and what principles it serves and identifies new effective structure, management, and support frameworks for the Program*

United Nations. Office on Drugs and Crime. (2010). *About UNODC*. Retrieved August 17, 2010 from <http://www.unodc.org/unodc/en/about-unodc/index.html?ref=menutop>

*About UNODC describes the creation of the current office, its mandate and three "pillars of the UNODC work programme," its funding, and the extent of its operations. Also included is a flowchart displaying the organization of the UNODC, including the UN Crime Prevention and Criminal Justice Programme Network. One can also browse a menu of UNODC services to further comprehend its projects and responsibilities.*

United Nations. Office on Drugs and Crime. (2010). *Crime Congress wraps up with 'Salvador Declaration'*. Retrieved August 17, 2010 from <https://www.unodc.org/unodc/en/frontpage/2010/April/crime-congress-wraps-up-with-salvador-declaration.html>

*This article summarizes the major topics discussed that the 10<sup>th</sup> Crime Congresses and included in the Salvador Declaration, which will help guide the actions of the CCPCJ. The document "calls on Member States to adapt their criminal justice systems to a changing world." Also included are statements from UNODC Executive Director Antonia Maria Costa concerning the outcome of the Congress. It is useful as a brief summary of a recent several day international discourse on important modern criminal justice issues.*

United Nations. Office on Drugs and Crime. (2010). *Institutes of the UN Crime Prevention and Criminal Justice Programme Network*. Retrieved August 17, 2010 from <http://www.unodc.org/unodc/en/commissions/CCPCJ/institutes.html>.

*The UNODC lists and provides links to all the institutes that create the Crime Prevention and Criminal Justice Programme Network (the PNIs). The PNIs are interregional, regional, and topic-specific and are excellent resources for research in the international crime prevention and criminal justice field. The institutes are excellent sources for research into international crime prevention and criminal justice issues. The website also describes the Program Network's purpose and the functions it serves.*

United Nations. Office on Drugs and Crime. (2010). *The Commission on Crime Prevention and Criminal Justice*. Retrieved August 17, 2010 from <http://www.unodc.org/unodc/en/commissions/CCPCJ/index.html>.

*The CCPCJ's origin, mandated priorities, and basic structure are described by the UNODC in this article. It is a great place to start for someone unfamiliar with the CCPCJ. Also described are the Commissions' relations to the Crime Congress and the Criminal Justice Programme Network. Links are provided to reports from commission meetings as well as more extensive documentation from meetings in 2009 and 2010 for researchers to gain an understanding of which issues the CCPCJ has focused on in recent years.*

United Nations. Office on Drugs and Crime. (2010). *United Nations Crime Congresses*. Retrieved August 17, 2010 from <http://www.unodc.org/unodc/en/crime-congress/crime-congresses.html>.

*Here one can find a summary of the 12th Crime Congress held in Brazil in April 2010 and links to all the relevant documentation. Listed are the specific topics on the agenda as well as descriptions of the three main channels of action a Congress can take to affect international crime prevention and criminal justice issues. Also described is the structure of the Crime Congress and the ancillary meeting process, giving researchers an understanding of how Crime Congress declarations are created.*

United Nations. Office on Drugs and Crime. (2010). *United Nations Interregional Crime and Justice Research Institute; Turin, Italy – (UNICRI)*. Retrieved September 9, 2010 from <http://www.unodc.org/unodc/en/commissions/CCPCJ/institutes-UNICRI.html>.

*UNICRI is the only interregional and the oldest research institute affiliated with the United Nations Crime Prevention and Criminal Justice Programme Network. It coordinates the efforts of the regional institutes while conducting research, facilitating programs, and suggesting policy to the CCPCJ. A summary of recent work and a link to the UNICRI website can be found at this website. Following the link provides access to a wide variety of documents and research on international crime prevention and criminal justice.*

United Nations. Office on Drugs and Crime. (2010). *UNODC and Terrorism Prevention*. Retrieved September 9, 2010 from <http://www.unodc.org/unodc/en/terrorism/index.html?ref=menuside>.

*The UNODC Terrorism Prevention Branch has pursued a wider program of action since 2002. Here one can find a description of what those activities are, a summary of the 2005 World Summit Outcome and subsequent GA resolution 60/1, and a copy of the United Nations Global Counter-Terrorism Strategy. Links are provided to details of counter-terrorism actions UNODC has taken. This is a good starting point for someone interested in the UN's efforts to battle terrorism.*

United Nations. Official Document System of the United Nations. (2010). New York. Retrieved September 9, 2010 from <http://documents.un.org>.

*Every CCPCJ session report can be found through the ODS. Each report contains the resolutions and draft resolutions passed by the Commission that year as well as annex documents used in the drafting process. Reports also list who was in attendance and what the agenda of the next session will be. This is an excellent source for researching what resolutions have already been passed on specific topics.*

United Nations. Department of Public Information. (2008). *The United Nations Today*. New York.

*This book identifies all UN bodies by topic, including those that deal with crime, illicit drugs, and terrorism. It describes how the United Nations Office on Drugs and Crimes is responsible for executing the mandates of the Commission on Crime Prevention and Criminal Justice and details the major bodies within the Crime Prevention and Criminal Justice Programme Network. Researchers can use this book to gain a basic understanding of the structure of UN bodies concerned with crime prevention and criminal justice.*

### ***I. Combating Transnational Organized Crime to Protect Vulnerable Groups and Countries***

Bruckert, C. & Parent, C. (2002). *Trafficking in Human Beings and Organized Crime: A Literature Review*. Retrieved August 17, 2010, from [http://www.lastradainternational.org/lisidocs/bruckert\\_02\\_crime\\_0708.pdf](http://www.lastradainternational.org/lisidocs/bruckert_02_crime_0708.pdf)

*Bruckert and Parent provide an excellent, comprehensive overview of existing literature on trafficking in humans as it relates to organized crime. It gives the reader a good prospective into the evolution of the problem and the evolution of international responses to it. In addition, this study uses Canada as a case study of national initiatives taken to combat the problem while placing those initiatives in the scope of proposed solutions to the problem.*

Buscaglia, E. & van Dijk, J. (2003). *Controlling Organized Crime and Corruption in the Public Sector*. Retrieved September 15, 2010, from [http://www.unodc.org/pdf/crime/forum/forum3\\_Art1.pdf](http://www.unodc.org/pdf/crime/forum/forum3_Art1.pdf)

*The report outlines how organized crime and corruption are formed in society. It also connects the expansion of organized crime to the corruption in the public arena in many different countries. Also stated is how the two different kinds of crime support one another. The report presents diverse information on different countries that represent a varied range of socio-economic development, and tries to identify the patterns that establish a country's susceptibility to crimes.*

Center for the Study of Democracy. (2003). *Corruption, Contraband and Organized Crime in Southeast Europe*. Retrieved September 12, 2010, from <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN016997.pdf>

*This article explores the effects organized crime has on the development of Southeast Europe, in particular, highlighting that corruption is the major factor which stifles regional economic growth and development. The authors emphasize the “transnational” rather than “national” nature of corruption and crime, as well as provide an overview of the origins of the concepts of corruption and organized crime. Of particular interest is their proposal that one aspect of the solution for these problems is the development of alternative public-private partnerships.*

Council of Europe. (2005). *Convention on Action against Trafficking in Human Beings*. Retrieved October 1, 2010, from <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>

*This document provides the text of the Convention on Action against Trafficking in Human Beings. It provides definitions of human trafficking as well as describes the scope and purpose of the convention. The Council of Europe affirms their beliefs that human trafficking is a violation of human rights and that victims need to be afforded more protection. A commitment to gender equality is also emphasized. The Palermo Protocol serves as a foundation for this convention, and the Council of Europe has used the Palermo Protocol as well as other international instruments in the drafting of this treaty. This text is useful because it provides a brief overview of what the Council has done in the past, as well as explores a variety of topics, ranging from prevention and protection methods to monitoring mechanisms, that provide useful approaches to TOC.*

Department of Justice. (2003). *Fact Sheet Protection Act*. Retrieved October 1, 2010, from [http://www.justice.gov/opa/pr/2003/April/03\\_ag\\_266.htm](http://www.justice.gov/opa/pr/2003/April/03_ag_266.htm)

*This fact sheet provides an easily understandable summary of the most important aspects of the Protection Act. Under the Protection Act, law enforcement is able to provide comprehensive protection to children and is better able to prevent, investigate, prosecute and punish violent crimes committed against children. The fact sheet highlights the creation of the AMBER Alert System to help recover abducted children. The Protection Act also allows more severe punishments for individuals that commit crimes against children. Under the Act, the possession of child pornography is a federal crime.*

European Union. (1997). *Action Plan to Combat Organized Crime*. Retrieved October 2, 2010, from [www.secicenter.org/doc/Action\\_plan\\_to\\_combat\\_organized\\_crime.28.04\\_1997.doc](http://www.secicenter.org/doc/Action_plan_to_combat_organized_crime.28.04_1997.doc)

*The EU Action Plan outlines a mechanism for fighting against organized crime and provides a background of organized crime within Europe as well as what the Council has done to fight TOC. This Action Plan also highlights the value and need for collecting, analyzing, and sharing data on a European level, and encourages the creation of a Contact and Support Network to achieve this goal. The EU is committed to helping its Member States combat organized crime and provides several recommendations on how member states can strengthen their administrative and legal systems to combat crime more effectively. This Action Plan also discusses how the European Social Fund can assist the labor market and help prevent large cities from becoming organized crime hubs.*

Impe, K. (2000). *People for Sale: The Need for a Multidisciplinary Approach towards Human Trafficking*. Retrieved August 31, 2010, from <http://www3.interscience.wiley.com/cgi-bin/fulltext/119034998/PDFSTART>

*As this article discusses, the factors involved in human trafficking are complex and varied. Impe specifically focuses on women as victims as well as effective strategies to combat trafficking. The article’s case study shows the complexities involved in the trafficking process between the Philippines and Belgium. Finally, this article also details some of the regional efforts taken by the EU to combat the problem.*

International Council on Human Rights Policy. (2010). *Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence*. Retrieved October 2, 2010, from [http://www.ichrp.org/files/reports/56/122\\_report\\_en.pdf](http://www.ichrp.org/files/reports/56/122_report_en.pdf)

*This long and detailed report states that migration policies are driven by borders and law enforcement, economic interest, and protection. However, these current policies are failing because they do not focus enough on protection. Research has shown that despite efforts to restrain migration, individuals' desire for financial security and opportunity abroad continues to fuel migration. Drawn to open economic markets, migrants are facing hardship and are often exploited upon arrival. Although new migration policies should be explored, governments have a responsibility to protect migrants, as they are afforded basic human rights as outlined in international law. An index provides a summary of these rights. This report also focuses on the political consequences of migration including an increase in xenophobia and racism.*

International Labour Organization. (2008). *Forced Labour Global Report - The Cost of Coercion*. Retrieved September 12, 2010, from [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_106230.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_106230.pdf)

*The Cost of Coercion provides an economic argument as to why combating forced labor is vital to the economic success of countries and should be a top priority. This report provides a comprehensive analysis of forced labor practices, including trends and patterns. Fortunately, the ILO has found that almost all countries consider forced labor a serious crime and provide legislation to prosecute offenders. However, forced labor is still a pressing issue, especially within developing countries. Because of the differences that each country faces, different responses are needed in the fight against forced labor. Law enforcement and prevention and protection measures should be combined to create the best defense against forced labor. This report also comments on how the role of the media will be increasingly important to educate the community and raise awareness on the crimes of forced labor.*

