

Commission on Crime Prevention and Criminal Justice

General Committee Items

The Commission on Crime Prevention and Criminal Justice (CCPCJ) held its twenty-first session on April 23-27, 2012 in Vienna. During this occasion, three resolutions were passed addressing civilian private security, maritime piracy and the connection between organized crime and terrorism.¹ Human trafficking was also discussed in order to strengthen the fight against it.² CCPCJ reconvened its twenty-first session on December 6-7, 2012.³ Besides questions related to CCPCJ's finances, issues addressed included the adoption of the provisional agenda for the twenty-second session to be held in April 2013.⁴ The main discussion will focus on the emergence of crimes with a significant impact on the environment.⁵ Amongst the documents under consideration at the reconvened session was a compilation of the inputs by Member States in response to the Economic and Social Council's (ECOSOC) call regarding the "post-2015 Development Agenda".⁶ The goal was to examine the Commission's mandate in the context of the *Millennium Development Goals (MDG)*.⁷ In the case of CCPCJ, this meant considering links between development and justice and how to respond to it based on two major observations; lack of development can act as a root cause of crime, and crime negatively affects the realization of development goals.⁸

As the governing body of the United Nations Office on Drugs and Crime (UNODC), CCPCJ also cooperates with the United Nations Crime Prevention and Criminal Justice Programme Network.⁹ This network consists of UNODC and several institutes, both regional and interregional, with the aim of working towards stronger international cooperation.¹⁰ One of the members of the network is the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), which celebrated its fiftieth anniversary in 2012.¹¹ The Sixth Regional Seminar on Good Governance for South East Asia and the Pacific was held on the same occasion, and during his opening speech, Deputy Director Kenichi Kiyono underlined the importance of international cooperation, especially in the field of the fight against corruption.¹²

UNODC is also in charge of the secretariat of the Conference of the States Parties to the *United Nations Convention Against Corruption (UNCAC)*.¹³ In his message for the International Anti-Corruption Day on December 9, 2012, UNODC's Executive Director Yuri Fedotov reiterated the challenge corruption represents to our world, and that it also affects the use of natural resources and the distribution of wealth.¹⁴ On this occasion, United Nations Secretary-General Ban Ki-Moon also sent a message underlining the importance of addressing corruption with regards to the achievement of the MDGs.¹⁵ UNODC also acts as the secretariat of the *United Nations Convention against Transnational Organized Crime*.¹⁶ On its sixth session, held on October 15-19, 2012, the Conference of the States Parties issued a series of resolutions mainly addressing the effective implementation of the Conventions provisions.¹⁷

The CCPCJ will hold its twenty-second session on April 22-26, 2013 in Vienna and the thematic discussion will focus on new forms of crime that affect the environment.¹⁸ The *Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property*, which was adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in 1990 will also be under

¹ CCPCJ, *Report on the twenty-first session*, 2012.

² ECOSOC, *Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons*, 2012.

³ CCPCJ, *Reconvened twenty-first session*, 2012.

⁴ CCPCJ, *Reconvened twenty-first session*, 2012.

⁵ CCPCJ, *Proposal of possible sub-themes for the thematic discussion at the twenty second session*, 2012.

⁶ CCPCJ & CND, *Inputs by Member States for the post-2015 Development Agenda*, 2012, p.1.

⁷ CCPCJ & CND, *Inputs by Member States for the post-2015 Development Agenda*, 2012, p.1.

⁸ CCPCJ & CND, *Inputs by Member States for the post-2015 Development Agenda*, 2012, p.2.

⁹ CCPCJ, *Mandate and Functions*, 2012.

¹⁰ UNODC, *Institutes of the UN Crime Prevention and Criminal Justice Programme Network*, 2012.

¹¹ UNAFEI, *UNAFEI marked its 50th Anniversary!*, 2012.

¹² Kiyono, *International Cooperation: Mutual Legal Assistance and Extradition*, 2012, p.2.

¹³ UNGA, *Resolution 58/4*, 2003.

¹⁴ Fedotov, *Statement on International Anti-Corruption Day*, 2012.

¹⁵ Ban, *Message on International Anti-Corruption Day*, 2012.

¹⁶ UNODC, *Organized Crime*, 2012.

¹⁷ Conference of the Parties to the United Nations Convention against Transnational Organized Crime, *Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its sixth session*, 2012.

¹⁸ CCPCJ, *More Information*, 2012.

consideration.¹⁹ Possible improvements and its utility will be discussed and so far thirteen States have submitted their comments.²⁰

The Committee at the National Model United Nations Conference

The Commission on Crime Prevention and Criminal Justice is a forum for discussing and sharing experience in the field of crime prevention and criminal justice, and for formulating policy recommendations addressed to Member States and the United Nations. CCPCJ comprises of 40 Member States that are elected on a regional basis for three year terms. It is one of the 30 subsidiary bodies of the Economic and Social Council.

Format: The Commission on Crime Prevention and Criminal Justice is a Resolution Writing Committee.

Voting: In the Commission on Crime Prevention and Criminal Justice each member has one vote and it does not allow for special privileges of Member States, such as veto power. All decisions are decided on by majority vote of members present for both procedural and substantive matters.

¹⁹ United Nations Congress on the Prevention of Crime and the Treatment of Offenders, *Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property*, 1990.

²⁰ UNODC, *Potential utility of and improvements to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property*, 2012.

