



# **Towards the definition of Sustainable Development-Led Approaches in Crime Prevention and Treatment of Offenders: Key Conceptual References<sup>1</sup>**

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## **I. Violence, crime and responses to them**

Violence and criminal behaviour have a negative impact on many dimensions of the lives of citizens and families, and have always been considered an obstacle to the sustainable development of communities, their institutions and societies as a whole. Among diverse human, social and economic costs, crime and violence affect not only our life expectancy, our GDP and our public budgetary allocations, but also our everyday lives and routines, our social cohesion and our public spaces, eroding people's confidence in the State and generating wide support for negative repressive measures.

All societies have generated complex security, law-enforcement and justice mechanisms to protect law-abiding citizens from deviant conduct and from fear of becoming a victim of crime. Within these response systems, both repressive and preventive measures have been considered and implemented in order to reduce levels of violence and crime.

On one side, repressive measures have been usually applied as a reactive and retributory strategy to generate both deterrence or inhibition of criminal behaviour through fear of the consequences, as well as "discipline and punishment" as a response to the wrong being committed. The visibility, immediate effects and public opinion impact of repressive measures in responding to objective levels of crime and insecurity (or to the subjective fear of them) have become strong incentives for favouring and escalating these measures, which usually rely exclusively on a simple menu consisting of police action, arrests and judicialization, extended periods of pre-trial detention, and long and sometimes disproportionate prison terms and other penalties. In most countries and their local jurisdictions, diversion programs, alternatives to incarceration and restorative justice measures remain only promising paths that have received very limited development and investment.

A penal populist narrative typified by the slogans "tough on crime", "iron fist" and "zero tolerance" has been installed in some jurisdictions, justifying the use of excessive force and levels of lethal

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<sup>1</sup> Extract from the background document for the Regional Colloquium "Empowering vulnerable communities and women for sustainable development", Chiang Rai, Thailand, 27 January 2018.

violence (including the militarization of law enforcement<sup>2</sup> and even extrajudiciary killings<sup>3</sup>) with little consideration for human rights. This has resulted in further strengthening of criminal networks, serious human rights violations – particularly against youths and minors – and abuse of authority and congestion in already overcrowded prisons, with no concern for the theoretical rehabilitative nature of the penitentiary system.

Many professionals and scholars believe that the use of imprisonment should be avoided to the extent possible and that punishments should be moderate, restrained, proportionate, and respectful of the human rights of offenders.<sup>4</sup> But, nonetheless, the use of imprisonment is overwhelming. In many countries, the arbitrary and even illegal application of pretrial detention is a chronic problem, instead of pretrial detention being considered an exceptional measure by nature and subject to legality, necessity and proportionality.<sup>5</sup> Moreover, prisons in many countries are affected by overpopulation and harsh living conditions, with tangible threats to the life, dignity, personal safety, proper nutrition, physical and mental health, access to legal protection and other basic human rights of many inmates (for example from the overuse of solitary confinement).<sup>6</sup>

And once people leave prison or are on probation or parole, support is scarce, added to the weight of having to deal with a criminal record which, in most cases, makes job or social reinsertion almost impossible and, in practice, turns the sanction for a minor offence into a heavy “life sentence”.

On the other side, preventive interventions, specially community and social crime prevention, have traditionally been less considered and funded, although there is a growing trend among many countries to develop preventive efforts to address specific types of violence.<sup>7</sup> A growing number of studies have demonstrated that violence can be prevented. Based on systematic reviews of the scientific evidence for prevention, three UN agencies (WHO, UNODC & UNDP) have identified seven “best buy”

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<sup>2</sup> As a very recent example, the new Homeland Security Law (Ley de Seguridad Interior) of Mexico, has been recently approved by the Mexican Assembly on 15 December 2017. This law, drafted in very vague language, deepens the militarization of law enforcement within the country and limits the accountability and controls on the military forces regarding human rights abuses. It has been strongly criticized by the Office of the UN High Commissioner for Human Rights (OHCHR) (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22535&LangID=E>) and the Inter-American Commission on Human Rights (CIDH) of the Organization of American States (<http://www.oas.org/es/cidh/prensa/comunicados/2017/200.asp>).

<sup>3</sup> As an example, see the Statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur appointed by the UN Human Rights Council to help States, and others, to promote and protect the right to the highest attainable standard of health, urging the Government of the Philippines to stop unlawful killings of people suspected of drug-related offences, Geneva, August 2016. See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20388>

<sup>4</sup> *Ibidem*.

<sup>5</sup> Interamerican Commission on Human Rights (IACHR), “Report on Measures Aimed at Reducing the Use of Pretrial Detention in the Americas”, Washington DC, 2017. See: <http://www.oas.org/en/iachr/reports/pdfs/PretrialDetention.pdf>

<sup>6</sup> “The overuse of solitary confinement in prisons around the world is becoming an increasing concern. Some form of short-term isolation from the rest of the prison population is used almost everywhere as punishment for breaches of prison discipline. However, many states increasingly use solitary confinement routinely and for longer periods of time. In the United States, for example, it is estimated that 80,000 individuals are being held in some form of isolation”. From: <https://www.penalreform.org/priorities/prison-conditions/key-facts/>

<sup>7</sup> The 13th United Nations Congress on Crime Prevention and Criminal Justice which took place in Doha, Qatar in April 2015, which was guided by the theme “Integrating crime prevention and criminal justice into the wider UN agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”, featured discussions on the promotion of comprehensive crime prevention strategies to support sustainable development, in anticipation of the adoption of the 2030 Sustainable Development Agenda.

strategies that can potentially reduce multiple types of violence and help decrease the likelihood of individuals perpetrating violence or becoming a victim of violence: 1. developing safe, stable and nurturing relationships between children and their parents and caregivers; 2. developing life skills in children and adolescents; 3. reducing the availability and harmful use of alcohol; 4. reducing access to guns and knives; 5. promoting gender equality to prevent violence against women; 6. changing cultural and social norms that support violence; and 7. victim identification, care and support programmes.<sup>8</sup>

Preventive interventions require sound information, research and analysis of the drivers of violence and crime within a specific context, multi-stakeholder intersectorial interventions and careful planning in order to reduce the risks and promote protection factors while targeting diverse underlying structural causes. They also require strong articulation and political will and, usually, a longer-term approach and investment that does not combine well with the electoral need of decision-makers to show their constituency quick results.<sup>9</sup>

This being true, it is also important not to lose sight of the need to improve the coercive function of the State, as this produces positive added value for our societies and their development. Partial strategies that are based exclusively on coercive or preventive notions, however, and which do not consider their coherence with the justice system and with civility values and human rights are not sufficient. Effective security means reducing crime rates and reducing the risk of being a victim of a crime. The suspected offenders must also be free of abuses to their rights, which must be protected in their entirety in case the suspects are subject to criminal proceedings and a sanction. Finally, security with equity requires the universal protection of all citizens and not only of those who can afford it”.<sup>10</sup>

Social imaginaries based on fear of and disgust over crime-related individuals, populations and territories keep favouring punitive (and ineffective) measures, which are mainly based on confinement and punishment, and do not offer many pathways for rehabilitation and social reintegration. This feeds a never-ending cycle of relapse and re-offending and an inter-generational transmission of violence, social exclusion, inequality and poverty. At the same time, fear of crime, violence and insecurity encourage citizens to favour security laws and policies that limit the exercise of their own basic civil, political and social rights. They also generate “changes to social cohesion, in the level of trust people have in State institutions, and in the generation of dynamics of urban segregation that undermine public spaces”.<sup>11</sup>

As a result, tougher approaches not only have failed to achieve their objective of reducing levels of violence and crime but have also been detrimental to human security, sustainable development, democratic governance and human rights. Along with budget shortfalls, they are responsible for the sluggishness of the criminal justice system, the erosion of its legitimacy, the overpopulation of prisons

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<sup>8</sup> WHO, UNODC, UNDP, “Global Status on Violence Prevention”, Luxembourg, 2014.

<sup>9</sup> As an example, a recent econometric study of United States data by the political scientist P.K. Enns (2014, 2016) shows that violent crime rates, at least in the United States, are closely correlated not only with the development of penal policy as measured by the rate of change in the imprisonment rate but also with public levels of punitiveness, which seems likely to be a key driver of politicians’ electoral concern with developing effective penal policies (from: N. Lacey, D. Soskice, D. Hope, “Understanding the Determinants of Penal Policy: Crime, Culture, and Comparative Political Economy”, *Annual Review of Criminology*, Oct. 2017. See: <https://doi.org/10.1146/annurev-criminol-032317-091942>).

<sup>10</sup> UNDP, “Human Development Report for Central America 2009-2010: Opening spaces to citizen security and to human development”, October 2009.

<sup>11</sup> UNDP (2013), on “Regional Human Development Report for Latin America and the Caribbean 2013-2014: Citizen security with a human face – Evidence and proposals for Latin America”, New York, November 2013.

and the deterioration of living conditions and human rights within penitentiary institutions, as well as for higher rates of re-offending. They fail to make communities safer and inclusive.

It is illustrative that since the year 2000, the total world prison population has grown by almost 20% (over 40% in the Americas, 80% in Central American countries and 145% in South American countries), and by 50% in the case of women (in contrast with 18% in the case of men). Thailand has the sixth largest total prison population and the ninth highest prison population rate in the world,<sup>12</sup> and the second highest female prison population rate.<sup>13</sup> (Thailand is first within the ASEAN region on all three indicators.)

