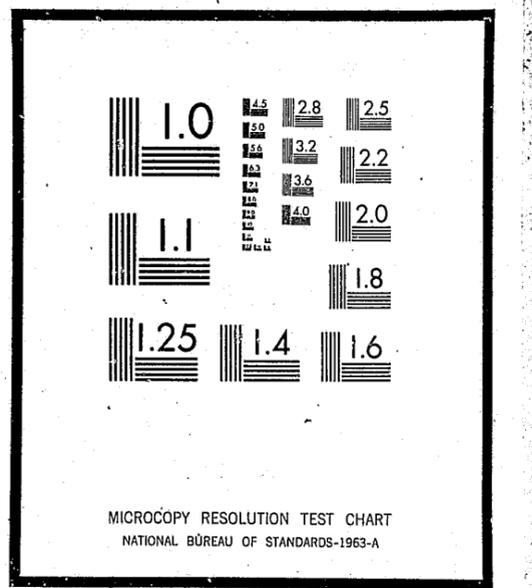


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### CRIME PREVENTION AND CONTROL --

Note by the Secretary-General

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INTRODUCTION

1. The Economic and Social Council, on the recommendation of the Commission for Social Development at its twenty-second session,<sup>1/</sup> adopted resolution 1584 (L) at its fiftieth session on 21 May 1971. In this resolution, the Council recognized the historic importance of the Declaration (resolution 1584 (L), annex) calling for more effective action to prevent crime, adopted unanimously by the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which was held at Kyoto, Japan, in August 1970 and attended by 1,000 participants from 85 countries.<sup>2/</sup>
2. Both the Congress and the Economic and Social Council stressed the serious threat that criminality now presents to economic and social development and to the wholesomeness of economic and social change. Both drew attention to the urgent need for Governments, the United Nations and other international organizations to give high priority to the strengthening of international co-operation in crime prevention.
3. Dealing with the specific measures which could be taken for more effective action to prevent crime, the Council, in its resolution 1584 (L), set up a new Committee on Crime Prevention and Control<sup>3/</sup> and asked the Secretary-General to include in the provisional agenda of the twenty-sixth session of the General Assembly an item entitled "Criminality and social change" to enable the Assembly "to consider fully the situation arising from increasing criminality and such measures as might be necessary to deal with it".
4. At the twenty-sixth session of the General Assembly, for the first time in 21 years, the subject of social defence or the prevention of crime and the treatment of offenders appeared on the agenda of the General Assembly. In its resolution 2843 (XXVI), adopted on 18 December 1971, the General Assembly recalled

<sup>1/</sup> See Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 3 (E/4984), chap. X, draft resolution VI.

<sup>2/</sup> Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (United Nations publication, Sales No.: E.71.IV.8), p. iii.

<sup>3/</sup> For the report of the Committee on its first session (8-16 May 1972), see E/5191.

the responsibility assumed by the United Nations in the field of crime prevention and control under General Assembly resolution 415 (V) of 1 December 1950 and the leading role in this area assigned to it by successive resolutions of the Economic and Social Council; drew attention to the importance of the Declaration unanimously adopted by the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which underscored the seriousness of the crime problem in many countries and the urgent need to give priority to strengthening international co-operation in crime prevention; emphasized the serious threat that criminality in its diverse forms and new dimensions presented to economic and social development and the quality of life; welcomed Economic and Social resolution 1584 (L) and the action taken to implement the conclusions of the Fourth Congress; and, in view of the limited time available at the twenty-sixth session to consider the matter adequately, decided to consider in depth the question of crime prevention and control at its twenty-seventh session.

5. The present note is submitted as background information for the debate on this item. It comprises a revised version of a note issued under the title "Criminality and social change" (A/8372), which was placed before the General Assembly at its twenty-sixth session.<sup>4/</sup>

<sup>4/</sup> For a summary of the discussion on this agenda item by the Commission for Social Development, see Official Records of the Economic and Social Council, Fiftieth Session, Supplement No. 3 (E/4984), paras. 135-168. For the Council's action on the item, see Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 3 (A/8403).

I. THE PROBLEM OF CRIME

6. Society is deeply troubled by the problem of criminality, adult and juvenile. Indeed, in many countries the problem seems to be assuming new dimensions and new aspects. It is not only crime, but the counter-measures which are giving cause for concern: for it is evident that a number of the familiar methods developed to deal with crime are not only unsuccessful, but tend, instead, to exacerbate the situation. Society is confronted with an expanding problem in most areas of the world and with a decreasing confidence that its traditional recourse to greater severity, or greater leniency, to more police and prisons on the one hand, or to more welfare and rehabilitative services on the other, will suffice to deal with the situation in its modern terms.

7. It is no longer possible to think of crime as simply a minor social blemish or as a temporary dysfunction to which society can accommodate itself while awaiting its amelioration through existing procedures of prevention and control. Nor is crime always or necessarily retreating before the quite considerable extensions of health, education, housing and other social improvement programmes. Indeed, some of the most affluent countries are most sorely afflicted and a number of developing countries are increasing the penalties for serious crime. In many countries the phenomenon is of enormous proportions and ranks high among the unsolved problems that alarm the people and their Governments.<sup>5/</sup> Despite material progress, human life have never had a greater sense of insecurity than it is experiencing today. Crime in its various forms of personal or public violence, theft and conversion, fraud, corruption and organized racketeering is behind much that is detrimental today and that is detracting from the quality of life and the rewards of progress.

8. Thus, there is widespread and mounting evidence of a crime crisis of considerable proportions. Experience, whether individual, neighbourhood or nation-wide, converges to present a picture of concern and real disquiet.

9. In one of the most affluent countries, the increase in serious crime was almost 14 times greater in the 1960s than the increase in the population -

<sup>5/</sup> In several countries, mounting crime and violence have been declared leading national problems and the issue of law and order has become an important feature of election campaigns.

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this is, 176 per cent as against 13 per cent.<sup>6/</sup> Its neighbouring State recorded a rise in convictions of from 42,148 in 1901 to 4,066,957 in 1966.<sup>7/</sup> In the United Kingdom of Great Britain and Northern Ireland, the officially recorded annual growth rate of crime in the past decade has been about 10 per cent, according to the information provided to the Sixth International Congress on Criminology, held at Madrid in 1970. Another industrialized country provided figures showing that the number of persons under 20 years of age dealt with by the police rose from 1 million in 1955 to 2.4 million in 1965.<sup>8/</sup> In the developing areas, the picture is less startling, but it is striking when compared with the situation that existed only a short time ago. Thus, in one country in Asia, juvenile delinquency, which was previously unknown, had risen by 1970 to 2,000 findings of guilt per year<sup>9/</sup> and the same nation has had its share of payroll robberies - even a great treasury robbery.<sup>10/</sup> Another State in the same region reported that the number of offenders under 20 years of age arrested by the police rose from 25,000 in 1959 to 125,000 in 1964.<sup>11/</sup> In Africa and Latin America, the same kind of picture can be drawn<sup>12/</sup> and there are places where banditry has emerged as a serious problem leading to the introduction of the death penalty for armed robbery. In one African country, over the 10-year period 1955-1965, the population increased by 29 per cent, while the number of reported crimes grew by about 70 per cent; recent unpublished figures seem to indicate that, during the 1960s, crime in this particular country has more than doubled, some types of serious crime have apparently trebled, and, as stated

<sup>6/</sup> United States Federal Bureau of Investigation, Uniform Crime Reports - 1970 (Washington, D.C., United States Government Printing Office, 1971), p. 2.

<sup>7/</sup> Report of the Canadian Committee on Corrections - Toward Unity: Criminal Justice and Corrections (Ottawa, Queen's Printer, 1969).

<sup>8/</sup> 1970 Report on the World Social Situation (United Nations publication, Sales No.: E.71.IV.13), p. 224.

<sup>9/</sup> Ibid., p. 224.

<sup>10/</sup> Paper submitted by the delegation of Malaysia to the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Kyoto, Japan, from 17 to 26 August 1970.

<sup>11/</sup> 1970 Report on the World Social Situation, op. cit., p. 224.

<sup>12/</sup> See e.g. Times of Zambia, 2 April 1971, p. 1, for a report on the uncovering of a multimillion-dollar customs racket.

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in its Development Plan; "this problem is far more likely to grow than diminish".<sup>13/</sup> Even where it is believed that adult crime is decreasing, it seems that rises in juvenile delinquency are to be expected. Thus, in one European country the rate of offences committed by juveniles under 17 years of age climbed from 54.5 in 1960 to 73.6 per 10,000 population in 1966 (but had fallen to 70.6 in 1968).<sup>14/</sup> And in an industrialized Asian country, there has been a report of an increase in juvenile delinquency after five years of continuing decline.<sup>15/</sup>

10. The defects of these numerical "asides" need hardly be stressed. They are only very random samples of data which, even in toto, are statistically arguable. But cumulatively, these emanations from so many different countries represent disquieting signs of a very serious problem affecting an increasingly sophisticated world.