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Ban, K.M. (2012), *Message on International Anti-Corruption Day*. Retrieved January 12 from: <http://www.actagainstcorruption.org/actagainstcorruption/en/about-the-campaign/sgs-message-on-anti-corruption-day.html>

The International Anti-Corruption Day has taken place every year since 2003 on the ninth December. This day is always an important opportunity to draw attention to problems linked to the continuous existence of corruption, which is still affecting our world. In this year's message, Ban Ki-Moon places corruption in the context of the realization of the Millennium Development Goals.

Commission on Crime Prevention and Criminal Justice, (2012) *Reconvened twenty-first session*. Retrieved January 12 from: <http://www.unodc.org/unodc/en/commissions/CCPCJ/session/reconvened-21st-session-of-the-ccpcj.html>
CCPCJ held its reconvened twenty-first session on the sixth and seventh December 2012. One of the subjects was the preparation of the twenty-second session which will take place in April 2013. This site provides links to all documents published after the session.

Commission on Crime Prevention and Criminal Justice & Committee on Narcotic Drugs (2012), *Inputs by Member States for the post-2015 Development Agenda*. Retrieved January 12 from: http://www.unodc.org/documents/commissions/CCPCJ_session21/Reconvened/ECN152012_CRP9_eV1257818_EC_N72012_CRP11_eV1257818.pdf

ECOSOC sought its functional commissions to provide input regarding future measures once the 2015 deadline of the MDGs has been reached. For CCPCJ this means examining linkages between development and justice and crime. The Member States that have sent their input are Belarus, Brazil, Cambodia, Colombia, Greece, Pakistan, Qatar, Russian Federation, Thailand and the United States of America.

Kiyono, K. (2012), *International Cooperation: Mutual Legal Assistance and Extradition*. Retrieved January 12 from: http://www.unafei.or.jp/english/pdf/PDF_GG6_Seminar/GG6_IntroRemarks.pdf

UNAFEI is a United Nations regional institute promoting cooperation between Asian states and the development of criminal justice. Its main activities are training of personnel in this area and the study of crime prevention and criminal offenders. At this year's regional seminar, the Executive Director, Kenichi Kiyono emphasized on corruption and the necessity of cooperation between states in order to solve this problem.

United Nations Office on Drugs and Crime, (2012), *Institutes of the UN Crime Prevention and Criminal Justice Programme Network*. Retrieved January 12 from: <http://www.unodc.org/unodc/en/commissions/CCPCJ/institutes.html>

The UN Crime Prevention and Criminal Justice Programme Network is comprised of the UNODC and a series of regional and interregional institutes from around the world. The goal is to promote cooperation and exchange of knowledge. This site provides a list of all its components as well as links to their respective homepages.

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Commission on Crime Prevention and Criminal Justice, (2012) *Proposal of possible sub-themes for the thematic discussion at the twenty-second session*. Retrieved January 12 from http://www.unodc.org/documents/commissions/CCPCJ_session21/Reconvened/ECN152012_CRP8_eV1257828-1.pdf

Commission on Crime Prevention and Criminal Justice & Committee on Narcotic Drugs (2012), *Inputs by Member States for the post-2015 Development Agenda*. Retrieved January 12 from

http://www.unodc.org/documents/commissions/CCPCJ_session21/Reconvened/ECN152012_CRP9_eV1257818_EC_N72012_CRP11_eV1257818.pdf

Commission on Crime Prevention and Criminal Justice, (2012) *Mandate and Functions*. Retrieved January 12 from <http://www.unodc.org/unodc/en/commissions/CCPCJ/ccpcj-mandate-functions.html>

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Conference of the Parties to the United Nations Convention against Transnational Organized Crime, (2012), *Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its sixth session*, Retrieved January 27 from http://www.unodc.org/documents/treaties/organized_crime/COP6/CTOC_COP_2012_15/CTOC_COP_2012_15_E.pdf

Economic and Social Council (2012), *Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons*, Retrieved January 30 from <http://www.un.org/Docs/journal/asp/ws.asp?m=E/CN.15/2012/7>

Fedotov, Y. (2012) *Statement on International Anti-Corruption Day*. Retrieved January 12 from <http://www.actagainstcorruption.org/actagainstcorruption/en/about-the-campaign/message-from-mr-yury-fedotov-executive-director-of-unodc-on-2012-anti-corruption-day.html>

Kiyono, K. (2012), *International Cooperation: Mutual Legal Assistance and Extradition*. Retrieved January 12 from http://www.unafei.or.jp/english/pdf/PDF_GG6_Seminar/GG6_IntroRemarks.pdf

United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, (2012), *UNAFEI marked its 50th Anniversary!* Retrieved January 12 from <http://www.unafei.or.jp/english/>

United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1990), *Model Treaty for the Prevention of Crimes that Infringe on the Cultural Heritage of Peoples in the Form of Movable Property*. Retrieved January 27 from http://www.unodc.org/documents/treaties/organized_crime/Model_Treaty.pdf

United Nations General Assembly, (2003), *Resolution 58/4*. Retrieved January 12 from http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/58/4

United Nations Office on Drugs and Crime, (2012), *Institutes of the UN Crime Prevention and Criminal Justice Programme Network*. Retrieved January 12 from <http://www.unodc.org/unodc/en/commissions/CCPCJ/institutes.html>

United Nations Office on Drugs and Crime, (2012) *Organized Crime*, Retrieved January 27 from <http://www.unodc.org/unodc/en/organized-crime/index.html>

United Nations Office on Drugs and Crime, (2012) *Potential utility of and improvements to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property*, Retrieved January 27 from <http://www.un.org/Docs/journal/asp/ws.asp?m=UNODC/CCPCJ/EG.1/2012/2>