Additionally, the negative impact of security and criminal justice policies and interventions has been felt disproportionately primarily by the most vulnerable, including the poor, the excluded, the stigmatized and the discriminated.

On the other hand, in most countries, law enforcement and criminal justice systems lack capacity and confront legal and political obstacles when dealing with corporate and public corruption, tax evasion, international organized crime and money laundering.<sup>14</sup> This can all be summed up as a “tough on the weak, weak on the tough” approach<sup>15</sup> that in many jurisdictions has deteriorated the social contract and increased inequality.

Another clear example of these deficits in capacity and biased treatment are the alarming levels of impunity to be found in some countries, along with a prison system crisis and public distrust of justice and police institutions. These deficits have generated a move towards the privatization of security, which tends to deepen inequality regarding access to security and leaves unresolved the challenges that States face as the main guarantors of citizen security. In parallel, family, school and community links that promote cooperation and peaceful coexistence have lost strength in some contexts, opening space to solutions based on fear and distrust, such as vigilantism, as well as support for “tough on crime” policies.<sup>16</sup>

For many decades, these impacts on sustainable development have been mostly disregarded, as many systems became tougher, prioritizing force, punishment and incarceration over prevention and rehabilitation, and relying on evaluations that only looked at the numbers of people being “processed through the system,” and at official crime incidence indicators. The whole picture of impacts and

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<sup>12</sup> Thailand has a prison population 319,479 individuals, which corresponds to a rate of 472 per 100.000 in population (as of 11.01.2017). Data from the National Prison Administration. See: <http://www.prisonstudies.org/country/thailand>

<sup>13</sup> Data from the Institute for Criminal Policy Research, “2017 World Female Imprisonment List”. See: [http://www.prisonstudies.org/sites/default/files/resources/downloads/world\\_female\\_prison\\_4th\\_edn\\_v4\\_web.pdf](http://www.prisonstudies.org/sites/default/files/resources/downloads/world_female_prison_4th_edn_v4_web.pdf)

<sup>14</sup> The unique experience of the International Commission Against Impunity (CICIG) in Guatemala is an excellent example of the need to think differently and of the difficulties in advancing against powerful criminal actors with strong links with corrupt public officials, security forces, political parties and private businesses.

<sup>15</sup> Juan Carlos Garzón, “Tough on the weak, weak on the tough”, Wilson Center, September 2015. See: [https://www.wilsoncenter.org/sites/default/files/tough\\_on\\_the\\_weak\\_-\\_garzon.pdf](https://www.wilsoncenter.org/sites/default/files/tough_on_the_weak_-_garzon.pdf)

<sup>16</sup> UNDP, “Regional Human Development Report for Latin America and the Caribbean 2013-2014: Citizen security with a human face – Evidence and proposals for Latin America”, New York, Nov. 2013. See: <http://www.undp.org/content/undp/en/home/librarypage/hdr/human-development-report-for-latin-america-2013-2014.html>

costs for the sustainable development of countries, as well as for individuals, families<sup>17</sup> and communities has never been drawn. One factor seems to be that for many governments, the well-being of those who are the most dispossessed is not in practice a high priority.

## II. Development, violence and crime

*“We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights. Unless all these causes are advanced, none will succeed”.*

UN Secretary General Kofi Annan in his report “In larger freedom: towards development, security and human rights for all”, 2005

Insecurity has a negative impact upon the lives and welfare of people, their communities and institutions, and it is also associated with human development deficits and challenges. Although the correlates of violence and crime are multidimensional (and linked to personal, family, situational, institutional, political, legal, cultural and other factors), there is an economic and socio-structural dimension that points to elements linked to development-related problems, such as poverty, low quality unemployment or insufficient social mobility and inequality, which increase the risk of criminal behavior and the vulnerability of societies towards such behaviour. These development “maladjustments” can increase crime in the following three ways:<sup>18</sup>

- By increasing the number of individuals predisposed to engage in criminal conduct, serving as a "seedbed" for offenders; for example, dysfunctional families or a high incidence of young marginalized young males without work or education.
- By facilitating the commission of crimes, providing the "opportunity" to commit them; quick and disorganized urbanization and the availability of weapons are some examples.
- By creating a specific "context" or social climate in which persons tend to believe that violent or criminal behaviour are acceptable; economic inequality and exclusion, conflict or transitions from conflict situations, political violence or a violent culture such as those that seem to accept violence against women, would be in this category.

These factors do not act in isolation, but interact with, and sometimes reinforce, one another. It is the unique combination and degree of intensity of these factors that will give a clear picture of the vulnerability of specific countries, territories or populations to crime and violence. Reading and analyzing them in a comprehensive way is the first step towards the design and correct implementation of effective policies.

In regions such as Latin America, the most violent in the world, the analysis of national-level data has not shown a direct correlation of economic growth, reduction of poverty or unemployment with

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<sup>17</sup> For example, the incarceration of a parent has a direct impact on the transgenerational transmission of conduct problems and delinquency, along with other problems. “In their widely-cited systematic review, Loeber & Stouthamer-Loeber (1986) conducted an early meta-analysis of the parenting/ family factors associated with conduct problems and delinquency in youth. The three most important factors in their review were parental supervision, which was negatively associated with behavioral problems, parental rejection, which was positively associated with delinquency, and parent–child involvement, which was negatively associated with conduct problems.” From Matt DeLisi and Michael G. Vaughn, “Correlates of Crime”, in “The Handbook of Criminological Theory”, edited by Alex R. Piquero, John Wiley and Sons Publishers, West Sussex 2016. See: [https://www.lawethiopia.com/images/law\\_books/The.Handbook.of.Criminological.Theory%20\[Dr.Soc\].pdf](https://www.lawethiopia.com/images/law_books/The.Handbook.of.Criminological.Theory%20[Dr.Soc].pdf)

<sup>18</sup> UNDP, “Human Development Report for Central America 2009-2010: Opening spaces to citizen security and to human development”, October. 2009.

the sharp increase in homicidal violence during the last decade.<sup>19</sup> However, this picture changes once we shift our focus to local realities and specific communities or populations that have not benefited from a decade of continuous growth. Insecurity in the region has a multi-dimensional explanation, which includes the precariousness of employment, persistent inequality, and insufficient social mobility, added to other social, historical and political factors.

Most individual-level studies find that economic status has a weak effect on self-reported crime, but there is consistent evidence that persistent poverty and unemployment are strongly related to crimes involving interpersonal acts of violence and theft.<sup>20</sup> Epidemiological studies also show that antisocial behaviour is higher in neighbourhoods that are severely disadvantaged. “Bad” neighbourhoods also tend to have low collective efficacy, which is the degree of togetherness, informal social controls, and social networks that allow residents to overcome crime and deal with other local problems.”<sup>21</sup>

Accordingly, in these contexts, the involvement of persons in criminal activities cannot be simplified by referring to the classical lack of control-motivation or need/greed equations. The influence of illicit economies and actors (as well as the influence of the criminal justice responses) on development, livelihoods and governance has to be fully understood in order to provide realistic responses to development problems. Also, the harsh criminalization of these populations, through globally exported policies such as the “war on drugs” or “zero tolerance” measures, added to the lack of State presence, capacity or political will, has exacerbated poverty, inequality and exclusion, making them and their families even more dependent on illicit economies and vulnerable to abuse and repression.

Along this line, some critical authors<sup>22</sup> claim that the “unforeseen and unprecedented upsurge” in punishment reflected in the growth of the prison population in the last decades in many jurisdictions is a fundamental part of a policy of “penalization of poverty”, which was not driven by a worrying rise in crime, but as a response to the social insecurity and urban dislocations brought by the economic deregulation, the casualization of wage labour, and reductions in investments in social policy. The “expansion of the penal state ... is itself tied to the atrophy of the social state”,<sup>23</sup> targeting the same stigmatized population at the margins. In essence, “the invisible hand of the deregulated market called for and necessitated the iron fist of criminal justice at the bottom of the class structure”.<sup>24</sup>

### **III. Necessary elements for the construction of Sustainable Development-led Approaches in Crime Prevention and Treatment of Offenders**

*“There is nothing wrong in the seeds of bonsai trees, they have within them all the potential to grow into a beautiful tree. It is because we put them in a small pot, that it grows only into a tiny tree.*

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<sup>19</sup> UNDP, “Regional Human Development Report for Latin America and the Caribbean 2013-2014: Citizen security with a human face – Evidence and proposals for Latin America”, New York, November 2013. See: <http://www.undp.org/content/undp/en/home/librarypage/hdr/human-development-report-for-latin-america-2013-2014.html>

<sup>20</sup> Aaltonen, Kivivuori, & Martikainen, 2011; Farnworth, Thornberry, Krohn, & Lizotte, 1994; Jarjoura, Triplett, & Brinker, 2002; Thornberry & Christenson, 1984.

<sup>21</sup> Matt DeLisi and Michael G. Vaughn, “Correlates of Crime”, in “The Handbook of Criminological Theory”, edited by Alex R. Piquero, John Wiley and Sons Publishers, West Sussex 2016. See: [https://www.lawethiopia.com/images/law\\_books/The.Handbook.of.Criminological.Theory%20\[Dr.Soc\].pdf](https://www.lawethiopia.com/images/law_books/The.Handbook.of.Criminological.Theory%20[Dr.Soc].pdf)

<sup>22</sup> See Loïc Wacquant, “Punir les pauvres”, 2004.

<sup>23</sup> See Loïc Wacquant, *Les Prisons de la Misère* (Paris: Raisons d’agir Editions, 1999; translated as *Prisons of Poverty*, Minneapolis, MN: University of Minnesota Press, 2009).

