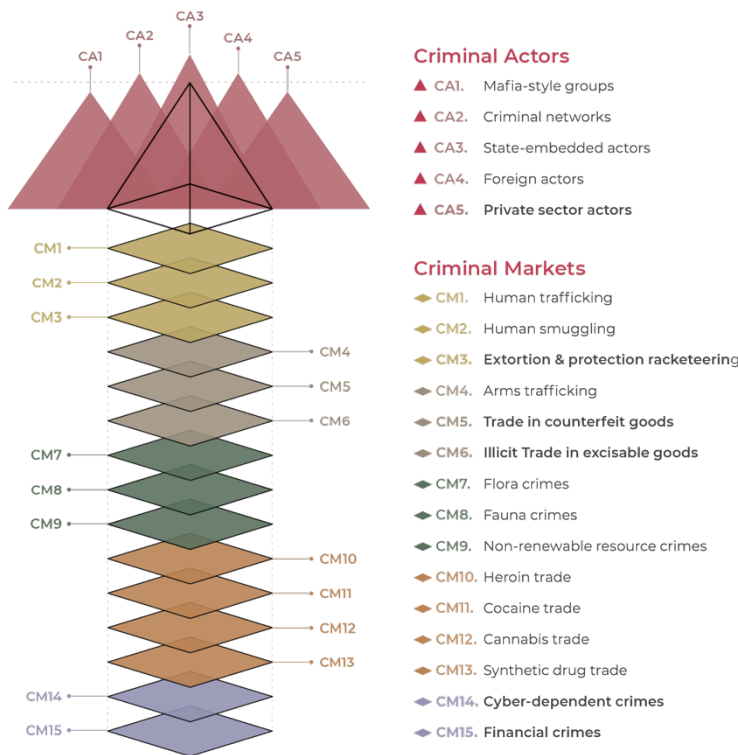


# ENACT ORGANISED CRIME INDEX: GUIDING QUESTIONS & CONSIDERATIONS

## Overview:

The ENACT Organised Crime Index assesses levels of organised crime in 54 African countries and assesses their resilience to organised-criminal activity. Comprising two composite metrics, the Index ranks countries both according to their levels of criminality on a score from 1 to 10 (lowest to highest crime levels) and according to resilience to organised crime from 1 to 10 (lowest to highest resilience levels).

This document provides guidance to experts with regard to each indicator in the Index. It outlines definitions as well as a set of questions to consider when assessing the organised crime landscape in each country. Experts should consider each of the questions outlined below for the 15 criminal markets, 5 criminal actor types and 12 resilience indicators.



## Criminal Markets:

Criminal market scores will be based on both the value and reach of the market. **Value** refers to the overall value of the market as part of the national economy encompassing all relevant aspects of whether it is a source, transit, or destination (or combination thereof).

**Reach** can be thought of the non-monetary impact a market has on the state. In other words, reach considers the degree of pervasiveness of any activity related to the illicit trade, from production, to transport and use. In determining a criminal market's reach, it is useful to consider two broad categories of issues (i) the groups that are involved; and (ii) the impact of the criminal market on broader issues:

- **Criminal structures** – the type of organised crime group involved in facilitating the market; how organised they are; and the capacity for leveraging the market
- **Actors** – number and nature of people impacted/involved (perpetrators and victims)
- **Territory** – location of the illicit flows and geographic concentration of the markets
- **Violence** – how the market feeds or causes violence and conflict
- **Scarcity/environmental** – renewability of commodity and its scarcity
- **Volume** – how much of the commodity is being trafficked

Throughout the review process, experts should consider the following questions for each of the 15 criminal markets (where applicable):

<b>Structure of criminal markets</b>
How consolidated is the criminal market that enables the criminal economy in the country?
What type of criminal actors are involved? Consider the 4 criminal actor types.
Is there an ambiguity in the legality of the 'criminal' activity? Is there a parallel legal trade?
How is the criminal market connected to other criminal markets and other services in the region?
How does the illicit market impact legal markets, and which legal markets are most impacted?
What are the levels of professional expertise and technical skills used in committing the offence?
How does technology and the cyber domain aid/enable the criminal market? (cyber-enabled crimes)
To what extent is the criminal market carried out online? Is it increasing? (cyber-enabled crimes)
Do organised groups have the capacity to perpetrate the crime by themselves (without the help of financial mediators / professional enablers outside the group)?
<b>For cyber-dependent crimes:</b>
Are there any known cases of organised groups engaged in cyber-dependent crimes (as defined) operating from within the country? If so, please name them.
What types of cyber-dependent criminal offences (as defined) are committed and/or targeted by criminal actors in the country?
In one year, how many businesses/financial institutions/public institutions reported being victims of cybercrime (which crime if you can itemise), if the data is available?
<b>Source, transit and destination country for the market</b>
How much and how often is the commodity being illicitly traded?
How effectively is the state responding to curb the criminal market?
How effective is the state's response to the criminal market in relation to other markets?
Is the criminal market transnational in nature?
Is there a local market for the illicitly traded commodity? Is there local demand?
To what degree is the country a hub for the local trade of the commodity?
Does the country contain a local marketplace?
To what extent is the illicit market contributing to the reputation and the relevance of existing criminal groups in the country/region?
If applicable, please name in the justification section the top 3-5 commodities in the country. Please provide an indication of the scale of the illicit trade (quantity and frequency), value, and harm for each commodity mentioned (if possible).
<b>Impact of the market</b>
How much and in what way does the criminal market contribute to local violence?
Does the criminal market fuel conflict?
How is the commodity perceived in local communities? Seen as 'precious' or viewed with little regard?
Is there a livelihood (or other benefit) to be made from engaging in the criminal market?
Is the market perceived as illegal or is it socially accepted?
Is there social fracture related to the market? Does the market target a particular age/gender/ethno-linguistic group?

