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COMMITTEE STUDY GUIDE

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WELCOMING MESSAGE BY THE BOARD

Distinguished Ministers,

It is an honor for the Board of the Council of Europe to warmly welcome you all to the second edition of FREDMUN, which will be held from the 2nd to the 5th of November in the beautiful island of Cyprus. We are more than confident that each and every one of you, as part of the Council, will meet our expectations through the equal work, the preparation and also the cooperation during the debates. At this point we would like to have the opportunity to briefly introduce ourselves.

President

Mitoulaki Maria



To begin with, I would like to note that it is extremely pleasant the fact that more and more young people are willing to join the MUN world and discuss about crucial issues related to international affairs. As for me, I was born and raised in Athens, Greece. I am twenty three years old and I am a recent graduate of the Department of Sociology, of the Panteion University. As far as my future academic plans are concerned, my next step is the criminology master degree. Concerning my academic interests, I would like to note that I am more than interested in Human Rights, because almost every science is based on human existence, and almost every investigation includes humanity issues in its core. My passion for MUNs began in 2015; since then I have participated in another nine simulations both of the United Nations and the European Organs as a journalist, as a delegate and as a chairperson. In this year's FREDMUN I will have the honor to serve as the President of the Council of Europe and I am extremely excited about it. I am more than glad to admit that simulations are the best way to gain knowledge, meet new people, build a part of your personality and gain unforgettable memories. Hope to meet all of you in Cyprus!

Vice-President

Athanasa Dimitra



Greetings everyone! My name is Dimitra Athanasa. I am a twenty years old student at the department of Law in Aristotle's University of Thessaloniki. It is with great joy and honor that for this year's FREDMUN I will be serving as the Vice President of the Council of Europe. From an early age, I used to have an active role in the world of simulations with international content and as a result I have participated in a great deal of them. Furthermore, I am a contributor at a site's column, writing about international relations and also matters of defense and last but not least I am an

active member of the European Law Students' Association (E.L.S.A.).

Additionally, regarding my hopes and goals for FREDMUN 2017, I am aiming to ensure all of my delegates that it will be a fulfilling experience concerning preparation and debate. I promise to familiarize the ministers with the process and motivate them to participate during the conference.

Secretary General

Nikolaidis Dimitris



Hello Dear Ministers! My name is Dimitris Nikolaidis and I have the great honor to serve as the Secretary General of Council of Europe in FREDMUN 2017. I am twenty-one years old and a third year undergraduate student of the Department of Foreign Languages Translation and Interpreting at the Ionian University in Corfu. I am specialized at Legal, Economic, Political and Technical Translation in Greek, German and English. My main goal is to get involved with diplomacy and foreign languages. I am more than happy to have this position, as it is my first time as a Board member and also to cooperate with Maria and Dimitra. See you all in Cyprus!

The preparation of this Study Guide will assist you to understand this year's topic and also to guide you through the main steps of your preparation, so it is of utmost importance to study it carefully. Individual research is the cornerstone for your effort during the debates of the Council. We are inclined to believe that your contribution in the Council will be satisfactory. We promise to assist you in any issues that may occur and we set ourselves at your disposal for any queries, so feel free to contact us anytime. See you in Cyprus!

INTRODUCTION TO THE COMMITTEE

"My counsel to Europe can be given in a single word: Unite!" stated Winston Churchill at the end of the Second World War and nearly after the constitution of a cordial alliance between France and Germany¹. Council of Europe is considered to be the oldest political Organization in Europe. It has been founded on May 5th 1949 by the Treaty of London (or the Statute of the Council of Europe), which has been signed by the five Governments Members of the Brussels Treaty (Belgium, France, Luxembourg, the Netherlands and the United Kingdom) and also by the Governments of Denmark, Ireland, Italy, Norway and Sweden². The current structure of the Council is based on 47 permanent members and 5 observers³. Nowadays, Council of Europe is considered as an international organization, whose base is located in Strasburg, France.

Council's constitution has three main goals. First of all, it advocates the protection of Human Rights, the pluralistic democracy and the principles of the Rule of Law. The second goal concerns the promotion of the cultural identity and diversity between the European States. As far as the third goal is concerned, Council makes significant efforts, in order to strengthen democratic stability by supporting political, judicial and constitutional reforms⁴. With the aim of achieving all the above, states have to be united through common actions, debates and agreements. At this point, it has to be mentioned that all the European states have the opportunity of the enjoyment of the Council, only if they adhere to the principles of the Rule of Law and only if they fully respect Human Rights and Fundamental Freedoms.

At this point, it is considered extremely necessary to present the structure of the Council. According the Chapter III, Article 10 of the Statute of the Council of Europe⁵ the structure is formed by two organs. The first one is the Committee of Ministers, which constitutes the statutory decision-making body and is composed by the Ministers of Foreign Affairs of each member-state⁶. The second one is the Parliamentary Assembly, which is the deliberative organ of the Council of Europe and it consists by 324 members of the parliament from the 47 states⁷. Last but not least, it has to be noted that Council of Europe has

¹Europe, T., Assembly, P., Assembly, O. and Europe, C. (2017). Origins and History of Parliamentary Assembly. [online] Council of Europe Office in Georgia. Available at: <http://www.coe.int/en/web/tbilisi/the-coe> [Accessed 23 Jun. 2017]

²Ibid.

³ref, C., States, O. and States, O. (2017). Our member States. [online] The Council of Europe in brief. Available at: <http://www.coe.int/en/web/about-us/our-member-states> [Accessed 23 Jun. 2017].

⁴Vm.ee. (2017). The goals and principles of the Council of Europe | Ministry of Foreign Affairs. [online] Available at: <http://www.vm.ee/en/goals-and-principles-council-europe> [Accessed 23 Jun. 2017].

⁵Rm.coe.int. (2017). Cite a Website - Cite This For Me. [online] Available at: <https://rm.coe.int/168030605> [Accessed 24 Jun. 2017].

⁶Ministers, C. (2017). Home. [online] Committee of Ministers. Available at: <http://www.coe.int/en/web/cm> [Accessed 24 Jun. 2017].

⁷Assembly.coe.int. (2017). PACE website. [online] Available at: <http://assembly.coe.int/nw/Home-EN.asp> [Accessed 24 Jun. 2017].

special agencies like the European Committee on Crime Problems, the European Commission of Human Rights, the European Court of Human Rights, which are responsible for the preservation of the Council's principles on several and exceptional issues⁸.

To sum up, Council of Europe has successfully achieved to deal with a majority of issues of human rights violations, such as the abolition of the death penalty, the strengthening of human rights, the fight against racism, the upholding freedom of expression, the preservation of gender equality and the establishment of child's rights⁹.

⁸Law, H. and Chart, M. (2017). Mandate and Organisational Chart. [online] Human Rights and Rule of Law. Available at: <http://www.coe.int/en/web/human-rights-rule-of-law/mandate-organigramme> [Accessed 6 Sep. 2017].

⁹ref, C. and do, W. (2017). Achievements. [online] The Council of Europe in brief. Available at: <http://www.coe.int/en/web/about-us/achievements> [Accessed 24 Jun. 2017].

**Topic A: Combating transnational
organized crime in line with
safeguarding human security and
protecting human rights**

INTRODUCTION TO THE TOPIC

It is not a coincidence that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realizing the ideals and principles, which are their common heritage and facilitating their economic and social progress (Statute of the Council of Europe)¹⁰. Council of Europe has as main priority the promotion and the safeguarding of Human Rights; for the above reason and according to the Council's principles, one of the topic, which is going to be discussed in the Committee of Ministers in this year's FREDMUN is about the safeguarding of human security and the protection of human rights from the threats of transnational organized crime.

First of all, it should be mentioned that, transnational organized crime poses a threat to the fundamental Article II of the European Convention of Human Rights, which is the Right to Life¹¹. Due to the above violation the Council of Europe has taken measures, in order to combat transnational organized crime in all its forms.