11. It must be remembered that the very nature of crime and its manifold expressions makes it difficult to translate the general picture of menacing crime in the world into reliable comparable and quantifiable data. Like poverty, ignorance and malnutrition, it is more felt than registered, more experienced than recorded. Unlike these, it cannot be measured against its opposite - for good behaviour is not usually measured. Moreover, the line between criminal and non-criminal behaviour is not always clear. It has become fallacious to think of crime as a clear-cut category of behaviour or criminals as constituting a special type; more flexible categories are needed to interpret the effects of rapid changes in values and pervading wave of criminality in a number of countries. The most telling impact on society flows from the efficient and successful crime which, by definition, is officially unreported or undetected. An official account will always relate to only a small part of the total picture. For instance, a recent study indicates that the number of forcible rapes may be three and a half times as many as those officially known, that the number of reported burglaries may be only a third of those that have actually taken place, and that the number of thefts would

<sup>13/</sup> Government of Uganda, Second Five-Year Plan, 1966-1971.

<sup>14/</sup> Stanislaw Walczak, "Niektóre problemy strategii w walce z przestępczością", Przegląd Penitencjarny, No. 2 (26), 1970, p. 11.

<sup>15/</sup> Government of Japan, Summary of the White Paper on Crime - 1971 (Ministry of Justice of Japan, February 1972), pp. 31-34.

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be doubled if all victims reported them.<sup>16/</sup> This would indicate that the situation is a great deal more serious than has yet been supposed.

12. The changes in homes, in the streets and in the ways of life, as well as the clamour for more protection and means of deterrence, leave no room for doubt or dispute on the situation as it exists in many countries. And most countries have rising rates of recorded crime to show one reason for their concern. But not all parts of the world document the events adequately; and, even where they try to do so, the lack of uniformity in legal systems, in statistical classifications, in police methods or geographical spread render comparison dangerous and misleading - so misleading, in fact, that the countries keeping the most careful records are likely to be regarded as most criminal when, in fact, they may be doing more to detect and treat crime than many others.

13. There are areas of the world with grossly diverse interpretations of crime, and countries lacking the most basic machinery for any reliable statistical data-gathering and analysis. Thus, the pitfalls inherent in quoting only from published information is readily acknowledged and, if reference is made here to figures given by a particular country, it should be understood that due allowance is being made for others whose record of criminality looks less or different only because it is not published or adequately explained.

14. Gaps in the recorded information about crime do not detract from the reality of people becoming increasingly afraid to travel at home or abroad unprotected, from the evidence of the enormous amounts of crime undetected, even unreported, and from the ever-rising tide of known homicides, robberies, burglaries and sex offences which plague so many areas of the world. The expanding industry in security locks, guards, alarm mechanisms and other protective devices is clear evidence of the crime which creates it. As a result of all this, criminality is now viewed as a social and political problem of the first order and as one which is substantially altering and, at the same time, calling into question some aspects of the very basic functioning of modern society. Crime and the fear of crime affect the quality of life for millions of people in the world. In a great many

<sup>16/</sup> Survey of 10,000 households by the National Opinion Research Centre of the University of Chicago, quoted in The Non-Prison (Sacramento, California, American Justice Institute, 1971), p. 4.

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countries, rich and poor, north and south, criminality is influencing where people live, how they behave and what bonds of free and reliant community and personal interdependence they decide to establish. Therefore, while crime may not be unexpected in society (and indeed societies are usually supposed to be able to withstand a certain amount of it), the disproportionate crime of today and the ways in which it begins to distort the patterns of national and community life make it a distinct threat to the social structure from which it has emerged.

15. None of the foregoing account is intended to suggest that crime manifests itself everywhere in the same way or in the same dimensions. There are some developing countries which, whatever the trends in increasing juvenile delinquency, still have relatively small crime problems. And there are industrialized nations which do not consider crime to be a problem or regard it as a transitional phenomenon. The general trend is unmistakable, however. In most of the densely populated areas of the world, there is undoubtedly a threatening extension and a more serious intensification of crime and an increasing recourse to violence and illegality for private or public ends. Most countries are facing the need for more effective prevention to deal with the amount of crime they have or may expect to have. One illustration of this is the pronouncement by the Government of Kenya in its Development Plan, 1964-1970:

"The maintenance of law and order is the very first task of the Government in promoting economic and social development, and its importance cannot be overemphasized. The experience of developing nations all over the world has shown that, regardless of other policies adopted, failure to maintain order within the country is sufficient to slow, if not completely halt development." <sup>17/</sup>

16. This, taken together with the other pronouncements already quoted, raises the issue of crime prevention from any technical or routine approach to the higher level of national and international policy-making. <sup>18/</sup> The United Nations exists for peace and security: its members are therefore rightly concerned when a phenomenon like crime begins to disturb internationally the lives, security and peaceful enjoyment of those things which people everywhere have a right to expect.

<sup>17/</sup> See Republic of Kenya Development Plan, 1964-1970 (Nairobi, Government Printer, 1964) p. 117.

<sup>18/</sup> See foot-note 5 above.

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## II. STRATEGIES FOR CRIME PREVENTION

17. There is no universal prescription for crime prevention. As an individual problem of non-conformity or deviation, crime could be a negative expression of a broader trend for change which in itself may be justified - so that absolute repression of all deviation might stultify the broader reaching out of a society for a better way of life. On the other hand, untrammelled crime taking advantage of an over-generous toleration of change could easily and rapidly threaten the normal social or administrative controls. Certainly, in order to begin preventing individual tendencies to deviate or, more specifically, to prevent delinquent behaviour, one has to begin with the forms of care and character development which flow from infancy through childhood to adolescence. It can never be overlooked that most of the efficient known offenders are young.

18. As a social phenomenon, crime belongs to physical, cultural, economic and even socio-psychological conditions which influence life-styles and which need to be tackled on a long-term basis with far more information about the pervading effects of urbanization, industrialization and associated social change than is presently available.

19. Moreover, there are more immediate economic and political aspects to crimes of a certain type which complicate the search for a formula of prevention applicable to all or most circumstances. A preventive or control policy of general applicability is therefore difficult to find and may elude any attempt to put all crime into any category of negative conduct.

20. Nevertheless, crime is no new experience for the world. In its conventional forms, at least, it has for centuries been the subject of a variety of measures to discourage or eliminate it. The older methods of execution or exile are still available for very serious types of crime, but their effects in a modern society may be as negative and detrimental as they may be effective - and their use, even as a last resort, needs very careful thought. Much depends upon who is exercising the power and how accurate the crime control services are in identifying the guilty and protecting the innocent. Imprisonment has no long history as a form of punishment, though it has been known from the beginning of time as a form of

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custody. Experience shows that it has only limited deterrent or reformative value. All kinds of re-educational and rehabilitative methods have developed in the past 150 years to enlarge horizons on crime prevention and control; but many of these need more careful evaluation before they are widely adopted.

21. From this accumulated experience, the countries of the world are beginning to know the measures which will work and the techniques which may have been overvalued in the past. As communications improve and international collaboration on the prevention of crime and the treatment of offenders extends, there is an ever-improving prospect of more enlightened and effective measures evolving to control and prevent real crime and to render more supple a society's capacity to tolerate less harmful examples of passive deviation.

A. A national and international problem

22. The prevention of crime is both a national and international responsibility. It is fundamentally national because, as a matter of sovereign right, each Government will have its own view of the crime problem within its frontiers and will take such measures as it deems appropriate to protect its people and to rehabilitate its offenders. Moreover, it is distinctly national in that crime is defined by the law of the land and is therefore often a changing phenomenon from country to country.

23. It is also an international concern, however, because with increased travel, tourism, official trade and business intercourse, crime itself is no longer as territorially confined as it once was. Internationally organized gambling, prostitution, smuggling, drug trafficking, currency speculation or tax evasion are only the conventional aspects of a growth in supranational crime. The abduction of diplomats and the new developments in aviation piracy are some of the others; and with the spread of mass media, the improvement of communications and the development of facilities for millions to travel or commute even further every year, it may be expected that opportunities for international crime will greatly expand. It follows, then, that the measures to prevent crime will need to include joint action between countries having common frontiers, linked

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currencies, trade agreements or other shared interests.<sup>19/</sup> Wider extradition arrangements may be apposite and there may be new possibilities for exchange of offenders for imprisonment, or basic agreements to recognize securities so as to reduce the risks of loss of valuables in transit. But crime prevention is made equally international by several countries having similar legal systems, being at similar stages of social or economic growth or having similar problems of crime so that the experience gained by one nation in dealing with its situation can help others. Finally, the international character of crime prevention is underlined where bilateral or multilateral aid is sought by countries still struggling with inadequate material or technical resources to develop their preventive programmes and criminal justice systems.