International Organization for Migration. (2005). *Data and Research on Human Trafficking: A Global Survey*. Retrieved July 31, 2010, from [http://www.childtrafficking.com/Docs/iom\\_2005\\_data\\_and\\_research\\_on\\_human\\_trafficking\\_11.pdf#page=100](http://www.childtrafficking.com/Docs/iom_2005_data_and_research_on_human_trafficking_11.pdf#page=100)

*This report reviews the research and available data on trafficking. It concludes that despite a wealth of literature and research on the subject, the likely extent of the problem is still unknown and extremely difficult to quantify. The wide range of examined regions in this report provides a uniquely global examination of the problem of human trafficking within each region.*

Ndiaye, N. (2007). *The Chain of Trafficking: Supply and Demand*. Retrieved September 25, 2010, from <http://www.iom.int/jahia/Jahia/cache/offonce/pid/1336?entryId=13281>

*This speech was given by Ndioro Ndiaye, former Deputy Director General of the International Organization for Migration, at the Conference on the Challenge of Trafficking in Women and Girls: Meeting the Challenge Together. Ndiaye discusses the gradual feminization of migration and how the threat of trafficking continues to grow, calling trafficking a contemporary form of slavery. Unlike many articles, Ndiaye asserts that we focus too much on the supply side of human trafficking, improving legal mechanism and training law enforcement and judiciary, etc, and instead should focus more on the demand side of the problem if we are to achieve lasting results. Much responsibility is placed on the destination country to decrease exploitation and forced labor.*

Office of the High Commissioner for Human Rights. (2004). *General Recommendation No.30: Discrimination Against Non Citizens*. Retrieved October 1, 2010, from <http://www.unhchr.ch/tbs/doc.nsf/0/e3980a673769e229c1256f8d0057cd3d?Opendocument>

*In an effort to continue the fight against contemporary racism and the violation of human rights, General Recommendation No. 30 was drafted to recommit to the protection and promotion of human rights for all individuals regardless of origin and to clarify the responsibilities states have to protect non-citizens. It highlights that states committed to the International Convention on the Elimination of All Forms of Racial Discrimination are dedicated to providing and promoting equality between citizens and non-citizens. This recommendation also provides several suggestions on how states can remain committed to eliminating discrimination against non citizens, such as reviewing and revising legislation, analyzing immigration policies, and fighting against racial violence.*

Organization for Security and Cooperation in Europe (OSCE). (2003). *Action Plan to Combat Trafficking in Human Beings*. Retrieved October 3, 2010, from [http://www.osce.org/press\\_rel/2003/pdf\\_documents/07-3447-pc1.pdf](http://www.osce.org/press_rel/2003/pdf_documents/07-3447-pc1.pdf)

*The OSCE Action Plan provides recommendations on the best ways to implement a multitude of anti-trafficking solutions. This action plan also emphasizes the commitment the OSCE has to helping each participating Member State combat human trafficking. Some of the main recommendation areas include how to improve the legal justice system with a focus on investigation, law enforcement and prosecution, how to prevent human trafficking, and how to provide protection and assistance to human trafficking victims. When creating the Action Plan, the OSCE looked to the practices of leading international organization, NGOs, and other member states in order to create these recommendations.*

Organization of American States. (2006). *Hemispheric Plan of Action Against Transnational Organized Crime*. Retrieved October 3, 2010, from <http://www.oas.org/consejo/resolutions/res908.asp>

*The major objective of the OAS's Action Plan is to encourage the application of the Palermo Convention, its additional protocols, and the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition. This plan recognizes the importance of the sovereignty and territorial integrity of states in the fight against TOC and focuses on the enhancement and encouragement of coordination and cooperation among the OAS members in this fight. Other topics discussed in the Hemispheric Plan include national strategies against TOC, the support of and adherence to legal instruments, law enforcement matters, continued training and the creation and use of training programs, information-sharing, and international cooperation and assistance.*

Philip de Andrés, A. (2008). *Organised crime, drug trafficking, terrorism: the new Achilles' heel of West Africa*. Retrieved September 11, 2010, from <http://www.fride.org/publication/425/organised-crime.-drug-trafficking.-terrorism:-the-new-achilles-heel-of-west-africa>

*Amando Philip de Andrés discusses Africa's struggle with the "triple menace": organized crime, drug trafficking, and terrorism. He provides specific examples that highlight regional issues within Africa, focusing first on the illicit drug trade and then on how poverty and political instability provide an environment where corruption thrives. The consequences of the triple menace impact the social, economic, and environmental aspects of a society in varying degrees. Although this article focuses on Africa, many of the country observations can be applied to other countries facing similar situations, making this article particularly useful in understanding what makes countries vulnerable to TOC. Philip de Andrés presents several useful recommendations on how the triple menace can be combated.*

Shelley, L. (1995). *Transnational Organized Crimes: An imminent threat to the Nation state?* Retrieved on September 22, 2010, from <http://www.highbeam.com/doc/1G1-16714046.html>

*Louise Shelley is the founder and Director of the Terrorism, Transnational Crime and Corruption Center (TraCCC) and researches corruption, human trafficking, illicit trade, soviet successor states, terrorism, and transnational crime. In her article, she discusses the growing danger of organized crime and what factors impact the growth of TOC, such as the growth of technology and international business. Shelley also uses Italy, Columbia, and the former Soviet Union to show the impact corruption has on governments. She also provides a structural analysis of three prominent organizational crime groups: the Italian, Colombian and Post-Soviet mafias to provide better insight into how crime groups function successful and influence the nation state.*

Stanislawski, B. (2004). *Transnational "Bads" in the Globalized World: The Case of Transnational Organized Crime*. Retrieved August 25, 2010, from <http://mesharpe.metapress.com/link.asp?id=4yeff90d9egaahav>

*Stanislawski's examination of the Post-Cold War world with regard to translational organized crime provides a vital understanding of the modern and evolving condition of TOC. He identifies key political, economic, and security concerns that relate to this issue. Furthermore, Stanislawski focuses on a clear understanding of the realities of addressing this issue from a supply or demand approach. The emphasis on combining "horizontal" (international) and "vertical" (national)*

*policies to approach the problem is what Stanislawski wants policy makers to comprehend and implement.*

United Nations. (2000). *Aspects of UN Convention Against Transnational Organized Crime Discussed by 19 Government Representatives*. Retrieved October 5, 2010 from <http://www.unis.unvienna.org/unis/pressrels/2000/LPMO09.html>

*This text is useful because it provides comments from a variety of government officials on the subject of the Convention Against Transnational Organized Crime. These officials discuss the unique challenges they face in their respective countries and highlight the issues they are most concerned about. These perspectives are particularly helpful because they provide insight into the differences that each country faces, reminding us that while TOC is a global issue, we should not forget that solutions need to be tailored to each country in order to ensure success.*

United Nations. (2003). *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. Retrieved September 15, 2010, from <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

*This protocol provides the first legally binding, accepted definition of human trafficking. It not only commits to preventing and combating human trafficking, but also providing protection and assistance to human trafficking victims. It also guarantees that those found guilty of human trafficking will face proportional criminal penalties depending on the circumstance surrounding the offense, such as is the trafficking involves children or state officials.*

United Nations. (2004). *Protocol against the Smuggling of Migrants by Land, Sea and Air*. Retrieved September 15, 2010, from <http://www.unodc.org/unodc/en/treaties/CTOC/index.html>

*The protocol provides the first concrete definition of migrant smuggling accepted on an international level. It aims to protect migrants by preventing and combating smuggling and encouraging cooperating between states. This protocol is not fighting against legal migration, but rather aims to prosecute those who exploit migrants for material gain.*

United Nations. (2000). *United Nations Convention against Transnational Organized Crime. (A/RES/55/25)*. Retrieved August 20, 2010, from

<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

*This resolution serves as the basis of the United Nations' framework for combating TOC. It details numerous aspects of the fight against TOC and new initiatives that should be undertaken to further combat TOC. This should be the starting point for research into the issue of combating international organized crime.*

United Nations. (2010). *1st - 11th United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, 1955-2005*. Retrieved October 1, 2010, from <http://www.asc41.com/undocs.htm>

*This website contains the official records of the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. As TOC has grown into a global problem, these congresses have focused more and more on how to combat all forms of TOC. These documents will be useful to readers because they provide a detailed account on what has already been done in the fight against TOC as well as reveal areas that should be pursued further.*

United Nations Children's Fund. (2010). Retrieved October 1, 2010, from [www.UNICEF.org](http://www.UNICEF.org)

*Exploring the text and documents available on the UNICEF website will provide rich insight into the specific needs of children. UNICEF works aggressively to protect children against exploitation and abuses of all kinds and is a vital organization in the fight against TOC. Readers will become aware of what has already been done to protect children against human rights violations, and better understand what should be done to ensure that children are being protected in all areas.*

United Nations Development Fund for Women. (2010). Retrieved October 7, 2010, from [www.unifem.org](http://www.unifem.org)

*Similar to UNICEF, UNIFEM is an organization committed to human rights and equality. Recognizing that women belong to a unique group that requires targeted and specific attention, Unifem has fought hard to protect the rights of women against all forms of discrimination and*

*violence. Unifem encourages the empowerment of women and seeks to have women play an important role in finding solution and proactively fight for their rights.*

United Nations Economic and Social Commission for Asia and the Pacific. (2005). *Violence against and Trafficking in Women as Symptoms of Discrimination: The Potential of CEDAW as an Antidote*. Retrieved September 15, 2010, from <http://www.unescap.org/esid/gad/Publication/DiscussionPapers/17/CEDAW%20discussion%20paper%20no.%2017%20-%20revised%2023%20March%202006.pdf>

*This report outlines the responsibilities in how to fight trafficking, the associations to violence, and the different aspects of trafficking as complex events. Legal devices are important when they can give exact definitions and actions that must take place. The leading weakness of the legal system is that it gives a law and order method.*

United Nations Office on Drugs and Crime. (2009). *Global Report on Trafficking in Persons*. Retrieved on September 29, 2010, from <http://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

*The Global Report on Trafficking in Persons is the first global assessment of the scope of human trafficking. It compiles data from 155 countries all over the world and provides an overview of trafficking patterns, legal mechanisms, and information on individual countries, among other things. While this report provides an excellent overview of this growing problem of human trafficking, it also illuminates how much information we lack and how we are barely starting to grasp the extent of human trafficking both locally and globally.*

United Nations Office on Drugs and Crime. (2010). *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*. Retrieved August 20, 2010, from [www.unodc.org/unodc/en/data-and-analysis/tocta-2010.html](http://www.unodc.org/unodc/en/data-and-analysis/tocta-2010.html)

*The report is an essential read that provides in-depth analysis on the core forms of TOC that affect vulnerable groups and countries. The first chapter in this report provides an excellent overview of the threat of TOC. The subsequent chapters are each dedicated to a particular form of TOC. Within each chapter is an overview of the particular crime, which serves as a good introduction to each topic. Each chapter also goes in-depth to describe and analyze the global patterns of the crime, providing statistics and other facts that are essential when trying to understand TOC within the context of individual regions and the world.*

United Nations Office on Drugs and Crime. (2010). *Migrant Smuggling*. Retrieved September 10, 2010, from <http://www.unodc.org/unodc/en/human-trafficking/smuggling-of-migrants.html>

*This website, and its accompanying links, provides an excellent introduction to the subject of migrant smuggling. It briefly describes what migrant smuggling is and highlights what data is available regarding the topic. It also discusses how the UNODC has responded to the issue of migrant smuggling and what areas need to be explored in the fight against this crime.*

United Nations Office on Drugs and Crime. (2010). *Treaties*. Retrieved October 3, 2010 from <http://www.unodc.org/unodc/en/treaties/index.html>

*Understanding the conventions that have helped shape the fight against TOC is essential. This website presents a brief description of the most important conventions and protocols and provides several links that include the official text of the treaties as well as other important information regarding each convention and its protocols.*

