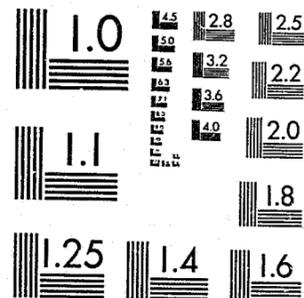


National Criminal Justice Reference Service



This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS-1963-A

Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504.

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U. S. Department of Justice.

National Institute of Justice
United States Department of Justice
Washington, D.C. 20531

11/9/84

COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

LEGAL AFFAIRS

COUNCIL OF EUROPE ACTIVITIES
IN THE FIELD OF CRIME PROBLEMS
(1975-1980)

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Council of Europe

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

90303

STRASBOURG
1980

JUL 1987

ACQUISITIONS Council of Europe activities in the field of
crime problems since 1975

The aim of the Council of Europe, as defined in Article 1 of its Statute, is "to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress".

"This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms".

The Council of Europe is open to any European state which wishes to become a member or co-operate with it, provided that certain conditions relating to the respect of democratic forms of government are fulfilled. There are at present 21 member states: Austria, Belgium, Cyprus, Denmark, France, Federal Republic of Germany, Greece, Ireland, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

Council of Europe activities in the penal and criminological fields:

- help to adapt preventive and repressive crime policy to contemporary social needs while taking account of both the need to protect the fundamental values and structures of human society and the principles of the pre-eminence of law and the respect of human rights;
- foster international co-operation in the prevention and punishment of crime and the treatment of offenders;
- encourage, where appropriate, the harmonisation of individual national efforts to work out comprehensive policies to control crime and defend the community; encourage the critical examination and development of such policies through the exchange of information and research findings.

The European Committee on Crime Problems (CDPC), which was entrusted with implementing this programme, holds one plenary session each year, during which specialists in the legal, penological and criminological sciences examine the different aspects of crime policy and decide on ways and means of putting it into effect.

In performing its duties, the CDPC has the assistance of the Criminological Scientific Council, comprising 7 eminent criminologists who submit technical opinions, compile information and make proposals concerning the preparation and carrying out of the CDPC's work.

CDPC activities are conducted through the agency of a number of select committees and working parties which endeavour to achieve tangible and realistic results enabling national policy makers to achieve closer European harmonisation in combating crime.

In addition, criminological research conferences and criminological colloquia provide a framework for comparing research findings. Each conference or colloquium is devoted to one or more topics of criminological research.

As regards prison affairs, an opportunity to compare experience and exchange ideas is provided by the conferences of directors of prison administrations.

Collaboration between the CDPC and the United Nations, particularly in the form of exchanges of information and frequent contacts between the members of their secretariats, has been both fruitful and appreciated. Contact is also maintained with the EEC in all areas of common interest.

Co-operation with other international organisations interested in crime problems (ICPO - Interpol, International Association of Penal Law, International Penal and Penitentiary Foundation, International Society of Social Defence, International Society of Criminology) through the exchange of observers and other appropriate means is steadily increasing.

All these contacts have enabled the CDPC to pursue its activities in a context extending beyond the member states of the Council of Europe and thus contribute to the world-wide search for solutions to the problems raised by criminal and antisocial behaviour.

I. CRIMINAL LAW AND PROCEDURE

1. Extradition and mutual assistance

The European Convention on Extradition was opened for signature in 1957 and entered into force in 1960. It has so far been notified by 14 member states and signed by 4 others.

Two states outside the Council of Europe, namely Israel and Finland, are parties to this convention.

The European Convention on Mutual Assistance in Criminal Matters was opened for signature in 1959 and entered into force in 1962. It has so far been ratified by 14 member states and signed by 2 others, while Finland has also acceded to the convention.

To facilitate the practical application of these two conventions, a committee of experts was set up to examine the relevant problems and decide on measures to cope with them.

During the first stage of its work, this committee prepared an additional Protocol for each convention and a resolution on the Mutual Assistance Convention. The Protocol to the European Convention on Extradition contains provisions on the extension of extradition to offences which are subject only to pecuniary sanctions; fiscal offences; judgments in absentia; amnesty and the communication of requests for extradition.

The additional Protocol to the Mutual Assistance Convention contains provisions on the extension of the convention to fiscal offences; mutual assistance concerning the enforcement of a sentence; the communication of information from judicial records.

The recommendations contained in the resolution concern extracts from judicial records and the restitution of objects to their owner.

The committee has since continued its work by examining not only the difficulties encountered in the practical application of the texts under consideration, but also their compliance with the requirements laid down by the European Convention on Human Rights.