Transnational organized crime except for a European threat is also considered as an international threat, which has as main goal large amount of profits. Undoubtedly, this is not a crime made by individual criminals, but a crime which is a "product" of a group of criminals that is commonly known as criminal networks. The importance of the existence of a strict legal framework, which will focus on national and also international actions is considered as extremely necessary. Coordinated actions by the local authorities are also important in locations, such as state borders in land and sea.

The present study guide analyses possible issues that block the promotion and diffusion of the protection of human rights by the criminal activities of transnational organized crime. The discussion of the problem is separated in five categories, each category corresponds in a type of crime. The first crime with transnational organized character is money laundering, which is sometimes the result of every organized criminal activity. The second one is cybercrime, which violates privacy and also private life. The third is about trafficking in human beings; this is the only category, which is separated in subcategories, the forced labor and the trafficking of human organs. The smuggling of migrants is also a crucial issue and extremely important due to the recent refugee crisis. At this point, it has to be mentioned that the Council of Europe makes significant efforts, in order to establish special rights for this category of people. Last but not least, another type of organized crime is trafficking of illegal drugs, which is a crime characterized of a long historical background. All the above are considered as the most well-known types of

¹⁰Strasbourg.mfa.gov.pl. (2017). Council of Europe in brief. [online] Available at: http://www.strasbourg.mfa.gov.pl/en/council_of_europe_in_brief/coe_in_brief/ [Accessed 14 Jul. 2017].

¹¹Anon, (2017). [online] Available at: http://www.echr.coe.int/Documents/Convention_ENG.pdf [Accessed 6 Sep. 2017].

transnational organized crime, which tend to violate human rights in a great extent.

To sum up, the question to be answered in this document is to describe possible ways, in order to protect Human Rights by these criminal networks and also solutions to weaken the actions of these criminal networks. Bearing in mind the existent framework and the actions that have been already taken, it is of utmost importance to pose obstacles on the perpetuation of these criminal activities.

DEFINITION OF KEY TERMS

Human Rights

According to the United Nations Human Rights Office of the High Commissioner, Human rights are rights inherent to all human beings, whatever nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. All human beings are equally entitled to human rights without discrimination. These rights are all interrelated, interdependent and indivisible¹².

Human Security

According to the last report of the Commission of Human Security, human security is defined as the protection of the vital core of all human lives in ways that enhance human freedoms and human fulfillment. Human security means protecting fundamental freedoms – freedoms that are the essence of life. It means protecting people from critical (severe) and pervasive (widespread) threats and situations. It means using processes that build on people's strengths and aspirations. It means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity¹³.

Transnational Organized Crime (Globalize illegal economy)

The term transnational organized crime generally refers to the threat of peace and human security. It violates human rights and undermines economic, social, cultural, political and civil development of societies around the world¹⁴. First of all, the transnational organized crime involves the planning and execution of illicit business ventures by groups or networks of individuals working in more than one country. These criminal groups use systematic violence and corruption to achieve their goals. Crimes, such as money laundering, drug

¹²Ohchr.org. (2017). OHCHR | What are Human Rights. [online] Available at: <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx> [Accessed 6 Sep. 2017].

¹³Anon, (2017). [online] Available at: http://www.un.org/humansecurity/sites/www.un.org.humansecurity/files/human_security_in_theory_and_practice_english.pdf [Accessed 6 Sep. 2017].

¹⁴Unodc.org. (2017). Organized Crime. [online] Available at: <https://www.unodc.org/unodc/it/organized-crime/index.html> [Accessed 30 Jun. 2017].

trafficking, smuggling of migrants, cybercrime and last but not least, trafficking in persons are some types of transnational organized crime¹⁵. It also refers as global illegal economy, as it is considered to be a “big business” virtually encompasses all serious profit-motivated criminal actions of an international nature, in which more than one country is involved¹⁶.

Money Laundering

Money laundering is defined as the process of creating the appearance that large amounts of money obtained from serious crimes, such as drug trafficking or terrorist activity, originated from a legitimate source¹⁷. To specify, money-laundering is the method by which criminals disguise the illegal origins of their wealth and protect their asset bases, so as to avoid the suspicion of law enforcement agencies and prevent leaving a trail of incriminating evidence¹⁸.

Drug Trafficking

Drug trafficking generally refers to the trade and distribution of illegal drugs. Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. A drug trafficking conviction may also lead to denial of federal benefits and forfeiture of personal property and real estate¹⁹. To sum up, drug trafficking is a global illicit trade involving the cultivation, manufacture, distribution and sale of substances²⁰.

Smuggling of migrants

The United Nations Convention Against Crime defines in Article 3 the smuggling of migrants as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident²¹.

¹⁵National Institute of Justice. (2017). Transnational Organized Crime | National Institute of Justice. [online] Available at: <https://www.nij.gov/topics/crime/organized-crime/pages/welcome.aspx> [Accessed 30 Jun. 2017].

¹⁶Unodc.org. (2017). Transnational organized crime: the globalized illegal economy. [online] Available at: <https://www.unodc.org/toc/en/crimes/organized-crime.html> [Accessed 2 Jul. 2017].

¹⁷Staff, I. (2017). Money Laundering. [online] Investopedia. Available at: <http://www.investopedia.com/terms/m/moneylaundering.asp> [Accessed 30 Jun. 2017].

¹⁸Unodc.org. (2017). Introduction to Money-Laundering. [online] Available at: <https://www.unodc.org/unodc/en/money-laundering/introduction.html?ref=menuside> [Accessed 2 Jul. 2017].

¹⁹US Legal, I. (2017). Drug Trafficking Law and Legal Definition | USLegal, Inc.. [online] Definitions.uslegal.com. Available at: <https://definitions.uslegal.com/d/drug-trafficking/> [Accessed 2 Jul. 2017].

²⁰Unodc.org. (2017). Drug trafficking. [online] Available at: <https://www.unodc.org/unodc/en/drug-trafficking/> [Accessed 11 Jul. 2017].

²¹Anon, (2017). [online] Available at: <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> [Accessed 2 Jul. 2017].

Cybercrime

Cybercrime is defined as any illegal activity that involves a computer or network-connected device, such as a mobile phone. Cybercrime is divided in three categories:

1. Crimes in which the computing device is the target.
2. Crimes in which the computer is used as a weapon.
3. Crimes in which the computer is used as an accessory to a crime.²²

Among the most common cybercrimes are the theft of personal data, copyright infringement, fraud, child pornography, cyberstalking and bullying²³.

Trafficking in Human Beings

Trafficking in human beings is considered as one of the most crucial violations of human rights. The first paragraph of the Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs. The Trafficking in Persons has three major elements, the Act, the Means and the Purpose²⁴.

Trafficking of Human Cells, Tissue and Organs

The handling of any human organ, tissue or cell obtained and transacted outside the legal national system for organ transplantation²⁵.

²²SearchSecurity. (2017). What is Cybercrime? - Definition from WhatIs.com. [online] Available at: <http://searchsecurity.techtarget.com/definition/cybercrime> [Accessed 2 Jul. 2017].

²³Us.norton.com. (2017). Cybercrime - The Definition of Cybercrime | Norton. [online] Available at: <https://us.norton.com/cybercrime-definition> [Accessed 2 Jul. 2017].

²⁴Unodc.org. (2017). What is Human Trafficking?. [online] Available at: <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> [Accessed 2 Jul. 2017].

²⁵Anon, (2017). [online] Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU\(2015\)549055_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU(2015)549055_EN.pdf) [Accessed 11 Jul. 2017].

HISTORY OF THE TOPIC

The last century, there has been a great deal of discussion about the historical background of the transnational organized crime. It has to be mentioned that the roots of the transnational organized crime are found in the establishment of sovereign states and their coexistence internationally. An agenda of international conferences about closer surveillance of the activities of international criminals and the establishment of more efficient means of hindering them, was established. The first conference took place in Frankfurt, in 1845, while others followed at various intervals until 1930, when the last congress was held in Prague²⁶. In the beginning of the 20th century (1900 A.D.) transnational organized crime became the center of the interest of the policy makers and law enforcement, while in the 1970s was entering the discourses of criminology.

