



# Economic and Social Council

Distr.: General  
15 March 2004

Original: English

## Commission on Crime Prevention and Criminal Justice

Thirteenth session

Vienna, 11-20 May 2004

Item 5 of the provisional agenda\*

### International cooperation against transnational organized crime

## International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

### Report of the Secretary-General\*\*

#### Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1-4	2
II. Summary of the survey findings and additional responses from Member States ..	5-22	3
A. Relevant legal provisions .....	6-9	3
B. Types and extent of kidnapping .....	10-15	4
C. Measures adopted .....	16-22	5
III. Key findings of a consultative meeting on best practices .....	23-43	7
A. Legal responses .....	24-29	7
B. Operational practices .....	30-39	8
C. Preventive strategies .....	40-43	11
IV. Concluding remarks and recommendations .....	44-46	12

\* E/CN.15/2004/1.

\*\* The present report was submitted after the deadline owing to the late submission of replies by Member States.



## I. Introduction

1. In its resolution 2002/16 of 24 July 2002, the Economic and Social Council vigorously condemned and rejected the worldwide practice of kidnapping, in any circumstances and for any purpose, which consisted in unlawfully detaining a person or persons against their will for the purpose of demanding for their liberation an illicit or any other economic gain or other material benefit, or in order to oblige someone to do or not to do something, and resolved to treat it henceforth as a serious crime, particularly when it was connected with the action of organized criminal groups or terrorist groups; urged Member States that had not already done so to adopt the legislative and other measures necessary to establish as a serious crime in their domestic legislation kidnapping in all its modalities, especially kidnapping for the purposes of extortion; encouraged Member States to foster international cooperation with a view to preventing, combating and eradicating kidnapping; exhorted Member States that had not already done so to strengthen their measures against money-laundering and to provide international cooperation and mutual legal assistance through the tracing, detection, freezing and confiscation of the proceeds of kidnapping; and requested the Secretary-General, drawing upon extrabudgetary contributions or within existing resources, based on replies received from Member States and in coordination with competent entities of the United Nations system, to report to the Commission on Crime Prevention and Criminal Justice at its thirteenth session on the factual and legal situation of kidnapping throughout the world, including the situation of victims.

2. Pursuant to that request, the Secretary-General requested Governments to respond to a questionnaire on the practice of kidnapping and its extent, as well as the legislative, law enforcement, victim support and international cooperative initiatives taken in response to the problem. A summary of the survey's findings is included below.

3. In its resolution 2003/28 of 22 July 2003, concerned at the growing tendency of organized criminal groups and terrorist groups to resort to kidnapping, especially for the purposes of extortion, as a method of accumulating capital with a view to consolidating their criminal operations and undertaking other illegal activities, such as trafficking in firearms, drugs and persons, money-laundering and crimes related to terrorism, the Economic and Social Council requested the Secretary-General, drawing on extrabudgetary funds or voluntary contributions, to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping.

4. Building on the responses provided by Member States to the questionnaire, and with the aim of identifying best practices in the fight against kidnapping to assist in the provision of technical assistance to States, a meeting was convened to consult with experts from outside the Secretariat. An overview of the conclusions of that consultative meeting appears in section III of the present report.

## II. Summary of the survey findings and additional responses from Member States

5. Seventy-one replies to the questionnaire on the practice of kidnapping have been received.<sup>1</sup> Replies were also received from organizations of the United Nations system.<sup>2</sup> A detailed summary of the responses was contained in the progress report presented to the Commission at its twelfth session (E/CN.15/2003/7 and Add.1). Since then, Austria, Costa Rica, Guatemala, Mauritius, the former Yugoslav Republic of Macedonia, Togo and Zambia have provided additional information.