The committee has prepared two draft recommendations embodying a number of principles which governments are invited to observe when applying the conventions. They concern:

- with regard to extradition: the use of extradition (in particular the principle that it should not be used where the extradition procedure is manifestly disproportionate to the seriousness of the offence or the penalty likely to be passed); the right of the person concerned to be informed, heard and assisted in the extradition procedure; the use of a summary procedure enabling the rapid surrender of the person sought; the moderate use of provisional arrest pending extradition; and the arrangements for the transit of the person to be extradited, including the use of transit by air;

- with regard to mutual assistance: rules concerning compliance with a request for assistance, namely that the principles contained in Article 6 of the Human Rights Convention should be observed and that the requested authority should comply with a request for assistance as rapidly as possible; and guidelines on the application of Article 4 of the convention which gives the authority of the requested state discretion to allow officials of the requesting state and interested persons to be present at the execution of letters rogatory.

Another draft recommendation aims at strengthening the protection of human rights in cases where extradition is requested by states not party to the European Convention on Human Rights. Governments of member states are recommended not to grant extradition in such cases where there are substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing the person concerned on account of his race, religion, nationality or political opinion; to see to it that this principle be included in all extradition agreements with states not party to the Human Rights Convention, and to comply with any interim measure which the European Commission of Human Rights might indicate, as, for instance, a request to stay extradition proceedings pending the Commission's decision.

Finally, the Select Committee made two proposals of a more practical nature. One concerns the compilation, for each of the two conventions, of all texts relating to them, the idea being to make these texts (conventions, additional Protocols, reservations and declarations, explanatory reports and resolutions) which are presently the subject of separate publications more easily accessible and therefore facilitate the practical application of the conventions. The other proposal concerns the introduction of a system whereby the Contracting Parties to the Extradition Convention keep each other regularly informed about important decisions of their courts in extradition matters. It was thought that such mutual information on the practical application of the convention would be conducive to a uniform interpretation of its provisions.

All these proposals, together with the above-mentioned draft recommendations, were approved by the Ministers' Deputies at their meeting in June 1980.

2. Operation of Council of Europe Conventions in the field of crime problems

This activity was entrusted to a committee of experts whose terms of reference were to examine the relations between conventions in the penal field - other than the extradition and mutual assistance conventions which were being studied by another committee - in order to determine how these conventions were applied in practice and ensure that they were not mutually incompatible.

The committee completed its work in 1979. It drew up draft resolutions for each of the 4 conventions examined by it and these were all adopted by the Committee of Ministers. The recommendations contained in these texts concern the European conventions on the transfer of proceedings in criminal matters, the international validity of criminal judgments, the supervision of conditionally sentenced or conditionally released offenders and the punishment of road traffic offences.

3. Terrorism

In face of mounting terrorism in Europe and following Committee of Ministers Resolution (74) 3, it was proposed at an informal meeting of European Ministers of Justice in 1975, that a committee should be set up to prepare a European convention to combat acts of terrorism. This convention, known as the European Convention on the Suppression of Terrorism, was opened for signature in January 1977 and has since been ratified by 9 states. It is essentially designed to limit the possibility of having a request for extradition rejected under the pretext of "a political offence" in the case of particularly serious and odious acts of terrorism. If extradition is refused, the requested state assumes competence to investigate the offence and must have the necessary legal proceedings instituted by its own authorities.

This convention is a first step towards a common approach by member states in combating terrorism. In the hope of augmenting its impact, the Committee of Ministers of the Council of Europe stressed the need to develop and strengthen European co-operation in this field. It decided that priority should be given to the examination of 3 questions:

- the means of rendering existing practices of international co-operation simpler and more expeditious;
- the means of improving and speeding up the communication of information;
- the problems arising where acts of terrorism have been committed within the jurisdiction of several states.

Work on these questions is being continued by the Committee of Experts to examine the problems raised by certain new forms of concerted acts of violence (PC-AV) with a view to proposing measures likely to improve international co-operation. It will formulate its proposals on the basis of a survey of the case law of the European Human Rights Commission and Court, so as to ensure that improved international co-operation is in full conformity with the requirements of the Human Rights Convention.

Following such a report and in accordance with the wishes expressed by the Ministers of Justice in Vienna in 1974, the Committee of Ministers of the Council of Europe set up a select committee of experts to draft a set of European standards on custody pending trial in order to bring up-to-date the principles set out in Resolution (65) 11 on remand in custody and their subsequent practical implementation. It was in fact necessary to adapt the resolution to current developments in crime policy and criminal procedure.