Assess the environmental impact of the criminal market within the country (if applicable)

To what degree is the commodity replenishable?

Does the illicit activity outpace the rate of commodity reproduction?

Have there been any unexpected environmental benefit or drawback from the market?

### Value of the market

Is there evidence to suggest that the criminal market in the country is among the top-10 biggest markets in the world for that crime type?

How does the size and value of the market compare to other criminal markets in the country?

How does the size and value of the market compare to the same market in neighbouring countries?

Are the profits made from the market accrued to domestic actors or foreign actors?

Is the market's profit generated through local demand? Is domestic money spent on the market or does the demand come from sources external to the country?

How does the price of the commodity change across each stage in the supply chain and what is the impact of these price variations?

How are corruption payments related to this market structured? At what level of the state apparatus are corruption payments made?

Please see below for the working definitions of the 15 criminal markets for the purpose of the ENACT Organised Crime Index.

Criminal market	Definition
<b>Human trafficking</b>	<p>Drawing from a range of sources, the Index covers human trafficking within a modern slavery context and includes the trafficking of organs. In line with common interpretations of human trafficking, this criminal market does not require the movement of individuals, and includes men, women and children. When movement is involved, it may include both cross-border and internal flows (such as from rural to urban locations). For the purposes of the Index, human trafficking includes activity, means and purpose, and reflects all stages of the illicit activity, from recruitment and transfer, to harbouring and receipt of persons. To distinguish this market from that of human smuggling, trafficking in persons involves a form of coercion, deception, abduction or fraud, and is carried out for the purpose of exploitation, regardless of the victim's consent. In line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.</p>
<b>Human smuggling</b>	<p>Under the Index, human smuggling requires the criminalisation of the illegal entry, transit or residence of migrants (by land, sea or air) by an organised criminal group for the purposes of a financial or material benefit. Activity in this criminal economy reflects all stages of the illicit activity, including the producing, procuring, providing or possessing fraudulent travel or identity documents when committed for the purpose of enabling the smuggling of migrants. Although distinct</p>

	<p>crimes, human smuggling may turn into trafficking when the element of exploitation is involved.</p>
<b>Arms trafficking</b>	<p>The trafficking of arms involves the import, export, acquisition, sale, delivery, movement or transfer of arms, their parts and components and ammunition across national borders, as well intentional diversion of firearms from legal to illegal commerce, without involving the movement of items across physical borders. 'Firearms' refers to any portable barrelled weapon that expels, is designed to expel or may be readily converted to expel a shot, bullet or projectile by the action of an explosive, excluding antique firearms or their replicas, as per the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organised Crime. 'Small arms' and 'light weapons' refer to a range of specific weapons, as outlined by the Small Arms Survey. Often the trafficking of arms facilitates the commission of other organised crime activities.</p>
<b>Flora crimes</b>	<p>Crimes related to flora involve the illicit trade as well possession of species covered by CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora), as well as other species protected under national law.</p>
<b>Fauna crimes</b>	<p>Like flora crimes, crimes involving fauna species reflect the poaching, illicit trade in and possession of species covered by CITES, as well as any other species protected by national law. The Index also considers protected marine species, and illegal, unreported and unregulated (IUU) fishing falls under this category.</p>
<b>Non-renewable resource crimes</b>	<p>The Index includes the illicit extraction, smuggling, mingling, bunkering or mining of natural resources. It also covers any illicit activities related to the trade of such products, including price misinvoicing. The Index covers commodities including, but not limited to, oil, gold, gas, gemstones, diamonds and precious metals.</p>
<b>Heroin trade</b>	<p>The Index covers the production, distribution and sale of heroin. Consumption of the drug, while not in and of itself a form of organised crime, was considered in determining the reach of the illicit drug market. Synthetic opioids are considered under the synthetic drugs category (see below).</p>
<b>Cocaine trade</b>	<p>Like heroin, the production, distribution and sale of cocaine and its derivatives are covered by the Index. Consumption of the drug, while not in itself a form of organised crime, was considered in determining the reach of the illicit drug market.</p>
<b>Cannabis trade</b>	<p>The illicit cultivation, distribution and sale of cannabis oil, resin, herbor leaves are covered by the Index. Consumption of the drug, while not in itself a form of organised crime, was considered in determining the reach of the illicit drug market. Recognising the growing legalisation of cannabis production, sale and consumption across countries, the Index focused solely on areas where an activity was criminalised and/or where criminal groups were involved in the supply chain.</p>
<b>Synthetic drug trade</b>	<p>As with other illicit drug markets, the production, distribution and sale of synthetic drugs are covered by the Index. Notably, synthetic opioids, such as Tramadol, as well as amphetamine-type stimulants, methamphetamines and Fentanyl are included in this criminal market, as well as any other narcotic included in the 1972 Protocol, the Convention on Psychotropic Substances of 1971 and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of</p>

