Crime prevention in the EU

2005/2006
Masters Thesis of 10 Credit Points
RÄT 01D, Legal sciences D

Supervisor: Catharina Sitte-Durling
Crime prevention became an important Union issue when the Treaty of Amsterdam came into force and created an area of Freedom, Security and Justice (AFSJ). In 1999 the Tampere Conclusions declared the first crime preventive priorities along with the Union’s obligation to protect its citizens. Two years later the European Crime Prevention Network (EUCPN) was established and it was then stated that crime prevention should be based on knowledge and carried out through cooperation and an increased inter-state exchange of information. The Member States have the main responsibility and the work should be carried out by a multidisciplinary approach specialising on certain selected priorities. Successful practices need to be exchanged within the network and evaluation of the preventive work must be done. Despite these and other guidelines, crime preventive work has proven to be problematic. The practical problems are that proven theories are not used in the actual work, the lack of resources and evaluation methods, and too broad priorities which reflects the politicians’ unrealistic ambitions. The theoretical problems, in contrast, are the increased importance for security that collides with basic human rights and the concept of freedom, the lack of consideration for the States’ differences and the idea that States’ providence of security is a source of legitimacy.
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# List of Abbreviations

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<tr>
<td>AFSJ</td>
<td>Area of Freedom, Security and Justice</td>
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<tr>
<td>BRÅ</td>
<td>The Swedish National Council for Crime Prevention (Brottsförebyggande Rådet)</td>
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<td>CISA</td>
<td>Convention Implementing the Schengen Agreement</td>
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<td>EMCDDA</td>
<td>European Monitoring Centre for Drugs</td>
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<td>EU</td>
<td>The European Union</td>
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<td>EUCPN</td>
<td>European Crime Prevention Network</td>
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<td>EUROPOL</td>
<td>The European Law Enforcement Organisation</td>
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<td>JHA</td>
<td>Justice and Home Affairs</td>
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<td>TEU</td>
<td>Treaty on European Union</td>
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1. Introduction

Crime prevention is a well-known phenomenon, which as such has been known for some time. Nevertheless, it has never been as highlighted as it is today especially within the European Union. For a long time countries have worked with crimes, but mainly by handling and solving already committed ones. It may be said that they have been working backwards; trying to eliminate a weed by cutting of its leaves instead of removing it from the root. Therefore it is rightfully said that it is a blessing that crime prevention now is considered an important subject in the EU, since it is the most effective way to combat crime and create a safer Union.

1.1 Preface

In the spring of 2005 I wrote an essay about local crime prevention in Sweden and discovered the importance of having an effective and coherent network of different actors, when combating crime. Therefore, I decided to write this essay, which has a wider perspective and charts the Union’s crime preventive work.

1.2 Aim

The aim of this essay is to give an overview of the Union’s crime preventive work by exploring its aim, theoretical strategy and problems. Special interest will be given to the practical problems and the theoretical dilemmas that the crime preventive matter presents.
1.3 Disposition

The essay’s first chapter deals with the history of crime prevention within the EU. The next chapter will chart the definitions within the field and the third will give an overview of the Union’s crime preventive strategy. The following chapter is about the newly established EUCPN and the essay’s last part explains, discusses and analyzes current problems.

1.4 Demarcation

Since the subject is quite wide and there is a lack of literature, the essay will only give an overview of the crime preventive work within the Union. Special attention to specific crimes will not be given. Organised crimes are mentioned and in somewhat dealt with, but the essay’s focus will lie on the overall prevention of general crimes. The international aspect of the Union’s crime prevention is excluded, as well as special work done in the Member States.

1.5 Methodology and material

The used material consists of literature, EU-legislation derived from different legal EU data banks, and EUCPN-documents. There is nowadays a huge lack of literature in the area and it is hard to find relevant material about the theoretical prevention in general, since the existing information often only specialises in specific crimes or on the actual prevention. Another problem is that crime prevention in the EU as such, is a matter in process, which makes it difficult to stay ahead. Material and strategies used today may be outdated or changed tomorrow. The subject is also so abstract and has such a large span that it is hard to grasp. Therefore, the essay only overviews the subject delivering a wide spectrum including history, current agreements and developments, and hints at the future.

Methodologically, I began searching for literature, which showed to be quite difficult, since most of the literature only deals with the practical approach of crime prevention. Therefore I turned to the available on-line EU-data banks and the national crime
prevention organ, BRÅ. It led me to the EUCPN’s homepage where I was able to find more relevant information, mainly EU-documents and Council decisions. In the essay the word Union is used to describe the European Union, and the concept Court of Justice describes the Court of Justice of the European Communities.
2. History

Crime prevention is a quite new phenomenon within the European Union. The matter of security has been discussed for a long time, but it was not until a few years ago that crime prevention became of crucial importance.

2.1 Before Amsterdam

After several events in the 1970s such as the Schleyer kidnapping and the Palestinian terrorist murdering of Israelis during the Olympic games in 1972, it was concluded that Member States no longer alone could provide the necessary security for their citizens when approaching new kinds of crimes.\(^1\) It was said that the Union would be able to provide a higher level of security than any single Member State could.\(^2\) In Rome 1975 the first TREVI-meeting was held and the matter of security was brought up for the first time within the Union. The meeting concluded that there was a need for further exchange of information between the Member States when dealing with cross-border criminality. It was also suggested that further measurements of cooperation were considered.\(^3\) The project was later divided into different working groups with different responsibility areas.\(^4\) However, the TREVI-project was not formally treaty-provision-material or supported by the institutions, and therefore failed to achieve important goals.\(^5\) Nevertheless, the importance of the project is not to be neglected since it laid the ground for inter-State cooperation and the existence of EUROPOL.\(^6\)

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\(^2\) Ibid, p. 3.
\(^3\) Ibid, p. 23.
\(^4\) Ibid, pp. 23, 24, 25.
\(^5\) Ibid, pp. 23, 25.
\(^6\) Ibid, pp. 25, 31.
For a long time Justice and Home Affairs (JHA) topics, including the internal security matter, were said to be governmental sovereignty issues, but after the Treaty of the European Union in 1993 JHA emerged as an area of Union activity. In 1957 the Union launched the free movement of goods and workers, and its development in the 1960s and 1970s within EU showed that its obstacles were the existence of the internal borders. Therefore, the Schengen Agreement was signed on June 1985 and stated the abolition of internal border controls. It was said to be an important step in the integration process, which were to justify common JHA measures in order to combat the newly raised internal security risks that the dismantling of the internal borders implied. However, it was not until the signing of the Convention Implementing the Schengen Agreement (CISA) in 1990 that the agreement was seriously considered. The implementation of the Schengen Agreement proved however, to be problematic since the inter-governmental cooperation system was a fragmented and disorganised one. Member States complained that there were no “overall strategy and framework” and few established procedures. It was not until 1993 when the Treaty of Maastricht was introduced, that detailed information and rules for institutions and procedures came into being by the implementation of Title VI (regarding JHA cooperation). By doing so, the Treaty put internal security issues on the Union’s agenda. Nonetheless, new obstacles were presented. The newly implemented third pillar’s main problems proved to be the lack of clear objectives, the need for all decisions to be taken unanimously and the length of the ratification along with an unclear legal status. There was also a risk for inconsistency between the Schengen system and the huge growth of JHA measurements.