The salient points of the recommendation drafted by the committee of experts on completing its work - and recently adopted by the Committee of Ministers - may be summarised as follows:

Starting from the principle (laid down in Article 6 (2) of the European Convention on Human Rights) that everyone charged with a criminal offence shall be presumed innocent until proved guilty, and considering that it is desirable for humanitarian and social reasons to reduce the application of custody pending trial to the minimum compatible with the interests of justice, the Committee of Experts prepared a set of European standards to be applied to persons awaiting trial.

./.

In addition to certain general principles - that custody pending trial should not be used unless the circumstances make it strictly necessary, that it should be regarded as an exceptional measure, that it should never be compulsory, and that it should not be used for punitive reasons - the draft recommendation contains some 18 principles dealing with decisions on custody pending trial, alternative measures, and the investigation and the trial in cases where the accused person is kept in custody.

5. Punishment of road traffic offences

The numerous activities undertaken in this field led in 1967 to the drafting of the European Convention on the Punishment of Road Traffic Offences. European co-operation did not stop there and has since given rise to 4 resolutions (1) and the Convention on the International Effects of the Deprivation of the Right to Drive a Motor Vehicle, opened for signature in 1976.

Since that date, the Committee of Experts on the Punishment of Road Traffic Offences has adopted Resolution (77) 29 on hit-and-run offences and Resolution (78) 42 on the prevention of the unauthorised use of a motor vehicle.

The latest phase of this committee's work has consisted in drawing up and adopting the final version of the "Guidelines for offences to be included in a European Highway Code". These guidelines, which represent the culmination of all the work in this field, are based on the aforementioned texts, all of which have been adopted by the Committee of Ministers. They are primarily intended to serve as a guide to Council of Europe member states in any future changes in their national legislation.

6. Firearms

One corollary of the free circulation of persons and goods which became effective in post-war western Europe has been the increased internationalisation of crime. A large proportion of such crime consists of acts of violence committed with firearms whose - frequently foreign - origin cannot be established owing to the diversity of regulations in the different countries. It therefore became necessary to institute international control of the possession, acquisition and circulation of firearms by private individuals.

As stringent customs checks were out of the question, an international control system had to be devised which would not hamper the licit arms trade. This aim was achieved by the European Convention on the Control of the Acquisition and Possession of Firearms by Individuals, opened for signature in 1978. A system of notification and authorisation ensures that a check can be kept on all firearms defined in the convention. Furthermore, the harmonisation of national legislation and practice regarding a number of specially relevant items (statistics, classification, licences, safe custody, transactions, etc) is the subject of a recommendation drawn up by the competent committee of experts and soon to be examined by the Committee of Ministers.

./.

- (1) Resolution (68) 25 setting up a simplified procedure relating to minor road traffic offences, Resolution (71) 28 on deprivation of the right to drive a motor vehicle, Resolution (73) 7 on punishment of road traffic offences committed whilst driving a vehicle under the influence of alcohol, Resolution (75) 24 on the punishment of manslaughter and accidental injury on the road.

This new text is also designed to ensure a minimum level of strictness in applying the rules concerning the control of firearms. Once such rules become identical and are enforced according to similar patterns, the abolition of frontier controls will no longer impair the effectiveness of the fight against crime.

7. Works of art

Theft and destruction of works of art in different parts of the world, but particularly in Europe, prompted the CDPC to set up a committee of experts to study the various aspects of this problem.

This committee, which began operating in 1978, has been working on the definition of the different offences against the cultural heritage, ways and means of achieving international co-operation in preventing such offences, the settlement of problems inherent in the concept of "bona fide owner", transnational restitution and statutory limitation.

In addition, the committee is to study the possible application to this problem of the 4 main European conventions in the penal law field, namely:

- the European Convention on Extradition,
- the European Convention on Mutual Assistance in Criminal Matters,
- the European Convention on the International Validity of Criminal Judgments,
- the European Convention on the Transfer of Proceedings in Criminal Matters.

The committee is concentrating its efforts on the preparation of a draft European Convention on the Suppression of Offences against Cultural Property.

8. Compensation of victims of crime

Numerous research projects have revealed that in the majority of countries the victims of crime do not always receive compensation. Traditional methods of compensation are not always effective owing to the insolvency of the offender. Moreover, whereas efforts have long been made to improve the treatment of delinquents, less concern has been shown for the victim, his social circumstances or, in the case of the latter's death, the situation of his dependants.

In order to remedy this deficiency, the Council of Europe set up a committee in 1975 to study a method of state compensation for victims of crime based on principles for standards to be applied internationally.

