

Forum: Commission on Crime Prevention and Criminal Justice (CCPCJ)

Issue #1: Addressing the criminalization of survival-based offenses in marginalized communities.

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Anderson, Meg. "Tackles, Projectiles and Gunfire: Many Fear ICE Tactics Are Growing More Violent." *Opb*, OPB, 13 Oct. 2025, <https://www.opb.org/article/2025/10/13/concerns-mount-over-increased-violence-among-federal-immigration-agents/>. Accessed 20 Apr. 2026.

Introduction

Criminal justice systems have been designed to maintain order and structure within society. However, in many cases, these systems criminalize actions necessary for survival and fail to consider the underlying socioeconomic factors. As a result, necessity-driven behaviors are immediately punished rather than being questioned about their root causes. This issue highlights a comprehensive challenge within legal frameworks, as laws are often applied uniformly despite greatly unequal social and economic realities. This issue has been persistent across many legal systems, historically linked to both poverty and social exclusion, but has only now begun to become visible in discussions surrounding reform and social equity.

The forms of criminalization often take the form of survival-based offenses, which are minor crimes committed by individuals seeking to meet basic needs such as food, income, or shelter. They often include crimes such as loitering, shoplifting, sleeping in public spaces, or taking part in unregulated work. While generally low-level and non-violent in nature, these behaviors are subject to legal penalties. Behaviors like these are more commonly seen among marginalized populations, including individuals facing homelessness, migrants, and those living in poverty. Due to limited resources and/or access to economic opportunities, social services, and legal protections, these groups are disproportionately affected by policies that criminalize necessity-driven actions.

As a result, the criminalization of these offenses often leads to cycles of poverty, as individuals face fines, incarceration, and long-term criminal records that limit future opportunities. In doing so, the prosecution of minor, non-violent offenses adds a further strain on already overburdened criminal justice systems, diverting certain resources and time from addressing more serious crimes. Many cases show how individuals face significant barriers to housing, employment, and social reintegration, increasing the likelihood of repeated interactions with the justice system. However, the issue continues to remain highly controversial, as some argue that laws must be enforced in a uniform manner to maintain order, while others push for reform and argue that these punishments are both ineffective and unjust. This process reinforces existing social inequalities and raises significant concerns regarding the fairness and proportionality within legal frameworks.

Definition of Key Terms

Survival-Based Offenses: Crimes committed out of necessity to meet basic survival needs, such as stealing food or shelter-related acts due to extreme poverty or homelessness (Butler).

Marginalized Communities: Groups that are systematically excluded from economic, social, and political power due to factors like ethnicity, race, gender, or socioeconomic status (Sustainability Directory).

Criminalization: A set of processes by which governments or authorities make certain conditions or behaviors illegal through policy or legislation (Aaronson and Shaffer).

Penalization: An act of imposing a penalty or punishment on someone who has committed a violation or offense (Quandle).

Rehabilitation: Efforts within the criminal justice system to reform offenders through education, therapy, job training, and skill-building.

Recidivism: The tendency for convicted offenders to reoffend or relapse into criminal behavior after their release, intervention, or punishment (National Institute of Justice).

Petty Crimes: Crimes that are not considered serious but are still punishable by fine or short-term imprisonment. Examples include speeding, minor theft, and public disturbance (Cambridge Dictionary).

Reintegration: A process of helping individuals who have been incarcerated to return to society and lead productive lives. Help is provided through support systems with social services and job placements.

Disproportionate Impact: The unequal impact of criminal justice practices, policies, or enforcement on specific groups, such as low-income communities or racial minorities, compared to the general population.

Diversion Programs: Programs in place that help divert formal criminal proceedings, allowing for the eligible offenders to complete community service or rehabilitation (Shouse).

