

From violence to justice and security in cities

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SUMMARY: *This paper describes the growth in crime, especially violent crime, in cities around the world. It also describes the underlying causes or contributory factors to this growth and the responses of citizens and governments - most of which are largely ineffective. The final section describes new approaches which centre on more effective partnerships between communities, municipal authorities, the police and the judicial system, and on special programmes for young people who are unemployed and excluded from many aspects of society.*

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I. INTRODUCTION

AT LEAST ONCE every five years, 60 per cent of those living in cities with 100,000 or more inhabitants are victims of one form of crime or another (see Table 1). This is true, not only in areas that are highly urbanized, such as Europe and North America, but also in Africa, where the urban population is still the minority when compared to the rural population. In Asia, the figure is 45 per cent. However, levels of violence vary considerably from place to place and are determined not only by the pattern of urbanization but also by the political and economic climate, by local traditions and by culture.

In many countries, urbanization has largely been a process of migration from the poverty of the countryside to the cities - hence the growth of urban marginality. Poverty may not automatically lead to violence but may favour it in certain circumstances. Violence is not a spontaneous phenomenon but, above all, the product of a society characterized by inequality and social exclusion. It is a distortion of social relationships generated within social structures - family, school, peer group, neighbourhood, police, justice - which can no longer fulfill their role. The offender has often been stimulated by a social environment dominated by consumerism, competition and by the mass media which propagate and legitimize violence.

In a society that promotes consumption to the detriment of sharing, and unbridled competition at the expense of solidarity, young people with no hope of employment or success look for ways to gain a sense of achievement and recognition, if not from society then at least from their peer group. This often leads to or involves violence.

The analysis presented here is schematic, for it does not go

Table 1: Per Cent of the Population who are Victims of Crime in Urban Areas with more than 100,000 Inhabitants over a Five-year Period

| | Per Cent of the population who over a five year period are victims of: | | | | |
|---------------|--|-----------|-------------|---|------------|
| | Theft and damage to vehicles | Burglary | Other theft | Assault and other crimes of personal contact* | All crimes |
| West Europe | 34 | 16 | 27 | 15 | 60 |
| North America | 43 | 24 | 25 | 20 | 65 |
| South America | 25 | 20 | 33 | 31 | 68 |
| East Europe | 27 | 18 | 28 | 17 | 56 |
| Asia | 12 | 13 | 25 | 11 | 44 |
| Africa | 24 | 38 | 42 | 33 | 76 |
| TOTAL | 29 | 20 | 29 | 19 | 61 |

* Includes muggings, aggravated theft, grievous bodily harm and sexual assaults.

SOURCE: UNICRI (United Nations International Crime and Justice Research Institute) (1995), *Criminal Victimization of the Developing World*, Rome, drawing from UNICRI and Ministry of Justice of the Netherlands, International Survey of Victims of Crime (1988-1994), based on a sample of 74,000 persons in 39 countries.

into local or regional detail. Its aim is to describe briefly the forms and causes of urban violence, the responses of the principal actors and, in the light of current experiences, to suggest practices that should facilitate the creation of an urban structure which rests on a foundation of humanity and solidarity.

II. GROWTH AND FORMS OF URBAN VIOLENCE

a. The Growth in Urban Violence

THE CURRENT PROCESS of urbanization goes hand in hand with a rise in urban violence that outstrips the demographic growth of cities. It is estimated that urban violence has risen by 3 to 5 per cent a year over the past two decades, although with certain cities showing significant variations at different times. Each region, country and city presents different patterns of change. In Western Europe, there is a rapid growth in petty crime whilst serious crime seems to be under control due to modernized policing and criminal justice measures, as well as the development of sophisticated international cooperation.

In Third World countries and in Eastern Europe, both petty and violent crime have increased, and the figures from the past few years have been increasingly alarming. Even in places such as Asia, where crime has decreased (1975-1990) at a national level,⁽¹⁾ in cities of more than 100,000 inhabitants there has been a considerable increase in crimes against property, of organized crime, and of drug trafficking.⁽²⁾

The development of drug related organized crime may indeed be a major contributor to the level of violent crime in certain

1. UNAFEI and AFI (1994), *Crime Trends in Asia and the Pacific. The Fourth United Nations Survey*, Canberra and Tokyo.

2. Hagiwara, Yasuo (1995), "Urban criminality and its counter-measures in Asian countries", paper for the Japan College of Social Work, Tokyo.

Box 1: Violent Crime in Latin America and its Major Cities

In Mexico City, an average of 543 crimes were reported every day in the first three months of 1995. In a 10-week period, these included 5,843 non-violent car thefts, 3,962 muggings, 3,435 violent car thefts, 3,306 assaults, 416 killings and 250 rapes. Police advisors reckon that the real figure may be 50 per cent higher because many people no longer bother to report crimes to the police.

In Colombia, police have reported an average of one murder every 15 minutes in the first quarter of 1995, 62 per cent more than in the same period last year. Violence is the principal cause of death in the country and Bogota has become one of the most violent cities in the world with over 5,000 killings a year.

In Brazil, the two largest cities, Sao Paulo and Rio de Janeiro, are the main scenes of urban violence. In Rio de Janeiro, the number of homicides tripled between 1982 (23 per 100,000 inhabitants) and 1989 (59 per 100,000). Young people's involvement in homicides tripled between 1982 and 1985. A similar trend is observed for crimes against property. The authorities recorded more than 1 million criminal offences in 1994: 51 per cent involved theft, 17 per cent homicides and 10 per cent were drug related crimes. Recent trends suggest that the 1990s could be more violent than the 1980s. Violence in Brazil has become the second highest cause of death after heart disease and accounting for larger numbers than cancer and other illnesses.

In Peru, in the first three months of 1995, reported homicides were 25 per cent up on the same period for 1994.

SOURCES: *Latin American Weekly Report*, 8 June 1995. For Rio de Janeiro, Zaluar, Alba (1995), "La droga, el crimen, el diablo" and Sader, Emir (1995), "La violencia urbana en Brasil. El caso de Rio de Janeiro" in Albert Concha, Fernando Carrion and German Cobo (editors), *Ciudad y Violencia en America Latina*, UMP Serie Gestión Urbana, Quito.

cities but there is growing evidence of a general rise in crime which, in some Latin American cities, is reaching explosive proportions (see Box 1).

b. The Predominance of Crimes against Property and their Growth

Urban crime is dominated by crimes against property, which account for at least half of all offences in cities all over the world.⁽³⁾ Theft, burglary and mugging are the fastest growing crimes and also the ones with the lowest clear-up rate. Consumer items that can be resold or recycled informally are the main targets. The rates for such crimes vary considerably between cities, influenced by the level of protection in urban areas, particular circumstances, policing methods and the state of the market for stolen goods.