	<p>1988. Consumption of such drugs, while not in itself a form of organised crime, was considered in determining the reach of the illicit drug market. Notably, 'substandard and falsified medical products', as outlined by the World Health Organization, has been excluded.</p>
<p><b>Extortion &amp; protection racketeering</b></p>	<p>Refers to crimes of protection and extortion inked to the ability of an organised crime group to exert control over a given territory and/or legal/illegal market. This includes:</p> <ol style="list-style-type: none"> <li>1. Activities of organised extortion where the extortioner asks for money or other utility/benefit in exchange for a purposefully fake, fabricated, or real need for protection (with or without extortion request).</li> <li>2. Cartel racketeering where an OCG acts as intermediary or mediator by handling external competition and solving disputes/as gatekeeper controlling access and exit to/from key markets.</li> </ol> <p>This does not include such acts as committed by state officials.</p>
<p><b>Trade in Counterfeit goods</b></p>	<p>Refers to the production, transport, storage, distribution and sale of counterfeit goods. Counterfeit goods are; (a) deliberately and fraudulently mislabeled with respect to identity and/or source; (b) fraudulent imitations of registered brands and involve the theft of a trademark.</p>
<p><b>Illicit trade in excise consumer goods</b></p>	<p>Refers to the illicit transport, distribution and sale of excise consumer goods, with the exception of oil (which is included under non-renewable resource crimes). An illicit market exists where the product is either transported or sold illegally (i.e. despite prohibition) or where the product is distributed outside regulated processes/the regulated trade market/the legal regulatory framework (e.g. for the purposes of tax evasion, etc.). This does not include counterfeit versions of such products.</p>
<p><b>Cyber-dependent crimes</b></p>	<p>Refers to organised crimes that are dependent solely on the use of a computer, computer network or other forms of information communications technology (ICT). These include: the spread of viruses or other malware, hacking, distributed denial of service (DDoS) attacks, ransomware, cryptocurrency fraud for the purpose of obtaining a monetary or material benefit (as opposed to a political or ideological objective).</p>

## Financial crimes

Refers to organised crime that results in a financial loss to the state, entity and/or private individuals through one or more of the following activities:

Through **financial fraud**: refers to the case where money and/or financial assets are obtained through deception and includes a range of types including, but not limited to the following: procurement fraud, identity fraud, mass marketing fraud, banking fraud, Ponzi schemes etc.

Through **tax evasion (including activities such as price mis-invoicing) and abusive tax avoidance**: tax evasion refers to the use of illegal means to avoid paying taxes. It occurs when the taxpayer either evades assessment or evades payment. When committing price mis-invoicing, the profit-maximising actor will either over- or under-invoice and the sign of the misdeclaration depends on the relative tax and tariff rates. Tax avoidance is to be distinguished from tax evasion, where someone acts against the law (or abuses the letter of the law). By contrast abusive tax avoidance is compliant with the law (complies with the letter of the law), but subverts its purpose (illegal abuse of tax laws).

Through **embezzlement**: involves the fraudulent appropriation of property or money that someone has been entrusted with, to use for their own benefit. It is different from regular fraud because the actor who takes the money or property has trusted and legitimate access to the valuables before they take them for their own use.

Through **misuse of funds**: refers to the misapplication of funds from state and/or international/regional bodies for purposes other than those for which they were originally granted.

The aforementioned activities must be committed by an organised crime group for the purpose of financial gain or professional advantage. Such activities that can be attributed to another criminal market under the Index, should fall under that respective market indicator – for example, procurement fraud for logging contracts would fall under flora crimes.

The laundering of illicit proceeds and bribery are **not** included in this category.

## Criminal Actors:

Criminal actor type	Definition
<b>Mafia-style groups</b>	Refers to clearly defined, organised criminal groups. This typology also includes militia and guerrilla groups that are primarily funded by illicit activities. There are four defining features of a mafia-style group: a known name, a defined leadership, territorial control and identifiable membership.
<b>Criminal networks</b>	Refers to a loose network of criminal associates engaging in criminal activities. This also includes relatively small groups that do not control territory and are not widely known by a name or with a known leader. Criminal networks are involved in illicit trafficking of commodities but do not have territorial control or any of the other defining features of mafia-style groups. In essence, criminal networks and entrepreneurs are defined by their failure to meet the defining characteristics of mafia-style groups.
<b>State-embedded actors</b>	Refers to criminal actors that are embedded in, and act from within, the state's apparatus.
<b>Private-sector actors</b>	Refers to profit-seeking individuals and/or entities who own, manage and control a segment of the legal economy free from state ownership or control, that collaborate and/or cooperate with criminal actors (as the driving force, wilfully, through coercion, or neglect). This includes, but is not limited to, the laundering of illicit proceeds, acting as informants, legal representation through unethical means.
<b>Foreign actors</b>	Refers to state and/or non-state criminal actors operating outside their home country. This can include not just foreign nationals, but also various diaspora groups that have created roots in the country over multiple generations.



