D 032

EUROPEAN PARLIAMENT

session documents

ENGLISH EDITION

14 October 1993

A3-0289/93

REPORT

of the Committee on Civil Liberties and Internal Affairs

on small-scale crime in urban areas and its links with organized crime

Rapporteur: Mrs Heinke SALISCH

DOC_EN\RR\237\237336

PE 205.509/fin.
Or. IT

CONTENTS

At the sitting of 18 September 1992 the President of the European Parliament announced that he had forwarded the motion for a resolution by Mr De Piccoli on the spread of urban crime and petty crime in the Member States of the Community, pursuant to Rule 63 of the Rules of Procedure, to the Committee on Civil Liberties and Internal Affairs as the committee responsible.

At its meeting of 14 July 1992 the committee decided to draw up a report and appointed Mrs Salisch rapporteur.

At its meeting of 23 September 1993 the committee decided to include in its report the following motions for resolutions which had been referred to it:

- B3-0790/93; author: Domingo Segarra; subject: the spread of violence in the Member States of the Community; announced in plenary sitting: 15 July 1993; responsible: Committee on Civil Liberties and Internal Affairs;

- B3-0823/93; author: Braun Moser; subject: a Community-wide Criminal Investigation Bureau and cross-border prosecution of criminal offences; announced in plenary sitting: 15 July 1993; responsible: Committee on Civil Liberties and Internal Affairs.

At its meetings of 30 November 1992, 25 February, 6 May, 23 September and 13 October 1993 the committee considered the draft report.

At the last meeting it adopted the resolution unanimously.

The following took part in the vote: Turner, chairman; Tsimas, vice-chairman; Salisch, vice-chairman and rapporteur; Beazley, van den Brink, Cooney, De Piccoli, Imbeni, Jarzembowski, Lafuente Lopez, Lambrias, Mebrak-Zaïdi, Van Outrive and Vittinghof (for Schmid, pursuant to Rule 111(2)).

The report was tabled on 14 October 1993.

The deadline for tabling amendments will appear on the draft agenda for the part-session at which the report is to be considered.

A

MOTION FOR A RESOLUTION

on small-scale crime in urban areas and its links with organized crime

The European Parliament,

- having regard to the motions for resolutions tabled by:

  (a) Mr De Piccoli on the spread of urban crime and petty crime in the Community Member States (B3-0725/92),
  (b) Mr Domingo Segarra on the spread of violence in the Member States of the Community (B3-0790/93),
  (c) Mrs Braun Moser on a Community-wide Criminal Investigation Bureau and cross-border prosecution of criminal offences (B3-0823/93),

- having regard to the preamble and Articles 8a, 220 and 235 of the Treaty establishing the European Economic Community,

- having regard to Article B, third indent, Article F(2) and Article K.1 of the Treaty on European Union,

- having regard to the Universal Declaration of Human Rights, particularly Articles 3 and 8, and the International Covenant on Civil and Political Rights, particularly Articles 7 and 17,

- having regard to the final declaration in the Final Act of the Treaty on European Union, particularly the Declaration on Police Cooperation and the Declaration on Cooperation with Charitable Associations,

- having regard to Council Directive 91/308/EEC of 10 June 1991[1],

- having regard to the report of its Committee of Inquiry on the spread of organized crime linked to drug trafficking in the European Community[2],

- having regard to the report of the Committee on Civil Liberties and Internal Affairs (A3-0289/93),

A. aware that small-scale crime is on the increase both quantitatively and qualitatively in the Community's urban areas, and that more and more links are being uncovered between such crime and organized crime; deeply concerned at the rise in the number of crimes committed by children and young people, who, particularly because they are too young to be criminally liable, are used by criminal organizations to carry out menial tasks (smuggling, delivering weapons, drug trafficking, robbery, etc.),

---

[1] OJ No. L 166, 28.6.1991

[2] Doc. A3-0358/91

B. aware that restoring and safeguarding public and private security is not only the job of the police and judiciary, but also that of welfare workers and neighbourhood groups and that crime can best be prevented by good, consistent social, youth and educational policies, and the restructuring and revitalization of urban areas by means of renovation and better urban planning,

C. whereas in its view the administration of justice in small-scale criminal cases should be brought closer to the people and should be carried out more efficiently, and that in doing so use should be made of ADR (alternative dispute resolution) and the four Ds (decriminalization, deinstitutionalization, deregulation and decentralization),

D. whereas in its view particular attention should be devoted to prevention projects, in which the parties just mentioned should cooperate actively, including exchanges of experience in this field within the European Community,

E. taking the view that unemployment, the breakdown of social structures, drug abuse, the failure of integration policy and deteriorating services and quality of life in urban areas give rise to feelings of frustration and hopelessness, particularly in economically and socially disadvantaged groups, and create a breeding ground for crime,

F. convinced that crime, particularly organized crime, hampers political, economic and social development, endangers freedom and obstructs or prevents the functioning of democratic institutions,

G. deploring the absence of sufficiently differentiated statistical data on the various forms of crime and the striking lack of scientific research and analysis in this area, at least in some Member States,

H. mindful that freedom of movement and security are rights to which European citizens have an equal claim, and that both must be firmly established in the democratic structure of Europe,

1. Takes the view that crime prevention and the fight against crime must take place mainly at local (especially in cities), regional and national level, in accordance with the principle of subsidiarity, but that in some areas, particularly that of organized crime, it can be effectively underpinned by cooperation and exchange of information at European level;

2. Takes the view that an EC crime-prevention policy must be based, inter alia, on:
   (a) knowledge of the extent, nature and methods of current crime and how such knowledge is gathered,
   (b) information about crime prevention projects and how they are set up and evaluated,
   (c) specific training for the police, security and judicial bodies with regard to mutual cooperation and cooperation with other groups and organizations that should be involved,
   (d) an analysis of the causes of crime,
   (e) comprehensive, ongoing efforts to inform and educate the general public, with a view to ensuring that they are in possession of objective facts;