U. S. Congress. (2000). *Victims of Trafficking and Violence Protection Act of 2000*. Retrieved October 1, 2010, from <http://www.state.gov/documents/organization/10492.pdf>

*This Act is split into three major divisions: Trafficking Victims Protection Act of 2000, Violence Against Women Act of 2000, and Miscellaneous Provisions. The purpose of this act is to protect individuals from human trafficking and ensure that perpetrators are justly punished for their actions. Special attention is placed on women and children since human trafficking victims are predominately women and children. This Act also provides concrete definitions for terms used in understanding human trafficking and the fight against it.*

U.S. Department of Justice Child Exploitation and Obscenity Section (CEOS). (2010). *Sex Tourism*. Retrieved August 29, 2010, from <http://www.justice.gov/criminal/ceos/sextour.html>

*This report reviews the information available on Child Sex Tourism. It gives background on the issue as well as factors that support the child sex trade, who the victims are and the tourists that take advantage of the trade. The last part of the report gives an account of the international response to child sex tourism. Child sex tourism is growing rapidly and affects millions of children around the world.*

U.S. Department of State Trafficking Office to Monitor and Combat Trafficking in Persons. (2006). *Trafficking in Persons Report*. Retrieved August 28, 2010, from <http://www.state.gov/g/tip/rls/tiprpt/2006/65983.htm>

*This report provides detailed information on the subject of trafficking and serves as an excellent starting point for gaining a good understanding of the subject. As stated in the report, the Department of State is required by law to present a report to Congress on the various efforts of governments to get rid of cruel forms of trafficking in persons. The report tries to raise overall understanding, emphasize efforts to fight human trafficking, and persuade other governments to take actions to oppose trafficking in persons. It provides detailed information on the different aspects of trafficking, such as bride selling and sex tourism.*

Voronin, Y. (2000). *Measure to Control Transnational Organized Crime, Summary*. Retrieved September 25, 2010, from <http://www.ncjrs.gov/pdffiles1/nij/grants/184773.pdf>

*This report attempts to define and measure TOC. According to Voronin, in order for something to be considered a TOC it must be illegal, garner a profit, be in the context of a group and use bribery and/or violence to accomplish group goals. This article emphasizes the fact that TOC groups are well equipped and well organized. Voronin also highlights the types of environments that help TOC grow, and the consequences of TOC. There must be national control over TOC as well as international collaboration in the control of TOC. This article discusses some of the serious obstacles countries face when fighting TOC and potential ways to avoid these obstacles.*

Wagley, J. (2006). *Transnational Organized Crime: Principal Threats and U.S. Responses*. Retrieved October 1, 2010, from <http://www.fas.org/sgp/crs/natsec/RL33335.pdf>

*John Wagley discusses the growing threat of TOC to the security of the United States and the world. The link between terrorist groups and crime groups is growing rapidly and becoming an increasing concern. This report highlights the steps the United States has taken to combat TOC, including key federal programs and initiatives. Wagley also discusses policy recommendations on issues such as crime and terror, multilateral cooperation, and government/private-sector partnerships, among other things. Readers will also appreciate the lengthy appendix that describes major U.S. programs, initiatives, and legislation to fight TOC.*

Ward, R. H. (2000). *The Internationalization of Criminal Justice*. Retrieved September 14, 2010, from [http://www.ncjrs.gov/criminal\\_justice2000/vol\\_2/02h2.pdf](http://www.ncjrs.gov/criminal_justice2000/vol_2/02h2.pdf)

*Ward explains how the criminal justice system is trying to overcome new tests with the changes that come as the country progresses along a globalization trajectory. Ward provides some recommendations that need to take place in order for America and its judicial system to prevail over the obstacles. As we travel into a new century, we come up against new trials and tribulations as well as a new vision with greater opportunities ahead.*

Woolf, L. (2010). *Sex Trafficking*. Retrieved September 15, 2010, from <http://www.webster.edu/~woolfm/trafficking.html>.

*Linda Woolf discusses the early history of sex trafficking as well as identifies the common patterns that exist for this crime. She highlights a few relevant statistics and outlines policy recommendations that should be implemented to combat sex trafficking. Several help organizations, such as the Coalition Against Trafficking in Women and the International Justice*



## ***II. Prevention of Youth Crime and the Rehabilitation and Reintegration of Youth Offenders***

Human Rights Watch. (2008). *Enforcing the International Prohibition of Juvenile Death Penalty*. Retrieved on August 12, 2010 from: <http://www.hrw.org/en/news/2008/05/30/enforcing-international-prohibition-juvenile-death-penalty>

*Human Rights Watch discusses the international treaty and customary law establishing prohibition of capital punishment on offenders who are below 18 at the time of committing the crime. It also draws attention to five distinctive states that continue on with executing juvenile criminals. The submission presents the legal systems, legislations, and rationale behind sustaining the practice, which prevents the global moratorium on juvenile death penalty.*

Human Rights Watch. (September, 2008). *The Last Holdouts: Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen*. Human Rights Watch: New York. Retrieved on August 21, 2010 from: <http://www.hrw.org/en/node/75159/section/1>

*This report draws attention to the shortcomings law, practices, and international norms, which failed to prevent juvenile capital punishment in Iran, Yemen, Sudan, Pakistan, and Saudi Arabia. It also presents statistics and information on the individuals executed or awaiting execution as of 2008. The practice of negotiations for pardons in exchange for financial compensations are especially note worthy.*

Juvenile Justice Panel. *Juvenile Justice Panel website: Additional Information – More About Restorative Justice*. Retrieved on September 1, 2010 from [www.juvenilejusticepanel.org/resource/items/1/P/IPJJ%20MoreaboutRestorativeJusticeEN.pdf](http://www.juvenilejusticepanel.org/resource/items/1/P/IPJJ%20MoreaboutRestorativeJusticeEN.pdf)

*Juvenile Justice Panel is an NGO sponsored and closely collaborating with the UNICEF on all issues pertaining to youth criminality and its management. This web site provides very concise information on the premises of restorative justice, its major assumptions and recommendations. It also points to elements that are necessary for its most effective application and functioning.*

Juvenile Justice Panel. (May, 2010). *Juvenile Justice*. Retrieved on September 1, 2010 from: [www.juvenilejusticepanel.org/en/juvenilejustice.html](http://www.juvenilejusticepanel.org/en/juvenilejustice.html)

*This UNICEF-sponsored web site provides a comprehensive overview of juvenile justice. It explains the components that create the juvenile justice system and its fundamental principles. In addition it draws distinction between restorative and retributive justice, as well as the evaluation of effectiveness of one over the other. This source is an excellent starter reading for those new to this topic.*

Nowak, M. (2010). *Youth and Crime Twelfth United Nations Conference on Crime Prevention and Criminal Justice*. Salvador, Brazil. April 12, 2010 Retrieved on August 10, 2010 at: [http://www.un.org/webcast/crime2010/plenary/statements/12nowak\\_en.pdf](http://www.un.org/webcast/crime2010/plenary/statements/12nowak_en.pdf)

*The UN Special Rapporteur on Torture and other forms of cruel, inhuman or degrading treatment or punishment presents reports of his fact-finding missions to 16 countries in all the variety of the regions. His focus was based on inspecting juvenile prisons, pre-trial detentions, psychiatric institutions and other places of children's detention. In addition to presenting his observation and reviewing the existing international guidelines for the administration of juvenile justice in the light of the Convention of the Rights of Child, Mr. Nowak proceeds to making further recommendations on substantial issues that require further guidelines and standardizing (e.g. minimum age of criminal responsibility).*

Neudek, K. (1994). *Juvenile Justice: The Role of the United Nations: Crime Prevention and Criminal Justice Branch*. In *Young Offenders and Their Families – The Human Rights Issue*. Proceedings of the 14<sup>th</sup> International Congress. (DVIJJ/ IAJFCM Eds.). Monchengladbech: Forum-Verl. Godesberg.

*Neudek, a representative of the United Nations Crime Prevention and Criminal Justice Programme in Vienna, offers an insider perspective on the topic of juvenile justice, placing it in an international perspective. Starting at the origins of the UN involvement in the matters of youth and crime, he proceeds to reviewing the international standards and the mechanisms of standard setting and the issue of implementation. What is particularly interesting in his presentation, is the*

*concept of children as victims – of families, social structures, and the criminal justice system – which often turned out to be a root cause of their deviance and criminality.*

Smit, P., Harrendorf, S. (2010). *Responses of the Criminal Justice System*. In Harrendorf, S, Heiskanen, M, Malby, S (Eds.). *International Statistics on Crime and Justice*. HEUNI Publication Series No. 64: Helsinki, Finland. Retrieved on August 1, 2010 from: pp.87-113. Retrieved on August 1, 2010 from:

[http://www.heuni.fi/Satellite?blobtable=MungoBlobs&blobcol=urldata&SSURlappotype=BlobServer&SSURlcontainer=Default&SSURlsession=false&blobkey=id&blobheadervalue1=inline:%20filename=Hakapaino\\_final\\_07042010.pdf&SSURlsscontext=Satellite%20Server&blobwhere=1266335656647&blobheadername1=Content-Disposition&ssbinary=true&blobheader=application/pdf](http://www.heuni.fi/Satellite?blobtable=MungoBlobs&blobcol=urldata&SSURlappotype=BlobServer&SSURlcontainer=Default&SSURlsession=false&blobkey=id&blobheadervalue1=inline:%20filename=Hakapaino_final_07042010.pdf&SSURlsscontext=Satellite%20Server&blobwhere=1266335656647&blobheadername1=Content-Disposition&ssbinary=true&blobheader=application/pdf)

*International crime statistics are the starting point of international cooperation in the effort to address the issues and challenges of crime prevention and criminal justice. Smith and Harrendorf describe the criminal process from pursuing of the offender to sentencing, with breakdown for countries and continents, gender and age of offenders and the types of most prevalent crimes. Comparison of the number of offenders found, prosecuted and convicted offers an insight into the domestic practices and effectiveness of the criminal justice system, as well as provides an excellent source for observing international trends in crime and ways of dealing with it.*

United Nations. (November 20, 1989). *Convention on the Rights of the Child*. UN 44/25. Office of the High Commissioner for Human Rights. Retrieved on August 1, 2010 from:

[www2.ohchr.org/english/law/crc.htm](http://www2.ohchr.org/english/law/crc.htm)

*Building on human rights already established in the Charter of the UN, and other widely recognized declarations and practices, the General Assembly deemed it as necessary to draft a document dedicated exclusively to protection of children, as they are a vulnerable population, and the future of the mankind. It not only places certain protections on youth, but also defines roles and responsibilities to be borne by the immediate guardians, governments and its institutions. The document stresses that even the corrective and penal practices should be guided by the principle of well-being.*

United Nations. (March 19-21, 2008). *Expert Group Meeting on Goals and Targets for the World Programme of Action for Youth: Youth Civil Society and Youth and Their Well-Being*. Retrieved on August 13, 2010 from:

[www.un.org/esa/socdev/unyin/documents/egm\\_unhq\\_may08\\_jp\\_kallanian.pdf](http://www.un.org/esa/socdev/unyin/documents/egm_unhq_may08_jp_kallanian.pdf)

*A brief summary of the expert group meeting devoted to juvenile delinquency outline the two major goals that were set up. The goals are: to reduce youth involvement in crime, and to ensure that law enforcement and judicial system dealing with youth are fair, safe, and promote well-being. It further outlines the recommended ways of their achievement.*

United Nations. (April 16, 2010). *Twelfth United Nations Congress on Crime Prevention and Criminal Justice, 2010, Report of Committee II on agenda item 8 and Workshop 2*. A/CONF.213/4. Retrieved on August 1, 2010 from:

[http://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/In-session/ACONF.213L.4\\_Add.4/V1052853e.pdf](http://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/In-session/ACONF.213L.4_Add.4/V1052853e.pdf)

*Reports on the sessions and workshops of the pentennial UN Congress on Crime is a reach source of research on the most recent and most persistent international issues in the field crime prevention and criminal justice. This particular report addresses the Survey of United Nations and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System. In addition to deepening the knowledge on the topic, the source also provides an excellent insight into the proceedings taking place during such sessions.*

United Nations. (November 29, 1985). *United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")*. A/RES/40/33. Retrieved on August 15, 2010 from:

[www.ohchr.org/english/law/beijingrules.htm](http://www.ohchr.org/english/law/beijingrules.htm)

*This United Nations General Assembly's Resolution is a cornerstone juvenile justice standards and procedures that should be were considered by the UN Member States as necessary in effective youth crime control, yet still providing appropriate protections applicable to the psychological and mental needs of the protected population. The resolution builds on the human rights, as well as children's rights and rights of imprisoned already adopted by the UN.*

United Nations Children's Fund. (March, 2010). *Guidance Note for CEE/CIS on Juvenile Justice Programming in the CEE/CIS Region*. Retrieved on August 1, 2010 from: [www.slideshare.net/unicfcccis/unicf-cm-jj-guidance-web](http://www.slideshare.net/unicfcccis/unicf-cm-jj-guidance-web)

*The Guidance Notes aims at reinforcement of the United Nations standards on juvenile justice, and their promotion and inclusion in domestic system reforms. In addition, it provides a checklist focal points necessary for successful planning, developing and assessing the programs. Further, it identifies priorities, principles, typologies, as well as useful tips on program design. Due to the turbulent recent history and the change of political structure countries of the Central and Eastern Europe are known to face difficulties with running fair and effective criminal justice systems. Through its regional offices UNICEF plays an important role in aiding those States in addressing juvenile justice system reforms in accordance with the international standards and best practices guidelines. UNICEF places juvenile justice in a broader spectrum of child-friendly justice and policies considerate of the rights and needs of youth.*

United Nations Children's Fund. (August, 2008). *Justice for Children in Afghanistan Series: The Role of Social Workers in Juvenile Justice*. UNICEF Afghanistan. Retrieved on October 1, 2010 from [http://www.unicef.org/infobycountry/files/Justice\\_for\\_Children\\_1\\_FINAL.pdf](http://www.unicef.org/infobycountry/files/Justice_for_Children_1_FINAL.pdf)

*Seeing the challenges of developing and implementing a well-functioning juvenile justice system in Afghanistan, the local UNICEF office published a series of brochures on the topic. Each one is dedicated to a separate challenge or issue pertaining to establishing a functional and effective juvenile justice system, and offers an in-depth discussion allowing for understanding and appreciating the complexities at place.*

United Nations Economic and Social Council. (March 30, 2010). *Activities of the Institute of the United Nations Crime Prevention and Criminal Justice Programme Network*. Report of the Secretary General. E/CN.15/2010/10. (Presented to the Commission on Crime Prevention and Criminal Justice, Vienna. Retrieved on August 12, 2010 from: [www.unodc.org/documents/commissions/CCPCJ\\_session19/ECN152010\\_10eV1052333.pdf](http://www.unodc.org/documents/commissions/CCPCJ_session19/ECN152010_10eV1052333.pdf)

*Joint work of the UNODC and the UN crime prevention and criminal justice programme network made up of multiple regional and scientific institutes is crucial for the effective addressing of criminality worldwide. The report condenses developments and undertakings of each of the network institutions for 2009. It was presented at the 19<sup>th</sup> annual session of the CCPCJ.*

United Nations Economic and Social Council. (July 21, 1997). *Administration of Juvenile Justice*. RES 1997/30. Retrieved on August 1, 2010 from: [www.un.org/documents/ecosoc/res/1997/eres1997-30.htm](http://www.un.org/documents/ecosoc/res/1997/eres1997-30.htm)

*Administration of juvenile justice is of the most important ECOSOC resolutions devoted exclusively to youth offenders. It reflects general recommendations on treatment of juvenile offenders, but also stresses the fact that children as a vulnerable population require special protection from the justice system. Further, it not only aims at providing guidelines, but also facilitates the provision of assistance to Member States.*

United Nations Economic and Social Council. (July 30, 2009). *Supporting National and International Efforts for Child Justice Reform, in Particular Through Improved Coordination in Technical Assistance*. ECOSOC 2009/26. 44<sup>th</sup> Plenary Meeting. Retrieved on August 1, 2010 from: [www.un.org/en/ecosoc/docs/2009/resolution%202009-26.pdf](http://www.un.org/en/ecosoc/docs/2009/resolution%202009-26.pdf)

*This recent ECOSOC resolution reinforces the effort of stressing the need for comprehensive domestic juvenile justice reform of all Member States. It points to regional and international cooperation and assistance as the key element necessary for timely and effective implementation of the standards already established. Assistance includes the financial resources, as well as scientific research and technical tools.*

United Nations Economic and Social Council. (May 18, 2010). *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*. Commission on Crime Prevention and Criminal Justice. E/CN.15/20. Retrieved on September 5, 2010 from: [http://www.unodc.org/documents/commissions/CCPCJ\\_session19/ECN152010\\_L3rev1\\_eV1053816.pdf](http://www.unodc.org/documents/commissions/CCPCJ_session19/ECN152010_L3rev1_eV1053816.pdf)

*The Commission on Crime Prevention and Criminal Justice recognized the significantly different physical and emotional needs of women in correctional institutions, stemming from the higher danger of sexual abuse, social stigma for them, as well as their children, or the challenges of raising children in a closed environment. The rules promote higher sensitivity for women's needs, gender-oriented services, and pre- and post-release programs aiming at successful reintegration and reducing the social stigma. As one of the recent advancement in the recognition and application of women's rights and protections, this document is a landmark step towards betterment circumstances of imprisoned females.*

United Nations General Assembly. (December 14, 1990). *United Nations Rules for the Protection of Juveniles Deprived of their Liberty*. A/RES/45/113. Retrieved on August 1, 2010 from:

<http://www.un.org/documents/ga/res/45/a45r113.htm>

*Alarmed by the increasing numbers of reports on conditions and circumstances of juvenile detention and imprisonment practices worldwide, the General Assembly saw it as necessary to speak on the issue in a strong, unified voice. With the evidence strongly pointing to the lack of distinction between adult and youth offender prison treatment, the Member States agreed on the set of specific regulations for the protection of youth deprived of their liberty. Annex to the document discusses the fundamental perspectives, scope and application of the rules, pre-trial detention, management of juvenile facilities, as well as guidelines on the corrections personnel.*

United Nations General Assembly. (December 14, 1990). *United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)*. A/RES/45/110. Retrieved on August 1, 2010 from:

<http://www.un.org/documents/ga/res/45/a45r110.htm>

*As the crime rates continue to climb, rates of imprisonment also escalate. With reports of prison conditions around the world were collected, it became painfully clear that poor treatment of prisoners, types and level of abuse and adverse effect of imprisonment on the offenders, their families and communities are vast. In order to reduce the use of institutionalization, as well as to protect prisoners from various human rights violations the General Assembly adopted a set of set of recommendations, which are now considered as a part of soft international law.*

United Nations Office on Drugs and Crime. (May, 2008). *Afghanistan: Implementing Alternatives to Imprisonment, in Line with International Standards and National Legislation*. United Nations: New York. Retrieved on August 29, 2010 from: [http://www.unodc.org/documents/justice-and-prison-reform/Afghanistan\\_Implementing\\_Alternatives\\_Imprisonment.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Afghanistan_Implementing_Alternatives_Imprisonment.pdf)

*Since the 2003 Afghanistan has undertaken a series of substantive political reform, but also one pertaining to the criminal justice system. The reform assisted by the UNODC aims at redirecting penitentiary practices towards alternative punishments. The assessments provide a broad review of legislations and practices in place, and their compliance with the internationally accepted norms and guidelines. Special attention is placed on addressing mental health needs, special needs of women and juvenile offenders, and the first-time non-violent offenders.*

United Nations Office on Drugs and Crime. (2008). *Afghanistan. Justice for Children in Conflict with the Law: A Training Manual for Judge and Prosecutors*. Retrieved on September 16, 2010 from:

[www.unodc.org/documents/afghanistan/Juvenile\\_Justice/Juvenile\\_Justice\\_Manual\\_complete\\_2009\\_Nov\\_10.pdf](http://www.unodc.org/documents/afghanistan/Juvenile_Justice/Juvenile_Justice_Manual_complete_2009_Nov_10.pdf)

*The training manual is a direct response of the UNODC to the request of the Member State. It offers advice on technical cooperation projects aiming at prevention of juvenile criminality and deviance, strengthening law enforcement and judicial system with accordance to international standards, as well as advice on rehabilitation and treatment. In case of Afghanistan, it played a significant role in drafting and reviewing of the relevant legislations, and shaping new ones, as for example, alternatives to imprisonment. Such manual offers a detailed example of all the components of juvenile justice system, its complexities, as well as a full and comprehensive glance at the scope of the works of UNODC pertaining to the field.*

United Nations Office on Drugs and Crime. (2006). *Compendium of the United Nations Standards and Norms in Crime Prevention and Criminal Justice*. United Nations: New York. Retrieved on August 1, 2010 from:

[www.unodc.org/pdf/compendium/compendium\\_2006.pdf](http://www.unodc.org/pdf/compendium/compendium_2006.pdf)

*This document is a compilation of internationally recognized normative principles and standards in crime prevention and criminal justice that have been developed since the topic first came out on the international forum. It addresses multitude of fields, such as juvenile justice, the treatment of offenders, international cooperation, good governance, victim protection and violence against women. It reflects a collective vision of model structure of criminal justice system aiming at three levels of fairness and effectiveness: national, sub-regional and global/international.*

United Nations Office on Drugs and Crime. (2010). *Criminal Justice Assessment Toolkit*. Retrieved on September 2, 2010 from: [www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html](http://www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html)

*The United Nations recognized the need for a standardized and cross-referenced set of guidelines aiming at enabling governments, organizations, individuals, and UN organs to conduct assessment of criminal justice systems. Thorough review of shortcomings is crucial in dispatching appropriate technical assistance, training design, as well as proper and possibly fullest application of the UN standards and norms on crime prevention and criminal justice. The dynamic set of assessment document concentrated on four areas, namely: policing, access to justice, custodial and non-custodial measures, and cross-cutting issues.*

United Nations Office on Drugs and Crime. (2006). *Custodial and Non-Custodial Measures: Social Reintegration. Criminal Justice Assessment Toolkit 4*. United Nations: New York. Retrieved on September 3, 2010 from: [http://www.unodc.org/documents/justice-and-prison-reform/cjat\\_eng/4\\_Social\\_Reintegration.pdf](http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/4_Social_Reintegration.pdf)

*Reintegration of offenders has long been recognized as key factor in successful post-incarceration community re-entry, and ultimately decision on re-offending. Reintegration takes two forms: institutional (during imprisonment), and progressively more often, alternative, such as restorative justice. Successful reintegration consists of multiple facets, ranging from addiction treatment, anger management, vocational training, and volunteer community work to family support and probation services. However, lack of sufficient governmental resources for reintegration assistance is proven to reflect in the high recidivism rates.*

United Nations Office on Drugs and Crime. (2006). *Manual for the Measurement of Juvenile Justice Indicators*. United Nations: New York. Retrieved on September 3, 2010 from: [www.juvenilejusticepanel.org/resource/items/J/J/JJIndicatorsManual.pdf](http://www.juvenilejusticepanel.org/resource/items/J/J/JJIndicatorsManual.pdf)