<sup>24</sup> See Loïc Wacquant, “The Body, the Ghetto and the Penal State”, 2008.

***The same is true for us humans. Poor people are bonsai people because we deny them the proper base, the proper space to develop into fully developed human beings".***

Professor Muhammad Yunus, Bangladeshi "Banker of the poor", in the foreword to the book "The Power of Dignity: The Grameen Family", 2008.

The importance of peace, justice and safety for sustainable development has been on the global agenda for a long time, along with discussions on concepts such as human security and citizen security. These are directly linked to the concept of human development.

The global consensus synthesized in 2015 in the complex and comprehensive 2030 Agenda for Sustainable Development incorporates these objectives not only as an integrated part of a multidimensional vision of sustainable development, but also playing a fundamental enabling role for the rest of the 2030 Agenda. This vision has also been captured in the final document of the New Urban Agenda, Habitat III, in 2016.

In issues such as crime prevention and the treatment of offenders, the international community has already produced important guidelines and international agreements, as well as resolutions directed to the need to develop alternatives to incarceration and the promotion of legal aid. These guidelines represent an important reference for the development of relevant national legislation and a practical guidance for the design, implementation and management of interventions.

Also in the justice sphere, mediation and restorative justice approaches should become a promising point of reference and could provide more adequate responses to crime by ensuring a proper balance between the rights of individual offenders, the rights of victims and the concern of society for public safety, conflict and crime prevention.

Moreover, some sustainable development-based policy approaches developed in other related areas of intervention, such as public health or drug policy, appear as a necessary point of reference for the discussion on how to construct a sustainable development-based approach to crime prevention and treatment of offenders. Public health approaches incorporate the application of the scientific method to interventions, as well as important concepts such as harm and risk reduction, and a direct connection with the comprehensive body of work on the social determinants of health. The drug policy field incorporates, on the one hand, important lessons learned throughout the path of alternative development/livelihoods interventions for rural populations involved in the cultivation of plants used in the production of illicit drugs; and on the other, a promising sustainable development-led approach to drug policy generated (by UNDP and other stakeholders) along with the UN discussions on the 2030 Agenda and the 2016 UNGASS on drugs, which calls for a closer assessment and monitoring of the impact of drug policy on sustainable development objectives.

### ***1. The 2030 Global Sustainable Development Agenda: peace, justice and safety***

In September 2015, a high-level meeting of the General Assembly adopted the global 2030 Agenda for Sustainable Development, an ambitious blueprint for a better world, with broad, universal and transformative goals. The 2030 Agenda was adopted by consensus by all member States of the UN, which committed to fully implementing its 17 Sustainable Development Goals (SDGs) and 169 associated targets.

Some SDGs refer specifically to peace, justice and safety objectives. Goal 16 of the Agenda recognises that reducing conflict, crime, violence, discrimination, and ensuring the rule of law, inclusion and good governance, are key elements of people's well-being, and essential for securing sustainable

development. Goal 11 explicitly highlights the promotion of safe, inclusive and resilient cities. This must be achieved through equitable development, safeguarded by fair, humane and effective crime prevention and criminal justice systems as a central component of the rule of law.<sup>25</sup>

The 17 Sustainable Development Goals need to be implemented on all levels in order to progressively become a reality.<sup>26</sup> The required changes to advance in this agenda will happen only under policy coherence conditions. Each individual target and goal will need to be viewed in an interactive vision of impacts and synergies with other goals and targets, making analysis and action more complex and effective.<sup>27</sup>

In this light, Goal 16 is a valuable and important aspiration not only in its own right, but also as an **important enabling goal for the entire Sustainable Development Agenda**. “Goal 16 and the entire SDG agenda embrace the core elements of a social contract between state and society as it seeks to ensure a match between people’s expectations of what the state and other actors will deliver ... and the institutional capacity and inclusive political processes available”.<sup>28</sup> For this reason, there is a need to integrate the targets of Goal 16 across other SDGs.

As a consequence, development agencies as well as other sectors involved in sustainable development at the international, national and local level (social services, education, health, labour, culture and sport, youth, the environment, private sector, and academia) cannot continue to avoid dealing also with criminal justice and security issues. The structural causes and consequences of development and the persistence of violence and crime problems need to be fully understood and incorporated in sustainable development thinking, problem solving, planning and programming. Leaving law enforcement and criminal justice issues exclusively in the hands of security and justice operators, abandoning many of those left behind to their misfortune, could well be seen as an exercise in irresponsibility on the part of those sectors and stakeholders that should have a leading role in building comprehensive and effective solutions.

And this is an issue of capital importance for the 2030 Agenda, due to the overwhelming negative impact of crime and violence and, at the same time, of law enforcement and criminal justice interventions on those left behind. If we want to reach those within “the last mile” of poverty and inequality, this work represents an unavoidable responsibility.

This approach and its elements have also been captured in the New Urban Agenda – Habitat III, adopted in Quito in September 2016, guided by the interlinked principles of leaving no one behind (“including by “promoting safety and eliminating discrimination and all forms of violence”), sustainable and inclusive urban economies, and environmental sustainability.

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<sup>25</sup> UNODC (2016). Contribution by UNODC in implementing the 2030 Agenda for Sustainable Development, and a proposed role of the CND and CCPCJ in reviewing the progress of the SDGs. E/CN.15/2016/CRP.1. See: [https://www.unodc.org/documents/commissions/CND/CND\\_Sessions/CND\\_59/ECN72016\\_CRP1\\_V1601406.pdf](https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_59/ECN72016_CRP1_V1601406.pdf)

<sup>26</sup> UNDP, “Advancing the SDGs by Building Peaceful, Just and Inclusive Societies (2017-2021)”, project document, January 2017. See: [http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Conflict%20Prevention/Advancing\\_SDGs\\_%20by\\_%20Building\\_Peaceful\\_Just\\_Inclusive\\_Societies.pdf?download](http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Conflict%20Prevention/Advancing_SDGs_%20by_%20Building_Peaceful_Just_Inclusive_Societies.pdf?download)

<sup>27</sup> Douglas Frantz, “The Romeo and Juliet of Economic Transformation”, OECD Insights Blog, January 2016. See <http://oecdinsights.org/2016/01/16/the-romeo-and-juliet-of-economic-transformation/>

<sup>28</sup> UNDP, “Advancing the SDGs by Building Peaceful, Just and Inclusive Societies (2017-2021)”, project document, January 2017. See: [http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Conflict%20Prevention/Advancing\\_SDGs\\_%20by\\_%20Building\\_Peaceful\\_Just\\_Inclusive\\_Societies.pdf?download](http://www.undp.org/content/dam/undp/library/Democratic%20Governance/Conflict%20Prevention/Advancing_SDGs_%20by_%20Building_Peaceful_Just_Inclusive_Societies.pdf?download)

## ***2. Human development, human rights, human security and citizen security***

The concept of human development<sup>29</sup> represents a landmark in the way development is understood by the international community. It recognizes that the true wealth of nations are their people, and that the main objective of development must point to the creation of conditions to allow people to experience long, healthy and creative lives. Therefore, it is understood as a process that enlarges the choices, liberties and capacities of people for their well-being and health, and also to have access to necessary resources and knowledge to live decent lives.

Within this concept of “freedom to be and to do”, the human security idea was developed around the fact that “people can exercise these options in a safe and free way”.<sup>30</sup> The objective of human security is “to safeguard the vital core of all human lives from critical pervasive threats, in a way that is consistent with long-term human fulfillment.”<sup>31</sup> Human security complements State security, enhances human rights and strengthens human development. It seeks to protect people against a broad range of threats, grouped into seven main insecurity categories: economic, food, health, environmental, personal, community and political insecurity.<sup>32</sup>

Within this wider framework, the concept of citizen security appears as a “specific form of human security, which can be defined initially as the universal protection against violent or predatory crime. Citizen security is, therefore, understood as a necessary dimension of human development for it eliminates threats that restrict people’s options and alter, in a “sudden and painful” way, the daily life of the victims”<sup>33</sup>. It refers to the social situation in which all persons are free to enjoy their fundamental rights, and public institutions have sufficient capacity, under the rule of law, to guarantee the exercise of these rights and to respond efficiently when they are violated. Thus, the citizen is the principal focus, and operates in partnership with credible, effective and legitimate institutions of the state.

The concept of citizen security is the one that best lends itself to addressing the problems of crime and violence from a human rights perspective. It represents an uncontroversial move towards an approach that focuses on building a stronger democratic citizenship, while making clear that the central objective of the policies established is the individual person, and not the security of the State or a given political system. Protection from crime becomes, therefore, an essential component of citizenship, not only as a moral claim, but also as a legal obligation of the State, which should have important implications regarding security policy and programs.

Citizen security has an immediate connection with freedom, which is the essence of human development. “Crime is an “option” or an opportunity to whoever commits it, but it is precisely the option that a human being must discard because it destroys unfairly other people’s options. And other than

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<sup>29</sup> “Human development is all about human freedoms: freedom to realize the full potential of every human life, not just of a few, nor of most, but of all lives in every corner of the world—now and in the future. Such universalism gives the human development approach its uniqueness”, Human Development Report 2016: “Human Development for Everyone”, UNDP, March 2017.

