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and Criminal Justice**

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Thematic discussions: crime prevention and criminal justice responses to urban crime, including gang-related activities; effective crime prevention and criminal justice responses to combat sexual exploitation of children; sharing of successful practices to combat sexual exploitation of children

Crime prevention and criminal justice responses to urban crime, including gang-related activities, and effective crime prevention and criminal justice responses to combat sexual exploitation of children

Note by the Secretariat

Summary

The third intersessional meeting of the Commission on Crime Prevention and Criminal Justice, held in Vienna on 28 November 2006, requested the Secretariat to provide a brief paper outlining points for discussion under the topic of crime prevention and criminal justice responses to urban crime, including gang-related offences. The meeting also requested the Secretariat to introduce a thematic discussion on combating child sexual exploitation and compile a list of existing international legal instruments dealing with the issue.

* E/CN.15/2007/1.



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I. Crime prevention and criminal justice responses to urban crime, including gang-related activities

1. The Commission on Crime Prevention and Criminal Justice, at its third intersessional meeting, held on 28 November 2006, chose as a topic for its thematic discussion at its sixteenth session “Crime prevention and criminal justice responses to urban crime, including gang-related activities: (a) preventive measures, including community-based responses and (b) criminal justice responses, including international cooperation”.

2. The present paper has been prepared as a discussion guide at the request of the Commission. The guide poses a series of questions for discussion by the Commission; these are followed by a background note that outlines major urban crime issues, including the impact of urban crime perpetrated by youth and the impact of urban crime upon youth across the world. The background note further highlights some of the issues encountered by Governments and city authorities seeking to meet the challenges posed by urban crime.

A. Issues for discussion

3. It is suggested that delegations consider including experts on urban crime and related subject matter and that those experts contribute as much substantive information as possible relating to the issues raised in the present discussion guide. Issues that delegations may wish to address are given below.

1. Questions on preventive measures, including community-based responses

(a) Questions on urban trends, conditions and crime patterns

4. What are the elements or conditions of urban societies that influence crime patterns? In addition to information about crime, criminal patterns and criminal justice elements, what information about broader social, economic and other environmental circumstances is needed? What is the relationship between marginalization and urban crime? How has analysis of the relationship informed effective crime prevention strategies and policy?

5. How do urban services and infrastructure (for example, public health, safety and transport; delivery of utilities such as water; waste removal; environmental protection; education; child care; housing; urban planning) affect crime patterns? What are the key services and infrastructure needed to achieve safe urban communities? What effective responses have been demonstrated in terms of urban planning and crime prevention and crime?

6. What community-based initiatives, such as community houses of justice or social service programmes, have been shown to be successful in preventing urban crime?

(b) Questions on urban law enforcement issues

7. How can the assessment of urban trends, conditions and crime patterns be used to develop strategies (applicable to recruitment, training, management and accountability) for the delivery of effective policing?
8. What models of law enforcement (community-policing, order-maintenance, service-delivery, and so forth) have been shown to foster safe urban communities?
9. What strategies and practices have been identified as effective in developing public trust in law enforcement in urban communities? How can local police agencies best respond to public concerns and observed changes in crime patterns?
10. What mechanisms have been successfully used to build and maintain public involvement in urban law enforcement and gain public consent for urban law enforcement? How can the various sub-communities be encouraged to participate in developing policy and making decisions about how law enforcement is managed?
11. What is the appropriate balance between national and municipal roles in governing and managing local law enforcement agencies?
12. How can urban local law enforcement agencies, if they exist, effectively relate to and cooperate with national and foreign agencies when dealing with cross-jurisdictional crime problems?
13. What kind of local law enforcement programmes or policies have been successful in dealing with specific issues seen as contributing to urban crime, such as narcotic drugs, firearms or other weapons, organized crime or gangs? What are the best practices that have been identified from these programmes?
14. What proportion of urban gangs engage in purely local criminal activity? What proportion engage in national criminal activity? And transnational criminal activity? How do gang activities relate to the activities of other organized criminal groups? What responses to gang-related activities in urban settings have been found to be effective?

(c) Questions on comprehensive and integrated urban strategies

15. What information is needed to develop and maintain comprehensive and integrated anti-crime strategies and how can it be obtained, bearing in mind the differences between cities in developed and developing countries? What methodologies could be used to conduct surveys of or consult populations and obtain information and gauge public concern about crime and related social conditions?
16. How can effective anti-crime strategies be developed and integrated into the governance and management of a city as a whole?
17. To what extent are anti-crime and urban-planning strategies for the city integrated with national strategies, as well as with those of other cities? How can such coordination and integration be achieved?
18. What lessons have been learned?

