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# Three decades of crime and criminal justice statistics in Europe: Methods, trends and the impact on policy making

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## Opening

*Annie Devos:* I would like to welcome you, as participants, to this conference on three decades of crime and criminal justice statistics in Europe. It is quite an exceptional moment because the last large-scale event organised with scientists, academics and the Council of Europe dates back to 2003. I would like to thank the European Union for co-funding with the Council of Europe, the work that has been done over the years on these data that enable us to understand more about the criminal justice and crime that has just been presented a fortnight ago at the Kyoto Congress. We stressed the need to better rely on facts and scientifically-checked figures.

Working so is imperative to shape public policies, so that decisions are made on the basis of known facts. I personally think that policies should far more be based on previously checked facts. Experience shows that comparing statistics is difficult because agreeing on common definitions is just as hard.. Over the next two days, we will be hearing much more about it at the Council of Europe. Two years ago, a day had been dedicated to prison overcrowding. Gathering all the criminal justice stakeholders and policy-makers is necessary to develop a more rigorous approach. We felt it was very important to focus on these issues here, at the Council of Europe, due to its pillars: the human rights, the democracy and the rule of law,.

The upcoming days will be extremely interesting. Marcelo Aebi and his network have prepared an excellent program that will allow you to get a very good outlook on the last three decades of crime and criminal justice statistics in Europe. Before I give the floor to Marcelo, as moderator, I would like to thank the team supervised by Marcelo in Lausanne and at the Council of Europe for preparing the content and the practical aspects of the conference hosted in Strasbourg. As you know, Christine Coleur and Ilina Taneva have been working hard to get the conference off the ground. The coordination has been absolutely fantastic, and I am sure that Marcelo will join me in thanking them for the work. . The Council for Penological Co-operation will obviously pass on

the information presented here which - I am sure - will help us taking our decisions in future. I wish you a successful conference!

*Marcelo Aebi:* Thank you very much, Annie Devos. Thank you indeed for joining us for this conference. Welcome. Of course, when you make a speech to open the conference and you start by acknowledging every everybody that contributed, there is a risk of forgetting someone else's words; used to say that in an anthology, the first thing you notice is the absence of people, so I will try not to make mistakes. But if I am forgetting someone, I already apologise. So first of all, I would like to thank the network of national correspondents of the European Sourcebook and the networks that we also have for SPACE (I and II), because everything that will be presented here from our side is based on information that was collected and provided by this network without any economic advantage, is and doing collecting data, putting it together. And so really, without you, we would not be able to do it. You are the bricks with which we tried to build this wall. So thank you very much.

Then the second key element here is, of course, the Council of Europe, Iliana Taneva and Christine Coleur, they had been extremely active. I would also like to thank Jaime Rodriguez, who was very helpful for us, too. And of course, there are probably more people at the Council of Europe. But Iliana and Christine, they are all helping us to organise these conferences and without them, this will not be possible. And of course, the financial support of both of the economic Europe and on the Council of Europe and then the European Sourcebook group immediately after this, I will make the introduction of the 6th edition and then I will probably show a little bit the history of some of the group. So, I will not stay long.

But we have been working on this for many years, some of us, and then we have a new generation, so that is also a very important part of this project. And finally, the participants that decided to join us; basically, we have a conference and that I hope would be interesting for you, for the participants,

our four axes. So, in the first session today, we will present the latest edition of the European Sourcebook, which was put online this morning. Of course, if you find the inconsistencies or mistakes, we can always update it. And then we have in the afternoon a session divided into two parts. One part is more methodological. And although the word *methodology* usually can sound boring, it is the key element to understand how to use these data that has been collated and in general, statistical data. And then we also invited Eurostat and the UNODC who have alternative data collection. So, our general idea is that by multiplying the sources you can also get to, you cannot just put some inconsistencies in one or two collections. So, these are not competitive projects, but complementary projects. And then tomorrow we have one section on crime trends. So, we have short-term analysis and long-term analysis over the six editions of the Sourcebook. And we will pay special attention to the role of victim surveys, which is a chapter that is also included in the Sourcebook, the names of crime and criminal justice statistics. But if you stay with crime, we have also information on victimisation surveys. And finally, we go to criminology and policymaking, how this research has been used and could be used. And we invited the colleagues from two countries, Iceland and the Netherlands, where we know that the opinion of the experts is taken into account when introducing criminal policy. And this can probably illustrate in other countries, too. So, this is the basic program for this meeting. And we will, of course, also have the time to discuss about the next edition of the Sourcebook that will be launched immediately to avoid having a long gap between one edition and the other. So once more, welcome, and I hope you will enjoy this conference. And as I am the moderator, I will give myself the floor once more to introduce the sixth edition of the Sourcebook and we will take advantage of these to introduce immediately after that a round table, so.

*Ilina Taneva:* Just two words before we continue with this. We have about more than 160 participants. You see 110 on the screen. But we requested,

if possible, to share the link because the more people are connected, the quality goes down. So, there are more people behind the screen that do you see them registered. And the idea of the Kosko conference was to put together practitioners and academics and those that work in the prison and probation field, but also those that work in the ministries of justice in order to have a dialogue. So, everybody is welcome to ask questions and to contribute to the discussions. This is important to have a dialogue between all different groups of researchers and practitioners who are unfortunately remotely connected only. But it is important to establish a dialogue and maintain it as far as we can. Thank you.

## Session 1: European Sourcebook of Crime and Criminal Justice Statistics

### *Introducing the 6th edition of the European Sourcebook*

*Marcelo Aebi (University of Lausanne, Switzerland)*

**Marcelo Aebi:** Thank you very much Ilina. I am now introducing this latest edition of the European sourcebook, and I like this word in English, which does not have the direct equivalent in that in other languages because, of course, this is an unending quest. So, the idea of comparing criminal justice system statistics just started as soon as they were published in the 19th century. And this journey in particular started in 1993, first with a pilot project and then formally in 1996 with the first edition of preparation of the first edition of the Sourcebook. So, this picture was taken when the project was finished. It was the last meeting of the Council of Europe in 1999. So, the first edition of the book was funded by the Council of Europe. And we see some colleagues here: some are still with us, some has left us and at least three of the ones who are there, we are still making part of this Sourcebook.

So, we first published this book in 1999. After that, it was impossible to get financial support from the Council of Europe. And so, we started funding the Sourcebook with external sources, the Swiss government, the Dutch government, the British government, at different moments contributed. And so, we published the second edition. This is the beginning of the second edition and the third one. This is a meeting in Brigels in Switzerland, 2003. We continued in 2006. And then we had in 2015 another conference. And for this specific edition, we managed to combine a project co-financed by the Council of Europe and the European Union and implemented by the Council of Europe, which allows us to put together the network of national correspondents. So back in the Council of Europe, with the buildings behind that, we are not there in 1999 the first time. So it was extremely useful to have the national correspondents' meeting us twice in Strasbourg. This clearly improved the quality of what will be presented today. So, let us hope that for the next edition we can also have this kind of meeting.



Just to tell you a little bit about this 6th edition of the Sourcebook, we will have immediately after this a round table which will represent the main sections of the book. There is a key element that is usually forgotten when making a comparison and is the definitions of the offences. And this will be presented at the end of the end the round table. But this is a key, key element of what we are going to say. So you will see we have collected data on police, prosecution, courts, prison, probation and victimisation surveys, in principle everything that is out there for indicators of criminal justice or the main indicators. Of course, the key challenge when conducting this kind of research is to make the data as comparable as possible, knowing that it would be impossible to make it directly comparable, but trying to improve these comparisons. This is, I think, the main added value of the Sourcebook, for example, a collection conducted purely by a global institution, let us say a United Nations: you receive the information from the country and, of course, you cannot change it. You have to publish it. As we are not an official body, but a group of researchers, we can decide if the data is inconsistent, not to include it, not to introduce data that is irrelevant or clearly not compatible together with the other. So, we have made an effort to have these that have very good quality.

Of course, there is still work to be done and we will surely want to have some feedback from you in order to improve the quality of what we have collected. The period we consider is 2011-2016. I know the time has passed. Unfortunately, we could not find a solution for us because we could not find the financing for putting all this network together. And then, of course, I will not use the coronavirus as an excuse, but it is true that it delayed a few months to work. That is why we will immediately launch the seventh edition. And I hope you will be motivated by hearing what has been done with the idea of publishing the next edition in the maximum two years to come.

But the interesting thing of keeping the rhythm of the publication is that now we have managed to collect 30 years of data and all this is freely available on the website of the European Union European Sourcebook ([unil.ch](http://unil.ch)). You find

it easily that really can no longer be collected nowadays. Data that reflects in 1990, the first year cover the big change that arrived in Europe at that moment. Many times, we were told: "Yeah, but, you know, there is there are other data collection sites, for example, the Interpol data collection, which has been there for 50 years". You can surely use it. But this data collection disappeared in 2005, and now even to get access to what was published is completely difficult. The things that were published online, no one can find them. So, this is an information that was lost, and another collection keeps changing sometimes the way we collected the frequency. So, somehow, we are the memory also of the latest thirty years of criminal justice statistics. And we are happy to do this for the sake of the scientific community. And so, this is basically what we have done together. The Sourcebook work is currently online and you will also find a second volume with all the raw data that we received from the national correspondents in the Sourcebook for the data has been put in rates per 100000 inhabitants or in percentages, just to simplify comparisons, although, of course, it is not a good idea to compare a country against another country, but probably it is a good idea to see the rate of your country compared to the average European country or some group of countries. But if there is any doubt about why the rate is like that, you can simply go to the raw data and check the original figure.

And I started the presentation saying that this is an unending quest because, yeah, with time people discover mistakes, the things that were collected in one way at once and then change. Sometimes the people change them the way that they are collected varied. So, the idea in the near future would be to have an interactive database that could be updated. As I said, you should, we should not forget that not only the criminal justice data can change, but also data on the population of the countries varies. But if you take a look at how this works, in some countries, there are huge differences. We had in the past cases of a country that had not conducted a census in 10 years. And then, when they conducted it, they have lost one million persons. So, this, of course, has an influence on the rates that are being published so many times. People

forget that, people tend to criticise criminal justice statistics, which are, of course, a social construct, there is no doubt about that, but that they reflect something that is going on. But this is the same for every indicator. And I think this one year, leaving together with the coronavirus has provided us a very good example of how the data collected about the number of deaths, about the number of infections varies from one country to the other. Supposed to be something that affects everyone, by the way, of which they are counted changes constantly. So I think we should not be ashamed of our data on crime and criminal justice. We should be cautious when interpreting them. But I am not sure that many other indicators, some economic indicators, when you see how the definition of unemployment varies from one country to the other, many, many indicators have these kinds of limitations.

Finally, we will have in the last session of this conference a discussion about criminal policy. And I think one lesson that could be learned, if I dare to say this, for example, for the decision makers of the European Union, is that, of course, based on the criminal justice statistics that they are produced nowadays, it would be impossible to compare across countries. So perhaps it is not useful to lose time asking whether or not we know that they are not... But perhaps a good way forward would be to try to harmonise, perhaps not the definitions, but the way in which the data are collected that would surely improve the quality of the comparisons and would be a probably an effective way of investing to try to harmonise across countries, at least the way in which the data are collected, at least for some key indicators. And of course, the key indicator nowadays that we live already in a digital society. This conference, an example, a key element is how we measure all the offences in which there is a cyber dimension. So, I think that what we learned through these 30 years is precisely you cannot use the statistics as they exist now. You have to improve them, one way to improve them is to organise the way in which are collected, and research suggests that the best way of doing that is through the use of the victimisation surveys. There was a big project that was unfortunately stopped in the last decade. We have been part of this group that prepare a European.

Victims survey, perhaps in the future, if the goal is to know how crime is distributed in across Europe, the victimisation surveys in combination with statistics collected in a way could be very useful. So, I invite you to check our website, to download the publication and to give you an "avant-gout", a first taste of what you will see later.

We will now enter into the round table in which we will present the different sections of the Sourcebook. So, our first speakers will be Rannveig Þórisdóttir, from Iceland.

## *Round table to present the chapters of the Sourcebook<sup>1</sup>*

### *Chapter 1: Police data*

*Rannveig Þórisdóttir and Tara Khan (Icelandic Metropolitan Police)*

*Rannveig Þórisdóttir:* Thank you, Marcelo. Unfortunately, Tara and I, we were not able to be in the same space, so I will present our paper today. We oversaw the chapter on police statistics, the object of this chapter is to look into police statistics as a measure of crime. Of course, Marcelo has mentioned earlier that this is not a presentation of total number of offences since we know and recognise very well the dark figure of crime. But still, this is an indicator of what is being stated at any given time as reported offences. We asked for data on total offences and on 24 additional crime categories, including data on offences committed with firearms such as homicide and robbery. In the book we are providing longitudinal data from 2011 to 2016 giving information on number of cases per 100000 population. We also provide information on changes in number of reported offences within the period with a measure of a percentage change between 2011 and 2016. In total, four to five countries were not able to provide any information.

There are huge variations in how many countries were able to provide data in some categories. For example, regarding homicide and in categories related to theft, most countries were able to provide data. But within other, maybe newer, or more complicated categories, there were fewer countries able to provide data. There are also large variations in how well the countries were able to follow the definitions provided in the questionnaire. Therefore it is very important to look carefully into how the data is defined by the country but not just the information regarding number of reports. It is also very important to consider when in the data process the data is being recorded. In total 17 of the countries reported that they recorded the data as soon as the police had registered the case and additional 13 countries said that they are recording the

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<sup>1</sup> Additional material: the authors' visual presentation is available here: <https://rm.coe.int/presentation-roundtable-22-march-2021/1680a1e435>

information subsequently. This indicates that the data is predominantly labelled by the police and is here referred to as input data, which is very important because then it is not being changed so much as it is processed through the system. There are also differences between countries on how offences are counted. Most countries report that the offence was used as the counting unit, meaning, for example, that incidents with more than one offender accounted for one offence. There are also variations between countries if the principle of the offence rule is applied or not. Here, 36 countries provided information. Twenty countries report that they do not use the principle of offence rule, and 16 say that they make the use of the principle. A principle of offence rules means that when there is a combination of events such as drug offence and violence, only the most severe one is being counted. We also ask how multiple offences are counted and again, large variations appear between countries. In total, 20 countries reported that multiple offences are being counted as two or more, 15 countries reported that they count them as one. This can have huge effects on the number of reported cases, for example, the categories where multiple offences are common, such as in domestic violence and sexual offences against children. So, this needs to be taken into account when looking into the number of cases.

In the book we also provide data on the number of offenders in 2011 to 2016, information on percent of women, minors, and foreigners in 2015 are also provided. In total, 38 countries provided information regarding one or more offence. Not all countries that provided data offered information on how they are defined. But of those who were able to provide information, 12 said that the data was collected at the same time as data on the offence, which indicates that the labelling of the offence is also done by the police.

Information on police density is as well provided in the chapter. That is how many police officers there are pr. population. While many countries answered the question regarding the number of police officers and civilians working with

the police, few were able to meet the standard definitions, making comparison very difficult.

To sum up, overall, there are indications that the number of reported offences in the offence categories that we collected data on are declining. This applies, for example, to theft of motor vehicles because we see that 84 percent of the countries providing information reported that they are experiencing more than 10 percent decline between the years 2011 and 2016. But despite these sorts of indications of general decline in number of reported offences, especially traditional offences there are also indications of incline in number of reports in a number of categories, such as money laundering and fraud and especially cyber fraud. In total 79 percent of countries report more than 10 percent incline between 2011 and 2016. Of course, both may be indicating real growth, but also changes in data collection and better awareness or better registration of these cases.

I hope this has given you some insight on the police chapter. And I thank you for your attention. And now we turn to the chapter on prosecution.

## *Chapter 2: Prosecution data*

*Jörg-Martin Jehle (Göttingen University, Germany)*

**Jörg-Martin Jehle:** Ladies and gentlemen, the prosecution chapter deals with the prosecution stage as the intermediate level between police and courts. This stage starts when the police hand over the criminal case to the public prosecution authorities or when the public prosecutor starts his own investigation and the stage ends when the prosecutor makes his final decision, either bringing the case to a court, usually in the form of an indictment, or make a case-ending decision by himself. Of course, statistics cannot reflect the complex field of activities of the prosecutor. So, the focus is on the most important issues, the final decisions of the prosecutors, and data recorded refer to the output of procedures at prosecutorial stage.

What have we collected? We have a longitudinal recording from 2011 to 2016; there we can demonstrate the output cases total and besides the cases brought before a court. This proportion of cases brought before a court is at the same time a measure for the attrition going on between the level of police and the courts. Here, luckily, most countries could provide data. Only for 2015, we have data for minors, women and foreigners and for different types of disposals; unfortunately, such a breakdown could be provided only by a minority of countries. And for 2015 as well, we have a breakdown by offence groups; there, a majority of countries could provide data. In addition, we gathered data on persons whose freedom of movement was restricted by police custody and/or by pre-trial detention. Concerning pre-trial detention, there is data in the chapter on prisons as well. Finally, we can show the development concerning the number of staff of the prosecuting authorities, employees and prosecutors.

Altogether, our data collection demonstrates a mixed result. We can offer basic data for almost all countries available, but only poor data are available concerning the type of those disposals. Thank you very much. I hand over to Paul Smit.



### *Chapter 3: Conviction statistics*

*Paul Smit (The Netherlands)*

Paul Smit: The Sourcebook is a very heavy project, by which I mean the number of pages in the printed edition because it is about 400, maybe 500 pages. And the heaviest part of the book is the third chapter on convictions and sanctions. Now, what we are presenting here in this chapter are not really the convictions, instead the counting unit is in general the person convicted. So, the statistics are on persons convicted and also persons receiving sanctions. Basically, the main sanction within any conviction. There are some exceptions, because some countries did it differently. Now, what we have in this chapter are all persons convicted and the sanctions for the whole period, 2011 to 2016 and for all crime types. For women, minors, foreigners and EU citizens also the percentages for the year 2015.

What is new in this edition is that we also ask for legal persons convicted. There can be some legal persons convicted, mainly for fraud. And indeed, although not many countries could provide data for this either because they do not have the data or because the concept of a legal person does not exist, 10 countries could provide some data on legal persons. Now for the sanctions, we have basically two tables for all 22 crime types, the first one is the kind of sanction: is it a non-custodial sentence sanction or a custodial sanction either suspended or not suspended. So that's one set of tables and the other set of tables is focusing on the unsuspended custodial sanction and is telling us something about the length of the custodial sanction. For this last set of tables about half the countries were able to provide figures. Also, for the kinds of sanctions tables we do have minors receiving sanctions. Next, there is a table on persons held in pre-trial detention among the persons convicted but only eight countries could provide information on that. And what is also new in this edition is that we have a table of the number of criminal court judges. Again, here, only a small number of countries (eight) could provide data. The main problem probably is that in many countries there is no clear distinction, at least not an administrative distinction between judges in a civil court and judges in

a criminal court. So, this is about the third chapter on convictions, and I now give the floor to Marcelo, for Chapter 4.

## *Chapter 4: Prison data*

*Marcelo Aebi (University of Lausanne, Switzerland)*

**Marcelo Aebi:** Yes. Well, thank you very much to change a little bit, the dynamic instead of presenting here, basically the data that is available, I would just mention briefly some trends. So, of course, the main source for this chapter is the SPACE project, which in since 2012-13, has really seen an increase in the number of prison administrations answering the survey and providing very good answers. So, it is always a pleasure to collaborate with the network of correspondents from SPACE as it was some pressure also with the nature of the Sourcebook, which even spotted two or three inconsistencies in the data.

So basically, what we have seen in this period, 2011 and 2016 for the data collected that are basically stock data. How many people are in prison at the given date? It is for September each year, flow of entries: So many people enter into prison and every year and that person is here in a large sense, is a penal institution. So, any place where persons are deprived of freedom and the flow of exits from the institutions and then we have information also on the staff of some of these institutions on main sentences for which are the inmates were convicted. So, what we have seen from 2011 to 2016 is an overall decrease of the prison population. The interpretation of prison rates is relatively straightforward in the sense that usually a high prison population rate it is not a good indicator, on the one hand, because there is an indirect relationship with a rate of crime, although it is really indirect, so it would be a bad indicator that something is not going completely right, but mainly because the criminal policy and the penal policy in this case that you apply have a strong influence on the on these trends. So that is why, of course, you cannot see the names of the countries that are in this small picture that they put. But you can see the colours. And then, of course, red is going up more than five percent when you compare 2016 to 2011. And you see that it is a minority of countries for the stock, which is the first column to your left, then for the flow of entries and then for the flow of exits.

Of course, sometimes when we publish this kind of information that our reactions, I remember that a few years ago, a conservative journal of the United Kingdom said that for the Council of Europe, high prison population is a bad indicator. The council was not making any statement. It was probably something that we said during the press conference. "But for us, it is a good indicator because we keep law and order". So this is sometimes interesting to see the reactions of the press and how it varies from one country to the other. But to concentrate here, you see that the green is predominant. And this is a quite interesting result because the classic Marxist criminological theory based on Rusche and Kirchheimer, if you think what Marx said about crime, suppose that there is a negative relationship between the state of the labour market and imprisonment or in times of financial crisis when the labour market is unstable, the prison population rates should go up. And this is exactly the opposite that probably happened because the interpretations of Rusche and Kirchheimer correspond to a society, the kind of society that does no longer exist. Nowadays, we live in a digital society, in a welfare state. So, this hypothesis, at least in the Council of Europe countries, probably is not relevant.

As usual, the distribution of the prison population rate: the lowest being shown in the Scandinavian countries, but they have been rejoined by the Netherlands, Slovenia and Croatia. And some countries like Germany and Switzerland are also very close. And then the highest are found in the Central Eastern Europe, like Azerbaijan, Lithuania, Georgia and the Russian Federation. Also, just then, the classic result, 95 percent of the inmates are males. This is because prison is currently and this is also a difference from the situation in prisons in the 1970s is reserved, in many cases, mainly for violent offences, are males; who, for different reasons, are more involved in violent offences than females. It will be interesting when you look at the next slide that will be presented by Mr. Hashimoto to see that in probation, the rate of women goes up to 10 percent to double and corroborating that there is a lesser implication of women than men in crime, but mainly in violent offences. And it is easier to get probation for a property offence than for a violent offence.

And the inclusion of minors in some tables must not mix; there is the exception sometimes to some minors that were minors at the moment when they commit a crime and were sentenced and they stay in the few years in prison. So basically, the incarceration or deprivation of freedom of minors is currently in many countries in Europe not conducted by the prison administration.

And then the last issue that I would like to mention, well, going through this chapter of prisons is that there are sometimes some discussions about the percentage of foreigners in European prisons. This is mainly a western or Mediterranean program. The rates can be high, but when you go to central and Eastern Europe it is probably a problem that does not exist at all, which is below five percent. And so, in this context, we must be very careful. The Sourcebook includes information on foreigners from EU countries, and you see that roughly at least one third of the inmates, sometimes more, come from EU countries, so we should be even discussing if they should be considered foreigners of the EU as the EU is a single space. So, we must be careful.

And also there is an indirect effect that we studied in a previous study published by the University of Lausanne, the Council of Europe, also with the support of the European Union, you will find it also in our website, these are three studies, three books like that, in which we studied trends in prison from 2005 to 2015, but also the percentage of foreigners, the evolution of the number of foreigners. And of course, when they reach the period of decrease of the prison population, not all the categories decrease in the same way. So, what we have seen in some countries is that the number of prisoners was going down, the number of national prisoners was going down and the number of foreign prisoners was going down. But the % may sometimes increase just because perhaps sometimes the number of nations is going down quicker than the number of foreigners. So, please be extremely careful when using these percentages because you sometimes have an increase when indeed the general trend is a decrease, which is something well known when you mix numbers

and percentages. It happened during the Second World War when the percentage of women in prison increased, some people thought this is only because of the change in their role. It was probably partially due to that, but also to the fact that fewer men were being sent to prison and the ones that were being sentenced usually were being sentenced by the military codes. So this mix of percentages and numbers should be conducted very carefully. And that is a general overview of prisons I will give. Before giving the floor to Yuji Hashimoto, I would like to thank Melanie Tiago, so we could not make the presentation together, but of course, she put all this data together and without her, the presentation would not have been possible. So now we can go to probation and Mr. Hashimoto.

## Chapter 5: Probation data

*Yuji Hashimoto (University of Lausanne, Switzerland)*

**Yuji Hashimoto:** Good morning, I will be very quick, to be honest. So, this chapter is about probation, and as with the chapter on prison, we have data collected in collaboration with SPACE, specifically SPACE II, as to have all the data available for the time period of 2011-2016.

The chapter includes information on stock (on the 31<sup>st</sup> of December) and flow (during the year) of probationers. We have several tables on stock, flow of entries, flow of exits; we have information on the distribution of minors and foreigners, both who are counted by most administrations. As already anticipated, women in probation represent, more or less, 10 percent on average of the probation population, whereas foreigners are around 11 percent. But be careful because, regarding foreigners, not *all* probation administrations collect all the data. Most of the administrations use the *person* as the counting unit; but you have to be careful, again, in terms of what the numbers actually mean, and how they can be interpreted. And that is all I have to say.

**Marcelo Aebi:** Thank you very much. We do not need to rush, so we still have the presentation of Chris Lewis and Stefan Harrendorf, please take your time to present, and then we will arrive to the lunch break. And yeah, I mean, we don't really need to hurry. I think the important thing is to present the information as completely as possible. So now, please, could you please start for the floor? So, we have the presentation by Professor Chris Lewis from the United Kingdom on National Victimization Surveys. I have the impression that something is going wrong. So, it's to the right of your screen. You should find the bottom. Or perhaps what we could do while you solve this technical issue is presenting the chapter on offence definitions and then try to find a solution. In the meantime, OK. Stefan, could you take the floor? So. I would try to give the floor to Professor Stephan Harrendorf from Germany.

## *Annex: Definitions*

*Stefan Harrendorf (University of Greifswald, Germany)*

**Stefan Harrendorf:** So, I will say something about offence definitions and I will also have some time to present some in-depth information on this in my presentation on prospects problems and pitfalls of international comparisons this afternoon. So therefore, I will just give you the key facts and the basics here. Now, first of all, this concept of standard definitions that we use is not identical to the legal definitions that are used in the different countries. So therefore, why we do, and that is also the reason why we use these standard definitions, because the legal definitions for different offences, like for theft, for example, differ very significantly between the countries. And therefore, we try to enhance comparability by providing a concept of standard definitions where we have a fixed definition.

I will show you an example at the end of this presentation and where we also have a list of cases for which we provide a preference for certain items. We would like to have the correspondents to include these items and for others, we would like to have these items excluded. And also, we document what the different correspondents do there. So therefore, this is a very important tool to enhance comparability between countries. And these standard definitions are based on, let us say, legal and statistical comparison in the different countries. So these are, of course, based on our studies and our experiences in the expert groups and the expert group and yeah, and these are the functions, as I already mentioned a bit, are two: (1) One of it is to enhance compatibility and the other (2) is to document the remaining differences so that you can see, for example, we have an appendix in the Sourcebook, where you can look up which definitions were followed, to what extent by which country. So therefore, it is always useful to have a look at this in order to check for compatibility issues, et cetera.

And we have some new offences in the 6th edition as well, which, of course, new standard definitions were provided, which is aggravated theft, cyber fraud and forgery of documents. How well these definitions performed.



I can show you some information on that this afternoon. So this is just an information that we have these new offences, they perform differently. But I will go into the details this afternoon, as I said before. And we also changed some conditions because they well, we always get feedback. Of course, we can always check how good the definitions worked. And we had some problems with the major traffic offences in the last edition or the definition of it. And we improved it now. And we also improved the definitions of rape and sexual abuse of a child compared to the last edition. But this is also to reflect some changes that occur due to the Istanbul Convention, etc. in many countries. So, we just changed some delimitation between these two offences due to some legal changes that occurred in the last years. And of course, there were also several minor changes and clarifications, but this is not so very interesting for you.

I will just show you very briefly how such standard definitions are built up in our questionnaire you see here at the heading. This is the standard definition for intentional homicide. And we have a very brief standard definition, the intentional killing of a person. And then we have these cases that I mentioned as *include* and *exclude* list, for example, and include list assault leading to death. And so, an offence where someone is killed due to intentional assault, but not with the intent to kill, not committed with intent to kill. And on the other hand, we have to list with certain different offences. And we always ask for police statistics and for conviction statistics. And you can see here the correspondents to check whether they have followed this rule to include or to exclude or whether they did not follow this rule. And as a last help line for the correspondents, we also move the code of the international classification of crimes by UNODC in the last column of this table. And this is also true to assist correspondents in filling these files. So and that was it for the study of the definitions now.

## *Chapter 6: Victimization surveys*

*Chris Lewis (University of Portsmouth, United Kingdom)*

*Chris Lewis:* I will talk about Chapter six National Victimization Surveys. The Sourcebook is some 600 pages long but this chapter is only about 30 or 40 pages long. That is a pity, really, because it is a very important chapter. And I would like to encourage people looking at the Sourcebook to turn to Chapter six. We have an alternative way of measuring not only crime, but all sorts of other factors about the criminal justice system, opinions and attitudes. The start of victimisation surveys was an attempt to collect information on extra crime data since most of the chapters deal with law enforcement activity: chapter 1 deals with police measures of crime. A policy colleague in the British Home Office, where I was the chief of statistics, said that trying to run the country criminal justice system was like trying to work in a room which was dark, apart from a small candle. And then when we introduced national victimization surveys in England, he said it was like having two candles in the room. It was still fairly dark, but at least he could have twice as much information about crime as he had before.

So, we have estimates from in particular about 30 European countries as to their estimates of crime from surveys as an alternative to police data. Now, one of the advantages of a victimization survey is that you can look at victims in different parts of society. So typically, victimization surveys are on households. You talk to a sample of households, 1000, 5000, 20000, depending on the size of your country and how much you can afford. And you find out their experience of crime and what they do about it. And you can relate their experience to their demographics and characteristics. But you can also talk to other groups. You can talk to businesses, you can talk to shops, you can talk to commercial outlets, you can talk to government agencies. You can talk, in my case, you can talk to students at universities and find out their experience of crime and what they have been able to do to respond to the crime and react to it. So, I think national victimization surveys are an extremely powerful tool.

And I should be talking in detail about some applications from England tomorrow afternoon.

Coming back to Chapter six. Although the International Crime Victimization Survey (ICVS) stopped about 10 or 15 years ago we include in this chapter 6 some details about the countries that took part in the ICVS.. But we also include in Chapter 6 information up to 2015 about the estimates that other countries have made of crime in that countries, as well as information on trust in the police and the feelings of safety. So, in Chapter six you will find that there are five-year periods, 1990, 1995, 2000, 2005, 2010, 2015. For each of these years, we have asked for information on the prevalence of crimes such as bodily injury, sexual assault, robbery, theft, domestic burglary - as defined in the English way - and corruption. And there are tables on these, as well as on trust in the police and on feelings of safety. And it is very interesting that despite all the problems of reductions in public expenditure, we have prevalence measures of crimes and we have measures of trust in police and feelings of safety also for those countries that do conduct national victimization surveys. We have asked a number of questions about the metadata about the conduct of these surveys. We also include all the information about the wording of the questions about specific crimes. So, any countries that have not conducted such a survey, you could read Chapter 6 and find out the wording of questions that you might wish to copy. We've also included information about the way that the services are designed and carried out on a national basis.

*Marcelo Aebi:* OK, so. OK, we are at 10 to 11, and so just to round up what was being said, we also collected some data on crime against businesses and cybercrime. In that context, I would just like to mention a conference we have organised by the Council of Europe a few months ago in which we paid a special attention to cybercrime. And of course, we would like to thank the experts that participated and especially the ones that share with us their service and the way in which questions on cybercrime are being asked, which is, of course, a major issue when conducting the survey. So crime that is seldom reported, you need to measure it by surveys. But the way in which you ask the

question also has a major influence. So, what I propose to you, we are at the moment of all of the coffee break, so let's have the coffee break and then we start; we have 15 minutes of questions. So, Stefano Caneppele, professor at the University of Lausanne can make his presentation at that moment at 11.10, and I would still give us half an hour for questions and answers. So if you agree, we go with this logic and we see each other again at ten past eleven. Thank you very much.

## Q&A Session 1.1

*Ilina Taneva:* Here is a question for you from the forum. Alina Barbiu, from Romania, has written: "Thank you very much for the conference and the presentations made. It gives me great pleasure to attend, again, your meetings on this issue and to have an update on the complex problem of criminal statistics. Congratulations for the long-run effort and looking for the future. I would like to know if you have in principle also plans to analyse the information, comparing them also with other types of statistics, for example, those collected by CEPEJ on the activity of judicial bodies. Indeed, it is important for member states to be able to use all this relevant data in order to create public policy, not only on legislation, infrastructure, talking about overcrowding, but also on human resources of public administration and judiciary. Finally, it is indeed a good approach to extend the effort and gather information on legal persons criminally liable, and also on national victimization survey that would provide a more comprehensive approach of the criminal justice system across Europe. Indeed, Chapter six is of great importance since victims revealed the real dimension of crime in our states".

*Marcelo Aebi:* Thank you very much. I will start by answering the question: After some of the previous editions of the European Sourcebook, we published special issues in the *European Journal on Criminal Policy and Research*, which include articles showing how the data collected can be used alone or combined with other sources. During this conference, there will also be a few presentations that illustrate the potential of the Sourcebook data. Apart from that, I would like to remind that the Sourcebook is published in Open Access and the data are made publicly available on the Sourcebook's website. This means that anyone can use it and produce the kind of analysis that you mentioned. I would only ask potential users to keep in mind the importance of the metadata collected and take it into account when interpreting the results. In fact, the Sourcebook is already used by researchers and quote relatively often in discussions on crime trends, for example.

And thank you for all the nice things you said about us. We will remain in contact with the national correspondents. This kind of videoconferences can simplify our communication in the future, although of course they will never replace the in-person meetings, like the ones we had during the production of this edition of the Sourcebook.

## *The added value of the European Sourcebook*

*Stefano Caneppele (University of Lausanne, Switzerland)<sup>2</sup>*

*Stefano Caneppele:* Thank you very much for inviting me to present something about the European Sourcebook. Thank you to the Council of Europe for this event. Today, my presentation is supposed to discuss the added value of the European Sourcebook without spoiling the content that would be presented in the afternoon. So, it should be intended more or less like a philosophical exercise to provide you a bigger picture of the Sourcebook.

The last edition presents 30 years of criminal statistics. Actually, I started thinking about what has happened since the 1990s, when the Sourcebook started the collection exercise and how many political, economic, social and technological events happened. Of course, if we take the perspective of the group that decided to start the data collection exercise, I think that they were perceiving the historical moment that Europe in particular was living at that time, after the fall of Berlin Wall. The Eastern part of Europe was under a huge change. And this change was also for the Western part of Europe. And there was a need to set up best knowledge, the best possible knowledge about the criminal justice statistics, which is one of the parts of the functioning of a country. So, basically, this beginning was, I think, characterised by this idea and this perspective. If we look at the efforts, we see that, at every round of the data collection exercise, there were some disrupting events that generated an impact from a policy perspective. And sometimes this impact was also noted on crime statistics. Nowadays, this is the first overview of this Sourcebook activity, which extends over a large set of decades, three decades of data statistics. Probably in a nutshell, to explain the added value of the Sourcebook, the shortest answer should be taken from an Albert Einstein's quote. When people said he was supersmart, which was absolutely true, he used to reply, in a humble way, but also in a honest way that "it is not that I am so smart is just

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<sup>2</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-stefano-caneppele-20210322-coe-the-added-value-of-europea/1680a1e438>

that I stay with problem longer". Then, one of the added value of the Sourcebook is that the group was able to renew itself and to stay with problems, with the comprehension of the functioning of criminal justice statistics, longer than others.

Here you see, in my presentation, a picture. Through the artificial intelligence it is nowadays possible to animate old picture. How is it possible to turn a picture in a movie? We should imagine, like data, that a movie is made of picture assembled in a coherent way. If we want to take a picture as a datum, so one single datum, we have just a single certain point of time, we can also use it to explain the value of collecting crime statistics over time. A single point of time provides information. But this piece of information is not necessarily meaningful if we do not have a system of references that we are able to use for interpreting and to detecting the meaning of this datum. Let me do an example from a manuscript that was published eight years ago. The idea this publication was about the possibility to distinguish between genuine and ambiguous smile. Researchers took some pictures of smiling people, angry people and blended expressions, and they tried to measure at brain levels, which was the reaction and which was the possibility in terms of response time to give the right answer to the facial expression that was displayed. One of the result of this study was that, usually, humans were faster in recognise happy faces than blended expressions, confirming that ambiguity is difficult to interpret. Another result was that - this is the other important point - usually the brain was reacting a bit faster when it looked to a negative expression. It is what we call negativity bias, which was something that is also used in psychology, saying that we tended to be more shocked by negative stimuli, and also we remember more the negative events than the positive ones. For example, if you want to stay on the news, if we take the case of the AstraZeneca vaccine, there were a few cases which the injection generated serious or fatal illnesses. The incidence of cases was very limited compared to the number of people who get the vaccine and the number of Covid-19 daily deaths. However, these negative news convinced some governments to freeze the AstraZeneca vaccination for some days.



Coming back to our discourse, I was saying that, in order to understand a datum, we need a system of reference and we need to understand what this datum means. For a smile, of course, we already have a system of reference, which helps us to detect when someone is smiling. It is usually something which is positive, but of course, we need a system of reference. So basically, the effort of the Sourcebook at the beginning was exactly to set up a system of reference that could provide a general definition of what the datum is and what we want to observe and to collect.

The start was with a preliminary study in 1993-1996; the official Sourcebook began in 1996. And, this is the most important thing, together with a system of reference, the group defined – mostly implicitly - the principles that inspire the Sourcebook. The first principle was resiliency. I found very interesting that, the decision to rely on data coming from criminal justice statistics, was to ensure that this exercise was resilient. It is not just a single data collection, but relying on official statistics ensures continuity in the exercise across years. The second principle was the validity: the fact that it is always the same institution that produces the data, should ensure a better validity of the data collection. The third principle was openness: the idea is “we want to include as many as European countries as possible”. So, we want to be open to any European country that wants to join this exercise. The fourth principle was inclusivity, the idea that there is not one single dimension that could provide an exact definition of the criminal justice system, but that the criminal justice system is a complex framework of different dimensions. And we should make the effort to include all these dimensions and when possible, to enlarge our focus also to national victimisation survey. The other principles was the consistency and comparability. And again, the idea was that the definition of a public system of reference and the quality and the intersubjectivity. The idea is and was that the exercise, the fact that we have repeated the data collection over time, would have enhanced the quality of the data. And the intersubjectivity is the fact that data will be reviewed by experts. And they

could have noted something that was apparently not working and could have asked to clarification for improving again, also the quality of the data.

So, of course, as for data, we can see the different versions of a picture that might be pixelated or not, but the idea is that if we put together all these different dimensions of the criminal justice system, we can, of course, try to provide the best possible movie on European criminal justice system. When I say a movie, I mean that we are collecting data from different points of time. And so, the question here is, is just a data collection exercise? And let me just show, I hope that you can see the PowerPoint. I probably think that you heard about this deep fake. We can imagine that crime data collection is like a series of pictures that are collected and that are put together in this picture of Einstein. We see now what deep fake is: the algorithm animates the picture and provides a possible way in which Einstein should have moved in this picture. So at the same time, we should remark that a movie is not just a collection of random pictures and that data collection exercise is not just a data collection, is an effort to put together - using a scientific method - different data from different sources and try to give a meaning to this data. And this is the big challenge when you have to deal with very different countries. We already said that we cannot compare rates, we can compare trends. So, we need to make consistency with trends. And I said it is not just a data collection exercise. It is something more. If you want to use the metaphor of the cake, we can imagine that the Sourcebook is the result of more layers of interaction with data, with national correspondents, with experts who we can add even more layers. But the idea is that the Sourcebook is a collective enterprise piece of work, which is possible thanks to the contribution of many people that are part of this exercise. And each one has different roles, but altogether they can form, let us say, this cake, if you want to take this metaphor.

So basically, what is the added value of the Sourcebook? I think that after twenty-five years or 30 years of data collection, we should say that that is not just the data collection exercise, is that the data collection exercise generates

infrastructure that is the real added value of the Sourcebook. I may say tree layer or tree type of infrastructures: (1) we have the competence infrastructure, so becoming experts in the field, (2) we have the relational infrastructure becoming a community and (3) we have the knowledge infrastructure, so becoming part of a collective process that generates knowledge. Going to the competence infrastructure, I will take this picture: it was a famous article that was published at the beginning of the 90s when the idea of the Sourcebook started. This article was recalling the idea of the Einstein's quote, at the beginning, when he was saying that he stays with problems longer. This article, written by some economists, tried to measure how long it does take to become an expert, and if it was a matter of, let us say, passion but also perseverance. The result was that you may be passionate about something, but you need perseverance. You need time to practise, to make practice and to increase your skill and to become an expert. So the idea is that anybody can become an expert, if s/he wants to become an expert, if s/he allocates enough time to learn and to study the topic that s/he wants to deal with. Regarding the Sourcebook, one of the next challenges is the capacity to regenerate the expert groups. There are the two options: we can create and help people to become experts, one of the approaches that we are developing. And the other approach is trying to embark and to recruit people that are already experts in the field. The problem with the second point, which is quite nice, is that usually experts, since they are the experts, they are very busy and it is not so easy to convince them to take part to another exercises. So this is one of the challenges that the Sourcebook should face for the next years.

The other point is the relational infrastructure. I think this is really one of the assets, a very important asset of the Sourcebook, the fact that, across the years, people interact with each other, they were able to correspond and they were able to create some trust in the way in which they exchanged points of view and discussion. And this is, I think, one of the really important added value, because if we need to set up a relational infrastructure, it may take years. So, eventually, this is another aspect of the added value of the Sourcebook that

should be considered. Of course, if we talk and we want to see the Sourcebook as a community, we are aware that for join the community there are some rules. So the first rule is that you choose to join the community. And, if you choose, of course, you are part of a team, so you are welcome to the team and you accept the values of the community. The idea of the Sourcebook is to create the constituency of the society. It is the idea of the democracy, transparency and openness and the incentive to be part of the community is that you, of course, you are acknowledged for what you do. And, you do not be afraid if you make mistakes, because with data, mistakes are always possible. We can make amendments. Version of the Sourcebook can be updated. This is not a problem. Of course, we try to minimise the number of mistakes that we can make. But being perfect, of course, is not the problem. The problem is just to contribute to the community and to be aware that the work that you are doing is valuable for other communities, academics, policy-makers, and so on. What you do is also valuable because it helps to situate country level data in a broader context, so it would be very interesting to detect whether there are divergent trends and crimes, comparing to other criminal justice systems. Finally, being part of the community, since everybody is in contact, may open other doors for other collaborations or other research, other projects that could be of interest for you and the last elements of the that, I think will be the added value of the knowledge infrastructure is usually what we have the ideal way in which things should be done, and then we have the real way in which things are done.

But even though we are not always able to reach the ideal way, it is important to have an ideal way because it helps us to have a framework on how we should proceed regarding the Sourcebook. So, for example, for each cycle, which usually last for five years, we have a research funding activity, we have the kick-off meeting, we contact the national correspondent, we start that collection exercise, we try to meet national correspondents, we try to validate the data, we draft the data set and we set up the public conference with national correspondents. And then we produce articles, we participate to academic conferences and so on and we try to make the data available as it is now; they

are available on the website that is provided by the University of Lausanne. So this is the ideal cycle. Sometimes, we are able to have all the meetings and the conference, sometimes not. But this is what we would like to do also for the next cycle that you should start soon.

And so the other question and the final question of my presentation is I try to provide you some arguments and some elements that support the idea that the Sourcebook generated added value for the communities, for the international communities as well. And the other question is, what should we do? What should be done to further increase the Sourcebook's value? And the answer is: the engagement. I take this picture from a blog that analyses The New York Times headlines. I assume that everybody knows The New York Times online newspaper. In this version, The New York Times usually tests the quality of different headlines for the same news. So, they try to run some tests and to test which titles, which headlines are more attractive, more effective to enhance the number of clicks on the news, so, what they call *engagement*. In the way in which we make the Sourcebook nowadays, I should say that we are still not very engaged in the engagement, in the sense that, in many cases, the effort that we put in generating and producing the book and producing the data and writing the articles was so tremendous that in the end people are exhausted. And they just want to think to the next edition of the Sourcebook, assuming that the fact that data were available online will be enough. Of course, today, with so much information, so many data that are available, it is not enough, and so the effort that we should take for next year is to try to build up some informative and infographics material that could be useful, could be handy for policy-makers, for other people that want to know just something very simple about the criminal justice system. The challenge here is just to find the right balance between the simplification of the information and the not providing something which could be misleading. So, we are starting to think about the way in which we could provide some infographics, some information that could be available to the public. This is an example that should be discussed also with the other members of the Sourcebook, we already have a fair

discussion, but of course, in this very short time, we don't have enough time to dedicate to the engagement issue today. However, the idea is just to invest a little more on the way in which we should disseminate the Sourcebook content in a way that everybody can have some information, about the situation of their country or in Europe, for example. We should try to provide the general impression about the trends in many European countries. So, we see that for theft, there is a general tendency for decrease. Of course, we can show for each country the internal trends. And of course, we can see, if we can highlight the countries in which, according to the data that are provided, the rate is going up or is pretty stable. So this is the first exercise that we did. Of course, we can always improve. We will be happy to get your feedback from also this type of infographics and the material that we would like to produce in the forthcoming weeks. And that's it for my presentation. Thank you very much.