3. Takes the view that the EC should make proposals for bringing the administration of justice in cases of small-scale crime closer to the people;

4. Calls for an appropriately funded support programme for local crime-fighting strategies to be set up at Community level, aimed at facilitating, alongside municipal policies to combat crime, a policy of social rehabilitation for former criminals, as well as victim support policies, and at promoting the founding and running of a European forum, whose tasks would include the development of basic principles of crime fighting and the permanent monitoring of crime in urban areas;

5. Is convinced that fighting organized crime would help to check the growth of small-scale crime, in view of the links between the two;

6. Reminds the Member States that, particularly since the opening of the Community's internal borders, their differing legal provisions offer criminal organizations a whole range of openings for their activities, that criminals make fraudulent use of the advantages of the single market and that there is a need for the Member States to take steps to eliminate such disparities;

7. Calls on the Commission in this context to draw up a proposal by March 1994 providing for harmonization of the criminal law and law of criminal procedure concerning certain categories of so-called small-scale crime which have close links with organized crime,

8. Calls on the Commission to complete as soon as possible Directive 91/308/EEC, on prevention of the use of the financial system for the purpose of money laundering, by the introduction of ad hoc measures to prevent the smuggling in of money obtained by illegal means and of property law provisions;

9. Calls on the committee responsible to organize as soon as possible ongoing cooperation with the relevant national parliamentary committees, with a view to combating crime, particularly organized crime;

10. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States and the governments of countries seeking membership.

B

EXPLANATORY STATEMENT

I. INTRODUCTION

As checks on individuals are being lifted at the Community's internal borders, there is growing public concern about safety. More than anything, people are frightened of becoming victims of what is known as 'small-scale crime'. The internationalization and growth of crime and the resultant decline in the quality of life demand that urban crime be given more attention than hitherto in European politics.

What is needed is a new answer from society to the phenomenon of small-scale and petty crime in urban areas. At various political levels, preventive and crime-specific measures must be applied. Repressive action must be subject to democratic supervision, since freedom of movement and civil liberty in a future European Union and respect for civil rights cannot be adequately protected in the absence of democracy and transparency.

It is the European Parliament's duty to highlight the fears and needs of its citizens for the maintenance of public and private security, attaching particular importance to the situation in urban areas.

Crime is present in every society. We are deluded if we think we can rid ourselves of it entirely. We need to find ways of dealing with crime that are more constructive than state-imposed punishment, the drawbacks of which are evident and well-known.

We must take a differentiated view of crime. It takes various forms, between which there may be links. The main emphasis of this report will therefore be on the links between small-scale crime and organized crime.

II. LEGAL BASES

Urban problems fall primarily within the competence of local, regional and state authorities. The European Community has no explicit responsibility for any sort of urban policy on crime. The EEC Treaty has nothing to say about Community powers in this area. Nevertheless, there is sufficient scope for Community action to address common problems, in compliance with the subsidiarity rule, and to encourage the exchange of experiences in the search for the best solutions.

The EC also plays a major part in urban development as a result of its efforts to achieve a Citizens' Europe and its action to strengthen economic and social cohesion through the structural fund.

Title VI of the Treaty on European Union contains the provisions governing cooperation in matters of domestic and legal policy.

III. SMALL-SCALE CRIME IN THE CITIES

The term 'small-scale crime' is intended to cover the commonest, day-to-day offences that normally cause relatively little damage. Small-scale crime includes bag-snatching, domestic break-ins, theft (cars and bicycles) or damage to property, various types of fraud, attacks against the person such as actual bodily harm and coercion.

Crime rates have risen appreciably in almost all the industrialized countries over the past three decades. Crime statistics, however, only cover those offences that are reported to the police. It is impossible to form an accurate picture of crime from them. In addition, crime statistics are only apparently objective, since they are merely statistics of suspects, the reliability of which is dependent on the public's willingness to report crime. The state prosecutor's office does, however, supply a more differentiated picture of the police figures. Furthermore, police statistics from the EC Member States can hardly be regarded as compatible.

These fears of a real or imaginary increase in crime in their local environment or within their families worry people. In addition to this, older people often react by displaying fear and shutting themselves away when they have been subjected to an attack (for example bag- snatching).

IV. CRIME-INDUCING FACTORS IN URBAN CENTRES

Increasing poverty, unemployment and great social disparities all tend to encourage crime.

In the 1980s, France, Belgium and the United Kingdom had inner-city unemployment of more than 50% in many cases. Unemployment will continue to increase, especially in certain inner-city areas and in the outlying suburbs of conurbations.

Approximately 20% of the population of the European Community live in towns and cities[1]. These urban areas differ not only in terms of size, economic and social structure and social composition, but also in their funding, political leadership and administration. For example, the Brussels region is divided into 19 largely independent urban districts, which even have their own police forces.

At the same time as these developments in northern Europe, the cities of the south experienced a period of rapid population growth, due to migration from the countryside into the towns combined with the high birth rates of the 1960s and 1970s. In the 1980s the growth rate in the city centres slowed down, but the outskirts continued growing[2]. This gave rise to dormitory towns, where those with multiple social disadvantages live. This is also where the highest concentrations of large families are found (8, 10 or 12 children are not uncommon, for example on the outskirts

---

[1] Cf. Commission of the European Communities, Europe 2000 - Outlook for the Development of the Community's Territory, Luxembourg, 1991.

[2] Commission of the European Communities, Europe 2000, page 135 ff.

of Bari). Public amenities such as libraries and sports grounds are generally lacking in such areas.