The solution this time was the Treaty of Amsterdam that came into force on May 1999. The Treaty communitarised most JHA issues and incorporated the Schengen Agreement – making it an acquis part. It also contributed with new objectives and suitable instruments, and the Court of Justice was given jurisdiction in a lot of JHA-issues. The Treaty of Amsterdam introduced the subject of crime prevention and clearly highlights the importance of internal security matters. It has introduced several new approaches, such as

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7 Ibid, p. 1.
8 Ibid, pp. 27, 28, 29.
9 Ibid, p. 29.
10 Ibid, p. 3.
11 Ibid, p. 32.
12 Ibid, p. 33.
13 Ibid, p. 34.
14 Ibid, pp. 35, 36.
setting the objective for police and judicial matter to be “preventing and combating crimes, organised or otherwise, in particular terrorism, trafficking in persons and offences against children, illicit drug trafficking and illicit arms trafficking, corruption and fraud”. However, the provisions in some areas have proven to be vague. The crimes are to be reduced by more cooperation between judicial organs and police, and by an “approximation, where necessary, of rules on criminal matters”. The problem of the decision-making is yet not resolved, since all cooperation measures regarding police and judicial matters must still be taken unanimously, with few exceptions. The Treaty has then again, supplied the Member States with some satisfactory instruments. For example, Framework Decisions in Art. 34 (2)(b) of the Treaty on European Union (TEU), which states that Member States may be bound to fulfil a specific purpose, but that it is up to them to choose the course of action – much like an EC directive, but without direct effect. The Treaty also implied an improvement regarding the length of ratification procedures, since the Council now can decide on a time limit and conventions shall come into force “once adopted by at least half of the Member States”.

Article 29 (new Art. K.1) of the Treaty of Amsterdam stated that the “Union’s objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice” and thus created the very important AFSJ. It is interesting to notice that within the term AFSJ the word security is placed before justice implicating that the cooperation on security matters is considered more important than in the judicial matters. The term freedom is essential and has therefore by the Council and the Commission been given a special Union-definition, “‘freedom [is] to live in a law-abiding environment’ protected by effective actions of public authorities at the national and European level”. Soon after the Treaty was signed the Vienna Action Plan was presented on how to best implement the AFSJ provisions and it said that,

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16 Mitsilegas, pp. 37, 38.
18 Mitsilegas, p. 40.
19 Ibid, pp. 38, 39.
22 Mitsilegas, p. 36.
“Freedom loses much of its meaning if it cannot be enjoyed in a secure environment and with the full backing of a system of justice in which all Union citizens and residents can have confidence. These three inseparable concepts have one common denominator - people - and one cannot be achieved without the other two”.

The Action Plan also stated that the term freedom is besides the right to live in a law-abiding environment also an implication that public authorities in the Member States have a responsibility to do, “everything in their individual and collective power (nationally, at the level of the Union and beyond) to combat and contain those who seek to deny or abuse that freedom”. 23 The Union shall thus along with the Member States provide a high level of security within the AFSJ to its citizens. 24

2.2 After Amsterdam

In a meeting in Tampere, October 1999, the European Council discussed the crime prevention subject further and adopted a detailed agenda, and among others Conclusion Nr. 41, which states that there must be an integration of crime preventive work and further development of the Member State’s crime preventive programmes. It also stated that common priorities must be declared within the Member States and within the Union, and that they should be considered when legislating. 25 The following Conclusion Nr. 42 defines the priorities to be juvenile, urban and drug-related crimes. It also expresses that, “The exchange of best practices should be developed, the network of competent national authorities for crime prevention and co-operation between national crime prevention organisations should be strengthened and the possibility of a Community funded programme should be explored for these purposes”. 26 The Tampere Conclusions also concluded that “people have the right to expect the Union to address the threat to their freedom and legal rights posed by serious

23 Ibid, p. 88. Remark: The Action Plans are not legally binding, but show the political intent of the Council and functions as guidelines (Mitsilegas, p. 88).
26 Tampere European Council, Conclusion Nr. 42.
crime” by a Union-wide fight.\textsuperscript{27} The Conclusions also added the important aspects of mutual recognition along with the establishment of Eurojust. The agenda of Tampere is quite wide and apprehensive, and has therefore raised the question on how these policies can be applied in a democratic manner and at the same time guarantee basic human rights.\textsuperscript{28}

In Communication 2000/786, \textit{Crime Prevention in the European Union}, from the Commission to the Council and the European Parliament, the Commission pointed out some problem areas suggesting that these become priorities and recommended the parties to develop effective strategies. It resulted in the establishment of a crime preventive forum, the EUCPN and the Hippocrates programme.\textsuperscript{29} The decision to establish a Network was said to be a complement to organised crime prevention and done with the purpose to broaden the focus.\textsuperscript{30} In 2001 EUCPN was established with the objective to develop different aspects of crime prevention and to support and help locally and nationally. Today, EUCPN is responsible for all kinds of crimes, but have put special interest in juvenile, urban and drug-related crimes in accordance with the Tampere Conclusions. The Network is to enforce communication, contact and information exchange between the Member States as well as between different EU-organs and other crime preventive networks. They are also to gather and analyse information about different crimes and preventive strategies. So far, the Network has been successful in charting successful preventive strategies, spreading this information within the Union, and in obtaining good results in the research of some important areas (see chapter 5).\textsuperscript{31} Since, Communication 2000/786 crime prevention has become a specific topic within the Union’s 6\textsuperscript{th} Framework Programme RTD.\textsuperscript{32} The research’s aim is to develop common instruments to measure “the extent and nature of volume crimes”, evaluate crime preventive measures and to analyse threats.\textsuperscript{33}

