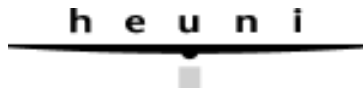


HEUNI NEWSLETTER

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HEUNI 20 YEARS

On 23 December 1981 an international agreement was signed between the United Nations and the Government of Finland on the establishment of a European regional institute to support the crime prevention and criminal justice programme activities of the United Nations, HEUNI. In fulfilling its mandates HEUNI among other activities, carries out specific projects and deals with international technical assistance, in conformity with the programme as prioritised by the United Nations Commission on Crime Prevention and Criminal Justice.

To mark the 20th anniversary of its establishment, HEUNI hosted three events on 13-15 December 2001: the annual coordination meeting of the Institutes of the United Nations Crime Prevention and Criminal Justice Programme Network (PNI), an international seminar on central issues in crime prevention and criminal justice and the annual meeting of the International Advisory Board of HEUNI. Accordingly, the participants of those events were a mixture of decision makers and researchers, past, present and future collaborators and friends of HEUNI. In all, some fifty foreign and Finnish experts in the field came to celebrate in Helsinki.

ANNUAL COORDINATION MEETING OF PNI

The XVI coordination meeting was convened in Helsinki on 13 December. The meeting was attended by eighteen representatives of thirteen institutions – there are in all fourteen members in the network.

The meeting reviewed the regular work of the Institutes. Special attention was given to the revitalized cooperation between the Institutes and the Centre for International Crime Prevention of the United Nations (CICP). Emphasis was laid especially on the joint preparations for the future XI UN Congress on Crime Prevention and Criminal Justice, to be held in 2005. Also the forthcoming PNI workshop in connection with the XI Session of the UN Commission on Crime Prevention and Criminal Justice was discussed at length. The subject of that event follows the overall theme of the eleventh session, reform of criminal justice, and concentrates on lessons learnt.

INTERNATIONAL SEMINAR ON CENTRAL ISSUES IN CRIME PREVENTION

The seminar was held on 14-15 December. The three topics of the seminar dealt with crime trends, prison issues and international technical cooperation. Consequently, they were also presentations of HEUNI's recent activities. The seminar was opened by Dr Kirsti Rissanen, Secretary General of the Finnish Ministry of Justice. Further addresses were made by Dr Eduardo Vetere, Director of the UN Centre for International Crime Prevention and Mr Bo Svensson, Justice of the Supreme Court of Sweden and Chairman of the International Advisory Board of HEUNI. These addresses reviewed the functioning of HEUNI in general and the UN crime prevention and criminal justice programme in particular.

The item on crime trends, statistics and their analysis was discussed by several speakers. Introductory remarks were made by Director Kauko Aromaa (HEUNI). In their prepared statements, Director Adam Graycar (Australian Institute of Criminology) spoke about UN surveys and their policy implications, Dr Anna Alvazzi del Frate (UNICRI) talked about difficulties in international crime overview, Deputy Director Marvene O'Rourke (National Institute of Justice, USA) described crime trends in the United States and researcher Philippe Lamon (University of Lausanne) presented trends and programmes to reduce crime against persons in Switzerland.

The main lecture under this topic was given by Professor Gloria Laycock (Jill Dando Institute, University College London) and it dealt with transnational organized crime in Europe and North America. The main talking points first described the context, the different opportunities (such as technological, socio-economic and political opportunities), as well as some additional developments (such as the consequences of the dissolution of the Soviet Union). She then spoke about current response, with an emphasis on the recent UN Convention Against Transnational Organized Crime especially from the point of view of situational crime prevention. In comparison, social measures were also mentioned, although they did seem to have a lesser effect. In conclusion, Professor Laycock noted that in respect to the prevention of transnational organized crime, situational measures had already been applied, but more could be done more systematically. In addition, more thought should be given to measures relevant to "Mr Big" compared to "dispensable" offenders.

“Prisons issues revisited” was the topic of Mr Roy Walmsley (United Kingdom), consultant to HEUNI, who presented the first results of his second survey on prisons in Central and Eastern Europe. He noted that in the seven years that had elapsed between his first and this second study, there had been major developments in all of the 24 countries involved. Almost all prison administrations are now under the Ministry of Justice, new legislation has been enacted and much has been done to bring the conditions and practice closer to the requirements of the Standard Minimum Rules of the United Nations and the European Prison Rules of the Council of Europe. Yet there are some considerable problems, such as prison overcrowding, conditions of pre-trial detention and the availability of employment for prisoners, which all have become worse. Also it seems that changes requiring major financial resources may at the moment be impossible due to the rather low priority of prisons issues in the respective countries. Accordingly, Mr Walmsley hoped that assistance and cooperation throughout the European continent, and beyond, would lead to continued progress and improved practice in all European prison systems.

Director Mikinao Kitada (UNAFEI), Director Elías Carranza (ILANUD) and Acting Director Erick Kibuka (UNAFRI) also described the prison situation in their respective regions. Programme Director Brian Tkachuk (ICCLR&CJP, Vancouver) introduced the International Prison Policy Development Instrument just issued by the ICCLR&CJP. It has been designed as a tool to assist countries in their development and/or review of prison policies regardless of region or culture.

Aspects in international technical assistance – lessons learnt was first viewed by Mr Fredrik Wersäll, Director General of Legal Affairs (Ministry of Justice of Sweden). He approached the subject based on the experiences of the European Union and the enlargement process especially in the field of Justice and Home Affairs. Many member states are concerned with the administrative capacity and practical performance of the candidate countries. As one conclusion, in order to carry out the enlargement process successfully, the authorities of the candidate countries in this field should function properly and serious efforts have to be put into building the functioning of legal infrastructures. Mr Wersäll noted that most important in the negotiation process is to pay attention to reforms already undertaken and assess reform plans rather than look statistically at the systems of today. Also, as the EU demands steady progress, cooperation must not be decreased but instead, there is a need to focus on those areas where cooperation would be most

useful and give the best needed results. As an example Mr Wersäll described a cooperation project between the Council of Europe, the Baltic states and the Nordic countries focusing on probation, called the Nord-Balt Prison Project. In concluding Mr Wersäll picked up some keywords essential for cooperation: commitment, low-and high-level cooperation, avoiding duplication and creating partnerships, and being realistic. He also pointed out that the experiences of HEUNI should be utilised more widely by the international community.

