Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1044 (1986)[1]

International crime

Parliamentary Assembly

The Assembly,

1. Greatly concerned by the alarming increase in international crime, that is, predominantly organised crime with international ramifications, in member countries of the Council of Europe and the world as a whole ;

2. Considering that this increase in international criminality has been facilitated by the enormous development of international travel by air and by road, by modern communication networks, by European integration and by relaxed frontier controls ;

3. Considering that unchecked organised crime must be considered a most serious threat to the rule of law and to the individual rights and fundamental freedoms of the people of Europe, and that the European states, which set up the Council of Europe to maintain and further realise these rights and freedoms, have therefore a duty to protect their citizens ;

4. Considering the need to counteract efficiently such heinous crimes as terrorism, air piracy, the trade in young women and children, the traffic in drugs and firearms, shipping frauds, as well as the trade in stolen art objects ;

5. Considering that the combat against international crime must be founded on the respect for fundamental rights as laid down in the European Convention on Human Rights, international law and the constitutions of member states ;

6. Paying tribute to the outstanding work of the national police in member states and of the International Criminal Police Organisation (Interpol), and stressing the need for more support of Interpol and for active and continuous co-operation between the police forces of member states ;

7. Desirous to give its full support to the police in its fight against international crime ;

8. Supporting the resolutions on the penal aspects of drug abuse and drug control, and on international co-operation in criminal matters between the member states of the Council of Europe, adopted by the 15th Conference of European Ministers of Justice (Oslo, 15-17 June 1986) ;

9. Considering that the Council of Europe conventions in the field of penal law and criminology, as reproduced in the appendix, constitute a most important body of European law, and expressing the hope that more member states will ratify these conventions ;

10. Similarly expressing the wish that the resolutions and recommendations of the Committee of Ministers in this field, equally reproduced in the appendix, will be effectively implemented by member states ;

11. Considering the highly valuable work the European Committee on Crime Problems (CDPC) and the Co-operation Group to combat drug abuse and illicit trafficking in drugs (Pompidou Group) are doing within the framework of the Council of Europe ;

12. Recalling its Recommendation 963 (1983) on cultural and educational means of reducing violence ;

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1. Assembly debate on 20 September 1986 (14th Sitting) (see Doc. 5617, report of the Legal Affairs Committee). Text adopted by the Assembly on 20 September 1986 (14th Sitting).

13. Referring to its Resolution 863 (1986) on the European response to international terrorism, and reiterating the proposals it made in that resolution to member states and to the European Conference of Ministers responsible for combating terrorism,

14. Recommends that the Committee of Ministers :

a. give its fullest support to the proposals made in Resolution 863 (1986) ;

b. as far as national legislation and the national situation in member states are concerned :

1. invite the governments of the member states, if and when proceeding to a review of their penal law, to take penal provisions in other member states into account, so that it may be easier to compare penal provisions from one country to another ;

2. invite the governments of the member states to give special attention to the possibilities for a better harmonisation of the legislation on the possession of firearms, and to the issue of unfalsifiable passports and/or other identity papers ;

3. invite the governments of the member states to consider the feasibility and modalities of legislation providing for the seizure of assets of unverifiable or illegal origin (bearing in mind the Italian Anti-Camorra Act) ;

4. invite the governments of member states which have ratified the European Convention on Extradition to study whether, in accordance with Article 26, Section 2, of the convention, they may reduce their reservations ;

5. invite the governments of those member states which may extradite only if there is an extradition treaty with the requesting state, to study whether their national law does not provide enough safeguards to drop this requirement ;

6. invite the governments of the member states to fully implement Recommendation No. R (80) 10 and, in that light, reconsider their legislation on bankers' secrecy in order to see what can be done to improve the possibilities of the police to fight crime ;

7. invite the governments of the member states to co-operate in stricter regulation and reduction of arms sales to customers and areas from which terrorist groups and illegal arms traders obtain much of their weaponry ;

8. invite the governments of the member states to co-operate in a study of and action against the trade in children ;

c. as far as the police and practical measures for co-operation and organisation are concerned :

1. envisage the formation of a European information and intelligence centre ;

2. in the meantime, encourage police co-operation against terrorism among member states, inter alia by organising informal consultations and talks among government officials in charge of the suppression of terrorism ;

3. invite the governments of the member states to conclude a European framework agreement to promote bilateral or multilateral co-operation, in order to lay down the rules, principles and conditions of practical and pragmatic police co-operation between member states and the exchange of information on the daily situation, with special regard to transfrontier movement of terrorists and other serious criminals, to harmonise the methods of search for objects like weapons, passports, etc., and to establish secure telex lines between national police centres ;

4. consider the possibility of a European agreement (in principle) on transfrontier co-operation of police forces, provided that the national police force in the country is informed about the activities of a foreign policeman, gives its consent, co-operates and is responsible for any formal executive action ;