*Accurate and up-to-date information on the functionality of the juvenile justice system and statistical data on the youth involved in it are necessary for protecting children in conflict with the law from abuse and violence. The fifteen indicators of juvenile justice system offer a uniform method for measuring and compiling data that reflects the level at which standards are being met, in both quantitative and policy values. The manual is also defining a 'global baseline' of information that should be readily available to the countries, including review of the policy, as well as engagement and performance of domestic criminal justice actors.*

United Nations Office on Drugs and Crime. (2006). *Restorative Programmes for Juvenile Offenders in Handbook on Restorative Justice Programmes*. United Nations. Retrieved on August 8, 2010 from: [http://www.realjustice.org/uploads/article\\_pdfs/unhandbook.pdf](http://www.realjustice.org/uploads/article_pdfs/unhandbook.pdf)

*One in the series of UNODC publications on practical tools developed for effective guidance of Member States criminal justice reform and the rule of law, this guidebook addresses the topic of restorative justice. It presents an overview of range of measures and programs applicable in restorative justice approach, and presents them in application into various legal, social and cultural circumstances.*

Walther, C. (April 15, 2010). *Afghan leaders meet to address juvenile justice*. Unite for Children – UNICEF. Accessed on October 1, 2010 from: [http://www.unicef.org/infobycountry/afghanistan\\_53337.html](http://www.unicef.org/infobycountry/afghanistan_53337.html)

*The UNICEF – Unite for children website offers easy access to information on the Member States' affairs in fields relevant to children. It offers a news line, funding appeals and humanitarian action updates and statistics. It is a particularly valuable research source for conducting research on assigned countries.*

Winterdyk, J. (Eds.) (2002). *Juvenile Justice Systems: International Perspectives*. (2<sup>nd</sup> Ed.). Canadian Scholars' Press Inc.: Toronto.

*Drawing on the recognition of the Ninth United Nations Congress on Crime Prevention and Criminal Justice, Winterdyk devotes this publication to the steady global increase in the reported youth crime. He supports the importance of the topic by the fact that "in the year 2000, more than 50% of the world population would be under the age of 15." The discussion highlights the most challenging areas of the juvenile justice system worldwide, offers analytical and comparative regional and cultural perspectives, also placing them in the context of international norms and guidelines. This book is an excellent starting point for anybody interested in the topic.*

World Youth Report. (2003). *Juvenile Delinquency*. Retrieved on August 8, 2010 from:

<http://www.un.org/esa/socdev/unyin/documents/ch07.pdf>

*The World Youth Report is a document devoted to reviewing the global state of affairs concerning the children and minors. Juvenile justice was been recognized by the UN General Assembly in 1995 as one of topics of major importance. The root causes of delinquency and criminality among youth are often multi-faced and require a wide array of responsive and preventive measures. As the problem of juvenile delinquency is becoming more prevalent and universal, designing international and domestic strategies for addressing the phenomenon is imperative.*

### **III. Responding to Violence Against Migrants, Migrant Workers, and their Families**

Bach, A., Carles, I., & Kin-Armbrust, C. (2010). *ENAR Fact Sheet 42: Gender and Migration*. European Network Against Racism. Retrieved on August 18, 2010, from:

[http://ec.europa.eu/ewsi/UDRW/images/items/doc1\\_12179\\_793228375.pdf](http://ec.europa.eu/ewsi/UDRW/images/items/doc1_12179_793228375.pdf)

*This fact sheet is specifically designed to help European Network Against Racism members "to develop mechanisms to document and address the gender gaps in immigration/integration policies in their work" and as such is particularly useful for European delegations seeking to better understand gender and migration in Europe. This document, however, is valuable for many other reasons. First, it explains exactly why female migrant workers were not researched and considered until recently, as such it situates the issue in the context of academia, politics, and even feminism. This document also outlines clearly the five main frameworks or conventions for the rights of migrant workers. Additionally, this document is a great resource for detailing specific programs aimed at preventing violence against migrant women workers with a particular focus on regional campaigns and networks as well as efforts by migrant workers such as to end female genital mutilation.*

Bustamante, J. Human Rights Council (2010). *Report of the Special Rapporteur on the Human Rights of Migrants, Jorge Bustamante (A/HRC/14/30)*. Retrieved August 2, 2010, from:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.30.en.pdf>

*Jorge Bustamante, Special Rapporteur on the Human Rights of Migrants, focuses this report on the issues of health and adequate housing of migrants with specific attention given to migrant women, girls and children. In the report he touches on the relationship between vulnerable groups of migrants and exposure to sexual and gender based violence and this group's health and ability to make informed choices. He also details how migrant women and girls, because they are exploited or subject to sexual violence, are vulnerable to HIV and often have few employment opportunities and are discriminated against because of this. In the scope of human rights, Bustamante also develops the link between violence against women and the right to adequate housing that has only recently entered discussions.*

Economic and Social Council. (2010). *Note by the Secretariat: Twelfth United Nations Congress on Crime Prevention and Criminal Justice (E/CN.15/2010/11)*. Retrieved October 21, 2010 from

<http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.15/2010/11>

*This document summarizes the proceedings of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, offering relevant insight as to how the Congress viewed the issues. The authors specifically focus on the Salvador Declaration and they key points it*

*highlighted as relate to prevention of crime against migrants. This document overlaps with an earlier document prepared by the Commission on Crime Prevention and Criminal Justice Conference secretariat (A/CONF.213/11), but is more recent and contains the annexed text of the Salvador Declaration.*

Fernández-Alfaro, B., & Acosta, R. (2010). *The Case of Domestic Workers in Costa Rica*. IOM and Gender Migration July 2010 News, 35. Retrieved August 18, 2010,

from: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/periodicals\\_and\\_newsletters/gender\\_bulletin\\_jul10.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/periodicals_and_newsletters/gender_bulletin_jul10.pdf)

*Written by the IOM Officer in Charge of Nicaragua and the President of the Association of Domestic Workers, this document provides a case study for the situation of domestic workers in Costa Rica. The authors explain how the global economic crisis is affecting women and the needs of the domestic sector in the country. The most interesting fact, however, highlighted by this article is the lack of understanding in the middle class, those that employ domestic workers and migrant women workers, of labor rights. In this way, the article highlights how it is equally as important to train all sectors of society as to labor laws and the need to uphold them, as it is to train migrants about the laws in destination countries.*

Gender Issues Coordination. (2010). *Italy: Overturning Negative Perceptions of Migrants*. IOM and Gender Migration July 2010 News, 35. Retrieved August 18, 2010, from:

[http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/periodicals\\_and\\_newsletters/gender\\_bulletin\\_jul10.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/periodicals_and_newsletters/gender_bulletin_jul10.pdf)

*A short piece focusing on the perceptions of migrants in Italy, this article highlights the Italian media campaign designed to show migrants as hard working individuals contributing to the economy and to society. The article also explains that often negative images of migrants are reinforced because migrants are only seen in the media in stories related to crime and criminal activities. This piece not only writes about the new media campaign, but it also shows an image from the media campaign and links to the website for the second phase of the campaign begun in July of 2010.*

Global Commission on International Migration. (2005). *Migration in an Interconnected World: New Directions for Action*. Retrieved August 18, 2010,

from: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy\\_and\\_research/gcim/GCIM\\_Report\\_Complete.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/GCIM_Report_Complete.pdf)

*This report by the Global Commission on International Migration, an independent commission of 19 commissioners launched by the Secretary General in 2003, is highly useful solely because it is exceptional clear and well written. It is a very objective document in which each point is outlined in its own paragraph so ideas are clearly defined and ideas build on ideas logically, much like each chapter comprehensively builds on the previous one. While this document does reiterate much of the basic information on this subject found elsewhere, it also includes two highly relevant chapters: Diversity and Cohesion: Migrants in Society and A Principled Approach: Laws, Norms and Human Rights which are significantly more digestible than other similar reports.*

Human Rights Watch. (2008). *"As If I Am Not Human": Abuses Against Asian Domestic Workers in Saudi Arabia*. Retrieved August 18, 2010, from: <http://www.hrw.org/en/node/62143/section/1>

*This report is exceptionally critical of the Saudi Arabian immigration system as it examines the restrictive kafala system and reports on the situation of women migrant workers in the country. This report is valuable because of its exceptionally comprehensive review and case study of Saudi Arabia. The report details why women migrate, the legal framework in Saudi Arabia and at large, and provides detailed recommendations. Additionally, the report is comprised in a way to blend the narratives of women migrant workers into the larger discussion, addressing the link between migration and trafficking and detailing different types of abuses against women.*

Human Rights Watch. (2010). *Slow Reform: Protection of Migrant Domestic Workers in Asia and the Middle East*. Retrieved August 18, 2010, from: <http://www.hrw.org/en/reports/2010/04/28/slow-reform>

*Prepared by Human Rights Watch, this report focuses on the state of human rights in Asia and the Middle East. It is an interesting read because it combines clear recommendations with short accounts of women's experiences, and often suffering, as domestic workers. The recommendations are particularly useful because they are directed at different audiences such as to ministers of the interior and foreign ministers. More important, however, is this document's call to action for civil society organizations and workers groups and the document's focus on comparing and evaluating specific middle eastern countries.*

Hugo, G.. (2005). University of Adelaide. *Migrants in Society: Diversity and Cohesion*. Policy Analysis and Research Programme of the Global Commission on International Migration. Retrieved August 18, 2010, from: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy\\_and\\_research/gcim/tp/TP6.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP6.pdf)

*Hugo focuses in this article, as implied in the title of the piece, on the relationship between migrants and society. The piece begins with a discussion of the tension between migrants and society, explaining how migrants are seen as the "other" and then Hugo moves on to summarize the problems that arise in societies coping with increasing cultural diversity. Finally, this paper is useful because it clearly and briefly explains many of the key points on this issue before providing analysis on policy options for states.*

International Centre for Criminal Law Reform and Criminal Justice Policy. (1999). *Model Strategies and Practical Measures On The Elimination of Violence Against Women In The Field of Crime Prevention and Criminal Justice*. Compendium. Retrieved August 18, 2010, from: <http://www.icclr.law.ubc.ca/Publications/Reports/Compendium.pdf>

*Though an exceptionally detailed document rich in additional resources such as specific reviews and summaries of international laws and country specific legislation, this document is included because of its inclusion as Appendix I of the Model Strategies and Practical Measures on the Elimination of Violence Against Women in the Field of Crime Prevention and Criminal Justice. The Model Strategies is important because it outlines specific actions in certain areas, such as criminal law or criminal procedures, that governments ought to pursue to better address violence against women. The Model Strategies, though adopted in 1997, is still the best document that clearly outlines ways to empower and protect women in criminal justice and is still referenced for appropriate actions and recommendations.*

International Organization for Migration. (2002). *Gender and Migration Fact Sheet*. Retrieved August 18, 2010, from: [http://www.iom.ch/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/brochures\\_and\\_info\\_sheets/gender\\_factsheet\\_en.pdf](http://www.iom.ch/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/brochures_and_info_sheets/gender_factsheet_en.pdf)

*As a short and focused fact sheet, this document provides general background and summarizes the interaction between gender and migration, such as how gender roles are traditionally understood. The document discusses IOM gender mainstreaming and the main advances in the field. The document also looks at detailed programs such as those in Azerbaijan for technical cooperation and Afghanistan for voluntary return through which women have been empowered. Lastly, this fact sheet has useful sections on gender and migration in the context of migration health, labor migration, and post conflict situations. Though brief, these sections are not addressed in the context of gender and migration in other IOM documents.*