The growth in the number of thefts, burglaries and mugging is not limited to prosperous towns or neighbourhoods, since it also happens in illegal or informal settlements. Of course, the objects stolen in poorer areas have a lower monetary value al-

3. UNICRI (United Nations International Crime and Justice Research Institute) (1995), *Criminal Victimization of the Developing World*, Rome.

4. This was shown in a series of papers prepared for the Urban Management Programme and recently published in Vandershueren, F. and E. Oviedo (editors) (1995), *Acceso de los Pobres a la Justicia*, Edición SUR-UMP, Santiago; also Badiane, A. and F. Vandershueren (editors) (1995), *Pauvreté Urbaine et Accès à la Justice*, Editions Sankoré, UMP, l'Harmattan, Paris.

5. Diagne, Pathé (1995), "Accès à la justice dans les quartiers urbains pauvres (Dakar, Abidjan, Niamey, Ouagadougou)" in Badiane and Vandershueren, see reference 4.

6. Ninth UN Congress for the Prevention of Crime, Cairo.

7. UNICRI (United Nations International Crime and Justice Research Institute) (1995), *Criminal Victimization of The Developing World*, Rome.

though they may have as much psychological or relative value for the victims of these crimes. The criminal act and the loss also contribute just as much to feelings of insecurity and helplessness.

Empirical studies carried out in Africa and Latin America indicate that what distinguishes middle-class or rich neighbourhoods from poor ones with similar or greater levels of these crimes is the lower level of reporting in the poorer areas.⁽⁴⁾ The preservation of social ties and feelings of insecurity and futility stop people from bringing charges. Relative impunity explains why, although criminals are known and identified by shantytown dwellers, a sort of *omerta* or forced complicity works to their advantage.⁽⁵⁾

c. Other Types of Crime

Violent crime: Violent crime is defined as any act that causes a physical or psychological wound or damage.⁽⁶⁾ It includes murder, infanticide, assault, rape, sexual abuse, acts of intimidation and terror, terrorism, the buying and selling of women and children, abandonment and serious neglect, mugging, threats and joy riding. It has increased in the majority of Third World cities and accounts for 25 to 30 per cent of offences worldwide.⁽⁷⁾ Violent crime is also growing in rural areas, although more slowly. It is certainly more visible in cities and creates a

Box 2: Triads and Mafias

Russian syndicates have established a dominant position in many parts of Eastern and Western Europe, controlling the prostitution industry and bringing into Russia an estimated one quarter of a million stolen motor vehicles each year. But their international impact is less than the less publicized wealth and reach of the Triads, a complicated network of Chinese crime organizations with a history that dates back to the nineteenth century opium trade. The Triads operate in every major city that has a substantial Chinese population and bring in an estimated US\$ 200 billion a year through extortion, prostitution, the drug trade, the smuggling of aliens, entertainment, the media and banking.

High costs are introduced into many national economies through the corruption of public officials and extortion or cooption of legitimate business practices by, for instance, the Russian gangs, the Italian Mafias, the Japanese Yakuza, the Triads and the Colombian cocaine cartel.

Taken in aggregate, these trends ensure that crime within a nation can distort social and economic progress in all countries, both rich and poor. This malign influence is developing rapidly in the weak economies of sub-Saharan Africa. The focal point is Lagos which became a transit point for cocaine from South America in the 1980s. Crime groups are a major impediment to a democratic transition in Nigeria, a country which traditionally has been considered the most politically and economically influential nation in sub-Saharan Africa.

SOURCE: Drawn from United Nations Department of Public Information, *Crime Goes Global*, New York, January 1995.

8. International Centre for the Prevention of Crime (ICPC) (1995), "Urban policies and crime prevention (Montreal)", paper presented to the Ninth UN Congress for the Prevention of Crime, Cairo.

9. Etcheverri, O. (1993), "La violencia: ubicua, elusiva, prevenible" in Albert Concha, Fernando Carrion and German Cobo (editors), *Ciudad y Violencias en America Latina*, UMP Serie Gestión Urbana, Quito.

10. Ninth UN Congress for the Prevention of Crime, Cairo; crime prevention workshop.

11. Vourc'h, Catherine and Michel Marcus (1993), "Security and democracy", paper for the European Forum for Urban Safety, Analytical College on Urban Safety, 1993 Report.

sense of insecurity that generates distrust, intolerance, the withdrawal of individuals from community life and, in some instances, violent reactions.⁽⁸⁾ The murder rate in certain Latin American cities is causing alarm, for it has doubled or tripled in a few years, making it one of the principal causes of death.

Many of the reasons for the rise in this type of violence are the same as those for theft but there is another factor involved here: the activity of syndicates which are becoming more aggressive in the struggle for the drugs market (see Box 2). The free trade in firearms also helps to account for this increase.

Violent crime affects individuals, families and communities. It contributes to the disintegration of the social fabric and slows down economic development. In the United States, for example, the annual cost of urban decay due to violence has been estimated at US\$ 50 billion.⁽⁹⁾ Within any city or city district with high (and often rising) rates of violent crime, public areas are used less and less, businesses fail, the value of property falls, services deteriorate, residents move more frequently and tourism declines. These factors, in turn, further undermine the cohesion of communities and seriously damage informal mechanisms of social control. The cost then becomes excessive, the cost of private security systems rises, along with the risk of public force being used in ways that contravene human rights. Because of this violence, 10 to 15 per cent of national budgets in many countries in the South has to be dedicated to the police and the criminal justice system.⁽¹⁰⁾

Violence in the stadiums: Violence is also common in football matches in Eastern and Western Europe, as well as in Latin America. Studies following the Heysel tragedy in Brussels (1985) and recent tragedies in Italy (1995) have identified two sources of this violence. First, it is perpetrated by near marginalized groups of youths aged between 14 and 25, with a hard core aged between 18 and 24, who form gangs of hooligans. For this hard core, hooliganism is their central identity and social disapproval urges them on. They vie for the privilege of being named in the newspapers, and judiciary sanctions mean nothing to them.⁽¹¹⁾ A second explanation, illustrated by the cases of Argentina and Italy but also found elsewhere, relates to the manipulation of youth by adults, particularly through fan clubs. These youths are used to encourage vandalism and confrontation with the enemy as a means of energizing club life.