In the preamble to the resolution drawn up by this committee and adopted in 1977 by the Committee of Ministers, it is pointed out that the compensation of victims of crime is based not on any state liability, but on reasons of equity and social solidarity. Consequently, the state should help to indemnify the victim, or his dependants if the latter is killed, when compensation cannot be ensured by other means.

The resolution defines the principles which should underlie the conditions and arrangements governing the compensation of victims by the state (expenses covered, international aspects etc).

The CDPC report on the subject was published in 1978.

9. The contribution of criminal law to the protection of the environment

The protection of the environment against the various forms of pollution caused principally by industrial activities is a matter of deep concern for a large number of countries, including the member states of the Council of Europe. The organisation has accordingly created a Directorate of Environment and undertaken a variety of activities in this field.

In this connection, the Committee of Ministers instructed the CDPC in 1974 to examine the role of criminal law in the protection of the environment.

According to the findings of the competent committee, criminal law should be resorted to only when civil, administrative or other measures have proved ineffective in protecting the environment.

The committee completed its work in 1977 with the preparation of a report and a resolution recommending governments:

- to review criminal penalties for damage to the environment and, in particular, to consider the introduction of new forms of pecuniary punishment such as daily fines ("astreintes"), day fines, and other measures such as restoring a site to its former state, disqualifications (as principal penalties), the publication of convictions etc;
- to reconsider the principles of criminal liability with a view to the possible introduction in certain cases of the liability of corporate bodies, public or private;
- to examine the advisability of criminalising acts and omissions which culpably (intentionally or negligently) expose the life or health of human beings or property of substantial value to potential danger;
- to re-examine criminal procedure in matters of environmental protection and, in particular, the creation of special branches of courts and offices of public prosecution, the means of giving persons or groups the right to become associated with criminal proceedings, the creation of a special criminal register of persons convicted for pollution, the exclusion from amnesty of serious environmental offences.

The resolution also draws attention to the advantages of gradually compiling the criminal provisions of all member states relating to environmental protection in a single collection.

10. Seminars for judges

The CDPC periodically organises seminars to enable judges and members of prosecutors' departments to compare notes and discuss problems.

The two following seminars were held in Strasbourg in 1979:

a. Seminar for juvenile court judges

This seminar covered the following topics:

- juvenile court structures;
- juvenile court auxiliary services;
- sanctions and other ways of dealing with minors.

b. Seminar for judges and members of prosecutors' departments dealing with business crime

This seminar covered the following topics:

- relations between judges and experts;
- part played by victims in criminal proceedings;
- analysis of problems raised by international judicial co-operation;
- problems raised by the abuse, nationally and internationally, of subsidies.

II. CRIMINAL POLICY AND PREVENTION OF CRIME

1. Relationship between the public and crime policy

Since 1979, a committee of experts has been examining the relationship between the public and crime policy in the light of the work and conclusions of the 13th Criminological Research Conference which was devoted to "Public opinion in relation to crime and criminal justice". In the opinion of the European Committee on Crime Problems, no crime policy can be properly applied unless it is understood and accepted by the public, which should not only be informed but also associated with the decision-making process.

The Select Committee is concentrating on public participation in:

a. policy for alternatives to imprisonment, including:

- public support for treatment at liberty;
- the public's contribution to such treatment (voluntary probation officers etc);

b. policy for protecting victims;

c. policy for crime prevention, both general and particular.

The committee is also considering both legislation and practice in member states and criminological research on the subject.

2. Co-operation between the public and the police in the prevention of crime

According to the findings of the 3rd Criminological Colloquium (the Police and Crime Prevention) held in 1977, the public should be encouraged to co-operate with the police in preventing crime. A committee of experts began work in 1979 with a view to furthering this aim.

The programme drawn up by the committee covers:

- police structures best suited to co-operation with the public (preventive police forces, advisory services, etc);
- population groups most likely to cause the police problems (young people, minorities, tourists, etc);
- forms of co-operation between the public and police (information supplied to the police by the public, police advice to the public on crime prevention, etc);
- difficulties in contacts between the public and the police (mistrust of the police, fear of reprisals by the offender, complex witness interrogation procedures, etc);
- ways of securing public co-operation (information about police activities through the mass media, contacts between patrolling policemen and the public, police advisory bodies, etc).

The study of relevant legislation and practice will be supplemented by consideration of research into relations between the public and the police.