2. Questions on criminal justice responses, including international cooperation

19. How can national and urban policing and police-centred reforms inform law enforcement responses to urban crime?
20. What law enforcement strategies and policies have been successful in addressing community concerns about crime and safety without increasing the disproportionate representation of ethnic, religious or racial minorities in the criminal justice system?
21. What experiences can be shared concerning the control of urban petty and other “nuisance” offences in the context of judicial action?
22. Which specialized courts and other judicial initiatives have been successful in reducing urban criminal offending? Where specialized courts have been successful, what can be learned from how they have influenced the sentencing and reintegration of urban perpetrators of delinquency or crime?
23. What forms of diversion, including treatment or other alternative measures, may be particularly effective in dealing with non-violent urban offenders?
24. How can the criminal justice and social support systems enable the reintegration of former urban gang members?
25. How can sentencing and diversion policies be analysed to determine whether they are effective in reducing criminal recidivist offences and addressing urban community safety?
26. How can international technical assistance projects best identify and address urban crime priorities? How can international technical assistance meet the need to improve the classification, separation and, where appropriate, rehabilitation of urban young and adult suspects, pre-trial detainees and offenders in post-conflict countries and countries with economies in transition?
27. How can mechanisms available through international cooperation best be used to confront urban criminal activity?

B. Background note

1. Features, forms and dynamics of urban crime

28. Urban crime is universal, but research suggests that patterns of urban crime are affected by the nature of cities and the social, economic and geographical environments in which they exist. For example, property crime tends to be higher in cities in developed countries,¹ while violent crime is higher in cities in the developing world.² Regardless of social or economic development, the larger the population of a city, the greater the level of crime and victimization, a relationship often most clearly manifest in homicide rates.³ Geographical location and crime

¹ In most studies, areas with a population of over 25,000 inhabitants have been qualified as “cities” (Lee Ellis and Anthony Walsh, *Criminology: A Global Perspective* (Boston, Pearson-Longman 2005), p. 143).

² Louise I. Shelley, *Crime and Modernization: The Impact of Industrialization and Urbanization on Crime* (Carbondale, United States of America, Southern Illinois University Press, 1981).

³ See Ellis and Walsh, *op. cit.*, pp. 145-146. See also criminal statistics from 110 countries and

patterns from outside the city also make a difference, as do differences in law, culture or approaches to crime. Examples of this can be found in cities located in places affected by trafficking in human beings, drugs or other commodities, areas where law enforcement and crime-control factors are weakened by conflict, corruption or other problems, and in cities where specific crime problems have arisen with the arrival of organized criminal groups embedded in more general migration patterns. There are many relationships between the patterns of urban life and the patterns of crime. Economic crimes are usually more common in cities because economic activities, and thus criminal opportunities, occur there. Violent crimes may occur more often in cities because contributing factors, such as adverse social environments, drug addiction and the availability of firearms or other weapons, tend to be more common there. The patterns of minor crimes and “nuisance offences” are also affected by urban settings. While the effects of single offences tend to be less noticeable, the overall or cumulative effects of much larger volumes of offences can be significant.⁴ The overall quality of city life is affected and there is evidence of links between minor crimes, efforts to control them and the prevalence of more serious crime in major cities.⁵

29. Over time and across each city, specific crime patterns influence the general social climate and social reactions to crime, which have a longer-term influence: cultural developments may favour lawlessness or the rule of law and social conformity, depending on circumstances. Only a portion of a criminal act may take place in an urban setting: trafficking in persons, for example, often exploits the desire of rural victims to move to cities, where markets for prostitution and other forms of exploitation exist. Similarly, trafficking in narcotic drugs tends to seek out lucrative markets in large cities, which increases the availability of drugs there. Most other forms of transnational organized crime also take place largely in cities, where organized criminal groups use the same infrastructure as legitimate commerce and use cities and their populations to conceal their activities. In such cases, crime and its after-effects in the city are only part of a bigger picture, raising the need to coordinate municipal countermeasures with those taken at the national and international levels. Urban environments may also have an effect on the ways in which the community reacts or responds to crime and how it is perceived by residents. This can be seen both institutionally in the presence of and roles played by law enforcement and the mass media in big cities, and in some cases directly, as when riots or mass violence have been sparked by crime or law enforcement actions.

30. The nature of life in cities also significantly influences crime: some types of crime are more or less prevalent in urban environments and some crimes take different forms in urban and rural environments. Urban conditions also exert a

44 cities from 1900 to 1974, collected by Dane Archer and Rosemary Gartner, *Violence and Crime in Cross-National Perspective, 1900-1974* (New Haven, Yale University Press, 1984), p. 116.

⁴ See, for example, Michael Peel, “Lagos citizens pay the price for their bad habits: an attempt to clean the sprawling city raises fears of extortion”, *Financial Times*, 22 November 2003.

⁵ The escalation of minor crimes into bigger crimes has been the subject of the so-called “broken window theory”, proposed by James Q. Wilson and George L. Kelling in “Broken window”, *Atlantic Monthly*, vol. 249, No. 3 (1982), pp. 28-38. It acknowledged the connection between disorder, fear, increased crime and urban decay. On the basis of this theory, the reversal of this trend was successfully pursued in New York City, United States.

powerful influence on the ways societies react or respond to crime with preventive, law enforcement, victim-support and other measures.

(a) Population and migration

31. Assessing urban crime represents a formidable challenge. The present global urban population is greater than the entire global population of 1960 and is growing rapidly;⁶ it is expected to comprise half of humanity by 2008. Most forms of crime involve human interaction and the high population densities of cities ensure that almost every form of crime occurs there. Domestic migration from rural areas into urban centres is an established fact in both developed and developing countries; most international migrants also gravitate towards major cities. In 2005, Europe, Latin America and the Caribbean, North America and Oceania were highly urbanized, with more than 70 per cent of their total population living in cities. Africa and Asia were the least urbanized major areas in the world, but are expected to reach the 50 per cent mark by 2030, and nearly all future population growth worldwide is expected to take place in the urban areas of developing countries. Most of the world's biggest cities are in developing countries: 15 of the 20 cities with 10 million or more inhabitants are now in developing countries, and the figure is expected to rise to 18 of 22 such cities by 2015.