The drug trade: In cities around the world, the drug trade is making uneven progress except in places where it is kept in check by extremely tough repressive measures. Almost everywhere, the authorities hesitate between straightforward repression and decriminalization. Drug trafficking is first and foremost the preserve of syndicates, which derive considerable wealth from it, and which the international police struggle to control. Moreover, the fight against the drug trade diverts considerable police personnel from other tasks. It is becoming increasingly obvious that only total or partial decriminalization or the absence of consumers - at present an impossibility - can stop this traffic and the illicit wealth it generates.

On a city level, small-time dealers and consumers are the main

problems. Addiction is one of the causes of crime. The only way to deal with this issue is to develop flexible overall policies with the capacity to take care of addicts and aimed at confronting problems as a whole. Low-income areas where criminality (theft, etc.) has intensified are at risk of becoming centres for the drug trade. Trafficking is monopolized by youths who organize themselves in gangs which control the neighbourhood and this creates an intolerable environment for its inhabitants.

Anti-social behaviour: Most large cities have been affected by anti-social behaviour which goes by different names in different countries; for example, it is known as "hooliganism" in England. This behaviour has more to do with civic morals than with legal restrictions and very few legal systems treat them as crimes. But they create a feeling of insecurity and decline in cities with the victims feeling that offences go unpunished and that they themselves are abandoned.⁽¹²⁾ The fact that the police rarely intervene reinforces this impression.

This anti-social behaviour is no longer the exclusive province of the products of poor families from deprived areas but is largely the work of young people from middle-class homes. This sudden emergence of educated youths in criminal or semi-criminal activity is relatively new and is confirmed in many instances of violence in sports stadiums, whether of a racist nature or, as in the majority of cases, of an anti-social nature.

Domestic violence: Women and children are the principal victims of domestic violence. Because of insufficient data, it is impossible to establish whether it is a specifically urban phenomenon and whether it is on the increase. It has been brought to the attention of the public through the activities of human rights groups and women's organizations. In cities it is regarded as violent crime and is a form of violence that is universal. However, the fight against it is uneven and depends on the consciousness and strength of women's organizations.

This form of violence destroys family cohesion and has a generally negative effect on children in whom it nurtures hatred and violent attitudes. It hinders adjustment to school and social life. It is also one of the principal causes of the existence of street children.

III. CAUSES OF THE GROWTH IN URBAN VIOLENCE

URBANIZATION AND CRIMINALITY (and, in particular, crimes against property in all its forms) seem to go hand in hand. Many reasons have been put forward to explain this phenomenon although, to date, no one can claim to have established an overall theory of urban violence. However, certain key factors have been identified, including the poverty of low-income neighbourhoods, the provocative and poorly protected urban environment, the limitations of current protection measures, the absence of social controls, the number of frustrated youth and the crisis in criminal justice systems. More details on each of these is given below.

12. See reference 11.

a. The Utter Poverty of Badly Served Neighbourhoods

Certain specialists stress the significance of very poor and overcrowded housing and living conditions, and the lack of security in illegal settlements in creating fertile soil for the development of violence and in generating a sub-culture of violence. This view was stressed in the conclusions of the 1989 Montreal Conference of Mayors: "...the basic causes of violence increase: urban growth, with the marginalization of the underprivileged and the isolation of groups at risk, qualitative and quantitative insufficiency of social housing programmes and community amenities, unemployment of young people."⁽¹³⁾

13. Montreal Conference of Mayors on Urban Safety (1989)

Living in illegally occupied areas, deprived of basic services, having to use dangerous and inadequate transport, victims of urban speculation, forced to function in the informal sector, without proper leisure facilities, and surrounded by advertizing that invites them to acquire everything, poor urban families in the South are a milieu permeated with social frustrations in which the culture of violence can flourish.

b. A Provocative and Poorly Protected Urban Environment

Other explanations, whilst not contradicting those outlined above, stress more the contemporary urban environment where attractive and tempting goods are continuously on display and thus create targets for potential criminals. In cities, particularly in developing countries, the ostentatious display of luxury and prosperity (for instance in shops or in cars) in certain areas provokes those who have not accepted their unfavourable social situation, and engenders an attitude that legitimizes the "redistribution of wealth" through criminal activity.

14. Wikstrom (1991), *Urban Crime, Criminals and Their Victims*, Springer, New York.

There are three main factors that contribute to a growth in lawlessness: a poorly protected (and therefore easy) target; inadequate surveillance or an absence of social control; and, finally, individuals who are prone to violence.⁽¹⁴⁾ Targets are poorly protected because most private individuals or households do not have the means to keep their homes under constant surveillance. There is also the rapid growth in the amount of space used by the public, from department stores to metro stations and carparks, that are difficult for the police to keep under surveillance. These areas cannot be effectively protected unless one resorts to professional security services.

c. The Limitations of Current Protection Measures

Private security services can protect organizations or businesses but, outside these areas, private surveillance is of limited value. Its cost places it beyond the means of most home owners. In Europe, 5 per cent of the population uses private security services.⁽¹⁵⁾ In certain Third World countries, they are used more widely by social groups who can afford them - a fact which accentuates the gap between rich and poor and diverts criminal activity towards unprotected areas.

15. Robert, Philippe, Bruno d'Aubusson de Cavarlay, Marie-Lys Pottier and Pierre Tournier (1994), *Les Comptes du Crime*, L'Harmattan, Paris.

In addition, police time is taken up with other functions: the

fight against serious crime and drug trafficking, traffic management, immigration control (especially in the wealthiest countries), political tasks such as the surveillance of opposition groups, or the protection of municipal property such as markets and sports facilities. Moreover, the spread of free market ideas, and of structural adjustment programmes, has facilitated the corruption of poorly paid police officers.

