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## **Special Issue**

The legislator's strategic toolkit. The systemic construction of the New World Order

Edited by Natalia Brasil Dib and Sara Petroccia

La Società Italiana di Vittimologia partecipa con profondo dolore al lutto per la scomparsa del Professore Emerito Denis Szabo, Maestro della criminologia internazionale. Alla famiglia le più sentite condoglianze.

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## Crimine e vittimizzazione nell'ordine mondiale globalizzato

### Crime et victimisation dans un monde globalisé

### Crime and Victimhood in a Globalized World Order

*Emanuela Del Re, Seema Shekhawat\**

#### **Riassunto**

La globalizzazione ha imposto una ridefinizione del reato, dalla schiavitù alla corruzione, al terrorismo e altro. È possibile elaborare un approccio trasversale e convenzionalmente condiviso nella società globalizzata che permetta a tutti gli attori implicati di interpretare correttamente il comportamento criminale contemporaneo e agire conformemente, in particolare in relazione alla nuova idea di vittima? Gli autori cercano di rispondere a questa domanda cruciale sollevando problematiche quali il ruolo dei singoli paesi così come delle organizzazioni internazionali nella definizione di cornici legislative globali e valori condivisi. Una forte ondata anti globalizzazione, emersa come reazione agli eventi recenti quali migrazione, conflitti asimmetrici e altro, sta imponendo una seria riconsiderazione delle strutture esistenti, delle procedure e delle strategie. Le attuali strategie, gli strumenti, gli approcci del legislatore sono in grado di fornire le risposte necessarie alle pressanti richieste crescenti e al riconoscimento delle comunità locali, ma allo stesso tempo al bisogno di mantenere un equilibrio a livello globale? Tramite riferimenti a case studies come l'attraversamento delle frontiere dei migranti e dei rifugiati, esaminati da prospettive sia globali che locali, gli autori vogliono fornire degli spunti per un approccio innovativo volto ad una riformulazione del fenomeno in un ordine globale in mutamento.

#### **Résumé**

La globalisation a imposé une redéfinition du crime – de l'esclavage à la corruption, en passant par le terrorisme et autre. Est-il possible d'élaborer une approche transversale conventionnellement partagée de la société globalisée permettant à tous les acteurs de premier plan d'interpréter correctement le comportement criminel contemporain et d'agir en conséquence, spécialement en ce qui concerne la nouvelle conceptualisation de victime ? Les auteurs essaient de donner une réponse à ce problème crucial, c'est à dire la question du rôle de chaque pays ainsi que des organisations internationales dans la redéfinition d'un cadre législatif global et de valeurs partagées. Une forte vague anti-globalisation, émergée en réaction à des phénomènes récents tels que migrations, conflits asymétriques et autres, impose une reconsidération sérieuse des structures, procédures et stratégies existantes. Les stratégies actuelles, outils de travail et approches de législateurs sont-ils aptes à fournir les réponses nécessaires aux pressantes demandes croissantes de reconnaissance de communautés locales et, en même temps, à l'exigence de maintenir un équilibre au niveau global? En se basant sur des cas d'étude tels que migrants et réfugiés, les auteurs entendent fournir des éléments en faveur d'une approche innovante pour recadrer ce phénomène dans un contexte global en évolution.

#### **Abstract**

Globalization has imposed a re-definition of crime – from slavery to corruption, to terrorism and other. Is it possible to elaborate a transversal and conventionally shared approach in the globalized society that allows all relevant actors to interpret contemporary criminal behavior correctly and act accordingly especially in relation to new conceptualization of victim? The Authors try to answer this crucial question raising issues such as the role of single countries as well as international organizations in defining global legislative frameworks and shared values. A strong anti-globalization wave that has emerged as a reaction to recent events such as migrations, asymmetric conflicts and other, is imposing a serious re-consideration of the existing structures, procedures and strategies. Are the current strategies, toolkits, approaches of legislators able to provide the necessary responses to the raising and pressing demands of recognition of local communities and at the same time to the need to maintain an equilibrium at global level? Through references to case studies such as migrants and refugees border crossing, examined from both global and local perspectives, the Authors intend to provide inputs for an innovative approach to reframing this phenomenon in a changing global order.