General Overview

Criminalization of Survival-based Offenses

In many countries, survival-based offenses are criminalized through laws that regulate public order and the use of public spaces. As a result, behaviors such as sleeping in public areas, loitering, minor theft, and unregulated street vending are often subject to legal penalties. Although these actions are generally non-violent, under existing legal frameworks, they are still treated as offenses that result in detention or fines. This issue has become increasingly visible in recent years, particularly in urban areas where rising inequality and homelessness force individuals to rely on necessity-driven activities. According to the United Nations Office on Drugs and Crime, many criminal justice systems are now addressing cases that reflect social and economic vulnerability rather than deliberate criminal intent.

Causes and Contributing Factors

These behaviors are largely driven by poverty and limited access to essential resources. Many individuals lack stable housing, a consistent income, and access to sufficient services (like healthcare, education, and social support), leaving them with few alternatives for survival. In addition, gaps in welfare systems often increase vulnerability among marginalized populations, such as the homeless, migrants, and those living in extreme poverty. Without adequate safety nets, individuals are often forced into situations where having to engage in minor, regulated, or informal activities becomes necessary.

The World Bank highlights that poverty and inequality remain key drivers of informal economic activity, as individuals turn to unregulated work when formal employment is unavailable. Therefore, activities such as street vending or temporary labor become necessary, even though they are frequently restricted or criminalized. These challenges

are further reinforced by structural inequalities, including unequal access to education and economic opportunities. Over time, these interconnected factors contribute to a persistent cycle of poverty that increases the likelihood of individuals reengaging in offenses.

Impact on Individuals and Society

The consequences of these practices are significant for both society and individuals. Those penalized for minor, non-violent acts may face fines, detention, or incarceration, all of which can have lasting effects. In many cases, these penalties lead to criminal records, making it more difficult to secure employment, housing, and other essential opportunities. As stated by Amnesty International, criminalizing poverty-related behaviors often traps individuals in cycles of disadvantage and repeated contact with the justice system (Amnesty International). Beyond the individual level, these policies place an additional strain on already overburdened criminal justice systems, diverting resources away from more serious crimes. At the same time, they reinforce existing inequalities, as marginalized groups are disproportionately affected, raising concerns about fairness and overall effectiveness.

Controversy Surrounding the Issue

The issue remains highly controversial within the international community. On one side, some consistently argue that enforcement of laws is necessary to maintain public order and ensure safety in shared spaces. From this perspective, regulating certain behaviors is seen as essential for preventing disorder and protecting public interests. From a different angle, critics contended that penalizing necessity-driven actions is both unjust and ineffective, as it fails to address the root causes of poverty and deepens existing inequalities. As a result, countries adopt different approaches, reflecting ongoing tensions between maintaining order and promoting social justice.

Major Parties Involved and Their Views

United States

The United States has faced significant challenges regarding the criminalization of survival-based offenses, particularly in relation to homelessness and public order laws.

Policies in various cities penalize behaviors such as sleeping in public spaces, loitering, and minor theft, disproportionately affecting low-income and marginalized populations. Some local governments have implemented diversion programs and rehabilitation-focused initiatives, while others continue to prioritize strict law enforcement approaches, sparking debate over public order versus poverty's root causes.

Brazil

Brazil experiences high levels of urban poverty, which contributes to the prevalence of survival-based offenses, particularly within densely populated cities. Law enforcement practices have often focused on maintaining public order, sometimes resulting in the criminalization of minor, non-violent behaviors such as informal street vending and loitering. However, Brazil has also explored social programs aimed at reducing inequality and improving access to basic services.

India

India faces significant challenges related to survival-based offenses due to its large population and widespread informal economy. Laws regulating street vending, begging, and public space usage have often resulted in the penalization of individuals seeking basic means of survival. While legal reforms, such as protections for street vendors, have been introduced, enforcement remains inconsistent across regions.

South Africa

South Africa continues to experience high levels of inequality rooted in its historical legacy, which contributes to the prevalence of survival-based offenses among marginalized communities. Law enforcement has at times focused on regulating public spaces, leading to the criminalization of behaviors such as loitering and informal economic activity. At the same time, the government has implemented social welfare programs aimed at reducing poverty and inequality.