<sup>30</sup> UNDP, “Human Development Report”, New York, 1994. See: [http://hdr.undp.org/sites/default/files/reports/255/hdr\\_1994\\_en\\_complete\\_nostats.pdf](http://hdr.undp.org/sites/default/files/reports/255/hdr_1994_en_complete_nostats.pdf)

<sup>31</sup> Sabina Alkire, “A Conceptual Framework for Human Security”, Working Paper 2, Centre for Research on Inequality, Human Security and Ethnicity, CRISE, University of Oxford, 2003.

<sup>32</sup> UNDP, “Human Development Report for Central America 2009-2010: Opening spaces to citizen security and to human development”, Oct. 2009. UNDP, “Human Development Report for Central America 2009-2010: Opening spaces to citizen security and to human development”, October 2009.

<sup>33</sup> *Ibidem*.

this immediate impact on other people's lives, criminal activities also affect other economic, social and political variables and processes that facilitate human development. That is why, citizen security focuses on six main threats which have a direct and negative impact on human development: street crime; violence and street crime exercised against and by young people; gender violence; corruption; illegal violence by State agents; and organized crime. Crime is, therefore, an undesirable option and its best antidote is the existence of legitimate alternatives".<sup>34</sup>

An "intelligent citizen security policy should underline the creation of valuable and legitimate opportunities to decrease the risk of crime ("prevention") to compensate the victims ("compensation") and to bring development also to the offender ("rehabilitation)".<sup>35</sup>

But not all forms of protection against crime are acceptable, and some, in fact, increase citizen insecurity. Citizen security policies and programmes need to protect people in the most efficient, free, participatory, sustainable and equitable way, in full respect of the rule of law, freedom and justice. Citizen security policies that do not take into consideration or restrict civil rights or procedural guarantees, or degrade the security of the poorest or most excluded people, may seem apparently effective but will aggravate problems in the long term and generate additional costs.

A citizen security policy inspired by human development has to understand that security is not the only value to be protected nor is it a value that can be insured regardless of respect for equity and freedom. First, because security is meant to protect options and freedoms of all people in an equitable way, specially for those who are most vulnerable. Second, because everyone's security implies freedom for all and justice for all: freedom for potential victims (freedom from fear); freedom for the presumed or proven perpetrators of the offence (freedom versus arbitrariness); justice for crime victims (compensation, or commutative justice) and justice for the most vulnerable people to be better protected (distributive justice).<sup>36</sup>

Moreover, "citizen security must not be understood exclusively as a simple reduction of the rates of crime and violence. It must be the result of policy aimed at devising a comprehensive strategy and differentiated responses that should include: over-all improvements to the quality of life of the population; community action to prevent crimes and violence; an accessible, agile, and effective justice system; and education based on values for peaceful co-existence, respect for the law, tolerance, and the building of social cohesion".<sup>37</sup>

### ***3. International guidelines and agreements on crime prevention, treatment of offenders and alternatives to incarceration***

#### *i. Crime prevention strategies alongside criminal justice reform*

*"There is clear evidence that well-planned crime prevention strategies not only prevent crime and victimization, but also promote community safety and contribute to the sustainable development of countries. Effective, responsible crime prevention enhances the quality of life of all citizens. It has long-term benefits in terms of reducing the costs associated with the formal criminal justice system,*

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<sup>34</sup> UNDP, "Human Development Report for Central America 2009-2010: Opening spaces to citizen security and to human development", October 2009.

<sup>35</sup> Ibidem.

<sup>36</sup> Ibidem.

<sup>37</sup> Ibidem.

***as well as other social costs that result from crime. Crime prevention offers opportunities for a humane and more cost-effective approach to the problems of crime.***

(Paragraph 1 of the Guidelines for the Prevention of Crime, 2002)

Two sets of crime prevention guidelines have been adopted by the UN Economic and Social Council, in 1995 and 2002. They are the Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention (Economic and Social Council resolution 1995/9, annex), and the Guidelines for the Prevention of Crime (Council resolution 2002/13, annex). Together with more recent resolutions, they stress that crime prevention strategies must be established alongside criminal justice reform.<sup>38</sup>

Given the increasing concentration of crime and victimization in cities, the Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention focus on how to design and implement crime prevention in urban areas. They recommend that cooperation projects for urban crime prevention be based on a local approach to crime problems and the use of an integrated crime prevention action plan that should be based on a local diagnosis of problems and involve a range of actors, consider the relevance of such factors as housing, health and education and consider providing for action ranging from primary prevention to the prevention of recidivism.

*ii. Guidelines for criminal justice reform in the treatment of prisoners: the Nelson Mandela Rules and the Bangkok Rules*

Two other sets of international guidelines need to be taken into consideration in the area of the treatment of offenders. On one side, the United Nations Standard Minimum Rules for the Treatment of Prisoners were first adopted in 1957, and revised between 2010 and 2015 at intergovernmental expert group meetings, with the revised version adopted by the United Nations General Assembly on 17 December 2015 (they are called the “Nelson Mandela Rules” in honour of the former President of South Africa who spent 27 years in prison and advocated for the rights of prisoners). The 2015 revision represents a significant improvement which reflects recent advances and best practices in correctional administration and a human rights focus, previously absent, providing greater protection for persons deprived of liberty and recognition of their rights as well as more up-to-date guidance to prison administrations.<sup>39</sup> These rules are widely regarded by states as the primary source of standards related to treatment in detention, and also represent the main framework used by monitoring and inspection mechanisms in assessing the treatment of prisoners. They incorporate the principle of treatment with respect for the dignity and value as human beings and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

On the other side, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (‘the Bangkok Rules’) were adopted by the UN General Assembly in December 2010 and fill a long-standing lack of standards providing for the specific characteristics and needs of women offenders and prisoners. They also give guidance to policy makers, legislators, sentencing authorities and prison staff in reducing the imprisonment of women, and in meeting the specific needs of women in case of imprisonment. The Bangkok Rules are crucial to protecting the rights of women offenders and prisoners, explicitly addressing the different needs that women have and the different situations they come from. The Bangkok Rules recommend the greater use of non-custodial measures, with adequate safeguards for victims and offenders, including women and girls

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<sup>38</sup> UNODC, “Handbook on the crime prevention guidelines: Making them work”, Vienna, 2010.

<sup>39</sup> NGO Group Briefing on “The Process of Review of the UN Standard Minimum Rules for the Treatment of Prisoners”, January, 2016. See: <https://cdn.penalreform.org/wp-content/uploads/2013/07/Joint-NGO-Briefing-SMR-Review-updated-January-2016.pdf>

and other offenders who are vulnerable or come from disadvantaged backgrounds, while outlining key considerations for the proper design and implementation of gender-sensitive non-custodial measures. They are also the first international instrument to address the needs of children in prison with their parent.

*iii. UN Minimum Rules for non-custodial measures, implementation of alternatives to imprisonment and principles and guidelines for legal aid*

The high cost of incarceration at the personal, family and community levels has led the international community to promote a more varied menu of non-custodial measures to persons “subject to prosecution, trial or the execution of a sentence, at all stages of the administration of criminal justice”. Imprisonment needs to be seen as a last resort measure throughout the entire process of a person’s involvement with the criminal justice system, from pre-trial to post-sentencing dispositions.

The UN standard minimum rules for non-custodial measures (the “Tokyo Rules”), approved in 1990, provide a set of basic principles to promote the use of non-custodial measures, as well as minimum safeguards for persons subject to alternatives to imprisonment, as well as to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society, facilitating rehabilitation and reintegration processes.

In May 2017, the UN Commission on Crime Prevention and Criminal Justice passed a resolution entitled “Promoting and encouraging the implementation of alternatives to imprisonment as part of comprehensive crime prevention and criminal justice policies”. This resolution encourages Member States “to promote, as appropriate, alternatives to imprisonment, from the pretrial stage to the post-sentencing stage, taking into account the background, gender, age and other specific circumstances of offenders, including their vulnerability, and the objective of their rehabilitation and reintegration into society”; “to build capacity and provide adequate resources for the effective implementation of alternatives to imprisonment, taking into account the potential role of the community, civil society and the private sector, where appropriate, in the provision of legal aid and the treatment, social rehabilitation, reintegration and, as necessary, aftercare of offenders”; “to enhance the capacity of criminal justice officials and practitioners”; and “in cooperation with academia and civil society, where appropriate and in accordance with domestic law, to promote the monitoring and evaluation of the use of alternatives to imprisonment in order to assess their effectiveness in the rehabilitation and reintegration of offenders”.

Also important to note are the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, in which it is stressed that legal aid could play an important role in facilitating diversion and the use of community-based sanctions and measures, including non-custodial measures. This document, approved by General Assembly resolution 67/187 of 20 December 2012, states that legal aid is an essential element of a fair, humane and efficient criminal justice system that is based on the rule of law and that it is a foundation for the enjoyment of other rights, including the right to a fair trial, as a precondition to exercising such rights and an important safeguard that ensures fundamental fairness and public trust in the criminal justice process.

*iv. Mediation / restorative justice*

Restorative justice is an old concept rooted in many ancient indigenous conflict-resolution mechanisms. Its modern articulation appeared in the late 1970s as an alternative to conventional youth and criminal justice practices and, since then, it has become an important criminal justice reform dynamic in many jurisdictions. It feeds on the rise of restitution during the 1970s, on the victim’s rights and support movements of the 1980s and on other critical approaches to criminal justice reform, including

the prison abolition movement.<sup>40</sup> Since then, it has been growing in importance in many national jurisdictions in all regions of the world.