**Key words:** crime; victims; globalization; migrants; refugees.

*"Would you believe it, Ariadne?" said Theseus "The Minotaur scarcely defended himself"*

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### 1. Globalized crime.

The correct conceptual framework to define legal, deviant and criminal behaviors in a globalized world order is a challenge. The current debate on globalization has an effect on economic and political processes and also on victimhood and crime, but globalization remains an ambiguous concept, to use Hay and Marsh words, and needs to be demystified (Hay, Marsh, 2016).

There is no conventional approach amongst theorists in different areas of social sciences on the definition of globalization (Ning, 2016). Milanovic offers an interesting synthesis of the issue: “Faced with such a complex constellation of theoretical and semantic propositions, one must emphasize that globalization is not merely an idea, but first and foremost a fact” (Milanovic, 2016). The emphasis on the concrete dimension of globalization is crucial, yet the complexity of the phenomenon demands conceptual clarification especially when attempting to explore its relation to deviant, criminal and (il)legal behavior.

Amongst the consequences of globalization – positive and negative – there is the fact that it occurs unequally in the world, creating a process of differentiation and polarization. A phenomenon reflected in Roland Robertson's known neologism *glocalization* (Robertson, 1995), and in the distinction of countries into core, semi-periphery and periphery (Van Derr Mer, 2017) with social-political-economic consequences.

Globalization implies a process of “inclusion/exclusion”: an on-going process of division of countries, social groups and people into the excluded and the included that is sustained by many. Bauman avoids using the definition

“included/excluded”, preferring the terms “tourists” for the included, and “tramps” for the excluded, in this way emphasizing that these two groups represent two worlds, two perceptions of the world and two strategies (Bauman, 2013). Luhmann had imagined already in the 1990s a worst possible globalization scenario based on a meta-code of inclusion/exclusion, that would have had as a consequence that some people would be included into the functioning system and others would simply try to survive. The excluded (countries, social groups, persons) would constitute a humus for crime and deviance (Luhmann, 1998). The causal process exclusion-crime is possible, given that the emergence of crime - structure, scale and dynamics – depends on social, economic, political demographic and other factors.

Human interaction has definitely undergone a process of acceleration, and has created new and favorable contexts for deviant and criminal behaviors. Viano sustains that the global circulation of capital and the promulgation of neo-liberal economic policies is generating an ever-growing gap between the wealthy and the poor, enhancing the attraction of deviant and criminal choices (Viano, 2010, pp. 64-65). A vivid portrait of the context is offered by Rotman who sustains that criminal and deviant activities have proliferated, and the threat of violence has increased in intensity and scope as a result of globalization: “the advances in communications and transportation technology, the openness of borders and the computer networks that make these borders irrelevant, reduced state authority, cyber-finances, and offshore banking have enabled organized crime to create flexible, global networks and thus evade state regulations and cumbersome international law enforcement”

(Laverick, 2016, p. 23). Rotman argues that the transnational expansion of criminal organizations has increased the level of violence: “Organized crime has created a market in violence, subcontracted to and perpetrated by local criminals” (Rotman, 2000, p. 3). Laverick argues that crimes and deviant behaviors are consequences of globalization (Laverick, 2016, p. 5) and identifies those types of behavior that can be included under the term “international crimes”. Referring to slavery and piracy in particular, Laverick highlights the association modern society has made “between weak states, international and transnational crimes and terrorism leading towards the development of an international security consensus” (Laverick, 2016, p. 23). This, in turn, helps to provide a strong motivation to understand why criminal behavior occurs in order to elaborate international strategies to prevent them.