## Q&A Session 1.2

*Chris Lewis:* I just had a couple of points to make about Chapter 6, on victimization surveys: It is known that law enforcement has a problem when recording victimization data. In England, this happens because of shortage of police or a shortage of resources. For example, a study of police recording in 2014 found that police were not recording about 20 to 25 percent of offences that were reported to them. That is something that can be solved through victimization surveys. The second point ties with the point that was made from Romania: National victimization surveys can more easily pick different types of crime and new types of crime. If you look at Chapter 6, which is now online, you will see that we have a short section on crime against companies, and it shows that the proportion of small companies, retail and wholesale properties, that are victims of a crime is quite substantial. And of course, this does not come from traditional victimization surveys of households, but it does come out of *commercial* victimization surveys. These are now included in Chapter 6.

And another advantage is that victimization surveys can be used when new types of crime come about, for example crimes committed using computers. We can use them, for example, to know the proportion of people who have had their devices infected by malicious software, the proportion of people whose social media has been hacked and used for fraudulent purposes, the proportion of people who have their bank account, or details of their credit card stolen online, the proportion of people who are sent scam e-mails, and so on. This is the sort of information that can be more easily picked up in national victimization surveys.

And finally, I have an ambition of making Chapter 6 a little bit more extensive, so that it includes some things that we have not been able to incorporate up to now. Hence, I would be very interested in participants' comments as to whether they feel that Chapter 6 could be extended to widen the interest in national victimization surveys. I would give more examples of how they can be used in criminal policy, on how they can be extended from

households to the commercial sector and to government agencies, and so on . And if there is interest in extending Chapter 6, then the next point would be: are there any people out there who would be interested in collaborating with devising a wider and longer Chapter 6? So, these are the points I wanted to make. Thank you for the opportunity to make these points.

*Anna Alvazzi del Frate:* Thank you for this excellent opportunity to learn more about the Sourcebook. I think that this format is very useful, also for the people who are not familiar with the type of analysis and the importance of the Sourcebook. I wanted to add something to what Chris Lewis was just saying about victimization surveys. I happen to be working now on a chapter for an encyclopaedia on the challenges and political challenges in measuring victimization and comparing across countries. And so that gave me the opportunity to revisit the International Crime Victim Survey (ICVS). That is something that some people may not know it existed, but it was such an important source of information. So, I would really like to encourage Chris to advance in the expansion of this Chapter 6 and perhaps also to focus on other regions. I think especially in Latin America. There is also some advancement in terms of creating surveys in member states. It would be interesting to establish some type of consultation, especially a methodological consultation, for making sure that they can have a focus on comparability while remaining in their own methodological streams and knowledge. Thank you very much for this opportunity.

*Marcelo Aebi:* Here is a comment by Kirstein, from the forum: "Thank you for the interesting presentation. Just one comment on the issue of whether EU nationals should be considered as foreign inmates in EU countries. Foreigners are very strongly arguing in favour of keeping them recognised as foreigners also within the EU. They have special requirements, not only on the language issue or distance to the family, but also on issues like reintegration".



Thank you for the comment, Kirstein. We are not proposing to change that. It was just a general comment.

And here is a question from Daniel Fink: "I am speaking here as an academic in Switzerland, University of Lucerne. Switzerland lacks behind in many fields of crime and criminal justice statistics. And I wonder what is being done, on a ministerial level, to promote data collection and statistical analysis of data".

Thank you, Daniel. As you know, I am part of the group of experts that gives advice to the Swiss Federal Office of Statistics on the topic of crime statistics; therefore, my answer is perhaps not completely objective. First, I do not think that the situation in Switzerland is different from that of other Federal countries. The fact that police statistics are based on the legal definitions of the criminal code, instead of on police operational definitions, is certainly a limitation, but that was a decision taken in the 2000s, when you were in charge of these statistics. The Office is producing a series of very good publications, for example on recidivism and on domestic violence. Of course, once more I am perhaps not completely objective because some of these publications are produced by former graduates of our master in criminology at the University of Lausanne. But, in my opinion, they are really top-quality publications. Apart from that, there are limitations that are due to the federal structure of the country. Something similar happens in Germany, for example. Currently, Germany is not producing federal probation statistics. And that is really a major drawback, because our analysis of the data collected through the SPACE two [SPACE II] project combined with data from the European Sourcebook suggests that, in many countries, probation is contributing to the widening of the criminal justice system. It is being used as a supplementary sanction instead of an alternative. And this can be corrected, but for that you need the data to show you that the phenomenon is taking place. You need the data to produce an evidence-based criminal policy.

*Ilina Taneva:* Here is a question from Enrico Bisogno: “Many thanks, Stefano. A lot of food for thought. You highlighted the importance of the reference system to understand data. What is your view on the international classification of crime for statistical purposes to understand crime and criminal justice data? Many thanks”.

*Stefano Caneppele:* Thank you for the question. I think it is good to have a system of reference, which can be used as a common platform for establishing crime trends, as a common basis for detecting trends. The challenge here is that, as soon as we try to cover a worldwide dimension, we find more complexity to deal with. And so, the challenge is even higher. Well, you know better, Enrico, because you will make a presentation on the ICCS this afternoon, but the challenge is even higher when you have to deal, on one end, with countries which have already their system established, their definitions and their rules and, on the other end, with countries that are in transition, which are also more open to incorporate the international standards.

So, the big challenge that we also have for the Sourcebook, is that sometimes we cannot have data that matches our definition. We try to standardise the definition of offences considering different dimensions and variables, but it is not always easy to get country data that perfectly fit to our definition. As a consequence, we have to put many footnotes to the tables, which make them difficult to read sometimes. In general, the more you try to enlarge the focus of your comparability, the bigger the challenge.

So, on the one hand, it is very good to have the ICCS because it is part of the effort to try to put an added value to statistical data, and to help countries when building a national system of crime statistics. On the other hand, mainly at the beginning, the goal can be to highlight not so many offences, but to make a comparison with a limited set of offences that could be useful for international comparability in terms of trends. We see that for Europe it is very difficult to get feedback from all the countries. It is even more difficult, I guess, to get answers at the worldwide level; but it is meaningful to do it.

And there is another point. Diversity is also important, in the sense that if there could be different definitions, different standard definitions that could be used, that is very interesting also in terms of scientific research. It is interesting in the sense that we can also compare, and we can make some cross analysis in terms of the evolution of crime trends from one set of definitions to the other. I do not know if Marcelo wants to rejoin or add something.

*Marcelo Aebi:* No, I agree with what you've said.

We still have a couple of minutes for more questions, and here is one by Sara Van Malderen: "I agree with you that data from prison brings attention to the needs of specific and possibly vulnerable groups in prison, with reference to language barriers, integration and the prison regime, and its treatment services and reintegration. These are important issues for prison administration staff, management, and policy-makers".

Thank you, Sara, I fully understand. Unfortunately, in the public debate, sometimes these figures are used to stigmatise foreigners. My main point was that, most of the time, the image of the foreigner that is presented by the press does not coincide with reality. The percentage of EU inmates among foreign inmates is seldom mentioned, and we have seen that it is quite high in some countries. Hence, people get a wrong idea of the profile of the foreigners imprisoned. Here you have a classic situation in which the practitioners see some problems, while the general public see others.

I also think it is important to remind what Professor Caneppele said before, about putting the data in context. A single percentage can lead to several interpretations, but a percentage cannot be understood outside its context. There are so many factors that influence the percentage of foreigners in prison! Biological sex, age, resident status, immigration laws of the country, and so on and so forth. Even geography plays a role: For example, Switzerland is at the crossroads of Europe and therefore is constantly traversed by people going from South to North, or from East to West, and vice-versa. The Nordic countries are much more difficult to reach. Southern countries, on the contrary, are on

the frontline of immigration arriving through the Mediterranean Sea. The geographical position of a country has, of course, a direct influence on the number of foreigners passing through that country (I am not talking here about immigrants already established in the country), which in turn can have an influence on the percentage of foreign inmates.

At the same time, data on the number of foreign inmates is also useful for the Council of Europe when producing the recommendations of the Committee of Ministers on prisons. And these Recommendations have been extremely influential in many countries. There is a compendium of them that is available online.

## Session 2: Validity, reliability and comparability of criminal justice data

*Stefan Harrendorf*: So therefore, welcome back for the second session of today, addressing the validity, reliability and comparability of criminal justice data. My name is Stefan Harrendorf. I will moderate this session and also have the first talk this afternoon about prospects, problems and pitfalls in comparative analyses of criminal justice data. After that, there will be a presentation by Marcelo Aebi and Antonia Linde on a case study on Spain regarding the influence of statistical and legal factors on international comparisons. And then a presentation by Jörg-Martin Jehle on the prosecution stage, one by Enrico Bisogno on the International Classification of Crimes for Statistical Purposes,<sup>3</sup> and one presentation by Anne Clemenceau and Arsela Sturc on the Eurostat crime statistics.<sup>4</sup> And after that, we will go into the coffee break and in the end, we will have some time for questions and answers since this is a really long schedule with only brief time for it. I will just immediately start with my own presentation now and I will try and share my screen.

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<sup>3</sup> United Nations Office on Drugs and Crime (UNODC) (2015): International Classification of Crimes for Statistical Purposes. Vienna: UNODC.

<sup>4</sup> See <https://ec.europa.eu/eurostat/web/crime/data/database>.

## *Prospects, problems and pitfalls in comparative analyses of criminal justice data*

*Stefan Harrendorf (University of Greifswald, Germany)<sup>5</sup>*

So, I will talk about prospects, problems and pitfalls in comparative analyses of criminal justice data.<sup>6</sup> I am discussing what can or should be done and what cannot or should not be done with criminal justice data collections. In my introduction, I will firstly just refer to Hanns von Hofer's somewhat old, but still valid quotation, that crime statistics are a construct that is very sensitive to the rules applied in the process of construction,<sup>7</sup> therefore differently from, for example, health data on some illnesses or something like that. The data is not that precise, it depends on different definitional aspects and on different rules that are applied when building the concepts of the crimes that are to be compared. For example, of course, apples are not oranges, as you all know, but also theft is not Diebstahl, which is the German word for it, it is not vol, is not кража, is not hurto; each country has a different concept of theft. And you cannot just simply take the figures from the national statistics and compare them with each other, because then you would compare apples with oranges without really knowing it. Perhaps you think both are oranges, but this is not true. So this is a problem indeed. So I will now, after this brief introduction, give some additional input on the problems of international comparison and then I will show you some results on the data availability and conformity with definitions in the European Sourcebook. Then I will discuss the use of variation coefficients as a means to validate our data and in the end I will show some additional influences on comparability. And finally, I will come to conclusions and present a list of do's and don'ts of international comparisons.

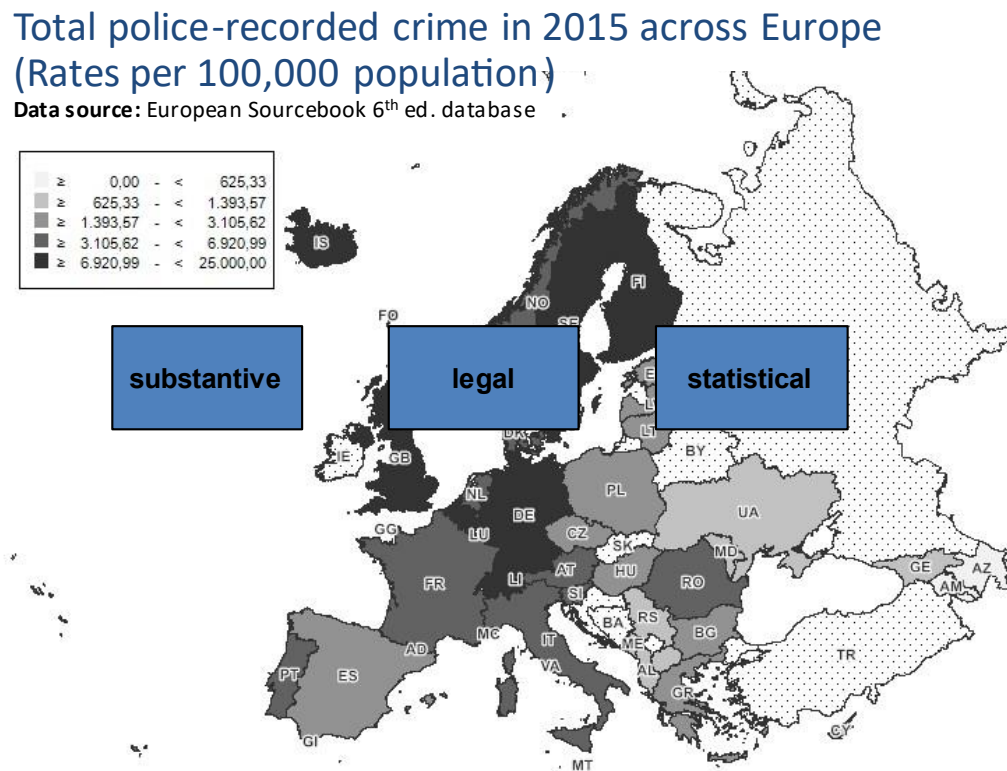
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<sup>5</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-stefan-harrendorf-prospects-problems-pitfalls/1680a1e437>

<sup>6</sup> On the same topic, also see Harrendorf, S. (2018): "Prospects, Problems, and Pitfalls in Comparative Analyses of Criminal Justice Data." In: Crime and Justice: A Review of Research 47, pp. 159-207.

<sup>7</sup> Von Hofer, H. (2000): "Crime Statistics as Constructs. The Case of Swedish Rape Statistics." European Journal on Criminal Policy and Research 8(1):77-89.

Figure 1: Total police-recorded crime in 2015 across Europe (Rates per 100,000 population)



First of all, problems of international comparison. As you can see here (in figure 1), this is the total of police recorded crime in 2015 across Europe as rates per 100,000 population. And the darker a country is coloured in this figure, the higher the total crime rate is and the lighter it is coloured, the lower it is. But as you all can imagine, this is not a security measure, and it is also not a measure for the “true” total of crime (including the dark figure), the reality of criminality in a given country. Of course, you cannot say that Sweden or Finland are really dangerous countries because they have so high crime levels, because obviously the crime figures, which are police-record crimes, depend on certain different factors that influence this outcome. And it is not so easy to interpret these data. For example, we have *substantive* influences on these rates that are presented here, first of all, of course, also the real crime rate, including the dark figure, but also other influences like reporting rates, so how often go

victims to the police to report a crime, how active is the police itself by detecting crimes, et cetera, then *legal* issues like how broad is the concept of criminal law in a different country, are there some crimes that are decriminalised in the country and that are only seen as administrative offences, for example; or do we have a very broad concept of crime that even includes speeding or parking offences or whatever; and finally, also *statistical* counting rules. To give one example: if you have one offender who committed 10 robberies or 10 burglaries across a period of time, is this counted as one offence or is it counted as 10 offences; and for which year is it recorded: for the year in which the crime was solved or for the year in which the crime was committed, etc.? All these things and many others influence how the data are recorded and presented and, of course, also have an influence on the level of officially recorded crime in a given country.

So therefore, international comparison is a really complex task and still I am convinced that it is a useful task. But you need to know something about this in advance in order to be able to make meaningful comparisons. And I have already shown you this standard definition (table 1) this morning, so therefore I will not explain it in detail once more. But I just want to remind you once again that we use this concept of standard definitions in order to come to a more standardised answer of the countries. They need to adapt their national data to our standard definitions in order to overcome to a certain degree the legal differences that can be observed.



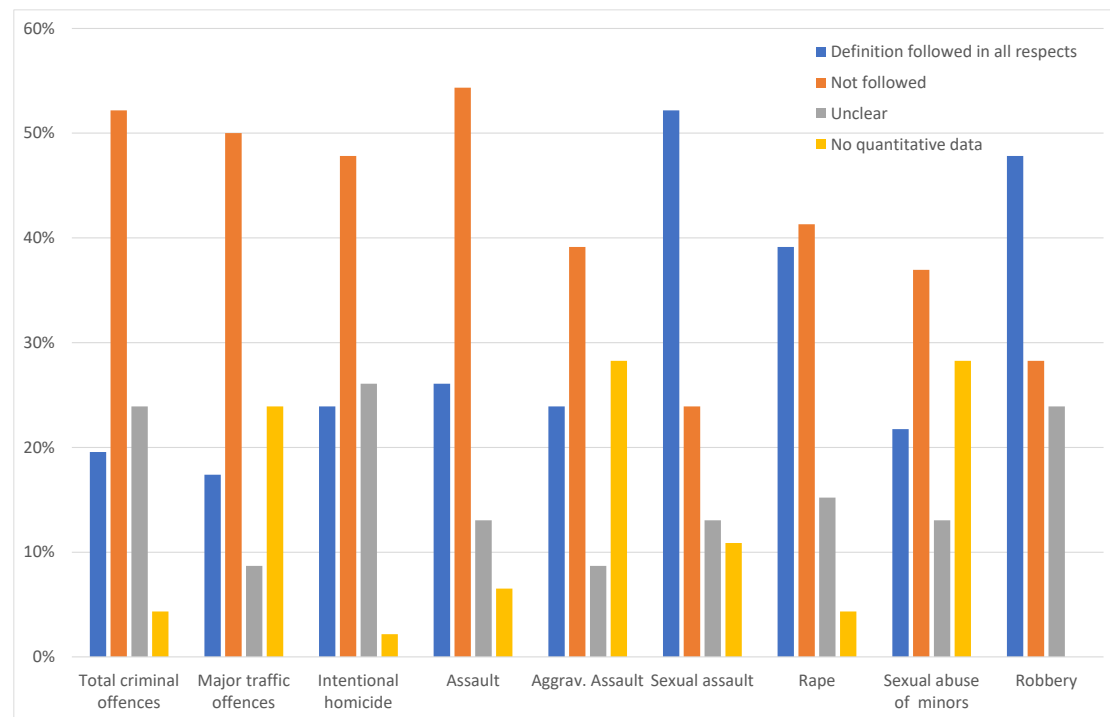
Table 1: Standard definition for intentional homicide<sup>8</sup>

A.3.1 Intentional homicide <sup>9</sup>					ICCS
Standard definition: intentional killing of a person					0101
	Indicate if <u>included in or</u> <u>excluded from:</u>				0102
	police		conviction		0105
	incl.	excl.	incl.	excl.	
<b>Include</b> the following:					
• assault leading to death					0101
• euthanasia					0105
• infanticide					0101
• attempts					0102
<b>Exclude</b> the following:					
• assistance with suicide					0104
• abortion					0106
• negligent killing (A.2 if traffic related)					01032
• war crimes, genocide, crimes against humanity					110131, 11014, 11015

<sup>8</sup> Taken from the questionnaire for the sixth edition of the European Sourcebook of Crime and Criminal Justice Statistics.

<sup>9</sup> Differently from Anglo-American concepts and the International Classification of Crimes for Statistical Purposes, "homicide" here means both completed and attempted cases.

Figure 2: Data availability and overall conformity on police level for ESB offences (part 1)

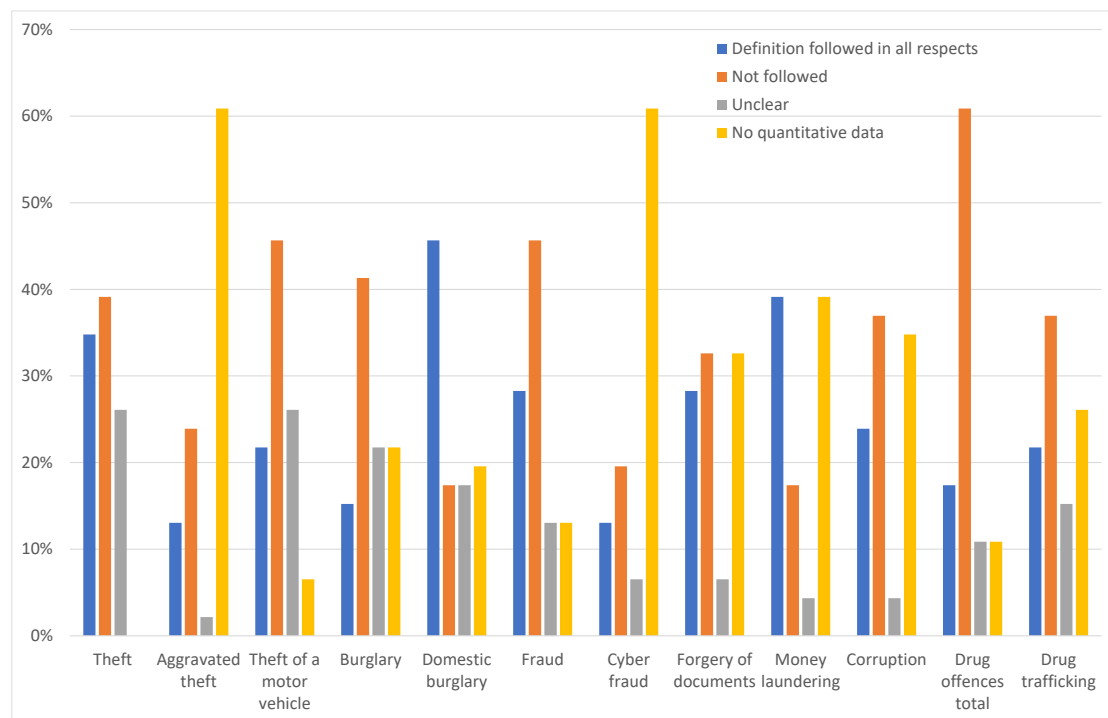


And now, here (figure 2) you see some information for the police level, on data availability and overall conformity with the definitions. You see here results for the different offences, from total criminal offences, major traffic offences, intentional homicide, assault, aggravated assault, sexual assault, rape, and sexual abuse of minors to robbery from left to right. And you always see how many of the countries were able to follow the standard definition in all respects, that means, followed all the include and exclude rules of the respective standard definition (see table 1 for an example), and how high is the percentage of countries that were not able to follow this standard definition completely – -this is the second, orange column that can be seen here. And then in gray, there are always some countries who have some ambiguities in their replies or do not give complete replies, and then we do not know whether the definition was completely followed or not. And finally, we also have some countries that are not able to provide quantitative data, for example, because

the statistics in the given country do not provide the breakdown for the given offence.

You can see that a quite high comparability, or at least conformity regarding the definition, can be achieved for sexual assault, for rape and robbery, where a large number of countries were able to fully follow the definition. And while for intentional homicide not so many countries were able to follow the definition completely, we know from other results, from other studies that intentional homicide can still be compared very well across Europe and even across the world due to the fact that the differences that occur here are not so relevant for statistical comparison.

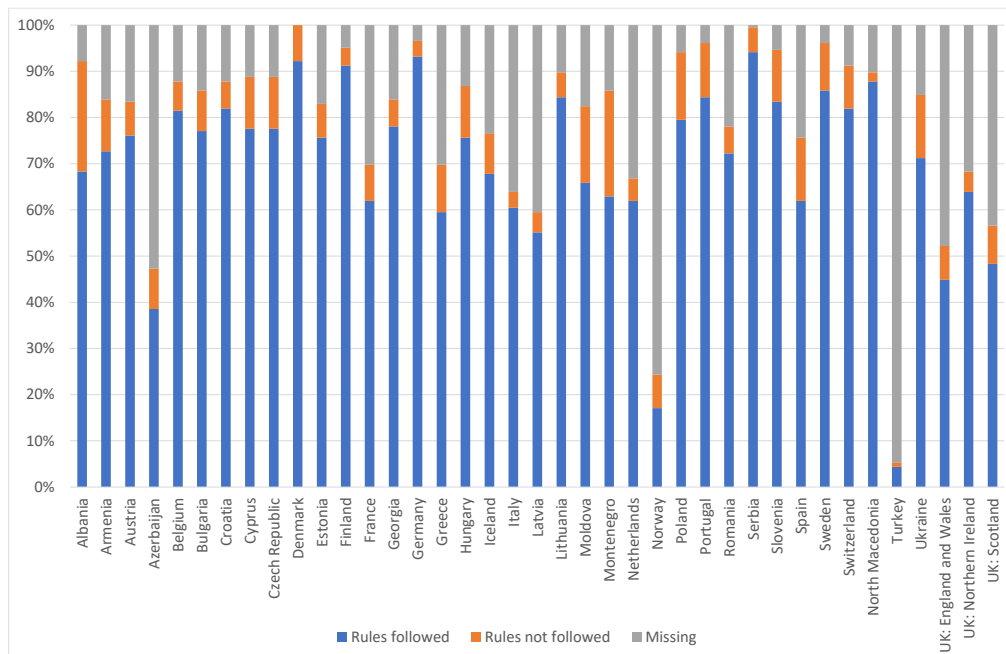
Figure 3: Data availability and overall conformity on police level for ESB offences (part 2)



And then you have here another slide (figure 3), which shows another group of offences from theft to drug trafficking, and you see once again that they are very different results here: they are some offences once again with a quite high conformity across Europe, where many countries were able to follow the

standard definition in all respects – for example, domestic burglary on police level. The result for this offence is very different on conviction level because this is not always a legal concept in the different countries. A high conformity can also be found for money laundering, an offence, which has been standardised across Europe somewhat. Among the newly introduced offences, quite good conformity was achieved for forgery of documents, but the data availability is not so good. Larger problems seem to exist with regard to the other two new offences of aggravated theft and cyber fraud, because, first of all, they have the highest number of non-available data across all of the offences. So about more than 60% of countries were not able to provide data on these new offences. And secondly, also, a large majority of countries was not able to follow the standard definitions for these offences in all respects. So therefore, this is indeed a reason to have a closer look at these offences in order to decide what to do with them in the next edition or next editions.

Figure 4: Item conformity on police level for ESB offences

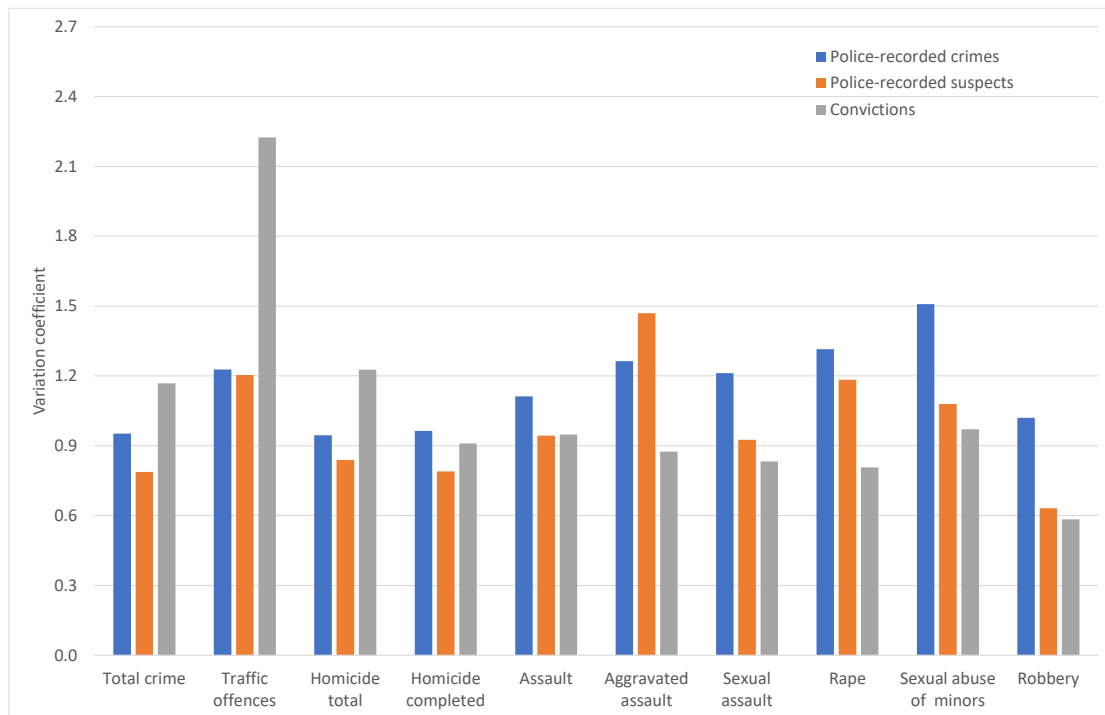


OK, and finally, of course, we can also have a look at the general item conformity, this means what I did here is to check for all the include and exclude rules of all standard definitions how many of the rules were followed by a given country and how many rules were not followed. In blue there is the percentage of rules followed. If a rule was, for example, to include a certain item like, for example, assault leading to death, and the country did that, then they followed the rule, but also if the rule was to exclude assistance to suicide, for example, and the country did that as required, it was also counted as a rule followed. Well, of course, if it was the other way round, so a rule for a certain item was to include it in the data, but it was excluded for the country, the rule was not followed and *missing* means there was no quantitative data reported for the offence the rule refers to, or that the question was not answered, it was not said whether the item was included or excluded. And as you can see here, the item conformity differs largely between countries. Yet, the majority of countries followed the majority of rules. That is really good, first of all. Second, there is quite a difference in the extent to which these rules were followed. And of course, this due to the legal differences between the countries and also to the

statistical differences: it is not always possible to adapt to a certain definition. But this is, of course, also very valuable information for us.

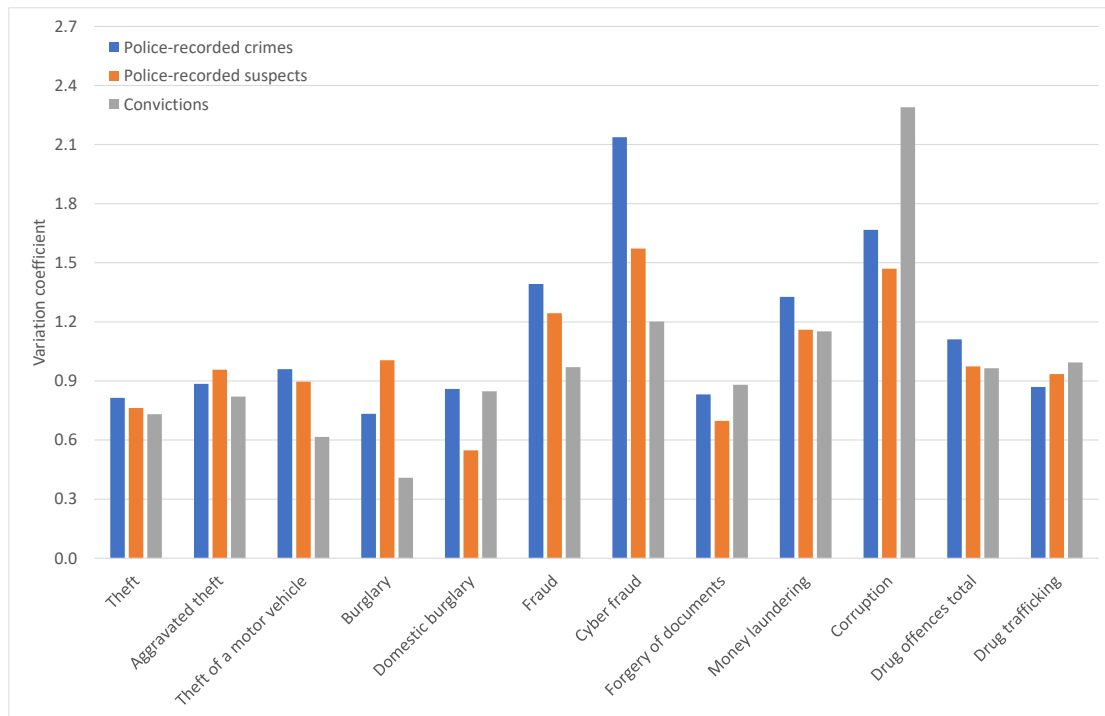
So now I will take a look at another issue, which is *variation coefficients*; what is the variation coefficient? Actually, I suppose you will all know what a *standard deviation* and what a *mean* is. Now, the problem with means and standard deviations always is that the standard deviation can only be interpreted in relation to a certain mean and with crimes, of course, the level of total crime is much higher than the level of homicide, etc., so you cannot easily compare the standard deviation for crime data reported on homicide with the standard deviation for crime data reported on traffic offences, for example, because the orders of magnitude about which we are talking here are very different. And a way to standardise this is to look at the *relative standard deviation*: the standard deviation divided by the mean. So, this is actually a kind of percentage, and this percentage or ratio is also called a *variation coefficient*.

Figure 5: Variation coefficients for ESB offences (part 1)



And here (figures 5 and 6) you can see that in general, the variation coefficients for the different crimes and for all the levels that have been taken into account here (i.e., police recorded crimes, police recorded suspects and convictions) are really high, often around one, which means that, well, the standard deviation is almost as big as the mean, which means actually that the mean does not represent the individual countries results, but it shows that there is a large variation in crime data even across Europe. But what is the added value of this view here? You can now see that for some offences the variation coefficients are even higher than for other offences. And this could be a proxy or could be a sign for problems with the definition or problems with comparability of that offence across Europe.

Figure 6: Variation coefficients for ESB offences (part 2)

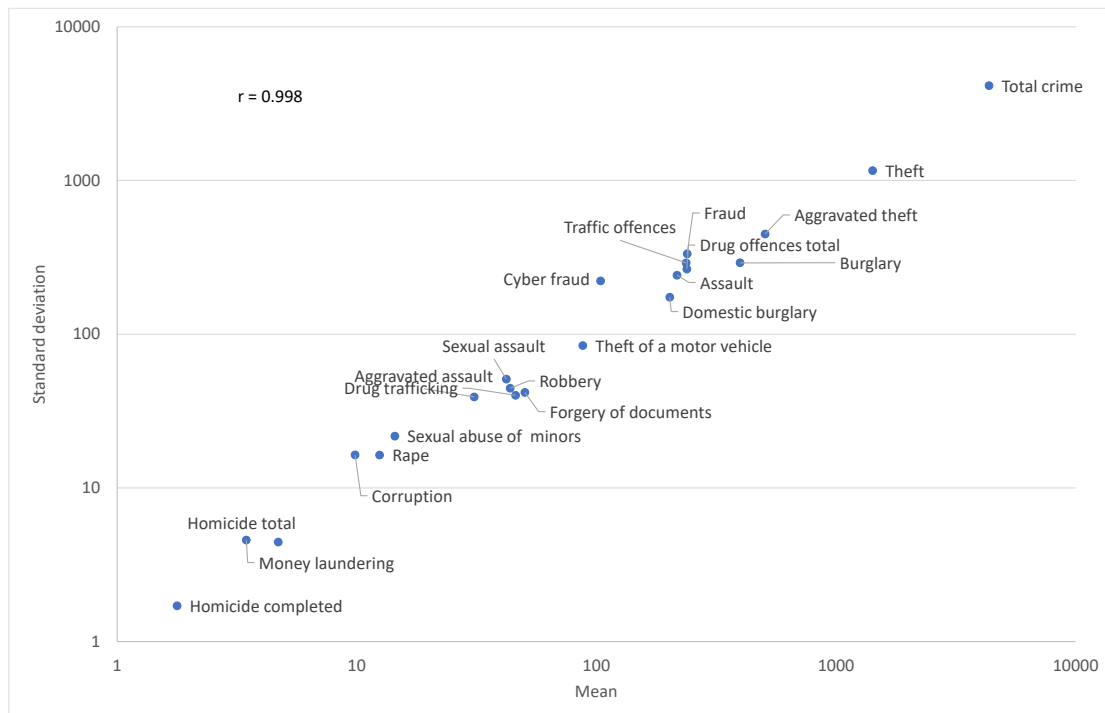


You can see, for example, for cyber fraud (figure 6) very high variation coefficients, especially on police level. The same is true for corruption, especially on convictions level. And this could be a sign for problems with the definition or problems with the data for these offences. And this can also be verified if you take a look at this (figure 7), because what I have found out already almost 10 years ago,<sup>10</sup> is that there is usually a stable relationship between the standard deviation and the mean for different offences in Europe or even worldwide.

Figure 7: Relation between mean and standard deviation for police-recorded offences (ESB, log scales)

<sup>10</sup> See Harrendorf, S. (2012): "Offence Definitions in the European Sourcebook of Crime and Criminal Justice Statistics and Their Influence on Data Quality and Comparability." In: European Journal on Criminal Policy and Research 18, pp. 23 - 53.





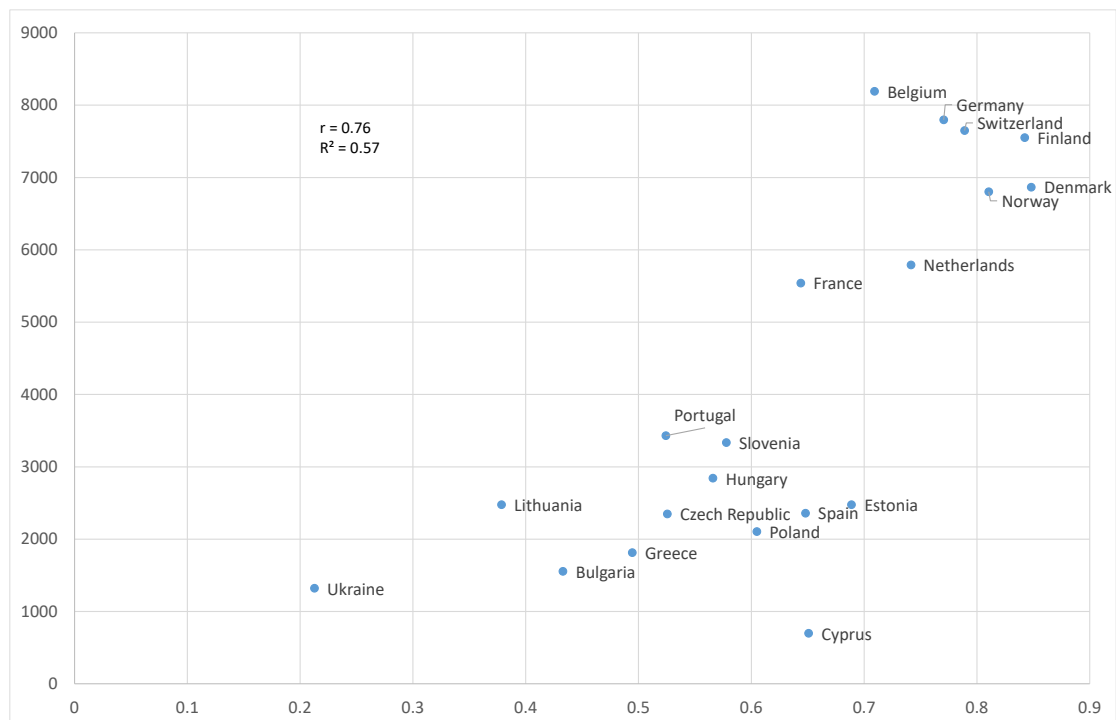
If you look at the relation between standard deviation and mean, it is almost identical for most offences. So therefore, if you look here for outliers, you would expect that also these outliers should be in line with the others. And if they are not, this might show or might hint at a problem with a definition. So, this is a nice and useful tool to identify data problems and problems with certain offence definitions, which has also been successfully used for identifying problems with the data before.

OK, finally, the last part before I come to my conclusions. Other important influences on comparability have also got to be taken into account here; also, I will restrict myself on the thing that I think is most important, which is if that you shouldn't simply compare levels of crime across the world and say this reflects the extent of crime problems in different countries. I said that already, I showed you the map of Europe before. But there is something you can say, and that is very interesting, I think: there is a relationship, a very strong, positive correlation between the quality of criminal justice work, so the criminal justice performance, and the amount of police recorded crimes in a

given country. That means the higher the criminal justice performance, the higher also the rate of police recorded crimes per 100,000 population. How can this be explained?

Obviously, first of all, what is this index that I built? The index was built based on the European Social Survey 2010, where there were questions on justice asked, and that means questions on trust in the police and trust in the courts, and other questions like “Do the police take bribes?”; “Do judges take bribes?”, etc.? And based on the answers on these subjective questions where the respondents judged about their own criminal justice system, I built this index with a range from 0.0 (which means a very bad performance) to 1.0 (which is a very good performance).

Figure 8: Police-recorded crimes per 100,000 population 2015 and Criminal Justice Performance Index ESS 2010



And as you can see here (Figure 8), there is a very strong correlation with police recorded crimes and very interesting, on the other hand, we find a strong negative correlation with the rate of completed homicides in a given country – that means the better the criminal justice performance, the lower the rate of completed homicides. And third, there is also a strong negative correlation with imprisonment rates. So, the lower the imprisonment rate, the higher the criminal justice performance index. And this is also something that I identified quite a time ago.<sup>11</sup> But this was updated now with these data from the European Social Survey. And it has once again turned out that is still proving as true.

<sup>11</sup> See, for example, Harrendorf, S. (2017): “Justizieller Umgang mit kriminellen Verhalten im internationalen Vergleich: Was kann ‘Comparative Criminal Justice’ leisten?” In: *Rechtswissenschaft* 8, pp. 113–152; Harrendorf, S. (2018): “Prospects, Problems, and Pitfalls in Comparative Analyses of Criminal Justice Data.” In: *Crime and Justice: A Review of Research* 47, pp. 159–207.

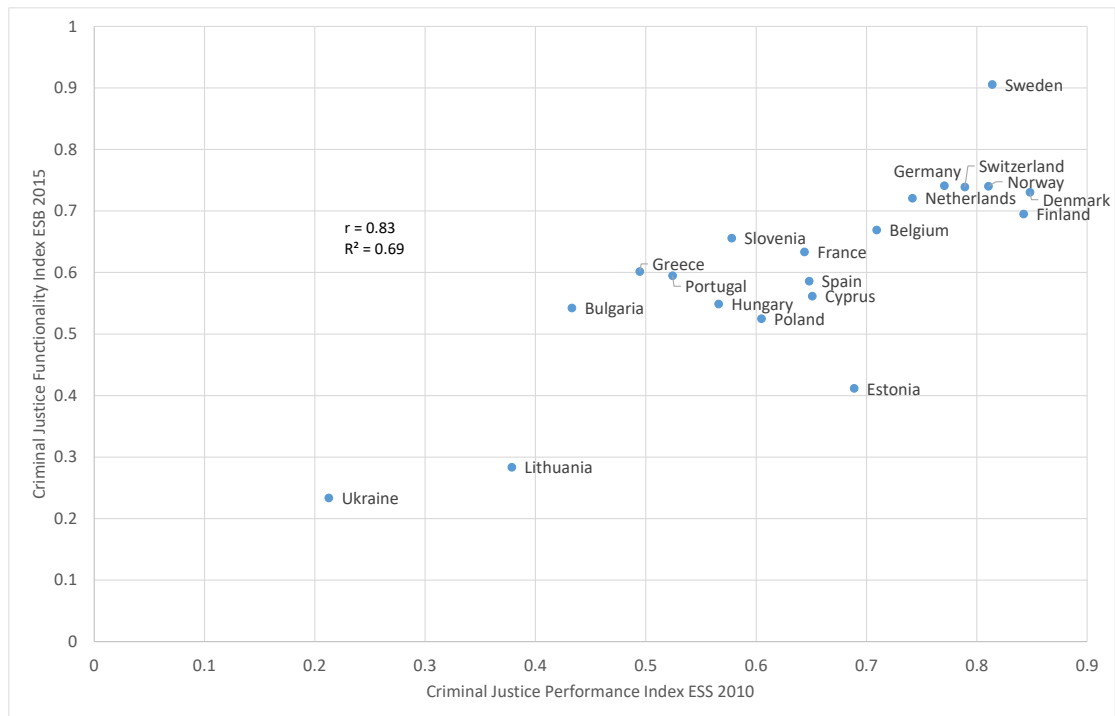


Figure 9: Criminal Justice Functionality Index ESB 2015 and Criminal Justice Performance Index ESS 2010

Finally, I also built an index from those three indicators from the Sourcebook (figure 9). So, from total crime, ranked from lowest to highest and homicide completed from highest to lowest and total persons in prison from highest to lowest, and also calculated an index for the year 2015 from that which I called the *Criminal Justice Functionality Index*. And if you do that, you can see here this really strong correlation between the subjective factors, so the subjective evaluation of criminal justice performance from the European Social Survey, and these three key indicators from the Sourcebook; and this shows that actually a high level of completed homicide, a high level of imprisonment and a low level of police recorded total crime are an indicator for a somewhat dysfunctional criminal justice system, which still has to deal with certain problems and perhaps might need some improvement here or there.

So this is the final slide before I come to my conclusions. I know I am already a bit late now, but it is almost done. So now my dos and don'ts of international comparative comparison:<sup>12</sup>

1. Do not use comparative crime and criminal justice data if the research question can be answered by relying on data from international victim or offender surveys. International comparability for these surveys is better.
2. Do not use comparative crime and criminal justice data to investigate the true incidence of crime in different countries; international victim or offender surveys are better for this. However, as an exception, it may be feasible to compare levels and trends for completed homicide in different countries and use them as indicators.
3. Comparisons of rates for crime and criminal justice variables between countries should be made extremely cautiously. This does not rule them out, but the interpretation of differences found may be complex.
4. Crime rates are based on the work of actors involved in the criminal justice process and are necessarily influenced by the quality and efficiency of their work. Some rates, like the total of criminal offenses, can be seen as a proxy for qualitative police performance.
5. Trend comparisons are more reliable than rate comparisons, as the influence of legal and statistical factors is reduced. They should be preferred.
6. Comparability can be improved by controlling for the influence of distorting factors by using indicators calculated as ratios of two different variables.
7. Country clustering is a difficult task, since data variations between countries are huge. Mean crime rates for the world or even for Europe cannot credibly be

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<sup>12</sup> Already almost identically (yet with one additional rule) published in Harrendorf, S. (2018): "Prospects, Problems, and Pitfalls in Comparative Analyses of Criminal Justice Data." In: *Crime and Justice: A Review of Research* 47, pp. 159–207, at 200-202.

calculated. Country clusters are potentially feasible only for countries for which data are highly similar.

8. The best way to obtain comparable data for different countries is to conduct a multi-country study using an identical methodology, e.g. by relying on case files of the courts or prosecution services.