### A. Relevant legal provisions

6. All countries that responded to the survey indicated that their domestic legal system made provision for the specific criminal offence of kidnapping or for an equivalent, such as the deprivation of liberty, the restriction of personal freedom, false or wrongful imprisonment and/or abduction. Although definitions varied, four common elements of the crime were identified:

(a) The illegal seizing, carrying off or deprivation of liberty of an individual without his or her consent;

(b) The use of violence, the threat of violence and/or fraud and deception in the commission of the offence;

(c) The holding of the victim in a place that could not be found;

(d) The specific objective of economic or financial gain and/or political or other influence, including through the practice of extortion.

7. All States reported that the crime of kidnapping was regarded as a serious offence. In a number of cases, penal or criminal codes referred to particular circumstances that might arise and actions that might be committed during the course of a kidnapping or equivalent offence that were regarded as aggravating, with the result that the stipulated punishment was increased. Such circumstances included the use of violence, the degree of psychological or physical harm inflicted on the victim, the length of time for which the victim was detained and whether the kidnapping was carried out by an organized criminal group (see the interim report mentioned above).

8. All States that responded to the questionnaire indicated that the penalties imposed for kidnapping were severe. In cases of kidnapping where there were considered to be no aggravating circumstances, the penalty was generally a period of imprisonment of between 4 and 10 years. If the kidnapping was accompanied by aggravated circumstances, the penalties generally increased to between 10 and 20 years. In cases where injury or death resulted, the penalties included life imprisonment and, in a limited number of cases, the death penalty. Provision was also made for punishment of accessories to the act of kidnapping.

9. With regard to States that replied after the submission of the interim report, Guatemala in particular emphasized the degree to which kidnapping was considered to be a serious crime. Punishment was stipulated as being between 25 and 50 years of imprisonment, with no recognition of mitigating circumstances. Once sentenced,

the length of imprisonment could not be reduced for any reason. Costa Rica indicated that its legislation specified a series of aggravating circumstances: whether the perpetrator achieved his or her goal; whether two or more people carried out the kidnapping; or whether the victim was held for more than three days. In such cases the length of imprisonment was increased. In addition, Costa Rican legislation stipulated a term of 20 to 25 years if the victim sustained serious injury and 35 to 50 years' imprisonment if the victim died. Austrian legislation provided for a penalty of between 10 to 20 years, or life imprisonment in case of the victim's death. The Austrian Criminal Code provided for the possibility of reducing the sentence should the victim be released voluntarily with no serious injury having been caused. Similarly, the Criminal Code of the former Yugoslav Republic of Macedonia stated that an offender could be acquitted if, on his or her own volition, the victim was released before any demand was met.

## **B. Types and extent of kidnapping**

10. Member States were asked to identify specific types or categorization of kidnapping. The following broad categories were identified:

(a) Kidnapping for extortion, to demand ransom, influence business decisions or obtain commercial advantage;<sup>3</sup>

(b) Kidnapping between or within criminal groups for purposes of debt collection or securing advantage in a particular criminal market;<sup>4</sup>

(c) Kidnapping for purposes of sexual exploitation;<sup>5</sup>

(d) Kidnapping (although often termed abduction) linked to domestic or family disputes;<sup>6</sup>

(e) Kidnapping for political or ideological purposes;<sup>7</sup>

(f) Kidnapping in the course of carrying out another criminal act;<sup>8</sup>

(g) Feigned or fraudulent kidnapping.<sup>9</sup>

11. The majority of States kept recorded statistics on the number of kidnappings (or the equivalent offence(s) in the penal code) that had occurred in the last 10 years. Several States, however, suggested that kidnapping statistics were not always accurate, given that many cases were not reported as victim's families feared for their own and the victim's safety. Several States also raised problems of definition of what constituted kidnapping that complicated recording practices; for example, in several jurisdictions so-called "express" kidnappings, where the victim was held for a comparatively short time and released on payment of a ransom, were recorded as aggravated robbery.