B. Criminalization and decriminalization

24. The prevention of crime must begin by a consideration of the crime-creating machinery, which is ultimately the law itself. No act or omission, however anti-social or reprehensible, becomes subject to prosecution unless there is a clear law against it. And the law is itself a changing aspect of society.

25. Although some acts are sanctioned as crimes in every country and at every stage of development because they result in irreversible damage to persons or to society's resources, definitions of other acts as crimes may vary from one context to another. There are perhaps two simultaneous processes, one more typical of developing countries and the other of developed countries.

26. The emergence of the modern State has everywhere brought governmental protection of persons, property and social processes. One of the basic aspects of development may be said to be this progressively official intervention in people's behaviour patterns, with legal sanctions introduced against deviant behaviour which was formerly dealt with in customary ways by local communities or kinship groups rather than by government. This becomes necessary as populations outgrow the

<sup>19/</sup> Compare the unanimous condemnation of acts of terrorism, especially the kidnapping of persons and extortion in connexion with that crime, by the General Assembly of the Organization of American States on 30 June 1970. The Assembly held that such acts constitute serious common crimes against humanity and, on 2 February 1971, it approved the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance (see Organization of American States, Treaty Series, No. 37).

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older social controls, and their increased mobility disrupts older established relationships. While many developing countries continue to rely to a varying extent on local communities and kinship groups to manage deviance (and some even experiment with adaptations of older institutions to newer conditions), there are continuous pressures exerted by the concentrations of people in urban centres to extend legal regulations. Either from choice, or because of a special need to protect developmental investments, safeguard property or promote urban order, the number of statutes and the volume of legislation increases.

27. The way in which a developing country chooses to handle this process is important. For the developing countries have a special opportunity to adapt law, adjust government machinery and to devise new and imaginative solutions to crime, drawing partly, at least, on indigenous practices and traditions. The effort to do this would be worth-while, for a recent United Nations survey of development plans shows a number of developing countries allocating as much as 10 per cent of recurrent expenditures to the social defence sector.

28. In developed countries, too, the legislative process gathers increasing momentum and the annual output of new regulative instruments is immense. There are recent signs, however, of a counterbalancing tendency to decriminalize certain kinds of behaviour. Much of this may be ascribed to a change in values. Thus, while previously unregulated conduct, such as business fraud, breach of public trust and the impairment of national resources, is now brought under control and made subject to penal sanctions, other kinds of behaviour in traditional "morals" areas, such as public drunkenness, vagrancy or homosexuality between consenting adults, have been tolerated, if not approved. Or they may, like adultery, come to be regarded as a ground for civil rather than criminal action.

29. This change in balance, to some extent, is also a result of a rational calculation of the degree of danger to human rights that is posed by different antisocial acts or omissions and to the structure of the public authority that protects those rights. Not least, this change in balance may be induced by the dimensions of the problem. The Governments of some developed countries are beginning to feel that there are limits to the workloads of their social defence systems - for instance, limits to the ability of their police to apprehend law-breakers, of their courts to judge them and of their institutions to reform them. For many practical reasons, they tend to seek alternatives, and they are

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increasingly conscious of new concepts and attitudes in society which might outmode the older regulations and make law difficult or impossible to enforce effectively. 30. The result may be a downgrading of offences here and there in the penal code. Some countries are beginning to decriminalize victimless deviation from the earlier respected behaviour standards in order to focus more on the serious offences directed against persons and property. Some countries replace penal sanctions in certain cases (for example, traffic violations) with different administrative penalties so as to permit the judiciary to devote all its attention to crimes likely to impair economic and social development and human rights. Some countries seek to shift the control of reprobated victimless deviance and other minor offences to tribunals of neighbours or work-mates. Feeling that their development of educational and health services may offer alternatives to penal treatment, some tend to divert young offenders, addicts and psychopaths into procedures.<sup>20/</sup> In many areas, conciliation or arbitration techniques are being developed to settle family or neighbourhood disputes. And there are other regions where the authorities may choose to leave individuals or undertakings to arrange very likely for their own protection.

31. Thus, many developed as well as developing countries are faced with the problem of boundary-tracing in that vague frontierland that separates the acts or omissions to be regarded as illegal from the deviant behaviour which can be left to other forms of social control. Interwoven are other issues, such as the protection of the rights, not only of the victims of criminal acts, but also of third parties and other groups of deviants likely to be subjected to constraints outside the governmental criminal justice system (for example, mental patients, sexual deviates or "bohemian" groups). Countries can plan their own social defence

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<sup>20/</sup> See, for example, Barbara Wootton, "Deviance: criminal and other", *New Society*, No. 423 (London, 5 November 1970), pp. 812-816; and "Proposals to reform juveniles law", *Nationalist* (Dar es Salaam, 9 June 1971), p. 5.

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policies and programmes better if they are at least aware of these trends in other areas; and international comparisons can be of great practical value in lessening reliance on any narrow range of purely penal approaches to basically social problems.

C. Social expectations and the criminal justice system

32. The significance of the revolution of rising expectations in our time may be in danger of being overstressed when modern problems are under discussion; but it has certainly had its repercussions in the field of crime. First, it has contributed to the attitudes and motivations from which antisocial behaviour often flows. Secondly, it has had the social value of promoting a closer scrutiny of the established institutions which do not always meet modern standards.

33. It would be wrong to ignore the increasing extent to which members of society, frustrated in obtaining their expected goals in life, turn to unlawful means to achieve them. Perhaps not everyone who is disappointed or unsuccessful is subjected to such temptations: a good deal depends upon the local culture and circumstances, but the effect of seeing so many others moving forward to better conditions in a more open and mobile society obviously increases the pressure to do something extra at least to keep up appearances. Furthermore, the crowded conditions of a modern anomic metropolis serve to heighten the prospect of certain types of illegal behaviour going unnoticed, undetected - or, as indicated above - going unreported to the authorities.

34. When social expectations are under discussion, the frequently discussed imbalance between educational provisions and employment opportunities in a number of countries is very pertinent. Systems are sometimes geared to produce the very problems which are the subject of later complaint. Ungratified expectations also contribute to the problems of drop-outs, social misfits and inadequate persons from whose ranks so many offenders are drawn. Unfortunately, knowing what is wrong does not necessarily convey a solution and there is still much to be done in countries, developed and developing, to deal with the range of basic problems, many of which are the products of earlier attempts to solve other kinds of problems.

35. On the other hand, it is natural that economic, social and cultural improvement engenders a related but quite different form of reasonable expectation, that is that

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there will be freedom from the fear of criminal attack and protection from public violence or interference with routine life. It fosters a claim of right to personal security and the protected integrity of home and property. Similarly, there is the justifiable expectation that the criminal justice system will be efficient, fair, effective and fundamentally protective of human rights.

36. Taking the two aspects of rising expectations in this field, it is clear that a climate of insecurity and discontent could develop in which frustration, on the one hand (at rising criminality), and dissatisfaction on the other (with the accepted means of dealing with it), might well combine in many countries to disrupt and divide societies. There are significant instances in some regions of angry crowds taking the law into their own hands; and, in several countries, private citizens, from a sense of undue exposure and risk, have felt constrained to arm themselves for protection. In one country, groups of underground vigilantes have formed to execute those offenders who are obviously active in crime, but seem able to escape prosecution by law. This kind of spontaneous action on crime control cannot be acceptable, but it would be unwise to minimize the underlying dissatisfaction with established systems, the pervading insecurity and the public anxiety aroused by the mounting levels of crime.

D. The administration of justice

37. There are some areas of the world where it seems almost as if the system for the administration of the law is itself on trial. As crime increases, some countries find their criminal justice institutions overloaded, with the police arresting more than the courts can deal with or than the prisons can hold without dangerous overcrowding; or the courts may be balancing time and justice in their attempts to dispose fairly and efficiently of the backlog of cases; probation officers, prisons, parole officials and social workers may be struggling to give individual attention to numbers far beyond their capacities. With services and institutions extended in this way, as they grapple with ever-expanding and intensifying problems, the danger of a breakdown in some areas could be very real.<sup>21/</sup>

<sup>21/</sup> This problem may be presenting itself in certain of the developing as well as developed countries. Compare "The available mechanism of law and order is not able to cope up with emerging phenomena of violent agitations and open disobedience towards law" (extract from V. Jagannadham, "Prevention of crime in a welfare State", Social Defence, vol. III, No. 12 (New Delhi, Government of India, April 1968)).

