Across the borders in search of best practices: 
International comparative criminology at the UN 

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This paper analyzes the changes of the focus of the UN Committee on Crime Prevention and Control through time and the formation of the new Commission on Crime Prevention and Criminal Justice. The focus of the paper is the contribution of Dušan Cotič, the last Chairman of the Committee.

Keywords: Dušan Cotič, UN Committee, transformation.

It must have been late 1984 or early 1985 the first time I passed the security check at via Giulia 52 in Rome. I was going to visit the library of the United Nations Social Defense Research Institute (UNSDRI), a well-known institution among criminology and sociology of law researchers at the time. In the summer of 1984 I had started research for my post-graduate thesis on organized crime during a visit to the US and Canada. UNSDRI was the only place in Italy where I would find a large collection of international literature to continue my work. The imposing 17th Century brick building, the New Prison had a narrow entrance, which did not allow a view of the interior. It was necessary to go through a dark alley before getting into a larger space leading to a majestic staircase. On the first floor, the library was located on the left and consisted of a series of four large rooms connected to each other to form a wide square space, filled with shelves, desks and tables for consultation. The quiet atmosphere and typical dusty smell of “real” libraries went well together with the extraordinary architecture of the building.

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1 The building hosted Rome’s prison for at least one century. It is now the offices of Direzione Nazionale Antimafia, the Italian prosecutor against organized crime.
After the first visit, I became a regular visitor of via Giulia, but it took a while before I had the chance to join the staff of UNSDRI, which in the meantime was transforming itself into UNICRI. Changes at UNSDRI/UNICRI were in line with an ongoing process of transformation taking place inside the United Nations with respect to its approach to crime problems.

The Seventh UN Congress on the Prevention of Crime and Treatment of Offenders, which took place in Milan in 1985, reflected well the dynamic atmosphere of the time. Its outcome document, the Milan Plan of Action, represented the beginning of a deep renovation of the entire crime programme, led by the Committee on Crime Prevention and Control, of which Dr. Cotič was the Chairman. Among the initiatives launched at the Milan Congress there was the review of priorities of the crime prevention and criminal justice programme “... to ensure the continuing relevance and responsiveness of the United Nations to emerging needs.” In the late ‘80s, some of the main social changes were in the air, those that were leading to the fall of the Berlin wall in 1989. Since its establishment, the Committee had promoted work and devoted its attention to key human rights issues through the development of a series of instruments setting standards and norms in crime prevention and criminal justice, starting from the 1955 Standard Minimum Rules for the Treatment of Prisoners. The intergovernmental debate and eventual adoption of such instruments was possible through the UN Congresses on the Prevention of Crime and the Treatment of Offenders. As Clark noted (1989: 74-76), the debate at the 1980 Congress in Caracas and the 1985 Congress in Milan shifted towards socio-economic issues and indicated a broader attention to the crime context, especially towards a comprehensive approach to include victims. As a group of privileged observers of the...
international scene, the Committee progressively shifted their attention from the perpetrator to the victim, and promptly indicated to the international community the need to be equipped with instruments to ensure adequate protection and support to the victims of crime. This was achieved at the Milan Congress through the adoption of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.7

At the same time, the concept of location of crimes was becoming blurred, as transnational crime was becoming more frequent and aggressive. Barriers to international travel and communications were progressively being removed by the fast process of globalization. Traditional migration flows were changing and quickly being replaced by others towards new destinations. All this generated new opportunities for legal and illegal business.

The UN crime programme was progressively developing a focus on crime prevention based on the new concept of “security” to indicate protection from domestic and transnational crime threats rather than a foreign common enemy as was the case during the cold war. “Human security” and “safety” were more frequently at the centre of discussion and inspiring the work of the Committee, identifying how crime represented a threat to development and prosperity in a more peaceful world. A shift was also visible in the discussion on law enforcement operations, which were largely inspired by policies that put citizens and the community at the centre, rather than a top down repressive approach. The same applied to the sanctioning and corrections philosophy, which was progressively realizing the implications of relying excessively on imprisonment and developing alternative measures, many community-based, which were likely to facilitate the reintegration of offenders in the society. Indeed, alternatives to imprisonment was the topic of the workshop at the Eighth UN Congress, held in Havana in 1990.

After the Havana Congress, 1991 was entirely devoted to preparations for the transformation of the Committee into a fully-fledged UN Commission, with the meetings held in Vienna in August8 and in Paris in November9 representing the most important milestones. At the end of 1991, UNICRI hosted the first meeting of its new Board of Trustees, composed by Tolani Asuni (Nigeria),

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Pierre-Henri Bolle (Switzerland), Dušan Cotič (Yugoslavia), Régis de Gouttes (France), Moustafa El-Augí (Lebanon), José A. Rios Alves da Cruz (Brazil) and Shusil Swarup Varma (India).\textsuperscript{10} Dr. Cotič was appointed President.

The dynamics of changes of the time are extensively documented in several texts,\textsuperscript{11} which look retrospectively at how the work of the UN reflected contemporary intellectual and societal innovations. What remains as the main characteristic of that era, however, is the transition from a positivistic approach, mostly focused on the treatment of the offender, to a broader attention to the overall context, including the surrounding environment, the victim(s) and preventing the risk of further victimization.