Below is a set of questions pertaining to each of the five criminal actor typologies. These questions will be used to guide the scoring process. When answering questions referring to the criminal actors as a whole, experts should be considering the 'top 3'. For example, for a question regarding the extent to which mafia-style groups control territory, experts should answer this question as it pertains to the 3 main mafia-style groups in the country.

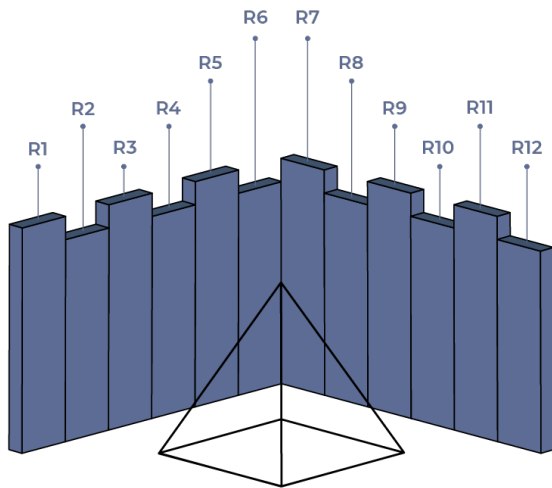
Mafia-style groups
How many mafia-style groups operate in the country?
Can the mafia-style groups be named? If so, list the groups operating in the country.
Do the groups have a defined leadership?
Do the groups have a clear and identifiable membership? Are there any symbols of membership (e.g. tattoos)?
Which of the following best describes the volume of mafia-style group membership in the country: small membership, moderate membership or large membership? Please provide any information on membership numbers.
To what extent do mafia-style groups control territory: low control, moderate control or substantial control? To what extent do so-called 'criminal enclaves' exist, defined as an area controlled by an organised criminal group in which the state cannot enter?
Are there areas into which you need to pass a checkpoint? Is there a roadblock that serves as a perimeter to a criminal enclave? Is there surveillance as you enter the area? Can members from opposite groups enter controlled areas and are rival members at danger if they do so?
Which criminal markets are dominated by mafia-style groups? Are these groups involved in just one market or multiple markets? How many of the named groups are operating in multiple markets? Which is their most prominent?
Do mafia-style groups levy taxes on citizens? To what extent do the mafia-style groups engage in extortion?
To what extent do the named mafia-style groups have control over the prison system: minimal control, moderate control or complete control? Can they conduct criminal operations from inside jail? Is there corruption of the prison staff? To what extent is the internal control of prisons commanded by the mafia-style groups or the state? Is the state able to guarantee the safety of inmates? Who is able to guarantee the safety of inmates?
To what extent do mafia-style groups interact with the state in their criminal activity: minimal interaction, moderate interaction or significant interaction? Is there evidence of large-scale corruption between mafia and state? Are state actors threatened by mafia-style groups?
To what extent do mafia-style groups attempt to influence the democratic process?
How easily can mafia-style groups access weapons: limited access, moderate access or significant access? What percentage of mafia-style groups are armed groups? Do gang members carry arms openly? What kinds of arms do groups use: knives, handguns, automatic weapons or small arms?
What level of violence best describes the mafia-style groups?
Criminal networks
Is there a presence of criminal-style 'loose' networks that cannot be explicitly named? Can you name any prominent entrepreneurs within these networks?

In which criminal markets are these criminal networks mainly prevalent?
Which of the following best describe the level of violence perpetrated by actors in criminal networks: low-level violence, medium-level violence or high-level violence?
How widespread are these networks? Are they concentrated in some parts of the country/cities only or are they very diffuse across the entire country?
Are there transnational linkages between these networks and other foreign networks?
To what extent do criminal networks and entrepreneurs attempt to influence the democratic process?
<b>State-embedded actors</b>
To what degree does the state exert control over criminal markets?
In which of the following levels of state apparatus is there evidence of state control: low-level, medium-level or elite? At each level of the state apparatus, how much control over the illicit activities is there?
Are state-embedded actors involved in transnational criminal activity?
To what extent do criminal actors extract resources from the state?
To what extent do state-embedded criminal actors attempt to influence the democratic process?
<b>Private-sector actors</b>
Which areas in the private sector are most common for criminal actors to launder/invest their illegally-gained proceeds?
To what extent is an area in the private sector controlled by organised crime groups?
Are there transnational links between these private entities?
To what extent do private sector actors contribute to laundering the proceeds from organised crime activities that are not attributable to a particular criminal market?
<b>Foreign actors</b>
Which are the most prominent diasporas (multi-generational or otherwise) present?
Considering the top 3 diasporas, to what extent do they control the criminal markets?
To what extent is there an interaction between foreign and local criminal actors: minimal, moderate or strong?
Are there particular regions/areas in which foreign criminal actors are concentrated? If so, indicate the regions/areas.
Do foreign actors control any particular criminal markets? If so, indicate which markets are controlled by which foreign actors.
How much economic and/or financial power do foreign actors exert in criminal markets: minimal, moderate or substantial?
To what extent do foreign actors attempt to influence the democratic process?