5. promote mutual agreement to track down criminals, and to arrive at the harmonisation of practical police rules and the equipment of police officers ;

6. invite the governments of those member states which do not (yet) feel able to adhere to the European Convention on the Control of the Acquisition and Possession of Firearms by Individuals, to exchange informally information on the purchase of firearms by foreign individuals ;

d. as far as international co-operation within the Council of Europe is concerned :

1. urge the governments of the member states to implement effectively the resolutions and recommendations of the Committee of Ministers relevant for the combat of international crime and listed in the appendix to this recommendation, to control their implementation and to give widespread publicity to these texts ;

2. invite those governments of member states which have not yet done so to ratify the Council of Europe conventions relevant for the combat of international crime and listed in the appendix to this recommendation ;

3. harmonise the definitions of certain international crimes (especially in the field of drugs, terrorism, kidnapping, etc.), and invite member states to introduce these definitions in their national legislation, with a view to facilitating informal co-operation, the exchange of information, extradition, etc. ;

4. insofar as they do not exist already, draw up international criteria and uniform classifications for drugs, firearms, stolen art objects, etc. ;

5. instruct the European Committee on Crime Problems (CDPC) and the Pompidou Group to carefully study and implement the proposals made in respect of drugs by the 15th Conference of European Ministers of Justice, such as improved facilities for the police, the introduction of ‘‘active" investigation methods, measures to seize and freeze the proceeds of drug traffic, and possibilities of taking action against drug traffic on the high seas ;

6. study the feasibility of gradually replacing some of the border controls by random controls on the roads ;

e. as far as the trade in women in particular is concerned :

1. promote co-operation between the governments of the member states in the fight against trade in women, particularly as far as the exchange of information, necessary to identify international networks, is concerned ;

2. invite Interpol to report frequently on trade in women to the member governments, so that adequate measures can be taken or policies changed ;

3. promote the start of an information campaign in those countries from which the women are traded, to warn women and their families about the potential danger of agreeing to travel to another country ;

4. invite the governments of the member states to set up national committees to take stock of the number of women from other countries who have been forced to act as prostitutes in their country, and to draft a programme for their rehabilitation and eventual repatriation.

Appendix

Relevant Council of Europe conventions

European Convention on Extradition (1957)

European Convention on Mutual Assistance in Criminal Matters (1959)

European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (1964)

European Convention on the International Validity of Criminal Judgments (1970)

European Convention on the Transfer of Proceedings in Criminal Matters (1972)

Additional Protocol to the European Convention on Extradition (1975) - European Convention on the Suppression of Terrorism (1977)

Second Additional Protocol to the European Convention on Extradition (1978)

Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters (1978)

Convention on the Transfer of Sentenced Persons (1983)

European Convention on the Compensation of Victims of Violent Crimes (1983)

Convention on Offences relating to Cultural Property (1985)

Relevant resolutions of the Committee of Ministers

(70) 23 air piracy

(71) 43 on the practical application of the European Convention on Mutual Assistance in Criminal Matters

(73) 6 on the penal aspects of drug abuse

(74) 3 on international terrorism

(75) 12 on the practical application of the European Convention on Extradition - (76) 38 on research on drug abuse

(77) 28 on the contribution of criminal law to the protection of the environment

(77) 36 on the practical application of the European Convention on Mutual Assistance in Criminal Matters

(78) 43 on reservations made to certain provisions of the European Convention on Extradition

Relevant recommendations of the Committee of Ministers to member states

R (80) 9 concerning extradition to states not party to the European Convention on Human Rights

R (80) 10 on measures against the transfer and the safekeeping of funds of criminal origin

R (81) 12 on economic crime

R (82) 1 concerning international co-operation in the prosecution and punishment of acts of terrorism

R (82) 14 on measures to be taken in cases of kidnapping followed by a ransom demand

R (82) 15 on the role of criminal law in consumer protection

R (82) 16 on prison leave

R (82) 17 on the custody and treatment of dangerous prisoners

R (83) 12 concerning safe conduct for witnesses in application of Article 12.1 of the European Convention on Mutual Assistance in Criminal Matters

R (84) 10 on the criminal record and the rehabilitation of convicted persons

R (84) 11 concerning information about the Convention on the Transfer of Sentenced Persons

R (84) 12 concerning foreign prisoners - R (84) 23 on the harmonisation of national legislation relating to firearms

R (84) 23 on the harmonisation of national legislation relating to firearms

R (85) 4 on violence in the family

R (85) 10 concerning the practical application of the European Convention on Mutual Assistance in Criminal Matters in respect of letters rogatory for the interception of telecommunications

R (85) 11 on the victim's position in the framework of criminal law and procedure