RESOURCES ON GENDER AND HUMAN RIGHTS
ON SHERLOC

We cannot fully understand the causes, consequences and solutions to organized crime without understanding its gender and human rights dimensions. The experiences of victims, perpetrators and witnesses of organized crime are shaped by their diverse experiences and characteristics. Through taking an intersectional approach to gender and human rights mainstreaming and recognizing the lived experiences of those impacted by organized crime, more nuanced and effective responses to the complex and evolving landscape of organized crime can be achieved. This issue of the SHERLOC Newsletter will showcase tools available on SHERLOC to support States in the mainstreaming of intersectional gender and human rights considerations in the implementation of the UN Convention against Transnational Organized Crime.
On 21 September, UNODC launched its new Toolkit on Mainstreaming Gender and Human Rights in the Implementation of the UN Convention against Transnational Organized Crime, during a dedicated side event held in Vienna in the margins of the 78th session of the UN General Assembly. The event highlighted that legislation and policies that respond to the diverse experiences of people of all genders, age, ability and disability result in more nuanced and effective responses to the complex and evolving landscape of organized crime.

Despite this, policymakers and legislators lack the adequate knowledge, tools and resources to effectively mainstream intersectional gender and human rights considerations in their approaches to prevent and combat organized crime. Developed with the generous support of the Government of Canada, the new UNODC Toolkit aims to address these gaps and to provide legislative drafters and policymakers with the necessary knowledge and tools to mainstream intersectional gender and human rights considerations in legislation, policies and strategies to implement the UN Convention against Transnational Organized Crime.

The Toolkit offers insights, analytical questions, case studies, best practices and building blocks of gender and human rights mainstreaming across the overarching strategic principles guiding responses to organized crime: preventing organized crime, pursuing organized criminal groups, protecting persons affected by organized crime and promoting cooperation to meet these ends. What is more, the Toolkit includes checklists for reviewing policy and legislation, as well as tips on how to advocate for human rights and gender responsive approaches to organized crime. The Toolkit was developed through a consultative process with experts from across the world, including academia, civil society organizations, policymakers, legislators and UN and other international organizations.
The significance of the publication was highlighted during the opening remarks of the launch event by the Canadian Minister of Justice, Minister Arif Virani and the UK Minister of Safeguarding, Minister Sarah Dines:

“Canada is very pleased to have funded the UNODC Toolkit through our Anti-Crime Capacity Building Program. We see its development and launch as an important step in supporting and championing gender and human rights mainstreaming efforts in the implementation of the Transnational Organized Crime Convention, while integrating recommendations and best practices shared by many countries on this issue in recent years across various United Nations fora,” highlighted Minister Arif Virani.

“The mainstreaming of gender and human rights into the tackling of transnational organized crime will help ensure that law enforcement agencies and policymakers consider these issues in a comprehensive, inclusive and equitable manner. The Toolkit will strengthen our collective efforts to tackle organized crime, improve our ability to take effective action, and cultivate greater sharing of best practice and methodologies,” emphasized Minister Sarah Dines.

Recognizing the contextual nature of gender and human rights mainstreaming in efforts to prevent and combat organized crime, UNODC will be holding workshops for policymakers and legislators across the UNODC regions, including: Eastern and Southern Africa, Latin America and the Caribbean, West and Central Africa, Southeastern Europe, the Pacific, Southeast Asia and South Asia. The workshops aim to provide legislators and policymakers with the necessary tools to effectively mainstream intersectional gender and human rights in legislation, policies and strategies to prevent and combat organized crime.

**THE GENDER AND HUMAN RIGHTS TOOLKIT IS CURRENTLY AVAILABLE IN ENGLISH ON SHERLOC’S TOOLS AND PUBLICATIONS PAGE.**

**ACCESS THE TOOLKIT**
The SHERLOC Portal contains a range of resources on gender and human rights mainstreaming in efforts to prevent and combat organized crime. Find an overview of a selection of these resources below!


The Gender Issue Paper provides an introductory analysis of select gender considerations pertaining to the Organized Crime Convention with the purpose of supporting States in mainstreaming gender in the implementation of UNTOC. The Gender Issue Paper aims to highlight that gender matters in preventing and combating organized crime and for the achievement of the full implementation of the Organized Crime Convention. [Read more here](#).