Furthermore, insurance against theft, for those who can afford it, does not resolve the problem of prevention since it does not halt the theft itself (the breaking of the law) or its consequences. It indemnifies also only about one-third of victims and does nothing to assuage feelings of insecurity and fear. Its only positive impact is that it puts pressures on clients to acquire security systems.⁽¹⁶⁾

16. See reference 15.

Finally, certain types of theft, such as car theft, have gone from the stage where the main objective was to "borrow" the vehicle to the level of illegal international traffic which presupposes criminal cooperation on a worldwide scale that is very difficult for the police to control.

d. The Absence of Social Controls

One effect of the loosening of local community ties is that community protection, which in the nineteenth century was an important form of social control, has lost its power. The community undertook surveillance and, when an offence occurred, worked out some form of reconciliation. Except in cases where a culture has maintained stable ties within neighbourhoods, the anonymity of cities has practically eliminated all community intervention.

Unlike rural or poor urban societies which have sometimes maintained support structures for coping with poverty and for playing a role paralleling that of the unions in the development of the working class, modern cities favour anonymity and fragmentation. Rising crime in neighbourhoods has exacerbated this tendency.

e. Frustrated Youth, Prone to Violence

Negative socialization: Urban violence recruits its principal players from among young men aged between 15 and 25. They are also its principal victims. In the vast majority of cases, it is at this age that most law breakers begin their criminal apprenticeship and, the more serious the offences committed by a youth under the age of 25, the more likely it is that they will offend again. The younger the age at which a person enters the world of law breaking, the more difficult it is to rehabilitate them.⁽¹⁷⁾

17. See reference 8.

Only in a tiny minority of cases is individual personality a determining factor that predisposes to violence. The people who are most prone to violence are those whose personalities have been conditioned by negative social experiences in their formative years. The family is the child's first experience and a socially vulnerable family may be incapable of offering a positive social outlook and balanced family atmosphere. Families that

18. Walgrave, Lode (1995), *Changes in Society, Crime and Criminal Justice in Europe*, Leuven University Press, Leuven.

perceive themselves as losers in society create disorganization and cultural under-development.⁽¹⁸⁾

The negative experiences of youth lead to non-adaptation at school, to a lack of personal discipline and to low self-esteem. This creates a need to develop psycho-social compensatory mechanisms that lead young people to join groups that become schools of criminality. Anti-social behaviour or criminal activity thus become the means of affirming an alternative form of self-esteem recognized by the group or gang itself. At this stage, confrontation with the police or with the law can actually reinforce this tendency. Meanwhile, this alternative social integration blocks entry into the labour market, or limits it to low-paid, low-prestige jobs.

The failure of poorly qualified young men to enter, and remain in, the labour market has a negative impact not only on their desire to conform to social norms but also on their participation in a stable lifestyle. If there is nothing to encourage them to respect the law - for instance through starting a family and/or achieving a place in the community - or to adhere to the norms of the community, there is, for young men, little to be gained from giving up crime or losing their taste for anarchy. This is particularly true if they are physically capable of sustaining this way of life, if their peers continue to draw them or if the rewards of crime make up for what they may have lost because of their unsuitability for work, for taking care of a family or achieving stability.

There is another factor that influences the "legitimization" of crime: that is the media which, all too often, sanctions violence (see Box 3).

Box 3: The Media and the Spread of Violence in the United States

In the United States, by the time a child has completed primary school, she or he has seen, on average, 100,000 violent acts and 8,000 murders on television. By the time they leave high school, this will have risen to 16,000 murders. Children's programmes show, on average, five violent acts per hour during the week and 18 per hour at weekends. According to studies carried out in the United States, looking at acts of violence encourages aggressive behaviour, increases violence and desensitizes viewers.

SOURCE: Etcheverri, O. (1993), "La violencia: ubicua, elusiva, prevenible" and Le Roux, Gustavo (1995), "Ciudad y violencia en America Latina" in Albert Concha, Fernando Carrion and German Cobo (editors), *Ciudad y Violencias en America Latina*, UMP Serie Gestión Urbana, Quito.

Violence in schools: In countries in Europe and North America, violence has invaded certain schools whilst in Africa, Asia and Latin America the phenomenon of street children is becoming increasingly alarming. Surveys carried out in Europe show that the people responsible for schools perceive racketeering, drugs and vandalism as problems. According to the European Forum for Urban Security, there is only a small minority of school children who play truant regularly, who are a source of violence in schools and who are different from those

19. See reference 11.

involved in petty street crime. According to the same source, the factors that contribute to this phenomenon are poor teaching methods, the absence of clear rules in schools, a lack of coherence in the decision-making of the institution regarding the personnel, the lack of physical space and the architecture of schools. Brussels was cited as one example, with 10,000 school-age children in the streets and 23 per cent of children between the ages of six and 18 not enrolled in school.⁽¹⁹⁾ In the United States, where the civilian population owns 200 million firearms, the presence of weapons in schools has often been criticized.

Street children: The phenomenon of street children is one of the most serious, large-scale problems and one that is typical of large Third World cities. It has many underlying causes: ill-treatment in the family; poverty - especially if the family is headed by a lone mother who cannot maintain her children and has sent them into the streets to earn their keep; and the move in certain Muslim countries from forced begging (*talibé* in West Africa) to living in the streets. It is a familiar process: children work in the streets for a while, then they join others and do not return home. Life with their group revolves around street corners which serve as meeting places. They often take drugs, exploit younger children, earn their living by doing odd jobs (collecting rubbish, minding car parks), doing errands, or from petty crime or begging. As for the girls, they are sometimes forced (as in Nairobi) to go into prostitution from the age of eight, with all the risks that this implies.

The crisis of criminal justice: International studies confirm the systematic loss of reputation of nations' criminal justice systems. Only 15 per cent of the charges brought are dealt with and only 5 per cent of cases are cleared up. If one takes into account unreported crimes, criminal justice systems resolve only 2-3 per cent of all crimes and only 25 per cent of its decisions will be implemented. In other words, the role played by the criminal justice system is more symbolic than real.⁽²⁰⁾ In most of the wealthiest countries, it may deal effectively with violent crime (at least where corruption or terror do not hamper it) but it is almost totally ineffective with regard to everyday, petty urban crime. Overwhelmed by the number of cases, it is slow, expensive, overburdened with procedures, hampered by a language that bears no relation to the concerns and needs of inhabitants and is ill-suited to a rapidly changing urban environment. Most people have little respect for it; the urban poor may have no confidence in it or respect for it at all.⁽²¹⁾

The effectiveness of police intervention depends on the relationship between the police and the criminal justice system - in other words, it depends on the effectiveness of criminal justice. The modernization of the criminal justice system in North America and many European nations has mostly benefited the fight against serious crime but continues to have little effect upon petty crime. Besides, governments do not have the means to undertake the thorough modernization of the criminal justice system that would be necessary to cope with all the needs created by the rise in petty crime.