32. Urban areas have become engines for economic growth and centres of diversity and change. As hubs in a web of global communication and transport, cities are focal points for both internal and international migration, transport, communications and economic activities. The rapid pace of change and other factors make it difficult to plan and manage the expansion of cities, and the escalating demand for services often exceeds the tax bases, other resources and the substantive capacity of municipal and even national governments. In 1987, the World Commission on Environment and Development reported to the General Assembly that the developing world would have to increase by 65 per cent its capacity to produce and manage its urban infrastructure, services and shelter merely to maintain the inadequate conditions that existed at that time (E/42/427, annex, sect. II, para. 71). A decade later, in 1997, the Secretary-General reported to the Commission on Sustainable Development that the attainment of reasonable living standards in lower-income countries had been impeded by population growth, macroeconomic difficulties and inadequate political and social infrastructures, leading to a sense of "running to stand still" (E/CN.17/1997/3 and Corr.1, para. 156). Today, a further decade later, the Commission on Crime Prevention and Criminal Justice is in a position to consider in the course of the present thematic debate whether the responses to urban crime have been adequate to meet the challenges posed by contemporary dynamics and patterns, and, in particular, how Governments and urban authorities can respond effectively and appropriately to urban crime.

33. Adverse conditions, high population densities, rapid changes in social environments and other factors can produce substantial and unpredictable crime patterns. Many States have described anti-crime programmes as a "war on crime",

⁶ Unless otherwise stated, all urban statistical data and estimates have been obtained from the Department of Economic and Social Affairs of the Secretariat, Population Division, "World urbanization prospects: the 2005 revision", working paper (United Nations, New York, 2006) (available at <http://www.un.org/esa/population/publications/WUP2005/2005wup.htm>).

but in major cities what is usually hyperbole can become a grim approximation of reality. Throughout the late twentieth century, racial and other urban tensions produced rioting and other major disorders and low-level conflict between marginalized groups and law enforcement agencies in many major cities. Gangs and organized criminal groups expand to take advantage of any gaps or weaknesses in law enforcement or crime-control bodies. More recently, violent urban incidents have occurred in Africa, Central and Latin America, the Caribbean and Europe, as well as on other continents. The resulting social and political pressure has led to the militarization of law enforcement in some places, with violent clashes between groups of offenders and soldiers.⁷

(b) Urban poverty

34. Many migrants to cities are fleeing rural poverty, but urban poverty is also a major concern. Cities in the developing world are at the forefront of the global struggle to achieve better living standards. About 30 per cent of the world's poor now live in urban areas, and by 2035 the proportion is projected to reach 50 per cent. Most of the urban poor live in slums and squatter settlements. Between 30 and 70 per cent of the residents of the largest cities are without basic social services⁸ and about 50 per cent of all city residents live in slums.⁹ Such conditions have long been associated with crime patterns. Factors ranging from the degree of effectiveness of law enforcement and crime prevention mechanisms to the availability of social support structures and the extent to which people have a meaningful interest or ability to participate in social, political and economic activities have well-documented links to crime, and all are rapidly eroded as conditions deteriorate in urban settings.

(c) Youth and urban crime

35. The situation of youth is particularly problematic, both because young people are quickly and easily marginalized in such conditions and because, once outside of the social mainstream and involved in crime, they are more likely to remain involved for long periods of time. Most crime is committed by youths and young adults, and crime rates depend in part on the distribution of population by age group. In developed countries, crime rates have been positively influenced by declining birth rates and increases in average age, while in many developing countries with younger populations the opposite is true. Twenty-seven per cent of the global population is currently between 10 and 24 years of age, but the figure is 29 per cent for developing countries and only 19 per cent for the most developed

⁷ International Council on Human Rights Policy, *Crime, Public Order and Human Rights* (Versoix, Switzerland, 2003), p. 76 (available at http://www.ichrp.org/paper_files/114_p_01.pdf). The Washington Office on Latin America, *Demilitarizing Public Order: The International Community, Police Reform and Human Rights in Central America and Haiti* (Washington, D.C., November 1995 (available at http://www.wola.org/publications/pub_security_int_assistance_demilitarizingpuborder_nov95.pdf)).

⁸ Barry Weisberg, "Megacity security and social development: A challenge for the World Summit for Social Development, the Second United Nations Conference on Human Settlements (Habitat II), Turkey, 3-14 June 1996", *Countdown to Istanbul*, No. 1, February 1995, p. 10.

⁹ *Habitat Debate*, vol. 12, No. 4, December 2006, p. 6 (available at <http://www.unhabitat.org/pmss/getPage.asp?page=periodView&period=2301>).

countries.¹⁰ In some regions, the proportion of youth is even higher, reaching 33 per cent in sub-Saharan Africa, for example. Youth are also more exposed to the risk of victimization, which is itself linked to future criminality in some cases, and to poverty, marginalization and other conditions which have been shown to have similar links.

