

International Legal Standards in Crime Prevention

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Abstract: A qualitatively new stage in the development of international and national criminal law was marked by the international standards created to combat crime and the treatment of offenders by the global community, which deepens their interaction and establishes conditions for crime prevention and the protection of human rights. The purpose of the academic paper is to identify the primary crime prevention standards, their initiators and disseminators, the principal standardization areas, and approaches to address the issue. The research aims to show modern international norms and standards based on investigating the UN declarations and other normative documents formed by international organizations considering their development prospects. The need for more scientific, legal literature on modern standardization in crime prevention determines the research relevance. Therefore, this research is based on the last three UN Congresses in world crime prevention. The results show systematized information and the standardization of crime prevention. The study reviews the primary standards in the criminal treatment and detainee juvenile offenders and methods of combating modern problems in the information space, human trafficking, and terrorism. Emphasis is also placed on gender policy, corruption, and other contemporary issues. The research shows that the UN holds the Congresses according to the social development and crimes variety once in five years. The relevant problems of the modern world are computer technology crimes, crime in COVID-19, and corruption.

Keywords: UN, UN Congresses, crime, crime prevention standard.

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1 Introduction

Currently, we can observe a consistent desire of States to coordinate criminal and penal practices, means, and methods of treatment of criminal punishment to the maximum extent possible in the spirit of internationally recognized humanistic and democratic principles. As a result, a corpus of different standards categories has been developed, covering virtually all aspects of criminal cases: in the area of general crime prevention, in the fight against certain types of crime, in criminal justice and law enforcement, in the rights of victims of crime, in the execution of sentences, and the treatment of convicts or persons subjected to detention. These standards often become the basis for the subsequent creation of universal international instruments against crime. Moreover, they form the model used in improving the national

criminal process, criminal procedural, and criminal-executive legislation.

The United Nations, which actively creates and disseminates internationally acknowledged principles in crime prevention and criminal justice, is one of the major creators of these standards. The United Nations Congress on Crime Prevention and Criminal Justice, [1], held every five years since 1955, is a significant source and driver of this process. During that time, hundreds of different standards have emerged that define models for preventing and combating crime. For example, the most recent Kyoto Congress, [2], held in 2021, reviewed the effectiveness of the crime prevention standards adopted over the past 65 years. Given the constant social development, new circumstances emerge, provoking new forms of crime that cannot be foreseen in advance, such as technical and technological development, pandemics, and

environmental problems. By developing international standards, organizers consider the actual formation conditions of the environment for crime development and highlight the methods, forms, and specifics for its prevention. The rapid growth of crime and technological progress development form the unique research relevance.

Foreign and domestic lawyers and scholars have extensively investigated the issue of crime regulation and prevention. Huey, [3], explored the problem not in regulatory standards but in the practical rules of crime prevention through the police services organization. Behl and Steverson, [4], also studied the practical aspects of crime reduction or prevention by applying the psychological principle of crime utility. In terms of scientific analysis of UN standards and their application in practice, Kury and Redo, [5], have done the same. These authors' book shows the importance of UN ideas and recommendations in addressing the problem, exploring the issue from Eastern and Western philosophy regarding the rule of law. Blaustein, [6], looks at the general crime prevention standards for organizing the fight against crime in the world; Bates, [7], in his book, shows the practical aspects of preventing different criminality ways in the world. Redo & Blue, [8], Joutsen, [9], consider the basic regulation standards in their research, as well as prevention, and fight against crime on a global scale. Analysis of studies conducted by domestic scientists Martynenko and Ishchuk, [10], Titushkina, [11], [12], shows the regulatory and legal regulation base. However, as it is updated frequently due to new standards, it must take into account the level of standardization in crime prevention around the world nowadays.

The research aims to show modern international norms and standards by analyzing the UN declarations and other normative documents formed by international organizations and considering their development prospects.

It is necessary to perform several tasks to achieve the goal, namely:

- to analyze modern foreign and domestic literature about world crime prevention standardization;
- to show the prominent organizations that are the creators and disseminators of crime prevention standards;
- to review the primary standards that provide for crime prevention in different areas;
- to show the problems and controversial provisions of the formation and implementation of crime prevention standards.

