

Session 1, Thematic Discussions of the Commission on Crime Prevention and Criminal Justice on the Implementation of the Kyoto Declaration – 10 November 2021

Panellist – Michael O’Connell, Secretary-General, World Society of Victimology

Chair, dignitaries, and people in today’s audience. Nina Marni (Hello in the language of the Kurna people, the original inhabitants, and custodians of the Adelaide plains from where I deliver my remarks this evening. I pay my respects to the elders past, present and emerging.)

Via the United Nations Sustainable Development Goals, the international community seeks a future for all in which violence and crime are reduced (hopefully eliminated) and social and economic barriers that serve in equality are removed. Governments have agreed, for instance, to end intimate partner violence¹, child abuse and to tackle the nexus between organised crime, terrorism and development as well as eradicate corruption².

Despite many member-states agreeing with the SDGs and implementing strategies intended to achieve them, too many are nowhere near achieving them. Globalisation has created cracks and vacuums of power and increasingly porous geo-political borders. We have witnessed, and still do, the influx of people such as refugees and migrants, on the move from armed conflict and economic woes. At the COP26 much was said on the plight of those impacted by climate change, including victims of environmental crime. The pandemic has exacerbated some crimes, such as violence against women, and there is evidence of increased violence across diverse settings and populations³. Lost income and employment, and social isolation are among factors that have contributed to increase the risk of violence. Furthermore, the more common types of tech-abuse (such as harassment and surveillance) have increased during the pandemic.

Trafficking in humans has not abated although many countries have closed their borders to legitimate travellers. The pandemic, said UNODC Executive Director Ghada Waly, “has increased vulnerabilities to trafficking in persons while making trafficking even harder to detect and leaving victims struggling to obtain help and access to justice”⁴.

Over more than one half of a century of research, data analysis etc has contributed to an impressive volume of knowledge on the causes of and risk factors for crime and criminal victimisation⁵, and as well how to effectively prevent crime and reduce victimisation⁶. At the very least, the knowledge shows better prevention is economically sensible⁷ and indeed

¹ Recall comments by Claudia Garcia Moreno, Lead on Violence Against Women

² Recall comments by Thomas Stelzer, Dean & Executive Secretary, International Anti-Corruption Academy (IACA)

³ Recall the introductory presentation on crime and its causes given by Angela ME, Chief, UNODC Research and Trend Analysis Branch.

⁴ https://www.unodc.org/unodc/en/frontpage/2021/July/covid-19-and-crime_-the-impact-of-the-pandemic-on-human-trafficking.html

⁵ Recall the

⁶ See, for example, Sherman L et al. 2002. Evidence-based crime prevention. London: Routledge.

⁷ Homel, P. (2009). Improving crime prevention knowledge and practice. Trends and Issues in Criminal Justice. No. 385 (November). Australian Institute of Criminology. <https://www.aic.gov.au/sites/default/files/2020-05/tandi385.pdf>

essential⁸. It also shows us that simply labelling a programme preventive does not prove it prevents crime.

There are gaps, however, in our knowledge. In a relative sense, there is a paucity of sound evaluations of victimisation prevention programmes⁹. Indeed, some of programmes that have existed or exist are influenced by anecdotal information, over-attention to the so-called squeaky wheel, programme favourites of the month, and political imperatives as well as ideology.

Why is this omission important? Knowing ‘what works’ in reducing victimisation has direct implications for improving people’s quality of life; raising people’s awareness of victimisation and its effects; improving ways to assist victims that, for instance, help them cope adaptively and crucially, ‘do no more harm’.

In a recent meta-analysis of over 80 victimisation prevention programmes¹⁰, the researchers found that the effective programmes were targeted at children and adolescences. Several anti-bullying programmes that involved a variety of participants and a variety of programme components were reduced bullying among school-aged children. Several school-based programmes addressing beliefs and attitudes to counter intimate partner violence were also effective in raising awareness about healthy relationships, encouraging positive communication within relationships and instilling beliefs and attitudes intolerant of violence. Furthermore, several ‘creative component’ programmes raised awareness among children.

The researchers concluded, however, that there is a significant deficit in our knowledge, and this is particularly so regarding ‘what works’ to reduce victimisation among adults.

Returning to the theme of this session - we must be serious about crime prevention. We must be honest in our approaches to crime prevention if we are to alleviate the extraordinary suffering victims endure. As Professor Ben Matthews in Australia recently wrote, “prioritising prevention is an absolute moral imperative”.

Multiple actions are required. From a victim-centric perspective, there is in many nations an urgent need for increases in crisis intervention, support services that match victims’ needs, and investment in workforce capacity for those tasked with assisting people who become victims of crime.

Though immediate action is required, we should acknowledge that the gains might not be immediate but rather long-term. Governments, business and civil society accompanied by victims themselves must stay the course¹¹.

So, what needs to be done?

Genuine political will is crucial is we are to meet our crime prevention objectives¹². Contrary, without it we are likely to be locked into cycles of short-term, piecemeal efforts – with changes made as governments change rather than for empirically sound, plausible reasons.