I. Environmental Protection through Criminal Law

Commission on Crime Prevention and Criminal Justice and the Economic and Social Council

The Commission on Crime Prevention and Criminal Justice (CCPCJ) has not decided on any new relevant documents since its last meeting held on April 2012.²¹ Nevertheless, the CCPCJ had an additional meeting on December 2012 in order to adopt the thematic topic for the 22nd meeting to be held during 2013.²² This central topic has been set as the challenge posed by emerging forms of crime that have a significant impact on the environment and ways to deal with it effectively.²³ In its report *E/2012/30/Add.1*, the CCPCJ proposed subtopics for the development of the thematic discussion during its 22nd meeting. These are:

“emerging trends and challenges, including those linked to data collection and its analysis, criminalization and criminal justice; challenges linked to related offences; possible ways to increase effectiveness of preventive and responsive measures of criminal justice systems, including using existing international treaties to combat crime, as well as on the basis of strengthening partnerships between public and private sectors and civil society; and international collaboration and partnerships, including the role of the United Nations Office on Drugs and Crime in countering unlawful conduct that may have a negative impact on the environment.”²⁴

The thematic discussion was accepted by the Economic and Social Council (ECOSOC) on its decision 2012-238. It additionally called upon the Secretary-General to present a report entitled *World Crime Trends and Emerging Issues and Responses in the Field of Crime Prevention and Criminal Justice*.²⁵ In addition, ECOSOC adopted resolution *E/RES/2012/19* on September 2012 entitled “*Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations*.”²⁶ This resolution called upon Member States to consider effective measures, within their national legal systems, for combating different forms and manifestations of transnational organized crime that have a significant impact on the environment.²⁷ This includes trafficking in endangered species of wild fauna and flora.²⁸

Other Initiatives on Environmental Crime Enforcement

On October 2012, the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the United Nations Environment Programme (UNEP) organized the International Conference on Environmental Crime on Current and Emerging Threats.²⁹ This conference was held in Rome on October 2012.³⁰ As the result of the conference, a report on the outcome of the different working groups has been published. The report established a series of recommendations. Among others, the working groups found the need for defining environmental crime at the international level.³¹ This definition should include the definition of victims of environmental crime and its link to human rights.³² Furthermore, they called upon Member States to consider a stronger and new UN international law instrument that addresses this issue in particular.³³ In fact, one possibility might be the creation of a specific protocol on environmental crime to the United Nations Convention on Transnational Organized Crime (UNTOC).³⁴

²¹ Commission on Crime Prevention and Criminal Justice, *Documentation*, 2012.

²² Commission on Crime Prevention and Criminal Justice, *Documentation*, 2012.

²³ Commission on Crime Prevention and Criminal Justice, *Documentation*, 2012

²⁴ Commission on Crime Prevention and Criminal Justice, *Report on the Reconvened Twenty-First Session (6-7 December 2012)*, 2012, pp. 10-11.

²⁵ Economic and Social Council, *Decision 2012-238: Report of the CCPCJ on its 21st Session and Provisional Agenda for its 22nd Session*, 2012.

²⁶ Economic and Social Council, *Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations E/RES/2012/19*, 2012.

²⁷ Economic and Social Council, *Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations E/RES/2012/19*, 2012.

²⁸ Economic and Social Council, *Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations E/RES/2012/19*, 2012.

²⁹ Lawson, *UN Plans Review of Environmental Crime*, 2013.

³⁰ Lawson, *UN Plans Review of Environmental Crime*, 2013.

³¹ International Conference on Environmental Crime, *Current and Emerging Threats: Report of the Expert Groups*, 2012.

³² International Conference on Environmental Crime, *Current and Emerging Threats: Report of the Expert Groups*, 2012.

³³ International Conference on Environmental Crime, *Current and Emerging Threats: Report of the Expert Groups*, 2012.

³⁴ International Conference on Environmental Crime, *Current and Emerging Threats: Report of the Expert Groups*, 2012.

Other recommendations urge for the establishment of mandatory corporate criminal liability to offenders and the need to build capacity and expertise of the criminal justice system in order to improve law enforcement operations, investigations, prosecutions and sentencing.³⁵ Finally, the working groups identified trafficking of waste as an international emergency and recommended to improve awareness of the problem, develop national and international investigations, and train law enforcement agencies and judges.³⁶

INTERPOL also launched a new initiative called National Environmental Security Task Force (NEST).³⁷ This plan was adopted during the 21st INTERPOL Asian Regional Conference held in Jordan during September 2012.³⁸ The initiative consists on establishing a global common platform for national compliance and enforcement responses in the area of environmental security.³⁹ In order to make this plan operative, INTERPOL called upon states to implement NESTs by adapting their local systems involving law enforcement, customs, environmental agencies, prosecutors and other specialist agencies.⁴⁰

Finally, the leaders of the 13 Tiger Range Countries (TCRs) met on October 2012 in Thimphu, Bhutan, at the Second Asian Ministerial Conference on Tiger Conservation.⁴¹ During the meeting, Member States adopted the *Thimphu Affirmative Nine-Point Action Agenda on Tiger Conservation*.⁴² This agenda has different approaches towards the protection of the tiger, including one affirmative action in the field of criminal law. In effect, point four of the agenda consists on enhancing and mainstreaming collaboration among TCRs.⁴³ Such collaboration includes the management of transboundary landscapes and corridors, combating illegal trade, and eliminating demand through bilateral and multilateral mechanisms.⁴⁴ It is expected that this agenda will be further developed in the next World Tiger Summit which will be held in India next year.⁴⁵

³⁵ International Conference on Environmental Crime, *Current and Emerging Threats: Report of the Expert Groups*, 2012.