(d) Gangs

36. Assessment of the problem of gangs is complicated by the fact that there is no consensus on a definition of the term “gang”.¹¹ Definitions and labels have been based on membership, organizational structure, territory, activities, ethnicity and other characteristics, and a wide range of groups have been identified as gangs for some reason at some time. A “gang” can be anything from a small group of schoolchildren to a sophisticated organization, such as the motorcycle gangs of North America, Europe and parts of Asia. Even if relatively conservative definitions are applied, the total global number of gang members is estimated in the tens of millions.¹² Five basic criteria have been described as characteristic of urban youth gangs: (a) recurrent congregation, in the sense that the members gather at some specified place to exchange information and reinforce their affiliation with the gang; (b) territory, in that the gang sees itself as pre-eminent within its territory or “turf” and may seek to exclude other groups or activities; (c) age basis, a tautological element if the label is “youth gangs”; (d) activities that define the group, which may include both criminal and other activities; and (e) internal differentiation, in the sense that the group has some form of internal hierarchy, seniority or leadership structure by which members identify themselves, one another and their respective roles in the gang.¹³ Other experts have noted the extreme difficulty in distinguishing between gangs and other subcultural groups when compared to the dominant culture within a city,¹⁴ and some see an element of reaction between the dominant culture and the subculture of the gang as a key factor; in their view, gangs coalesce and identify themselves by contrast to the general population, often as a result of labelling by the majority population or media, and what they perceive as exclusion or marginalization.¹⁵

¹⁰ United States Population Reference Bureau, *The World's Youth: 2006 Data Sheet*, page 6 (available at <http://www.prb.org/pdf06/WorldsYouth2006DataSheet.pdf>).

¹¹ Merry Morash, “Gangs, groups and delinquency”, *British Journal of Criminology*, vol. 23, No. 4, pp. 310-313; Robert M. Gordon, “Criminal business organizations, street gangs and ‘wanna-be’ groups”, *Canadian Journal of Criminology*, vol. 42, No. 1 (January 2000), p. 39; and W. B. Miller, “American youth gangs: a reassessment”, in Sir Leon Radzinowicz and Marvin E. Wolfgang, *Crime and Justice: The Criminal in Society*, 2nd ed. (Basic Books, United States, 1977), p. 188.

¹² John M. Hagedorn, “The global impact of gangs”, *Journal of Contemporary Criminal Justice*, vol. 21, No. 2 (2005), p. 156.

¹³ Miller, *op. cit.*, p. 192 ff.

¹⁴ Morash, *loc. cit.*, p. 310 ff.

¹⁵ See L. Yablonski, “The delinquent gang as a near-group”, in D. H. Kelly, *Deviant Behavior* (New York, St. Martin's Press, 1979) and S. Cohen, “The transactional approach to deviance”, in *Folk Devils and Moral Panics* (Oxford, Blackwell, 1987), p. 12 ff.

(i) *Gangs as an urban crime problem*

37. Gangs in cities represent a social and economic challenge to authorities to address poverty and other conditions that lead to the marginalization of youth and other groups vulnerable to recruitment or victimization, and to law enforcement and social agencies seeking to disrupt criminal activities and the development and propagation of criminal techniques. In some cases, it can be difficult to distinguish between armed gangs and insurgents or other violent groups, and such gangs can be a significant impediment to local and regional stability, social stability and human security, as well as an obstacle to development and reconstruction.¹⁶ Gang operations provide a substantial motivation for crime, both in support of the social and economic activities that sustain the group, and in competition with or defence from other gangs, other criminal groups, law enforcement or society at large. Gangs also propagate crime as they expand, spread and diversify when conditions are favourable and as their members move from one place to another globally,¹⁷ locally, and in and out of prison.¹⁸ Gang members themselves migrate for many of the same reasons that others do, in search of economic opportunities or to flee conflict or adverse conditions. Gangs involved in acquisitive crime may also expand to protect their operations and make them more profitable, globalizing in the same way and for the same reasons as legitimate commerce. Marginalization may be a more serious problem in destination countries than countries of origin, because the marginalization of immigrant communities both supports recruitment into the gang and makes those outside the gang more vulnerable to victimization.

(ii) *Gangs as organized criminal groups*

38. Many of the larger gangs in some countries have evolved, becoming larger, better organized, more transnational and more diversified in their criminal activities, falling squarely within the definition of “organized criminal group”. The smaller youth or street-based gangs have also begun to pose major law enforcement challenges as they have grown in sophistication and organization, either conducting criminal enterprises in their own right or confederating with established organized criminal groups on an affiliate or contractual basis, committing specific offences or protecting trafficking and other criminal operations.

39. This poses a challenge for policymakers. Law enforcement strategies aimed at limiting the activities of criminal gangs must effectively confront and suppress criminal activities without exacerbating the marginalization that supplies gangs with potential recruits. The United Nations Convention against Transnational Organized Crime (General Assembly resolution 55/25, annex I, of 15 November 2000), as well as the national laws that implement it, provides a powerful new legal tool against organized crime and its provisions can be appropriately used against urban gangs whose criminal activity extends beyond borders. However, those advocating a more social approach caution against applying the same measures to every group that nominally fits the definition of “organized criminal group”. This suggests that,

¹⁶ See, for example, S/2006/592, paras. 13, 14, 16 and 27, and S/2006/628, para. 10 (gang-related incidents of early 2006).

