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**STRATEGIES FOR CRIME PREVENTION:
DISCUSSION PAPER ON THE THEME OF
THE EIGHTH SESSION OF THE COMMISSION
ON CRIME PREVENTION AND CRIMINAL JUSTICE**

Report of the Secretary-General

Summary:

The Economic and Social Council decided that each session of the Commission on Crime Prevention and Criminal Justice should have one prominent theme and that the theme of the eighth session of the Commission should be crime prevention. In order to facilitate the deliberations, the Secretariat prepared a general discussion paper on crime prevention. The report provides an overview of recent concepts and successes of crime prevention. It describes the new challenges for the international community in preventing transnational and organized crime, and corruption. The report addresses the links between socio-economic development and crime and discusses strategies to manage crime prevention at the national level. The report further reflects the views of Member States on standards regarding responsible crime prevention. Annexed to this report is a research note on illicit manufacturing of and trafficking in explosives by criminals and on the abuse and misuse of explosives for criminal purposes.

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Introduction

1. The Economic and Social Council, in its decision 1997/232, decided that each session of the Commission of Crime Prevention and Criminal Justice should have one prominent theme and that the theme of the eighth session of the Commission should be crime prevention. In order to facilitate the deliberations, the Secretariat prepared a general discussion paper on crime prevention.

2. Separate reports were submitted on an expert group meeting on community involvement in crime prevention, held in Buenos Aires, Argentina, from 8-10 February 1999 in preparation of the Tenth Congress Workshop on Community Involvement in Crime Prevention.(E/CN.15/1999/CRP....) and on the elimination of violence against women (E/CN.15/1999/....). The Secretariat also prepared a research note regarding the illicit manufacturing of and trafficking in explosives in the context of crime prevention and public safety. The research note is contained in the addendum to the present report (E/CN.15/1999/.../Add....).

I. THE CONCEPT OF CRIME PREVENTION

3. Crime prevention, when used in the early days of the United Nations, was meant in a broad sense, encompassing both punitive and non-punitive measures. This was reflected in the names of a number of United Nations entities, such as the Ad Hoc Advisory Group on Crime Prevention and the Treatment of Offenders and the congresses on the prevention of crime and the treatment of offenders. The concept of prevention in its traditional, broad sense is presently retained in the name of the United Nations Centre for International Crime Prevention.

4. More recently the concept of crime prevention has acquired a more restricted meaning of non-punitive measures. Crime prevention is understood as targeting causal factors of crime, including opportunities for the commission of crime. For example in 1998 mayors from all over Africa met in Johannesburg to recommend action about the prevention of delinquency, violence and insecurity. In the United Nations context, this concept of crime prevention was reflected, for

example, in the resolution on prevention of urban crime, adopted by the Eighth United Nations Congress in 1990.¹and in the activities of Habitat concerning community safety. Crime prevention in this new sense also features in the name of the European Institute for Crime Prevention and Crime Control, and the International Centre for the Prevention of Crime in Montreal, Canada, which are affiliated/associated respectively with the United Nations . The Commission will discuss a draft resolution on Elements of Responsible Crime Prevention which deals specifically with non-punitive measures. Presumably, it is crime prevention in this more specific sense which was chosen as the theme of the eighth session of the Commission.

A. Types of crime prevention

5. Crime prevention is subdivided into approaches focussing on potential offenders (offender-oriented prevention) and those focussing on situations or potential victims (situational or victim-oriented prevention). Offender-oriented prevention typically targets the social factors and psychological problems predisposing young persons to become (persistent) offenders. Known social development risk factors include incoherent or ineffective parenting, social and cognitive disabilities of children, school drop outism , social exclusion and youth unemployment. Policies addressing these factors can be focussed on groups of the general population, e.g. social development or health care. Examples are national information campaigns on the risks of drugs consumption, preschool enrichment programmes, or large-scale job programmes for long term unemployed youth. Such measures are called primary prevention.

6. The term secondary prevention is used for measures directed at persons who show the first signs of a delinquent lifestyle (at risk groups). Examples are child protection measures, home visits , parent training, reception centres for unemployed youngsters and voluntary treatment programmes for drug addicts. Tertiary prevention consists of measures which seek to prevent

¹Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Resolution 1 Prevention of urban crime, A/CONF.144/28 Rev.1, p. 124.

recidivism among ex-offenders through social reintegration and/or treatment. A current example of tertiary prevention are special courts for drug offenders which can impose coercive forms of rehabilitation. Offender-oriented crime prevention is sometimes called social crime prevention or crime prevention through social development.