⁸ Waller, I. (2019). *Science and Secrets of Ending Violent Crime*. Rowman & Littlefield Publishers.

⁹ Fox, K. A. & Shjarback, J. A. (2016). What works to reduce victimization? Synthesizing what we know and where to go from here. *Violence and victims*, 31(2), 285–319.

¹⁰ Ibid.

¹¹ Waller, I. (2019). *Op cit*.

¹² See, for example, Crime prevention: What can the government do to lower crime rate?

<https://ipsnews.net/business/2020/07/28/crime-prevention-what-can-the-government-do-to-lower-crime-rate/>

Multipartisan commitment, spanning government, business, and civil society (including faith-based organisations) action is achievable albeit challenging. Professor Ben Matthews states that governments should take the lead by quarantining investment as they do elsewhere, for example, their defence budgets. In my home state, South Australia, the Government runs a dedicated Victims of Crime Fund to cover the costs of state-funded victim compensation and to make grants to victim support services.

A comprehensive plan to prevent crime incorporates all three dimensions of prevention: primary, secondary, and tertiary^{13, 14}.

Strategies to prevent crime at the primary or population level should serve as the foundation of our preventive efforts. This includes concrete steps to attain several of the SDGs, such as ameliorating structural gender inequality, making education freely available to all, redressing the norms that tolerate violence, and improving social determinants of health. Access to affordable housing, provision of decent work and adequate healthcare, as well as paying proper attention to legacies of abuse of power, such as slavery and colonisation, plus the resultant intergenerational trauma¹⁵ are some of the initiatives that come to mind and have a sense of universality.

Strategies to prevent criminal victimisation in high-risk populations (that is secondary prevention) must also be a priority. Macro, meso and individual factors intersect to increase the risk of both becoming a perpetrator of crime and a victim of crime. In relation to victims, adequate services for those most in need requires greater investment. Competent victim assistance is crucial for those 'at risk' peoples. Victims of crime are entitled to practical, material, medical, psychological and financial assistance that meets their needs; yet, in spite of increased need, victim assistance in some nations has become the victim of austerity measures.

At both primary and secondary levels of crime prevention, strategies to respond to crime and mitigate its adverse impacts are integral to a comprehensive crime prevention plan. Sometimes, however, there are unintended by-products, such as victim-blaming that occurs when the victim of a crime is held entirely or partially culpable for the harm that befell him or her. Crime prevention programmes ought to mitigate such blaming, rather than fuel it, and counter the (mis)perception that victims are responsible for, or share responsibility for, the actions of perpetrators.

Thomas Burrows (Associate Director for Europe and Senior Counsel for Multilateral Matters, Office of International Affairs, U.S. Department of Justice) pointed out, that criminal justice practitioners, especially the police, should undertake like training and education on crime prevention and preventing victimisation. In reply to a question, he urged a paradigm shift from police as crime-fighters to police as service-providers. The police as the first responder play a critical role in shaping victims' perceptions of the criminal justice system¹⁶. They are

¹³ Matthews, B. (2021). 10 things Australia can do to prevent violence against women and children. The Conversation, 8th September. <https://theconversation.com/10-things-australia-can-do-to-prevent-violence-against-women-and-children-167277> See also Clifford, W. (1976) Planning Crime Prevention. Lexington: Mass.

¹⁴ Lukáš DIRGA, Inspection and Reprieve Department, Ministry of Justice, Czech Republic, spoke on the Czech Republic crime prevention plan that comprises three-pillars.

¹⁵ Recall the question from the delegate for Australia and the comments of Thomas Burrows (Associate Director for Europe and Senior Counsel for Multilateral Matters, Office of International Affairs, U.S. Department of Justice).

¹⁶ O'Connell, M. (2009) 'Implementing Victims' Rights – A case study on the South Australia Police', in F Willem Winkel, PC Friday, GF Kirchhoff & RM Letschert (eds) *Victimisation in a multidisciplinary key: Recent advances in Victimology*, Wolf Legal Publishers, Netherlands.

central to fulfilling victims' procedural rights. There are different approaches to victim-centricity in policing¹⁷.

Police as service-providers could provide victim assistance, such as crisis intervention, case information, property return, victim impact statements, financial aid, referrals, witness services, and transportation. Victim assistance could be delivered by a specialist unit, by dedicated staff in each major police station, or generically through all officers, or a combination based on the type of crime or category of victims. The police might establish an advisory board, with victims among the members, to guide initially the necessary transition in policing and forge necessary partnerships, and to monitor responses to victims for the purpose of preventing secondary victimisation.

Those who work in the victim assistance field should also be properly trained and educated. They must be trauma-informed, culturally competent and they must engage in the least-intrusive interventions wherever possible¹⁸. The efficacy training and education courses for those who come into contact with victims should be proven by methodologically sound evaluations¹⁹.

Regarding tertiary approaches to crime prevention, research on recidivism and desistance show the value of tailored rehabilitative programmes for perpetrators of much conventional crime. Programmes can focus on internal change and or external change. These programmes can be coupled with programmes that focus on de-stigmatisation. Research shows some of these programmes either alone or linked are promising in relation to deterring perpetrators reoffending, hence reducing crime.