3. Decriminalisation

A committee of experts has examined the scope of criminal law in present-day conditions and the definition of guidelines for assessing changes in the reaction of the public authorities to certain types of behaviour. This committee has made a comparative study of trends and criteria concerning all forms of decriminalisation used in Council of Europe member states. It has analysed the measures applied from both the social and the legal points of view, together with the reasons behind them.

In its final report, the committee does not present recommendations for decriminalising particular offences. It has preferred to offer member governments and those with legislative responsibilities a description of actual situations which occur in practice with regard to a number of offences, together with examples of decriminalisation schemes from which they may draw inspiration.

The general part of the report is accompanied by particulars of decriminalisation schemes covering property offences, which are described in the special part (cheque, credit card and credit sales offences, petty fraud, shoplifting and thefts from firms by employees). The property offences selected provide illustrations of the general part of the report. They reflect the substantial changes that have occurred over the last 50 years, during which property and its importance have changed.

4. Economic crime

Following upon the work of the 8th Conference of European Ministers of Justice, a select committee of the CDPC was given the task of examining the methods and penalties at present used in the various penal systems to combat business crime, in order to identify and remedy their shortcomings.

The committee continues to look particularly at:

- a. the factors affecting business crime
 - economic factors (effects of economic systems, state intervention etc);
 - psycho-social factors (business attitudes, attitudes of victims, of judicial circles, public opinion, etc);
 - legal factors (complexity of regulations or loopholes in criminal law - absence of international rules concerning business crime etc).
- b. member states' legislation and practice with special reference to
 - the prevention of business crime (by means of private law and administrative law measures or through the establishment of codes of ethics);
 - criminal penalties (criminal liability of corporations or employers, criminal sentences, compensation of victims, international co-operation).

./.

5. Violence in present-day society

A select committee of experts started its work in 1978 with a view to drafting recommendations on general and specific problems raised by crimes of violence (eg hold-ups and kidnappings) in present-day society.

In the first stage of its work, the committee examined the particular questions of the transfer of funds of criminal origin which are frequently laundered and kept safe in a country other than the one where they were obtained, and subsequently used for financing further criminal activities. The committee finalised this first stage by drafting a recommendation on measures against the transfer and the safekeeping of funds of criminal origin. This project has been approved by the CDPC and will be submitted to the Committee of Ministers in the near future.

In the second stage of its work, the committee will examine some particular problems relating to kidnappings followed by ransom demands, namely: the criminalisation of the activities of intermediaries, the feasibility of freezing the victim's assets in order to prevent the payment of the ransom, professional secrecy and the role of the authorities after a hostage has been taken.

6. Social change and juvenile delinquency

For many years, the Council of Europe has shown special interest in the problems of juvenile delinquency. Several committees of experts have examined the various aspects of this issue and numerous reports have been published.

In the 1960's, a CDPC select committee conducted a study into post-war juvenile delinquency in Europe. In view of the social changes since then and their repercussions on the life and behaviour of young people, the CDPC decided to launch a new and even more thorough enquiry to be conducted by a new specially created select committee of experts.

After taking into account the work previously completed, this committee decided to adopt a new method entailing a detailed analysis of trends observed in all sectors of social life, any interrelations found between the various transformational phenomena and the effects of such change in relation to juvenile deviant or delinquent behaviour.

The committee's work culminated in 1978 in the publication of a report:

- the first part of this report attempts a summary based on facts and trends recorded over the last 20 years or so. The intention is not to make out a case but, more modestly, to try to understand what is happening on the basis of a number of changes selected as illustrations, eg: urbanisation, industrialisation and developments in the mass media;
- the second part of the report describes the various legal systems applied in the endeavour to prevent and treat social maladjustment among young people.

In addition to the report, the committee drew up a resolution recommending certain principles for the protection of youth and juvenile crime policy.

./.

III. TREATMENT OF OFFENDERS

1. Dangerous prisoners

Although every possible effort is made to apply sentences other than imprisonment, it will always be necessary to protect society against particularly dangerous individuals needing to be kept in prison under close guard and supervision. Owing to the fact that they are often responsible for acts of violence, they pose serious management and treatment problems in prisons. For this reason, the CDPC decided to include this activity in its work programme and to set up a select committee of experts to deal with the subject.

This committee, which began its work in 1978, is concentrating on the following aspects: the definition of dangerous prisoners and of dangerousness; the various categories of dangerous prisoners (dangerous criminals, terrorists, paramilitary groups, psychopaths, sociopaths, etc); individual treatment of dangerous prisoners from the angle of personality, crime committed, membership of a terrorist organisation, Mafia, etc; technical problems (design and construction of prisons or high security units); dispersal or concentration of dangerous prisoners in the same prison or high security unit (advantages and disadvantages); separation of dangerous prisoners from other prisoners; prison staff (numbers, training, co-operation between different categories of staff, specialists and warders, co-operation with the police); problems arising out of the isolation of dangerous prisoners; treatment in the broad sense (work, education, instruction, vocational training, medical care, recreation, psychotherapy etc); suicide, self-mutilation; group work; the effects of confinement in prison or a high security unit: length of confinement, special counter-measures.

