

‘The Curious Case of the Fall in Crime¹: The Rise of Human Rights?’

1. Introduction

Around the summer of 2013, several high-ranking newspapers, specialised weeklies and (governmental) internet sites² reported on a rather curious decline in crime in the UK and the US as well as in other Western countries, in particular over the last two decades. These crime categories especially concern ‘contact’ crimes such as homicide, rape, knife-, gun- and gang-related crimes or domestic assault³. As a result, the political scene warmly welcomed the fall in crime, emphasising “the efforts by their police forces in combatting crime and delivering a better service to the public despite savings and reforms in the security department” (statement by the UK Crime Prevention Minister Norman Baker on 17 October 2013).

Some enquiries within and outside police forces however, question the credibility of the data, mentioning that the police is overstating the rate of the decrease in the fall in crime, that it ‘games’ the figures or fails to properly record incidents in respect of relevant counting rules⁴. As this concerns only minor cases, it clearly reveals a kind of skepticism towards statistics claiming the tendency of a ‘safer’ world with less violence.

Despite controversy in the UK on the reliability of crime figures, the United Nations Office on Drugs and Crime (UNODC) has lately revealed evidence of a global decline in the number of intentional homicides worldwide over the last 20 years⁵; most countries (for example, 15 out of 20 OECD members who provided complete data⁶) showed clear evidence of a declining homicide rate since 1995. In addition, it seems that the global economic and financial crisis has had no major disruptive effect on the fall of violence in most Western-Europe countries and the US, even during the recession⁷.

¹ Title based on an eponymous article in The Economist (20-26 July 2013) as a basis for this ‘Open Thoughts’ paper.

² For example: the Financial Times (18 July 2013); The Guardian (17 October 2013); for similar results, see appendix ‘Sources consulted: newspapers articles’.

³ Burglary, car theft, vandalism etc., are so-called ‘property crimes’ and less related to the fall in crime.

⁴ In 2013, Gwent Police (UK) failed to record 25 incidents in line with the relevant Home Office counting rules.

⁵ http://www.unodc.org/documents/data-and-analysis/statistics/crime/Homicide_statistics2012.xls.

⁶ Countering the trend: a rise of violent crime in France (+5%), Belgium (+7%), Sweden (+14%), Luxemburg (+32%) and Denmark (+34%).

⁷ This phenomenon appeared during the Great Depression in the US, when unemployment hit 25%, the crime rate in many cities went down.

2. The fall in crime: multiple reasons?

A series of studies on 'Crime and Conflict', carried out between 2004 and 2010 by the Centre of Economic Performance (CEP) at the London School of Economics, on the fall of violence related crime in the UK between the late 1990s and late 2000s, reveals that no single factor can be isolated as the main cause of falling crime rates⁸.

Depending on the region and even country-related, different combinations of causes and actions seem to have led to this major fall in crime. Some efforts, however, are more important and have had more impact on society as a whole. Other explanations could be considered more as wishful thinking rather than being supported by medical, sociological or other studies, or are later contradicted by more thorough research⁹.

Based on different sources consulted, the number of factors that could have played (and still do play) a critical role in the decline of violence-related crimes, is quite limited. Yet, some crucial factors do seem to contribute in a major way:

- **Better policing:** policing has become more disciplined over the last two decades; nowadays, it tends to be driven by the desire to reduce crime, rather than simply to maximise arrests. One of the most important innovations in this respect is what is called "hot-spot policing". The great majority of crimes tend to occur in the same places, where (pro)-active police resources can be deployed. The hot-spot idea helped to increase the effectiveness of the New York Police Department's Compstat program, which uses computerised maps to pinpoint where crime is taking place and enables police chiefs to hold precinct captains responsible for targeting those areas. Moreover, the advent of DNA-testing, mobile phone location and surveillance cameras have all increased the risk being caught¹⁰.

⁸ Source : <http://cep.lse.ac.uk>.

⁹ As an example of the latter, the levels of lead in petrol and lead-based paints has been considered to affect people's behaviour and made them more likely to commit crimes. For decades, doctors have observed that children with high levels of lead in their blood are much more likely to be aggressive, violent and delinquent. In 1974, the U.S. Environmental Protection Agency required oil companies to stop adding lead to gasoline. At the same time in the U.S., lead in paint was banned for any new homes (though old buildings still have lead paint, which children can absorb). Research done by Jessica Reyes, a professor of public health policy at Amherst College, shows a convincing relationship between lead exposure and crime. Reyes discovered demand for leaded gasoline declined unevenly in states around the country beginning in the 1970's, with some States banning leaded gasoline early while others continued to sell the product well into the 1980's. She found that in States where the consumption of leaded gasoline declined slowly, crime declined slowly. In the States where it declined quickly, crime declined quickly. Alfred Blumstein (Professor of Public Policy at Carnegie Mellon University in Pittsburgh) acknowledges the creativity of this theory, but said that just because lead emissions and crime rates have the same downward trend doesn't necessarily mean that one caused the other; correlation is not causation (ref: <http://www3.amherst.edu/~jwreyes/papers/LeadBehavior.pdf>).