During the period of relatively strong economic growth in the 1980s, the gap between rich and poor in Europe's cities increased. The existence of poverty-stricken areas immediately adjacent to relatively prosperous ones is a threat to social cohesion and detrimental to the smooth running of our cities. Too few or poorly functioning public amenities such as schools and nursery schools, poor housing and homelessness can give rise to a lack of trust in an area, preventing investment in manufacturing and the service sector.

In recent years the cities of France, Germany and the Netherlands, in particular, have registered an increase of the population of the inner cities, for the first time since the decline of the 1970s, primarily due to an influx of relatively prosperous and mobile inhabitants. More or less at the same time, increasing numbers of foreigners and the disadvantaged moved into the outlying areas of the conurbations. This led to a concentration of foreign residents in urban centres. In Frankfurt-on-Main the proportion of foreigners is 22.6%, in Birmingham 20% are from ethnic minorities, in the Netherlands 60% of immigrants live in the 4 biggest cities and 40% of France's immigrants live in Paris, the rest mainly in Marseilles and Lyon[1].

The problem of migration to the urban areas cannot be solved through repressive measures, which result in more illegal immigration. These immigrants are often forced to earn a living illegally (for example, by working illicitly, or in drug trafficking or prostitution). To this is the added fear of the police and other state bodies, which encourage immigrants to turn to illegal activities and crime.

The main demographic changes and internal migrations within the EEC appear to have been completed. The tendency in future will be for the pressure on the European cities from outside the Community to grow stronger.

V. ORGANIZED CRIME

Organized crime is a familiar phenomenon in all the Member States. It is hard to define organized crime with any exactitude. The social structure of the country and the region in question and the historical background play a crucial part in determining the nature of organized crime. A distinction is usually made between the type of offences involved and the structural aspect of organized crime[2]:

a. Organized crime focuses on the following offences: bribery, drug trafficking, trafficking in women, money laundering, arms trafficking, car theft and forgery.

---

[1] Ibid. page 136

[2] cf. Max-Plank-Institut for foreign and international criminal law, Comparative report on special preliminary procedures to fight organized crime, April 1992

Other areas of illegal activity are vice, protection rackets, smuggling in of illegal immigrants, investment fraud, subsidy fraud, burglary, illegal dumping of hazardous waste and other forms of environmental crime, trafficking in human organs, scientific and computer crime and crime involving the government and administration (bribery and corruption, the 'buying' of politicians and so on).

b. Structurally, the chief features of organized crime are a hierarchy, specialization within the organization, the profit motive, an internal system of sanctions, mutual aid, and the use of violence against people. In Europe the groups of organized crime are the Mafia, 'Ndrangeta, Camorra, Sacra Corona Unita, the Medellin Cartel, criminal gangs from Albania, former Yugoslavia, China, Japan, Turkey and the CIS. Occasionally there is a settling of accounts between different gangs, usually involving the right to control certain crimes (for example, drugs and prostitution).

Against the background of the political and economic opening-up of central and eastern Europe, criminal organizations from this area of the world are trying to break into the European Community. The overall social importance of organized crime differs from country to country, however. It seems to pose the gravest threat to society in Italy, and the smallest in the United Kingdom. In Germany, 641 investigations into organized crime were pending in 1992[1].

The real turnover of organized crime can only be guessed at. According to GAFI Group estimates, the value of illegally sold drugs alone amounts to approximately DM 200 million per year[2]. Other estimates assume a worldwide drug-trafficking turnover of DM 500 to 800 billion[3].

VI. LINKS BETWEEN SMALL-SCALE CRIME AND ORGANIZED CRIME IN URBAN AREAS

The links between organized crime and small-scale crime are often difficult to prove. Alongside the forms of urban crime already described, there are other forms of crime which are increasingly taking place in an organized structure. The forms and degrees of organization range from loose alliances for a particular purpose to permanent structures. This form of 'organized small-scale crime' ranges from the lower reaches of crime, for example organized shoplifting or bicycle stealing, to outlets for stolen goods. Restaurants, cafés and hotels, for example, are outlets for stolen spirits, cigarettes and foodstuffs.

The classic urban criminal structure, which increasingly has links with organized crime, is to be found in all 'red light areas'. This is where the illegal market in forged passports and driving licences is to be found, this is where one can buy a gun, gamble illegally or buy drugs.

---

[1] Federal Crime Bureau, Organized Crime in the Federal Republic of Germany 1992, Wiesbaden, 1993

[2] Cf. European Parliament, Report on the spread of organized crime linked to drug trafficking in the Member States of the European Community, Patrick Cooney (rapporteur), April 1992, A3-0358/91

[3] Cf. Stefan Wichmann, Weltmacht Drogen (Drugs - a World Power), ...

Alongside this, drug-related crime and the drug-trafficking which goes with it have spread in recent years. Poor inner-city areas are a great source of professional drug dealers. Drug dealing offers young people an income which their lack of education and career prospects would preclude them from earning legally.

Mr Laforgia, Mayor of Bari, gave a graphic description of this situation at the hearing on Urban Crime held by the Committee on Civil Liberties and Internal Affairs on 1 April 1993. Economic problems and inadequate social policies at national and local level point young people in the direction of a life of crime and illegal forms of employment, and facilitate their recruitment into the lower echelons of organized crime.

The construction industry is a classic example of the different forms of urban crime structures. The bribery of planning department officials is now common practice where major contracts are involved. In the competition between illegal and legal money, illegally acquired money often comes out on top. Construction scandals, illegal employment, ruined buildings, poorly executed new buildings are often the result of building contracts being awarded to firms whose main interest is in money laundering or the embezzlement of public funds. Indirectly the dismal housing situation, for which organized crime is partly to blame, encourages the development and growth of small-scale crime. The construction industry is, however, merely an example. Other areas of local government such as waste management are part of the picture, as are fraud using forged documents and many other offences.