³⁶ International Conference on Environmental Crime, *Current and Emerging Threats: Report of the Expert Groups*, 2012.

³⁷ INTERPOL, *National Environmental Security Task Force, Bringing Compliance and Enforcement Agencies Together to Maintain Environmental Security*, 2012.

³⁸ INTERPOL, *Environmental Crime Programme: News*, 2012.

³⁹ INTERPOL, *Interpol Launches National Environmental Security Task Force Initiative*, 2012.

⁴⁰ INTERPOL, *Interpol Launches National Environmental Security Task Force Initiative*, 2012.

⁴¹ Global Tiger Initiative, *The Thumphu Affirmative Nine-Point Action Agenda on Tiger Conservation Thimpu, Bhutan, October 23, 2012*, 2012.

⁴² Neely, *In Bhutan, Conserving the Natural Environment and Biodiversity*, 2012.

⁴³ Neely, *In Bhutan, Conserving the Natural Environment and Biodiversity*, 2012.

⁴⁴ Global Tiger Initiative, *The Thumphu Affirmative Nine-Point Action Agenda on Tiger Conservation Thimpu, Bhutan, October 23, 2012*, 2012.

⁴⁵ Deccan Herald, *India to Host World Tiger Summit Next Year*, 2013.

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Commission on Crime Prevention and Criminal Justice. (2012). *Report on the Reconvened Twenty-First Session (6-7 December 2012)*. Retrieved February 3, 2013 from: <http://www.un.org/Docs/journal/asp/ws.asp?m=E/2012/30/Add.1>

This document is fundamentally important because the CCPCJ decided that environmental crime in going to be the thematic topic during the upcoming meeting. This report is also especially important since it contains the guidelines for the discussions on the 22nd meeting of the CCPCJ. Delegates should pay special attention to the subtopics set by the Commission.

Economic and Social Council. (2012). *Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations E/RES/2012/19*. Retrieved January 30, 2013 from:

http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ-ECOSOC/CCPCJ-ECOSOC-00/CCPCJ-ECOSOC-12/ECOSOC_res_2012-19.pdf

Confirming previous resolutions, ECOSOC adopted this document in order to strengthen the conviction that there are new emerging threats regarding environmental protection. This is also important since ECOSOC has recognized the fundamental role that the UNDOC. Delegates are called to make this role operative by including the participation of the CCPCJ.

Global Tiger Initiative. (2012). *The Thumphu Affirmative Nine-Point Action Agenda on Tiger Conservation Thimpu, Bhutan, October 23, 2012*. Retrieved January 1, 2013 from: http://www.globaltigerinitiative.org/wp-content/uploads/2012/11/Thimphu_Action_Agenda_23Oct2012.pdf

This document contains the outcome of the Conference held between the Tiger Range Countries. It is an important agenda since this will guide the actions of those countries during the period 2013-2014. This should be taken into consideration while constructing the basis for further actions regarding the protection of the tiger and other endangered species. Special attention should be given to point number four of the agenda since it consists on the application of several criminal justice measures.

International Conference on Environmental Crime. (2012). *Current and Emerging Threats: Report of the Expert Groups*. Retrieved January 3, 2013 from:

http://unicri.it/topics/environmental/conference/Report_of_the_Conference.pdf

This link contains the report elaborated by the three working groups of the International Conference on Environmental Crime. It contains the full set of recommendations that were made during the conference. It is important to notice that criminal justice measures were accompanied by other which focus on awareness, civil society participation, etc. Those recommendations that were not mentioned in this NMUN Background Guide Update are contained in this link and should be paid special attention.

INTERPOL. (2012). *National Environmental Security Task Force, Bringing Compliance and Enforcement Agencies Together to Maintain Environmental Security*. Retrieved February 3, 2013 from:

<http://www.interpol.int/Media/Files/Crime-areas/Environmental-crime/NEST/National-Environmental-Security-Task-Force-manual>

This document was prepared by INTERPOL and contains specific information about NESTs. Delegates can find information explaining the definition of NESTs and the way they should be implemented. It also presents instructions on how to make NESTs operative in national territories. This is by hosting national environmental security seminars, forming national security committees and setting national environmental security task forces.

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Economic and Social Council. (2012). *Strengthening international cooperation in combating transnational organized crime in all its forms and manifestations E/RES/2012/19*. Retrieved January 30, 2013 from: http://www.unodc.org/documents/commissions/CCPCJ/CCPCJ-ECOSOC/CCPCJ-ECOSOC-00/CCPCJ-ECOSOC-12/ECOSOC_res_2012-19.pdf

Global Tiger Initiative. (2012). *The Thumphu Affirmative Nine-Point Action Agenda on Tiger Conservation Thimphu, Bhutan, October 23, 2012*. Retrieved January 1, 2013 from: http://www.globaltigerinitiative.org/wp-content/uploads/2012/11/Thimphu_Action_Agenda_23Oct2012.pdf

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INTERPOL. (2012). *Environmental Crime Programme: News*. Retrieved January 24, 2013 from: <http://www.interpol.int/content/download/16370/115047/version/1/file/Issue11-November2012.pdf>

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Lawson, T. (2013). *UN Plans Review of Environmental Crime*. Retrieved January 24, 2013 from: <http://positivenews.org.uk/2013/environment/10391/plans-review-environmental-crime/>

