



**GLOBAL
INITIATIVE**
AGAINST TRANSNATIONAL
ORGANIZED CRIME

RETHINKING HUMAN RIGHTS AND RESPONSES TO ORGANIZED CRIME

CONFERENCE REPORT FROM
THE VDPA+30 EVENT SERIES

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NOTE

This report is the outcome of a series of events organised by the Global Initiative Against Transnational Organised Crime (GI-TOC) to commemorate the 75th anniversary of the Universal Declaration of Human Rights (UDHR) and the 30th anniversary of the Vienna Declaration and Programme of Action (VDPA+30) in November 2023.

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INTRODUCTION

The year 2023 was a landmark in terms of assessing new challenges to the universalization of human rights. The anniversaries of three key instruments provided an opportunity to reflect on the human rights landscape and how the human rights framework is being operationalized. 10 December 2023 marked 75 years since states came together to adopt the Universal Declaration of Human Rights (UDHR). This instrument is a milestone in human rights and inspired numerous human rights treaties and constitutions around the world. Almost 35 years after the adoption of the UDHR, the international community came together to discuss how to operationalize the Declaration and review the human rights machinery. The outcome of this conference was the Vienna Declaration and Programme of Action (VDPA), which in 2023 celebrated 30 years since it was adopted. In 2023, the world also remembered the 25th anniversary of the declaration on human rights defenders adopted by consensus by the UN General Assembly in 1998.

But the world is not the same as it was 75 years ago. Global issues such as digitization, climate change and conflict pose multiple challenges to human rights. Organized crime cuts across many of these challenges. In this context of reflection on the effectiveness of the human rights framework, the Global Initiative Against Transnational Organized Crime (GI-TOC) has worked to raise awareness of the convergences between organized crime and human rights agendas, as well as communities' responses to mitigate the negative impact of organized crime on human rights over the past year. In 2023, the topic was selected for the GI-TOC's Resilience Fund Fellowship. In this context, the Fund organized its first in-person Fellowship meeting with a group of grantees and Fellows to discuss pressing human rights implications of organized crime. The meeting provided a platform for the Fellows to share experiences and current challenges related to the human rights impact of organized crime in their communities.¹



The conference was convened as part of the 30th anniversary of the Vienna Declaration and Programme of Action. *Photo: GI-TOC*

Building on this work, the GI-TOC, with the support of the Sector Programme on Human Rights of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) on behalf of the Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung (BMZ) and the government of Norway, launched the first institutional report on the issue, 'Four reasons why organized crime is a human rights issue' during the 24-hour Organized Crime Conference (OC24).² This report draws attention to four areas where synergies in human rights and anti-crime regimes should be enhanced, so that safeguards for human rights are woven into states' policy responses to transnational organized crime.

As a final 2023 activity and part of the series of follow up events to celebrate the 30th anniversary of the VDPA (VDPA+30)³ and the 75th anniversary of the UDHR, the GI-TOC organized a series of events to raise awareness of the intersection between organized crime and human rights in Vienna with the support of the Government of Austria. The programme comprised a two-day expert group meeting held from 29 November to 30 November in Vienna and a public event. The expert group meeting (EGM) brought together experts based in Vienna and selected global experts (comprising academia, non-governmental organizations, and representatives from international and grassroots organizations) from both the human rights and crime prevention fields to discuss the multifaceted interactions between organized crime and human rights.⁴ It was designed to spark discussion on organized crime as a global challenge that keeps human rights from being fulfilled, based on our research and evidence on the issues.

During this series of discussions, the GI-TOC also hosted a public panel at the Vienna Diplomatic Academy. This was followed by a reception where participants could engage more informally. This event reflected on high-level principles, community experiences and responses, as well as the dissemination of community tools to respond to organized crime violence through a human rights lens.

This report summarizes the key points discussed in this series of events and proposes a way forward for those who want to pursue further work on the issue.