2. Foreign nationals in prison

The ever-growing number of foreign nationals in the prisons of all member states - a subject also discussed at the Conference of European Ministers of Justice in 1978 - led to the setting up of a select committee of experts on this subject.

Although the application of the conventions on the international validity of criminal judgments and on the transfer of proceedings in criminal matters can help to reduce the number of foreign nationals in prisons, they have not been ratified by all member states. Moreover, the procedure they advocate is relatively long and complex. Consequently, the aim of the select committee is:

- to study legal standards providing for a simple procedure for the transfer of foreign prisoners from the state where they were sentenced to their state of origin;
- to examine ways and means of alleviating the particular difficulties faced by foreign nationals in prison and solving the problems they pose for prison administrations.

./.

3. Standard Minimum Rules for the Treatment of Prisoners

A CDPC Select Committee of Experts was set up to prepare an information document on the basis of the reports provided under Resolution (73) 5 on the Standard Minimum Rules for the Treatment of Prisoners, to be submitted every 5 years to the Secretary General to inform him of any follow-up measures to this resolution applied by member states.

As part of this study, consideration was to be given to proposals for up-dating the Minimum Rules and the possibility and expediency of monitoring their application.

The committee's findings were presented for an opinion and for information to the participants at the 4th Conference of Directors of Prison Administrations held in 1979. After taking into account the opinion expressed by the Directors, the committee submitted its report, the conclusions of which recommend:

- that a committee be set up to review the whole of the Minimum Rules for the Treatment of Prisoners in Council of Europe member states and to draw up a full revised version;
- that a Standing Committee be set up to foster improvements in prison affairs and the application of the Standard Minimum Rules in Europe, to encourage further progress in prison administration and the treatment of prisoners, particularly in the areas covered by the rules.

The setting up of the Standing Committee has been approved by the Council of Ministers in June 1980.

4. Prison régimes and prison leave

The negative aspects of prison sentences are not always inevitable. The life of a prisoner, his aptitude and ability to develop and prepare for the problems of life after release are to a large extent determined by the prison régime. It is important to seek means of stimulating prisoners' sense of responsibility. Using the lessons drawn from practical experience, the competent CDPC Select Committee is to define measures and activities designed to prevent prisons from remaining completely cut off from the outside world. The committee adopt an approach with special emphasis on participation and outside contacts.

The committee began its work by dealing with a study of prison leave, presented and discussed at the 3rd Conference of Directors of Prison Administrations. A draft recommendation is being drawn up which deals among other things with the legal foundation and practical operation of this system.

5. Conferences of Directors of Prison Administrations

These conferences, which are held every 2 years, provide directors of prison administrations with the opportunity of discussing common problems in a European framework.

./.

The Second Conference of Directors of Prison Administrations was held in February 1975 at the Council of Europe in Strasbourg. Prison administrators from Council of Europe member states dealt with:

- an enquiry into recidivism;
- prison work;
- the implementation of the Standard Minimum Rules for the Treatment of Prisoners in Council of Europe Member States.

The Third Conference of Directors of Prison Administrations of Council of Europe member states, also attended by observers from Canada and Finland, was held from 28 February to 2 March 1977.

The conference agenda contained the following items:

- prison leave;
- differentiation of régimes and institutions in relation to dangerous prisoners;
- possibilities and expediency of prison administrations undertaking public relations work;
- application in Council of Europe member states of the Standard Minimum Rules for the Treatment of Prisoners.

The Fourth Conference of Directors of Prison Administrations was held in Strasbourg on 5-8 June 1979.

The agenda comprised the following items:

- Standard Minimum Rules for the Treatment of Prisoners, considered from 3 angles, viz: their application in Council of Europe member states, the possibility of revision, the possibility and expediency of monitoring their application;
- foreign prisoners;
- the role of voluntary workers in the treatment of offenders.

6. Seminars and study visits

In order to enable persons dealing with delinquents to exchange ideas, compare experience and familiarise themselves with methods of treatment used in other countries, the Council of Europe organises seminars and study visits as part of the CDPC activities.