12. In just under half the countries that replied to the survey, incidents of kidnapping were regarded either as non-existent, insignificant, unchanged or on the decline.<sup>10</sup> Dramatic declines in kidnapping were noted in particular in Italy and Peru. Increases in the number of kidnappings were reported in just over one third of the replies.<sup>11</sup> In a number of countries high levels of kidnapping were recorded or levels of kidnapping had shown dramatic increases. Most notably, Argentina and Mexico reported worrying increases during 2002. The United Kingdom of Great

Britain and Northern Ireland reported that an increase in recorded incidents was due to the increased propensity of criminal groups to engage in vendettas in which kidnapping was used. In Colombia, where the problem had assumed serious proportions (over 3,000 cases were reported per year between 1998 and 2001), increases were attributed to the greater tendency of criminal and guerilla groups to resort to kidnapping. India reported an increase of kidnapping cases in the order of 23 per cent: 18,424 cases had been reported in 1990 as opposed to 22,871 in 2000.

13. Member States were asked to comment specifically on the involvement of organized criminal groups and terrorist groups in the practice of kidnapping. Four broad (although in some cases overlapping) categories were identified:

(a) Offences where there was no evidence of a link between kidnapping and organized criminal groups and terrorist groups;<sup>12</sup>

(b) Offences where, although organized criminal groups were involved in kidnappings, these were reported to have taken place largely between criminal groups within the underworld itself;<sup>13</sup>

(c) Offences where there was evidence that organized criminal groups were involved in kidnappings, although this was often used as a supplement to or was connected with other criminal activities;<sup>14</sup>

(d) Offences where kidnapping was (or had been) extensively used by both organized crime and terrorist groups.<sup>15</sup>

14. Austria indicated that there had been no registered cases of kidnapping in recent years and there had been no reported links between kidnapping and organized crime. Similarly, Mauritius indicated that only a few cases of kidnapping had been reported to the police in the last 10 years. In Guatemala incidents of kidnapping peaked in 1999, with 120 reported incidents, and had subsequently declined, 33 cases having been recorded in 2003. It was believed that organized crime was linked to those cases.

15. Costa Rica reported an increase in the number of incidents, with 24 cases having been recorded between 2000 and 2003. The former Yugoslav Republic of Macedonia also reported an increase in kidnappings in the past 10 years. Nevertheless, in both countries the authorities indicated that the statistics available did not necessarily provide an accurate reflection of the extent of the problem, it being considered likely that some cases went unreported. In Costa Rica, criminal groups carried out kidnappings for ransom in order to collect monies owed to them, specifically as a result of activities such as drug and arms trafficking. The authorities of the former Yugoslav Republic of Macedonia considered loosely organized criminal groups to be involved in kidnappings. Their modus operandi included surveillance of the victim before the kidnapping as well an analysis of their financial status.

### **C. Measures adopted**

16. Member States outlined a wide variety of measures that had been adopted to counter kidnapping. The majority of responses indicated that specific training, in either a more general format for all police officers or more specific training of

specialized units dealing with the problem, had been conducted. Most respondents also indicated that one or more specialized law enforcement units dealt with particularly serious crimes, including those which fell into the scope of organized crime, kidnapping and hostage-taking.

17. In a number of States specific structures had been established to ensure a more coordinated response to kidnapping. Notably, in Argentina, the 2002 findings of the Advisory Committee for the Prevention of Kidnapping published a series of detailed recommendations to that effect. In Colombia, the National Council to Combat Kidnapping and Other Infringements of Personal Liberty included all the administrative and judicial bodies involved in the prevention, investigation, combating and punishment of kidnapping.

18. In some States initiatives had been taken to prevent kidnappers from acquiring ransom money. This included such mechanisms as the freezing of the assets of victims of kidnapping and measures enabling the authorities to direct a bank not to pay out any money for a specified period of time, if that money was likely to be paid as a ransom.<sup>16</sup>

19. With regard to victim support, a number of States indicated that some form of liaison service was routinely established between families of victims and the authorities in kidnapping cases. Generally, this included providing information to the victim's family, advising and instructing them on how to behave during the kidnapping, in particular as regards any dealings with the press and on the form and content of messages conveyed to the kidnappers. While the majority of States provided some form of counselling to the victim and his or her family, this took different forms: in some cases, it was conducted by police officers who had received appropriate training; in other cases referrals were made to professional psychologists. It was noted in several cases that, since victim support services were structured to cater for the victims of violent crime in general, they catered also for victims of kidnapping. Similarly, should a prosecution be initiated, the majority of States indicated that some form of witness protection existed, although it was generally emphasized that such measures applied to all cases of serious crime.