MAIN TAKEAWAYS

The two days of discussion covered a wide range of human rights issues. The framework was twofold: key challenges posed by organized crime to states' compliance with human rights obligations, and how to promote human rights while responding to transnational organized crime (TOC). The first day focused on the intersection between organized crime and its associated violence, and the capacity of states to promote, respect and protect the rights of their citizens. The day's two roundtables focused on the relationship between violence, organized crime infiltration and the rights to equal participation in political and public affairs and freedom of expression; and the impact of organized criminal violence on the right to non-discrimination.

The second day of discussions focused on the intersections between corruption, the rights of young people and the fulfilment of economic, social and cultural rights in the face of the threat of organized crime; and human rights violations in the context of state responses to crime.



Narratives

A key driver of the meeting can be defined as 'narrative change'. For participants, it is crucial to focus on how to change narratives to address crime while promoting human rights. One participant mentioned that it is not 'fighting organized crime' but 'fighting the narratives that enable organized crime'. These competing narratives – one focused on the primacy of security and the other on rights obligations – have hindered the effective implementation of human rights objectives in the context of crime prevention. Similarly, the same competing narratives have prevented the consideration of the dynamics of organized crime in spaces where human rights obligations are assessed. For some participants, underestimating the importance of narratives in the design, implementation and evaluation of policies and laws has a direct impact on the people they govern.

The shift in narratives is inextricably linked to two questions: how to respond to organized crime through a human rights lens, and what organized crime means for the implementation of the human rights regime. These two complementary ways of looking at the same problem can guide work on narrative change. Opportunities for narrative change can be synthesized as follows:

- **'Fight' against crime and rise of anti-democratic movements** – The fight against organized crime has been embedded in the 'war on drugs' narrative, which has gradually moved in a positive direction but still has a long way to go. However, there is a need to advance the discussion on narrative change in responses to crime in general, and not just the illicit drug trade. Participants reflected that the more narratives that say that organized crime is a mechanism of a weak state are promoted, the more this creates opportunities for authoritarian regimes to emerge, rooted in an anti-crime agenda that is punitive in nature and disproportionately harms people. This is because the assumption that crime is a symptom of a weak state risks generating responses that resemble a 'strong state', characterized by excessive use of force, arbitrary repression and over-incarceration.
- **Normalization of crime and violence in territories** – In communities more affected by crime and related violence, the population may not see organized crime, violence or the threat of violence as a potential violation of rights, or that they could be victims of such violations. According to some participants, the same applies to corruption. These forms of crime are embedded in societies to such an extent that people may think 'that's the way it is'. The problem of the normalization of crime requires a change in the way we engage with communities. Therefore, initiating a dialogue couched in human rights language and legal principles may not be accessible to the community.. Hence, using accessible forms of communication to then raise awareness of rights issues is essential. Art was highlighted as an excellent tool for remembrance and dialogue on organized crime and violence.
- **Criminalization and targeting of human rights defenders and civil society at large** – Threats and reprisals in the name of fighting organized crime were highlighted as a key issue to consider for two main reasons. First, narratives that criminalize the defence of rights contribute to an environment that encourages violent action by criminal groups against civil society actors. Secondly, such discourses inspire the creation of crime-responsive tools to investigate and prosecute crimes, which has a detrimental effect on legitimate actors. Examples cited by participants were the listing of activists under anti-money laundering and countering the financing of terrorism legislation, and framing this as part of the fight against organised crime. Another example was the design of cybercrime legislation as a tool to criminalize political dissent and prevent the legitimate exercise of fundamental freedoms. For example, the use of biometric surveillance, including facial recognition, which has been justified on the grounds of crime prevention, has meant an invasion of privacy. All these measures lead to a shrinking of civic space. Participants emphasized the need to promote more positive stories of what people, including human rights defenders, are doing to reverse this trend.

