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Cover photo: A UN Police officer takes part in a decontamination campaign for public places in Bamako in support of the response to COVID-19 in Mali © UN/Harandane Dicko

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#### **ACRONYMS AND ABBREVIATIONS**

CCPCJ Congress on Crime Prevention and Criminal Justice

IFF illicit financial flow

NATO North Atlantic Treaty Organization

OHCHR Office of the UN High Commissioner for Human Rights

OROLSI UN Office of Rule of Law and Security Institutions

UNCAC UN Convention against Corruption

UNHCR UN High Commissioner for Refugees

UNICEF UN Children's Emergency Fund

UNICRI UN Interregional Crime and Justice Research Institute

UNITAR UN Institute for Training and Research

UNODC UN Office on Drugs and Crime

UNPOL UN Police

UNTOC UN Convention against Transnational Organized Crime

WHO World Health Organization



## INTRODUCTION: ATTENTION TURNS TO THE UN

s the COVID-19 pandemic evolved as a global health, humanitarian and economic crisis, the United Nations (UN) has been the leading global institution guiding a response. This is not only because it is the global body for international cooperation, but because traditional leadership and constellations of cooperation among governments were faltering as states turned inward to address the crisis domestically. Prior to the COVID-19 crisis, the international community was already experiencing stressors to international cooperation in the form of resurgent nationalism, populism and the rise of autocratic leaders. Every-country-for-itself style diplomacy was applying pressure to long-standing alliances, such as NATO and the European Union. As global leaders continued to test the boundaries of decoupling, COVID-19 enabled a rapid escalation: borders were shut, flights stopped, and governments unilaterally demanded businesses to close and commanded their populations to remain indoors.

Yet, in light of the rise of the national response, the global nature of the crisis is clear. A person infected with the virus was able to travel by plane to almost anywhere in the world overnight before the global lockdown began. All countries are competing for the same medical supplies and medicines to combat COVID-19, they all await the development of a vaccine, and all face economic challenges rivalling the Great Depression in magnitude. The visible tensions hindering intergovernmental cooperation, combined with the manifestly global nature of the crisis, led stakeholders to call on the UN for action.

UN Secretary-General António Guterres has called the pandemic the greatest test for the international community since World War II. The World Health Organization (WHO), which has been at the frontlines of the response, took the lead on tracking the virus and advising on its spread. As what started out as a public-health crisis

The UN has been called on to take global action in the face of the pandemic.

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developed rapidly into a social, economic and security one, the UN Secretary-General became a leading voice, setting the tone for UN agency response and offering guidance to countries. Political missions, peacekeeping missions and country teams have shifted their focus to prepare for the impacts of the pandemic. The UN launched a US\$2 billion COVID-19 Global Humanitarian Response Plan, which links efforts across UN agencies. And international financial institutions are mobilizing funding for response and recovery. As the pandemic continues to spread, the UN continues to advise on and prepare for the effects of the virus while also beginning to consider the needs for the recovery period.

During the pandemic, the dynamics of illicit markets have been evident, as we have analyzed in other publications of our COVID Crime Watch series. Cybercrime activities have expanded as lives move deeper online; criminal groups have enforced quarantine patrol and delivered groceries to communities affected by lockdown measures; and, in one theory, the illicit pangolin trade may have caused the viral transfer that has now become a global crisis.

Recognizing that this crisis is first and foremost a health and humanitarian emergency, it has exposed a number of governance failures and risks, including in public services, economic protection and rule of law. The UN is also faced with these challenges, which include the way crime and corruption feed off emergencies, hinder responses and impede prospects for an inclusive economic recovery.

This brief looks at the UN response to the crime and corruption aspects of the pandemic, and lays out several key crosscutting areas that will be critical for the institution to address as it leads a global effort to fight the pandemic and promote a recovery in line with Agenda 2030.

COVID-19: 'the greatest test for the international community since World War II' – UN Secretary-General António Guterres. © Tayfun Coskun/ Anadolu Agency via Getty Images





### A MISSED OPPORTUNITY AT THE SECURITY COUNCIL

he first place one might look for coordinated guidance on tackling organized crime during a crisis is the UN Security Council. This organ of the UN has the authority to advise on the international security risks related to COVID-19 and direct action by UN agencies, including on organized crime. The Security Council has addressed illicit markets in the past, and these markets create specific risks for the pandemic response and global recovery. Research by the Global Initiative Against Transnational Organized Crime found that in 2019, 50 per cent of Security Council resolutions demanded a response to illicit markets, up from 40 per cent in 2018.¹ Some of the most essential elements of the pandemic response can be hampered by criminal activity, such as the procurement of medicine and supplies, and the risk of financial crimes and fraud in recovery funding. Meanwhile, the unprecedented closure of societal and economic activities, and subsequent levels of economic despair among communities pose risks for instability as criminal groups exploit the situation by providing goods and services through ilicit markets, filling the gaps and providing resources and income lacking in state responses.