The subject of technical assistance was also discussed by Ms Thea Herman (Department of Justice, Canada.) She noted that there is a common thread through the many difficulties: it is the inability to develop an integrated model for criminal justice reform and to communicate it clearly. This can lead to ineffective assistance and a squandering of scarce resources. This problem could only be addressed through a strong emphasis on advance research, needs assessment, strategic planning and evaluation. To further this Ms Herman suggested designing a conceptual framework of the criminal justice system that would give a map of the entire system from the point of arrest to the last stage in the process. Also, by encouraging a systemic approach to reform this model could also help in the development of more effective aid initiatives.

Dr Matti Joutsen (Director of International Affairs, Ministry of Justice, Finland) discussed problems in evaluating technical assistance. He saw three kinds of problems: methodological, data-related and political ones. He asked, for instance, how to measure the value of long term contacts, or the strengthening of the rule of law or how can the validity of our criteria be insured? He pointed out that practitioners and researchers are facing the problem in obtaining data on technical assistance projects. In most countries neither the donors nor the recipients are simply interested in providing data on their projects to “outsiders”, like the UN. It also seems that many technical assistance projects apparently are not based on an actual substantive need but are driven rather more by political imperatives to promote one’s own policies and thus there is a singular lack of substantive interest in providing technical assistance for its own sake.

Mr Jon Spencer and Mr Bill Heberton (University of Manchester, United Kingdom, former consultants to HEUNI), reported in detail on the findings of their newly finalized HEUNI project International assistance to law enforcement: a case study of Estonia. (available as HEUNI publication no. 37)

THE NEW MEMBERS OF HEUNI'S INTERNATIONAL ADVISORY BOARD

The turnover of the members of the Institute's International Advisory Board has been considerable during the last 12 months. Two of the foreign members of the Board, Professor Josine Junger-Tas, the Netherlands, and Professor Alexander M. Yakovlev, the Russian Federation, resigned at the end of the year 2000. They were replaced by Professor Gloria Laycock, Director, The Jill Dando Institute of Crime Science, School of Public Policy, University College London, the United Kingdom, and General Vasily P. Ignatov, Assistant on International Affairs of the Head of the Moscow Academy of the Ministry of the Interior, the Russian Federation, respectively. At the same time Dr Matti Joutsen, who left the directorship of HEUNI in spring of 2001, was nominated an ordinary member of the Board, to replace Mr Kauko Aromaa who, in his capacity as the Director of the Institute, took up a position as an ex officio member of the Board.

THE ANNUAL MEETING OF HEUNI'S INTERNATIONAL ADVISORY BOARD

Helsinki, Finland, 15 December 2001

The International Advisory Board of HEUNI held its annual meeting on 15 December 2001 in Helsinki, in the context of the 20th anniversary celebration of the Institute. The Board reviewed the activities carried out since the 2000 meeting, considered the plans for 2002 and discussed the strategic policy options of the Institute.

Some of the ongoing projects were discussed in more detail. First, it was pointed out that the HEUNI database on technical assistance to Central and Eastern Europe in the field of crime policy has come to a standstill. Novel angles to study the donor-recipient issue should be explored. One potential option could be an intensive study on the donor-recipient relations. Another line of approach could be an analysis and a detailed overview on the problems associated with the design and maintenance of this type of a database, so as to give guidance for potential new undertakings in this field. Second, the effort to continue with the production of the profile series "Criminal Justice Systems in Europe and North America" was seen as a worthwhile one, modified, however, in such a way that the Institute would only be responsible for the initial ver-

sion of the product, with follow-up updating nationally of that text.

In respect to the longer range policy of the Institute, one of the proposals was that the Institute should present an overall programme strategy, including financing. Mentioned as possible elements of the programme were mentioned the implementation of the Vienna Declaration action plans and coordinated assistance projects to the Baltic region together with the Scandinavian countries, in addition to ad hoc projects. It was, on the other hand, pointed out that the agreement between the United Nations and the Finnish Government to a great extent determines the operational leeway of HEUNI. Consequently, the mandates and priority issues approved by the policy-making bodies of the United Nations must be thoroughly consulted as the prerequisite for strategy planning.

GENDER AND VIOLENCE IN THE NORDIC COUNTRIES

Koge, Denmark, 23-24 November 2001

The conference was organised by NorFA, an organisation within the Nordic Council of Ministers, working for co-operation and dialogue for Nordic research training and research co-operation. The Conference was part of the five year research programme Gender and Violence (2000-2004), supported by the Nordic Council of Ministers. The programme mainly supports networking and research training.

The conference included three plenary sessions and 16 workshops. Although most of the participants were from the Nordic countries, a couple of participants from Britain attended as well. The presentations were given in either a Nordic language or English. The conference provided an opportunity for young researchers to present their work and many presentations were hence connected to ongoing doctoral studies.

In the first plenary session, Professor Sylvia Walby (University of Leeds) discussed different theoretical approaches to violence against women, ways to analyse it and the problems related to counteracting it. Professor Walby also highlighted the need for the criminal justice system to treat domestic violence as a crime. Professor Eva Lundgren (Uppsala University) presented the recent Swedish national prevalence study on violence against women, discussing both the methodology, the findings, and the reactions provoked by the study. Gudrun Nordborg (Swedish Crime Victim and Compensation Support Authority) gave a historical overview

of legislative ways to protect children in the second plenary session. In the third plenary session, Professor Jeff Hearn (Swedish School of Economics, Helsinki/Manchester University) discussed the need to focus on men in the debate on violence against women. Men should be named and gendered as men; in relation to men's violence against women; in relation to men's institutions and non-violent institutions (e.g. fatherhood) and in creation of knowledge on violence.