**The United Nations Convention against Transnational Organized Crime and International Human Rights Law**

The Human Rights Issue Paper is based on the fundamental premise that crime prevention and criminal justice are inextricably linked to human rights. The paper seeks to offer States parties to the Convention and all relevant stakeholders a tool that may help in developing and improving laws, strategies and other policies aimed at strengthening the implementation of the Convention in full compliance with international human rights law. The paper sets out foundational concepts and provides an introduction to both the Organized Crime Convention and international human rights law. The paper highlights that the Convention should not be interpreted and applied in isolation, but rather in light of international human rights law. Most of the examples of jurisprudence chosen were selected from among cases contained in SHERLOC’s Case Law Database. [Read more here](#).
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UNODC Teaching Module Series on Organized Crime: Module 15 Gender and Organized Crime

The United Nations Office on Drugs and Crime has co-created and jointly developed with academics a series of peer-reviewed teaching modules and other tools to assist them in teaching on some of today’s most crucial threats. Specifically, the series of teaching modules aims to support tertiary level educators and academics in their efforts to transmit knowledge and create a deeper understanding of rule of law related issues. The Gender and Organized Crime Module introduces basic gender concepts to the study of organized crime. Using case studies and examples drawn from empirical research, the Module highlights the importance of having a gender perspective when exploring crime, criminalization and the administration of justice processes. Read more here

The Time is Now: addressing the gender dimensions of corruption

“The Time is Now” highlights how gender equality policies can have a positive effect in preventing and countering corruption. Despite this, the gender dimensions of corruption are neither well understood nor sufficiently addressed worldwide. The publication explores a range of issues related to gender and corruption, including whether women are less corrupt than men, what the relationship between gender and corruption is and women’s roles in preventing corruption. The publication additionally provides food for thought to the anti-corruption community on translating the ideas set out in the publication into practice. Read more here

Toolkit for mainstreaming Human Rights and Gender Equality into criminal justice interventions to address trafficking in persons and smuggling of migrants

In 2021, the UNODC Human Trafficking and Migrant Smuggling Section published a Toolkit that collects tools to help practitioners understand and incorporate human rights based and gender equal responses into criminal justice responses to smuggling of migrants and trafficking in persons. Read more here
ICAT Issue Brief on the Gender Dimensions of Human Trafficking

Published by the Inter-Agency Coordination Group against Trafficking in Persons (ICAT), this Issue Brief provides data on trafficking in women and girls as well as information on root causes and risk factors. It also contains a series of recommendations for States for a gendered approach to preventing and responding to trafficking, including ensuring policy coherence, integrating gender specific anti-trafficking measures into broader programmes, ensuring gender and age-sensitive laws and regulations, providing tailored trainings to professionals dealing with protection of victims, as well as researching and collecting disaggregated data on the gender and age dimensions of trafficking. Read more here

UPDATED KEYWORDS ON GENDER AND HUMAN RIGHTS

On the SHERLOC Bibliography Database there are a range of resources on gender, human rights and organized crime. These resources can easily be found through the “Cross-Cutting Issues” tab. As our work on gender, human rights and organized crime has been expanding, so has our knowledge in the area. For this reason, the keywords and cross cutting issues on gender and human rights will be updated to reflect the current research and trends in this area. What is more, human rights will be added as a separate cross cutting issue in the database! In light of this upcoming change, we have provided an overview of the new keywords, their definitions and the type of information that can be found under these keywords.

Updated keywords under the Cross Cutting Issue: Human rights

**Human rights mainstreaming:** Human rights mainstreaming is a strategy for ensuring that any planned action, policy, programming or legislation furthers the realization of rights of all people.

**Human rights violations:** Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights can be found in, and outside of, numerous international and regional treaties. When those rights aren’t protected or are disregarded, they are violated.
Gender mainstreaming: Gender mainstreaming is a strategy for assessing the gendered implications of any planned action, including policies, programming or legislation, and for ensuring that gender concerns and experiences are an integral consideration in the design, formulation, implementation, analysis and monitoring of such actions.

Intersectionality: Intersectionality is a framework to help us understand how intersecting power relations influence social relations across diverse societies, as well as individual experiences in everyday life.

Masculinities: Masculinities is a pattern of social behaviour that is associated with ideals about how men and boys should behave and their position within gender relations in a particular society at a particular time.