- **Stigma and discrimination of ex-offenders** – Reintegration into society is a difficult task. Participants said there is an opportunity to rebuild a narrative around ex-offenders and that efforts should be made in reintegration programmes. Some participants emphasized that attention should be paid to the issue of 'forced criminality' (i.e. when exploiters force victims to commit criminal acts). This is a phenomenon that affects many victims of organized crime, including young people and victims of trafficking. Identifying these 'perpetrators' as victims is important for their reintegration into society and for preventing further re-victimization. Raising awareness of this issue and establishing criteria for identifying such victims were identified as needs.
- **Procedural measures for the investigation and prosecution of crimes** – These measures pose significant rights risks and can be tainted by the bias of punitive narratives. Participants underlined how key safeguards to protect human rights in procedural measures should be included in legislation to avoid bias (such as well-defined crimes, promotion of equality of arms, and human rights grounds for refusal in international cooperation, which is an essential tool to combat TOC). However, it is not just a question of incorporating such mechanisms into legal instruments, but of how we advocate for the importance of their effective implementation. It is therefore critical how we talk about the benefits of incorporating human rights principles and standards into criminal justice solutions. Participants highlighted the need for scenario-based training at all stages of the criminal justice process (and not just at the investigation stage).

Human rights entry points

Another key issue identified by participants was the lack of a common agenda, which prevents the knowledge generated in discussions on crime prevention and addressing TOC from being better integrated into the human rights field (and vice versa). Participants explored ways to find a common ground. Three particular rights stood out as part of the discussion on crime prevention, examined in more detail below.

Economic, social and cultural rights

Firstly, participants identified the central role of economic, social and cultural rights (such as the right to adequate food, education, health, housing, work, etc). According to participants, the promotion of these rights is inextricably linked to the prevention of crime. In this sense, assessing compliance with human rights obligations inevitably involves looking at the responses of states in addressing the root causes of crime (commonly attributed to the lack of provision of these rights). One participant summed it up thus: 'An individual doesn't have a right to life if the conditions for living are not met.' Three clusters within this set of rights were identified:

- **Violence** – Participants identified the lack of provision of economic, social and cultural rights as a useful entry point for broadening the discussion on organized crime and violence within a human rights normative framework. Participants emphasised how very reason organized crime and its associated violence are fuelled is the failure of states to fulfil their obligations in relation to rights such as education, health, an adequate standard of living, etc. Participants underscored the need to remind states that the progressive realization of economic, social and cultural rights is an obligation imposed on them under international human rights law. The current crisis in Haiti – largely attributed to violent gangs and their control of territory – was given as a useful case to test this notion.
- **Youth** – The intersection between economic, social and cultural rights and the rights of young people, including those provided for in the Convention on the Rights of the Child, was discussed. Participants drew attention to how the lack of such rights puts young people directly in the hands of criminal groups. Some participants mentioned how organized crime groups take advantage of certain legal regimes to force people to take part in criminal activity ('forced criminality'). This can be seen, for example, in how young people are deployed as gangsters' foot soldiers. The discussion focused on strategies that young people can use to promote the enjoyment of rights and reduce the harm of organized crime in their communities. Young people were

identified as key stakeholders in the development of strategies against organized crime and as important contributors to promoting social support in their communities by engaging in violence prevention programmes, contributing to vocational training and empowering peers through education, arts and sports, and other cultural activities.

- **Corruption** – The link between corruption and organized crime is undeniable, and this link was very much in evidence during the discussions on economic, social and cultural rights. Participants provided examples of how illicit financial flows and corruption deprive the legitimate economy of resources needed for sustainable development, such as investment in healthcare, schools, social assistance and public security. In addition to the diversion of resources, corruption was identified as a major cause impeding accountability for rights violations. Dirty money undermines the functioning of criminal justice systems and weakens state institutions. As a result, society as a whole suffers. One area to be explored is how to allocate investments and the social reuse of confiscated assets. Experiences from civil society, such as the organization Libera⁵, were identified as best practices.

In sum, for participants, the lack of realization of economic, social and cultural rights, corruption, which in many cases leads to this lack of progress on rights, and lack of accountability go hand in hand with organized crime and related violence. The consequence is that many other rights are also affected (such as right to life, security of a person, freedom, etc). Participants called for stronger analysis to provide the evidence base needed to amplify this message.