## Resilience:

The 12 building blocks of resilience look at the types of mechanisms that countries have in place to combat organised crime, and the effectiveness of these measures. Resilience capacity and effectiveness are evaluated to assess the level at which states have established appropriate legal, political and strategic frameworks to address organised crime.

Please find below a definition/explanation for each building block, as well as a set of questions to consider for each building block.



- R1. Political leadership and governance
- R2. Government transparency and accountability
- R3. International cooperation
- R4. National policies and laws
- R5. Judicial system and detention
- R6. Law enforcement
- R7. Territorial integrity
- R8. Anti-money laundering
- R9. Economic regulatory capacity
- R10. Victim and witness support
- R11. Prevention
- R12. Non-state actors

1. Political leadership and governance	
Definition/Explanation	Questions
<p><b>Political leadership and governance</b> refers to the role a state's government plays in responding to organised crime and its effectiveness in doing so. Strong political leadership and governance indicates higher state resilience to organised crime.</p> <p>Governments orient citizens toward a state's stance on organised crime, championing its role in combatting the phenomenon by laying the foundation to implement action. The platform in which anti-organised crime rhetoric is made reflects to some degree, the level of prioritisation of organised crime on the national agenda.</p> <p>Governance serves as a function of the relationship between the state and its governed populations. Leaders send messages which are seen as legitimate, and in turn unify society. People's confidence in those that govern them can be directly linked to conflict in a society. The presence of organised crime can tangibly reduce the capacity for governance and the legitimacy of the government in the eyes of the population. When there is no or little confidence in the government, society can become unstable, creating (further) opportunities for organised crime to fill in the gaps between the state and its populations.</p>	<p><b>Leadership</b></p> <ul style="list-style-type: none"> <li>• Has the government communicated a strong public position against organised crime? If possible, provide examples.</li> <li>• Do opposition parties raise organised crime as an issue?</li> <li>• Is organised crime, or public safety, a political campaign issue?</li> <li>• Are there accusations of criminal influence or association of government/leadership?</li> <li>• Is political rhetoric effectively translated into policies and implementation, with necessary financing?</li> <li>• Is the international community raising organised crime as an issue in the country?</li> <li>• Is there evidence that the political system has been penetrated/captured by organised crime?</li> <li>• Does the state prioritise dismantling organised crime groups known to be involved in cyber-criminal activities (dependent/enabled)? Is there political will, and ability, to do so?</li> </ul> <p><b>Governance</b></p> <ul style="list-style-type: none"> <li>• To what degree do people have faith in their government? Is it seen as corrupt or is there a sense of reliability of the government?</li> <li>• To what extent is the democratic process independent and protected from criminal influence?</li> <li>• Is there evidence that the political system has been penetrated / captured by organised crime?</li> <li>• Are there any aspects of state service delivery that are provided by criminal groups (e.g. disaster relief, health/education)?</li> </ul> <p><b>Conflict</b></p> <ul style="list-style-type: none"> <li>• Has the country been involved in any conflicts both internally and externally in the last decade?</li> <li>• To what degree has organised crime been involved in, and taken advantage of, such conflicts?</li> </ul>

2. Government transparency & accountability	
Definition/Explanation	Questions
<p><b>Government transparency</b> refers to the degree to which states have put oversight mechanisms in place to ensure against state collusion in illicit activities. In other words, whether or not the state created opportunities for the reduction of state corruption and to obscure the illegitimate control over power or resources - including therefore resources to and from organised crime.</p> <p>As representatives of their citizens, governments are entrusted with powers to oversee and maintain the rule and order of societies. When these powers are abused, it both undermines citizens' trust in state institutions (which may lead to vulnerabilities to OC) and can imply state collusion in OC. Efforts to increase transparency such as adequately resourcing anti-corruption measures, work to close opportunities in which organised criminals may exert their influence. Thus, the more transparent governments are, the more resilient a state is to OC.</p>	<ul style="list-style-type: none"> <li>• Has the state put into place any oversight mechanisms to reduce the opportunities for state corruption? How effective have these measures been? (e.g. is there an independent anti-corruption body?).</li> <li>• Are there mechanisms for non-state actor oversight? Or international oversight over governance?</li> <li>• Have there been international calls for oversight mechanisms?</li> <li>• What technical measures have been taken to prevent corruption? (e.g. e-payment systems).</li> <li>• Does the government publish its budget, procurement contracts, etc? To what extent are relevant documents available for the public record?</li> <li>• What is the perception of government transparency?</li> </ul>