The parallel workshops included a variety of different presentations. Simon Ekström (University of Stockholm) presented a historical analysis of the criminal justice system's reaction to women reporting rape in Sweden. Ekström argued that certain stereotypes formed the basis (and still form, to some extent) for the interpretation of what the woman reported as a rape. These stereotypes were based on assumptions on typical pathological rapists and the woman's moral and sexual conduct. Päivi Honkatukia and Heini Kainulainen (National Research Institute of Legal Policy, Finland) presented a comparison between the police's attitude to rape in Finland versus in the UK, arguing that despite many differences in attitude and interest, there are many similarities within the cop-cultures. Anna Mäkelä (University of Helsinki) presented her study on the reporting of rape in Helsingin Sanomat, Finland's biggest daily newspaper. Mäkelä argued that two main discourses can be seen: one describing "real" rapes, and the other describing the rape as a sexually motivated encounter. Gunilla Carstensen (Uppsala University) talked about her study on experiences and definitions of sexual harassment among female university students, arguing that paradoxically enough, women define neither things that happen often as harassment (as this indicates that it is normal rather than harassment), nor things that happen rarely (since it is rare it is seen as a one-off thing and thus not as harassment). Jenny Weststrand (Uppsala University) presented a feminist and juridical critique of the sex worker's discourse on the right for women to sell their bodies, utilising the regulation on the right of individuals to sell their own organs as an example. Hanne Størset (University of Oslo) discussed theories to analyse and understand the effects of organised prostitution in Tana in northern Norway. Ricke Schubart (Syddaensk University) presented her research on the meaning of gender and violence in the "Women in prison" film genre, and Anne Gjesvik (Norwegian University of Science and Technology) discussed the implications and analyses of fictional violence in mainstream films as discussed by Norwegian film critics.

1ST EUROPEAN SOCIETY OF CRIMINOLOGY MEETING

Lausanne, 6-8 September 2001

The European Society of Criminology gathered for its first annual conference in Lausanne, Switzerland. The meeting was skilfully organised by Professor Martin Killias, the first chairperson of the Society, and his team. Even though the conference was the first ever, the programme was very extensive with some 240 papers and presentations.

The programme was divided into plenaries and panel sessions. The plenaries focused on concentrated disadvantage and crime; migration, minorities and crime; patterns of legislation and crime in Europe; longitudinal research; and the future of the international crime surveys. In the first plenary session, Professor Anthony Bottoms presented his research from Sheffield on offenders as victims of property crime, showing that offenders and victims are socially related in complex patterns. In the second plenary session, Professor David Smith discussed ways to explain the racial and ethnic disparity among prisoners in Britain, presenting three models to assign the rate of imprisonment. The final plenary session focused on discussing the strengths and weaknesses of the different international crime surveys, showing their input for research and policy making and arguing for the need to continue the surveys.

The panel sessions included a vast range of different topics and approaches. The panels on victimisation and fear of crime included presentations on gender dominance and subordination among Russian delinquent male gangs (by Alexander Salgaev and Alexander Shaskin, Kazan State Technological University), findings and recommendations from the UK Home Office's Violence Against Women Initiative within the Crime Reduction Programme (by Alana Diamond, Home Office), the "harmonisation" of crime trends as compared between Eastern and Western Europe (by Anna Alvazzi del Frate and John van Kesteren, UNICRI), the discussion around fear of crime in British politics (by Jonathan Jackson, University of London), fear of crime in Trento (by Roberto Cornelli, University of Trento), and the experience and effects of victimisation among victims of specific attacks, such as the sarin gas attack in Tokyo (by Ayako Uchiyama, National Research Institute of Police Science, Tokyo). One session presented results from the UK research programme on violence, e.g. girls' encounters of violence and their use of violence (by Michele Burman, University of Edinburgh), and childhood background and offending behaviour

among male convicted murderers (by Rebecca and Russell Dobash, University of Manchester). A paper on identifying the risk factors of murder was presented in another panel by Keith Soothill and Brian Francis (University of Lancaster) while Kate Cavanagh (University of Edinburgh) presented a study on situations and contexts in child homicides, based on case files for child killers.

HEUNI's work was presented in three panel sessions. Sami Nevala presented HEUNI's work in relation to the analysis of the 6th UN Survey on Crime Trends. The presentation focused on the difficulties and solutions in the collection, validation and analysis of the data. Natalia Ollus presented the International Violence Against Women Survey (IVAWS), focusing on the methodological and ethical challenges involved in such a cross-cultural endeavour. Finally, HEUNI's experiences in developing training on domestic violence for police officers in Estonia was presented by Natalia Ollus in a session on education and training. In the context of the conference, HEUNI director Kauko Aromaa participated in the 4th Meeting of research institute directors and in the final meeting of the Provisional Board of the ESC. He also chaired Panel Session 9: Alcohol and Drugs, and Plenary Session P4: Longitudinal Research and Possible Alternatives, and appeared as speaker in Plenary Session P5: The Future of International Crime Surveys and in Panel Session 44: Crime Trends and Cross-Cultural Comparison (the "European Sourcebook" session). He also acted as speaker in the European Homicide Research Group meeting, organised as an auxiliary program point.

The next European Society of Criminology conference will take place in Toledo, Spain on 5-7 September, 2002.

The 2003 Conference is envisaged to take place in Helsinki, 28-30 August 2003. HEUNI is participating in the organisation of the event.

REVISED DRAFT GUIDELINES FOR THE PREVENTION OF CRIME

The UN Experts Meeting on Crime Prevention, jointly organised by the Government of Canada and the Centre for International Crime Prevention (CICP), was held in Vancouver, Canada, from 21 to 24 January 2002. The main purpose of the meeting was to respond to Economic and Social Council Resolution 2001/11 on Action to promote effective community-based crime prevention, in which the Council requested the Secretary-General to convene an interregional expert group meeting for the purposes of further revising the draft elements of responsible crime prevention, with a view to arriving at a version on which the Commission will be able to reach consensus, and of proposing priority areas for international action, including the identification of technical assistance issues, to promote effective community-based crime prevention.

The meeting was attended by 23 experts and observers. It produced a draft document (**E/CN.15/2002/5/Add.1**) that is to be presented to the Commission on Crime Prevention and Criminal Justice in its Eleventh Session (Vienna, 16-25 April 2002).

The work was based on four documents: "Resolution on Action to promote effective community-based crime prevention approved at the 10th session of the Commission on Crime Prevention and Criminal Justice"; "Revised draft elements of responsible crime prevention, Annex III of the Report of the Expert Group Meeting on Elements of Responsible Crime Prevention: Addressing Traditional and Emerging Problems"; Secretariat working paper "Report of Committee II: Workshop on community involvement in crime prevention" (A/CONF/187/L.5); and Secretariat working paper "Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century". The result was a new document with the title "**Revised draft guidelines for the prevention of crime**", defining a frame of reference where the enforcement of laws, sentencing and corrections fell outside the scope of these Guidelines. The group identified eight central "principles" of crime prevention that need to be taken into account: Government Leadership, Socio-Economic Development and Inclusion, Partnerships, Sustainability/Accountability, Knowledge-based, Human rights/Rule of Law/Culture of Lawfulness, Interdependency and Differentiation.

