

**United Nations Commission
on Crime Prevention and
Criminal Justice (UNCCPCJ)
Background Guide**

**Cleveland Council on
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United Nations Commission on Crime Prevention and Criminal Justice Background Guide

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The United Nations Commission on Crime Prevention and Criminal Justice (UNCCPCJ) develops the UN's policy in the fields of crime prevention and criminal justice¹. It was first established as part of GA resolution 46/152 in 1992 established the UNCCPCJ as a commission of ECOSOC. Afterwards, resolution 1992/22 developed its mandate to combat national and transnational crime, improve fairness of criminal justice systems, and use the law to protect environments. After the establishment of the UN Office on Drugs and Crime (UNODC) in 1997, the UNCCPCJ became a governing body of UNODC in GA resolution 61/252 in 2006.

Today, the UNCCPCJ is composed of 40 member states elected by ECOSOC to three-year terms, following a geographic distribution to ensure representation of a diverse variety of states². UNCCPCJ creates legislation for ECOSOC to push with the goal of eventual adoption by the GA. It works closely with the researchers of United Nations Crime Prevention and Criminal Justice Programme Network (PNI) and provides a forum for international cooperation. As a body of ECOSOC, the UNCCPCJ also works towards achievement of the Sustainable Development Goals (SDGs), with particular emphasis on SDG 16 (Peace, Justice, and Strong Institutions).

I. Rule of Law and Data Collection

Statement of the Issue:

The digitalization of human society is a key trend through the 21st century, and technology has evolved to become ever-present in our lives³. Social media companies,

¹ "The Commission on Crime Prevention and Criminal Justice."

² "Members of the Commission on Crime Prevention and Criminal."

³ Marr, "A Brief History of Big Data Everyone Should Read."

whose business models rely heavily on targeted advertising, are widely known for harvesting user data. These companies' practices of covertly collecting and selling user data, such as their use of long terms and conditions agreements, has led to aggressive action in the United States, particularly of foreign companies such as TikTok⁴. In other countries, state collection of individuals' data is commonplace and information, such as biometrics, is often used for surveillance, banking, and more. Much international disagreement remains on proper use of data collection, especially with the recent rise of generative Artificial Intelligence (AI). Which is developed from decades of users' contributions to the Internet without their explicit knowledge or consent⁵. Only 71% of countries have any legislation on the topic of data privacy and protection⁶, and bridging the needs of developing countries with no legislation with those of developed countries⁷ will be essential to creating a coherent international framework.

Crime prevention is no exception to a widespread adoption of automated technology, machine learning, and artificial intelligence. However, widespread use of technology in criminal justice presents the dilemma of introducing algorithmic biases that can lead to racial, geographic, or other discrimination. Countries strive to strike a balance between adopting solutions that reduce illegal activity as much as possible and preserving the rights of their inhabitants, and approaches to which of these goals is prioritized have defined modern criminal justice across the world.

History:

The New York Police Department was among the first in the world to collect data, mapping types and locations of crimes, victim locations, and gun arrests, starting the COMPSTAT system in 1994 in order to target intervention for crime⁸. Since then, as technology has evolved, jurisdictions across the world have rapidly adapted increasingly

⁴ Allyn, "President Biden Signs Law to Ban TikTok Nationwide Unless It Is Sold."

⁵ Mancuso, "Privacy Considerations for Generative AI – Privacy & Cybersecurity."

⁶ "Online Consumer Protection Legislation Worldwide | UNCTAD."

⁷ Popiel and Schwartz-Henderson, "Understanding the Challenges Data Protection Regulators Face: A Global Struggle towards Implementation, Independence, & Enforcement."

⁸ Bureau of Justice Assistance, "COMPSTAT: ITS ORIGINS, EVOLUTION, and FUTURE in LAW ENFORCEMENT AGENCIES."



complex methods of data collection and analysis. By 2016, police jurisdictions in the United States using data-driven policing covered over 94 million Americans⁹ (around a third of the population). These algorithms (now often driven by AI machine learning) can generate forecasts of times, places, and types of crimes likely to occur by examining data from past crimes. By directing policing in this way, predictive policing is often credited with increasing efficiency. The capabilities of technology in crime prevention are even more pronounced if facial recognition is added, which can potentially identify offenders in a crowded space¹⁰.