Freedom of expression as a gateway right

One idea put forwarded by participants is to use freedom of expression as a gateway right to analyse the phenomena of organized crime. In other words, freedom as a right to enable access to other rights. Restrictions on the right to freedom are commonplace in contexts of organized crime. For example, by deploying violence – or the threat of violence – criminal actors shape governance in their territories, creating an environment that is difficult, if not impossible, for civil society actors to raise their voices. Freedom of expression is therefore manipulated by organized crime interests. By not exercising their rights to freedom of expression, other rights are also inaccessible, such as equal participation in political and public affairs, peaceful assembly, freedom of movement, security and, ultimately, the right to life.

Participants said that in some jurisdictions, particularly in Latin America and the Caribbean, the convergence of criminal violence and rights violations often occurs during elections. People would be afraid to vote or fear their votes would be captured by corruption – either way with dire consequences for democratic outcomes. In this sense, participants were concerned about ways in which organized criminal violence intersects with a decline in the rule of law and democracy.



RESEARCH ON POLITICAL ECONOMY OF VIOLENCE

The need to analyze the political economy of violence in relation to enjoyment of rights was identified at the event. In order to improve analysis, participants emphasized how it is critical to recognize, understand and document the degree of complicity between state and criminal actors. The same state that has an obligation to protect, respect and fulfil human rights faces difficulties in fulfilling its own obligations owing to collusion between state and criminal actors. The relationship between criminal actors, state actors and the community needs to be further explored in the context of widespread violence. For this, a three-pronged approach is recommended:

- Map criminal groups – There is a need to create documentation to provide a better understanding of the actors at play in a certain territory.
- Go beyond local knowledge – Often, the nexus between the state and organized crime is apparent at the community level. This local knowledge of the political economy of violence needs to be extrapolated and transformed into evidence and documentation.
- Recognize that the state is part of the problem – This problem should be acknowledged, including at the international level.

Participants identified journalists, political candidates and members of the judiciary as members of society at high risk of being exposed to violence. For the journalists present at the debate, the normalization of violence against journalists, low salaries, the risk of arbitrary arrest (including while carrying out their work), and lack of mental health support have prevented them from exercising their freedom of expression. As a result, public information about crimes and potential human rights violations is becoming increasingly scarce. Special attention should be paid to journalists at all times, but especially during elections. Participants also highlighted the use of technology to facilitate very subtle forms of harassment and intimidation, causing serious psychological damage to journalists and human rights defenders.

QUESTIONS FOR REFLECTION

- How to influence behaviour to impede violence? How to convince political and economic elites not to outsource violence?
- How to advocate for recognizing the role of the state in enabling crime and the state's obligation to fulfil human rights?
- How to create opportunities for people to engage in programmes in the long term?
- How to identify and define successful outcomes of protection protocols?

Non-discrimination in organized crime research

Participants discussed the ways in which violence associated with organized crime often manifests itself within certain structurally marginalized groups. The right to non-discrimination should be central. Policies and laws should be non-discriminatory, so that they do not place people in vulnerable positions that put them at risk of turning to organized crime or violence. In turn, responses to crime and human rights violations should take into account the intersectional aspects of the impact of the crime or human rights violation committed.

A key finding was the need for better research and evidence on how organized crime targets those who are discriminated against on the basis of ethnicity and gender, in order to make assessments and evaluate policy needs. This would include data disaggregated by gender as well as other characteristics, such as age and ethnicity. Groups such as youth, women, indigenous peoples and LGBTQIA+, people with disabilities and ex-offenders may be most vulnerable to the predations of criminal ecosystems. Such research would be useful in promoting the right to non-discrimination. Some areas where knowledge generation and sharing should be improved are as follows:

- **Women and organized crime** – Participants expressed concern about the disproportionate impact of gang violence on women, including the use of sexual violence as a 'weapon of war', and the humiliating role women sometimes play in organized crime. Participants recalled the invisibility of femicide in the context of organized crime (no data on this issue). Participants were also aware that the analysis of the relationship between organized crime and women should not only focus on women as victims of crime. The availability and of firearms was also identified as an enabler of violence against women and girls. This can often be linked to physical, sexual and psychological violence. The need to address the issue more holistically in UN forums was also mentioned. For example, the Firearms Protocol makes no reference to the issue and very few states report on the impact of firearms on women. The Women, Peace and Security agenda did not have a firearms strand until recently. A potential forum is the Arms Trade Treaty, which has a provision on the human rights impact of firearms.
- **Indigenous people, environmental crime and climate justice** – The ways in which the illegal economy affects indigenous peoples are many and varied. There is a need to consider this group carefully when assessing crime and rights. Environmental crimes target the resources on which indigenous communities depend for their survival and cultural practices. This form of exploitation makes it more difficult for indigenous people to access their livelihoods, and results in wider social damage and impacts on health and environmental rights. Indigenous people have also been disproportionately targeted by violence in defence of their lands. This is because they are often located in very remote areas, out of sight of the general public, which facilitates exploitation by corporate interests, often deploying organized crime as a tool of violence. There is also a risk of indigenous people being co-opted into the criminal market. Three needs were identified: corporate responsibility; a review of existing security protocols; and better consultation to facilitate indigenous people's understanding of development projects.
- **Overlooked communities, LGBTQI+ and people with disabilities** – Participants noted the lack of documented evidence on the impact of organized crime on LGBTQI+ and people with disabilities. For example, the LGTBQI+ community is often criminalized at many levels of society. This is replicated in spaces of criminal governance. Organized crime is often rooted in patterns of masculinity. This discrimination creates a dynamic of forced displacement, increasing the risk of being trafficked for sexual exploitation. People with disabilities are particularly targeted because of their disability. There is some work on trafficking in persons, but not much on other forms of crime. Reporting mechanisms may not be accessible to them. This is an area that greater knowledge and understanding are needed.



OTHER IDEAS ON DATA AND RESEARCH

Participants drew attention to some critical considerations regarding data and research:

- It is important to think about how to address this issue systematically, including by adapting existing data systems.
- What is needed is not new data collection, but better data collection. It is also important to remember that data is not as neutral as its interpretation.
- Data in the wrong hands can be misused and instrumentalized with mal-intent.
- Risk assessment should always be undertaken first step.
- There is a need to include people who are subjects of the research in conducting the research.

Engagement

Another key area of discussion among participants was how to engage effectively on organized crime and human rights issues at local, regional and international levels. Here, participants discussed the importance of adapting language to context. They also reflected on the fact that it is not only about identifying which multilateral spaces and mechanisms to use, but also what is happening at the community level that has not been discussed at the international level. The role of the United Nations is fundamental in addressing intersectional issues, but there are complexities in working across mandates. One idea mentioned was to use the Sustainable Development Goals agenda as a hook to connect different mandates. Two specific considerations emerged:

- **Mapping entry points in both criminal justice and human rights spaces** – It is important to find common ground on how to engage on a certain issue. Human rights language needs to be adapted to the context. The same applies to standards and nomenclature used in the field of criminal justice. For example, the process and meetings on corruption and organized crime tend to avoid addressing human rights issues more explicitly. Identifying a common standard to address an issue is very important to avoid backlashes. Civil society has experienced a closure of dialogue because of how they utilize a certain principle, standard or nomenclature. Certain countries are aware of these issues and have a history of trying to engage with them. This should be taken into account. One strategy that has been suggested is to go back to basics: make sure states live up to their commitments.
- **Capacity building on how to interact with human rights mechanisms and procedures** – It was found that very few selected groups of civil society organizations are aware of mechanisms and procedures, and how to use them. There is a need to share knowledge among those who have lodge appeals and understand the procedures. Their lack of success – which may have been procedural and due to lack of understanding of the process – may discourage people from trying again. There is a need to increase dialogue and reflect on how to improve the user experience, including by adapting language to context.



WAY FORWARD

The event covered a wide range of different and overlapping issues. Overall, participants noted that it is undeniable that organized crime is a consequence of the failure to respect human rights obligations. It is also undeniable that organized crime is the root cause of potential human rights violations. In this sense, participants urged that we should reflect on how the human rights and crime prevention regimes can be used to advocate for human-centred responses to crime and the implementation of human rights mechanisms in a way that does not overlook the dynamics of organized crime.