20. In the field of victim support, Colombia in particular indicated that much had been learned from the experience of dealing with numerous victims of kidnapping. Most disturbing was that, from a psychological standpoint, people never fully recovered from the experience of kidnapping. Moreover, it had been learned that kidnapping could significantly test and damage family relations, most obviously as regards the family's property, and in particular the requirement to meet the existing financial obligations of the victim. In several States financial support was provided to victims of kidnapping, although it was noted that such support schemes also applied to all forms of violent or serious crime. Colombia, however, had established a comprehensive set of responses regarding financial support to victims of kidnapping. This included legal aid programmes for families and victims to assist them in dealing with the various property and financial issues that might arise when a member, usually the head of the family and the sole source of income, had been kidnapped.

21. With regard to international cooperation in kidnapping cases, the majority of States reported that they had taken initiatives to improve international cooperation with respect to issues of police and judicial cooperation. This included bilateral

agreements with other States as well as the signing and ratification of a number of regional and international legal instruments.<sup>17</sup>

22. Costa Rica indicated that within its Judicial Bureau of Investigation a special unit had been established to deal with kidnapping and other crimes against public security. Apart from a number of other interventions aimed at prevention and victim support, the anti-kidnapping unit had published brochures to provide advice on how to avoid being kidnapped and how to behave once victimized. In Guatemala, the Office of the Public Prosecutor included a Victim Assistance Service that provided support to victims of serious crimes, including kidnapping. In the case of Austria, special negotiation teams had been established to assist in responding to kidnapping and hostage-taking incidents.

### **III. Key findings of a consultative meeting on best practices**

23. Building on the replies received from Member States, as summarized above, a consultative meeting was held, in cooperation with the Government of Mexico, in Mexico City in October 2003, with the participation of experts from Brazil, Colombia, France, Germany, Italy, Israel, Mexico, South Africa, Spain and the United Kingdom. The meeting identified both differing approaches and best practices in legislative, operational and preventive measures taken in the fight against kidnapping, with a view to applying any lessons learned in the implementation of technical assistance.

#### **A. Legal responses**

24. The consultative meeting noted the diversity of legislative responses to kidnapping and stressed the importance of achieving a common definition of the crime. Drawing on the replies received from States, the meeting supported legislative provisions for more severe punishment in cases where particular circumstances arose and actions were committed during the course of the kidnapping, as well as for cases of kidnapping against certain types of victim. In determining which factors should apply, the protection of human life and security was considered of paramount importance. A critical aspect in that regard was the duration of the deprivation of liberty, resulting in punishments for offenders who illegally restrained victims for long periods of time. It was felt by the group that punishment should be more severe in case of the victim's death, even without intent. If the victim's death was a result of an intended act or an omission by the offender, this should constitute a separate offence. With regard to the moral and physical integrity of victims, torture or any other kind of degrading treatment should also constitute an aggravating circumstance linked to more severe punishment, as were circumstances where the victim was particularly vulnerable, being a minor, elderly and/or mentally or physically disabled.

25. It was noted that, in a few countries, kidnapping legislation included harsher penalties should the victim be a woman, be pregnant or be kidnapped for the purpose of sexual or other forms of exploitation. Such legislation should not be confused with the more rigorous requirements to combat trafficking in human beings, as outlined in the Protocol to Prevent, Suppress and Punish Trafficking in

Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex II). It was recognized that some crossover occurred between the crime of kidnapping and trafficking in persons, although current data suggested that only a small proportion of victims who were trafficked were in fact initially kidnapped. Nevertheless, it was emphasized that legislation prohibiting the offence of kidnapping on its own did not cover all aspects of the problem of trafficking in persons.