9. If you have to rely on secondary analysis of statistical data instead, never use national data unmodified in comparative projects. Use data from international surveys.

10. Choose the survey that best provides the variables you need and that fits the regional scope of your study.

11. For European studies, the European Sourcebook is preferable to using Eurostat or UN Survey data because it much more fully documents differences in offense definitions and recording practices and has a better validation process.

12. If data look strange, do not trust them! Look critically at data before using them and check for internal consistency, inexplicable increases or decreases in trends, and differing values for the same or comparable variables from other surveys.

13. Try to correct wrong or problematic data by replacing them with data for an (almost) identical variable from another international survey.

14. Remember in comparing offence-related cross-national data that data for some offences is much more reliable and comparable than for others.

15. When drawing from the European Sourcebook, data for theft, robbery, sexual assault, rape, and homicide, and at the police level also for domestic burglary, are relatively comparable.

And now, sorry for being a bit late. I am done with my presentation. Thank you for your attention. We will have the discussion at the end. You can,

of course, already take down some questions for yourself in order not to forget them. But otherwise I will now give the floor to the next presentation.

## *How to adapt data from national statistics for international comparisons of crime and criminal justice statistics: A case study*

*Marcelo Aebi (University of Lausanne, Switzerland) and Antonia Linde (Universitat Oberta de Catalunya, Spain)*<sup>13</sup>

It has been mentioned earlier in this conference that, in order to improve the comparability of the data collected, the European Sourcebook group has developed a standard definition of each offence for which data are required in the Sourcebook questionnaire; and the group asks national correspondents to adapt as much as possible the data available in their national statistics to that standard definition. That is why the national correspondents play a key role in the European Sourcebook project. The goal of this presentation is precisely to illustrate the work performed by the national correspondents to adapt the data from their criminal justice statistics to those required by the Sourcebook.

Upon reception of the Sourcebook questionnaire, each national correspondent is confronted to a series of challenges regarding every offence included in it: Which is the appropriate translation of that offence to my language? Is there a similar offence in my criminal code? These two questions may look similar but they are not. You can find an appropriate translation to your language, but that does not mean that the offence has a direct equivalent in your criminal code. For example, is easy to translate the expression “murder in the first degree” to any romance language, but the classification of murders in first, second and third degree does not exist in the European countries that use these languages. And there are still other issues to solve: Can I provide the data as published in my national statistics or do I need to adapt it but adding or subtracting some categories? And the answer to this question often varies depending on whether we are collecting data from conviction statistics or from police statistics, because the latter are often based not on the legal definitions of the offences, but in the operational definitions of them developed by police

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<sup>13</sup> Additional material: the author’s visual presentation is available here: <https://rm.coe.int/presentation-marcelo-aebi-et-antonia-linde-2021-coe-case-study-influen/1680a1e452>



forces. Theft by means of domestic burglary, for example, is a typical operational category used by police forces, but is usually not foreseen as such in most criminal codes.

In this presentation, we take Spain as a case study and we focus on the intersection between violent and property offences, namely on robbery and different types of theft. In terms of the external validity of our analysis (that is to say in terms of the possibility of generalizing what we are saying to other countries), it is worth mentioning since the beginning that it can have two applications: First, what we will say about the place of robbery in the classification of offences is valid every time one compares a common law country (in which robbery is a violent offence) to a civil law country (in which robbery is defined as theft with violence and is therefore a property offence). Second, the classification of thefts used in the Spanish criminal code is the same as that of many Latin American codes (for example, Argentina, Chili, Ecuador, Costa Rica and Peru), which means that most of our analysis can be extrapolated to these countries, too. Let us start with robbery.

#### *Robbery*<sup>14</sup>

The Sourcebook defines robbery as “stealing from a person with force or threat of force”. The translation of this definition into Spanish is not straightforward. First of all because, in English, both the verb *steal* and the noun *theft* refer to the same action: depriving a person of her property; independently of whether there is force or not. On the contrary, the Spanish legal language has two basic, specific and opposite terms: one for cases in which there was force, violence or intimidation (*robo*) and another for those in which there was not (*hurto*). Second, because in Spanish *force* and *violence* are not synonyms. Let’s see that in detail. In English, the legal definition of *force* (according to the Merriam-Webster’s Law Dictionary) corresponds to “violence, compulsion, or constraint exerted upon or against a person or thing”. That is why in English

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<sup>14</sup> We have added subtitles to simplify the reading.

one could use as synonyms “the use of force or threat of force” and “the use of violence or threat of violence” in the definition of robbery. On the contrary, the Spanish legal language introduces a distinction between force and violence. Researchers cannot use the literal equivalent of the word violence (that is to say *violencia*) when referring to a thing, nor the literal equivalent of the word force (*fuerza*) when referring to a person. In these cases, the literal translations are simply wrong. In the Spanish legal system, there is a distinction between “theft with violence or intimidation on persons” (*robo con violencia o intimidación en las personas*) and “theft with force on things” (*robo con fuerza en las cosas*). The former is the equivalent of *robbery*, and although it may be seen as a periphrasis (in the sense that it uses multiple words instead of a single one) it appears to us as an appropriate expression for two reasons. Principally, because it emphasizes the place of the offence amid property offences; but also, because it perfectly complements with “theft with force on things”, which is often wrongly translated as *burglary* (for example, in the translation of the Spanish Criminal Code made by the Spanish Ministry of Justice<sup>15</sup>), as we will see immediately in our analysis of the different kinds of theft.

### *Theft*

The Sourcebook defines *theft* as “depriving a person or organisation of property with the intent to keep it”. In the classification of the Sourcebook, *theft* is an overarching category that corresponds to taking personal property from someone independently of whether or not force was used to access the property; the only cases excluded are those in which violence was used against persons to obtain that property, which, following the common law tradition, are considered as robberies. Consequently, theft cannot be translated as *hurto* because we have just seen that the latter is an offence that excludes the use of any kind of force, violence or intimidation (typical examples are shoplifting

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<sup>15</sup> Available at

[https://www.mjusticia.gob.es/es/AreaTematica/DocumentacionPublicaciones/Documents/Criminal\\_Code\\_2016.pdf](https://www.mjusticia.gob.es/es/AreaTematica/DocumentacionPublicaciones/Documents/Criminal_Code_2016.pdf)

and pickpocketing). In fact, the proper translation of *hurto* would be *larceny-theft* (and not simply *larceny*, as in the translation of the Spanish code that we just mentioned). Larceny-theft is an offence foreseen in the United States FBI's Uniform Crime Reporting Program and refers to stealing when the property "is not taken by force and violence or by fraud"<sup>16</sup>. However, larceny-theft does not exist in the United Kingdom, where there used to be an overarching crime called simply *larceny*, which was abolished in the 1960s and replaced by the specific offences that we are treating in this article, such as robbery, burglary, fraud and different kinds of theft. Interestingly enough, the *International Classification of Crime for Statistical Purposes (ICCS)* of the United Nations Office on Drugs and Crime (UNODC) – which will be discussed in another session of this conference – defines *theft* following the Spanish and Latin American tradition of *hurto*: "Unlawfully taking or obtaining of property with the intent to permanently withhold it from a person or organization without consent and without the use of force, threat of force or violence, coercion or deception". This choice is having consequences on the comparability of the data provided by countries for the *United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems (UN-CTS)*, but we do not have time to analyse that today, so we will do it in a forthcoming article.

Going back now to the definition of *theft* in the Sourcebook – which follows here the common law tradition – a descriptive (and hence a periphrastic) translation to Spanish, but one that has the advantage of following the logic of the Spanish criminal code, would be the equivalent to "larceny-theft and theft with force on things" (that is to say, *hurto y robo con fuerza en las cosas*). A plausible alternative, that we prefer, is to translate theft into Spanish as subtraction (*sustracción*), which is not an offence *per se* (although the word appears in the Spanish Criminal Code in connection with motor vehicle theft),

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<sup>16</sup> <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/larceny-theft>

and define in plain terms what it means, leaving aside the logic of the criminal code, which is relevant for legal experts, but not for criminologists.

Independently of the term chosen to translate *theft*, the empirical consequence of the incomparability of the offence foreseen in the Sourcebook with any specific offence in the Spanish criminal code means that one cannot use the figures published in the Spanish national statistics without adapting them. In particular, the only way to match the Spanish data with the one required by the Sourcebook is to add several legal categories. In conviction statistics, one must add (a) larceny-theft, (b) theft with force against things, and (c) theft of use of motor vehicles. In practice, that computation multiplies by three the number of sentences for larceny-theft (*hurto*) pronounced in 2019. In police statistics – whose operational definitions differ slightly from the legal ones – one must add (a) larceny-theft, (b) theft with force against things, and (c) theft of vehicles with or without the use of force. In practice, that computation increases by 50% the number of larceny-thefts registered by the police in 2019.

#### *Motor vehicle theft*

You have surely observed that we included in the previous computation different categories of *motor vehicle theft*, and that requires an explanation because it is due to a particularity of the Spanish Criminal Code. The latter foresees an offence called *sustracción de vehículos a motor*, which at first glance could be translated literally as *motor vehicle theft*; but that would be a mistake because the definition of the Code corresponds to *joyriding* in English. In particular, the Spanish Criminal Code punishes through that offence (foreseen in its article 244.1) the cases in which there is no intention of appropriation and the vehicle is returned within a maximum period of 48 hours. Only when the vehicle disappears during more than 48 hours does the Code presume the intention to keep it and classifies the act as (a) larceny-theft, as (b) theft with force against things, or as (c) theft with violence or intimidation against persons (that is to say as robbery), depending on the circumstances in which it took

place. That is the reason why the number of motor vehicle thefts in the Spanish judicial statistics is extremely low. In fact, the Spanish legal definition (*joyriding*) differs not only from the one of the Sourcebook (“depriving a person or organisation of a motor vehicle with the intent to keep it or to use it”) but also from the one used in the Spanish police statistics. The latter use an operational definition, which reflects exactly the opposite figures because they only include the vehicles that were actually stolen from their owners. Concretely, the 1,729 convictions that appear in the 2019 Spanish judicial statistics correspond to joyriding, while the 35,105 infractions that appear in the 2019 Spanish police statistics correspond to motor vehicle theft (with or without force, violence or intimidation). However, none of them matches exactly the *extended definition* of the offence provided by the Sourcebook, which includes joyriding, but excludes cases in which there was violence against the occupants of the vehicle, which should be counted as robberies. These limitations of the available data are explained in the comments provided by Spain, which highlights the importance of the metadata collected in the Sourcebook. The latter places motor vehicle theft as one of the aggravated forms of theft together with, among others, theft by means of burglary.

#### *Burglary and domestic burglary*

Actually, the concepts of burglary and domestic burglary deserve particular attention. In contemporary common law, *burglary* consists in unlawfully entering in a building with intent to commit *any crime*, and it is sometimes referred to as *breaking and entering*. This offence has no direct equivalent in civil law systems such as the Spanish one. In everyday speech, however, burglary refers to “the crime of illegally entering a building and *stealing things*”, as defined in the Cambridge Dictionary. Similarly, the Sourcebook – which in its sixth edition has changed the labelling of the offence to *theft by means of burglary* – defines it as “theft from a closed part of a building or other premises after gaining access to it against the owner’s will (*e.g.*, by use of force against an object)”. When there is intention to steal, burglary is

sometimes translated into Spanish as *theft with force against things*, but the correspondence is far from perfect. For example, in common law jurisdictions, burglary can be committed without using force (for example, by remaining in a public building after it is closed to the public); while in civil law jurisdictions such as Spain, theft with force against things does not necessarily imply entering in a building: the offence is committed any time someone forces an object – for example a vending machine, a parking meter, or a car – to steal something. This inclusion has a major impact on the number of registered offences because theft from a car is one of the most common types of theft in Western countries. For that reason, the extended definition of the Sourcebook requires national correspondents to exclude thefts from motor vehicles, vending machines, or parking meters.

In short, burglary has no legal equivalent in the Spanish criminal code and therefore does not appear as such in conviction statistics, which implies that it cannot appear in the chapter of the Sourcebook dedicated to that kind of statistics. Logically, the same is true for its subcategory: domestic burglary. On the contrary, the Spanish police statistics are based on operational definitions and provide data on theft in commercial premises (*robo con fuerza en locales comerciales*) and theft in households (*robo con fuerza en vivienda*); the latter correspond to domestic burglary (“closed private premises” according to the Sourcebook). Hence, in the case of police statistics, we have added these two categories to reach a total for *theft by means of burglary* that we propose to translate as theft with force in a building (*robo en inmueble*).

#### *Putting it all together*

To help understand what we have said until now, Figure 1 provides a (simplified) overview of the classification of the main property offences and robbery according to the common law system, to the European Sourcebook, and to the Spanish Criminal Code. You can see in blue the names of the offences in each of them, and in red the place of robbery. To a great extent, it is because

the classification of offences differs across countries that it is difficult to find exact equivalents when doing comparative research.

In that context, we have seen that the role of the national correspondents is critical to obtain meaningful figures (data) and to explain how such data were collected and should be interpreted (metadata). In particular, they can also provide valid explanations of the trends observed. For example, the extended definition of the Sourcebook specifies that the total number provided for *theft* must include minor thefts, that is to say those of small amount, whose inclusion or exclusion, in practice, can radically modify the total of registered infractions. In that perspective, a key information is that, until the reform of the Spanish Criminal Code in 2015, larceny-thefts up to 400 Euro (which are sanctioned with a fine) were considered as a misdemeanour (*falta*) and therefore not included in the total number of registered crimes. The reform abolished the concept of misdemeanour, replacing it by that of minor offence (*delito leve*), which had a clear impact on these minor forms of crime. In police statistics, the 2015 reform coincides with the interruption of the downward trend in larceny-thefts, which had gone from 73,000 to 57,000 between 2013 and 2015 before increasing slightly to 59,000 in 2019. In conviction statistics, the number of sentences for larceny-theft was multiplied by five from 2014 to 2016. Yes, pessimists will say that this is another example of the inadequacy of official statistics to measure crime. We agree with them, but only partially; and we will show immediately after summarizing our presentation that sometimes official statistics can be extremely useful to measure crime trends.

### Conclusion

In a nutshell, here is what we said today: In common law jurisdictions, if you use force or threat of force against a person to take her property with the intent to keep it, you are committing a *violent* offence called *robbery*. Instead, when there is no violence or intimidation against the owner, the behaviour becomes a *property offence*. On the contrary, in civil law jurisdictions, taking the property of someone else with the intent to keep it is always a *property offence*,

independently of the presence or absence of violence. Consequently, direct comparisons of the overall rate of violent offences –or the overall rate of property offences – across countries from different law systems are misleading *mainly* (but not *only*, of course) because they do not include the same kind of offences.

In addition, in the Spanish Criminal Code –as well as in the codes of several Latin-American countries– violence and force are not synonyms: the concept of *force* is reserved for *things*, while the concept of *violence* is reserved for *persons*. These codes foresee three different kinds of theft: (a) without any kind of force or violence (larceny-theft), (b) with force against things, and (c) with violence or intimidation against persons (robbery). However, they do not have a generic noun that would englobe the three of them. This means that there is no *literal* translation to Spanish of our previous sentence “there are three kinds of theft”; one has to use a periphrasis, like “there are three basic forms of forms of appropriation of another person's property”. This is because, in the Spanish legal language, there is one word for stealing without force (*hurto*) and another for stealing with force (*robo*). *Hurto* has its roots in the Latin *furtum*, which also produced *furto* in Italian, but in Italian one can say *furto con scasso* to refer to theft with force on things, while in Spanish that combination of words does not exist: one simply cannot say *hurto con violencia*. In everyday language, Spanish speakers have solved this issue by using *robo* (which has the same root as *robbery* in English and *raub* in German) for all kinds of thefts. However, comparative criminologists are obliged to find more sophisticated solutions to that lack of equivalence, and that was the main goal of this presentation.

In that perspective, we argue that quite often it is a mistake to try to find, among the offences included in the criminal codes of countries that follow the civil law tradition, the exact synonyms of the offences regularly studied by comparative criminologists, which come from the common law tradition. In particular, we showed that *theft* and *burglary*, as defined in the European



Sourcebook, do not have exact equivalents in the Spanish Criminal Code. Conversely, most of the time it is also a mistake to translate the offences foreseen in that code using the names of offences that already exist in the common law tradition, because usually the definitions are not identical. Concretely, we have seen that the translation of the Spanish Ministry of Justice incorrectly uses *larceny* for the offence called *hurto* (the appropriate translation would be *larceny-theft*), and *burglary* for the offence called *robo con fuerza en las cosas*, whose appropriate translation would be *theft with force against things*. Hence, our proposal is to use periphrastic translations, which by definition require more words, but whose descriptive character provides a more accurate idea of the behaviour criminalized.

This is a constructive critic, and we have the impression that this kind of critic can sometimes help improve national criminal statistics. In 2010, for example, we published in Spain a paper entitled “The mysterious case of the vanishing of Spanish police statistics”<sup>17</sup>. The same year, we published our article “Is there a Crime Drop in Western Europe?”, in which we argued that any analysis of crime trends since the 1990s had to take into account the development of the Internet and its consequences on lifestyles and crime opportunities, and we regretted the lack of reliable indicators of trends in computer related offences, which had surely been increasing while criminologists were discussing a “crime drop”<sup>18</sup>. Luckily, after that, the Spanish Ministry of Interior launched a new statistical series and now it is possible to observe trends in crime according to police statistics since 2011 (of course, we are not suggesting that our articles played a major role in the development of them). In these series, it is particularly impressive to observe the increase of fraud, which is presented in Figure 2, and can be considered a proxy for the increase of cyber-fraud, because currently most frauds take place online. It can

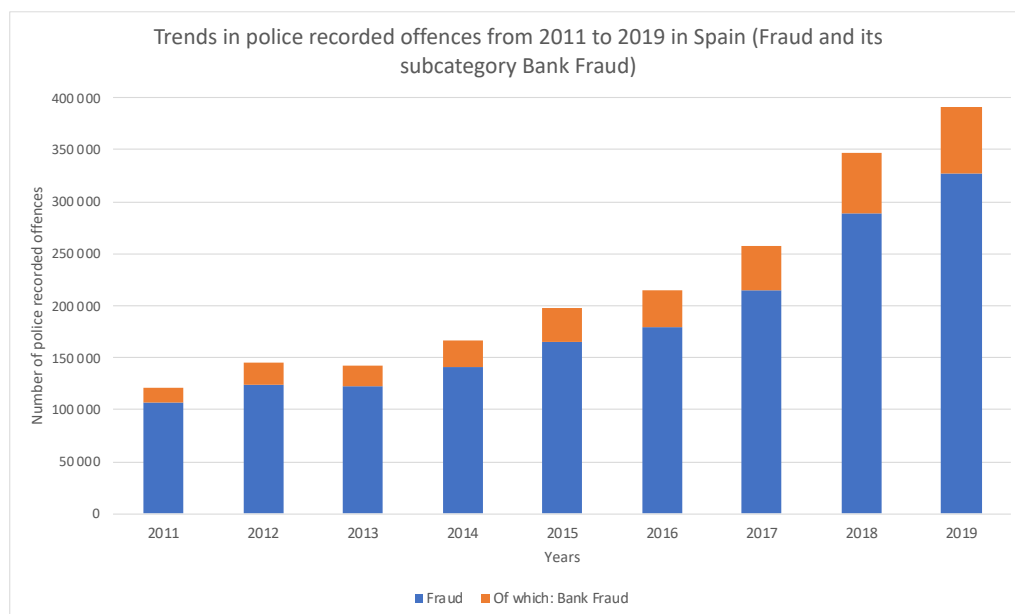
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<sup>17</sup> Aebi M.F. & Linde A. (2010). El misterioso caso de la desaparición de las estadísticas policiales españolas. *Revista Electrónica de Ciencia Penal y Criminología*, 12(07), 1-30. Available online: <http://criminet.ugr.es/recpc/12/recpc12-07.pdf>

<sup>18</sup> Aebi M.F. & Linde A. (2010). Is There a Crime Drop in Western Europe? *European Journal on Criminal Policy and Research*, 16(4): 251-277.

be seen that in 2011, the Spanish police recorded 106 000 fraud offences, while in 2019 that figure had been multiplied by three, reaching 327 000 offences. In particular, the subcategory of bank frauds was multiplied by four, passing from 15 000 to 63 000. Hence, it seems that we were right when we insisted in 2017 on the fact that behind the crime drop there was probably a police-recording flop, and that the rise of online and hybrid crimes (which was not captured in police statistics at the turn of the Century) had contributed to the drop of offline crimes<sup>19</sup>. This is just an example of the kind of analysis that can be conducted across Europe using the Sourcebook data and metadata that we were able to collect after the national correspondents, with the support of the regional coordinators, overcame the challenges that we discussed today.

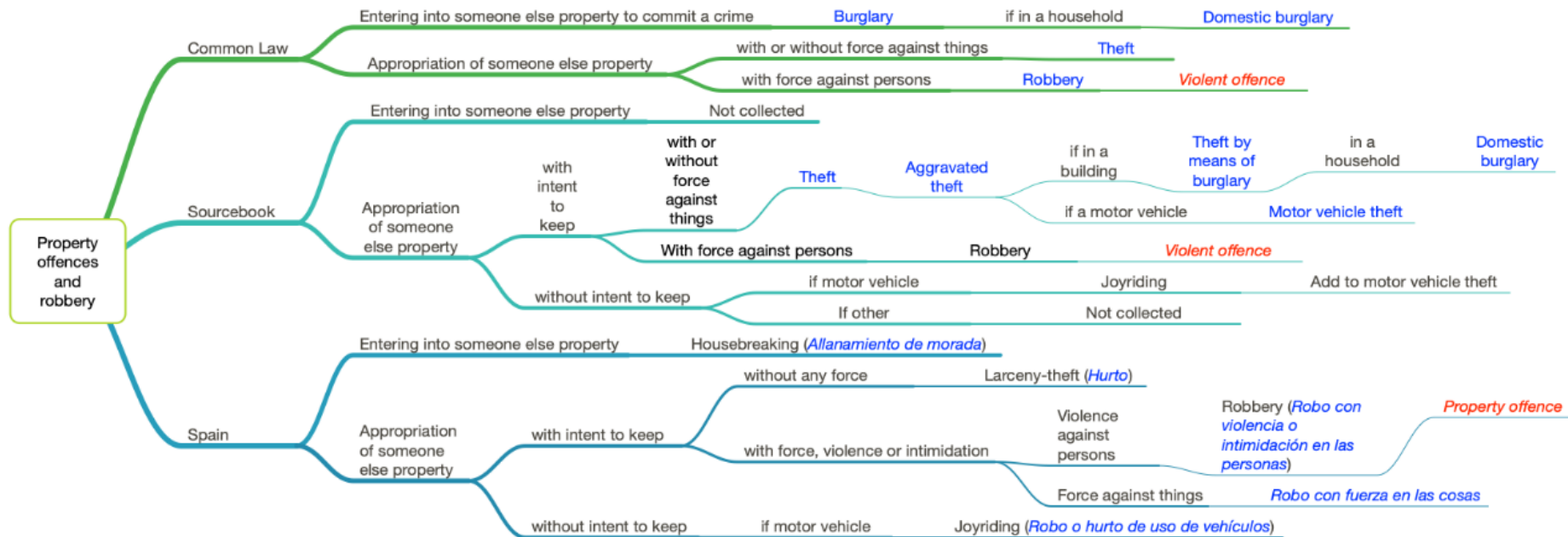
**Figure 2:** Trends in police recorded offences from 2011 to 2019 in Spain (Fraud and its subcategory Bank Fraud)



<sup>19</sup> Caneppele S. & Aebi M. F. (2019). Crime Drop or Police Recording Flop? On the Relationship between the Decrease of Offline Crime and the Increase of Online and Hybrid Crimes. *Policing: A Journal of Policy and Practice*, 13(1): 66-79. Advance Access Publication: 13 September 2017



**Figure 2:** Classification of the main property offences and robbery according to the Common Law tradition, the European Sourcebook of Crime and Criminal Justice Statistics, and the Spanish Criminal Code



### *Prosecution: The missing link between police and court level*

*Jörg-Martin Jehle (University of Göttingen, Germany)*<sup>20</sup>

I talk about the prosecution as the intermediate stage between police and court level, and this stage is decisive for dealing with criminal cases within the criminal justice system. If you look at the rates of offences and the offenders on the police level and compare these to the rates of convicted persons, you see a huge attrition of criminal cases is going on. And this attrition is essentially due to the decisions of the prosecutorial authorities: they decide whether a criminal case is brought before a court or is handled in a different way. So, the prosecution stage is the link between police and courts. What is going on there is not totally missing, but as we will see, only partly reflected in the various national statistics of prosecution.

Let us, firstly, have a look at the criminal justice system as a whole and determine which functions the public prosecution authority have within the system: this is an overview of different levels of the criminal justice system showing the flow of criminal cases. Let us first go to the question, which offences are included and dealt with within the criminal justice system. There is, of course, a core of serious offences which are defined as criminal in all countries, for example intentional killing, robbery, rape and other serious offences. But many countries have a special category of minor offences, administrative offences or offences against the public order. They are dealt with outside the criminal justice system, and this mainly concerns minor traffic offences. A few countries even deal with, let us say, classical offences like theft and bodily injury in a special way: either the police can end the case or bring the case to a special court outside the criminal justice system. For example, this

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<sup>20</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-jorg-martin-jehle-coe-conference-210321-prosecution/1680a1e431>

is true for the so-called *wrykroczenia* in Poland or the contraventions in France where the police can handle the case by themselves. And last but not least, some countries handle juvenile offenders when they have committed a less serious offence totally outside the criminal justice system.

How do the police handle criminal offences? Which offences are transferred to the prosecutorial stage? Well, the input into the prosecution level depends on the power of the police. In some countries, the police have to transfer all criminal cases to the prosecuting authorities, for example, in Germany. In other countries, police can exercise a sort of discretion and can end prosecution by themselves, for example, *cautioning* in England. In some countries, petty offences like shoplifting in Poland and Czech Republic and criminal offences of minors are handled outside the criminal justice system. Concerning minors, this is especially true in Central/East European countries. So, the input into the prosecution stage strongly varies according to the different criminal justice systems.

When the police have handed over the criminal case to the prosecution level, what is happening there? As I said this morning, we focus on the most important issues, the final decisions of the prosecutor. The case output depends on the discretionary powers of the prosecution authorities which vary from country to country as well. In most of the countries, the prosecution authority has the power to decide whether or not to prosecute; for example, because of lacking evidence or because of efficiency reasons. In some countries, they can end the case under certain conditions, e.g., the defendant has to pay money to welfare organisation, doing community service or other measures. In some countries, the prosecutor can impose penal sanctions, usually a fine that lead to a formal verdict, with or without the consent of the court (this sort of penal order is used in the Netherlands, for example). In consequence, only a part of the criminal cases is brought before a court and lead to a conviction after a full hearing.

In our questionnaire we have developed categories of the central disposals in order to make the figures in Europe comparable: There is the total of cases disposed of and a breakdown by cases brought before a court, penal orders; measures imposed by the prosecutor (paying a sum of money and other measures), proceedings dropped unconditionally due to the lack of public interest or efficiency reasons for ending proceedings for legal or factual reasons, and proceeding dropped because the offender remained unknown.

Let me present some general results. The questionnaire asked for competences and available disposals of the prosecuting authorities. The metadata gathered were very useful, they provide a good overview of the different national systems. But the data availability is not as good as at the level of police and courts. Nevertheless, it has slightly improved during the last decades. Almost all countries could provide data, at least for the total of cases disposed and the criminal cases brought before the court. In most countries, there was a decreasing trend of criminal cases handled by the prosecution between 2011 and 2016, and this trend goes parallel to the trend on police level, at least to a certain degree. Concerning the breakdown by minors, women and foreigners and the different types of disposals we only collected cross-sectional data for 2015 and only a minority of countries could provide data. But concerning the breakdown by offence groups a majority of countries could provide data. In addition, we collected some data on persons' freedom of movement restricted by police custody and pre-trial detention. And finally, we can show the development of staff of the prosecuting authorities. Altogether, the data collection demonstrates a mixed result: There are general data for almost all countries available, but only a minority of countries could provide data concerning the types of disposals and the suspects/defendants concerned.

Finally, let us have a special look at the percentage of the cases brought before a court. The variation of the percentages is huge, from an extreme minimum of only five percent up to an extreme maximum of 98 percent. But in

most of the countries, there is a remarkable attrition going on. In half of the countries, the percentage of cases brought before a court is clearly below 50 percent. Of course, the attrition is not the same in all fields. One can assume that it differs according to the seriousness of offences and this is demonstrated in the following table. This table 1 shows that the proportion of cases brought before a court depends on the seriousness of the offence; concerning serious violent offences like homicide and robbery, the percentage of indictments is much higher than concerning less serious likebodily injury, theft, and drug trafficking.

Table 1: Percentage of cases brought before a court by offence groups in 2015\*

	<b>Homicide</b>	<b>Robbery</b>	<b>Bodily Injury</b>	<b>Theft</b>	<b>Drug Trafficking</b>
Mean	76%	71%	55%	46%	54%
Minimum	22	10	6	3	14
Maximum	100	97	88	99	93

\* mean of 17 (robbery), 18 (homicide, drug offences), 19 (bodily injury, theft) countries regarding the percentage of offences that were brought before a court.

I come to my second table 2. In the vertical order, you find the workload on the prosecutorial level. There are countries like Armenia or the Czech Republic with a low rate of criminal cases disposed of by the prosecution authorities and there are countries with a higher workload like France and Germany. If you go to the horizontal order, we find the proportion of cases brought before a court: a low proportion like in Austria and a high proportion, about 50 percent, like in England and Wales.



Table 2: Percentage of Cases Brought before a Court in Relation to the Rate of Criminal Cases

		Cases brought before a court per 100,000 population in 2015		
		low: up to 25 % of total cases disposed of	middle: more than 25 % up to 50 % of total cases disposed of	high: more than 50% of total cases disposed of
Cases disposed of per 100,000 population in 2015	low: up to 1500	Armenia*	Albania* Serbia*	Czech Republic Georgia* Hungary* Latvia* Lithuania Luxembourg Montenegro* Netherlands
	middle: more than 1500 up to 5000	Austria* Estonia* Portugal* Romania*	Bulgaria* Finland Poland* Slovenia* Scotland	England & Wales Iceland* Lithuania*
	high: more than 5000	Belgium* Denmark France* Germany	Sweden	Turkey*

\* Cases disposed of include proceedings against unknown offenders.

The following idea is behind the table: There is a relationship between the two factors; if the prosecution authorities have to deal with a relatively low number of cases, the percentage of cases brought before a court will be high, and the other way around. For example, in the Czech Republic the rate of criminal cases is relatively low and the percentage of cases brought before a court tends

to be high. On the other hand, the workload of criminal cases is relatively high and the percentage of cases brought before a court is relatively low, for example, in Germany. Altogether, in this respect a clear trend can be observed, with the exception (that must be admitted) of Armenia on the one hand and Turkey on the other.

Let me now make my final remarks. Data describing the various national differences concerning competences and disposals of prosecution authorities are quite good and they help a lot to understand the differences between the various jurisdictions. But data availability at the prosecution level is poor compared to the police and courts level. It has to be improved in the future because prosecution is a decisive stage within the criminal justice system. This has mainly to do with measures to end the case on the level of prosecution. There, the European Sourcebook has developed categories of recording, but figures from national prosecution statistics are often missing. Many countries cannot provide differentiated or even any data on the various decisions of the prosecuting authorities. And this is especially true for alternative measures concerning minors, which is a pity because this has become the most important part of juvenile criminal law. In order to reach a better understanding what takes place in this important field of prosecutorial discretion, it is necessary to essentially improve prosecution statistics in the near future. Nevertheless, even now, some interesting aspects and trends can be observed, as I have hopefully demonstrated in this presentation. More details can be found in the coming new edition of the Sourcebook. Thank you very much for your attention.

*Stefan Harrendorf:* Thank you very much. And now just one brief announcement before I give the floor to Enrico Bisogno. I think because we are a bit behind our schedule that we have the coffee break perhaps as more or less time and perhaps have the last presentation before the coffee break just

as we did in session one. I think this would be helpful. And I think if we have about 20 to 25 minutes for questions and answers, in the end, that will be sufficient, judging from the discussion we had this morning.

### *The International Classification of Crimes for Statistical purposes, ICCS*

*Enrico Bisogno (UNODC)*<sup>21</sup>

Pleasure to be in touch with you, with you all and the people and friends from the European Sourcebook. Indeed, a pleasure. I just would like to share with you some kind of thoughts, reflections on the ICCS, the *International Classification of Crime for Statistical Purposes*, which has been mentioned a few times. But, yeah, I would like to update you on how things are going. As you know, this is the ICCS, the classification of crime was endorsed by the year 2015 by the both the Statistical Commission, the UN Statistical Commission, and then also by the UN Commission on Crime Prevention and Criminal Justice. You all know this very well. Before the latest years, we didn't have, unfortunately, any type really of international statistical standard on statistics on crime and criminal justice. And we know by experience that this, of course, the fact that has been once a standard, was endorsed, it does not mean that things will change overnight. But, you know, it is a process of adaptation, of implementation by countries, this will take some time, but we already know we can already see some, of course, some improvements.

We just would like to remember, even if maybe this context is already very much familiar with these possible advantages, but still, I think it is good to quickly go through them. What are the advantages or what would be the advantages of the ICCS? Once it is properly implemented at country level, I think one of the key advantages is really to provide a comprehensive statistical

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<sup>21</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-enrico-bisogno-on-iccs/1680a1e42e>

framework of criminal offences, all forms of crimes can be properly reflected in the data that the countries produce. And we know by experience that traditionally, countries have been reporting more on certain crimes or with different levels of accuracy. But still, for example, violent crimes had more importance than the other types of crimes. Yes, the ICCS should provide visibility to all possible forms of crimes, improve the comparability, because the fact that the same definitions should be used for the same crimes should, of course, improve the comparability even if we know clearly that that is only one of the factors affecting comparability. But the fact is that by naming things in the same way we should really improve comparability of data across countries and also across time, which is something that the UN, as Marcelo was mentioning in his previous presentation, should indeed promote.

And another element that we always stress is that the ICCS can improve consistency not only across countries, but also within countries. So, for example, in federal states, but also very importantly, at different stages of the criminal justice system. And those are different across different sources. One thing that we are noticing in these few years is the fact that the ICCS represents a common vocabulary and crime for statistical purposes, it is becoming more and more used not only for statistical purposes, but when , for example at international level, there is a focus, a policy focus on certain areas of crime, for example environmental crime, domestic violence or cybercrime. It is always very difficult to develop some international concepts or definitions because it can always be very much sensitive and complex. The fact that there is something that has been developed for statistical purposes also facilitates in a way, some processes that usually take a lot of time just for this discussion of definitions, for example.

I go very quickly through this. This is what is being done by countries to implement the ICCS. There are different steps , technical steps to do, from taking the national system and try to match that into the ICCS framework. The

categories, the definition of the ICCS are used to build the correspondence tables to improve the data at a country level and at the end produce actually compliant data. And this you can say is where we are at most countries we are still at this stage at different levels, of course, in this process of adaptation... so trying to map the national system into something that can produce data complying with the ICCS categories and definitions. And the one thing that we always stress is the need to disaggregate data, so to highlight characteristics on the perpetrators, on the victims, on the way that the crime was committed and so on. We are in this process in most countries across the world. Not only in Europe but also several countries in Latin America or Asia. We can see a lot of progress in this.

We know that there are challenges, many challenges in this, both technical, but also more, if you want, not always, we have the sufficient awareness of the importance as to why people, why agencies should embark on a process to realign their production, the system of producing data; so we are of in some cases, we can see that the difficulty to really to make the change, to make the step. They really have to understand the value of their systems before changing their ways of producing data. And also we can see another challenge sometimes when we are able to produce data according to the ICCS, they might result in changes in data and figures that not everybody may like, for example, because they produce an increase of for example, the number of homicides. So, yeah, as you can imagine, this is not always seen with pleasure by certain entities. This is why beside the technical path, we need a more and more a kind of advocacy work so that the people in our institutions, but not on institutions, not only law enforcement or people from the judiciary or the prison administrations, but also the other users, important users of data as, for example, people from the academia or researchers, people from NGOs. So, it is important that more and more and we as a community of people working with

crime data, we see the value of the ICCS and try really to show in concrete terms what it means.

I just wanted to show you a couple of examples. This is in this chart, you can see for three countries, two countries in Europe and one country, one country, Latin America, a simple ratio. You know, you are very familiar with this kind of indicator, so this is the ratio between convictions and reported offences for some of the ICCS categories. And for example, you can see on the extreme right what is the ratio for the total number of offences. It is between 10 and 15% in these European countries while it is well below 10%, 5% for the country of Latin America. This already gives an indication where there is more effectiveness of the criminal justice system. But then you can also do this comparison by different types, different categories of crimes. And you see, for example, for the country in the middle, the relation to offences to drug-related offences or in the right again in terms of offences against the natural environment, and so you can see the difference is how the system in these countries act differently in relation to different types of crimes. This is one of the added values of the ICCS. Before the ICCS, without ICCS, it would not be possible to do these comparisons. We know very well these are not perfect figures. We know because the compliance with the ICCS is not yet perfect. But still, the fact that countries are able to put together these data according to the ICCS categories really adds a lot of value to this kind of data are produced by countries. This is one example where one can really build a strong argument in favour of the ICCS and the value it can provide to policy-makers or practitioners of the criminal justice system.

Another area where we are also very much engaged in is on *femicide*, on gender-related killing for which internationally we don't have yet a standard definition. We know that there is a lot of attention around this topic, a lot of goodwill to stop this horrible form of killings. But we are still in the moment where we are not yet able to understand differences across countries, even in

trend levels in different countries. This is why UNODC and other international/regional agencies have launched an initiative to define clearly, from a statistical perspective, what is a femicide. Building on the definition of homicide, we identified a number of other categories, of specific categories of killings that can be very accurate and comprehensive in identifying all forms of gender-related killings. First, we know that the first approximation of this type of femicide, is represented by homicide of a woman perpetrated by intimate partners or other family members. But we know that this is not enough and, based on the ICCS, we identified a number of other categories, either on the victim or on the perpetrator or other characteristics that can really help identify and then counting these forms of homicide. This is just another example to show what is the value of the ICCS.

ICCS implementation is a process very strongly grounded on a technical path and a technical process of mapping national to international categories, but at the same time it is important to accompany this process with a strong advocacy activities to show its value. And this is why, for example, we are trying to also to underline the value of the ICCS as a tool to modernise crime statistics, to make them, to bring them in line with other areas of official statistics. We are trying to build a stronger and stronger kind of alliance around the ICCS. Maybe this message is facilitated in Europe, where there is already a very mature system in relative terms compared to other regions of the world. But we can see again in other regions like in Latin America, in Asia, and more and more countries in Africa are also looking at the ICCS as a way to improve, modernise and make really use of the of a crime data crime and criminal justice data. And we really would like also that also a network such as the one around the European Sourcebook could really also take this ICCS as a tool, an important tool to bring it to the next step also at the European level, in terms of comprehensiveness and comparability of crime data. I will stop here and if there is any question, I would be more than happy to be in touch with you. And

I hope we can continue to work more and more closely with your network.  
Thanks a lot. Over to you.

*Stefan Harrendorf:* Thank you very much Enrico. I give over the floor to Anne Clemenceau and Arsela Sturc from EUROSTAT, you may not start with your presentation. Thank you very much.

### *Eurostat Crime Statistics*

*Anne Cl menceau and Arsela Sturc (Eurostat)<sup>22</sup>*

Thank you very much. My name is Anne Clemenceau. I am the new head of the Eurostat unit in charge of 'income and living conditions; quality of life' and new in the field crime and criminal justice statistics. But I have with me Arsela Sturc, who is an expert in the field. I just wanted to give you an overview of the story of EU statistics on crime and criminal justice: the European Commission established an Action Plan 2006-2010 to develop a comprehensive and coherent strategy to measure crime and criminal justice. The 2009 Stockholm programme reiterated the need for reliable and comparable statistics on crime and criminal justice. In 2012, there was again a new action plan 2011-2015 to improve statistics in this field. Data collection started in 2007, with 2005 as a reference year. In 2014, this data collection became a joint data collection with UNODC. This data collection is composed of a common path and some specific data for the European Commission. These data, which are published by Eurostat, are classified according to the crime categories and in line with the previous presentation, defined in the international classification of crime for statistical purposes (ICCS).

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<sup>22</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-anne-clemenceau-eurostat-eu-statistics-on-crime-and-crimi/1680a1e42b>



So, the basic: how do we work in Eurostat? The data providers are public authorities, such as police, prosecution, courts or prison. In Eurostat, we usually work with national statistical offices; however, for this data collection, they only have a coordination role, they are not the data providers. In some countries, it is even the police or a Ministry that is in charge of the coordination.

Most common crimes are regulated by national laws and covered by national statistics. But when a crime is regulated by EU law, it is mandatory for the member states to provide data to Eurostat. These data are based on administrative sources (they are not collected through a survey), collected on a voluntary basis by all EU countries, candidate countries and potential candidate countries. The content of the annual data collection is discussed in the yearly working group meeting. Data are transmitted to Eurostat as aggregated figures.

So what is our data offer? In fact, we have five categories of data. The first one is police data, so recorded offenses by offence category. And I would show in the next slide what categories we have. The second category includes data recorded on intentional homicide and sexual offences, the third one relates to persons in criminal justice system. The fourth and fifth categories relate to court processes and to some characteristics of prisons and prisoners. Going into more details, we see on the next slide the offence categories for which we disseminate data on the number and per hundred inhabitants recorded offences: intentional homicide, assault, sexual violence, robbery, burglary, theft, unlawful acts involving controlled drugs or precursors. In relation to recorded intentional homicide and sexual offences, we have data on intentional homicide, rape and sexual assault by legal status and sex of the person involved, number of intentional homicide victims by victim-offender relationship and sex and age. We have also data on larger cities: on the number of intentional homicide victims in larger cities by sex and the number of intentional homicide offences in larger cities.

So, on the slide, we give some more detailed information on all the breakdowns in relation legal status, sex, victim-offender relationship, age groups. The next slide focusses on the third category, i.e. on persons in the criminal justice system, so suspected, prosecuted, convicted persons by sex, by age, by citizenship, as well as information about number/rate of personnel (professional judges, police officers, persons in adult and juvenile prisons) in the criminal justice system by sex. Looking at court processes, we have information on legal cases processed in first instance courts by legal status of the court process and persons brought before criminal court by legal status of the court, and again, on the next slide, we see the different breakdowns used in our dissemination. The last part of the information we disseminate is related to prison and prisoner characteristics, by offence category, prison capacity and number/rate of persons held, prisoners by age and sex by citizenship and prisoners by legal status of trial process. And again, we have different breakdowns.

As I said earlier, these data are based on administrative information and consequently have some limitations we are fully aware of and it is also part of our metadata information. First of all, full comparability is not achieved, given that the data are very much depending on the legal systems and the criminal justice systems, very much depending on national legislation, national legal definitions, recording methods differ. We have differences not only in national crime definitions, but also in international statistical definitions. We sometimes have issues with statistical units or with statistical population. We need to be aware of these limitations when analyzing the data because of the data sources which are being used at national level.

Based on this information we have different products:

First, data are available in our database, the Eurostat database, and you have the link on the screen, but we also produce methodological documentation,

some metadata, we have some short articles or what we call also proceedings, much more detailed statistics articles or also other statistical tables we can produce for specialized users. We also have other products including a dedicated website, guidelines, publications (two on the slide, you see one with the ICCS classification and one on monitoring the EU crime policies using this international classification). So overall our data offer is quite complete because we have the high response rate of 97%. Apart from this basic information on crime and criminal justice, we also collect additional data on very specific issues such as cybercrime, migrant smuggling and trafficking in human beings. We have also some regional data for the main core offences, which we started very recently. Arsela Sturc, in charge of this data collection in Eurostat, is our main contact point for all of our work. Thank you.

## *Q&A Session 2*

*Stefan Harrendorf:* We have a question from the forum that can be answered immediately: Yes, all the Power Point presentations of this conference are available for download through the website of the Council of Europe. Many thanks to Christine Coleur, who has taken care of that.

*Ilina Taneva:* I have a question addressed to Jörg-Martin Jehle. There was a presentation about police and prosecutors, and the difference between judicial systems; in particular, whether the police can decide on the case to be sent to the prosecutor's office or not; while in other countries, they automatically send every case to the prosecutor's office. And I was wondering whether in the previous presentation of this morning, about countries in which there are less registered crimes by the police and countries in which there are more registered crimes, which were identified by different colours. I was wondering whether there is some correlation being sought between the fact that in some countries police has the authority to decide on the case and not refer to prosecutors. Maybe this influences the numbers of police files that are registered? I was just wondering.

*Jörg-Martin Jehle:* Well, that is a very good question; but we have not studied it yet. We should do it because there are a lot of relationships between the different entities at the different levels of the criminal justice system. I have shown the relationship between the caseload at the prosecutorial level and the decision to take the criminal case to a court; but of course, we could proceed in the same manner with the relationship between police categories, police entities, and the prosecutorial caseload, and we can also put it in relation with the proportion of cases brought to the courts. We could do this and maybe we should do this. I will try to test whether such relationship exists.

*Paul Smit:* I would like to react on the presentation of Enrico Bisogno about the ICCS; in particular on his closing remarks about the link between what we are doing with the European Sourcebook and the ICCS. The obvious question is, of course, if there is such a wonderful standard classification, why are we [the European Sourcebook Group] not using it? This is a perfectly legitimate question, of course. Enrico knows that I am really a fan of the ICCS. I think it is a wonderful exercise and it is very good to have this worldwide standard classification. Nevertheless, I do not think it would be wise for us, as the European Sourcebook Group, to adopt it. And I will tell you why. Actually, these are two different approaches. The ICCS is somehow imposing a classification. I realise that it does not impose legal definitions to the countries, that the classification exists purely for statistical purposes, but it is still imposing, in a certain way, standard definitions. While the sourcebook, on the other hand, is more suggesting definitions and taking note of all the deviations from these definitions. These are part of the metadata and are very useful for researchers. So indeed, as a researcher, I am quite happy to have two different sources of data with two different kinds of approaches for the classification.