2 Materials and Methods

Current studies on creating crime prevention standards are currently insufficient due to the constantly evolving and complementing standards that the UN develops. The United Nations is the universally recognized coordination center of states and international organizations in the fight against crime. The UN Congresses on Crime Prevention and Criminal Justice play a unique role in coordinating activities, shaping the global legal framework for crime combating, and developing international standards, [1]. UN Congresses convene every five years. Each time, they reflect the most challenging crime prevention problems and criminal justice in their agendas, designed to analyze urgent and principal issues of justice implementation. Recommendations of the Congresses are enshrined in the resolutions of the UN General Assembly, which adopt the most important international treaties of universal nature aimed at combating transnational crime. The documents of the Congresses help guide the international community to solve new problems in crime prevention and criminal justice.

A large array of international legal rules, concepts, prevention techniques, responses to, and investigations into transnational crimes have been accumulated throughout the history of collaboration among subjects of international law in the fight against crime. As mentioned before, the United Nations Congresses on Crime Prevention and Criminal Justice, as the most representative and authoritative forum in this field, play a unique role at the international level in the fight against crime.

The primary standards described in the research are based on the Declarations of the last three congresses: XII United Nations Congress on Crime Control and Criminal Justice of 2010, Salvador, Brazil, [13]. The Congress's central theme was "Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World". The "Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World", [14] was the outcome document of the Congress. XIII United Nations Congress on Crime and Criminal Justice as of 2015 was held in Doha, Qatar, [15]. The Congress resulted in their work in the "Draft Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public

Participation”, [16]. XIV United Nations Congress on Crime Control and Criminal Justice of 2021 in Kyoto, Japan, [2], resulted in the “Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development”, [17].

After reviewing the research, we can conclude that international legal standards in the area of crime prevention are internationally recognized guidelines, requirements, and fundamental provisions in the fight against crime, including crime prevention, to enhance the efforts of States in this direction. They have a classification, rules, and different purposes, which will be analyzed in this study.

The methodological basis of the research is a system of methods, scientific methods, and means of knowledge. Disclosure of the research topic was based on logical analysis and synthesis, dialectical, historical, systematic, and other general scientific methods of cognition, as well as such specific scientific methods as comparative, formal-logical, system-structural, and others. A critical analysis of the documents made it possible to identify the main directions of standardizing crime prevention. Analysis and synthesis of normative and legal documents allowed for obtaining the main standardization criteria and the main emphases and innovations in the standardization of crime prevention. Chronological methods allowed for assessing the development level of the problem’s solution. The comparison method showed the effectiveness of new solutions adopted in current situations.

3 Results and Discussion

Application of rules towards standards. International standards, principles, and norms in combating crime, adopted within the framework of the UN, vary in the degree of obligation. It is due to the nature of the international instruments issued. Thus, the norms contained in international treaties are binding on States Parties. On the other hand, the general standards contained in the UN documents do not have legal force. Nevertheless, the states are focused on them. Therefore, they are interested in their implementation, contributing to national legislation and practice development in law enforcement and crime prevention.

Despite the obligation level to implement the standards by different states, the UN recommends that a comprehensive and integrated approach be developed and pursued at the international level. It

includes the participation of all relevant institutions and civil society in organizing the response to crime. Relevant institutions are bodies and officials whose mandate includes various prevention activities. Thus, the primary standard for crime prevention is organizing the fight. They involve the formation of relevant institutional bodies and organizations working toward the same goal.

Discussions always accompany the formation of the standard in regulating any legal procedures. On the one hand, international crime prevention standards are mandatory for the participating states that have signed an agreement or ratified a declaration and other European standards of legal regulation of the issue, [12]. On the other hand, they do not directly affect different states due to the lack of sanctions for non-compliance. Therefore, the actual implementation of international obligations at the domestic level of international legal norms into national laws is required, [18].