Since 1975, the following seminars have been organised:

- 1975 - Rome (Italy) - Electronic data processing in prison administration;
- 1975 - Merksplas (Belgium) - The social rehabilitation of delinquents;

./.

- 1975 - Baden-Baden (Federal Republic of Germany) - The procedure of prisoner selection and the differentiation of the forms of penal treatment;
- 1976 - Innsbruck (Austria) - Management in prison at all levels;
- 1976 - Castiglione delle Stiviere (Italy) - Present forms of juvenile delinquency and possible remedial measures;
- 1977 - Ringe (Denmark) - The importance of prison labour in a modern prison structure;
- 1977 - Steyning (United Kingdom) - Preparation of prisoners for release;
- 1977 - Vaucresson (France) - The organisation of a probation service in a large city;
- 1978 - Stockholm (Sweden) - Co-operation between local authorities and prison and probation administrations;
- 1978 - Athens (Greece) - The treatment of post-adolescents and young adults;
- 1979 - Interlaken (Switzerland) - Execution of sentence in small prisons: limitations and possibilities of individual treatment.

IV. CRIMINOLOGICAL RESEARCH

A. The Criminological Research Conferences, which alternate with the Criminological Colloquia, are designed:

- to review and assess criminological research into a specific subject;
- to make suggestions concerning any aspects of the subject requiring further study;
- to provide information for the guidance of Council of Europe member states in devising their criminal policies and planning Council of Europe activities in the sphere of crime problems.

The subjects for these conferences are very often chosen for their topicality and the likelihood that they will give rise to a fruitful dialogue between research workers and administrators, whereas the subjects chosen for the colloquia tend rather to concern matters of methodology and research.

1. Twelfth Conference of Directors of Criminological Research Institutes (November 1976)

The Twelfth Conference of Directors of Criminological Research Institutes was devoted to a study of the "criminological aspects of economic crime".

The conference, which was attended by about 80 participants, considered the following aspects:

- Phenomenology of economic crime (Rapporteur: Mr K Tiedemann, Federal Republic of Germany);
- Sociological and psychological aspects of economic crime (Rapporteur: Mr G Kellens, Belgium);
- Policy and punitive measures in respect of economic crime (Rapporteur: Mr L H Leigh, United Kingdom).

Mr J Cosson (France) presented the general report. In its conclusions, the conference noted with satisfaction that the European Committee on Crime Problems had set up a sub-committee to deal with economic crime and drew the sub-committee's attention to the necessity of studying the following topics, inter alia:

- the relation between economic systems in the member states of the Council of Europe on economic crime;
- public attitudes towards economic crime;
- the specialised training of magistrates and other officials in the criminal justice system dealing with such offences;
- the role of the penal law compared with that of the civil and administrative law;

./.

- the sanctions applied in the field of economic crime;
- the role of associations of victims;

The conference also expressed the hope that member state governments would:

- develop their statistics on economic crime;
- encourage research on the subject and assist research workers by making the necessary data available. Two lines of research should be followed: descriptive analyses of the various forms of economic criminality (with special emphasis on the activities of multinational enterprises); the social control of economic crime (criminal justice systems, effectiveness of penal and other sanctions, obstacles preventing the punishment of such crime, etc).

Finally, the conference recommended co-operation between the Council of Europe and other international organisations (especially the United Nations) in this field.

2. Thirteenth Criminological Research Conference (November 1978)

The Thirteenth Criminological Research Conference was devoted to "Public opinion in relation to crime and criminal justice".

Some 90 participants attended the conference, which discussed the following topics:

- a. The extent of public information and the nature of public attitudes towards crime (Rapporteur: Mr J M van DIJK, Netherlands);
- b. The extent of public information and the nature of public attitudes towards the social control of crime (Rapporteur: Mr P ROBERT, France);
- c. The influence of mass communication media on public opinion on crime and criminal justice (Rapporteur: Mr H J SCHNEIDER, Federal Republic of Germany);
- d. Public opinion and criminal legislation (Rapporteur: Mr P ROCK, United Kingdom).

Mr D W STEENHUIS (Netherlands) presented the general report.

In its conclusions, the conference found that "Public opinion is not any kind of single entity. It is better thought of in terms of dynamic processes in which collective attitudes and opinions find expression". In public reactions to crime and crime policy, two aspects increasingly predominate:

- exaggerated fear of crime;
- concern at rising crime rates.

These reactions are not due solely to perception of an increase in the number of crimes. There are other factors involved:

./.

- the image of crime purveyed by the mass media;
- exploitation of public anxiety by politicians;
- the publicising of crime by certain law enforcement agencies (particularly the police) for operational reasons.