Before the beginning of the First World War, several unsuccessful attempts, for the formation of an international police cooperation, had been made. The failure of the above stems from the lack of autonomy by each state's national political system. At this point, a timeline of events will be extremely useful for the comprehension of some special events.

- **April 1914:** The International Judicial Police Congress, which held in Monaco, had as main goal the discussion of possible ways for direct official contacts between the national police forces, so as to enable investigations to facilitate the action of penal justice. The efforts of this Congress failed due to the beginning of the First World War²⁷.
- **1923:** The Second Judicial Police Congress, which was held in Vienna, created the International Criminal Police Commission (INTERPOL), which is the Head Organ for the International police Institutions (ICPC).
- **1926:** The General Assembly of the International Criminal Police Commission, which was held in Vienna, decided the formation of the National Central Bureau (NCB) due to the need of the establishment of a central point of contact within its police structure in each state²⁸.
- **1920-1930:** The development of criminal groups, such as Cosa Nostra (Italian Mafia) in the United States of America (US), mobilized the US authorities to start initiatives aimed at curbing such phenomena and passed several emergency national laws, which reinforced the powers of the police and made their actions more effective and successful²⁹.
- **1953:** The Convention of the protection of Human Rights and Fundamental Freedoms (ESCH), whose drafting started in 1950, was the

²⁶MARABUTO, P. (2017). UNODC - Bulletin on Narcotics - 1951 Issue 3 - 002. [online] Unodc.org. Available at: https://www.unodc.org/unodc/en/data-and-analysis/bulletin/bulletin_1951-01-01_3_page003.html [Accessed 4 Jul. 2017].

²⁷Ibid.

²⁸Interpol.int. (2017). History / About INTERPOL / Internet / Home - INTERPOL. [online] Available at: <https://www.interpol.int/About-INTERPOL/History> [Accessed 4 Jul. 2017].

²⁹Anon, (2017). [online] Available at: http://www.bmi.gv.at/cms/BMI_SIAK/4/2/1/2010/ausgabe_2/files/Calcagni_2_2010.pdf [Accessed 4 Jul. 2017].

first instrument to give effect to certain rights fortified in the Universal Declaration of Human Rights and made them binding³⁰. The Article I about the Obligation to Respect Human Rights and Article II about the Right to life are the groundwork of the achievements and the policy of the Council of Europe.

- 1958: The composition of the European Committee on Crime Problems (CDPC), which is entrusted by the Committee of Ministers, has the responsibility for overseeing and coordinating the Council's activities in the field of crime prevention and crime control³¹.
- 1989: The Financial Action Task Force (FATF) is an initiative of the Organization for Economic Co-operation and Development and it is considered to be an inter-governmental body. The main goals of the FATF are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system³². FATF considered to be a "policy-making body" that cooperates with other international stakeholders, in order to protect the international financial system from misuse.
- 1992: The Commission on Crime Prevention and Criminal Justice is established by the Economic and Social Council. This Commission is the policy-making part of the United Nations and according to the Resolution 1992/22 has as main goal the improvement of the international actions for the combat of national and transnational crime and the efficiency and fairness of criminal justice administration systems³³.
- 1997: After the merge of the United Nations Drug Control Program and the Centre for International Crime Prevention, United Nations established a new global chief, in order to combat illicit drugs and international crime, named United Nations Office on Drugs and Crime³⁴.
- 2001-2015: The Council of Europe is one of the most well-known promoters of Human Rights both internationally and in a European level. The Article I of the Statute states that: "its aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realization of human rights and fundamental

³⁰Echr.coe.int. (2017). European Convention on Human Rights - Official texts, Convention and Protocols. [online] Available at: <http://www.echr.coe.int/pages/home.aspx?p=basictexts> [Accessed 5 Jul. 2017].

³¹Problems, E. and Europe, C. (2017). Council of Europe European Committee on Crime Problems. [online] European Committee on Crime Problems. Available at: <http://www.coe.int/en/web/cdpc> [Accessed 4 Jul. 2017].

³²Fatf-gafi.org. (2017). About - Financial Action Task Force (FATF). [online] Available at: <http://www.fatf-gafi.org/about/> [Accessed 5 Jul. 2017].

³³Unodc.org. (2017). The Commission on Crime Prevention and Criminal Justice. [online] Available at: <http://www.unodc.org/unodc/commissions/CCPCJ/> [Accessed 5 Jul. 2017].

³⁴Unodc.org. (2017). About UNODC. [online] Available at: <https://www.unodc.org/unodc/en/about-unodc/index.html?ref=menutop> [Accessed 5 Jul. 2017].

freedoms³⁵". Bearing in mind the above Article, Council of Europe has implemented a majority of conventions for the protection of Human Rights from a large number of crimes. First of all, the Convention of Cybercrime (2001) is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security³⁶. Secondly, the Council of Europe Convention on Actions against Trafficking in Human Beings (3 May 2005), which focuses on victim protection from sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude and the removal of organs, constitutes a crucial legal document³⁷. Other fundamental Conventions are the Convention against trafficking in Human Organs (2015)³⁸ and the MEDICRIME Convention³⁹.

LEGAL FRAMEWORK

As it has been already mentioned, states are totally affected by transnational organized crime. International community has been making great efforts towards the elimination of organized crime especially focusing on violations on fundamental values of Human Rights. Hence, there is an important number of international legal documents, adopted both by the Council of Europe and the United Nations. Bearing in mind the different types of crime and the differences between the criminal methods, it can be easily comprehended that the evaluation of the existing legal framework is necessary. Some of the most important documents will be analyzed below.

United Nations – Legal Framework about Transnational Organized Crime

- **United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention)**: It was adopted in Vienna on 20 December 1988 in United Nations Conference⁴⁰. The main goal of the Convention was the provision of specific measures against drug

³⁵Information, G., Treaties, A. and Europe, C. (2017). About Treaties. [online] Treaty Office. Available at: <http://www.coe.int/en/web/conventions/about-treaties> [Accessed 5 Jul. 2017].

³⁶list, F. and Europe, C. (2017). Full list. [online] Treaty Office. Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185> [Accessed 5 Jul. 2017].

³⁷Beings, A., Convention, A. and Europe, C. (2017). About the Convention. [online] Action against Trafficking in Human Beings. Available at: <http://www.coe.int/en/web/anti-human-trafficking/about-the-convention> [Accessed 5 Jul. 2017].

³⁸list, F. and Europe, C. (2017). Full list. [online] Treaty Office. Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/216> [Accessed 5 Jul. 2017].

³⁹products, C. and Convention, T. (2017). The MEDICRIME Convention. [online] MEDICRIME Convention. Available at: <http://www.coe.int/en/web/medicrime/the-medicrime-convention> [Accessed 5 Jul. 2017].

⁴⁰Treaties.un.org. (2017). UNTC. [online] Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=VI-19&chapter=6&clang=_en [Accessed 7 Jul. 2017].

trafficking, including measures against money laundering and diversion of precursor chemicals⁴¹.

- The United Nations Conventions against Transnational Organized Crime (Palermo Convention)⁴²: It was adopted by the Resolution of the General Assembly on 15 November 2000, and it is considered as the main international instrument for the combat against transnational organized crime. The Convention is further supplemented by three Protocols:
 - i) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
 - ii) The Protocol against the Smuggling of Migrants by Land, Sea and Air.
 - iii) The Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition⁴³.

The main goal of this Convention is the decrease in the number of domestic criminal offences, the adoption of new and sweeping frameworks for extradition, mutual legal assistance and law enforcement cooperation, as well as the promotion of training and technical assistance for building or upgrading the necessary capacity of national authorities by all states that have already signed and ratified the Convention.