7. Situational or victim-oriented prevention seeks to make the commission of crimes more difficult, more risky or less rewarding to potential offenders, either by adapting the design of suitable targets for crime or of criminogenic environments or by promoting more effective self protection by potential victims. Situational crime prevention can consist of physical, including technical, measures such as Closed Circuit Television but also of increased surveillance by local residents or non-police professionals. Special mention should be made of projects which try to reduce the risks at identified hot spots of crime in urban areas. Of special interest are also projects assisting actual victims to prevent repeat victimization. The prevention of repeat victimization is particularly relevant for victims of domestic violence and of household and commercial burglary. The treatment of abusive men can prevent recidivism and thereby also repeat victimisation.

8. In several countries offenders and victims are invited to negotiate with each other on the determination of guilt and on restitution/compensation. In some case family members are invited to take part in the proceedings (family conferencing). Such mediation mechanisms are operative in large parts of the developing world as part and parcel of custom law. In developed countries mediation programmes are often predicated upon existing custom law of aborigines or immigrant groups. Mediation can be seen as a combination of tertiary prevention and victim-oriented prevention.

B. The successes of crime prevention

9. The interest in crime prevention can partly be seen as an effect of the growing disillusionment with the effectiveness of punitive measures. Recidivist rates of ex-prisoners are almost universally very high (above fifty percent). In many parts of the world crime rates have continued to go up since the sixties for thirty years onwards, in spite of considerable extra

investments in law enforcement, prosecution, courts, and prisons. This situation has led to a worldwide search for innovative, alternative approaches. The development and promotion of social crime prevention was undertaken in particular in countries with well-extended welfare states. In these relatively affluent countries crime prevention together with victim assistance can be seen as belated applications of the ideology of the welfare state to crime problems. Other political audiences were particularly interested in initiatives promoting responsible parenting and civic responsibility. At the same time, situational crime prevention had instant appeal to practically minded audiences of all political persuasions. Obviously these measures also appealed to groups at risk to be victimized around the world. In fact, over the past twenty years the extent and quality of self protection measures against crime have gone up substantially in almost all high crime countries, regardless of government policies on crime.

10. There is a rapidly growing body of knowledge on crime prevention showing not only that special preventive measures result in lower crime rates but also that such measures are often more costs-effective than conventional punitive ones (Gradin et al, 1997; Sherman, et al, 1998; Van Dijk, 1997; O'Malley and Sutton, 1998; Goldblatt, Lewis, 1998; Waller, Brent, 1999). Descriptions of these and other successful projects can be found on the website of the Best Practice Bureau of the International Centre for the Prevention of Crime in Montreal, Canada (<http://www.crime-prevention-intl.org/english/best/index.htm>). This information is also presented in the Centre's Crime Prevention Digests I and II (1997 and 1999). An overview of criminology in Africa, including crime prevention strategies, is provided in Mushanga 1992.

11. In some countries special efforts are made to develop a scientific body of knowledge on what works and what does not in preventing crime. The publications listed above provide evidence that specific social development and situational measures addressing burglary, car theft, high crime estates as well as work on youth and families are much more cost-effective than incarceration. For example, a study by the RAND corporation in the USA shows that it costs almost 8 times more to reduce crime by increasing incarceration than by adopting incentives for youth at risk to complete school (Greenwood, P., K.E. Model et al, 1996). In recent overviews of state of the art crime prevention, reference is made to so-called evidence-based crime prevention or crime reduction policies. These and similar overviews of evaluation studies have

been instrumental in persuading governments to extend generous funding for crime prevention. Fixed percentages of these new funds are earmarked for scientific evaluations.

12. In many of the developed countries over all crime victimization rates and recorded crime rates have ceased to go up . In some countries, notably the United States of America, the rates do show an unmistakable downward trend. These positive trends are often attributed to improved law enforcement (zero tolerance policing) and/ or more severe sentencing. There might be sound reasons for this attribution. However, crime trends have started to decline in almost all developed countries irrespective of the criminal policies pursued. In Finland, for example, the Government succeeded in reducing the use of imprisonment through the imposition of less severe sentences by the courts. Finland is no exception to the rule of declining crime trends. This particular change in the crime trend seems unrelated to intensified police patrolling or more severe sentencing. Other factors seem to have determined this development.