It was agreed that organisation of crime prevention would to include Government Structures, Training and Capacity Building, Supporting Partnerships and Sustainability.

It was recommended that methods of crime prevention would to include the following characteristics: Knowledge-based, Planning Interventions and Support Evaluation.

Crime prevention approaches to be recommended included Social Development, Situational and Prevention of Organized Crime.

As to international cooperation, the group referred to Standards and norms, Technical assistance, Networking, Links between transnational and local crime, Prioritizing crime prevention and Dissemination.

UPDATE ON EUROPEAN UNION WORK IN THE JUSTICE AND HOME AFFAIRS SECTOR

(Submitted by Matti Joutsen)

Cooperation among the European Union member states in criminal justice matters has expanded considerably over the past few months. As noted in separate articles, decisions on an "EU arrest warrant" and on the definition of terrorism were adopted at the end of December 2001, in the aftermath of the terrorist attacks in the United States. It is these decisions that were at the fore of public debate during late 2001 on the direction of EU work in "justice and home affairs". A number of other innovations have perhaps received less attention than they deserve.

Cooperation in the police sector rests not only on Europol, but also for example on the so-called Schengen arrangements. Europol can be best characterized as a coordination body that seeks to ensure that the police force in every member state has the cooperation and resources it requires to carry out its functions. The Schengen arrangements (which do not apply to the United Kingdom and Ireland) allow for extensive operational cooperation and the sharing of information. New structures for police cooperation that are now being developed include the European Police Chiefs Task Force and a European Police College.

In March 2001, a forerunner to "Eurojust" began work in Brussels. As noted, police cooperation is

promoted by Europol; Eurojust is being created as a more or less parallel body to promote cooperation among prosecutors. (In Europe, prosecutors tend to have considerable responsibilities not only in prosecution, but also in overseeing the direction of criminal investigations.) The "provisional Eurojust" is working out the practical model for Eurojust to follow, once it begins operations later during 2002. Eurojust itself will not have operational powers in the sense that it could itself order prosecution or demand certain investigations. Instead, it is a body consisting of one prosecutor from each member state. These prosecutors meet together, either in plenary to discuss overall strategy, or in different compositions to deal with the coordination of cross-border cases.

Alongside of the "provisional Eurojust", the European Judicial Network has been up and running for several years. Its purpose is to facilitate the exchange of information between prosecutors and courts. In addition to improving general understanding of how the different criminal justice systems work, the Network has produced tools by which practitioners in one country can readily identify who is the competent authority in another country for certain cases, and what the requirements are for extradition and mutual assistance requests. Work is now proceeding on a secure telecommunications system between competent prosecutors.

Extradition and mutual recognition among the European Union countries have been based to a large extent on two conventions worked out already during the 1950s within the framework of another European organisation, the Council of Europe. Since that time, practice in respect to extradition and mutual recognition has developed considerably, for example in order to restrict the grounds of refusal, expand the rights of the person in question and develop "good practice" in processing requests. Two conventions designed to simplify extradition and supplement the 1957 Council of Europe Extradition Convention were adopted in 1995 and 1996, and in 2000 a convention designed to supplement the 1959 Council of Europe on Mutual Assistance in Criminal Matters was adopted. (The adoption of the decision on the EU arrest warrant will mean that these extradition conventions will lose much of their significance in 2004 in respect to surrender among the EU member states.)

In March 2001, the European Union decided on the establishment of a European crime prevention network and on funding for crime prevention initiatives. This network should help in more effective dissemination of information on what works (and

what apparently does not). Currently, there is an imbalance in the development of crime prevention work. It can fairly be said that the United Kingdom and the Netherlands have made the most progress, with for example France, Germany and the Nordic countries following at some distance. Broadly speaking, crime prevention initiatives in the Mediterranean countries could use with considerably more support.

Another decision adopted in March 2001 had to do with the position of the victim of crime. There are considerable differences in this position between, for example, common law countries (Ireland and the United Kingdom) and civil law countries. Even among the civil law countries, law and practice vary extensively in respect to, for example, the right of the victim to be heard and to present a civil claim in connection with criminal proceedings. The March 2001 decision is designed to give victims of crime certain basic rights in all fifteen criminal justice systems.

Towards the end of 2000, the European Union adopted a program of work on the mutual recognition of decisions and judgments. The decision on the EU arrest warrant was the first step in the implementation of this. Other work is under way, for example on the mutual recognition of orders on the freezing of assets and evidence, and on the mutual recognition of fines. Work is also foreseen within the scope of this program on mutual recognition, but so far no proposals have been presented, for example on the transfer of prosecution or the exchange of criminal records.

One major area of work of the European Union lies in what is called the "harmonization" of criminal law and criminal procedure. This is at times a source of tension between member states. One view is that it is enough to change laws to the extent required to simplify extradition and mutual assistance; for example, the member states should ensure that the maximum sentence for key offences that may have transborder effects is high enough to allow for arrest or for various investigative techniques, such as electronic surveillance. The other view is that laws, procedures and even sentences for key offences should be unified throughout the European Union. (Currently, the debate on the harmonization of sanctions is gaining steam within the EU.)

The list of offences that have already been subjected to harmonization to at least some extent includes participation in a criminal organisation, illicit trafficking in narcotic drugs and psychotropic substances, trafficking in persons, corruption in the private sector, fraud (including so-called EU-fraud), laun-

dering of the proceeds of crime, counterfeiting of the euro and (as of December 2001), terrorism. Work is currently underway to harmonize legislation on the sexual exploitation of children and child pornography, racism and xenophobia, fraud and forgery related to non-cash means of payment, and environmental crime. Further work is also underway on the approximation of the definition of and sentences for drug trafficking.