The geographical dimension is also an important factor in the definition of crime defined as global. Karofi and Mwanza sustain that a crime is a global issue if it meets at least one of specific criteria: a) a particular crime presents an accentuating character in most nations on the globe, not necessarily involving actors who perpetrate the crime across borders; b) the crime is trans-border and the actors cross frontiers (Karofi, Mwanza, 2006). Frontiers have become virtual due to technology and easy mobility, Findlay sustains (Findlay, 2013; Findlay, 2000).

Globalization has a double effect: on one hand globalization processes give an impulse to crime and criminal behavior; on the other, criminal behavior at a global level provokes an effect on globalization. This is what the Human Development Report 2016 points out sustaining that they constitute a real threat (UNDP, 2016). This is demonstrated by the

growing influence of organized crime: estimated to gross 1.5 trillion US dollars a year: it competes with multinational corporations as a true economic power. Moreover, the threat derives from the fact that global crime groups are able to intrude politics, economics and the forces engaged in contrasting crime. Their networks expand easily in globalization and prosper.

Fundamental elements of crime are the relationships that develop in particular contexts with specific dynamics. These relationships are motivated by economic profit that justifies recurrence to crime (Walters, 2015). There are contradictions inner to globalization as an economic process that can affect the individual’s sense of being: the consequence would be that the individual would resort to criminal behavior as a choice (Kinnvall, Jonsson, 2014). Findlay argues that the globalization of capital from money to the electronic transfers of credit, of transactions of wealth to the exchange of property, information technology and the seemingly limitless expanse of immediate and instantaneous global markets have enabled the transformation of crime beyond people, places and even beyond victims: “crime is now as much a feature of the emergent globalized culture as is the feature of every other aspect of consumerism” (Findlay, 2013).

Globalization has fed new forms of crime, especially in areas that were not in contact with the world before. An example is given by Albania, that after the fall of the regimes in 1991 and the consequent opening of the country to the world, also imported forms of crime such as human trafficking and cultivation of hashish, with the creation of organized crime in cooperation with transnational criminal groups. Another example is the war in Kosovo, where new forms of criminal activities

were created such as brothels to host women trafficked from Moldova and Ukraine for the use of the international armies (Del Re, 2003).

The development of different types of deviance as a consequence of globalization, implies also the development of different types of social control.

The changes prompted in crime by globalization, have occurred also in criminal justice. Given that crime is undergoing a process of internationalization, also domestic criminal systems must adjust to the new global demands. An interesting example is a law introduced in Italy in 2003 on illicit trafficking of human beings. The law was motivated by the fact that the increase in illegal migration to the country had inspired new forms of criminal exploitation of trafficked human being - even to the point of enslaving them - which were not diffused in the country before (Law 11 August 2003, n. 228, "Measures against the trafficking of Human Beings", *Gazzetta Ufficiale* n. 195, 23 August 2003, <http://www.camera.it/parlam/leggi/03228l.htm>).

There is a risk that in a globalized crime system, the lack of international coordinated actions and norms would allow the perpetrators to escape prosecution and the victims without legal recourse (Letschert, 2011). What is strongly needed, affirms Letschert, is the development of new national and international arrangements to protect and empower actual victims.

Types of crime such as organized crime, drug trafficking, terrorism and human trafficking, have taken advantage from globalization; this has required the elaboration of new strategies for social control to fight against the new forms of crime and deviant behavior. Globalized forms of control are those that imply multilateral agreements and participation. For example: the creation of Europol

in 1998; international laws and regulations to tackle organized crime, human trafficking, drug trafficking, terrorism, money-laundering and other; international agreements on issues regarding crime and criminals, including for instance the revision of UN resolutions according to the new global scenario, such as the condition of inmates in penitentiaries and penal colonies (revision of UN Resolution on the "Standard Minimum Rules for the Treatment of Prisoners"); the development of restorative justice and juvenile justice; the universal tendency of abolishment of capital punishment and other. The concept of punishment itself has undergone changes, as well as the role, rules of engagement and actions of police forces, with analysts observing an increase in repressive measures on the part of police and criminal justice in particular against the marginalized.