¹⁷ John M. Hagedorn, ed., *Gangs in the Global City: Alternatives to Traditional Criminology* (Chicago, University of Illinois Press, 2006); Hagedorn, “The global impact of gangs”, *op. cit.*, p. 154; Andrew V. Papachristos, “Gang world”, *Foreign Policy*, March/April 2005, pp. 48-55.

¹⁸ Jonny Steinberg, *The Number* (Johannesburg, Jonathan Ball Publishers, 2004).

while an effective law enforcement strategy should, of course, apply measures such as major criminal justice interventions to investigate and prosecute serious crimes and disrupt the groups committing them, local to broad-scale social interventions that address problems such as poverty, employment and marginalization may be effective in suppressing membership of gangs, their negative influence upon at-risk youth, and ultimately, the extent of their criminal activity. Factors that may help determine which is most appropriate include considerations such as the age of gang members (including determination of which gang members are children), the nature and extent of the group's criminal activities and the potential reactions of the gang and its subcultural environment to specific measures.

2. Responses to urban crime

(a) Previous consideration of urban crime and related issues by the United Nations

40. Most crime occurs in cities and almost all of the recent work of the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs could be cited here, but some of the work of these bodies has specifically focused on the diverse forms of urban crime and methods to counteract them. In the Guidelines for cooperation and technical assistance in the field of urban crime prevention (Economic and Social Council resolution 1995/9, annex), the Council recommended that authors of integrated crime prevention action plans should define the nature and types of crime problems to be tackled, such as theft, robbery, burglary, racial attacks, drug-related crimes, juvenile delinquency and illegal possession of firearms, taking into account all the factors that may directly or indirectly cause such problems or contribute to them (subpara. 3 (a)(i)). In the Guidelines for the prevention of crime (Council resolution 2002/13, annex), the Council recommended that national crime prevention diagnoses and strategies should, where appropriate, take account of links between local criminal problems and international organized crime (para. 13). The Council also noted that significant reductions in crime and victimization could be made by addressing specific problems such as the safety and security of individuals and property at the local level in community-based prevention efforts.

41. The topic of urban crime has also been dealt with by the Safer Cities Programme of the United Nations Human Settlements Programme. This was launched in 1996 at the request of African mayors, who wanted to address urban violence by developing a prevention strategy at the city level. It supports the implementation of the Habitat Agenda,¹⁹ which also acknowledges the responsibility of local authorities, among others, for crime prevention. The main objectives of the Safer Cities Programme are to build capacities at city level to adequately address urban insecurity, thereby contributing to a culture of crime prevention.²⁰ At the Third Session of the World Urban Forum, held in Vancouver, Canada, from 19 to 23 June 2006, the Safer Cities Programme gave a presentation

¹⁹ *Report of the United Nations Conference on Human Settlements (Habitat II), Istanbul, 3-14 June 1996* (United Nations publication, Sales No. E.97.IV.6), chap. I, resolution I, annex II.

²⁰ United Nations Human Settlements Programme, *Making Cities Safer from Crime: The Safer Cities Programme UN-Habitat* (Nairobi, 2005)

on a number of accomplishments in urban safety and security, in collaboration with the United Nations Office on Drugs and Crime and other partners.²¹

(b) Crime prevention through social, economic and political inclusion

42. Possible responses to urban crime include as wide a range of possibilities as there are forms of urban crime itself. But there is probably one common principle: effective counteraction to urban crime depends not on the suppression of crime by force, but on the fact that the majority of society chooses to support laws voluntarily. Such support is contingent upon successfully achieving social, economic and political inclusion, which is fundamental to effective crime prevention, as emphasized by the Guidelines for the prevention of crime (para. 8). Social and political measures to increase participation in city life make local governance more responsive, both to issues and to local subcultures that emphasize legality over lawlessness, hence these measures increase the perception of legitimacy.

43. The relationship between marginalization and many forms of urban crime makes inclusion strategies an important element of most social prevention programmes. Article 31, paragraph 7, of the United Nations Convention against Transnational Organized Crime shows that there is widespread consensus among States that the circumstances of socially marginalized groups are a significant part of the problem of organized crime and commits States parties to working together to take action to alleviate these circumstances.

44. While addressing the connection between gangs and organized crime groups, social prevention should also include a thorough and critical assessment of the broader social environment, with a view to identifying the social problems that are linked to crime and determining how they can best be addressed and alleviated. This will reduce both vulnerability to recruitment to gangs and vulnerability to victimization. Measures to increase social cohesion and reduce vulnerability and marginalization must generally be based on an assessment of each city, taking into consideration which population groups see themselves as vulnerable and marginalized and what social factors cause or contribute to this (Guidelines for the prevention of crime, para. 8).

45. Social measures tend to address social conditions in general rather than targeting crime directly. For example, education creates employment and other opportunities for youth that provide alternatives to crime and give them a stake in society. The evidence is that the better the education young people receive, the less likely they are to offend, especially when the related variable of later employment is considered.²² Thus educating through the culture of lawfulness should be an element of a multi-pronged socio-economic process.