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38. Such problems of overloading obviously contribute to the incentives to commit crime. Large numbers of offenders may have to be released without adequate treatment; others may be overlooked or treated discriminately. Then, throughout the system, the risks of unjust disposal are always present threatening to increase resentment and cause more crime. Yet, as insecurity grows, the authorities face demands for more laws, for the regulation of larger areas of human conduct and for the protection of a greater range of human needs and aspirations - all of which serves to increase the flow of persons through the machinery of justice. Furthermore, this pressure for more comprehensive legislation, more intricate, and adequate police protection, more courts and judges providing more expeditious justice, more institutional facilities and services, compels some Governments to devote a disproportionate share of resources in their operating budgets and capital investment programmes to the problems of crime prevention and control.

39. Too frequently, practice and planning, where it exists, within the police, the judicial and the institutional subsystems (to name but three) of the criminal justice system are divorced or separated from one another. The police may set out to curb crime with too little appreciation of the constraints on the system behind them. The courts may dispense justice without realizing that it cannot be done in the way they envisage as appropriate. The prisons too often feel they are receptacles of last recourse without understanding the pressures which beset their companion services. Finally, social and economic planners not infrequently add to the burden by allocating resources as if crime were a mere nuisance which would more or less automatically disappear as a result of general development would be handled with a minimum of attention.

40. Recent prison riots in both developed and developing countries provide painful examples of disjointed planning to prevent crime. For the reasons given, the conditions which precipitate riots in the prisons are not remediable in the prisons alone; delay in the courts is immediately and obviously involved; the courts themselves are overloaded and far in arrears; hence, police practice and policy concerning arrests and summonses are inexorably involved. This requires, as a minimum, joint planning, at least between prisons, courts and police. Such planning is severely impeded in most countries by the lack of data to measure the flow of cases through the different subsystems of the criminal justice system so that policy-making has frequently to rely on intuition and on imprecise perceptions of the problem faced.

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41. One of the aspects most hampering in the development of a flexible and socially productive social defence system is the rigidity, in many countries, with which dispositions must be or are being made of criminal cases under existing laws. Judges have a narrow range of sanctions which they can employ, and this limits the capacities of courts to apply measures most appropriate to the individual and to society. Basic reform is required. This problem has recently been stressed, especially by Latin American experts in the field,<sup>22/</sup> and the crisis of the administration of justice in the metropolitan areas of many countries has been commanding increasing attention.<sup>23/</sup>

42. At some stage or stages, all this needs to be put into broader national perspective. Essential as the operation of the criminal justice system may be, its efficiency, adequacy and integrity cannot be the sole focus of any country's concern with its social defence problems and policies. There remains the need to take a much wider view, to understand more fully the nature of crime, the changing concepts of social deviance, the social and economic factors conducive to law-breaking and the primary and secondary measures that can be effective in forestalling and reducing crime. A country has to know not simply whether its criminal-justice system is amply staffed and fairly administered, but whether it is scientifically sound and socially constructive.

43. Disillusioned as some countries may be with the efficacy and fairness of their older criminal justice systems (or with the older and least adaptive parts of such systems), the search must be for alternatives - truly radical departures from outmoded and discredited approaches. And, more fundamentally, the quest must be for new outlooks, new conceptions and, especially, new methods that involve the total interplay of social and economic forces and institutions to minimize the incidence of crime and to prevent the perpetuation of criminal patterns.

<sup>22/</sup> See "Preparatory regional meeting of experts in social defence (Latin America and the Caribbean region) for the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders", International Review of Criminal Policy, No. 27 (United Nations publication, Sales No. E.70.IV.7), pp. 81-88.

<sup>23/</sup> See, for instance, the Third International Symposium on Comparative Criminology, Versailles, France, 28 April to 1 May 1971.

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Unfortunately, too few countries have detached themselves from the traditional way of looking at crime and the traditional machinery used to deal with it. For the kind of evolutionary developments required, there must be a new commitment, from within the social defence field and from without, to challenge the status quo and to chart new courses. Vital movement in this direction, uneven and faltering as it may be, is encouragingly visible.

44. Most marked is the increasing dissatisfaction with traditional reliance on punitive and deterrent measures to control criminality. Although few believe that rehabilitative efforts can entirely supplant punitive and deterrent punishments across the whole range of criminals and criminality, there is growing recognition in many segments of society in many countries that punitive and deterrent threats provide poor protection against the strong criminogenic pressures which exist within their social organization and that greater reliance must be placed on preventive and rehabilitative techniques (or rather "habilitative" techniques, as they may be termed, since many offenders suffer from an initially defective socialization process).

45. Dissatisfaction and a strong sense of failure are especially attached to the imprisonment of offenders. There is a steady and vigorous movement in a number of countries towards the development of community-based alternatives to imprisonment. This is important not only from a correctional point of view, but also because of the heavy financial burden resulting from the construction and maintenance of prisons. The movement needs international support and further buttressing by research evaluative of the effectiveness of alternatives to imprisonment, as well as dissemination of knowledge on practices obtaining in different countries.

46. International and national concern with social defence problems and criminal policy reflects progress as movement towards seeing the problems of crime and juvenile delinquency within a more ample frame of reference. The emphasis has been shifting from preoccupation with different types of penal treatment and different categories of offenders to the prevention and control of delinquency and crime more generally conceived. The focus widens from treatment methods for individual criminals and groups of offenders to the larger issues of crime in a changing society. In this perspective, criminal policy, while not losing its special identity, becomes a part of social policy with an emphasis on planned and

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anticipatory action cutting across traditional sectoral and occupational distinctions; it becomes an approach to the social defence implications of development in an integrated manner reflecting the full range of community concern with a problem affecting the very fabric of society.

#### E. Urbanization

47. Crime tends to be associated with the growth of towns and with the spread of a distinctly urban culture. In some areas of the world, it has been possible roughly to plot crime rates according to sizes of the towns. However, the inter-connexion of the two phenomena is subtle and elusive. Too little is still known of the relationship between urbanization and crime and certainly no inevitable or causative connexion has been established.

48. Nevertheless, in many parts of the world it seems beyond question that in some way towns and crime go together in size and form and that there are many psychological, sociological, economic and cultural explanations for such an urban/crime relationship. The accelerating flow of people to towns breaking older social links, the growth of ghettos, bidonvilles, and shanty towns, the polarization of classes, the inappropriateness of education for the existing labour demand, and the alienation of the unemployed as under-privileged are all important considerations for the prevention and control of crime. Uncontrolled growth in some countries has engendered new focal points of criminality, and even well-planned growth in others has not always served to ensure that crime will automatically disappear. There may be some optimal size for towns beyond which it becomes difficult to service them properly or to provide security. Some cities are threatening to outgrow the effectiveness of available crime prevention and control services and the streets are no longer safe after dark.<sup>24/</sup> Perhaps it should be added in passing that this concern with towns is not to say that rural crime is either unknown or not rising. But it is still significant that the nearness of a rural district to the urban centres usually affects its crime rate.

49. It is important to note the irreversible character of the urban spread and the deterioration of social life at a pace which could be extremely serious in terms of crime. Between 1920 and 1960, the world's urban population trebled;

<sup>24/</sup> In some countries a whole new industry of security measures has been developing. In addition to special guards, dogs and steel vans available for hire, there are thriving businesses in anti-burglar bars, anti-burglar shields, electric-eye alarms, automatic-waving lights, sword canes, revolvers, hand alarms, chemical sprays etc.

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cities in some of the major developing areas increased by 70 per cent in only 10 years so that it is estimated that they will need to accommodate six times their numbers by the end of the century.<sup>25/</sup> Discounting all other factors (and especially the tendency for crime to proportionately outpace population growth), this would mean that one might project a sixfold increase in crime by the year 2000, unless prevention is organized very effectively. This is a development which at present few countries would be equipped to deal with.

F. Economic development, social change and crime

50. It is being realized that economic development is affected by crime and the fear of crime. The exact social cost of crime is by its very nature speculative; but there is evidence that it is of a significant order of magnitude. Crime destroys human and material resources and forcibly reallocates others outside the normal workings of the economic and legal systems to an estimated extent of at least 5 per cent of the gross national product in France and in the United States of America.<sup>26/</sup> The cost of the public criminal-justice system alone constitutes a significant allocation of scarce public revenue; in a sample of 25 countries selected on the basis of ready availability of official data, the proportion of public operating expenditure budgeted for social defence ranges from less than 2 per cent to 26 per cent, with a median of 3 per cent in the big budgets of rich and developed countries, but of 9 per cent of the small budgets of poor and developing countries.<sup>27/</sup>

<sup>25/</sup> Urbanization: Development Policies and Planning - International Social Development Review, No. 1 (United Nations publication, Sales No.: E.68.IV.1), pp. 10 ff. See also "Social defence policies in relation to development planning" (A/CONF.43/1), para. 30.