Restorative justice programmes are based on the fundamental principle that criminal behaviour not only violates the law, but also injures victims and the community. These programs “are based on the belief that parties to a conflict ought to be actively involved in resolving it and mitigating its negative consequences. They are also based, in some instances, on a will to return to local decision-making and community building”.<sup>41</sup>

Restorative justice “provides an opportunity for victims to obtain reparation, feel safer and seek closure; allows offenders to gain insight into the causes and effects of their behaviour and to take responsibility in a meaningful way; and enables communities to understand the underlying causes of crime, to promote community wellbeing and to prevent crime”.<sup>42</sup>

Nevertheless, restorative justice programs should be used only where there is sufficient evidence to charge the suspect, and with the free and voluntary consent of both the victim and the suspect. Agreements should contain reasonable and proportional obligations.<sup>43</sup>

These approaches are also seen as means to encourage the peaceful expression of conflict, to promote tolerance and inclusiveness, build respect for diversity and promote responsible community practices”.<sup>44</sup> Restorative justice programmes can, therefore, be used to reduce the burden on the criminal justice system, to divert cases out of the system and to provide the system with a range of constructive sanctions.

In 1999, the UN Economic and Social Council (ECOSOC) requested the Commission on Crime Prevention and Criminal Justice to consider the desirability of formulating United Nations standards in the field of mediation and restorative justice. A Group of Experts on Restorative Justice was convened and, in 2002, the Basic principles on the use of restorative justice programmes in criminal matters were approved.

Among other principles found in this document is the requirement that there exists “sufficient evidence to charge the offender” and “the free and voluntary consent of the victim and the offender” in order to use restorative processes. It also recommends Member States to “establish guidelines and standards, with legislative authority when necessary, that govern the use of restorative justice programmes”.

Regarding the effectiveness of restorative justice interventions, findings are quite consistent:<sup>45</sup> Satisfaction with the processes is higher for both victims and offenders than with court processes; restitution and other obligations by the offender are more likely to be completed; victims who participate in

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<sup>40</sup> Daniel W. Van Ness, “An overview of restorative justice around the world”, Centre for Justice & Reconciliation at Prison Fellowship International, Washington DC, 2005.

<sup>41</sup> UNODC, “Handbook on Restorative Justice Programmes”, New York, 2006. See: <http://tprisons.com/downloads/Resortative%20Justice.pdf>

<sup>42</sup> ECOSOC Resolution 2002/12, “Basic principles on the use of restorative justice programmes in criminal matters”, 2002. See: <https://www.unicef.org/tdad/basicprinciplesuseofrj.pdf>

<sup>43</sup> Ibidem, Principles 7 and 13.

<sup>44</sup> UNODC, “Handbook on Restorative Justice Programmes”, New York, 2006. See: <http://tprisons.com/downloads/Resortative%20Justice.pdf>

<sup>45</sup> Daniel W. Van Ness, “An overview of restorative justice around the world”, Centre for Justice & Reconciliation at Prison Fellowship International, Washington DC, 2005.

restorative processes report that they feel more secure; offenders who participate have a greater understanding of the harm they have caused, feel more empathy toward their victims, and are less likely to repeat their delinquent or criminal behaviour in the future; and offenders who go through restorative processes are less likely to reoffend than those who proceed through criminal court.

#### **4. Public Health**

##### *i. The public health approach to violence prevention*

Since the early 1980s, the field of public health has been an interesting point of reference in the field of violence prevention.<sup>46</sup> A wide range of public health practitioners, researchers and systems have set themselves the tasks of understanding the roots of violence and preventing its occurrence. They have found that violence can be prevented and its impact reduced, in the same way that public health efforts have prevented and reduced other health-related problems such as pregnancy-related complications, workplace injuries, infectious diseases, and illness resulting from contaminated food and water in many parts of the world. The factors that contribute to violent responses – whether they are factors of attitude and behaviour or are related to larger social, economic, political and cultural conditions – can be changed.

By definition, public health is not about individual patients. Rather, the concern is to prevent health problems and to extend better care and safety to entire populations.<sup>47</sup> Public health is interdisciplinary and science-based and emphasizes collective action. Its principles provide a useful framework for the investigation and understanding of the causes and consequences of violence and for preventing violence from occurring through primary prevention programmes, policy interventions and advocacy. This approach consists of the following four steps, based on the scientific method:<sup>48</sup>

1. Defining the problem through the systematic collection of information about the magnitude, scope, characteristics and consequences of violence.
2. Establishing why violence occurs, using research to determine the causes and correlates of violence, the factors that increase or decrease the risk for violence, and the factors that could be modified through interventions.
3. Finding out what works in preventing violence, by designing, implementing and evaluating interventions.
4. Implementing effective and promising interventions in a wide range of settings. The effects of these interventions on risk factors and the target outcome should be monitored, and their impact and cost-effectiveness should be evaluated.

This public health approach is usually combined with two other theoretical models: the typology of violence, which is a tool to help organize thinking about the types of violence and the ways in which violence occurs; and the ecological framework, which gives a structure for understanding the contexts within which violence occurs and the interactions between risk factors in each of these contexts and

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<sup>46</sup> Dahlberg LL, Krug EG., “Violence: a global public health problem”. In: Krug E, Dahlberg LL, Mercy JA, Zwi AB, Lozano R, eds. “World Report on Violence and Health”. Geneva, Switzerland: World Health Organization; 2002.

<sup>47</sup> Center for Disease Control (CDC), “The Public Health Approach to Violence Prevention”. See: <https://www.cdc.gov/violenceprevention/overview/publichealthapproach.html>

<sup>48</sup> WHO, Violence Prevention Alliance. See: <http://www.who.int/violenceprevention/en/>

between them, in order to design effective interventions. Cities such as Cali, in Colombia, have applied a public health approach to violence prevention, mainly through alcohol and firearms restrictions, resulting in dramatic reductions in violence and homicides in the city.<sup>49</sup>

*ii. The public health approach to drug policy*

***It is time for a smarter, health-based approach to drug policy. This means ending the criminalisation and demonisation of people who use drugs and non-violent, low-level drug offenders. These people should be offered support, not punishment. We need a balanced system which emphasises public health, human rights and development as well as law enforcement.***

Kofi Annan, former UN Secretary-General, Chairman of the Kofi Annan Foundation and Member of the Global Commission on Drug Policy

The Outcome Document of the 2016 UNGASS on drugs recognizes “drug addiction as a complex multifactorial health disorder characterized by chronic and relapsing nature” that is preventable and treatable and not the result of moral failure or criminal behavior. Nonetheless, most of the responses used in addressing substance use disorders have been based on punishment, and the criminal justice system plays a major role in this scheme.

Moreover, neither of these two conceptions recognize that there are patterns of drug use that do not result in significant harm or health problems and therefore do not require intervention.<sup>50</sup> Other than the minority of persons who experience health, social and labor problems related to drug-use, most users have been using substances in a non-problematic way.

Although drug policies globally are slowly moving towards a more balanced and comprehensive approach that highlights public health and development outcomes, the interdiction and criminalization of drugs and of the activities connected with use (possession, buying and selling, sharing, cultivating) are still the norm and have generated many additional problems, much greater than those drug policy aims to avoid: the generation of a profit-fuelled black market with its own dynamics and control mechanisms and the vulnerability to violence from market actors or criminal prosecution by State authorities. It also produces a process of marginalization of users and other persons linked to drugs, seriously hampering their access to basic services, treatment and support for reintegration. It limits scientific research about the therapeutical uses of illicit drugs or prescription of pain relief and palliative medication.<sup>51</sup>

Scientific evidence is clear in showing that substance use disorders are brain disorders; that they can be treated; that people with even the most severe forms can recover with access to evidence-based treatment and social supports; and that criminal sanctions are ineffective in preventing or addressing

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<sup>49</sup> The former mayor of Cali, Dr. Rodrigo Guerrero, was awarded the Roux Prize (University of Washington) in 2014 for this intervention. This award is intended for anyone who has used health evidence in innovative ways to improve population health.

<sup>50</sup> New York Academy of Medicine (NYAM) and the Drug Policy Alliance (DPA), “Blueprint for a Public Health and Safety Approach to Drug Policy, New York, 2013. See: <http://www.drugpolicy.org/public-health-safety-approach-drug-policy>

<sup>51</sup> Global Commission on Drug Policy, “Advancing Drug Policy Reform: A new approach to decriminalization”, Geneva, 2016. See: <http://www.globalcommissionondrugs.org/wp-content/uploads/2016/11/GCDP-Report-2016-ENGLISH.pdf>

these disorders.<sup>52</sup> And not only are sanctions ineffective: for example, the “inability to justify rationally the use of prisons as a way to protect health, coupled with the unequal use of criminal law ... , suggests that drug laws have more a vocation for social control than for health protection”.<sup>53</sup>

Assuming a public health approach to drug policy has clear consequences for the type of policy tools and interventions that are to be used when dealing with drug-related problems. According to WHO, the critical public health elements of a comprehensive, balanced and inclusive drug policy are the following:

a) *Prevention of drug use and reduction of vulnerability and risks*: This is an essential approach to achieving better public health outcomes, including prevention of substance-induced mental disorders, injuries and violence (traffic and domestic injuries, child abuse, and gender-based, sexual and other violence), communicable diseases (notably HIV, viral hepatitis and tuberculosis), sexual and reproductive health problems (notably sexually transmitted infections, unplanned pregnancies and complicated pregnancies) and noncommunicable diseases (notably cancer, cardiovascular diseases and liver diseases).

b) *Treatment and care of people with drug use disorders*: This has been shown to be effective in reducing substance use and the associated health and social consequences, for example by reducing drug-related crime and the associated costs on the criminal justice system and health care. The costs of treatment and care are much lower (in the magnitude of 13 to 1) than the indirect costs of drug use disorders and associated health conditions, which include the costs of unemployment and absenteeism, crimes, the criminal justice system and law enforcement, as well as premature mortality and disability. Nevertheless, coverage is still very low, with only one out of six problem drug users having access to some type of treatment.

c) *Prevention and management of the harms related to drug use*: This is part of a public health promotion framework to prevent, reduce and mitigate the harms of drug use for individuals and communities, while not requiring abstinence from drug use. Evidence shows that through evidence-based programming, it saves lives, and improves the lives of people who are affected by drugs or drug policies. There is also strong evidence that these programmes benefit the entire community through reduced crime and public disorder, making it possible to address issues of poverty, social isolation, stigmatization/marginalization, domestic and other forms of violence and public health.

d) *Ensuring the availability of controlled substances for medical and scientific purposes* is one of the objectives of the international drug control conventions, and a necessary part of a public health approach to drug policy, due to the fact that worldwide 85% of patients who need medication for severe pain do not have access to it. The existence of drug laws has made it hard to cover medication needs in many countries with respect to palliative care, emergency and essential surgical care and anesthesia.