13. According to the International Crime Victim Surveys (Mayhew, Van Dijk, 1997), the level of self-protection/security has gone up universally in developed nations. An alternative interpretation of the declining crime trends in developed countries is that the general increase in the level of self-protection/security has altered the costs/benefit ratios for many types of property crimes to the extent that some forms of crime have become less attractive for potential offenders. Examples of crimes which might have been affected by altered cost/benefit ratios are robberies on banks, household and commercial burglaries and vehicle-related crimes. The case can be made that the stabilization of conventional crime in the developed world is to some extent the result of crime prevention initiatives of the private and public sector in response to increased losses from victimisation by crime.

II. NEW GLOBAL CHALLENGES

14. Although, as said, the level of crime in the industrialized world seems to be levelling off, the need for more effective anti-crime policies is as urgent as ever. The level of conventional crime in most countries is still unacceptably high. Crime rates generally remain 2 to 3 times higher than

in the 1960's. Two out of three inhabitants of cities are victimized by crime at least once in the course of five years across the world (Newman, 1999). Victimization by crime is highest in cities in Latin America and Sub-saharan Africa but citizens elsewhere in the world are also far from safe from crime. In several developed countries, violent crime is on the increase, in particular among young people. Private security and prison departments continue to expand and cost more. According to analyses of the International Centre for the Prevention of Crime the increasing costs of crime and its control eat up a significant proportion of limited resources, the equivalent of 5% of the GDP in developed countries and up to 14 % in developing countries (International Centre for the Prevention of Crime, Digest II, Montreal 1999, to be published). Surveys that give the public a choice suggest more support for investments in crime prevention than to further increase traditional law enforcement and sanctions.

15. In addition to the heavy burden of conventional crime, transnational organized crime exacerbates existing crime problems. The annual turnover in the markets for illegal goods, such as illegal drugs, protected wildlife, stolen artworks, illegal firearms, and nuclear and/or toxic waste as well as for trafficking in human beings is enormous. The illegal gains constitute a threat to the well functioning of economic and financial systems and democratic institutions. In many of the poorer countries socio-economic development is also hampered by rampant corruption. The economic and human costs of crime are a heavy burden for individual citizens as well as for the private and public sectors across the world.

16. Crime prevention as a form of public policy is in many respects still in its infancy. The experiences with crime prevention so far provide ample reasons for the Commission to reflect on how crime preventive efforts can be strengthened and further developed in response to new, in particular also global, challenges. With regard to transnational crime prevention, the inter-country harmonization of crime prevention policies is paramount for successful interventions: As is the case for crime control measures, national crime prevention strategies alone will no longer suffice to ensure efficient and effective prevention of crime at a global scale. In addition, the lack of crime prevention in one country will have negative repercussions on transnational crime prevention efforts of another country or region. Consequently, more strategic thinking might be required to ensure successful transnational crime prevention, in addition to better coordination and

harmonization efforts. This may require the development of international crime prevention strategies, which encompass all relevant sectors dealing with crime prevention, including education, labour, social welfare and health care, as well as law enforcement and justice. These strategies should be based on an analysis of good practices and successful pilot projects conducive to crime prevention.

A. Socio-economic development and crime

17. Although problems of crime cannot be attributed in any straightforward way to socio-economic development, economic growth and crime are interrelated in various direct and indirect ways. In poor countries more people are tempted to engage themselves in criminal activities as a means of economic survival. For this reason many developing countries are confronted with relatively large groups of motivated offenders, willing to use violence in pursuit of an illegal income. In some countries cultures of poverty have emerged which foster alcohol and drugs abuse, inadequate parenting and high levels of violence, including violence against women and children. Against this background it should not come as a surprise that the level of serious crimes is inversely related to affluence (Newman, 1999).

18. However, levels of crime are not necessarily always lower in affluent societies. In more affluent countries, income and property is often unevenly distributed among groups of the population and parts of the lower strata may suffer from socio-economic deprivation. The better off citizens possess consumer goods, such as cars and consumer electronics, which are attractive and easy targets of crime. In affluent countries there are more opportunities to commit profitable crimes. Higher levels of income may also generate a demand for illegal drugs and illegal sexual services. This situation may generate new, profit-driven forms of criminality, including transnational organized crime such as trafficking in illegal drugs and in women for sexual exploitation or exploitative labour. Developing countries are often directly affected by these affluence-driven types of transnational crime.

19. As said, in almost all developed countries the levels of self-protection have gone up substantially over the past decade. In countries with developing or transitional economies

households and small businesses cannot easily afford the investments required. Globally, the economically least developed countries are falling behind with their security provisions (Alvazzi del Frate, 1997). As a consequence, levels of crime may continue to rise in these countries. Urban areas and tourist resorts in the poorest countries may become less attractive due to high safety risks. A safety gap between urban areas in richer and those in poorer countries may emerge. The safety factor may further undermine the economic competitiveness of certain developing and countries with economies in transition.