## 2. **Victimhood in globalized societies.**

Together with the changes that the concept of crime has undergone over the course of history, the concept of victimhood had also undergone a process of redefinition both in terms of the causes of such redefinition and of the meaning that the concept has acquired in relation to globalization (Loeber, Huizinga, 2001; Del Re, 2009).

According to victimologists (Dillenburg, 2007), the level of vulnerability of individuals or groups is determined by social-economic-political factors. For example, family factors - low socioeconomic status, parental crime, single-parent household, poor parental supervision - as well as individual factors - low education, involvement in gang or group fights, drug use, drug sales, being oppositional, hyperactive, or impulsive, and association with delinquent peers - are related to increased risk of victimization (Van Reemst, Fisher, Van Dongen,

2013). While the debate on the “victims of globalization” especially under the economic point of view is lively, the literature on the changes that the concept of victim has undergone because of globalization is scarce.

Globalization has produced new types of victimization, and as a consequence new forms of legal responses have been created. Wemmers and De Brouwer analyze in particular the creation of a new international criminal institution in The Hague (the Netherlands), in 2002: the International Criminal Court (ICC) (Wemmers, De Brouwer, 2011). The ICC began functioning when the Rome Statute came into force, establishing four core international crimes: genocide, crimes against humanity, war crimes, crime of aggression. The ICC can only investigate and prosecute the four core international crimes when States are “unable” or “unwilling” to proceed and the jurisdiction of the court is complimentary to the jurisdictions of domestic courts. Very important is to underline that the crimes listed are not subject to any statute of limitations. Hundred-twenty-three countries are part of the Rome Statute. The ICC is an interesting example because the concept of victimhood does not treat the victim as passive but recognizes the victim’s rights through victim participation and reparation. This has promoted a new approach to the concept of victim. Dignan points out that the common general association between the terms “victim” and “crime” is a recent phenomenon (Dignan, 2005). In the past “victim” was mainly associated with general misfortune. The term itself that derives from the Latin word for *victima*, that is the sacrificial animal, has perpetuated the image of “sacrificed ones” for those who have been the object of crime or abuse in all the Western languages (Van Dijk, 2009) as well as in modern

Hebrew and Arab (Fletcher, 2007). During the post-war period, when policymakers began discussing the concept of welfare state, the “victims of misfortune” for whom they intended to make provision were those oppressed by the so-called five “giant evils of society” that were want, disease, ignorance, squalor and idleness, except crime (Mawby, Gill, 1987). Victims of crime have remained virtually invisible until recent times when they have been recognized as a distinct social category in their own right, and the first coordinated responses have been formulated to address their demands.

It is true that the ICC deals with mass victimization such as genocide and that the issue of victims of conventional crime need to be addressed: this raises the issue of what convergences there are between victims of conventional crime and the victims of mass crimes. In any case, there is a continuous reference to international instruments such as the 1985 UN *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*. However, the UN Declaration is largely based on the needs of victims of conventional crime. The concept of victim’s rights in criminal proceedings is still a new concept that needs to be operationalized properly in the new globalized context. Despite various examples since the II World War starting with the Nuremberg Trials, followed by special tribunals such as Rwanda, Former Yugoslavia, Sierra Leone – the victims have continued to be considered and used mainly as witnesses. A change has occurred with the Rome Statute and, Ferstman (Ferstman, 2017) points out, to a certain extent, with the regulations of the “Extraordinary Chambers in the Courts of Cambodia” (see: <https://www.eccc.gov.kh/en/node/39457>) and the “Special Tribunal for Lebanon” (see:

<https://www.stl-tsl.org/en/>). She says that until recent times studies were mainly focused on the victims' perceptions of international criminal proceedings, victim and witness protection, the ability of victims to participate in proceedings, and new possibilities for victims to claim reparations. The new globalized approaches have also had an impact on studies, because now that there have been several years of court proceedings before the International Criminal Court, the Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon, it is possible to analyze the impact of the new procedures and propose new measures (Bonacker, 2014).

Is an international overarching legal framework needed beside domestic law systems?