Legislators needed to work to keep up in the wake of this rapid technological change. In 1995, the European Union (EU) passed the European Data Protection Directive, becoming the first body to establish a set of principles for member states to abide by when creating their own data privacy laws¹¹. Responding to developments such as the rise of online banking, the EU modernized its 1995 directive with the General Data Protection Regulation (GDPR), which remains the gold standard for rigorous data protection laws, enforcing ideas such as “privacy by design” and outlining principles of data protection, privacy, and user rights on the Internet¹². In contrast, the United States has many laws addressing separate types of data collection regulations, such as HIPAA for healthcare and COPPA for children¹³.

For many Global South nations, data privacy legislation remains highly underdeveloped largely due to the continued lack of Internet access for the general public. The World Bank notes that 63% of individuals around the world use the Internet, but that percentage drops to just 30% in UN-classified “least developed countries”¹⁴. However, governments around the world are rapidly adapting their laws to evolving technology, but in a disjointed manner reflective of the situations within countries, especially in those experiencing conflict.

⁹ Davis, Austin, and Patil, “Growing Number of Communities Are Using Data to Improve Policing and Criminal Justice.”

¹⁰ Takemura, “Background Documents Received from Individual Experts.”

¹¹ EDPS, “The History of the General Data Protection Regulation | European Data Protection Supervisor.”

¹² Welford, “What Is GDPR, the Eu’s New Data Protection Law?”

¹³ Klosowski, “The State of Consumer Data Privacy Laws in the US (and Why It Matters).”

¹⁴ “Individuals Using the Internet (% of Population) | Data.”



Data collection by many states for security purposes adds complexity as well. Authoritarian governments such as Russia and China are known for their use of biometric data and surveillance technology used to track the activities of dissidents and deter potential protests. Often, this apparatus is supported by localization laws that require companies which collect user data to store data of users in the country where that data was collected¹⁵. For example, American companies like Facebook would have to store the primary copy of data for Russian users at a center in Russia.

Technology companies are no strangers to scrutiny regarding their practices with user data. From 2007 to 2017, Google was notorious for harvesting user data from its other services (most notably scanning emails sent and received on Gmail)¹⁶. In addition, Facebook's algorithm was manipulated to great effect by political consulting firms in the 2016 American presidential election, who were aided greatly by Facebook's collection and sale of data to third-party advertisers¹⁷. Multinational technology companies have also become a hotspot for geopolitical tensions. The widespread collection of data from social media users on apps such as TikTok, for instance, draws scrutiny because of concerns that companies could give away sensitive user data such as location to the governments of the countries they are based in¹⁸. Due to the blurred lines between public and private ownership in many countries, some governments are uncomfortable with the potential for other states to exert their influence on platforms based within their borders, spreading misinformation and propaganda.

Analysis:

Technology and the rule of law remain in a constant cat-and-mouse race as lawmakers around the world seek to adapt legislation to advances and developments. Novel cases regarding new applications of preexisting laws continue to be heard in courts and courts of public opinion. For example, the rise of social media within the 21st century has amplified concerns over data privacy and the protection of users. These companies

¹⁵ Sherman, "Russia Is Weaponizing Its Data Laws against Foreign Organizations."

¹⁶ Wakabayashi, "Google Will No Longer Scan Gmail for Ad Targeting."

¹⁷ Allen, "'An Ugly Truth': How Facebook Discovered Russian Meddling."

¹⁸ Perrigo, "What to Know about the TikTok Security Concerns."

primarily use advertising as their source of revenue which incentivizes them to collect users' personal data in order to deliver more targeted advertising and keep attention on the platform. Privacy concerns among consumers have reached a fever pitch, with 86% of consumers surveyed indicating they were more worried about government or corporation misuse of their data than the US economy¹⁹.