Council of Europe – Legal Framework about Transnational Organized Crime

- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights): It is considered as one of the most important conventions of the Council of Europe. It has been adopted on 4 November 1950 in Rome⁴⁴. It should be underlined that it was the first instrument, which gave substance in some of the most fundamental rights of the Universal Declaration of Human Rights.
- Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime: This Convention was adopted by the Council of Europe on 8 November 1990 in Strasbourg and got into force on 1 September 1993. Convention's main goal was the facilitation of international cooperation for investigating crimes, as well as tracking down, seizing and confiscating the proceeds of the convention crimes⁴⁵.

⁴¹Unodc.org. (2017). Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances. [online] Available at: <https://www.unodc.org/unodc/en/treaties/illicit-trafficking.html> [Accessed 7 Jul. 2017].

⁴²Unodc.org. (2017). Convention on Transnational Organized Crime. [online] Available at: <https://www.unodc.org/unodc/en/treaties/CTOC/> [Accessed 7 Jul. 2017].

⁴³Ibid.

⁴⁴Echr.coe.int. (2017). European Convention on Human Rights - Official texts, Convention and Protocols. [online] Available at: <http://www.echr.coe.int/pages/home.aspx?p=basictexts> [Accessed 9 Jul. 2017].

⁴⁵list, F. and Europe, C. (2017). Full list. [online] Treaty Office. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/141> [Accessed 8 Jul. 2017].

There is an updated form of the above Convention named “Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism”, which was adopted in Warsaw on 16 May 2005. The difference between two Conventions is that the latter includes the financing of terrorism⁴⁶.

- Agreement on Illicit Traffic by Sea, according to the Article 17 of the United Nations Convention, against Illicit Traffic in Narcotic Drugs and Psychotropic Substances: This Convention was adopted by the Council of Europe in Strasbourg on 31 May 1995. The main goal of the aforementioned Convention was to set up a basis for international co-operation between parties, define rules regarding competent authorities, rules governing the exercise of jurisdiction, proceedings, authorized measures, responsibilities for enforcement measures, and other general rules⁴⁷.
- Convention on Cybercrime (Budapest Convention): This Convention is considered as the only binding international instrument concerning the issue of cybercrime⁴⁸. It has been adopted on 23 November 2001 in Budapest and the main target of this Convention is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation⁴⁹.
- Council of Europe Convention on Action against Trafficking in Human Beings: It was adopted in Warsaw by the Committee of Ministers on 3 May 2005⁵⁰. According to Article I (a) of the aforementioned Convention, its main goals are:
 - i) to prevent and combat trafficking in human beings, while guaranteeing gender equality
 - ii) to protect human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;

⁴⁶list, F. and Europe, C. (2017). Full list. [online] Treaty Office. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/198> [Accessed 9 Jul. 2017].

⁴⁷list, F. and Europe, C. (2017). Full list. [online] Treaty Office. Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/156> [Accessed 9 Jul. 2017].

⁴⁸Convention, B. and Europe, C. (2017). Budapest Convention and related standards. [online] Cybercrime. Available at: <http://www.coe.int/en/web/cybercrime/the-budapest-convention> [Accessed 9 Jul. 2017].

⁴⁹list, F. and Europe, C. (2017). Full list. [online] Treaty Office. Available at: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/185> [Accessed 9 Jul. 2017].

⁵⁰list, F. and Europe, C. (2017). Full list. [online] Treaty Office. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/197> [Accessed 8 Sep. 2017].

- iii) to promote international cooperation on action against trafficking in human beings⁵¹.
- Convention against trafficking in Human Organs: It has been adopted by the Committee of Ministers on 25 March 2015 in Santiago de Compostela in Spain. According to Article I (a) the purposes of the Convention are:
 - i) to prevent and combat trafficking in human organs by criminalization of certain acts;
 - ii) to protect rights of victims of the offences established in accordance to this Convention;
 - iii) to facilitate cooperation at national and international level on actions against trafficking in human organs⁵².

DISCUSSION OF THE TOPIC

As it has been already pointed out, the Council of Europe strongly supports and promotes the implementation of Human Rights, while the issue at hand is related to their constant violation at a great extent. Consequently, different types of transnational organized crime and possible ways to tackle it should be thoroughly discussed during Committee Sessions. More specifically, as far as different types of transnational organized crime are concerned, it should be mentioned that money laundering, cybercrime, trafficking of human beings and organs, smuggling of migrants and illicit drugs traffic are some of the most widespread crimes against humanity; against economic, social, cultural, political and civil development of societies, generally.

Money Laundering

It is widely acknowledged that transnational organized crime is totally mobilized by money laundering. More specifically, each transnational criminal act has the distraction of a large amount of profit using illegal means as background. Hence, the term “big business” is used, in order to describe transnational organized crime. According to a research conducted by the United Nations in 2009 money laundering was estimated to \$870 billion, in other words 1.5% of the global G.D.P.⁵³.

Money laundering can be separated in three stages. The first one is the Placement, which is the initial entry of illicit money into the financial system. The second one is the Layering, which is the process of separating the funds from their source, often using anonymous shell companies. The third one is the

⁵¹Rm.coe.int. (2017). Cite a Website - Cite This For Me. [online] Available at: <https://rm.coe.int/168008371d> [Accessed 8 Sep. 2017].

⁵²Rm.coe.int. (2017). Cite a Website - Cite This For Me. [online] Available at: <https://rm.coe.int/16806dca3a> [Accessed 9 Jul. 2017].

⁵³Unodc.org. (2017). Transnational organized crime: the globalized illegal economy. [online] Available at: <https://www.unodc.org/toc/en/crimes/organized-crime.html> [Accessed 9 Jul. 2017].

Integration, which is the return of the money to the criminal from legitimate-looking source⁵⁴. The above method of money laundering is considered as the most usual one.

According to Eurostat, the anti-money laundering policy focuses on the protection of the proper functioning of the financial system by pollution stemming from laundering schemes⁵⁵. At this point, it is of utmost importance to mention that measuring criminal market constitutes a very difficult task, in order reality rates to be presented. To specify, rates of the real crime are inevitably higher than those of known crime, whose proportion is higher than reported crime⁵⁶. A recent research of the International Monetary Fund shows that there is a range of between 600 and 1 800 billion dollars laundered every year⁵⁷.

Nowadays, the most usual way of money laundering is through cybercrime. Money laundering cases received from responding countries (that is to say, countries which provided international statistics with all necessary data) indicate that cyber-criminal money, is laundered using different techniques, ranging from the use of traditional methods, such as the banking system or the money service providers to more complex internet enabled transfers, which often involve organized criminal networks⁵⁸.

- Money laundering in numbers:
 - a) Drug trafficking: It is estimated that the annual profit from the money laundering made by drugs trafficking is \$320 billion.
 - b) Human trafficking: In Europe the annual profit from trafficking of human beings is \$3 billion.
 - c) Smuggling of migrants: \$150 million received annually from migrants, who are smuggled from Africa to Europe.
 - d) Cybercrime: Identity theft is the most profitable, as it generates \$1 billion per year⁵⁹.

Last but not least, it should be mentioned that MONEYVAL, as a permanent monitoring body of the Council of Europe responsible for the assessment of compliance with the principal international standards to counter money laundering, financing of terrorism and the effectiveness of their

⁵⁴Global Financial Integrity. (2017). Money Laundering « Global Financial Integrity. [online] Available at: <http://www.gfintegrity.org/issue/money-laundering/> [Accessed 9 Jul. 2017].

⁵⁵Anon, (2017). [online] Available at: http://www.fi.ee/failid/Money_Laundering_in_Europe_Eurostat_and_DG_Home_Affairs_2010.pdf [Accessed 10 Jul. 2017].

⁵⁶Ibid.

⁵⁷Ibid.

⁵⁸Anon, (2017). [online] Available at: http://www.eurasiangroup.org/files/MONEYVAL_typology_reports/MONEYVAL_2013_6_Reptyp_flows_en.pdf [Accessed 10 Jul. 2017].

⁵⁹Unodc.org. (2017). Transnational organized crime: the globalized illegal economy. [online] Available at: <https://www.unodc.org/toc/en/crimes/organized-crime.html> [Accessed 10 Jul. 2017].

implementation, does continuous evaluations, in order to detect real rates of money laundering in each member-state of the Council of Europe⁶⁰.