In Communication 2004/164, \textit{The prevention of crime in the European Union}, it was pointed out that the Member States were foremost responsible for the crime preventive

\begin{itemize}
\item \textsuperscript{27} Mitsilegas, p. 85.
\item \textsuperscript{28} Ibid, p. 93. \textit{Remark}: Eurojust is “a new European Union body […] to enhance the effectiveness of the competent authorities within Member States when they are dealing with the investigation and prosecution of serious cross-border and organised crime” (http://www.eurojust.eu.int/).
\item \textsuperscript{30} Mitsilegas, pp. 113, 114.
\item \textsuperscript{31} COM (2004) 165, ch. 2.2.1.
\item \textsuperscript{32} \textit{Remark}: Research and Technological Development.
\item \textsuperscript{33} COM (2004) 165, ch. 1.1.
\end{itemize}
activities, since most crimes are considered to be local occurrences. Volume crimes are for example best prevented through local and national efforts. Even so, there must be close cooperation and exchange of information between the Member States in order to avoid duplication of efforts and so that the resources are used most effectively.\textsuperscript{34} The Communication presents some evaluation of present crime preventive work and it is said that the Member States differ in efforts. The main problem is that theory is not put into practice. There is also a lack of effective methods to analyse and measure the preventive work and its results. The few economic and human resources are also problematic, since it leads to short-term solutions instead of the crucial long-term ones. In conclusion, the solution for the problems are said to be more communication, knowledge and education within the field.\textsuperscript{35}

In the new Constitution draft it is stated in Art. III 173, that measures to support and promote crime prevention can be done by European laws or framework laws, but that it is not to be a harmonisation of the different legal systems.\textsuperscript{36}

\textsuperscript{34} Ibid, ch. 2, 3.1.
\textsuperscript{35} Ibid, ch. 2.1.
\textsuperscript{36} Ibid, ch. 1.1.
In order to understand the vocabulary within the field, it is important to give the right Union-definition and meaning of words and concepts. Therefore, a short explanation of the most important words will follow.

3.1 Definition of crime

Crime is defined as “punishable conduct by individuals and by spontaneous associations of persons”. It can be offences that are crimes according to national criminal law, or more common committed crimes of less serious art in different contexts, such as theft and violence at school or at home. It may also be anti-social conduct, which “by its cumulative” can create a climate of insecurity. The anti-social conduct as such, may not necessarily be punishable by law.  

3.1.1 Organised crime

Organised crime has been given a special definition in Art. 1 in the Joint Action adopted on December 1998, “a criminal organisation shall mean a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty [...] of a maximum of at least four years or a more serious penalty”.  

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37 COM (2000) 786, ch. 2.2.1.
to influence or disturb activities conducted by public authorities.\textsuperscript{39} Art. 2 (1) in the EUROPOL Convention gives examples such as severe forms of international crimes e.g. drug and human trafficking, and trade of nuclear and radioactive material. \textsuperscript{40}

\section*{3.1.2 Non-organised crime}

Non-organised crimes are within the Union, by the Commission, given the more accurate definition volume crimes. Volume crimes are defined as all kinds of crimes that are frequently committed in which the victims are easily identified. The victims are often private persons and their property. Most common are the property-related-crimes involving a physical violent approach such as domestic burglary, car theft and robbery.\textsuperscript{41}

\section*{3.2 Definition of crime prevention}

The Commission’s definition of the word crime prevention is, “all activities which contribute to halting or reducing crime as a social phenomenon, both quantitatively and qualitatively, either through permanent and structured cooperation measures or through ad hoc initiatives”.\textsuperscript{42} Crime prevention may also be prevention which aims at reducing “citizens' feeling of insecurity”. The prevention is carried out by different actors such as public authorities, schools, researchers, the private sector etc, as well as by the vaste majority of the community.\textsuperscript{43}

The subject as such is often divided into to different practical forms of prevention. It may be prevention focusing on the victims, the perpetrators or prevention towards groups at risk or on situations, depending on the sort of crime dealing with.\textsuperscript{44} There are mainly three practical preventive actions: One which aims at reducing the crime

\textsuperscript{39} COM (2000) 786, ch. 2.2.1.
\textsuperscript{41} COM (2004) 165, ch. 1.2.1.
\textsuperscript{42} COM (2000) 786, ch. 2.2.2.
\textsuperscript{44} COM (2000) 786, ch. 2.2.2.
opportunities, in order to make crimes less tempting and profitable, another which lessens the social and economic crime promoting factors, and a third which informs and protects victims.\textsuperscript{45}
4. Crime prevention in the EU

The Treaty of Amsterdam brought up the question of crime prevention in Article 29 by defining it as one of the Union’s political subjects, which is included in the creation of an Area of Freedom, Security and Justice. The crime preventive work was said to combat both organised and non-organised crimes, and thus broadened the term. In Tampere 1999 the Council drew out a strategy in Conclusions Nr. 41 and 42,

“The European Council calls for the integration of crime prevention aspects into actions against crime as well as for the further development of national crime prevention programmes. Common priorities should be developed and identified in crime prevention in the external and internal policy of the Union and be taken into account when preparing new legislation […] The exchange of best practices should be developed, the network of competent national authorities for crime prevention and cooperation between national crime prevention organisations should be strengthened and the possibility of a Community funded programme should be explored for these purposes.”

The same year a meeting was held in Haag where representatives from public authorities, academia, trade and industry discussed the matter of organised crime. A second meeting was held in Costa da Caparica in 2000 to further decide the elements of a European strategy. It resulted in a proposal made by the Commission and EUROPOL, which included a strategy based on analysis of prevention and studies of crime, in order to better prevent crimes upcoming and being. These results were taken in account in the development process of the general European crime preventive strategy.

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47 Ibid.
4.1 Aim

The theoretical ambition of the EU is to provide the Union’s citizens with a high degree of security.\(^{48}\) Practically, the primary aim is to develop effective, rapid and proportional crime preventive instruments along with enforcement measures, which state the wrongfullness of crime.\(^{49}\) Afterwards, it is important to evaluate these actions in order to measure their effectiveness.\(^{50}\) Effective preventive strategies call for more vigilance, which can intrude on the citizens’ daily lives. Even so, the actions must be carried out in a matter that does not collide with fundamental legal rights and principles. The preventive strategies aim at protecting civil by:

- reducing crime opportunities
- preventing factors which make people commit crimes and its repetition
- avoiding victimisation
- reducing insecurity
- promoting a legal culture and conflict-solving strategies
- promoting a good governance
- preventing infiltration in society by criminals

The volume crime preventive strategies should focus on juvenile, urban and drug-related crimes as decided by the Council in Tampere. Organised crime prevention on the other hand, must focus on crimes of high technology, drug and human trafficking especially of women, sexual exploitation of children, economic art and on the forgery of the euro.\(^{51}\)

4.2 Strategies

The crime preventive strategies are to be carried out having the following in mind:

\(^{48}\) Mitsilegas, p. 3.
\(^{49}\) COM (2000) 786, ch. 3.2.
\(^{50}\) COM (2004) 165, ch. 3.2.
\(^{51}\) COM (2000) 786, ch. 3.2.
1) KNOWLEDGE

In order to understand and discover crime, preventive organs must have knowledge and access to data banks of information.\(^{52}\) In this way the crime preventive actions derived from the information will be more accurate and effective. The exchange of experiences, methods and evaluation will thereby also be more useful, correct and efficient.