<sup>26/</sup> Philippe Robert and J. P. Bombet, Le coût du crime en France (Paris, Direction des Affaires Criminelles et des Grâces, April 1970); and United States of America, President's Commission on Law Enforcement and Administration of Justice, Crime and Its Impact: An Assessment, Task Force report (Washington, D.C., United States Government Printing Office, 1967), pp. 42-59.

<sup>27/</sup> It is recognized that the published information does not permit adequate comparative analyses. However, e.g. on the basis of 12 African development plans, which include investments in crime control, the proportion of the investment ranges up to 10 per cent with a median of 3 per cent; the inclusion of direct and indirect crime-preventive services would raise these figures considerably higher.

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51. Similarly, with the allocation of human resources: while developed countries frequently have two full-time policemen for 1,000 population, there are developing countries which approach that figure without counting adjudicatory and correctional manpower. Putting these human resource allocations another way, paid social defence personnel may number up to 1 per 100 adult males: and in a developing country, where relatively few persons work for a wage, social defence workers may therefore constitute a sizable proportion of the small number of persons who get a living from paid employment. Official statistics indicate that in at least one developing country the budget appropriation for internal order exceeds that for education and health combined, while in at least one other, more workers are employed in social defence than in education.<sup>28/</sup>

52. Crime also has an indirect, not necessarily measureable, impact on development as a deterrent to effort, mobility and capital accumulation. A United Nations technical assistance programming mission reported some three years ago that agricultural production in one country could not expect to be raised until farmers could be sure that their produce would not be stolen. Similar situations are reported from other countries. If corruption, white-collar and organized crime are included, then the effect on the economy is considerable in many areas of the world.<sup>29/</sup> In so far as the development process in certain of its phases increases the opportunities for crime, it is clear that crime and crime control have to be counted among the possible social costs of economic development. Although social defence has traditionally been classed with external defence as a basic governmental overhead, there would seem to be good reason why planners should accord increasing attention to it in the 1970s as an inescapable aspect of economic and social development and a subject for more adequate planning. It is already very clear that much of today's crime could have been anticipated and avoided by better economic and social planning at all levels.

<sup>28/</sup> It should be noted, however, that much depends upon the services included in such an assessment of social defence. Army or semi-army personnel might sometimes be covered as well as police, courts, prisons etc. The point is, however, that crime is no small problem and it is already in so many places absorbing too many human resources from development.

<sup>29/</sup> Compare the estimate of \$US 174-231 thousand million yearly or 30-40 per cent of all consumer spending absorbed by monopoly and related industrial crimes. (Anti-Trust Law and Economic Review, vol. 3, No. 1 (Fall, 1969), pp. 12-13).

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53. It is seen that rapid social change, whether accompanying economic development or occurring independently of it, carries with it the danger of social breakdown, certainly including criminality, unless it is anticipated, fully understood and planned for. Probably such foresight and clear perspectives will elude man for a long time to come, but there is such an accumulation of knowledge about past mistakes that it should be possible for the developing areas to benefit from the hindsight of others. Moreover, there are areas of neglect now giving so much trouble that they cannot be overlooked in any future provisions for social change in any country.

54. With many countries today undergoing social change at an unprecedented rate, greatly increased criminality may be expected unless sound measures of prevention and control are built into the economic and social structure in a coherent and timely manner. It is important to emphasize, however, that increased criminality is not an inevitable consequence of the social change accompanying economic development. Indeed, it is recognized that both social change and economic development, under proper circumstances and control, could contribute to a decrease in criminality. It seems that accelerated social change eliminates some causes of crime and opens up other opportunities for illegal behaviour. Crime is a creature of its circumstances and adapts readily to new conditions. The point is that while planners are accustomed to being asked to provide for future social change, they are not often asked to anticipate the deleterious backwash of change which can so frequently carry away the benefits for which a society might have worked very hard. Much too seldom does the crime problem receive consideration in this broad perspective.

55. The prevention and control of crime need to be seen and handled within a total social system with dynamically interacting parts whose operation affects, and is in turn affected by, this very interaction. This and the complex interplay with other systems operating in a given society underline the fact that countries face novel and difficult systemic problems in social engineering.

56. From the foregoing, it is evident that programmes for the prevention and control of criminality, adult and juvenile, based on scientific knowledge and drawn up by persons possessing special competence in this field, will have to form an integral part of co-ordinated national social and economic development planning. Moreover, such programmes cannot be narrowly conceived. Sectoral

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planning is essential, but wider attention should be given to the social and economic forces and programmes that may contribute to an aggravation or, on the other hand, an alleviation of the problems of juvenile delinquency and adult criminality.<sup>30/</sup>

57. Here the United Nations position is clear, the General Assembly having recommended in its resolution 2436 (XXIII) that "Member States should incorporate social as well as economic objectives and targets in their national plans, programmes and research, giving attention, where appropriate ... to ... devising appropriate policies for dealing with juvenile delinquency and criminality in the context of rapid social change".

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<sup>30/</sup> See article entitled "Ad hoc meeting of experts on social defence policies in relation to development planning", International Review of Criminal Policy, No. 27 (United Nations publication, Sales.: E.70.IV.7).

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### III. PRIORITY AREAS FOR ACTION

58. While action is needed as a matter of urgency on many fronts, there are certain aspects of the world situation in crime prevention which require priority attention.

#### A. The international network

59. No survey of crime in its modern context could possibly fail to observe the lack of an adequate international system to prevent and control a problem which has already become conspicuously international in its style, organization and techniques. Some of the greatest profits and rewards are available from internationally organized crime and some of the most menacing, violent and inhuman forms of crime are transnational in character and extent. Modern crime is mobile and responsive to its times; it can be readily adjusted to climates of international opinion and oriented to have a global impact. Against this new dimension of transnational crime an effective prevention and control system has yet to be developed and the hands of the national authorities are often tied by the lack of appropriate agreements with other nations to take the action which they know to be necessary.

60. A more highly developed international commerce has increased the illegal traffic in regulated or prohibited articles. International investment has brought new opportunities for official venality. And international banking can pose new obstacles to national law enforcement. Technological advances multiply the opportunities for highly sophisticated crime and transmit new variants of illegalities over shrunken space. The way in which serious crime tends to cross national borders attracts attention to the need for a better mobilized international effort to prevent it.

61. Quite apart from such circumstantial reasons for the phenomenal rise of transnational crime in recent years (e.g. shrinking distances, tourism, business or official contacts and a shared technology), it can hardly be doubted that the shrewd masters of organized crime in its various forms have not hesitated to take full advantage of the gaps which arise and the unregulated condition of many international operations.

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62. It seems obvious that, if the political, legal and administrative complexities to the attainment of a comprehensive international system for the prevention of at least the commonly deplored crimes would be overcome - and if countries could unite (sometimes only regionally) to combat international crime - they would save themselves a great deal of trouble and be in a position to protect their own citizens more effectively.<sup>31/</sup>

63. One of the first steps to more effective crime prevention would therefore appear to be a better international climate for world-wide co-operation and an international determination to combine national with international efforts to contain and reduce the problem. A system needs to be evolved to study the extent to which existing agreements and conventions leave gaps or become outdated by new forms of illegality. Such a study could examine the problems and possibilities, and expose in more detail the areas which still need to be covered by suitable agreements. This could result in drafts of improved or additional agreements for countries to consider.<sup>32/</sup> This work, in the first instance, might be limited to a review of transnational crimes of general concern.

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<sup>31/</sup> In Europe, increased movements of persons for reasons of work or leisure have required regional measures for the control of law-breakers and similar action may be beneficial in other regions.

<sup>32/</sup> In this connexion, note should be taken of the following: General Assembly resolution 2645 (XXV) on aerial hijacking or interference with civil air travel; the Convention on Offences and Certain Other Acts Committed on Board Aircraft (registered with the Secretariat under No. 10106 on 22 December 1966 and to appear in United Nations, Treaty Series, vol. 704); the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (General Assembly resolution 317 (IV)); the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), which are not yet in force; the Single Convention on Narcotic Drugs, 1961 (United Nations publication, Sales No. 62.XI.1); the Convention on Psychotropic Substances (E/CONF.58/6 and Corr.1 and 2); and World Health Organization definitions of alcohol and drug addiction and dependency (see, for example, World Health Organization, "WHO Expert Committee on Drug Dependence, Sixteenth Report", Technical Report Series, No. 407 (Geneva, 1969), p. 6).

