

# Interview with Mr. Antonio Vitorino,

## European Commissioner of Justice and Home Affairs

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Antonio Vitorino is the Commissioner of Justice and Home Affairs of the European Commission in Brussels. A Portuguese member, Mr. Vitorino is the former chairman of the Committee on Civil Liberties and Internal Affairs. He has practised for 17 years as a lawyer and legal expert, and served as a judge at the Portuguese Constitutional Court. ODCCP asks his opinion on the issue of fighting organized and transnational crime.

**1. Could you briefly describe some of the successful anti-crime initiatives you have reviewed that lead you to believe that the positive developments in the fight against crime in Europe are due to hard work and innovative ideas?**

The European Union is deeply committed to reinforcing the fight against organized and transnational crime within an area of freedom, justice and security. So far work has concentrated on the implementation of the 1997 EU-Action Plan containing some 30 recommendations for initiatives at the European level, including:

- A European Judicial Network to enhance international cooperation;
- Joint actions of the EU-Member States under the so-called “Falcone-programme” to combat organized crime and money laundering, facilitate asset tracing, fight corruption in the private sector and promote best practices in international mutual assistance; and,
- A Pre-accession Pact with the Candidate Countries;

The Union has also made its voice heard in the negotiations at the United Nations on the draft Convention Against Transnational Organized Crime and in the Council of Europe on the draft Cyber-crime Convention.

Further efforts, however, are necessary. People have the right to expect the European Union to address the threat to their legal rights posed by serious crime. The Union will thus work further in the integration of crime prevention aspects into actions against crime as well on the development of additional national crime prevention programmes.

**2. According to a recent World Bank study, in three emerging economies, systematic corruption hurts public welfare, unfairly taxes private sector activity and can be deeply institutionalized. The Tenth Crime Congress has been asked to discuss and make suggestions on a possible independent international legal instrument against corruption. Has the time come for the establishment of an independent international effort against corruption?**

I strongly believe that corruption has a corrosive effect on the functioning of a healthy society. It undermines sound decision

making, distorts competition and challenges principles of open and free markets. Furthermore, corruption undermines the trust of our citizens in our institutions and markets, as well as the morality and the ethics necessary for a well functioning democracy under the rule of law. Over the past few years the awareness of its existence and the recognition of the need to combat it at an international level have grown considerably. The EU, the Council of Europe and the OECD have adopted international instruments. A worldwide instrument covering for instance passive bribery of foreign public officials, which is not covered by the OECD Convention, would present an added value. Passive corruption already falls within the Council of Europe Convention, but an instrument adopted at the international level would of course have a wider geographical application.

**3. If a mandate is put forward for a United Nations convention to address corruption, what would you see as the key focus for such a convention and what impact would you expect from such an instrument?**

The article on corruption in the current text of the draft United Nations Convention Against Transnational Organized Crime requires a link with organized crime. It seems worthwhile to reflect on a text in accordance with the Council of Europe, OECD and EU conventions that is not limited to corruption involving organized crime.

Preventive measures, such as support from industry and from the public are key in the fight against corruption. Thus, monitoring mechanisms, coupled with training and exchange of experience are another crucial issue to complement the Convention.

**4. The Tenth Crime Congress will address the emerging international problem of trafficking in human beings. From a European perspective, what is being done to combat the involvement of international criminal groups in the trafficking of human beings? Has Europol investigated the organized crime connection?**

Trafficking in human beings, and in particular, of women for the purpose of sexual exploitation is a serious and degrading violation of human rights and human dignity. Usually, traffickers profit from the fragile social and economic situation in most of the countries of origin and lure their victims by promising them large earnings.

The fight against trafficking in human beings is a priority on the European Union's political agenda since 1996. The European Council of Tampere recently highlighted its importance.

The Union's policy in the fight against trafficking in women for the purpose of sexual exploitation follows a multidisciplinary approach involving all actors responsible. Various initiatives have been implemented and they have started to bear some fruit. The "STOP Programme", which focuses on assistance to victims and prevention, has already co-financed 67 projects in the area of trafficking and sexual exploitation of children. The new 20 million euro DAPHNE Programme (2000-2003) intends to combat violence against women and children. It is based on the experiences gathered under the former DAPHNE initiative and includes support to projects in the field of trafficking.

The mandate of Europol was also extended in 1996 in order to deal with trafficking in human beings for the purpose of sexual exploitation. For the year 2000 several initiatives will take place. We will

see the first report on the latest trends of criminal groups involved throughout Europe and hold specific training courses for law enforcement officers.

**5. According to the International Organization for Migration, traffickers move as many as four million illegal migrants every year and earn between five to seven billion dollars in illegal profits. Too often, public officials misjudge the seriousness of the issue by viewing trafficked women as willing victims. What can be done to change the thinking of governments?**

Enforcement of sincere and comprehensive international cooperation which provides specific guidelines all States have to implement is key to fight this disgraceful business. The 1998 United Nations decision to draw up a protocol on trafficking in persons is an important element on which EU Member States and the European Commission are actively engaged to negotiate. The EU will also continue to support prevention campaigns to sensitize public opinion and to warn potential victims in countries of origin to the risks of being trafficked for the purpose of sexual exploitation. In the framework of transatlantic cooperation the EU and United States of America joined forces and launched various parallel information campaigns in Bulgaria, Hungary, Poland and the Ukraine.

**6. "Effective crime prevention: keeping pace with new developments", is a topic that will be addressed by the Congress. Within Europe, what do you see as the most significant new or emerging crime problems for the decade?**

We need to make a distinction between "white-collar crimes" related to, or connected with, organized criminals and the development of urban delinquency linked to the desegregation of the social and economic fabric.

In the first group of crimes, emerging problems will focus on money laundering activities against the background of global financial markets. Indicators show that many groups of criminals are moving to more profitable, but less risky criminal activities, such as large-scale fraud, environmental crimes and illegal immigration. Furthermore, we may see an increase in the trafficking in counterfeited goods from developing and newly industrialized countries. Computer related crimes will also continue to develop considerably, particularly in relation to illegal access to confidential business information. The world community will also have to reflect on how to protect e-commerce against hackers and how to fight efficiently against other illegal activities on the Internet.

In regards to the second group of crimes, many Member States of the Union are worried by the development of urban delinquency linked to drugs. There seems to be a general trend in most European countries in terms of an increase of urban insecurity and of juvenile delinquency. This has led the European Heads of States and governments to ask for the establishment of a specific European programme to tackle the issue of crime prevention by promoting exchange of best practices and the setting-up of networks. The Commission is reflecting on proposals in close cooperation with the Portuguese Presidency of the European Union. I believe that a number of initiatives in this area could also be developed at the United Nations level.