Gender based discrimination and stereotypes: Gender based discrimination is any distinction, exclusion or restriction made on the basis of real or perceived sex, gender, sexual orientation, gender identity and/or gender expression that has, for any individual or any group of individuals, the effect or purpose of impairing or nullifying the recognition, enjoyment or exercises of human rights and fundamental freedoms in the political, economic, social cultural, civil or any other field.

Gender stereotypes are a generalized view or preconception about attributes, or characteristics that are or ought to be possessed by women and men or the roles that are or should be performed by men and women.
The Supreme Court found that there was no reason for the Court to contemplate that the witnesses’ appearance through “live link” would hamper the defendant’s ability to test the witnesses’ credibility, and granted the use of special measures as the use of a “live link” would be appropriate in the interest of the administration of justice, and the witnesses were considered vulnerable.

**FEATURED CASE ON HUMAN RIGHTS CONSIDERATIONS**

DPP v Uchence Wilson and others [2018] JMSC Crim 5

In the case of Director of Public Prosecution v Uchence Wilson & Others, the Prosecution filed a motion in front of the Supreme Court of Jamaica seeking judicial authorization for the use of special measures for two of its witnesses, namely for the possibility for them to testify via “live link”. This request was made in the context of a trial of a leader of an organized criminal group charged and later convicted for numerous offences, including illegal possession of a firearm and shooting with intent. The Prosecution submitted that the witnesses were “especially vulnerable” as they were former members of the organized criminal group, and their presence at the Supreme court would expose them to danger.

The defendant submitted in response that the witness did not qualify for consideration of special measures as there was no evidence to support the vulnerability of the witnesses. Furthermore, the defendant argued that the use of a “live link” would infringe the rights of the accused person to confront the accuser.

The Supreme Court found that there was no reason for the Court to contemplate that the witnesses’ appearance through “live link” would hamper the defendant’s ability to test the witnesses’ credibility, and granted the use of special measures as the use of a “live link” would be appropriate in the interest of the administration of justice, and the witnesses were considered vulnerable.

The Supreme Court held that to determine if a special measure is appropriate in the interests of the administration of justice, the court must consider: “any views expressed by or submissions made on behalf of the witness; the nature and the importance of the evidence to be given by the witness; whether the special measure would be likely to facilitate the availability or improve the quality of that evidence; and whether the special measures may inhibit the evidence given by the witness from being effectively tested by a party to the proceedings.”

The Supreme Court further held that the vulnerability of the witness can stem either from their age or possible medical condition, or from external circumstances such as the nature of the offence (sexual misconduct cases). Outside of those possibilities, the court has to assess the vulnerability of the witness by considering: “the nature and circumstances of the offence; the existence of any threat of harm made to the witness, a family member of the witness or any other person closely associated with the witness, or to any property of the witness; and any views expressed by, or submissions made on behalf of the witness.”

Article 24 (2) of the Organized Crime Convention provides that the measures envisaged by article 24 (1) may include, among others, measures for the physical protection of witnesses (such as relocation and measures restricting the disclosure of their identity or whereabouts) and evidentiary rules to permit witness testimony to be given in a manner that ensures their safety (such as through the use of video links). The above case highlights how special measures can ensure the rights to safety and security of witnesses, as well as the rights to privacy and family life and other rights, and subsequently avoid revictimization and secondary victimization in the course of judicial proceedings.

This feature case has been adapted from the original SHERLOC case entry. To find out more about this case, click here to access it on SHERLOC.
Magdalena joined the UNODC Global Programme on Implementing the Organized Crime Convention in September 2022. Since then, Magdalena has been working on the Gender and Human Rights Project and has been supporting the development of the new UNDOC Toolkit on Mainstreaming Gender and Human Rights in the Implementation of the UN Convention against Transnational Organized Crime. As the Section’s gender and disability inclusion focal point, Magdalena actively strives to ensure that the Global Programme’s work is accessible and inclusive.

Prior to her role in the Global Programme, Magdalena was part of the UNOV/UNODC Gender Team and supported the implementation of the UNOV/UNODC Strategy for Gender Equality and Women’s Development. Before this, Magdalena completed an internship with NATO in the Hague, where she supported the organization’s efforts towards the implementation of the Women, Peace and Security Agenda. She holds a Bachelor's degree in International Development from the University of East Anglia, United Kingdom and a Masters in International Relations from the University of Leeds, United Kingdom where she wrote her thesis in collaboration with the UNDP Oslo Governance Center.