At the basis of the establishment of the Crime Commission there were considerations still valid today. In the Statement of Principles, included in the 1991 GA Resolution calling for the creation of an effective UN Crime Prevention and Criminal Justice Programme, there is the following statement: “We believe that rising in crime is impairing the process of development and the general well-being of humanity and is causing general disquiet within our societies. If this situation continues, progress and development will be the ultimate victims of crime.”\textsuperscript{12} The debate on the relationship between crime and development was becoming central, also in light of global changes which brought attention to a new concept of “development,” to take into account the category of “countries in transition,” which started with the fall of the Berlin wall, to progressively include all post-socialist countries.\textsuperscript{13}

In April 1992, the first session of the Commission on Crime Prevention and Criminal Justice took place in Vienna. As it was subsequently noted, “the Committee had sacrificed its own existence to allow the new Commission to be formed, motivated by the hope that it would achieve more tangible results.”\textsuperscript{14} The main topics of the Commission, those elaborated by the

\textsuperscript{10} Members of the Board had been selected by the Committee on Crime Prevention and Control at its eleventh session (1990) and endorsed by ECOSOC at its 13th plenary meeting, on 24 May 1990 (Res).

\textsuperscript{11} See for example Ram, 2012 and Redo, 2012.


\textsuperscript{13} Research on crime and development carried out by UNSDRI/UNICRI included Zvekić (1990) and Zvekić (1992).

\textsuperscript{14} See UNCJIN, 1993.
outgoing Committee, included emphasis on national and transnational organized crime, including the protection of the environment through criminal law; crime prevention in urban areas, juvenile and violent criminality; and efficiency, fairness and improvement in the management and administration of criminal justice, with emphasis on building / strengthening capacity for data collection and analysis, as well as computerization of criminal justice systems.

This “menu” resisted for several years as the direction for the UN crime prevention and criminal justice programme, representing a valid indication for intergovernmental work and research. The Ninth Congress, held in Cairo in 1995, included a high number of workshops aimed at bringing together researchers, practitioners and diplomats to discuss progress on many related topics. The *Guidelines for the prevention of urban crime*, another important piece of “soft law” was adopted.15

Emphasis on research at the time ultimately led to the shift from “certainty” to “doubt.” Indeed, parallel to the opening of borders and increased availability of information, also came a growing awareness of how much was still unknown and how difficult it was to universally apply some of the new crime prevention principles. For example, as one of the arguments used to support the need to establish an effective crime programme, in 1990 the Committee stated that “crime was increasing at a global average of 5 per cent per annum, well beyond the rise in population growth” and “developed countries devoted 2-3 per cent of their budgets on crime prevention and criminal justice, whereas the comparable figures for developing countries were 9-14 per cent.”16 Despite the correct approach to the problem, such statements were based on total confidence in the validity and comparability of relevant data, which paradoxically started declining as long as more information on their composition and collection methods became available. Probably nobody would hazard such bold statements today, but much of what has been learned in the past twenty years depended on a consistent shift towards evidence-based policies and impetus given to studies looking

at successes and failures of different policies, what works and what does not work, towards the long season of “best practices.” For example, the *International Crime (Victim) Survey*, which involved approximately 70 countries worldwide and is, by now, recognized as one of the most prominent sources of quantitative information on crime, started in 1989.

This approach was particularly close to the way Cotič worked and is what I learned from him. When I started working for UNSDRI/UNICRI, I was curious to learn what “action-oriented research” meant. Applied research was at the basis of the work of the Committee, with frequent interactions between Committee members and UNSDRI. International comparative research produced recommendations which made the final products ready to use for practitioners and policy makers. The role of the Committee was crucial in transforming theory into practice, making research findings step down from the “Ivory tower” to become helpful tools for those who every day enforce the law, run prisons, or draft legislation. The combined work of UNSDRI and the Committee, especially through the Crime Congresses, made it possible to involve and reach experts and practitioners from all corners of the world under a UN global mandate.

In that period, UNSDRI carried out several international comparative studies involving experts from different contexts and regions. Dr. Cotič was the guiding expert behind many of them, although his name appears as the author only in the case of *Drugs and punishment* (1988). For example, he was the promoter of the debate around the study on *The death penalty: A bibliographical research* (1988), and, together with Duncan Chappell, helped me and Jennifer Norberry in the development of the structure and analysis of *Environmental Crime, Sanctioning Strategies and Sustainable Development* (1995). I recall the brainstorming process we went through with him to construct terms of reference for the preparation of country reports as the most stimulating exercise. Dr. Cotič could easily identify where problems of comparability and uneven quality of reports would arise, and was generous of suggestions on how to overcome the challenge of bringing the final analysis to a sufficient level of depth and coverage. Dr. Cotič has developed over the years a vast experience in handling information from different parts of the world, based on having been a judge and an active networker, feeding his curiosity to expand the horizon and breaking down barriers or impediments.

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to learning about different criminal justice systems. Look at what systems have in common, find a sort of minimum common denominator, then develop case studies as examples of issues in which they differ. This very simple advice, which I will never forget, made my first steps into international comparative analysis much easier and more meaningful.

References


Ecosoc Resolution 1979/19


UN doc. A/RES/40/32

UN doc. A/RES/40/34
Preko granica u potrazi za najboljim praksama:
Međunarodna uporedna kriminologija u UN

U ovom radu analiziraju se promene fokusa Komiteta Ujedinjenih nacija za prevenciju i kontrolu kriminala kroz vreme i formiranje nove Komisije za prevenciju kriminala i krivičnu pravdu. Fokus rada je na doprinosu Dušana Cotiča, poslednjeg predsednika Komiteta.

**Ključne reči:** Dušan Cotič, Komitet Ujedinjenih Nacija, transformacija.