



## **TRANSNATIONAL ORGANISED CRIME**

### **SYLLABUS**

This course explores the international legal framework and best practice guidelines to prevent and suppress transnational organised crime, including drug trafficking, smuggling of migrants, and trafficking in persons. The course outlines and examines the criminology, levels, patterns, and modi operandi of these crimes, their criminalisation in international and domestic laws, and analyses national, regional and international strategies to investigate such crime and prosecute offenders.

The course gives students a comprehensive understanding of contemporary patterns and characteristics of transnational organised crime and relevant international conventions. The seminars, exercises and working-group sessions during the course invite students to critically reflect on the nature and limitations of international criminal law conventions and understand the rationale of international, regional, and domestic policies in this area.

The course further seeks to improve students' communication, presentation, discussion, and writing skills. The course enhances students' abilities to research policy documents and legal material, critically analyse legislation, case studies and scholarly writing, present to an academic audience, and elaborate practical recommendations for law reform and policy change relevant to the subject area.

Note: The course will be taught and all assessment will be conducted exclusively in English language.

### **GENERAL COURSE INFORMATION**

#### **Teaching days and venues**

##### **Introduction — Vorbesprechung**

Thursday, 20 September 2018	9:00am-9:50am	room KOL-F-109
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##### **Main teaching days**

Tuesday, 4 December 2018	11:15am-4:00pm	room KOL-F-152
Wednesday, 5 December 2018	11:15am-4:00pm	room KOL-F-152
Thursday, 6 December 2018	11:15am-4:00pm	room KOL-F-152

## Teaching and learning method

This course is delivered in seminar-style. Seminars are a forum where, within an analytical framework offered by the course coordinator, students can explore concepts relevant to the topic, examine how relevant policies and laws work, and how relevant skills are put to use. Seminars also offer an interactive forum within which to explore in greater depth the issues relating to transnational organized crime and to engage with other students and the course coordinator in analysing this issue.

As an interactive learning forum, the seminars are dependent upon all students being prepared to engage with the course material, to collaborate with each other and the course coordinator, and to share their ideas and opinions in independent and constructive ways. In a negative sense, the seminars are not for delivering an exclusive and exhaustive account of the material that students need to learn, or read material that students can read themselves.

## COURSE COORDINATOR

Professor Dr. Andreas Schloenhardt

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Andreas Schloenhardt is Professor of Criminal Law in the School of Law at The University of Queensland in Brisbane, Australia and Professorial Research Fellow in the Faculty of Law, Department of Criminal Law and Criminology at the University of Vienna, Austria. He serves as a consultant to the United Nations Office on Drugs and Crime (UNODC) in Bangkok, Islamabad, and Vienna and to the Council of Europe in Strasbourg. Andreas holds visiting professorships at the University of Zurich (since 2014) and the University of St Gallen, Switzerland (since 2013).

Andreas' principal areas of research include criminal law, organised crime, migrant smuggling, trafficking in persons, narco-trafficking, terrorism, criminology, and immigration and refugee law. He is the author of many books and journal articles and his work is frequently cited by other scholars, in government reports, and judicial decisions, including the High Court of Australia and the Supreme Court of Austria. His recent work focuses on organized crime legislation and international efforts to prevent and suppress migrant smuggling and trafficking in persons.

Andreas has held adjunct appointments and visiting professorships at Bucerius Law School, Hamburg (2016 and 2013), the National University of Singapore Faculty of Law (2011), The University of British Columbia, Vancouver (2007–09), and the Monterey Institute of International Studies, Monterey, CA (2006–09). In 2011–12, Andreas was a recipient of a Fellowship from the Winston Churchill Memorial Trust.

# OBJECTIVES OF THE COURSE

## Course Aims

This course is designed to give students a comprehensive understanding of contemporary patterns and characteristics of transnational organised crime and relevant international conventions in this field.

The focus of this course is with the criminology of transnational organized crime, international conventions to combat transnational crime, and domestic efforts to implement and enforce this body of law. The seminars, exercises, and working-group sessions during the course invite students to critically reflect on the nature and limitations of international criminal law conventions, and understand the rationale of international, regional and domestic policies in this area.

Further, the course seeks to improve communication, writing, and research skills. The course enhances students' abilities to research relevant material, critically analyse legislation, case studies and scholarly writing, lead discussion, and elaborate practical recommendations for law reform and to policy change relevant to the subject area.

## Learning Outcomes

After successfully completing this course, students should be able to:

- Have a general understanding of the nature, characteristics and contemporary patterns of transnational organised crime.
- Have a comprehensive knowledge of the sources of relevant international law, domestic legislation, case law, government sources, and scholarly writing in this field of study.
- Understand relevant government policies in this field and in related areas.
- Identify and structure relevant issues and present them logically.
- Work individually on designated tasks and topics and present outcomes in written and oral form.
- Develop informed, coherent strategies for law reform and policy change in this field of study.
- Discuss topical issues in an open forum.

# COURSE MATERIAL

## Required reading

Prior to commencing the course, students will be given access to all the required reading material for this course. The course material will be provided in a single pdf file.

Students are expected to download, read, and reflect on this material in preparation of each class. The required reading material for each module of the course is set out below in this syllabus.

