

Africa

Organised Crime Index Methodology 2023

The ENACT Organised Crime Index (henceforth 'the Index') is based on an expert-led assessment of two main components – criminality and resilience to organised crime. This document outlines the detailed methodology of the Index and supplements the Index report.

Index Model

Modelling an index on organised crime is no easy feat. The inherently clandestine nature of illicit economies, with their ever-changing forms and environments, and the nebulous concept of organised crime itself carry the risk of the Index becoming an overly complex analytical tool. At the same time, oversimplifying the Index would risk sacrificing the kind of nuanced analysis needed to inform stakeholders of the conditions within their countries and help guide them in developing effective strategies to combat organised crime.

With this in mind, the ENACT Organised Crime Index is based on three constituent elements:

- **The scope, scale and impact of specific criminal markets.**
- **The structure and influence of criminal actors.**
- **The existence and capacity of countries' resilience measures against organised crime.**

These are then used to assign each country a criminality score and a resilience score. Both components of the Index, criminality and resilience, are scored by experts based on data collected and research carried out by the Index team, as well as on their own knowledge and expertise.

All elements of each component and subcomponent were evenly weighted. While no explicit weightings were applied, implicit weighting does exist. For example, drug markets clearly predominate in the illicit economies considered in the criminality component of the Index, even though heroin, cocaine, cannabis and synthetic drugs are considered as independent illicit markets. Nevertheless, this majority does reflect the predominance of drugs in terms of value when compared to other criminal markets.



How to read the pyramid representations of the Index

Figure 1: Pyramid width and height

The **criminal markets** score is represented by the Pyramid base size and the **criminal actors** score is represented by the Pyramid height on a scale ranging from 1 to 10.

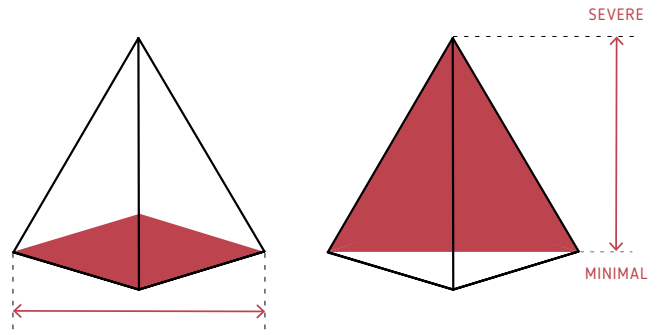


Figure 2: Panel height

The **resilience score** is represented by the Panel height, which can be identified by the side of the Panel.

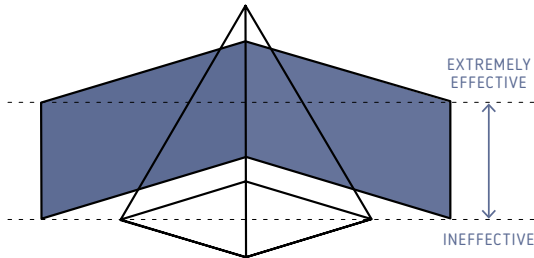
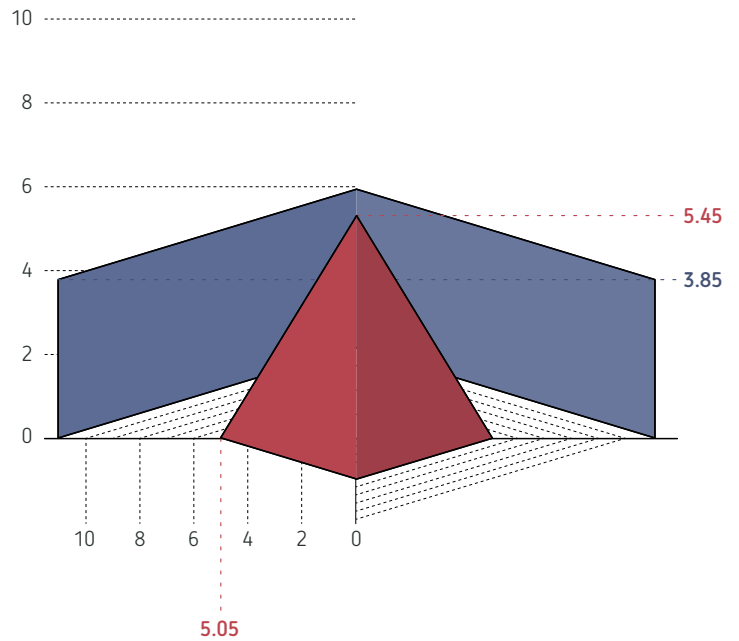


Figure 3: Africa average score

The Pyramid shape represents the criminality score, the average between criminal actors and criminal markets.

The overall **criminality** score for Africa is 5.25. This score is composed by a 5.05 score for **criminal markets**, and 5.45 for **criminal actors**. The **resilience** score is 3.85.



Criminality score

To determine which criminal markets to measure for the Index, ENACT drew on a knowledge base and identified illicit economies by balancing the availability of data with the feasibility of integration into a state-centric tool. However, for the 2023 iteration, in order to provide a more comprehensive tool, one that could better reflect the current organised crime climate, the spectrum of the criminality indicators covered by the Index has been expanded. With that in mind, five additional markets have been added to the original 10 as well as an additional criminal actor type.