VII. EXPERIENCE OF CURRENT CRIME-FIGHTING STRATEGIES

The policy of the Member States to date has been mainly designed to achieve a reduction in the number of offences by means of large-scale repressive measures. Combating crime through non-repressive measures has been largely neglected by the Member States, except for the Netherlands and Denmark.

The prevailing intergovernmental cooperation in domestic affairs and justice, such as the TREVI group or the current example of the setting up of EUROPOL, is the subject of criticism. The constitution of a European interior and legal policy is taking place without rigorous parliamentary controls. The twelve Interior and Justice Ministers simply prepare and present negotiated agreements to national parliaments for their approval or rejection. These parliaments are mostly hard put to it to fulfil their monitoring role for lack of information. Even if more information were available, each individual parliament would only be able to exercise controls over its own ministers, i.e. one in twelve. The national parliaments are not therefore in a position to exercise controls over the assembled Interior and Justice Ministers (which will be known as the 'Council' when the Maastricht Treaty comes into force). The only body capable of exercising such controls, and legitimately empowered to do so, is the European Parliament.

Current strategy to combat crime has serious shortcomings. The public considers itself threatened, especially by small-scale crime. Europe's internal security must be improved by means of a whole series of measures. Prime importance must be attached to the areas of social measures to

reduce crime, crime prevention, risk reduction and improved protection for victims.

The Commission already supports conferences such as those arranged by European Cities on Drug Policy, which aims to secure close cooperation between cities on the issue of drugs[1]. The Commission's DG I is participating in the Med-Urbs programme organized by the European Forum for Safety in Towns. Both European and North African cities are taking part in this programme[2]. Another example of close cooperation between European towns and cities is the Eurocities association, whose aim is the revitalization of urban areas, as it explained in its presentation to the European Parliament in Strasbourg on 20 April 1993[3].

VIII. FEATURES OF A FUTURE CRIME POLICY

When dealing with crime, differentiated plans are required, involving a combination of police and social policy action. Social policy action outside the legal system plays a part in prevention that should not be underestimated. Framing a new drugs policy plays a key part in social prevention. One of the major points is the decriminalization of drug consumption. The 'war on drugs' must be considered a failure. Clinging on to the present prohibition of drugs leads to marginalization of the drug users concerned and damages society. The repressive measures exercised against drug users has resulted in the deterioration of their health and increasing impoverishment, while the profits of professional drug-dealers are on the increase.

Decriminalization of drug consumption or the dispensing of drugs under medical supervision would be a body blow to the black market and the huge profits of the traffickers.

With any hopes of achieving a convergence of the Member States' different laws on drugs and narcotics at present illusory, there is a possibility of introducing a possession regulation governing the possession of a certain amount for personal use, as set out in the European Parliament report on the spread of organized crime linked to drug trafficking in the Member States of the European Community[4]. Another starting point is Article 129 (public health) of the Maastricht Treaty and also Article 75 of the Schengen Agreement (19 June 1990).

Other key aspects of social prevention are the intensification of work with children and young people (for example, creches and nursery schools), social learning, the training of young people, including improvements to

---

[1] European Cities on Drug Policy, Koordinationsbüro Frankfurt, Walter Kolbstr. 9-11

[2] Further information on the Med-Urbs programme and the activities of the Forum for Safety in Cities can be found in the annex.

[3] Eurocities, 9 rue du Moniteur, Brussels

[4] European Parliament - Report on the spread of organized crime related to drug trafficking in the European Community Member States, loc. cit.

the education system, a review of educational aims and housing improvements.

The aim of town planning must be to prevent certain parts of the city from becoming ghettos. The division of the city into residential, working, commercial and cultural areas must be dropped. In the immediate vicinity of a residential area there should be lively and informative pedestrian zones, and play and recreational areas for children, young people and adults. Residents must be more involved in the planning of new construction and renovation work. It must be compulsory for women to be involved in town planning, as up to now women's need for safety has been neglected by town planners.
The European Community must support social measures to prevent crime more strongly than it has hitherto. Money should be made available to urban areas via the ESF or action programmes such as POLIS to benefit the social areas described. The appropriations initially earmarked for the fight against marginalization must be substantially increased.

In view of the problem of corruption and the embezzlement of public funds in urban areas, money should only be paid out on receipt of documents certifying that the project is above suspicion. In addition, machinery should be introduced to monitor the proper implementation of the measures planned.

In addition to this, agreement must finally be reached on the harmonization of European immigration policy. It is necessary to harmonize laws on foreigners from non-EC countries, as this is the only means of channelling the pressure of immigration away from urban areas and ensuring that local authorities retain their ability to act.

IX. CRIME PREVENTION MEASURES

Without adding to their existing sense of insecurity, the public must be made aware of the need for technical security measures and safer personal behaviour. Rules improving technical safety standards, such as those applying to new buildings and car manufacturing, are therefore rational and necessary (Common position of the Council on protective devices intended to prevent the unauthorized use of two- or three-wheel motor vehicles - C3-0166/93).

X. POLICE AND JUSTICE REFORM

A stronger police presence on the street is needed in order to increase people's sense of security. The police must also step up cooperation with local authorities, institutions, societies and associations. An organizational reform of the police is also called for, freeing police forces from bureaucratic tasks. This would open up the possibility of a redistribution of tasks, for example by setting up organized crime teams to track down and combat organized criminal groups. Systems such as the recently set up crime prevention councils (e.g. the one in Lübeck, Germany) must be developed, and aspects of community policing (cf. the example of Hamburg) integrated into the work of the police (police reforms in Lower Saxony).

Every court should have a witness advisory centre, which would help to overcome witnesses' fear of testifying in court by giving appropriate psycho-social advice and information, bringing courts closer to the people by creating a certain familiarity with the daily workings of the court and thus reducing people's resistance to make use of judicial procedures.