While some victims are wedded to retributive justice; others see value in restorative practices, including those that bring them in direct contact with perpetrators²⁰. It is apt to point out that victims' expression of their emotions and their demands for justice are sometimes confused with vengeance.

In summary, a comprehensive approach to planning to prevent crime and actually preventing it as well as reducing its adverse effects must be multi-faceted²¹ and implemented in an iterative manner, so that adaptations can be made.

¹⁷ Muir, J. (1986). A handbook on planning and managing police-based victim assistance programs. Communications Group, Solicitor General of Canada. See also O'Connell, M. (2009). Ibid. O'Connell, M. & Hayes, H. (2019) 'Victims, Criminal Justice and Restorative Justice' in H. Hayes & T. Prenzler (eds), An Introduction to Crime, Pearson, Australia, fifth edition.

¹⁸ See, for example, Pemberton, A. (2010). Psycho-Social Assistance. Assisting Victims of Terrorism: Towards a European Standard of Justice; pp. 143-170. Springer-Verlag: Berlin. Pemberton, A. (2010). Needs of Victims of Terrorism. Assisting Victims of Terrorism: Towards a European Standard of Justice; pp. 73 - 141 Springer Verlag: Berlin. Letschert, R. & Pemberton, A. (2008). Addressing the needs of victims of terrorism in the OSCE region. Security and Human Rights; 19(4).

¹⁹ Wyatt, F. et al. 1999. Crime prevention training needs assessment. Canberra: Attorney-General's Department

²⁰ O'Connell, M. & Hayes, H. (2019). Op cit.

²¹ Pittaro, M. (2019). Criminal Victimization in Today's World: Modern-day crime prevention strategies must adapt to modern-day crimes. <https://www.psychologytoday.com/au/blog/the-crime-and-justice-doctor/201910/criminal-victimization-in-todays-world>

The plan should provide for rigorous measurement of the prevalence of crime, and for the monitoring so we can see if our strategies are making a difference and ²²for whom. Reliable, nuanced data are also essential to inform prevention policy and practice.

Armed with the knowledge on what factors influence the likelihood of crime, we must direct our efforts accordingly (for example, providing intensive supports to those with greatest need, whether they be potential perpetrators or potential victims, or both).

There should be proper investment in effective programs to respond to and reduce crime. And I reiterate these programmes should be informed by the evidence-based and be collaboratively designed to suit local context and priorities.

We must mobilise multisectoral talent, engage decision-makers and rally funders, and ensure that the promises to prevent crime are implemented, monitored and evaluated²³. There must be adequate governance procedures to hold those encharged with preventing crime accountable²⁴.

Before concluding, I turn briefly to effective legal systems. Like our efforts to prevent the onset of criminal behaviour, we consider how best to reform our justice systems, so they contribute to prevention, as well as detection and sanctioning wrong-doings, such as crime. Laws that govern our justice systems, like our plans to prevent crime, should be well designed and implemented as intended. Research in the victimological field, for instance, show reform faces many challenges²⁵.

The principles in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power have influenced almost all victim-centric policies and practices since 1985. These principles have been replicated or reformulated in other international law (for example, the UNTOC and its Protocols and the UNCAC). Likewise, the principles are fundamental to the proposed model legislation to protect victims of terrorism. Importantly, the Declaration's preamble commits nations to prevent crime and protect victims (including preventing secondary victimisation).

Despite the remarkable pace of legislative reforms and administrative proclamations, the implementation of these reforms in too many countries has been fragmented, so the promise to improve access to justice and treatment, for instance, has not been met for all victims. Reforms have, alas, typically followed convoluted paths. We should strive towards a victim-centricity in the administration of justice, without unduly negating the presumption of innocence and other tenets of the 'rule of law'. Our laws should be fair, clear and co-extensive with the triangulation of the victim's, the perpetrator's and society's interests

²² Clifford, W. (1976). *Planning crime prevention*. Lexington: Mass.

²³ Waller, I. (2019). *Op cit*.

²⁴ Homel P 2006. *Joining up the pieces: What central agencies need to do to support effective local crime prevention*, in Knutsson J & Clarke R (eds), *Implementation of local crime prevention measures*. *Crime prevention studies* vol. 20. New Jersey: Prentice Hall, pp: 111–139.

²⁵ See, for example, O'Connell, M. (2015) *Violence in Australia and its victims – A case for victims' rights and victim assistance*, in A Day & E. Fernandez (eds) *Violence in Australia: Policy, practice and solutions*, Federation Press: Melbourne. O'Connell, M. & Hayes, H. (2019) 'Victims, Criminal Justice and Restorative Justice' in H. Hayes & T. Prenzler (eds), *An Introduction to Crime*, Pearson, Australia, fifth edition.

Such said, victims and their needs must be a constant item on the crime prevention agenda. The scale of harm they endure must be a prominent as a motivator to be smart on crime prevention²⁶ and smart on justice²⁷.

²⁶ Waller op cit.

²⁷ Smart on justice requires among other elements safe justice for victims of crime (see Victim Support Europe).