New data collection practices have become increasingly aggressive and difficult to prevent from the user end. Users encounter tactics such as embedding unavoidable cookies or using extremely long terms and conditions in small font (often hiding disclosures of data being collected in them) to deter users reading through it when wanting quick access to a webpage. As a result, some legislative backlash has forced companies to devise alternatives to pervasive and unavoidable cookies. For example, the GDPR requires that nonessential cookies must be separately consented to before they can be collected from users²⁰. In response to growing consumer concerns about privacy, companies have begun to adopt a model of "zero-party data collection," where consumers receive incentives for voluntarily and proactively sharing their data²¹.

Addressing the creation of new legislation among Global South states will be critical in developing future frameworks for data privacy regulation. Taking lessons from legislation in the Global North, while balancing the concerns in governmental trust will help create more neutral data privacy regulations²². Limited legal purview and ability to enforce data privacy laws or update them in the face of technological or political developments is the major obstacle in covering countries with no legislation.

It is controversial whether predictive policing has positive effects on crime rates. A major concern remains of the pseudo-objectivity of technology (as AI is often incorrectly perceived as objective) being used as a shield for discriminatory practices such as the unwarranted surveillance of minorities or political dissidents. Surveillance meant to prevent crime in China has noticeably targeted signs of marginalized groups, such as migrant workers. In the United States, historic over-policing of marginalized communities

¹⁹ Drenik, "Data Privacy Tops Concerns for Americans – Who Is Responsible for Better Data Protections?"

²⁰ Koch, "Cookies, the GDPR, and the EPrivacy Directive."

²¹ Dubois and Moghaddam, "Zero-Party Data Is the next Frontier in Consumer Strategy."

²² Bhatt and Burman, "Data Protection Regulation in the Global South."



has brought concerns of biased predictive policing²³. Addressing distrust of governments and law enforcement is a primary challenge of creating acceptance and popularity for data-driven criminal justice²⁴.

Conclusion:

Delegates will have to be creative in presenting solutions that address the gaps in current international legislation. Considering both potential uses of data by bad actors and how to mitigate harms found data collection. Working together to protect users across the globe and ensuring that countries are able to enforce any regulations that come out of a resolution will be critical to its success.

Delegates are encouraged to draw upon previous UN general assembly resolutions 68/167 and 69/166, which establish a basic agreement for states to prioritize data privacy and security, and to build upon recent UN Development Group (UNDG) guidelines that outline principles of data collection in more depth in support of the SDGs.

Questions to Consider:

1. What changes should be made to existing regulations to account for new business practices by large technology companies?
2. How can we create systems of laws that apply equally to state actors and multinational corporations?
3. How can we strengthen technology-based crime prevention strategies to mitigate racial or geographic bias? How can we support victims of said bias?

²³ Diaz, "Data-Driven Policing's Threat to Our Constitutional Rights."

²⁴ Williams and Kind, "DATA-DRIVEN POLICING: THE HARDWIRING of DISCRIMINATORY POLICING PRACTICES across EUROPE European Network against Racism Aisbl."



II. Access to Justice for People Affected by Environmental Crimes and Disasters

Statement of the Issue:

Modern society, spurred by the transformative effects of the Industrial Revolution, continues to rely on the exploitation of natural resources for its basic functions. These resources are used in agriculture and the extraction of fossil fuels to produce energy, but there are many other examples of natural resources used on a daily basis. From the extraction of rare earth minerals for use in electronics, to the use of chemical fertilizers to grow crops, global utilization of natural resources impacts the environment in a variety of facets. Environmental crimes emerge from the mismanagement, intentional or unintentional, of these processes²⁵. Due to the acceleration of climate change, the number of victims of environmental crime continues to grow, but so does recognition of the necessity to address the rights of the victims.

History:

Environmental policy began to be addressed on a global scale at the UN Conference on the Human Environment in 1972. This conference concluded with the Stockholm Declaration, a set of 26 principles agreed upon by the attendees, and the founding of the United Nations Environmental Programme (UNEP). However, the Conference on the Human Environment could not escape the geopolitical realities of the Cold War: many Eastern Bloc countries, including the Soviet Union, boycotted the conference due to the West's refusal to allow East Germany to participate as a full UN member²⁶. This is an early example of environmental concerns often being a lower priority than political ones in multilateral action.