46. Criminal justice policies also form part of social prevention strategies. The relationships among law enforcement and population groups, especially ethnic or racial minorities, procedures that label juveniles as offenders, sentencing policies

²¹ United Nations Human Settlements Programme, *Report of the Third Session of the World Urban Forum*, held in Vancouver, Canada, from 19 to 23 June 2006 (Available at http://www.wuf3-fum3.ca/pdf_other/un_report_en.pdf).

²² A total of 80 studies from Europe, North America and countries elsewhere reveal a correlation between crime and unemployment (Ellis and Walsh, op. cit., p. 194).

and other elements of criminal justice can have a powerful social impact if applied systematically for extended periods of time. These interrelationships underscore the need for vertical coordination between local and national governance: while most criminal law and policy is made nationally, it is almost always applied locally. This is why the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, in its Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,²³ stated “the need to consider measures to prevent the expansion of urban crime, including by improving international cooperation and capacity-building for law enforcement and the judiciary in that area and by promoting the involvement of local authorities and civil society” (para. 34).

(c) Situational prevention

47. Situational prevention focuses on the assessment of situations in which specific types of crime tend to occur, with a view to addressing problems or altering the immediate environment to prevent the crime.²⁴ Assessment is critical and it must include both the immediate and broader environments. The specific nature of many situational measures can simply displace crime into other areas or other offences if not carefully coordinated with more general strategies. For example, in a neighbourhood where high burglary rates are associated with drug addiction, installing better locks and security devices on houses may reduce burglary but increase street robbery, a more violent crime. As part of the assessment process, consultations with representatives of the population, including ethnic or cultural communities, law enforcement agencies and other points of contact are important both to assess the viability of preventive measures and to ensure that they are implemented effectively. To some degree, social and situational preventions overlap and must be integrated with one another. For example, a range of targeted measures to address minor street crimes, vandalism, graffiti and other problems in the city of New York during the 1990s has been credited with changing the social environment and producing a more comprehensive reduction in crime than anticipated, including forms of crime not specifically addressed with situational measures.²⁵

(d) Law enforcement

48. Local law enforcement is usually the link between the population and the rule of law, in particular criminal law and justice. The police perform key functions in deterring crime and in the arrest, investigation and prosecution of offenders, but they also serve as an intermediary between government and governed. As with law enforcement in other settings, urban law enforcement services build trust and confidence by consistently demonstrating integrity and competence. Perhaps even more particularly in urban settings, training, policy and practice must include

²³ A/CONF.203/18, chap. I, resolution 1.

²⁴ Some experts further divide this category into primary prevention, which addresses situations and environments, and secondary and tertiary prevention, which seek to prevent crime by influencing those who have committed or are seen as likely to commit it. See J. Van Dijk, and J. de Waard, “A two-dimensional typology of crime prevention projects”, *Criminal Justice Abstracts*, vol. 23, 1991, pp. 483-503, and K. Pease, “Crime prevention”, in Maguire and others, eds., *Oxford Handbook of Criminology* (Oxford, 1994).

²⁵ See William Bratton, *Turnaround: How America's Top Cop Reversed The Crime Epidemic* (New York, Random House, 1998).

cultural competence with multiple sub-communities. A law enforcement service whose composition reflects the population is essential to the success of anti-crime strategies at the local level.

49. Hiring and training should produce a police force that understands the conditions and social environment of the city and its neighbourhoods and which is reasonably representative of the populations that live in them.²⁶ If such local knowledge and cultural understanding are lacking, the relationship between police and population can deteriorate.²⁷ Governance of the police should include civil society, such that communities have a say in how they are policed, and should provide for transparency and accountability to ensure that law enforcement is not only fairly and effectively administered, but is seen to be so administered by the population.

50. Professional standards and controls need to be established and adhered to, especially in key areas such as minority relations, the policing of major public order events, anti-corruption measures and the use of force.²⁸ In many countries, the legislative and governance frameworks that apply to law enforcement agencies are matters for the central Government, but governance and accountability at the local level are also critical to ensure that governance is balanced and that the police are responsive to local concerns and needs. In recent decades, a body of policing expertise has been developed and individual cities can draw upon this.²⁹

(e) Comprehensive and integrated strategies

51. The close-knit, interrelated nature of urban societies and the range of problems that arise in major cities make it essential that strategies against urban crime are comprehensive, taking a coordinated approach to all of the crime problems faced by a city, and integrated into the broader range of social programmes that affect the city. Social and economic programmes affect marginalization, for example, and public health programmes may influence crime patterns through measures to address child development, drug addiction and mental health. As noted, specific projects that are not well integrated may increase crime by displacing other problems with criminal ones or simply shift crime from one type of offence or neighbourhood to another.

²⁶ See R. Reiner, *The Politics of the Police*, 1st ed. (Hemel Hempstead, Harvester Books, 1985), part II.

²⁷ See, for example, "The move away from consensus policing", in D. Cowell, T. Jones and J. Young, eds., *Policing the Riots* (London, Junction Books, 1992), chap. 1.

²⁸ See United Nations standards and norms in crime prevention and criminal justice (available at http://www.unodc.org/pdf/compendium/compendium_2006.pdf), including the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex, of 17 December 1979), and the Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials (Economic and Social Council resolution 1989/61, annex, of 24 May 1989). See also Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, *Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex).