However, the Security Council, which has advised on earlier public-health crises, such as Ebola in 2019 and 2014, has not asserted a leadership role in the current crisis. In March, when the council was under the Chinese presidency, China's ambassador suggested that a health crisis does not fall under the mandate of the council. Once agreeing on and adapting to digital operations, the council resumed meetings, but a strong response to COVID has not become a focus. In lieu of Security Council

The UN Security Council has failed to assert a leadership role in the current crisis.

© Michael Kappeler/Picture Alliance via Getty Images Without guidance from the Security Council or the intergovernmental bodies, UN agencies shaped a response to COVID-19 and crime. leadership, the Secretary-General Guterres called for a global ceasefire in March, safe corridors for aid,<sup>2</sup> a waiver on sanctions to deliver medical and food shipments, and asked the G-20 to prepare a 'wartime' coordinated stimulus plan for the impending global recession.<sup>3</sup> As some states pushed for Security Council action, the Dominican Republic chaired a closed council video conference on 9 April 2020 on COVID's impact on issues under the council's mandate. During the meeting, the Secretary-General briefed members on his appeal for a global ceasefire and on the potential impact of the COVID-19 pandemic in the UN's humanitarian response, as well as in peacekeeping and special political missions,<sup>4</sup> but no action was taken. Some council members then attempted to pass a resolution affirming the call for a ceasefire, but, to date, the council has still not been able to negotiate a resolution because the United States rejects any reference to the WHO.<sup>5</sup>

This pandemic has supercharged some of the growing global risks mentioned above, including ascendant nationalism. States have been in bidding wars over essential supplies, employing all methods possible to redirect supplies to their countries. The Trump administration has frozen funding to the WHO, and China and the United States continue to spar on the global stage over the current crisis. This current climate has been partially to blame for the lack of guidance by the Security Council on COVID-19 and risks to international security. In the absence of guidance from the council, there are a number of intergovernmental bodies that could deliver policy direction for the agencies of the UN.

#### Intergovernmental bodies on hold

Although there are UN intergovernmental bodies placed to address key illicit market challenges posed by the pandemic and its aftermath, many of these, ironically, have had their operations upended by the pandemic. The 14th UN Congress on Crime Prevention and Criminal Justice (CCPCJ) has been postponed until an undetermined date, and the 29th Session of the CCPCJ in May 2020 was also postponed. The conferences of the parties to the UN Convention against Transnational Organized Crime (UNTOC) and the UN Convention against Corruption (UNCAC) are still scheduled for late 2020 and early 2021, but whether they go ahead will depend on the unfolding situation.

When these policymaking bodies reconvene, they will have to adapt to a post-COVID world. Global border closures and transportation shutdowns are impacting human trafficking and migrant smuggling patterns. Trillions of dollars available for economic recovery lead to risk of corruption, fraud and financial crimes. Cybercrime is on the rise as many turn to the internet as their primary link to the world. These UN entities will need to do a stocktaking and develop new policy to address the changing world when they reassemble. Ahead of this, UN agencies have taken the lead in addressing the crime-related dynamics of the COVID crisis.



### HOW HAVE UN AGENCIES RESPONDED?

review by the GI-TOC in 2019 identified a working agenda on organized crime for 79 out of the UN's 102 entities, bodies and agencies.<sup>8</sup> Many of these agencies have responded to the connections between illicit markets, criminal activity and COVID-19. Without guidance from the Security Council or the intergovernmental bodies, agencies shaped a response to COVID-19 and crime as events unfolded. On some issues, the response was more immediate; in the case of others, it has been slower; while others are still being developed in several areas.