2) COOPERATION AND A MULTIDISCIPLINARY APPROACH

It is important to develop cooperation within the Network on all levels.\(^{53}\) A multi-disciplinary approach is necessary since crime have multiple causes.\(^{54}\) A European model must be based on multi-disciplinary strategies that aim at combating crimes through close cooperation of police, judicial system, private and public authorities etc, in order to “avoid duplication of efforts and to use resources more efficiently”.\(^{55}\) It is therefore important to develop techniques and methods that reduce crime possibilities and spread information of good practices and methods.\(^{56}\) Exchange of information, evaluation and the spread of good result are keywords.

The European strategy as such emphasizes the Principle of Subsidiarity and the exploration of different options. The Union’s crime preventive measures in general should be carried out in the Member States by preventive organs in accordance with national programmes.\(^{57}\) It is suggested that there be a designated body at national level that have an overall responsibility for the activities.\(^{58}\) The Member States’ local authorities have the main responsibility for volume crimes and they are responsible for handling the problems with support and help from national authorities.\(^{59}\) The EU cooperation should only be used as a supplement or an information source. The preventive work should also be guided by international standards such as the UN’s guidelines for crime prevention, which promotes political finance and activity, leadership from a national level and cooperation between public and private actors.\(^{60}\)

\(^{52}\) COM (2000) 786, ch. 3.3.
\(^{53}\) Ibid.
\(^{56}\) COM (2000) 786, ch. 3.3.
\(^{57}\) Ibid, ch. 3.1.
\(^{59}\) COM (2004) 165, ch. 3.1.
The preventive work should certainly also take in consideration the Principle of Proportionality, and thus not use harsher methods than necessary.\footnote{The Hague Programme: strengthening freedom, security and justice in the European, Official Journal C 053, 03/03/2005, ch. 2.1.}

It is very important that the preventive work on EU-level chart priorities based on the information exchanged between decision-makers and experts in the field, and for the Member States to use the same evaluation methods. The Commission has therefore decided that the preventive strategies should focus on four aspects:

- **Prioritise.** It is of most importance that certain crimes are selected as priorities. In Tampere it was decided that the focus should lie on juvenile, urban and drug-related crimes. It should further be detailed by specifying within these categories which specific crimes that are of crucial interest.

- **Chart successful methods.** Member States should together decide which methods are the most effective and commit themselves to apply them. They should also promote the spread of the information within the network.

- **5-1-method and statistics.** Member States should apply a joint method of supervision, evaluation and preparation of preventive programmes. It is important to obtain standardisation in order to be able to compare and improve the different measures. There should also be a uniform crime statistic method and definitions, so that comparison on a national, regional and local level is possible.

- **Supervision and evaluation.** EU should supervise and evaluate the Member State’s crime preventive work in order to be able to compare actions, monitor the progress and draw conclusions.\footnote{COM (2004) 165, ch. 3.2.}
4.2.1 Suggestions

The Commission suggests that the Union’s politics be overviewed in a crime preventive light. The Union’s politics should indirectly promote crime prevention by promoting an economic and social unity, growth and occupation, and an economic environment open for supervision.

The Commission concluded that,

- a regulation of economical and financial activities would prevent frauds, corruption and other forms of economic criminality;
- promotion of higher living standards within the Union, non-discrimination, fight against racism and promotion of integration specially in problematic urban places would act preventive;
- an economic and social unity, promotion of net-safety, prevention of data crimes, studies of social problems being and reasons, and making the information network more safe would have a positive effect; and finally,
- emphasizing the importance of respecting environmental international and legal agreements within the Union prevents environmental crimes.\(^{63}\)

The Commission also emphasizes the need of crime-proofing, better knowledge of crimes, the need of one mechanism to gather and analyse data which gives an overview on criminality and the existence of common standards in order to improve the comparison of data.\(^{64}\)

4.2.2 The Hague Programme

Five years after the Tampere Conclusions a new agenda was presented called the Hague programme. The foremost aim of the programme is to improve the Union’s and the Member States’ common capacity to ensure basic human rights and legal security. Regarding crime prevention the aim is mainly to combat organised cross-national crime and the task is to be carried out by police and judicial cooperation, common policies and coordinated multidisciplinary actions of preventive organs. The fight against terrorism is specially

\(^{63}\) COM (2000) 786, ch. 4.1.
\(^{64}\) Ibid, ch. 4.2, 4.3.
emphasized and is to be carried out with a common strategy in which the Member States must take in consideration the entire Union’s safety when upholding national security. The Council sees it as essential to strengthen the AFSJ, in order to guarantee secure societies, mutual trust and the rule of law within the Union.\textsuperscript{65} The programme is based on the Principles of Subsidiarity, Proportionality, Solidarity and the respect of the Member States’ different legal systems and traditions.\textsuperscript{66}

Its fulfilment is to be done by a pragmatic course of action and based on the work and decisions already drawn from the Tampere Conclusions.\textsuperscript{67} Within the programme one aim is to strengthen security in different ways. One way is by improving the cross-border exchange of information in law-enforcement and crime preventive matters. From January 2008, the exchange should be guided by certain requirements, with special consideration to the Principle of Accessibility. The Principle of Accessibility implicates that if an employee in a crime preventive organ needs information to do his work, he or she should be able to get the information from another Member State’s crime preventive organ. This implicate that the information is held accessible by all the Member State’s crime preventive organs. Therefore, the Council suggests the Commission to present proposals on the realization of the Principle of Accessibility. The proposal must include the following regulations:

1) The exchange should only be allowed in order for the other Member State to take legal measurements.

2) The integrity of the exchanged information and the information-source must be protected and guaranteed in the exchange process.

3) Common standards for the accessibility of information and techniques must be applied, and supervision of the computer security must be done.

4) Individuals must be protected from the misuse of information and have the right to correct incorrect information.

\textsuperscript{65} The Hague Programme, ch. 1.
\textsuperscript{66} Ibid, ch. 2.1.
\textsuperscript{67} Ibid.
5) The methods used for the information exchange must be done by the “full use of new technology and must be adapted to each type of information”. There must also be mutual accessibility between the Member States by the use of national data banks or online systems. 

In order to provide a higher level of security there must be better cooperation between crime preventive organs in all areas of AFSJ and the overall priorities must be secured by being pointed out by the Council. Therefore, a committee for internal security as stated in Art III 261 in the new draft of the Constitution must be established. Union security also calls for crime preventive actions to be an essential part in the creation of the AFSJ. It is of most importance that the EUCPN provides the Council and the Commission with knowledge and practical information so that functioning and accurate crime preventive politics can be drawn.

In the final Action Plan of the Hague Programme it was concluded that the implementation and the carrying out of common crime prevention must be strengthen and professionalised, and that new European instruments for collecting, analysing and comparison of information of crimes, victimisation and tendencies in the Member States must be developed by using national statistics and other information as indicators.