THE EU ARREST WARRANT: A PARADIGM SHIFT IN EXTRADITION

(Submitted by Matti Joutsen)

The fifteen member states of the European Union all have different laws and procedures. Decisions given by the police, prosecutors or courts in one state cannot be enforced in another state except through a complex and time-consuming procedure. This holds true also of arrest warrants. The situation could be illustrated by an analogy: it is as if an arrest warrant issued by a court in California could not be enforced in New York without sending it first to Sacramento, where the Department of Justice would get in contact with the corresponding authorities in Albany, where in turn the documents would be examined to ensure that a similar offence exists in New York, and also other legal requirements have been met. In time – perhaps after several weeks or months – the warrant would (hopefully) be sent on to the court with jurisdiction in New York for enforcement. (The analogy is somewhat weakened by the fact that, in Europe, transmission of documents usually requires the extra step of translation.)

In October 1999, the European Union agreed on the importance of mutual recognition of decisions and judgments which, in its view, "should become the cornerstone of judicial co-operation in both civil and criminal matters within the Union." The argument was that already today, the member states of the European Union share fundamental values and legal principles. The authorities of a member state should have full faith and confidence in the operation of the legal system of the other fourteen states. Accordingly, it should be made possible for a decision or judgment handed down in one member state to be immediately enforced as such in any of the other states.

The European Union further identified two priority areas in criminal law where the principle of mutual recognition should be applied, "fast track extradition" and pre-trial orders, in particular those

which would enable competent authorities quickly to secure evidence and to seize assets which are easily movable.

Work proceeded slowly. For a time, it seemed as if work on mutual recognition would be buried by the many technical problems involved. The terrorist attacks on 11 September 2001 changed the situation dramatically, in that the European Union decided that the draft "EU arrest warrant" and the draft decision on the freezing of evidence and assets should be completed by December 2001. This political imperative galvanized those officials responsible for hammering out the details and reaching the necessary compromises, at the same time as work proceeded on a third instrument defining terrorism (see the separate article). Agreement on the EU arrest warrant was indeed reached in December 2001, shortly after the agreement on the decision on terrorism. Work is still proceeding on the freezing of evidence and assets, and the expectation is that also this can soon be adopted, perhaps at the end of February 2002. (This last decision would allow immediate enforcement of, for example, decisions on the freezing of bank accounts of suspects, throughout the EU.)

Work on the "EU arrest warrant" was slowed by the simple fact that it represented a paradigm shift in extradition. Simply put, the new decision in fact replaces extradition among the EU member states with a new system, whereby suspects and convicted offenders are "surrendered" to the requesting state. The process no longer needs to go through the central authorities. An arrest warrant issued by a court in one state will be recognized as valid throughout the EU, and is to be enforced.

The decision on the EU arrest warrant is a lengthy one. Because it does create a new system, it sets out detailed provisions on the procedure to be followed and the conditions to be applied. Essentially, the system consists of the following elements:

- *Definition.* The European arrest warrant is defined as a court decision issued by a Member State with a view to the arrest and surrender of a requested person by another Member State, for the purposes of conducting a criminal prosecution or executing a custodial sentence or detention order

- *Scope.* A European arrest warrant may be issued for offences punishable by the law of the issuing Member State by a custodial sentence or a detention order for a maximum period of at least twelve months or, where a sentence has been passed or a detention order has been made, for punishments of at least four months

- *Double criminality.* The decision lists somewhat over thirty offences which are outside the scope of the condition of double criminality. Thus, for these offences, the requested State cannot refuse to extradite on the grounds that it does not regard the act in question as a criminal offence. This list may, and undoubtedly will, be expanded along with the passage of time. For all other offences, surrender continues to be subject to the condition of double criminality.

- *Mandatory grounds for refusal.* In some cases, the requested state must refuse to surrender the person in question. These are cases where the offence is covered by an amnesty in the requested state, *ne bis in idem*, and the lack of criminal responsibility due to age.

- *Optional grounds for refusal.* The requested state has some optional grounds for refusal. Among these is an application of the territorial principle: the act was committed in whole or in part in the territory of the requested state.

- *Transmission.* The request no longer goes through the central authority, but directly between the competent judicial authorities in the two countries. The central authority may nonetheless assist in this process.

- *Rights of the requested person.* The requested person has the right to be informed of the EU arrest warrant, of its contents and of the possibility of expediting the procedure by consenting to it. He or she has the right to legal counsel and, if needed, an interpreter. If the requested person does not consent to the surrender, he or she has the right to be heard by the judicial authority in the requested state. It should be noted that this hearing only concerns the legality of the surrender; any defence against the actual charges on which the person is wanted is to be made in the requesting state.

- *Time limits.* The basic rule is that, if the person consents to the surrender, the final decision on the surrender should be made within ten days after consent has been given. In other cases, the final decision should be made within 60 days of the arrest. In certain cases, an extension of 30 days is possible. Once the decision is made, the actual surrender should take place within ten days.

- *Rule of speciality.* The person surrendered may, in principle, not be prosecuted, sentenced or deprived of his or her liberty for any offence committed prior to the surrender other than that for which he or she was surrendered. There are, however, several exceptions to this. One is that member states may decide unilaterally that they will not

apply the rule of speciality to any person surrendered to another EU member state. A second of several other exceptions is if the offence in question is not punishable by deprivation of liberty.

- *Surrender to another EU member state.* A person surrendered from one EU member state (A) to another (B) may be surrendered on to a third EU member state (C). The consent of state A is not required if the requested person consents to the surrender, or if the rule of speciality referred to above would not apply *mutatis mutandis*. In other cases, the consent of state A is required. Obtaining this consent follows more or less the same procedure as with the original surrender from A to B; for example, the same grounds for refusal apply.

- *Surrender to a country outside the EU.* If the surrender is to be made outside of the EU, the consent of state A is always required. This, in turn, is governed by “the Conventions by which the Member State from which the requested person has been surrendered is bound, as well as its national legislation.” Thus, for example if a person is surrendered from France to the United Kingdom, and the United States requests the extradition of this person, the consent of France will depend on her national law and on the agreements existing between France and the United States.

As noted, the decision on the EU arrest warrant, which will enter into force in 2004, will be a significant change in both extradition law and practice. It closely resembles the “fast-track extradition” process currently used between Ireland and the United Kingdom, and (in an experimental manner) between Italy and Spain. It has considerable potential for speeding up the process, in particular since it will eliminate or reduce a number of traditional grounds for refusal.