Cybercrime

According to law enforcement cybercrime is separated into two types. The first type is “Advanced Crime”, which is the sophisticated attacks against computer hardware and software, while the second type is the “Cyber-enabled crime”, which includes ‘traditional’ crimes that have taken a new turn with the advent of the Internet, such as crimes against children, financial crimes etc.⁶¹. It is widely maintained that cybercrime was a crime mainly committed by individuals and small groups. Nevertheless, nowadays there is an extensive complex of cybercriminal networks that brings individuals from all over the world. The aforementioned occurs due to the advancements of technology and efforts for maximization of the profit in a short time⁶².

Most usual criminal acts made from cybercriminals are the following:

- usage of botnets -networks of devices infected with malware without their users’ knowledge- to transmit viruses that gain illicit remote control of the devices, steal passwords and disable antivirus protection;
- laundering of traditional and virtual currencies;
- committing online fraud, through online payment systems, carding and social engineering;
- various forms of online child sexual exploitation, including the distribution online of child sex-abuse materials and the live-streaming of child sexual abuse;
- the online hosting of operations involving the sale of weapons, false passports, counterfeit and cloned credit cards, and drugs, and hacking services⁶³.

European states are characterized by high cybercrime rates, especially Russian Federation (2,402,722 cases per year), Germany (780,425 cases), Ukraine (566,531 cases), Hungary (367,966 cases) and Romania (350,948 cases)⁶⁴.

⁶⁰Terrorism, C. and Europe, C. (2017). Council of Europe Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). [online] Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism. Available at: <http://www.coe.int/en/web/moneyval/home> [Accessed 10 Jul. 2017].

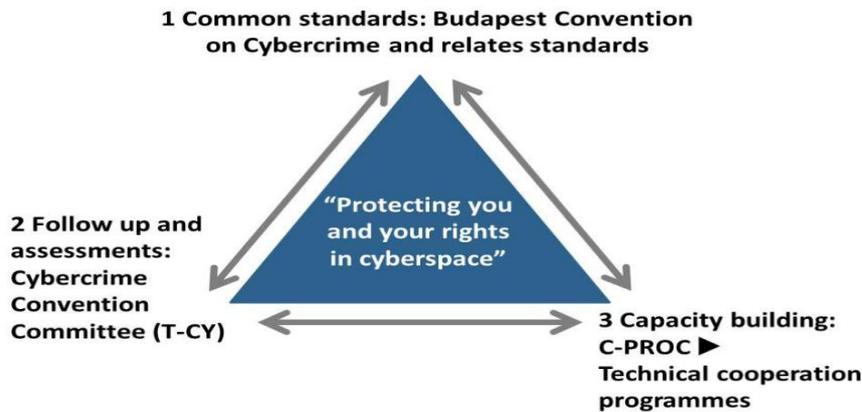
⁶¹Interpol.int. (2017). Cybercrime / Cybercrime / Crime areas / Internet / Home - INTERPOL. [online] Available at: <https://www.interpol.int/en/Crime-areas/Cybercrime/Cybercrime> [Accessed 10 Jul. 2017].

⁶²Ibid.

⁶³Europol. (2017). Cybercrime. [online] Available at: <https://www.europol.europa.eu/crime-areas-and-trends/crime-areas/cybercrime> [Accessed 10 Jul. 2017].

⁶⁴PYMNTS.com. (2017). Cyber Crime Originates In Europe: statistics And Trends Report | PYMNTS.com. [online] Available at: <http://www.pymnts.com/news/2013/cyber-crime-originates-in-europe-statistics-and-trends-report/> [Accessed 10 Jul. 2017].

Cybercrime Attacks in Europe have been increased by 66% since 2015. The detection of 55 million cybercrime attacks stands as an uncontested proof for the aforementioned proportion. There is an annual raise of cybercrime attacks approximately 50%. This percentage clearly shows that European cybercrime attack levels are constantly augmented⁶⁵.



The Council of Europe helps to protect societies worldwide from the threat of cybercrime through the Convention on Cybercrime and its Protocol on Xenophobia and Racism, the Cybercrime Convention Committee (T-CY) and the technical cooperation programmes on cybercrime.

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Council of Europe makes significant efforts, in order to ensure transparency, information sharing and cooperation as the core values for the protection of Human Rights⁶⁷.

Trafficking of Human Beings and Human Organs



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⁶⁵ThreatMetrix. (2017). European Cybercrime Landscape: What Trends are we seeing in 2016?. [online] Available at: <https://www.threatmetrix.com/digital-identity-blog/cyber-crime/european-cybercrime-landscape-trends-seeing-2016/> [Accessed 10 Jul. 2017].

⁶⁶Cybercrime. (2017). Action against Cybercrime. [online] Available at: <https://www.coe.int/en/web/cybercrime> [Accessed 10 Jul. 2017].

⁶⁷Ibid.

⁶⁸Rights, C., Comments, H., trafficking, I. and Europe, C. (2017). Improving protection for victims of forced labour and human trafficking. [online] Commissaire aux droits de l'homme.

It is more than apparent that trafficking of human beings and trafficking of human organs significantly violate fundamental human rights.

- Trafficking of Human Beings

Trafficking of Human Beings, a form of modern slavery, is considered as one of the most widespread transnational organized crimes. Loss of freedom constitutes the main experience of its victims, who estimated to be 20.9 million people across the globe⁶⁹. Trafficking of Human Beings is separated in three categories: 1) Trafficking for sexual exploitation, 2) Trafficking for forced labour and 3) Trafficking for the harvesting of tissue, cells and organs⁷⁰. Nowadays, trafficking for sexual exploitation is one of the most profitable “businesses” due to the refugee crisis and European states are extremely vulnerable to this type of transnational organized crime. It is estimated that profits by human beings’ trafficking vary between 2-4 billion pounds⁷¹. This type of transnational organized crime is often rooted in countries characterized by lack of democratic culture, lack of gender inequality, violence against women, conflict and post-conflict transition, lack of social integration, poverty, lack of opportunities and employment, lack of access to education, child labor and discrimination⁷². According to the Global Report on Trafficking in Persons, 79% of human trafficking concerns trafficking for sexual exploitation; its victims are usually women and children. Last but not least, it should be underlined that migrant children are extremely vulnerable to sexual abuse due to the refugee crisis, especially when they placed in transit zones⁷³.

As it has been already stated, the other type of human trafficking is trafficking for forced labor. According to the International Labor Organization, it is estimated that 20.9 million people around the world are still subject to forced labor and 880.000 in the European Union⁷⁴.

Available at: <http://www.coe.int/el/web/commissioner/-/improving-protection-for-victims-of-forced-labour-and-human-trafficking> [Accessed 11 Jul. 2017].

⁶⁹Polaris. (2017). Human Trafficking. [online] Available at: <https://polarisproject.org/human-trafficking> [Accessed 10 Jul. 2017].

⁷⁰Interpol.int. (2017). Trafficking in human beings / Trafficking in human beings / Crime areas / Internet / Home - INTERPOL. [online] Available at: <https://www.interpol.int/en/Crime-areas/Trafficking-in-human-beings/Trafficking-in-human-beings> [Accessed 10 Jul. 2017].

⁷¹indy100. (2017). The European destinations that are hotspots for human trafficking. [online] Available at: <https://www.indy100.com/article/these-are-the-countries-in-europe-that-are-hotspots-for-human-traffickers--WyBadWI1uQb> [Accessed 10 Jul. 2017].

⁷²Anon, (2017). [online] Available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/trafficking_in_human_beings_-_dghome-eurostat_en_1.pdf [Accessed 11 Jul. 2017].

⁷³News, F., children, H. and Europe, C. (2017). Hungary: Visit to transit zones to evaluate sexual abuse risks faced by migrant children - Newsroom. [online] Coe.int. Available at: <http://www.coe.int/en/web/portal/-/hungary-visit-to-transit-zones-to-evaluate-sexual-abuse-risks-faced-by-migrant-children> [Accessed 12 Jul. 2017].