Every form of delinquent behaviour is different and calls for a different kind of penalty or intervention. Many 'small-scale offences' such as shoplifting, illicit use of a vehicle (road tax avoidance) may be dealt with equally effectively by the civil law. Trivial crime does not require any response from the criminal law.

XI. VICTIM SUPPORT

When someone is the victim of a crime, people in general and the family in particular are often less than helpful. Being attacked can cause trauma symptoms such as anxiety, the tendency to seek solitude, and loss of the normally inherent feeling of security. If these problems are not dealt with but merely suppressed, this may lead to psychosomatic illnesses, on the one hand, and acts of aggression, on the other. The problems of crime victims need to be tackled, help sought and offered and alternative solutions developed in order to show victims ways out of their fear, despair and resignation.

All in all, the police's service function in this area must be developed as part of the concept of a police force 'close to the citizen' (see the example of the Netherlands). Useful links must be established between the police and professional victim support centres. Where there are no support centres, they must if necessary funded by the state.

XII. REFORM OF THE PENAL SYSTEM

The immense problems of the penal system have their roots in the fact that the majority of offenders are in prison following arrest for illegal use of drugs. Prison is not the place for drug users. They must be offered medical help and therapy. Criminological research has shown that open and low-security prisons are more likely to succeed in rehabilitating offenders than closed institutions.

As juvenile crime is often only a temporary phenomenon, it must be ascertained which forms of state intervention offer young people a best chance of growing out of a phase of aberrant behaviour.

XIII. STRICTER CONTROL MECHANISMS IN THE EXECUTIVE AND LEGISLATURE

Corruption in the provision of local authority services, for example the construction industry and waste disposal, must be eliminated. A disqualification procedure banning firms that employ illegal workers from carrying out contracted work must be introduced. A watchdog body should be set up to monitor the proper execution of public contracts. In addition, closer monitoring must be carried out by citizens themselves. Council meetings should be open to the public and community action groups given access to files (see initiative in Palermo, L. Orlando).

The formation of parliamentary anti-corruption committees is desirable. They should draw the public's attention to the problems of corruption, which could bring a new morality of state, politics and society in its wake. A society under the rule of law is only credible and justified in prosecuting crime if its own institutions adhere to the law.

XIV. MORE RESEARCH

All areas of internal security must be thoroughly researched by social scientists and criminologists. An appropriate place should be given to concept development and strategies of this kind within the framework of research in the social sciences in the Fourth Research Framework Programme (cf. STOA, Social Sciences Workshop, 19-20.4.1993, European Parliament, Strasbourg). The European Community should develop a research programme to expose shortcomings and contribute to development and transparency through independent research. Funds for measures to combat crime should only be granted if those responsible for the measures permit independent supervision and scientific monitoring.

The exchange between Europe's urban centres on an effective crime policy must be stepped up. The European Community must support this exchange more strongly than before (see Polis scheme). The introduction of a p. ze for the best alternative crime policy might act as an encouragement.

XV. CONVERGENCE OF THE EUROPEAN LEGAL SYSTEMS

The establishment of a European criminal law would offer an opportunity to overcome practical shortcomings and obsolete structures. The differences in European criminal law stand in the way of effective action to combat organized crime. The exchange of evidence for use in criminal trials between countries in the European union must be made easier[1].

International harmonization must have parliamentary support. The European Convention on Human Rights is the basis for this. A true EC criminal law code is not feasible, given the Community's present structure. It must be created by a parliament with full parliamentary powers and is a long-term goal.

XVI. SUMMARY

The towns and cities of Europe are encouraged to find municipal solutions to the problem of small-scale crime. The crime situation in European towns and cities varies in its development and emphasis and there are regional differences in the types of crime and criminal. The problem of crime will not be eliminated by the introduction of preventive measures, but this does not mean that better leisure facilities, improvements in the quality of life living on large estates, greater tenant participation in planning decisions, and measures to encourage a greater sense of community in anonymous housing areas do not serve a useful purpose. The Danish Crime Prevention Council in particular is in favour of preventive measures such as these, which address the root causes of crime.

---

[1] Luciano Violante (chairman of the Italian Parliament Anti-Mafia Committee), in the European Parliament, 7 June 1993

A rational, pragmatic policy on crime contributes to social stability and reduces the workload of the police and judiciary. The crime debate in Europe is dominated at present by the discussion of organized crime. This results in the internationalization of crime frequently being linked, improperly, with the lifting of the EC's internal borders. The argument about closer international relations, relaxation of border controls and improvements in technology benefiting criminals is an old one. Criminal organizations engaged in cross-border activities before the abolition of the EC's internal frontiers. In an age of communication technologies, borders are losing their significance. Organized crime in its broadest sense is an ongoing attempt, motivated by the desire for profit, to undermine the framework of the democratic state. The links between small-scale crime and organized crime are thus clear. Criminal organizations cause great harm, material or otherwise, to individuals, society and the state, and credible efforts must be made to combat it, while at the same time always taking account of legitimate rights and interests.

2.2. Coproduire la sécurité urbaine

On voit se créer en Europe, depuis une dizaine d'années des instances d'un genre un peu nouveau (appelés Conseil, ou Table-ronde, ou Comité) autour ou à partir des questions de sécurité urbaine liée à la petite et moyenne délinquance. Ce sont des nouveaux espaces publics, des lieux de démocratie proches de la vie quotidienne des citadins et où sont évoqués des problèmes relevant traditionnellement du domaine réservé des autorités gouvernementales. S'y amorce un débat public sur les modes d'intervention de la police et de la justice et l'organisation, à un niveau local, d'une coproduction de la sécurité urbaine ou de production coopérative, associant formellement la société civile à l'action des pouvoirs publics

Cette perspective ne remet pas en question la compétence formelle de l'Etat (réglementation de l'usage de la force et de la contrainte), il l'actualise et d'une certaine façon la légitime.