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68 Ibid, ch. 3.2.1.
69 Ibid, ch. 3.2.5.
70 Ibid, ch. 3.2.6.
5. **EUCPN**

The kingdom of Sweden and the French Republic along with the Vienna Action Plan, which declared that crime preventive measures needed to be drawn up within 5 years from the Treaty of Amsterdam, emphasized the need to establish a European network for crime prevention. In the Tampere Conclusions, it was further stated that there was a need for cooperation within in the field both nationally and Union-wide. Crime preventive work must be carried out by partnerships locally, nationally and within the Union, between different groups in society such as public authorities, organisations, citizens etc. In a conference in Algarve in 2000, it was especially highlighted that crime preventive actions had to be done by a multidisciplinary approach. These and other circumstances led to the Council’s decision to set up the EUCPN on the 28th of May 2001.

### 5.1 **Aim**

The Network’s aim is specified in Art. 3(1), “The Network shall contribute to developing the various aspects of crime prevention at Union level and shall support crime preventive activities at local and national level.” It also states that the Network covers all kinds of criminality, but that special interest is to be given to juvenile, urban and drug-related crimes. Further it was stated in the *Evaluation of the Operation and Future of the European Crime Prevention Network (EUCPN) of October 2004* that, “The EUCPN’s ultimate purpose is to improve the performance of practice and policy in crime prevention and community safety

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73 Ibid. Mitsilegas, p. 85.
75 Ibid, introduction point 6.
76 Ibid, Art 1(1).
77 Ibid, Art. 3 (1).
across the EU Member States […] adding value to national efforts and more generally identifying, supporting and creating favourable conditions for them”.78

5.2 Structure

The Network consists of different contact points. A maximum of three are selected by each Member State, but shall include at least one competent representative from the national authorities. These contact points may be academics or researches, and it is recommended that other specialists in the field that are not selected contact points still are involved in the work.79 The Commission chooses one contact point, and The European Law Enforcement Organisation (EUROPOL) and the European Monitoring Centre for Drugs (EMCDDA) participates in work that deals with/or requires its expertise.80

The EUCPN also consists of a Secretariat, which “ensures the proper functioning of the Network” together with the national representatives.81 The Network has furthermore contact and expert groups and a web site. The expert groups address special issues of importance and explore different solutions.82

One group is called Subgroup on crime and victimisation: statistics. The group collects, describes and improves the Member State’s criminal justice statistics to make them more comparative. It is today focused specially on street robbery, car theft and domestic burglary and delivered its first report in May 2003. The inventory of information, which the group creates, provides policymakers with easy references. Another group, Subgroup on juvenile crimes, discusses juvenile-related crimes and explores optional solutions.83

The website supplies the Network’s actors and the waste majority with information such as policies, contact details, reports and information about what the Network is doing for the moment.84

Financially, the Network’s national representatives decide on an annual programme, which includes a financial plan. The annual programme includes priority fields,

84 Ibid, p. 4. Remark: The website was established 2002 (Evaluation p. 4).
specific and general actions that the Network is going to carry out during the following year, and information about the website’s future structure. The programme must be adopted unanimously and the Secretariat, provided by the Commission, drafts the annual programme and a report. The Network’s Secretariat and its activities are especially financed EU’s general budget.85

5.3 Strategy

The task should be carried out preferably by promoting a multidisciplinary approach, close cooperation and exchange of information between the contact points and other actors in the field within the Union.86 The task is to be completed firstly by facilitating the cooperation between the Network’s actors. The Network should specially help promote close cooperation and information exchange between researchers and practitioners.87

Secondly, it should promote the exchange of information and experiences by selecting the best channels to reach the intended audience, and by delivering accessible, readable and understandable directions and products.88

Thirdly, the Network shall provide its actors with relevant information by collecting and analysing information about preventive activities and about different kinds of criminality, e.g. art and existence of these in the Member States. When finalizing crime preventive projects they are to be thoroughly evaluated and analysed, and the best practices should then be selected.89

Fourthly, the Network has a consultative role by assisting the Council and the Member States with crime preventive information, and also the Commission upon request. It has thereby a responsibility to function as an organised knowledge centre for the organs above. The Network’s website should operate by providing the actors with useful information and by promoting good practices.90

86 Ibid, Art. 4 (a), (b), (d).
90 Ibid, Art. 3 (2)(b),(g), 4 (c).
Fifthly, the Network shall help develop the main areas of research, training and evaluation within the field, and has a responsibility to organise meetings, conferences and other activities, which promotes crime prevention, develops the cooperation within and outside the Network and raises awareness in the matter. In this way the Network improves and stimulates the exchange of experiences and practices.\footnote{Ibid, Art. 3 (2)(c), (d), (e).}

5.4 Evaluation

In 2004 the Evaluation of the Operation and future of the European Crime Prevention Network was done. It concluded that the Network in general had been successful. Progress had been done in developing a “common methodology to prepare, implement and evaluate crime preventive projects”, which helps achieve a standardised comparison. The methodology focused on the 5-I-method, which stands for Intelligence, Intervention, Implementation, Involvement and Impact. These are considered to be the five steps to describe and evaluate different crime preventive measures.\footnote{Evaluation (2004), p. 5.} The Network had also succeeded in obtaining an inventory of good practices. This had been done through multiple conferences, plenary meetings, seminars and by the information delivered by the Network’s different workgroups. The Network had also in a good way raised awareness of good practices among experts.\footnote{Ibid, pp. 3, 4.} In conclusion, it was said that the Network had helped raised awareness in the matter and “fostered a good spirit of cooperation”.\footnote{Ibid, p. 5.} Even so, there are still some problems to be solved.

One obvious problem is the limited resources, which is an obstacle when trying to achieve the Network’s goals. It is therefore recommended that the Network obtain a legal personality to overcome the problems of funding activities. If this is not possible it is suggested that the EUCPN-activities are financed by the Union’s general budget.\footnote{Ibid.}

A second problem is that the priorities are too broad. Therefore, it is recommended that less, but more clear and concise priorities based on reliable information be set up. Today, the priorities are to give special interest to juvenile, urban and drug-related

\footnote{Ibid. \textit{Remark}: Today the Network does not have the power to adopt legally binding decisions, but work consultative (Mitsilegas, p. 114).}
crime, but it is necessary to chart which crimes within these categories that are the most crucial ones in order to work more effective. 96

A third problem lies within the continuity. It is very important to obtain some continuity of the Member State’s membership. It is therefore suggested that the representatives participate at least two years in a row. 97

A fourth problem is the lack of Secretariat support, which cannot be compensated by the Member States despite their strong dedication both financially and in resources. It is therefore essential that the Commission assist the EUCPN with “adequate, dedicated secretariat support”. 98

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96 Ibid, p. 6.
97 Ibid.
98 Ibid.
6. Problems and analysis

The Union’s crime preventive work has two kinds of problems. There are practical problems in the implementation of measures and problems of theoretical nature, which deals with the subject in a larger perspective and the development of the Union in general.