¹⁰ A project led by Birmingham University economist Siddhartha Bandyopadhyay, explored this very question. Its base was a panel data analysis of police recorded crime rates in the 43 police force areas that make up England and Wales from 1992 to 2008. The analysis identified a consistent relationship between (pro)-active police detections and interventions and recorded crime. In essence, the greater the proportion of recorded crimes detected in a previous year, the lower the crime rate was in the following year. This applied to a broad range of crime types, including major types of acquisitive crime, but also violence against the person and sexual offences (ref: <ftp://ftp.bham.ac.uk/pub/RePEc/pdf/10-26.pdf>).

Studies on the connection between the size of the police force and crime rates have shown a positive correlation between the increase of the number of police and the reduction of crime, allowing for a certain time lapse of some weeks to some months, due to (delayed) political response to a criminal situation. According to research results, the efforts in investing in additional police officers can be estimated at one-tenth to one-fifth of the overall decline in crime¹¹.

- **Incarceration:** the sharp rise in the prison population is a remarkable phenomenon over the past two decades. One obvious reason is that – due to better police research and prosecution - many more people are in prison than in the past, especially in the US and some Western Europe countries (*inter alia*, Belgium, France¹²). Experts differ on the size of the effect, but most of them believe that greater numbers of people incarcerated can explain about one-quarter or more of the decline in crime.

Imprisonment's crime-reduction effect can help to explain why crime rates are lower in the U.S. than in the United Kingdom. The difference results not from the willingness to condemn convicted offenders to prison, which is about the same in both countries, but in how long America keeps them behind bars. The length of prison sentences would appear to reduce acquisitive crime, especially burglary and fraud, but not violent crime. A key mechanism here is likely to be straightforward incapacitation of the individual offenders incarcerated. Longer sentences might also deter other potential offenders in the individual's local area.

Still, prison cannot be the sole reason for the recent drop in crime in this country: Canada has seen roughly the same decline in crime, but its rate of imprisonment has been relatively flat for at least two decades. Sweden has recently even closed down 4 of its detention centers, due to the 'lack' of incoming inmates and as a result of the re-integration programmes for former inmates offered upon their release by the Swedish government¹³.

While longer average prison sentences should reduce crime, sending more offenders to prison however seem not to be effective. A good crime reduction strategy would target persistent offenders for comparatively long sentences, while avoiding sending less serious offenders to prison whenever possible. It is though doubtful that long prison sentences only, whether for serious or less serious offenders, are solely responsible for reducing crime.

- **Advances in technology:** advances such as CCTV, DNA-profiling and better burglar alarm systems have helped to deter criminals. Potential victims may have become better at protecting themselves by equipping their homes with burglar alarms, putting extra locks on their cars and moving into safer buildings or even safer neighbourhoods.

¹¹ Levitt, Steven D.; "Understanding why crime fell in the 1990s: four factors that explain the decline and six that do not", Center for Advanced Study in the Behavioral Sciences, Stanford University, California; Journal of Economic Perspectives – volume 18, number 1, p.176-177.

¹² Incarceration overcrowding leads undeniably to other violence related disputes.

¹³ Ref.: <http://www.dawn.com/news/1056295/4-jails-closed-in-sweden-after-fall-in-crime>.

Technology however often generates new opportunities for crime and then produces a solution that shuts down those same opportunities. For example, the arrival of mobile phones meant that snatch theft became much more lucrative, but now many mobile phones can be locked remotely, rendering it much more difficult to sell them on and urging criminals to look for alternatives¹⁴.

- **Alcohol and substance abuse:** alcohol consumption (especially by young people) has fallen in the past decade leading to a reduction in street brawls and late-night attacks. Law enforcement has worked with community groups for years to develop social programs to help keep youths engaged, provide them with outlets, and to combat crime. Those efforts may finally be paying off, criminologists say¹⁵.