Moving forward, the vast majority of UN environmental action followed a model of voluntary participation that often promoted noncontroversial change²⁷. Shortly after the Stockholm Declaration, global governments agreed on the Convention on International

²⁵ "Environmental Crime."

²⁶ Alden, "Soviet Threatens Boycott of Environmental Talks."

²⁷ Gersmann, "International Environmental Policy – a Timeline | Heinrich Böll Stiftung."



Trade in Endangered Species of Wild Fauna and Flora (CITES)²⁸, which regulates international animal trade to prevent damage to endangered species. Future agreements such as the Rio Declaration (1992)²⁹ and Paris Agreement (2016)³⁰ would particularly focus on the effects of climate change, with countries continuing to work towards the goals set at the Paris Agreement, though progress towards those goals has been difficult and generally unsuccessful³¹. Notably, the Montreal Convention (1987) remains the foremost example of strong environmental action³², where all UN member states ratified a treaty banning halogenated hydrocarbons (often used as refrigerants) that were depleting the ozone layer. The Montreal Convention is a rare example of successful rapid international intervention due to both the scope of the threat and the relatively small impact (banning CFCs) needed to eliminate the threat.

Responses to man-made environmental calamities are not a new phenomenon³³; among the most high-profile recent cases is the Deepwater Horizon oil spill in 2010, where an offshore oil rig operated by BP spilled over 134 million gallons of oil into the Gulf of Mexico, killing an estimated 82,000 birds, 6,000 sea turtles, and 25,900 marine mammals³⁴. The Department of Justice and several Gulf states sued BP and settled for the largest environmental damage settlement in US history (20.4 billion dollars). Deepwater Horizon is a strong case study of how governments can hold a company accountable for environmental and economic damage, particularly including non-human victims in being aided by rehabilitation of the Gulf. However, it also illustrates a more troubling trend, as many workers who were impacted by the spill continue to suffer from severe health effects without adequate compensation³⁵.

Courts have begun to consider the international implications of cases brought forward on past environmental crimes as an extension of colonialism. Dutch companies,

²⁸ CITES, "List of Contracting Parties | CITES."

²⁹ United Nations, "United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992."

³⁰ United Nations, "The Paris Agreement."

³¹ Di Sario, "The World Isn't on Track to Meet Paris Agreement Goals, Says UN Climate Review."

³² United Nations Environment Programme, "About Montreal Protocol."

³³ Council on Foreign Relations, "Timeline: Ten Major Ecological Disasters."

³⁴ Center for Biological Diversity, "A Deadly Toll."

³⁵ Loller and Phillis, "Once Praised, Settlement to Help Sickened BP Oil Spill Workers Leaves Most with Nearly Nothing."



including Shell, extracted oil from the Niger Delta for 50 years from the 1950s onward. A group of Nigerian farmers sued Shell in the Netherlands in 2008, and Shell Nigeria was ultimately ordered to pay damages to one of the farmers as compensation for environmental damage to his farm due to oil spills³⁶. This case is notable because of the novel examination of subsidiary companies in the country that a parent is based in – in other words, Shell Nigeria’s actions remained under the jurisdiction of Dutch courts³⁷.

In other cases, court judgements can render little relief for victims of environmental crimes. The long-running dispute between Chevron and the Ecuadorian government exemplifies many of the challenges for victims who seek justice for environmental crimes. In the early 1960s, major American oil company Texaco entered a consortium to develop the Lago Agrio Canton oil field, and continued to extract oil from the area over three decades under laxer standards than those that they employed in their American operations to create marginal cost savings³⁸. After Texaco left its partnership with state-owned Petroecuador in 1992, it performed a “remediation” of these sites that in many cases have been found to be little more than dumping a layer of dirt over the site, doing almost nothing to reduce harm from the oil residue³⁹. Indigenous groups represented by American human rights lawyer Steven Donziger filed a class-action lawsuit against Texaco, and later Chevron, who inherited the case after its 2001 acquisition of Texaco. Chevron argued that Ecuador was a more appropriate venue for the case, and the case was successfully moved there in 2003. There, indigenous groups won a landmark victory of a \$18 billion (later reduced to \$9.5 billion) judgment against Chevron. However, Chevron refused to pay, alleging bribery of the Ecuadorian judge and arguing that a 1995 agreement with the Ecuadorian government settled all of Texaco’s share of the cleanup, despite continued evidence of petroleum⁴⁰. After Chevron unsuccessfully appealed the case up to the Ecuadorian Supreme Court, an American court found the Ecuadorian judgment to be unenforceable in 2014, and Chevron successfully used the American ruling as a shield in litigation against its Canadian subsidiary in 2019. The Permanent Court of Arbitration at

³⁶ Sekularac and Deutsch, “Dutch Court Says Shell Responsible for Nigeria Spills.”