26. Given that in some regions kidnapping was one of the main activities used by organized criminal groups to further their goals, the meeting recommended that increased punishment be provided for cases of kidnappings committed by such groups. It further recommended the implementation of legislation and/or policies that made it a mitigating circumstance if the perpetrator collaborated with law enforcement agencies. It was emphasized that such an incentive might be useful in order to prevent kidnapping, as well as to prosecute those participating in organized crime. With respect to collaborating witnesses, it was noted that rewards, amnesty or compensation, together with protection of identity and relocation, were measures used in many countries.

27. The meeting discussed some of the circumstances that States might take into account in deciding whether to permit mitigation of punishment or even waiver of criminal liability, for planned, aborted or actual kidnappings. Among the circumstances identified were the liberation of the victim by the offender before the objectives of the kidnapping had been achieved; the time period within which the victim was released; and the level of respect shown by the kidnappers for the moral and physical integrity of the victim.

28. Taking into account that the level of official reporting of kidnapping was often low because of fear of reprisals or retaliation, the meeting indicated that measures for witness protection had been implemented in several countries (for kidnapping as well as for other serious crimes). Such programmes included protection of victims, families of victims and collaborating witnesses. In the great majority of kidnapping cases, the investigation was initiated by and based on the report of victims or their families, so their testimony was crucial for the prosecution of offenders. Because the victim was under the control of the kidnappers and his or her life might depend on specific actions taken by the family, it was crucial to provide support and/or protection to the victim's family.

29. The meeting also noted that, depending on the particular circumstances, a range of additional measures could be introduced with respect to obstruction of justice, disclosure of classified information and non-reporting of suspicious information in the case of bankers, brokers, telecommunication and courier companies, notaries and medical personnel. It was further noted that several countries provided rewards and compensation for assistance in the prevention and investigation of kidnapping cases.

## **B. Operational practices**

30. Three broad types of kidnapping were identified during the consultative meeting as being of growing concern:



(a) Kidnapping for economic gain, where a ransom was demanded. The phenomenon of “express” kidnappings was now increasingly common in several jurisdictions (see para. 11 above);

(b) Kidnapping conducted as a means of revenge or to secure the payment of debts between criminal groups, as noted in the replies of several countries;

(c) Kidnapping for political or ideological purposes, including the obtaining of publicity for a particular cause. In such cases any economic or financial gain might be only indirectly related to the offence.

31. It was suggested that, while a common set of operational principles could generally apply across the different types of kidnapping, there were also important differences that should be considered. For example, in cases of kidnapping involving competing organized criminal groups, the police might only be notified at a late stage, or not at all, given that the criminal groups might not wish to draw attention to themselves. In the case of kidnappings motivated by political or ideological reasons, the kidnappers might deliberately engage in activities designed to draw media and public attention. In such cases, law enforcement authorities required a sophisticated public information strategy of their own, taking into account the political context of the crime.

32. The consultative meeting agreed that, especially where the extent of kidnapping was severe, countries could take a number of critical measures in order to facilitate the development of an effective response. Such measures would include:

(a) The development of a national plan of action against kidnapping;

(b) The establishment of a centralized agency or specialized task force at the national level responsible specifically for kidnapping;

(c) The creation and maintenance of a kidnapping database;

(d) Mechanisms to enhance international cooperation in real time and in the most direct way.

33. The meeting sought to define in order of importance the key objectives of any police intervention in a kidnapping case. Listed in order of importance, these were deemed as follows:

(a) To preserve the life of the victim;

(b) To ensure the safe return of the victim;

(c) To protect public safety;

(d) To provide support to the victim and his or her family;

(e) To detain the criminals and criminal groups involved;

(f) To collect and secure evidence for trial.