Having said that, of course it is very good to have this link between the work of the European Sourcebook Group and of the UNODC. Moreover, as you know, if you look carefully at the ICCS, you can see that many elements of it are actually derived from the Sourcebook, because some of the experts of the Sourcebook have also contributed to the ICCS. And I would very much like to see this kind of cooperation continuing, because a classification of definitions of crimes is actually only the beginning. There are all kinds of other concepts that we have to define. What exactly is a prosecution? How can you define what an offender is? Et cetera, et cetera. And this is something that the Sourcebook group, also in cooperation with the UNODC and Eurostat could be working on in the coming years. Thank you.

*Enrico Bisogno*: Thanks a lot for the reflection. Yes, it is as you said: The ICCS builds on the work of previous projects, and the European sourcebook group was a pioneer in the area. And I think that, even globally, I do not know of other initiatives that undertook this work of looking very carefully at data and definitions, and metadata, and so on. So, we can really say that you laid the foundations for this kind of work and then it was taken up by UNODC. And I think you could also allow the development of the ICCS, together with other experts from Europe and from other countries, other regions in the world.

And well, you know, in a way you are right about the ICCS being “imposed”; but it is imposed in a way, I mean, without the rifles or guns. It’s a statistical standard, and it is always like that in this area, the area of statistical standards. At least at the UN level. At the European level, Eurostat has different tools. Globally, at the UN level, we cannot really force countries to follow a statistical standard. It is a kind of agreement, a formal agreement to comply with these standards that have been developed through an open, transparent and also lengthy process. Through that effort we now have this tool, which can be improved, of course. That is why it is labelled ICCS version 1.0. Perhaps, we should already start the process to develop a 1.1 or 2.0. So, of course, it is not perfect; but we think it is a very sensible framework both for *defining* crime and also for, if you want to, for *characterising* crime. This work on disaggregation (and I think we all agree on this) is not really a question of UNODC. We are the custodians, but it is really a collective effort, and we can use it more and more as a reference, as a benchmark. OK, as you said, there is the ICCS and then there is the European Sourcebook with, you know, its suggested definitions. But in most cases the definitions are very similar, if not the same.

And the fact is that now we have this kind of global standard, and I think it would really help everybody if we all use it. I mean if we have it as a goal.

And then, of course, that is a goal. It would also mean assessing the distance from it. So how far are we still from that standard? Are we going in the right direction or not? This work is being done by many countries at the institutional level. By the statistical agencies, the police, the judiciary and so on. As a research initiative, I would really try to get you to embrace this kind of tool for the next iteration of a European Sourcebook. Sorry for being a bit blunt, but I think you should consider seriously that, for the improvement of crime statistics in the longer term, it would be good if we try to get to work in the same direction. It is, of course, a suggestion, and it is up to you to consider that. But really it is something that we can work very close together. Also, in view of the second point that you refer to, crime is one thing, but criminal justice is another. And we still do not have the standard for it. I mean, how to measure, how to characterise, how to quantify the criminal justice functioning. And this is yet another area where UNODC is willing to work. So just to say that we would always be very much interested and willing to further work with this group, which has an expertise that is quite unique. Thank you. Thank to you.

*Paul Smit:* OK, thank you. Also looking forward to close cooperation in the next years.

*Marcelo Aebi:* I was just checking the website of the UN-CTS [United Nations Surveys on Crime Trends and the Operations of Criminal Justice Systems] conducted by UNODC, which of course is currently based on the ICCS, to make some quick comparisons; but I realize it has not been updated recently. I suppose it is because you have had some changes in the staff. In any case, I would like to insist on the fact that we are always willing to collaborate with UNODC, as we have done in the past. Collaboration implies diversity and respect of the particularities of each partner. Enrico, you have been trying for

many years to convince us to delegate the data collection to UNODC and Eurostat, and to concentrate on the analysis; but that is not going to happen in the near future. Similarly, we have not embraced the ICCS and will not do it for now; but if you look at the questionnaire that we used for this sixth edition of the Sourcebook, for each standard definition and each subcategory of any offence that the national correspondents were asked to include or exclude, we indicated the correspondence in the ICCS. Sometimes the Sourcebook category corresponds to several codes of the ICCS, sometimes it is the other way around, and sometimes the definitions are comparable. The questionnaire is available online, which means that we have ease the way for researchers interested in that kind of comparisons.

A main reason not to adopt the ICCS is that we are the custodians of almost 30 years of crime trends. We have not introduced major changes in the definitions of the Sourcebook – and we have documented every change in each edition – because our goal is to assure some consistency in our series. This is one of the advantages of doing research as a group of independent experts, and not inside an official institution. For example, the questionnaire of the UN-CTS has been modified many, many times, depending on who was in charge of it at UNODC, and depending on political pressures that do not always reflect criminal policy priorities. Now it is very difficult, if not impossible, to establish crime trends with the data collected through the UN-CTS during half a Century.

Another reason no to adopt the ICCS is that in many cases it is close to the common law system, while most European countries follow a civil law tradition. I really doubt that the Sourcebook will ever adopt the concept of manslaughter, for example. However, synergies have existed and will continue to exist. We will continue to learn from each other. As it was mentioned, the Sourcebook showed the way to the UN-CTS for the collection of metadata, and this may happen again in the future, or it may take place the other way around.



For the moment, as I said, we have provided the tools to make the connection between the two classifications and the two data collections.

So, I agree with Paul [Smit] when he says that it is good for research to have two collections. You know, it's like... we would be losing something if we had Coca-Cola without Pepsi. Now we have two collections and hence we can make comparisons and perhaps identify problems or mistakes in one or the other. We would never discover them if we had only one collection. There is an old saying (I think it's a sutra): You only know when water is salty because you tasted sweet water before. And so, comparisons are always useful and they are one of the basis of the scientific method.

*Beata Gruszczyńska:* First, I would like to thank you for the invitation and for this conference. As you know, we have worked together for many, many years in the European Sourcebook Group. Today I have followed the presentations of the Sourcebook, Eurostat, and the ICCS and I think that every collection has huge advantages and disadvantages. The best would be if we can cooperate. Because as to the methodology, the European Sourcebook is absolutely the best; but as to the data, the new Eurostat data is better; and Eurostat is using the ICCS. Paul has already said a lot of what I would like to say. I appreciated the presentation of Eurostat with new categories as femicides and others. That is the most important now; so thank you Eurostat for doing it. I think it would be good to have more cooperation between the ICCS and the European Sourcebook. I believe that even the best friends of the Sourcebook will use data from other sources if they are more, and better and newer. Thank you very much.

*Stefan Harrendorf:* Thank you, dear Beata. And there is a question from Anna Alvazzi di Frate. She says: "I would be very interested in what you suggest as the next steps for advancing in compatible definitions of femicide". And since this "you" is indefinite here, I guess that each of the data collection initiatives might be willing to say something to this question. So, if someone from UNODC, or Eurostat, or from the European Sourcebook wishes to say something about this question, please apply to speak.

*Enrico Bisogno:* In relation to femicide, we have to translate, we have to operationalise the concept of gender related, gender motivated, gender-based killings. And of course, while theoretically it seems easy to do, it turns out to be very complex from an operational point of view. It is complex to establish whether a certain killing should be considered as gender-based or not. Several criteria have been investigated. Currently, we have a long list of more than 30 possible criteria, which are always, to the extent of possible, based on objective characteristics: whether there was relationship between the victim and the perpetrator, whether there was another crime perpetrated together with the killing, whether there was a specific condition of the woman or the girl, and so on. There are more than 30 of these criteria and, in these days, we will launch a consultation with a number of stakeholders: Experts from statistical agencies, experts from criminal justice institutions, experts from gender equality institutions, and also researchers and members of the academia. If any of the experts participating in the conference would like to take part in this consultation, please let me know, frankly. We would be happy to talk because we have prepared a questionnaire, a comprehensive questionnaire, for this consultation. This is where we are. We developed this work over the last year and a half, together with UN women. And we will launch this consultation so that in one year from now, we will have the results. We will also have a discussion on this at the UN Statistical Commission.

*Marcelo Aebi:* I think a distinction must be made here. If you want to know how many men were murdered or how many women were murdered, then there is no problem. You simply register in the statistics the biological sex of each victim of homicide, as most statistical systems already do.

On the contrary, if you want to introduce motivations, if you want to know why the person was killed, then statistics will never help you. For example, it is impossible to operationalize a definition such as the one adopted by the WHO [World Health Organization]: Femicide is the intentional murder of women because they are women. You can never be in the mind of a killer using simply numbers. Think by analogy in theft or robbery: Can you imagine someone saying that all thefts are committed because of “this”, or because of “that”? Or defining robbery as theft with force or threat of force against a person because she is a person? You see immediately that such definition is ridiculous and partially tautological. So, if you want to know the motivation, you will never get them from statistics. They are the key element of any police investigation but cannot be recorded immediately in the statistics. In some cases, it may take years to know why a person killed another. It what you want is to label as *homicide* the intentional killing of a man and as *femicide* the intentional killing of a woman, then there is no problem. That is one thing. You can also measure intimate partner homicide or femicide if you define it as intentional homicide committed by the current or a recent former partner of the victim. On the contrary, if you want to add motivations without a detailed enquiry, that is no longer science. That is all. Thank you.

*Enrico Bisogno:* Just a few reactions to Marcelo. Of course, looking at the sex the of the victims of homicide, we can clearly see how many men and how many women have been killed. Now, there is a strong, very strong policy

interest from the public opinion and from activists, to look specifically at homicides in order to see whether there is a gender component. This means that it is a homicide that is originating in inequalities and gender inequality between men and women, whether it is at the level of infrastructure, or at a cultural level, and a number of issues. I mean, the situations where these kinds of killings are perpetrated. That is why there is a specific focus on this. Certainly not on the specific motivation of one person or the individual killing, but in general. If we can identify those cases, the cases where there is a gender motivation at the basis, that would help understand this kind of homicides, where there is a disproportionate number of women that are killed compared to men. That, I think, is also very realistic, to have really concrete criteria.

And the last thing I would like to say, regarding what Marcelo said before, it is that of course there can be different standards for producing and collecting data, or compiling data from the national statistics. But if we want to make real progress in the area of crime statistics, I think everybody would gain if we globally could use the same kind of standards; as it happens in many other areas of statistics, whether it is labour statistics or GDP or education or any other area. So, of course, we can have different standards, but at the same time, if you want to have this and try to aim for this global comparability, I think it would be a very useful for everybody to tend towards that standard. Thank you again.

*Stefan Harrendorf:* Before giving the floor back to Marcelo, there is a comment on the same topic by Chris Lewis: "One way forward towards improving statistics on femicide could be to experiment with countries setting up a homicide index, on the lines of that maintained in my time in charge in England and Wales, a file is created for each homicide, with details of the characteristics of the victim and of the suspects and of the relationship, together

with the details of the investigation by the police". Indeed, especially with these details of the investigation, one might also reconstruct the motivations. Another idea that I had is that, of course, you first have a look at the gender relationship between offender and victim; but then you do not have the clear motivation, of course. However, in many countries there are also homicides for which the court has to assess a certain motivation. And if in these countries they have femicide as an offence, if there is a legal concept like that, of course, you have the motivation, you might have the motivation, in that case, in conviction statistics. But as long as most countries do not have such an offence, of course, it is not so easy to compare it internationally".

*Marcelo Aebi:* I fully agree with Chris' proposal, because it is placed at the micro level. You work with the files of the homicides and then you try to see if there are some common characteristics that allow you to go from there to the macro level. And this is the kind of work that should be done by researchers in every country. But to do it at the level of the statistics directly is completely impossible. Scientifically, it is completely impossible. In this case, Enrico, we will never reach an agreement, and that is good. It's good to have different opinions as it's good to have different standards for definitions and different data collection. For example, you mentioned differences at the structural level, which is a macro-level variable, and it is very difficult to put it in relation with the motivations for a murder, that takes place at the micro level. Motivations are individual Let's take infanticide as an example. We know that currently women are overrepresented among the authors of infanticides, especially neonaticides; and we know, through archaeological and documental research, that infanticide has existed throughout human history. However, on the basis of the cases recorded, you cannot produce a single explanation of homicide. Not for the current situation, nor for previous periods of history. There is almost never a single cause. But, if you have a specific database for an offence

at the police level, then you can exploit it and, if you put it in relation with what happened later at the prosecutorial level and at the judicial level, then you can have a good indicator. We conducted a similar kind of follow-up study in Switzerland for all the cases of domestic violence recorded by the police in one canton during six months. Thank you.

*Enrico Bisogno:* Sorry. Again, this is exactly the difference between research and a statistical exercise, I dare to say this is my friend Marcelo, a statistical exercise where we try to understand roughly the size, the magnitude and the trends of a certain phenomenon. We are not interested in individual cases. You see, there is a strong policy request to identify femicides, but not defined as all cases where a woman is killed by a men, but those due to gender inequality in the societies. And we want to give a size to this, to understand the patterns and the trends. So, this is why we are interested in capturing the overall size of this, not the individual. Thank you. Thank you again. Sorry for abusing your patience. Stefan, thanks a lot.

*Stefan Harrendorf:* OK, thank you, Enrico. And now I will close this meeting. Just one remark from Chris [Lewis] in the forum: whether femicide could also be treated like hate crimes or as a special kind of hate crime. And this goes in the same direction as the legal concept, that I mentioned before. If there is a common legal concept, it could be identified and also compared as soon as many countries adopt such a concept.

And that was it. Thank you very much for attending this second session of this conference.



### Session 3: Crime, trends and their interpretation

#### *LINCS Report on Offence Definitions and Prison Rates in European Comparison*

*Stefan Harrendorf and Olivia Kühn (Greifswald University, Germany)*<sup>23</sup>

*Olivia Kühn:* Yeah, OK, I will start talking about offence definitions and imprisonment rates in European comparison, and I will start with the brief recap of yesterday's presentation that crime statistics are constructed and are therefore very sensitive to the rules applied in the process of construction, which is a quotation of von Hofer.<sup>24</sup> And therefore, as you know, to compare crime statistics, you have to take into account that they are influenced by various legal, statistical, substantial and criminal policy factors. I do not want to go into detail here.<sup>25</sup> You already know that the Sourcebook methodology is providing standard offence definitions that are complemented by a list of cases of doubt for which it is indicated whether they should be included in or excluded from the data. On the contrary, SPACE I usually does not provide standardised definitions, so the differences in the national offence definitions lead to larger differences in the data collected. And these different approaches can therefore be compared. To facilitate this comparison for SPACE I 2016 questionnaire, there was a special module on offence definitions based on the Sourcebook model, where the national correspondents were asked to indicate the inclusion and exclusion of certain subcategories without giving a preference as to whether the subcategory should be included or excluded. This is obviously different from the Sourcebook and can therefore be compared, as SPACE I definitions will simply reflect the unadapted legal and statistical

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<sup>23</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-stefan-harrendorf-and-olivia-kuhn-definitions-and-prison-/1680a1e436>

<sup>24</sup> Von Hofer, H. (2000): "Crime Statistics as Constructs. The Case of Swedish Rape Statistics." *European Journal on Criminal Policy and Research* 8(1):77-89.

<sup>25</sup> But see Harrendorf, S. (2018): "Prospects, Problems, and Pitfalls in Comparative Analyses of Criminal Justice Data." In: *Crime and Justice: A Review of Research* 47, pp. 159-207. Also see Harrendorf's paper with the same title in this volume.



situation of those countries. We tried to answer the following recent research questions: do legal definitions have an influence on the imprisonment rates? And if so, how is that influence exerted?

Table 1: Standard definition for intentional homicide<sup>26</sup>

A.3.1 Intentional homicide <sup>27</sup>					ICCS
Standard definition: intentional killing of a person					0101 0102 0105
Indicate if <u>included in or</u> <u>excluded from:</u>					
incl.		excl.			
<b>Include</b> the following:					
• assault leading to death					0101
• euthanasia					0105
• infanticide					0101
• attempts					0102
<b>Exclude</b> the following:					
• assistance with suicide					0104
• abortion					0106
• negligent killing (A.2 if traffic related)					01032
• war crimes, genocide, crimes against humanity					110131, 11014, 11015

We therefore need to take a look at the definitions again. As you know, in the Sourcebook the aim is to improve comparability between the different

<sup>26</sup> Taken from the questionnaire for the sixth edition of the European Sourcebook of Crime and Criminal Justice Statistics.

<sup>27</sup> Differently from Anglo-American concepts and the International Classification of Crimes for Statistical Purposes, "homicide" here means both completed and attempted cases.

countries for certain offences. And therefore, we have a standard definition accompanied by a list of items that should be included or excluded from the data reported. Now, the problem is that in prison statistics, there is little room for adapting to such definition, yet it can be assumed that the definitions are somewhat similar to those used for police and conviction statistics. A question in the Sourcebook questionnaire asking for differences between offence definitions used in prison statistics and those used for police and conviction statistics was only answered by 21 countries, but at least 17 of them indicated that there were no differences.

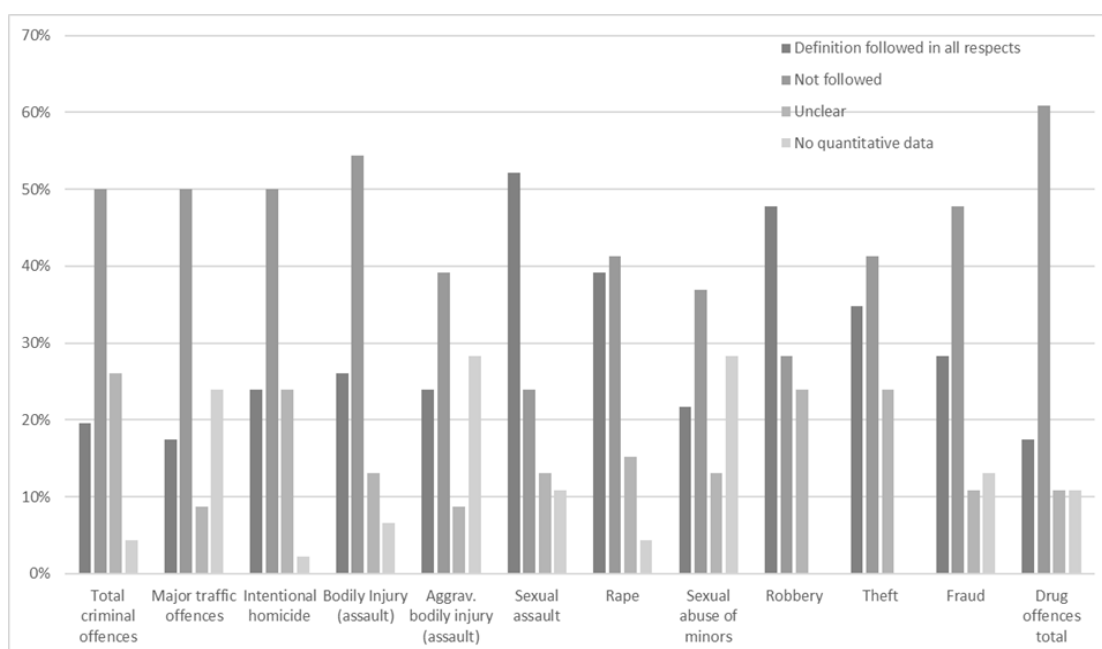


Figure 1: Conformity with offence definitions on police level for ESB data

You see as an example the standard definition for intentional homicide (table 1), which is the intentional killing of a person, and a list of items that should be included and excluded from the data reported for that offence. And as far as the conformity with offence definitions for Sourcebook data is concerned, we achieve very high conformity rates for sexual assault, robbery and rape. But for the majority of offences and countries, the definitions are not followed fully. But in general, the rates for “definitions followed in all respect”,

are somewhat medium high for all those offences, meaning that we can compare them quite well to each other.

For SPACE, the definitions that were used for the 2016 questionnaire are the ones based on the 5th edition of the Sourcebook, which are a little different to the ones used in the 6th edition of the Sourcebook, because a few subcategories of offences are not included, but they remain broadly similar. Again, there was a standard definition provided, but without rules for inclusion or exclusion of the items on that list, because this is not easily done on the prison level. And also, the prison administrations, which are usually reporting to SPACE I, are usually tied to the legal definitions in that country. So the reported data will be less comparable, but the national differences will be more pronounced because SPACE I definitions will correspond to the legal definitions in a certain country.

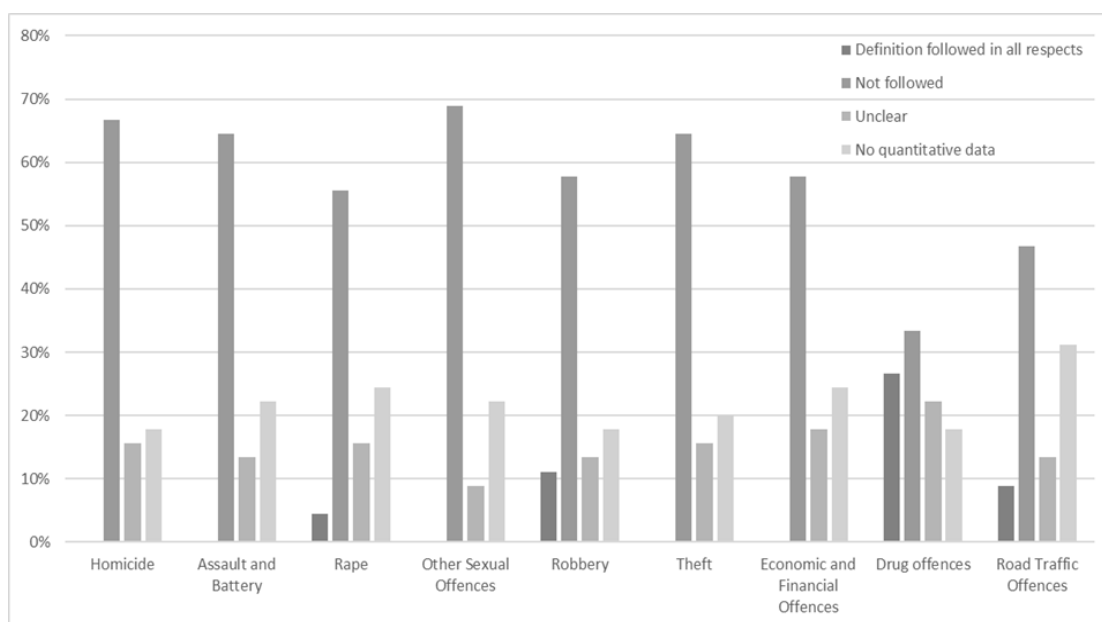


Figure 2: Conformity with ESB offence definitions for SPACE I data

We then performed the conformity check with offence definitions for SPACE I data, too (figure 2), and as you can see, there is basically no definition

followed by any country based on the Sourcebook inclusion and exclusion rules, apart from drug offences, where conformity with the definition was even higher than for the Sourcebook. But other than that, you can see that the standard definition provided is not identical to the definition used in the national context. Because we wanted to take a look at the imprisonment rates, we also needed to take a look at the percentages of countries providing prison data by offence type as well as definitions. For the majority of offences, you can see that Sourcebook and-SPACE I data are available for around the same percentage of countries. Especially striking differences in data availability can be found for traffic offences with a higher availability in SPACE I data. In addition, data on some offences are only provided in the ESB data collection, but data availability for a somewhat corresponding offence from SPACE I is much higher (fraud vs. financial crimes and sexual assault vs. other sexual offences).

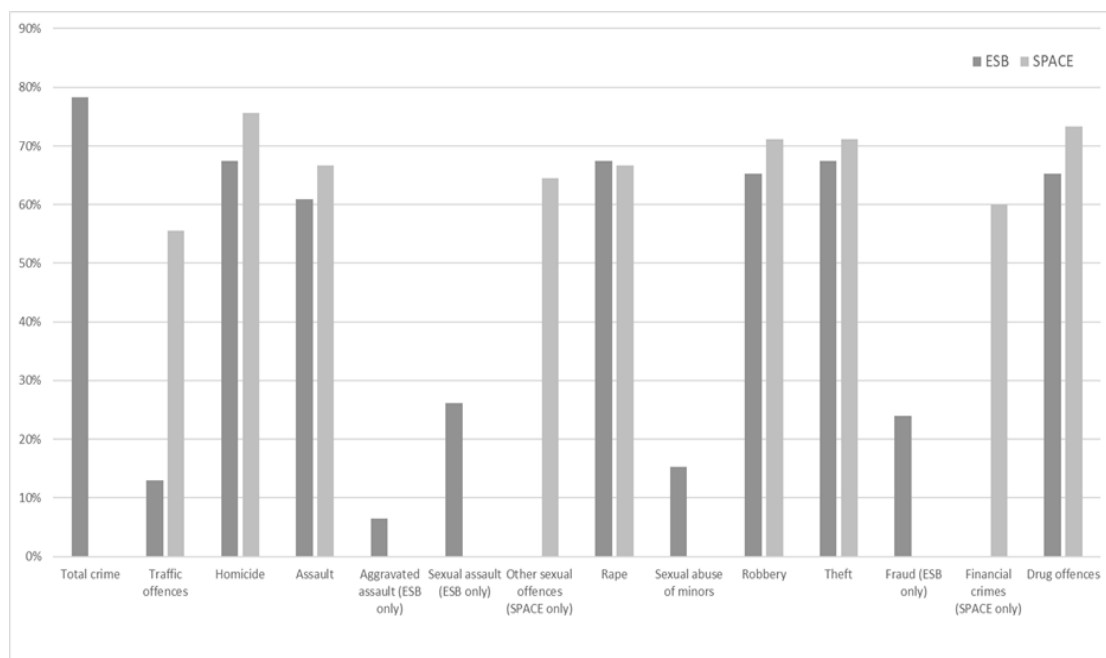


Figure 3: Percentages of countries providing prison data by offence type (only countries that also provided definitions)

We also took a look at the mean imprisonment rates for the different offence types in comparison between the Sourcebook and SPACE I (figure 4) because it could be assumed that they may differ because of the differences in data availability. Yet, the ESB questionnaire for the 6<sup>th</sup> edition provided the option to just simply copy SPACE I data, if the definitions are similar. Therefore, it is probably not unexpected that the mean imprisonment rates for the different offences across Europe are also somewhat similar. I will give the word to Stefan.

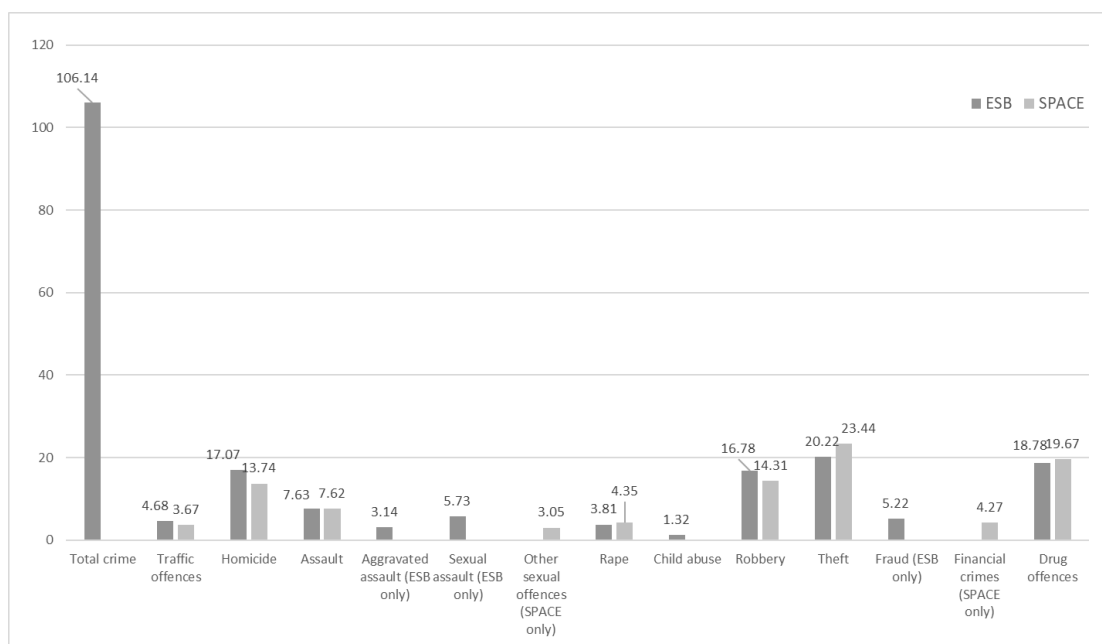


Figure 4: Mean imprisonment rates by offence type (only countries that also provided definitions)

*Stefan Harrendorf:* Yes, thank you, Olivia. Now, to the methodology of what we did in this study. Our idea was now that the broader a definition is, the more cases would fall under the definition and the higher the imprisonment rate for that offence will get, of course. And now at first, we tried to introduce a very simple measure for the broadness of a definition by saying the more items of the include and exclude lists, which accompany standard definitions, were included, the broader the definition is. Therefore, we calculated a first indicator for the broadness of the definition by just calculating the percentage

of all subcategories that were included in the definition list of a certain offence, and that regardless of the original preferences, which means even for the European sourcebook, where we usually have a list of items that should be included and others that should be excluded. We just treated them all equally and calculated the percentage of all the categories that were included by the different countries.

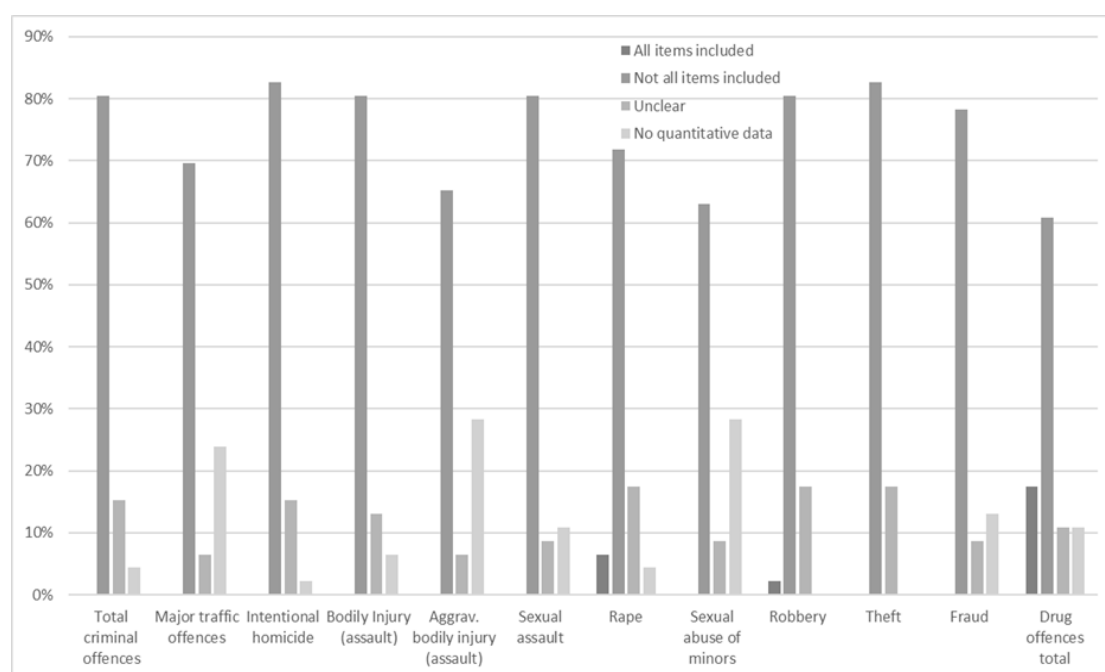


Figure 5: Full item inclusion ratios for ESB data

And if we do so, you can see here (figure 5) that almost no country that was responding to the European Sourcebook actually included all items on the include/exclude lists into their definition. And this is also a good message or a good result because we did not want to have it like that. We had all our standard definitions. And there, of course, certain items should ideally be excluded. And therefore, as you can see, since the national correspondents usually followed these rules, they actually also usually did not include all items. There are some exceptions for drug offences total and for rape (and one for robbery, too), but except for that, there is no offence for which a country included everything.

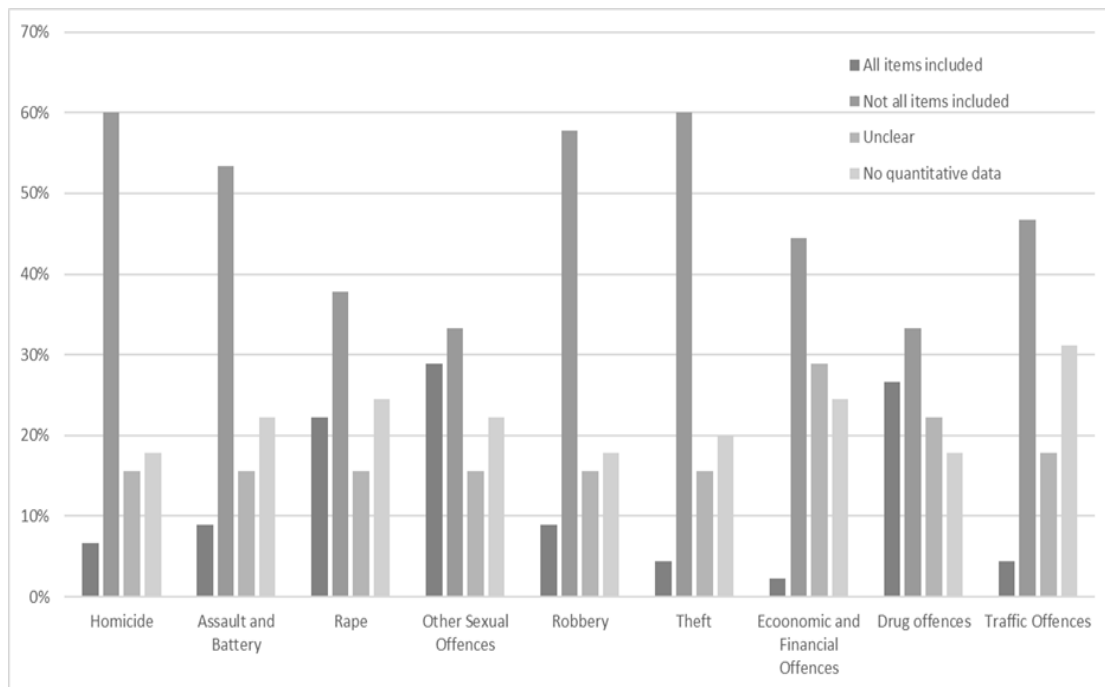


Figure 6: Item inclusion ratios for SPACE I data

Yet, results for SPACE I data are very different (figure 6). You see that there are quite a few countries, which actually included everything from these item lists into their data because there was no preference given. And therefore, if they have a very broad national legal definition or very broad statistical category, then they included everything into that data.

We also tried to implement a more sophisticated approach, where we tried to consider the relevance of subcategories because, for example, for homicide it is more relevant if assault leading to death is included compared to euthanasia, because the numbers of assaults leading to death would be higher. And another example, of course, the inclusion of assault leading to death is more important for homicide than for assault itself, because the total numbers for assault, of course, are much bigger and will not be so strongly influenced by the inclusion of assault leading to death. So therefore, we also tried to consider the relevance of the subcategories and to apply some weights. And we did that by using police data to estimate the relevance of the different subcategories just by looking up how large the proportion, for example, for

assault leading to death compared to the total of homicides is, etc., and in order to give percentages and weigh the different subcategories according to these percentages. Sometimes we even had to use much rougher estimates because not even police statistics are always as detailed or detailed enough to give a breakdown for every subcategory that we used.

And now for our results, first of all, here, we now checked the relation between the unweighted item inclusion ratio and imprisonment rates for homicides for the European Sourcebook (figure 7).

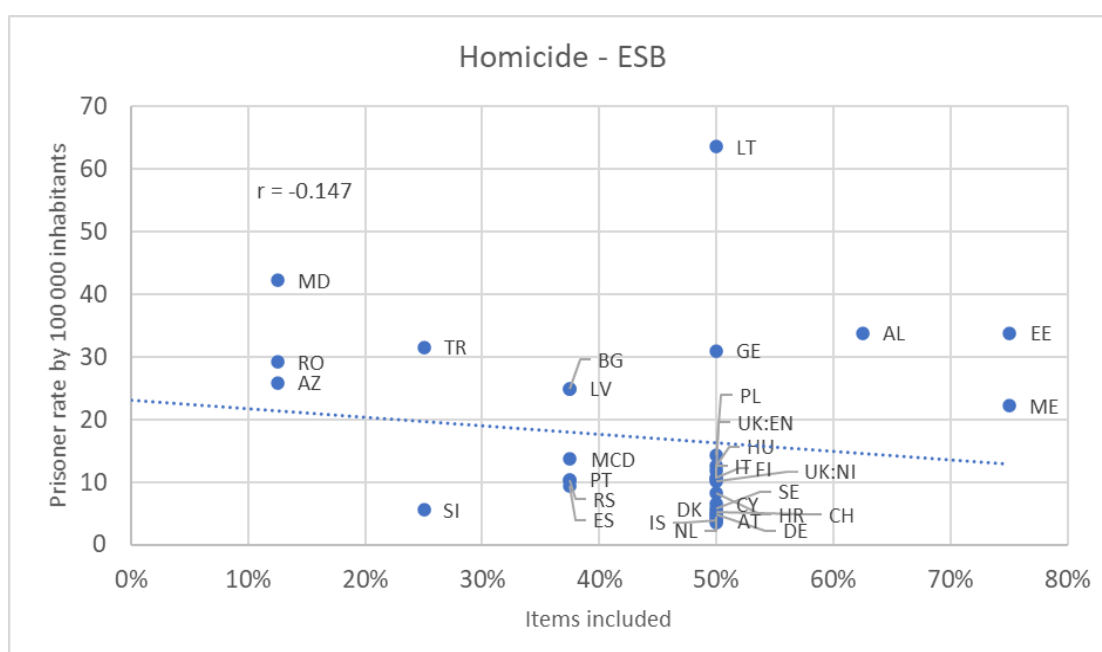


Figure 7: Relation between unweighted item inclusion ratios and imprisonment rates

On the horizontal axis, you can see the percentage of items that are included in the definition. And you see the countries cluster very strongly around the 50 percent level of inclusion, because this is what results when the standard definition is followed. And you will also see that there is no significant relationship between the percentage of items included from the homicide definition and the imprisonment rate. So here there is no relationship visible.



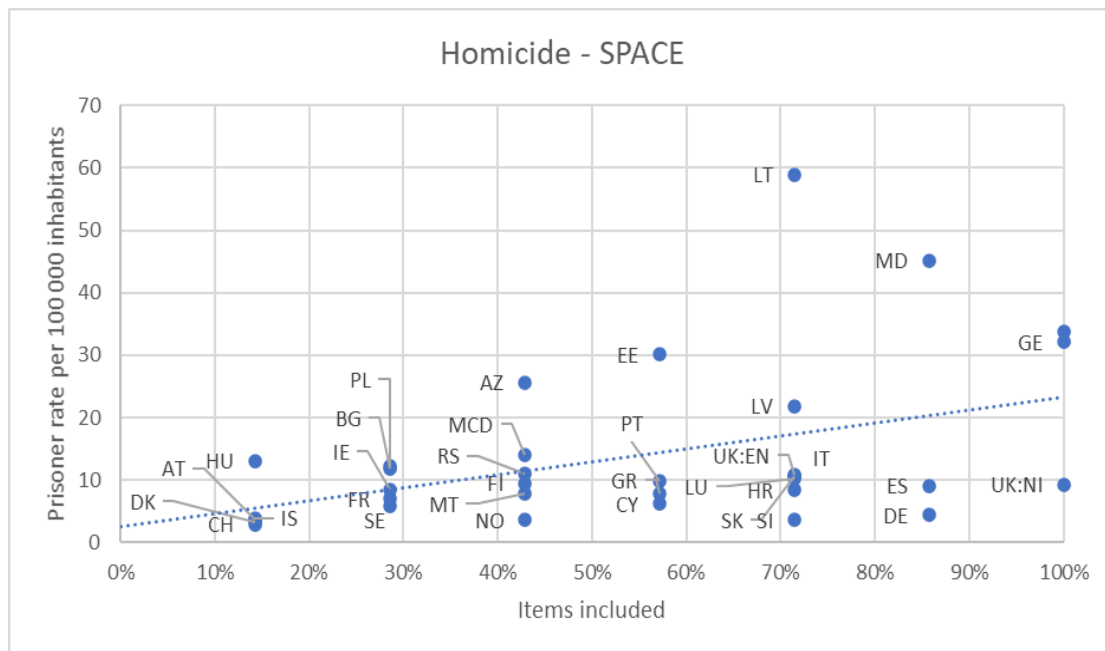


Figure 8: Relation between unweighted item inclusion ratios and imprisonment rates

The results are very different if you look into SPACE I data (figure 8). First of all, the countries do not cluster at a certain level because there were no preferences given as to the standard definition. And also, you see here a medium correlation of 0.43 between the item inclusion ratio and the prisoner rate per 100,000 inhabitants. And how can this be explained? I think the reason here is that the Sourcebook data due to the high level of standardisation and due to the high level of comparability achieved for the European Sourcebook already is so comparable that you do not see significant influences between definitions and imprisonment rates. But on the other hand, for SPACE, you still can see this.

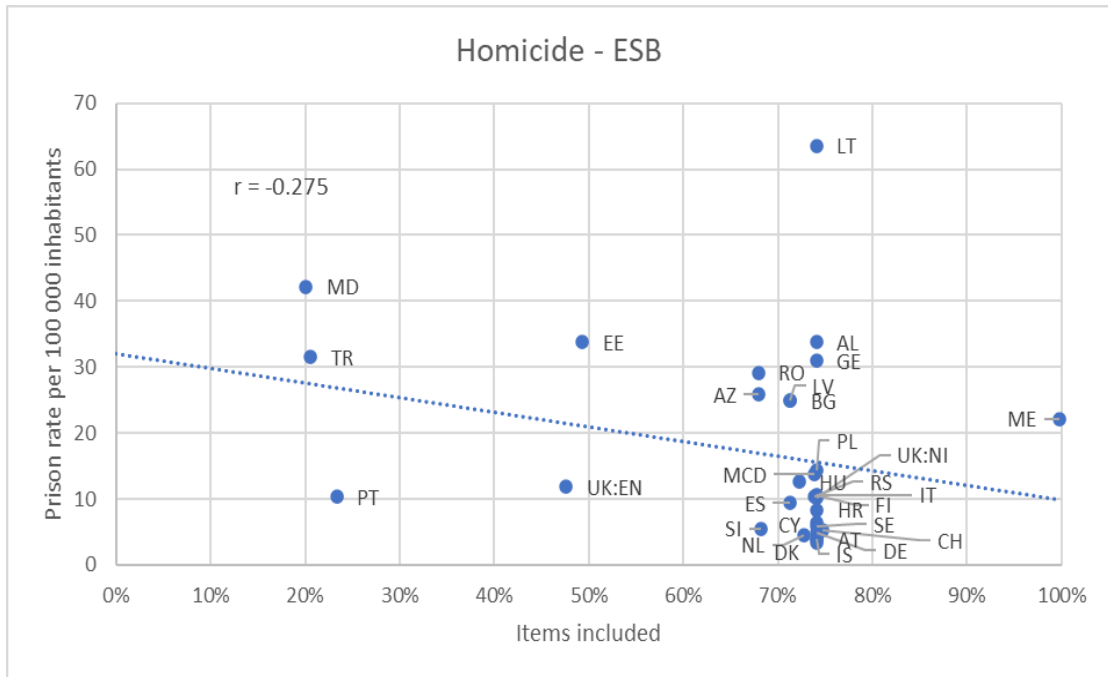


Figure 9: Relation between weighted item inclusion ratios and imprisonment rates

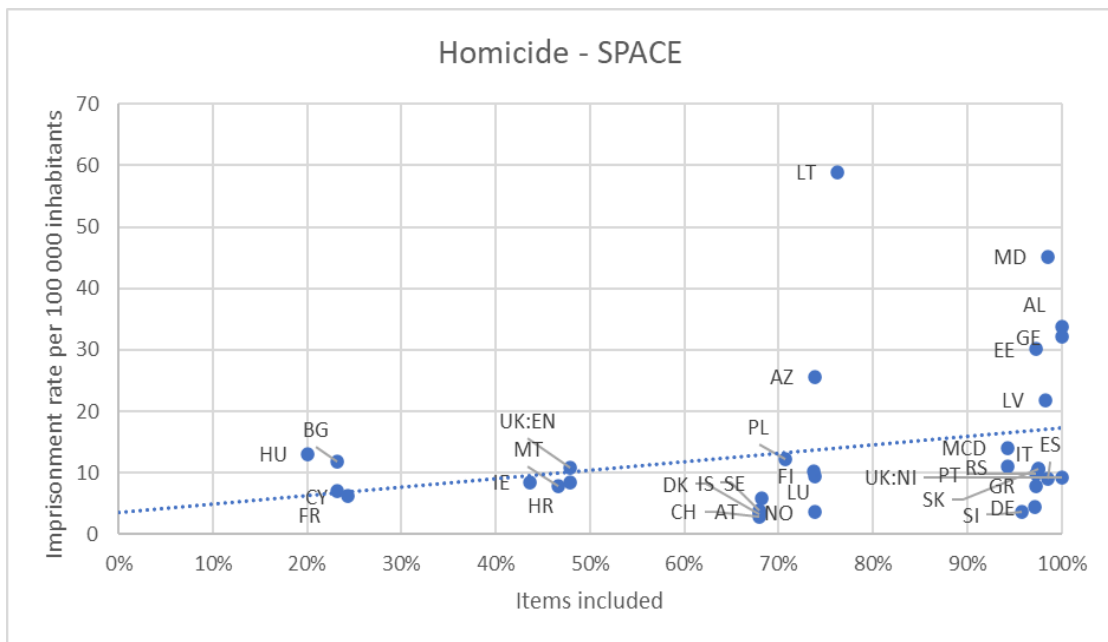


Figure 10: Relation between weighted item inclusion ratios and imprisonment rates

And if you do that for the weighted item inclusion ratio, you see similar results here (figure 9). Once again for the Sourcebook, the countries cluster at a

certain point. Now it is at around 75%. And you also have a weak negative correlation, which is not very meaningful, I guess, but just cannot be really interpreted. But on the other hand, if you look into SPACE I data, which was not adapted, once again, you see a positive correlation (figure 10).