For example, at the XII Congress, [13], some countries considered that the UN’s universal instruments in the criminal sphere could not be oriented to every state. They are committed to the universalization of “European law” operating within the framework of the EU and the Council of Europe. At the same time, other countries are invited to essentially adopt norms and standards developed in Europe and technical assistance for their incorporation into national legislation and use in law enforcement practice, [19]. At the same time, implementing such sets of rules in some states can be quite lengthy and costly. For example, in many countries, the legal system takes a gender-neutral approach in the construction of legislative norms, including crime prevention and crime control. Suppose the transformation is made towards the UN gender standards. In that case, it will be necessary to form amendments to some documents and organize the essential organizational work aspects with women and protect their rights due to violence. In addition, many countries are unable to organize for judicial simplicity of the issue promptly.

Let’s consider several necessary standards that the Congresses have developed. The prisoners’ treatment rules, improved since 1955, are described in sufficient detail within the framework of the XII Congress. The First Congress adopted the first documents in 1955 (Geneva). The Standard Minimum Rules for the Treatment of Prisoners consist of two parts: (1) general rules for all categories of prisoners; (2) rules for special categories of prisoners (convicted prisoners, mentally ill and mentally disabled persons, persons

under arrest or awaiting trial, prisoners in civil cases, persons arrested or imprisoned without charge), [1].

Basic principles for the treatment of prisoners, adopted before 1990, include the following rules: all prisoners are treated with respect because of their inherent dignity and value as human beings; there are no discriminations based on race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or another status, etc., [19]. The UN resolution adopted the safeguards guaranteeing the protection of the rights of people facing the death penalty as of 26 May 1984, [20]. Considering the negative aspects of the convicted persons' exclusion from society, the UN resolution as of 14 December 1990 adopted the UN Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), [21]. These standards provide a set of fundamental principles to promote non-custodial measures and minimum safeguards for people who are subject to imprisonment alternatives. The selection of non-custodial measures should be based on an assessment of criteria regarding the nature, and seriousness of the offense, the personality, the offender's background, the purposes of the sentence, and the victims' rights.

The UN Rules for the Protection of Juveniles, [22] were adopted to establish minimum standards for protecting juveniles deprived of any form of liberty and following human rights and fundamental freedoms. The Standards developed a set of measures and procedures for dealing with children. The unique standards of the XXII Congress were developed for combating terrorism and cybercrime as the main problems of 2010, [14]. Standards for Combating Terrorism are a document based on the consistent, unequivocal, and strong condemnation by UN member states of terrorism in all its forms and manifestations. It also provides concrete measures to address the conditions conducive to the spread of terrorism and strengthen the individual and collective capacity of states and the UN to prevent and combat terrorism. The Security Council, another principal UN body, has been dealing with terrorism since the early 1990s. Its efforts to combat and prevent terrorism have focused on several areas:

- drawing global attention and condemning acts of international terrorism;
- placing a wide range of obligations on states to suppress it;
- establishing special agencies to combat terrorism;

- establishing international commissions of inquiry to assist conditions in investigating acts of terrorism;
- creating an international tribunal to investigate terrorism.

In the discussion of crime prevention methods, quite a lot of attention has been given to developing a set of rules for educating schoolchildren. While such practices are reasonable in several developed European countries characterized by high levels of well-being, juvenile delinquency is commonplace and difficult to influence, [23], [24]. The same is true of domestic violence, which has varying prevalence levels across countries, [25].

Standards for Combating Human Trafficking. Several measures for preventing and combating trafficking in persons have been drawn out at the XXII Congress. According to Congress, it is necessary to involve institutions and the authorities' representatives to solve problems at the international level. The organization prepared principles and guidelines on human rights and human trafficking, transmitted to the United Nations Economic and Social Council in 2002. These standards were developed in the Human Rights Office's response to the clear need for practical, rights-based policy guidance. The document encourages states and intergovernmental organizations to draw on the principles and guidelines for their actions to prevent trafficking and protect the rights of trafficked persons. The regulations have formed the basis of numerous policy and interpretive documents that accompany international and regional treaties, including the Protocol to prevent, suppress and punish trafficking in persons, especially women, and children. They also provide penalties for trafficking, complementing the United Nations Convention against Transnational Organized Crime and the Council of Europe Convention on Action against Trafficking in Human Beings. Various international human rights organizations refer to them and rely on them as essential sources in preventing crimes in this field. Many non-governmental organizations also refer to this body of law, [26].