Qui dit démocratie dit procédures publiques et contradictoires. De nouveaux modes de travail s'y élaborent en effet qui participent de l'initiative des citadins-citoyens, de l'administration publique, de l'expertise scientifique (221). L'ensemble produit un diagnostic partagé des situations locales (222), et une mise en oeuvre commune des politiques locales de réduction de l'insécurité (223)

2.2.1. Tour d'Europe de la coproduction * *se reporter à l'étude comparée (administrative, financière, politique et juridique des dons) de Georgia Dischlewaux jointe en annexe*

Voici comment, dans quatre pays à l'organisation administrative et politique bien différente (A/Allemagne, B/ Belgique, C/ Espagne, D/ France) une nouvelle politique de sécurité urbaine se met en place progressivement sous l'impulsion des autorités publiques locales ou régionales. Ces initiatives sont connues sous le presque label "prévention de la délinquance". La notion de "réduction de l'insécurité urbaine" serait sans doute plus juste. Ils s'y cherchent des nouveaux modes de travail, des procédés qui se situent entre l'initiative des citoyens, l'administration municipale, l'expertise payée.

A. En Allemagne il n'existe pas de stratégie coordonnée pour réduire l'insécurité urbaine. Dans l'ensemble, les autorités autres que la police ne se sentent pas vraiment concernées.Les villes, auxquelles la Loi Fondamentale (article 28, 6 2) donne le droit de régler toutes les affaires dans le cadre des lois et sous leur propre responsabilité (on parle d'autogestion communale) et auxquelles incombe la prévention des risques [1] s'en remettent à la police. C'est du moins ce que semble indiquer le sort réservé récemment à un sondage organisé par l'Office fédéral de la police judiciaire en collaboration avec l'Union des villes et communes et qui demandait à une centaine de villes de préciser les mesures de prévention de la délinquance qu'elles auraient pu adopter : les villes ont transmis ce questionnaire à la police. Des formes de coordination peuvent exister entre les municipalités et la police ou d'autres instances mais c'est au coup par coup, au sein de groupes de travail ponctuels. Le Collège a eu connaissance de quelques exceptions notables : les Länder de Schleswig-Holstein, de Berlin, de Brandeburg et de Hesse initient une coopération inédite entre la police (pilote d'actions de prévention situationnelle de la délinquance), d'autres autorités publiques, des experts, des organismes non gouvernementaux et des entreprises privées

- Le land du Schleswig-Holstein (2 500 000 habitants), précurseur, a créé en 1990 un Conseil de prévention de la délinquance pour établir une stratégie publique au-delà des compétences sectorielles [2]. Composé de 150 membres, il représente toutes les couches de la population et repose essentiellement sur la logistique du ministère de l'intérieur. Ses organes sont l'assemblée générale, un directoire, une gérance, et des conseillers scientifiques. Le directoire est composé des ministres de la justice, des affaires culturelles, des affaires sociales et de l'intérieur (qui assure également la présidence) du land. La gérance est assurée par deux inspecteurs de police qui disposent de la logistique du ministère de l'intérieur. Dix groupes de travail se sont constitués: état des lieux en matière de délinquance, création du réseau, socialisation, délinquances spécifiques (contre l'environnement, toxicomanie et délinquance associée, fraudes à l'assurance, violence) ; prévention technique, école, police. Projets à moyen terme : ranimer l'initiative sociale par l'organisation de nouvelles structures où s'exerce une co-responsabilité des citoyens. Budget annuel : 150 000 DM.

- Six villes du Schelswig-Holstein dont Lubeck et Munster (80 000 habitants) ont créé un Conseil communal de prévention de la délinquance sur le modèle français et cherchent à établir des liens de coopération avec des villes européennes notamment par la voie des villes jumelées. Ces Conseils dressent un état des lieux commun à l'ensemble des acteurs de la prévention et démarrent des projets concrets.

- Le land de Berlin a créé, après la réunification, la Commission Berlin

[1] [illegible]

[2] [illegible]

contre la violence" qui tente d'aborder le problème de la petite et moyenne délinquance urbaine avec toutes les forces concernées. Elle dispose d'une petite administration, d'un conseil scientifique, de groupes de travail réunissant 80 experts bénévoles qui procèdent à des enquêtes empiriques. Elle recommande la création de Conseils d'arrondissement contre la violence (entre 200 et 300 000 habitants) ouverts à toutes les forces qui souhaitent travailler. Ces Conseils, dont certains fonctionnent depuis 1991 à Berlin, seraient d'interlocuteurs pour ceux qui ont des problèmes à résoudre et ne savent pas comment s'y prendre. Ils sont en contact avec les ressorts financiers de l'arrondissement. Budget annuel : 100 millions de DM en 1993, 1994, 1995, prélevé sur le budget des administrations de l'intérieur, de la famille, de la justice, de l'éducation pour des actions spécifiques en direction des jeunes.