Neely, T. (2012). *In Bhutan, Conserving the Natural Environment and Biodiversity*. Retrieved February 3, 2013 from: http://blogs.state.gov/index.php/site/entry/bhutan_conserving_environment

II. Establishing International Legal Norms to Counter Maritime Piracy

Recent Developments

This past year boasted fewer instances of piracy than in previous years, marking noteworthy progress by the international community.⁴⁶ Piracy incidents off the coasts of Somalia and in the Indian Ocean decreased in the year 2012 compared to previous years.⁴⁷ Moreover, pirate attacks have been labeled as increasingly less successful, with a drop in ransom payments of 700%.⁴⁸ Progress in freeing hostages can be celebrated, such as in late December 2012, when the Somali Puntland Maritime Police Force helped free the remaining crew members of a vessel hijacked in March 2010, releasing them from almost three years of captivity.⁴⁹

However, concerns remain by members of the international community that this progress could easily be reversed if the United Nations (UN) and other international bodies or states were to weaken their support for countering piracy.⁵⁰ Some of the most pressing challenges that are yet to be overcome are the loopholes in maritime piracy legislation and challenges in implementing international agreements. However, the international community continues to take steps to combat maritime piracy, signifying hope for sustained progress.

The UN Office on Drugs and Crime (UNODC), governed in part by the Commission on Crime Prevention and Criminal Justice (CCPCJ), has continued their Counter Piracy Programme, working with four key states in Eastern Africa to justly prosecute pirates, namely Seychelles, Kenya, Mauritius, and Tanzania.⁵¹ To support these different states' capacities to prosecute pirates, the UNODC works with actors in their criminal justice systems, such as through facilitating crucial witness participation in the trials, or providing training for prison officials to improve the security and maintain humane imprisonment of prosecuted pirates.⁵² This program also pays special attention to the other factors that lead to maritime piracy, and it has worked with the government of Somalia to better investigate the other roles involved in piracy beyond the actors at sea, including individuals who finance or organize pirates while on land. Looking forward, the program's goals include strengthening Somali maritime law enforcement capabilities.⁵³

The CCPCJ itself has not yet produced any new resolutions or held any discussions on maritime piracy in the year 2013, although it does plan to discuss transnational organized crime committed at sea, which includes maritime piracy, at its 22nd session in April, 2013.⁵⁴ The Security Council has, however, recently addressed the issue, adopting *Resolution 2077 (2012)* in its 6867th meeting on 21 November 2012. This resolution provided suggestions for ways UN Member States could address maritime piracy, especially off the coast of Somalia, while renewing its commitment to this effort.⁵⁵ Furthermore, the resolution emphasized the need for international cooperation, especially between the many different stakeholders affected by piracy, and called upon Somalia to strengthen its own anti-piracy legal instruments, while encouraging the international community to help in these efforts.⁵⁶

⁴⁶ United Nations Office on Drugs and Crime. *Counter Piracy Programme, Issue Ten*, 2012, p. 1.

⁴⁷ International Maritime Organization, *Lives lost at sea halved and piracy eradicated should be targets*, says Sekimizu, 2013.

⁴⁸ International Piracy Ransoms Task Force, *Final Report of the International Piracy Ransoms Task Force*, 2012, p. 1.

⁴⁹ International Chamber of Commerce Crime Services, *Vessel's crew released after nearly three years in captivity off Somalia*, 2012.

⁵⁰ United Nations Office on Drugs and Crime. *Counter Piracy Programme, Issue Ten*, 2012, p. 1.

⁵¹ United Nations Office on Drugs and Crime. *Counter Piracy Programme, Issue Ten*, 2012, p. 1.

⁵² United Nations Office on Drugs and Crime. *Counter Piracy Programme, Issue Ten*, 2012, p. 7-13.

⁵³ United Nations Office on Drugs and Crime. *Counter Piracy Programme, Issue Ten*, 2012, p. 5.

⁵⁴ United Nations Commission on Crime Prevention and Criminal Justice, *Twenty-second Session*, 2013.

⁵⁵ United Nations Security Council, *Resolution 2077 (2012)*, 2012; United Nations Security Council, *6867th Meeting: The Situation in Somalia*, 2012.

⁵⁶ United Nations Security Council, *Resolution 2077 (2012)*, 2012.

Key International Efforts

The Piracy Ransom Task Force, established in February 2012 by British Prime Minister David Cameron, published its recommendations in December 2012 on how the international community can improve its legal strategies to combat maritime piracy.⁵⁷ The task force is comprised of fourteen states that are all stakeholders in combating piracy.⁵⁸ These recommendations were made considering flag states, countries where vessels are registered, states whose citizens are most at risk to be victims of piracy, and states who play important military roles in combating piracy.⁵⁹ They highlighted the pressing need for states to work in coordination with one another, as well as the need for states to implement and comply with anti-piracy legal measures.⁶⁰ The task force listed the investigation and prosecution of pirates as some of the most important facets of countering piracy, which could be better facilitated through international legal norms and cooperation.⁶¹

In early January 2013, the European Union (EU) declared a new project to increase maritime safety for important world trade routes, the Critical Maritime Routes in the Gulf of Guinea Programme (CRIMGO), planning to contribute €4.5 million to this initiative.⁶² The new program seeks to enhance the security capacities of seven key coastal states on the western coast of Africa.⁶³ Under the EU's Instrument for Stability, the CRIMGO seeks to address major weaknesses in coordination and information sharing in the region, including coordination between coastguards and improved training for these highly important actors in combating maritime piracy.⁶⁴ The project focuses on the Gulf of Guinea, a major source of natural resources for the EU, because of the threat to security and trade piracy and trafficking play, a major barrier to economic development for the affected countries.⁶⁵