20. In order to prevent the emergence of a security gap between rich and poor countries, the promotion of situational crime prevention in Sub-saharan Africa and Latin America and parts of Eastern Europe must be made a technical co-operation concern. With relatively simple measures the safety in economically essential areas can be improved. However, as discussed by the expert group meeting in Buenos Aires (E/CN.15/1999/CRP....), crime prevention requires a two-pronged approach. Long term crime prevention strategies must also address the economic, social and cultural root causes of crime through economic, social, health care and educational policies. Broad comprehensive programmes with a public health perspective assisting vulnerable families and their children, seem to have great potential in terms of crime prevention. Important priorities are also programmes seeking to socially integrate groups of youngsters at risk to become delinquents or members of organized crime groups. Such programmes of secondary crime prevention will help to make cities safer in the long term and will also contribute to the fight against organized crime.

21. Since safety is a factor determining new investments in cities, such programmes deserve funding in the framework of economic restructuring initiatives. The vital economic importance of urban safety has, by way of illustration, induced the business community in South Africa to take the lead in several crime prevention programmes.

B. The relevance of the fight against corruption and organized crime for the prevention of ordinary crime

22. The negative impact of corruption and organized crime on economic and social development is now more fully understood. This insight has important implications for crime prevention policies. In many parts of the world, the fight against corruption and organized crime may have a greater relevance for the prevention of conventional crime than previously assumed.

23. First the point can be made that in countries where corruption and organized crime are not adequately addressed, economic development will be slow. Consequently there will be little room for the type of social development programmes needed for primary crime prevention. A related point is that many organized crime groups recruit members among socially marginalised groups. Such organisations have a vested interest in social deprivation and sometimes deliberately impede social development.

24. If budgets for economic restructuring fall victim to corrupt practices, social development programmes which could improve the living conditions of those at risk of becoming criminal will suffer. In fact, rampant corruption is sometimes raised as an argument against investing in social crime prevention projects in developing countries. In such cases crime prevention efforts are directly damaged by corrupt practices.

25. High levels of corruption and the conspicuous consumption typically accompanying organized crime, undermine public morale and respect for the law. The bad influence of such forms of crime will be diffused throughout the community. The activities of organized crime groups negatively impact upon the cultural preconditions for sustainable economic growth. Most susceptible for the negative role models set by local organized crime groups, are young persons struggling to survive economically in difficult circumstances. A particularly negative impact of organized crime groups is that they offer easy money and thereby dissuade local groups of youngsters to invest in education and vocational training for licit jobs.

26. For the arguments given, policies against corruption and organized crime should be seen as cornerstones of the prevention of conventional crime, in particular in many developing and transitional countries.

C. The prevention of corruption and of organized crime

27. The fight against organized crime is predominantly presented and discussed as a challenge for the law enforcement community. Arrangements are made for special articles in the criminal codes, special police investigation techniques and the imposition of special penal measures and witness protection programmes. Crime prevention is often seen as less relevant for the fight against organized crime. However, in some countries attention is now increasingly also given to preventive approaches addressing forms of organised crime. The Council of Ministers of the European Union, for example, in 1998 passed a resolution on the Prevention of Organized Crime (Council of the European Union, 21/12/98).

28. Mention was already made of the relevance of social and cultural programmes shielding young people from recruitment by organized groups. Schools and the media can help to counteract the appeal of such groups. Most forms of primary and secondary prevention aimed at the prevention of juvenile delinquency will also contribute to the fight against organized crime. Successful crime prevention strategies can help to drain the swamp in which organised crime flourishes.

29. Many if not most organised crime groups are responsive to the extent of readily available opportunities for illegal profits. It has been documented that even the notorious Italian mafia groups downsized their activities in a period where opportunities for illegal gain in their environment were limited (Arlacchi, 1988). Perhaps even more than many forms of ordinary crime, the prevalence and nature of organised crime and economic crime are determined by existing opportunity structures. Theoretically there seems to be a great potential for situational crime prevention seeking to limit illegal markets and disrupt logistics with regard to organised crime and fraud (Sieber, Bogel, 1993).

30. Some Governments have started to apply crime prevention concepts and techniques in the fight against corruption and organized crime. Several international instruments have been adopted to increase transparency in public administrations and commercial transactions, including the United Nations code of conduct for public officials. Such measures limit the opportunities of

corruption and can be regarded as special forms of situational crime prevention.