Cybercrime was an immediate focus as the WHO itself became the subject of a phishing scam, and as lockdown had the effect of exposing people to identity and financial scams online. The impact of COVID-19 on people in confined settings became clear as prisons became hotspots for the spread of infection, and riots and protests among prisoners occurred around the world. This motivated some agencies to respond, beginning with a call to action by the Office of the UN High Commissioner for Human Rights (OHCHR) in March 2020. On the ground, early efforts by agencies included advising national authorities on how to prepare for COVID-19 and providing supplies, while making their own personnel adjustments. Meanwhile, some agencies have acknowledged how COVID-19 is impacting the continuity of their work, such as the UN Office for Disarmament Affairs, which has had some of its conventional arms programmes stalled.9

In March, the UN High Commissioner for Human Rights called on states to reduce the number of people in prisons. Here, inmates in an Argentine prison riot during the COVID-19 outbreak.

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As the picture has become clearer about the extensive impacts of the pandemic, agencies have drawn attention to, reported on and developed COVID-specific guidance on issues ranging from drug trafficking to human trafficking. As the response continues, agencies will continue to tailor responses, and when the UNTOC and CCPCJ do convene, the debates will undoubtedly be shaped

by the impacts of the current crisis. While there are many issues, from addressing the illicit wildlife trade to drug trafficking, four crosscutting areas that extend across specific illicit markets brought to the fore by COVID-19 warrant attention of UN agencies as the pandemic continues and recovery begins: cybercrime, informal labour, prisons and illicit financial flows.

UNODC	The UNODC created a resource page for COVID-related material, which continues to grow; released a statement about the risks of pangolin trafficking as a possible cause of the spread of COVID-19 to humans; <sup>10</sup> and has provided support in the field.
UNICRI	UNICRI is monitoring the role of terrorist and criminal groups during the crisis, with a focus on malicious use of social media, cyber attacks, intentional transfer of COVID-19 and criminal activity exploiting vulnerabilities of the crisis. $^{11}$
OHCHR	First agency to deliver a statement on rights of people in detention settings.
WHO	WHO became a target of a phishing scam.
UNICEF	UNICEF has updated technical guidance on child protection during the pandemic, calling attention to potential increases of labour and sexual exploitation. 12
UNHCR	Is monitoring risks to internally displaced persons in Central America posed by gangs and criminal governance.
OROLSI	With UNITAR, OROLSI produced materials to support prison administrators and staff in preparation for COVID-19.
UNPOL	Created a synopsis of the factors that a police agency must consider when writing plans to address operations during the COVID-19 pandemic.

FIGURE 1 Examples of UN agency response efforts during COVID-19

#### Digital life and cybercrime

In many parts of the world, the lockdown has increased online traffic and the use of communications technology to carry out daily activities. Cybercriminals have also found new ways to exploit this, with the result that levels of cybercrime and cyber-enabled crime have escalated during this pandemic.<sup>13</sup>

The WHO, itself the subject of an online scam, has placed an alert on its homepage drawing attention to a phishing scam where hackers are sending false WHO alerts by WhatsApp and email in order to harvest people's personal information and passwords. <sup>14</sup> INTERPOL issued a warning in March about financial fraud scams associated with COVID-19, including purchasing faulty personal protective equipment online, telephone scams demanding payment for a relative in hospital and phishing emails like the one

identified by the WHO.<sup>15</sup> In March, the UNODC's Chief of Cybercrime and Anti-Money Laundering cautioned against phishing emails containing virus updates sent by cybercriminals and malware embedded in maps and apps used to track the virus's spread.<sup>16</sup> Recognizing the increased use of the internet for home schooling, UNICEF has provided guidance on keeping children safe online, noting risks such as sexual exploitation.<sup>17</sup>

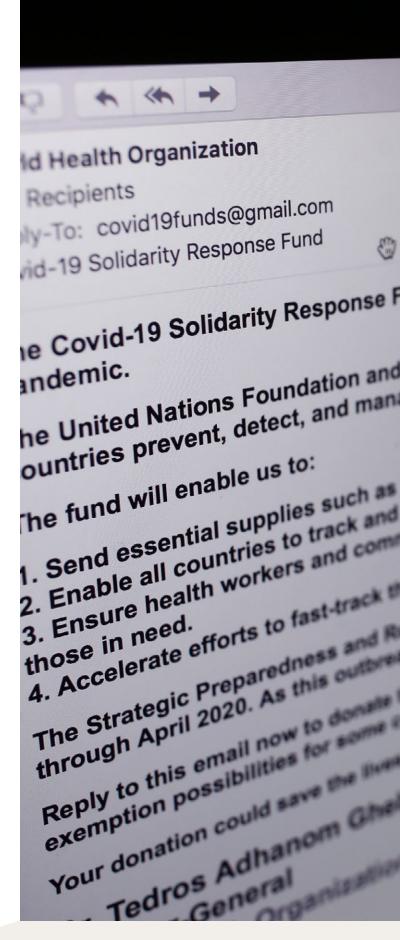
A number of commentators have noted that even once the virus has dissipated, working from home and telecommuting are likely to remain the norm for many businesses and industries. Facebook has announced up to 50 per cent of its workforce might work from home in the next five to 10 years. Since April, the Security Council has been holding closed video conferencing meetings, and even the G-7