The EU also continues to maintain its anti-piracy program off the coast of Somalia, Operation ATALANTA. By working closely with select African governments, they have successfully transferred captured suspected pirates to governmental authorities.⁶⁶ Looking forward, the operation aspires to strengthen the security of vessels and shipping routes further.⁶⁷

Conclusion

In the current efforts to address maritime piracy, a few themes emerge in the aforementioned actions by the international community, perhaps most notably, the need to improve coordination and information sharing. Legal frameworks within different states must also be implemented to criminalize piracy in their states – what role can the CCPCJ assume in facilitating the implementation of such legal norms?⁶⁸ It is clear that many successful strategies and policies exist, but their implementations have so far been inconsistent, such as the Best Management Practices (BMP), which contain strategies to protect vessels, but rely upon voluntary application.⁶⁹ There are also sources of

⁵⁷ United Kingdom Foreign & Commonwealth Office, *Piracy Ransoms Task Force Publishes Recommendations*, 2012.

⁵⁸ International Piracy Ransoms Task Force, *Final Report of the International Piracy Ransoms Task Force*, 2012, p. 17; United Kingdom Foreign & Commonwealth Office, *Piracy Ransoms Task Force Publishes Recommendations*, 2012.

⁵⁹ United Kingdom Foreign & Commonwealth Office, *Piracy Ransoms Task Force Publishes Recommendations*, 2012.

⁶⁰ United Kingdom Foreign & Commonwealth Office, *Piracy Ransoms Task Force Publishes Recommendations*, 2012.

⁶¹ International Piracy Ransoms Task Force, *Final Report of the International Piracy Ransoms Task Force*, 2012, p. 12.

⁶² European Commission, *New EU Initiative to Combat Piracy in the Gulf of Guinea*, 2013.

⁶³ European Commission, *Press Release: New EU initiative to combat piracy in the Gulf of Guinea*, 2013.

⁶⁴ European Commission, *Press Release: New EU initiative to combat piracy in the Gulf of Guinea*, 2013.

⁶⁵ European Commission, *New EU Initiative to Combat Piracy in the Gulf of Guinea*, 2013.

⁶⁶ European Union Naval Force, *EU NAVFOR Operation ATALANTA*, 2013.

⁶⁷ European Union Naval Force, *EU NAVFOR Operation ATALANTA*, 2013.

⁶⁸ United Nations Security Council, *Resolution 2077 (2012)*, 2012.

⁶⁹ International Maritime Organization, *Lives lost at sea halved and piracy eradicated should be targets*, says Sekimizu, 2013.

contention between states in how to combat piracy, such as the extent of power given to armed personnel aboard vessels.⁷⁰ Although much progress has been made in countering maritime piracy, many challenges and opportunities for development remain.

⁷⁰ United Nations News Centre, *Somalia: UN experts on use of mercenaries urge greater oversight for private security contractors*, 2012.

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European Commission. (2013). *Press Release: New EU initiative to combat piracy in the Gulf of Guinea*. Retrieved 11 January, 2013 from: http://europa.eu/rapid/press-release_IP-13-14_en.htm

This new EU initiative is an example of how a regional body can strategize to combat maritime piracy. Delegates may take interest in the suggestions and plans made by the EU, and can learn more about which UN member states are involved. The press release also contains links to further information that might be useful in learning more about anti-piracy measures.

International Maritime Organization. (2013). *Lives lost at sea halved and piracy eradicated should be targets, says Sekimizu*. Retrieved 13 January, 2013 from: <http://www.imo.org/MediaCentre/PressBriefings/Pages/03-new-year-targets.aspx>

The Secretary-General, Koji Sekimizu, of the International Maritime Organization states the priorities for 2013 for the International Maritime Organization. He sets ambitious goals in reducing the threat of piracy and the number of victims of piracy. Delegates can learn more about how piracy fits into the IMO's agenda, as well as some of the most pressing threats caused by piracy.

International Piracy Ransoms Task Force. (2012). *Final Report of the International Piracy Ransoms Task Force*. Retrieved 3 February, 2013 from: <http://www.fco.gov.uk/resources/en/pdf/publications/final-report-international-piracy-ransoms-task-force>

The recommendations provided by the Piracy Ransoms Task Force could be useful for delegates to consider. The task force comprised of a number of different Member States and perspectives. Their recommendations focus on the role of the private sector and how states can best cooperate with private actions, as well as how to best handle pirates' requests for ransoms. They also highlight the need for states to prosecute pirates.

United Nations Office on Drugs and Crime. (2012). *Counter Piracy Programme, Issue Ten*. Retrieved 10 January, 2013 from: http://www.unodc.org/documents/easternafrika//piracy/PPP_brochure_December_2012.pdf

This document from the UNODC offers a comprehensive look at their Counter Piracy Programme. It is thorough in reporting some of the successes of the program, as well as what they will continue to prioritize. It provides information about the different roles played by select states.

United Nations Security Council. (2012). *Resolution 2077 (2012)*. Retrieved 13 January, 2013 from: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2077\(2012\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2077(2012))

This resolution adopted by the Security Council covers the current situation in Somalia and comprises of many important recommendations for how the UN and Member States can combat maritime piracy. Although many of the suggestions are specific to Somalia, there are also recommendations that apply more generally how to counter maritime piracy. Delegates may wish to read and evaluate these suggestions, as well as think critically about how to enact such recommendations.