For those working in the field, the challenge is to find a common standard that will work without jeopardising existing efforts. One key question here is central: what do human rights mean to the people whose rights we seek to promote? The doctrine and language of human rights are far removed from those communities affected by organized crime. They sometimes do not recognize themselves as victims of crime, let alone victims of human rights violations. High-minded sermonizing about human rights can then hit a brick wall. For those working in crime prevention, there is also a need to rethink what is meant by transnational organized crime and how it can reflect different realities in different parts of the world.

As a framework, some participants recommended working under the pillars of protection, prevention and accountability. This methodology can be used to explore the synergies between the two regimes, with the aim of changing narratives, conducting multisectoral research and promoting strategic engagement. Three overarching areas for work development and action have been identified and some examples are given below:

- **Prevention.** Working on crime prevention means addressing the root causes of crime. Working from the perspective of fulfilling economic, social and cultural rights, and promoting the right to non-discrimination also entails addressing the root causes of crime. In this regard, important areas for research and joint work have been flagged in this report. It is important to include local voices and to emphasise the involvement of young people in the design, implementation and evaluation of policies.
- **Protection of citizens.** There is an urgent need to protect those at risk of violence from organized crime, particularly key actors fighting the political economy of violence – journalists, criminal justice actors, political candidates – and those defending the environment. State protection mechanisms are lagging behind, including in terms of considering intersectional approaches. There needs to be a conversation about the effectiveness of existing protocols for victims of organized crime, which takes into account community-based solutions and the notion of collective rights. People need protocols that are tailored to their needs, but they need to be listened to. Communities have their own protocols and there needs to be a better understanding of how these can be integrated.
- **Accountability.** There is a large gap between legislation and practice, resulting in high levels of impunity and a lack of operationalization of human rights standards. The recommendation is twofold. On the one hand, states need to be reminded of their responsibility to act in accordance with the human rights obligations to which they have committed. There is also a need to recognize the role of the state and to provide evidence of the link between state and organized crime actors that cause human rights violations. Within criminal justice systems, there is also a need to raise the political heat when agencies do not investigate violence linked to organized crime. There is also a need to continuously strengthen the criminal justice system, including through training and other low-cost activities, such as identifying champions and highlighting best practices. This can be an important starting point in the fight against impunity and to ensure that investigative and prosecutorial efforts are not undertaken at the expense of the rights of suspects or accused (which can also undermine the outcome of judicial proceedings).



Notes

¹ A report was produced summarizing the meeting's outcomes, and multimedia material was also disseminated during the week. Ana Paula Oliveira, Radha Barooah and Siria Gastélum Felix, Human rights and organized crime week: Conference report, GI-TOC, July 2023.

² Ana Paula Oliveira, Four Reasons why organized crime is a human rights issue, GI-TOC, October 2023.

³ To mark the 30th anniversary of the World Conference on Human Rights, a high-level symposium titled 'Vienna World Conference 30 Years On: Our Rights – Our Future' took place in Vienna on 6 June 2023. After that, a series of events were supported by the government of Austria, including one organized by the GI-TOC.

⁴ This included a group of 18 participants comprising representatives of international and regional organizations such as Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC), Organization for Security and Co-operation in Europe (OSCE), civil society organizations and think-thanks such as the Geneva Academy, Kennis: Knowledge for Safety and Good Governance, Heinrich-Böll-Stiftung, the Alliance of NGOs on Crime Prevention and Criminal Justice, and individuals such as investigative journalists, independent consultants and community leaders.

⁵ Libera. Associazioni, nomi e numeri contro le mafie is an anti-mafia and social justice organization established in Italy in 1995. The NGO is a model in the field, promoting the re-use of confiscated assets for a wide range of activities, such as fostering social services, renewing the use of land owned by the mafia and supporting youth activities.





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ABOUT THE GLOBAL INITIATIVE

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