Standards for combating cybercrime. An exchange of information on national legislation, best practices, and technical assistance was envisaged for the research in international cooperation. Furthermore, since the decision to conduct the study was of an applied nature, it provided for proposals to strengthen existing and forthcoming adoption of new national and international legal acts and other measures related to combating cybercrime, [19], [27]. The central

XIII Congress aims to prevent crime and simplify rules against crime for the affected population. Furthermore, it considers gender criminal problems in the information environment.

Victimization risk assessment. The proceedings of the XIII Congress repeatedly refer to the need to measure victimization and explore the magnitude of the problem, [15]. In the area of crime prevention, the risk factors create a higher individual predisposition to victimization. Paragraph 1 of the Doha Declaration refers to the need to take adequate measures to recognize and protect victims and witnesses, [16]. They need to be provided with support and assistance as part of the criminal justice response to all crimes, including corruption and terrorism.

Ease of organizing trials by the victim. The Declaration requires States to take measures to facilitate the easy organization of judicial proceedings on the victim's part. Measures must be taken to reduce the inconvenience to victims, protect their privacy where necessary, and reduce their suffering associated with the judicial process. Gender aspects of justice. The Doha Declaration draws attention to the need to mainstream gender into domestic criminal justice systems, [16]. To that end, national strategies and plans are being developed to promote the complete protection of women and girls from all acts of violence, including gender-related killing of women and girls. Addressing crime in the information environment. Currently, crime tendencies assess that crime in information and communication technology, computer science, robotics, and artificial intelligence is rapidly changing, [28]. The text of the Kyoto Declaration refers to specific measures to prevent crime and strengthen international cooperation in this area. Significant attention is paid to the problems of COVID-19, [17]. Thus, it was pointed out that inequality must be addressed in the recovery from the COVID-19 pandemic. The current high inequality level links to economic instability, corruption, financial crises, increasing crime, and poor physical and mental health. Crime prevention, criminal justice, and the rule of law play a key role in renewing the social contract between states and their populations, stressed by the UN Secretary-General.

Noting that the COVID-19 pandemic and the resulting crisis have led to increased crime worldwide, the UN chief called for a crackdown on criminal attempts to profit from human grief. A special place was given to combating cybercrime, which has intensified as the business has moved online. In addition, states must be prepared for the

emergence of new or modified crime forms, which may manifest themselves in human trafficking, smuggling of migrants, the possibility of obtaining firearms, drug trafficking, wildlife trafficking, and trafficking in national and cultural values. The Declaration also states that the existing justice system needs to be overhauled. Congress recognized that improving justice systems through digitalization will make them more effective, accountable, transparent, inclusive, and flexible, [29].

It should be noted that the UN declarations pay insufficient attention to corruption as another important form of crime. The Council of Europe's Criminal Convention against Corruption (ETS 173) as of January 21, 1999, [30], for the first time, criminalized several types of corruption:

- 1) bribery of national public officials,
- 2) receiving a bribe from national public officials,
- 3) bribery of national representative bodies,
- 4) bribery of foreign representative bodies,
- 5) bribery in the private sector,
- 6) bribery in the private sector,
- 7) bribery of international organization officials,
- 8) bribery of international parliamentary assembly members,
- 9) bribery of international court judges and officials,
- 10) abuse of influence, [8].

The UN Convention against Corruption, [30] supplemented this list with corruption-related crimes such as embezzlement, misappropriation or another diversion of property by a public official, abuse of office, illicit enrichment, embezzlement in the private sector, corruption-related concealment, obstruction of justice, [18], [31], [32]. There are also regional international crime prevention standards in addition to UN standards. Regional standards are contained in documents adopted by regional international organizations, such as the Council of Europe and the Commonwealth of Independent States. International standards apply to a certain or unlimited number of people. For example, in the International Covenant on Civil and Political Rights, [33], the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [34], measures are generalized standards that apply to all populations of states without exception.