So, there you see a relationship between the weighted item inclusion ratio and the imprisonment rate. And this can be shown as well for other offences. So for almost every offence you can see that there is a positive correlation between SPACE I data for the weighted and the unweighted item inclusion ratios and the imprisonment rate for that offence. So, this supports the hypothesis that broader definitions indeed lead to higher imprisonment rates for that offence. Of course, this is also very plausible.

Sourcebook data differ, as you saw, and this is also true for all the other offences as well, because most countries try to follow the standard definition, as you also can see from the results that cluster around a certain point. And it is really hard to find any meaningful correlations because the conformity with the definitions is already quite high.

And what this all means in the end, is, that the use of the national legal definitions, as in SPACE I data, decreases the validity of international comparison of crime rates, and that we indeed can reach a certain level of homogenisation of data through the use of standard definitions. And I think this is a very important message of this research endeavour. So therefore, even public officials who will report, for example, to the Council of Europe or to EUROSTAT, et cetera, should be encouraged to report data that is not identical to the data published in the national statistics, but it should be adapted to standard definitions in order to enhance comparability. And, as we also said before, we found a positive influence of the broadness of definitions on imprisonment rates. Prescriptive offence definitions, as used in the European Sourcebook, with a standard list of items to be included and to be excluded

obviously enhance data comparability. Thank you for your attention, this was our presentation.

*Rannveig Þórisdóttir:* Thank you so much, Stefan and Olivia. We will have time for questions at the end of this session. So I think we should go to the next speaker, Marcelo Aebi. He will be talking about the LINC'S report on trends in convictions and imprisonment rates in the years from 2005 to 2015.

## *LINCS Report on Trends in convictions and imprisonment rates 2005-2015*

*Marcelo Aebi (University of Lausanne, Switzerland)<sup>28</sup>*

I will be talking about a report that was produced in the framework of the LINCS project. So, then the key issue when you receive funds to do research is that you have a deadline to respect. And so that deadline was 30 September, and then we presented a second version in December 2019, so I am talking about 2019 sorry, then we updated the report in April 2020 because, of course, the project last one year and a half. But the data collection can last much more than that and the data validation procedure, of course, takes even more time. So, what I am going to show you today is the state of the report, which is online in April 2020. Now, as yesterday we published the Sourcebook, we have been updating figures until receiving new figures and changes until Sunday. So, we will again come back to this report and check the results. It is a very long report and it could be very boring because it goes country by country. So, it is boring when other countries are presenting. And then it suddenly becomes interesting when your country is presented, or our country is presented. So, I will show some examples today. Hopefully, these will invite you to recheck your data and see if anything went wrong. So basically, what we did here is to put together data from prison statistics collected through the SPACE projects, the Council of Europe Annual Penal Statistics. The national correspondents may remember that before the next project, we have another project in which we consolidated the figures for 2005 and 2015. I think I showed that yesterday. These three reports that we made on that framework. So, the data on prisons was stabilised and then as we were doing in collaboration with the European Sourcebook's Group, we took data from conviction statistics from the European Sourcebook. And this means have seen three different editions of the European Sourcebook, which can be risky because sometimes there are jumps in the series that are not completely explained by the information collected. But so, this, a nice way of

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<sup>28</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-aebi-conviction-prisons-210323/1680a1e44d>

improving the quality is just to present it and then see with the national correspondents if something went wrong. One advantage of talking about something that happened five years ago is that you will not have the press saying what is going on with our country because the press is interested in what is going on right now. For example, yesterday we had the presentation of the criminal statistics in Switzerland, while we were having this conference and so the main issue now is cybercrime that I will mention later. But we will see with them, with the results, with sometimes the key issue, something that will also be discussed in a second presentation later is how these cyber-related offences are recorded.

So, some key findings, so we are talking about forty-seven countries it is clear that the trends are not identical everywhere. But there is this trend between crime trends according to conviction statistics (so the persons convicted) and the trends shown by the prison population. This may seem obvious, but if you are familiar with the literature and criminology, especially European criminology since the 1970s, this probably under the impression, which is partially true, that crime is a social construction; although the pain is real and the harm caused by crime is real, the pain produced by crime is real. So the statistics are a social construction, but everything, the language is a social construction. So, I think this was taken literally and some people think that there is not at all a relationship between crime and prison, that it all depends on the criminal policy, on this is only half true because you will see, logically, the number of persons convicted has an influence in most countries in the prison population unless, second point, the country introduces something particularly important, like a change of criminal policy, a new criminal code, an amnesty, so this can change the correlation, but we will see the examples, in particular for amnesty, we have examples in Armenia, Georgia and Italy, they introduced amnesties; usually this reduced by one third of the prison

population rate, or in these cases it was one third, but three years later, they have the same level of imprisonment as before. So it is not a long-term solution.

And so, what we see from 2005 to 2015, practically all across Europe, is an increase in persons convicted for drug offences, at the same time, some countries are allowing the use of drugs without sanctions, but that is what we see. And also, there is this issue of the rise of fraud offences and the more I started in Lausanne with my colleagues and with colleagues in Spain, the more you get the impression that cybercrime is recorded under fraud offences and there is good reason to believe that that could be the way in which it can be recorded. And until there is a change in the definitions, almost everywhere is going up. And if it is not going up and I will show you examples, then we should really think what is going wrong with the way in which this is recorded or probably cybercrime is being recorded as well. I do not want to make a strong point here about that. And I will start by showing you some cases that contradict these findings, because, as I mentioned, is 47 countries and I am not here to show you this is what we found everywhere because it is not true. So I will start with some counterexamples. And in the second presentation later today, we will go specifically to this issue of how cybercrime is measured, it would not be discussed here.

So, I will start with the case of Austria, for example, where you see that the prison population rate, everything has been put in an index 100 because it is the only way to compare the trends. I am not interested in the absolute figures. Just the trend. So you see a rather stable prison population while most criminal offences went down, they went down, almost 30 percent of the prison population remained stable. I will show you first all the graphs we did for each country. So, as I mentioned, it is a very long report. And of course, the moment you change one figure, to the whole graph changes. And that is why we need your help to improve it and your comprehension for some mistakes that may be at the time it takes to re calculate everything. So here you see, for example,

in it, depending on how the offences are recorded, then you may find in the prison population rate a small percentage of people sentenced for major traffic offences, but these vary from country to country. And let us see, you see here, for example, rape, bodily injury, aggravated assault with very unstable trends because Austria does not have a very big population. And so, there may be different changes. One thing that is interesting is that in the case of Austria, for example, fraud is going down, and when you put these into a general perspective, it can only mean that we would like to discuss this with national correspondents, that cyber-related frauds are not being recorded under such a heading or Austria is a completely different country compared to the rest of Europe. But I wanted to start with an example of a result that does not match the main results also for drug trafficking, for example, those a little bit down, but then it remains stable.

But if we look at other countries, for example, Croatia, you have here in blue the prison population rate. And then you have the total criminal offences and then, you have the rate of entries and you see how both curves coincide there. And Croatia is a case where, for example, the percentage of persons convicted for fraud and that are in prison was multiplied, increased by 50%, of course, as it is a small percentage and you do not see it clearly. And the increase in fraud takes place until 2012. We have to see why there is this decrease.

Denmark, for example, here is a nice case of changing in their recording road, but once this goes away, if we check from 2007, there is a correlation between the trends. You see this change also in the distribution of persons by offence and you see in Denmark in green here, the clear increase in fraud offences, and this is the typical evolution multiplied by two of fraud in the cases where cybercrime is recorded under fraud.

Finland, again, that is a nice example here of a correlation between the total criminal offences and the prison population rate and the rate of entries.



You see here also how fraud went up while theft was mainly going down. But this is the classic trend. France, the prison population rate increases a lot after 2010 before following the same line, so something changed in the way in which prison is being used in France and fraud was going up with a slight decrease only in the last three years. Germany is another example of a clear correlation between the total criminal offences and the prison population rate. And Italy, as I mentioned, you see here, the amnesty in blue goes up by one third of the prison population rate and then one to three years it is up again. And then it follows the trend of the total criminal offences, which is here. So in most countries, when the data is recorded in a reliable way, the correlation is there. The moment the government introduces a specific modification, you can see it immediately in the figures. And you can see here and there are two more examples in the presentation: the amnesty usually does not lead to a solution in the long run.

Lithuania is also a nice case of the relationship of the prison population rate increases much faster in Lithuania. Also, you see here the rights of persons sentenced for serving prison sentences for fraud - it was multiplied by two because when you go to fraud, you see also that it was multiplied by two during that period. Here again, we see this increase in drug trafficking that I mentioned before. The Netherlands, again, a nice example of a correlation between the prison population rate and the total criminal offences; without much influence on the rate of entries. So, in the Netherlands, as many countries with the low prison population rate are characterised by a relatively high rate of persons entering into prison, but they remain for a very short period of time. And here for fraud, there is really a change in the trend here in the Netherlands that we need to explore a little bit more. Portugal: there is some inconsistency at the beginning of the series, but then after 2009, the evolution is similar. In Portugal, again, a country where fraud goes up while theft also increases until 2013. But then it started to decrease. And just to show you a couple of examples

before we finish: Sweden, again, an example, the prison population rate and the total criminal offences go in since 2009 in the same direction. Here, we need to check also why this increase in fraud is suddenly interrupted. And I will finish with Switzerland, where you can also see how the prison population follows the total criminal offences, and clearly, the increase in fraud, especially since 2010 when it became clear that cyber fraud should be recorded there.

So all in all, you see, as I mentioned, it can be very boring because of the in one country after the other, but there is a general trend that can be seen and it goes against this idea of total independence between crime rates measured in this case, by conviction statistics, which are, as we showed them in an article with Antonia Linde from 2012, they are a very reliable indicator of trends, probably more reliable, we can see, probably less valid because the further away from the offence than police statistics, but more reliable unless there is a change in the criminal code. But otherwise, the persons that are sentenced - we are talking of all countries that have a state of respect the rule of law- they are sentenced because there is enough evidence against them. So, they probably reflect for many offences, at least a trend, not the real representation, because we know, for example, that cyber fraud is seldom denounced and even reported to the police. And even in this case, we see the increase, so this correlation, it is interesting to note to see the increase in drug offences and, as I mentioned before, from depending on how cyber offences are recorded is the real offence that is going up while the others, most countries are going down.

So, I showed you all these cases of specific countries. I will upload this, the report is already online. But what I ask you is to go through the report and check if there are inconsistencies, because now that the data is together, it is much easier to see if there is any consistency so that you can help us improve the overall quality. So, science must be seen as a work in progress. And this is particularly the case when you go to the to this level, country by country, some

inconsistencies that do not appear when we check the overall rates become clearer. Thank you very much.

*Rannveig Þórisdóttir*: Thank you, Marcelo, for your perfect timing was exactly 20 minutes. So next, I will invite Paul Smith to take the floor and he will give our presentation of his paper, 27 Years of Crime Trends for the period 1990 to 2016.

### *Twenty-seven years of crime trends (1990 to 2016)*

*Paul Smit (The Netherlands)<sup>29</sup>*

We have now six editions of the Sourcebook already, which means that there is a lot of data for a large period: 1990 to 2016. And the good news is that these data are all available and they are available on the website, both as raw data and also as rates per 100,000 and percentages, just what you can find in the Sourcebook itself. However, although they are available, using them can be a little bit awkward, especially if you want to use the same kind of data for all six editions. What I did was to construct a database where all data from all six editions are present in a uniform way. However, this database is not yet publicly available and what I would like to see in the next two years is to have this database or a database like this, having all data from all six editions or even seven editions accessible in a user friendly way.

Anyway, we have now 27 years covered and looking at the Sourcebook, each of the six editions of the Sourcebook cover a period of four to six years, where, and this is very important for computing trends, there is always one year overlap between editions. For instance, in the sixth edition we start with 2011. But that was also the last year of the fifth edition. For some subjects like juvenile offenders, sanctions, etc., data are available in each edition for one year only. These so-called anchor years are 1995, 1999, 2003, 2006, 2010 and 2015. This way, although not covering all years, we can use these data to look at trends as well. In general, the same information is available in all six editions. Of course, there are exceptions and there are some changes in the crime types. Some crime types disappear, some are new in the fifth or sixth editions, and some of the definitions maybe have changed a little bit. But roughly speaking, we have the same information. One of the exceptions is total crime, which is not present in the first edition. So trends for total crime start only in 1995, the

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<sup>29</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-paul-smit-presstrasps20210323/1680a1e433>

first year of the second edition. The third edition was a very limited edition: prosecution data were almost completely missing and all sanctions and measures were also missing in that edition.

So computing trends, how are we going to do this? First, we used the overlap year to correct for differences between editions. What we noticed in consecutive editions was that sometimes there were sudden changes for one country between editions, possibly because there was a change in the national correspondent who had other views on how to collect and present the data. With the overlap year it is possible to correct for these changes to a certain extent.

Now, what is presented here are not the trends for individual countries. Instead, the European countries are clustered into four groups: North/West, South, Central and East. And I want to stress the point that although these names suggest that the clustering was geographically oriented, it was in fact based on an empirical study using only judicial information. In that study a cluster analysis was done and the result was that it seemed more or less geographically oriented, even though geographic information was not used for the cluster analysis at all. If you have a group of countries, you need to compute kind of a mean, and this was done with a weighting related to the population. So, the weight of Luxembourg within the group North/West was less than the weight of Germany. Also, in order to compute trends missing values were interpolated and outliers were removed where this was possible.

So what is presented here are the following trends. First of all, registered crime, both total crime and for three selected crime types: assault, theft and drugs. Next the trends of three attrition rates: the offender rates (the number of offenders divided by registered crimes), the conviction rates (the number of convicted persons per offenders found) and the punitive rates. Also, prison

data, percentages of pre-trial detainees and some trends on juveniles and females are presented.

In this presentation, there are no deep research questions with sophisticated methods, exciting explanations and far-reaching conclusions. Instead, the presentation is a kind of a commercial inviting you to use the data yourself for research.

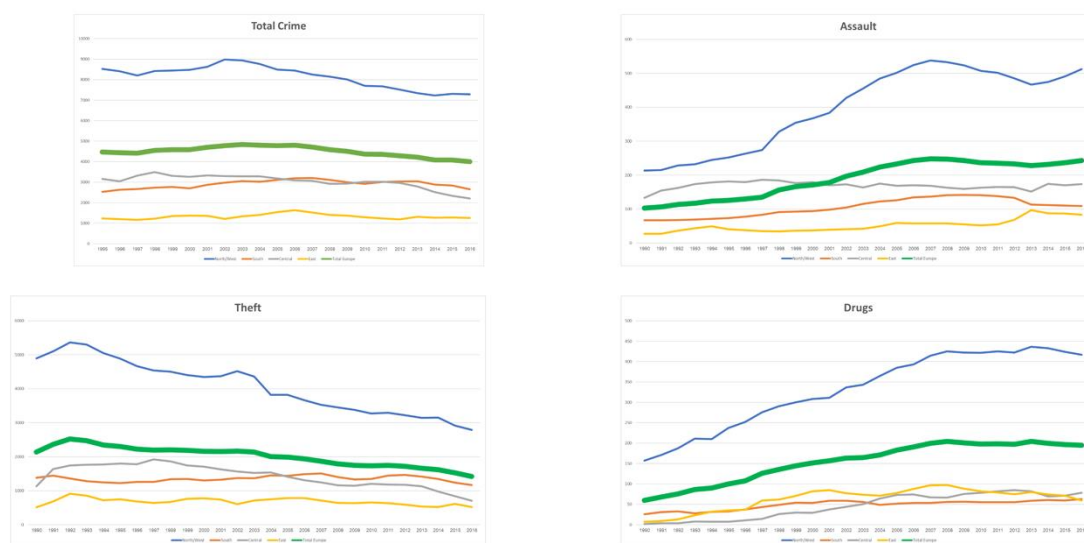


Figure 1: Registered crime: Total and three crime types

First, we are going to look at registered crime. In figure 1 (upper left) we can see the total number of crimes in the four groups of countries and Europe as a total. There is an obvious decrease in registered crime starting around 2002. Also, the difference between the regions is large: in north-western countries registered crime is high compared to eastern countries where they are rather low. Southern countries and central European countries are in between and more or less the same. For assault and drugs, which is generally true for most violent crimes, we see an increase until about 2007, 2008 and a stabilisation after that. And for theft, there is a steady decrease over the whole period.

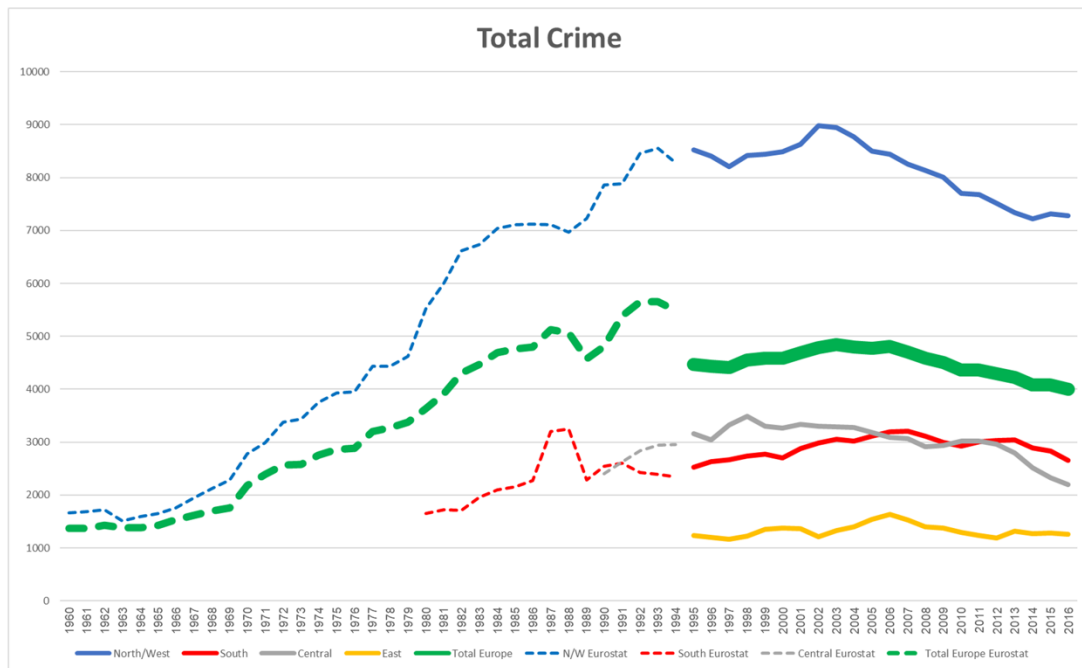


Figure 2: Registered crime, Total, 1960 – 2016

In figure 2 some EUROSTAT data for total registered crimes are added to the sourcebook data. These EUROSTAT data go back (for some countries) to 1950 but really started with enough countries from 1960. Here we can see a broader perspective with trends starting in 1960 for north-western European countries and somewhat later for central and southern european countries. A considerable increase in registered crime between 1965 and 2000 can be seen followed by a slow decrease to the level from the beginning of the 80s.

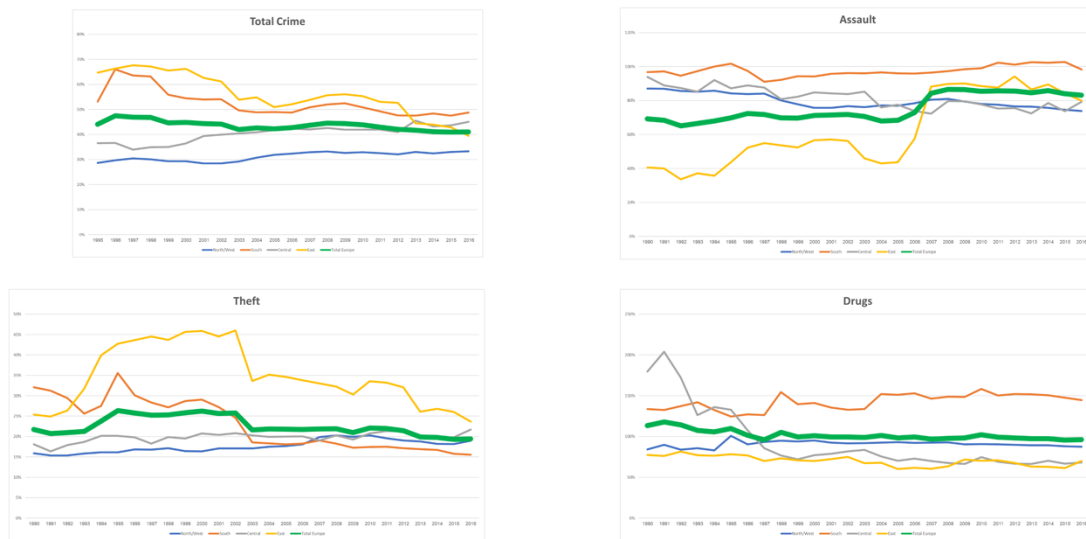


Figure 3: Offender rates (% Offenders per registered crime)

In figure 3 we see the offender rates: the percentages of offenders per registered crime. For total crime these rates seem to be converging to about 50% for Europe as a total. For drugs we see that it is rather stable, except for Central Europe where in the period 1990 to 2000 the offender rate is decreasing. Typically these offender rates for drugs are very high, 100 percent or even more, reflecting the fact that for drug crimes there are usually more than one offender per registered crime.

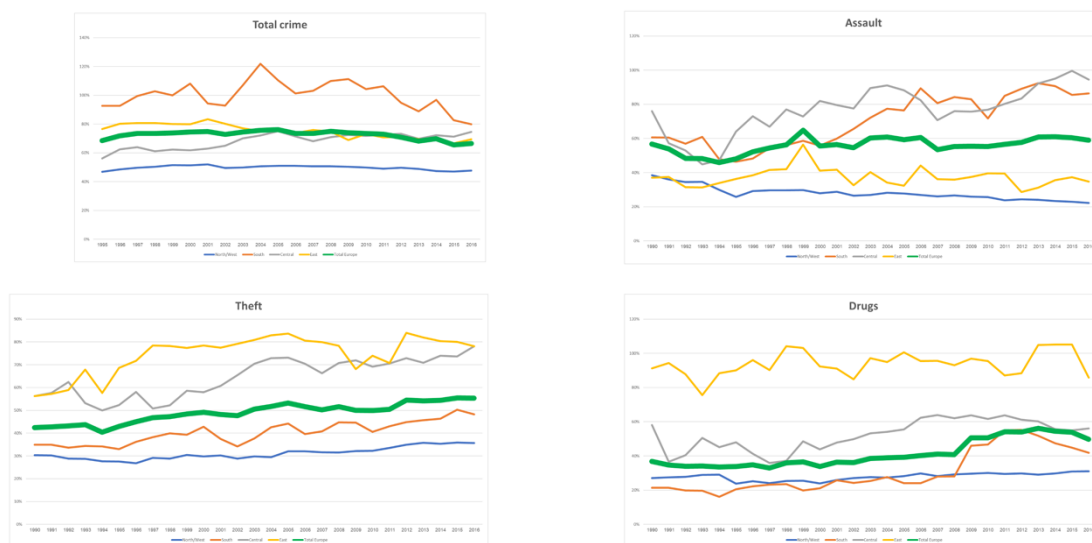


Figure 4: Conviction rates (% Convicted persons per Offenders)



The conviction rates: the number of convicted persons per offenders, are presented in figure 4. Here we can see a slow increase in the conviction rate for theft. For Europe as a whole the increase is from a little below 50% to over 50%. So, what it says is that slowly the chance of conviction for an offender is increasing for theft. Apart from theft, conviction rates seem to be rather stable over time with large variations between regions.

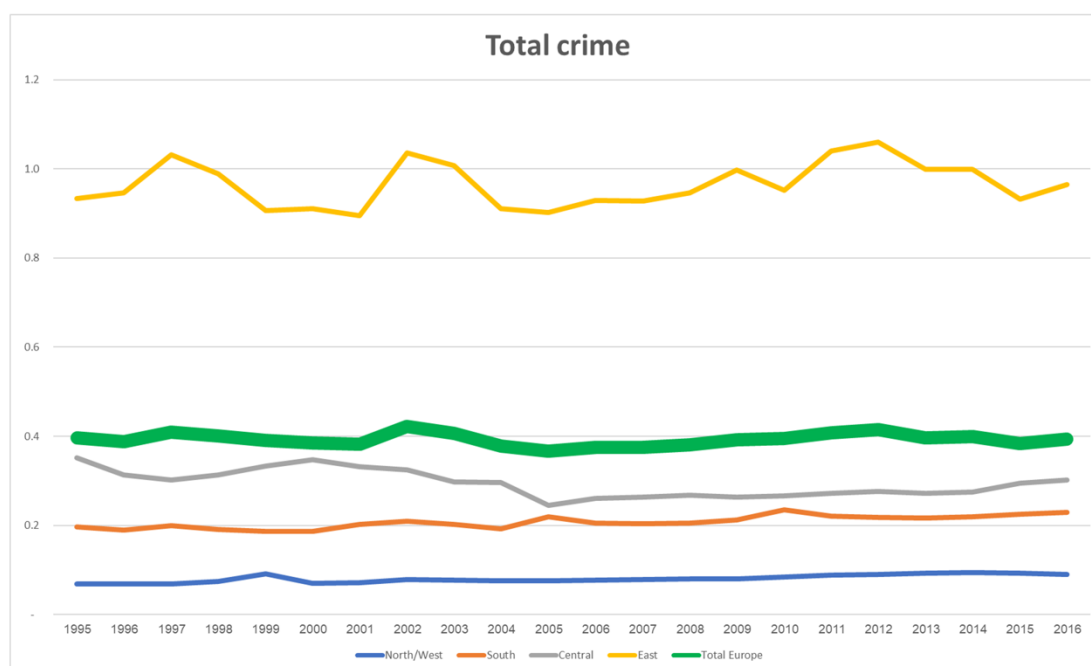


Figure 5: Punitivity (Prison stock per convicted persons)

There are several ways to define a Punitivity indicator. The indicator used here is computed by dividing prison stock by the number of convicted persons. This way we have an indicator that combines the chance of getting a prison sentence and the length of the prison sentence. So if every convicted person is convicted for one-year prison, then this indicator will be 1. But if half of the offenders get a prison sentence for three years (and the other half no prison sentence), then the indicator is 1.5. One of the advantages of this indicator is that it does not depend on the length of the sentence imposed but of the length of the prison stay actually served.

In figure 5 two observations can be made: firstly, punitivity seems to be surprisingly stable over the last 27 years. And the second observation is that there is a very clear distinction between the regions. The punitivity indicator is about 1 during all 27 years for Eastern European countries. In contrast, the indicator for the northwestern countries is 0.1 or even less.

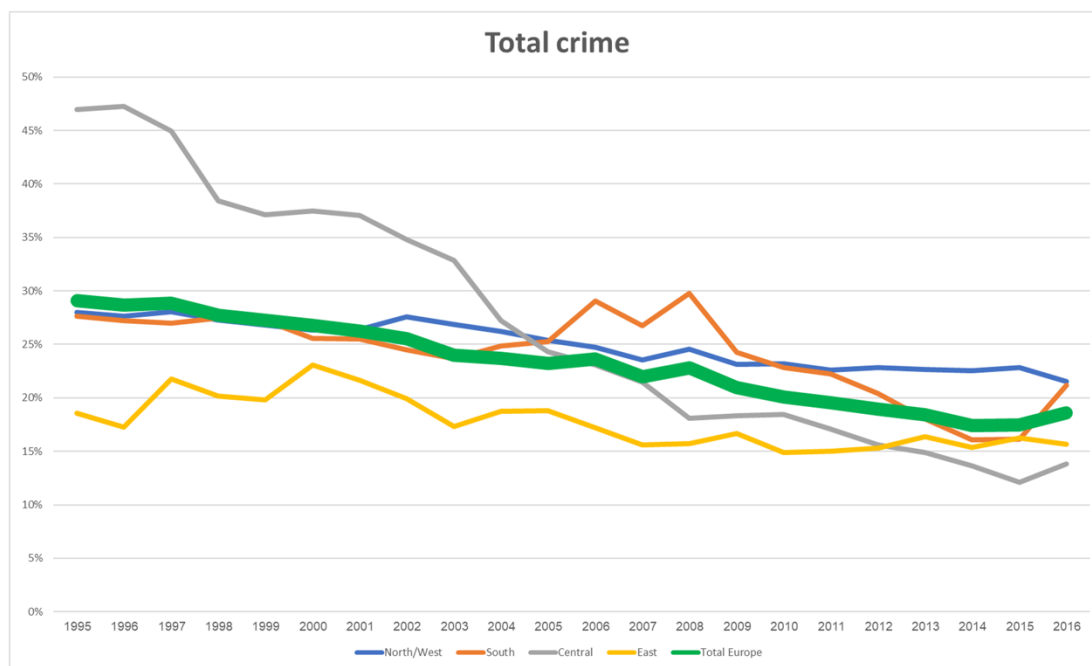


Figure 6: Pre-trial detention as percentage of total stock

For pretrial detention, we can see in figure 6 that it is steadily decreasing in all regions and in particular in the central European region.

To conclude some data are presented on juveniles and females. In figure 7 as percentage of total offenders (and this for two crime types: assault and theft) for the 'anchor years' 1995, 1999, 2003, 2006, 2010 and 2015. And in figure 8 as percentage of total prison stock.

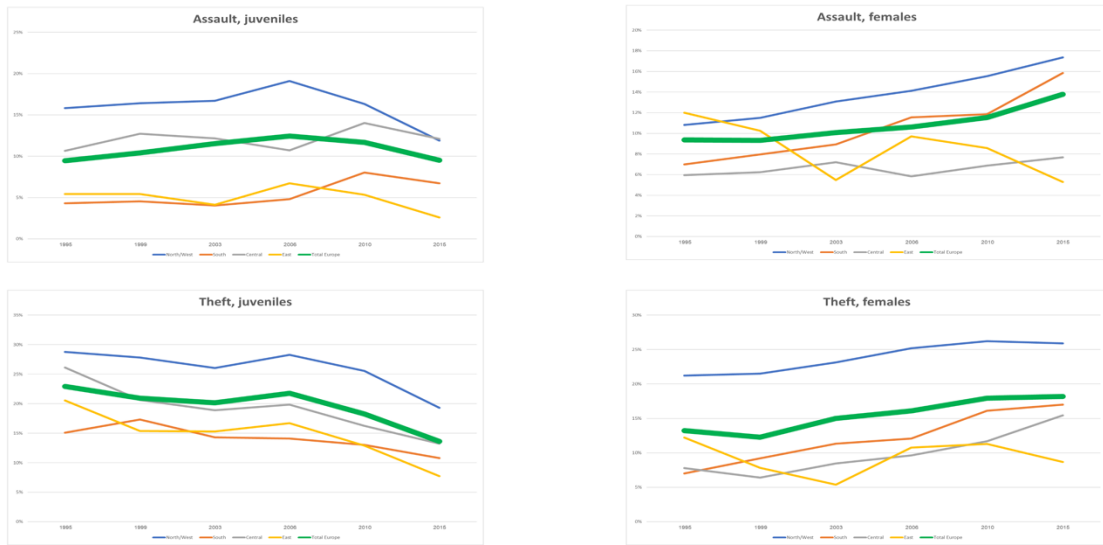


Figure 7: Juveniles and females: % of total offenders (assault and theft)



Figure 8: Juveniles and females: % of total prison stock

What can be seen here is that the proportion of juveniles in the criminal justice systems seems to be decreasing. This can be seen by the proportion of juvenile offenders for theft (figure 7) but in particular we can see a dramatic decrease in juveniles in prison (figure 8). Although the percentage is very small, the decrease for total Europe is from 5% to a little bit more than 1%. This decrease can be seen in all regions.

On the other hand, with some exceptions, the proportion of female offenders seems slowly increasing. In figure 7 for females, both assault and theft are slightly increasing. For the proportion of females in the prison stock (figure 8),

there is a slight increase for Europe as a whole from a little bit over 4% to a little bit over 5%. This increase is mainly due to eastern European countries.

This was the presentation showing you some, in my view, exciting trends over the last 27 years. And again, no explanations are given, but it is really an invitation for you as researchers to use these data and to do exciting things with it. Thank you very much.

*Rannveig Þórisdóttir:* Thank you, Paul. This is very interesting and I am sure that a lot of people will try to look into the data and create more explanations. And I think it is very interesting to see such a long, detailed, general trend. So, it will be interesting to hear questions later in this session. I am thinking because we are running a little bit late, but still we need our coffee break. So perhaps we should meet here again five to ten oh five to 11. Sorry, I am not at the same time as you. So five to 11. So we have short coffee break now. Thank you.

### *Multi-factor explanations of crime trends*

*Stefano Caneppele and Marcelo Aebi (Switzerland)*<sup>30</sup>

*Stefano Caneppele:* Thank you very much. Welcome back again. So, I am presenting this which is a reflection that with Marcelo Aebi we are conducting on the multifactor explanation of crime trends. This reflection started considering the debate around the concept of the *crime drop*. Usually, when I try to explain to my students about the issue of validity, I use to the metaphor of Pringles. I guess that everybody knows this brand of chips, we will see later if we can call them chips or not. Pringles were invented in 1967 by Frederick Baur, engineering chemist. Baur was passionate about food storage and dehydrated foods. Just for curiosity, Pringles took their name from a drive, the Pringle Drive, that still exist in Cincinnati (Ohio), the city in which the company P&G who owned at the time the brand was based.

I use this very popular product to raise the question about the problem of validity of statistics and about crime. So, this is the first can, the first can of Pringles, you will see that it is written the newfangled potato chips and indeed the Pringles were invented by this engineer, this chemist in order to solve a problem linked to logistics. The idea was to have chips, which were always the same, were easy to produce, to store, to transport and to consume. So basically, the idea of this can was pretty much linked to the idea of increase the capacity of storing and transporting, and to increase also the facility of producing this type of food. I use this parallelism with the Pringles saying that statistics are made of observational data which when combined and process creates a product which is information that should be always the same (comparability) and more convenient to produce, store and consume. So basically, I use this as a metaphor to discuss and to show that indeed the Pringles are potato chips,

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<sup>30</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-aebi-et-caneppele-coe-conf-210322-fin/1680a1e42a>

which are not the original potato chips. Since they are the potato chips are dehydrated and combined with other ingredients.

So, the example that I use for describing the issue of validity about crime data is that: our Pringles are really potato chips of potato crisps, as it was suggested in the can in the 1970s? And the answer is: not really, at least according to the High Court UK, because in the Pringles, there were not really more than 50% of potatoes inside. So, here we have the issue of validity: are we really describing, observing or using the right indicator to describe the phenomenon that we want to observe? So, in this case, can we really use the term chips to describe and to define Pringles as potato crisps? Of course, in this case, the example of Pringles and the decision of the court was linked to the financial issues and taxation. At that time Pringles were exempted to pay taxation on potatoes import since they were other than potatoes. This is an example of the concept of validity that we can apply also to crime data.

One of the papers that I present later is about the crime drop. So, when we talk about crime drop, are we talking really of all the crime drop? Since the 90s, the concept of crime drop was proposed and suggested especially in the United States, to describe the phenomenon which were linked to a consistent and continuous reduction of crime statistics observed in the US and even in Europe. Some authors sustain the idea that crime drop is the results of an increased adoption of security measures in Western society. On this, the debate is huge, since we can not exclude alternative explanations. In this presentation, we would like to address the fact that, probably, the issue of validity of the measure of crime statistics is applicable to the crime drop as well. Indeed, crime statistics started to include cybercrime only recently. Although it is not possible to establish a causal relationship between the increase of cybercrime and the decrease of many street crimes, we could not exclude that a changing in routine habits brought people to spend more time online at home, reducing the probability of being assaulted and increasing the exposure to cybercrime.

Indeed, we should consider that multiple and cumulative events may affect crime and crime statistics trends, and often it is difficult to explain everything with just one single causal explanation. For example, yesterday, the Canton Vaud in Switzerland, in which University of Lausanne is based, released its official data about crime statistics in the 2020. Data indicate a decrease in domestic violence reported to the police. On the press, the chancellor of security said that this is the result of the law that we passed in 2018, which imposed the expulsion of the offender from the home once he got caught in perpetrating domestic violence. Of course, this may be one of the possible explanations, but of course, there are other possible explanations that could suggest the fact that crime declined or domestic violence reported to the police declines in 2020. For example, we may assume that the victims of domestic violence did not want to report because they fear to be victim of violence more and more since they were very close to, or they were living together with the perpetrators and that Covid-19 situation created more economic vulnerabilities which pushed the victim to not report domestic violence. Or, maybe, the perpetrators would not act more violently against the victim since their control over them was enhanced by the limited mobility due to health restrictions and/or the victim was forced to postpone her/his choice to announce her/his will to quit the violent partners, which usually exposes the victims to a greater assault risk. These few examples, to sustain that are different possible explanations of crime data and trend. When we have to look to the interpretation of crime trends, we should not take only one hypothesis and one explanation for describing a very complex set of trends that are under the label of crime. And this is also the case of a cybercrime which was neglected by all the studies that constitute a crime drop.

Even when we talk about cybercrime, we talk of a huge variety of conducts that can be classified according to different classifications that have been proposed by different scholars. I took, for example, the transformation test

of Wall . He said if we keep out the Internet from the equation, will the criminal conduct survive? So, he developed the classification of cyber assisted crime that some scholar called the true cybercrime and cyber enabled crime. This is the case, for example, of frauds that have been boosted, by the fact that, through the Internet, we can reach a considerable amount of people and so we can increase the productivity of fraud interaction, reducing the cost of the perpetration. Another classification was linked to the modus operandi and to the fact that we can classify cybercrime according to the activity that is being perpetrated against the machine. So, we can run an attack against the server and the other information systems. We can use the machine to commit frauds, but also, we can commit crime in the machine. And this will lead us to the discussion around the creation of a cyber space in which people can have multiple digital identities. Thanks to the perception of anonymity and also to the idea of proximity, everybody can be reached very fast despite if s/he's very far from a geographical point of view.

In other cases, the hybrid crimes exploit both cyberspace and physical space opportunities. So there are so many differences compared to the past that require our attention in the interpretation of the crime trends. One of the most important innovation that made it possible the development of cyberspace is linked to the advent of smartphone in 2007 and the mobile high-speed connectivity which reconfigured the possibility to get access to the cyberspace and support the creation of cyberspace. Of course, the important point here is that when we have to look at trends and we have to find for possible explanations about the evolution of crime trends, we should not, let's say, get stuck in the old perspective. In this sense, I take this 2007 quotation from Steve Ballmer, former Microsoft CEO, which by chance, worked in the past with the inventor of Pringles. At that time, while Microsoft was competing to get access to the smartphone market, he said that "There's no chance that iPhone is going to get any significant market share, no chance". As you know, things went



differently for Apple, despite their iPhone prices were considered excessively high by Ballmer. His incautious statement is still reproached to him today. Nevertheless, what we can learn from this example is that the advent of cyberspace should put ourselves in a continuous questioning about the new roles of these environments in generating opportunities for crime and in also reshaping existent opportunities for crime. And now I leave the floor to my colleague Marcelo Aebi for the second part of the presentation.

*Marcelo Aebi:* Thank you, Stefano. So precisely was 2007 the period then 1988 to 2007 was the upper limit of the analysis of trends in crime in Western Europe with Antonia in 2010. So our reaction came from the fact that a crime drop was observed in the United States, then in the United Kingdom, and then immediately everybody started talking about the crime drop, an international crime drop everywhere and the figures did not support this idea. There were some countries in which that was being observed, but there was not a general crime drop at least. So, there was a drop in property offences, there was a drop in completed homicide, but violence was not growing following the trend, drug offences neither. Of course, among the causes of the increase of violence there is the higher sensitivity of persons to crime, to violent crime nowadays. But this is not the only explanation that can be given.

So we produce these multifactor model with Antonia in which we introduce what later was called the *security hypothesis*. This was a hypothesis that already in an article with Martin Killias we have introduced 10 years before and probably nobody in Europe was talking about the crime drop. So more security measures. Then we check also the increase of private security, the changes in the configuration of Europe in general. So that was, there was clear situational reason why property crime, after peaking in just after the fall of the Berlin Wall, started decreasing. And that was also true for completed homicide. And then, there were other changes like the increases in binge drinking among youth people. Also, the Eurogang group has shown how there were a lot of

gangs in in the streets. So, as violence is often related, the bulk of violence is related to the action of young people. We found indications of the time spent in the streets and the links that they would have to less opportunities to commit property offences.

But at the same time, we introduced already the access to the Internet. So I was reading from left, from right to left that if you go to the left, we observed at the time that there was a difference in the access to the Internet because that is just before the arrival of the iPhone, for example. And what we saw was that people with lower socioeconomic status would have had limited access to the Internet, and this could be the ones that would spend more time in the streets. And as there is a relationship between the socioeconomic status and ethnicity that would explain up to some point increases, for example, in the percentage of foreigners interpolated by the police, and then you have people with a high socioeconomic status that could at that time afford a good Internet connectivity that would spend less time in the streets for less contact offences and more time with the computer. So, more computer-related offences and that seemed to give a plausible explanation that had logical consistency with the findings; then 2007 is the arrival of the smartphones and then the 3G, 4G, 5G.

So, there is a link there with cyber crime that must be studied. And this was discussed in different ways. So, this is the directive of the European Union about defining cyber crime, so illegal access to information systems, legal system interference, illegal data interference, illegal interception tools for committing offences. But they were not really inspired by the international classification of crimes that I am showing the next slide. And this next slide shows you the two paths followed by the, UNODC, so there is on one side a cybercrime related facts. So if an offence is committed with a cyber element, let us say a computer, then it is tagged and then you get a different way of counting crime, which I think, we think because we discussed this with Stefano

many times and also with Antonia, it is a logical way of dealing with that, but implies a different way of comparing crimes, because then you will get something like 1/3 of these cases are committed through the Internet or 2/3. So the kind of analysis that can be done on the data is different. And so we have to get used to that.

And then the international classification introduced acts against computer systems, which are not exactly defined in the same way as in the EU, The main problem is the complexity of some types of cyber crime, so this is just an example from four years ago: The Spanish police in collaboration with the Chinese police. So, you already have two different police forces. They arrested 269 persons, most of them from Taiwan (you know, the situation between China and Taiwan) in 16 different locations of Spain. So, in Spain, there is a national police, a Guardia Civil, a different body, and then there are local forces from which they have been engaged in different types of cyber fraud. So, we have a kind of cyber fraud against approximately 3000 victims based in China. And they these victims lost 12 million Euros where they are, where are these offences? Which is the continuing unit, I can count 3000 cyber frauds, if I count acts, shall I count 16 for the different locations that count one for each case? Is it possible to get that figure? The persons, they will be arrested so they will appear in the Spanish police data probably but they will also appear in the Chinese ones. So, it is extremely difficult to measure this in the terms that we are used to.

So our, let us say, it is a proposal based on classifications that already exist is to assist a little bit on this and the hybrid crimes because you have offline crimes with that tradition, traditional, you have online crimes, some of them are cyber enabled, so they existed before cyber bullying, financial fraud. So, you could target them some cyber dependent, these are specific ones, hacking viruses, of course. How do you count virus? You count one virus, you count infections? How do you know how many infections? And then you have a lot

of crimes that are hybrid. For example, you can stalk about them in the street and then continue stalking him or her on the Internet. This is particularly relevant, I think, for bullying, bullying at schools. In the old days, bullying was over the moment the kid was entering the front door. Now it continues. And of course, I know there are several priorities, and yes, we discuss about priorities, but the real priority is the number of suicides in Europe, which is in many countries, ten times higher than the number of homicides. And some of these suicides are from adolescents - we know that adolescents and also older people are overrepresented. And it is something that people do not like to talk about, that they prefer to talk about other things that quantitatively are not so relevant. But this major issue is not being taken into account. And the fact that they cannot escape from this way of bullying them is a major issue. And bullying is not the only one, but I think it is a good example.

So which was the evolution of cybercrime from 1990, let us say, when the in the 1990s is when the drop started in the United States and for some offences also in the United Kingdom? It is difficult to find an indicator and you see and we have been discussing the importance of national victimisation surveys and international victimisation surveys, you know that we the ICVS was stopped in 2005, unfortunately, mainly because the European Parliament, the delegation from the United Kingdom, was against the introduction of that and that survey and there was no preparation to face this opposition. Of course, this gives us a different measure of crime. And the UK has said clearly this survey from 1982, which was showing a clear decrease in a period of when the criminal policy was "tough on crime, tough on the causes of crime". And if you get an international victim surveys that suggests that you of course, you are decreasing crime, but you have the highest rates in Europe, this usually is not good news, but you see where they decided to include fraud and computer misuse, suddenly, crime went up by 1/3 just by including this, you have 1/3 more crimes: there is a break in the figures. The latest ones are from four

months ago of September 2020 because of the coronavirus. Now the methodology is on the telephone. So, we cannot know if this increase is real or not, but it could be real. And I will show you why: keeping in mind that the percentage of incidents of fraud reported to the police is extremely low, so fraud and computer misuse, 14%. And if you go to the details: fraud 17%; bank credit card fraud, 18%, because usually you call your credit card, the credit card does not want this negative publicity that would appear in the journal to start tomorrow their headlines with that one million people were victims of credit card fraud during the last two months. So they do not want this negative publicity. So in many cases, this never reaches them and the police forces. But when it is reached, you see an increase of 1/3.