summit is slated to occur remotely in June 2020, though the Trump administration may push for an in-person meeting.

The UN has also focused attention on the spread of disinformation online. The health crisis has been accompanied by a rash of conspiracy theories and misinformation, ranging from the origins of the virus to treatments, and these spread widely online through social media. A UN humanitarian aid worker stationed in Nigeria interviewed for this piece said a series of online rumours, for example that 5G communications technology causes COVID-19, have spread among communities in northern Nigeria. In response, the UN country team created a content series for social media to help combat misinformation as the crisis began.<sup>19</sup>

The spread of misinformation helps promote fake and dangerous cures, such as bleach for internal consumption. On the dark web, people sell blood allegedly from recovered coronavirus patients as a 'passive vaccine' alongside a multitude of other spurious and harmful products.<sup>20</sup> In March, the Secretary-General launched the COVID-19 Communications for Solidarity Initiative to combat misinformation and inform people of the facts and science about the pandemic. The WHO has partnered with search and media companies, including Facebook, Google, Pinterest, Tencent, Twitter, TikTok, YouTube and others, to counter the spread of rumours and misinformation, such as false information about the virus and the promotion and sale of false cures.

At the UN, debates on cybercrime among governments remain complicated, with multiple overlapping processes and major disagreements among key country blocs about key cyber concerns.<sup>21</sup> This will make a coherent response to cybercrime and COVID-19 challenging. But states will have to grapple with the new and varied risks, perhaps beginning with technical cooperation on key issues as normative debates remain challenging.



A phishing email from someone posing as the head of the WHO asks recipients to donate money to a coronavirus fund.

© Yui Mok/PA Images via Getty Images



Marginalized communities at risk: a protest in Nairobi following the death of Vitallis Ochilo Owino, who was allegedly beaten to death by police officers in May after breaking the lockdown curfew. © Luis Tato/AFP via Getty Images

#### Informal labour and illicit markets

The Secretary-General is calling for the post-COVID-19 recovery period to deliver a new global economy guided by Agenda 2030, and one that is more resilient to shocks and global challenges.<sup>22</sup> In this call to action, he highlights the vulnerabilities of the poor, welcoming the efforts made to provide people with direct resources, and notes the importance of making sure support 'reaches those entirely dependent on the informal economy and countries less able to respond'.<sup>23</sup>

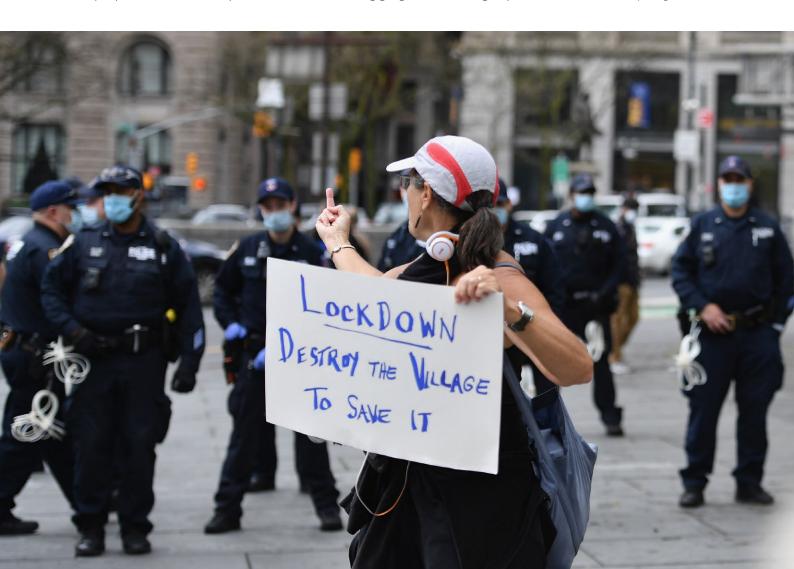
The International Labour Organization (ILO) has also highlighted the impacts to the informal economy, in which 1.8 billion people make their living. It has produced guidance to states on immediate steps that can be taken to protect informal workers, and identified risks, such as warnings of food shortages in informal food markets and the potential for the expansion of informal labour as the economic impact grows. <sup>24</sup> A UN aid worker noted that food insecurity was an immediate consideration in Nigeria, as prices increased in supermarkets and street sellers were not allowed to operate, adding that as control measures prevent people from working, their inability to buy food could drive them to looting.