20. Marcus, Michel (1995), "Les modes de régulation des conflits urbains" in Badiane and Vandershueren, see reference 4.

21. Moncayo, Hector Leon (1995), "Acceso de los pobres a la justicia en Colombia", UMP paper; also Correa, Jorge and Maria Angélica Jimenez (1995), "Acceso de los pobres a la justicia: informe sobre Argentina, Chile, Peru y Venezuela", UMP paper.

III. TRADITIONAL RESPONSES OF GOVERNMENTS

THE MOST COMMON response by the state is imprisonment - and in the United States and Russia this has reached a level of more than five persons in prison per 1,000 inhabitants. The average for the rest of the world is less than 1.7 per 1,000 inhabitants with a mere 0.36 per 1,000 in Japan.⁽²²⁾

This policy is not very effective, for it does not reduce the number of offences committed. It also diverts funds that could be invested in preventive social action, and tends to stigmatize certain groups. In England, for example, a 25 per cent rise in the prison population has produced a 1 per cent drop in crime.⁽²³⁾

In most cases, imprisonment is supported by the public, who like the feeling of greater security that it gives and, above all, believe (mistakenly, in most cases) that preventive imprisonment deals effectively with the main offenders. In reality, the real criminals often escape the net and the end result is a set of measures aimed at intimidating that sector of the population which is prone to criminality.

One of the direct consequences of preventive imprisonment is the worsening of prison conditions and the overpopulation of penitentiary institutions. This was denounced by the International Prison Observatory in its 1995 Annual Report.⁽²⁴⁾ Overcrowding in prisons and the worsening of living and working conditions are the obvious result even in Europe and North America. In the South, the situation is often very serious:

“Prisons are the reflection of a society, its pilot fish, the hidden part of the iceberg. They incarnate the utter poverty of poorer countries, as well as the brutality of dictatorial regimes.”⁽²⁵⁾

The “modernization” of criminal justice, with its limited impact on urban crime, is another traditional policy that is increasingly being abandoned in favour of local justice.

IV. THE SPONTANEOUS REACTIONS OF CITIZENS

CITY DWELLERS HAVE reacted to violent and petty crime in a variety of ways. In places where the policing is judged to be inadequate, the responses of citizens range from private or community security to “rough justice” and includes groups given powers to assist or replace the police with the task of social cleansing.

The use of private security firms is an option available only to a wealthy minority. But neighbourhood watch, whether undertaken by residents or by persons paid by the community, is growing in some cities and even in many illegal or informal settlements. This system has even been institutionalized in Tanzania, where family groups were organized to ensure their own

22. International Prison Observatory, *Annual Report 1995*.

23. See reference 9.

24. International Prison Observatory, *Annual Report 1995*.

25. Daure Serfaty, Christine, Chairperson of the International Prison Observatory, quoted in *Le Monde* 25-26 June 1995.

protection. This type of community surveillance is becoming increasingly common in the middle-class areas and informal settlements of urban areas in countries such as Nigeria where urban crime is widespread. City forms also adapt to high crime levels. Latin American cities, characterized by sharp geographical and social segregation, ghettos such as the closed villages of Manila or groups of cloistered houses in African cities, are all direct consequences of rising crime. They also reinforce inequalities and prevent the integrated development of cities.

Spontaneous forms of "social cleansing" that violate human rights have also appeared in Latin America. They are the death squads that murder children and beggars, first in Brazil and now also in Colombia, and also kill those alleged to be criminals and corrupt officials in Honduras (see Box 4).

Box 4: Social Cleansing in Latin America

In Colombia, the phenomenon of "social cleansing", which began in 1979, typically involves the murder of persons belonging to marginal social groups. The killers' intention is to attack or eradicate certain social identities regarded by the hired killers as a danger to society. This explains why the majority of victims are from areas where living conditions are precarious and crime rates high. Systematic murder leads to the forced migration of groups perceived as dangerous and their confinement to ghettos. The killing, its form, prior warnings as well as the place where it is carried out, assume a ritual character and the aim is to impose a certain behaviour, forcing people to move and legitimizing punitive action. These acts have benefited from participation by police officers and the tolerance of state officials.

In El Salvador, 1995 saw the re-emergence of death squads that now target alleged criminals instead of political adversaries. Most recently, they issued death threats against a dozen judges whom they accused of being corrupt.

In Brazil, the action of these groups is one of the main causes of violent death. They are composed of professional killers and, sometimes, police officers. The police in Sao Paulo murdered about 1,500 persons in 1992. In large urban centres, their victims are poor men, homeless beggars and blacks, as well as young and adolescent street children. The Brazilian Centre for Childhood and Adolescence (CBIA) revealed that 202 children and adolescents were murdered in Sao Paulo in the first quarter of 1993.

SOURCES: Moncayo, Hector Leon (1995), "Acceso de los pobres a la justicia en Colombia" and IBAM (Instituto Brasileiro de Administração Municipal) (1994), "Panorama Brasileño sobre el real acceso de los pobres de la ciudad a la justicia" in F. Vandershueren and E. Oviedo (editors) (1995), *Acceso de los Pobres a la Justicia*, Edición SUR-UMP, Santiago. The statistic for the 1,500 murders in Sao Paulo comes from Pinheiro, Paulo Sérgio (1993), "Reflections on urban violence" in *Urban Age* Vol.1, No.4, Summer, page 3.

What might be termed "rough justice", where individuals or groups take the law into their own hands, is less selective but no less inhuman than "social cleansing". This is also something that governments ignore or cannot control. Its victims are alleged criminals - more often than not, petty criminals, caught in the act and lynched by the mob. It is a particularly frequent

26. Deissy, Rodríguez (1995), "Accès des pauvres des villes de l'Est Africain à la justice" in Badiane and Vandershueren, see reference 4.

practice in South Africa, Nigeria, Peru and Kenya; in Kenya alone, there were more than 100 cases in Nairobi in 1994.⁽²⁶⁾ Given the increasingly obvious crisis of justice and the ineffectiveness of the police, it has begun to emerge in other countries.