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B. Broadening of social defence planning

64. While as yet there are no readily available solutions, it is clear that any longer-term prevention of crime problems depends to no small extent upon broadening the approach to this subject and looking over and across the older specialized or narrowly professional procedures in dealing with crime. Fortunately, in formulating its criminal policy today, a Government has a range of options. The time has gone when criminal lawyers or penal reformers thought in terms of any single policy or model of universal applicability. It is important, however, that the range of possible approaches becomes better known and propagated among decision-makers on the one hand and the general public on the other. Both are likely to be intimately involved in the prophylaxis of criminality. What is more, the ideas and practices evolved in dealing with crime need to be better shared. The experience of developing as well as developed countries in dealing with crime needs to become part of mankind's common stock of tools for protecting society.

65. In selecting a series of programmes from amongst the options available, it is important that their budgetary and social costs, their social effectiveness and their impact on other parts of the economy as well as on the criminal justice system be carefully calculated. This supposes a range of expertise which goes beyond the professional reach of the traditional social defence services.

Moreover, it allows consideration of a wider framework of technical co-operation in broad criminal policy planning as well as in the establishing within this context of whatever specific crime-control instruments may be chosen.

66. There is no longer quite the faith of a few years ago that the quantitative extension of education, employment, health, housing, social security and other positive social programmes can itself prevent crime. Attention has now turned more to the quality of these programmes, to their interrelationships with other aspects of national life and especially to the way in which these broader improvements in living conditions may be adapted to meet actual social needs. Though apparently far removed from the scene of a crime, what might matter most for social defence planning may be the distinction drawn between an educational programme that does not fit people for their environment (because it imparts skills for which they are unlikely to find a use) and an educational system which enables them to enter careers in occupations likely to be available. The first could be criminogenic, the second crime-inhibitive.

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67. Thus viewed, social defence planning requires a matrix of interlocking relationships with other social and economic programmes and becomes a factor in influencing the selection within these programmes of investments and options which, while serving the broader national objectives, are at the same time conducive to the defence of society against crime. It means helping to prevent perfectly praiseworthy and desirable social and economic policies from being developed without reference to the possibilities of crime in their implementation, or in such ways that they might unwittingly breed delinquency. The example of new housing estates with greater delinquency problems is well known, but practically any investment in industry, agriculture or urban change has implications for crime which need to become more explicit. Every development has its negative and positive elements from a crime point of view. New living conditions affect behaviour. New techniques or commercial procedures make some offences easier to commit and others more difficult.

68. Technical co-operation in social defence cannot therefore be limited to the social defence sector alone. It extends logically and necessarily to assistance with the planning of wider intersectoral allocations of resources. Such assistance is all the more necessary since few countries have as yet the high level of expertise required for the planning of well-integrated criminal justice systems and even fewer have trained social defence planners able to relate their planning to the broader aspects of development.

69. The planning of crime control in relation to development requires that Governments look well ahead, taking full advantage of technological and scientific advances and projecting all kinds of new environmental patterns so as to be able to influence their effect on the incidence and control of crime. There is, for example, some evidence that movables and shopping or banking facilities can be so designed as to make thievery easier or more difficult and that the way housing complexes and neighbourhoods are planned and managed can affect safety as well as other aspects of the quality of life.

C. Legislation

70. With the mass of statutes and regulations increasing every year - by now far beyond the average citizen's capacity to absorb - it is clear that the practice

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of legislating constructively for a modern technological society is a skill going beyond that of the traditional legal draftsman. The problems of developing a criminal justice system able to cope with the flood of new regulatory instruments on the one hand and the increasing disrespect for law on the other hand have already been reviewed above. Also, the significance of criminalization and decriminalization has been discussed. Important by consequence, however, is the necessity to develop a different type of expertise in legal drafting.

71. In addition to the usual legal background and administrative knowledge, the newer drafting expert requires an acquaintance with the day-to-day complications of implementing the law, with the wider social and economic contexts of legal controls and with the cultural or subcultural background for which he is being asked to provide. The disparity between informal social controls and the more formal legal regulations needs to be better appreciated and provided for. Perhaps the areas for administrative discretion and public participation need to be widened. The subject is complex and can be only mentioned here; but it is quite evident that the adherence to older patterns of legislating and implementing legislation are serving to divide expectation from reality and are frequently complicating the adaptation of governmental machinery to a changing society.

#### D. The police system

72. It has not been suggested that a modern State can be operated without a police system; but the police are often identified with the status quo and become regarded as the guardians of unfair privilege. Criticism of police systems has become more widespread as the general education of a people has led to higher expectations of performance and objectivity.

73. The merits or demerits of the criticisms of national police systems are not for comment here. But an important aspect of modern trends of this kind is the extent to which far more educated and competent police forces are beginning to adjust to the special needs of a technological and increasingly urbanized society. The impersonal figure of national authority is being replaced in some communities by an attempt to develop a system of neighbourhood protection.

74. Civilians are being more integrally involved in police operations to emphasize the unity between the people and the police. A large variety of different

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approaches to vice control, gambling, smuggling and other offences are being developed and computers are streamlining the work. Moreover, the role of the policeman is changing as he must fulfil the roles of social worker, counsellor and group leader in a community as well as simply the authority figure.

75. The development of better and more efficient police systems is distinctly a national concern, but nations have a great deal to learn from each other and better facilities for a sharing of common policing problems would help to expedite improvements and increase understanding.

#### E. Institutional treatment of offenders

76. As already pointed out, the extent to which persons are legally deprived of their liberty and to which institutions are used for their custody and correction has become critical for several reasons. In so far as national development plans focus on capital investment, there is the risk of their giving more attention to institutions than to less capital-intensive methods of social defence. In a great many countries, institutions house more prisoners than they were ever built for. In many countries, at all levels of development, the prisons are crowded with persons who have not been tried - one third of all prisoners in some countries and two thirds, or more, in several others. Here it is obvious that the improved planning already referred to could relieve dangerous congestion, improve the efficiency of the institutions and probably release human and financial resources for more profitable use.

77. To the extent to which institutional custody is still necessary, there is now an accumulation of experience with a range of alternative types of institutions. And, especially in those few countries where prisons hold only a minority of those who are awaiting trial or are under treatment, a range of non-institutional alternatives has been developed for holding persons awaiting trial and for disposition of persons adjudged guilty. If fewer persons were confined in prisons, it would be easier for Governments not only to adapt, but also to apply the Standard Minimum Rules for the Treatment of Prisoners approved by the Economic and Social Council in its resolution 663 C (XXIV).

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F. New and special problems

78. Attention has already been drawn to some of the special problems that have caused particular alarm lately and on which national and international machinery will need to be focused in order to develop the new insights and approaches which are obviously required.

(a) Implications for youth

79. The impatience of some youth for immediate solutions to long-standing and deep-seated social problems and many other pressures have led groups of young people in many countries from covert dissatisfaction to overt legitimate protest, to sporadic rebellion against lawful authorities and on to violent infractions of the lawful rights and freedoms of others and of the just requirements of public order in a democratic society. The need to comprehend more effectively and deal constructively with this phenomenon has become manifest. Organized protest, rebelliousness and bohemianism in its various forms are not criminal in the real sense, however much they may infringe on local regulations and involve technical offences. At the same time, the real crime sometimes incorporated in such movements cannot always be ignored by a society obligated to protect the public. Various ways have to be found to help young people develop measures of self-regulation among themselves so as to eliminate crime while fostering the outward expression of legitimate demands for change.

(b) Drug abuse

80. Drug abuse presents a special problem in which the United Nations, particularly through the Commission on Narcotic Drugs, has long been active. The problem grows and takes on new forms. In some countries, it has reached the dimensions of a national emergency.<sup>33/</sup> The involvement of youth in drug abuse has caused particular alarm and a demand for more effective action.<sup>34/</sup> The established methods of control have proved largely ineffective and have been severely challenged. All this has strong implications for social defence; treating the use of certain drugs

<sup>33/</sup> See, for example, United States of America, President's message to the Congress, 17 June 1971, proposing an emergency programme for drug abuse control.

<sup>34/</sup> See, for example, "Drug addiction our latest bone", Manila Times, 10 July 1971, p. 5.

as criminal behaviour is under question from several standpoints and care must be taken to avoid the treatment of drug abuse and crime becoming synonymous.

Nevertheless, the overlap is unmistakable; heavily addicted individuals turn to aggressive personal criminality to support their dependence on drugs; illicit traffic in drugs involves complex and highly sophisticated criminality of vast proportions, both nationally and transnationally.

81. In the entire area of drug abuse, greater comprehension, imagination and skill are required to deal with a phenomenon knowing no social distinctions. With drug abuse, as with alcoholism (which continues to be a serious problem in a number of countries<sup>35/</sup> there is a need for experimentation and ingenuity in finding better ways of dealing with the new trends.