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United Nations News Centre. (2013). *Somalia: UN experts on use of mercenaries urge greater oversight for private security contractors*. Retrieved 13 January, 2013 from: <http://www.un.org/apps/news/story.asp?NewsID=43797&Cr=somalia&Cr1=>

United Nations Office on Drugs and Crime. (2012). *Counter Piracy Programme, Issue Ten*. Retrieved 10 January, 2013 from: http://www.unodc.org/documents/easternafrika//piracy/PPP_brochure_December_2012.pdf

United Nations Security Council. (2012). *Resolution 2077 (2012)*. Retrieved 13 January, 2013 from: [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2077%20\(2012\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2077%20(2012))

United Nations Security Council. (2012). *6867th Meeting: The Situation in Somalia*. Retrieved 13 January 2013 from: http://www.un.org/ga/search/view_doc.asp?symbol=S/PV.6867

III. Strengthening Prevention Measures and Criminal Justice Responses to Human Trafficking

Recent developments

Conference of Parties to the Convention against Transnational Organized Crime

Human Trafficking was a focus of the sixth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime (UNTOC) in October 2012.⁷¹ During the meeting, intergovernmental agencies, NGOs and government representatives discussed what progress had been made, shared best practices and the challenges faced in fighting transnational organized crime, through which traffickers are estimated to make a total of US \$ 32 billion each year.⁷² Special attention was paid to the prevention, suppression and punishment of trafficking in persons, especially women and children.⁷³

Global report on trafficking in persons – action by the UN Office on Drugs and Crime

In December 2012, the United Nations Office on Drugs and Crime (UNODC) published its first global report on trafficking in persons.⁷⁴ This report, which will be published every two years, was mandated by the General Assembly when it adopted the *United Nations Global Plan of Action to Combat Trafficking in Persons* (A/RES/64/293) in 2010.⁷⁵ Based on data collected from Member States from 2007 onward, the Global Report 2012 offers an overview of the human trafficking on a global, national, and regional scale.⁷⁶ The Report also contains country profiles with a national-level analysis for 132 countries, in addition to a chapter on the worldwide response to human trafficking.⁷⁷ According to the Report, children make up 27% of all victims of human trafficking that were officially detected globally between 2007 and 2010.⁷⁸ This represents an increase of 7% from the period between 2003 and 2006.⁷⁹ Another increase that has caused concern is the number of girls being trafficked; they now make up to two thirds of all trafficked children and 15 to 20% of the total number of all detected victims, children and adults alike, compared to 10% of boys.⁸⁰

As a result of an expert group meeting and based on interviews with practitioners from 12 Member States, UNODC published an issue paper on *Abuse of a Position of Vulnerability and other "Means" Within the Definition of Trafficking in Persons*. The aim of this paper is to clarify the concept of “abuse of a position of vulnerability” in the context of the crime of human trafficking, as defined by Article 3 of the *Trafficking in Persons Protocol*.⁸¹ This is important because the parameters around what constitutes “trafficking” are not yet firmly established.⁸² Such clarification is necessary, however, because of the global pressure on states to prosecute traffickers.⁸³ As a practical

⁷¹ UNODC, *Human Trafficking Under Spotlight at Conference Parties Meeting*, 2012.

⁷² UNODC, *Human Trafficking Under Spotlight at Conference Parties Meeting*, 2012.

⁷³ Conference of the Parties to the United Nations Convention against Transnational Organized Crime, *Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its sixth session*, 2012.
Conference of the Parties to the United Nations Convention against Transnational Organized Crime, *Activities of the United Nations Office on Drugs and Crime to promote and support the implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, 2012.

⁷⁴ UNODC, *Global Report on Trafficking in Persons, Full Report*, 2012.

⁷⁵ UNODC, *Global report on Trafficking in Persons*, 2012.

United Nations General Assembly, *United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/66/255)*, 12 August, 2010.

⁷⁶ UNODC, *Increase in global child trafficking gives cause for concern, says new UNODC report*, 2013.

⁷⁷ UNODC, *Increase in global child trafficking gives cause for concern, says new UNODC report*, 2013.

⁷⁸ United Nations News Center, *Children account for almost a third of all people trafficked globally – new UN report*, 12 December 2012.

⁷⁹ UNODC, *Global Report on Trafficking in Persons, Full Report*, 2012.

⁸⁰ UNODC, *Global Report on Trafficking in Persons, Full Report*, 2012.

⁸¹ UNODC, *Issue Paper on Abuse of a Position of Vulnerability and other "Means" Within the Definition of Trafficking in Persons*, 2012.

⁸² UNODC, *Issue Paper on Abuse of a Position of Vulnerability and other "Means" Within the Definition of Trafficking in Persons*, 2012.

⁸³ UNODC, *Issue Paper on Abuse of a Position of Vulnerability and other "Means" Within the Definition of Trafficking in Persons*, 2012.

measure, the meeting created a guidance note with the aim of assisting criminal justice practitioners in understanding and applying the term “abuse of a position of vulnerability”.⁸⁴

Actions by the UN General Assembly

During its 67th session in December 2012, the United Nations General Assembly adopted two resolutions on human trafficking. The resolution on trafficking in women and girls (A/RES/67/167) urges states that have not yet done so to consider ratifying or acceding to the *United Nations Convention on Transnational Organized Crime* and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.⁸⁵ It also urges governments to help eliminate all forms of trafficking in women and girls by devising, enforcing and strengthening gender and age-sensitive measures as part of a comprehensive anti-trafficking strategy with an integral human rights perspective.⁸⁶ The Assembly also adopted a resolution on improving the coordination of efforts against trafficking in persons (A/RES/67/190), in which it calls on governments to continue to criminalize trafficking in persons in all its forms, as well as investigating, prosecuting, condemning, and punishing traffickers and intermediaries, while protecting and assisting victims.⁸⁷