Le ministère de l'intérieur du land de Brandebourg depuis 1992 a créé des tables rondes pour la sécurité urbaine qui réunissent la police, les services municipaux, des associations de citoyens, les églises, des entreprises industrielles. Ces tables rondes offrent aux organisations privées la possibilité de s'investir dans un domaine jusqu'alors réservé et aident la police à sortir de ses retranchements. La démarche du Brandebourg est d'autant plus intéressante qu'elle est clairement annoncée par le ministère de l'intérieur comme un moyen de sortir la police d'une crise aux effets désastreux sur la sécurité urbaine. Dès la réunification en effet, les nouveaux länder ont dû faire face en effet à l'effondrement de l'administration antérieure et notamment de la police (la police du Brandebourg est aujourd'hui composée presqu'exclusivement de 7 000 des 13 000 policiers préexistants à la réunification) dont la formation ne correspond pas sur le plan juridique et technique à celle que l'on attend d'un policier de l'ouest. Cette situation très défavorable, doublée d'un budget insuffisant a incité les responsables du ministère de l'intérieur à innover au niveau le plus bas. La question était pour eux la suivante : qui atteindre pour être interlocuteur de la police et engager avec elle une transformation ? Comment, en l'absence de modes de collecte des données suffisamment fiables, établir un diagnostic et définir des actions ? Il fallait atteindre les citoyens. Mais comment ? Il était impossible évidemment d'atteindre chaque citoyen, mais possible d'atteindre les communes. Les communes ont le double avantage d'être à la fois le premier échelon de la démocratie et l'unité la plus petite de l'organisation de la police. Les maires ont donc été invités à entrer en contact avec ces services de police et à établir avec eux et le ministère un état des lieux des situations spécifiques et un état des échecs et des réussites. Six à douze communes ont répondu à cet appel. Certaines prennent désormais l'initiative des rencontres régulières avec la police. Le directeur de la police criminelle du Brandebourg note que si la commune ne manifeste pas d'intérêt, il est très difficile de lancer une dynamique de transformation. Les vieilles bureaucraties

[illegible]

Budget 1993 : [illegible]

Le land de [illegible] gouvernement du Land. Il [illegible] les [illegible] à établir des programmes [illegible] publics et la violence [illegible] politique. Trois groupes de travail [illegible] nommés : la violence [illegible] institutionnelles de violence. Budget annuel [illegible] par an.

B. En Belgique la prévention relève dans certains cas [illegible] (ministère de l'intérieur) [illegible] des institutions de la Communautés), sans [illegible] le niveau municipal. Le [illegible] une politique policière [illegible] policière, une équipe [illegible] étant allouée à temps [illegible] associatif, à des actions d'aide [illegible] prend l'initiative de rencontres [illegible] d'élèves et enseignants, belges et étrangers.

- Un Conseil d'arrondissement [illegible] de la jeunesse et sur la base du décret de la Communauté de langue française en [illegible] d'horizons socio-professionnels élevés en vue de [illegible] établir les mesures nécessaires que requiert [illegible] la délinquance et [illegible] ville.

- Une concertation pentagonale, prévue à l'article [illegible] de la loi sur la fonction de police, se développe (Charleroi, Mons, Louvain, Bruxelles) entre la justice (le parquet), la police judiciaire, les polices locales, la gendarmerie et l'administration communale au sein de [illegible] se définissent des actions pour les quartiers les plus difficiles.

- Des contrats de sécurité ont été négociés en 1992 et 1993 entre le gouvernement et les grandes villes "à risques". En 1993 l'Etat et la Région de Bruxelles-capitale par exemple accordent à ces communes [illegible] d'initiatives particulières, une subvention de 260 millions de FB pour un pendant

[illegible] renforcement de la police de proximité dans la rue, [illegible] de l'accueil dans les commissariats, *fun (city)* coaching[illegible], [illegible] de médiateurs et d'assistants de concertation pour l'intégration de [illegible] et pour les étrangers, installation d'un centre [illegible] en matière de toxicomanie... Des projets sportifs se [illegible] dans la rue, football de quartier, avec la [illegible] de l'Union belge de football.

[illegible] entre les autorités judiciaires de Bruxelles et la [illegible] mineurs bruxellois pour des peines de réparation [illegible] Plusieurs entreprises privées se sont déclarées [illegible] aussi réparer par les mineurs les dégâts qu'ils ont [illegible] aux majeurs sous la forme d'une probation [illegible] en marge de la loi)

[illegible] quartiers, une concertation communale associant les [illegible] commerçants et la population locale est tentée pour tenter [illegible] de tensions urbaines, de peur ou de rejet des étrangers[illegible]

B. [illegible] du réseau de Conseils communaux de sécurité urbaine [illegible] à l'image de ce qui se fait à Barcelone ? La doctrine juridique [illegible] la plus significative en matière de sécurité publique, et [illegible] sur les lieux publics, mais cette autorité est appliquée et [illegible] selon les partis politiques et la personnalité du maire[illegible]. Si [illegible] corps de police (national pour la garde civile et la police [illegible] pour les 18 communautés autonomes, municipaux [illegible] disposant de forces propres) cohabitent sur le terrain sans autre [illegible] qu'actionne au jour le jour le processus "stimulation de la [illegible]". Pour pallier les inconvénients d'une telle situation le [illegible] et la loi-cadre des forces de sécurité approuvée en 1986 [illegible] d'instances de partenariat social: les Juntas de seguridad, [illegible] de sécurité au niveau des gouvernements autonomes et au niveau des municipalités. Mais ces Conseils de sécurité ont échoué, estime le directeur de l'école de formation de la police de Catalogne, faute d'avoir trouvé un centre de travail [illegible]. Pressentant pour tous les citoyens se sont progressivement désengagés de la vie publique après la très forte participation qui a suivi l'avènement de la démocratie, les élus (à quelques exceptions notables près dont le maire de Barcelone) [illegible] les risques de s'impliquer dans ces matières aux [illegible] imprévisibles et enfin, la participation de la police au régime [illegible] des traces qui brouile la confiance entre elle et la population.

[illegible] Conseil local de sécurité urbaine de Barcelone. C'est l'unique [illegible] 2,5 millions d'habitants, et 3,5 avec l'agglomération) disposant d'une [illegible]

[illegible] formes et [illegible] des [illegible] [illegible] par le [illegible] de quartiers, [illegible] des agents [illegible] Police [illegible]

Le directeur de l'[illegible] de Catalogne [illegible] rétablissement et engagé par l'[illegible]

- la réorganisation du niveau [illegible] des forces municipales de police

- un élargissement des activités des gardes [illegible] sécurité publique.