WHO also recommends the development of appropriate monitoring and evaluation systems at the national, regional and global levels, covering not only drug use in populations at different stages of life or the drug-attributable disease burden, but also, and more importantly, the public health impact of measures taken to counter the drug problem.<sup>54</sup>

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<sup>52</sup> UNODC-WHO Informal International Scientific Network, “Drug use disorders: impact of a public health rather than a criminal justice approach”, published in *World Psychiatry*, Volume 16, issue 2, 2017.

<sup>53</sup> Sergio Chaparro, Catalina Correa, “Prison overdose and drug policy in Latin America”, *Colectivo de Estudios de Drogas y Derecho & Dejusticia*, Bogotá, 2017.

<sup>54</sup> *Ibidem*.

## *5. Sustainable Alternative Livelihoods Development*

Alternative Development (AD) is one of the bases of the securitization of the “drugs-development nexus”. It was initially conceived as a crop substitution strategy, and has survived decades of an ever-present controversial existence, even after it was broadened into more comprehensive concepts such as “Alternative Livelihoods”, “Rural Development in a Drugs Environment” or “Sustainable Alternative Livelihoods Development”.<sup>55</sup>

As the concept note of the present colloquium affirms, “Development-led crime prevention shares fundamental principles with alternative development which is well recognized as a development-oriented drug control policy. By focusing on addressing the vulnerabilities and disadvantages of the offenders which led them to committing the offence, the criminal justice system can strive towards first and foremost to prevent crime and for those who have offended, to provide rehabilitation and skills training for successful reintegration. Such development-led programs should also take into account the background, gender, age and other specific criminogenic needs of offenders. The involvement of local communities can also have a positive effect in facilitating the reintegration of offenders and reducing recidivism”.

Although AD interventions are about development, they have always “danced”, hand in hand, with interdiction drug control enforcement measures, including repressive ones such as fumigation, forced or conditioned eradication, or harsh criminalization of individuals, families and communities involved in illicit cultivation. Taking into account the global scope of the drug markets and the prohibitionist and criminalizing framework displayed throughout the international drug control regime, even the most locally successful programs developed under the AD “trademark”, which might have effectively tackled structural issues behind the involvement of communities in illicit cultivation,<sup>56</sup> are not free from being associated with the harmful displacement to other latitudes of crops and trafficking routes, of poor people linked to its production or transport, and of the violence, repression and other dynamics of the “War on Drugs”, thus affecting additional countries, territories and vulnerable communities. The maintenance through time of a stable supply of plant-based drugs such as cocaine and heroin, generated to respond to a vigorous demand within the global drug black market, is a solid piece of evidence in this sense.

This “dangerous liaison” of AD programs with the objective of prioritizing drug control, security and stabilization measures over human development objectives, has also determined most of the conditions in which AD has been conceived, planned, implemented and evaluated, including being mostly under the coordination of drug control agencies. Alternative development should not be a complement to drug control, but a necessary component of sustainable development for some of the poorest people and communities.

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<sup>55</sup> During the 1998 UNGASS, Alternative Development was defined as “a process to prevent and eliminate the illicit cultivation of plants containing narcotic drugs and psychotropic substances through specifically designed rural development measures in the context of sustained national economic growth and sustainable development efforts in countries taking action against drugs, recognizing the particular socio-cultural characteristics of the target communities and groups, within the framework of a comprehensive and permanent solution to the problem of illicit drugs.”

<sup>56</sup> Like the Thai long-term, non-criminalizing, well-sequenced, people-focused, area-based, comprehensive, sufficiently financed, multidimensional and multiagency Doi-Tung Development Project of the Mae Fah Luang Foundation.

For poor people and communities, including those internally displaced, victims of land grabs, deportees, ex-prisoners or those whose livelihoods have been degraded by economic and development policies, participation in illegal activities is not a wealth-maximizing strategy, but a form of social legitimation, and offers an alternative survival economy.

Experience shows that **only in those rare cases that have centred on improving people's well-being and where the drug control objectives are further down in the list of priorities, AD interventions have an initial chance of being locally successful by both improving human development and reducing dependence on illicit crops.** This experience should be of utmost interest in the reform of law enforcement and criminal justice, especially if we try to reduce both recidivism and dependence on illicit economies.

In this sense, a sustainable development-based proposal for the design, monitoring and evaluation of AD programs needs to take into account not only a comprehensive vision of their positive impact on the participating families and communities, but also the negative impact on sustainable development objectives within the area of intervention and in other areas negatively affected by displacement. Having these elements in mind, a three-pronged approach appears to be a suitable option to account for a holistic view of their impact on people and territories:

- Firstly, the indicators developed to assess success have to measure the positive sustainable impact of the interventions on the well-being of people and communities, towards thriving, resilience and sustainability. In this sense, the 2030 Agenda provides an excellent opportunity to establish different measures of the success of AD interventions.
- Secondly, they also have to measure the negative impact generated by AD programmes and associated drug control strategies for all stakeholders, not only in the intervention area, but also taking into account displacement effects in other communities and territories. Economic, social and environmental impact analyses,<sup>57</sup> expanded to account for these additional displacement effects, should be part of this exercise. Violence, conflict and human right abuses, along with impunity; militarization of public policy; arms proliferation; restrictions of basic liberties; criminalization and imprisonment of the weakest; deterioration of criminal justice systems; forced migration; food insecurity; social and economic exclusion; negation of access to basic services; corruption and predatory behaviours; deterioration of health; environmental degradation; land grabs; increased inequality and wealth and land concentration; lack of participatory channels; and forced and conditioned eradication and elimination of livelihood options are some of the elements that necessarily need to be part of this analysis.
- And thirdly, these indicators and measures of success also need to take into account other aspects of the interventions that will have a direct impact on their sustainability as a development intervention. An initial benchmark that can be referenced in this respect is the international guiding principles developed by AD experts<sup>58</sup> which feed on decades of experience and lessons learned, although this framework needs to be complemented by the existing body

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<sup>57</sup> World Bank, Independent Evaluation Group, "Analyzing the Effects of Policy Reforms on the Poor An Evaluation of the Effectiveness of World Bank Support to Poverty and Social Impact Analyses", Washington D.C., 2010.

<sup>58</sup> Perhaps the most complete document in this sense could be the Report on the International Workshop and Conference on Alternative Development in Chiang Rai and Chiang Mai, Thailand, 6-11 November 2011 (E/CN.7/2012/CRP.3), [https://www.unodc.org/documents/commissions/CND/CND\\_Sessions/CND\\_55/E-CN7-2012-CRP3\\_V1251320\\_E.pdf](https://www.unodc.org/documents/commissions/CND/CND_Sessions/CND_55/E-CN7-2012-CRP3_V1251320_E.pdf). The document on the UN Guiding Principles on Alternative Development adopted in 2012 in Lima is a politically restricted document, reduced to the least common denominator for the multilateral need for consensus. It frames AD once again within the scope of the drug control institutional sphere and fails to open bridges for the development community and institutions to actively participate.

of knowledge and best practices of sustainable development agencies and adapted to their continuing evolution.

## ***6. Sustainable development-based drug policy***

The historical coincidence in time of the discussions on the 2030 Agenda and those on drug policies within the framework of UNGASS 2016, allowed for a more profound revision of the negative impact of drug control on sustainable development. While the international drug policy community evidenced many difficulties in reaching a common outcome document, and there was a clear background of disagreement, in respect of sustainable development the international community presented a comprehensive consensus over an Agenda with 17 Goals and 169 Targets. This particular consensus over the 2030 Agenda opens a very interesting political space of opportunity in order to call for coherence on the part of many Member States in reforming drug policy to a point where it becomes not just free of any hindrances in implementing the 2030 Agenda, but in fact becomes a positive factor in reaching sustainable development results. The importance of this approach would have to be considered on a strong pragmatic basis, as long as it helps the development of innovative, effective, sustainable and people-centered solutions to drug-related problems and a strategic orientation of policy in the convergence of drug policy and sustainable development, targeting the mitigation of harms generated by drug policies and the generation of positive results for human development in countries and regions strongly affected by the negative effects of the “War on Drugs”.