(c) Organized crime

82. There is an increasing recognition that national measures alone cannot combat the problem of organized crime "which has modernized and internationalized itself... and no longer gets its strength only from our traditional lack of legal measures, but from relatively new and more damaging areas of action, such as the drug trade, for example".<sup>36/</sup>

83. Organized crime grows out of organized society by applying modern systems and managerial patterns to the accumulation of capital by unlawful means. It builds on the fear generated by its apparent immunity over any long period from serious official challenge and it protects itself by using ill-gotten gains to finance influence in high places. More frequently of late, in many countries, it has been moving into legitimate enterprises where inflated profits can be made with less fear of prosecution.

84. The arrest of individuals, disruption of some local operations and occasionally widespread raids or prosecutions are a necessary part of the struggle of society against organized crime of this type; but by definition the illegal system may be expected to continue. It is self-protective and self-perpetuating and cannot be effectively opposed except by an opposing system equally consistent and equally

<sup>35/</sup> The ineffectiveness of merely legal interventions in these problems has been empirically underlined (see, for example, P. Törnudd, "The preventive effect of fines for drunkenness", in Scandinavian Studies in Criminology, vol. II (Oslo, Universitetsförlaget, 1961), pp. 103-124.

<sup>36/</sup> Motion by a group of 19 members of the Italian Chamber of Deputies made to the Government in June 1971.

equipped to keep up the pressure to force it out of business altogether. Where local and central governments change regularly or where officials do not stay long enough to consolidate their efforts, the crime organization may suffer reverses from intermittent attack, but it eventually survives to settle old scores and increase its power.

85. In its form of organization, its resilience over time and its new facilities for crossing the boundaries between legitimate and illegitimate business - not to mention its possible political significance - organized crime presents many an advanced society with a great challenge: it can become an opposing authority to the legal one. In its modern form, organized crime is a problem of quite new proportions and its prevention and control depends largely on the capacity of a society to counter-organize itself and to act determinedly for its own protection.

(d) Corruption

86. Many countries face the problem of bribery and corruption, which exacts economic and social costs of serious proportions.<sup>37/</sup> This is often an embarrassing and delicate issue for a country to handle, but the enormous cost in human, financial, developmental, political and moral terms of such widespread venality precludes the passive tolerance with which corruption is too often regarded at present. Governments need to approach this difficult problem from a number of different angles, including the sharpening of investigation and auditing machinery, the tightening of controls and the application of appropriate sanctions against all parties to this kind of antisocial conduct of which the general public is always the victim. Administrative and legal reform is equally implied. Technical support through international machinery can and should be given to those Governments requesting it, because they are determined to root out these enervating processes from their political, administrative and judicial machinery. This is a type of problem which can only be solved together with far-reaching social and economic change.

<sup>37/</sup> See, for example, J.S. Nye, "Corruption and political development: a cost-benefit analysis", American Political Science Review, vol. LXI, No. 2 (June 1967), pp. 617-627; and O.P. Dwivedi "Bureaucratic corruption in developing countries", Asian Survey (April 1967), pp. 245-253.

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(e) White-collar crime

87. Types of sophisticated business crime proliferate. Breaches of labour regulations, tax evasions, food adulteration, deliberately deceptive labelling and packaging and use of defective materials in housing and transportation are increasingly seen to be as large a threat to social well-being and economic advancement as the more traditional "personal" crimes. "White-collar" crime and organized crime, generally identified with certain affluent countries, are not unknown to developing countries and are said to be a matter of growing concern in a number of them.<sup>38/</sup> These crimes develop a dangerously mutually supportive relationship with bribery and corruption. They require adequate measures of prevention<sup>39/</sup> and control if they are not to seep off valuable resources needed for development.

88. It seems likely that consumer cheating on a criminal scale could generate a counter-growth of credit abuse, shoplifting, deception of bureaucracy and wide-scale evasion of responsibility. Those who feel cheated consider themselves justified in retaliating and the frontiers between crime and political protest might well become blurred.<sup>40/</sup>

(f) International piracy and extortion

89. There has been increasing resort to illegal action recently to interfere, for worthy or unworthy motives, with international travellers or official representatives of countries abroad. These forms of crime have already been dealt with above, but they represent a significant new development which nations have to consider in their thinking about crime.

90. International law developed from the customary outlawing of piracy and the provisions of special protocols for the protection of nationals abroad. These have usually been respected even when international relations were at a low ebb and the

<sup>38/</sup> See, for example, "Social defence policies in relation to development planning" (A/CONF.43/1).

<sup>39/</sup> In some countries, certain agencies such as the police have established "integrity control units", whose function is to stop corruption before it happens.

<sup>40/</sup> See M. Drosnin, "Ripping off, the new life style" in the New York Times Magazine, 8 August 1971, describing a new radical ideology of "theft-without guilt", which he claims is becoming as much a part of the modern youth counter-culture as drugs, sex or rock music. Similarly, car stealing can be justified as hurting no one but the insurance company, which can afford it, (see P. Hellman, "Stealing cars is a growth industry", New York Times Magazine, 20 June 1971).

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relations between particular nations were at their worst. Now many Governments have been embarrassed by the success of national or local groups of criminals or political activists in seizing foreign diplomats, capturing planes in the air, or kidnapping prominent personalities. Where such activities were originally politically motivated, they have sometimes been turned to more mercenary account by individuals or criminal groups seeking gain rather than glory.

91. It is the obligation of national Governments to deal with such problems in their midst; but, where frontiers are crossed or other authorities are affected, the need for international action clearly arises. A separate item has been placed on the agenda of the twenty-seventh session of the General Assembly (A/8801), which is entitled "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes".

(g) Data deficiencies

92. The serious lack of the necessary hard data at both the national and international levels is a factor contributing to the limited effectiveness of crime prevention and control. As observed above, the amount of crime may be only partially measured by the best available statistics. Where these are incomplete or defective, it becomes impossible to formulate preventive measures with any degree of accuracy or appropriateness to the situation. Policies and changes in them may thus have to be based on abstract theories of crime with all their limitations or on an a priori or intuitive reaction to a situation rather than on factual knowledge and a well-reasoned strategy.

93. There are problems in collecting criminal statistics which cannot be explored here, but it is an axiom that within any criminal-justice system, data are needed to determine as far as possible the nature and extent of crime and its changing trends.<sup>41/</sup>

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<sup>41/</sup> Crime trends must be identified and prognosticated for the future if planning and programming in social defence are not to be obsolete by the time they have been put into effect. Demographic factors have special relevance and the prospective population mix and processes such as migration must be taken into account, particularly where, as in the developing countries, the proportion of the young - the group most vulnerable to crime - is steadily increasing.

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In addition, information is needed as to the interrelationships between the measures being taken to combat crime, their cost effectiveness and their relevance for other parts of the total mechanism of crime prevention and control. 94. Between national systems, as observed above, more communication is required to enlarge knowledge, replicate experimental approaches and to enlarge the world's available stock of different remedies and preventative techniques for crime at all levels of economic and social development.

95. Much of this needed, but often lacking, data could be the normal by-product of any operating criminal-justice system. Ideally, each country would supply national statistical data concerning criminal matters and regularly evaluate its social defence methods and services. Appropriate personnel could be trained nationally, regionally or internationally, if necessary. There is also scope for far more innovative research than there has been.<sup>42/</sup>

96. The presentation of statistical data alone often results in a distorted image. The harm and damage of crime in a society far outweighs the simple counting of criminal acts. Nor can the crime problem be separated from other social issues. The Committee on Crime Prevention and Control, which met in May 1972, stressed that one of the purposes of social defence policy and research should be the formulation of societal goals and the clarification of social and cultural values, and that the United Nations social defence training and research institutes have a special role to play in this respect and in promoting the sharing of national experience.

97. In even the most developed countries these various aspects of social defence information are still unevenly developed; and only in the European region is there an organized effort for systematic communication among Governments and practitioners. In the developing regions, international support towards this end would seem to be indispensable.

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<sup>42/</sup> See E/5191, para. 15

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#### IV. THE ROLE OF THE UNITED NATIONS

98. The role of the United Nations in more effective crime prevention will have become apparent in the foregoing pages. In practically every discussion of crime and its development recently, the opportunities and prospects for the United Nations to help Member States and to provide leadership in international action have been emphasized. As the international significance of the crime problem has grown, the calls for United Nations action have increased and become more persistent.<sup>43/</sup> Thus, the expectation of more effective international co-operation has risen and crime prevention can no longer be considered a routine function of rather incidental character. It is significant that practically no regional or interregional meeting, whether governmental or non-governmental in character, held in recent years has failed to stress the importance of more vigorous United Nations action.

