



Democratic society and organised crime: who will prevail?

Comments

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1 The nature of organised crime

What are we dealing with?

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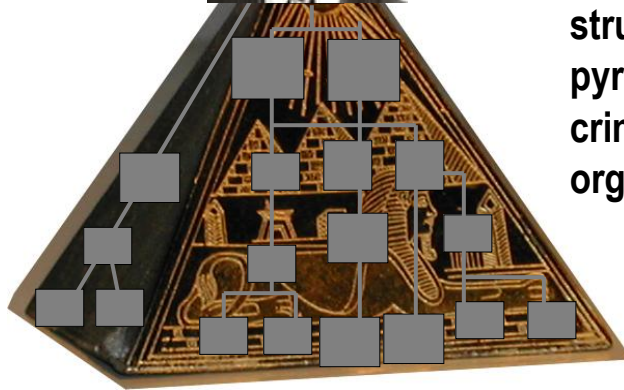
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OC groups & networks



Al Capone



Hierarchically structured pyramidal criminal organisations

The threat of organised crime

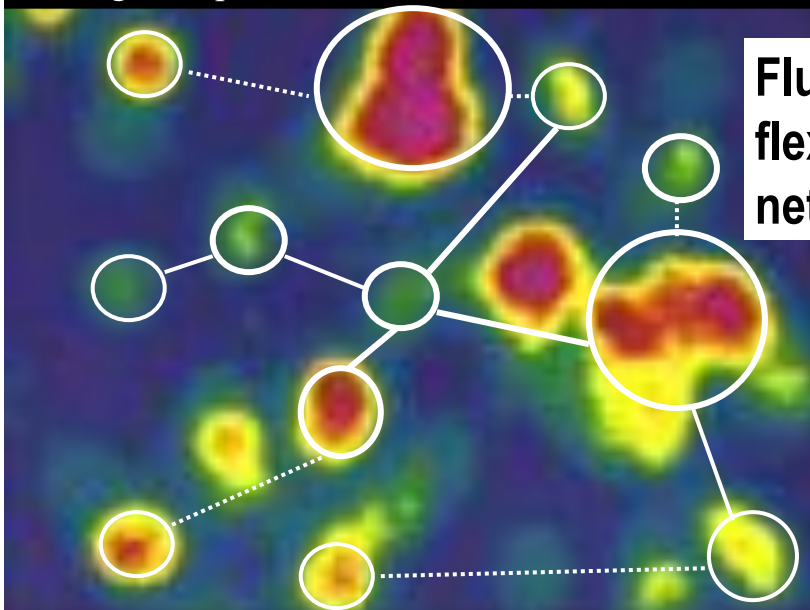
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OC groups & networks



Fluid, flexible networks



The threat of organised crime

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1 The nature of organised crime

What are we dealing with:

- Structured, hierarchical, permanent groups
- or amorphous, fluid, opportunistic networks?
- Organised crime or organising for crime?
- Organised/economic crime?
- Symbiotic or confrontational relationship with society?

= Criminal enterprises

- Shape and form vary as with legal enterprises
- Local, regional, transnational scope
- Aimed at generating profits
- Operating on criminal AND legal markets
- Modi operandi: violence/intimidation, corruption/influence, money laundering, ICT

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2 The main OC threats/markets

- **Crime markets Fraud and economic crime** VAT fraud, subsidy fraud, insider trading, investment fraud, public procurement and privatisation fraud, corruption etc)
- **Drugs** Europe major market for opiates (Afghanistan), cocaine, psychotropic substances
- **Crimes against persons** Trafficking in human beings, sexual exploitation, smuggling of persons
- **Cybercrime** CIA-offences, fraud, ID-theft, CAM/child pornography, botnets, OC
- **Theft, robbery, extortion and any other money producing activity**
- **Money laundering**

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1. Fraud and other forms of economic crime

VA

- Distorts market mechanisms
- Weakens trust in public institutions and rule of law
- Direct interaction with legal institutions of society
- Threat to democracy and market economies

privatisation fraud

The threat of organised crime

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2. Drug production and trafficking

- Europe one of the most profitable drug markets globally
- High prevalence rates in many countries
- Drug trafficking major activity of organised groups and networks



The threat of organised crime

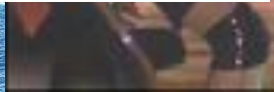
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Crime markets



3. People as a commodity

- Smuggling of persons
- Trafficking in human beings
- Issues of organised crime and human rights



