

hyperactivity and overwork in the minds of the public.

A central theme which underpins many of the articles is human rights. In an informative interview **Anne Owers** who is the director of the organisation JUSTICE talks about the problems of human rights in Europe and notes that there are not the structures at the European level, or sometimes at the national level, properly to scrutinise the passing of legislation or the operation of the European Court of Justice. JUSTICE is one of the few organisations in this country which focuses upon the protection of human rights and on ways of developing forms of democratic accountability which has become increasingly important as agencies become more international and diverse. She argues that there is also a considerable amount of work to be done within the European community to tackle racism and to protect the rights of asylum seekers and refugees.

Michael Zander points out, in the concluding contribution to this issue, that the European Court of Human Rights while responsible for a number of important and in some cases surprising judgements is subject to a number of significant limitations: principally that only a small percentage of cases actually get as far as the court, while all cases are subject to considerable delay. These delays, he suggests, are likely to continue and the most important potential for reform in this country is the Labour Party's promise to incorporate the European Convention on Human Rights into our law. Whether this promise materialises or not we shall just have to wait and see.

**Roger Matthews and
Julia Braggins**

For much of the past year, crime has been very high on the agenda of European Commission officials in Brussels and European parliamentarians in Strasbourg. But the crimes on which the institutions of Europe are currently focusing are very largely those kinds of activities - various kinds of fraud and, particularly smuggling - which are parasitic upon the Community itself (in this instance, its budget) and also on the utopian idea of a pure free market to which many European conservatives and market liberals are committed.

In November 1996, for example, a report to the

September-2 October 1996). The release of this report added fuel to the already-existing widespread concern about the scale of the fraudulent appropriation of European Community funds, estimated for 1995 by the Commission itself at about 1.4 per cent of the overall EU budget of Ecu82 billion (European Parliament News 2 (May 1996)).

In March 1997, the release of a further report from a committee chaired by John Tomlinson the Labour MEP for the West Midlands, into the exploitation of loopholes in VAT and customs duties and specifically focusing on cigarette smuggling, concluded that these kinds of frauds were costing the Commission and also the budgets of national governments some £10 billion a year in lost revenue. The report argues that the creation of the single European market ten years ago was not accompanied by any effective, cross-border system for monitoring transit fraud, and that this has created a massive and irresistible opportunity for organised professional crime (The Guardian 13 March 1997).

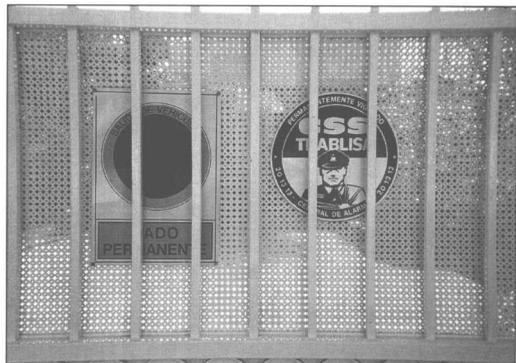
Counting the 'bad apples'

The regular release of these stories about the prevalence of fraud 'in Europe' will no doubt be manna from heaven for the Referendum Party and for other nationalists in different parts of Europe. Industrial and commercial people, however, will probably react to these press reports rather more cautiously - pointing, on the one hand, to the difficulties that do sometimes arise in identifying the distinction between fraud and sharp business practice in dynamic and growing market situations, whilst insisting, on the other, that commerce and industry are at

Crime and social insecurity

Ian Taylor looks at some of the unintended outcomes of 'free market Europe', 40 years on from the signing of the Treaty of Rome.

European Commission by its own financial auditors in Luxembourg, catalogued a series of about 7,000 preventable frauds and swindles, committed largely by farmers, within the framework of the Common Agricultural Policy (The European, 30



David Kidd-Hewitt

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work, in partnership with all relevant national and trans-national police authorities, in rooting out the 'bad apples' and villains at work in their own spheres of influence. Business people across Europe will generally be concerned to limit the amount of intervention and regulation from Brussels and Strasbourg in the development of 'free market Europe'.