34. With regard to operational interventions, the following issues were highlighted:

(a) The need for a national action plan and law enforcement strategy that made clear the lines of authority during the course of responding to kidnapping cases, minimizing the possibility of conflicting orders or actions that could endanger

the life of the victim. A single commander should be identified in order to secure full control over the operation;

(b) The involvement of the prosecutorial authorities at an early stage of the process, because this could significantly enhance the chances of a successful prosecution;

(c) Maintaining an effective and ongoing system of communication with the family, as an important way of building confidence and securing the family's cooperation during a highly stressful period. Police interaction with the family had two interconnected objectives: firstly, to debrief the family regarding the victim, possible offenders and any details of the incident itself; and secondly, to provide psychological support to family members and ongoing information about the investigation and status of the victim;

(d) The establishment of partnerships with organizations that might have information or resources useful to the resolution of the case at hand. Such groups included, among others, the media, local government agencies, banks, churches and private security companies;

(e) The cooperation of law enforcement agencies in other countries was crucial where there was an international dimension to the case. This was especially so in cases of high-profile individuals or where foreigners were the victims.

35. The meeting underscored the importance of a clear counter-kidnapping strategy. There might be kidnapping cases where the circumstances could benefit from bringing various state authorities together to debate such a strategy and discuss various options and their implications. Additionally, lessons learned from previous cases of kidnapping should be reviewed in the development of or updating of any such strategy.

36. With respect to the payment of ransom, it was noted that in a number of countries payment was prohibited as a disincentive to prospective kidnappers. While there was general sympathy with that position, it was also recognized that in some cases the payment of the ransom might serve to save the life of the victim, as well as to provide an effective mechanism to identify the offenders when there were few other lines of enquiry. Nevertheless, it was acknowledged that the payment of a ransom did not in all instances guarantee the life of the victim. The issue of whether the payment of ransom was or was not more effective in securing the return of the victim and of saving lives merited further discussion. Any such debate may benefit from an analysis of cases where payment of a ransom did or did not contribute to the safe return of the victim.

37. When criminal groups were involved in kidnapping, the best means to prevent further offences should be the disruption of the criminal organization itself. Therefore, law enforcement must use intelligence and investigative strategies effectively to secure adequate evidence to arrest and prosecute the principal offenders and not merely arrest low-level associates.

38. With respect to international cooperation among law enforcement agencies, there was consensus during the meeting about the need for the establishment of an international database on kidnapping trends, methods and suspects, as well as specific case information on charges initiated and convictions and sentences achieved. To be of real operational benefit, the database would probably need to

contain confidential information. It was therefore suggested that access to such a database be granted on a limited basis to officials engaged in investigating and prosecuting cases of kidnapping.

39. In countries where kidnapping had reached serious proportions, the meeting emphasized the requirement to create specific anti-kidnapping units. Several measures were identified in order to strengthen the capacity of such units, including specialized training programmes, tactical and strategic intelligence analysis, victim support practices and protection of witnesses. Such units should be subject to the same internal and external oversight as other specialist units, including completing integrity tests and an annual declaration of assets of members.

### **C. Preventive strategies**

40. In regard to prevention, the meeting concluded that the most significant intervention that could be made was for countries to design a holistic strategy designed both to prevent and combat kidnapping. Such a strategy would seek to secure the participation of both private and public bodies that could have some impact in the preventive sphere. One advantage of developing such an overriding strategy was that responsibility for various interventions could be clearly designated and that partnerships between public and private sectors could be developed.

41. Central to any kidnapping prevention strategy was the requirement to raise public awareness of preventive measures that individuals themselves could follow. Any educational or awareness-raising programmes might be enhanced by partnerships with schools, universities and other educational facilities, non-governmental organizations, civic councils and other elements of civil society. Such programmes had also included a focus on victim's rights and could be useful in mobilizing a broad public front of citizen groups and other bodies.