3. International cooperation	
Definition/Explanation	Questions
<p><b>International cooperation</b> refers to the structures and processes of interaction, policy making and concrete implementation by countries beyond the national level in order to respond to organised crime. Strong international cooperation indicates high state resilience to organised crime.</p> <p>As organised crime is increasingly a transnational phenomenon with both actors and supply chains able to span national and continental boundaries, it is essential that states work together on a global scale to combat the threat.</p> <p>The ratification and (timeliness of ratification) of relevant international OC treaties implies state willingness to effectuate responses to OC, in line with international standards. These treaties are:</p> <ul style="list-style-type: none"> <li>○ UNTOC &amp; 3 protocols</li> <li>○ UN Convention against Corruption</li> <li>○ UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)</li> <li>○ 1961 Single Convention on Narcotic Drugs</li> <li>○ 1971 Convention on Psychotropic Substances</li> <li>○ The Arms Trade Treaty (2013)</li> <li>○ Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</li> </ul> <p>At the international level, for States Parties, these instruments constitute sufficient legal grounds to carry out response measures to OC. Such responses include cooperation in criminal matters, particularly the mutual legal assistance (MLA), extradition, the transfer of sentenced prisoners, and transborder asset confiscation. The presence of such structures and policies in place, and evidence of their effective use, implies higher state resilience to OC.</p>	<ul style="list-style-type: none"> <li>● Of the relevant OC international instruments that the country has ratified, to what degree has the state complied with international standards?</li> <li>● Does the state have any extradition agreements with other countries? Have there been any cases of extradition of OC criminals to/from the state in the last five years?</li> <li>● Does the country have any cases involving transborder asset seizures?</li> <li>● Is there the perception that the country is constructive or obstructive in promoting international cooperation in combatting organised crime? Please give evidence.</li> <li>● What confidence do foreign law enforcement agencies have in sharing information with the country? (Fear of corruption / leaks).</li> </ul>

4. National policies and laws	
Definition/Explanation	Questions
<p>International cooperation is an essential component to combatting organised crime because it sets the basis for national responses. Thus, <b>national policies and laws</b> refers to state legal action and structures put in place to respond to OC. National OC strategies and legislation are adapted to the needs of the state, its legal tradition and social, economic cultural and geographic conditions. As such, the presence of these reflects higher state resilience to OC.</p>	<ul style="list-style-type: none"> <li>• Assess the country's national legal framework against organised crime. To what degree do related laws allot for each stage of the criminal justice process? In other words, do they (1) criminalise an act that constitutes OC? (2) are there laws in place that cover the investigation, arrest, prosecution, adjudication and punishment of OC criminals in particular? If not, do other laws cover this?</li> <li>• What crime types does national legislation focus on? Is this focus in line with the country's OC situation?</li> <li>• What area(s) is the country's OC-related legal framework lacking? Is there anything being done to address these 'gaps'?</li> </ul>

5. Judicial system and detention	
Definition/Explanation	Questions
<p><b>Judicial system and detention</b> refers to a state's judiciary's power to effectively try to enforce judgments on OC-related cases. The ability of a country's judicial system to do so depends on whether it is adequately resourced and operates independently and effectively at all points along the juridical chain.</p> <p>While passing judgment on cases is its primary function, the ability to enforce is also an essential component of a judiciary's activities. Things such as evidence that key OC criminals are successfully prosecuted and, in particular, the degree of OC influence from within the prison system, are good factors to consider in assessing a state's judicial capacity. Where the prison system is notably captured by organised crime, this should significantly impact the score.</p> <p>Thus, while having more resources and independence to pass judgment on OC cases implies higher state resilience, high impunity implies lower state resilience.</p>	<ul style="list-style-type: none"> <li>Does the country have units in the judiciary that specifically focus on OC-related issues? If so, how effective have these units been in combatting OC?</li> <li>Are courts able to effectively pass judgements against OC defendants? If so, to what degree are criminal penalties abided by and carried out? In other words, are OC perpetrators exempt from punishment?</li> <li>Has the judiciary been adequately resourced? Do these resources stem from external actors or from the state?</li> <li>Are there places where dispute resolution, arbitration or informal justice is provided by criminal groups?</li> <li>Assess the country's prison system. To what degree does the state control the prisons in relation to criminal actors? Are prison personnel corrupted?</li> <li>How compliant are prisons with the international standard minimum rules for prisons? Are there adequate health services in place? Are there issues related to hygiene and/or overcrowding? Are prisoners' basic needs being met? How do these deficiencies (if any) contribute to the spread of organised criminal activities?</li> <li>To what degree do criminal actors in prison control illicit activity both within prisons and on the outside?</li> </ul>