There are also "negotiated" agreements with offenders, who accept payment or other benefits in exchange for ensuring the security of the neighbourhood and undertaking to limit their activities to other neighbourhoods. These methods, which are difficult to detect or evaluate, are semi-public in Guayaquil (Ecuador) and the Dominican Republic but often discreetly practised elsewhere. In informal settlements, they have the advantage of preserving the fragile fabric of community relations necessary for survival whilst giving criminals a sort of legitimacy.

It is difficult for the inhabitants of cities to introduce positive measures beyond the level of community surveillance. Without the support of the state, local authorities or the police, most citizens are likely to be paralyzed by a feeling of insecurity and this can lead to the disintegration of community ties, to the abandonment of neighbourhoods that are economically dynamic but judged too dangerous, or to apathy. It can also lead to the appearance of death squads and mob lynching.

V. WHAT IS TO BE DONE? SOME POSITIVE ALTERNATIVES

GOVERNMENTS, MUNICIPALITIES AND NGOs have taken numerous initiatives to change the current situation. Generally these are based on three principles:

- the only effective partnership is one that involves the municipal authorities, organized communities and police and judicial systems close to the people;
- the very varied nature of violence requires up-to-date information and analyses, as well as different treatments, based on a rigorous methodology; and
- anyone hoping to have an impact on the causes of violence has to adopt programmes aimed at those groups of marginal youth most at risk from engaging in violence.

a. Coordinated City Oriented Policies for Dealing with Urban Crime

Several countries have become aware of the fact that violence cannot be dealt with by repression only. They have created security contracts or city contracts in which the state subsidizes a set of initiatives undertaken by the communities at risk. Box 5 gives the example of the use of such contracts in Brussels.

But it is on a city level that coordinated initiatives in the fight against violence have emerged. Usually, cities set up "crime prevention councils" on which all the key players in a community or area are represented. The councils discuss the problems of crime and form working parties that define and coordinate programmes. They are found throughout the European Union and

Box 5: City Contracts in Brussels

Security contracts were negotiated in 1992 and 1993 between the national government and the large "problem" municipalities. For instance, in 1993, the state and the region of Brussels-capital awarded these municipal authorities a grant equivalent to some US\$ 19 million a year for five years to support special initiatives. The objectives include: providing more friendly "neighbourhood" police; improving the welcome that people are given when they visit police stations; "fan city coaching" (accompanying young hooligans to football matches); the recruitment of mediators; assistants to help in the integration of specific groups and foreigners; and the development of inter-communal drug abuse crisis centres. Sports projects are also organized including street sports and neighbourhood football matches with help from the Belgian football union.

SOURCE: Vourc'h, Catherine and Michel Marcus (1993), "Security and democracy", paper for the European Forum for Urban Safety.

in some Latin American cities. They may be run by a local authority or by an independent person and their success depends on the weight of the local authority that runs them and the clarity of their official mandate. What they do, in essence, is create a partnership that brings together all the players and which, in particular, works with the police and judicial system.

The municipality of Cali in Colombia is probably one of the most interesting instances of this practice for it has one of the highest murder rates of any city in the world (104 murders per 100,000 inhabitants in 1993) and it has succeeded in involving the major social players (see Box 6).

Initiatives in crime prevention and control at the municipal level have emerged in most countries in Europe and North America and in several Latin American and Arab countries. These are forming the basis of a regional network which allows the exchange of expertise and methods. These initiatives are inspired by certain conferences (e.g. in Montreal in 1989 and in Paris in 1991) that have focused on the role of cities.

Prevention policies must be run at the city level: Public authorities at all levels must support prevention measures developed at local level. If crime is to be prevented in cities, solutions are needed that do not rely solely on penal or police justice. Long-term solutions must be set in motion whilst at the same time immediate needs must be addressed. Prevention needs to bring together those responsible for housing, social services, leisure, schools, the police and the law, in order to confront the circumstances that generate or facilitate crime. Those elected at all levels must use their political authority and take on the responsibility of fighting urban crime. Without this commitment, our confidence in society, the quality of life in urban centres, as well as human rights will be threatened. Crime prevention is everyone's responsibility. Political leaders must encourage solidarity within the community.⁽²⁷⁾

The experience to date makes it possible to identify three great main directions of city action:

27. See reference 13.

- the risk of crime is linked to the objective presence of circumstances which facilitate the perpetration of crime;
- the more or less direct, but obvious, impact on crime levels of the distribution of wealth in the broadest sense that includes not only the distribution of income but also of jobs, access to health care, education and the availability and quality of housing; and
- the nature of values, the way they are shared and transmitted, especially those influenced by the family, and the cohesiveness and organization of communities.

Special programmes targeted at socially disadvantaged groups, some of which may be particularly susceptible to violence (street children, unemployed youth in trouble, waste pickers, young people with no fixed address and drug addicts) are crucial for long-term prevention. Crime prevention and social action are inseparable.

Programmes for reintegrating street children into society run by NGOs or, as in Mexico, by UNICEF supported by local authorities demonstrate that it is perfectly possible to reintegrate most children. The most important thing is political will, along with coordination of the different local actors and means, adequate staffing and time. To do nothing is to automatically create a large group of people excluded from many aspects of society, or potential criminals.

Box 6: The DESEPAZ Programme of the Municipality of Cali

DESEPAZ is based on the following principles: crime can be prevented; crime has many causes that require many solutions; and the prevention of crime and violence requires a commitment from all citizens.

A municipal security council has been created which brings together the relevant players and studies the epidemiology of crime, neighbourhood by neighbourhood.

Each week a two-hour meeting is held in one of the city's 20 districts. The meetings are open to the general public and are attended by the mayor, his staff and community leaders. The participants discuss all matters related to crime and public security and agree on concrete solutions. To date, the process has led to the creation of a number of programmes in the areas of law enforcement, public education and social development such as small business development programme for street vendors, youth groups, women at home and the home-building programme which has led to the development of 25,000 lots for low-income families.

The development of a non-violent culture is also important. Peace-promoting groups have been formed by young volunteers who act as legal counsellors and educators. They provide human rights education and suggest ways for people to resolve disputes and, if necessary, refer them to conciliation centres. This culture of non-violence is mainly directed at couples, parents, schools and the media.