31. The reduction of demand for drugs or illegal sexual services reduces the size of illegal markets on which criminal groups operate. For that reason educational or health care projects reducing the demand for drugs contribute directly to the prevention of organized crime. Groups involved in trafficking in women or children can be counteracted by information campaigns directed at potential victims or facilitators as well as consumers of exploitative sex. International systems for the marking of motor vehicles, antiques and firearms can increase the risks and reduce the rewards for illegal trafficking.

32. The growth of organised groups can be hampered by limiting opportunities to reinvest illegal profits. Many countries have introduced legal and administrative mechanisms to prevent and punish the laundering of criminal proceeds. These efforts can be strengthened by international action against bank secrecy. The reinvestment of criminal profits can also be countered by more cautious screening of applicants for public works, municipal licenses or government subsidies. In many countries those convicted for serious offenses can be barred by the courts from sitting on the board of companies. The exchange of information on such disqualifications between countries can help to prevent the reinvestment of illegally acquired money in the legal economy. The United Nations global programme against money-laundering is in the process of preparing a global initiative to prevent the misuse of the offshore financial sector for the purpose of laundering criminal proceeds.

D. Managing crime prevention

33. Experience has shown that risk factors are inter-related but diverse and that action must be multi-faceted. This confirms that multiple partners must be mobilized in rigorous and concerted action. The long-term success of crime prevention hinges on the development of well-balanced organizational structures. Crime prevention presupposes the involvement of other agencies and parties than those making up the criminal justice system. The pursuance of crime prevention implies close cooperation between police, prosecutors, courts and probation with other state agencies such as education, health, social services, housing and urban development as well as non-

governmental organizations , local communities and other elements of civil society. These actors must form coalitions with strong leadership, implementing a process of diagnosis, development of an action plan, concerted implementation and monitoring, evaluation and feedback.

34. A prerequisite of crime prevention policies is the establishment of special structures at both the national/federal and local level for multi-agency- cooperation. Over the past three decades many countries have experimented with newly established structures such as national councils, inter-ministerial task forces or coalitions. Many of the structures put in place in the 1980-ties have since then undergone fundamental changes. Some structures have even been terminated. A ready-made and generally applicable structure is not presently available. Careful consideration must therefore be given to the advantages and disadvantages of possible structures.

35. One option, employed by some Governments, is the establishment of a centralized department for crime prevention under the direct responsibility of a minister who is also in charge of large parts of the criminal justice system. This model implies high concentration of expertise and financial resources. It has the advantages that crime prevention stays clearly focussed on the reduction of crime and that collaboration with agencies such as police, prosecutors, prisons and probation is more or less assured. Successful national programmes may yield political credit and subsequently lead to increased resources at the level of central government. National agencies can also reach agreements with national representatives of the business sector to address priority concerns through joint action plans. The drawbacks of the model include possible difficulties in obtaining the full collaboration of local agencies responsible for health care, planning, social housing, social security and employment or youth work. Primary and secondary prevention programmes might in particular be difficult to implement if emanating from a justice or police based central ministry. Nation wide programmes may also not always be responsive to special local needs.

36. Another option, available to Governments, is the assignment of responsibility for crime prevention to municipal government/local authorities. The advantage is that those responsible will be well informed about local crime problems and can introduce tailor-made solutions together with other local agencies and NGOs. Local governments are often best placed to mobilize agencies that

can influence risk factors around a community safety diagnosis (community-based crime prevention). Local governments can also play an important role in the prevention of organized crime groups through the pursuance of cautious tendering and licensing procedures. Possible down sides are insufficient development and maintenance of expertise, less collaboration with criminal justice agencies and a loss of focus if crime prevention is integrated into broader policy strategies such as urban renewal. The decentralization of responsibility may also result in insufficient financial resources.

37. In most countries structures have been created which combine elements of the two opposite models. One mechanism which has worked well in many countries are so-called security contracts between a central crime prevention agency/department and local governments. Usually the central agency offers general grants for preventive activities addressing national priority concerns. Local authorities are challenged to prepare comprehensive plans for improved safety. The contracts spell out which extra activities will be undertaken by local agencies. In some countries independent monitoring and evaluation is a standard element of the contracts. If the contents of the contracts leave sufficient leeway for local government to pursue their own policies within the framework of national strategies, they can help to strike the right balance between the interests at stake.