As with all major changes, it has also given rise to various concerns. Some persons are concerned that it may in practice hamper the rights of the defence, since when a person is taken into custody for surrender, he or she can only contest the surrender in the requested state. Any pleas against the actual charges would have to be presented in a foreign court. Other persons are concerned that the extensive curtailment of the condition of double criminality will lead to cases where a person must be surrendered to another member state even if the act in question would not have been an offence if committed in the requested state. (However, as noted, in this respect the decision is subject to a limited principle of territoriality.) Yet other persons have noted that the relatively short time limits set down in the decision may prove quite difficult to observe

in practice. This concern is associated with the fact that the decisions will now be made by individual courts, and not by the central authority. Clearly, a lot of work is needed to inform judges and court personnel on how the process should be put into place.

Perhaps the greatest cause for concern is that the decision was pushed through the drafting process in record time, to meet political imperatives in the wake of the terrorist attacks in the United States. Usually, such drafting work can extend over several years, allowing for example for extensive consultation with national Parliaments, and for fairly leisurely reflection in each of the member states on what the implications of various options would be. Short-circuiting this process of consultation and reflection may, conceivably, have led to a decision that will lead to some difficulties in practice. Once the decision enters into force in 2004, more drafting work may prove to be needed.

RESPONDING TO THE THREAT OF TERRORISM: WORK WITHIN THE FRAMEWORK OF THE EUROPEAN UNION

(Submitted by Matti Joutsen)

The horrific terrorist attacks against New York and Washington, D.C. on 11 September 2001 forcefully demonstrated the reality of the threat of terrorism and the need for improved international cooperation. Investigations into the background of the attacks indicated that, in many cases, the terrorists had used European Union countries as a temporary home base or as a channel for funding.

The message was so clear that the European Union and individual member states were goaded into unprecedented action. Several countries sought to toughen their anti-terrorism laws, leading in some countries to extensive debate on the trade-off between the protection of the community and the protection of civil liberties. Italy, for example, criminalized the offence of “association for the purpose of international terrorism”, using as its model the existing legislation on “criminal association”. Germany adopted legislation allowing the police to seek information on suspected terrorists from financial institutions, telecommunications companies and airlines. Other German legislation banned religious organizations that sought to promote ideals that could be linked to terrorism. Perhaps the most controversial legislation arose in England, where the House of Commons adopted a legislative package

that would have allowed the police to detain suspected foreign terrorists indefinitely without trial, and would have allowed the police considerably broadened access for example to personal financial and tax records. However, this package was then modified by the House of Lords so that the detentions were subjected to judicial review, and various restrictions were placed on the extent to which the police could have access to private records.

Within the framework of the European Union, a very extensive package of measures was quickly put together. Some measures were related to political and security issues, and were directed for example at strengthening the anti-terrorist coalition and supporting the political and reconstruction process in Afghanistan. Many other measures had a direct relation to crime and justice issues. The centrepieces here were the adoption of decisions on a common EU arrest warrant (see the separate article) and on the definition of terrorism. Both went from start to finish – from the introduction of the proposals to their adoption – in just three months. This can be compared to the normal gestation period of one or – more commonly – several years.

Another key EU measure was the drawing up of a common list of terrorist organizations. Further elements included work on the tracing and freezing of the assets of terrorist groups, the strengthening of cooperation between the heads of anti-terrorist units and magistrates, and the establishment of a team of anti-terrorist specialists within Europol. During 2002, the national arrangements for combating terrorism are to be assessed in a mutual evaluation process. Cooperation – in particular police cooperation – was improved in particular with the United States, and the member states of the European Union continued to work together within the framework of the United Nations on a variety of anti-terrorist measures.

The decision on the definition of terrorism took the form of a “framework decision.” Such decisions do not enter into force directly, but require that each of the fifteen member states adapt their laws accordingly, usually within a fairly short time scale (in this case, by the end of 2002). The decision on terrorism contains a definition of “terrorist offences” and of offences related to a terrorist group, and a definition of a “minimum maximum sentence” for these offences, in other words the lowest maximum sentence (in terms of the number of years of imprisonment) which should be possible in all fif-

teen member states.

As a result of the provision on “terrorist offences,” all member states should punish certain offences more severely if they are committed for purposes of terrorism. These offences are (essentially) homicide, assault, kidnapping and the taking of hostages, certain forms of serious damage to property, the seizure of aircraft, ships or other means of public or goods transport, the manufacture, possession, acquisition, transport, supply or use of certain weapons, arson and various other similar acts which endanger human life, and interfering with or disrupting the supply of water, power or other fundamental natural resources in a way that threatens human life. Threatening to commit such offences is also covered.

The decision defines the commission of any of these offences if, given their nature or their context, they may seriously damage a country or an international organisation, where committed with the aim of (i) seriously intimidating a population, or (ii) unduly compelling a Government or international organisation to perform or abstain from performing any act, or (iii) seriously destabilising or destroying the fundamental political constitutional, economic or social structures of a country or an international organisation.

This definition of terrorist offences required extensive debate. One major concern was that the definition could be construed in a way that would endanger civil liberties, such as the right to strike, or the freedom of assembly, association or expression. The recent violent demonstrations in Gothenburg, Sweden and in Genoa, Italy, were referred to again and again in the debate. The text finally agreed upon includes (in the preamble) a specific statement that the decision cannot be interpreted as being intended to reduce or restrict such fundamental rights or freedoms.

The second element in the definition of terrorism is a provision defining “offences relating to a terrorist group”. Terrorist groups are defined as “a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist offences.” (The wording of this definition, and of a subsequent definition of “structured group”, has been heavily based on the recently adopted UN Convention against Transnational Organized Crime.) Each member state has to criminalize “directing a terrorist group” and “participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the group.”

Inciting, aiding or abetting, and attempting a terrorist offence or an offence relating to a terrorist group is also to be criminalized.

One of the most difficult debates arose over the “minimum maximum” sentence to be applied to these offences. Everyone quickly agreed on the need to require “effective, proportionate and dissuasive criminal penalties” which would, for example, fulfil the legal requirements for making it possible to extradite suspects. It was also agreed that the punishment for terrorist offences should potentially be greater than for the “basic” form of the offence (homicide, assault and so on).

