

1997/33. Elements of responsible crime prevention: standards and norms

The Economic and Social Council,

Recalling General Assembly resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme,

Recalling also its resolution 1992/22 of 30 July 1992 on the implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice, in section VI of which it determined that crime prevention in urban areas and juvenile and violent criminality would be one of the priority themes that should guide the Commission on Crime Prevention and Criminal Justice in the development of a detailed programme,

Recalling further its resolution 1995/9 of 24 July 1995 on guidelines for the prevention of urban crime,

Taking into account the fact that a growing and undermining criminality highlights the inadequacy of conventional criminal policies and the need urgently to devise preventive approaches,

Considering that the challenge and the magnitude of modern crime, including organized crime, combined with the insufficient resources of the criminal justice system, for example, the overpopulation of prisons and overburdened criminal justice systems, reinforce the need for non-repressive crime prevention,

Considering also that an international effort is necessary to develop an effective strategy on responsible crime prevention,

1. *Takes note* of the preliminary draft of elements of responsible crime prevention: standards and norms, annexed to the present resolution;

2. *Requests* the Secretary-General to seek comments from Member States, relevant intergovernmental and non-governmental organizations, as well as the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, on the draft contained in the annex to the present resolution, including the advisability of elaborating such an instrument;

3. *Also requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at a future session, on the comments received;

4. *Further requests* the Secretary-General to organize, drawing upon extrabudgetary funds, an ad hoc expert group meeting to examine the comments, to elaborate proposals for further action and to report thereon to the Commission on Crime Prevention and Criminal Justice;

5. *Urges* Member States and relevant intergovernmental and non-governmental organizations, as well as the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, to extend to the Secretary-General their full support in implementing the present resolution.

*36th plenary meeting
21 July 1997*

ANNEX

Elements of responsible crime prevention: standards and norms

I. THE CONCEPT OF CRIME PREVENTION

1. The prevention of crime through non-punitive measures is to be considered an important complement to the administration of criminal law. It constitutes a legitimate response by society to threats to the safety of citizens posed by criminal acts.

2. The concept of crime prevention should not be limited to conventional forms of crime, including domestic violence, but should encompass new forms of crime, such as organized crime, terrorism, illegal trafficking in migrants, computer crime and cybercrime, environmental crime, corruption and illegal commerce related to the acquisition and development of weapons of mass destruction.

3. The concept of crime prevention should take into account the growing internationalization of criminal activities and the

relationship between the global economy, advanced technologies and national phenomena of crime, with special consideration for developing countries.

II. RESPONSIBLE CRIME PREVENTION

4. Under all circumstances, measures of crime prevention should be carried out in strict conformity with the relevant provisions of international law and international standards of human rights.

5. Crime prevention should respect principles such as the rule of law, the protection of individual rights and freedoms, the principle of equality before the law and due process.

6. Whenever preventive measures are adopted which do not infringe upon the principles set out in paragraphs 4 and 5 above but which affect human rights, they must be implemented in strict accordance with the principle of the rule of law and of proportionality.

7. If the impact of a preventive measure on human rights is comparable to that of a penal measure, there should be provision for the same legal guarantees, including controls by the courts or by an ombudsman.

8. Measures which touch upon the rights of those who are considered to be at risk of becoming offenders should be handled in strict accordance with the principles set out in paragraphs 4 and 5 above [with great restraint]. Prediction of future criminality at the individual level requires a high degree of caution and stigmatization should be avoided. However, this should not obviate the development of secondary prevention programmes for persons with known risk factors.

9. In the planning and implementation of preventive measures, affirmative action may play a role but discrimination should always be avoided.

10. If the police are a partner in the implementation of prevention programmes, their participation should not be hidden and any confusion of roles should be avoided. Data collected in relation to prevention programmes should be used for the criminal investigation of serious crime only.

11. The limits within which the private security sector may act should be defined by law. The private security sector, in accordance with human rights standards, should not exercise any function which, by its nature, is incompatible with the rule of law and the principle that the use of force is reserved for the State.

12. Codes of conduct for public officials and other persons involved are useful supplements to legal regulations in order to reduce the risks connected with preventive measures.

13. Preventive measures that do not in any way affect the rights of individuals need little legal regulation. Over-regulation in this respect would unduly limit the development of these types of measures.

III. THE PROMOTION OF RESPONSIBLE CRIME PREVENTION

14. Governments should take appropriate steps to promote and to regulate crime prevention through the establishment of

special councils or other agencies, provisions for funding and the dissemination of information. Crime prevention programmes should be developed and implemented in collaboration with the police, municipalities, the private sector and other interested parties in a manner that clearly sets objectives and defines roles.

15. Crime prevention strategies at the national, local and community levels should also address the root causes of crime through social, economic, public health and educational policies. Where appropriate, crime prevention programmes should be linked to comprehensive programmes addressing social marginalization and exclusion.

16. Community-based programmes of crime prevention that include the active participation of citizens, the business sector, the police and other relevant parties should be encouraged and developed. These programmes should avoid activities with the potential to affect the rights of others.

17. Crime prevention measures which target groups at risk of becoming offenders, especially youth, should be promoted and should include educational opportunities, employment, housing and leisure facilities. These measures should avoid the stigmatization of the target groups.

18. Where necessary, educational support, such as instruction in parental skills, and special medical care should be offered as early as possible to families with children at risk. Steps should be taken to ensure that these provisions do not stigmatize the clients or infringe upon their rights.

19. Situational crime prevention programmes should be developed, to include target hardening, environmental design and surveillance. These programmes should not unduly reduce the quality of the built environment or limit free access to the public domain or public facilities.

20. Victim-oriented crime prevention consisting of, *inter alia*, the provision of information and advice to potential victims, should be promoted. Steps should be taken to avoid the undue rise of fear of crime or the stigmatization of the target groups.

21. Victims of crime should be offered protection, where necessary, and should be informed of possible ways to reduce the risks of future victimization, with due consideration for the rights of offenders. Due regard should be given to means of avoiding the tendency to blame the victim, as well as to reparation by the offender.

22. To promote prevention, provisions should be made available or strengthened for out-of-court mediation in appropriate penal matters, if this option is foreseen in national legislation. Procedures should comply with the principles of due process.

23. Research on crime prevention, including evaluation studies, should be promoted, taking into account the interests and rights of all parties involved. The international exchange of information on best practices, in terms of both effectiveness and respect for human rights, should be facilitated.