²⁹ See Reiner, *op. cit.*, part III, and L. Lustgarten, *The Governance of the Police* (London, Sweet and Maxwell, 1986).

52. Dealing effectively with urban crime requires a strategic approach that seeks to address all forms of crime and as many as possible of the underlying conditions that are believed to contribute to crime. Some examples of such integrated strategies do exist. For example, the Child-Friendly Cities Initiative of the United Nations Children's Fund calls for a city that is "fit for all", where the needs and rights of children are an integral part of public policies and programmes.³⁰ The Human Rights Cities Programme, implemented jointly by the United Nations Development Programme and the People's Movement for Human Rights Learning, offers another example of a comprehensive approach to urban security issues.³¹

II. International and regional instruments dealing with combating child sexual exploitation

53. The Commission on Crime Prevention and Criminal Justice, at its third intersessional meeting, held in Vienna on 28 November 2006, requested the Secretariat to introduce a thematic discussion on combating child sexual exploitation and compile a list of existing international legal instruments dealing with the issue.

54. The list of instruments appearing below is organized as follows: the first part consists of treaties and non-binding international instruments negotiated under the auspices of the United Nations, its programmes and funds and its specialized agencies, and the second part consists of regional treaties and non-binding instruments adopted by institutions in Africa, the Americas, Asia and Europe. Neither list is exhaustive.

International instruments

General Assembly resolutions

Universal Declaration of Human Rights³² of 10 December 1948;

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others³³ of 2 December 1949 (entered into force on 25 July 1951);

International Covenant on Civil and Political Rights³⁴ of 16 December 1966 (entered into force on 23 March 1976);

International Covenant on Economic, Social and Cultural Rights³⁵ of 16 December 1966 (entered into force on 3 January 1976);

³⁰ Information about the Child-Friendly Cities Initiative can be found at the website of the Initiative: <http://www.childfriendlycities.org/about>.

³¹ United Nations Development Programme, *Human Rights in UNDP: Practice Note* (New York, 2005), p. 26.

³² General Assembly resolution 217 A (III).

³³ United Nations, *Treaty Series*, vol. 96, No. 1342.

³⁴ General Assembly resolution 2200 A (XXI), annex.

³⁵ *Ibid.*

Convention on the Elimination of All Forms of Discrimination against Women³⁶ of 18 December 1979 (entered into force on 3 September 1981);

Convention on the Rights of the Child³⁷ of 20 November 1989 (entered into force on 2 September 1990) (especially article 34 (a) and article 35);

Declaration on the Elimination of Violence against Women³⁸ of 20 December 1993;

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography³⁹ of 25 May 2000 (entered into force on 18 January 2002) (in particular, article 3, para. 1 (b));

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime⁴⁰ of 15 November 2000 (entered into force on 25 December 2003).

Economic and Social Council resolutions

Promoting effective measures to deal with the issues of missing children and sexual abuse or exploitation of children⁴¹ of 24 July 2002;

Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime⁴² of 22 July 2005.

Office of the United Nations High Commissioner for Human Rights

Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography; adopted by Commission on Human Rights resolution 1992/74 of 5 March 1992;⁴³

Draft programme of action on the traffic in persons and the exploitation of the prostitution of others⁴⁴ approved by the Commission on Human Rights at its fifty-second session.

United Nations Children's Fund

World Declaration on the Survival, Protection and Development of Children⁴⁵ and Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s,⁴⁶ adopted by the World Summit for Children, at New York on 30 September 1990;

³⁶ United Nations, *Treaty Series*, vol. 1249, No. 20378.

³⁷ *Ibid.*, vol. 1577, No. 27531.

³⁸ General Assembly resolution 48/104.

³⁹ United Nations, *Treaty Series*, vol. 2171, No. 27531.

⁴⁰ General Assembly resolution 55/25, annex II.

⁴¹ Economic and Social Council resolution 2002/14.

⁴² Economic and Social Council resolution 2005/20, annex.

⁴³ *Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22)*, chap. II, sect. A.

⁴⁴ See E/CN.4/Sub.2/1995/28/Add.1.

⁴⁵ A/45/625, annex.

⁴⁶ *Ibid.*

Declaration and Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996;⁴⁷

Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (United Nations Children's Fund, World Tourism Organization and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) International) (1998);

Yokohama Global Commitment 2001, adopted at the Second World Congress against Commercial Sexual Exploitation of Children, held at Yokohama, Japan, from 17 to 20 December 2001;⁴⁸

Child Protection: A Handbook for Parliamentarians, guidelines for the protection of the welfare of children through law, policies, advocacy and other means (Inter-Parliamentary Union and United Nations Children's Fund, 2004);

Yokohama Review on Combating Sexual Exploitation of Children – Europe and Central Asia, adopted at the conference on the theme “Yokohama review for Europe and Central Asia”, held in Ljubljana on 8 and 9 July 2005.

International Labour Organization

Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29);⁴⁹

Convention concerning the Abolition of Forced Labour, 1957 (Convention No. 105);⁵⁰

Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138);⁵¹

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182).⁵²

Regional instruments

Africa

African Charter on Human and Peoples' Rights⁵³ (entered into force on 21 October 1986) (in particular, articles 4 and 5);

African Charter on the Rights and Welfare of the Child⁵⁴ (entered into force on 29 November 1999) (in particular, articles 15 and 16);

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (in particular, articles 12 and 13 on the prohibition, combat and

⁴⁷ A/51/385, annex.