Letschert (2014) stresses upon the changes in the concept of victim brought about by the definition of Human Security delineated by the UNDP. The "Human Development Report" of 1994 has introduced the concept of Human Security that focuses on people (UNDP, 1994, p. 22; Gomez, Gasper, 2013). The new concept implies a concept of security that transcends the limits of the paradigm security-conflict-territory, promoting an holistic view of the concept of security related to human beings, implying a number of aspects including: "safety from chronic threats such as hunger, disease, and repression as well as protection from sudden and harmful disruptions in the patterns of daily life – whether in homes, jobs or communities" (UNDP, 1994, p. 23).

Part of this concept of human security is also the relation between individuals and legal frameworks and institutions, especially in presence of crime.

Letschert reports that according to the victims' movement - that over the past twenty years has had considerable impact on policy – "criminal justice

systems across the world should serve the interests of those directly harmed by crime besides or even before those of the state. From this perspective, key victim-centered functions of criminal justice are access to justice, information, recognition and reparation. Furthermore, victims are entitled to social support to be reinstored into their former life" (Letschert, 2014, p. 3).

An important step has been made with the elaboration of the "Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law" that was adopted in 2005 by the UN Commission on Human Rights (available at: <https://www.un.org/ruleoflaw/blog/document/basic-principles-and-guidelines-on-the-right-to-a-remedy-and-reparation-for-victims-of-gross-violations-of-international-human-rights-law-and-serious-violations-of-international-humanitarian-law/>). Together with the abovementioned "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power", according to Letschert the two documents have set the global standard for the treatment of victims in national and emerging international criminal law, operationalizing the concept of human security: "they could be seen as important operationalizing of the concept of human security in the domain of criminal justice. Improvements in procedural rights of crime victims are embedded in the legal traditions and structures of domestic criminal justice systems. Where domestic arrangements of criminal justice are replaced or supplemented by international criminal law, existing provisions for crime victims must be transferred to these new settings" (Letschert, 2014, p. 3).

### 3. Local versus global perspectives.

The strong centripetal attraction force that some countries and organization are exercising at global level as regards crime and victims, is challenged by domestic legislations reflecting cultures and identities.

In the world a dangerous trend is developing that confuses religion and related values with local practices. In reality Islam, for instance, as a religion, is distant in its values from some local practices and traditions that are in contrast with the universal concepts of Human Rights.

The harmonization of legislation is not easy given that some issues are approached on parallel tracks by different countries. For instance, The Arab Charter on Human Rights (ACHR) adopted by the Council of the League of Arab States on the 22nd of May 2004, affirms the principles contained in the Universal Declaration of Human Rights, the UN Charter, the Cairo Declaration on Human Rights in Islam, The International Covenant in Human Rights. The Charter came into force in 2008 ([http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/darp/dv/darp20100504\\_06\\_/darp\\_20100504\\_06\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/darp/dv/darp20100504_06_/darp_20100504_06_en.pdf)). Despite the converging principles, in 2008 Louise Arbour (<https://news.un.org/en/story/2008/01/247292-arab-rights-charter-deviates-international-standards-says-un-official>) affirmed that the Arab Charter was incompatible with the UN definition of Human Rights especially as regards the rights of women, and of children as regards death penalty (Del Re, 2017, pp. 283-285).

The reason why this case is recalled here, is that one of the main issues in the globalized dimension of crime is the fact that the local perspective often finds it difficult to harmonize with the global

approach and vice-versa, considering that “global” is a definition that becomes in many cases controversial. A debated case is that of Russia, where the concept of Sovereign Democracy, as affirmed by Lettinga and Van Troost, admits the universality of human rights but “reserves the sovereign right to interpret and implement them without external oversight” (Lettinga, Van Troost, 2017). Lettinga and Van Troost talk about “multiple civilizations approaches” sustaining that this approach has a weak point because it prioritizes particularism over universalism.

These issues are delicate and imply rational reasoning as well as a number of ideological issues, generalizations, superficial prejudices and other cultural related distortions. However, it must be pointed out that finding common legal responses to the phenomenon of global crimes and to the protection of victims of global crime is difficult.