### *Drug policy and sustainable development*

The relationship between drug control and development is, by the essential nature of both issues, complex and multidimensional. On the one hand, the elements that shape and influence human development in our communities strongly determine how the drug phenomenon is manifested in our societies. On the other, some aspects of the drug phenomenon, but mainly those policies traditionally developed to confront it, have a strong impact on sustainable human development.

Even so, drug control agencies and development institutions and communities have tended to operate in isolation from each other. In addition, development programmes have usually not recognized drug-related issues or the impact of drug policies (as well as other illicit economies) as elements to be accounted for, even in territories or countries in which they represent major factors affecting social, cultural, political and economic dynamics. Instead, these development programmes have yielded the field to law enforcement agencies to take care of the problem. The enormous scale of the illicit economy of drugs leaves no aspect of development untouched and cannot be ignored; in many cases, the border between licit and illicit is quite blurred and illicit economies generate job development and economic growth, food security or access to land and markets, determine financial sector trends, and influence public goods and service delivery, including security, and political decision-making.<sup>59</sup>

It is for this reason that in most parts of the world, social or institutional perceptions promoting care and social inclusion of those who have problems using drugs, or of those linked to their production or traffic, are not yet dominant. The matter is still conceived purely as a personal choice and not as a problem rooted in profound social, economic and health-related disparities that need to be addressed on the basis of a sense of our common responsibility. As a result, drug policies have been marked by fear of crime, moral deviation, violence and disease, and have resulted in the exclusion of individuals

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<sup>59</sup> Gutierrez, E., ‘Drugs and Illicit Practices: Assessing their impact on development and governance’, Christian AID, London, 2015.

and communities linked to drugs, without consideration about the costs of such policies for our societies and our development.

Fifty-five years of implementation of policies emanating from the international drug control regime, including the three major drug conventions, have left an indelible footprint on sustainable human development, imposing high burdens on economies, the environment, democratic governance and, most importantly, on social fabric. On the one hand, it has provoked the creation of an enormous criminal black market that has fuelled corruption, violence, and instability and threatened basic human rights, democratic governance, legal economies, citizen security, public health and the environment. On the other hand, and jumping from abuse to lack of capacity, the implementation of drug policies has arguably generated more harm towards human development than that which they were expected to reduce, leaving a trail of human rights abuses, including death, violence, discrimination and marginalization of people linked to drug markets or use, mass imprisonment, restriction of basic liberties, exacerbation of poverty, negation of access to basic public goods and services, as well as militarization of public policy, deterioration of criminal justice and prison systems, unequal application of justice, punishment of users, and degradation of the environment, among others. Civil society organizations and international health, human rights, development, and drug control agencies and experts – including the UNODC, UNDP, UNAIDS, WHO, UNCHR and the UN Special Rapporteurs on Torture and the Right to Health – have raised additional concerns about the harmful consequences of the current drug control system on human, civil, political, social, economic and cultural rights and on human development itself.

#### *A disproportionate impact on the most vulnerable*

These negative impacts have not been distributed evenly among or within countries, consolidating two major imbalances regarding the bearing of the costs of drug policies.

The first of these imbalances has to do with the uneven distribution of negative impacts of the implementation of the international drug control regime within our societies, which has served to increase social divisions and economic inequities. Drug control laws, policies, strategies, practices, interpretations and their collateral consequences have impacted the poor and vulnerable disproportionately, many of them additionally victimized while living in spaces where criminal networks already impose their laws and interest and where the “War on Drugs” is being fought.

Most people linked to drugs as producers or sellers, who are usually the weakest links of the chain, do not profit significantly from their activities: poor farmers who depend on cultivating coca and opium to survive; poor small-scale couriers, sellers and people who use drugs; people who live in conflict zones. The prevailing approaches and interpretations have entrenched and exacerbated the poverty of poor farmers, indigenous peoples, women, youth, poor users and others who depend on cultivating and selling drugs to survive, affecting food security, damaging the environment and forcibly displacing populations dependent on illicit crop cultivation, as well as others living in territories affected by these interventions and “where violent territorial struggles take place between traffickers, corrupt police, dishonest politicians and criminal organizations”.<sup>60</sup>

Additionally, drug control laws, policies and related enforcement practices, centred on coercion and harassment, coupled with the lack of investment in quality and affordable treatment, harm reduction, social inclusion and other health services, have also degraded the health of people who use drugs,

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<sup>60</sup> J.G. Tokatlian, ‘Drugs and the peace process in Colombia: a moderate radical step’, Norwegian Peacebuilding Resource Centre (NOREF) expert analysis, 2014. See [http://www.peacebuilding.no/var/ezflow\\_site/storage/original/application/d6fd88534363a186853938fc25909b0f.pdf](http://www.peacebuilding.no/var/ezflow_site/storage/original/application/d6fd88534363a186853938fc25909b0f.pdf)

fuelled HIV and resulted in mass incarceration for low-level drug crimes, including use. Moreover, due to the lack of treatment and hopes of recovery, poor people who suffer from addiction are more at risk of losing their property, being criminalized, not finding a job, or being victims of violence and discrimination.

It is not a surprise, then, that when we take a look at the communities and groups most affected by drug policies, they overlap with the same groups and communities most excluded from the dynamics of economic, social and human development. Their problems that are associated with drugs and drug policy (from criminalization to lack of access to drug-dependence treatment) become aggravated and add up to a wide array of social and developmental difficulties related to poverty and exclusion and concentrated in each individual, family and community.

#### *Impact on the most vulnerable countries*

In addition, the costs have not been distributed evenly among different countries and regions. Some national or subnational realities present very different levels of vulnerability and/or resilience to different risks associated with the negatives consequences of drug policy, linked mainly to production and transit. Social, economic, political and governance factors and conflicts might contribute to the development and stagnation of drug-related problems, organized crime, violence and social exclusion. They may also contribute to the multiplication of negative “unintended” consequences of the implementation of drug policies that do not take all these elements into consideration.

The costs on development have been disproportionately greater for countries most vulnerable to the risks associated both with drug production and transit and with the effects of the implementation of prohibitionist policies. As an example, in one Latin American country alone, Mexico, the estimated number of homicides per year during the 2006/2015 period amounted to 186,297,<sup>61</sup> without counting the 29,903 persons who “disappeared” during the 2007 / Oct. 2106 period.<sup>62</sup> If we add both numbers, the loss of human lives in Mexico in the last decade is greater than the total population of the Thai city of Chiang Mai in 2017.<sup>63</sup> This figure for homicides in only one country in Latin America is more than double the total number of overdose deaths per year in all the Member States of the European Union, which amounted to 8,441 persons during 2015.<sup>64</sup>

Less developed and middle-income countries have to tackle with these “unintended consequences” within a straight-jacket of prohibitionist policies in the framework of the international drug control regime and those imposed by the logic of the “war on drugs”, based on the strategy of attacking drug production at the source and before the drugs reach the main markets.

Moreover, these efforts have been led, in many cases, by weak public structures on the national and local levels, overwhelmed by development-related obligations and without the capacity to significantly reduce drugs supply or demand.

Furthermore, these weak public structures had to implement the prohibitionist policies, in many cases, within local, national and regional contexts tremendously vulnerable to the harms associated with illicit markets and to the effects of such policies: poverty, both rural and urban, vulnerability and inequality; weak governance and lack of State presence, including in ungoverned territorial spaces;

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<sup>61</sup> Data from the National Institute on Statistics and Geography of Mexico (INEGI).

<sup>62</sup> Data from the National Registry on Missing or Dissappeared People.

<sup>63</sup> Est. 200,952, data from worldpopulationreview.com.

<sup>64</sup> Including Norway and Turkey. Data from EMCDDA, “European Drug Report 2017: Trends and Development”, Lisbon, 2017.

low accountability for the most powerful and limited access to justice; lack of access to basic public services and low levels of social protection; food insecurity and no access to natural resources or land tenure; lack of decent jobs and high informality within the economy; high levels of violence and insecurity; class, race, ethnicity, religious, gender and sexual orientation discriminatory cultures; and regressive tax systems and limited fiscal space, among others.

At the same time, the unfortunate combination of a repressive approach and the lack of the State's capacity has generated a further weakening of public structures, mainly key political and security institutions and criminal justice systems because of their limited resilience to corruption or intimidation by criminals with enormous economic and armed power. This has prevented many States from regularly performing the necessary oversight, control and investigation tasks that are absolutely necessary to protect welfare, public health and the common good. Similarly, the ubiquitous impunity in the laundering of assets derived from drug trafficking and other illegal businesses - even in countries with much greater institutional capacity - is a clear demonstration of this weakening and of collusion between organized crime and important sectors of financial and political institutions.

*A paradigm shift based on sustainable and inclusive human development with the 2030 Agenda as a reference*

There are many contradictions between the SDGs and their targets and the objectives and impacts of drug control policies, taking into account their negative impact on the capacity of countries and communities to reach those goals, especially those with greater vulnerabilities. In order to resolve these policy incoherencies, **the 2030 Agenda, already accepted by all UN member states, becomes a fundamental reference for the development and implementation of a new breed of drug policy,**<sup>65</sup> especially at a moment where there are profound divides over the need and scope of reform of the international drug control regime.

Development agencies, as well as other sectors involved in sustainable development at international, national and local level (social, education, health, labour, culture and sport, youth, environment, private sector, and academia) cannot continue avoiding drug-related issues. Structural causes and consequences of the development and persistence of drug related problems need to be fully understood and incorporated in sustainable development thinking, problem solving, planning and programming. The negative impact of drug markets and policies on the capacity of many vulnerable communities, territories and countries to attain good development results is something that needs to be taken into account by the development community within the new 2030 Agenda for sustainable development and the SDG framework. Alternative responses that reduce the negative impacts of current drug policies will be essential for many countries in order to have reached the Sustainable Development Goals by 2030.