⁴⁸ A/S-27/12, annex.

⁴⁹ United Nations, *Treaty Series*, vol. 39, No. 612.

⁵⁰ *Ibid.*, vol. 320, No. 4648.

⁵¹ *Ibid.*, vol. 1015, No. 14862.

⁵² *Ibid.*, vol. 2133, No. 37245.

⁵³ United Nations, *Treaty Series*, vol. 1520, No. 26363.

⁵⁴ Organization of African Unity document CAB/LEG/24.9/49 (1990).

punishment of all forms of exploitation of children, in particular of the girl-child, including sexual harassment in schools and other educational institutions), adopted at Maputo on 11 July 2003 by the second ordinary session of the Assembly of Heads of State and Government of the African Union.

Americas

Organization of American States

Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (entered into force on 5 March 1995);

Inter-American Convention on International Traffic in Minors (entered into force on 15 August 1997);

Combating the commercial sexual exploitation and smuggling of and trafficking in children in the hemisphere, resolution AG/RES. 2050 (XXXIV-O/04) adopted at the thirty-fourth regular session of the General Assembly of the Organization of American States, in Quito on 8 June 2004.

Asia

Regional Commitment and Action Plan of the East Asia and Pacific Region against Commercial Sexual Exploitation of Children, adopted in Bangkok for the second World Congress Against Commercial Sexual Exploitation of Children, held in Yokohama, Japan, in 2001.

South Asian Association for Regional Cooperation

South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, done at Kathmandu on 5 January 2002;

SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia, done at Kathmandu on 5 January 2002 (in particular, articles 4 and 5).

Association of Southeast Asian Nations

Resolution on the Association of Southeast Asian Nations (ASEAN) Plan of Action for Children, done at Manila on 2 December 1993;

ASEAN Agreement to Combat Commercial Sexual Exploitation of Children in Tourist Destinations, signed at Vientiane, 2004.

Europe

Council of Europe

Convention for the Protection of Human Rights and Fundamental Freedoms,⁵⁵ signed at Rome on 4 November 1950 (entered into force on 3 September 1953);

⁵⁵ United Nations, *Treaty Series*, vol. 213, No. 2889.

European Social Charter (revised) of the Council of Europe,⁵⁶ done at Strasbourg, France, on 3 May 1996 (entered into force on 1 July 1999);

Convention on Cybercrime,⁵⁷ opened for signature in Budapest on 23 November 2001;

Convention on Action against Trafficking in Human Beings, done at Warsaw on 16 May 2005.⁵⁸

Council of the European Union

Council of the European Union framework decision 2004/68/JHA on combating the sexual exploitation of children and child pornography,⁵⁹ done at Brussels on 22 December 2003.

Recommendations of the Committee of Ministers of the Council of Europe

Recommendation R (2001) 16 of the Committee of Ministers to member States on the protection of children against sexual exploitation;

Recommendation No. R (2000) 11 of the Committee of Ministers to member States on action against trafficking in human beings for the purpose of sexual exploitation;

Recommendation No. R (91) 11 of the Committee of Ministers to member States concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults;

Recommendation No. R (90) 2 of the Committee of Ministers to member States on social measures concerning violence within the family;

Recommendation No. R (85) 4 of the Committee of Ministers to member States on violence in the family.

Recommendations of the Parliamentary Assembly of the Council of Europe

Recommendation 1065 (1987) of the Parliamentary Assembly on the traffic in children and other forms of child exploitation;

Recommendation 1526 (2001) of the Parliamentary Assembly on a campaign against trafficking in children to put a stop to the east European route: the example of Moldova;

Recommendation 1561 (2002) of the Parliamentary Assembly on social measures for children of war in South-Eastern Europe.

Resolutions of the Parliamentary Assembly of the Council of Europe

Resolution 1099 (1996) of the Parliamentary Assembly on the sexual exploitation of children;

Resolution 1307 (2002) of the Parliamentary Assembly on sexual exploitation of children: zero tolerance.

⁵⁶ Ibid., vol. 2151, No. 37549.

⁵⁷ Council of Europe, *European Treaty Series*, No. 185.

⁵⁸ Council of Europe, *Treaty Series*, No. 197.

⁵⁹ *Official Journal of the European Union*, L 13, 20 January 2004.

The Hague Conference on Private International Law

Convention on the Civil Aspects of International Child Abduction,⁶⁰ concluded at The Hague on 25 October 1980;

Convention on Protection of Children and Cooperation in respect of Intercountry Adoption,⁶¹ done at The Hague on 29 May 1993;

Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children,⁶² done at The Hague on 19 October 1996.

Europe and Central Asia

Commitment and Plan of Action for Europe and Central Asia, adopted at the Conference on the Protection of Children against Sexual Exploitation, held in Budapest on 20 and 21 November 2001.

⁶⁰ Ibid., *Treaty Series*, vol. 1343, No. 22514.

⁶¹ Ibid., vol. 1870, No. 31922.

⁶² United Nations, *Treaty Series*, vol. 2204, No. 39130.