III. ELEMENTS OF RESPONSIBLE CRIME PREVENTION

38. In accordance with Economic and Social Council resolution 1997/33 on elements of responsible crime prevention: standards and norms, the Secretary-General sought the comments from Member States on the annex to that resolution, including the advisability of elaborating such an instrument. By February 1999, the Secretary-General received comments from: Bolivia, Brunei Darussalam, Cuba, Cyprus, Finland, Germany, the Holy See, Jordan, Korea, Madagascar, Malta, Mauritius, Panama, Paraguay, Portugal, Turkey, Saudi Arabia, the Slovak Republic, Sweden, Ukraine, the United States, and Uzbekistan.

39. Brunei Darussalam, Cyprus, Korea, and Malta supported the draft text and had no further

comments to offer. Jordan indicated that its understanding of crime prevention and the role of the national authorities were similar to the concept of crime prevention expressed in the draft. Madagascar informed the Secretary-General on its concept of crime prevention, particularly as it relates to the prevention of violence against women. This view was reflected in more detail in the report of the Secretary-General on the elimination of violence against women (E/CN.15/1999/..., paras...).

40. Bolivia felt that crime prevention had to be adapted to the new forms of crime, thus taking into account the international character of the commission of crime. There was a need to develop an international instrument that focusses on preventative measures that also reflects the needs of victims who were not protected otherwise. Bolivia offered detailed comments on the draft text and its translation into Spanish, particularly with regard to the involvement of the private sector in crime prevention and the necessary legal regulation and supervision by law enforcement.

41. In support of such an instrument, Cuba suggested to delete reference to the rights of offenders in paragraph 21 and to ensure that paragraph 22 would also provide for mediation or other out-of-court alternatives.

42. Finland noted that in view of the emergence of new types of criminality and the increasingly international character of crime, new methods of crime prevention needed to be applied. Finland established an advisory board on crime prevention comprising representatives of various authorities. This board was in charge of coordinating crime prevention activities of various authorities. The Finish police forces initiated projects by which citizens and various social parties could participate in crime prevention related action.

43. Greece provided the Secretary-General with detailed information on its crime prevention efforts, with particular emphasis on organized transnational crime prevention and the prevention of drug related offences. The Government also provided an overview of the functions of institutions entrusted with crime prevention.

44. Germany offered to host an expert group meeting with a view to further develop the

elements of responsible crime prevention. Since Germany had co-sponsored Council resolution 1997/33, the views of the Government were sufficiently expressed in that draft.

45. Guatemala called for a more specific definition of the terms 'crime prevention' and 'organized crime'. The Government suggested to review paragraphs 8 and 9 of the draft and to include in the text wording so as to ensure better coordination with the international community for the exchange of information and execution of specific operations, following an identification of those areas of crime where criminal organizations operate. The text should also call for the development of mechanisms that will make it possible to identify the causes and effects of transnational crime.

46. The Holy See made specific comments on paragraphs 14 to 18 of the draft text. It was necessary to mention the central role of the families, schools and religious institutions when seeking to combat violent and criminal behaviour. Apart from youth, other social groups at high risk, such as immigrants and members of ethnic minorities should be addressed in the draft text. Reference should be made to measures against organized crime involved in the exploitation of clandestine immigrants and to measures that promote the legal immigration and social integration of migrants in host countries.

47. Mauritius suggested that paragraph 2 of the draft text be amended to include trafficking in children and paedophilia, that paragraph 16 be amended to include the mention of social, cultural, religious organizations, that a wording should be added to paragraph 18 so as to add food assistance to educational support and that paragraph 21 should include protection from press harassment and appropriate therapeutic care and treatment.

48. For Panama it was important to emphasize the particular vulnerability of children and juveniles who were instrumentally used for criminal purposes. The concept of crime prevention should also encompass commercial sexual exploitation of children and child pornography, including via new communication technologies. In addition, the types of preventive measures that were considered appropriate, necessary and effective, should be identified in the draft text. Panama was concerned that paragraph 5 of the draft text could be interpreted as to include measures which

were employed by the authorities, under the concept of prevention, which violate the fundamental rights of young persons, such measures being referred to as raids, swoops or clean-up operations.

49. For Paraguay concerted action among States was imperative to prevent offences which transcend national borders. Each Government should have responsibility for putting in place those mechanisms that are best designed to promote the improved and more effective dissemination of crime prevention programmes and, more especially, for clearly defining the respective functions of the entities engaged in crime prevention.