³⁷ Craig, “‘We Were Eating, Drinking, Breathing the Oil’: The Villagers Who Stood up to Big Oil – and Won.”

³⁸ Jacques, “Environmental Justice Case Study: Activities of Texaco in the Ecuadorian Rainforest.”

³⁹ North, “Ecuador’s Battle for Environmental Justice against Chevron.”

⁴⁰ Chevron Policy, Government and Public Affairs, “Ecuador - Press Releases.”



the Hague declared the Ecuadorian judgment fraudulent in 2018, and little has developed from the case since then⁴¹. Despite decades of legal machinations, little aid has reached the indigenous communities of the Ecuadorian Amazon, who continue to suffer from the effects of unremediated oil waste, such as increased rates of cancer, birth defects, and miscarriages.

Union Carbide India Limited was a company that was 50.9% owned by Union Carbide, an American chemical company, and 49.1% owned by Indian investors. In 1969, Union Carbide opened a pesticide plant in the city of Bhopal, and ten years later, it decided to manufacture methyl isocyanate (a highly toxic intermediate in the production of pesticides) on-site, despite the factory's location near a railway station and a crowded metropolitan area. In 1984, this location became a disaster with the leak of methyl isocyanate into the air, leading to thousands of deaths⁴². Due to a settlement in 1989 between the Indian government and Union Carbide, where Union Carbide paid \$470 million USD (which left most victims with little to nothing – 90% of victims were paid a maximum of \$500 USD)⁴³. In addition, the government of India charged Warren Anderson, the CEO of Union Carbide, with culpable homicide carrying a maximum sentence of 10 years in prison, but the United States constantly refused to extradite him until his death in 2012⁴⁴. This illustrates how dynamics between governments can stymie the delivery of justice to those who need it most.

Many normal mining operations can quickly turn into environmental disasters. Over 70% of the world's cyanide production is for use in the extraction of metals such as gold (where cyanide is present in 90% of gold mining operations) from ore. At Baia Mare in northwest Romania, the failure of a dam due to poor design led to the spilling of cyanide and heavy metals into the Sarar River⁴⁵. As the cyanide made its way down the Danube basin to Hungary, then the Balkans, these countries cooperated using their Principal International Alert Centers (PIACs) to notify each other quickly and avoid human loss of

⁴¹ Krauss, "Dutch Tribunal Upholds Chevron's Award against Ecuador."

⁴² Withnall, "30 Years Later and after Nearly 600,000 Were Poisoned, Bhopal's Victims Are Still Waiting for Justice."

⁴³ Passow and Edwards, "The Long, Dark Shadow of Bhopal: Still Waiting for Justice, Four Decades On."

⁴⁴ Martin, "Warren Anderson, 92, Dies; Faced India Plant Disaster."

⁴⁵ Csagoly, "The Cyanide Spill at Baia Mare, Romania."



life. However, this disaster still illustrates how environmental crimes can quickly turn transnational and originate from common human practices.

These examples illustrate some of the nuances of securing justice for victims of environmental crimes, and mitigating the limitations demonstrated in these cases will be essential in streamlining this process for future victims. Increasingly, environmental justice is recognized as an integral part of criminal justice as a whole, and more now falls under the purview of the UNCCPCJ⁴⁶. Recent UNTOC resolution 10/6 and GA resolution 76/185 have focused on ensuring that international cooperation on transnational environmental crimes is possible and that countries have adequate legislation in place to deter environmental crimes.