Popular opinion across Europe with respect to these different instances of fraud probably takes very different forms: so, for example, there is probably a degree of admiration amongst unemployed people in different parts of Britain, especially those living in deindustrialised and highly deprived areas, for cigarette and alcohol smugglers (local men energetically supplementing their unemployment benefits through entrepreneurial use of a truck and the Channel Tunnel) - no matter that some of this activity may actually be taking place under the 'protection' of more sinister organised criminals. Political leaders in each nation state and in Strasbourg will be committed to the pursuit of such fraud, however, since the continuation of such successful criminal enterprises is in so many ways a challenge to the legitimacy of the institutions of the new Europe. What is at issue, here, perhaps, is whether the institutional frameworks and institutional programmes of the European Community, as currently

constituted, are an adequate expression of the fears and aspirations of all European citizens - especially those citizens who are not directly involved in finance and trade, of a legitimate or illegitimate variety.

Trans-national anxieties

Still another report released by the European Commission in November 1996, for example, reported on a survey conducted for the conference on Women and Europe in Vienna in November into anxieties and insecurities amongst women in six member-states of the European Union: it concluded that 'the fight against crime' was the most important area of concern for women in all six countries, closely followed by 'the struggle against drug trafficking' and its local effects (The European 14-20 November 1996).

Right across Europe, in the late 1990s, series of self-report and victimisation surveys conducted with citizens of individual nation-states have confirmed this kind of picture. In Italy, for example, the home of the passeggiata (the evening promenade), safety on the streets has suddenly become a very pressing issue, anxiously connected up in many minds with the issue of immigration. In France and Belgium, in very recent months, discussion of

crime has focused in on the issue of the safety of young children, in particular, in the aftermath of revelations about the activities of organised rings of paedophiles. In Britain, in the aftermath of the Jamie Bulger murder, on the one hand, and the Dunblane massacre, on the other, anxieties about crime swing from psychiatrically-oriented lay theories about the newly murderous tastes of adolescents to fears about the growing presence of firearms in a previously gun-free society. In each of the different European member-states, there is a different configuration of fears and anxieties - but the anxiety over 'crime' and 'violence' is unmistakable across the whole European theatre.

Job insecurity

The sources of this level of fear are likely, at least in part, to have a metaphorical character. That is to say, the fears and anxieties are likely to be influenced by a broad sense of insecurity as much as, or in addition to, being a reflection of any specific calculation about the chances of personal victimisation. It is not clear, for example, that trans-border smugglers are the source of any popular fears with respect to victimisation. But it is surely hard to ignore the importance, in respect of insecurity in Europe, of job-insecurity: in 1993, for example, the overall official unemployment rate across Europe - a continent where the average rate of unemployment in the 1960s had been measured at just 1.6 per cent - reached a total of 11 per cent (Judt, 1996: 6). In six member-states (Spain, Eire, France, Italy, Belgium and Greece) unemployment among men and women under 25 exceeded 20 per cent, and 'long-term unemployment' accounted for one-third of all unemployment in those countries. In some member states of the European Union last year, for example France, Ireland and Italy - unemployment rates were at their highest since the harmonisation of recording practices in 1993 and in these countries and others (Germany) the continuing rate of increase in unemployment was producing palpable strain on the social fabric, not least in the sphere of race relations.

Lack of comparable data

The relationship between the stresses and strains produced by

unemployment in these different countries and the specific character of local crime problems is a topic beyond the scope of this paper (there is no simple, one-dimensional causality at work here), as is the response of different national Governments to these issues. Not least of the problems is the absence of any reliable and systematic body of information on crime patterns, as well as on patterns of social control response to crime, across Europe provided by any central authority in either Brussels or Strasbourg. Our knowledge of crime and crime control in different member states of Europe still very much depends on individual research enquiries made by individual agencies, either officially or unofficially, and making use of different, and not too altogether reliable, data sets. The new **European Sourcebook of Crime and Criminal Justice Statistics**, published by the Council of Europe in 1995, is a step in the right direction, but is still open to the criticism that it is a compilation only of nationally-collected statistics, constructed in terms of purely national definitions. An investigation by NACRO in Britain into reported rates of different categories of crime in five member-states highlighted some suggestive differences between these different countries. (See Table)