⁷⁴Rights, C., Comments, H., trafficking, I. and Europe, C. (2017). Improving protection for victims of forced labour and human trafficking. [online] Commissaire aux droits de l'homme. Available at: <http://www.coe.int/el/web/commissioner/-/improving-protection-for-victims-of-forced-labour-and-human-trafficking> [Accessed 11 Jul. 2017].

- Forced Labor in numbers:
 - a) 90% of victims are exploited in private economy by individuals or private companies;
 - b) Within the aforementioned group, 22% are victims of forced sexual exploitation and 68% of forced labor exploitation in economic activities, such as agriculture, construction, domestic work or manufacturing⁷⁵.

The Council of Europe’s Group of Experts on Action against Trafficking in Human Beings points out that Europe is not “immune” to such events. However, member states has made significant progress on the protection of victims⁷⁶.

- Trafficking of Human Tissue, Sells and Organs

It may be not only defined as buying and selling of organs/tissues from living persons, but also as stealing organs/tissues from deceased persons (at autopsy, in the morgue) thus violating human rights⁷⁷. Provisions regarding trafficking of Human Tissue, Cells and Organs are not included in Palermo Protocol 2000. As a result, this type of trafficking is not always punishable as a crime of trafficking of persons. However, it does imply the selling and buying of body parts (organs), and as such falls under the universal prohibition of gaining profit from the human body and its parts (commodification and commercialization). Consequently, it is eventually punishable according to international conventions, as well as national transplant legislation⁷⁸.

Trafficking of Human Organs is estimated to 0.3 %, thus representing the smallest percentage of all detected human trafficking cases. Despite the fact that this is a small proportion, it covers a wide range, as in 2007 the World Health Organization reported that 5-10% of the transplants were performed from commercial donors⁷⁹. Some of the most common characteristics of victim donors are: 1) Coming from developing countries (often indicated as ‘organ-exporting countries), or living below poverty line, 2) Being vulnerable (being poor, an illegal immigrant, a refugee), 3) Lack of basic medical knowledge, i.e. lack of awareness of potential health consequences of having a kidney removed, 4) Low education level, 5) Coming from a home country that lacks a legislative framework to effectively address trafficking in persons and high level of corruption⁸⁰.

Council of Europe, as a “proponent” of Human Rights, has adopted a convention, named “Council of Europe Convention against Trafficking in Human Organs”, characterizing the following as criminal offences : 1) the

⁷⁵Ibid.

⁷⁶Beings, A. and Europe, C. (2017). Home. [online] Action against Trafficking in Human Beings. Available at: <http://www.coe.int/en/web/anti-human-trafficking> [Accessed 11 Jul. 2017].

⁷⁷Anon, (2017). [online] Available at: [http://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU\(2015\)549055_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/549055/EXPO_STU(2015)549055_EN.pdf) [Accessed 11 Jul. 2017].

⁷⁸Ibid.

⁷⁹Ibid.

⁸⁰Ibid.

removal of organs without the free, informed and specific consent of the living or deceased donor, or, in the case of the deceased donor, without the removal being authorized under its domestic law, 2) in exchange for the removal of organs, the living donor, or a third party, receives a financial gain or comparable advantage, 3) in exchange for the removal of organs from a deceased donor, a third party receives a financial gain or comparable advantage⁸¹.

Smuggling of migrants

It is not a coincidence that during last few years smuggling of migrants increased in Europe. Migrants are extremely vulnerable to abuse and exploitation. It is really difficult to figure out real number of crimes, as they are considered an “underground business”. The aforementioned term is used due to the fact that large number of migrants are willing to risk, in order to find better life conditions, something that smugglers totally exploit. Smugglers make efforts to establish professional networks that transcend global borders and cross all regions. The attraction to this crime is very high, as it is an illicit activity with low risk of detection⁸².

Each year, 55,000 migrants are thought to be smuggled from East, North and West Africa into Europe, generating about \$150 million in revenue for criminals⁸³. Lack of economic opportunities and political instability are two of the major reasons of migration in Europe⁸⁴. A smuggling journey from Libya to Europe would be priced at about \$2,000-\$3,000⁸⁵. At the height of refugee crisis in 2015, smuggling services and trafficking of human beings generated the largest numbers of organized crime gangs and continue to generate the greatest profits among the various criminal markets, generating an estimated EUR 4.7 billion to EUR 5.7 billion⁸⁶.

Last but not least, the International Conference on Smuggling of Migrants, which was organized by the Council of Europe on 23 June 2017, discussed several issues like the prevention of the smuggling of migrants, the aspects of criminalization of the smuggling of migrants, the promotion and facilitation of international cooperation and the protection of the rights of smuggled migrants⁸⁷.

⁸¹list, F. and Europe, C. (2017). Full list. [online] Treaty Office. Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/216> [Accessed 11 Jul. 2017].

⁸²Unodc.org. (2017). Smuggling of migrants: the harsh search for a better life. [online] Available at: <https://www.unodc.org/toc/en/crimes/migrant-smuggling.html> [Accessed 9 Sep. 2017].

⁸³Ibid.

⁸⁴Ibid.

⁸⁵Ibid.

⁸⁶Bulman, M. (2017). People smuggling in the EU now comparable to illegal drug trade, report warns. [online] The Independent. Available at: <http://www.independent.co.uk/news/world/europe/people-trafficking-smuggling-refugees-migrants-europol-a7621586.html> [Accessed 11 Jul. 2017].

⁸⁷Problems, E., Migrants, C. and Europe, C. (2017). Conference on Smuggling of Migrants. [online] Coe.int. Available at: <http://www.coe.int/en/web/cdpc/conferences/conference-on-smuggling-of-migrants> [Accessed 11 Jul. 2017].

Drug trafficking

According to the World Drug Report, there is an annual heroin flow of 430-450 tons into the global heroin market, while there are two routes of heroin, the Balkan route and the northern route. The first one traverses the Islamic Republic of Iran, Turkey, Greece and Bulgaria across South-East Europe to the Western European market, with an annual market value of some \$20 billion. The second one traverses the Tajikistan and the Kyrgyzstan to Kazakhstan and the Russian Federation, with an annual market value of \$13 billion per year⁸⁸.

Some of the most well-known illicit drugs are cannabis, cocaine, and heroin, which are natural drugs, as well as amphetamine, ecstasy (MDMA), and LSD which are the synthetic drugs.



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According to a report, in Europe 3.6 million adults (aged 15–64) used cocaine last year⁹⁰. Trafficking of cocaine in Europe, it appears to take place through western and southern countries, with Spain and Portugal in the south and ports in the Netherlands and Belgium in the north being the most important entry points for South American cocaine reaching the European market⁹¹.

Drugs in numbers, according to a Europol's report:

- 24 billion euros are spent by Europeans annually on illegal drugs
- 38% of the aforementioned sum of money derives from the purchase of cannabis
- 1% of adults in Europe uses cannabis in daily basis.
- 22.000 adults use soft drugs at least once during 2015

⁸⁸Unodc.org. (2017). Drug trafficking. [online] Available at: <https://www.unodc.org/unodc/en/drug-trafficking/> [Accessed 11 Jul. 2017].

⁸⁹Yagoub, M. (2017). New Report Offers Details on Cocaine Traffic to Europe. [online] Insightcrime.org. Available at: <http://www.insightcrime.org/news-analysis/cocaine-trafficking-to-europe-explained-by-new-report> [Accessed 11 Jul. 2017].

⁹⁰Emcdda.europa.eu. (2017). Cocaine trafficking to Europe | www.emcdda.europa.eu. [online] Available at: http://www.emcdda.europa.eu/cocaine-trafficking-europe_en [Accessed 9 Sep. 2017].

⁹¹Anon, (2017). [online] Available at: http://www.emcdda.europa.eu/system/files/attachments/2641/Cocaine%20trafficking_POE_2016.pdf [Accessed 11 Jul. 2017].