## Supplementary material

Each part of the course is accompanied by visual material (including PowerPoint presentations and videos), in-class exercises, and a range of supporting documents.

This material is made available to students during the course. For pedagogical reasons, some

material will not be released in advance.

## COURSE CONTENT AND SCHEDULE

### Course introduction (Vorbereitung)

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<b>Thursday, 20 Sep 2018 9:00am</b>	<b>Introduction to the Course</b> Introduction of participants; outline of the course
Reading material	Syllabus

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### Main teaching days

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<b>Tuesday, 4 Dec 2018 11:15am</b>	<b>Transnational Organized Crime</b> Patterns and Characteristics Criminalising Organized Crime
Reading material	UN <i>Convention against Transnational Organized Crime</i> UN Conference of the Parties to the United Nations Convention against Transnational Organized Crime, Working Group of Government Experts on Technical Assistance, <i>Criminalization of Participation in an Organized Criminal Group (article 5 of the Convention against Transnational Organized Crime)</i> , UN Doc CTOC/COP/WG.2 (23 May 2014)

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<b>Wednesday, 5 Dec 2018 11:15am</b>	<b>Drug Trafficking</b> Illicit drug markets National responses International law relating to narcotic drugs and psychotropic substances
Reading material	UNODC, <i>World Drug Report 2018</i> (2018) – executive summary Alfred M McCoy, 'From Free Trade to Prohibition: A Critical History of the Modern Asian Opium Trade' (2000) 28 <i>Fordham Urban Law Journal</i> 307

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<b>Thursday, 6 Dec 2018 11:15am</b>	<b>Trafficking in Persons; Smuggling of Migrants</b> Defining trafficking in persons vs smuggling of migrants; <i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children</i> <i>Protocol against the Smuggling of Migrants by Land, Air and Sea</i>
Reading material	Andreas Schloenhardt & Jarrod M Jolly, <i>Trafficking in Persons in Australia: Myths and Realities</i> (LexisNexis, 2013) Chapter 3

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# ASSESSMENT

## Course grading

The assessment in this course focuses on the knowledge, skills, and competence of students based on the learning objectives and graduate attributes articulated at the start of this syllabus. Students will be graded on a scale from 0 to 100% (or grade 6–1).

Grade	Criteria
<b>6</b> <b>Excellent</b> 6: 100-85	As for 5, with consistent evidence of substantial originality and insight in identifying, generating and communicating competing arguments, perspectives or problem solving approaches; critically evaluates problems, their solutions and implications.
<b>5</b> <b>Very Good</b> 5.5: 79-84 5: 72-78	Demonstrates substantial understanding of fundamental concepts of the field of study and ability to apply these concepts in a variety of contexts; develops or adapts convincing arguments and provides coherent justification; communicates information and ideas clearly and fluently in terms of the conventions of the discipline.
<b>4</b> <b>Good</b> 4.5:61-71 4: 51-60	Demonstrates adequate understanding and application of the fundamental concepts of the field of study; develops routine arguments or decisions and provides acceptable justification; communicates information and ideas adequately in terms of the conventions of the discipline
<b>3-1</b> <b>Fail</b>	Demonstrates clear deficiencies in understanding and applying fundamental concepts; communicates information or ideas in ways that are frequently incomplete or confusing and give little attention to the conventions of the discipline.

## Overview

This course involves two assessment components. Both components must be attempted.

**Class Participation and exercises** (25% of final grade)

**Take-home exam** (75% of final grade)

## Class participation and exercises

Each part of this course is interactive with students expected to engage with the course content and material, discuss their experience and thoughts in class, engage actively and constructively in the discussions, and work independently and in small teams on assigned tasks.

Most parts of this course involve an exercise or assignment, such as case studies, discussion problems, skills training, et cetera. Given the teaching and assessment method used in this course, students are expected to communicate with each other and the course staff.

Students will obtain feedback on their class participation and exercises at the end of the course. The assessment is based on the following criteria:

GRADING	6 – Very Good	5 – Good	4 – Satisfactory	3	2	1
Critical analysis and exploration of relevant issues.	100		50			0
Articulate relevant facts and express informed opinions.	100		50			0
Contribution to in-class discussions.	100		50			0
Preparation and presentation of tutorial problems.	100		50			0
Team-work and cooperation with other students.	100		50			0
NOTE: Not all grading criteria are of equal weight.						

### Take-home assignment

The take home assignment involves a short discussion paper. This discussion exercise will focus on an issue of contemporary significance relating to transnational organized crime. The emphasis of this piece of assessment is on research, reflection, discussion, and on developing a balanced argument. Assignments must be submitted no later than 5 January 2019, 12:00 noon (Zurich time).

Students will obtain feedback on their assignment. The assessment is based on the following criteria:

GRADING	6 – Very Good	5 – Good	4 – Satisfactory	3	2	1
Introduction of the topic	100		50			0
Balance of arguments (content and accuracy)	100		50			0
Expression of an informed opinion	100		50			0
Structure and weighting of relevant issues	100		50			0
Overall conclusion (and its feasibility, justification, plausibility, ...)	100		50			0
Research and referencing	100		50			0
Communication (clarity, expression, spelling, grammar)	100		50			0

GRADING	6 – Very Good	5 – Good	4 – Satisfactory	3	2	1
NOTE: Not all grading criteria are of equal weight.						