If these statistics were to be believed, France, the Netherlands and England and Wales have become significantly more violent countries over this seven year period, whilst Italy and England and Wales have experienced significant increases in burglary. Italy has not experienced a major increase in violence, and burglary has not markedly increased in Germany. No self-respecting comparative criminologist, however, would confirm these generalisations without further investigation, and it is clear that a European Community committed to the pursuit of citizens' safety and well-being must soon put resources into the creation of systematic trans-national collection of far reaching and genuinely comparable information. It is a measure, we might say, of the priorities of 'market Europe' rather than 'social Europe' that no such resource currently exists, and, indeed, that there is no obvious agency in Brussels or Strasbourg that might



Table: Increases in Rates of Crime, Different European Member-states, 1987-1994

	Increase in Crimes of Violence (%)	Position (League Tables of Increase in Violent Crime)	Increase in Burglary (%)	Position (League Table on Increases in Burglary)
France	61	1	18	3
Netherlands	59	2	14	4
England & Wales	57	3	41	1
West Germany	31	3	3	5
Italy	5	5	25	2

Source: NACRO *Criminal Justice Digest 87* (January 1996)

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be capable of delivering it. There are widespread concerns in some quarters within Brussels itself that the current policy emphases within the Community (notably, the thrust towards the common currency and other measures necessary for full market liberalisation) might be pushing this, and any other connected social programmes, further down the agenda. There is, for example, no sign in March 1997 of any resuscitation of the Commission’s Programme of Research and Action into Social Exclusion, and the senior official in charge of that programme under the Fourth Framework, Riccardo Petrella, has resigned to take up an academic position at the University of Louvain.

A citizen’s Europe

Reliable statistics might not be so easily available on crime, anxiety and disorder in different member states and in other European countries. Prison populations, however, are rather more systematically recorded in most European countries, not least for reasons of strategic resource planning. The picture which these figures reveal about the direction of social control across market Europe is quite extraordinary.

There was an increase in just four years in the recorded prison population in these nineteen European countries of 20.8 per

cent (from 242,734 in 1991 to 293,281 in 1995). (In some European countries - notably, the Netherlands, Germany and Italy the rate of increase is far in excess of this: one of the interesting features of the European reality is the unevenness both of crime and of penal response to crime in different countries). Overall, however, we have clear evidence of an intensification in the use of penal discipline that is probably without precedent this century, and is a powerful expression of one of the consequences of the ‘marketisation of social relations’ that has been accelerating across Europe in the last few years. It is also a powerful expression of the challenge facing criminologists and others in Europe, interested in the idea of an orderly and livable citizens’ Europe, attentive to the demands of global competition, but unhappy about consigning ever increasing numbers of citizens to the expanding number of dungeons of ‘free market Europe’.

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Reference

Tony Judt “Europe: the Grand Illusion” *New York Review of Books* Vol. XL.III No. 8 (20 June): 38-41

According to Dutch criminologist Gerard de Jonge “In the eyes of some people Holland looks like a prisoners’ paradise.” Indeed in the belief-set of penal reformers prison systems in countries like Holland, Sweden and Denmark have always been seen as the ideal which the rest of the world aspires to emulate. Western Europe appears not to suffer the gross human rights abuses that affect prisons in most other parts of the world. Unlike the United States prison use in Western Europe still appears to be relatively restrained with most

A paradise for prisoners?

Vivien Stern argues that conditions in Western European prisons are nothing to be proud of

countries, excepting the UK and Portugal, holding their imprisonment rates below 100 per 100,000.

So should penal reformers be grateful for the existence of Western Europe as a benchmark for civilised penal systems and turn their attentions to the United States or Russia where prison use is startlingly high (although for different reasons) and prison conditions in many places a flagrant abuse of the international norms? The answer is that Western Europe should not be ignored. Here too the pressures are being felt. Prison use is rising and treatment of prisoners deteriorating.

The Dutch experience

The imprisonment rate in the

“In the belief-set of penal reformers prison systems in countries like Holland, Sweden and Denmark have always been seen as the ideal which the rest of the world aspires to emulate.”