SOURCES: Concha, Albert, Fernando Carrion and German Cobo (editors) (1993), *Ciudad y Violencias en America Latina*, UMP Serie Gestión Urbana, Quito; also International Centre for the Prevention of Crime (ICPC) (1995), "Urban policies and crime prevention (Montreal)", paper presented to the Ninth UN Congress for the Prevention of Crime, Cairo.

Finally, cities need the support of central government in particular, for observation, research into and analysis of information on the causes of criminality, evaluation, coordination of the various players and policies that require financial backing.

b. Investing in Communities

Mobilizing the inhabitants of a neighbourhood against crime means appealing to behaviour and norms rooted in the culture of the neighbourhood. The informal resolution of conflicts, mediation, conciliation and other forms of arbitration facilitate the maintenance of peace. The ways of achieving this vary from city to city and range from "peace agreements" between ethnic groups to defensible space, better security within homes, programmes for cleaning and maintaining residential or commercial areas, action against vandalism, neighbourhood watch, community policing and the direct participation of tenants in the management of their homes.⁽²⁸⁾ The key is generating a sense of community identity (which is rarely spontaneous) focused on a collective space and project.

28. See reference 20.

Box 7: Uganda's Resistance Councils

The Resistance Councils emerged during the war in Uganda in the late 1980s. They are grassroots organizations with responsibilities within defined areas in both cities and rural areas. They were legalized in 1988 and nine leaders are elected democratically every four years.

Their main objectives are: to guarantee security and respect for the law within their jurisdiction; to be a link with government initiatives; and to promote the development of their area and mutual assistance within the community.

They have a role in crime prevention and control, and in legal aid for the poor. They may intervene in civil law cases - for instance cases of debt, contracts, damage to property, fraud, common law and land problems. They also intervene in criminal cases that involve sums up to a certain figure. They deliver justice quickly, free of charge and in a way that residents can understand.

They are the first institution to whom people turn in cases involving theft, violent disputes or accidents, and the Resistance Councils in turn report to the police or the law courts. If there is an arrest, the police do not enter the neighbourhood or the victim's house until they get the agreement of the head of the Resistance Council and are accompanied by her or him.

Evaluations show that apart from their contribution to the social and economic development of the neighbourhood, Resistance Councils have improved security, facilitated cooperation with the police, avoided the abuse of power by the military and practised effective forms of mediation and conciliation. They have also contributed to the creation of neighbourhood identities among residents.

SOURCE: Nsibambi, Apolo (1991), "Resistance councils and committees: a case study from Makerere" in H.B. Hansen and M. Twaddle (editors), *Changing Uganda*, Eastern African Studies, Kampala; also Robert, Philippe, Bruno d'Aubusson de Cavarlay, Marie-Lys Pottier and Rodriguez Deissy (1995), "Access to justice for the urban poor in East Africa" in A. Badiane and F. Vandershueren (editors) (1995), *Pauvreté Urbaine et Accès à la Justice*, Editions Sankoré, UMP, L'Harmattan, Paris.

Solutions to the many problems that low-income groups face of access to city services and land are the main way of reinforcing community feeling in Third World countries. Meanwhile, the fight against crime requires specific actions that focus, on the one hand, on stopping fragmentation into small groups and, on the other, on preventing the isolation of individuals who are paralyzed by fear. In these same areas, the struggle against domestic violence does not merely educate but also strengthens women's organizations. Such organizations usually have a significant role in poor neighbourhoods in a great range of community activity (for instance health promotion and care, education and other services). A variety of initiatives by NGOs and grassroots groups contribute to this mobilization of neighbourhoods. Uganda's Resistance Councils, born out of the popular struggle for peace, are an example of the institutionalization of community identity (see Box 7).

c. Cooperation with the Police

If neighbourhoods are to be effectively mobilized to ensure security, cooperation with the police is essential. The protection of those who are vulnerable to crime, campaigns against vandalism, and mechanisms for assisting the victims of domestic violence require police support. This presupposes a police force that is close to the people and not excessively repressive. In effect, a police force that is ready to resolve residents' problems with them.

Box 8: The Police Services in Japan: the *Kobans*

There are more than 15,000 small neighbourhood police stations in Japan, 9,000 of which also serve as residences for police officers in rural areas. Rather than concentrating police forces in a few large stations, Japan has chosen to increase their visibility and accessibility. All graduates of the national police academy must serve for several years in these mini-stations. They devote most of their time to providing services to the community and are required to visit each family, business and firm in their neighbourhood at least twice a year. Special attention is paid to the elderly, to preparing newsletters for neighbourhood residents, to organizing sports events for young people and to participating in meetings of neighbourhood organizations.

In their relation with young offenders, these neighbourhood police officers also have wide latitude. Thus, it is reported that, in 1990, 31 per cent of the offenders arrested by them were released after signing a letter of apology. This is an attempt to reduce administrative red tape, to maintain the police's reputation for generosity and humanity and to reserve the shame of a trial for more serious offences. This attitude in no way reduces the effectiveness of the police since, in 1989, for example, they were responsible for 73 per cent of all arrests (and 96 per cent of all arrests for homicide) and 76 per cent of thefts were solved.

SOURCE: International Centre for the Prevention of Crime (ICPC) (1995), "Urban policies and crime prevention (Montreal)", paper presented to the Ninth UN Congress for the Prevention of Crime, Cairo.

There are various examples of close cooperation between the police and communities - see for instance the example from Japan in Box 8. Such cooperation tends to lead to a more visible police presence, closely linked to cooperation with their counterparts in security councils, and to the diversification of the police who bring indispensable expertise to preventive action.

“The expertise of police services is absolutely essential for the development and implementation of situational prevention methods (those that aim to reduce the opportunities for crime). These services must cooperate with local communities. The police are in fact the best placed to notice the emergence of certain problems of a criminal nature and alert the community. Moreover, they have data vital to the analysis of difficult situations and, as a result of their training, are able to propose effective solutions.”⁽²⁹⁾

29. Report of the Round Table on the Prevention of Criminality, Quebec.

One development that deserves special attention is the process of diversifying police functions in Brazil, Argentina and Chile with the creation of female police units that specialize in the problems of domestic violence. In the case of the Philippines, there is the Cebu experiment where an NGO and the police work together in addressing domestic violence.⁽³⁰⁾ Close cooperation between police and the community has to be developed over time and requires a clear statement of policy from the authorities and from the force itself, as well as a clear and well-thought out methodology.