France

France has faced ongoing debates regarding the treatment of marginalized populations, particularly migrants and individuals experiencing homelessness, in relation

to public order laws. Certain policies regulating public spaces have resulted in the penalization of behaviors associated with survival, such as sleeping in public or informal economic activities. At the same time, France places a strong emphasis on human rights and social protections, leading to the development of welfare programs and support services.

Philippines

The Philippines has adopted strict law enforcement approaches toward public order offenses, which have resulted in the criminalization of survival-based behaviors among low-income populations. Policies targeting minor offenses have disproportionately affected individuals living in poverty, particularly in urban areas. While these measures are often justified as necessary for maintaining order and safety, they have raised concerns regarding human rights and disproportionate punishment.

Timeline of Events, Relevant Resolutions, Treaties, and Events

Date	Description of Event
1948	The United Nations (UN) adopted the Universal Declaration of Human Rights, establishing fundamental rights related to human equality, dignity, housing, and an adequate standard of living. These principles later became central to debates around poverty and the treatment of marginalized communities within criminal justice systems (United Nations).
1966	The International Covenant on Economic, Social, and Cultural Rights was adopted by the UN. The treaty recognizes rights such as work, housing, social security, and standard living conditions, all of which are closely connected to the issue ("International Covenant on Economic, Social and Cultural Rights - Main Page").

- 1979 The United Nations adopts the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), highlighting the disproportionate impact poverty and economic marginalization can have on women, particularly in relation to vulnerability within legal systems ("Convention on the Elimination of All Forms of Discrimination against Women | UN").
- 1990s Rising homelessness and rapid urbanization in many countries led to an expansion of enforcement of public order laws targeting behaviors like loitering, public sleeping, begging, and informal street vending. This period marked a significant increase in debates surrounding the criminalization of poverty.
- 2008 The global financial crisis led to increased unemployment, housing insecurity, and economic instability worldwide. As poverty levels rise, concerns grow regarding the treatment of vulnerable populations and the criminalization of necessity-driven behaviors ("The Global Financial Crisis").
- 2017 Amnesty International publishes reports criticizing the criminalization of homelessness and poverty-related behaviors in multiple countries, increasing international attention on the issue and its human rights implications
- 2018 The United Nations Human Rights Council's special reports on extreme poverty and human rights warn that many governments are increasingly punishing individuals for poverty-related behaviors instead of addressing structural inequalities.
- 2020 The COVID-19 pandemic intensifies poverty, unemployment, and housing insecurity worldwide. Lockdowns and economic disruption increase concerns regarding homelessness, informal

work, and the treatment of vulnerable populations within criminal justice systems (Bernstein).

2021 Several human rights organizations report that marginalized communities were disproportionately impacted by pandemic-related enforcement measures, further raising concerns about discrimination and over-policing.

United Nations Involvement

The United Nations has played an important role in addressing issues connected to inequality, poverty, human rights, and criminal justice reform. Although there isn't a singular United Nations treaty focused solely on survival-based offenses, multiple UN bodies and frameworks have addressed the broader social and economic conditions that contribute to these behaviors. Through human rights conventions, development goals, and reports from specialized agencies, the United Nations has consistently put emphasis on the importance of protecting vulnerable populations and reducing systemic inequalities.

One of the most significant international frameworks connected to this issue is the Universal Declaration of Human Rights, adopted in 1948 (United Nations), which recognizes rights related to human dignity, equality, housing, and an adequate standard of living. Similarly, the International Covenant on Economic, Social, and Cultural Rights reinforces the importance of rights such as work, social security, and adequate living conditions, all of which are closely linked to the root causes of survival-based offenses. These arguments provide an international human rights foundation for discussion regarding the treatment of marginalized populations within the criminal justice systems (United Nations, "International Covenant on Economic, Social, and Cultural Rights").

Additionally, the United Nations Human Rights Council has repeatedly raised concerns regarding laws that disproportionately affect individuals experiencing poverty and homelessness. Reports presented to the Human Rights Council have criticized approaches that rely heavily on punishment rather than addressing structural

socioeconomic inequalities. These reports emphasize that criminalizing necessity-driven behaviors may worsen social exclusion and reinforce cycles of poverty.