The public's fear is aggravated by:

- security firms, for commercial reasons;
- rumour about crime.

The conference agreed that further research should be undertaken into all these factors.

B. Criminological Colloquia

3. Second Criminological Colloquium (1975)

The Second Criminological Colloquium was devoted to a study of the "means of improving information on crime". Attended by about 45 experts, the colloquium examined the following topics:

- shortcomings, weaknesses and uses of crime statistics (Rapporteur: Mr G Houchon, Belgium);
- improvements to crime statistics (Rapporteur: Mr C M Glennie, United Kingdom);
- victimisation research and means other than crime statistics to provide data on criminality (Rapporteur: Mr P Wolf, Denmark).

Mr T S Lodge (United Kingdom) presented the colloquium's conclusions, in which the wish was expressed that governments should improve national crime statistics and develop research methods to supplement statistical data. It was also recommended that the CEPC set up a working party to look into the possibility of establishing comparable data on the basis of national crime statistics.

4. Third Criminological Colloquium (1977)

The Third Criminological Colloquium was devoted to the study of "the police and the prevention of crime".

This subject was considered from the following aspects:

- the social role of the police in crime prevention in a modern society and, more specifically, in the prevention of juvenile delinquency (Rapporteur: Mr H Feraud, France);
- public attitudes towards the police and their preventive function (Rapporteur: Mr R Hauge, Norway);
- the police and violence (Rapporteur: Mr G Steinhilper, Federal Republic of Germany).

Mr M Banton (United Kingdom) acted as General Rapporteur for the colloquium.

In a brief set of conclusions, the colloquium expressed the wish that the CDPC:

- draw the attention of governments to the reports submitted at the Third Criminological Colloquium;
- examine the feasibility of further action to the colloquium, particularly with a view to drawing up general recommendations to governments on the strengthening of preventive action by the police and enlisting public support to that end.

5. Fourth Criminological Colloquium (November 1979)

The Fourth Criminological Colloquium was held on the subject of "Criminological aspects of the ill-treatment of children in the family".

It was attended by some 50 participants and covered the following aspects:

- a. Definition and cultural forms (Rapporteur: Mrs V LENOIR-DEGOUMOIS, Switzerland);
- b. Etiological factors and long-term consequences (Rapporteur: Dr. J VESTERDAL, Denmark);
- c. Reactions: formal and informal social control (Rapporteur: Mrs C SOMERHAUSEN, Belgium).

Mrs S ROZES (France) acted as General Rapporteur.

The colloquium's conclusions particularly stressed the need:

- to prepare the home to accept the child before birth and to help young parents psychologically to cope with the problems of bringing up children;
- to provide specialist training for doctors and other personnel responsible for detecting and dealing with ill-treatment;
- to set up agencies to intervene immediately in cases of cruelty;
- to undertake research in such areas as:
 - the typology of parents and children involved, in order to work out criteria for defining high-risk families;
 - campaigns to alert public opinion;
 - research to evaluate the operation of social control.

C. Criminological research fellowships

In the field of criminological research, the Council of Europe awards individual fellowships and organises co-ordinated fellowships.

The co-ordinated criminological research fellowships scheme enables a team of 4 research workers, one of whom acts as Director of Studies, to carry out a criminological study of common European interest. The theme to be studied by such teams is chosen by the European Committee on Crime Problems.

Current or recently launched projects are as follows:

- prosecuting practice governed by the expediency principle (1977);
- criminality of women (1980);
- prison management (1979).

D. Bulletin on current research

In addition, the Council of Europe regularly publishes a bulletin on current criminological research in Council of Europe member states. To date, 19 bulletins have been published and the twentieth issue is under preparation.

E. Survey of criminological research co-ordination agencies and application of the results to crime policy

Following upon the conclusions of the First Criminological Colloquium (1973) and the suggestions of the Criminological Scientific Council and the European Committee on Crime Problems, Mr F Ferracuti, professor at Rome University, was commissioned to draft a report:

- examining the organisation, functioning of, and results obtained by, bodies and procedures existing at national level for co-ordinating research and applying findings in the field of crime policy;
- drawing up conclusions on the results of the various systems and, if appropriate, recommendations regarding the creation or expansion of such bodies or procedures.

The report contains:

- general considerations on the relations between research and crime policy;
- a review of bodies and procedures in member states (and some non-member states, more specifically the United States of America) responsible for co-ordinating research and applying its findings in the field of crime policy;
- recommendations on the organisation and utilisation of research work.

At its plenary session in May 1978, the CDPC approved this report, which was published in 1979 by the Council of Europe.

END