30. Banaynal-Fernandez, Tessie (1994), “Fighting violence against women: the experience of the Lihok-Pilipina Foundation in Cebu”, *Environment and Urbanization* Vol.6, No.2 (October).

d. Urban Justice: local justice

The criminal justice system plays a key role in crime prevention, in the protection of victims and in the education of city dwellers, as well as in reducing crime. It must also be accessible. New forms of justice have appeared in various countries and they include, among other things, penal mediation, local justice and conciliation. Penal mediation consists of finding a negotiated solution to a conflict and making offenders face their victims. If the perpetrator makes restitution, he or she is not sent to court. Mediation requires the consent of both parties and is led by a mediator who may or may not be a lawyer. It is a fast and informal form of justice that resolves the majority of cases promptly and responds to the need to limit the number of cases that are not dealt with or dropped by the conventional judicial systems. In France, for example, the level of such discarded cases rose from 73 per cent in 1965 to 88 per cent in 1992 (*Le Monde*). Penal mediation, created in 1992, managed to resolve 25 per cent of cases in 1993 and almost 50 per cent in 1994.

Another kind of mediation, led by an ombudsman, aims to protect individuals against administrative or judiciary actions or those arising from public or semi-public organizations. In Dakar, for example:

“... the reports of the mediator who deals with more than

31. See reference 5.

4,000 complaints per year concerning the administration of justice, about slowness or refusal to act, provide an excellent source of information on short-comings and obstacles, on the problems of access to justice for the poor... A large number of claims relate to citizens reduced to poverty. Litigation involves public services, private enterprises, retirement and social protection organizations and the users of abusive, monopolistic public utilities whose arbitrary procedures are questioned."⁽³¹⁾

32. Correa, Jorge and Maria Angélica Jimenez (1995), "Acceso de los pobres a la justicia en Chile" and Moncayo, Hector Leon (1995), "Acceso de los pobres a la justicia en Colombia" in Vandershueren and Oviedo, see reference 4.

33. See reference 32; also IBAM (Instituto Brasileiro de Administração Municipal) (1995), "Acceso de los pobres a la justicia en Brasil" in Vandershueren and Oviedo, see reference 4.

A third model, inspired by the concept of local justice, comes in the form of Justices of the Peace (England, Spain), *Maisons de Justice* (France) and neighbourhood tribunals (the *Barangay* courts in the Philippines or neighbourhood courts in Latin America). These may function with or without professional judges (Philippines, England). This approach has the advantage of being physically close to inhabitants, accessible, inexpensive, fast, using oral communication and dealing with people's everyday problems. The Ugandan Resistance Councils described in Box 7 have also adopted this form of justice. Generally, their competence is limited to civil or criminal matters of minor or moderate importance. Unlike mediation, the judge may impose a sanction without the agreement of the two parties and may use public force to impose a punishment. In places such as the rural areas of Peru, where this form of justice is institutionalized, it tends to widen its field of competence, sometimes in conflict with the authorities and the regular judicial system, for it is so popular that people prefer to use it rather than other judicial options. Like penal mediation, this model is often criticized by professional magistrates who label it as second-class justice.⁽³²⁾ The principal obstacle to the institutionalization of this form of justice is the corporate interest of magistrates.⁽³³⁾

Finally, the forms of general conciliation that are analogous to penal mediation may have the same role in all judicial domains - for instance, in civil or family cases. They pre-suppose the agreement of the parties in conflict and may be administered by a conciliator who is not a lawyer. The most interesting example comes from China which has 2 million of these popular tribunals for reconciliation scattered throughout towns and villages and which deal with an average 6 million cases per month.

The interesting aspect of these forms of justice is that they are fast and accessible. They also have an educative value, for they build morale based on informal means of regulation and grounded in local tradition. Another benefit is their low cost, especially when the conciliator and mediator are not professional judges. Above all, they eradicate feelings of impunity, and demonstrate that justice does exist.

Two final examples of ways of making justice accessible emerge from the practices of governments, NGOs or cities. The first example is the centres of legal education or advice aimed particularly at the most disadvantaged. There is assistance for women, ethnic groups, victims of domestic violence and others that works through the dissemination of knowledge and the provision of legal advice on children's rights, human rights or

other legal rights. The vast majority of NGOs working in the legal sector devote their energies to this kind of education. Familiarity with their rights makes citizens feel more a part of society and leads to a reduction in conflicts. Two significant examples can be highlighted. The first is the People's Law School of Vancouver (Canada), established 20 years ago and a pioneer in this field. The second is the mobile legal information centres set up in Chile. They involve a specially equipped bus touring all the neighbourhoods, with lawyers giving free advice to the inhabitants of poor areas who have legal problems.

The second example are the centres that specialize in one type of problem: for example, the Latin American *comisarias de familia* that deal with domestic violence, NGOs specializing in defending land rights in squatter settlements, drug treatment centres and centres that specialize in providing legal aid to the informal sector. Not all deal with some kind of crime but they contribute to prevention. The community justice system for minors in Portugal is a good example of this practice (see Box 9).

Box 9: Community Justice for Minors in Portugal

The Commissions for the Protection of Minors are official, non-judiciary institutions. With the consent of parents and cooperation of the family, they are competent to deal with abandoned minors and with children whose security, health or education is at risk. They include a magistrate, a doctor, a psychologist, representatives from the community, the education service, the police, private bodies with a social mission, social action and parents' groups.

They stress the measures that can be realized within a family and neighbourhood, and appeal to local forces. They carry out studies on the security of young people, make recommendations to the authorities and cooperate with local organizations to seek out joint solutions.

SOURCE: International Centre for the Prevention of Crime (ICPC) (1995), "Urban policies and crime prevention (Montreal)", paper presented to the Ninth UN Congress for the Prevention of Crime, Cairo.

The *boutiques de droit* (law shops) that bring together a number of specialized legal services are one way of serving the most disadvantaged. They are signposts for the judicial systems of the future: multifunctional, close to local people, working in partnership with the community and police, fast and effective. Indeed, this type of city based partnership is the most effective way of making the prevention of violence everybody's business.