All countries in the Index are assigned a criminality score, which comprises two subcomponents. The first reflects the prevalence of criminal markets. This subcomponent considers both the forms of organised crime as well as

their scope, scale and impact, and classifies manifestations of crime within 15 illicit markets. If applicable, each crime type is disaggregated into sub-crime types or 'commodities' (i.e. their lowest denominator), under a commodity-based measurement framework. In assessing criminal markets, the Index considers both the value and reach of each market. While the value refers to the entire value chain (e.g., from income generated from the production of the commodity to profits earned selling finished products), reach may be thought of as the non-monetary impact of a criminal market – in other words, the level of pervasiveness that a particular illicit market has achieved in a society. The 'reach' of a market may be determined by a number of factors, including the number of people affected; the number or kinds of victims; the extent of illicit flows; the degree of violence involved in the market; and whether the commodity is in decline and/or



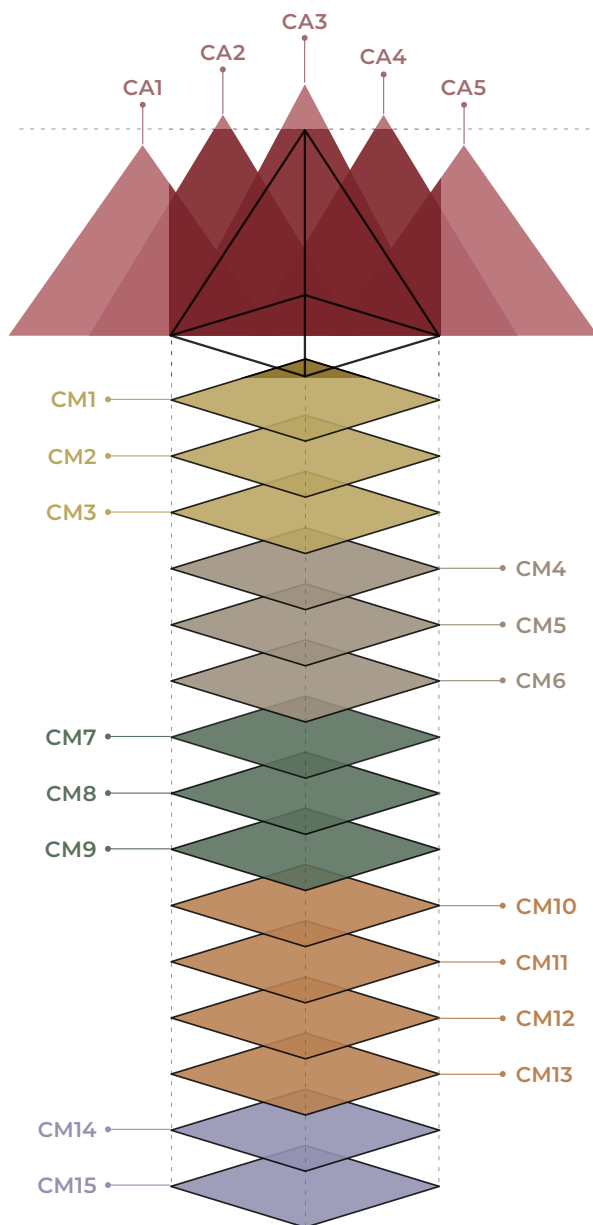
renewable. The evaluation of both the value and reach of each criminal market is based on expert assessments and supplemented with information gathered during the data-collection period.

To focus solely on criminal markets, however, offers a limited lens through which to view the evolving organised crime landscape in a given country. The term 'organised' does not reflect the activity being undertaken, but rather the nature of the perpetrators. The other sub-component of the Index's criminality score is criminal actors. Criminal actors refer to the types or structural forms of criminal organisations and their influence in the political, economic and social spheres of the countries they operate in. The criminal actors sub-component comprises five criminal-actor types:

- **Mafia-style groups**
- **Criminal networks**
- **State-embedded actors**
- **Foreign actors**
- **Private sector actors**

Often, these categories are not always clear-cut or readily definable. Just as forms of illicit activity vary and adapt to changing social, security and economic landscapes, criminal actors may evolve, oscillating between modalities, routes, degrees of violence and commodities in pursuit of material benefit. For more detailed definitions and explanations, see the 'Guiding Questions' document on the ENACT Organised Crime Index website (see africa.ocindex.net).

Figure 4: Criminality indicators



Criminal actors

- ▲ **CA1.** Mafia-style groups
- ▲ **CA2.** Criminal networks
- ▲ **CA3.** State-embedded actors
- ▲ **CA4.** Foreign actors
- ▲ **CA5.** Private sector actors

Criminal markets

- ◆ **CM1.** Human trafficking
- ◆ **CM2.** Human smuggling
- ◆ **CM3.** Extortion and protection racketeering
- ◆ **CM4.** Arms trafficking
- ◆ **CM5.** Trade in counterfeit goods
- ◆ **CM6.** Illicit trade in excisable goods
- ◆ **CM7.** Flora crimes
- ◆ **CM8.** Fauna crimes
- ◆ **CM9.** Non-renewable resource crimes
- ◆ **CM10.** Heroin trade
- ◆ **CM11.** Cocaine trade
- ◆ **CM12.** Cannabis trade
- ◆ **CM13.** Synthetic drug trade
- ◆ **CM14.** Cyber-dependent crimes
- ◆ **CM15.** Financial crimes



Resilience score

The ultimate purpose of the Index as an analytical tool is to help identify and implement practical measures to successfully combat organised crime. Whereas the criminality score allows users to identify problems and their scale, the resilience score is an indicator of the kinds and effectiveness of measures that countries have in place to achieve solutions to the problem. 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. The resilience component of the Index therefore provides essential analysis of data that have political and practical repercussions.