6.1 Practical problems

Practically, the main problem is that theories based on research results, are not applied in reality. The lack of the use of good, right and appropriate solutions make the practical work less effective than it could be and the research useless. The problem lies in the deficiency of the cooperation between the different actors and thus a lack of exchange of information. One aspect, which is specially emphasized, is the Member States’ differences in police structures; police forces are either centralized or decentralized. Since there is no common structure and no versatile exchange-of-information-strategy the work is difficult and hard to manage. Another problem is the police force’s disagreements in priorities and different perspectives on cross-border cooperation and arrangements. The exchange of information, which has been mentioned several times, is essential for an effective Union-wide fight against criminality, mainly in order to avoid duplication of efforts. The cooperation however, must be carefully outlined and the actors must learn ways to trust. The keyword is trust, since it is essential, for example, for police forces that the trust foresees the cooperation. It is often said that more cooperation is needed, but ways on how to obtain a close cooperation are seldom presented. The politicians often assume that it cooperation-wise are no problems and overseen the Member States’ technical and functional differences. There is a clear need for the

100 Ibid.
101 Anderson, p. 36.
development of functioning trust and cooperation strategies. It is also vital that the information and the preventive strategies are based on knowledge. Therefore, it is important that research is done in order to obtain high-quality information, and that the actors are educated theoretically and practically. The problem can be solved by the development and the practical use of theory through effective cooperation along with preparation of cooperation strategies.

There is also a lack of knowledge of quantity and quality analysis methods to evaluate actual action’s “relevance, limitations and successes”. The Commission suggests more knowledge in the subject, better analyse methods and practical appliance, and that crime preventive knowledge should be considered when e.g. recruiting employees. The evaluation process as well as the information about successful and well-covered projects must be improved. It is furthermore valuable that the leadership is of high quality. The solution is probably more user-friendly descriptions of routines, wider exchange of good experiences and more research within the field. It is essential that better analysing and evaluation methods common for all Member States be provided, in order to enable the comparison, charting and analysis of the threats that different kinds of crimes imply.\(^\text{102}\) However, the real question is if it is possible to obtain an accurate comparison? A correct comparison requires common definitions of crimes, which consequently must be developed. Even so, it is not a guarantee for a correct appliance, because if the Member States’ preventive organs lack common values and an idea of what can be overseen, the comparison will still be inaccurate when converted into statistics.

Almost all areas of JHA are in the Member States covered by national legislation, which often is well-established and rooted in permanent legal traditions. There are already constitutional norms and accepted concepts, and procedures on how to maintain public order.\(^\text{103}\) JHA issues often have a “major impact on citizen’s rights” and the persistence of public order.\(^\text{104}\) The problem lies in that policies, procedures and the terminology often vary between the Member States.\(^\text{105}\) For example, there can be differences regarding white-collar offences; in one Member State the offences may be covered by civil law and in another by administrative law. There are also often problems in the differences of definitions such as

\(^{103}\) Mitsilegas, p. 10.
\(^{104}\) Ibid, p. 11.
\(^{105}\) Ibid, p. 10.
the definition of participation in criminal organisations or investment frauds.\textsuperscript{106} One obvious example regarding Sweden is that Swedish law does not allow any possession of drugs, in Dutch law on the contrary, small possessions are not prosecuted unless there is a suspicion of dealing.\textsuperscript{107} There is therefore a need to produce Union definitions for certain concepts or guidelines for which crimes are to be considered as the same or slightly different. However, the problem lies in what sometimes is said to be the judicial paradox; that the definitions need to be broad enough to cover certain areas, but at the same time slight enough to be able to specify a concept. It is vital that a unification of crime definitions and legal working areas is done, since a system with working strategies and procedures cannot be efficient without common and clear definitions. Despite this, the dilemma will certainly remain even after working-out functioning definitions, since the preventive work despite a common strategy is going to be done differently in the Member States.

The lack of resources is also a problem that leads to short and rapid solutions and a lack of attention, instead of effective long-term ones. This is specially stressed in the evaluation of the EUCPN but can also be applied on the crime preventive work in general. The solution suggested by the Evaluation-group is that the EUCPN either obtain a legal personality, which in turn will give the organ more financial resources, or that the preventive activities are financed by EU’s general budget. It is possible that the last solution is going to be applied since the matter of security is so highlighted and because it is the easiest solution. The first solution is more difficult to apply, since the Member States probably will oppose it since it implicates a binding responsibility and intervenes with their own already restrained sovereignty in the matter. It may also be opposed since it implicates higher costs that most likely are financed by a higher Union member fee. Foremost it has to do with the subject of judicialization, since a legal personality’s decisions in all likelihood more directly can become a legal subject decided by the Court of Justice and thus become a firm legally binding decision. This is something that especially in Sweden has become a delicate matter in which the judicial elite and academia in most cases seem to have a negative opinion such proved by the outcome of the Barsebäck-case.\textsuperscript{108} Nonetheless, seen from a positive point of view the fact that Member States differ in preventive efforts may be solved by a legally binding responsibility.

\textsuperscript{106} Ibid, p. 13.
\textsuperscript{107} Ibid, p. 18.
\textsuperscript{108} Remark: Swedish Case Nr. RÅ 1999 ref 76.
The problem of too broad priorities is also mentioned and it is suggested that the priorities are made less and more concise. On one hand, it is important that priorities are wide so that they include important national priorities taking in consideration that crimes may vary in different Member States, since they evidently are of different sizes. On the other hand, too wide priorities are ineffective and more concise priorities are needed in order to obtain effective objectives. It raises the question of how specific priorities can be and still be effective without excluding other important crimes. In this aspect the real flaw of the Union’s crime preventive work is obvious. It is the incoherence between the political will and what can be achieved in reality. It is evident that the political ambition is to achieve a high level of safety in the Union, but the means to do so are less obvious. Politicians in general tend to set up goals without thinking about the actual realisation. Their great ambitions do not always correspond with what can be done. Therefore, the politicians should have more knowledge and maybe be less ambitious in order to be able to set up realistic objectives.

It is of primary importance that the problem with the lack of support of the EUCPN’s Secretariat is solved, since they are the core in the work. It is admirable that the majority of the Member States are very committed and have realized the importance of effective crime prevention. Hopefully, this enthusiasm will not be greatly affected by the lack of secretarial support.