6. Law enforcement	
Definition/Explanation	Questions
<p><b>Law enforcement</b> refers to the state's ability to investigate, gather intelligence, protect and enforce adherence to its rules and procedures against organised crime. As the front line of a state's criminal justice system, law enforcement and intelligence are often in direct contact with organised criminal activities. In order to bring criminal perpetrators to justice, the capacity of a state's law enforcement to combat OC rests on things such as whether it is adequately resourced, and whether the state has invested in law enforcement mechanisms that are specifically organised crime focused. It can therefore be said that higher law enforcement capacity makes a state more resilient to OC.</p>	<ul style="list-style-type: none"> <li>• Does the country have law enforcement units that specifically focus on OCrelated issues? If so, how effective have these units been in combatting OC?</li> <li>• Has law enforcement been adequately resourced? Do these resources stem from external actors or from the state? Consider any significant international investments to increase law enforcement capacity.</li> <li>• To what degree is law enforcement trusted and seen as reliable by local communities? Do community policing initiatives exist in local communities?</li> <li>• To what extent does the country have effective intelligence agencies and systems to both prevent and respond to OC?</li> <li>• Does the state have effective mechanisms for intelligence gathering from non-state actors (e.g. private sector/civil society)?</li> <li>• Intelligence sharing: Does law enforcement actively share intelligence with other countries, or participate in regional/international intelligence sharing mechanisms?</li> </ul>

7. Territorial integrity	
Definition/Explanation	Questions
<p><b>Territorial integrity</b> refers to the degree to which states are able to control their territory and infrastructure against organised criminal activities, including border control personnel capacity.</p> <p>A country's physical location and geography may increase the risk of exploitation by organised criminal groups. As lengthy borders are less likely to be regulated, criminals are more likely to take advantage of the vast expanse by smuggling illicit commodities and people unnoticed. Moreover, the level of a state's economic engagement internationally, marked by things such as numerous ports and airports, can increase the feasibility with which to move goods and people (both legitimately and illegally) between countries.</p> <p>As such, the greater resources and structures put in place by states to manage their territorial integrity against OC, the higher its resilience.</p>	<ul style="list-style-type: none"> <li>• How challenging are the country's borders to monitor and police? Are there natural vulnerabilities to trafficking or organised crime? To what degree are the country's borders porous?</li> <li>• Is the country along major trafficking routes, or proximitous, to major criminal markets (e.g. in neighbouring countries) that exacerbate a country's vulnerability to criminal flows?</li> <li>• Is the capacity for border control compromised by neighbouring or other states, in a way that is beyond their own country's control?</li> <li>• Does the state have adequate infrastructure in place to monitor its borders against illicit cross-border activities?</li> <li>• Describe the state of the country's border control personnel capacity? Where are any gaps in border control and security? Are border control officials perceived as corrupt?</li> <li>• Are there any points of major trade/transport infrastructure that are controlled by organised crime (e.g. ports, airports, border crossing points?)</li> <li>• Infrastructure (physical and cyber) : does the state have adequate capacity to resist cyber-infiltration?</li> </ul>

8. Anti-money laundering	
Definition/Explanation	Questions
<p><b>Anti-money laundering</b> refers to a state's ability to implement legal, regulatory and operational measures for combatting money laundering and other related threats to the integrity of its financial system.</p> <p>Profits that criminals make from organised crime are often concealed by being funnelled through legitimate businesses. Through the development of anti-money laundering mechanisms, states become more resilient to the threat of money laundering which potentially underlies all forms of organised crime.</p> <p>The Financial Action Task Force (FATF) is a "policy-making body" that has developed a series of recommendations that are recognised as the international standard for combating of money laundering and the financing of terrorism and proliferation of weapons of mass destruction. They form the basis for a coordinated response to these threats to the financial system.</p> <p>States are assessed through mutual country evaluations to determine their level of compliance with these international standards. The higher compliance, the more resilient states are to organised crime.</p>	<ul style="list-style-type: none"> <li>• Has the country put in place any anti-money laundering measures? How effective are these measures?</li> <li>• Have credible efforts been made to conduct financial investigations related to organised crime?</li> <li>• Are there any financial intelligence units in operation?</li> <li>• Is the country on any money-laundering 'blacklists'?</li> <li>• Are measures in place to prevent abuse of crowdfunding and online gambling from becoming channels/part of the laundering of money?</li> </ul>