Le développement [illegible] nouvelle attitude du [illegible] concernant l'action de la police et l'ordre dans les [illegible] en particulier une transformation des méthodes de travail [illegible] en ce qui concerne les compétences des [illegible] la sécurité publique.

- la poursuite d'une réflexion [illegible] par [illegible] dans les zones à risques du sentiment d'insécurité [illegible]

D. En France, depuis 1983 selon la proposition [illegible] sur la sécurité réunie en 1982 à la demande du [illegible] politique de prévention de l'insécurité urbaine a été [illegible]

- Près de 600 Conseils communaux de prévention de la délinquance ont été créés. A la libre initiative des villes et sous la présidence du maire, ils rassemblent en nombre égal des représentants de l'État et de la commune, [illegible] qu'un juge des enfants et un juge de l'application des peines, des représentants d'associations et des personnalités qualifiées. Ils [illegible] de la politique de prévention au plus près des réalités [illegible] l'ensemble des acteurs concernés. Ces Conseils [illegible] dépend un délitement [illegible] sur les [illegible] et de la justice.

- Le ministère de l'intérieur et de la sécurité [illegible] l'État central) a publié en juin 1993 un plan de [illegible] Une des mesures prévoit l'élaboration de plans [illegible] concertation avec les élus, au niveau de la commune [illegible] (regroupements de communes) et de département [illegible]

"départements sensibles" et facultative dans les autres. Le niveau local, proche des responsables des collectivités où s'organise la vie quotidienne des populations, y est désigné comme le niveau pertinent pour établir un diagnostic de sécurité (analyse de la demande et de l'offre de sécurité) et pour définir ensemble des actions concrètes susceptibles d'infléchir les stratégies des institutions ayant un rôle en matière de sécurité. "Ensemble" signifie notamment: les communes, l'autorité judiciaire, la police et la gendarmerie, les responsables d'établissement scolaires, les propriétaires et gestionnaires du logement social", les entreprises à risque (banques, grands surfaces commerciales...), les réseaux de transports en commun". La circulaire et plus encore le guide qui l'accompagne, donnent des indications de méthode pour mener à bien ce travail de co-production de la sécurité (type de données à recueillir, des exemples d'actions concertées, échéancier, suivi et évaluation...)

source: FORUM EUROPEEN POUR LA SECURITE URBAINE;COLLEGE ANALYTIQUE DE LA SECURITE URBAINE; RAPPORT PROVISOIRE; 20 SEPTEMBRE 1993

ANNEX

B3-0725/92

MOTION FOR A RESOLUTION

pursuant to Rule 63 of the Rules of Procedure

by Mr DE PICCOLI

on the spread of urban crime and petty crime in the Community Member States

The European Parliament,

A. having regard to the present scale of organized crime and urban petty crime in the Community,

B. whereas the abolition of checks on persons and goods will eliminate the screening effect of borders and may contribute to increasing the crime rate,

C. whereas no thorough Community analysis of crime in Europe has so far been conducted,

D. whereas, in addition to serious crime, the rate of urban petty crime and minor offences is growing, especially in large European cities, and whereas this constitutes a threat to people's quality of life,

E. whereas the political and economic unification of Europe calls for the legal systems of Member States, which at present differ considerably, to be altered and revised,

1. Believes that the problem of serious organized crime and the spread of petty crime should be given serious consideration so that practical steps may be taken to meet the expectations of European citizens;

2. Considers that crime represents a genuine danger to democracy and that action to combat serious crime and the escalation of petty crime should become one of the Community's priorities;

3. Instructs its appropriate committee to draw up a study on this subject and consider what Community measures are required to tackle such problems.

B3-0790/93

MOTION FOR A RESOLUTION

pursuant to Rule 63 of the Rules of Procedure

by Mr DOMINGO SEGARRA

on the spread of violence in the Member States of the Community

The European Parliament,

- having regard to the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms,

- having regard to the Treaty establishing the European Community and the Treaty on European Union,

- having regard to its declaration of 5 April 1977,

- having regard to its resolution of 11 March 1993,

A. whereas there has been an increase in offences involving physical violence, particularly against those in vulnerable groups,

B. whereas the spread of physical violence diminishes the quality of life of the citizen, which is a fundamental principle of the Treaty,

C. whereas respect for human rights forms an integral part of an individual's development and of human dignity, and all forms of physical and psychological violence constitute infringements of human rights,

D. whereas the hard facts cannot always illustrate the full extent of this complex problem and there are only piecemeal surveys in this area in the Member States,

E. whereas an analysis must be made of the causes of the spread of violence,

1. Affirms the need to adopt effective legal measures to safeguard the rights of injured persons and to prevent the spread of acts injurious to personal dignity;

2. Calls on the competent committee to examine this problem.

MOTION FOR A RESOLUTION

pursuant to Rule 63 of the Rules of Procedure

by Mrs BRAUN-MOSER

on a Community-wide Criminal Investigation Bureau and cross-border prosecution of criminal offences

The European Parliament,

A. whereas the European Council has to date been dilatory in making arrangements for the establishment of EUROPOL, even though this agency is at present envisaged as no more than a centre for collecting and assessing information,

B. whereas the opening of the borders of the internal market has increased the opportunities for international organized crime, particularly since some countries, owing to their peripheral position and partly because their level of prosperity encourages the legalization of foreign currency - have become hubs of criminal activity,

C. whereas the prosecution of criminal offences has to date been coordinated only at bilateral and not at international level, with the result that in some countries foreign police forces have no right of hot pursuit, and that in other EC countries they have no right of arrest,

1. Calls for the harmonization within the EC of legislation on the prosecution of criminal offences, and in particular for cooperation between the Member States' police forces, who should also be given the right of hot pursuit and the right of arrest;

2. Calls for a European Criminal Investigation Bureau to be set up as a centre for cross-border prosecutions of this nature.