And in the next slide, which shows the results presented yesterday that were mentioned by Stefano with the criminality in the canton of Vaud, I am showing this not only because we are from the canton of Vaud and not only because these statistics are produced by some of our former students, which are particularly sensitive to this issue. You see 1/3 of the page in the lower third is cyber fraud that is in French (*escroquerie*). But one part is there, and we see in particular, this is the focus there, 1/3 are cases where you buy things online and you do not receive them and people go online, take into account the many people pay through PayPal and PayPal has a very good system of reimbursing you in case of this kind of fraud. And then you have 1/3 that is abuse of credit cards or use of their identity through a bank account.

So what we see, these are the figures of cyber fraud only from 2016 to 2020. We see the clear increase and now they are saying, of course, this is the cause of the pandemic and the confinement that cyber crime is going up. But you see that the increase is in the line of increase we have been watching since 2016. And if you will remember, the presentation I made before, there is a moment change, changing the way these offences are being counted. It comes with the new criminal justice statistics in Switzerland in 2009. And here you

can really see this because the general bulk of crime is going down. So if you look as Stefano clearly showed, if you look at the package of Pringles, they all look the same and they all go in the same way, but when you go to the details, this is completely different. And we know that only a small part of the cyberfrauds are known. So, the figures that are there should probably be multiplied by eight or nine, but we will never know it until there is a uniform crime survey. And that, I think, would be the point of Catrien yesterday.

Here you have this Neilson report, which used to be open access, now it is no longer, this is the losses in billions on credit card fraud. This information they collect from credit card companies. So this is billion, let us say one billion in the American way is one thousand millions (un *milliard*, for those who speak French). There were 16 billion, so one would say why nothing is being done? The reason is that the losses remain stable, so you are losing six cents per 100 dollars all the time, which means that your average income was multiplied also by 16. So, the use of credit cards increased by 16 at the same time, at least, and at the same time, the losses increased by the same way. But they always represent six cents. And I guess you already guessed who is paying for that, so when you pay your annual fee for the credit card company, you are probably paying for the sixth cents that the companies are losing. Each time they lose one hundred dollars.

And so just to finish: the fact that cyber crime was not taken into account in many of the discussions on crime trends. We insisted on that many years ago, but if you look at the literature this is seldom mentioned is quite astonishing, because if you look at these figures from Switzerland, from 1998, we are less than 20% of the population have used regularly Internet; in 2019 92% of the men are using them and 85% of women: The average is 90%. And if you look at your left by age, you see that, of course, when you go to the young people, 14, 19, 20, 29 years old, we are almost at 100%. But even for the seniors now, it is 50% for those who are 70 or more. So everyone is online, and so here

you have to your left the time the people spent on the Internet by day: so the darker the colour, the higher the percentage that you see, for example, for an adolescent 15-19 wants to spend three hours or more, and if you look to those who use less than one hour, because maybe this is what we need to know, so only 6% of the population is then less than once a day on the Internet. So even among 75 years or more, you have still 10% that spend three hours a day. So this is a general change. Of course, there are differences according to the age, but not the one that you would expect. Then you have the scale of this problematic use and use of the Internet. I will not insist on that. So is addiction to the Internet that they are measuring here, if it reaches some people, of course. And so if we look at young people, for example, to your left, you have the ones aged 6, 6 years old to 13, so these are primary school kids, 60 percent are using the Internet, half of them have a telephone and 1/3 have access to Internet in their room. And if you go to adolescence, so this is 12 to 19 years old, 99% have a portable telephone, 75% a computer, 1/3 a tablet. So, everybody is online.

So we have taken all this into account in several publications, so this is based as I think this is based on the work we have done with Antonia, the article in 2010 and then with Stefano in 2019, another article with Antonia about the use of a series that has just been published and now this forthcoming article that we are going to do with the Stefano, which should put many of these things together. Let us go back to the key points: so there is no universal crime drop and I do not know why we should be, with all due respect and taking as a reference the discussion in the United States where the situation in Europe arises a lot from country to country; cybercrime until the late 2010s was seldom mentioned as a relevant issue. It has clearly increased in the 1990s, but it is almost impossible to measure it exactly. So, we got measures how many millions or billions have been lost for the use of credit cards. But we do not get the clear indicator, mainly because it is seldom reported to the police and it has increased in the last few years because it has increased everywhere. So that

must have contributed to the decrease of the overall rates of delinquency because there has been a shift. It does not mean that people, the people that were committing robberies became cyber experts, but indeed the society is changing. Lifestyles are changing. The generations are renewed constantly. And so we would like to introduce an idea of Bertrand Russell?????, who was always against the principle of causation that was also used later by our colleagues, candidate, for example, in Portugal, the idea of the process more than a cause. And people are looking for a specific cause, and this is a process that change in, you can decide if you want to come to generation 30 years in the old days or much easier 15 years or two generations past and everything changed completely. So, the increase of cybercrime, which is seldom reported, probably contributed also to the decrease of the offline offences. And of course, and this is the point of our article, our series, the series must be adapted to this world and should include the digital world, the real world, and also a hybrid component of this world. This is what we wanted to tell you today. Thank you very much.

*Rannveig Þórisdóttir:* Thank you very much, Marcelo. It was very interesting and I think it will be very interesting to then listen to Fernando Miró-Llinares who will tell us about the impact of Covid-19 on cybercrime trends.



### *The impact of COVID-19 on cybercrime trends*

*Fernando Miró Llinares (University Miguel Hernandez Elche, Spain)*<sup>31</sup>

*Fernando Miró:* Good morning. And thank you very much. It is an honour for me to be at this conference at the Council of Europe. And I would like to thank the organisers for their invitation, especially Professor Marcelo Aebi. Of course, I would prefer to be in a magnificent city of Strasbourg with all of you, but cyberspace has allowed me to listen to today's magnificent speeches without leaving my home. And thanks to these, in fact, it has been possible to hold this conference despite the pandemic we are living through. The question we are all asking ourselves is whether we will be able to hold conferences of this kind in person again when this is over. It is not difficult to predict that additional meetings will return because of the need for face-to-face contact, but also that many will be reduced and that video conferences will replace many trips to meetings.

Just as the big think tanks are predicting that teleworking will increase and that digital leisure at home will continue to increase, as it has been doing for years, covid-19 crisis has accelerated digitalisation. This process of change that Marcelo and Stefano were talking about before and that is now more visible. But that has been going on for some decades and brought profound change. In relation to what concerns us here, on the one hand, the emergence of a new cyberspace in which multiple types of criminal behaviours are committed, and on the other hand, the impact of technology on the everyday activities and on people's habits and lifestyles to such an extent that is probably affecting traditional crime. Well, this is the subject of my presentation, which, compared to those that have preceded me, will offer more explanatory hypotheses than data and more data that is difficult to analyse than reliable and clear data: it is cybercrime, my friends, as Marcelo and the Stefano explained.

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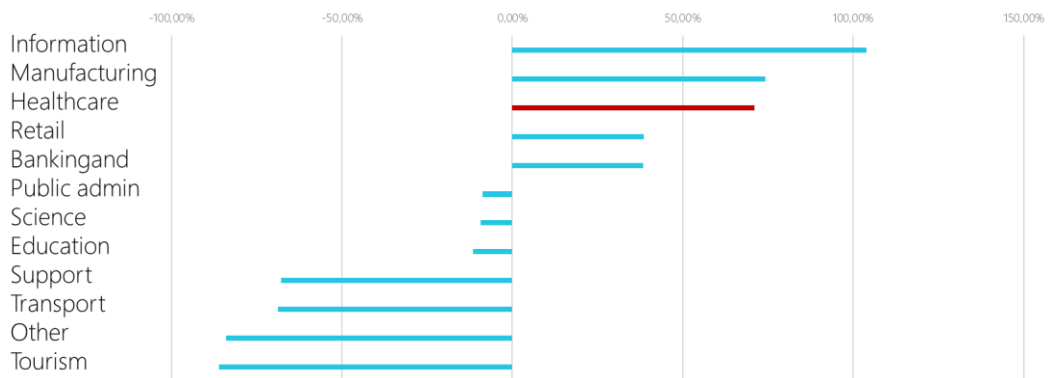
<sup>31</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-fernando-miro-llinares-the-impact-of-covid-19-on-cybercri/1680a1e42f>

And I hope that in the not-too-distant future this will change and that the European sourcebook will help.

For now, I will try to approximate us to what happened to cybercrime during the pandemic to reflect on how digital revolution influenced and influences crime trends. Well, from the beginning of the pandemic, the growth of cybercrime was taken for granted by agencies as Europol, Interpol, United Nations had also begun to report the first events related to covid-19 domain names of fake websites. Just as a decrease in a street crime was expected, there were warnings of an increase in Internet crime. This was sometimes misleadingly expressed as criminals moving from the streets to computers, ignoring the technical complexity of some forms, not all of crime perpetrated on the Internet, and also that many crimes have much more to do with opportunities that arise than with planet misdeeds that shift from one place to another. But behind this general idea, from the streets to the homes and from here to the Internet, what did not exist was an essential intuition related to a very basic theoretical framework which states that crime, like any other social activity, is determined and conditioned in part by the environment in which it takes place, by the situational context that leads to the convergence of potential offenders and targets in some places and not in the others. So, then the increased use of Internet services due to less time on the streets because of the lockdown would lead to an increase in cybercrime. Since it is on the Internet where they spend time, it will be there where opportunities arise and where offenders and victims will converge.

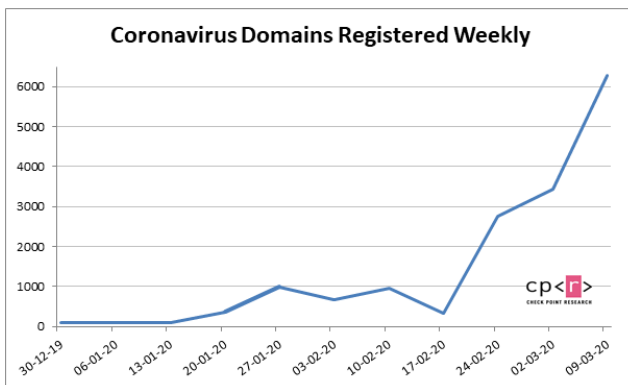
Moreover, the context also allowed criminals to take advantage of the new cyber spaces, the new interest that emerged during the shutdown to perpetrate their attacks. In fact, the first reports of cybercrime were not given so much by a move from physical space to cyberspace, but by the opportunism of cyber criminals to adapt to the new context, we think the Internet itself, new places as Zoom. Just as physical space, that is what I am going to call *adaptation*,

yes, the same physical space criminals choose victims and places and they move on. When potential guardians appear in cyberspace, several people adapt to changes in digital space. There are four essential ways in which cyber criminals adapt: *typological adaptation* by which cyber criminals respond to blocked opportunities by committing other types of crime, *target adaptation* by moving from well-protected targets to easier targets. *Technological adaptation*, by launching attacks with new tools and technologies and *cyberplace adaptations* by changing the domain name or digital place from where from which they carry out their attacks. While the pandemic may have let some criminal organisations to take advantage of the situation by entering the illegal trade in certain health products such as face mask or medicines, the two forms of adaptation most clearly facilitated by the pandemic where target adaptation and cyberplace adaptation. We have seen the emergence of fraud related to health products or attacks on the health infrastructure themselves, which have become vulnerable targets as they were overwhelmed by the situation. In fact, a study conducted by Atlas VPN on attacks on different sectors in the first quarter of 2019 and the first quarter of 2020 shows that there was a change in the main targets chosen by cyber criminals with an increase in attacks on the information manufacturing, the health care sectors, as you can see and the place of attacks against those like transport and tourism during the pandemic. We have also seen examples of cyber criminals taking advantage of the new context, acting in cyber places where there was a higher concentration of people who in many cases were new to these environments and unaware of the appropriate ways of protecting themselves.

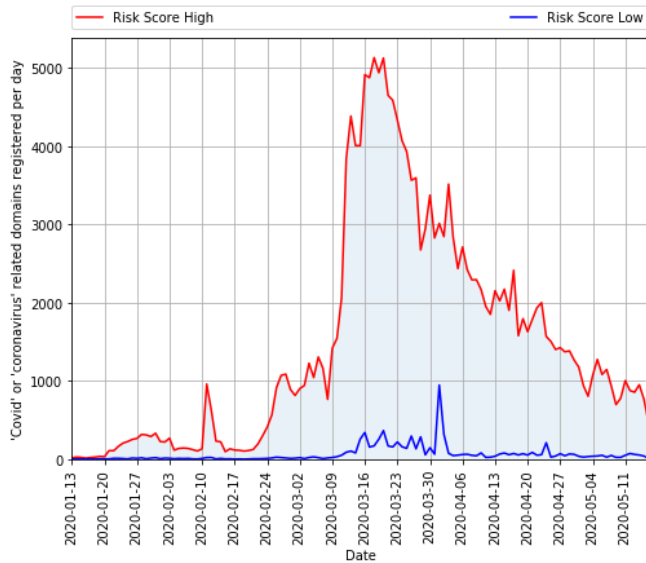


**Figure 1:** Percentage change in number of violations by sector affected, 2019 Q1 vs. 2020 Q1 Source: Own elaboration from the atlasvpn

We have also seen examples of cyber criminals taking advantage of the new context, acting in cyber places where there was a higher concentration of people who in many cases were new to these environments and unaware of the appropriate ways of protecting themselves.



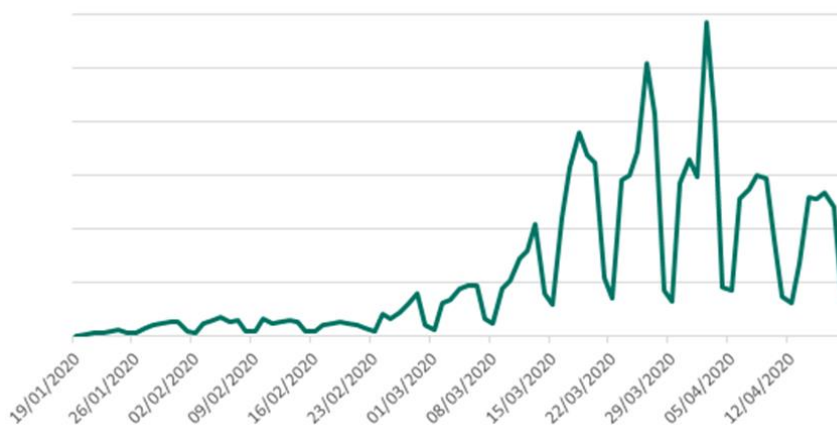
**Figure 2.** Coronavirus domains registered weekly. (Source Checkpoint)



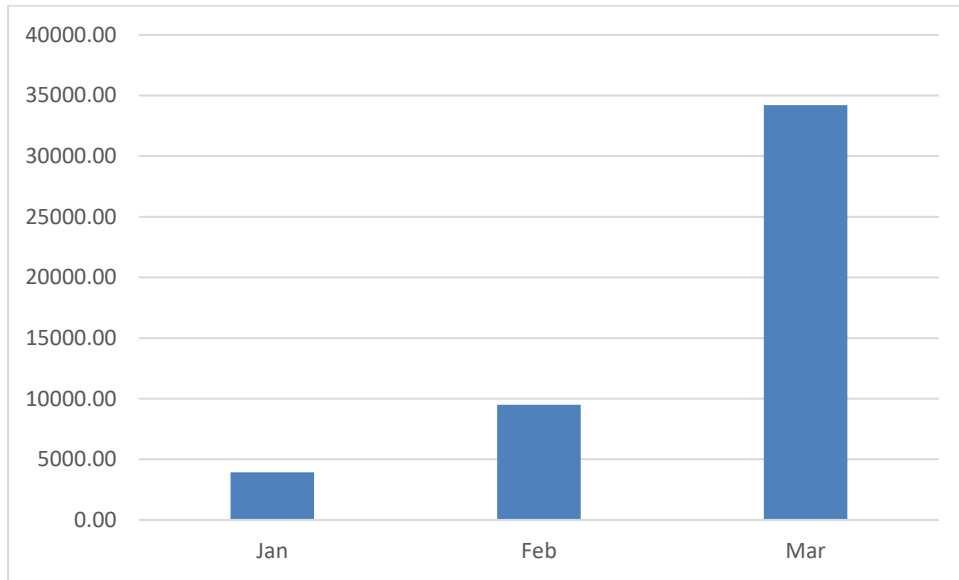
**Figure 3.** Risk domains created by week (Source domaintools)

We can observe that among the high creation of domains related to the coronavirus showing the graph of Checkpoint study, many malicious domains appeared as shown in the graph of the Domaintools report.

As can be seen in these two graphs from Forcepoint and Trendmicro reports, the interest concerned for information about the coronavirus about the vaccines have been used by cyber criminals to both spread scams and to increase access to malicious domains.

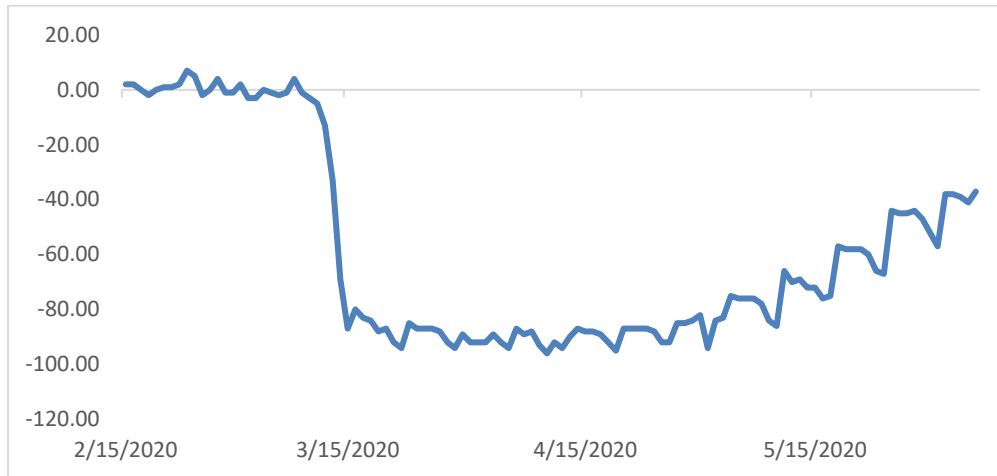


**Figure 4.** Spam emails including COVID themed URLs (Source Forcepoint)

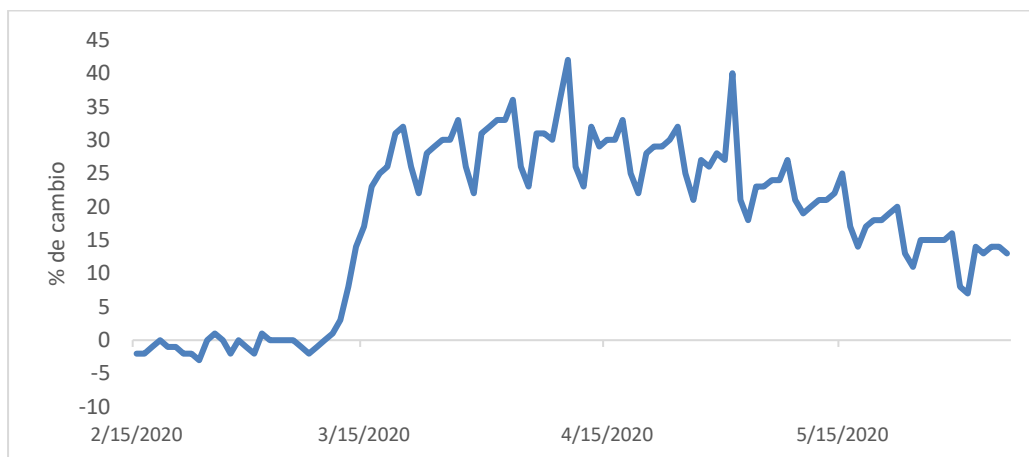


**Figure 5.** Access to malicious domains related with “covid-19” Source: Trendmicro

Well, what we have seen so far is opportunism of cyber criminals inside the same cyber space. But not we cannot say that this is a real increase of cyber crimes. We are going to see as different as it is related to a shift of opportunities from physical space to cyberspace because of changing lifestyles due to the covid-19 crisis that may have led to an increase in cyber crime. I show these graphs based on Google Data on Spain showing how the lockdown led to a reduction of activity in commercial areas and an increase in time spent at home will also come as no surprise if I stayed that more time at home, also related to time spent on leisure activities as these graphs from The New York Times.



**Figure 6:** Percentage of change in mobility in commercial and leisure areas in Spain from baseline. Source: own elaboration (data from Google Trends).



**Figure 7:** Percentage change in mobility in residential areas in Spain from baseline. Source: own elaboration (data from Google Trends)

## The New York Times

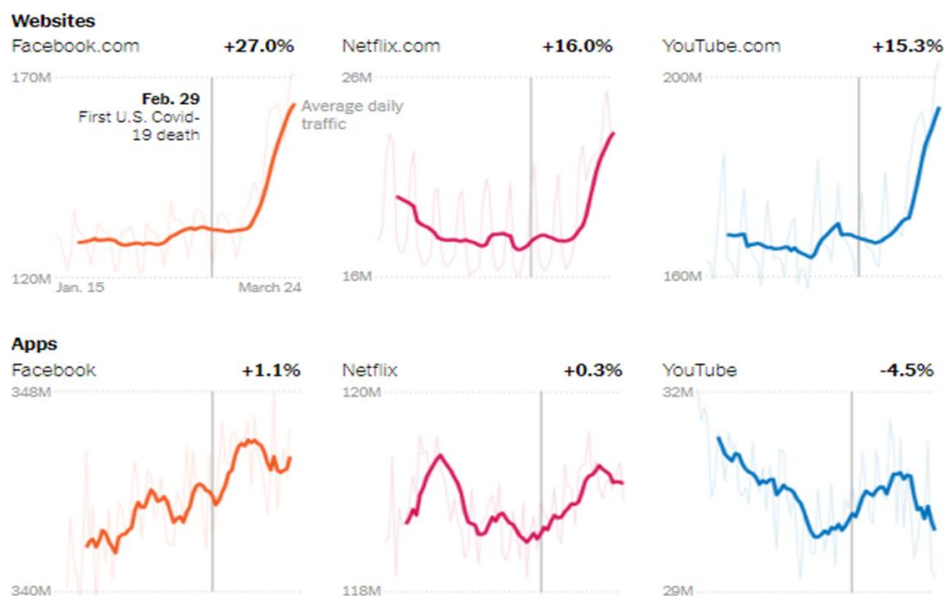


Figure 8. Source: The New York Times

**Figure 8:** Evolution of digital platforms. Source The New York times.

And it is not just the time we spend on the Internet that has changed, as Marcelo explained before, also the patterns of what we do, of how we navigate the Internet, the activities we do have changed, as shown by the increase in online shopping in different countries, are seen as the business target of online sales or the growing use of new online tools to work and communicate, as this conference we have, it demonstrates. To some extent we could say that cyberspace is expanding, we are doing an increasing variety of activities in cyberspace and with a greater frequency, and some activities are even being moved from physical space to online as also opportunities with them. Many countries have produced specific reports on the evolution of crime during and after confinement. There are also specific reports about cybercrime, like the one by Europol on cybercrime, but I do not have enough time to analyse all of them, so to understand what happened, I prefer to focus on the one I believe is the most complete, also is the most recent is from last week, from Friday, the IC3 report from the FBI. that receives complaints of a wide array of cybercrimes from victims across the globe, and they produce an annual report highlighting



the data provided by the general public. Since 2015, this report have collected the number of reports for more than 30 categories of of cybercrime. We have collected data from these last five reports to see changes in reporting trends, and especially the changes in the last year for this time and we are observing a general rising trend, clearly bigger than before. Almost all crimes are on an increasing trajectory, with some exceptions (this is not here of crimes such as hacktivism and cyber terrorism).

In the next table we are capturing some of the most interesting changes in recent years. We can see, for example, that misrepresentation crimes, misrepresentation crimes is only shopping where in the end the products are not of the quality or quantity advertised. So, misrepresentation crimes have alarmingly grown by 306% from 2019 to 2020 after a four-year period of relative stability, probably due to the increase of online shopping during and after the lock down. Crimes against the health care system have also tripled compared to 2019; reported crimes against children have increased by one 144%, although it is difficult to know whether it has increased our crime or complaints. We find a similar pattern of crimes related to non-payment and non-delivery and threats of violent crimes, although we reason these crimes are not as marked as the others. I said, other cyber crimes like copyright offences, continue to rise but they seem to follow the general trend of the last five years rather than a spike in the last year, as was the case with the other several categories mentioned before.

CRIME	2020	2019	2018	2017	2016	2015	RC 15-RC 19-20	RC 19-20
Confidence Fraud/Romance	23751	19473	18493	15372	14546	12509	90%	22%
Crimes Against Children	3202	1312	1394	1301	1231	1348	138%	144%
Extortion	76741	43101	51146	14938	17146	17804	331%	78%
Harassment/Threats of Violence	20604	15502	18415	16194	16385	14812	39%	33%
Health Care Related	1383	657	337	406	369	465	197%	111%
IPR/Copyright and Counterfeit	4213	3892	2249	2644	2572	1931	118%	8%
Misrepresentation	24276	5975	5959	5437	5436	5458	345%	306%
Non-Payment/Non-Delivery	108869	61832	65116	84079	81029	67375	62%	76%

**Figure 9:** Evolution of cybercrime reported to IC3. Source IC3

These data suggest an impact of covid-19 on cybercrime, even since this aggregated data. Alongside these official reports, academic research has also proliferated. They show, with respect to traditional crimes, that during the confinement, and as expected, crime rates were lower than expected according to time series models in several forms of urban crime, which however would have returned almost to normal afterwards and in some cases would have increased. In terms of cybercrime, the two most interesting pieces of research - I am admittedly an interested party as I am part of their research team - are based on Action Fraud's data on cybercrime in the UK. In this research<sup>32</sup> we compare the number of cyber dependent crimes and cyber frauds recorded by the police between May 2019 and 2020, finding a significant increase in cybercrime in general and many specific forms of cybercrime in particular, such as offences on personal social media and email hacking malware distribution as well as online shopping fraud.

<sup>32</sup> BUIL-GIL, David, et al. Cybercrime and shifts in opportunities during COVID-19: a preliminary analysis in the UK. *European Societies*, 2021, vol. 23, no sup1, p. S47-S59.

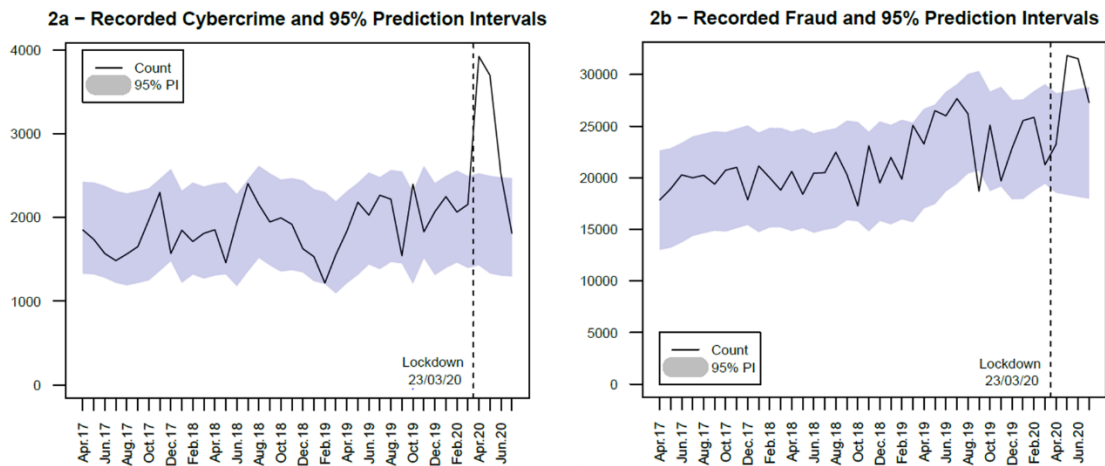
	Count in May 2019	Count in May 2020	Relative change (%)
Computer virus/malware/spyware	742	648	-12.67*
Denial of Service attack	14	18	28.57
Hacking – Server	24	25	4.17
Hacking – Personal	270	479	77.41***
Hacking – Social media and email	939	1,449	54.31***
Hacking – PBX/Dial Through	9	7	-22.22
Hacking combined with extortion	313	251	-19.81*
Online fraud – online shopping and auctions	5,619	8,482	50.95***
All cybercrimes	7,930	11,359	43.24***

\*\*\*p-value < 0.001, \*\*p-value < 0.01, \*p-value < 0.05.

**Figure 10:** Relative change of cyber dependant crimes May 19-May 2020. Source Buil-Gil et al., 2020.

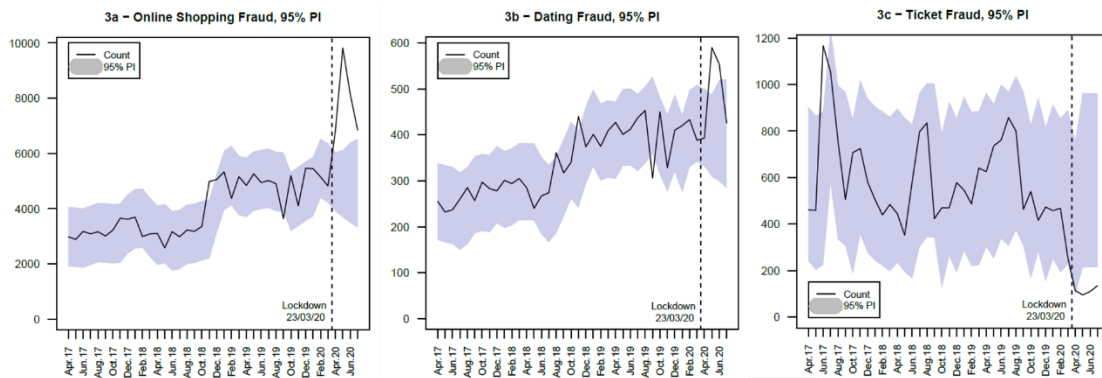
In addition, we analyse the evolution of this crimes over the last 12 months, the analysis showed that most forms of cyber fraud increased in the UK during the covid-19 outbreak, and that crime rates were particularly high during the two months with the strictest blocking policies and measures. These results are somewhat consolidated when looking at more recent research we have conducted using Action Fraud again<sup>33</sup>, but with data from 2017 to June 2020 using ARIMA models, it is seen that both cyber crime itself and online fraud, especially shopping and action fraud, increased during the long down beyond what the trend predicted. But you can see that the trend is also growing. What is interesting is that after the end of the lock down, pure cyber crime has returned to the predicted levels, but cyber fraud has not.

<sup>33</sup> KEMP, S, BUIL-GIL, D., MONEVA, A., MIRÓ-LLINARES, F., & DÍAZ-CASTAÑO, N. [Special issue] Empty streets, busy Internet. A time series analysis of cybercrime and fraud trends during COVID-19. *Journal of Contemporary Criminal Justice*



**Figure 11.** ARIMA models for cyber-dependent crime and online fraud. Source Kemp et al., 2021.

Following my argument, while increased time on the Internet does not necessarily create more opportunities for pure cyber crimes, some opportunities for displacing had been accelerated by confinement. Increased use of cyber space for shopping, for example, may have remained, and thus the rise of cyber enabled crimes. We can see that fraud related to online shopping reached levels far above values and also that ticket fraud was below predicted values that these because certain frauds, although committed online, have some form of physical components, as happens with ticket fraud related with shows and other events, some kind hybrid crimes, as Marcelo and Stefano said before.

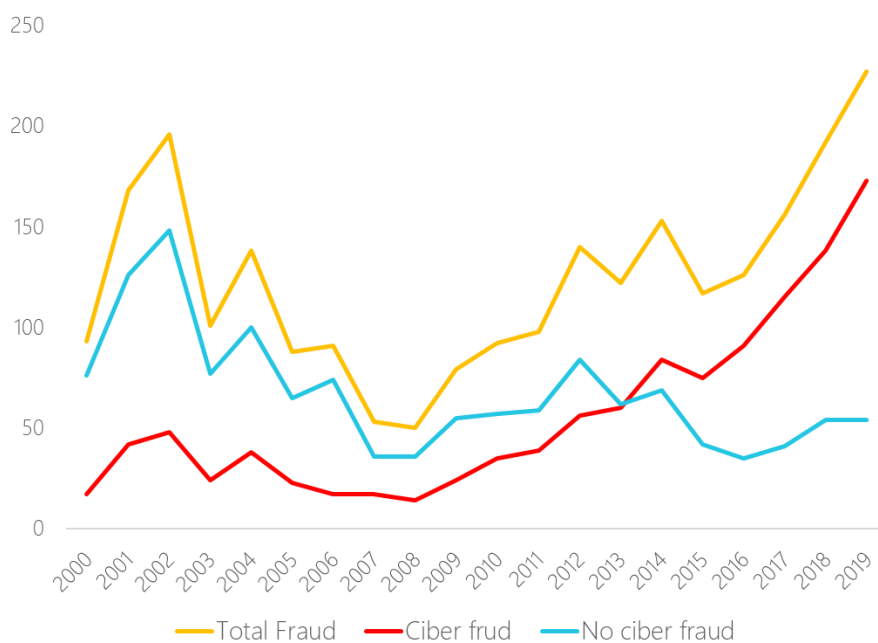


**Figure 11.** ARIMA models for different online frauds. Source Kemp et al., 2021

Well, that this was due to Covid-19 means that when normality returns, the rates will return today to the same place? The first thing we must say is that this displacement of activity due to digitalisation has already been happening, although more slowly since the late 1990s. And in fact, some authors as myself, Marcelo, Antonia Linde, they have already pointed out that the decline in some ways of crime that has been taking place since the 1990s under the name *crime drop* could have some relationship or indirect link, on the one hand, with the known measurement of new forms of crime and on the other with a change in lifestyle due to the digitalisation that has decreased some modalities of criminal behaviour committed in physical space and increased those modalities of the same or similar crimes that can now be committed on cyberspace.

What I am going to show to you now are some results of our research that I am currently conducting on trends regarding some dual crimes. And there are people that they call them cyber dependent crimes or cyber enabled crimes. I prefer to call them *dual crimes*. So these crimes that can be committed even today in a similar way in physical and digital space as defamation and duress and threats of violence, sexual abuse, corporate crimes or fraud. Sorry for not having enough time for explaining the research: in more than 9000 sentences judicial resolutions, we analyse how the events investigated as a crime have evolved over these 20 years from 2000 to now to measure the impact

of what Marcelo and Stefano were saying before, this digitalisation. Although I will only show preliminary results this year as expected as they are, shocking behaviours perpetrated without digital components and physical space have significantly decreased since 2000, and those carried out in cyberspace have increased significantly in relation to fraud in general, we can see a decreasing trend between 2000 and 2009, which coincides with a decrease in sentences without the cyber component. The trend changes, as you can see from this year when frauds with a cyber component begin to rise. In fact, we can see that in the early 2000s, cyber fraud only accounted for 20% of fraud-related convictions, whereas today it accounts for around 80 %, which represents an increase of more than a 100%. Threat of violent offences show a similar pattern, in the early 2000s, sentences related to cyber behaviours accounted for less than 100 and are now around 80 %, an increase of more than 300 %. Seems that we say things like, I will kill you now by WhatsApp and not face to face.



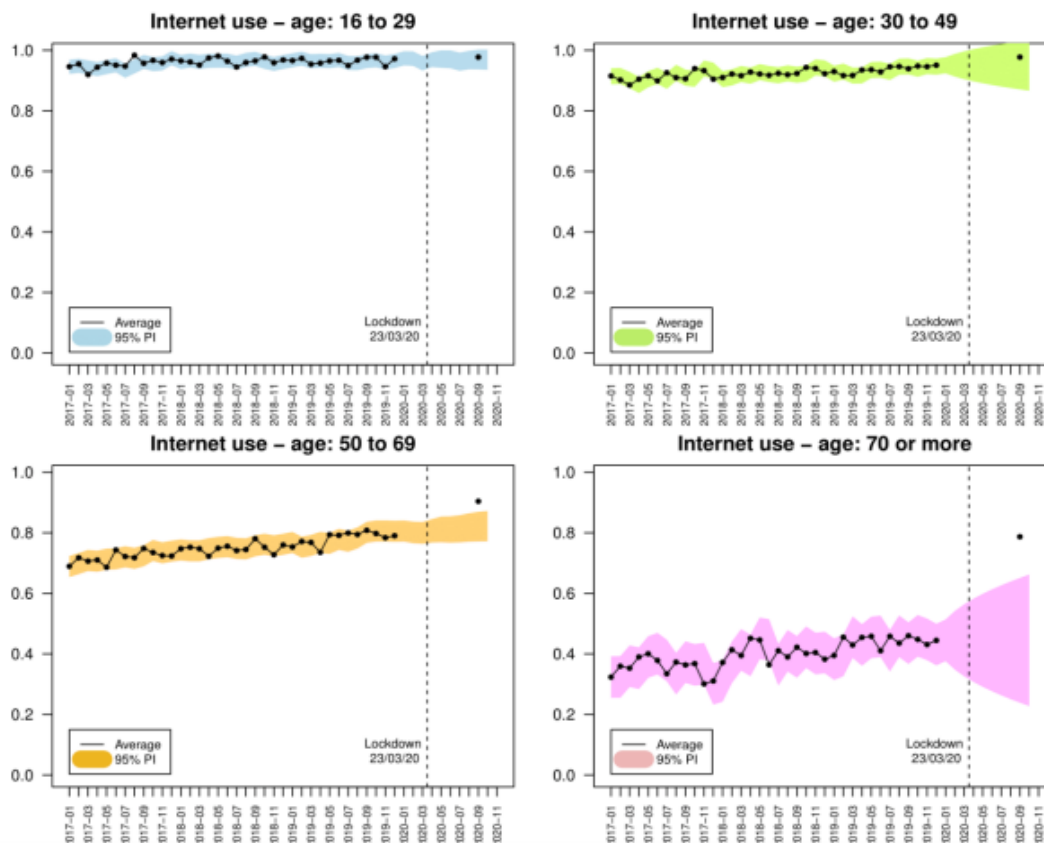
**Figure 14.** Trend for count of fraud sentences. Source: Own elaboration

So, I come to the end and allow me some conclusions and let me concrete them about what can imagine that will happen in the near future because of

what we have seen during pandemic and also what we can learn from the past. Changes in criminal opportunities are related to changes in everyday activities. As long as we shop on the Internet, online shopping fraud will continue to occur. If we look at the action fraud data updated to February 2021, we can see, as mentioned above, that while the trend in cyber dependent crime has returned to pandemic levels, fraud is still growing. The question therefore is will our behaviour change when the pandemic is over? This is a study on the maintenance of habits acquired during the pandemic: more than 50% of those interviewed had stated that they would maintain these habits after the end of the pandemic. And it is not just that those of us who are ready made regular use of these technologies are now using them more. But also the people who did not use an extensive use of these technologies before pandemic have been forced to use them, especially visible in older people, as shown in these graphs from a new study by Buil-Gil,D and Zeng<sup>34</sup>, which showed that their use of the Internet during the pandemic is outside the ARIMA model prediction for people over 50 years of age. And we know now, and as we have seen it, behaviour by meeting people would shift from physical to space, as has been happening since the 90s. Victimization will shift there, too. Thanks for the interest and waiting for the later discussion.

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<sup>34</sup> Buil-Gil, D., Zeng, Y., & Kemp, S. (2021). Offline crime bounces back to pre-COVID levels, cyber stays high: Interrupted time-series analysis in Northern Ireland. CrimRxiv



**Figure 14.** ARIMA models for use of internet. Source Source: Buil-Gil,D and Zeng, Y (2021)

*Rannveig Þórisdóttir:* Thank you so much, Fernando. I think we should now turn to our last speaker before maybe hopefully we will have some time for discussion. So I introduce Catrien Bijleveld who is speaking about the contribution of International Victimisations Service to the study of crime rates and crime trends.



## *The contribution of international victimisation surveys to the study of crime rates and crime trends*

*Catrien Bijleveld (The Netherlands)*<sup>35</sup>

Dear all, this presentation is actually more of a question I want to pose to everyone out here. And I would be very eager to hear your responses. So to start with, I want to step back and as a criminologist, say that it is strange to see that we have a quite unique problem: we have great problem measuring our central variable crime. It is really difficult to assess crime levels nationally and also, of course, internationally. So instead of having direct measures, we use mostly indirect measures. We use police data, we use other indirect data, such as data for insurers or from emergency units in hospitals. And we use victimisation data. We ask people whether they have been victimised of what crime, what happened, what they felt about police treatment, etc.

Now, in general, these victimisation data from victim reports are generally perceived as the least problematic. They are generally perceived as the best measure we can get of crime. Even so, there are not unproblematic by themselves. And so, they are definitely not a perfect solution to measure crime. And it becomes especially problematic if we want to make cross-national comparisons.

There are definitional incongruities: crimes are defined differently over countries, crimes are perceived differently, so certain behaviours are considered a crime in some countries and less so in other countries. And there are, if you have victimisation data collected in different countries, usually methodological differences in which these data were collected. That may also give you differences in prevalence rates - which may be due to differences in

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<sup>35</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-catrien-bijleveld-23-march-2021/1680a1e42c>

the extent to which the crime occurs, but which may also be a direct consequence of the methodology.

And it is really strange if you think about these definitional differences. For instance, if you are a medical doctor, whether you research TB or malaria or Covid or HIV in Zimbabwe or in the Netherlands or in Thailand, you will employ exactly the same definition. But that is not the case when you talk about crime. And I noted that Marcelo Aebi in the opening talk of this conference, in fact, said that it is *impossible* to compare rates over countries.

Now the Sourcebook, of which we heard a lot here, is a laudable effort, it cannot be praised enough to help overcome such incongruities within Europe, within the European Union and the Council of Europe, to look at national crime and justice statistics and to interpret this.

However, also looking at the latest version of the Sourcebook, you will see that we do not have a systematic comparison data on victimisation. These data are definitely not at the level at which police data or prosecution data or prison data are. So, as a consequence, it is hard to compare crime trends across Europe.

Now some you might, well, but we have the ICVS! Yes, we had the International Crime Victimization Survey, but it has not been conducted that often. We had rounds in a number of years and the latest one was pan-European and actually quite successful. But all in all, the picture is definitely not solid enough to be able to compare crime trends. Now some of you might say that the Fundamental Rights Agency recently conducted a survey, based on the ICVS, on which we will hear more this afternoon at this conference. But all in all, my opinion would be that we definitely do not have enough to compare trends.

So this is the question that I want to pose to you. Would you think it would be a good idea (or even necessary) to have yearly or, let us say, bi-yearly victimisation data for Europe? We are, you could say, a common physical space, a connected physical space with largely open borders, we share transnational crime because it is so easy to cross over those borders. We share already for a long time supranational European laws and - not unimportant - one that is increasingly seen as important: the *victim's directive*. In addition, we can see from the from European Sourcebook that some countries even do not have regular victimisation surveys.

So should we strive for a European crime victim survey? Of course, yearly data, or bi-yearly data and victimisation trends will constitute a limited set. But it would be your best option if you are interested in crime trends in Europe to get that picture. And this has been stressed a number of times here at this conference as well. It would also offer opportunities: for instance, to better incorporate cybercrime.

I know that a number of years back, an effort has been made to start a crime victim survey. One issue with such a pan-European victim survey is that you may get double surveys in some countries. So you have the European Survey, which tells one story and you may have a national survey which tells another story. And that can be a real issue: it was something we had, for instance, in my country in the Netherlands for a long time. We had two victimisation surveys and they never quite said the same. So that is something policymakers may want to spend money on. And, connected to this, another thing to solve is, of course, if you do this, to have the same methodology rolled out over different countries in which the survey is administered.

Thank you.

### *Q&A Session 3*

*Chris Lewis:* I want to say something about cybercrime, because I have several PhD students researching in this area. I just want to comment on the very interesting presentations by Marcelo [Aebi] and Fernando [Miró]. First, about the geographic situation. Many, many cyber criminals are now living and working from Nigeria, Thailand, Mexico, Brazil and places like that, because the Internet penetration is very high in these countries. So, the suspects are not European anymore, they tend to be from somewhere else. Secondly, the motivations are changing. In my experience, it is not purely financial any more, but there are all sorts of motives and motivations, like revenge, and there are political motivations, there are sexual motivations, and it is getting more and more complex. The third point is that most cybercrimes are not successful. If I counted every time that somebody tries to hack my bank account, it is probably at least once a day, possibly, and maybe more lately. The next point is that cyber criminals are developing an industry. They are working to get much better than many criminals are in other fields. And we have got evidence of that. And the final extra point I wanted to make is that law enforcement generally – as far as the crime prevention of cyber criminality, or solving who are the criminals and bringing them to justice – is very inadequate. It just does not work. Financial institutions are better at coping with specific financial cybercrimes, and they cope reasonably well. And my bankers rescued me at least five times in the last three years. So those were the points I wanted to make. It just shows that the contribution of research, social research, to statistics is now rather more important than we thought in the past.

*Rannveig Þórisdóttir:* Thank you, Chris. I think this is very important, especially because the data shows that these cases are not reported to the police, which then, of course, cannot create the capability to solve the case and to do some crime prevention.