99. As shown in the introduction above the mounting pressure for concerted international action culminated in the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Congress, by its Declaration (Council resolution 1584 (L), annex) and demand for more serious attention to be paid to crime, and its unanimous call for more effective treatment of the problem by the United Nations and its Member States, simply made more urgent and more strikingly articulate a long-standing concern with crime and a widespread

<sup>43/</sup> Beginning in 1948, the Economic and Social Council endorsed the principle that the United Nations should assume leadership in promoting study, on an international basis of the problem of the prevention of crime and the treatment of offenders and requested the Secretary-General in its resolution 155 C (VII) to convene a meeting of experts. In 1950, the General Assembly, in its resolution 415 (V), took a major step by approving the transfer to the United Nations of the functions of the International Penal and Penitentiary Commission. This firmly established social defence as a United Nations responsibility. Since then, there have been a few specific resolutions dealing with particular parts or aspects of the subject. In 1951, the Economic and Social Council endorsed probation as a form of treatment for offenders (resolution 390 E (XIII)) and proposed the development of uniform criminal statistics (resolution 390 F (XIII)); in 1957, the Council approved the Standard Minimum Rules for the Treatment of Prisoners (resolution 663 C (XXIV)); and, in 1959, it called for the creation of regional institutes for social defence (resolution 731 F (XXVIII)). The role of the United Nations in this field was confirmed in 1961 by the Economic and Social Council in its resolution 830 D (XXXII) and in 1965, in its resolution 1086 B (XXXIX), by which the Council set up the Social Defence Trust Fund. It is the greater international concern with crime in recent years, however, which has led to increased recourse to the United Nations for positive action and which has brought this item back to the Assembly for the first time since 1950.

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and general belief that more could and should be done at national and international levels. Crime was believed to be thriving by default of the necessary counter-measures and the need for leadership at all levels. It is relevant to note that the Fourth United Nations Congress was soon followed by an international agreement on measures to deal with aircraft hijacking; and in many countries the conclusions of the Congress were welcomed and strongly endorsed. Even while they were being translated into firm recommendations by the Commission for Social Development and formalized as a mandate by the Economic and Social Council in its resolution 1584 (L), parallel action was being taken as a variety of non-governmental, intergovernmental and voluntary or non-official bodies concerned with crime met, considered and adopted the Congress sentiments for support adding more voices to the clamour for more positive, more vigorous and more concerted international action. By its resolution 2843 (XXVI), the General Assembly welcomed the Council's resolution and the action taken to implement the conclusions of the Congress. The Committee on Crime Prevention and Control, established under the Council's resolution, at its meeting in the spring of 1972 forcefully stressed the importance of conveying to the General Assembly the need for a new and imaginative approach and for a vigorous policy to realize the hopes of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

100. As indicated above, the leadership role in social defence assigned to the United Nations in 1948 has been consistently reaffirmed by the Economic and Social Council. Now, the increased anxiety about growing criminality and the realization by many Governments of the magnitude of the social and economic burden which it imposes has led to a greater interest in making better use of the opportunities for international collaboration which the Organization represents. This turning to the United Nations is born of necessity. It challenges the United Nations to reinvigorate its energies and to set a definite course that will ensure more effective service. This it can do, both indirectly as the primary international source of social defence information as well as a focus for standard-setting, and directly as the only multilateral provider of technical assistance to Governments in this field. The contribution which can be made by the specialized agencies and other bodies of the United Nations system should not be overlooked.

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101. It is apparent that there is widespread support for Economic and Social Council resolution 1584 (L), in which the Council requested the Secretary-General:

(a) To intensify international efforts to advance knowledge, exchange experience and develop policy, practice and public participation in crime prevention. This included consultation with the heads of regional economic commissions and with the United Nations Economic and Social Office at Beirut to involve those bodies more closely in international action to prevent crime;

(b) To offer direct aid to Governments requesting it, including technical assistance, to improve local services and to circulate data as required;

(c) To develop and extend regional institutes for training and research in the prevention of crime and the treatment of offenders;

(d) To encourage and promote research of an action-oriented character;

(e) To organize seminars, meetings, training courses and workshops at regional and interregional levels fully involving Governments, universities and non-governmental organizations;

(f) To disseminate information more widely, especially by means of the International Review of Criminal Policy.

102. In its resolution, the Economic and Social Council also invited Member States to consider sharing the costs of international meetings and acting as host to regional or interregional research centres. It established a new committee of 15 members, the Committee on Crime Prevention and Control, to take the place of the former Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, and decided that it should report not only to the Commission for Social Development, but to the Commission on Human Rights and the Commission on Narcotic Drugs, as might be appropriate.

103. The Economic and Social Council has moved to strengthen support for the work on crime prevention. It feels, however, that the subject has wider implications meriting the attention of the General Assembly. Some of these broader implications will have emerged from the foregoing discussion; but there are others.

104. A review of the International Development Strategy for the Second United Nations Development Decade, adopted by the General Assembly in resolution 2626 (XXV)), reveals a significant fact: crime prevention is nowhere referred to explicitly. Yet, it is implicit throughout the Strategy, and the crime-inhibitive potential of the measures designed to foster a self-reliant, progressive and balanced economy is there, even if not overt and recognized as such. However, this implicit potential could well go unexploited and its value unrealized if it is not properly used. /...

105. For instance, the human development objectives proclaimed in the Strategy are undoubtedly relevant to crime prevention. The policies advanced for children and youth, particularly those which foster their involvement in the development process, can be as crime-inhibitive as they are economically valuable and socially beneficial. Similarly, the efforts to remedy the ills of unplanned and rapid urbanization, the provision of amenities to low-income groups, and policies aimed at social justice have direct relevance to the creation of a society less prone to criminality.

106. In implementing the Strategy, however, the implications for crime prevention of these various economic and social policies and programmes will need to be taken into account. They need to become explicit in the planning and in the carrying out of programmes in the various sectors. With the criminogenic potential of certain forms of development in mind, it will be necessary to place special emphasis at the country level on the significant interdependence of all sectoral investments and on the need for a closer integration of development efforts without which those imbalances conducive to social disruption and eventual crime are likely to occur.

107. These are illustrations. They indicate that the Strategy now adopted provides a good framework for practically any approach to crime prevention. All that is required is that the potential for dealing with negative by-products, such as crime, which exists within this framework needs to be recognized and vigorously used. It is interesting in this respect that the Declaration on Social Progress and Development, proclaimed by the General Assembly in its resolution 2542 (XXIV), includes as one of its main goals "the provision of social defence measures and the elimination of conditions leading to crime and delinquency" (article 11 (e)).

108. The Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its Declaration (Council resolution 1584 (L), annex), and the Economic and Social Council in its resolution 1584 (L) have provided more specific guiding principles for action. It would seem opportune, and indeed compelling, that these be used to supplement the International Development Strategy for the Second United Nations Development Decade, since they suggest ways of meeting an increasingly felt need. /...

109. Other courses of action may also be required to stem the rising tide of crime in so many areas of the world. For instance, the General Assembly might wish to keep under review the trends in world crime. It should be possible to improve the collection of information on this subject and issue reports for subsequent sessions of the Assembly if it so desires.

110. Again, more extensive hosting facilities by Governments would stimulate the development of regional institutes to provide training and research in crime prevention. Similarly, the whole area of international co-operation in this field would be strongly activated by Member Governments considering the possibility of more financial aid by means of the Social Defence Trust Fund established under Economic and Social Council resolution 1086 B (XXXIX). This has received very limited support so far.<sup>44/</sup>

111. It is significant that, while the United Nations system provides for Ministers of Foreign Affairs, Health, Labour, Education, Agriculture etc. to meet and develop international policy, this is not the case with Ministers of Justice or Ministers of the Interior or their equivalents. It might be appropriate to give some attention to this aspect of international co-operation.

112. More generally, it is possible for the United Nations to provide world leadership in the promotion of public interest and participation in crime prevention. Recently, a public appeal was made by a European organization for the designation of an "anti-crime" year.<sup>45/</sup> The choice of title might not be particularly appropriate, but the implication that people in some areas are probably as much concerned with curbing crime as they are with education, employment and the like should not go unmarked.

113. Finally, the General Assembly might wish to take the opportunity of endorsing its commitment to crime prevention and lending its support to the efforts being made by the Economic and Social Council to promote international co-operation to deal with the increasing problem of crime.

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<sup>44/</sup> Since its creation, 36 countries and three non-governmental organizations have contributed a total of \$1,022,743. A substantial part of this total has been given by Italy and Sweden.

<sup>45/</sup> See Revue internationale de criminologie et de police technique (Geneva), vol. XXIV, No. 4 (October-December 1970), p. 256.

114. The problem may be grave, but the opportunities for dealing with it constructively are correspondingly impressive. The Fourth United Nations Congress has demonstrated that the time is opportune and the need widely felt. As this note has tried to show, the Assembly is confronted with a call for more positive action. An effort has been made to outline some possible approaches to this important task of developing more effective patterns of international co-operation for crime protection. Bringing this relatively neglected area into focus is really only another way of improving the quality of life and of promoting economic and social development for all.

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**END**