International Organization for Migration. (n.d.). *Gender Issues and Migration Policy*. Retrieved on August 18, 2010, from: <http://www.iom.int/jahia/Jahia/about-migration/developing-migration-policy/migration-gender><http://www.iom.int/jahia/Jahia/about-migration/developing-migration-policy/migration-gender/gender-issues-migration-policy/cache/offonce/>

*Though the initial information provided on this website by the IOM on the role of gender in general is basic, this site is useful because it considers the issue of gender and migration from a policy standpoint. The website considers the differences between sending and host countries and how gender influences their policies and focuses on why certain policies are or are not important. Lastly, at the end of this document, the IOM poses great questions for policy maker to consider when formulating migration policy approaches and also poses and answers questions about impact of gender-related factors on migration.*



International Organization for Migration. (2009). *Global Meeting of Chairs and Secretariats of Regional Consultative Process on Migration (RCPs)*. Summary Report. Retrieved August 18, 2010, from: [http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/rcps/rcp\\_bkk/bkk\\_final\\_report.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/rcps/rcp_bkk/bkk_final_report.pdf)

*This report provides valuable information as to the basics of the Regional Consultative Process and why delegates value and utilize the RCP including for capacity building and help improving policy coherence. This document is limited because it does not discuss any details related to violence against migrants, but it does explain how RCPs have positively affected asylum legislation and human trafficking and smuggling. Because of this, this document can be used to understand how RCPs may be used for the purpose of preventing violence against migrant workers and their families. Finally, this report is useful for the inclusion of Annex III which provides an overview of the different regional consultative groups and their priorities.*

International Organization for Migration. (n.d.) *Irregular Migration*. Retrieved on October 5, 2010, from: <http://www.iom.int/jahia/Jahia/about-migration/managing-migration/managing-migration-irregular-migration/cache/offonce/>

*This site provides a brief background on the issue of irregular or illegal migration. The text is clear and easy to understand because the IOM breaks down different kinds of irregular migration and provides definitions of key terms. Additionally, this resource is valuable because it is a gateway to additional summary pages on specific aspects of irregular migration such as smuggling.*

International Organization for Migration. (2009). *The Human Rights of Migrants: IOM Policies and Activities* (MC/INF/298). Informational Document. Retrieved August 18, 2010, from: [http://www.iom.ch/jahia/webdav/shared/shared/mainsite/about\\_iom/en/council/98/MC\\_INF\\_298.pdf](http://www.iom.ch/jahia/webdav/shared/shared/mainsite/about_iom/en/council/98/MC_INF_298.pdf)

*This informational document prepared as background for the 98th session of the International Dialogue on Migration looks at the general mandate and goals of the IOM and updates a previous report of the situation of the human rights of migrants. This document explains how the IOM operates and works with the UNHCR and the International Migration Law Database to monitor treaties and create cooperation with the UN on human rights issues. Additionally, this document is useful because it provides examples of the IOM's work in South Africa and Italy towards capacity building to counter xenophobia and support migrants.*

International Organization for Migration. (2004). *The Image of Migrants in Society* (MC/INF/277). Informational Document. Retrieved August 18, 2010, from: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy\\_and\\_research/policy\\_documents/MCINF277.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/policy_documents/MCINF277.pdf)

*When addressing the issue of xenophobia and racism in society, this informational document prepared for the 88th Session on the International Dialogue on Migration is useful for several reasons. First, it is useful because it explains the different images of migrants across societies and countries and why those images exist. Secondly, it then details what can be done to improve the image of migrants. Lastly, it is of particular importance because it then specifically looks at the role of the media, the role of the private sector, and the role of migrants and migrant organizations in creating change, shifting the image of migrants, and working to end racism and xenophobia.*

International Organization for Migration. (2009). *The Impact of the Global Economic Crisis on Migrants and Migration*. Policy Brief. Retrieved August 18, 2010, from: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy\\_and\\_research/policy\\_documents/policy\\_brief\\_gfc.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/policy_documents/policy_brief_gfc.pdf)

*In light of the economic crisis and its effects on employment, migration, and social cohesion, this policy brief is important because it explains the general situation of migrants during the economic crisis. It provides evidence that the economic crisis has led to more restrictive policies such as stops on foreign workers, reductions in wages and even increases in violence and discrimination against migrants. Concerning policy, this document is important because it takes the stance that policies to send migrants back may not be the best because they have the potential to further harm the economic and to also harm society.*

International Organization for Migration. (n.d.). *The International Migration Law Database*. Retrieved August 18, 2010, from: <http://www.imldb.iom.int/section.do>

*This website is a searchable database for all international law documents related to international migration law. It includes all relevant documents in digital form from the UN's founding and is especially useful because law instruments can be searched internationally, regionally, and nationally, and each division is also searchable by category like assimilation or asylum. This is a useful resource if delegates are looking for specific past legal actions, want to see what work has been done on broad issues, or want to simply browse through major UN international migration documents as well.*

International Organization for Migration. (n.d.). *Migration and Gender*. Retrieved on August 18, 2010, from: <http://www.iom.int/jahia/Jahia/about-migration/developing-migration-policy/migration-gender>

*This website provides a short overview to the issue of migration and gender. It explains how migration has often been seen as gender neutral, but migration is actually highly gendered because it impacts men and women differently. Beyond the summary of the interplay between gender and migration, this document is valuable because it provides short, internationally accepted definitions of many crucial terms on this topic including international migrant, migrant, gender, sex, and gender identity.*

International Organization for Migration. (n.d.). *Taking Action Against Violence and Discrimination Affecting Migrant Women and Girls*. Fact Sheet. Retrieved August 18, 2010, from: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/brochures\\_and\\_info\\_sheets/violence\\_against\\_migrant\\_women\\_factsheet.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/brochures_and_info_sheets/violence_against_migrant_women_factsheet.pdf)

*This is a well put together summary document that ties in other IOM programs and reports to explain the general action against violence and discrimination that affects migrant women and girls. Not only does it summarize actions and programs by the IOM, but it also clearly summarizes IOM policy objectives in relation to migrant girls and women. While this information can be found in other documents, this fact sheet is unique in how it provides first hand accounts of violence suffered by women and focuses on categories and types of women such as violence within migrant families that is seldom covered in other resources.*

International Organization for Migration. (2009). *Working to Prevent and Address Violence Against Women Migrant Workers*. Geneva.

*This document by the IOM seeks to outline some of the main programs developed and being implemented by the IOM in order to prevent and address violence against women migrant workers. It covers a wide range of topics such as promoting legal and safe migration, regulating the recruitment and deployment of women migrant workers, promoting and protecting women workers, and counter trafficking measures. Though the guide lacks depth of explanation and detail on many of the projects, it is valuable because it highlights and adequately summarizes many relevant IOM projects related especially violence against women migrant workers to addressing gendered forms of racism and xenophobia. It is also interesting for its depictions of women migrant workers and media campaigns.*

Muigai, G. (2010). *Human Rights and Migration: Realising a Human Rights Based Approach to the Protection of Migrants, Refugees and Asylum-seekers*. Statement by United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. Retrieved August 18, 2010, from: [http://www2.ohchr.org/english/issues/racism/docs/Lisbon\\_speech.pdf](http://www2.ohchr.org/english/issues/racism/docs/Lisbon_speech.pdf)

*Mr. Muigai, Special Rapporteur for the UN, in his short speech at the June 2010 Lisbon Conference on Human Rights and Migration clearly explains the relationship between migration and xenophobia and racism. He specifically focuses on why migrants are often the target of discrimination and racism and the need to recognize that States must protect the human rights of migrants. As these comments and relationships are developed in other sources, this particular speech is important because it makes reference to recent events in which migrants have been the target of violence and it represents clearly the UN's view on the issue of human rights and migration.*

Regional HIV and Development Programme. (2008). *HIV Vulnerabilities Faced by Women Migrants: From Asia to the Arab States: From Silence, Stigma and Shame to Safe Mobility with Dignity, Equity and Justice*. Executive Summary. United Nations Development Programme. Retrieved August 18, 2010, from: [http://www2.undprcc.lk/resource\\_centre/pub\\_pdfs/P1097.pdf](http://www2.undprcc.lk/resource_centre/pub_pdfs/P1097.pdf)

*Conducted by the United Nations Development Programme in cooperation with the IOM and United Nations Fund for Women, this document provides key summaries from a study on HIV vulnerabilities of migrant women workers from Asia in Arab states. As part of these key finds, the document provides examples of the positive, specific actions that individual governments have taken to protect women, including many legal means and through training programs. This document is of particular interest because it focuses on one of the largest migration patterns for women migrant workers and because it also provides clear recommendations for origin and host countries. All of these above benefits are contained within the report's executive summary, but the remaining sections of the report are also useful for detailed case studies of the four origin countries of Bangladesh, Pakistan, Philippines, and Sri Lanka, as well as the host countries of Bahrain, Lebanon and the United Arab Emirates.*

Satterthwaite, M. (2004). *Intersecting Protections, Migrating Women: Using Human Rights Law to Empower Women Migrant Workers*. Center for Human Rights and Global Justice Working Paper. Retrieved August 18, 2010, from: <http://www.chrgj.org/publications/docs/wp/Satterthwaite%20Intersecting%20Protections%20Migrating%20Women.pdf>

*Satterthwaite, faculty director for the Center for Human Rights and Global Justice at New York University, puts forth the need to refocus work on intersectionality, or understanding how different forms of identity and "isms" interact and inform understandings of human rights. Like many other recommendations and policy papers, Satterthwaite, in general argues for greater enforcement of existing mechanisms to protect women migrant workers. Uniquely, however, she brings into consideration recommendations from Johanna Bond that are more concrete in nature and in keeping with the need to shift towards an intersectionality approach when dealing with human rights.*

Touzenis, K. (2008). *Human Rights of Migrant Children*. International Migration Law, 15. International Organization for Migration. Geneva.

*This source details the convention on the rights of the child and, in relation to this topic, goes into the specific rights that related to violence, abuse, and exploitation. Throughout the document, the author clearly explains how children and women are both especially vulnerable for similar reasons. It is of importance as well because of how it details the rights entailed in the Convention on the Rights of the Child.*

Twelfth United Nations Congress on Crime Prevention and Criminal Justice. (2010). *Crime Prevention and Criminal Justice Responses to Violence Against Migrants, Migrant Workers and Their Families (A/CONF.213/11)*. Working Paper. Retrieved August 2, 2010, from:

[http://www.un.org/ga/search/view\\_doc.asp?symbol=A/CONF.213/11](http://www.un.org/ga/search/view_doc.asp?symbol=A/CONF.213/11)

*This is the one of the current most comprehensive United Nations document prepared on the issue of violence against migrants with sections focusing on the general situation of migrants, the international legal framework, emerging trends, responses, and recommendations and conclusions. Within all of these sections, the Secretariat addresses the issues of discrimination and victimization that are often neglected in other treatments of the subject because they are not outright acts of violence. As a working paper, this document is also key because of its strong and detailed recommendations that have not been paired down by general debate.*

United Nations. General Assembly. (2009). *Protection of Migrants (A/RES/63/184)*. Retrieved August 18, 2010, from: [http://www.iom.int/jahia/webdav/shared/shared/mainsite/policy\\_and\\_research/un/63/A\\_RES\\_63\\_184\\_EN.pdf](http://www.iom.int/jahia/webdav/shared/shared/mainsite/policy_and_research/un/63/A_RES_63_184_EN.pdf)

*As one of the most recent resolutions on the issue of migrants and their protection, this resolution helps delegates understand clearly how the UN frames the entire issue of protecting migrants in terms of human rights. It is useful because of the previous documents and held beliefs it references and because of the ideology it puts forth in its recommendations. Specifically, this document stresses that in order for adequate solutions to be found and progress made, actions and*