The goal of the resilience component of the Index is to help users understand which policies and other responses tangibly reduce the value and reach of organised crime. Although the relationship between resilience and impact may never be linear, the Index does

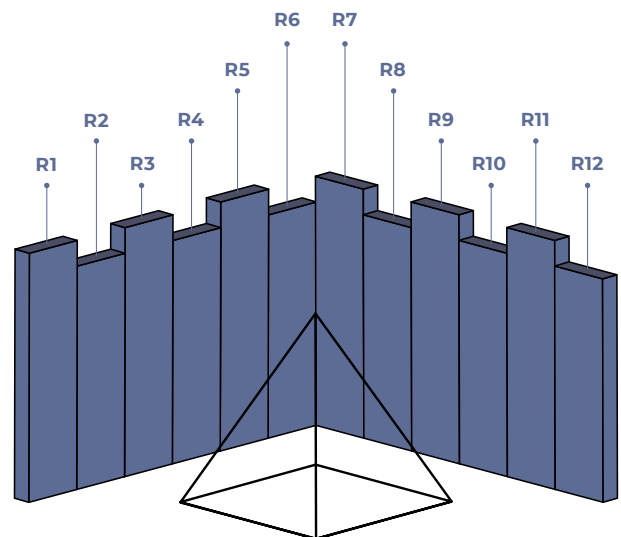
nevertheless identify key response factors. Along with the other two elements of the tool, these provide a means by which states can monitor and evaluate the success of their interventions, and a base from which to develop new anti-organised crime strategies.

In determining the overall resilience scores, the Index identifies 12 underlying 'building blocks' of country resilience to organised crime, covering a range of areas, including political leadership, policies and laws, government transparency and economic regulatory capacity, among others. Although each building block is treated as a discrete indicator of resilience, natural groupings of the resilience blocks do emerge, reflecting the political, legal, criminal justice, economic and social spheres of society that have the potential to provide holistic and sustainable responses to organised crime. The resilience blocks are presented below. Notably, the number of resilience indicators has remained unchanged from the previous iteration.

Figure 5: Building blocks of resilience

Resilience indicators

- **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 Environment
- **R10.** Victim and Witness Support
- **R11.** Prevention
- **R12.** Non-State Actors



Given the wide range of areas and information covered by resilience, it is important to unite the 12 blocks in a meaningful way, and to underscore the importance of a holistic and multisectoral approach to organised crime. In measuring the influence of each resilience block, the Index asks two fundamental questions:

- **Does the resilience measure or framework exist in a given country?**
- **Is the resilience measure or framework effective in combating the organised crime conditions in the country?**

The resilience score assesses anti-organised crime measures in place and other state actions that may be used to combat organised crime, while noting that capacity and will are precursors to actual implementation. The aim of these two fundamental questions is to ensure that countries' efforts reflect local conditions – it is not to reward or penalise states for having resilience measures in place for organised crime problems that do not exist within their territories.

The Index takes a pragmatic approach by relying on both empirical data and expert assessment in its analysis of



resilience capacity and effectiveness. Evaluating resilience in this way is particularly pertinent, as it captures the dynamics of resilience and allows Index users to identify which measures – if any – have been taken to combat organised crime.

Disclaimer:

Small discrepancies of 0.01 in calculations of differences between 2021 and 2023 scores might occur due to binary round-off errors. As a result, values that increased by less than 0.0049 are rounded and displayed as '+0.00', with an arrow pointing up and a '+' sign. Similarly, values that decreased by less than 0.0049 are rounded and displayed as '-0.00', with the arrow pointing down and a '-' sign.

Scoring and verification process

Scoring

Together, criminal markets, criminal actors and resilience are combined in the Index to provide a multifaceted overview of each country's relationship with organised crime and of the impact of illicit flows. While the Index serves as a tool offering a holistic framework of a state's overall relationship to organised crime threats, its constituent elements allow users to disaggregate the information and determine correlations with various impact areas in any given country and/or region.

These components and subcomponents also allow for flexibility in future iterations of the tool. The Index will serve as a longitudinal study, aiming to show how organised crime has evolved, as well as its current state in a particular country. Impact areas are highlighted, adding value over time as the Index develops into a comprehensive picture of individual and continental trends. Sharp changes in crime trends, both transnationally and within countries, will be reflected in data gathering and collection. This way, the Index is intended to be used as both a political tool and an assessment, illustrating the effects of specific policies and allowing stakeholders to better refine their efforts to combat organised crime. The scores are based on an expert-led assessment, supplemented with data gathered.

Index scores for all indicators were based on a scale from 1 to 10. For criminality, a score of 1 signifies the best-possible scenario, in which a criminal market or actor group is non-existent, or no information could be found to indicate their existence. A score of 10 signifies the worst-case scenario, in which no aspect of society is untouched. Conversely, for resilience the scoring system is inverted, with 10 the best possible scenario and 1 the worst. Notably, even if a country exhibited a total absence of a criminal market, actor type or resilience indicator, it was assigned a score of 1. Rather than exclude an indicator completely from the analysis, it was given a minimum score for non-existence to ensure comparability between, and consistency among, countries.

In addition to numeric scores and score justifications, all expert verifiers were asked to provide a 'confidence

level' score for each indicator where they provided input. Confidence level scores acted as a safeguard when experts

were not knowledgeable about every aspect of a specific country. At the same time, they allowed the Index team to cross-reference expert inputs on the same indicator or country. Confidence level scores were based on a scale of 1 to 10. A score of 1 indicates the expert had no knowledge of a particular component. A 10 meant that the expert was completely certain in their verification assessment of a particular component.

All experts asked to verify and/or score were given an overview of the structure and methodology of the Index. A series of documents, including a guiding questions note, framed definitions for each component of the tool; highlighted questions to consider in the assessment of all scores and justifications; and outlined data sets and information gathered that were available for consideration during scoring and/or verification. Additionally, a set of criminality and resilience thresholds were provided to add a framework of standardization to the assessment process. These documents are available on the website (www.africa.ocindex.net/downloads).