The United Nations Office on Drugs and Crime has also contributed to discussions surrounding criminal justice reform, rehabilitation, and fair treatment within legal systems. Through its work on crime prevention and justice reform, UNODC promotes approaches focused on fairness and reducing overcrowding inside prisons ("UNODC Prison Reform"). In addition, the adoption of the Sustainable Development Goals further highlighted international commitments to reducing poverty and inequality and promoting inclusive societies. Together, these initiatives demonstrate the United Nations' efforts to address the social and economic conditions that contribute to marginalization and unequal treatment within criminal justice systems.

Evaluation of Previous Attempts to Resolve the Issue

Universal Declaration of Human Rights (1948)

One of the first international frameworks that is connected to this issue was the Universal Declaration of Human Rights, adopted by the United Nations in 1948. The declaration established fundamental rights related to human equality, dignity, housing, social security, and an adequate standard of living. Although the declaration wasn't created specifically to address survival-based offenses, many of its principles are directly connected to the treatment of marginalized communities within criminal justice systems. It helped create an international human rights foundation, which later influenced discussions regarding poverty, homelessness, discrimination, and equal treatment under the law.

Although it had a global influence, the Universal Declaration of Human Rights isn't a legally binding document, limiting its enforcement capabilities. While it has shaped national constitutions, international agreements, and human rights standards, many countries continuously implement policies that criminalize poverty-related behaviors. As a result, critics argue that although the declaration successfully established important principles, it has not been sufficient in preventing the disproportionate criminalization of vulnerable populations.

Social Welfare and Poverty Reduction Programs

Governments and international organizations have also attempted to address the issue through poverty reduction initiatives and expanded social welfare programs. Increased access to food assistance, shelters, healthcare, education, and employment opportunities has been seen as a way to reduce the economic burdens that contribute to survival-based offenses. In some countries, housing-first policies have been introduced, which prioritize stable housing as a foundation for improving access to employment, healthcare, and rehabilitation services. These approaches have shown various positive outcomes in reducing homelessness and lowering rates of repeated criminal justice involvement among vulnerable populations.

Despite these efforts, significant challenges persist. Many welfare programs continue to suffer from overcrowding, limited funding, and unequal accessibility, particularly in developing countries or densely populated urban areas. To add on, rising living costs, housing shortages, and unemployment have often outpaced expansions of support services. Ultimately, many marginalized individuals continue to rely on informal or criminalized activities to survive. It's also noted that short-term assistance programs may provide temporary relief without addressing deeper structural inequalities such as unequal access to education, discrimination, and economic instability.

United Nations Human Rights Council Reports and Recommendations

The United Nations Human Rights Council and the Special Rapporteur on Extreme Poverty and Human Rights have also made several attempts to address issues connected to the criminalization of poverty and survival-based offenses through recommendations, reports, and international advocacy. These reports have criticized laws targeting homelessness, begging, and other poverty-related behaviors while encouraging governments to adopt an approach more focused on rehabilitation, reintegration, and public/social support rather than punishment. In addition, they have emphasized the importance of understanding structural inequalities like a lack of affordable housing, unemployment, and limited access to education and healthcare. These efforts have been important in increasing global awareness and encouraging broader discussions regarding the topics of fairness, discrimination, and proportionality within criminal justice systems.

However, the effectiveness of these initiatives has remained limited in various cases. Since the recommendations made by the Human Rights Council and Special Rapporteurs are not legally binding, governments are not required to implement these proposed reforms. Political disagreements, limited financial resources, and concerns regarding public order have slowed progress in multiple countries. As a result, while these reports have helped gain international attention towards the issue and influenced some policy discussions, many governments continue to rely heavily on a punitive approach towards survival-based offenses.