Several documents contain international standards concerning officials combating crime, such as the Code of Conduct for Law Enforcement Officials. It should be emphasized that there is a group specifically related to police activities to

prevent crimes in the overall system of standards. These include, for example, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, [35] and the Council of Europe Declaration on the Police, [36]. Standards relating to crime prevention by specific categories of citizens: juveniles, women, convicts, and victims of crime can also be distinguished, e.g., UN Guidelines for the Prevention of Juvenile Delinquency, [37]; Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, [38]; Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, [39]. International standards related to crime prevention can also be classified on other grounds, such as the issues covered: treatment of offenders, use of physical force and weapons, public involvement in prevention, international cooperation, etc.

At the same time, there are many countries where the crime rate does not depend on legal regulation. As an experiment, we can look at statistics on domestic violence in different countries worldwide in Figure 1 and Table 1.

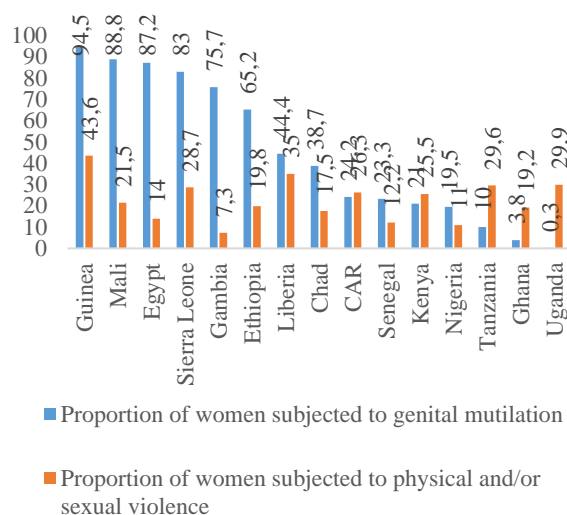


Fig. 1: Violence rates in different countries as of 2020, [40], [41].

The data shows that regardless of the country’s income level, domestic violence is largely influenced by traditions and customs, and no legal standards have any impact on it.

If we compare the number of women suffering from violence and the level of legal efficiency, we see no correlation between these indicators. The Pearson coefficient for this sample is $R^2 = -0.2$. It means that even if other countries adopt the legal standards of developed countries for some types of crimes, legislation will not improve the crime rate.

Table 1. Comparison of domestic violence and the level of legal effectiveness in the country, [41], [42].

Indicators	Guinea	Mali	Egypt	Sierra Leone	Gambia	Ethiopia	Liberia	Chad	CAR	Senegal	Kenya	Nigeria	Tanzania	Ghana	Uganda
The proportion of women subjected to physical and/or sexual violence	43,6	21,5	14	28,7	7,3	19,8	35	17,5	26,3	12,2	25,5	11	29,6	19,2	29,9
Judicial Effectiveness	33,3	32,7	51,2	39,4	43,4	45,1	37,9	27,4	31,7	39,8	48,6	32,2	43,4	46,1	36,9

4 Conclusions

Due to the constant social development, new crime types and prevention standards emerged. Although initiated by one state, these standards are adopted with other states in the framework of the Congresses, which are held every five years. Standards can be mandatory or non-mandatory. The UN is considered to be the leading developer of standards. Along with this, some regional

developers, such as the Council of Europe and the Commonwealth of the Independent States, develop regional crime prevention and combat characteristics.

UN standards aim to address several issues related to crime prevention and the organization of the fight against crime, working with criminals and victims. It includes rules for treating prisoners, juvenile crime prevention standards, and combating

terrorism, human trafficking, and cybercrime. The standards also focus on victimization risk assessment, victim-centered litigation, gender justice, and dealing with crime in the information environment. In addition, the anti-corruption standards deserve special attention. Finally, individual attention is given to crime prevention standards that require coordinated action by several states: in particular, terrorism, cybercrime, and human trafficking.

The practical value of the research is the possibility of its implementation for national crime prevention standards. Further research forms the problems of our time, requiring the emergence of new crime prevention standards.

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Conflict of Interest

The authors have no conflicts of interest to declare that are relevant to the content of this article.

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