Figure 6: Scoring thresholds – criminality

| | | | | | | | | | |
|----------------------------------|---|---|--------------------|---|-----------------------|---|------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| NON-EXISTENT TO LITTLE INFLUENCE | | | MODERATE INFLUENCE | | SIGNIFICANT INFLUENCE | | SEVERE INFLUENCE | | |

Figure 7: Scoring thresholds – resilience

| | | | | | | | | | |
|---------------------------------------|---|---|----------------------|---|------------------------|---|------------------|---|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| NON-EXISTENT OR EXTREMELY INEFFECTIVE | | | MODERATELY EFFECTIVE | | SUFFICIENTLY EFFECTIVE | | HIGHLY EFFECTIVE | | |



Process

The scoring and verification process of the Index involved five stages:

1. Initial research

Extensive open-source research was carried out by the Index team to create preliminary profiles for each of the 54 African countries included in the Index. Preliminary profiles were updated by a selected pool of research assistants to reflect the organised crime and resilience environment in 2021-2022. The desk research and both qualitative and quantitative data collected by the Index team was consolidated into a so-called 'justification' for each of the 15 criminal markets, five criminal actor-types and 12 resilience indicators.

2. Round 1 scoring

The preliminary country profiles were sent to country experts, largely drawn from the Global Initiative Against Transnational Organized Crime (GI-TOC) and its Network of Experts, who were asked to provide scores for each of the 32 indicators, along with confidence level scores for the same, based on their own expertise and the data provided from the initial research phase. Experts were also asked to critically review the 'justification' for each indicator and provide any suggested adjustments, corrections and/or additions.

3. Round 2 scoring

The second round of scoring comprised two separate, parallel streams of both country and thematic scoring.

The scores and justifications resulting from the Round 1 scoring phase were then verified by a second, separate, set of experts with extensive knowledge on organised crime at a country level. These country experts were asked to repeat the process from the previous phase, by providing their own indicator scores, confidence level scores and reviews of the indicator justifications. In parallel, a third set of experts – thematic experts with expertise in specific criminal markets for a particular region – also verified the scores and justifications derived from the Round 1 scoring phase.

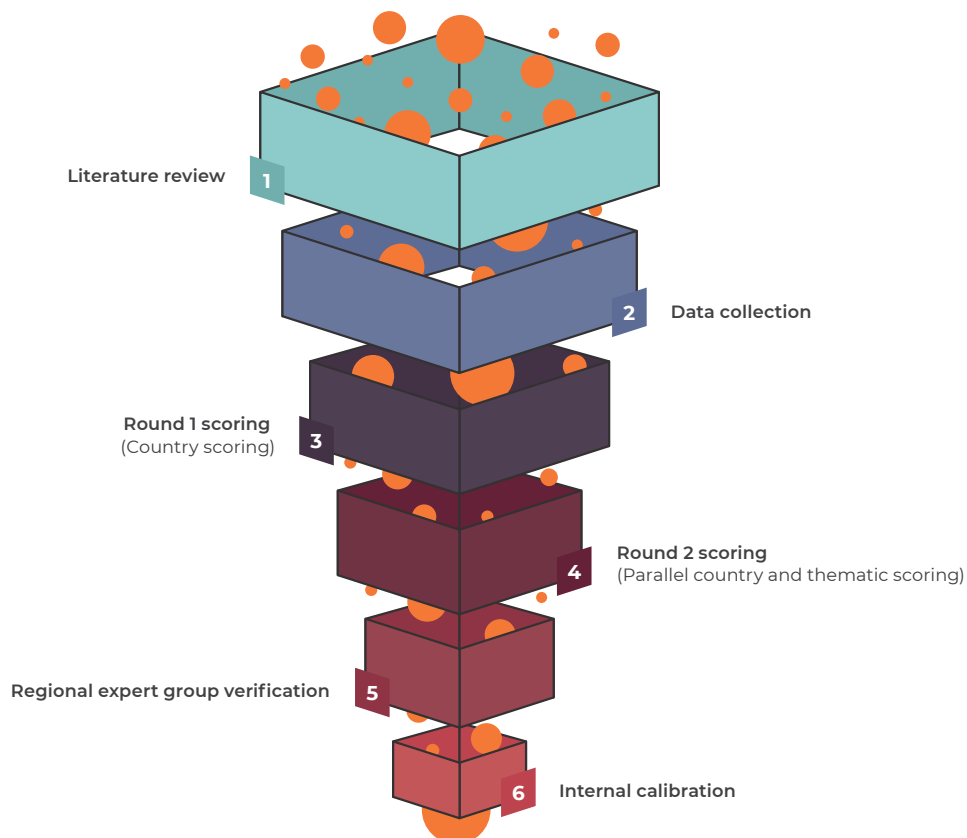
4. Regional expert group meetings

Following the consolidation of all scores and justifications from the first two rounds of scoring, a subsequent round of verification took place in a series of 5 virtual and in-person Africa specific meetings. Experts in attendance were presented with the up-to-date profiles for each country in their respective region and a semi-structured discussion ensued in which experts provided feedback on both the scores and justifications to ensure that scores were accurate in the geographic context and for regional comparisons.

5. Internal calibration

Following the regional expert group meetings, and taking expert input from previous rounds into consideration, scores were adjusted and calibrated on a global scale, and reviewed a final time by the GI-TOC's regional observatories.

Figure 8: Index scoring process



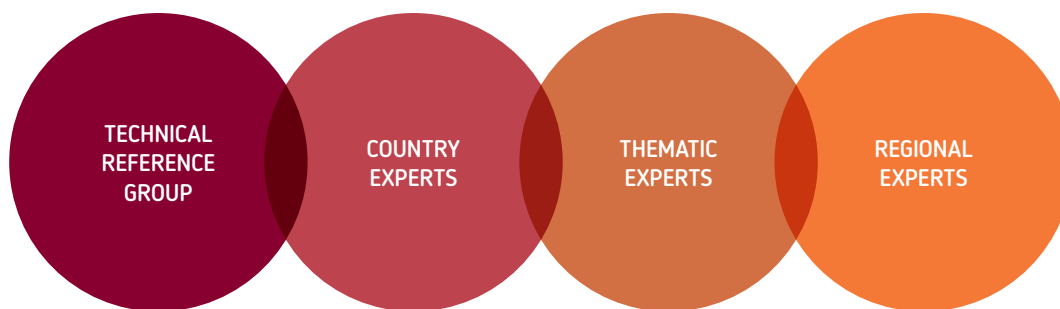
Experts at all stages were provided with an overview of the structure and methodology of the Index, the country scores, justifications and the original country research, and were asked to justify and substantiate any proposed changes. The same guiding questions and scoring thresholds were provided to standardise the assessment process. (These documents are available on the website, africa.ocindex.net). Scorers and reviewers were kept anonymous to all beyond the Index team to mitigate the likelihood that scores might be influenced.