6.2 Theoretical problems

Compared to the practical problems the theoretical problems are of a more serious art. JHA issues are according to the old Title VI of the Treaty of the Union, seen as an area of ‘common interest’.\textsuperscript{109} By being a common interest the subject is levelled into one of the most important issues within the Union and an area of huge importance, which is largely promoted. However, the highlight and extension of a safer Union is not only a good thing. In fact the main problem is that security has become a too important issue within the Union. New developments and incidents in the world such as the terrorist attacks on the 11\textsuperscript{th} of September 2001, led to an increased interest and importance for security matters within the Union. In

\textsuperscript{109} Delmas-Marty, Mireille (1996), \textit{What Kind of Criminal Justice for Europe?} p. 27.
doing so, some critics say that the general focus has changed from freedom to security, since the Union today sees it as more vital to deliver security than freedom. The critics also say that it is problematic since the “readjusting of balance between freedom, security and justice [is] a difficult task”.\footnote{Mitsilegas, p. 164.} In reality a higher security level often collides with citizens’ human rights and their integrity and freedom. The Treaty on European Union, Art. F (2) of the Common Provisions Title I, states that “The Union shall respect fundamental human rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general Principles of Community law”.\footnote{Delmas-Marty, p. 28. Treaty on European Union, Title I, Art. F (2) (see Art. 6 (2))} It is obviously a conflict between one fundamental value of the Union and the ideological Union-agreed concept that the Union shall ensure ‘a high level of safety’. JHA have become such an important part that it has been incorporated as an element of the acquis, which every new Member State have to sign before entering.\footnote{Mitselgas, p. 3.} The question is how far security measures can be applied before they collide with basic human rights?

A second theoretical problem, which is associated with the approach above, is the relationship between freedom and security. In the book Police and Justice Cooperation and The New European Borders it is said that, “The EU should certainly do its best to ensure that its citizens can live as free as possible without threats to their daily existence”.\footnote{Anderson, p. 166.} Further the Tampere Conclusions stated that, “people have the right to expect the Union to address the threat to their freedom and legal rights posed by serious crime”.\footnote{Ibid, p. 167.} The Union has recently taken the role as the provider of ‘high level of security’ and made it an essential part of fulfilling the concept of freedom. This new approach, nevertheless, raises the question of what is included in the meaning of security? The Tampere Conclusions clearly said that the Union is to protect its citizens from threats to their freedom posed by serious crime, and the word crime is given the broad definition of punishable conduct, crimes of serious art and also anti-social conduct that creates a climate of insecurity. Anti-social conduct which implicates the broadest scope of the three is according to Com 2004/165, “noisy neighbourhoods, neighbourhoods characterised by teenagers hanging around, drunk or rowdy people, rubbish

\footnote{Mitsilegas, p. 164.}
\footnote{Delmas-Marty, p. 28. Treaty on European Union, Title I, Art. F (2) (see Art. 6 (2))}
\footnote{Mitselgas, p. 3.}
\footnote{Anderson, p. 166.}
\footnote{Ibid, p. 167.}
or litter lying around, deteriorated environments and housing”.\textsuperscript{115} The problem with this can be illustrated as follows: Many immigrants feel very insecure and afraid, when seeing Nazis or other persons with extreme xenofobic point of views, but are these persons by having these opinions and dressing like they do, seen as conducting anti-socially and cumulatively thus creating insecurity? If so, is it justified that their freedom of opinion is restrained in order for immigrants to not feel insecure? It is important to discuss the extent of this security-thinking and also what means the aim justifies, with the main question being; which are the proportional and necessary means that do not collide with basic human rights?

A third theoretical problem is the enlargement of the Union. The area of Freedom, Security and Justice is based on what can be called ‘common values’ in which “all legal and public administration must respect human rights and the rule of law; the judiciary must be independent and impartial; the police must be reliable and even-handed; the institutions must be transparent, competent and efficient, and ensure that laws exist not only on paper but are implemented and enforced in practice”.\textsuperscript{116} This is of course a fundamental value of the Union. However, one must be attentive to the fact that States are not built on the same values nor have matching legal traditions. One problem is the different legal traditions of current and future Member States, such as for example the difference between common and civil law. The differences are not to be neglected, since they are an obstacle in, for example the implementation of JHA matters. In civil law for example a code is defined by the State “on behalf of the people” and is a written one that provides laws, which regulate the social order. The courts apply the laws strictly according to the “wording of the code” with limited interpretation abilities. In common law, on the other hand, the law is what the courts decide. It is either created by interpretation or follows a precedent.\textsuperscript{117} This presents itself as a huge problem, since it implicates problems in the direct implementation of EU legislation. It is also questionable if applicant States are allowed to enter if they as Mitsilegas puts it “cannot fully operate according to the rules and standards of this ‘area of security’” and might thereby endanger the “safe inside”.\textsuperscript{118} If an applicant country is considered not being able to fulfil these requirements is it thereby consequentially prohibited to enter? Are the requirements perhaps to demanding, or just designed to exclude the not-wanted?\textsuperscript{119} The question is also

\textsuperscript{115} COM (2004) 165, ch. 1.2.2.
\textsuperscript{116} Anderson, p. 11.
\textsuperscript{117} Mitsilegas, p. 11.
\textsuperscript{118} Ibid, p. 128.
\textsuperscript{119} Ibid, p. 158.
why States would want to enter when they are imposed “non-negotiable condition[s] of entry”?¹²⁰ There is of course in most cases an ‘opt-out’-option, but it is a poor short-term solution that makes the Member States unequal and questions their commitment.

A fourth theoretical problem is the issue of national sovereignty. States’ source of legitimacy has always been the providence of security, which in turn justifies their actions.¹²¹ Already, in the early 17ᵗʰ century Thomas Hobbes described in the Leviathan the natural form of humans to be an insecure environment in a condition of Warre, in which “bellum omnium contra omnes = every man is Enemy to every man”.¹²² The Commonwealth, a State based on a Social Contract, was therefore created with the purpose to “defend them from the invasion of Forraigners, and the injures of one another”.¹²³ In this way the Commonwealth saved its members from the “miserable condition of Warre” and the Sovereign (in the Leviathan) had the absolute power and duty to protect them.¹²⁴ John Locke also talks about the States’ providence of security as a source of legitimacy but in other terms. Locke says, “To avoid this State of War […] is one great reason of Mens putting themselves into Society”. According to Locke the Society was the Commonwealth, which had an Authority (Power on Earth) that legislated and punished the Commonwealths’ members.¹²⁵ The reason for having a Commonwealth was protection, since it had laws that provided a uniform interpretation and punishments that secured the individuals nature rights.¹²⁶ The States’ providence of security has been a central principle and an element of legitimacy for a long time and sovereignty as such is defined as “a state’s supreme law-making and law-enforcement power”. Therefore the mere existence of inter-State cooperation in this subject is sometimes said to be “incompatible with the very existence of a nation-state and national government”.¹²⁷ The Member States have been greatly affected by the growth and grand development of JHA issues. Issues which are of huge importance for Member States such as its internal security have been moved from a strong legal and political sovereign claim to be