*Beata Gruszczyńska:* Thank you very much. Extremely interesting and very useful. And starting from Paul Smit, when I look at the analysis of crimes over three decades, it reminds me the analysis we conducted with Markku Heiskanen from Finland. It is a little bit different, but not so much, and shows why we should always analyse more. I also would like to say that Professor Miró made a very interesting presentation about cybercrime and the Covid-19, which reflects just the time in which we live. And lastly, I would like to thank you very much, Catrien, for your presentation and the discussion about the necessity of the victimization survey. This is what we need, because we know that we have many, many different rules in many, many different statistical systems, and then only some trends are comparable. But the victimization survey is necessary, and what I also would like to mention is the JUST perspective on gender-based violence, used in victimization surveys conducted by Eurostat since the last three years. I participated in them, and it was very interesting. And now if you are in EU member state, you can take part in this survey that also covers cybercrime, and focus especially on violence, especially gender-based violence against the women and against the men. So we need statistical data and also an international victimization survey. Thank you so much.

*Catrien Bijleveld:* Thank you, Beata, and I just wanted to thank also the people who put their remarks in the chat.

*Athena Demetriou:* First of all, I would like to thank the Council of Europe for this interesting conference and also all the speakers for their interesting presentations and all of this information that had many perspectives

for all of us, for comparisons in analysis of data and trends and produce many thoughts and ideas of viewing things from different angles. And in my country the last eight months, there is a debate and discussions about overcrowding at the parliament. On the one side is the prisons that support one position – less imprisonment with more alternatives, of course; and on the other side is the police and the prosecutors that support more imprisonment. And an ad hoc committee was established with a six-month mandate<sup>36</sup> with the aim to provide a set of proposals with permanent solutions to the problem of overcrowding in prisons. And me and the director, who is the Head of the committee, are members and I am writing this script, and I have collected lots of data right now, our prison population from 1990 to 2020, using, of course, many references and sources from the Council of Europe which are mentioned today. All this interesting and valuable information of today's presentations leads me to many interesting and valuable comparisons to support even more our recommendations about implementing more alternatives to imprisonment and detention. And Paul [Smit], I think your slides show that there was a decrease in total crime since 2000, too, and also there was a decrease in the stock of pretrial inmates. The other thing that was said is that in the 21st century the countries of the Council of Europe started implementing more alternatives to detention and imprisonment. All this information leads to the explanation, and correct me if I am wrong, that recidivism has decreased with the implementation of alternatives to detention in prison. And so, the alternatives work well for preventing criminality and leading to a decrease of the total crime and to the decrease of the risks for the community. This torrent of data is very valuable and important, leading to more comparisons and explanations that support the argumentation about implementing more alternatives instead of detention and imprisonment. So, I would like to make this statement and I will move on with a question for Marcelo [Aebi]. Marcelo mentioned authors that,

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<sup>36</sup> The mandate has been extended until February 2022

while discussing crime trends, did not take into account cybercrime. But anyway, I think the number of inmates detained for cyber-offences is not negligible in the prison stock. My question is whether when he mentioned this, he meant that the number would be different by discussing the cybercrime. I think that had no impact on the stock of prisons. I mean, these numbers were taken into account in the prisons. So, can you elaborate more on this issue about mentioning that cybercrime was not taking into consideration in the crime drop?

*Marcelo Aebi:* Well, there are two different queries that need an answer. First, as much as I would like you, Athena, to be right about the fact that community sanctions produce less recidivism, I am a scientist and I only take position on the basis of facts. And the facts that we do have right now, at the level of Europe, do not allow us to make such a conclusion. You cannot say that, if imprisonment is going down, it must be because we are using more alternatives to imprisonment. That would be, what we call, *jumping to conclusions*. Correlation does not imply causation. The only way to test the hypothesis that alternative sentences are more effective than prison in reducing recidivism would be to conduct an experiment and have two similar groups (and by that, I mean similar profiles but also convictions for similar offences) and send one to imprisonment and one to an alternative sanction. This was done in Switzerland before introducing community service in the criminal code. We measured recidivism (and other variables) among persons sentenced to up to one month of imprisonment that were randomly divided in two groups: one served community service and one went to imprisonment. We did not find differences in the rates of recidivism. The main difference came from the acceptance of the sentence, which was much well accepted by people serving community sentences. Of course, this is impossible to do once the

sanction is foreseen in the criminal code and with persons sentenced to longer sentences.

In the meantime, another of our analysis conducted at the macro-level about trends in imprisonment and trends in probation suggests that, in some countries, alternative sanctions are not being used as alternatives to imprisonment, but as supplementary sanctions. This is a phenomenon called “net-widening”. For example, you have countries that have high rates of imprisonment and high rates of alternatives to imprisonment. In many European countries, a lot of people are being placed under the supervision of probation agencies. Probably, some persons that would have never been sent to prison are now being sent to an alternative sanction, just because that possibility exists and it “sends the message” to the public opinion that a “real” sanction is being imposed. This complicates even further any comparison, because these persons are what we called “good risks”, that is to say that they have a very low risk of recidivism (and that is precisely why they would have never been sent to prison). If these persons are sent to an alternative sanction, they will artificially decrease the rate of recidivism, giving a false impression of success. So, in my opinion, it is only through rigorous research that, if the results are positive, it will be possible to convince policy makers, judges, and the general public to really use alternatives *instead* of imprisonment. But you need to control at least for previous convictions, type of crime and biological sex before reaching any conclusion.

Then for the second question about the so-called crime drop. Most of the discussions about the crime drop took place in the United States since the late 1990s, then in the United Kingdom, and later in a few other countries. But then, by the late 2000s, some authors started to talk about an “international crime drop” and suggested that the trends observed in those countries could be extrapolated to other regions of the world, in which quite often there was no research on crime trends. Moreover, the explanations advanced to explain the



crime drop in the USA, were based on factors that most of the time were completely absent in Europe: the end of the crack epidemic, changes in law enforcement, increased use of imprisonment... Nothing like that happened in the same way in Europe: There was no crack epidemic, no zero-tolerance policy, no mass imprisonment... Also in the United States there is a correlation between trends in homicide and the general, the overall, crime trend for all traditional offences (let's say for offline offences), and that correlation is not observed in Western Europe, where homicide rates are among the lowest in the world. So, through our analyses in different papers we were warning that trends in Europe were not uniform, that homicide and traditional property offences were decreasing but there was not a *general* crime drop, that this heterogeneity contradicted classic explanations of crime trends and could be explained through situational theories. And we insisted on taking into account computer related offences (cybercrime or online offences) that were surely increasing, but for which we did not have a good indicator. It was surprising to see how academic discussions and explanations turned around property crimes, homicides and violent crimes without paying real attention to cybercrime. We had the impression of being in these movies where the wolf is there but the characters do not see it because it is behind them.

Of course, as it has been said throughout this conference, police statistics are a bad measure of online (and hybrid) offences, but since 2013, England and Wales started measuring some of these offences through their victimisation survey (the "Crime Survey for England and Wales") and currently we can estimate that between one third and half of all crimes are taking place online. That was my point. It is not related to the prison stock, which depends of the number of cases known to the criminal justice system and for which there is a suspect or a person convicted.

And then I have a comment for Catrien [Bijleveld]. As you know, I fully support this proposal of a European survey. And as you also know, together

with Jan van Dijk, we conducted research for Eurostat in 2009 to 2010 and we developed a European questionnaire that should have been the basis of a European safety survey to be conducted in 2013. Unfortunately, the European Parliament, under the influence of a small delegation that wanted to make economies, blocked the project at the last minute, even if they had already spent quite a lot of money for the pilot and preliminary studies. We tried to relaunch that survey through a letter to the European Commission supported by several institutions, including the European Society of Criminology, but without success. Nevertheless, the questionnaire is there and you can use it, but as I have mentioned some strong points of our previous research, I must also mention the weak ones. In this case you will have to review the whole section on online crime, because smartphones have changed everything since then. And finally, in my opinion, that survey could become, in the medium run, a new International Crime Victim Survey, because there are a lot of researchers around the world interested in having again a common instrument. So, Catrien, you can count on me

*Fernando Miró:* Very, very short, because Athena was referring to the impact on prisons of what Marcelo and I were saying about the increase of cybercrime. If cybercrime is increasing, that should be seen in incarceration rates, and it is not. So, what is happening? The reason, as Chris [Lewis] said before, is that justice is not working well for cybercrime. So, cybercrime is there, we are seeing it, but as the wolf that Marcelo mentioned, it is hidden behind the statistics. We are seeing cybercrime, but it does not reflect on prisons. But that does not mean that cybercrime does not exist.

*Catrien Bijleveld:* Thanks, Marcelo, for sketching an even broader vision, and thank you also to Beata and Ana, and to the persons writing in the

chat for your stimulating remarks. I think I am going to try to contact a number of you in the coming months and see whether we can pull something together to get this moving. So, thanks so much.

#### **Session 4: Criminology and policy making**

*Paul Smit:* OK, thank you. Welcome, everyone, to the last session of this conference. Basically, we have two elements in this session, one of which has been talked about earlier, and it is about victims of victimisation surveys. Chris Lewis and Joanna Goodey will talk about that. Joanna will be replacing Sami Nevala, who is unfortunately ill. But we will do the presentation and the other aspects of this last session as well. We have all these wonderful statistical data and what can be done, what it has been done. And there will be a first presentation by Lorena and Yuji. And after the coffee break, we will have two case studies, one from the Netherlands -Catrien will do that one- and one from Iceland by Rannveig back to that presentation.

### *The impact of the European Sourcebook on criminological research*

*Lorena Molnar and Yuji Z. Hashimoto (University of Lausanne, Switzerland)<sup>37</sup>*

OK, thank you very much for being here. Thank you very much for the organisation and thank you, Paul. My name is Lorena Molnar and I will be presenting a project of Yuji's Hashimoto and mine about the impact of European Sourcebook on criminological research. First of all, we are both the students and research assistants at the University of Lausanne with Marcelo Aebi and Stefano Caneppele, and we are in the core team of the European Sourcebook. We are mainly processing the data, creating the tables, correcting the data completely. Therefore, if there is someone to blame about some inconsistencies in the data, this is perhaps us.

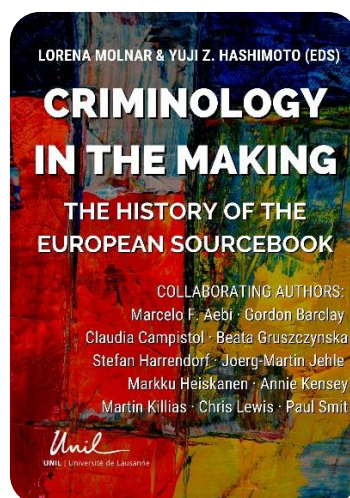
In parallel to the Sourcebook, we decided to conduct another project because we, being the new generation of the project, felt very positively surprised and thankful for all the work which has been done for 25 years, in which we observed that it was just from one idea, which was the one of Martin Killias (who inspired himself in the American Sourcebook). This idea, which was only a proposal, led to a project which has been running for 25 years and in which more than 40 countries are participating and many scholars from many countries are as well participating in. And therefore, we just thought it was such a gift that the former generations were giving to the new ones: to provide this database, this project and this infrastructure. The Sourcebook seemed for us, a great project because also of its methodological focus and of its contribution to science by providing open access data thanks to the work of many people who actually, as also Marcelo referred to, work mainly on a voluntary basis in the sense that many of them have already their jobs and conduct this data collection and data processing aside their jobs.

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<sup>37</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-lorena-molnar-et-yuji-zocatelli-hashimoto-coe-esb-impact-/1680a1e432>

Therefore, we started this project, which is a project more related to the history of the European criminology -meta criminology, we could call it- is a book edited by us and called *Criminology in the Making: the History of the European Sourcebook* (see Figure 1) with collaborating authors from many countries and who have been key participants on the European Sourcebook, some of them since the beginning, such as Martin Killias, for instance, and others who have joined the Sourcebook afterwards, but whose contribution has been remarkable. The topics which we address in this book are the views of each author, in a very free manner, of the internal functioning of such an international project, the methodological and logistic challenges (which, of course, always appear in any project but even more in such a big project), their views on the European Sourcebook, for instance, if they thought at the beginning that the European Sourcebook would be so successful today, what they would change, what they think are limitations are, and as well their views on the impact of the Sourcebook on academia and on policy, which is the aspect which we address today.

**Figure 1. Cover of the book *Criminology in the making* (Molnar & Hashimoto, in press)**



Therefore, for this presentation, we followed a methodology which consisted basically on the collection of the views of each of the authors in our

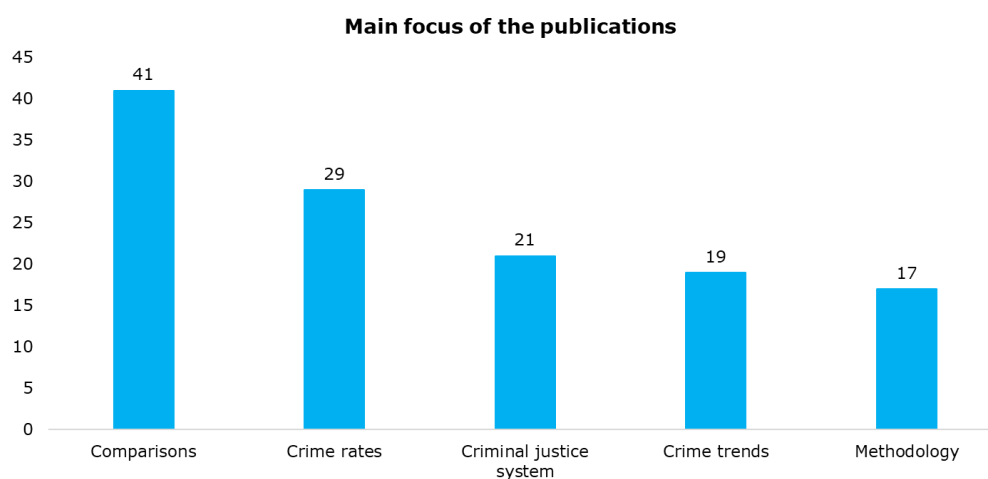
book and as well 80 publications which since the mid-1990s have used the data of the European Sourcebook for their analyses. With these publications, we tried to be as thorough as possible and therefore include almost all publications. It is possible that we ignored or omitted some of them, mainly also those published in the 1990s when the indexing system was not that optimal like nowadays. But in any case, we think we got a representative sample of the publications. And what we did was to analyse the contents of the title and abstract of the publication in order to be able to assess in which topics these papers focused, which countries, and which issues they addressed. And as well, we complemented this analysis with the essay of each of the authors whom we mentioned before.

We want to show you, first of all, the most recurrent topics which were addressed by scholarship. First of all, it is important to note that if you add the number of papers, you will not get 80, you will get more than 80, and this is because what we did is actually to classify each paper regarding the issues they addressed. So, of course, for instance, if a paper was comparing countries, it needed to compare something also, whether it compared the crime rates, criminal justice systems or crime trends, for instance. Therefore, possibly one paper addressed several issues. But for us, that is not very important. And what is important is to see the main topics addressed (Figure 2).

And therefore you see in Figure 2 that in first position, 41 papers addressed *comparisons*. Twenty-nine papers addressed *crime rates*, either a large palette of crimes or a specific offence, which we will see on the next slide. Twenty-one addressed issues regarding the *criminal justice system*. As you know, on the Sourcebook, we collect data from police statistics, prosecution, conviction, prison, to probation, and therefore they focused either on one administration or on the whole criminal justice system. For instance, I think of the papers of Jörg-Martin Jehle about attrition (Jehle, 2012) or of Stefan Harrendorf, about punitiveness (Harrendorf, 2011). And in fourth place, there

were addressed *crime trends* as well, as you see, we have data from the 1990s and therefore some authors focused on this. In fifth place, but still remarkable, in our opinion, 17 papers have addressed *methodology*. This for us is very interesting and I think it is very symptomatic of this methodological impact in terms of guideline which the Sourcebook had, because I mean, as you know, methodology is not, in criminology, not a very *hot topic*, let us say, but still the fact that 17 papers discussed methodological issues, I think it is very interesting.

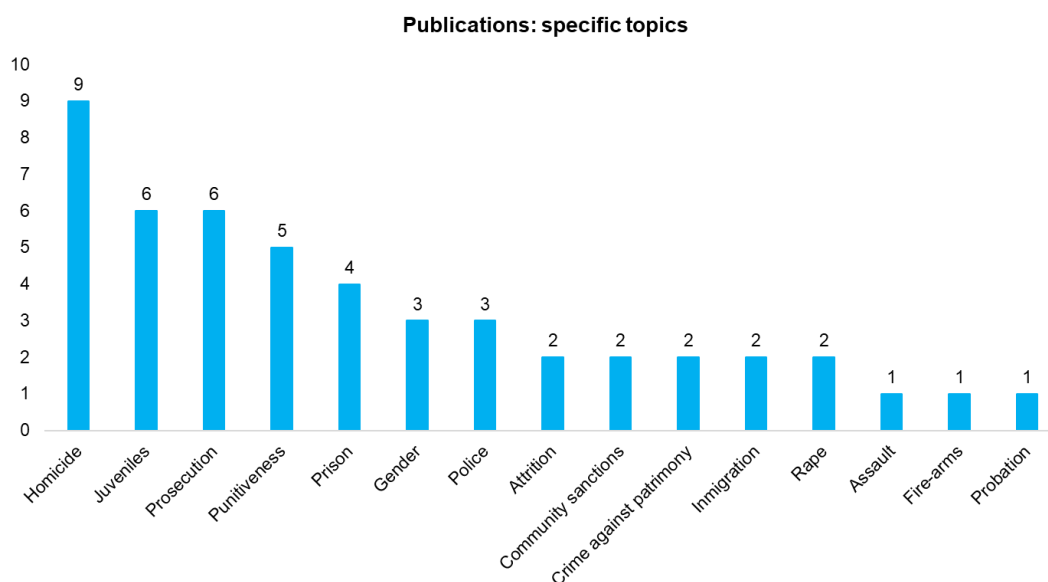
**Figure 2. Main focus of the publications using data from the European Sourcebook**



If we zoom in the specific topics addressed by the publications (Figure 3), therefore, letting aside the publications which focused on many offences or on many topics or those who did not really address topics but maybe addressed some methodological issues, we can see that actually nine publications focused on *homicide*, six focused on *youth crime*, six focused on *prosecution*, five on *punitiveness*, four on *prison* or *imprisonment rates*, three on *gender* or *sex differences*, three on *police*, but the police, the work of the police, police statistics and in less prevalence, according to our analysis, there were papers addressing *attrition*, *community sanctions*, *crimes against patrimony*, *immigration* and *rape* twice each. Last, *assault*, *firearms* and *probation*, once each.



**Figure 3. Specific topics addressed by the publications using data from the European Sourcebook**



Regarding the regions of these studies, first of all, as you saw that there are many papers addressing comparisons and consistently enough, I mean, there were also 49 papers addressing the European level, therefore, comparing many countries. However, eleven of them, they divided Europe by regions, for instance, or Western Europe, Eastern Europe, Northern Europe and some publications also the Balkan region. Seventeen papers addressed European countries at a country level, therefore focusing, for instance, in Switzerland, Germany, Serbia, etc.

And last, if we focus on the impact of the Sourcebook, we measured it in quantitative and qualitative ways. First of all, in a quantitative way, we can measure the impact of the Sourcebook, for instance, by just looking on Google Scholar and seeing how many times the European Sourcebook from 2014 has been cited. In this case, it has been cited 205 times. If we take all the 80 articles and if we add their quotations, we can see that they were cited around 2,500

times. Of course, in this case, a limitation of the analysis is that, obviously, scholars, they cite their colleagues who have studied the phenomenon before them, and therefore this might be an over-representation, but I think it is still interesting for analysis. As well, in a qualitative manner, here you have a summary in this square (Figure 4) about the opinions of the authors of the book regarding the aspects which increased the positive impact of the Sourcebook and the remaining challenges which decreased or which are still somehow a burden to the optimal impact of the Sourcebook.

**Figure 4. Authors' views of the contributions and remaining challenges of the European Sourcebook**

Contributions	Challenges
<ul style="list-style-type: none"> <li>• Overview of the criminal justice system</li> <li>• Methodological guideline</li> <li>• Data source</li> <li>• Development of other projects</li> <li>• Teaching</li> <li>• Trend analysis</li> </ul>	<ul style="list-style-type: none"> <li>• Late publication</li> <li>• Needs expert knowledge</li> <li>• Complicated to change institutional practices</li> </ul>

So, first of all, regarding contributions, the authors said that it was extremely positive for academia that the Sourcebook offers *an overview of the criminal justice system* from police until to probation. To be able to see the whole picture, it is always a plus, and therefore it has contributed to the positive reputation and impact of the Sourcebook. The Sourcebook has been at the European level, a *methodological guideline* in terms of comparative criminology. It is not no longer possible to just make rough comparisons. And the Sourcebook developed knowhow and a guideline about how we should make the comparisons, as many of my colleagues have presented in those two days and as well, which issues, which limitations, which precautions we should take when comparing these data. Of course, the fact of providing the *data in open*

*access* and in both rates, but as well in absolute numbers, made the Sourcebook, of course, obviously a data source which has been used by other scholars to create their own databases, to do their own calculations and to study other topics which are their domain of expertise.

The development of other projects based on the Sourcebook or thanks or after the Sourcebook has been also an issue which was mentioned by the authors, for instance, Beata Gruszczyńska mentioned the atlas of crime in Poland (Gruszczyńska et al., 1994), as well as the structure of penalties in Poland as well. I am thinking of or dear LINCS project which has been presented these days and as well of a project which has been less discussed these days with which you can find information on our website, which is the DECODEUR project (*DECODEUR PROJECT – European Sourcebook of Crime and Criminal Justice Statistics*, n.d.). There were many synergies between the European Sourcebook team with other teams, like, for instance, Eurostat. I think of our colleague Cinthia Tavares, who unfortunately is deceased, but she was a very good colleague and a key contributor of the Sourcebook as well, and who has been a both a collaborator of Eurostat and of European Sourcebook. And, as well, of other synergies and collaborations like, for instance, with the Confederation of EU Probation.

The last aspects which have been mentioned by our colleagues have been that actually the Sourcebook, has been also useful and has had an *impact on the education* of future criminologists, of future policy-makers and of future employees of statistical institutes. In that sense, the authors said that they used the Sourcebook for their own university lectures, which has increased the knowledge on how to do comparative criminology on the new generations of criminologists and jurists. And, of course, the fact that it provides large *time series* it has been as well, positively mentioned.

However, the remaining challenges which decrease the impact of the Sourcebook are mainly related to its *late publication*. I mean, as, of course, you have realised already, we are discussing data from 2011 until 2016 in 2021. Of course there were other factors which influenced this delayed publication, like for instance, a pandemic, but it is just a process which it is not easy to shorten because it takes many times for the national correspondents to collect the data, it takes for us a lot of time as well to standardise the data, to clean the data, to check for validity, for inconsistencies, to make sure that the data is valid and reliable, to go back to the national correspondents, to get new pieces of information, et cetera. And therefore, this is one of the main aspects which might limit the impact of the Sourcebook. As well, one of the authors cited the fact that it is not easy to interpret the data provided by the Sourcebook and therefore that we need *expert knowledge* on interpreting and on working with these figures. In this case, I found extremely interesting the presentation of Stefano Caneppele in which he addressed this issue of how maybe we should address the issue of better presenting our key findings and to make it perhaps more divulged for a non-academic public. And as well, another challenge, which, of course, I think all of you have already thought of it or have already experienced, it is that it is very complex to change or to have any influence in the data collection of the National Institutes. Even though some of the national correspondents they are working inside of these institutes, it is not easy, of course, the data is collected depending on institutional practices. Of course, the legal definitions influence the data collection, which by way of example, as well mentioned by Marcelo Aebi and Antonia Linde regarding the theft or robbery in Spain, for instance. And therefore, it becomes very complicated as well for the national correspondents to know which kind of information, which figures actually to provide, what would be the closest to the definition of the Sourcebook.

To conclude, we think that because of all these reasons exposed in the pieces of information we could gather for this presentation that the European Sourcebook has had a positive impact on research. I think it is very interesting to see that the European Sourcebook's database has been useful, the edition of 2014 has been useful for the publication of 200 papers, and we think it has been most influential, obviously, in comparative research and analysis, and methodological standardisation. Nonetheless, as I have just mentioned, its influence in the methodology of National Statistics Institutes is less clear and it is less clear how to address that. Also, we think that the Sourcebook it is still a mine of gold for further exploration for further studies and for further collaborations. We think that there are many topics in many countries which have not studied in depth yet. Based on the data from the Sourcebook, and I think it would be very interesting to study topics like, for instance, sex differences, specific offences, immigration as well as cybercrime (now we have brand new data on cybercrime, which we didn't have before, therefore it is as well a topic to which waits to be addressed) and, of course, until we hopefully get this European victim crime survey, we still have data on national victimisation surveys which can help us to seize better the whole picture at the European level on the available data. As well, with this new edition, we have a longer time series which could be as well interesting to study as it has been done by some colleagues.

This has been my presentation. I thank you all for your attention. And I would like to take a moment to thank to all the national correspondents and as well to my colleagues from the core team and from the group of experts of the Sourcebook. It has been a very, very insightful and such an honour to be part of this team. And we are both me and Yuji available, if you had any question, you can write to us by email, we are as well available on Twitter or LinkedIn, so do not hesitate to contact us. Thank you very much.

*Paul Smit:* Thank you very much, Lorena, for this very nice presentation. I am just I was wondering, there is this publication about many authors. I am just one of them. I wonder, is that publication already available or how can we buy it somewhere in the bookstore or wherever?

*Lorena Molnar:* Sorry, I forgot to mention it, actually. So, the project, on which you participate as well, Paul, started actually during the pandemic. And we are still collecting the last chapters. And we hope that around May or June 2021, it will be finished and it will be an open access. It would be like as a book format, with an ISBN, and it will be available on or on our website of the European Sourcebook.

*Paul Smit:* OK, thank you. Thank you. Next, we are going to Chris, who will talk about national victimisation surveys.

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### *The importance of national victimisation surveys*

*Chris G. Lewis (University of Portsmouth, United Kingdom)<sup>38</sup>*

*Chris Lewis:* Thank you very much, I am talking about national victimisation surveys and in my slides I give some examples of how victimisation surveys have been used in England and Wales for policy development. But a couple of general remarks before I get onto these slides. Firstly, I will remind you that Chapter 6 now is a rather short chapter about the countries that have conducted at least one victimisation survey. There are about 30 such countries and these surveys give estimates of crimes, attitudes about law enforcement, feelings of safety, actions towards crime prevention by households and on by staff of businesses, and the sort of training that might be used by businesses for their staff.

In Chapter 6, we include prevalence of crimes such as bodily injury, sexual assault, robbery, theft, domestic burglary, corruption, we also include metadata, the wording of questions, survey sizes, designed survey frequency and sources. It includes opinions about safety and the justice system, it is a useful compendium of material for the researcher, but I would not say that Chapter 6 is particularly good for the policy-maker. And that is why I have ambitions either for myself or, as I am getting rather old perhaps somebody rather younger who might take Chapter 6 to greater heights. It is mainly about national victimisation, so it is because we have not, for some years, had an international victimisation survey and there has been some recent discussion about setting up such a survey again. And I would support that initiative if it were to come forward. But after I speak, we have Joanna talking about an international survey on fundamental rights, which has a number of similarities with an international victims survey, and she will tell you all about that.

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<sup>38</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-chris-lewis-importance-of-national-victimization-surveys/1680a1e42d>



And I think there is a long discussion to be held about what should be an international victimisation survey, should it be a general one, collecting a lot of data, which you can then use for all sorts of purposes, or should it not be rather more specific and concentrate on one these: eg cybercrime or human rights? The second general point I want to make is about the data from victimisation surveys being very different from those from law enforcement. Police collect data, they do not usually analyse it always by the type of victim. They do sometimes, but mostly they do not. But what we do with victimisation surveys, you can work out whether the victim was a household, a student, a commercial property, a computer user or a government agency. And all these will be different types of surveys. What we are getting also when you are talking about data from victimisation survey, that service is about social characteristics, not about legal ones. So, if the police collect the figure on the number of rapes, that is according to the definition in that country. If you get a figure by talking to the group of students about rapes, they will answer it as to their understanding about the word rape. So you will get different answers.

The third point about the data from surveys is that it is a sample. You cannot talk to everyone in the country, you may talk to three, five, 10, even 40000 people. The results will be estimates, they will not be exact so that when you get a measure of 62% of the police are doing a good job, it is somewhere between 60 and 64%. So that's another characteristic. And there are many other differences with surveys. Are they held nationally or are they held in an individual capital or when they are conducted? And what was the methodology for conducting the surveys? So that's one of the differences between law enforcement data and other data from victimisation surveys. But I would say the victimisation data is much more flexible because the questions can be much more detailed. We can ask you about crime prevention activities and about people's opinions. We can collect information about the characteristics of the victim, and we can collect information about different

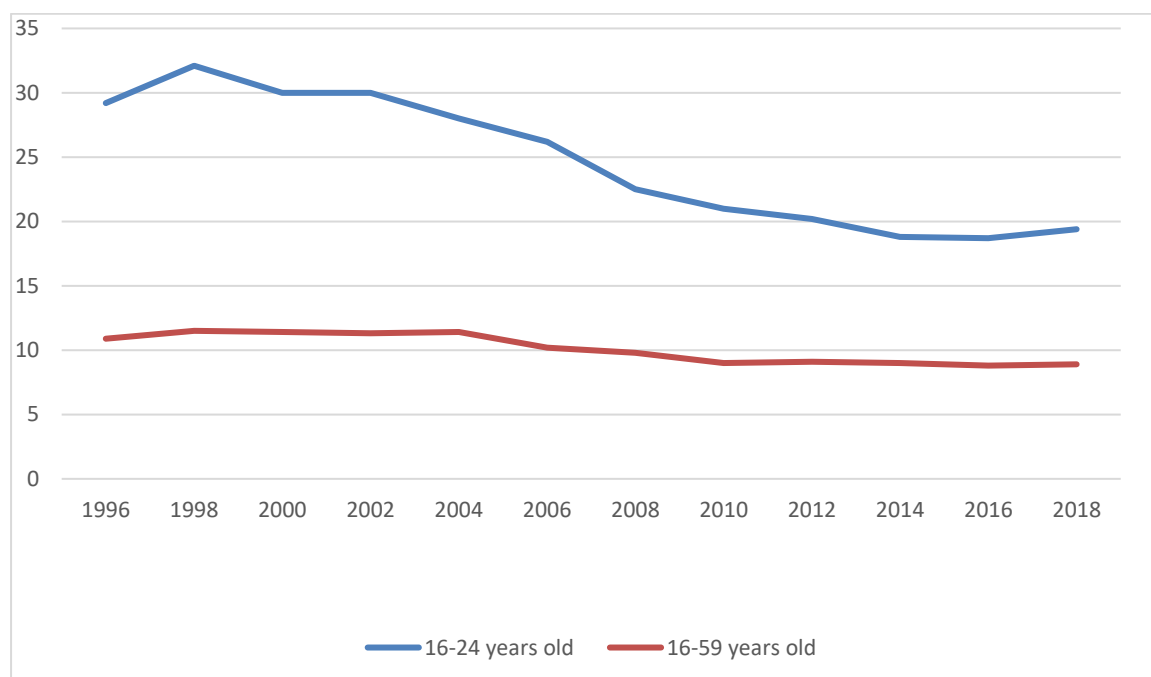
sorts of victims, which I mentioned before. And we can conduct a much more complex set of analyses. And I will give you some examples. And finally, I think in most countries there is a reasonably well-developed industry for conducting surveys. In general, market research is quite common in Europe, there are surveys that exist, survey companies that exist to collect data on about people on how they shop, what sort of things they want out of life, what sort of holidays they want and so on and so forth. So that this is a good industry for collecting information which could be used if you have not got a crime survey, you could develop one using market research firms, etc.

So, if we can move on to have a look at some examples. Right, the usefulness of victimisation surveys, I think this is best seen by looking at surveys from the national level, one or two surveys, which are very specific, such as I think the one job is going to tell us about they can be very good social policy development. But most of the victimisation surveys so far are the ones that are conducted by a national organisation, a national government for its own use. And I will show some examples of how surveys can be useful for policy formulation crime prevention. And we already have a general population and the media who are sympathetic to such surveys, I think that is essential. We have an industry of survey firms, interviewers and publicists, and we also have a great positive integration of government survey data and freely available databases to universities to further analysis. And one or two of my examples will be like that, and of course, I am talking about the United Kingdom; and other jurisdictions have their own background, it would be interesting to hear from them, of course, as well. And ideally, I would like to be able to include more of other people's experiences in Chapter 6 in future editions.

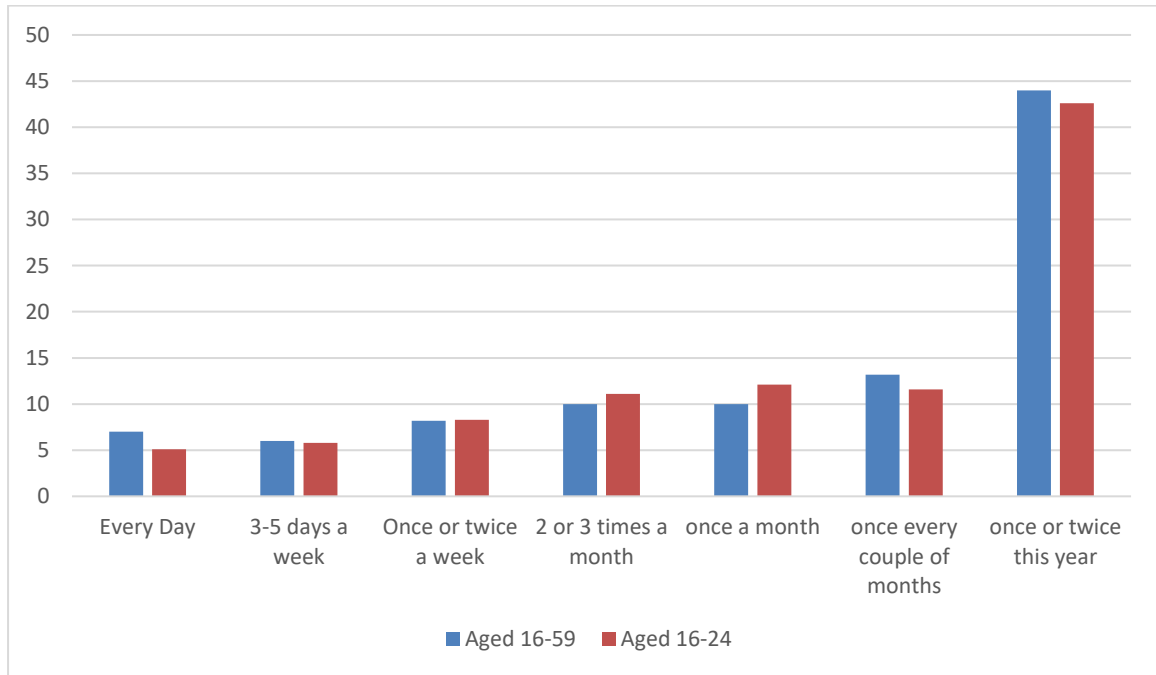
So Surveys give good measures of the prevalence of crimes that are alternative measures to what the police have. Also an important characteristic of surveys is that these crime data can be correlated with personal household

data, such as age, gender, relation to victim to suspect use of crime prevention actions, types of drugs which might be used and so on. Police data only rarely show characteristics of the victim, and victimisation surveys can show the extent of different social groupings becoming victims and how this change and examples that I will go into on the following slides are the extent of drug misuse, the domestic violence against adults, crimes against children, crimes against other specific groups. We will look at opinions about justice and safety. We will look at on cybercrime and how people and businesses take crime prevention actions.

**Trends in 'any drug' use in the last year among adults, 16 to 59 and 16 to 24 year olds, 1996 to 2018, Crime Survey England and Wales: Percentages**



**Frequency of 'any drug' use in the last year, adults aged 16 to 59 and 16 to 24, 2018/2019 Crime Survey England and Wales: Percentages**



My first two slides show the example of trends in illegal drug use from 1996 to 2019 , the top line is for young people and the bottom line, in black, is for people from 16 to 59. You can see that the results over a period of time, and this, of course, means you have to conduct the survey each year for a period of 25 years. It shows that illegal drug use amongst young people dropped to 20 percent, and it has been relatively stable for the last perhaps 10 years or so. And for older people, the use was slightly above 10 percent and it is now slightly below 10 percent. So that is a very interesting set of figures which measures the impact of government's drug policy or anti-drug policies. And it just shows the interaction between age and frequency of taking these illegal drugs. So, you have the frequency in the left-hand side, take it every day, three to five days a week, once or twice a week, two or three times a month; and then the people who do not take drugs very much, once a month, once every couple of months, once or twice this year. So, you show how the simple measure of “do you take drugs” is actually not simple at all, and it needs to be divided up into a very large number of different sets of characteristics. So, the larger figure say 50% only take drugs once or twice a year. And the number of people who take drugs

every day is very, very small indeed. So that's a very useful set of results from the victimisation survey that you would not get from police data at all.

Prevalence of domestic abuse among adults

	<b>MEN</b>	<b>WOMEN</b>
<b>PARTNER ABUSE</b>	<b>2.4%</b>	<b>5.6%</b>
<b>FAMILY ABUSE</b>	<b>1.7%</b>	<b>1.9%</b>
<b>STALKING</b>	<b>2.6%</b>	<b>5.4%</b>

My next example raises the point about how accurate is data that you collect from asking people questions about sensitive issues. And of course, when you are talking about partner abuse, family abuse, stalking, a sexual crime and all that sort of things, you have to be very careful about asking the question in the right context and you have to be very careful about interpretation of it. You could get completely wrong figures, but the figures that we have here and we have not time to talk about how they were collected in the questionnaire, show that women are much more likely than men to suffer partner abuse: 5.6% of women say they have been abused by a partner; 2.4% of men. And as far as stalking is concerned, the figures are about the same: 5.4% for women, 6% for men. But 1.7% of men, and 1.9% of women say they have suffered from family abuse. So, it shows how important it is to define exactly what you are talking about when you are talking about abuse within families or by partners. These figures are for 2019.

*Irina Taneva:* Just a quick question, when you say victims are men, is there a distinction? Who was the perpetrator, a woman or a man or a Muslim man or the perpetrator?

*Chris Lewis:* You would need to look at each one; for stalking, it is generally the opposite sex partner gender, the opposite sex. When you are

talking about family abuse, it need not be the opposite sex at all. The perpetrator could be your son or daughter or your grandson. You know, if you are living with a family, it could be the whole family is not very good at looking after the grandfather or the grandmother. So, we do not know for family members who the suspect is.

**Offences experienced by children aged 10-15, Crime Survey for England and Wales years ending March 2014 to 2019**

Estimates	Years ending March					
	2014	2015	2016	2017	2018	2019
Number of incidents (000s)	866	804	1007	795	757	841
Percentage who were victims of one incident or more	12%	12%	13%	11%	10%	11%
Percentage who were a victim of a violent offence	6%	5%	6%	6%	4%	5%
Percentage who were victims of a theft offence	6%	6%	6%	5%	5%	4%
Numbers of children interviewed	1933	2374	2804	3062	3008	2850

*How serious were these offences against children?*

Of the 841,000 offences experienced by those aged 10-15 last year:

- 454,000 (54%) were violence: 86,000 resulted in wounding; 254,000 resulted in minor injury.
- There were 227,000 thefts from children
- There were 126,000 offences of criminal damage against children’s property (sports gear, clothes, school related possessions)
- There were 232,000 cases of robbery against children.

13 and 14 year olds were more at risk than other ages.

My next example is for a set of crimes, those offences experienced by children aged 10 to 15. This data is obtained from a special survey within the Crime Survey for England & Wales, addressed to children under 16. You can see at the bottom of this slide the number of children who were surveyed is between

2000 to 3000 each year. As a result, we can estimate that there are something like 800,000 or 900,000 incidents against children each year. They could be violent incidents, or they could be theft. And if you go down the slide, you can see that 12% of children were victims of violence in each year. Also about 6% were victims of a theft offence, which need not, of course, be in the home, which could well be outside the home. So, this gives a little bit more information about children as victims. So, for example, when I bought my granddaughter her first mobile phone, she loved showing it around to everybody and she lived in central London and it was stolen within three days.

And in a little more detail, this is the same measure we are talking about: children experienced 840,000 offences, 450,000 with violence, 86,000 resulted in a wounding and 250,000 resulted in mild injury. Also there were 126,000 offences of damage against children's property, for example, and 270,000 cases of robbery against children. And then looking at the different age groups, 13- and-14-year-olds were more at risk than other ages: boys were twice as likely to be victims as girls (14%, 7%); children of mixed ethnicity had a with slightly higher victimisation: 11% of white children: 9% of black children and 7% of Asian children were victims. When you look at people who have a disability or long-standing illness, their victimisation rate goes up to 21%. When you look at children who were actually bullied in the last 12 months, 25% of them were victims of some kind of crime, compared with only 7% of those who were not bullied. Surveys throw much more light about victims, who they are and what type of victim they became.

## Abuse as a child and later life

PAST	Of those who were abused by a family member as a child
PRESENT	36% went on to be abused as an adult by a partner or an ex-partner And 41% of these adults had a child in the home who may have witnessed the abuse
FUTURE	34% of people who witnessed domestic abuse as a child went on to be abused by a partner or an ex-partner

My next example is about historical victimisation as a child. If you look at the left-hand side, those who were victimised in the past, and then you go on to the present, 36% of those who are victimised in the past went on to be abused as an adult by a partner or ex-partner. And 41% of these had a child in the house who might have witnessed the abuse. And if you look at the future, 34% of the people who witnessed domestic abuse as a child went on to be abused by a partner. So, this shows how abuse can carry on from one generation to the next. This reinforces the strength of victimisation surveys.

Another example is that with careful collection, we can measure opinions: For example, when asked what they thought about the criminal justice system, about half thought it effective and 70% thought it fair.

Moving on now to types of computer crime: 7.7 % of people had their personal details stolen online: 8% of people had their device infected by software: 4.8% of people had their social media sites accessed without their consent and used maliciously, send out messages as if they were coming from them or posted pictures that they wouldn't have wanted. In 1% of cases, people were locked out of the device and asked to make a payment to get back in.



One further example of the use of surveys comes from a study by Professor Andromachi Tseloni who has made important research analyses of English crime surveys over many years. She looks at the security profiles of households: in particular, she has discovered that the combination of window locks in door lights on a timer, double door locks or deadlocks and external lights on a timer, prove to be 50 times more protective than no security. And if your house has no security at all, there was a fourfold rise in incidents compared to homes with a combination of security devices: and homes with just a burglar alarm and nothing else had a slightly higher burglar risk than homes with no security at all. You cannot fool the burglar. An imitation burglar alarm does not work.

The UK conducts an annual survey of cyber breaches directed at commercial companies, and the results are mostly about policies and companies' reactions to cyber crime. Topics include awareness of an approach to cybersecurity incidents and impacts of breaches. Half of businesses and a quarter of charities are caught having cyber security breaches. That is a very high figure, and it is higher among medium businesses, large businesses and high income charities. Full details of the survey and its results can be found at <https://www.gov.uk/government/publications/cyber-security-breaches-survey-2020/cyber-security-breaches-survey-2020>

Finally I shall summarise the benefits of National Victimization surveys. We can obtain a better understanding of crime, and this can lead to action on crime prevention, to new legislation and to better allocation of resources. Each country is best placed to measure and control crime in its own way but I would contend that surveys can be useful and cost-effective. Countries can learn from one another as far as methodology is concerned. But comparisons across countries are not easily carried out unless the survey has been specifically designed.

I think we are moving to the next presentation where you will be told how international surveys can be carried out. So thank you very much. I would be happy to answer any questions: you can reach me at [Chris.lewis@port.ac.uk](mailto:Chris.lewis@port.ac.uk)

*Paul Smit:* Thank you. It is very interesting. Looking at the time, I think we have five minutes to coffee break. However, looking at agenda, there is 10 minutes where we have really nothing to do because the coffee break was planned from 15 to 15:20 and then the next presentation starts at 15:30. So, we have a little bit more time. So, I would suggest to have the next presentation now and after that we will have the coffee break. Next presentation will be Joanna Goodey from the Fundamental Rights Agency.

## *Report on crime victimisation and safety*

*Dr. Joanna Goodey (Head of Research and Data, European Union Agency for Fundamental Rights (FRA))<sup>39</sup>*

### *Slide 1*

*Joanna Goodey:* Today, I am standing in for my colleague, Sami Nevala, in presenting recently published research results on crime victimisation by the Fundamental Rights Agency.

We are an EU agency that covers all the member states of the European Union. And I'm going to be speaking about our Fundamental Rights Survey, which included questions on respondents' experiences of criminal victimization - which you've heard the previous speaker, Chris Lewis, refer to. The title of FRA's 'Fundamental Rights Survey' is somewhat misleading - as half of the fundamental rights survey is, in fact, a survey on crime victimisation. And the Agency's report from February 2020 'Crime, Safety and Victims' Rights' focuses on these results.

My own background is in criminology and criminal justice. And, reflecting this, connected to the Agency's mandate to look at the situation of crime victims - many of FRA's surveys that we undertake, covering the EU, include people's experiences of crime. We consider that such research is important to include in FRA's work because of the continuing gap in crime victimization surveys, not only at the international level, but at the state level - with a lack of comparability where national research does exist. So, I'll be speaking to these issues today and then bringing the discussion around to the area of policy making.

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<sup>39</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-joanna-goodey-frs-coe-conference-23-mar-2021-final/1680a1e430>

*Slide 2*

I'm going to be talking today about a few headline figures from the Fundamental Rights Agency's 'Fundamental Rights Survey' - half of which is a classic crime victimization survey.