Information gaps

Data collection on organised crime presents a number of challenges, as information varies in terms of availability, reliability, uniformity and compatibility. Nevertheless, the GI-TOC has sought to overcome such challenges by cross-checking data sources where available and identifying proxy indicators, as needed.

These challenges and others were addressed through discussions with an expert technical reference group (see below) to enhance transparency and minimise obstacles in developing and disseminating information to the greatest extent possible.

Figure 9: Types of expert



A technical reference group was convened to advise on the practical steps to undertake in developing the Index tool. The process of selecting additional indicators consisted of commissioning thematic experts to draft preliminary papers assessing, among other things, if and how these would fit into the established Index framework and proposed definitions. These papers and proposals were then discussed through a series of technical group meetings and, after an internal evaluation, the decision on the final additions was taken.

Expert selection and expert groups

The successful implementation of the Index depends not only on its tailored structural conceptualisation and data collection, but also on its ability to offer sound and reliable information to stakeholders and policymakers in their fight against organised crime. The input provided by over 160 independent technical, thematic and regional experts ensures credibility, accountability and transparency of the Index. The experts who were consulted throughout various stages of producing the Index were selected as representatives from numerous areas of expertise. Broadly speaking, they can be divided into four general groups:

- **A technical reference group, who were convened to provide guidance on the necessary steps to undertake for expanding the scope of the Index by incorporating new criminal markets and actors.**
- **Experts specialising in the study of organised crime in specific countries and/or regions.**
- **Thematic experts specialising in the study or understanding of specific forms of organised crime were consulted during the scoring and verification phase.**
- **A group of external regional experts with expertise in countries and/or regions beyond organised crime provided a final review and verification mechanism for the Index scores and justifications.**

Through meetings, members of the technical reference group provided input, peer review and quality assurance, supporting the development and implementation of the Index. The group, drawn from around the world, comprised multi-disciplinary experts in transnational organised crime, metrics and index development. They met to exchange experiences and allow the GI-TOC to draw on their expertise to develop the Index and expand the Index's scope.



In addition to technical consultations, international organised-crime-specific – or thematic – experts were consulted throughout the data collection, scoring and verification phases of the Index. Both internal and external experts on organised crime were invited to provide feedback on country profiles and thematic sheets, including those with specific backgrounds in working on organised crime, as well as on illicit markets generally.

Finally, a group of external regional experts, with specific expertise in and knowledge of one or more countries and/or regions served as a final review and verification mechanism for Index scores and justifications. Using their regional expertise and knowledge, they advised the Index team on the scores presented, considering the coherence of content, contextual relevance, timeliness and conflict sensitivity.

Unlike the thematic experts, the regional experts did not necessarily have backgrounds in organised crime specifically. Rather, they had extensive knowledge of geographic regions more generally and came from a wide range of backgrounds, including academia, civil society, the criminal justice sector, journalism, economics and security.

Drawing on a large pool of experts, the Index team selected all individuals based on their academic backgrounds and extensive work experience in relevant fields. All experts had to be able to show evidence of their knowledge in a particular area, such as publication and conference presentation records. Notably, no serving government officials were invited to participate in developing the Index to ensure independence in analysis.

The input these independent technical, thematic and regional expert groups have provided ensures the Index's credibility, accountability and transparency. All data, scores, justifications and reports have undergone a rigorous evaluation process, ensuring the tool's criminality and resilience scores provide detailed insight into states' overall relationship to organised crime.

Limitations

Recognising the difficulties in creating a tool that studies a subject matter that is incredibly varied and inherently clandestine, the Index, framed as an expert-led assessment, naturally comes with limitations and potential biases. Nevertheless, the ENACT Organised Crime Index can be described as a worthwhile exercise, although with certain limitations, that we hope will become a catalyst for further debate.

On a methodological note, there are considerations that must be taken into account when interpreting the scores. First and foremost, the Index relies heavily on individual expert knowledge and experience, which introduces the possibility for an implicit bias, where experts'

personal convictions might affect their judgement. The ramifications in this case are diametrically opposed. On the one hand, experts might have been too critical, given their knowledge of a specific country's deficiencies, and on the other, they might have been tempted to be too lenient. Although the latter was presumed more probable prior to the evaluation rounds, it was observed that experts tended to be more critical and often held countries, especially developed ones, to a higher standard. Throughout the development of the tool, we have attempted to control that bias by providing preliminary country profiles as a basis on which experts could make their assessments as well as specifying scoring thresholds to guide the scoring process. In addition, all countries underwent a number of anonymous verification rounds, comparing the scores across indicators and regions in an attempt to account for the implicit bias.

Experts in the initial scoring round provided scores that were presented to experts in the following geographic and thematic scoring rounds. This opened the possibility for a confirmation bias, where experts would confirm the scores assigned in previous rounds. To address this, an additional score verification round was carried out, where groups of representatives from numerous areas of expertise came together in moderated regional discussions to debate and scrutinize the scores and justifications for each country.