42. During the consultative meeting it was noted that the unwillingness of victims and victims' families to report kidnappings greatly complicated any prevention strategy. Lack of reporting was counterproductive because in such circumstances many kidnappings were resolved quietly through the payment of the ransom, encouraging further incidents. Additionally, the lack of reporting made it difficult for state agencies to judge accurately not only the extent of the problem but also emerging trends and the involvement of organized criminal groups. Three recommendations were made to enhance cooperation with the public authorities in order to increase reporting:

(a) Informing the public through the mass media of important successes in the fight against kidnapping, thereby increasing the level of trust in public institutions and thus enhancing the willingness of victims and families to report kidnappings;

(b) Instilling in the public a sense that reporting any crime, and especially kidnapping, was the civic duty of every individual. Public information campaigns that carried that message had shown results in several countries;

(c) Facilitating the reporting of serious crimes, including kidnapping, by making it easier to do so, through the establishment of telephone hotlines that

allowed the public to report suspicions of criminal activity, and in certain instances allowing those who reported such crimes to do so anonymously.

43. Along with an enhanced sense of civic duty and mechanisms aimed at facilitating the reporting of cases of kidnapping, administrative regulations that mandated individuals in the private sector to report any relevant information at their disposal pertaining to possible criminal activity was viewed as an important preventive measure. A further measure related to the control over the financial ability of victims to pay ransoms and in that respect the regulation of insurance companies, which offered specific policies to cover the eventuality of ransom payments, was identified for consideration. In turn, it was also noted that more effective government regulation of debt collectors, who might resort to kidnapping to recover outstanding debts, might have preventive benefits.

#### **IV. Concluding remarks and recommendations**

44. It was evident from the number and content of responses received that many States regarded kidnapping, and its links to the activities of organized criminal groups and terrorist groups, as constituting one of the most important challenges they faced in the security sphere. Indeed, responses from several States provided a graphic illustration of the significant psychological, social and economic damage associated with kidnapping. While definitional and recording problems made it difficult to provide an exact international assessment of overall levels of kidnapping, it was clear that the crime was now well established in several regions of the world, most notably Latin America, parts of Asia and Africa. Some European countries also noted increases, although these appeared to relate to the use of kidnapping between competing organized criminal groups. Given the seriousness of the problem in some regions and its potential to spread further afield, it was encouraging that States that responded to the questionnaire considered the crime to be of a particularly serious nature, a conviction generally resulting in punishment of four or more years' imprisonment. If conducted by an organized criminal group, kidnapping thus fell under the provisions of the United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I) with regard to mutual legal assistance and extradition.

45. From an international perspective, three interconnected recommendations appeared appropriate:

(a) There should be an attempt, as far as possible, to harmonize the definition of kidnapping used in various jurisdictions. While all responding States possessed legislation or common law that identified and defined kidnapping or its equivalent, there were a number of distinctions between what was regarded to be its constituent elements and how the crime(s) were termed;

(b) A more concerted effort could be made to monitor global levels of kidnapping, as well as any connections to organized crime. It seemed relatively clear that cases of kidnapping had increased overall in the last 10 years, but it was difficult from a global perspective to ascertain reliable trends or engage in accurate forecasting about any possible future geographical shifts. Better monitoring depended in part on a common definition of the crime;

(c) Both the replies from Member States as well as the proceedings of the consultative meeting suggested that there might be significant advantages in seeking to increase the debate between States as to measures that had proved to be successful in combating the problem, including the importance of focusing on preventive interventions. The results of the consultative meeting confirmed the usefulness of continued exchange of best practice through, for example, the development of a law enforcement manual on prevention and counter-kidnapping techniques and its promotion through the Internet. Similarly, and within the framework of relevant international legal instruments, in particular the United Nations Convention against Transnational Organized Crime, specific interventions to build more effective international cooperation arrangements with respect to kidnapping cases that had a transnational dimension were also of significant importance.

46. Since the Government of Colombia has kindly offered to provide some funds for the development of the above-mentioned manual, the Commission on Crime Prevention and Criminal Justice may wish to authorize the Secretariat to work in that direction, with the view to submitting relevant proposals to the Eleventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, under the substantive item on “Effective measures to combat transnational organized crime”.