- 50% of the cocaine entered Europe through the port of Rotterdam⁹².

At this point, it should be mentioned that Council of Europe launches a drugs policy unit, named Pompidou⁹³, which is going to be analyzed in the section “Actions that have been already taken” of the present study guide.

BLOC POSITIONS

It is undeniable that Europe constitutes an extremely important “crossroad”. The aforementioned fact places Europe in the center of the interest regarding large criminal networks. At this point, it is of utmost importance to refer to the effects of transnational organized crime in some groups of states. To specify, block positions will be separated according to the intensity of the transnational organized crime: the Eastern European member-states of the Council of Europe, the Mediterranean member-states, the Western European member-states and last but not least, the Northern European member states.

Eastern European member-states

Following states are the main “actors”: Russian Federation, Ukraine, Moldova, Romania, Baltic States (Estonia, Latvia, and Lithuania), Balkan States (Albania, Bulgaria, Kosovo, Macedonia, Bosnia, Serbia, and Montenegro), Georgia, Armenia and Azerbaijan. Eastern Europe deals with trafficking in Human Beings, Smuggling of migrants and Drugs trafficking. Human trafficking in these states is exclusively induced by the removals of the migrants, whose main goal is finding better job opportunities. Some types of Human Trafficking in this region include sexual exploitation, labor exploitation, forced servitude, and trafficking of pregnant women for the sale of their babies⁹⁴. On the other side of the coin, the largest drug route, the “Balkan Route”, which is one of the world’s most important heroin trafficking routes, is located in Eastern Europe as well. “Balkan route” connects Central Europe and South-Eastern Europe with Afghanistan, the world’s most important opiate-producing country⁹⁵. Last but not least, trafficked or smuggled migrants reach Europe coming from all over the world, while primary transit routes are found across the Mediterranean, and through the Balkans, Eastern Europe, and Turkey⁹⁶.

⁹²NL Times. (2017). Europe's drug traffickers run wild through Netherlands says Europol. [online] Available at: <http://nltimes.nl/2016/04/11/europes-drug-traffickers-run-wild-netherlands-says-europol> [Accessed 12 Jul. 2017].

⁹³Europe, C. (2017). Pompidou Group | Who are we? | Presentation. [online] Coe.int. Available at: http://www.coe.int/T/DG3/Pompidou/AboutUs/MemberStates/default_en.asp [Accessed 9 Sep. 2017].

⁹⁴Journals.sagepub.com. (2017). Human Trafficking in Eastern EuropeThe ANNALS of the American Academy of Political and Social Science - Ronald Weitzer, Sheldon X. Zhang, Georgi Petrunov, 2014. [online] Available at: <http://journals.sagepub.com/doi/abs/10.1177/0002716214521556?journalCode=anna> [Accessed 12 Jul. 2017].

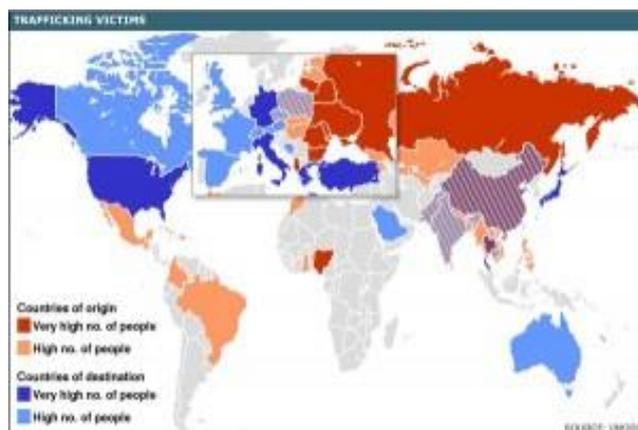
⁹⁵Anon, (2017). [online] Available at: https://www.unodc.org/documents/data-and-analysis/Studies/Illicit_DT_through_SEE_REPORT_2014_web.pdf [Accessed 12 Jul. 2017].

⁹⁶Ibid.

Mediterranean member-states (South Europe)

Following states are defined as Mediterranean European ones: Italy, Spain, France, Greece, Cyprus, Monaco, Slovenia, Croatia, Bosnia & Herzegovina, Montenegro, Albania and Turkey. It is not a coincidence that, millions of Syrian refugees reach Europe coming from the East Mediterranean states. Smugglers made efforts to take advantage of the aforementioned situation, in order to gain large amount of profits. Smugglers networks are mainly localized in the Balkans, Turkey and Greece. It should be noted that transportation methods by sea have importantly evolved from small, wooden or inflatable vessels to steel cargo ships between 50 and 100 meters long transporting from 250 to 800 migrants at a time. The people on board pay between \$5,000 (£3,250) and \$7,000 (£4,500) per person for the trip from Turkey to Europe⁹⁷. On the other hand, as far as cybercrime is concerned, it should be mentioned that France and Italy are included in the top five states for online fraud⁹⁸. All the above criminal actions result in the money laundering.

Western European member-states



Following states are defined as Western European ones: Belgium, France, Ireland, Luxembourg, Germany, Monaco, the Netherlands, Switzerland, United Kingdom, Andorra, Spain and Portugal. The above states are characterized by lower rates in “imports” of transnational organized crime, but higher

rates in purchases of the “goods” of the transnational organized crime. Switzerland constitutes the only exception. The organization “Solidarity with Women in Distress” estimated that 700,000 women are trafficked to Western Europe each year⁹⁹. Due to the fact that prostitution is legal in several European states (including Germany, the Netherlands and Great Britain) there is a high demand for sex workers¹⁰⁰. Germany and the United Kingdom are

⁹⁷Open Briefing. (2017). Transnational organised crime special briefing: People smuggling and the Syrian refugee crisis - Open Briefing. [online] Available at: <https://www.openbriefing.org/publications/transnational-organised-crime-briefings/people-smuggling-and-the-syrian-refugee-crisis/> [Accessed 13 Jul. 2017].

⁹⁸ThreatMetrix. (2017). European Cybercrime Landscape: What Trends are we seeing in 2016. [online] Available at: <https://www.threatmetrix.com/digital-identity-blog/cyber-crime/european-cybercrime-landscape-trends-seeing-2016/> [Accessed 13 Jul. 2017].

⁹⁹Stanford.edu. (2017). An introduction to sex trafficking in Western Europe » Violence. [online] Available at: <http://stanford.edu/group/womenscourage/cgi-bin/blogs/structuralviolence/2008/10/09/an-introduction-to-sex-trafficking-in-western-europe/> [Accessed 13 Jul. 2017].

¹⁰⁰Ibid.

characterized by extremely high rates of online fraud¹⁰¹. Last but not least, as far as drugs are concerned, it should be mentioned that huge quantities of heroine are consumed in West Europe; quantities coming from Afghanistan into Western Europe through the Balkan route -whose central hub is in Turkey-crossing South-Eastern Europe¹⁰².

Northern European member-states

Following states are defined as Northern European ones: Denmark, Norway, Sweden, Finland, Estonia, Latvia, Lithuania, Ireland and Iceland. These states should deal with trafficking of human beings and illegal trafficking of drugs. For instance, illegal sales of heroin, cocaine, marijuana and other drugs -estimated at as high as \$340 million a year- constitute the largest source of money for transnational organized crime in Finland¹⁰³. On the other hand, Ireland is an end location for trafficking of humans from Nigeria, Albania, Eastern Europe, China and Southeast Asia¹⁰⁴.