In addition, as one aspect of the Index tool is to help policymakers improve their approach to organised crime, it is fundamental to understand where harms for different markets are coming from. It is undeniable that many of the harms associated with specific markets stem from existing policies. One example for that is the cannabis trade. Policies related to the policing and use of cannabis differ from country to country, and even within countries. Thus, evaluating the impact associated with that market has been rather ambiguous. While an increasing number of states are moving to decriminalise or legalise cannabis, there is some room for illegality, like trafficking cannabis to countries with stricter policies, for instance. Thus, to be as consistent as possible, the importance of capturing that aspect of illegality when evaluating the market was emphasised to expert scorers. Nevertheless, consistency in that case has been difficult to achieve.

Another critical issue of concern during the scoring process was the debate on the harm and impact of markets, namely whether harms are comparable across markets. Here lies another limitation of the tool – the weighing of different components of the Index. Currently, as has been already specified, indicators are weighed evenly. Nevertheless, four of the 15 markets are drug-related, which puts implicit weight on the impact of drugs, which, depending on the context, may pose issues. Environmental criminal markets in many countries, for example, are almost non-existent. Yet they are weighted equally with more pervasive markets, such



as human trafficking and the synthetic drugs trade. That has, on a number of occasions, raised the obvious question among experts on organised crime whether this approach was justified. However, environmental crime has had a significant impact in Africa, where it has endangered entire ecosystems and even threatened the very existence of coastal communities. Arguably, the impact of environmental crime markets has been more severe there than human smuggling, for example, which is perceived as problematic in other contexts.

Thus, the current weighting of indicators might lead to some curious results. What often occurs is that two countries that perhaps would not be expected to rank on the same level criminality-wise, turn out to be very similar to one another. This is where we advise caution and recommend readers to look at the disaggregated scores, because countries might have similar or the same overall ranking but for different reasons.

Following up on previously identified limitations, necessary steps were taken to build a more accurate representation of organised crime, adding five criminal markets (financial crimes, cyber-dependent crimes, illicit trade in excisable goods, trade in counterfeit goods, and extortion and protection racketeering), and a criminal actor type, private sector actors. In addition to the difficulties in measuring organised crime in general, incorporating cross-cutting illicit activities, such as financial crimes and cyber-dependent crimes, comes with its own set of challenges. As a result, expert technical groups were set up to assess whether these markets would fit into the existing Index methodology. Expectedly, given the sheer volume of criminal activities that fall under these two crime types, financial crimes and cybercrime were the most difficult to define and measure. Therefore, the definitions of these two criminal markets include a set of specific criminal activities. Narrowing down the types of offences that would fall under the respective markets allows us still to adequately measure a specific market while avoiding double-counting (i.e., counting the same criminal activity under two different markets). Needless to say, double-counting would artificially increase the average criminality score of a country, skewing the overall results of the Index.

To illustrate, take the example of cybercrime. Our approach has been to distinguish between cyber-enabled and cyber-dependent crime. What are often described as cyber-enabled offences (i.e., activities carried out online to enable traditional 'offline' forms of crime) have already been captured under the first two editions of the Index. So, using the internet to target and recruit victims of human trafficking would be captured under the human trafficking market, for instance. In that sense, it is necessary for cyber-enabled and cyber-dependent crimes to be separated to avoid such significant overlaps between markets. To avoid issues stemming from such overlaps,

a decision was made for the Index to measure cyber-dependent crime as a standalone market.

As a cross-cutting phenomenon, defining and measuring financial crime also came with certain challenges. Again, to avoid overlap when assessing financial crimes and to allow comparability with the previous iterations of the Index, any activities that can be attributed to another criminal market under the Index would fall under that respective market indicator. Procurement fraud for logging contracts is one such example, which is considered under the flora crimes market, as opposed to financial crimes. Notably, the laundering of illicit proceeds and bribery are not included in the financial crimes category either. Excluding money laundering where the illicit funds have been obtained from activities that fall under the Index' categorisation of financial crimes, the general exclusion of money laundering is justified by the fact that it does not exist in itself but rather occurs as a secondary crime linked to illicit proceeds generated from a predicate offence. As the predicate crimes are already assessed under the various other markets (e.g., drug trafficking), the secondary offence – in this instance laundering of the proceeds of drug trafficking – would fall under that same market.

Defining organised crime

Any index is a composite measure of variables using various data points. In the context of measuring organised crime, the parameters that this Index relies on are informed by definitions of organised crime, and related activities and concepts.

Organised crime, however, is a notoriously difficult concept to define. Although there is an awareness that the phenomenon exists everywhere, there are multiple forms of crime, enabled by different actors, that fluctuate and adapt to various environments. In 2003, the United Nations Convention Against Transnational Organized Crime (UNTOC), the principal international instrument against organised crime, came into force, compelling member states to consider a definition for organised crime. Unable to reach a consensus, however, the UNTOC does not actually provide a definition, but rather offers clarity on two constants within the broad context of organised crime.

The terms 'organised criminal group' and 'serious offence', outlined in the convention, offer the basic conditions for an activity to be deemed to be organised crime and the flexibility to address the widest possible range of concerns. For example, an organised criminal group may refer to a broad range of criminal associations, from hierarchal structures to loosely connected networks. Likewise, the convention's focus on the term 'serious offence' ensures a distinction is maintained between low-level criminality and organised criminal activity. Moreover, the convention



specifically speaks to activities that are profit-driven, allowing for policies and responses to distinguish organised crime from solely politically motivated actions, such as terrorism. Today the consensus among the convention's member states is increasingly to refrain from definitional debates surrounding the term 'organised crime' and accept that it is flexible, that it refers to a broad spectrum of ever-changing activities and circumstances, and that there are many ways in which the label 'organised crime' can be understood and conceptualised.

Nevertheless, for an index to offer true insight and value, some form of definition is essential. While relying (though not exclusively) on international instruments to define various criminal markets, the Index considers both transnational organised crimes as well organised criminal activities occurring within state boundaries.

Organised Crime

For the purpose of the ENACT Organised Crime Index, 'organised crime' is defined as illegal activities conducted by groups or networks acting in concert, by engaging in violence, corruption or related activities in order to obtain, directly or indirectly, a financial or material benefit. Such activities may be carried out both within a country and transnationally.