In a comparative approach, it emerges that despite the difference in the approach between the countries in the world to globalized crime, the legal systems in many of the so called developing countries do not necessarily diverge from the Western mainstream. Besides, many new legal systems in developing countries are designed on the basis of a comparative approach taking inspiration from existing juridical codes of other countries such as for instance the case of Albania in the 1990s taking inspiration from European Law systems drawing the new codes with the help of European experts. In other cases, the new legal system is the product of a process accompanied step by step by international institutions as in the case of Kosovo after the war: the European Union Rule of Law Mission in Kosovo (EULEX) launched by the EU Council in 2008 was started to “guarantee that all members of society benefit from the rule of law”

(<http://www.eulex-kosovo.eu/>). It has received a new mandate until 2020. Missions such as EULEX have a strong symbolic meaning on two levels: a) because they assure a status to the deliverer (in this case the EU) to be an important security actor in world politics (Dursun-Okzanca, 2009) and b) they offer a certification to the country that is developing the legal system when it aspires to a recognition by a specific circle of countries (in this case the Western countries).

This reflection raise the issue whether a global law is emerging from the multi-leveled acceleration of human interaction.

Le Goff wonders whether a global law is emerging in the global economy, that is the result of a harmonized scheme of converging national laws and practices, international custom and values (Le Goff, 2007). How to define “global law”? Does global mean that this law is multicultural, multinational, multidisciplinary? Is it well defined yet? There is no formalized structured legal system at global level except for institutions such as, amongst others, the above mentioned International Criminal Court. The problem is that even when there are UN Resolutions that are approved by many countries, rarely they are signed and implemented by all the countries.

Le Goff simply points out that there is no “global code” nor a “global Court of Justice” (Le Goff, 2007, p. 130). Yet the concept exists, but it constitutes a direction rather than an achievement for the moment. The International Criminal Tribunal for the former Yugoslavia (ICTY), constitutes a synthesis of this approach. Le Goff refers to the words in the ICTY text that lists its core achievements: “has expanded the boundaries of international humanitarian and international criminal law [...] It has created an *independent system*

*of law*, comprising elements from adversarial and inquisitory criminal procedure traditions” (<http://www.un.org/icty/cases-e/factsheets/achieve-e.htm>).

This would sustain the idea that a global law is possible, but despite the effort by state and non-state actors and international organizations, the concrete realization of an integrated global law system is far from becoming a concrete reality. The idea that law would transcend state boundaries is not new but is perceived as scary by many who oppose globalization. Michaels, amongst others, talks about ‘transnational law’ but although the form changes, the substance does not (Michaels, 2013).

Do we need a global law? The anti-globalization movement – with its many souls – is an important actor in this issue because it is the indicator of a minority approach that balances the global trend defined by the Bretton Woods institutions. The anti-globalization movement is the indicator of a social-political-economic awareness that the decision-making process is strongly influenced by these institutions also at legal level. Moreover, the anti-globalization movement has developed its own system of intervention in society “thus represents the formation of a trans-boundary polity organized around meta-state institutions, albeit in a critical role” (Garcia, 2005, p. 13).

The challenge of finding an equilibrium between local and global becomes even more serious when law enforcement is involved, considering that crime in the globalized world has revealed a huge number of nuances and interpretations. Globalization, however, especially in its digital dimension, is a powerful agent of change. One example is the concept of rape, that is changing in several legislations. An important example is the so called

“Amina Law” in Morocco, a controversial article that allowed rapists to avoid charges if they married their victims (see <https://www.aljazeera.com/news/africa/2014/01/morocco-repeals-rape-marriage-law-2014123254643455.html>). A multi-directional global campaign brought to the repeal of the law. The campaign was multi-directional because the fact that the Moroccan society had become more aware of the issue, was due to the fact that part of it had denounced the fact, and this had happened because it had been influenced by other legal interpretations of rape through global media. Finally, the global society had become aware of the situation in Morocco reacting to it, because the global media had been sensitized by the Moroccan civil society.