#### *Notes*

- <sup>1</sup> Argentina, Australia, Austria, Barbados, Belarus, Belgium, Bolivia, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Egypt, Estonia, Guatemala, Guinea, Finland, Germany, Greece, Hungary, India, Ireland, Italy, Japan, Jordan, Kuwait, Latvia, Lebanon, Malawi, Malaysia, Malta, Mauritius, Mexico, Monaco, Morocco, the Netherlands, Oman, Panama, Peru, the Philippines, Poland, Qatar, the Republic of Korea, Romania, the Russian Federation, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Zambia and Zimbabwe. The African Institute for the Prevention of Crime and the Treatment of Offenders provided a response reflecting the views of five countries, Cameroon, Comoros, Djibouti, Guinea and Senegal. Supplementary replies were received from Finland, Italy, Jordan, Lebanon, the Republic of Korea, Slovakia, Switzerland and Turkey.
- <sup>2</sup> Most notably a detailed reply from the Department of Peacekeeping Operations of the Secretariat, which provided details on kidnapping with respect to its missions to Angola, Bosnia and Herzegovina, Kosovo, Sierra Leone and Western Sahara. The United Nations Development Programme and the International Atomic Energy Agency also submitted replies.
- <sup>3</sup> Belarus, Belgium, Colombia, Costa Rica, the Czech Republic, Germany, Hungary, India, Italy, Japan, Latvia, the Netherlands, Peru, Poland, the Republic of Korea, Slovakia, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey and the United Kingdom.
- <sup>4</sup> Barbados, Belgium, Colombia, Costa Rica, the Czech Republic, Germany, Hungary, Latvia, the Netherlands, Poland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago and the United Kingdom.
- <sup>5</sup> Belgium, Cyprus, the Czech Republic, Estonia, Germany, Hungary, India, Italy, Japan, Kuwait, Morocco, the Netherlands, Peru, the Republic of Korea, Slovakia, Togo, Trinidad and Tobago, Turkey and Ukraine.

- <sup>6</sup> Barbados, Belgium, Colombia, India, Morocco, Mauritius, the Netherlands, Senegal, Slovakia, Togo and Turkey.
- <sup>7</sup> Colombia, Italy, the Netherlands, Peru, Slovakia and the United Kingdom.
- <sup>8</sup> Costa Rica, India, Italy, the Netherlands, Peru, Trinidad and Tobago and the United Kingdom.
- <sup>9</sup> Latvia and Peru.
- <sup>10</sup> Austria, Belarus, Belgium, Croatia, Cyprus, Egypt, Estonia, Finland, Guinea, Guatemala, Hungary, Ireland, Italy, Jordan, Latvia, Malawi, Malaysia, Malta, Mauritius, Monaco, the Netherlands, Panama, Peru, Poland, Qatar, Romania, Saudi Arabia, Slovenia, Togo, Tunisia and Zimbabwe.
- <sup>11</sup> Barbados, Colombia, Costa Rica, the Czech Republic, Denmark, Germany, Greece, Hungary, India, Japan, Kuwait, Mexico, the Philippines, Poland, the Republic of Korea, the Russian Federation, Spain, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Ukraine and the United Kingdom.
- <sup>12</sup> Austria, Barbados, Chile, Cyprus, Egypt, Guinea, Japan, Jordan, Kuwait, Latvia, Mauritius, Morocco, Malaysia, Panama, Qatar, the Republic of Korea, Saudi Arabia, Togo, Tunisia, Turkey, the United States and Zimbabwe.
- <sup>13</sup> Belgium, Germany, the Netherlands and the United Kingdom.
- <sup>14</sup> Argentina, Belarus, Costa Rica, the Czech Republic, Estonia, Guatemala, Hungary, Poland and Trinidad and Tobago.
- <sup>15</sup> Colombia, India, Italy, Mexico, Peru, the Philippines, the Russian Federation, Ukraine and Spain.
- <sup>16</sup> Colombia, Malaysia and Italy.
- <sup>17</sup> The instruments most commonly identified were the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention on the Civil Aspects of International Child Abduction, the International Convention against the Taking of Hostages and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.
-