ACTIONS THAT HAVE BEEN ALREADY TAKEN

The efforts which have been made by the Council of Europe, in order transnational organized crime to be combated, are undoubtedly outstanding. Despite the fact that important issues still exist, Council of Europe has put significant endeavors. To begin with, Council of Europe has formed groups of expertizes about the different types of transnational organized crime, in order to provide effective protection for the victims. More specifically, there is a plethora of legally binding conventions, which have been already mentioned in the section “Legal framework” of this study guide, such as “Council of Europe Convention on Action against Trafficking in Human Beings” and “Convention on Cybercrime”, whose main goal is to establish generally accepted rules for all member states. Council of Europe makes efforts, in order to create more and more bodies for the capturing of the knowledge on different crimes. All these bodies have as main goal the protection of fundamental Human Rights, as these enforced in the European Convention on Human Rights. On the other hand, except for the different groups of expertizes, which have been created by the Council of Europe, there are also other groups, such as Financial Action Task Force (FATF) and European Union Agency for Law Enforcement Cooperation

¹⁰¹ThreatMetrix. (2017). European Cybercrime Landscape: What Trends are we seeing in 2016?. [online] Available at: <https://www.threatmetrix.com/digital-identity-blog/cyber-crime/european-cybercrime-landscape-trends-seeing-2016/> [Accessed 13 Jul. 2017].

¹⁰²Idpc.net. (2017). Western Europe. [online] Available at: <http://idpc.net/policy-advocacy/regional-work/western-europe> [Accessed 13 Jul. 2017].

¹⁰³The Mob Museum. (2017). Organized crime in Europe: A country-by-country breakdown | The Mob Museum. [online] Available at: <http://themobmuseum.org/blog/organized-crime-in-europe-a-country-by-country-breakdown/> [Accessed 13 Jul. 2017].

¹⁰⁴Ibid.

(EUROPOL), whose actions are fundamental for the elimination of transnational organized crime.

Council of Europe Actions

- Group of Experts on Action against Trafficking in Human Beings (GRETA):

As it has been already mentioned, Council of Europe used to create monitoring bodies of expertizes for efficient implementation of some fundamental Conventions. Group of Experts on Action against Trafficking in Human Beings is responsible for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the signatory parties¹⁰⁵. According to the aforementioned Convention this Group should facilitate the implementation of:

- a) legal migration (According the Article 5)
- b) border measures in order to prevent trafficking in human beings (According the Article 7)
- c) measures to ensure the security of travel and identity documents (According the Articles 8 and 9)¹⁰⁶.

GRETA's main responsibility is drafting evaluation reports containing an analysis of the implementation of the Convention by each party and proposals for further action¹⁰⁷.

- Pompidou Group of the Council of Europe

The Council of Europe Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs was set up in 1971 to provide a forum for exchanging views and concerting action in Western Europe in response to the growing drugs problem¹⁰⁸. Nowadays, Pompidou Group has as main responsibility to contribute to the development of multidisciplinary, innovative, effective and evidence-based drug policies in its member states¹⁰⁹.

- Resolution 1565 (2017) “How to prevent cybercrime against state institutions in member and observer states?”

This Resolution was adopted by the Parliamentary Assembly of the Council of Europe in order to manage issues, such as the issue of politically motivated cyber-attacks against state institutions and the issue of the promotion of the

¹⁰⁵Beings, A., mechanism, M. and Europe, C. (2017). GRETA. [online] Coe.int. Available at: <http://www.coe.int/en/web/anti-human-trafficking/greta> [Accessed 13 Jul. 2017].

¹⁰⁶Coe.int. (2017). Group of Experts on Action against Trafficking in Human Beings (GRETA). [online] Available at: http://www.coe.int/t/democracy/migration/bodies/greta_en.asp [Accessed 13 Jul. 2017].

¹⁰⁷Ibid.

¹⁰⁸NA, N. (2017). The Council of Europe Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (the Pompidou Group). - PubMed - NCBI. [online] Ncbi.nlm.nih.gov. Available at: <https://www.ncbi.nlm.nih.gov/pubmed/3620762> [Accessed 13 Jul. 2017].

¹⁰⁹Europe, C. (2017). Pompidou Group | Who are we? | Presentation. [online] Coe.int. Available at: http://www.coe.int/T/DG3/Pompidou/AboutUs/default_en.asp [Accessed 13 Jul. 2017].

Convention on Cybercrime of the Council of Europe by stressing the importance of co-operation between governments, the private sector and the NGOs to further the goals of this Convention¹¹⁰.

- European Committee on Crime Problems (CDPC):

This Committee was set up in 1958, so as to oversee and coordinate Council of Europe's activities in the field of crime prevention and crime control. The European Committee on Crime Problems identifies priorities for intergovernmental legal co-operation, makes proposals to the Committee of Ministers on activities in the fields of criminal law and procedure, criminology and penology, and implements these activities¹¹¹.

- Action against Cybercrime:

This action is an innovative step made by the Council of Europe having as main goal the protection of societies, worldwide, from the threat of cybercrime through the Convention on Cybercrime and the technical cooperation programmes on cybercrime¹¹².

General Actions

- Financial Action Task Force (FATF):

It is an inter-governmental body established in 1989. The main goals of FATF is to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system¹¹³. FATF has developed Recommendations, which are recognized as international standards for the combat of money laundering¹¹⁴.

¹¹⁰Merlin.obs.coe.int. (2017). Parliamentary Assembly: Resolution on the Prevention of Cybercrime against State Institutions. [online] Available at: <http://merlin.obs.coe.int/iris/2007/9/article102.en.html> [Accessed 13 Jul. 2017].

¹¹¹Problems, E. and Europe, C. (2017). Council of Europe European Committee on Crime Problems. [online] Coe.int. Available at: <http://www.coe.int/en/web/cdpc> [Accessed 13 Jul. 2017].

¹¹²Coe.int. (2017). Action against Cybercrime. [online] Available at: <https://www.coe.int/en/web/cybercrime> [Accessed 13 Jul. 2017].

¹¹³Fatf-gafi.org. (2017). About - Financial Action Task Force (FATF). [online] Available at: <http://www.fatf-gafi.org/about/> [Accessed 13 Jul. 2017].

¹¹⁴Ibid.

QUESTIONS TO BE ADDRESSED

- Which is the best way to eliminate transnational organized crime according to the actions of the Council of Europe?
- Which is the exact potential of the Committee work of the Council on the issue under discussion?
- Is the already existing progress of the Council enough to adequately address the issue? If not, which are the necessary measures that should be taken?
- Review the link between Council's proposals about the protection of Human Rights and the present situation concerning the violations due to the acts of the transnational organized crime.
- Which is the link between the transnational organized crime and Human Rights?
- Indicate possible ways according to legal framework and existing progress through which transnational organized crime can be combated.
- Do national frameworks on the protection of Human Rights by the transnational organized crime follow the lines of the Council of Europe? If not, in which ways these lines can be followed?
- Are forums and bodies, such as GRETA, FATF or INTERPOL capable enough to eliminate the effects of the transnational organized crime in Human Rights? If not what can be done?
- It is widely maintained that refugee crisis has increased outbreaks of transnational organized crime. Is it true? If yes, which are the possible solutions?
- Which Human Rights are affected by each type of transnational organized crime?

CONCLUSION

The present document aims to provide you with some useful information about Human Rights violations induced by some of the most well-known types of transnational organized crime. Certainly transnational organized crime has troubled the global community for many decades, and it will definitely not be resolved in the immediate future. As the topic under discussion is titled “Combating transnational organized crime in line with safeguarding human security and protecting human rights” you have to be fully aware of both national and international framework, current situation in each state, as well as about negative effects of transnational organized crime in member-states security. It is crucial for Committee’s work, to discuss all subjects which are included in the chapter “Discussion of the Topic”. Furthermore, you should bear in mind that all types of transnational organized crime begin or end up in money laundering. As member states have signed a plethora of conventions and implemented different laws, it is rather difficult to combine forces into combating transnational organized crime, thus making the extinguishment of this phenomenon an extremely challenging matter. Therefore, effective and realistic solutions ought to be derived. It is vital for Committee’s work to reach a 2/3rd majority, in order to adopt a decision-making Draft Recommendation. There is no doubt that the issue under discussion apart from extremely interesting is crucial for the security of human rights and humanity in general. Due to the continuous violations of human rights this topic is always up to date. We expect that all delegates will be fully prepared and participate in fruitful debates.

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