The disagreement arose in trying to identify the exact “minimum maximum” sentence for these offences. In the background is a long-standing debate within the European Union over the extent to which punishment latitudes in general can and should be harmonized. One school of thought is that it is basically enough if the maximum sentence for certain offences is high enough to make extradition and other forms of international cooperation possible; in all other respects, the individual member state should decide on minimum and maximum sentences. The opposing school of thought is that the sentences for certain serious, cross-border offences should be harmonized not only to convey a uniform message but also to avoid the possibility that some states could become havens for certain offenders.

The end result was that no specific minimum maximum sentence was set for terrorist offences. Directing a terrorist group, in turn, should lead to a maximum sentence of at least fifteen years, or, if this terrorist group has only engaged in threats of offences, at least eight years. Participating in the activities of a terrorist group should lead to a maximum sentence of at least eight years.

The decision also contains, for example, provisions on the liability of legal persons, and on jurisdiction and prosecution.

Although the framework decision defining terrorism generated a lot of debate, less attention has been paid to the extent to which it will affect day-to-day practice. The scope of offences covered by the decision is almost fully covered by existing legislation in all fifteen member states of the European Union. A person who commits a murder or takes a hostage, for example, is subject to punishment regardless of his or her motives. Defining “murder for terrorist purposes” may add a new offence to

the books, but it will at most marginally expand the scope of criminalisation. Requiring higher sentences when offences are committed for terrorist purposes is also not new; certainly the courts of all the member states would take terrorist motives into account as an aggravating factor.

Even requiring criminalisation of directing or participating in the activities of a terrorist group may not result in any significant change in present practice. Arguably, these offences expand the present scope of criminalisation only to the extent that individuals directing or participating in the activities of a terrorist group cannot be shown to have committed (or aided in, or instigated) any individual offence. Their import may lie more in making it easier to convict persons accused of terrorism: instead of having to prove that he or she actually committed a separate offence, it would be enough to prove that he or she intentionally directed or participated in a terrorist group.

The decision defining terrorism may thus not change practice to any great extent. However, it does have symbolic importance in several respects. For the first time in any significant international instrument, a sweeping definition of terrorism is given. Its adoption in a short space of time undeniably sends out a political message. It is also one further step along the road to closer “approximation” of the criminal laws of fifteen quite different countries. This may be its lasting legacy.

WORK IN PROGRESS: THE INTERNATIONAL VIOLENCE AGAINST WOMEN SURVEY (IVAWS)

The International Violence Against Women Survey (IVAWS) project proceeded to its pilot stage during the second half of the year. The IVAWS project is co-ordinated by an International Project Team, composed of representatives of HEUNI, UNICRI and Statistics Canada.

Mandate and Background

The IVAWS project relies largely on the network and infrastructure of the International Crime Victim Survey (ICVS) that has been successfully implemented in more than 70 countries around the world. The ICVS has assisted a number of devel-

oping countries in developing and implementing victimisation surveys as an important research and policy tool. Among the specific suggestions that have evolved from the analysis of the ICVS results is the need for a new survey specifically designed to deal with violence against women both within and outside the family. While some incidents are reported to ICVS interviewers, many incidents of violence against women remain unknown because of the extreme sensitivity and the methodological challenges involved in interviewing on this topic.

Elimination of violence against women is one of the priorities of the United Nations, including the Crime Prevention and Criminal Justice Programme. Especially the resolution on Elimination of Violence against Women, adopted by the Sixth Session of the United Nations Commission on Crime Prevention and Criminal Justice in 1997, highlights the need for Member States, the Institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network and other relevant bodies to develop crime surveys on the nature of violence against women.

The first national, targeted survey on violence against women was conducted by Statistics Canada in 1993. Since then, similar studies have been undertaken in e.g. the USA, New Zealand, Australia, Finland, Lithuania and Sweden. These national surveys are based on slightly different questionnaires and different methodologies, thus making international comparison problematic. Comparison between surveys may also be dubious due to differences in cultural and social factors, method of data collection, as well as sampling. Reliable and comparative international data on violence against women on which to base policy development is therefore lacking.

HEUNI recognised these difficulties and in 1997, with the assistance of a number of international experts in the field, started developing a comparative and standardised survey tool for measuring violence against women world-wide. Many of the problems of comparison mentioned above can be solved by this co-operative, international effort.

Objective

The main aim of the IVAWS is to promote and implement research on violence against women in countries around the world, and in particular in developing countries and countries in transition where resources for survey research have been severely limited.

Plans are to launch and carry out the IVAWS in a wide range of developed and developing countries and countries in transition and to conduct the survey on a regular basis (every 4-5 years). Interviewers (only female interviewers will be used) will be carefully trained to ensure their sensitivity towards respondents. A pilot study will be conducted in each country to test the translation of the questionnaire and its appropriateness to the local contexts. A seminar/workshop to discuss policy strategies to prevent and address violence against women will complete the project in each participating country. Country reports and a comparative volume on the project results will be prepared and published and made available also in electronic format. Data files will be made available to interested researchers for further analysis. The final project outcome will be presented and discussed on the occasion of an International Conference.

Carrying out the IVAWS survey and obtaining statistical data on a regular basis can assist in national policy making and in finding tools to combat violence against women in several ways: (1) by training interviewers to converse with women to collect data of good quality about the facts of violence against women; (2) by providing estimates about the incidence of domestic violence and other acts of violence against women; (3) by raising awareness among the public and the authorities that domestic violence is a legitimate social problem and that legislative measures are necessary to discourage such violence and provide assistance to victims; and, (4) to provide recommendations for prevention and procedural safeguards in situations of domestic violence.

Executing agencies

The project builds on the international network and experience of UNICRI (the United Nations Inter-regional Crime and Justice Research Institute), HEUNI and Statistics Canada. It utilises the methodology and contacts obtained in the International Crime Victim Survey (ICVS) projects as well as the specific expertise of Statistics Canada in developing sensitive survey tools for measuring violence against women, as well as HEUNI's expertise of projects specifically aimed at preventing domestic violence.

In each participating country, a national co-ordinator will be appointed to monitor field work. The national co-ordinator will put together a local team for the implementation of the IVAWS in each participating country, and will be in contact with rele-

vant government authorities and local non-governmental organisations dealing with women's issues.

Participating countries

Industrialised countries will participate in the survey on a self-funded basis. Discussions have been carried out with 8-10 industrialised countries, including Australia, Canada, Denmark, England and Wales, Finland, Italy, the Netherlands, Sweden and Switzerland. Many of the industrialised countries are currently negotiating national or international funding in order to ensure their participation.