Drug abuse (especially hard drugs such as crack and heroine) is often accompanied by violence; the end of the crack-cocaine epidemic in America in the nineties and the unemployment related heroine-addiction in Europe in the eighties has reduced significantly crime related violence. The junkie culture, which existed in the seventies-eighties, is slowly fading away; junkies are getting older, while the use of specific drugs (*inter alia* laboratory assembled amphetamines) today is more linked to wealth rather than poverty and unemployment. This change in drug abuse still generates nuisance- but less crime-related violence.

- **Demographic and societal phenomena and its relationship on young people:** demographics are often linked to crime rates as countries with a high youth population tend to be more violent. One factor contributing to the downward trend in crime may be simple demographics: young people commit the most crime, and young people now make up a smaller percentage of society¹⁶.

In some countries, young people are increasingly more sober and well-behaved, living longer with their parents and benefitting from a better education and accompaniment, in combination with a higher level of education (in the European Union, 28% of adults aged 25-34 still live at home). Domestic violence provoked by youngsters, for example, has fallen by three-quarters in Britain and two-thirds in America. It is clear that changes in behaviour following several programmes by the community, accompanied by parental education, plays a significant role in decreasing the number of crime related-violence by youngsters.

¹⁴ Will Tanner of the Reform think tank, also acknowledges the major target role of the spread of car immobilisers and burglar alarms and points out that car crime has fallen from 4.3m thefts in 1993 to fewer than 1.1m in 2012. He adds that the latest figures should also be seen as a blow to those who argue that fewer police officers or deep budget cuts always mean more crime. See link in footnote n°13.

¹⁵ For the relationship between alcohol and violence: <http://www.nber.org/reporter/fall01/markowitz.html>.

¹⁶ The median age in the US has reached its highest point ever at 36.7 years, according to a 2010 estimate by the Central Intelligence Agency's World Factbook. This is up from 35.3 years in 2000 and 32.9 years in 1990, according to census figures ([ref: http://www.csmonitor.com/USA/2010/0524/US-crime-rate-is-down-six-key-reasons](http://www.csmonitor.com/USA/2010/0524/US-crime-rate-is-down-six-key-reasons)).

The role of significant persons in society (role-models) and their psychological impact on young people cannot be neglected. The inauguration of the first black president of the US re-legitimised the government in the eyes of many African-Americans. For many sociologists¹⁷, the so-called '*Obama effect*' could be considered as a plausible reason why young – mostly African-Americans and thus more vulnerable to crime related incarceration – people in the US were reengaged in the political process, leading - *inter alia* - to the broadening of their vision of what is possible in their life, and to avoid involvement in urban violence and thus compromising an uncertain future.

As mentioned above, the recent economic-financial recession would appear to have played no major role in the decline in violent crimes; on the contrary, during the Great Depression, when unemployment hit 25%, the crime rate in many cities went down. Among the explanations offered for this enigma is that unemployment and poverty were so common during the Great Depression that families grew closer, devoted themselves to mutual support, and kept young people, who might be more inclined towards criminal behaviour, under constant adult supervision. Nowadays, because many families are weaker and children have more independence, the same effect will not be reproduced so that certain criminologists continue to suggest that a 1% increase in the unemployment rate should produce as much as a 2% increase in property-crime rates.

3. The fall in violent crime: tendencies

As mentioned above, there is not one overspanning explanation for the drop in crime. Instead there are many smaller reasons. Good policies can help, but sometimes government is essentially a bystander while social and technological factors play themselves out. The state is not omnipotent in the face of crime.

The fall in violence related crime shows a remarkable parallel with the rise of other types of crime; 'wealth related crimes' such as the theft of well-known brands and high value objects related to a higher living standard, for example, expensive smartphones, denoting a highly materialistic society where status is measured by external ostentatious displays of material wealth, are gradually replacing raw violence related crime.

The explosive rise of cybertechnology has engendered also several new types of crime, without any form of (physical) violence but with the same goals: extracting / defrauding money and goods by means of 'social engineering'¹⁸ creativity; bank card fraud, identity theft and similar types of crime. To combat them need different approaches, measures and accompanying technologies to combat them.

¹⁷ *Inter alia*, Prof. Randolph Roth (Ohio State University); Prof. Elijah Anderson (Yale University); Prof. Alfred Blumstein (Carnegie Mellon University – Pittsburgh).

¹⁸ 'Social engineering' is a field that gives cyber-crooks freedom to show their creativity.

(Religious) extremism is becoming more and more a real threat to the 'relative' world security. Due to geopolitical religious reasons, the danger of a spread of this kind of extremism to non-concerned and moderate countries is a real threat which all government should heed.

Last but not least, the rise of violence related organised crime in certain parts of the world that is amassing colossal incomes by means of illicit and illegal activities (for example, drug trafficking, largescale organised prostitution rings, human trafficking), cannot be neglected and needs strong and specific answers.