#### **4. Global Crime and Vulnerable groups.**

Migrants, refugees are vulnerable groups and vulnerable groups protection has become a global issue in a number of ways. From a geographical point of view: there is no region of the world not affected, whether as a producer or a receiver of refugees, or as a country of transit. As regard the causes of migration, we can refer to forced migration, due to persecution, conflict, environmental issues and violation of human rights; economic migration; voluntary migration; and, in several cases, people migrating for different reasons but following the same routes at the same time (Del Re, 2017). Taking into account the number of migrants and refugees, according to the latest data diffused by the UNHCR (2017), there are 65.6 million persons forcibly displaced due to conflict, persecution and human rights violations worldwide, of which 40.3 million are Internally Displaced Persons (IDPs), 22.5 million are refugees and 2.8 million are asylum seekers. Further, the total

number of people estimated to have been displaced globally is the highest on record.

The conditions of life marked by experiences of victimhood are relevant determinants for the decision to migrate. In literature they are referred to as push factors. The main areas of push factors nowadays conventionally referred to are: conflicts and security; economic factors – poverty; climate change. Threats such as wars and conflicts, killings of relatives or neighbors, displacement, political oppression, continuous ethnic or religious discrimination, natural or environmental disasters, the loss of basic life resources (economic, social, healthcare, etc.), pervasive corruption or chaotic economic or social life conditions are harmful. According to article 18 of the UN Basic Principles (1985), desperate life conditions can be considered as victimologically relevant.

An important aspect of migration is border crossing. Violence in the border areas is too often regarded as normal and thereby incidents of violence against female migrants, refugees, trafficked and border residents often remain underreported and unattended (Shekhawat, Mahapatra, Del Re, 2018). The vulnerable communities, and more specifically women, get exposed to state-centered rigid bordering practices, paving the way for their alienation as well as exploitation. When women cross the border, their vulnerability emerges critically: they lose their point of orientation; they lack knowhow; they can become the object of blackmailing to have access to resources; they are sexually harassed and abused (Del Re, 2018, pp. 25-26).

Vulnerability emerges in a number of ways. For instance in the case of women who are victim of human trafficking (UNODC, 2018), on one hand they are more protected than normal migrants by the

passeurs, because they are valuable goods to be put on the market. On the other hand, once they arrive at their destination, these victims are systematically exposed to continuous, systematic victimization. Besides their “core” victimization through sexual or labor exploitation, they suffer from intimidation, coercion, abduction, threats, use of force, deceit, fraud, etc. An additional component is the increased threat of indirect victimization in cases where family members or friends in the victims’ home country become the subject of intimidation or extortion (Shekhawat, 2018; Lee, 2014).

All groups of migrants are explicitly vulnerable and, at the same time, exposed to increased risks of victimization. It is not too speculative to assume that only a very small minority of migrants have never suffered from any victimization throughout their journey. On the contrary, many of their personal biographies would disclose horrible records of victimization and trauma experienced at home, during transit and even later in their place of destination. In addition to specific risks related to their status as migrants, they also face the same risk as any other citizens of becoming victims of conventional crimes.

The issue that must be raised here is in what way globalization plays a role in the process of victimization of vulnerable groups and individuals. Is international law able to protect them? An important example are the 2000 Palermo Protocol no. 1 to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (see <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>) on trafficking in human beings, and *Protocol no. 2 against the Smuggling of Migrants by Land, Sea and Air* (see

[https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM\\_Protocol\\_English.pdf](https://www.unodc.org/documents/middleeastandnorthafrica/smuggling-migrants/SoM_Protocol_English.pdf)), on the smuggling of migrants. Protocol no.1 is strongly centered on victim protection and victim support, Protocol n.2 is an instrument of criminalization, although it includes at least a few provisions addressing some victimological aspects, in particular in its article 5 on the fact that migrants shall not be liable to criminal prosecution for the fact of having been smuggled (United Nations, 2000).