50. Portugal fully supported the draft instrument. Reference should be made not only to the protection of victims but also to the protection of witnesses and experts whose willingness and cooperation with the judicial process were fundamental to ensure effective crime prevention. Furthermore, Portugal understands that a more in depth cooperation, at all levels and between states, was necessary to better determine crime trends so as to develop adequate counter-strategies. The concept of crime prevention had to be based on four elements: firstly, policies needed to address the economic, social and cultural dimensions in addition to the criminal aspect. Secondly, society must be involved in the objectives and tasks of crime prevention. Thirdly, the interdisciplinary character of crime prevention measures and policy had to be emphasised. Fourthly, it was necessary to investigate the social, cultural and economic conditions and crime trends as well as to evaluate prevention programmes.

51. Turkey provided the Secretary-General with detailed comments on the draft text on the elements for responsible crime prevention, *inter alia*, as regards the necessity to clearly define certain concepts. Turkey regarded terrorism as a form of transnational organized crime, such as illegal trafficking of migrants, drugs and arms. In the view of the Government, terrorism obtained financial and material sources by means of establishing close links with, and involvement in, other forms of transnational organized crime. Such links should be emphasized explicitly in the draft text.

52. Saudi Arabia supported the idea of issuing an international instrument on responsible crime prevention. However, some items contained phrases concerning the application of international

standards of human rights, which were contrary to the position of the Kingdom with regard to the Universal Declaration of Human Rights.

53. The Slovak Republic offered detailed information on crime prevention in that country, stressing that the Government fully supported the concept of crime prevention as outlined in the draft resolution.

54. Spain felt that crime prevention through the employment of non-punitive measures constituted an important complement to the administration of criminal law. In addition, the concept of crime prevention should not be limited to conventional forms of crime, but should be expanded to include new forms of criminality. With regard to responsible crime prevention, any prediction of potential criminality at the individual level had to be undertaken with caution. In this regard, Spain referred to the thin line between “undercover agents” and “agent provocateurs” when applying a series of techniques that aimed at preventing drug trafficking offences, as well as the risk of flawed evidence being obtained in breach of the most elementary fundamental principles.

55. Sweden welcomed the preliminary draft as a good start to enhance the interest for crime prevention nationally and internationally. The resolution included the most important points in the work on crime prevention which, however, were reflected somewhat unfocussed in the draft text.

56. Switzerland gave its overall approval of the text, which was drafted in such general and often anodyne terms that it could hardly invite criticism. Switzerland felt that it would be helpful if the “Elements” provided a clear and precise definition of what was exactly meant by prevention, together with a number of specific applications.

57. Ukraine supported the idea that action to prevent crime and the development of non-custodial measures should take into account humanitarian principles. The programmes should be oriented at achieving a sustainable reduction of criminality. Crime prevention programmes should involve law enforcement and other governmental agencies and social institutions. Special attention should be paid to juvenile delinquency prevention. Further, crime prevention policies should

facilitate a better coordinated approach in the investigation of complex operations of organized crime groups in two or more countries.

58. The United States of America was of the view that the standards and norms contained significant ambiguities that appeared to make the document less suitable as a basis for guidance to States. The United States provided an illustrative list of language contained in the draft text that was problematic from its point of view. Topics addressed included e.g. the large scope of coordination that might be required for effective crime prevention strategies, the broad language of a number of provisions that made it difficult to determine required action or obligations, and the assumption that the cause of all crime was social.

59. Uzbekistan suggested that a list of crimes encompassed by the concept of crime prevention should be added to the draft text and that the concept of crime prevention should be more concretized. Such a concept should include (a) the development of comprehensive national policies to prevent crime, including the establishment of special research services, (b) law reform that would ensure that legislation was brought in line with international standards and national crime prevention policies, and (c) international cooperation in crime prevention.

60. The Office of the High Commissioner for Human Rights felt that it was necessary to emphasize in the draft that poverty, unemployment, slum conditions, family disintegration and misuse of leisure time were each associated with delinquent conduct. Also, a new operative paragraph could be added to provide for the establishment of inter-sectoral prevention councils, which could consist of a number of social entities such as education, unemployment, health and housing service, judicial institutions, trade unions and organizations that could provide relief and support to vulnerable groups and those at risk. UNESCO suggested to refer to programmes on adult learning in prisons. The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) suggested to define the term “serious crime” in the draft text and to broaden the scope of paragraph 10 so as to include other than only serious crime.