4. Impact of the fall in crime on human rights

The effects of crime on human rights

Human rights are commonly defined as a 'set of international norms helping to protect all people from severe political, legal and social abuses'¹⁹. All forms of crime, especially violence related crime, affect directly or indirectly human rights; crime compromises the defense of human rights within society. It poses a threat on public security and provides a potential danger for political instability, especially in societies in transition, but also in societies with a long-term tradition of political stability²⁰. Crime creates an environment which is not conducive to the maintenance of human rights standards. Therefore any sustained drop in crime levels contributes to the upholding of human rights.

Combatting crime: effects and (unintended) consequences on human rights

States generally have two options when responding to crime²¹; first, they may enter into *collaborative action* with civil society groups and approach crime from a 'community policing' point of view. The extent of collaboration varies, the critical element being the presence of a co-operative relationship between security forces and civil society participants with regard to (a) particular programme(s). This method corresponds to the values and principles of democratic society, lightening the burden with regard to the maintenance of human rights within society.

Community policing is for the most part appropriate in stable political societies, using local communities and civil society organisations to prevent and temper any form of crime. Situation adapted training in police academies (including courses on preserving basic human rights prepare policemen and –women on how to react (and pro-act) in different situations where violence is involved. Different programmes on witness and victim protection help to combat crime by removing a fear of retaliation. External oversight mechanisms assure greater transparency and accountability of security forces in the protection of human rights.

¹⁹ Nickel, J. "Human Rights"; Stanford Encyclopedia of Philosophy (ref.: www.plato.stanford.edu).

²⁰ Cavallaro, J. and Mohammad-Mahmoud O. M.: "Public Enemy Number Two?: Rising Crime and Human Rights Advocacy in Transitional Societies"; Harvard Human Rights Journal, 2005 / Vol. 18, p. 139-165

²¹ Ibid., p. 149-152. "Crime, Public Order and Human Rights", International Council of Human Rights Policy, report, 2003, p. 26-27.

As the nature and effects of collaborative action are rather slow, a second, more rapid method is often used to combat crime, namely the 'hard line' or *authoritarian response*, involving an increase in the severity of punishment for crimes, shorter court procedures, longer incarceration, more brutal methods of prevention, and so on. This approach however includes pernicious consequences with regard to the principles of human rights and civil liberties.

Authoritarian regimes often rely on these kinds of methods by introducing questionable laws on the statute books, weakening the rights of citizens more widely. More than the above-mentioned actions, these regimes have no qualms in attacking the 'peace keepers' and human rights defenders, because they fear accusations against their corrupt or dictatorial attitude. In authoritarian systems, often doubtful measures infringe human rights protection: sentencing people and removing the possibility of parole for offences against the government, inappropriate and excessive police violence tolerated by public authorities, attacks by police officers and victims' rights groups against those who ask for righteous justice, political manipulation of public security issues condoning the government's inability to tackle public insecurity, and so on. If a state itself is a potential abuser of the rights of the people, it remains the primary provider of the services essential to justice and to the protection of life and property. The state must ensure its own complete security and protection system to all (national and international) human rights norms and standards, limiting its wilfulness.

Impact of the approach to crime and its effects on human rights

A nutrition project in the Eastern Cape Province in South Africa some years ago clearly demonstrated the link between crime and human rights, in particular a case of corruption²²²³. Whatever the origin, size or consequences of a criminal act, human rights will be always impacted. Most governments' anti-crime policies prioritise actions against violence related 'contact crimes' ((attempted) murder, (attempted) rape, common assaults), due to the following reasons: firstly, constitutional and international obligations to preserve and protect life and property; secondly, the impact of crime on public morale and socio-economic factors such as financial growth and job creation, and finally, the negative sensational reporting of crime²⁴.

The public's perception of human rights being threatened by crime and the public's interaction with the authorities are thus crucial when considering how human rights are acknowledged and protected within society. Spontaneous public perception is however often influenced by the media, which tends to exaggerate and sensationalise crime. Especially in times of hyper-mediatisation

²² The nutrition project targeted public primary schools in the poorest communities and provided school children with food. The rationale behind the project was that it is impossible for children to learn on empty stomachs. Therefore, the provincial government made resources available to render it possible for children to enjoy their right to food, which in turn enabled them to enjoy their right to a basic education. Due to misappropriation of funds, fraudulent payments of claims and even the questionable quality of food, the school nutrition project had to be discontinued, necessitating an intervention by the provincial government to punish the accused.