The threat of organised crime

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Cybercrime

„Cybercrimes“

- Offences against the confidentiality, integrity and availability of computer data and systems (CIA-offences)
- Computer-related traditional crimes, such as computer-related fraud
- Content-related offences
- Offences related to infringement of copyright and related rights
- Infringement of privacy



The threat of organised crime

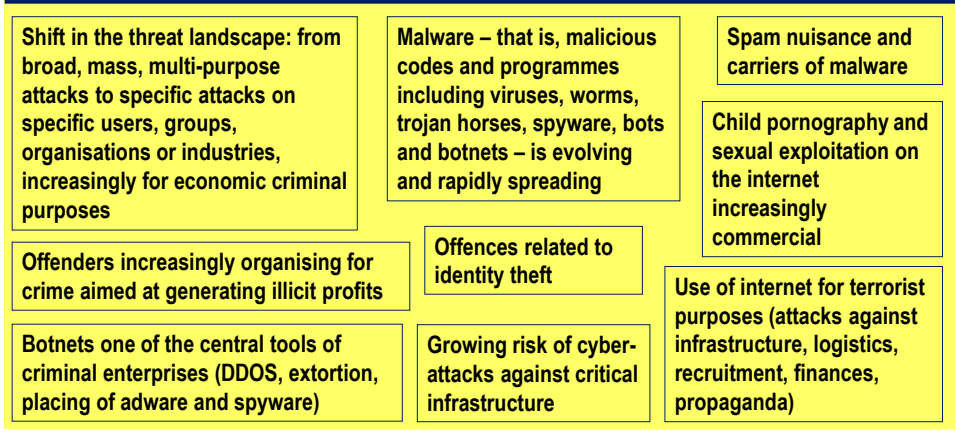


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Cybercrime

Dependency of societies on information and communication technologies.
This dependency makes societies highly vulnerable to cybercrimes



But: Vast majority of people use ICT for legitimate purposes
Need to balance security and civil rights concerns

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The threat of organised crime

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Cybercrime



Cybercrime and organised crime

Most cyber-criminals individual offenders

But:

- ICT facilitate offences by OC groups and networks, in particular economic crime
- ICT creates vulnerabilities -> exploited by OC
- ICT facilitate logistics, anonymity and reduce risks of OC
- ICT facilitate global outreach of OC
- ICT will shape OC -> networks



The threat of organised crime

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Crime markets



Fraud
Corruption
Drug trafficking
Smuggling in persons
Trafficking in human beings
Trafficking in arms
Smuggling
Extortion
Robbery
Stolen vehicles
Cybercrime

Money

The threat of organised crime

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3 Organised/economic crime and democracy

- Violent attacks against democracy?
- Corruption and influence Political finances, conflicts of interest, lobbying, influence on the justice system

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Political corruption as the misuse of an entrusted position in exchange for an undue political or other advantage in violation of democratic principles or processes

Critical issues:

- 1 Political finances
- 2 Conflicts of interest, patronage and revolving doors
- 3 Lobbying
- 4 Influence on the justice system



Corruption of democratic principles and processes

- Political equality
- Political competition and elections
- Accountability
- Transparency
- Rule of law
- Separation of powers
- Government for public interest

Opportunities:

Anti-corruption measures as a contribution to democracy

Anti-corruption measures can reinforce

- the rule of law
- transparency and accountability
- political equality
- pluralism of interest
- political competition
- government for public interest
- public confidence and participation in democracy

TO DO: enhance transparency and accountability

- Enforce rules on political finances
- Criminalise bribery of elected reps
- Limit immunities
- Regulate conflicts of interest and codes of conduct for elected representatives
- Regulate lobbying
- Facilitate media scrutiny
- Ensure independence of justice
- De-politicise anti-corruption measures (long-term strategies and independent anti-corruption services)

3 Organised/economic crime and democracy

- **Violent attacks against democracy?**
- **Corruption and influence** Political finances, conflicts of interest, lobbying, influence on the justice system
- **Operating on legal and criminal markets.** Money laundering, distortion of market mechanisms. Direct interaction with legal institutions. Weakens trust in public institutions and market economy
- **Symbiotic relationship between society/governments and OC**
- **Cybercrime** Cyber attacks and asymmetric conflicts, control of data & manipulation
- **Threats to democracy through control of OC**

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4 What to do?

1 Corruption and influence/promote transparency and accountability

- Political finance
- Conflicts of interest
- Lobbying
- Independence of justice

2 Follow the money

- Financial investigations
- Prevention of money laundering

3 Implement Convention on Cybercrime & data protection

4 Fully implement tools that are available!

Indicator of political commitment



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Thank you

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