In this process, it is crucial to build on a paradigm shift in drug control. We are advancing slowly from approaches that focus on anti-social behaviour (of the deviant or the criminal offender) to a medical-biological view, now anchored in personal deficit and disease. However, the international debate needs to advance in the recognition of people linked to drugs as citizens with all their rights, within a framework of sustainable human development. And, as the Agenda states in one of its most important principles, "leaving no one behind", which translates into a necessary focus on the most vulnerable, with a "support, don't punish" philosophy.

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<sup>65</sup> The Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem notes that "efforts to achieve the Sustainable Development Goals and to effectively address the world drug problem are complementary and mutually reinforcing".

This new approach based on sustainable and inclusive human development is grounded on the principle that **drug policy cannot represent a factor that negatively affects the sustainable development of communities or countries. On the contrary, it should become an element in facilitating and promoting sustainable and inclusive development for all, putting people first and leaving no one behind.**

This approach feeds on the main pillars of the UN (peace, security, development and human rights) and the main objective of the international drug control regime, often forgotten, of improving the health and well-being of humankind. It is also grounded on the basic principles of policy coherence and “do no harm”, and on the accumulated experience and lessons learned by UNDP and the development community during 50 years in the implementation of human development.

*The need for complex, innovative, human-centred and human development-oriented solutions*

The consequences of adopting such an approach should immediately change the way many drug control strategies are being oriented and implemented in practice: Its focus and priority needs to be placed on the main development challenges which should be promoted with priority over drug policy objectives: reduction of poverty, social inclusion, human rights, governance and public health.

There are encouraging precedents in complex policy areas (such as conflict prevention and recovery, HIV/AIDS or crime and violence prevention through a citizen security lens), where the involvement of development agencies, applying comprehensive and sustainable human development based approaches, has shown promising, effective and sustainable results, away from one-sided securitization responses. Their focus allows the addressing of both the causes and consequences of illicit drug markets, along with uncertainties, spill-overs, trade-offs and systemic risks in an effort to transform policies and ultimately helping build more effective governance institutions and improving the lives and livelihoods of the poorest and most marginalized communities.

*Assessment of the impact of drug control policies on human development and new metrics of success*

Also key is the need for a profound assessment of the present and potential impact of drug control policies on human development aspects. So far, improvements in development results are not being considered over drug supply and demand reduction objectives, eliminating any chance that decision-makers, legislators, planners or implementation actors even take them into consideration, and generating huge blind spots and perverse incentives to increase, at any cost, the numbers of persons arrested, prosecuted and imprisoned, as well as the amounts of illicit drugs seized.

The 2030 Agenda provides an excellent opportunity to establish different measures of success for drug policy, with a clear articulation of metrics related to the impact of drug policies on peace, development and human rights. The SDG framework, as well as the indicators being considered, could serve as a powerful reference in starting to evaluate not only the potential impact on sustainable development of planned policies, but also the past and present impact on existing policies development.

All of this become crucial for drawing the lines that define and limit public policy intervention. Paradoxically, not much research has been developed in challenging issues such as the direct cause-effect correlations between drugs and other phenomena such as crime or violence, which still drive most of the institutional and social representation of drugs and drug use. Development practice and experience in researching and addressing complex problems needs to be taken into account in order to define a new generation of effective development-based drug policy strategies and interventions.

Extending this model of policy assessment to a wider look at security and criminal justice policy could also push the agenda for their profound reform towards more humane and effective results.

#### **IV. Towards a new sustainable development based approach to crime prevention and treatment of offenders**

Reviewing the policy objectives of crime prevention and treatment of offenders through a sustainable development lens may open a space for stronger alignment of objectives and programming between development and criminal policy and might change the way many crime and violence prevention and control strategies are being oriented and implemented in practice. Our governments, institutions and societies should generate processes to overcome the traditional way in which criminal justice policy has been designed, implemented, monitored and evaluated, many times on the basis of simple, biased and fragmented analysis based on uninformed, incomplete, direct and incorrect cause-effect relationships.

New policy is needed in order to integrate the crime and violence dimensions in a wider perspective, as part of a multidimensional human development approach for specific territories or communities, in order to transform strategies focused mainly on law enforcement and criminalization issues. Its focus needs to be placed on the main development challenges which should be promoted with priority over, and in conjunction with, criminal policy objectives: reduction of poverty, social inclusion, respect for human rights, democratic governance and public health.

The prevalence of tough approaches towards crime at the international level has facilitated the streamlining of standard repressive and exclusion-generating responses, replicated through global, regional and bilateral cooperation schemes. These dynamics have not been able to provide for a comprehensive and complex understanding of and intervention in a multifaceted phenomenon with multiple interactions in human development dynamics and deep roots in specific cultural, political, social and economic environments. Conduct and social practices related to crime and violence are always specific of the local context, demanding ad-hoc responses to the mix of different challenges that they might pose for security, governance and development.

Therefore, holistic attention to social, economic, developmental, political and cultural elements in intervention areas is needed in order to analyze the scope of the challenges ahead. Awareness of social and institutional perceptions, mapping of all stakeholders (legal and illegal) and their power relations within a specific political economy framework, are also key to understanding the complex interactions related with crime and violence in specific societies and territories.

The scale and ambition of the 2030 Agenda require analytical, planning and implementation capacities that can address the links, choices and connections across many issues and sectors of government. In correlation, effective responses will also need articulated action from the whole of the state, among different sectorial institutions (health, education, social, labour, justice, security), as well as coordination between the different levels of the administration (central and subnational governments), in order to generate solutions adapted to the specific situations, challenges and life-cycle needs of the affected populations.

Within this framework, it is crucial to build on a paradigm shift, based on sustainable and inclusive human development and multi-dimensional progress,<sup>66</sup> under the following basic principle: **law enforcement and criminal justice policy cannot represent a factor that negatively affects the sustainable development of communities or countries. On the contrary, it should become an element that facilitates and promotes sustainable and inclusive development for all, with a strong focus on universality, putting people first, leaving no one behind and reaching those furthest behind first.**

Under this premise, which combines the basic public health principle of *primum non nocere* (first do no harm) with its proactive unfolding unto positive action for sustainable development, some of the essential elements included in the 2030 Agenda should serve as a strong reference in modulating and improving present law enforcement and criminal justice policies:

- People-centred approaches: just, equitable and inclusive; sustained and inclusive economic growth, promoting youth employment in particular and decent work for all, social development and environmental protection and thereby to benefit all.
- Poverty eradication, sustainable consumption and production and protecting the natural resource base of economic and social development.
- Gender equality and women's empowerment.
- Focus on empowerment of vulnerable sections of the population, including children, youth, migrants, indigenous peoples, as well as people living in areas affected by conflict, terrorism and complex humanitarian emergencies.
- Freedom, peace and security, the rule of law, good governance, the fight against corruption, and commitment to just and democratic societies for development.
- Respect of human rights.
- Provision of quality education at all levels and universal health coverage.
- Importance of international cooperation and of common but differentiated responsibilities.
- Need for different approaches depending on national or local circumstances and priorities.
- Need for additional resources for sustainable development.
- Improvement of the quality, coverage and availability of disaggregated data to ensure that no one is left behind.

*Assessment of the present and potential impact law of enforcement and criminal justice policies and interventions on sustainable development and new metrics of success*

Understanding the distributional impacts of policy is critical in addressing the “leave no one behind” principle. The impact of an intervention is often unequal across groups, and so policy design and

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<sup>66</sup> Multidimensional progress is understood as “a space for development regulated by certain limits: “nothing that diminishes the rights of people and communities or jeopardizes the environmental sustainability of the planet can be regarded as progress”. The practical implementation of a multidimensional progress approach builds upon a human development perspective while requiring a twofold strategy of poverty and vulnerability reduction as well as “the promotion of comprehensive policies adapted to populations suffering from discrimination and historical exclusions”. See Regional LAC Human Development Report 2016: “Multidimensional Progress: well-being beyond income”, UNDP 2016, <http://www.masqueingreso.org/wp-content/uploads/2016/07/50228-RDHR-Repor-EN-web.pdf>

implementation need to consider distributional impacts and underlying incentives, along with strategies to communicate and/or mitigate these impacts.<sup>67</sup>

So far, improvements in development results are not being considered over law enforcement and criminalization objectives (for example, a good exercise would be to think of the results of applying sustainable development indicators specifically to prison populations and their families), eliminating any chance that decision-makers, legislators, planners or implementation actors even take them into consideration, and generating huge blind spots and perverse incentives to increase, at any cost, the numbers of people arrested, prosecuted and imprisoned. To advance with a sustainable development-led approach, a first and necessary step will be to engage at the different intervention levels (global, regional, national, subnational) in a profound assessment of both the positive and the negative impact of law enforcement and criminal justice policies (or their absence) on sustainable development aspects. The picture resulting from these assessments will facilitate the generation of alternative responses that improve development results and reduce the negative impacts of current policies, which will be essential for many countries in order to advance decisively towards the Sustainable Development Goals.

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<sup>67</sup> UNDP Bangkok Regional Hub Team, “Supporting acceleration in the context of the 2030 Agenda”. See: <http://www.asia-pacific.undp.org/content/dam/rbap/docs/meetTheSDGs/SDG%20Offer%20-%20Acceleration.pdf>