Netherlands has been a source of wonder and admiration for penal and social reformers around the world. It was much studied and analysed. How did they do it? Why was it? Was it because so many people in Holland remembered the Second World War, the occupation by Germany and the incarceration of so many Dutch people? Did this give them all an understanding of the precious nature of liberty and the seriousness of taking it away from anyone, even a law-breaker? If it did, the Second World War is now long past and they have forgotten. In the Netherlands in 1975 the number of prison cells was 2356 and the rate of imprisonment was 17 per 100,000, one of the lowest in the world. In 1994 prison capacity was 8235 and the rate of imprisonment was 55 per 100,000. By the end of 1996 there were 12,000 prisoners and an imprisonment rate of nearly 80 per 100,000.

In the rest of Western Europe the growth is less spectacular, but also large. In Spain in 1988 there were fewer than 30,000 people in prison. By 1994 the figure had risen to over 41,000, an increase of 40%. In Italy over the same six-year period the increase was 48%. In Greece it was 60% and in Portugal 46%. There was an increase in Austria of 16% and even in the traditionally low-imprisonment countries in Scandinavia there were increases of 32% in Norway and 23% in Sweden. In France the "programme 13,000" brought 25 new prisons containing 12,850 places into use between 1989 and 1992.

Deteriorating conditions

Prison treatment too is suffering from restrictions on spending and a harsher climate. In the

Netherlands, a new prison policy plan "Werkzame Detentie" meaning Hardworking Detention, with a new emphasis on sparse regimes, was issued in 1994. There was always great admiration for the unswerving adherence to the Dutch rule that prisoners should have one cell each. Policy required that non-dangerous prisoners be sent home rather than allow them to overcrowd the prisons. However, the end of this system was signalled when on 8 July 1994 a Royal Decree ordained, in the face of contrary advice and protests from prison staff, that cell-sharing was from then on to be allowed in Dutch prisons.

Inhuman and degrading

In Western Europe much takes place that has prompted the European Committee for the Prevention of Torture, a Council of Europe committee with a remit to inspect prisons in European countries, to reach a finding of inhuman or degrading treatment or punishment. The Committee visited the UK in August 1990 and found such bad physical conditions and lack of activities for prisoners in Brixton, Wandsworth and Leeds prisons that they held the UK to be guilty of submitting prisoners to inhuman or degrading



Ministry of Justice, The Netherlands

treatment and punishment. The Committee found another case of inhuman and degrading treatment in Luxembourg in 1993 where a prisoner had given birth to a baby in hospital and a few minutes after the birth the baby had been taken from the mother by prison staff and given to foster parents. In France, visited in 1991, the Committee described as "a flagrant example of inhuman and degrading treatment, the practice of chaining women prisoners in civilian hospitals to their beds during labour and after giving birth". Switzerland was rebuked because on its visit to the regional prison in Berne the Committee found two naked prisoners in dark and squalid cells in a severely disturbed mental state. Prisoners were in their cells with nothing to do all day and the conditions for prison visits were quite unsatisfactory. The Netherlands was severely criticised by the Committee for the conditions it found during its visit in 1992 to the special detention units. In the unit 4A in Demersluis prison in particular the attitude of staff towards the prisoners was antagonistic, uncooperative and sometimes openly contemptuous. They ignored the prisoners' requests for access to doctors, lawyers or social workers.

Overcrowding

When the Committee visited Italy in March 1992 it commented that rarely had the committee seen a level of overcrowding like that in the San

Vittore Prison in Milan. With an actual capacity of 800 and an official capacity of 1295 the prison was holding almost 2000 prisoners at the time of the visit. The overcrowding in San Vittore and in the Regina Coeli prison in Rome, accompanied by bad sanitary facilities and a lack of activities, led to conditions that in the view of the Committee constituted inhuman and degrading treatment.

When the Committee visited Greece it noted that serious overcrowding was preventing the Greek government from discharging, with regard to many of its prisoners, "the fundamental responsibility to detain prisoners under conditions which respect the inherent dignity of the human person." At the time of the visit in March 1993 the capacity of the prison system was 3,900 and the number of prisoners was 6,700.

Western Europe is not yet facing the same situation as the United States either in terms of its high use of imprisonment or the introduction of more oppressive prison treatment, boot camps where humiliation is the basis of the regime or chain gangs as have been tried in Alabama, Florida and Arizona. But without constant vigilance on the part of inspectorial and human rights bodies nothing can be taken for granted.

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