Analysis:

The term “environmental crimes” spans everything from illegal dumping of waste to catastrophic deforestation to illegal hunting of endangered species. Despite the severity and wide scope of environmental crimes, global enforcement of environmental law is often difficult to pinpoint the extent of environmental crime. Furthermore, the variety of regulations that different states have may complicate it further. Legality changes from region to region and international protocols must contend with the fact that certain activities that are unacceptable in some areas are widely accepted or embraced (or at minimum, have lesser penalties) in others⁴⁷.

There are also actions across the world that constantly take place within the framework of existing legal systems, but nevertheless have numerous adverse environmental impacts that are unaccounted for. For example, deforestation continues in Indonesia for the development of palm oil plantations, despite its continued impact on biodiversity and the environmental pollution brought by palm oil plantations⁴⁸. While the Indonesian government acknowledges the harm of this activity and is actively working to

⁴⁶ Skinnider, “Effect, Issues and Challenges for Victims of Crimes That Have a Significant Impact on the Environment United Nations Crime Prevention and Criminal Justice Programme Network of Institutes Workshop on ‘Emerging Forms of Crime That Have an Impact on the Environment: Lessons Learned’ United Nations Commission on Crime Prevention and Criminal Justice.”

⁴⁷ Sherman, “Russia Is Weaponizing Its Data Laws against Foreign Organizations.”

⁴⁸ Milko, “Deforestation in Indonesia Spiked Last Year, but Resources Analyst Sees Better Overall Trend.”



reduce deforestation, it is hamstrung by previous concessions of the land made by its government – in other words, government ability to regulate private property is limited.

Recent UN research by the UNODC highlights the patchwork of legislation that leads to widely varying outcomes in the prosecution of environmental crimes. Discrepancies are rampant between the prosecution of individuals and corporations who commit environmental crimes, with individuals often subject to imprisonment while corporations can escape with fines. In addition, many areas of environmental protection simply remain unregulated. Around half of UN members have no regulations against soil and noise pollution, despite the clearly established harms to environmental and human health⁴⁹. States and regional bodies are constantly adapting to the varying threats and are expected to continue to do so. The European Union’s recent passage of its Environmental Crime Directive indicates a continued need to clearly define the most severe environmental crimes and explicitly give judiciary systems the purview to prosecute perpetrators of these offenses⁵⁰.

Other UN bodies continue to work to combat other avenues of environmental crime, such as the money laundering or other financial crime that almost always accompanies it⁵¹. Collaboration with these organizations may be helpful in outlining the logistics of reparative justice and examining the destination of funding seized by these bodies can provide more potential ideas for solutions.

Conclusion:

While delegates can pinpoint any multitude of individual environmental catastrophes, they are encouraged to take away broader lessons or characteristics of each to form a cohesive plan for ensuring that victims of environmental catastrophes receive justice. Variations on matters such as the legality (under domestic legislation) and the scope of affected parties (both victims and perpetrators) must be considered, and it will be difficult to reconcile action and impact with the voluntary nature of any international agreement.

⁴⁹ “Crimes against Nature: UN Agency Puts Environmental Legislation under Scrutiny | UN News.”

⁵⁰ “New Environmental Crime Directive Comes into Force - European Commission.”

⁵¹ Hart and Goncalves, “Following the Money from Environmental Crimes - a Call to Action.”



As the world continues to adapt to anthropogenic climate change, the number of victims of environmental crimes is only expected to increase because of the rising sea levels, increased severity in natural disasters, and continued depletion of resources, which will lead to migrations, conflict, and instability. Not all these crimes will have clear-cut perpetrators, and for others, the victims might be unknown for years after the fact because of the slow nature of certain environmental catastrophes. The UNCPCJ is tasked with thinking ahead to facilitate the delivery of justice to these people nonetheless and will have to grapple with these challenging cases.

Questions to Consider:

1. How can the UN develop and strengthen a definition for environmental crime? How can this definition be adaptable and cover all possible areas that could constitute environmental crime?
2. Can the UN establish jurisdiction for environmental crimes? How should non-state actors be prosecuted for their participation in environmental crimes?
3. Are there victimless environmental crimes? When prosecuting perpetrators of environmental crimes, who is considered the “victim” of any given environmental crime?



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