By defining organised crime in this way, the Index allows for a wide range of activities and perpetrators to be considered and measured. One key point to note in this definition is the issue of legality. Activities that are not designated as illegal or that have been legalised in a country fall outside of the scope of the assessment of that particular country, even if considered illegal in another. At the same time, activities that are not illegal but that violate international human rights standards are included under the Index.

Criminal market definitions

People

Human trafficking

Drawing from a range of sources, the Index covers human trafficking within a modern slavery context and includes the trafficking of human 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 UNTOC, exploitation includes, 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.

Human smuggling

Under the Index, human smuggling is defined as 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 producing, procuring, providing or possessing fraudulent travel or identity documents when committed for the purpose of enabling the smuggling of migrants. Although they are distinct crimes that are defined in different ways, human smuggling may turn into trafficking when the element of exploitation is involved.

Extortion and protection racketeering

Crimes of protection and extortion linked to an organised crime group or groups that exert control over a given territory or market – either legal or illegal – include:

- 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 an extortion request).
- Cartel racketeering, where an organised crime group acts as intermediary or mediator by handling external competition and solving disputes as gatekeeper by controlling access and exit to and from key markets.

The definition does not include such acts when committed by state officials (in which case, it is included under various markets, including corruption).

Trade

Arms trafficking

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 as 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 UNTOC. '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.

Trade in counterfeit goods

Refers to the production, transport, storage, distribution and sale of counterfeit goods. Counterfeit goods are either deliberately and fraudulently mislabelled with respect to identity and/or source, or are fraudulent imitations of registered brands and involve the theft of a trademark.

Illicit trade in excisable goods

This market involves 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 or the legal regulatory framework (e.g. for the purposes of tax evasion). This market does not include trade in counterfeit versions of such products (which falls under trade in counterfeit goods).

Environment

Flora crimes

Crimes related to flora involve the illicit trade as well as possession of species covered by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), as well as other species protected under national law.

Fauna crimes

Like flora crimes, crimes involving fauna species entail the poaching and illicit trade in animals and animal products, as well as the possession of species or animal products covered by CITES or protected by national law. The Index also considers protected marine species, and IUU fishing falls under this category.

Non-renewable resource crimes

The Index includes the illicit extraction, smuggling, mingling, bunkering or mining of natural resources. It also covers any illicit activities related to trade in such products, including price misinvoicing. The Index covers commodities including, but not limited to, oil, gold, gas, gemstones, diamonds and precious metals.

Drugs

Heroin trade

The Index covers the production, distribution and sale of heroin. Consumption of the drug, while not in 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).

Cocaine trade

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.

Cannabis trade

The illicit cultivation, distribution and sale of cannabis oil, resin, herb or 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, the Index focused solely on areas where an activity was criminalised and/or where criminal groups were involved in the supply chain.

Synthetic drug trade

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 is any other narcotic included in the 1972 Protocol, Amending the Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances of 1971 and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 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 Organisation, have been excluded.

Cyber-dependent crimes

Defined as organised crimes that are dependent 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 and cryptocurrency fraud. These activities are considered to be conducted for the purpose of obtaining a monetary or material benefit (as opposed to a political or ideological objective).

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:

- Financial fraud: this refers to cases where money and/or financial assets are obtained through deception, including, but not limited to, procurement fraud, identity fraud, mass marketing fraud, banking fraud, Ponzi schemes, etc.
- Tax evasion (including activities such as price misinvoicing) and abusive tax avoidance: this 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 misinvoicing, the profit-maximising actor will either over- or under-invoice and the misdeclaration depends on the relative tax and tariff rates. Tax avoidance is to be distinguished from tax evasion, where, in the case of the latter, someone acts against the law or abuses the letter of the law. By contrast, abusive tax avoidance complies with the letter of the law, but subverts its purpose.

- **Embezzlement:** this involves the fraudulent appropriation of property or funds entrusted to an individual for their management and safekeeping, with the intention of using these assets for personal benefit. It differs from regular fraud because the actor who takes the money or property has trusted and legitimate access to the valuables before taking them for their own use.
- **Misuse of funds:** this refers to the misapplication of funds from state, international or regional bodies for purposes other than those for which they were originally granted.

To be considered financial crimes, the aforementioned activities must be committed by an organised crime group for the purpose of financial gain or professional advantage. Such activities, when attributable to another criminal market under the Index, 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, as explained in Appendix 1.

Criminal actor definitions

Mafia-style groups

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, defined leadership, territorial control and identifiable membership.

Criminal networks

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 do not have 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.

State-embedded actors

Refers to criminal actors that are embedded in, and act from within, the state's apparatus.

Foreign actors

Refers to state or non-state criminal actors operating outside their home country. In addition to foreign nationals, this may also in some instances include individuals forming part of a diaspora group that has established roots in a particular country.

Private sector actors

Refers to profit-seeking individuals or entities that own, manage or control a segment of the legal economy free from state ownership or control, that collaborate or cooperate with criminal actors wilfully, through coercion or neglect. Activities include, but are not limited to, the laundering of illicit proceeds, acting as informants, and legal representation through unethical means.

Resilience indicator definitions

Leadership and governance

Political leadership and governance

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 indicate higher state resilience to organised crime.

Governments orientate citizens towards a state's stance on organised crime, championing its role in combating the phenomenon by laying the foundations for implementing action. The platform on which anti-organised crime rhetoric is delivered reflects to some degree the level of prioritisation of organised crime on the national agenda.

Governance serves as a function of the relationship between the state and its governed populations. Leaders who are seen as legitimate in their intent and actions unify society. People's confidence in those who 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 the governance void between the state and its populations.