Possible Solutions

Expanding Social Welfare and Preventive Support Systems

One possible solution is to increase investment in preventive support systems and social welfare programs that address the root causes of survival-based offenses. Many individuals engage in necessity-driven behaviors due to homelessness, unemployment, poverty, or lack of access to education and healthcare. Expanding affordable housing initiatives, shelters, mental health services, food assistance programs, and employment opportunities could reduce the likelihood of vulnerable populations resorting to criminalized activities for survival. Many experts argue that preventative approaches are more effective in reducing long-term criminal justice involvement than punitive measures alone.

Strengthening Diversion and Rehabilitation Programs

A second possible solution is the expansion of diversion programs for individuals accused of minor, non-violent offenses connected to survival. Rather than relying primarily on incarceration or financial penalties, governments could redirect individuals toward rehabilitation services, counseling, community-based support programs, or vocational training programs (Justice Reform Foundation). These alternatives could help reduce prison overcrowding, lower recidivism rates, and improve reintegration into society ("Alternatives to Imprisonment"). To add on, rehabilitation-focused approaches may allow for criminal justice systems to allocate greater resources towards addressing more serious crimes.

Reforming Public Order Laws and Enforcement Practices

Governments may also consider reviewing public order laws and enforcement practices that disproportionately affect marginalized groups. Some countries and municipalities have explored reducing penalties for behaviors closely linked to survival, such as begging, public sleeping, or informal economic activity, while increasing access to social services instead of detention. Advocates of reform argue that reassessing proportionality within legal systems could help reduce discrimination and unequal treatment while still maintaining public safety and social order. At the same time, supporters emphasize that reforms should balance human rights protections with the responsibility of governments to ensure safe and functional public spaces.

Sustainable Development Goal (SDG)

This issue is most closely related to Sustainable Development Goal #16: Peace, Justice, and Strong Institutions, which is focused on promoting inclusive, accountable, and fair legal systems. The criminalization of survival-based offenses raises significant concerns regarding equality before the law, access to justice, and proportionality of punishment, particularly for marginalized communities. Individuals who experience homelessness, poverty, or economic insecurity are often disproportionately affected by policies that penalize necessity-driven behaviors, which increase their likelihood of repeated interactions with criminal justice systems. This often contributes to cycles of social exclusion, poverty, and mistrust between vulnerable populations and law enforcement authorities. SDG 16 emphasizes the importance of ensuring that justice systems operate effectively and fairly while protecting human rights and reducing discrimination. In this context, addressing the criminalization of survival-based offenses is essential for promoting more inclusive institutions and strengthening public confidence in legal systems.

Appendix

This section of the issue bulletin is dedicated to providing delegates with valuable sources to utilize during their research.

<https://www.vera.org/news/how-the-united-states-punishes-people-for-being-poor>

Source A: This article explains how poverty-related behaviors are often criminalized within the United States criminal justice system. It discusses the impact of fines, cash bail, homelessness policies, and economic inequality on marginalized communities, making it useful for understanding the connection between poverty and survival-based offenses.

<https://www.amnesty.org/en/what-we-do/discrimination/racial-justice/>

Source B: This source explores how discriminatory policing and racial profiling disproportionately affect marginalized racial and ethnic communities. It is especially useful for researching unequal treatment within law enforcement and criminal justice systems.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC10947981/>

Source C: This academic study analyzes the relationship between poverty, homelessness, and criminalization. It provides statistical and research-based evidence regarding how survival-based behaviors are often penalized and the long-term social impacts of these policies.

https://www.researchgate.net/publication/224882799_The_Rehabilitation_and_Reintegration_of_OffendersThe_Current_Landscape_and_Some_Future_Directions_for_Correctional_Psychology

Source D: This research paper is focused on rehabilitation and reintegration programs for formerly incarcerated individuals. It discusses the challenges individuals face after imprisonment, such as employment barriers, social stigma, and reintegration into society.

<https://www.vera.org/news/what-breaking-cycles-of-crime-actually-means>

Source E: This article discusses how repeated interaction with criminal justice systems can reinforce cycles of poverty and recidivism. It also touches upon alternatives to punitive approaches, including community support, rehabilitation, and long-term prevention strategies.

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