*solutions must be holistic and take place on international, regional, and bilateral forums and that dialogue on the issue must be all inclusive, encompassing countries of origin, destination, and transit, and including civil society organizations and even migrants.*

United Nations. (1990). *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Retrieved August 18, 2010, from: <http://www2.ohchr.org/english/law/pdf/cmw.pdf>

*While there are many relevant UN documents, resolutions, and conventions on the issue of migrants and especially their protection, this is the most commonly known as well as most general. This Convention's goal is to focus on treating migrants as humans and to build on the rights outlined in the Universal Declaration of Human Rights. To this end, the Convention focuses on equal working conditions. Beyond this, the Convention is important because it stresses the importance of accurate information, both to societies about migrants and to migrants about where they will be migrating, and reducing illegal migrations and trafficking.*

United Nations. General Assembly. (2009). *Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/64/48)*. Retrieved August 18, 2010, from: <http://www.unhcr.org/refworld/pdfid/4ae98d2c2.pdf>

*This is the most recent report from the Committee on the Protection of the Rights of All Migrant Workers and Their Families from the Committee's ninth and tenth sessions. At this session the committee evaluated reports from Azerbaijan, Bosnia and Herzegovina, Colombia, El Salvador, and the Philippines and this report provides conclusions and recommendations based on these reports. Despite the variety of recommendations, in general the Committee concludes that many countries need to increase participation from civil society organizations to help governments understand the situation of migrants and their families and to assist in teaching migrants about opportunities available to them to address grievances and rights violations.*

United Nations. General Assembly. (2008). *Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in Particular its Technical Cooperation Capacity (A/63/99)*. Report of the Secretary-General. Retrieved August 18, 2010, from: [http://www.ion.int/jahia/webdav/shared/shared/mainsite/policy\\_and\\_research/un/63/A\\_63\\_99.pdf](http://www.ion.int/jahia/webdav/shared/shared/mainsite/policy_and_research/un/63/A_63_99.pdf)

*This report from the Secretary General discusses recent work on countering the smuggling of migrants and also looks at preventing crime and strengthening criminal justice with a focus on the "use and application of UN standards and norms in crime prevention and criminal justice." To this regard, this report stresses the variety of programs available within and developed by UNODC to carryout assessments and data collection and how these programs may be used to strengthen the UN Crime Prevention and Criminal Justice Programme. With particular focus on women, the report concludes that simply improving the amount and variety of information available will help to prevent violence against women. The report also highlights Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (General Assembly resolution 52/86, annex) and the Criminal Justice Assessment Toolkit which are excellent resources for crafting programs and policies on women migrant workers and migrants in general.*

United Nations. General Assembly. (2004). *Violence Against Migrant Women Workers (A/Res/58/143)*. Retrieved August 2, 2010, from:

[http://www.ion.int/jahia/webdav/shared/shared/mainsite/policy\\_and\\_research/un/58/A\\_RES\\_58\\_143\\_en.pdf](http://www.ion.int/jahia/webdav/shared/shared/mainsite/policy_and_research/un/58/A_RES_58_143_en.pdf)

*Adopted by the General Assembly from the report of ECOSOC, this resolution clearly summarizes the international community's desires for action on the specific issue of violence against women migrant workers. In particular, this resolution focuses on the role that civil society and non-governmental organizations can play in combating violence against women migrant workers and responding to violent acts committed. Additionally, this resolution calls for collaboration between concerned countries and the Special Rapporteur of the Commission on Human Rights and collaboration between different organizations to research the issue and share best practices.*

United Nations Information Service. (2010). *Treatment of Prisoners, Child Protection, Violence against Women, Migrants Highlighted as Crime Congress Adopts Salvador Declaration (UNIS/CP/615E)*. Press Release. Retrieved

August 2, 2010, from: <http://www.unis.unvienna.org/unis/pressrels/2010/unisecp615.html>

*This press release summarizes the outcome of the 12 Congress on Crime Prevention and Criminal Justice. It represents the Commission's focus on and belief that human rights are at the center of a humane criminal justice system. This statement also presents the views of various Member States, in particular from the Group of 77, in relation to actions their country has taken and the smuggling of migrants in general.*

United Nations. Office for Drug Control and Crime Prevention. (1999). *Handbook on Justice for Victims: On the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.*

Retrieved August 2, 2010 from: <http://www.uncjin.org/Standards/9857854.pdf>

*Though written in 1999, this handbook is valuable because it provides general history and information on conferences that developed in the 1990s on the issue of crime prevention and justice. In this way, the work contextualizes the United Nation's efforts to prevent violence against migrant workers and views on justice. As a handbook it outlines the issue, including the psychological aspects of crime and violence, and concrete ways to help prevent violence and help victims from a humanitarian standpoint.*

Varia, N. (2010). *Migration for Domestic Work*. IOM and Gender Migration July 2010 News, 35. Retrieved August 18, 2010,

from: [http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published\\_docs/periodicals\\_and\\_newsletters/gender\\_bulletin\\_jul10.pdf](http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/periodicals_and_newsletters/gender_bulletin_jul10.pdf)

*Varia, for Human Rights Watch, writes this article as a summary for the current status of migrant domestic workers who are largely female. This document is useful because it is one of the most recent documents that provides facts and figures on women migrant workers as well as the increased scope of migration. Despite the facts Varia puts forth, that abuse against migrant women is predominately an "invisible" problem is also stressed. Like only a few other resources, this document is also notable because it links together migrant issues and HIV status.*

## **Rules of Procedure Commission on Crime Prevention and Criminal Justice**

### ***Introduction***

1. These rules shall be the only rules which apply to the Commission on Crime Prevention and Criminal Justice (hereinafter referred to as “the Commission”) and shall be considered adopted by the Commission prior to its first meeting.
2. For purposes of these rules, the Plenary Director, the Assistant Director(s), the Under-Secretaries-General, and the Assistant Secretaries-General, are designates and agents of the Secretary-General and Director-General, and are collectively referred to as the “Secretariat.”
3. Interpretation of the rules shall be reserved exclusively to the Director-General or her or his designate. Such interpretation shall be in accordance with the philosophy and principles of the National Model United Nations and in furtherance of the educational mission of that organization.
4. For the purposes of these rules, “President” shall refer to the chairperson or acting chairperson of the commission.

### I. SESSIONS

#### **Rule 1 - *Dates of convening and adjournment***

The commission shall meet every year in regular session, commencing and closing on the dates designated by the Secretary-General.

#### **Rule 2 - *Place of sessions***

The Commission shall meet at a location designated by the Secretary-General.

### II. AGENDA

#### **Rule 3 - *Provisional agenda***

The provisional agenda shall be drawn up by the Secretary-General and communicated to the Members of the Commission at least sixty days before the opening of the session.

#### **Rule 4 - *Adoption of the agenda***

The agenda provided by the Secretary-General shall be considered adopted as of the beginning of the session. The order of the agenda items shall be determined by a majority vote of those present and voting. Items on the agenda may be amended or deleted by the Commission by a two-thirds majority of the members present and voting.

*The vote described in this rule is a procedural vote and, as such, observers are permitted to cast a vote. For purposes of this rule, —those present and voting<sup>1</sup> means those delegates, including observers, in attendance at the meeting during which this motion comes to a vote.*

#### **Rule 5 - *Revision of the agenda***

During a session, the Commission may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during a session. Permission to speak on a motion to revise the agenda shall be accorded only to three representatives in favor of, and three opposed to, the revision. Additional items of an important and urgent character, proposed for inclusion in the agenda less than thirty days before the opening of a session, may be placed on the agenda if the Commission so decides by a two-thirds majority of the members present and voting. No additional item may, unless the Commission decides otherwise by a two-thirds majority of the members present and voting, be considered until a committee has reported on the question concerned.

*For purposes of this rule, the determination of an item of an —important and urgent character<sup>1</sup> is subject to the discretion of the Secretariat, and any such determination is final. If an item is determined to be of such a character, then it requires a two-thirds vote of the Commission to be placed on the agenda. It will, however, not be considered by the Commission until a committee has reported on the question. The votes described in this rule are substantive vote, and, as such, observers are not permitted to cast a vote. For purposes of this rule, —the members present and*

*voting — means members (not including observers) in attendance at the session during which this motion comes to vote.*

***Rule 6 - Explanatory memorandum***

Any item proposed for inclusion in the agenda shall be accompanied by an explanatory memorandum and, if possible, by basic documents.

III. SECRETARIAT

***Rule 7 - Duties of the Secretary-General***

1. The Secretary-General or her/his designate shall act in this capacity in all meetings of the Commission.
2. The Secretary-General shall provide and direct the staff required by the Commission and be responsible for all the arrangements that may be necessary for its meetings.

***Rule 8 - Duties of the Secretariat***

The Secretariat shall receive, print, and distribute documents, reports, and resolutions of the Commission, and shall distribute documents of the Commission to the Members, and generally perform all other work which the Commission may require.

***Rule 9 - Statements by the Secretariat***

The Secretary-General, or her/his representative, may make oral as well as written statements to the Commission concerning any question under consideration.

***Rule 10 - Selection of the President*** The Secretary-General or her/his designate shall appoint, from applications received by the Secretariat, a President who shall hold office and, *inter alia*, chair the Commission for the duration of the session, unless otherwise decided by the Secretary-General.

***Rule 11 - Replacement of the President*** If the President is unable to perform her/his functions, a new President shall be appointed for the unexpired term at the discretion of the Secretary-General.

IV. LANGUAGE

***Rule 12 - Official and working language***

English shall be the official and working language of the Commission.

***Rule 13 - Interpretation (oral) or translation (written)***

Any representative wishing to address any body or submit a document in a language other than English shall provide interpretation or translation into English.

*This rule does not affect the total speaking time allotted to those representatives wishing to address the body in a language other than English. As such, both the speech and the interpretation must be within the set time limit.*

V. CONDUCT OF BUSINESS

***Rule 14 – Quorum***

The President may declare a meeting open and permit debate to proceed when representatives of at least one third of the members of the Commission are present. The presence of representatives of a majority of the members of the Commission shall be required for any decision to be taken.

*For purposes of this rule, —members of the Commission means the total number of members (not including observers) in attendance at the first night's meeting.*

### **Rule 15 - General powers of the President**

In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Commission, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have complete control of the proceedings of the Commission and over the maintenance of order at its meetings. He or she shall rule on points of order. He or she may propose to the Commission the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times the representative of each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.

*Included in these enumerated powers is the President's power to assign speaking times for all speeches incidental to motions and amendment. Further, the President is to use her/his discretion, upon the advice and at the consent of the Secretariat, to determine whether to entertain a particular motion based on the philosophy and principles of the NMUN. Such discretion should be used on a limited basis and only under circumstances where it is necessary to advance the educational mission of the Conference. For purposes of this rule, the President's power to —propose to the Commission entails her/his power to —entertain motions, and not to move the body on his or her own motion.*

### **Rule 16**

The President, in the exercise of her or his functions, remains under the authority of the Commission.

### **Rule 17 - Points of order**

During the discussion of any matter, a representative may rise to a point of order, which shall be decided immediately by the President. Any appeal of the decision of the President shall be immediately put to a vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

*Such points of order should not under any circumstances interrupt the speech of a fellow representative. Any questions on order arising during a speech made by a representative should be raised at the conclusion of the speech, or can be addressed by the President, sua sponte, during the speech. For purposes of this rule, —the members present and voting mean those members (not including observers) in attendance at the meeting during which this motion comes to vote.*

### **Rule 18**

A representative may not, in rising to a point of order, speak on the substance of the matter under discussion.

### **Rule 19 - Speeches**

1. No one may address the Commission without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall be confined to the question before the Commission, and the President may call a speaker to order if her/his remarks are not relevant to the subject under discussion.
3. The Commission may limit the time allowed to speakers and all representatives may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives favoring and two opposing such limits, after which the motion shall be put to the vote immediately. When debate is limited and a speaker exceeds the allotted time, the President shall call her or him to order without delay.