At least in initial publications on the pandemic and informal economies, though, the ILO misses the risks posed by the potential growth of illicit markets and criminal entrepreneurship across informal sectors. If criminal groups are able to capture markets during lockdowns, it poses growing risks to workers, including exploitation, forced labour and coercive practices, and to communities, with increased likelihood of the use of violence as a governing tool, and extortion of workers and local

businesses. Criminal groups have stepped in to manage quarantines, provide groceries and exploit the crisis to increase their legitimacy among local communities, which will have repercussions as the crisis subsides. The United Nations High Commissioner for Refugees (UNHCR) reports that internally displaced people and community leaders in Honduras, El Salvador and Guatemala have seen criminal groups use the COVID lockdowns to strengthen their control over communities, including through 'extortion, drug trafficking and sexual and gender-based violence, and using forced disappearances, murders, and death threats against [those who] do not comply'. <sup>25</sup> If criminal groups use this time to capture more control over informal markets, it will be harder for communities to take back control during the economic recovery period and they will be confronted by more daily threats to public safety.

Another risk to consider in this context is lasting disenfranchisement of youth in marginalized communities where lockdowns have exacerbated heavy policing. Excessive responses to manage quarantines have been widely reported. From South Africa to India to Kenya, there have been reports of beatings for breaking curfews, rubber bullets fired at people waiting in supermarket queues, and even of police shooting people. Reports from New York, the US epicentre of the virus in March and April, show a disproportionate enforcement of the lockdown among white and minority citizens, with harsh policing in minority communities. During this health crisis, unemployment has skyrocketed, social services for youth are shuttered, and the face of the response in many of these neighborhoods is the police, rather than the healthcare worker. This dynamic creates the potential that emergency measures will further propel young people towards informal power structures, including gangs and criminal groups.<sup>27</sup>

Make America Great Again protesters rallied despite a coronavirus stay at home order, New York, 1 May 2020. © Angela Weiss/AFP via Getty Images



#### **Prisons and decarceration**

Prisons and migrant detention centres are high-risk locations for contagion, yet many leaders were hesitant to address the release of prisoners and people held in pre-trial detention. There have been COVID-19 hotspots identified in prisons in many countries, as well as prison riots and protests, and in February 2020, there were statistics showing rising infection rates in prisons in Wuhan.<sup>28</sup>

In March, the UN High Commissioner for Human Rights, Michelle Bachelet, was the first high-level UN official to call on states to reduce the number of people in prisons. Regional offices of the WHO provided early guidance on COVID-19 in prison settings - the European regional office produced information on preparing for COVID-19 in prison and detention centres.<sup>29</sup> In mid-May, a joint statement was released on COVID-19 in prisons and closed settings by the UNODC, WHO, UNAIDS and OHCHR, calling on states to reduce overcrowding, ensure access to health services and implement priority responses to COVID-19, such as social distancing.<sup>30</sup> The UN Network on Migration has called for an immediate stop to forced deportation and notes the good practice of releasing migrants from custodial settings.<sup>31</sup> Where the UN has peacekeeping missions, the UN Office of Rule of Law and Security Institutions (OROLSI) has provided guidance on how prison systems should prepare and adapt. For instance, in the Democratic Republic of Congo, where the UN maintains a peacekeeping mission and prisons are at three times the capacity they should be, the mission is providing personal protective equipment and working with national authorities towards early release.32

The pandemic has therefore brought attention to a long-recognized problem. Prison overcrowding has been recognized by the UN as its own epidemic, including at the 2015 Crime Congress in Doha.<sup>33</sup> Issues such as pre-trial detention, technical parole violations, a deference to imprisonment over non-custodial measures and privatized economic incentives all help swell prison populations. The current pandemic has shone a light on the health-and-safety risks in prisons, including hygiene, ventilation and the difficulty of maintaining social distancing. Interestingly, during the pandemic, some of the more hard-line countries on criminal justice matters, such as Iran and Indonesia, initially released more detainees than European countries or more liberal US states.<sup>34</sup> In a number of settings, prison releases were focused on avoiding a crisis within prisons, with little attention to what comes next for those released. As the recovery period sets in and governments anticipate future waves of COVID-19, this issue should not recede to the background.