We conducted the survey in 2019, and we published results last year and this year.

The crime victimization survey that the agency is perhaps best known for is its *Violence Against Women Survey*, which we conducted in 2012 and published in 2014, and for which the microdata is available for further analysis in the public domain. For the Violence Against Women Survey we interviewed 42000 women face to face across the (then) 28 member states of the EU. It was based on a random sample and the survey has been replicated by the OSCE in non-EU member states, and also in Japan. That survey received a lot of attention, particularly in relation to EU policy. It also fed into discussions about legislation at EU and Member State level, and is still highly used and quoted in the policy and academic field. In the first week when we released the survey, we had around 1200 media articles, and, having put the data set from the Violence Against Women Survey in the public domain, it's increasingly used by academic researchers.

*Slide 3*

We have now had a series of surveys focusing on the experience of immigrants and descendants of immigrants, which include experiences of criminal victimisation and police stops. The *EU MIDIS European Union among Minorities and Discrimination Survey*, of which we've had two rounds, covers all EU Member States. And this year we have a new survey in progress covering ethnic minorities and immigrants. We also have specific survey data on Roma and Travellers. Some of this is a subset of data from the EU MIDIS surveys

we've conducted on ethnic minorities and immigrants generally. Other times we've done standalone surveys on Roma, which allows researchers and policy makers to see the extent of crime victimization amongst these communities. Within FRA's surveys on ethnic minorities and immigrant groups, we have a specific series of questions about whether – if they were a victim of crime - they consider that it was hate motivated.

It's also important to point out that all these surveys collect data on experiences of police stops, and whether people who are stopped consider that is was because of their ethnic minority or immigrant background – namely, ethnic profiling. So, FRS has perhaps the largest data sets in the EU on ethnic minorities and immigrants experiences of crime victimisation and experiences of police stops. Again, where our resources allow, we are progressively making the microdata from the surveys available in the public domain for analysis, and they are being used by academics and other actors.

*Slide 4*

Then one more slide before presenting the results from our survey on the general population and their experiences of crime - we've also conducted surveys on the Jewish population in the EU – which includes data on crime victimisation and antisemitism. As you can see, these samples are smaller and are based on online opt-in surveys, because, of course, given Europe's history, it is obviously not possible to create a sampling frame of Europe's Jewish population based on existing registers. We work with the Jewish community to encourage them to take part in these surveys. And, as you can see, the participation in our surveys, from the 2012 to 2018 surveys on Jewish people in the EU, has increased – with more Member States covered and more participants.

And then we've also had two surveys on the LGBT(I) community. Again, because of the nature of the survey coverage, you can't have a random

sample of LGBT(I) persons in the population based on any 'register', and therefore we have used an online, opt-in approach. We had 93000 respondents for the first survey in 2012, and then for the second survey in 2019, 140000 respondents. These surveys include questions about discrimination, but at least a third of the questions are on experiences of crime, hate crime, and whether one reports crime. So, as I said at the beginning of my intervention today - very much hidden behind the titles of these surveys, they offer extensive data on experiences of crime - particularly covering communities that are not covered in many national surveys.

*Slide 5*

Ok, so now I will move on to talk about the Fundamental Rights Survey, which contains crime data, and covers the EU 27, North Macedonia and the UK, with just under 35000 respondents. The survey presents a representative sample of the general population, encompassing people aged 16 and older. We had face to face interviews in the majority of Member States. In some we had online data collection, as appropriate in each country, reflecting typically the established method for other surveys at national level, and in consideration of access to sampling frames. Details of what we did methodologically are in a technical report accompanying the survey, which is accessible in the public domain. All our surveys have very extensive technical reports. Importantly, in our reporting from the survey, we break down the results in detail by EU Member State. However, I won't be talking about the Member State results today, but I will be referring to some results with respect to socio-demographic characteristics of respondents.

*Slide 6*

So, the report that we published in February this year titled *Crime, Safety and Victims' Rights* is just one of the reports from the Fundamental Rights Survey. And this report, of course, focuses on crime victimization. I think we

can say it is the first EU wide survey data on crime victimization experiences that's been collected to date. The Fundamental Rights Agency considered from a policy perspective – and following our mandate to undertake survey research and to focus on victims of crime – that we should not only continue to collect data on ethnic minorities and immigrants' experiences of crime, as well as other groups such as LGBTI, and women's experiences of violence, but that we should also collect base level crime data - using established crime survey methodologies – on the general population. FRA participates as a member in Eurostat meetings that address crime data collection and crime surveys, and to this end our data is able to inform policy discussions in these areas, which – in parallel – also reflects another core area of FRA's work - access to justice.

So, you can see here that the Fundamental Rights Survey covers physical violence; we cover acts of harassment, which are increasingly looked at in crime surveys; we ask for details about the perpetrators when they were known by the victim; where the incident of violence took place; the consequences for the victim; about reporting to the police and other organizations, and reasons for not reporting. We cover property crimes such as burglary and fraud. We also ask people about their willingness to take action as a witness of crime, and alongside this we ask the classic 'fear of crime' or worry about crime questions, and risk avoidance behaviour. Within these areas, we have subsets of questions, which I don't have time to go in to today - so I'm just going to give you a few headlines now from the survey.

*Slide 7*

So, remembering this survey is based on just under 35000 people across the EU, which compared with *some* national surveys makes the sample size small at the national level. However, we don't go below the baseline of 1000 respondents in a Member State.

*Slide 8*

So looking at the data we did collect, what you see in this slide is the classic five year prevalence rate and then the 12 month prevalence rate for burglary, online banking or payment card fraud, consumer fraud, harassment and violence, and then the average for the five year and 12 month rate – as an average for all the EU Member States. For example - we consider that it's important to collect data on harassment because increasingly it's recognized and being criminalized as impinging on people's lives. It particularly impinges in the public domain on women's lives, and is also related to hate crime; impacting on different people from persons with disabilities through to ethnic minorities – who are a subset of the general population, for which the data can be broken down. So, again, the headline figures, physical violence, 6% of people experienced it within the last 12 months. The figures for women and men are very similar – but their experiences of violence are, as we see from further analysis, very different with respect, for example, to their relationship with the perpetrator.

*Slide 9*

These percentages correspond to 22 million people in the EU having experienced violence in the last 12 months. When you look at harassment, you can see 29% of people in the EU experienced it in the last 12 months, which would correspond to 110 million people in the EU – acknowledging that these are estimates.

*Slide 10*

The typical questions we ask in the survey, which build on established survey research that has captured experiences of violence and harassment (particularly against women), do not phrase questions around criminal law definitions - because, as we know, a strict criminal law definition differs from state to state, does not allow for comparison, and the terminology is often difficult to interpret by members of the general public. We asked respondents – in relation to violence (and I am paraphrasing here) - whether: somebody



slapped you, has thrown something at you, pushed you or pulled your hair, has hit you with a fist or with something else that could hurt you, etc. So we asked these types of questions to come up with a measure of physical violence. And then we also had the incidence rate that we counted, which you can also look at in the data.

The same approach was undertaken with respect to experiences of harassment. And the data can be broken down to look at different types of harassment – from the so-called ‘more’ serious to ‘less’ serious incidents. Acknowledging here that the extent and nature of harassment is increasingly being recognised in survey research – particularly in relation to women’s experiences of everyday harassment, which is coming under scrutiny in the policy and legislative field.

*Slide 11*

If you concentrate on the red bars on this slide, with respect to experiencing physical violence in the last five years. Looking at the vertical column on the very left, we have the age breakdown. No surprises here that young people aged 16 to 29 are experiencing higher levels of physical violence, and in the middle vertical column - again with the highest rate - students and pupils. What we know from crime surveys, over decades now, is that young people are disproportionately victims of crime. And then when you go down the central column, you will see in terms of people's household income, people who are unemployed or on social benefits are experiencing higher rates of physical violence. And then we have other respondent characteristics that indicate – in red – higher rates.

*Slide 12*

So, again, this is looking in more detail at some of the social demographic characteristics of victims, of those (from the 35000 respondents) who indicated they were victims of physical violence - echoing what Chris Lewis said in his earlier presentation. So, we see that people who are severely limited in their usual activities, and this includes people with disabilities, are more often experiencing physical violence, 17%, as opposed to 8%. People who are not citizens experience more physical violence. Ethnic minorities have higher rates of physical violence, as do people who indicated they are not heterosexual (so LG). How does this relate to policy? As an EU agency, FRA looks at experiences of equality and non-discrimination, where there's strong EU law, and also at the field of racist and related hate crime, whereby we feed the results of this survey - alongside the other surveys I referred to earlier - to EU institutions and Member States with respect to the application of law and policy in practice, in relation to different populations' experiences of victimisation.

*Slide 13*

This figure is basically showing something that people are very familiar with who have worked on crime surveys for decades; namely, that when we asked people who was the perpetrator of violence, disproportionately, it's men. And we have a breakdown here of incidents experienced by women and incidents experienced by men. And if we add those incidents where it's both a man and a woman, you can also see even higher rates, although for women, just over a quarter are experiencing violence perpetrated by other women. And this is just one way of breaking down the data.

*Slide 14*

We also asked people about the place where the most recent physical incident of violence took place; with women indicated in blue and men in orange. Women disproportionately say that the most recent incident of physical violence took place in their own homes, so reflecting intimate partner violence

or domestic violence. And then in orange, the big bar there, mostly men are indicating that physical violence occurred in a street square, park, or other public outside space - at 39% of men indicating this as opposed to 20% of women (which is still high for women). This is a breakdown of incidents where people didn't specifically refer to violence of a sexual nature, which needs to be interpreted differently.

*Slide 15*

So, victims of physical violence and contact with the police and other services - as shown here. Looking at the darkest figure - of those who experienced physical violence, 7% reported to the police. And then the next figure is 14%, those who reported to the police and contacted another service. So we see high rates of non-reporting, which is the classic result one expects from crime surveys with regard to the 'dark figure' of crime. And herein we can breakdown the data for all the Member States we surveyed to reveal different reporting rates to the police.

*Slide 16*

Ok, so now I'm just going to share a few more slides before I conclude, with the next slide showing headline figures on safety.

*Slide 17*

This slide includes a couple of quotes - which were part of the qualitative element accompanying the research. What I failed to mention is that we also conducted some qualitative research with focus groups to accompany the quantitative survey research. So, we were able to capture the experiences of people with respect to certain areas covered in the questionnaire.

We asked people about avoiding situations or places due to fear of being assaulted or harassed. And you can see in the dark blue there, 20% (so, one in

five people) when asked about three scenarios where they might avoid certain situations or places - said often or all the time.

*Slide 18*

And of course, disproportionately, women tend to exhibit this kind of behaviour, which reflects everyday harassment that they have experienced, and learnt to avoid, from a young age – typically of a sexual nature. Avoidance behaviours that are also deployed in anticipation of sexualised threats or assault.

At the top you'll see that among young women aged 16 to 29 - 39% say they often or all the time avoid situations or places due to fear of being assaulted or harassed; with 44% indicating sometimes. Also, we can see there are some young men who are also displaying this kind of behaviour. This also needs to be noted in terms of their crime avoidance behaviour. This reflects debates that have been ongoing for decades, and which have resurfaced in certain EU Member States more recently, and countries outside the EU, about women's safety in public spaces.

*Slide 19*

So, I'm going to move on rapidly now and then conclude by linking some of these findings to policy with respect to the recommendations in the FRA report 'Crime, Safety and Victims' Rights' – which contains a key findings and opinion section.

*Slide 20*

The report's results are tied to EU law, and call for various policy and practical responses. For example, the report addresses the need for targeted measures to prevent physical violence – particularly in relation to the high rates experienced by particular groups. The report also addresses this in relation to harassment and the socio-demographic breakdown that the results reveal for different

groups. We also target Member States when we talk about the need to encourage and empower certain groups to report incidents of crime, as - for many working in the policy field who are less familiar with crime victimization surveys - there is a need to direct responsible actors to available data (such as FRA's surveys) that can serve to inform action. So, to underline the reality of underreported crime for policymakers, which for many of them is often a surprise (because they have not been working in the area of crime and criminology, or victimology - as is the case for those at this conference), we encourage them to work with the survey data.

Also, the survey report refers to the need to ensure people's access to justice - as a fundamental right - which relates to increasing reporting rates.

The report also refers to specific areas where the data calls for targeted intervention - for example, in relation to victims of violence in the domestic sphere.

#### *Slide 21*

When it comes to the legal and policy context, the report refers to existing EU law in this area - namely, the Victims' Rights Directive - which Member States have signed up to, and which speaks to issues such as data collection.

In the context of the EU, you have an established legal instrument called the Victims' Rights Directive. However, its implementation in practice is patchy in some areas - as reported by the European Commission. You have the first EU Strategy on Victims' Rights since last year. This is the first time the EU has had such a strategy. The Fundamental Rights Agency is part of the victims' rights platform, established by the European Commission, where we bring forward our data and expertise, not only from the Fundamental Rights Survey on the general population, but from all our surveys and our related socio-legal research. To this end we have a range of of social, legal, and non-quantitative

research and related publications on crime victims, which is widely disseminated and used by the EU institutions. FRA is also engaged in related policy strands alongside the Victims' Right Strategy; namely, the Security Union Strategy of the EU; the EU Action Plan on racism and xenophobia, which is accompanied by a legal Framework Decision on racism and xenophobia; there is also a Disability Strategy, and many other strategies, where our work brings in key evidence – in the absence, often, of data at Member State level – which underlines the experiences of particular victim groups.

I haven't been able to talk in the time available about the results from the survey we have on fraud and consumer protection – which relates to other areas of EU law. These findings are available in our published material.

*Slide 22*

The Fundamental Rights Survey also relates to the UN SDGs. Here I've listed some areas where the survey data can speak directly to the SDGs – not only in relation to the reported findings on 'Crime, Safety and Victims' Rights', but in relation to another report from the survey that touches on areas ranging from judicial independence through to democratic principles. As with FRA's Violence against Women Survey, the data from which was used by the EU to populate the UN SDGs addressing violence against women - FRA's survey research is used for policy across a range of areas, including in the field of crime victimisation – given that it provides data in areas where many Member States are not collecting it.

*Slide 23*

Finally.

The data explorer from the Fundamental Rights Survey is available through this website.

*Slide 24*

Thank you - and here you will find the email contacts for me and my colleague, Sami Nevala.

*Paul Smit:* Thank you, Joanna. And, well, this is very interesting and it highlights the importance of the victims surveys, of course, and well, looking at the time, I would propose that we have a short coffee or tea break, ten minutes maybe. We can come back for the last two presentations and the closing remarks. Thank you. And see you in 10 minutes.

## *The Netherlands as a case study*

*Catrien Bijleveld (The Netherlands)*<sup>40</sup>

*Paul Smit:* Welcome back, everyone. For the last hour of this conference, the first speaker will be Catrien Bijleveld, who will give a presentation on the situation in the Netherlands with data crimes and criminal justice. As I understand, Catrien will leave the conference shortly after giving the presentation so she will not be available for questions and answers later in the program. But if you have a question for her, you can either put a message or you can directly email her in the participants lists are all email addresses. So Catrien, the floor is yours.

*Catrien Bijleveld:* Thank you very much, Paul. So, thanks again for being able to present at the conference, I so far was not able to attend everything, but most of it I really, really enjoyed. So, compliments to the organisers. I am going to talk about the *Netherlands Scientific Council for Government Policy*, or WRR, where I have been employed since the end of 2019. Quickly afterwards, covid struck in the Netherlands. So, I had only like two or three months where we could really be together in the building and function as a normal body. And since then, everybody has been working from home. So even though I have been there for one and a half years, almost, I still feel a little bit of a rookie. Nevertheless, I will try to tell you a little bit about how we work, what our basis is, what kind of reports we churn out and give you a little bit information on a report I am currently working on in the Netherlands in which we also did some research in other European countries.

So, this is the building where we are housed and it is opposite the house of parliament in The Hague. It is a very nice building, old building. We have only a part of it. And I do not know whether you can see my pointer here, but a little bit to the right is an old building, which is in fact one of the oldest prisons

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<sup>40</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/catrien-bijleveld-wrr-23-march-2021/1680a1e429>



in the Netherlands: the 'Gevangenpoort' (highly appropriate also for the topic of the conference of today and yesterday). The WRR is an official body, established already in 72. So that means next year we are 50 years old.

We are a council for government policy, so that is also in the law. We are independent, we are ourselves responsible for our working programme and for the processes that we design for that. And we organise an independent external review of our work every five years. Administratively, we fall under the Ministry of General Affairs, the Netherlands, which is a very tiny ministry, in which also the prime minister resides. We have a fixed budget, so we do not have project finances, we have to finance all we do every year from this fixed sum. We are a council, consisting of eight members, including our chair, and a secretary and an advisory member. The council members have been chosen across a very broad spectrum of disciplines as law, economics (two), social science, public administration, medicine, humanities, and also someone from the exact sciences. It is quite large in the sense that both the chair and the secretary are there full time and the other members have appointments between twenty-four and eight hours a week. So, one to three days a week we are independently appointed by the crown or cabinet, you could say. We sign up for a five-year term, which can be renewed once for a maximum term of ten years. The council members are all senior professors. To support the council, we have a sizeable staff, consisting of 22 researchers, and many interns, as well administrative and communication staff. The staff has its own director who is also secretary of the council. And again, the scientific staff, like the council members, cover a broad spectrum of disciplines that they are well versed in. The majority is at PhD level, some are also full professors, and also, depending on the topics that we are dealing with, we hire in temporary contracts, guest experts. And these may come from academia, but they can also come from government. We also have a very lively crowd of master students who work with us in internships for three to six months, which is very, very nice for us

because they are usually very good students, and it is also apparently very nice for them because we have a lot of people approaching us asking whether they could do such an internship. And of course, in addition, we have support staff and communication. So, all in all it is not it is not a small thing, like 60 people or something hovering around in that building.

We give strategic policy advice to government, policy-makers, municipalities and society in the broader sense. Those are the addressees you could say. All advice we give is trans-sectoral. It generally addresses more than one ministry, so it is not only the Ministry of Justice or only the Ministry of Education, but is usually crosscutting through ministries. Second, it is long-term. So, this really sort of very, very long-term development we are looking at. For instance, we are undertaking currently a climate project where we are looking at policy advice for the period after 2050. So, you might think, wow, that is really, really long, and it is, but that means that we do not generally give very technical or specific advice. The advice we give is rather what we call 'directions', so it is not like exactly how governments should solve things or arrange things, but more like these are lines across which you could think and design policies.

Everything we do is science-based, so it is based upon existing scientific and empirical insights, expert judgments that we may call in and sometimes also additional explorations that we do through interviews or even surveys. And policy relevance, I must say, is a bit of an expertise- specialty, I would say a separate expertise between science and policy.

The council has a final collective responsibility on everything we do. All this is decided in staff and council through open discussions where we generally work in such a way that we reach consensus on the final product. We also employ peer review when feasible. In projects we work in project teams in which we have always two council members and a number of staff, and we

may, if called for, also add external experts to those project teams. We study literature, we explore the field, we do interviews, we can do our own surveys as well. So, this really quite varied, depending very much on the topic and what is needed. We write reports and as some of our staff members said, they are actually like sort of the shape and the weight of a PhD! So even though they are just projects, they may take two or three, sometimes even four years to finish. Most of our work is very solid and deeply researched and tested. But we also generate exploratory studies, policy briefs and papers. And at the end of my presentation, you will find our website link where you can find all the reports that we write. They are, of course, always in Dutch, but they always have some kind of English summary or translations.

We also engage actively with the public. We have the website, we have a communication strategy and we organise meetings. That communication is sometimes also interactive, we have sort of standard meetings that we have with policy-makers, but we also organise meetings with academia, with specific targets, groups, with the public. We have a yearly lecture, where we invite really interesting, innovative speakers. So, we try to be very open in the sense that we invite people in and that we broadcast.

And we have a very diligent aftercare policy. Whenever we publish a report, there is a mandatory public response from the government: any report is always officially offered to a minister. And what we are really trying to do is to get not only a formal response, but to get a sort of more substantive response back. And we closely follow up on what actually happens with our advice.

While we have been in operation for 50 years, as I said, you can see that the environment in which we operate is slightly shifting. First, the type of advice that we are giving becomes more uncertain in a way: a little bit longer term, which, of course makes it more difficult to predict what will happen and so what good policy would be, such as the example I gave with climate policy

after 2050. However, now with the covid pandemic, we feel that we definitely also want to be there to contribute what we can. But that is, of course, an ultra-short policy window of time, which also generates larger uncertainty.

There is a second shift that is interesting, and that is that traditionally we would advise the national government. Those would be the persons we would talk to, the ministers, policy advisors in the ministries. But we see that our government has delegated a lot of responsibility to municipal authorities. So that means that these also become addressees with whom we interact and that maybe our projects address. And of course, also a lot laws have moved to the supranational level, to the European level. So, Europe has, in a sense, also become in a way, our partner. We are a bit still finding our way in how to accommodate and how to address these different levels and follow up to our advice.

Last, how do we select projects? I already mentioned our climate project, we recently finished a migration project. Most of the projects that we do are self-selected, so the council itself picks what projects it is going to do, an internal process where we consider what we think is relevant or urgent. A small part, about a quarter, I believe, is on demand in the sense that ministries or politicians may ask for certain projects to be carried out by us.

Recently we had a number of, I think, quite interesting reports out, one on digital disruption focused essentially one big question, essentially telling the government that all its policies on digital disruption have been focused on prevention. So: let us prevent that things go wrong, that the Internet breaks down, that the ATMs do not give out money anymore. But the issue of what we can do if things do go wrong had been much less addressed. And this is something that we talked about in this report. Another report that we recently published focused on employment. In that report we noted a strong trend towards what we call 'zpz'-ers, self-employed people with flexible jobs, little

insurance, lots of uncertainty. These people were very hard hit in the corona crisis, of which we will probably see the effects once all the special measures are over. But this is also an interesting, thoughtful report on how maybe the government should, perhaps, be less neoliberal in employment matters. And our last report that we recently wrote is one on migration and the extent to which the Netherlands is becoming more diverse and what implications that has. Currently we are working on a report on the sustainability of health care and health care costs and health care personnel in the Netherlands. As probably in many countries, expenses in health care have been growing, growing, growing. And we address the issue of whether that is manageable, sustainable in the long term and what policy options there are to address this.

And I myself am involved in a project on the future of policing, what we call the 'police function' in the Netherlands, and I abbreviate here as policing. And what we are investigating here is whether the manner in which we organise security in the Netherlands needs a rethink vis-à-vis a number of trends, societal trends that you do not see only in the Netherlands, but also in Europe. One of these is the digitalisation of society. And a second one is the encroachment of the private industries in security. And the question that we ask here is whether it is necessary for the government to rethink the way we have organised policing and security in the Netherlands in a digital world and in a world where we have so many private companies organised in part for security. We explore issues of social contract, police competence, such as whether the police are sufficiently trained to tackle cybercrime, we discuss fundamental rights of people having recourse to independent lawyers, judges, legal framework, inequality, all these kinds of issues. And for this project we did not only talk to specialists in the Netherlands, but we also looked at whether this question had already been addressed in other countries, UK, Belgium, Germany, Austria. One nice thing to say is that we quickly moved to the Sourcebook to look at its data.

And one thing that does strike me is, which is also why this conference is so important, that if you compare doing research in his area of policing and if you compare that with doing research on health care, over migration, on employment and all these other areas, data are so much easier to be had easier to interpret and easier to compare across countries. So, there is really quite an important and long way still to go for us as criminologists, ensuring that we get better and better comparable data across countries. And I think with that I will end my presentation. You can look me up at our website, or you can also find the individual WRR council members. Or send me an e-mail if you have any questions. Thank you.

*Paul Smit:* Thank you very much, Catherine. And it is very good to hear that the Sourcebook is taken seriously by really the top-level institute in the Netherlands. Thank you. So, OK, we are going to the next speaker, Rannveig, and she will tell us everything about Iceland and what is happening there with crime, criminal justice and policy.

## *Iceland as a case study*

*Rannveig Þórisdóttir (Metropolitan Police, Iceland)<sup>41</sup>*

Iceland is a small country with population close to 370 thousand, and a crime level that is considered low by most people. Still most types of offences are known in Iceland and the police must deal with similar tasks as the police in more dense countries.

Today I want to give you some insights into the changes made within the Icelandic police regarding how family violence was handled by the police and the prosecution. I'll focus on the relations between definitions and registrations to show you how visibility of an offence can be changed by defining it correctly.

The Icelandic police collects data into one centralized database and has been collecting comparable data since 2005. There is also access to centralised information on most offence types since 1998. Therefore, we have quite good access to data. The problem we have been facing is rather that there has been lack of definitions and strict protocols on how to record offences and offenders. One of the reasons for this is that before 2005 registrations of offences in our official database were in many cases based on statistical concepts rather than legal one. In 2005 the police got a new database where registrations were based on legal definitions and tags used for more detailed statistical categorization.

So today I want to share with you one case study where these changes, and others have had large impact on the data at hand, our knowledge and impact on protocols. The example I want to discuss is the case of family violence in Iceland. I will start with short talk about the importance of definitions, though it has been mentioned here several times, I think it is never mentioned too often. Then I will talk about how better definition led to better registration and changed the visibility and knowledge of family violence in Iceland. In the end,

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<sup>41</sup> Additional material: the author's visual presentation is available here: <https://rm.coe.int/presentation-rannveig-orisdottir-using-statistical-data-send/1680a1e434>

I will talk a little bit about how we are using the data for decision-making and the importance of making the data visible, not hidden in files or PDF files online.

As we have mentioned, definitions, they are very important, not just because they provide clarity, but also because they can help us to ensure a common understanding; when an issue is well defined, it helps us to analyse it and understand how to tackle it. The importance of definitions was discussed yesterday in details and this morning and as Stefano pointed out, definitions can be difficult, they can be time consuming, and we need to stay with them to improve them and learn to tackle the task at hand. And that is exactly my experience from the journey I want to share with you.

Domestic or family violence was of course known in Iceland, but it was very hidden in our statistics because there were no specific laws that defined family violence and there were no working procedures nor guidelines for police on how to handle these cases and how to tag them in our registrational system. And, of course, no legal and no clear statistical definitions meant that registration was very diverse, especially since there were no clear statistical codes or tags to define the cases, and of course, then there was no legal reference. Therefor it was impossible to follow the cases through the judicial system. For example, an offence, not based on a category, nor based on any legal reference, does not have any defined offenders nor any defined victims, and they are therefore hidden in the data. What I am referring to here is that these cases probably existed in our systems, but they were not defined as such and therefor hidden in our statistics.

I want to take the example of femicide since we discussed it yesterday and the importance of tagging or defining or understanding the offence, and how it is categorised within the system. The homicide rate is quite low in Iceland, on average, there are around three homicides per year. Sometimes we have no



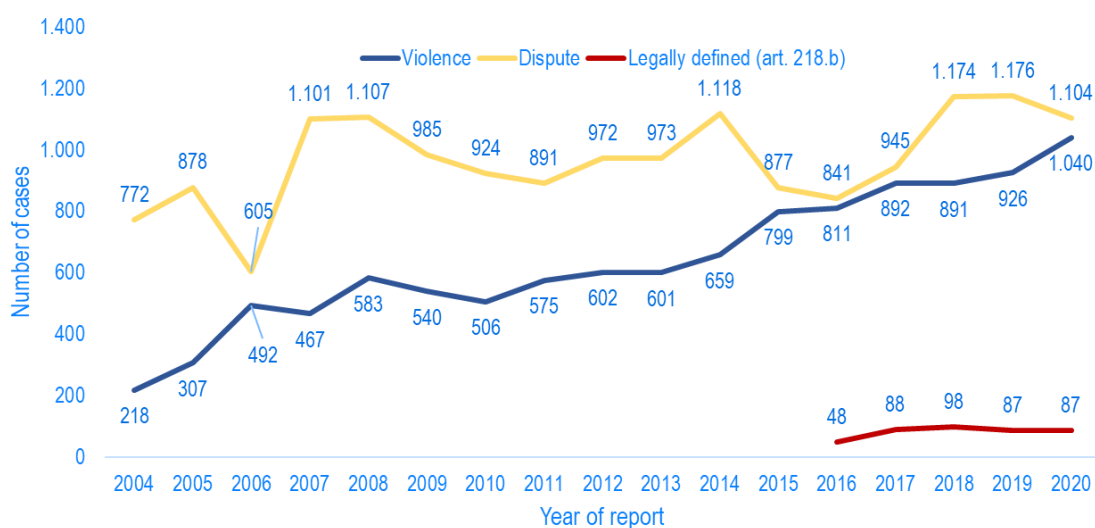
homicides per year, but then on other occasions we have had up to five cases per year. When you look at how these cases have been registered in the system, how they are being defined or tagged in our system, none of the homicides, for example, in the period 2003 to 2015, were defined as related to family or domestic violence. Still when one analyses the cases from this period it is obvious that almost half of these cases are in fact related to family violence and one third of them to partner violence. But due to lack of definitions this does not get through to the general discussion, so the situation is not seen as it is.

So, this was the situation. And as I said, of course, family violence and domestic violence were known but invisibility of the cases in police data gave the feeling that family violence might not be such a big problem in Iceland. In 2005 societal and governmental pressure motivated administrations within the police to initiate work on how the police could improve, how they dealt with cases related to family violence, admitting that these cases needed a different approach. This led to the publication of a new protocol regarding how domestic violence should be handled and registered in the statistical system. These protocols, they were based on the work of both specialists within the police and specialists from the universities. For the next 10 years measures were taken to improve protocols regarding family violence as well as how it was registered but it was only in the year 2015 that new protocols were published, where family violence was finally very well defined and strict registration rules were applied regarding the offence suspect, and the victims.

This was not an easy task, it had to be followed through very strictly. Specialists within the police read through every single registration to check if everything was correctly registered and followed it through. If something was missing or if the registration of the case was peculiar in any way or if any abnormality was spotted, they would ask the investigators to fix the registration and, at the same time in a way, learn the police officers how to define and how to use the codes. During these changes, the Icelandic government also implemented a new

article within the penal code on family violence. The new article was implemented in 2016 and it is based on the idea that the incident must be repeated and serious.

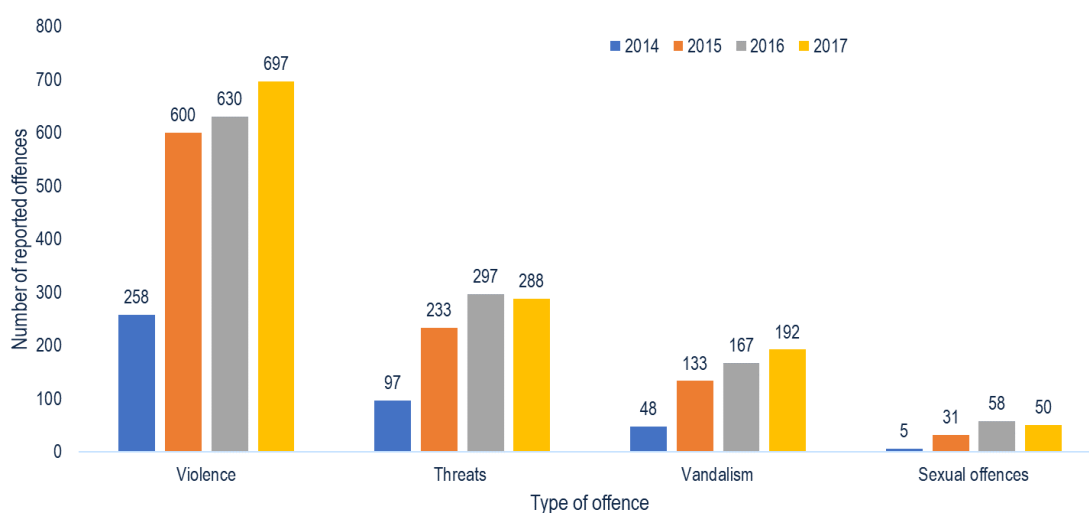
So, what has happened through this process of new work protocols and registrational rules? Graph 1 shows number of cases tagged as family violence (dark blue line), family dispute (yellow line) and number of cases that fall under the new legal definition introduced in 2016, article 218b (family violence).



Graph 1. Number of cases tagged as domestic violence, domestic dispute, or number of reports of domestic violence (legally defined) from 2004 to 2020.

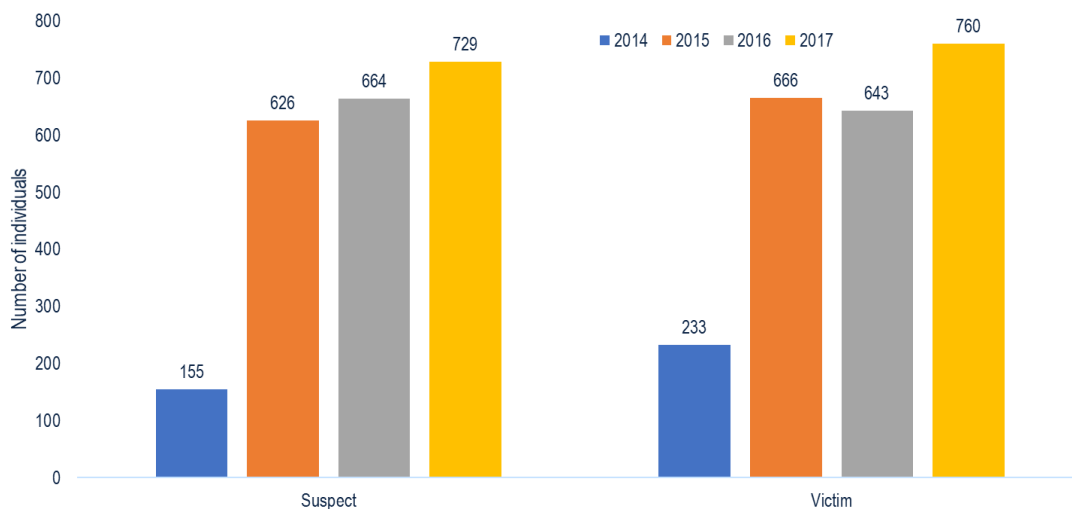
Cases defined as dispute are incidents when the police are called to the location, often there has not been any offence, but there is still maybe loudness or fighting or something like that, but there are no direct threats or no direct laws have been broken. The dark blue line shows the number of cases where the police is called to the location or reports made of an offence that is tagged as family violence such as minor assault, threat, or vandalism. The red line shows the number of cases that are labelled or fall under the laws on family violence, the new article introduced in 2016 (article 218b).

The graph shows very well the changes made to the work protocols in 2015, for the graph shows that the changes in the work protocol had a huge impact on how the police record cases. As one can see the number of disputes decreased and the number of family violence cases increased as a part of re-definition made through the changes in the work protocol. What is also interesting here is how few cases fall under the legal definition of family violence compared to number of cases that fall under the work protocols as family violence.



Graph 2. Types of offences that are included in cases tagged as family violence, 2014 to 2017.

Graph 2 shows the number of offences that are included in cases tagged as family violence. As shown the number of cases that included violence almost doubled from 2014 to 2017 and the number of sexual offences, almost ten folded. This growth is not considered as a real growth in number of cases, but rather that this is due to redefinition of cases that were already there beforehand but not tagged or defined as family violence and therefor invisible as being part of family violence within the system.



Graph 3. Number of suspects and victims registered in cases that have been tagged as family violence in 2014 to 2017.

The same applies to the visibility of suspects and victims related to family violence. In 2014 155 suspects and 233 victims were registered in cases tagged as family violence. In 2015 the number of registered suspects had three folded and the same applies to the number of victims. And yet again, this is not the case of a real growth, but more just the result of a better statistical or a better definition within the system and following through on how cases are being registered.

The evaluation of changes is not just based on statistical data, but as well on self-report surveys that the police and the University of Iceland have conducted for the past years. Those surveys do not indicate that partner violence is growing in the society, rather that more are reporting partner violence as a serious offence and there has been an increase in number of individuals that say that they reported the case to the police.

But how do you maintain implementation at such a high level? After five years of very strict follow-up of how cases were being registered and handled it was

obvious that we needed new methods to maintain the work we had done since it was clear that when we started to relax on following through the cases or going through cases, very soon, the police officers also started to relax on their definitions and how well the protocols were being followed.

One countermeasure to this was to create a statistical overview of the cases to enable those in charge to have better insight of how the cases had been handled and followed through. For this we have been using dashboard solutions providing data for administrators daily showing how each case has been handled, defined, or categorized. The data is automatically updated on daily bases providing live overview also of statistical development. The importance of this is not just for the administrative level for it has also been possible to give decision makers access to part of these information and to give them very good insight into the data. This has especially been important on the level of judicial process since it is possible to follow the cases through the system from the police level through the prosecutorial level and to the courts. This way it is possible to better understand which cases are discontinued by the police and which are put through to the courts.

Why is this so important? In the case of data on family violence it has been our experience that by liberating the information, by giving more people the possibility to access it and work with it gets more people involved and aware of the situation. It makes it possible for a larger group of specialists to analyse the data and ask new and different questions and evaluate the data from different perspectives.

Data quality is of course very important in this manner, as well knowledge of the limitations of the data. Monitoring of data quality is implemented into the system so the data is constantly being checked.

So, what we have also learned is that better information regarding cases, victims and offenders has helped us as well to understand the case at hand and

to understand the importance of different services to different groups. It has also helped us to keep the focus on those who are most important, that is the victims and especially the children. The police is a service agency and this approach is seen as service quality control. But of course, like was mentioned yesterday, it is a journey, we are, of course, still working and we are trying to improve our service every day. Still, it is my opinion that this case study from Iceland is a good example of how it is possible to use police statistics to improve protocols, understanding and service within the police. Thank you for your attention.

#### Q&A Session 4

**Marcelo Aebi:** I would like to ask a question to Joanna Goodey. The moment you said that 30% of the Europeans are being harassed annually, I went to check the report because I felt that the percentage was too high. But the report corroborates what you said, because it states that “two in five people experienced harassment the five years before and 29% in the 12 months before the survey. This corresponds to almost 110 million people in the EU 27 experiencing harassment in a year”. So, what I usually teach my students of methodology in the first year is that, when the result is awkward (too high or too low), they must immediately check the methodology. And so, I went to check the wording of the questionnaire, and, of course, the wording includes several cases of serious harassment, but it also includes behaviours such as “made offensive or threatening gestures” or “stare at you inappropriately”. And so, if you include *stare at you inappropriately*, which is the definition of inappropriate, what does it mean, stare at you inappropriately? I think this very large labelling of the questions give impressive results, but pushes a false idea of Europe as a very dangerous place to live. Anyone who has lived in other continents knows that it is not the case. One hundred and ten million people harassed every year is a lot of people. Frankly, I am not convinced about sending this kind of message. In my opinion, it creates a sort of moral panic, it gives the impression of a very dangerous place to live, but the reason is that the definition that you are using is extremely large. In other surveys, like the ICVS and the ISRD, there was an effort to distinguish minor cases from serious ones. I think we should be careful when presenting research results, and I do not see enough caution taken in this case. For example, I am sure that, without even realising, I raised my eyebrows when I heard the results of this survey and also when I read what was included under the definition of harassment. And I am sure I did it because it is a kind of instinctive reaction, like many other human gestures, that have been studied by neuroscientists. Now I wonder if that would fit the definition of inappropriate.

*Joanna Goodey:* These kinds of questions are normal for this kind of research. Of course, I gave you the headline figures. What you can do is break down the data for each subset of questions. Now, when we present the survey results, we also break them down in different ways. And we have a data explorer that allows people to do that. We will also, for all our surveys and in due course for the Fundamental Rights Survey, will put the microdata available in the public domain so people can do that.

And I want to just take a step backwards, because we did the same large-scale survey for our Violence Against Women survey. And what is quite interesting with the Violence Against Women survey for experiences of harassment and violence. We also broke the data down into different levels of seriousness, if you like; so we took a continuum and we began with the lower-level incidents to the more severe level incidents. And we covered both harassment in this regard so that we were very transparent in our interpretation. And when I talk about the Violence Against Women survey, when we release that and I am giving this example here, in 2014, many people were very surprised. They said, how can these figures be so high? And then, of course, you had the #MeToo movement and you have a lot of separate research in the member states, which shows the kind of everyday level of harassment that particular women and certain groups in the population experience. So, I think we have to recognise that while some people regard it as an exaggeration of a reality, for many people it is a lived reality.

And we are very transparent about how we treat the data. Like I said, of course, you can say we are perhaps conflating something, because we have put the lowest level of type of harassment. But that has been tested in other surveys. These are not questions we pick out of thin air and we brought into our own survey. It is established, as you know, for surveys on violence against women in certain member states. And you can take it even further, and analyse the



more serious offences or the less serious. And you can look at it when you have the microdata data available, which hopefully will be later this year.

### *Closing remarks*

**Stefan Harrendorf:** I will just say some brief words. First of all, of course, thank you very much to everyone who participated and especially to all the speakers who presented papers here. It was really enlightening, and interesting, and enriching. I really liked the conference very much, and so thank you to everyone for their contributions; also, to those who discussed with us during the different sessions. I think this will bring progress to criminal justice research across Europe for another 30 years. So, I am looking forward to the next 30 years of crime and criminal justice statistics in Europe. Perhaps some of us, at least, will meet again in 30 years and discuss this issue then; but I hope we will also discuss before that.

I think there is still a long future for this kind of research, and of course, I am also looking forward to start working on the new edition of the European Sourcebook. We have also invested a lot of time on presenting results from the Sourcebook. And as Marcelo already said at the beginning of this conference, we will immediately start with designing the new questionnaire for the new Sourcebook edition and also with preparing the data collection. So, the next edition will come out a bit earlier than this one, with a bit fresher data. Hence, we will once again have something to discuss with you and that will further research and criminal policy in Europe.

That is everything I wanted to say. Thank you very much once again to all who participated, have a nice afternoon, and see you again sometime soon. Hopefully, it will be possible to meet in presence, perhaps at the conference of the European Society of Criminology or sometime later. Stay healthy and safe. See you. Bye.

**Paul Smit:** Thank you, Stefan. I like the idea of organising a conference 30 years from now, and I will certainly participate.

*Marcelo Aebi:* I guess it is time to take stock of the conference and briefly present the way forward.

We started this conference discussing the contribution of the European Sourcebook to research, criminal policy, and to the general knowledge of the public about crime and the functioning of criminal justice systems across Europe. And we closed it, like a perfect circle, with illustrations from real applications in Iceland and the Netherlands. Countries that are already applying evidence-based research, with advice from criminologists, and with data from different crime indicators, including survey and official statistics. And a lot of that data is included in the Sourcebook.

Then we had presentations on how to use the data collected, alone or in combination with other sources, including examples of recent projects conducted with the joint support of the Council of Europe and the European Union in which we combined the Sourcebook with, for example, the Council of Europe Annual Penal Statistics.

And after that we had some very nice examples of the limitations of the data collected. Heads and tails: Strong and weak points. I know that we insist a lot on methodological issues; but methodology is key. Different methodologies can produce different results even with the same instrument. But if the results are similar, the validity of the research is increased.

And then, as we are lucky enough to have a good collaboration with different institutions, we had the presence of the Fundamental Rights Agency, of Eurostat, and of the UNODC, and we saw similarities and dissimilarities in the way data are collected and the advantages of doing comparative research.

I would also like to highlight the discussions that took place during the questions and answers' sessions. There were some nice examples of how

researchers can exchange freely and respectfully even when they held different, and sometimes opposite, opinions or positions.

In parallel, we have seen general consensus about the need for a new international victimization survey, or at least a European one. Ten years ago, we were on the edge of having a European safety survey. We lost it, but perhaps only temporarily, because Catrien [Bijleveld] present us a project to relaunch it. Perhaps at the beginning as an EU project, but the Council of Europe could play a major role in coordinating the use of the survey in its member states. There are 27 member states in the EU and 47 in the Council of Europe. So, I think there is really a place for the Council of Europe in coordinating the 20 members states that are not EU members.

And this is the right moment to thank once more the Council of Europe, and in particular its Council for Penological Co-operation (PC-CP), Ilina Taneva and Christine Coleur. It was a pleasure to collaborate again for this sixth edition as we did for the first one. Twenty years later, as Alexandre Dumas said. And we hope that we will be able to continue collaborating in the future. We only need to find the funds to organize the meetings of the group and the meetings with the national correspondents. Virtual meetings are useful, but sometimes you need to meet in person.

We would also like to thank for their support the University of Greifswald, the Georg-August University of London, the University of Portsmouth and, of course, the University of Lausanne and its School of Criminal Sciences, which host the European Sourcebook website and has supported this project since its very beginning.

And this leads me to my last two points: As it has been said several times, the national correspondents are a key element of the European Sourcebook Project, and that is why we include them as co-authors of this sixth edition. Most of them have participated in this conference and, now that it is

over, I kindly ask you go to the Sourcebook's website, download the Sourcebook, download the original data, and check everything carefully. If you see something wrong, please let us know and we will change it immediately. There are hundreds of thousands of cells in the Sourcebook database, in the Sourcebook itself, and in the publication that contains the original data. This means that even if we made mistakes in only 1% of them, we could have some hundreds of cells with wrongful information. So please help us.

Second, please keep collaborating with us for the launching of the new edition of the Sourcebook. I would go a little bit further than Stefan. For the last few months, we (the members of the Sourcebook Group) have been meeting almost every Friday afternoon during one or two hours, and we hope to keep this virtual meeting going on in the future, in such a way that you could perhaps make a note in your agenda. For example, for the summer of 2022, when we hope to send the questionnaire for the seventh edition. I think that, if we advance properly, in a couple of years from now, we may have data until 2021. You may call me a dreamer, but I am not the only one. Thank you very much for attending this virtual conference and I hope to see you personally soon.

*Paul Smit:* Thank you, Marcelo. And again, thanks to all the participants and to the Council of Europe for organising the conference.