Bar-Tal et alii (2009) argue that just as individuals experience a sense of victimhood because of personal experiences, communities such as ethnic groups may also experience this sense. It may result from events that harm the members of the collective because of their membership, even if not all the group members experience the harm directly. The sense of self-perceived collective victimhood is based on and reflected in the sharing of societal beliefs (Bar-Tal, 2000), attitudes and emotions. These provide one of the foundations for a societal system. Shared societal beliefs, such as beliefs about victimhood, serve as a basis for construction of a common reality, culture, identity, communication, unity, solidarity, goal-setting, coordinated activities, and so on (Merton, 1957; Parsons, 1951). Moreover, societies may choose to internalize past harms and to “transform them into powerful cultural narratives which become an integral part of the social identity” (Robben, Suarez-Orozco, 2000, p. 23). Finally, the collective sense of victimhood becomes a prism through which the society processes information and makes decisions.

This is where local and global can be best harmonized.

## **5. Preparing global society for 2030.**

Although there is no conventional description for the concept of global crime, some converging elements can be identified. In general the concept to which international documents refer is transnational crime. CATOC, the United Nations Convention against Transnational Organized Crime entered into force in 2003, affirms that a crime is transnational when it is committed in more than one State; if it is committed in one State but part of its preparation, organization, planning or control takes place in another state; if it is committed in a State but involves an organized criminal group engaged in criminal activities in more than one state; if it is committed in one State but it substantially affects another State.

The debate on transnational crime implies a reflection on the relation between globalization and organized crime. Globalization has created opportunities for the organized crime in the world because it has allowed the expansion of criminal interests both territorially and in terms of domain.

The more expansion, the more need for control. The legal framework has also become a challenge because of the need to define jurisdictions, amongst other issues.

The definition of a new agenda needs to start from a new concept of “global” in approaching crime. There is a trend to create international tribunals, to increase cooperation between states on criminal issues. Is it possible to globalize democratic values and human rights putting them at the basis of juridical systems of all the countries in the world? Until now the focus has been put on regulatory initiatives. The problem is that interdependence is still a difficult concept to accept beyond economic transactions. The new necessary engagement should be in the promotion of a shared development (Del Re, 2017). Global crime prospers on inequality that

is an incentive for local crime and is functional to transnational crime.

Many sustain that a criminal justice reform is essential to the 2030 UN Agenda for Sustainable Development (SDGs). The UN Agenda 2030 comprises 17 Sustainable Development Goals (SDGs) and 169 targets. Amongst the many issues, *Prison Reforms* sustains that one important problem is the increased number of inmates due to discriminatory juridical systems in many countries (Penal Reform International, 2017).

One of the most important goals of the Agenda 2030 is Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. The UN lists all the progresses that have been made in 2017 in relation to this goal. While violent conflicts have increased in recent years, homicides have slowly decreased and more citizens around the world have better access to justice. Yet the progress promoting peace and justice, together with effective, accountable and inclusive institutions, remains uneven across and within regions (see <https://sustainabledevelopment.un.org/sdg16>).

Justice reform is fundamental for all the Goals in the Agenda: Goal 1 on Poverty, Goal 4 on Gender equality, Goal 10 on reducing inequality and discrimination.

Crime and victimhood in a globalized world order call upon societies to be tackled. Globalization emerges here as an important tool that should be used in a more productive way especially as an instrument to combat crime. Education is an important social agency in crime prevention as well as systematic information on the effects of crime on individuals and societies. A global sense of responsibility is needed, although the concept is

highly ideological in both the anti-globalization movement and the pro-globalization discourse.

A concluding remark intends to draw the attention on the concept of sustainability itself, wondering on the sustainability of globalization as a consequence. Agenda 2030 intend to promote a global approach to the development of sustainability. The problem is that it replicates a model of intervention based on a socio-economic approach that does not envisage crucial risks such as “unsustainability” deriving from increased demography and others, on which crime and victimhood in the globalized world order are directly dependent.

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