The project team is presently seeking funding assistance in order to assure the participation of 10 developing countries and countries in transition. These 10 project countries include Indonesia, the Philippines, Estonia, Kazakhstan, Poland, FR Yugoslavia, Ukraine, Argentina, Trinidad and Tobago, and Uruguay. Additionally, Costa Rica will participate, and a number of other countries have shown interest in participating.

Project schedule

In early 2001, the IVAWS team redrafted the survey instrument and organised a meeting for participating countries in Vancouver. This meeting was carried out in collaboration with the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR & CJP). These activities were carried out with the generous contribution made by the Canadian Department of Justice. During the second half of 2001, the pilot survey instrument underwent thorough discussions and revisions and was finalised in October. Pilot studies were commenced in selected countries towards the end of the year 2001 (including Canada, Costa Rica and Denmark).

Funding for the IVAWS project is still pending. Depending on available funds, pilot studies will be conducted in 2002 in the rest of the participating countries. Following the information obtained through the pilot study, final adjustments will be made to the questionnaire and the methodology. A second meeting for participating countries is envisaged to be held during the second half of 2002 to discuss the revision of the instrument and the implementation of the full-fledged survey. The full-fledged surveys are envisaged to be undertaken during the end of 2002 and in 2003. In 2003, the data analysis will be carried out and an international conference will be organised to discuss the final results. The conference will represent a unique opportunity for international/cross-cultural comparisons of the project results and transfer of expertise. Finally, national reports and a volume containing an extensive comparative analysis will be prepared

and published.

UPDATE ON HEUNI PROJECTS: TRAINING COURSE IN ESTONIA ON DOMESTIC VIOLENCE FOR PRACTITIONERS

After consultations with the State Department of the United States, a contribution was made in August 1997 to the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), intended to carry out training courses in Estonia and Poland for practitioners in the criminal justice system on issues concerning violence against women.

The training course in Estonia was carried out between 27 February and 2 March 2001. It was prepared in co-operation with the Estonian Police College at the Academy of Internal Security. The training course was carried out in two parts, consisting of a high-level seminar for decision-makers, and a three-day training course for police officers representing the 17 police prefectures in Estonia.

The immediate evaluation at the end of the training course proved that the course had been highly successful in changing the participants' attitudes towards domestic violence. Most participants also called for follow-up activities.

In August 2001, a second evaluation form was sent out to the course participants. Each participant of the training course was contacted in order to inquire about whether the training course proved useful in their every-day work. Additionally, as part of the evaluation, five police prefectures in Estonia were visited to gather further information on the police's perceptions of training needs concerning domestic violence. The aim of the visits was both to interview the police regarding their opinion on further training on domestic violence and to identify the focus for the follow-up training course.

The evaluation is currently being analysed and compiled into a report, which is planned to be published during the first half of the year. Together with the Estonian Police Board, a follow-up activity is being planned. The nature of the activity depends on the needs arising in the evaluation as well as on the needs identified by the Police Board. The follow-up training activity is envisaged to take place in

September 2002 in co-operation with the Police Board.

HEALTH CARE IN PRISONS

The pilot project on the study of the existing health strategies operating in the prisons of the Czech Republic, Hungary and Poland was concluded in summer 2001. The outcome was published as HEUNI Paper No. 16.

It was then decided that a further and more in-depth study on the same countries be carried out. The overall aim of this study is to undertake an audit of the services/initiatives operating in the health area within the sample prisons, relate the provision of services to the current health guidelines and to the national strategies in the respective countries and to promote awareness of the initiatives operating within the sample prisons and facilitate the sharing of good practice on the national and international level. The final outcome would include a comparative report for the HEUNI Publications Series and an in-depth confidential report about each prison for the disposal of the respective prison directors.

SCHOLARSHIPS FOR 2002

For the year 2002, HEUNI has granted three scholarships to junior academics and practitioners working in the field of crime prevention and criminal justice. The recipients are:

Ms Anna Margaryan, post-graduate student and lecturer of criminal law and criminology, Yerevan State University, Armenia

Ms Jo Deakin, PhD, University of Manchester, United Kingdom

Mr Petr Zeman, research worker Institute of Criminology and Social Prevention, Prague, Czech Republic.

GREY LITERATURE FILE

Papers presented at the 2nd Management Committee meeting of COST A18 "Comparing the dynamics of violence within European countries", 16-18 March 2001

Aromaa, Kauko: Finnish newspaper reporting on

violent crime, 12p.

Honkatukia, Päivi: the Finnish Report, 10p.
Snieska, Vytautas, Virvilaite Regina and Stravinskiene Jurgita: Tendencies of violence against women and its social circumstances in Lithuania, 7p.

de Haan, Willem: Violence in troubled neighborhoods, 25p.

de Haan, Willem: Violent crime trends in the Netherlands, 3p.

de Haan, Willem: Explaining the absence of violence - A comparative approach, 11p.

Papers presented at the European Society of Criminology meeting, 5-9 September 2001, Lausanne

Ollus, Natalia: Combating violence against women, HEUNI training course for police officials in Estonia, 3p.

Ollus, Natalia: The International Violence Against Women Survey and the challenges of international comparison, 7p.

Salagaev, A and Shashkin, A: Engendering victimization: Who fears Russian delinquent gangs? 13p.

Obergfell-Fuchs, Joachim: The development of fear of crime in Germany, 10p.

Jackson, Jonathan P: An analysis of a debate and construct: the fear of crime, 8p.

Kruissink, Maurits: Trends in juvenile delinquency in the Netherlands, 3p.

Von Lampe, Klaus: The illegal cigarette market in Germany: A case study of organized crime, 12p.

Von Lampe, Klaus: The trafficking in untaxed cigarettes in Germany: A case study of the social embeddedness of illegal markets, 12p.

Papers presented at the International Seminar on Central Issues in Crime Prevention and Criminal Justice, HEUNI 20 years, 14-15 December 2001, Helsinki, Finland

Lamon, Philippe: Crimes Against the Person in Switzerland, 4p.

Kitada, Mikinao: Prison Situation in Asia revisited, 8p.

Carranza, Elias: Prison overcrowding in Latin America and the Caribbean: Situation and possible responses, 31p.

Other:

Public sector reform, Making Barbados work better: Crime in Grazettes, 5p.