9. Economic regulatory environment	
Definition/Explanation	Questions
<p><b>Economic regulatory environment</b> refers to the ability to control and manage the economy and to regulate financial and economic transactions (both nationally and internationally) so that trade is able to flourish within the confines of the rule of law. In other words, whether an actor has put into place and can effectively oversee the mechanisms that ensure economic transactions and businesses operate in a predictable, fair way, free from distortion, including criminal activities such as extortion and illicit taxation.</p> <p>When actors are able to formulate and implement sound policies and regulations that permit and promote private sector development, it allows for options and opportunities for legitimate, regulated business to expand. This in turn reduces the incentive for informal, illegal business to arise, or for criminal groups to unduly influence economic forces, through alternative regulation, extortion or criminal practice.</p> <p>States under protracted sanctions by the international community have been shown to develop illicit means by which to circumvent or soften the impact of those sanctions.</p> <p>The greater sound economic regulations that are in place and the lower number of (and duration of) sanctions placed on a state, the higher resilience a country has against organised crime.</p>	<ul style="list-style-type: none"> <li>• To what degree has the government put into place mechanisms to ensure that legitimate businesses are able to operate free from criminal activities?</li> <li>• Does the economic environment offer opportunities for legitimate businesses to expand? How restrictive are economic regulations in the country? Are land and property rights effectively upheld?</li> <li>• Are there specific sectors of the economy that are significantly controlled by organised crime? (e.g. private security).</li> <li>• Are there particular economic areas/sectors in which illicit activities can occur relatively freely?</li> <li>• Are criminal groups involved in any economic market regulation – i.e. are there places where dispute resolution or economic arbitration is provided by criminal groups?</li> <li>• Do criminal groups provide any financial services – e.g. loans/access to credit?</li> <li>• Has the country developed illicit means to circumvent sanctions (either current or historic) and are they still in place?</li> <li>• To what extent do the private sector/ industry bodies play a constructive role in reducing/mitigating OC?</li> <li>• Are there any specific regulatory incentives for engaging in the criminal market. For example, price-capped/subsidised commodities creating incentives for smuggling to neighbouring countries where the same commodities are not price-capped/subsidised? For example, commodities in low-taxed jurisdictions, typically excisable goods, providing incentives for smuggling in high-tax jurisdictions?</li> </ul>

10. Victim & witness support	
Definition/Explanation	Questions
<p><b>Victim and witness support</b> refers to the existence of assistance provided to victims of various forms of organised crime (for example, human trafficking, drug trafficking, extortion or fraud).</p> <p>Support mechanisms, treatment programs of victims, as well as resources allocated to these initiatives creates an environment in which citizens are able to recover more quickly from the effects of organised criminal activities.</p> <p>Moreover, initiatives such as witness protection programs are essential (and often the only way) to successfully prosecuting organised criminals. Thus, the more treatment and support is invested in and put in place, the more resilient states are to OC.</p>	<ul style="list-style-type: none"> <li>• To what degree does the state place focus on OC victim treatment and care? Has the state taken the lead on this issue or do non-state actors have larger roles?</li> <li>• Have they developed measures that address victim care (including witness protection programmes) and how effective are these measures?</li> <li>• To what degree have witness protection programmes been successful?</li> <li>• Does civil society engage in treatment and victim support activities? (e.g. running drug treatment facilities).</li> <li>• What are national attitudes towards drug users, or victims of crime?</li> </ul>

11. Prevention	
Definition/Explanation	Questions
<p><b>Prevention</b> refers to the existence of strategies, measures, resource allocation, programmes and processes that are aimed to inhibit organised crime. While prevention considers mainly state initiatives, these frameworks often use a holistic approach to preventive measures through community outreach and recognising that citizens that are engaged in prevention to OC help make the state more resilient.</p> <p>Through prevention, states can build safeguards to protect against OC by effectuating behavioural changes in vulnerable groups and reducing the demand for illicit activities to take place. Thus, the more robust a state's prevention scheme is, the more resilient it is to OC.</p>	<ul style="list-style-type: none"> <li>• Does the country have national prevention strategies in place? Are there any regional strategies that the country is a part of? For what specific types of OC?</li> <li>• How effective have these strategies been in combatting OC?</li> <li>• Do local communities have a sense of local responsibility to combat OC? Do community policing initiatives exist among local communities?</li> <li>• Is/are there whistleblowing facilities available for organised crime, or specific forms of crime (e.g. human trafficking).</li> <li>• What consumer / community awareness programmes are in place to support behavioural change and reduce risks and vulnerabilities?</li> </ul>

12. Non-state actors	
Definition/ Explanation	Questions
<p><b>Non-state actors</b> refers to the degree non-state actors play in responding to organised crime to supplement government care and their ‘checks and balances’ role against governments to ensure resilience to OC. It also refers to the degree that CSOs are able and allowed to play in responding to OC across the spectrum, from victim support to crime prevention.</p> <p>Civil society organisations are engaged in local communities, local ownership against organised crime is formed, leading to more sustainable response measures. Similarly, the media is critical to holding governments to account and provides a voice for communities by mobilising civil society against the threat of organised crime among local populations. Thus, the more civil society capacity a state has, the more resilient it is to organised crime.</p>	<ul style="list-style-type: none"> <li>• How big of a role do CSOs and other non-state actors play in combatting organised crime?</li> <li>• How open is the state to fostering and promoting a strong and independent civil society sector including the media?</li> <li>• What is the relationship between the state and non-state actors in combatting OC? Does the state support/encourage non-state actors in these activities? To what degree is there cooperation/resources/etc...?</li> <li>• What are the areas relevant to OC, if any, where the state is lacking and where CSOs and other non-state actors step in?</li> <li>• To what degree does the media play in providing a voice to both state and non-state actors combatting OC?</li> <li>• Are there attacks against journalists or media houses, or other civil society activists (e.g. environmental defenders), by OC or the state? Have there been deaths?</li> </ul>