61. The Council of Europe shared the basic proposition of the Council that the prevention of crime through non-punitive measures in the respect of human rights added value to the traditional

administration of criminal justice. The European Commission referred to the European Union Action Plan against organized crime, as adopted by the Amsterdam European Council in June 1997. The Commission therefore sought to integrate the prevention dimension in a number of policies. The Commission felt, however, that it was difficult to address all forms of prevention in one single set of principles: Different forms of criminality call for specific preventive measures. Prevention could be focussed on the potential offender, as it could be designed for the potential victim, or indeed targeted to the favourable circumstances or environment which might facilitate the perpetration of crime. The aim of preventive measures might be directly to protect particular goods or persons, as it might be to achieve a medium or long-term education goal. Moreover, preventive measures were not always easy to distinguish from sanction, for instance in the case of blacklisting or disqualification.

62. The International Association of Judges emphasized the need to base all preventive measures on legal provisions and that the decision whether a particular offense was accessible for diversion should be done by a legal authority with possible exception of minor offenses. When the non-punitive measures were handled by private or voluntary associations, law should allow informal action. Conduct and action of private persons dealing with non-punitive prevention measures should be provided by law and monitored by independent judicial authorities.

IV. ILLICIT MANUFACTURING OF AND TRAFFICKING IN EXPLOSIVES

63. The Economic and Social Council, in its resolution 1998/17 decided that a study should be initiated on illicit manufacturing of and trafficking in explosives by criminals and on the abuse and misuse of explosives for criminal purposes. The Council also requested the Secretary-General to prepare an action plan for collecting, reviewing and exchanging statistics and policy proposals on a number of issues related to the question of explosive in the context of crime prevention and public safety. Accordingly the Secretariat has prepared a research note to offer preliminary observation on the issues covered by the resolution. The research note is contained in the addendum to the present report (E/CN.15/1999/.../Add....).

V. DECLARATION ON CRIME AND PUBLIC SECURITY

64. The General Assembly, in its resolution 51/60, adopted the United Nations Declaration on Crime and Public Security. The adoption of that resolution has been brought to the attention of Governments by a note verbale of the Secretary-General. The Secretary-General in his report on technical cooperation and coordination of activities to the sixth session of the Commission informed about measures taken by Member States and the Secretariat to implement the declaration (E/CN.15/1997/17, paragraphs 47 - 57). In follow-up to the above-mentioned resolution the Economic and Social Council in its resolution 1997/34 on the implementation of the United Nations Declaration on Crime and Public Security requested the Secretary-General, utilizing a questionnaire or other means to ensure standardized responses, to seek from Member States, as well as any interested intergovernmental organizations or United Nations institutes, information related to the implementation of the Declaration. This request was reiterated by the Council in its resolution 1998/21 on United Nations standards and norms in crime prevention and criminal justice, chapter I, operative paragraph 3. Accordingly, a draft questionnaire on the use and application of the Declaration will be before the Commission as a conference room paper (E/CN.15/1999/CRP....).

VI. TOPICS FOR CONSIDERATION BY THE COMMISSION

65. The Commission may want to discuss the draft resolution on elements of responsible crime prevention. The draft resolution seeks to promote as well as regulate crime prevention. With this dual focus on practical and normative aspects, the draft is in line with previous standards and norms instruments, e.g. those on non-custodial sentences. The responses of governments to the Secretariats request for comments include some suggestions for amendments. The question may be raised whether the draft sufficiently addresses the need for responsible preventive approaches of transnational organized crime and of corruption. Possibly this and other issues can be discussed by an intersessional working group of experts.

66. The Secretary-General addressed a note verbal to all member States bringing the adoption

of the Declaration on Crime and Public Security to their attention. In response to that communication three Governments reported on efforts to combat transnational crime. The Council, in its resolution 1998/21 entitled use and application of United Nations standards and norms in crime prevention and criminal justice requested the Secretary-General to prepare a survey instrument on the Declaration. A draft questionnaire to gather the information being sought is before the Commission as Conference Paper E/CN.15/1999/CRP.... The Commission may wish to discuss the survey instrument and the way it can be utilized.

67. The Commission may also wish to discuss the organisation of the Workshop on Community Involvement in Crime Prevention at the Tenth United Nations Congress on the Prevention of Crime and Treatment of Offenders. [Preparatory work on the workshop was done at an expert group meeting, hosted by the Government of Argentina in Buenos Aires, 8-10 February 1999. The report of that meeting will be before the Commission as a conference room paper (E/CN.15/1999/CRP...)]. In October 1999 a meeting will be organised by the International Centre for the Prevention of Crime as a preparation for the workshop, focussing on responsible and cost-effective prevention.

68. Elements of the CICP/UNICRI global programmes on corruption and trafficking in human beings could be discussed as concrete examples of technical co-operation in the prevention of transnational crime. Suggestions for global crime prevention strategies addressing priority concerns could be incorporated in the Declaration of the Tenth Congress.

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