*In line with the philosophy and principles of the NMUN, in furtherance of its educational mission, and for the purpose of facilitating debate, if the President determines that the Commission in large part does not want to deviate from the limits to the speaker's time as it is then set, and that any additional motions will not be well received by the body, the President, in her/his discretion, and on the advice and consent of the Secretariat, may rule as dilatory any additional motions to change the limits of the speaker's time.*

### **Rule 20 - Closing of list of speakers**

Members may only be on the list of speakers once but may be added again after having spoken. During the course of a debate the President may announce the list of speakers and, with the consent of the Commission, declare the list closed. When there are no more speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by decision of the Commission.



*The decision to announce the list of speakers is within the discretion of the President and should not be the subject of a motion by the Commission. A motion to close the speakers list is within the purview of the Commission and the President should not act on her/his own motion.*

***Rule 21 - Right of reply***

If a remark impugns the integrity of a representative's State, the President may permit that representative to exercise her/his right of reply following the conclusion of the controversial speech, and shall determine an appropriate time limit for the reply. No ruling on this question shall be subject to appeal.

*For purposes of this rule, a remark that —impugns the integrity of a representative's State is one directed at the governing authority of that State and/or one that puts into question that State's sovereignty or a portion thereof. All interventions in the exercise of the right of reply shall be addressed in writing to the Secretariat and shall not be raised as a point of order or motion. The reply shall be read to the Commission by the representative only upon approval of the Secretariat, and in no case after voting has concluded on all matters relating to the agenda topic, during the discussion of which, the right arose.*

***Rule 22 - Suspension of the meeting***

During the discussion of any matter, a representative may move the suspension of the meeting, specifying a time for reconvening. Such motions shall not be debated but shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass.

***Rule 23 - Adjournment of the meeting***

During the discussion of any matter, a representative may move the adjournment of the meeting. Such motions shall not be debated but shall be put to the vote immediately, requiring the support of a majority of the members present and voting to pass. After adjournment, the Commission shall reconvene at its next regularly scheduled meeting time.

*As this motion, if successful, would end the meeting until the Commission's next regularly scheduled session the following year, and in accordance with the philosophy and principles of the NMUN and in furtherance of its educational mission, the President will not entertain such a motion until the end of the last meeting of the Commission.*

***Rule 24 - Adjournment of debate***

A representative may at any time move the adjournment of debate on the topic under discussion. Permission to speak on the motion shall be accorded to two representatives favoring and two opposing adjournment, after which the motion shall be put to a vote immediately, requiring the support of a majority of the members present and voting to pass. If a motion for adjournment passes, the topic is considered dismissed and no action will be taken on it.

***Rule 25 - Closure of debate***

A representative may at any time move the closure of debate on the item under discussion, whether or not any other representative has signified her/his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall be put to the vote immediately. Closure of debate shall require a two-thirds majority of the members present and voting. If the Commission favors the closure of debate, the Commission shall immediately move to vote on all proposals introduced under that agenda item.

***Rule 26 - Order of motions*** Subject to rule 23, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- a) To suspend the meeting;
- b) To adjourn the meeting;
- c) To adjourn the debate on the item under discussion;
- d) To close the debate on the item under discussion.

***Rule 27 - Proposals and amendments***

Proposals and substantive amendments shall normally be submitted in writing to the Secretariat, with the names of twenty percent of the members of the Commission who would like the Commission to consider the proposal or amendment. The Secretariat may, at its discretion, approve the proposal or amendment for circulation among the

delegations. As a general rule, no proposal shall be put to the vote at any meeting of the Commission unless copies of it have been circulated to all delegations. The President may, however, permit the discussion and consideration of amendments or of motions as to procedure, even though such amendments and motions have not been circulated. If the sponsors agree to the adoption of a proposed amendment, the proposal shall be modified accordingly and no vote shall be taken on the proposed amendment. A document modified in this manner shall be considered as the proposal pending before the Commission for all purposes, including subsequent amendments.

*For purposes of this rule, all —proposals shall be in the form of working papers prior to their approval by the Secretariat. Working papers will not be copied, or in any other way distributed, to the Commission by the Secretariat. The distribution of such working papers is solely the responsibility of the sponsors of the working papers. Along these lines, and in furtherance of the philosophy and principles of the NMUN and for the purpose of advancing its educational mission, representatives should not directly refer to the substance of a working paper that has not yet been accepted as a draft resolution. After approval of a working paper, the proposal becomes a draft resolution and will be copied by the Secretariat for distribution to the Commission. These draft resolutions are the collective property of the Commission and, as such, the names of the original sponsors will be removed. The copying and distribution of amendments is at the discretion of the Secretariat, but the substance of all such amendments will be made available to all representatives in some form.*

**Rule 28 - Withdrawal of motions**

A proposal or a motion may be withdrawn by its sponsor at any time before voting has commenced, provided that it has not been amended. A motion thus withdrawn may be reintroduced by any representative.

**Rule 29 - Reconsideration of a topic**

When a topic has been adjourned, it may not be reconsidered at the same session unless the Commission, by a two-thirds majority of those present and voting, so decides. Reconsideration can only be moved by a representative who voted on the prevailing side of the original motion to adjourn. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be put to the vote immediately.

*For purposes of this rule, —those present and voting means those representatives, including observers, in attendance at the meeting during which this motion is voted upon by the body.*

## VI. VOTING

**Rule 30 - Voting rights**

Each member of the Commission shall have one vote.

*This rule applies to substantive voting on amendments, draft resolutions, and portions of draft resolutions divided out by motion. As such, all references to —member(s) do not include observers, who are not permitted to cast votes on substantive matters.*

**Rule 31 - Request for a vote**

A proposal or motion before the Commission for decision shall be voted upon if any member so requests. Where no member requests a vote, the Commission may adopt proposals or motions without a vote.

*For purposes of this rule, —proposal means any draft resolution, an amendment thereto, or a portion of a draft resolution divided out by motion. Just prior to a vote on a particular proposal or motion, the President may ask if there are any objections to passing the proposal or motion by acclamation, or a member may move to accept the proposal or motion by acclamation. If there are no objections to the proposal or motion, then it is adopted without a vote.*

**Rule 32 - Majority required**

1. Unless specified otherwise in these rules, decisions of the Assembly shall be made by a majority of the members present and voting.
2. For the purpose of tabulation, the phrase “members present and voting” means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

*All members declaring their representative States as “present and voting” during the attendance roll call for the meeting during which the substantive voting occurs, must cast an affirmative or negative vote, and cannot abstain.*

**Rule 33 - Method of voting**

1. The Commission shall normally vote by a show of placards, except that a representative may request a roll call, which shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is randomly selected by the President. The name of each present member shall be called in any roll call, and one of its representatives shall reply “yes,” “no,” “abstention,” or “pass.”

*Only those members who designate themselves as —present‖ or —present and voting‖ during the attendance roll call, or in some other manner communicate their attendance to the President and/or Secretariat, are permitted to vote and, as such, no others will be called during a roll-call vote. Any representatives replying —pass,‖ must, on the second time through, respond with either —yes‖ or —no.‖ A —pass‖ cannot be followed by a second —pass‖ for the same proposal or amendment, nor can it be followed by an abstention on that same proposal or amendment.*

2. When the Commission votes by mechanical means, a non-recorded vote shall replace a vote by show of placards and a recorded vote shall replace a roll-call vote. A representative may request a recorded vote. In the case of a recorded vote, the Commission shall dispense with the procedure of calling out the names of the members.
3. The vote of each member participating in a roll call or a recorded vote shall be inserted in the record.

**Rule 34 - Explanations of vote**

Representatives may make brief statements consisting solely of explanation of their votes after the voting has been completed. The representatives of a member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended, and the member has voted against the proposal or motion.

*All explanations of vote must be submitted to the President in writing before debate on the topic is closed, except where the representative is of a member sponsoring the proposal, as described in the second clause, in which case the explanation of vote must be submitted to the President in writing immediately after voting on the topic ends.*

**Rule 35 - Conduct during voting**

After the President has announced the commencement of voting, no representatives shall interrupt the voting except on a point of order in connection with the actual process of voting.

**Rule 36 - Division of proposals and amendments**

Immediately before a proposal or amendment comes to a vote, a representative may move that parts of a proposal or of an amendment should be voted on separately. If there are calls for multiple divisions, those shall be voted upon in an order to be set by the President where the most radical division will be voted upon first. If objection is made to the motion for division, the request for division shall be voted upon, requiring the support of a majority of those present and voting to pass. Permission to speak on the motion for division shall be given only to two speakers in favor and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are involved shall then be put to a vote. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

*For purposes of this rule, —most radical division‖ means the division that will remove the greatest substance from the draft resolution, but not necessarily the one that will remove the most words or clauses. The determination of which division is —most radical‖ is subject to the discretion of the Secretariat, and any such determination is final.*

**Rule 37 - Amendments**

An amendment is a proposal that does no more than add to, delete from, or revise part of another proposal.

*An amendment can add, amend, or delete operative clauses, but cannot in any manner add, amend, delete, or otherwise affect perambulatory clauses.*

**Rule 38 - Order of voting on amendments**

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed there from, and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

*For purposes of this rule, —furthest removed in substance means the amendment that will have the most significant impact on the draft resolution. The determination of which amendment is —furthest removed in substance is subject to the discretion of the Secretariat, and any such determination is final.*

**Rule 39 - Order of voting on proposals**

If two or more proposals, other than amendments, relate to the same question, they shall, unless the Commission decides otherwise, be voted on in the order in which they were submitted.

**Rule 40 - The President shall not vote**

The President shall not vote but may designate another member of her/his delegation to vote in her/his place.

VII. CREDENTIALS

**Rule 41 - Credentials**

The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General prior to the opening of a session.

**Rule 42**

The Commission shall be bound by the actions of the General Assembly in all credentials matters and shall take no action regarding the credentials of any member.

VII. PARTICIPATION OF NON-MEMBERS OF THE COMMISSION

**Rule 43 - Participation of non-Member States**

1. The Commission shall invite any Member of the United Nations that is not a member of the Commission and any other State, to participate in its deliberations on any matter of particular concern to that State.
2. A committee or sessional body of the Commission shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State.
3. A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the body concerned.

*If the Commission considers that the presence of a Member invited according to this rule is no longer necessary, it may withdraw the invitation again. Delegates invited to the Commission according to this rule should also keep in mind their role and obligations in the committee that they were originally assigned to. For educational purposes of the NMUN Conference, the Secretariat may thus ask a delegate to return to his or her committee when his or her presence in the Commission is no longer required.*

**Rule 45 - Participation of national liberation movements**

The Commission may invite any national liberation movement recognized by the General Assembly to participate, without the right to vote, in its deliberations on any matter of particular concern to that movement.

**Rule 46 - Participation of and consultation with specialized agencies**

In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled: a) To be represented at meetings of the Commission and its subsidiary organs; b) To participate, without the right to vote, through their representatives, in deliberations with respect to items of concern to them and to submit proposals regarding such items, which may be put to the vote at the request of any member of the Commission or of the subsidiary organ concerned.

***Rule 47 - Participation of non-governmental organization and intergovernmental organizations***

Representatives of non-governmental organizations/intergovernmental organizations accorded consultative observer status by the General Assembly and other non-governmental organizations/intergovernmental organizations designated on an ad hoc or a continuing basis by the Commission on the recommendation of the Bureau, may participate, with the procedural right to vote, but not the substantive right to vote, in the deliberations of the Commission on questions within the scope of the activities of the organizations.