The reconvened 21st Session of the Commission on Crime Prevention and Criminal Justice

The Commission on Crime Prevention and Criminal Justice reconvened its 21st Session in December 2012 and discussed the role of crime prevention and criminal justice in the post-2015 development agenda.⁸⁸ Crime prevention and criminal justice efforts could play a significant role in strengthening the rule of law and achieving social, economic and environmental development.⁸⁹ As such, it was suggested by several Member States that global crime prevention and criminal justice issues, including measures to prevent and address transnational organized crime, especially trafficking in persons, be considered in this context.⁹⁰

Upcoming events

The Global Plan of Action to Combat Trafficking in Persons, which was adopted by the United Nations General Assembly in 2010 (A/RES/64/293), is scheduled to be reviewed in 2013.⁹¹ The review will appraise the progress achieved so far in implementing of the Plan.⁹² Also in 2013, the 57th session of the Commission on the Status of Women will work with the Group of Friends United against Human Trafficking, which comprises 21 Member States, and UNODC to consider the issue of the elimination and prevention of all forms of violence against women and girls within the context of the Global Plan of Action to Combat Trafficking in Persons.⁹³

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⁸⁴ UNODC, *Guidance Note on ‘abuse of a position of vulnerability’ as a means of trafficking in persons in Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, 2012.

⁸⁵ United Nations General Assembly, *General Assembly Strongly Condemns Widespread, Systematic Human Rights Violations in Syria (GA/11331)*, 20 December 2012.

⁸⁶ United Nations General Assembly, *General Assembly Strongly Condemns Widespread, Systematic Human Rights Violations in Syria (GA/11331)*, 20 December 2012.

⁸⁷ United Nations General Assembly, *General Assembly Strongly Condemns Widespread, Systematic Human Rights Violations in Syria (GA/11331)*, 20 December 2012.

⁸⁸ Commission on Crime Prevention and Criminal Justice, *Report on the reconvened twenty-first session*, 2012.

⁸⁹ Commission on Crime Prevention and Criminal Justice, *Report on the reconvened twenty-first session: Inputs from Member States*, 2012.

⁹⁰ Commission on Crime Prevention and Criminal Justice, *Report on the reconvened twenty-first session: Inputs from Member States*, 2012.

⁹¹ United Nations General Assembly, *Fighting human trafficking: partnership and innovation to end violence against women and girls*, 2013

⁹² United Nations General Assembly, *Fighting human trafficking: partnership and innovation to end violence against women and girls*, 2013

⁹³ United Nations General Assembly, *Fighting human trafficking: partnership and innovation to end violence against women and girls*, 2013

https://www.unodc.org/documents/commissions/CCPCJ_session21/Reconvened/ECN152012_CRP9_eV1257818_ECN72012_CRP11_eV1257818.pdf

The Commission on Crime Prevention and Criminal Justice's reconvened for its twenty-first session in December 2012. One of the Commission's main topics was the post-2015 development agenda, dealing with in social, economic, and environmental matters. One of the widely discussed topics in this context was human trafficking. This report gives an overview of the topics discussed.

Commission on Crime Prevention and Criminal Justice. (2012). Report on the reconvened twenty-first session: Inputs from Member States. Retrieved January 14, 2013 from

https://www.unodc.org/documents/commissions/CCPCJ_session21/Reconvened/ECN152012_CRP9_eV1257818_ECN72012_CRP11_eV1257818.pdf

In addition to the Commission on Crime Prevention and Criminal Justice's Report on the reconvened twenty-first session, which highlights the discussion in the committee as a whole, this report contains the inputs from the Member States. It provides individual standpoints from participating Member States and offers information on each Member States' participation in the session. This resource may be helpful for up-to-date standpoints.

Conference of the Parties to the United Nations Convention against Transnational Organized Crime. (2012). *Report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on its sixth session, held in Vienna from 15 to 19 October 2012*. Retrieved January 14, 2013 from

https://www.unodc.org/documents/treaties/organized_crime/COP6/CTOC_COP_2012_15/CTOC_COP_2012_15_E.pdf

The Conference of the Parties to the United Nations Convention against Transnational Organized Crime was a meeting of intergovernmental organizations, NGOs, and government bodies. The report covers the topics dealt with during the conference. It details the dangers and challenges posed by organized crime, including the crime of human trafficking.

United Nations Office on Drugs and Crime. (2012). *Issue Paper on Abuse of a Position of Vulnerability and other "Means" Within the Definition of Trafficking in Persons*. Retrieved January 14, 2013 from

http://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper_-_Abuse_of_a_Position_of_Vulnerability.pdf

This paper was issued to give clarification to the interpretation of the legal definition of Trafficking in Persons. It offers a good explanation of the current legal challenges that international and national bodies face in the fight against human trafficking. The issue paper also presents the results from a meeting of various Member States on the topic from their individual perspectives.

United Nations Office on Drugs and Crime. (2012). *Global Report on Trafficking in Persons*. Retrieved January 14, 2013 from http://www.ungift.org/knowledgehub/en/publications.html?vf=/doc/knowledgehub/resource-centre/UNODC/Trafficking_in_Persons_2012.pdf

This report presents a thorough look at the issue of human trafficking at present. It offers many statistics from the years 2007-2010. The report looks at the issue of trafficking from various perspectives and contains a wealth of useful information.

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