Government transparency and accountability

Refers to the degree to which a state has put oversight mechanisms in place to ensure against state collusion in illicit activities – in other words, whether or not the state creates opportunities for the reduction of state corruption and to obscure the illegitimate control over power or resources, including resources linked to organised crime.

As representatives of their citizens, governments are entrusted with powers to oversee and maintain the rule and order of societies. When this contract is abused, it both undermines citizens' trust in state institutions



(which may lead to vulnerabilities to organised crime) and can imply state collusion in organised crime. Efforts to increase transparency, such as adequately resourcing anti-corruption measures, work to reduce opportunities for organised criminals to exert their influence. Thus, the more transparent governments are, the more resilient a state is to organised crime.

International cooperation

Refers to the structures and processes of interaction, policymaking and concrete implementation by countries beyond the national level in order to respond to organised crime. Strong international cooperation indicates high levels of state resilience to organised crime.

As organised crime is increasingly a transnational phenomenon, with 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.

The ratification (and timeliness of ratification) of relevant international organised crime treaties implies state willingness to effectuate responses to organised crime, in line with international standards. These treaties are:

- The UNTOC and its three protocols
- The UN Convention against Corruption
- The UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
- The Single Convention on Narcotic Drugs, 1961
- The Convention on Psychotropic Substances, 1971
- The Arms Trade Treaty
- CITES

At the international level, for states parties, these instruments constitute sufficient legal grounds for carrying out response measures to organised crime. Such responses include cooperation in criminal matters, particularly mutual legal assistance, extradition, the transfer of sentenced prisoners and transborder asset confiscation. The presence of such structures and policies, and evidence of their effective use, implies a higher degree of state resilience to organised crime.

National policies and laws

International cooperation is an essential component of combating organised crime because it provides the basis for national responses. Thus, national policies and laws refer to state legal action and structures put in place to respond to organised crime. National organised crime 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 organised crime.

Criminal justice and security

Judicial system and detention

Refers to the power of a state's judiciary to effectively try to enforce judgments on organised crime-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. Although passing judgment on cases is its primary function, the ability to enforce is also an essential component of a judiciary's activities. Factors such as evidence that key organised crime leaders are successfully prosecuted and, in particular, the degree of organised crime influence from within the prison system should be key considerations in assessing a state's judicial capacity. Where the prison system has been captured by organised crime, this should significantly impact the score. Thus, while having more resources and independence to pass judgment on organised crime cases implies higher state resilience, high impunity implies lower state resilience.

Law enforcement

Refers to the state's ability to investigate, gather intelligence, protect and enforce adherence to its rules and procedures regarding 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 organised crime rests on factors such as whether it is adequately resourced and whether the state has invested in law enforcement mechanisms that are specifically organised-crime focused. It follows therefore that greater law enforcement capacity makes a state more resilient to organised crime.

Territorial integrity

Refers to the degree to which states are able to control their territory and infrastructure against organised criminal activities, including the capacity to carry out effective border control.

A country's physical location and geography may increase the risk of exploitation by organised criminal groups. For example, long borders are less likely to be regulated effectively, and criminals are therefore more likely to take advantage by smuggling illicit commodities and people unnoticed. Moreover, the level of a state's economic engagement internationally, marked by factors such as its port and airport infrastructure, can increase the ease with which goods and people are able to move (both legitimately and illegally) between countries.

As such, the greater the resources and infrastructure put in place by a state to manage its territorial integrity against organised crime, the higher the state's resilience.



Economic and financial

Anti-money laundering

Refers to a state's ability to implement legal, regulatory and operational measures for combating money laundering and other related threats to the integrity of its financial system.

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.

The Financial Action Task Force is a policymaking body that has developed a series of recommendations that are recognised as the international standard for combating money laundering, the financing of terrorism and proliferation of weapons of mass destruction. These form the basis for a coordinated response to these threats to the financial system. States are assessed through mutual country evaluations to determine their level of compliance with these standards. The higher compliance, the more resilient states are to organised crime.

Economic regulatory capacity

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, these determine 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.

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.

States under protracted sanctions by the international community have been shown to develop illicit means by which to circumvent or mitigate the impact of those sanctions.

The larger the number of sound economic regulations that are in place and the lower the number of (and duration of) sanctions placed on a state, the higher a country's resilience to organised crime.

Civil society and social protection

Victim and witness support

Refers to the existence of assistance provided to victims of various forms of organised crime (for example, human trafficking, drug trafficking, extortion or fraud).

Support mechanisms, treatment programmes for victims, as well as resources allocated to these initiatives create an environment in which citizens are able to recover more quickly from the effects of organised criminal activities.

Moreover, initiatives such as witness protection programmes are essential, and often the only way to successfully prosecute organised criminals. The more effective the support programmes that are put in place, the more resilient states are to organised crime.

Prevention

Refers to the existence of strategies, measures, resource allocation, programmes and processes that are aimed at inhibiting organised crime. While prevention considers mainly state initiatives, these frameworks often use a holistic approach to preventive measures through community outreach, recognising that citizens who are engaged in preventing organised crime help make the state more resilient.

Through prevention, states can build safeguards to protect against organised crime by effecting behavioural change in vulnerable groups and reducing the demand for illicit activities. Thus, the more robust a state's prevention scheme is, the more resilient it is to organised crime.

Non-state actors

From a resilience perspective, non-state actors play a role in responding to organised crime by supplementing government initiatives and by ensuring 'checks and balances' are applied to governments to guarantee resilience to organised crime. The non-state actors indicator is also a measure of the degree to which civil society organisations are able and allowed to play a role in responding to organised crime across the spectrum, from victim support to crime prevention.

Civil society organisations are engaged in local communities, where ownership of initiatives against organised crime is formed, leading to more sustainable response measures. Similarly, the media is critical in the role it plays in holding governments to account while providing a voice for communities by mobilising civil society against the threat of organised crime. Thus, the more civil society capacity a state has, the more resilient it is to organised crime.