²³ "Crime and its impact on Human Rights: ten years of the Bill of Rights"; South African Human Rights Commission, Crime Conference 22-23 March 2007; <http://www.sahrc.org.za/home/21/files/Reports/Crime%20Conference%20Report.pdf2007.pdf>; p. 20.

²⁴ Ibid., p.20.

(*inter alia*, by means of social media), this phenomenon leads to a situation where public opinion takes the role of 'public prosecutor' towards (though not yet convicted and thus presumed innocent) actors of criminal facts, even before they have been summoned before a court thus infringing the basic human rights of the latter²⁵. This risks throwing off balance the rights of the criminals and those of the general public.

5. Observations and conclusions

Can the fall in crime be considered a 'return to the norm' by stating that violence is gradually declining over millennia? In his book *"The better angels of our nature: why violence has declined"*, Steven Pinker presents a large amount of data (and statistical analysis thereof) that, he argues, demonstrate that violence has been in decline over millennia and that the present is probably the most peaceful time in the history of the human species. The decline in violence, he argues, is enormous in magnitude, visible on both long and short time scales, and found in many domains, including military conflict, homicide, genocide, torture, criminal justice, and the treatment of children, animals, racial and ethnic minorities, and gay people. He stresses that "The decline, to be sure, has not been smooth; it has not brought violence down to zero; and it is not guaranteed to continue". If this were to be the case, the sudden rise in violence in the 1960's could be considered as an aberration due to political and social factors surrounding the 'baby boomer' generation and, therefore, society is returning to its normal status²⁶.

An efficient and effective fight against violence related crime by governments (and derived therefrom police services, justice departments, detention departments, social agencies) implies a correct use of rules and procedures in line with international human rights standards.

The fall in violence related crime can be considered as an incentive for governments to continue their efforts in procuring real security in society. On the contrary, major attention has to be drawn by national and international authorities on emerging new crime types, like bank fraud, money-wire scams, trade in personal information by social engineering, or cybercrime, who are probably less violent than contact crimes but causes enormous damage to their victims. The trade in human beings, regardless the origin of this illegal trafficking²⁷, deserves the highest attention and the most thorough responses from all actors²⁸ because of the violation of the victim's rights and their commercial exploitation²⁹.

²⁵ In Belgium, a recent case (6 January 2014) of a premature and unfair conviction by public opinion towards the owner of a car driving dangerously on the highway putting other road users in a awkward situation, considering that the owner was the driver (which in fact was not the case), launched a public debate on the role of the media (*inter alia*, Facebook) and the attitude of the public towards the protection of privacy.

²⁶ Pinker, Steven ; *"The better angels of our nature : why violence has declined"*; Viking Books, 2011.

²⁷ Structural factors : poverty and globalisation, political or institutional instability, social norms marginalising value and status of women and girls. Criminal factors: sex related trafficking, trafficking of children...

²⁸ *Inter alia*, the Council of Europe *"Convention on Action against Trafficking in Human Beings"* adopted by the Committee of Ministers on 3 May 2005, entering into force on 1 February 2008.

²⁹ Human trafficking represents an estimated \$32 billion of international trade per annum, of the illegal international trade estimated at \$650 billion per annum in 2010. See Haken, Jeremy: *"Transnational Crime in the Developing World"*, Global Financial Integrity, February 2011.

6. Recommendations

As the main defender of Human Rights, Democracy and the Rule of Law on the European continent, the Council of Europe has a major role to play in helping and supporting (member)-states to prevent and combat all sorts of crime affecting the human rights of the citizens of Europe. Several programmes, some of them in collaboration with other (international) organisations, have been set up especially to prevent and combat raw violence related crime especially against vulnerable persons (women, children), 'interpersonal' types of crimes based on race, religion, gender and new forms of crime related to technology (*inter alia*, cybercrime).

The decrease in violence related crime in favour of new forms of crime is a societal phenomenon which must be seriously taken into account when defining short-, middle- and long-term policies of both the Council of Europe and its member states. The Council of Europe must maintain its leading role by providing legal anchors and effective programmes to the benefit of national governments in combatting all types of crime, especially those against vulnerable persons. The member states must keep in mind the importance of implementing their international legal obligations to the fight against crimes by transforming these principles into national law and practice.

At the same time, the Council of Europe must be aware that any new type of crime which is directly affecting human rights need efficient and effective action at its level, requiring in-house knowledge and expertise, which often already exist on national (police, judiciary and academic) levels. Close co-operation with (national) experts, academics and think tanks is crucial for the Council of Europe, in order to continue the fight against existing forms of crime and to foresee and remain proactive on new forms of crime, thus protecting the human rights of all citizens.

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