¹²⁰ Ibid, p. 132.
¹²⁴ Hobbes, p. 117, 121. Remark: The condition of Warre is by Hobbes seen as ”the finall Cause, End or Designe of men”, (Hobbes, p. 117) and the Leviathan defined as “One Person, of whose Acts a great Multitude, by mutuall Covenants one with another” (Ibid, p. 121).
¹²⁷ Mitsilegas, p. 8, 9.
an issue in which the autonomy is no longer sovereign but shared as “key areas to a new empire”. Today the Union’s supranational character is widely discussed and there is an upward of individuals who questions the challenges of national sovereignty, and are opposed the communitarisation of more national issues. However, one must thus keep in mind that it is essential that some power is given to the EU-organs for its functioning and that it is a new phenomenon with its own rules and definitions. Concepts – such as the nation-state - are inevitable changing and developing. The question is rather as former British Home Secretary Kenneth Baker puts it a question of “‘who governs whom?” the national or the supranational state’”. Somehow the subject is given a solution by the appliance of the Principle of Subsidiarity, but nonetheless the question as whole remains. It has been said that Member States alone no longer can provide the necessary security when confronting globalisation and the increased technical sophistication of new crimes. However, crimes of international and Inter-Union character must of course be combated through cooperation, but crimes of more local art should be solved locally. This idea should in all or at least in some political areas always be applied. Each Member State should by itself try to solve its problems and may be helped if necessary by the cooperation and information exchange between Member States. This should be the initial point and the national crime prevention should be an area of sovereignty, since no supranational organ better than the State itself have the knowledge and can apply the correct solution to a problem. Cooperation is a very good thing and the power of theory and knowledge should not be underestimated, but the cooperation approach should not neglect the Member States their own right to govern and decide.

6.3 Concluding remarks

The positive thing about the development of crime prevention is that the crime preventive work really has begun. Certain working strategies have been developed and applied, and guidelines such as that prevention is best done by a multidisciplinary approach, are great results. However, the question is whether the Union is applying the right strategy or not?

129 Mitsilegas, p. 9.
130 Ibid.
Hopefully, the research has been thoroughly considered when developing the strategies and they prove to work in a couple of years, but nothing is for certain.

It is excellent that it is decided that crime preventive activities are to follow international and inter-union agreements. It emphasizes the importance of the fulfilment of other conventions and agreements, and sets up specific guidelines.

The most effective way to combat crime is probably through knowledge, since by doing so the prevention is going to be more accurate. One step in the right direction is the agreement that volume crimes are a local phenomenon and that it therefore should be dealt with on a local level. It is also a good thing that priorities are decided since it makes the work more manageable, as long as the priorities are well-founded and not too broad. Cooperation has been much discussed and it is certainly needed in different areas. Nevertheless, the problem is that cooperation is presented as needed too much, which is not the case. Cooperation is good, but must be used in the right way and in the right proportions.

The Hague programme is for example one step in the right direction. The programme significantly highlights the Principle of Accessibility, which shows that the matter of integrity is important. It can be seen as a sign that human rights are seriously considered when developing crime preventive strategies, even though the security-thinking is so hugely promoted. However, the Principle of Accessibility may have some implementation problems that in time hopefully will be solved.

It is important that the Union in the future does not commit the same mistakes. For example, the decision to launch the Schengen Agreement without regulations was a bad idea. If rules and regulations had been done in forehand it had prevented a lot of problems and raised the belief in the Union instead of creating a lot of doubts about the Union in general. Goals and aims may not be given without also handing out the solutions and work methods to fulfil them.

It is questionable if crime preventive work really makes a difference? The answer is partially yes. The practical prevention has in part been successful. Yet, one cannot be assured that it is due to the Union’s highlight of crime prevention, even though it probably has contributed. It may also be that criminality as such has grown and that the Member States have acted on it. The development is however optimistic and the evaluation of the EUCPN shows that it fulfils its purpose. Nonetheless, one must have in mind that the evaluation and the supervision are done by the Union itself, and it is doubtful that the Union would give itself
too much critic. The fundamental problem with the matter of crime prevention is that it in general is very abstract and particularly hard to grasp. It is abstract since it has to do with a subject that is partially theoretically and practically unexplored and in which there are no well-founded results, and it is hard to grasp because it is very broad and constantly changing. The future therefore truly depends on the ability to define and narrow the work area and to solve current and future problems.
7. Conclusions

After several problematic years JHA issues where highlighted and given a structure by the Treaty of Amsterdam. The Treaty established the AFSJ in which security matters played an important role. From this point on, security became more important and entered the Union’s agenda. In 1999 the Tampere Conclusions charted the first crime preventive priorities and declared an obligation for the Union to protect its citizens. The Union’s general aim is to provide a high level of security by reducing and preventing crime. It is concluded that national authorities have the main responsibility regarding crime prevention, and that the Union through its policies should help promote prevention.

The European strategy should be based on knowledge and be carried out in a multidisciplinary approach specialising on certain selected priorities. Successful practices need to be exchanged within the network and evaluation of the preventive work must be done.

In 2001 the EUCPN was established and aimed at through knowledge, cooperation and by a multidisciplinary approach prevent crime. It is to be done by developing and supporting the inter-state cooperation, and by promoting the exchange of information. The EUCPN is to select priorities, collect and analyse information and chart successful methods.

Years later the Hague programme was designed and focused, regarding crime prevention, on the Principle of Accessibility, which secures the citizens integrity and calls for a responsible use of exchanged information. The programme also suggests that crime prevention in general is strengthened and professionalised and that new evaluation instruments are developed in order to improve the comparisons.

One practical problem of the European crime prevention is that theory is not put into practice, because of the lack of exchange of information. Therefore, more knowledge is needed in the area as well as a concrete cooperation strategy or programme. Another problem are the short resources that lead to short-term solutions. This can be solved either by giving the EUCPN a legal personality or by funding the activities with EU’s general budget. The
option of a legal personality is probably a good solution since it implicates a responsibility.
The problem of too broad priorities includes the everlasting dilemma of the wideness or
narrowness of definitions, which is a common legal paradox that has no good solution.
Nevertheless, making the politicians’ ambitions more realistic can partially solve it.

A significant theoretical problem is that security matters’ importance has
increased along with the amount of JHA measurements. This approach may collide with basic
human rights and certain forms of freedom, such as the freedom of opinion. Another problem
is the enlargement of the Union. The development and implementation of JHA matters can be
difficult given that countries have different legal traditions, and differ in policies and
terminology. Common definitions must therefore be developed and more consideration must
be given to the differences. The idea that the providence of security is a source of legitimacy
for States is a third theoretical problem. It is only one among many well-established concepts
that are changing, since the Union as such is a new phenomenon and has its own definitions,
concepts and rules.
8. Bibliography

I. Literature


II. Official Publications/Legislation


III. Other sources