### Illicit financial flows, corruption and COVID-19

The rupture in global economic activity has led to massive resource mobilization for recovery, caused disagreements over potential recovery packages among states, and disrupted people's livelihoods all over the world. The UN has launched a number of funding appeals, such as the US\$2 billion COVID-19 Global Humanitarian Response Plan, and one concert alone raised US\$128 million for the WHO emergency response

team. The World Bank Group is set to disperse up to US\$160 billion over the next 15 months to help countries prepare for and respond to the situation. On top of this, political blocs and national governments are preparing bailout packages in the billions and trillions of dollars. If the international community is going to help shape the Secretary-General's vision of a new global economy guided by Agenda 2030, these huge tranches of funding need to be protected from financial crimes and fraud.

The UN could use

this crisis to monitor

Audits conducted after the 2013 to 2016 Ebola epidemic found cases of embezzlement, fraudulent documentation, violations of procurement rules and failure to pay health staff.<sup>35</sup> Citizens have become sceptical of their governments' ability to properly manage recovery efforts. In Kenya, people are questioning government spending of 1.3 billion Kenyan shillings (US\$12.2 million) on the coronavirus response, with the hashtag #Money Heist drawing attention to excessive and unnecessary expenditures.<sup>36</sup> In the US, a private jet company owned by a donor of Donald Trump received US\$27 million in government bailout money.<sup>37</sup> After signing a US\$2.2 trillion COVID-19 relief package, Trump fired the administrator set to oversee the fund and nominated one of his own attorneys to oversee the US\$500 billion fund to industry.<sup>38</sup> Much like in other emergencies, coronavirus profiteering will occur and should be guarded against. With trillions circulating, criminal groups will also seek access to these tranches of money, and in some areas criminal actors overlap with political patronage systems, with the risk that money may not reach the organizations and communities in need.

In other countries, such as Denmark and Poland, politicians are using this moment to make a statement against offshore tax havens by denying access to emergency relief to companies registered in tax havens.<sup>39</sup> In Amsterdam, the city government plans to transform its economy after COVID using a model that focuses on meeting core needs while making economic policy choices that include questions of labour rights, climate justice and other key social dimensions.<sup>40</sup>

The issue of illicit financial flows (IFFs) and COVID-19 are twofold. The first is an immediate need to safeguard disbursements through UN channels from fraud and theft, while tracking bilateral and multilateral aid disbursements. A second response addresses the longer economic recovery period. The UN could use this as a time to monitor economic policies and their alignment with Agenda 2030. While monitoring states' responses, it could assess and report on innovative approaches to share among the international community.



# CONCLUSION AND RECOMMENDATIONS

Protestors opposed to Connecticut state's stayat-home order to combat the pandemic rally in Hartford, May 2020.

© John Moore/Getty Images

s COVID-19 has developed into a pandemic, the global community has been on the back foot trying to respond. Even as policymakers begin to consider rebuilding, they are still learning about the impacts of the virus and readjusting expectations. The undertaking is vast and has myriad components. The UN has played a critical role during this pandemic and in its wake. Part of its response includes how the UN responds to the issues of COVID and crime. Key areas for response and recovery, from aid disbursement to supporting the informal labour force, face risks from criminal groups and criminal activities.

The following recommendations are offered going forward on the identified crosscutting issues:

- Include analysis of criminal economies on key logistics issues, such as food security, supply procurement and other immediate humanitarian needs, as this will slow proper implementation in emergencies.
- Given the global connectivity of the digital space, preparing for and addressing disinformation online during a crisis are essential to protect the health and welfare of citizens.
- Strengthen the focus on IFFs during this period, as misallocation of funding will have a large impact on sustainable recovery.
- Continue efforts and technical assistance towards decarceration and address prison overcrowding.
- Assess and account for the criminal governance risks exacerbated by COVID for communities dependent on informal economies and marginalized communities.

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The Global Initiative Against Transnational Organized Crime is a global network with 500 Network Experts around the world. The Global Initiative provides a platform to promote greater debate and innovative approaches as the building blocks to an inclusive global strategy against organized crime.

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